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## OFFICIAL NOTIFICATION OF DECISION

January 11, 2024

City of Albuquerque,  
Planning Department  
PO Box 1293  
Albuquerque, NM 87102

**Project# 2018-001843**

RZ-2023-00040 – Text Amendments to Integrated Development Ordinance (IDO) – Citywide

**LEGAL DESCRIPTION:**

The City of Albuquerque Planning Department requests to amend the text of the Integrated Development Ordinance (IDO) affecting properties citywide. This fifth annual update includes changes requested by neighbors, developers, staff, and Council Services. Staff Planners: Michael Vos, China Osborn

On January 11, 2024, the Environmental Planning Commission (EPC) voted to forward a recommendation of APPROVAL to the City Council of Project# 2018-001843, RZ-2023-00040 – Text Amendments to Integrated Development Ordinance (IDO) – Citywide, based on the following Findings and subject to the following Conditions for recommendation of Approval:

**FINDINGS:**

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 2023 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: The Rail Trail small area, the Volcano Heights Urban Center, and the Northwest Mesa Escarpment VPO-2.
3. The request was heard at the December 14, 2023 EPC hearing and was continued for a month to the January 11, 2024 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 60 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. The changes would apply across a particular zone district or for all approvals of a designated type; therefore, the proposed citywide amendments are broad and legislative in nature. Proposed changes to specific zones (ex. mixed-use and non-residential zone districts) would apply equally in all areas with the same designation and are not directed toward any specific lot or project. Procedural changes would apply to all approvals of a certain type.

- 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 as further described in these findings. 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:

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. 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 enforce and administer land use plans.
10. The request is generally consistent with the following, applicable Goal and Policies in Chapter 4: Community Identity:
- Goal 4.1 Character: Enhance, protect, and preserve distinct communities and Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.
- The proposed amendments would generally help enhance, protect, and preserve distinct communities and neighborhoods because they include additional protections to neighborhoods, such as distance separations, noise protections, and parking standards. Additional amendments would provide greater opportunities for development and economic activities that contribute to vital communities, while protecting their distinct character, such as allowance for duplexes, cottage developments and live-work opportunities.
11. The request is generally consistent with the following, applicable Goal and Policies in Chapter 5: Land Use:
- A. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.
- The request would create a complete, healthy, and sustainable community because the proposed amendments include changes that could foster greater housing opportunities and housing types, preserve historic character in neighborhoods, strengthen local and small businesses, protect open space, create landscaped areas, and contribute to safer communities through lighting standards.

- B. 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.

The proposed text amendments promote efficient development patterns and use of land because they help support development and re-development in established neighborhoods throughout the city by encouraging infill projects and small businesses.

- 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. Sub-policy b): Minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic.

The proposed amendments seek to minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, pollution, and traffic, through updated lighting standards for all developments, noise restrictions for outdoor amplified music, parking standards, and landscaping mitigations.

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

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

- E. 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 land use and development standards, such as lighting, landscaping, sensitive lands, parking, distance separations for uses, and procedural clarifications that help support desired growth, high-quality development, economic development, and housing.

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

The IDO annual update process provides a regular opportunity for residents and stakeholders to better understand and engage in the planning and development process. The proposed amendments include numerous changes that will contribute to more consistency regarding mailed and emailed notice, posted signs, and appeal procedures that provide opportunities for improved public engagement and more efficient processes.

12. The request is generally consistent with the following, applicable Goal and policies in Chapter 7: Urban Design:

- A. Goal 7.3 Sense of Place: Reinforce sense of place through context-sensitive design of development and streetscapes and Policy 7.3.4 Infill: Promote infill that enhances the built environment or blends

in style and building materials with surrounding structures and the streetscape of the block in which it is located.

The request includes proposed amendments that seek to enhance the built environment and urban landscape through updated façade requirements for non-residential developments, lighting improvements, and landscape requirements. The amendments would contribute to context-sensitive design that enhances surrounding neighborhoods.

- B. Goal 7.4 Context-Sensitive Parking: Design parking facilities to match the development context and complement the surrounding built environment and 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 for mixed-use and multi-family developments requiring parking facilities that match the development context and complement the surrounding built environment. Other amendments would limit the parking options available to single-family residences, possibly creating additional parking burdens for some property owners, especially those who park recreational vehicles on their properties. These changes do not consider contextual parking standards in existing single-family homes.

13. 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 that would allow more diverse economic activities throughout the city and provide an opportunity for entrepreneurs with home businesses.

14. The request is generally consistent with the following, applicable Goal and policies in Chapter 9: Housing:

- A. Goal 9.1 Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

The proposed amendments would allow a greater supply of housing by allowing two-family residences on lots with existing single-family residences and in cottage developments, thereby allowing for a greater variety of housing within existing neighborhoods and creating the opportunity to expand the city's existing housing supply.

- B. Goal 9.4 Homelessness: Make homelessness rare, short-term, and non-recurring and Goal 9.5 Vulnerable Populations: Expand capacity to provide quality housing and services to vulnerable populations.

The proposed text amendments would change overnight shelters to a permissive use in the zones where they are currently a conditional use, with use-specific standards that establish thresholds under which they require a conditional use approval, including proximity to residential uses. Therefore, the

request would expand the ability to provide more services to the unhoused, while at the same time protecting surrounding neighborhoods.

15. The request is generally consistent with the following Goal 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.

The proposal includes a text amendment that would allow contextual setback standards to apply to properties in Historic Protection Overlay zones, which would preserve and enhance significant historic districts. This change would also help those seeking to maintain and improve historic properties or build in historic neighborhoods by allowing more flexibility in their site design, while maximizing consistency with the historic character of these distinct districts.

16. For cases in which a proposed text amendment would conflict with applicable Comprehensive Plan Goals and/or policies, conditions for recommendation of approval are provided, which address conflicts and provide clarification.
17. 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. Emailed 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) and 14-16-6-4(K)(3)(b). Mailed notice was sent via First Class mail to those representatives without an email address on file with the City. Notice was posted on the Planning Department website and on the project website.
18. In addition to the required notice, on October 27, November 3, and November 29, 2023 e-mail notice was sent to the approximately 9,500 people who subscribe to the ABC-Z project update e-mail list. Additional notice for the January 11, 2024 EPC hearing was sent to the ABC-Z project update email list on January 5, 2024.
19. The proposed 2023 IDO Annual Updates were reviewed at two online public study sessions on October 12 and 13, 2023 via Zoom, prior to application submittal for the EPC process, and at a public meeting held on November 17, 2023. 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://abq-zone.com/ido-annual-update-2023>.
20. The EPC held a study session regarding the proposed 2023 IDO Annual Update on December 7, 2023. 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).
21. As of this writing, Staff has received approximately 65 written comments from neighborhood groups, individuals, and organizations. Comments were generally submitted as letters and emails with attachments. Other comments (approximately 216) were submitted online and pinned to the spreadsheet of proposed text amendments on the ABC-Z project website.

22. In general, public comments express strong opposition to the proposed walls and fences text amendments and ask why taller front yard walls are being considered again. Comments express concerns about duplexes, RV parking, overnight shelters, and outdoor lighting. Some commenters support duplexes. Two letters expressing concern about the exemption of landfills closed for more than 30 years from gas mitigation requirements. Some individuals expressed concern about the IDO annual update process in general, noting that the yearly update process is burdensome
23. 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.
24. Regarding Item #58, Tribal Engagement: Tribal representatives on the City's Commission on American Indian and Alaskan Native Affairs commented that the 15-day comment period for proposed development was insufficient to respond meaningfully in order to either negotiate how to avoid development or sufficiently mitigate the negative impacts of development on land with cultural importance to Indian Nations, Tribes, and Pueblos. City Council should consider adding a procedure that allows tribal governments to request a 120-day review period, similar to the procedure for Demolition Outside of an HPO, to delay a decision on the first application for undeveloped land within 660 feet of Major Public Open Space or tribal land.
25. Regarding Item #23 Front Yard Walls: EPC advises decision-makers not to pursue taller front yard walls in future IDO updates, as the amendments, in all their variations, have been overwhelmingly opposed by the public. The commission notes overwhelming public testimony for three years in a row that this proposal would damage neighborhoods; that permissive tall walls in front yards degrade welcoming character, diminish walkability, restrict contact and cooperation among neighbors, make communities less safe by impeding eyes on the street, restrict visibility for police patrols, and restrict access for emergency services.

CONDITIONS FOR RECOMMENDATION OF APPROVAL:

1. The proposed amendments in the spreadsheet "IDO Annual Update 2023 – EPC Submittal - Citywide" (see attachment) shall be adopted, except as modified by the following conditions.
2. Items #2, #7, and #50 – Outdoor Amplified Sound: Delete the proposed amendments in their entirety.
3. Item #3 – Cottage Development: Adopt the proposed amendment to Section 4-3(B)(4), with the following additional change to subsection (a): 4-3(B)(4)(a) The maximum project size for a cottage development is 2 5 acres.
4. Items #4 and #5 – Walls/fences for General Retail and Light Vehicle Fueling Stations: Delete the proposed amendments that would require a wall or fence around General retail and Light vehicle fueling uses, leaving walls and fences at the discretion of the property owner.

5. Item #9 – Overnight Shelters – Table 4-2-1; Subsection 14-16-4-3(C)(6): Delete the proposed amendment, which would result in no change to the “Overnight Shelter” use row of the current allowable use Table 4-2-1 and the retention of the current use-specific standards for overnight shelters, IDO Subsection 14-16-4-3(C)(6).
6. Item #10 – Duplex – IDO Subsection 14-16-4-3(B)(5)(b): Delete the proposed amendment, which would result in no change to “Dwelling, Two-family Detached (Duplex)” in Table 4-2-1: Allowable Uses or to the use-specific standards for duplex dwellings, IDO Subsection 14-16-4-3.
7. Item #13 – Duplex – IDO Subsections 14-16-4-3(B)(5) and 14-16-4-3(F)(6): Delete the proposed amendment, which would result in no change to “Dwelling, Two-family Detached (Duplex)” in Table 4-2-1: Allowable Uses or to the use-specific standards for duplex dwellings, IDO Subsection 14-16-4-3.
8. Item #11 – City Facilities – IDO Subsection 14-16-2-5(E)(2): Delete the proposed amendment, which would result in no change to Table 4-2-1: Allowable Uses and would retain the requirements and procedures for all conditional use approvals, even for City Facilities.
9. Item #12 – Dwelling, Live-Work: Revise proposed new Subsection 14-16-4-3(B)(7)(e), as follows: Delete the proposed amendments, thus continuing to regulate live-work as it is currently allowed and regulated.
10. Item #15 – Landfill Gas Mitigation: Delete the proposed amendment, to continue requiring landfill gas mitigation studies reviewed by the Environmental Health Department for projects located within landfill buffer areas.
11. Item #17 – RV, Boat, and Trailer Parking:
  - A. Revise the proposed language in subsection 5-5(B)(4)(d)3, as follows:
    3. The vehicle must be parked in 1 of the following areas:
      - a. Inside an enclosed structure.
      - b. Outside in a side or rear yard.

[c. In any Residential zone district or MX-T zone district with a primary residential use, the vehicle shall not be parked in any portion of a front yard, whether that portion has been improved as a driveway or not.]

[d. In any MX or NR zone district with a primary non-residential use, the vehicle may be parked] outside in a front yard, with the unit perpendicular to the front curb and the body of the recreational vehicle at least 11 feet from the face of the curb.
12. Items #18, Parking Maximums:
  - A. Adopt the amendment with the following edits requested by City Council staff and the Transit Department:

5. Item #9 – Overnight Shelters – Table 4-2-1; Subsection 14-16-4-3(C)(6): Delete the proposed maximum number of off-street parking spaces provided shall be no more than 100 percent of the off-street parking spaces required by Table 2-4-13 or Table 5-5-1, as applicable.
13. Item #20, #21, and #57 – Landscaping: Delete proposed amendment Items #20 and #21, and adopt the proposed amendment Item #57 with the following changes: Delete proposed Subsection 5-6(C)(4)(e) [new] and renumber subsequent sections.
14. Items #23 and #24 Walls & Fences, Front Yard Wall: Delete the proposed amendments, leaving maximum wall heights as currently regulated.
15. Item #25, Building Design – Facades for NR-LM, NR-GM, and Industrial Development in Any Zone District: Amend 5-11(G)(2) as shown in the Council Memo as follows:

5-11(G)(2) Each street-facing façade shall incorporate at least 1 of the following features along at least 10 percent of the length of the façade, distributed along the façade so that at least 1 of the incorporated features occurs every ~~[75-feet]~~ [150 feet]:

  - a) Transparent windows
  - b) Wall plane projections or recesses of at least 1 foot in depth at least every ~~[75-feet]~~ [150 feet] of façade length and extending at least 10 percent of the length of the façade [or 20 percent of the height of the façade].
  - c) A change in color, texture, or material at least every ~~[75-feet]~~ [150 feet] of façade length and extending at least 20 percent of the length of the façade.
  - d) Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.
  - e) Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.
16. Items #29, #32, and #36 – Neighborhood Association notification distances for Pre-submittal Neighborhood Meetings, Public Notice, and Post-submittal Facilitated Meetings: Adopt the amendment and revise it to change the requirement from “includes or is adjacent” to a set 660 feet to help simplify and automate these processes.
17. Items #33 and #34, Mailed Notice to Property Owners and for Amendments to IDO Text – Small Area: Delete the proposed amendments to keep individual property owner notification as-is.
18. Item #37 – Appeals – Standing for Neighborhood Associations:
  - A. Adopt the amendment and amend it to change the requirement from “includes or is adjacent” to a set 660 feet to match all notice distances.
19. Item #42 Front Yard Parking – Angular Stone: Delete the proposed amendment.
20. Item #46 – Definition for Community Residential Facilities, IDO Subsection – 14-16-7-1



For further clarity and consistency, add additional language to the end of the proposed definition for a Community Residential Facility as follows:

~~"For purposes of this definition, the term handicapped does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program. This use~~  
does not include facilities for persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program, facilities for persons individuals in the criminal justice system, or residential facilities to divert persons from the criminal justice system, which are all regulated as group home for the purposes of this IDO. This use does not include 24-hour skilled nursing care, which is regulated as either hospital or nursing home for the purposes of this IDO. See also Family, Family Care Facility, and Group Home, and Nursing Home."

21. Item #52 – Sensitive Lands: Adopt Item #52 with the following change to the definition in Section 7-1 Sensitive Lands – Large Stand of Mature Trees:

"At least 3 trees ~~that are each at least 10 years old~~ with ~~a~~ trunks at least 8 inches in diameter at breast height (DBH), as measured by the City Forester, on a subject property."

22. Item #55 and Item #6, Battery Energy Storage Systems and Electric Utility: Remove both amendments from consideration at this time to allow Planning Staff, Council Staff, PNM, and other stakeholders to continue conversations and collaboration to bring forward an amendment for energy storage at a later time.

23. Item #56 – Outdoor and Site Lighting: In the 2023 Annual Update Exhibit for Lighting, revise proposed subsection 5-2(J)(1)(a) as follows:

"Regardless of zone district, the lighting designation shall be no higher than Lz0 or Lz1 and shall be subject to outdoor lighting curfew to protect natural ecosystems and their biodiversity."

24. Item #56 – Outdoor and Site Lighting: In the Exhibit on Lighting for the 2023 Annual Update, 5-8(C)(3)(c), remove the prohibition on aerial lasers, as follows:

5-8(C)(3)(c) ~~Aerial lasers, b Beacons,~~ and searchlights are prohibited at night, except for emergency use by authorized first responders.

25. Item #56 – Outdoor and Site Lighting: In the Exhibit on Lighting for the 2023 Annual Update, 5-8(D)(2)(a), unbind the minimum CCT by deleting the language "a minimum CCT of 2700K and" from this subsection.

26. Item #56 – Outdoor and Site Lighting: In the Exhibit on Lighting for the 2023 Annual Update, 7-1 Definitions, revise this section with the following modifications:

- Add the following definition for *Curfew*: "See Outdoor Lighting Curfew"
- Delete the definition for *Candela* because it is not used the body of the ordinance.
- Change the new definition for *Footcandle (fc)* to: "A unit of illumination measurement equal to one lumen per square foot (lm/s.f.) of surface."

27. Item #56 – Outdoor and Site Lighting: In the Exhibit on Lighting for the 2023 Annual Update, 5-12(E)(5)(a), delete the proposed Subsection 3 as unnecessary.

~~"3. — [New] No other portion of an illuminated sign shall have a luminance greater than 200 foot lamberts or 685 nits during the hours of darkness at night."~~

28. Item #58 Tribal Engagement – Revise the proposed definition for “Indian Nations, Tribes, or Pueblos” as follows:

For the purposes of this IDO, the designated chief executives (or their designees) of a federally recognized Indian Nation, Tribe, or Pueblo located wholly or partially in New Mexico. The Tribal Liaison with the City’s Office of Native American Affairs shall maintain an updated list of the names and contact information ~~for the chief executives of the Indian Nations, Tribes, or Pueblos.~~

29. Item #58 Tribal Engagement – Update Table 6-1-1 to add a column for Tribal Pre-submittal meetings for the following applications:

- i. Archaeological Certificate
- ii. Master Development Plan
- iii. Subdivision of Land – Minor
- iv. Subdivision of Land – Major
- v. Subdivision of Land – Bulk Land
- vi. Zoning Map Amendment – EPC
- vii. Zoning Map Amendment – Council

Add a new Subsection for Pre-submittal Tribal Meeting in Section in 14-16-6-4 General Procedures as follows:

14-16-6-4(X) [new] Pre-submittal Tribal Meeting

6-4(X)(1) For applications meeting all of the following criteria, the applicant shall offer at least 1 meeting to all Indian Nations, Tribes, and Pueblos as defined by this IDO no more than 1 calendar year before filing the application. In such cases, project applications will not be accepted until a pre-submittal tribal meeting has been held, or the requirements for a reasonable attempt in Subsection (3) below have been met.

6-4(X)(1)(a) Table 6-1-1 requires pre-submittal tribal meeting to be offered for that type of application.

6-4(X)(1)(b) The subject property is within 660 feet of Major Public Open Space or tribal land.

6-4(X)(1)(c) A pre-submittal tribal meeting was not offered for the same subject property at a prior stage in the development process for the same proposed project.

6-4(X)(2) A meeting request shall be sent via email, if one is listed in the contacts maintained by the Tribal Liaison with the City's Office of Native American Affairs, or by Certified Mail, return receipt requested if no email is listed, to both of the following:

6-4(X)(2)(a) Indian Nations, Tribes, or Pueblos.

6-4(X)(2)(b) Tribal Representatives.

Either method constitutes a reasonable attempt to notify a Neighborhood Association of a meeting request. The requirements of Subsection 14-16-6-4(K)(7) (Documentation of Good Faith Effort Required) also apply.

6-4(X)(3) If any recipient of the request chooses to meet, he/she must respond within 15 calendar days of the request (email or Certified Mail) being sent. The meeting must be scheduled for a date within 30 calendar days but no fewer than 15 calendar days after the recipient accepts the meeting request, unless an earlier date is agreed upon. If no recipient responds within 15 calendar days of the request, the applicant may proceed pursuant to Subsection (9) below.

6-4(X)(4) The pre-submittal tribal meeting shall be facilitated by the City's Alternative Dispute Resolution (ADR) Office. If an ADR facilitator is not available within the required timeframe, the applicant can facilitate the meeting or arrange for another facilitator. All other requirements in this Subsection 14-16-6-4(X) shall be met.

6-4(X)(5) The ADR facilitator shall email all recipients the scheduled meeting date, time, and location.

6-4(X)(6) At the pre-submittal tribal meeting, the applicant shall provide information about the proposed project, including but not limited to the scope of uses, approximate square footages for different uses, general site layout, design guidelines, architectural style, conceptual elevations, and conceptual landscaping plans.

6-4(X)(7) The ADR facilitator shall prepare and email a summary of the meeting to the applicant, recipients who requested the meeting, and any other meeting participants who signed in and provided an email address.

6-4(X)(8) Where Table 6-1-1 requires that a pre-submittal tribal meeting be offered, and a meeting was held, the applicant shall provide all of the following as part of the project application:

6-4(X)(8)(a) proof that a meeting was offered.

6-4(X)(8)(b) proof that the meeting occurred, including a sign-in sheet of attendance.

6-4(X)(8)(c) meeting location, date, and time.

6-4(X)(8)(d) summary of discussion, including concerns raised, areas of agreement and disagreement, and next steps identified, if any.

6-4(X)(8)(e) identification of any design accommodations that may have been made as a result of the meeting. If the concerns raised at the meeting have not been accommodated, the applicant must identify the site or project constraints that limit the ability to address those concerns.

6-4(X)(9) Where Table 6-1-1 requires that a pre-submittal tribal meeting be held, and a meeting was not held, the requirement for a pre-submittal tribal meeting shall be waived if the applicant can demonstrate that reasonable attempts were made to notify tribal governments as required by Subsection (2) above, and no response was received within 15 calendar days of the notice being sent.

30. Item #58 Tribal Engagement: Delete proposed Subsection 6-4(J)(9) The Albuquerque Indian School Area from the Exhibit and renumber subsequent subsections accordingly.
31. Item #58 Tribal Engagement: Delete proposed change for Subsection 6-4(J)(6) and revise proposed Subsection 6-4(J)(7) as follows: Development within 660 feet of Major Public Open Space, including the Petroglyph National Monument.
32. New Amendment: Revise the definition in Section 7-1 for “Adjacent,” as follows: “Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private. Properties that are on opposite corners of an intersection diagonally (e.g. "kitty corner" or "catty corner" or "caddy co rner ") a re no t considered adj acent. "
33. New Amendment: Revise the definition in Section 7-1 for “Street-facing Façade,” as follows:  
  
Any façade that faces and ~~is within 30 feet of a property line~~ is visible from an abutting a street, not including alleys, unless specified otherwise in this IDO. A building may have more than one street-facing façade. The phrase “façade facing a” that refers to a specific street or to alleys is included in this definition as well.
34. New Amendment: Change the update cycle for the IDO from an annual process to a bi-annual process and modify the submittal and hearing dates to avoid the end of year holidays. Revise IDO Subsection 6-3(D) and corresponding subsections as follows:

6-3(D) **BI-ANNUAL UPDATES TO THE IDO**

The Planning Department shall prepare amendments to the text of this IDO to be submitted ~~once~~ every ~~other~~ calendar year for an EPC hearing in ~~December~~ October. These amendments shall be reviewed and decided pursuant to Subsection 14-16-6-7(D) (Amendment to IDO Text – Citywide) or Subsection 14-16-6-7(E) (Amendment to IDO Text – Small Area), as applicable. Submittals shall occur in odd-numbered years.

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

6-3(D)(4) Notwithstanding the schedule for ~~annual~~ updates to the IDO in this Subsection 14-16-6-3(D), the Planning Director may determine that an interim amendment to the text of this IDO shall be submitted for review and decision to prevent a significant threat to public health or safety.

6-3(D)(5) Within 90 days of the effective date of each ~~annual~~ update, the Planning Department shall provide presentations and/or trainings for relevant City boards and commissions.

APPEAL: It is not possible to appeal an EPC Recommendation to the City Council, since this is not a final decision. For more information regarding the appeal process, please refer to Section 14-16-6-4(V) of the Integrated Development Ordinance (IDO), Administration and Enforcement.

Sincerely,



for Alan M. Varela,  
Planning Director

AV/MV/MJ

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OFFICIAL NOTICE OF DECISION

PR-2018-001843

RZ-2023-00040

January 11, 2024

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City of Albuquerque, Planning Department, Michael Vos, [mvos@cabq.gov](mailto:mvos@cabq.gov)

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EPC File



**Environmental  
Planning  
Commission**

**Agenda Number: 3  
Project #: PR-2018-001843  
Case #: RZ-2023-00040  
Hearing Date: January 11, 2024**

***Supplemental Staff Report***

**Applicant** City of Albuquerque Planning  
Department

**Request** Amendments to the Integrated  
Development Ordinance (IDO)  
Text for the 2023 Annual IDO  
Update

**Location** Citywide

***Staff Recommendation***

***That a recommendation of APPROVAL of PR-2018-001843/RZ-2023-00040 be forwarded to the City Council based on the Findings beginning on page 27 and subject to the Conditions for Recommendation of Approval beginning on page 33.***

***Staff Planners  
Michael Vos, AICP – Principal Planner  
China Osborn – Senior Planner***

***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 14, 2023 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 60 proposed amendments requested by neighbors, developers, Staff, City Council, and the Administration.

The proposed amendments are found in a spreadsheet of “IDO Annual Update 2023 – 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. Some items have associated exhibits with proposed language. 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 several public comments, mostly concerning walls, duplexes, overnight shelters, and outdoor lighting. Agency comments include landfills and Battery Energy Storage Systems. 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 2<sup>nd</sup> at 9 AM are attached to and addressed in this Staff Report. Comments received before January 4<sup>th</sup> at 12 PM are attached, but not addressed. Clarifying materials received before January 9<sup>th</sup> 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.

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## ***I. OVERVIEW***

This request is for various citywide amendments to the text of the Integrated Development Ordinance (IDO) for the Annual Update required by Subsection 14-16-6-3(D). The request, which would apply Citywide and constitutes the 2023 Annual Update, was first heard at the December 14, 2023 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 11, 2024 special EPC hearing.

These citywide text amendments are accompanied by proposed text amendments to three small areas within the city – the Rail Trail small area, the Volcano Heights Urban Center, and the Northwest Mesa Escarpment VPO-2, which were submitted separately pursuant to Subsection 14-16-6-7(E) and are the subject of other Staff Reports. The proposed citywide amendments, when combined with the proposed small area amendments, are collectively known as the 2023 IDO Annual Update.

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://abq-zone.com/ido-annual-update-2023>.

When the Supplemental Staff report is posted, the spreadsheet will be an attachment that will be available, along with the previous staff report and supporting materials from the December 14, 2023 EPC hearing 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 14, 2023 Staff report.

## ***II. ANALYSIS OF ORDINANCES, PLANS, AND POLICIES***

→ Please refer to p. 5-10 of the December 14, 2023 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 2023 – EPC Review – Citywide.” (See attachment.) These changes are grouped by category and referred to by page number to track with the IDO effective as of July 27, 2023.

→ Please refer to p. 10-44 of the December 14, 2023 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 14, 2023 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 2, 2024. 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. Three new amendments are proposed, two of which were presented by staff at the December 14<sup>th</sup> hearing regarding the definitions of “adjacent” and “street-facing façade.” A third suggestion from the public that garnered some discussion from the Commission near the close of their hearing was related to the IDO Annual Update process and is presented as a condition of approval for EPC’s consideration.

For those amendments requiring additional discussion, an explanation of the proposed amendment is 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 summary of the applicable policies is provided for reference. The emphasis is on what changes occurred during the continuance period.

***Contextual Standards for Historic Protection Overlay Zones – 14-16-3-5(G) [Item #1]***

→ Please refer to p. 10-11 of the December 14, 2023 Staff report for a full discussion of this change.

***Amplified Sound – Table 4-2-1; 14-16-4-3(F)(14); 14-16-7-1 [Items #2, #7, #50]***

***Summary:***

→ Please refer to p. 11-12 of the December 14, 2023 Staff report for a full discussion of these changes.

There are three proposed amendments related to amplified sound, all based on a request from the public. These amendments create a new accessory use in Table 4-2-1: Allowable Uses for Outdoor Amplified Sound. This accessory use would be permissive (A) in the following zone districts: MX-L, MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM. The accessory use would be conditional (CA) in the MX-T zone district. The amendment proposes new use-specific standards in a new Subsection 14-16-4-3(F)(14), renumbering subsequent subsections accordingly. The use-specific standards would prohibit amplified sound from speakers outside of a fully enclosed building between the hours of 10 p.m. and 7 a.m. near residential uses.

Policy Analysis Recap: The Planning staff’s recommended changes are generally consistent with the following Comprehensive Plan goals, policies, and sub-policies:

Goal 5.6 City Development Areas, Policy 5.6.2 Areas of Change, Sub-policy 5.6.2.f, Policy 5.6.3 Areas of Consistency, Policy 5.6.4 Appropriate Transitions, and Sub-policy 5.6.4.b.

***Update:*** This amendment was originally requested by the City of Albuquerque Environmental Health Department to complement the current Noise Control Ordinance with a zoning regulation that is more enforceable. Multiple written comments submitted prior to the EPC Hearing requested various changes and clarifications to regarding the proposed amendments.

*Based on the public comments spoken and the discussion at the December 14th, 2023 EPC Hearing, Planning staff has prepared conditions of approval for review by the EPC that provide 4 alternatives for discussion and action:*

- 1. Provide an exception for Centers and Corridors.*
- 2. Move the start time of the curfew from 10 p.m. to 12 a.m.*
- 3. Change the distance from 330 feet to 100 feet.*
- 4. Delete all proposed amendments in their entirety.*

*The EPC may still choose to adopt the amendment, as drafted, by deleting all the provided conditions.*

***Cottage Development – 14-16-4-3(B)(4) [Item #3]***

→ Please refer to p. 13 - 15 of the December 14, 2023 Staff report for a full discussion of these changes.

***Summary:***

The original proposal was to amend IDO Section 4-3(B)(4) on pages 159-161, adding 2 new use-specific standards for Cottage Development, which would allow cottage developments to be connected on one side and require front porches as a design element. This amendment as proposed would not make Cottage Developments permissive in additional zone districts.

Prior to the December EPC hearing, staff received a public comment recommending that the minimum lot size requirement for Cottage Developments be reduced. Also, a few comments objecting to the proposal were pinned to the project website.

*Policy Analysis Recap:* The proposed amendment is consistent with Comp Plan Goal 5.2 Complete Communities, Goal 5.3 Efficient Development Patterns, Goal 7.3 Sense of Place, Goal 9.1 Supply, Goal 9.2 Sustainable Design, and Goal 9.3 Density, and their related policies and sub-policies, because it promotes efficient development patterns, reinforces community character, addresses housing needs, and fosters innovative cluster development.

***Update:** During the public comment portion of the public hearing, there were two members of the public who spoke against cottage developments. One public commenter spoke of their importance for infill development, but recommended that larger buffers be required between cottage or cluster developments and low-density residential development. There were no specific concerns expressed regarding the addition of porches as a design requirement for cottage developments. Only one member of the public spoke in opposition to the allowance for the dwelling units in cottage developments to be attached on one side.*

*After the public hearing, Staff recommended that the maximum lot size for Cottage Development be increased to 5 acres, citing that this would make it easier for Cottage Developments to meet the site design requirements for a landscape buffer around the project site. Increasing the maximum lot size may make it easier to locate developments in a manner that creates a greater buffer between Cottage Developments and surrounding low-density residential. Staff has prepared a recommended Condition of Approval for EPC review, addressing this change.*

***Walls and Fences – 14-16-4-3(D)(18); 14-16-4-3(D)(37); 14-16-5-7(D)(3)(a); Table 5-7-2 [Items #4, #5, #23 and #24]***

→ Please refer to p. 15 - 17 of the December 14, 2023 Staff report for a full discussion of these changes.

The request includes four changes related to wall and fences. The first two changes require walls via use-specific standards for Light Vehicle Fueling Stations (i.e. gas stations) and General Retail. Subsection 4-3(D)(18) and Subsection 4-3(D)(37) require a wall or fence at least 3 feet high around the perimeter of all general retail and light vehicle fueling stations and from the edges of the primary

building to the side or rear property line intending to provide increased security and guidance for pedestrian traffic entering or exiting a property.

The other two changes would allow taller front yard walls in low-density residential development. Subsection 14-16-5-7(D)(3)(a) would allow a front yard or street side yard wall up to 5 feet tall, if all the following requirements are met:

- (a) The wall is not located in a small area where taller walls are prohibited.
- (b) View fencing is used for portions of a wall above 3 feet.
- (c) The wall is set back at least 5 feet, and the setback area is landscaped with at least 3 shrubs or 1 tree every 25 feet along the length of the wall.

*Policy Analysis Recap:* The proposed amendments to fence heights are partially consistent with the following Comprehensive Plan Goal 4.1 Character, Policy 4.1.1 Distinct Communities, Policy 4.1.2 Identity and Design, Goal 6.2 Multi-Modal System, Policy 6.2.3 Pedestrian & Bicycle Connectivity, Goal 7.2 Pedestrian-Accessible Design, Policy 7.2.1 Walkability, Policy 7.2.2 Walkable Places, Goal 7.3 Sense of Place, and Policy 7.3.2 Community Character.

***Update:** During the public comment portion of the public hearing and in written comments submitted beforehand, many commenters objected to the proposed change for taller walls in neighborhoods. Several other public commenters opposed the required walls for the non-residential uses, citing concerns over the negative impact on connectivity for pedestrians and urban design in the built environment. Staff recommends that the EPC should continue to carefully consider the extent to which walls improve public safety and whether that community benefit outweighs the possible negative impacts to connectivity, access, urban design, and community character encouraged by Comp Plan goals and policies. Based on initial deliberations by the EPC at the December 14<sup>th</sup> hearing, staff has prepared conditions that would remove these amendments from consideration at this time.*

#### **Utilities and Waste Management – 14-16-4-3(E)(8); 14-16-5-2(H) [Items #6, #15, #55]**

→ Please refer to p. 17 - 20 of the December 14, 2023 Staff report for a full discussion of these changes.

#### ***Summary:***

There are three proposed amendments related to utilities and waste management. The first set of two amendments includes the creation of a new primary use – Battery Energy Storage System – that allows a private facility with utility-scale batteries to store electricity until needed on the electric grid. The second, related amendment also makes a minor change to the definition of Electric Utility, which allows battery storage as an incidental use. The intent is that private, standalone Battery Energy Storage Systems would follow the proposed new regulations, while battery storage installed by the Public Service Company of New Mexico (PNM) would be regulated by the use-specific standards for Electric Utility. The proposed amendment for a standalone Battery Energy Storage System adds a new primary use to Table 4-2-1 allowing the use in the NR-LM and NR-GM zone districts, with new use-specific standards in Subsection 4-3, and new definitions in 14-16-7-1.

The third proposed amendment would revise the regulation related to landfill gas buffer areas, included in Section 14-16-5-2. The proposed change would exempt landfills closed within the last 30 years from

review by the City's Environmental Health Department or any requirement to mitigate potential landfill gas that can pose health hazards due to methane and other byproduct gases.

*Policy Analysis Recap:* The proposed amendments to utilities and waste management are consistent with Comprehensive Plan Goal 5.2 Complete Communities, Policy 5.2.1 Land Uses, Goal 5.3 Efficient Development Patterns, Goal 5.7 Implementation Processes, Policy 5.7.4 Streamlined Development, Goal 8.2 Entrepreneurship, Policy 8.2.1 Local Business, Policy 8.2.3 Sustainable Business, Goal 12.1 Infrastructure, Policy 12.1.6 Energy Systems, Goal 12.3 Public Services, Policy 12.3.2 Solid Waste Management, Goal 13.1 Climate Change, Policy 13.1.1 Resource-Efficient Development, Goal 13.4 Natural Resources, Policy 13.4.3 Energy Resources, Goal 13.5 Community Health, Policy 13.5.1 Land Use Impacts, and Policy 13.5.3 Public Infrastructure Systems and Services.

*The proposal to create a new use that allows a Battery Energy Storage System is consistent with Comp Plan Goals and Policies encouraging complete communities, efficient infrastructure, and sustainability, as well as ensuring the public health and safety because the proposed amendment includes requirements for distance separations from residential uses, landscape buffers next to other uses, and other regulations to minimize risk related to the combustible toxic chemicals in the batteries.*

*The proposed amendment to landfill gas mitigation is consistent with goals and policies encouraging efficient review and decision processes. However, the amendment conflicts with Goal 12.1 Infrastructure, Goal 12.3 Public Services, Policy 12.3.2.a Solid Waste Management, Goal 13.5 Community Health and Policy 13.5.1 Land Use Impacts.*

**Update:** Multiple comments were submitted in opposition to changes to the IDO Landfill Gas Mitigation procedures by exempting landfills closed more than 30 years ago from the landfill gas mitigation procedures. EPC deliberated on this, and seeing no clear benefit thereby requested a condition be presented for the amendment (Item # 15) to be removed. Based upon the policy conflict identified, Planning Staff concurs with this and has provided a recommended condition of approval to remove this item from consideration.

*Regarding Battery Energy Storage Systems, comments were received by PNM, as well as a private battery system developer that were opposed to portions of the proposal. City Council staff also requested that the EPC defer their recommendation, or at a minimum, wait for staff to meet and develop an alternative proposal. Planning Staff has met with City Council staff and PNM representatives to discuss this amendment, but have not had the time to make substantive revisions based on feedback provided. Based upon this, and in a spirit of ongoing cooperation, staff recommends a condition of approval to remove this amendment from consideration with a finding that staff continues to explore appropriate regulations for Battery Energy Storage Systems as the annual update proceeds to City Council. Staff recommends the changes to Electric Utility [Item #6] regarding walls and other minor clarifications stay in the 2023 Annual Update at this time.*

***Cannabis Retail – Table 4-2-1; 14-16-4-3(D)(35) [Item #8]***

→ Please refer to p. 20 - 21 of the December 14, 2023 Staff report for a full discussion of these changes.



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***Overnight Shelters – Table 4-2-1; Subsection 14-16-4-3(C)(6) [Item #9]***

→ Please refer to p. 21-23 of the December 14, 2023 Staff report for a full discussion of these changes.

***Summary:***

The proposed amendment would revise Table 4-2-1 to make overnight shelters permissive in all zone districts where they are currently allowed as Conditional (MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM), thereby eliminating the requirement for a public hearing, except in certain circumstances outlined in the recommended amendments to the existing use-specific standards.

***Policy Analysis Recap:*** The proposed amendments to overnight shelters are consistent with the Comprehensive Plan Goal 5.3 Efficient Development Patterns and Goal 9.4 Homelessness, because they would facilitate the location and development of more overnight shelters. However, the proposed amendments are not consistent with the underlying Policy 5.3.7 Locally Unwanted Land Uses and relevant sub-policies, as it would substantially limit the public input regarding potential impacts for surrounding neighborhoods.

***Update:*** While this proposal is partially consistent with Comprehensive Plan Goals and Policies, staff received abundant letters of objection to the proposed amendment. Also, during the public hearing, two people spoke against this proposal. Leaving IDO Subsection 14-16-4-3(C)(6) as is, would continue the requirement for a conditional use approval for overnight shelters, that would allow public input and conditions of approval to be added to mitigate negative impacts through the public hearing process. Thereby, addressing the Policy 5.3.7 Locally Unwanted Land Uses, creating balance between the location of necessary services for the unhoused and potential negative impacts to surrounding neighborhoods. Staff has prepared a condition to remove this amendment.

***Definitions for Community Residential Facilities, Group Homes, Overnight Shelter and Nursing Homes – 14-16-7-1 [Items #46, #47, #48, #49]***

→ Please refer to p. 23-24 of the December 14, 2023 Staff report for a full discussion of these changes.

***Summary:***

Proposed amendments modify the definitions of Community Residential Facilities, Group Homes, Overnight Shelters, and Nursing Homes to be more consistent with the Federal Fair Housing Act and to clarify the differences among the related terms. The revised definitions are intended to improve enforcement, and do not change where these uses would be allowed either permissively or conditionally.

***Policy Analysis Recap:*** The proposed definitions for Definitions for Community Residential Facilities, Group Homes, Overnight Shelter and Nursing Homes are consistent with the Comprehensive Plan Goal 5.7 Implementation Processes and subsequent Policies 5.7.2 Regulatory Alignment, 5.7.4 Streamlined Development, and 5.7.6 Development Services, as they Provide high-quality customer service with transparent approval and permitting processes.

***Update:*** Public comments regarding these definitions showed confusion about the intent of the proposed changes. Commenters opposed any changes that would allow people with substance addictions not in recovery programs or people in the criminal justice system to live in residential neighborhoods. After listening to public comments both before and during the public hearing, staff recommends a condition

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*adding the following to the definition of Community Residential Facility (Item #46), “This use does not include facilities for persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program, facilities for persons individuals in the criminal justice system, or residential facilities to divert persons from the criminal justice system, which are all regulated as group home for the purposes of this IDO. This use does not include 24-hour skilled nursing care, which is regulated as either hospital or nursing home for the purposes of this IDO.”*

*The other definitions would remain the same. With the condition proposed, the amendments are consistent with the Goals and Policies of the Comprehensive Plan, specifically Goal 5.7 Implementation Processes, Policy 5.7.2 Regulatory Alignment, Policy 5.7.4 Streamlined Development, and Policy 5.7.6 Development Services.*

***Duplex – 14-16-4-3(B)(5); 14-16-4-3(F)(6) [Items #10, #13]***

→ Please refer to p. 24-26 of the December 14, 2023 Staff report for a full discussion of these changes.

***Summary:***

Two separate amendments were proposed to change allowances for two-family detached (duplex) dwellings. One would have allowed duplexes permissively in R-1 on corner lots that are a minimum of 5,000 square feet. The second amendment proposed by City Council would have allowed duplexes permissively in the R-1 zone district if they are added to or created from an existing single-family home.

From a land-use perspective, there is no way to distinguish a second kitchen in a dwelling, which is currently allowed, from an attached accessory dwelling unit (duplex). However, permissively allowing duplexes caused concern reflected in many of the public comments received. Public commenters generally opposed all the amendments for duplexes over concerns for property values and neighborhood character. There was also concern that the proposal would substantially limit the public input regarding potential impacts for surrounding neighborhoods by permitting two-family homes in traditionally single-family neighborhoods, permissively and without opportunity for public input.

*Policy Analysis Recap:* The proposed amendments to duplexes would be consistent with Comprehensive Plan Goals and Policies, such as Policy 7.3.4 Infill, Goal 9.1 Supply, Goal 9.3 Density Goal, and 9.6 Development Process, as they would provide new housing opportunities utilizing existing development and infrastructure.

***Update:** Although the proposed amendments allowing duplexes in more locations are consistent with Comprehensive Plan policies encouraging housing options, affordability, infill, and gentle density, allowing them permissively would likely lead to an increase in density in established low-density (i.e. single-family) residential neighborhoods, that many members of the public commented would be detrimental to the character of their existing neighborhoods. The impacts of increased density, such as parking, noise and security, as well as the change to the character of existing neighborhood buildings were the most commented concerns.*

*Therefore, after public comment and commissioner deliberation, staff has provided alternative options for conditions for approval or removal for Items #10 and #13.*



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*City Facilities – 14-16-2-5(E)(2); 14-16-4-1(A)(4) [Item #11, #54]*

→ Please refer to p. 26 - 27 of the December 14, 2023 Staff report for a full discussion of these changes.

**Summary:**

Two amendments were proposed to streamline the development of city facilities. The first change would remove the requirement for police stations and fire stations to be zoned NR-SU (Non-residential— Sensitive use), amending Table 4-2-1, to allow for fire station and police stations as a permissive use (P) in MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM.

The second proposed change, would exempt City facilities from requiring a Conditional Use Approval where it would otherwise be required in Table 4-2-1, thereby changing the review and approval process from public hearing to administrative for City Facilities.

Public comments before the EPC hearing generally opposed the amendment to exempt City facilities from conditional use approvals, citing concerns about lack of notice and public input opportunities in the development review and decision process, but expressed little to no opposition to specifically allowing fire and police stations to be permissive in certain zone districts.

*Policy Analysis Recap:* The proposed amendments are consistent with the Comprehensive Plan Goal 5.3 Efficient Development Patterns and Goal 12.3 Public Services, specifically as they relate to access to essential public services, such as fire and police stations (Item #54). On the other hand, the proposed amendment is not consistent with Policy 5.3.7 Locally Unwanted Land Uses and Policy 12.5.6 Public Input and relevant sub-policies, as it would substantially limit the public input regarding potential impacts for surrounding neighborhoods regarding proposed development of City Facilities (Item #11).

*Update:* In the original staff report, planning staff presented the possibility of adding a condition stipulating that the proposed amendments apply to City facilities that serve a “substantial government interest,” but there was overwhelming concern from the public both before and during the public hearing that these changes would reduce opportunities for public input and community involvement regarding how and where City facilities are provided for the public good. During the public comment portion of the public hearing, three people spoke against the proposal to allow City facilities to be exempt from requirements to obtain a Conditional Use approval when otherwise required by Table 4-2-1, citing that the public hearing triggered by the Conditional Use approval requirement is the only opportunity for the public themselves to weigh in on the public benefit of any proposed facility. Further, removing that requirement would no longer allow the community to comment on any potential negative impacts to their neighborhoods.

Therefore, addressing the Policy 5.3.7 Locally Unwanted Land Uses, staff has recommended a condition eliminating Item #11, thereby maintaining the existing balance between the location of necessary City facilities and potential negative impacts to surrounding neighborhoods. Item #54 would stay unchanged, addressing the specific need for fire and police stations in the community.

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*Dwelling, Live-Work – Table 4-2-1; 14-16-4-3(B)(7); 14-16-6-6(A) [Item #12]*

→ Please refer to p. 28 -29 of the December 14, 2023 Staff report for a full discussion of these changes.

**Summary:**

The initial proposal would allow small restaurants and retail establishments permissively in the R-1, R-T and R-ML zone districts as part of a live-work development. The intent of this change is to expand opportunities for neighborhood-serving amenities, such as restaurants, coffee shops, and small retail, supporting and strengthening the local economy and creating additional opportunities for entrepreneurs.

Policy Analysis Recap: The proposed amendment is consistent with the Goal 4.1 Character and subsequent Policy 4.1.4 Neighborhoods, Goal 5.2 Complete Communities, Goal 8.1 Placemaking, and Goal 8.2 Entrepreneurship.

*Update:* Prior to the public hearing, staff received various pinned comments and letters expressing opposition to the proposed amendment. During the public comment portion of the EPC hearing, 3 people spoke against this amendment, mainly citing concerns about potential traffic resulting from the live-work uses, especially for the potential restaurant use. One person also expressed concern regarding the possible sale of alcohol related with restaurants. One person spoke in favor of the proposed amendment, citing that live-work uses would bring more vitality and security to neighborhoods with additional daytime activity in neighborhoods and generally have lower traffic impact compared to other commercial uses. Staff commented that any live-work use would have to comply with parking standards for that use. After the public hearing, staff received one additional letter expressing general opposition to this proposal, particularly “small groceries or restaurant” uses in residential areas.

At the direction of the commissioners, staff has reviewed the definitions and possible impacts of the proposed restaurant use, and is recommending a condition to remove that use from the possible uses allowed in live-work in the residential areas proposed and replacing that use with grocery store, which more closely fits with the original intention of this amendment to allow for more locally available amenities and locally-owned businesses that would benefit the community. Additionally, staff recommends adding “Bakery or Confectionary Shop,” to the allowed uses, which is a complementary use to grocery stores and small retail. The definitions for “Bakery or Confectionary Shop,” “Grocery Store,” and “General Retail” can be found in Section 7-1 of the IDO on pages 548, 567, and 593, respectively. Furthermore, it should be noted that “Home Occupations” (IDO Section 7-1, p. 569), are currently allowed in all residential zones. The difference between “Home Occupations” and “Dwelling, Live-work” are subtle, as both may allow “customers” to visit a residence to receive and/or buy services. The use “Dwelling, live-work” would allow for a type or size of the work that is generally larger or more extensive than that allowed as a home occupation (see Section 7-1, p. 56, “Dwelling, live-work”). The proposed live-work uses, if approved, will be subject to the use-specific standards, such as maximum square footage requirements proposed as part of this amendment, thereby expanding business opportunities for homeowners and entrepreneurs, without substantially impacting the existing character of neighborhoods.

The proposed amendments are consistent with Comprehensive Plan Goals and Policies supporting neighborhood services, walkable and pedestrian-oriented development, complete communities, entrepreneurship, and local businesses, by fostering a small, local, neighborhood-oriented economy,

*providing economic opportunities for many sectors of the community that may have otherwise been limited in their possibilities for economic growth.*

***Irrigation (Acequia) Standards – 14-16-5-2(G), [Item #14]***

→ Please refer to p. 34 of the December 14, 2023 Staff report for a full discussion of this change.

***Construction Mitigation – 14-16-5-2(K) [Item #16]***

→ Please refer to p. 30 - 31 of the December 14, 2023 Staff report for a full discussion of these changes.

***Recreational Vehicle, Boat, and Trailer Parking; Front Yard Parking – 14-16-5-5(B)(4); 14-16-5-5(F)(2); 14-16-6-8(G) [Items #17 and #42]***

→ Please refer to p. 31 - 32 of the December 14, 2023 Staff report for a full discussion of these changes.

Two items requested by City Council pertain generally to parking in the front yard. The first proposed change deletes the existing allowance and criteria for parking an RV, boat, or trailer in a front yard, and replaces it with a prohibition of parking such vehicles in “...any portion of a front yard, whether that portion has been improved as a driveway or not.”

The second proposed change amends two sections of the IDO regarding approved materials for front yard parking areas to prohibit the use of “compacted angular stone” as an allowable material for improvement of such parking area.

*Policy Analysis Recap:* The proposed amendments are partially consistent with Comprehensive Plan Goal 4.1 – Character, Policy 4.1.1 – Distinct Communities, Policy 4.1.4 Neighborhoods, Goal 7.2 Pedestrian-Accessible Design, and Policy 7.2.1 Walkability because these changes would result in less front yard parking and potentially a more hospitable pedestrian environment.

***Update:** Comments were received questioning the need for these amendments and in opposition, particularly regarding RV, boat, and trailer parking for individuals with small lots where the front yard may be the only place available to them off the street for parking such a vehicle. There was some support from commenters who believe these changes will result in more attractive neighborhoods. EPC deliberation on these amendments focused on the possibility of them being overreaching and whether they could be improved by rewording them or by allowing an alternative process by which to be allowed to utilize the front yard for parking an RV, boat, or trailer. Councilor Grout has requested a potential change to clarify that the RV, boat, and trailer parking amendment is specific to Residential properties, and should continue to allow parking in the front yard in Mixed-use and Non-residential zones with non-residential uses. Staff continues to recommend careful consideration of these changes, and has provided conditions of approval for the EPC to consider removing them from consideration at this time. Should the EPC choose to keep the amendment regarding the prohibition of RV, boat, and trailer parking in the front yard, an option is presented to adjust the language at the request of Councilor Grout.*

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***Parking Standards – 14-16-5-5(C)(7); 14-16-5-5(G)(3); 14-16-7-1 [Items #18, #19, #51]***

→ Please refer to p. 32 - 33 of the December 14, 2023 Staff report for a full discussion of these changes.

***Summary:***

The primary proposed amendments related to parking standards has been proposed by City Council to implement maximum parking requirements within 330 feet of a transit facility. This proposed subsection would cap maximum parking at 100 percent of the minimum parking specified in the IDO for a development or set of uses. Parking maximums do not apply to structured parking options, but rather to surface parking lots.

Technical amendments regarding the applicability of parking structure design standards and the definition of a garage did not receive comment and are not discussed further in this report.

*Policy Analysis Recap:* The proposed Parking amendments are consistent with Comprehensive Plan Goal 4.1 – Character, Policy 4.1.1 – Distinct Communities, Policy 4.1.2 Identity and Design, Policy 6.1.2 Transit-Oriented Development, Policy 6.1.3 Auto Demand, Policy 7.2.2 Walkable Places, Goal 7.4 Context-Sensitive Parking, Policy 7.4.1 Parking Strategies, and Policy 7.4.2 Parking Requirements.

***Update:** The proposed amendments are generally consistent with Goals and Policies related to promoting infill development, supporting transit, and promoting high-quality pedestrian-oriented neighborhoods. Since the December 14<sup>th</sup> EPC hearing, Planning Staff has received comments on this amendment from the Transit Department, which are generally in support of reduced parking near transit. Their comments note the description of the request from City Council specifies that it excludes park and ride facilities, but that is not reflected in the language of the amendment, which was previously identified as a potential condition. They further note that ABQ Ride owns two Operations & Maintenance facilities that do not directly serve the public, and should be excluded as they do not necessarily have transit service to them or nearby. This would be accomplished by excluding “depot” in addition to “park-and-ride lots” from the proposed maximum. Public comment and EPC deliberation were not as supportive, so staff has prepared conditions of approval for the EPC’s consideration to either remove the amendment altogether or to recommend approval with modifications.*

***Landscaping – 14-16-5-6(B)(1); 14-16-5-6(C); 14-16-5-6(C)(5)(e); 14-16-5-6(C)(5)(d) [Items #20, #21, #57]***

→ Please refer to p. 35-36 of the December 14, 2023 Staff report for a full discussion of these changes.

There are multiple amendments related to landscaping, including three Council memos and an exhibit. Two Council memos relate to mulching requirements in Subsection 14-16-5-6. One proposed amendment removes mulching requirements for street trees in Subsection 14-16-5-6(C)(5)(e). The other amendment clarifies the radius measurement for required mulch in Subsection 14-16-5-6(C)(5)(d). A separate Council memo would apply landscaping requirements to more projects by lowering the threshold percentages and dollar amounts in Subsection 14-16-5-6(B)(1). City Planning Staff also proposed amendments to landscaping as an exhibit showing revisions to Subsections 14-16-5-6(C)(4), 14-16-5-6(C)(5), 14-16-5-6(C)(7), 14-16-5-6(C)(10), 14-16-5-6(C)(14), and the definition of warm season Grasses in Section 14-16-7-1. The proposed changes are intended to increase requirements for

plants and irrigation, reduce water consumption, and improve survivability of landscaping in the high desert environment.

*Policy Analysis Recap:* The Planning staff's recommended changes are generally consistent with the Comprehensive Plan Goal 5.3- Efficient Development Patterns, Policy- 5.3.4 Conservation Development, Goal 7.3- Sense of Place, Policy 7.3.2- Community Character, Goal 11.3- Cultural Landscapes, Policy 11.3.1- Natural and Cultural Features, Goal 13.2- Water Supply & Quality.

***Update:** After the initial public hearing, staff received one letter in support of the recommend 3-inch layer of shredded wood mulch proposed in Item #57. Based on the public comments and the discussion at the December 14<sup>th</sup>, 2023 EPC Hearing staff has drafted proposed conditions for EPC consideration. Planning staff recommends adopting Item #22 as written, while deleting #20 and #21. Based on specific comments heard from the Parks and Recreation Department, Planning staff also recommends to adopt Item #57 with a change to remove proposed Subsection 5-6(C)(4)(e), regarding the maximum allowance of warm season grass species, and renumber subsequent subsections. Planning staff has prepared a condition for these changes.*

***Sensitive Lands – 14-16-7-1 [Items #52, #53]***

→ Please refer to p. 36-37 of the December 14, 2023 Staff report for a full discussion of these changes.

The proposed amendments to Section 14-16-7-1 change the definitions of Sensitive Lands, specifically Large Stand of Mature Trees and Rock Outcroppings. The amendments would revise the text of both definitions to be more realistic given the existing natural environment of Albuquerque. The proposed changes would apply sensitive land requirements in more situations by lowering the thresholds in the existing definitions.

*Policy Analysis Recap:* The Planning staff's recommended changes are generally consistent with the following Comprehensive Plan goals, policies, and sub-policies:  
Goal 7.3- Sense of Place, Policy 7.3.1- Natural and Cultural Features, Sub-policy 7.3.1.a, Goal 11.3- Cultural Landscapes, Policy 11.3.1- Natural and Cultural Features, Policy 11.4.5- Private Protections, Goal 13.4- Natural Resources, Policy 13.4.4- Unique Landforms and Habitats

***Update:** Public comments at the EPC Hearing on December 14<sup>th</sup>, 2023 and written comments submitted are in favor of protecting sensitive lands. Based on the discussion at the hearing, Planning staff recommends adopting Item #53 as written and adopting Item #52 with a change to the definition in Section 7-1 Sensitive Lands- Large Stand of Mature Trees to remove the 10-year tree age requirement as something that is difficult to ascertain. Planning staff has prepared a condition for this change.*

***Façades – 14-16-5-11(E) [Item # 25]***

→ Please refer to p. 37 - 38 of the December 14, 2023 Staff report for a full discussion of these changes.

***Summary:***

City Council proposed a change to Subsection 14-16-5-11(F) to expand the applicability of building design and façade requirements to non-residential development other than industrial development in NR-LM or NR-GM zone districts, as well as for industrial development in any zone district.



This amendment seeks to improve the building design standards for restaurants, hotels, and many other possible uses in the NR-LM and NR-GM zone districts, as well as industrial uses anywhere in Albuquerque.

*Policy Analysis Recap:* The proposed amendments to Façade requirements are consistent with Comprehensive Plan Goal 4.1 Character, Policy 4.1.2 Identity and Design, Goal 5.7 Implementation Processes, Policy 5.7.2 Regulatory Alignment, Goal 7.3 Sense of Place, Policy 7.3.2 Community Character, and Policy 7.3.5 Development Quality

***Update:** The proposed amendments are generally consistent with Comp Plan Goals and policies to enhance the character of neighborhoods, and were supported by multiple public commenters. A request was made by members of the development community to increase the required minimum spacing between building design features from 75 feet to 150 feet, as well as to allow vertical projections. The sponsoring Councilor was agreeable to those changes, and this change still enhances the minimum building requirements for projects that would otherwise be exempt from the current standards. Planning staff has prepared a condition for this change.*

***Procedures – 14-16-6-2; 14-16-6-4; 14-16-6-8; Table 6-1-1; Table 6-4-2 [Items #26, #27, #28, #38, #39, #40, #41, #44, #45]***

→ Please refer to p. 38 - 40 of the December 14, 2023 Staff report for a full discussion of these changes.

***Notice and Referrals – 14-16-6-4(B) & (K); Table 6-1-1 (Items #29, #30, #31, #32, #33, #34, #35, #36, #37, #43)***

→ Please refer to p. 40 - 41 of the December 14, 2023 Staff report for a full discussion of these changes.

***Summary:***

There are several proposed amendments to Subsection 14-16-6-4(B) and 14-16-6-4(K).

Items #29, #32, #33, #34, and #36 propose to replace the requirement to notice adjacent Neighborhood Associations or property owners with a set distance that is easily mapped and, in most cases, more generous than the existing requirement. This change would allow automation of a map query to generate a list of property owners or affected Neighborhood Associations to be notified. This “adjacency requirement” affects the Pre-submittal Neighborhood Meeting [#29], public notice to Neighborhood Associations [#32], Mailed Notice to property owners [#33] and small area text amendments [#34], and Post-submittal Facilitated Meeting [#36]. These amendments are intended to improve these processes and ensure that all notice, meeting requests, and meeting summaries are provided as required.

Item #37 would revise the distance for standing for appeals by Neighborhood Associations to 330 feet for consistency with the proposed change to email notice.

Items #30, #31, #35, and #43 had little comment and discussion from the EPC at the December hearing and are not covered in this report in detail. Please refer to the December 14<sup>th</sup> staff report for more information on those amendments.

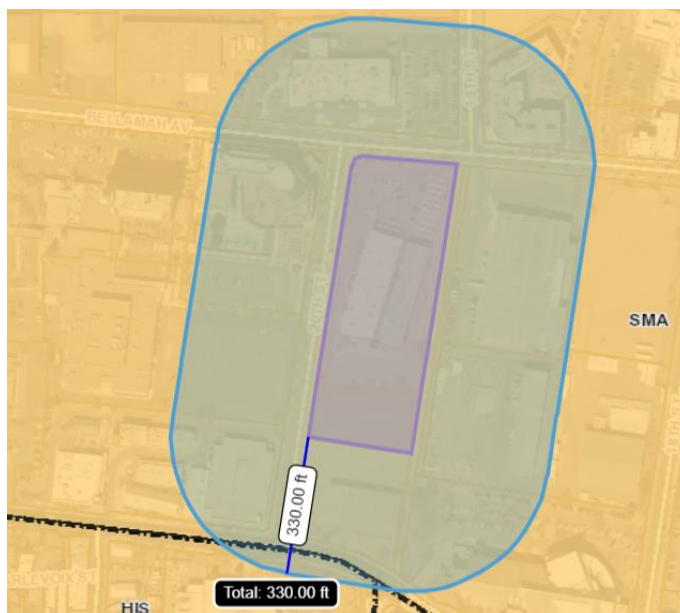
Policy Analysis Recap:

The proposed amendment to IDO Notice and Referrals is consistent with the following Goals and Policies:

Goal 5.7 Implementation Processes, Policy 5.7.2 Regulatory Alignment, Policy 5.7.4 Streamlined Development, Policy 5.7.5 Public Engagement, and Policy 5.7.6 Development Services.

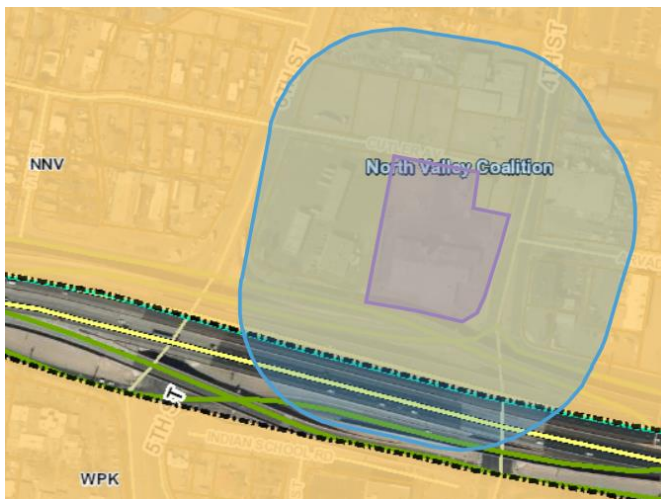
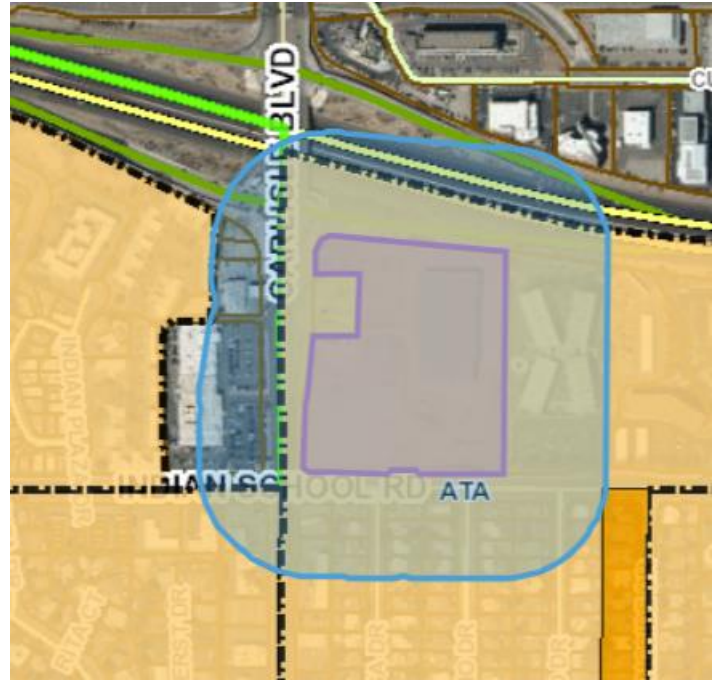
*Each of the proposed changes to IDO Section 14-16-6-4 and Table 6-1-1 are intended to create more clear and efficient processes. Having clearly defined distances for noticing requirements, time-frames for reception of comments, and new and clear sign-posting requirements improve the transparency and effectiveness of the development process; therefore, the request is consistent with Goal 5.7 Implementation Processes, Policy 5.7.2 Regulatory Alignment, Policy 5.7.4 Streamlined Development, Policy 5.7.5 Public Engagement, and Policy 5.7.6 Development Services.*

*Based upon discussion at the December 14<sup>th</sup> EPC hearing, there is concern over these distances being a reduction of notice and opportunity for input, which conflicts with Policy 5.7.5 Public Engagement. Staff has provided a condition of approval to remove items #33 and #34 from consideration as they would remove mailed notice from some property owners if they are located across a large street. The 330-foot distance that is proposed for neighborhood associations is intended to cover all reasonable circumstances for input. The reduction in the distance for standing on appeals only applies for appeals and not the original notice, and the current language could result in a neighborhood being granted automatic standing to appeal even if they were not required to be notified of an original application. This change is particularly supportive of Policies 5.7.2 Regulatory Alignment and 5.7.4 Streamlined Development. If a Neighborhood Association or one of its members is particularly aggrieved of a decision, the IDO still provides standing for “Any other person or organization that can demonstrate that his/her/its property rights or other legal rights have been specially and adversely affected by the decision.” A few scenarios applying the proposed 330-foot buffer are below for the EPC’s consideration.*



*Left: This site is located at the southeast corner of Bellemah and 20<sup>th</sup> Street, and somewhat recently came before the EPC for a Zoning Map Amendment. The Sawmill Area Neighborhood Association was the only applicable association under existing IDO regulations. If the amendment to change “includes or adjacent” to 330 feet passes, the Historic Old Town Association and Downtown Neighborhoods Association also fall within that distance.*

*Right:* This site at Carlisle and I-40 is currently undergoing renovation as the new site of Whole Foods. The property is located “within or adjacent to” the Summit Park and the Altura Addition neighborhoods. 330 feet would add the Netherwood Park neighborhood to any applicable notice if something else were to occur here in the future.



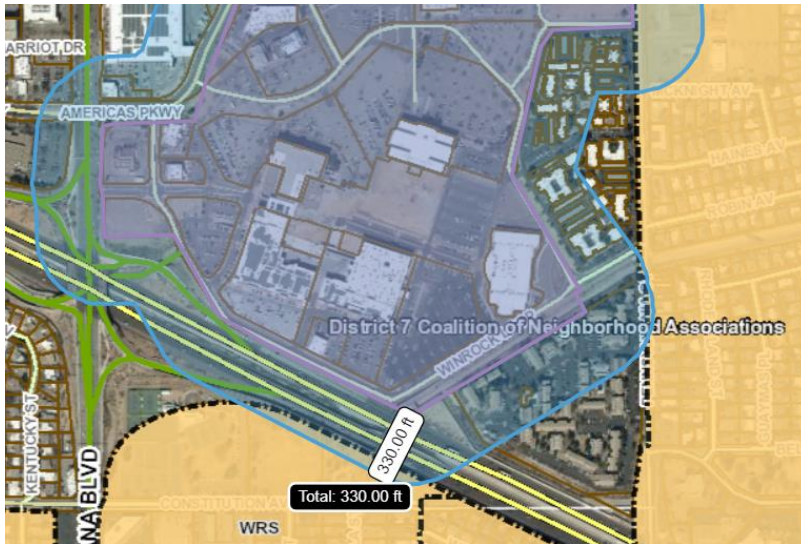
*Left:* Located at I-40 and 4<sup>th</sup> Street, a site plan approval and conditional use were granted for a U-Haul Storage facility several years ago. Notice went to the Near North Valley and Wells Park Neighborhood Associations, as well as the North Valley Coalition. In this instance, the 330 feet does not span across Interstate 40. If the proposed amendments are approved, and this property were to redevelop in the future, Wells Park would not receive direct notifications, although the Near North Valley and North Valley Coalition would still receive notices.



*Right:* This exhibit shows the interchange for Coors Boulevard and I-40. The proposed 330-foot buffer for neighborhoods would pick up the S.R. Marmon neighborhood for any applications for this lot, or for the Wal-Mart store located to the north of it. This exhibit also shows the boundary of the West Mesa Neighborhood extending over the Interstate right-of-way to the south. Many association boundaries extend to the centerline of streets, which reduces the impacts of this change even further.



*Left:* The site here just broke ground for a large build-to-rent project. The Valle Prado Neighborhood Association and Westside Coalition were both involved in discussions about this project, and the proposed change in distance would not change that.



Left: Winrock is located adjacent to I-40, and this exhibit shows that some portions of the Interstate are narrow enough that the 330 feet may still provide notification to interested Neighborhood Associations adjacent across the right-of-way.

***Lighting – 14-16-4-3; 14-16-5-8, 14-16-5-12 [Item #56]***

→ Please refer to p. 41 - 43 of the December 14, 2023 Staff report for a full discussion of these changes.

***Summary:***

A significant amendment proposed in this Annual Update is an overhaul of the City's Outdoor and Site Lighting regulations in Section 14-16-5-8. The City hired Clanton & Associates, an award-winning lighting design and engineering firm, to assist with evaluating existing regulations in the IDO and preparing proposed amendments, which are presented in an exhibit that would replace the existing section in its entirety. The proposed amendment is intended to improve compliance with the State's Dark Sky Act and improve enforceability of lighting standards.

***Policy Analysis:*** The proposed amendment to Lighting is consistent with the following Comprehensive plan Goals and Polices:

Goal 4.1 Character, Policy 4.1.1 Distinct Communities, Policy 4.1.5 Natural Resources, Policy 5.6.4 Appropriate Transitions, Policy 5.7.2 Regulatory Alignment, Goal 7.3 Sense of Place, Policy 10.2.2 Security, Goal 10.3 Open Space, and Goal 13.4 Natural Resources

***Update:*** The proposed Outdoor and Site Lighting regulations are consistent with Comprehensive Plan Goals and Policies. The changes strike an appropriate balance between allowing for adequate lighting of outdoor spaces for navigating and ensuring safety while also encouraging less light overall to minimize our human impact on the night sky. In general, public comments support approval of these changes with some specific requests for modifications, which staff requested be reviewed by our lighting consultant. Based on further discussions with the consultant, several conditions are proposed for minor modifications to the exhibit that was submitted. These changes respond to some of the public comments submitted. A letter from Clanton & Associates is attached describing their review of the public comments broken down by each section of the Outdoor and Site Lighting Exhibit.

*Tribal Referrals – 14-16-6-4-(J); 14-16-6-5(A); 14-16-7-1 [Item #58]*

→ Please refer to p. 43 - 44 of the December 14, 2023 Staff report for a full discussion of these changes.

**Summary:**

The tribal engagement amendment is intended to provide transparency and opportunities for discussion and engagement about development that may impact tribal communities near Major Public Open Space, including the Petroglyph National Monument, tribal land, or the Northwest Mesa View Protection Overlay zone (VPO-2). The latter geometry is a small area text amendment submitted as a separate application and the subject of another Staff Report, to be discussed at the January 18<sup>th</sup> EPC hearing. Prior to the first EPC hearing, 4 emailed comments were received in support, and 6 pinned comments were made online.

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

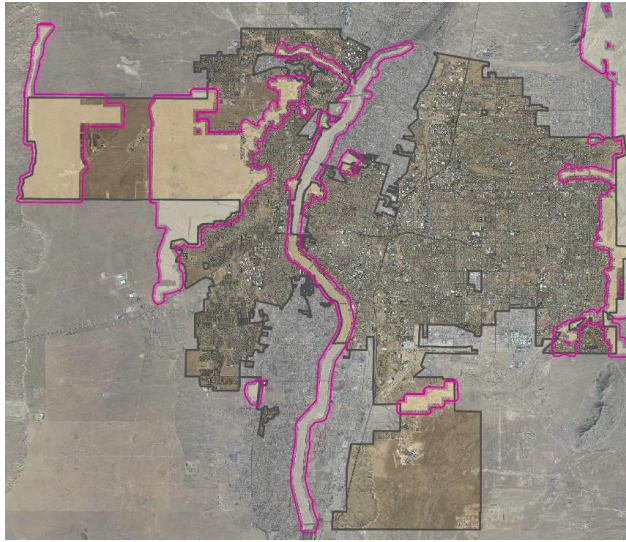
Goal 4.2 Process, Policy 4.2.2 Community Engagement, Goal 5.7 Implementation Processes, Policy 5.7.5 Public Engagement, Goal 11.3 Cultural Landscapes, Policy 11.3.1 Natural and Cultural Features

**Update:** *The Pueblo of Laguna submitted comments and supports the goals of the amendment with 3 suggestions:*

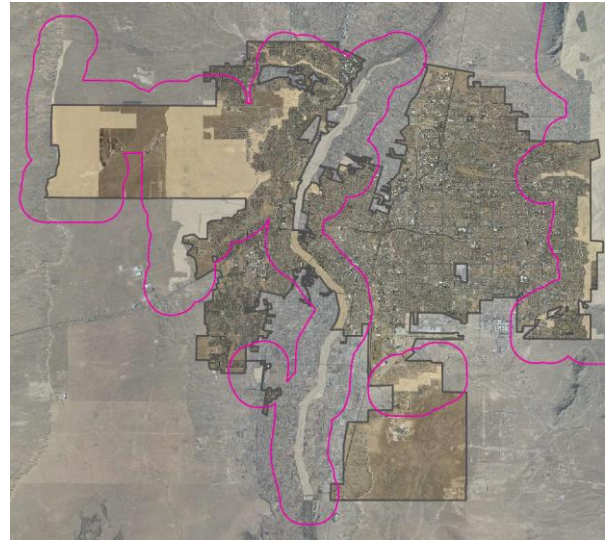
- *Extend the proposed distance from 660 feet to one mile.*
- *Extend the notice requirement to the Coors Boulevard CPO/VPO.*
- *Supplement the notice by designating an additional tribal officer or employee to receive notice, such as the Tribal Historic Preservation Officer.*

*A comparison of 660 feet to 1 mile are below for the EPC's consideration. Planning staff has prepared a condition that would revise the language to move the Major Public Open Space and the Petroglyph National Monument referrals into the same Subsection, since the Petroglyph Monument is, in fact, Major Public Open Space. For that reason, it is not mapped separately below. The Northwest Mesa Escarpment VPO-2 Staff Report proposes striking the 660-foot distance altogether so that referrals would take place for any development in the small area only. Tribal lands will be mapped by request if this amendment is adopted, so no map is available at this time.*





*Figure 1: Major Public Open Space (MPOS) + 660-foot Buffer*



*Figure 2: MPOS + 1-mile Buffer*

*The Coors Boulevard CPO/VPO change would require a separate application for Small Area text amendments, which cannot be accommodated at this time. EPC could request a finding recommending these applications for the next Annual Update. It should be noted that the Major Public Open Space buffer will require referrals for development along the Bosque east of Coors Boulevard.*

*Planning staff has prepared a condition revising the definition of Indian Nation, Tribe, or Pueblo to allow a designee for comment referrals. See additional discussion below and the proposed Conditions of Approval.*

*After the initial public hearing, staff received a letter of support for this proposal from the National Park Service Superintendent of Petroglyph National Monument, mainly referencing the VPO-2 component of the tribal engagement amendment. These comments supported allowing a designee, particularly the Historic Preservation Officer, and requested extending the timeframe for receiving comments from 15 days. The 30-day comment period would delay all development decisions regulated by the IDO. Planning staff is recommending a different approach to get proposed development on the radar even before an application is submitted and to allow early dialogue. See additional discussion below and the proposed Conditions of Approval.*

*Planning staff presented to the Commission on American Indian and Alaskan Native Affairs on December 13, 2023. Commissioners commented on 2 aspects of the proposed amendment that might be problematic to tribal governments.*

- *If the City wants tribal governments to provide comments on development proposals, the 15-day comment period is likely not sufficient, especially for chief executive officers.*
  - *A meeting with the applicant might be more helpful and timely.*
  - *Most tribes have a Historic Preservation Officer or a Tribal Archaeologist, who might be a good addition to the list of recipients for tribal referrals, as they might be able to respond more quickly than chief executive officers and might have relevant comments to*

*offer about historic or heritage preservation concerns related to the proposed developments.*

- *The priority for most tribes is the preservation of the land. If a tribe wanted to negotiate a purchase or a land swap with an applicant, 15 days would be insufficient, and there is no other City process that would accommodate a delay in processing the application.*
- *A Historic Preservation Officer or a Tribal Archaeologist might be helpful in identifying natural elements that are a significant part of the cultural landscape, in addition to archaeological artifacts. These natural elements might be herbs or vegetation collected for medicine or ritual. These individuals would be a good addition to the list of recipients of tribal referrals for comment.*

*Planning staff has developed several Conditions of Approval or Findings to recommend considerations by City Council.*

1. *In Section 7-1, the definition for Indian Nation, Tribe, or Pueblo could be revised to add “or designee” to allow the chief executive officers to send the referral for comment and the notice of an Archaeological Certificate to a Historic Preservation Officer, Tribal Archaeologist, Lieutenant Governor, attorney, or any other appropriate staff. See Conditions of Approval below.*

*Alternatively, a new definition could be added to the IDO for a “Historic Preservation Officer or Tribal Archaeologist,” so that Subsection 14-16-6-4(J) could be revised to require the City to refer applications to these staff, as well. The proposed language for Subsection 14-16-6-5(A)(2) could either add this staff member or replace the reference to Indian Nation, Tribe, or Pueblo. Planning staff is not proposing this condition to date, since the list of contacts that the Office of Native American Affairs maintains does not include these staff members. That change would need to be vetted with City staff, who would also need to confirm the feasibility of maintaining a current list from tribes. The suggested condition allowing a designee accomplishes the same goal, and the details can be worked out on a case-by-case basis for tribes that want to include such a staff member as a contact for either process.*

2. *A new Subsection in 14-16-6-4 General Procedures could be added to require a Pre-submittal Tribal Meeting between the developer and tribal governments for undeveloped land. Such a meeting would give advanced notice to the tribes, would allow for a discussion, and could provide the opportunity for negotiating for the purchase of land or a land swap, if desired by a tribal government. This Pre-submittal meeting would be modeled on the Pre-submittal Neighborhood Meeting with Neighborhood Associations in terms of timing, facilitation by the City’s Alternative Dispute Resolution (ADR) Office, and that an offer of a meeting would go out to all tribes, but only 1 Pre-submittal Meeting would be required before the City would accept the application. This Pre-submittal Meeting could be required prior to the first application at the early stage of a development process, providing the best opportunity for negotiation about a land purchase, land swap, or other creative solutions for preserving or minimizing harm to cultural landscapes:*

- *Archaeological Certificate*
- *Master Development Plan*
- *Subdivision of Land – Minor*
- *Subdivision of Land – Major*
- *Subdivision of Land – Bulk Land*

- *Zoning Map Amendment – EPC*
- *Zoning Map Amendment – Council*

*Alternatively, EPC could create a finding recommending that City Council consider adding a Pre-submittal Tribal Meeting, which would allow more time for discussion of details.*

- 3. A new procedure for tribal governments to request a 120-day review period could be added to the specific procedures related to Subdivisions (Minor, Major, and Bulk Land). This new procedure would be modeled on the existing procedure for Demolition Outside of an HPO. In that procedure, Historic Preservation staff reviews a request for a demolition permit and sends those that the City might want to try to preserve or document before it is demolished to the Landmarks Commission, which decides whether to invoke the established review period. That delay in deciding on the subdivision application would give tribal governments time to negotiate a land purchase, land swap, or some other creative solutions for preserving or minimizing harm to cultural landscapes. The Landmarks Commission includes professionals involved with architecture and planning, many of whom are also trained in cultural landscapes and heritage preservation. This decision-making body is perhaps the most qualified to weigh the merits of the request for a review period.*

*In this case, Planning staff is recommending a Finding to suggest developing such a procedure to Council staff, since there are many details to work out, including the decision criteria for the request.*

*Lastly, while the Albuquerque Indian School Area was originally included in the submitted amendment, it is covered by the tribal land referral and will not be submitted separately. Planning staff has prepared a condition of approval to remove this language from the exhibit.*

#### ***Definitions for Adjacent and Street-facing Façade – 14-16-7-1***

At the December 14, 2023 EPC hearing, staff brought two additional changes for definitions to the attention of the EPC. The changes to these definitions are based on feedback from staff in implementing the IDO. Regarding the definition for adjacent, an interpretation of the language “...only by a street, alley, trail, or utility easement...” was made that excluded properties located on opposite sides of an intersection diagonally, or “catty corner” as an intersection is generally defined as “a place or area where two or more things (such as streets) intersect.” This interpretation was upheld in a District Court decision, so staff is requesting that this be made clear in the IDO.

The second definition change for Street-facing facades is requested because Staff has found during project reviews that several large buildings on large parcels have not been subject to IDO façade requirements solely because they are greater than 30 feet from the property line. Many buildings may be highly visible to the street even when setback more than 30 feet, and those buildings should comply with similar façade standards. The requested change accomplishes this by changing the 30-foot distance to those building being visible from an abutting street.

*Policy Analysis: The proposed changes are consistent with the Comprehensive Plan Goal 5.7 Implementation Processes and subsequent Policies 5.7.2 Regulatory Alignment, 5.7.4 Streamlined Development, and 5.7.6 Development Services, as they Provide high-quality customer service with transparent approval and permitting processes. Further, the change to the definition of street-facing*

*façade is consistent with Comprehensive Plan Goal 4.1 Character, Policy 4.1.2 Identity and Design, Goal 7.3 Sense of Place, Policy 7.3.2 Community Character, and Policy 7.3.5 Development Quality by better aligning regulations about street-facing facades with the most important facades to apply these regulations to.*

***The Planning System, Annual Updates to the IDO – 14-16-6-3(D)***

Based on public comment, the EPC had a robust discussion of the merits of moving from an annual update process to a bi-annual update process. Planning staff is amenable to this change, although emphasizes that by lengthening the update process, there may be interim amendments submitted for review in-between the two-year cycles, as pointed out by City Council staff at the December 14th hearing. There is nothing to prohibit such an interim application from being made, but for more minor changes and clarifications, staff would hold those for the two-year cycle should this change be made. Planning staff is also proposing to move the submittal and hearing deadline up to an August application for an EPC hearing in October to avoid the end of year holidays. By moving to a bi-annual process in odd-numbered years, skipping 2024 and starting in 2025, this process would alternate years with the bi-annual EPC review of the GO Bond and Capital Implementation Program 10-year plan (Decade Plan) for capital projects.

Policy Analysis: The proposed changes are consistent with the Comprehensive Plan Goal 5.7 Implementation Processes, Policy 5.7.2 Regulatory Alignment, Policy 5.7.5 Public Engagement, and Policy 5.7.6 Development Services.

*This change continues to support implementation of the Comprehensive Plan and IDO, albeit over a slightly longer timeframe, to continue to respond to public comments and issues discovered as Planning staff uses and enforces the IDO on a day-to-day basis. By making changes on a regular cycle, the City can be transparent to the public about changes that are happening, and better align our regulations over time.*

**IV. PUBLIC OUTREACH**

→ Please refer to p. 44-45 of the December 14, 2023 Staff report for information regarding meetings and presentations provided. All presentation materials can be found online at <https://abq-zone.com/ido-annual-update-2023>.

**V. NOTICE**

→ Please refer to p. 45 of the December 14, 2023 Staff report for information regarding required notice and additional notice provided.

**VI. AGENCY & PUBLIC COMMENTS**

→ Please refer to p. 46-47 of the December 14, 2023 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. As of this writing, approximately 5 emails and/or attached letters were submitted related to the Citywide request. Citywide comments are attached; for Small Area comments, see their relevant staff reports.

Only the Santa Fe Village Neighborhood Association submitted comments during the continuance period. The remaining comments were from individuals. One comment was received from the National Park Service Superintendent of the Petroglyph National Monument. The individual comments are addressed in the body of the staff report in the relevant sections. Generally, the comments addressed additional concerns regarding the proposed Dwelling, Live-work and Landscaping proposals. One letter made general comments regarding concerns for the “heat-island” effect created by development and growth in the Albuquerque Area but did not recommend specific changes.

## **VII. CONCLUSION**

The request is for citywide text amendments to the IDO. The Planning Department has compiled approximately 60 proposed changes and analyzed them for the EPC’s review and recommendation to the City Council.

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

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 4: Community Identity, Chapter 5: Land Use, Chapter 7: Urban Design, Chapter 8: Economic Development, Chapter 9: Housing, 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 as required, and via mail for those without an e-mail address on file.

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 duplexes, walls and fences, and outdoor lighting. 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 14, 2023 Staff report. Additional comments were received during the continuance period leading up to publication of the January 11, 2024 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-2023-00040, January 11, 2024***

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 2023 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: The Rail Trail small area, the Volcano Heights Urban Center, and the Northwest Mesa Escarpment VPO-2.
3. The request was heard at the December 14, 2023 EPC hearing and was continued for a month to the January 11, 2024 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 60 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. The changes would apply across a particular zone district or for all approvals of a designated type; therefore, the proposed citywide amendments are broad and legislative in nature. Proposed changes to specific zones (ex. mixed-use and non-residential zone districts) would apply equally in all areas with the same designation and are not directed toward any specific lot or project. Procedural changes would apply to all approvals of a certain type.

- 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 as further described in these findings. 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 enforce and administer land use plans.

10. The request is generally consistent with the following, applicable Goal and Policies in Chapter 4: Community Identity:

- A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities and Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The proposed amendments would generally help enhance, protect, and preserve distinct communities and neighborhoods because they include additional protections to neighborhoods, such as distance separations, noise protections, and parking standards. Additional amendments would provide greater opportunities for development and economic activities that contribute to vital communities, while protecting their distinct character, such as allowance for duplexes, cottage developments and live-work opportunities.

11. The request is generally consistent with the following, applicable Goal and Policies in Chapter 5: Land Use:

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

The request would create a complete, healthy, and sustainable community because the proposed amendments include changes that could foster greater housing opportunities and housing types, preserve historic character in neighborhoods, strengthen local and small businesses, protect open space, create landscaped areas, and contribute to safer communities through lighting standards.

- B. 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.

The proposed text amendments promote efficient development patterns and use of land because they help support development and re-development in established neighborhoods throughout the city by encouraging infill projects and small businesses.

- 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. Sub-policy b): Minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic.

The proposed amendments seek to minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, pollution, and traffic, through updated lighting standards for all developments, noise restrictions for outdoor amplified music, parking standards, and landscaping mitigations.

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

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

- E. 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 land use and development standards, such as lighting, landscaping, sensitive lands, parking, distance separations for uses, and procedural clarifications that help support desired growth, high-quality development, economic development, and housing.

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

The IDO annual update process provides a regular opportunity for residents and stakeholders to better understand and engage in the planning and development process. The proposed amendments include numerous changes that will contribute to more consistency regarding mailed and emailed notice, posted signs, and appeal procedures that provide opportunities for improved public engagement and more efficient processes.

12. The request is generally consistent with the following, applicable Goal and policies in Chapter 7: Urban Design:

- A. Goal 7.3 Sense of Place: Reinforce sense of place through context-sensitive design of development and streetscapes and Policy 7.3.4 Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

The request includes proposed amendments that seek to enhance the built environment and urban landscape through updated façade requirements for non-residential developments, lighting improvements, and landscape requirements. The amendments would contribute to context-sensitive design that enhances surrounding neighborhoods.

- B. Goal 7.4 Context-Sensitive Parking: Design parking facilities to match the development context and complement the surrounding built environment and 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 for mixed-use and multi-family developments requiring parking facilities that match the development context and complement the surrounding built environment. Other amendments would limit the parking options available to single-family residences, possibly creating additional parking burdens for some property owners, especially those who park recreational vehicles on their properties. These changes do not consider contextual parking standards in existing single-family homes.

13. 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 that would allow more diverse economic activities throughout the city and provide an opportunity for entrepreneurs with home businesses.

14. The request is generally consistent with the following, applicable Goal and policies in Chapter 9: Housing:

- A. Goal 9.1 Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

The proposed amendments would allow a greater supply of housing by allowing two-family residences on lots with existing single-family residences and in cottage developments, thereby allowing for a greater variety of housing within existing neighborhoods and creating the opportunity to expand the city's existing housing supply.

- B. Goal 9.4 Homelessness: Make homelessness rare, short-term, and non-recurring and Goal 9.5 Vulnerable Populations: Expand capacity to provide quality housing and services to vulnerable populations.

The proposed text amendments would change overnight shelters to a permissive use in the zones where they are currently a conditional use, with use-specific standards that establish thresholds under which they require a conditional use approval, including proximity to residential uses. Therefore, the request would expand the ability to provide more services to the unhoused, while at the same time protecting surrounding neighborhoods.

15. The request is generally consistent with the following Goal 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.

The proposal includes a text amendment that would allow contextual setback standards to apply to properties in Historic Protection Overlay zones, which would preserve and enhance significant historic districts. This change would also help those seeking to maintain and improve historic properties or build in historic neighborhoods by allowing more flexibility in their site design, while maximizing consistency with the historic character of these distinct districts.

16. For cases in which a proposed text amendment would conflict with applicable Comprehensive Plan Goals and/or policies, conditions for recommendation of approval are provided, which address conflicts and provide clarification.

17. 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. Emailed 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) and 14-16-6-4(K)(3)(b). Mailed notice was sent via First Class mail to those representatives without an email address on file with the City. Notice was posted on the Planning Department website and on the project website.
18. In addition to the required notice, on October 27, November 3, and November 29, 2023 e-mail notice was sent to the approximately 9,500 people who subscribe to the ABC-Z project update e-mail list. Additional notice for the January 11, 2024 EPC hearing was sent to the ABC-Z project update email list on January 5, 2024.
19. The proposed 2023 IDO Annual Updates were reviewed at two online public study sessions on October 12 and 13, 2023 via Zoom, prior to application submittal for the EPC process, and at a public meeting held on November 17, 2023. 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://abq-zone.com/ido-annual-update-2023>.
20. The EPC held a study session regarding the proposed 2023 IDO Annual Update on December 7, 2023. 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).
21. As of this writing, Staff has received approximately 65 written comments from neighborhood groups, individuals, and organizations. Comments were generally submitted as letters and emails with attachments. Other comments (approximately 216) were submitted online and pinned to the spreadsheet of proposed text amendments on the ABC-Z project website.
22. In general, public comments express strong opposition to the proposed walls and fences text amendments and ask why taller front yard walls are being considered again. Comments express concerns about duplexes, RV parking, overnight shelters, and outdoor lighting. Some commenters support duplexes. Two letters expressing concern about the exemption of landfills closed for more than 30 years from gas mitigation requirements. Some individuals expressed concern about the IDO annual update process in general, noting that the yearly update process is burdensome.
23. 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.

24. Regarding Item #58, Tribal Engagement: Tribal representatives on the City's Commission on American Indian and Alaskan Native Affairs commented that the 15-day comment period for proposed development was insufficient to respond meaningfully in order to either negotiate how to avoid development or sufficiently mitigate the negative impacts of development on land with cultural importance to Indian Nations, Tribes, and Pueblos. City Council should consider adding a procedure that allows tribal governments to request a 120-day review period, similar to the procedure for Demolition Outside of an HPO, to delay a decision on the first application for undeveloped land within 660 feet of Major Public Open Space or tribal land.
25. Regarding Item #23 Front Yard Walls: EPC advises decision-makers not to pursue taller front yard walls in future IDO updates, as the amendments, in all their variations, have been overwhelmingly opposed by the public.

***RECOMMENDATION – RZ-2023-00040 – January 11, 2024***

**That a recommendation of APPROVAL of PR-2018-001843, RZ-2023-00040, 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-2023-00040, January 11, 2024***

1. The proposed amendments in the spreadsheet "IDO Annual Update 2023 – EPC Submittal - Citywide" (see attachment) shall be adopted, except as modified by the following conditions.

***FOR CONDITION 2, THE EPC MAY SELECT ANY COMBINATION OF OPTIONS 1-3, JUST OPTION 4, OR DELETE THE ENTIRE CONDITION TO ADOPT THE AMENDMENTS AS SUBMITTED:***

2. Items #2, #7, and #50 – Outdoor Amplified Sound:
  - A. Option 1: Adopt proposed amendments #2 and #50 as written, and adopt Item #7 with the following exception in underlined text:

"Except within DT-UC-AC-EC-MS areas or in MT corridors in Areas of Change, if this use is within 330 feet of a Residential zone district or lot containing a residential use in a Mixed-use zone district, any amplified sound from speakers outside of a fully enclosed building shall be turned off between 10:00 p.m. and 7:00 a.m.
  - B. Option 2: Adopt the proposed amendments #2 and #50 as written, with the following text change in regards to time in Item #7 in Subsection 4-3(F)(14):

"If this use is within 330 feet of a Residential zone district or lot containing a residential use in a Mixed-use zone district, any amplified sound from speakers outside of a fully enclosed building shall be turned off between ~~10:00 p.m.~~ 12:00 a.m. and 7:00 a.m.



- C. Option 3: Adopt the proposed amendments #2 and #50 as written, with the following text change in regards to distance in Item #7 in Subsection 4-3(F)(14):

“If this use is within ~~330~~ 100 feet of a Residential zone district or lot containing a residential use in a Mixed-use zone district, any amplified sound from speakers outside of a fully enclosed building shall be turned off between 10:00 p.m. and 7:00 a.m.

- D. Option 4: Delete all proposed amendments in their entirety.

3. Item #3 – Cottage Development:

- A. Adopt the proposed amendment to Section 4-3(B)(4), with the following additional change to subsection (a):

4-3(B)(4)(a) The maximum project size for a cottage development is ~~2~~ 5 acres.

4. Items #4 and #5 – Walls/fences for General Retail and Light Vehicle Fueling Stations: Delete the proposed amendments that would require a wall or fence around General retail and Light vehicle fueling uses, leaving walls and fences at the discretion of the property owner.

5. Item #9 – Overnight Shelters – Table 4-2-1; Subsection 14-16-4-3(C)(6):

Delete the proposed amendment, which would result in no change to the “Overnight Shelter” use row of the current allowable use Table 4-2-1 and the retention of the current use-specific standards for overnight shelters, IDO Subsection 14-16-4-3(C)(6).

***FOR CONDITION 6, THE EPC MUST SELECT AN OPTION AND DELETE THE OTHER OPTION:***

6. Item #10 – Duplex – IDO Subsection 14-16-4-3(B)(5)(b):

- A. Option 1: Leave the amendment as written, to allow Dwelling, Two-family Detached (Duplex) in R-1 on corner lots that are at least 5,000 square feet in size.
- B. Option 2: Delete the proposed amendment, which would result in no change to “Dwelling, Two-family Detached (Duplex)” in Table 4-2-1: Allowable Uses or to the use-specific standards for duplex dwellings, IDO Subsection 14-16-4-3.

7. Item #13 – Duplex – IDO Subsections 14-16-4-3(B)(5) and 14-16-4-3(F)(6)

- A. Option 1: Leave the amendment as written to allow Dwelling, Two-family Detached (Duplex) in R-1 permissively when within an existing building, conditionally when it is new construction, and not on lots that have an ADU, as described in the Council Memo.
- B. Option 2: Delete the proposed amendment, which would result in no change to “Dwelling, Two-family Detached (Duplex)” in Table 4-2-1: Allowable Uses or to the use-specific standards for duplex dwellings, IDO Subsection 14-16-4-3.

8. Item #11 – City Facilities – IDO Subsection 14-16-2-5(E)(2)

Delete the proposed amendment, which would result in no change to Table 4-2-1: Allowable Uses and would retain the requirements and procedures for all conditional use approvals, even for City Facilities.

*FOR CONDITION 9, THE EPC MUST SELECT AN OPTION AND DELETE THE OTHER OPTIONS:*

9. Item #12 – Dwelling, Live-Work: Revise proposed new Subsection 14-16-4-3(B)(7)(e), as follows:

A. Option 1, Revise proposed amendment as follows:

On page 151, in Table 4-2-1, add a P in R-1 and change C to P in R-T and R-ML.

On page 162, in Subsection 4-3(B)(7)(c), add cannabis retail and nicotine retail as prohibited uses.

In subsection (c)2, revise text as follows: “Any use ~~other than restaurant~~ in the Food, Beverage, and Indoor Entertainment category.”

On page 162, in Subsection 4-3(B)(7), add a new subsection (e) with text as follows:

“Where allowed in a Residential zone district, general retail, ~~bakery or confectionary shop~~, and ~~grocery store-restaurant~~ are limited to a total of 3,000 square feet or less.”

Add a new subsection (f) with text as follows:

“In the R-T and R-ML zone districts, this use is permissive on corner lots that are a minimum of 5,000 square feet. In other locations, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).”

Add a new subsection (g) with text as follows:

“In the R-1 zone district, this use is only allowed on corner lots that are a minimum of 5,000 square feet. Only general retail, ~~bakery or confectionary shop~~ and ~~grocery store restaurants~~ are allowed.”

B. Option 2, Revise proposed amendment as follows:

On page 151, in Table 4-2-1, add a PC in R-1 ~~and change C to P in R-T and R-ML~~.

On page 162, in Subsection 4-3(B)(7)(c), add cannabis retail and nicotine retail as prohibited uses.

In subsection (c)2, revise text as follows: “Any use ~~other than restaurant~~ in the Food, Beverage, and Indoor Entertainment category.”

On page 162, in Subsection 4-3(B)(7), add a new subsection (e) with text as follows:

“Where allowed in a Residential zone district, general retail, ~~bakery or confectionary shop~~, and ~~grocery store-restaurant~~ are limited to a total of 3,000 square feet or less.”

Add a new subsection (f) with text as follows:

~~"In the R-T and R-ML zone districts, this use is permissive on corner lots that are a minimum of 5,000 square feet. In other locations, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A)."~~

Add a new subsection (gf) with text as follows:

"In the R-1 zone district, only general retail, bakery or confectionary shop, and grocery store are allowed on corner lots that are a minimum of 5,000 square feet and require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A)."

C. Option 3: Delete the proposed amendments, thus continuing to regulate live-work as it is currently allowed and regulated.

10. Item #15 – Landfill Gas Mitigation: Delete the proposed amendment, to continue requiring landfill gas mitigation studies reviewed by the Environmental Health Department for projects located within landfill buffer areas.

*FOR CONDITION 11, THE EPC MUST SELECT AN OPTION AND DELETE THE OTHER OPTION:*

11. Item #17 – RV, Boat, and Trailer Parking:

A. Option 1: Revise the proposed language in subsection 5-5(B)(4)(d)3, as follows:

3. The vehicle must be parked in 1 of the following areas:

- a. Inside an enclosed structure.
- b. Outside in a side or rear yard.

[c. In any Residential zone district or MX-T zone district with a primary residential use, the vehicle shall not be parked in any portion of a front yard, whether that portion has been improved as a driveway or not.]

[d. In any MX or NR zone district with a primary non-residential use, the vehicle may be parked] outside in a front yard, with the unit perpendicular to the front curb and the body of the recreational vehicle at least 11 feet from the face of the curb.

B. Option 2: Delete the proposed amendment and continue to allow RV, boat, and trailer parking in the front yard of residential lots, perpendicular to the curb, and at least 11 feet from the face of the curb.

*FOR CONDITION 12, THE EPC MUST SELECT AN OPTION AND DELETE THE OTHER OPTION:*

12. Items #18, Parking Maximums:

A. Option 1: Adopt the amendment with the following edits requested by City Council staff and the Transit Department:

[5-5(C)(7)(XX) Within 330 feet of a transit facility, excluding park-and-ride lots and depots, the maximum number of off-street parking spaces provided shall be no more than 100 percent of the off-street parking spaces required by Table 2-4-13 or Table 5-5-1, as applicable.]

B. Option 2: Delete the proposed amendment entirely.

13. Item #20, #21, and #57 – Landscaping: Delete proposed amendment Items #20 and #21, and adopt the proposed amendment Item #57 with the following changes:

A. Delete proposed Subsection 5-6(C)(4)(e) [new] and renumber subsequent sections.

14. Items #23 and #24 Walls & Fences, Front Yard Wall: Delete the proposed amendments, leaving maximum wall heights as currently regulated.

15. Item #25, Building Design – Facades for NR-LM, NR-GM, and Industrial Development in Any Zone District: Amend 5-11(G)(2) as shown in the Council Memo as follows:

5-11(G)(2) Each street-facing façade shall incorporate at least 1 of the following features along at least 10 percent of the length of the façade, distributed along the façade so that at least 1 of the incorporated features occurs every ~~[75-feet]~~ [150 feet]:

a) Transparent windows

b) Wall plane projections or recesses of at least 1 foot in depth at least every ~~[75-feet]~~ [150 feet] of façade length and extending at least 10 percent of the length of the façade [or 20 percent of the height of the façade].

c) A change in color, texture, or material at least every ~~[75-feet]~~ [150 feet] of façade length and extending at least 20 percent of the length of the façade.

d) Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.

e) Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.

***FOR CONDITION 16, THE EPC MUST SELECT AN OPTION AND DELETE THE OTHER OPTION:***

16. Items #29, #32, and #36 – Neighborhood Association notification distances for Pre-submittal Neighborhood Meetings, Public Notice, and Post-submittal Facilitated Meetings:

A. Option 1: Adopt the amendment as written to change requirement from “includes or is adjacent” to a set 330 feet to help simplify and automate these processes.

B. Option 2: Delete the proposed amendment.

17. Items #33 and #34, Mailed Notice to Property Owners and for Amendments to IDO Text – Small Area: Delete the proposed amendments to keep individual property owner notification as-is.

***FOR CONDITION 18, THE EPC MUST SELECT AN OPTION AND DELETE THE OTHER OPTION:***

18. Item #37 – Appeals – Standing for Neighborhood Associations:

A. Option 1: Adopt the amendment as written to change requirement from “includes or is adjacent” or 660 feet to a set 330 feet to match all notice distances.

B. Option 2: Adopt the amendment to change only those Application Types with a distance specified as “includes or is adjacent” to 330 feet, while leaving those Application Types with a distance specified as 660 feet as-is.

C. Option 2: Delete the proposed amendment.

19. Item #42 Front Yard Parking – Angular Stone: Delete the proposed amendment.

20. Item #46 – Definition for Community Residential Facilities, IDO Subsection – 14-16-7-1

For further clarity and consistency, add additional language to the end of the proposed definition for a Community Residential Facility as follows:

~~"For purposes of this definition, the term handicapped does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program. This use~~  
does not include facilities for persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program, facilities for persons individuals in the criminal justice system, or residential facilities to divert persons from the criminal justice system, which are all regulated as group home for the purposes of this IDO. This use does not include 24-hour skilled nursing care, which is regulated as either hospital or nursing home for the purposes of this IDO. See also Family, Family Care Facility, and Group Home, and Nursing Home."

21. Item #52 – Sensitive Lands: Adopt Item #52 with the following change to the definition in Section 7-1 Sensitive Lands – Large Stand of Mature Trees:

"At least 3 trees ~~that are each at least 10 years old~~ with ~~a~~ trunks at least 8 inches in diameter at breast height (DBH), as measured by the City Forester, on a subject property."

22. Item #55, Battery Energy Storage Systems: Remove this amendment from consideration at this time to allow Planning Staff, Council Staff, PNM, and other stakeholders to continue conversations and collaboration to bring forward an amendment for energy storage at a later time.

23. Item #56 – Outdoor and Site Lighting: In the 2023 Annual Update Exhibit for Lighting, revise proposed subsection 5-2(J)(1)(a) as follows:

"Regardless of zone district, the lighting designation shall be no higher than Lz0 or Lz1 and shall be subject to outdoor lighting curfew to protect natural ecosystems and their biodiversity."

24. Item #56 – Outdoor and Site Lighting: In the Exhibit on Lighting for the 2023 Annual Update, 5-8(C)(3)(c), remove the prohibition on aerial lasers, as follows:

5-8(C)(3)(c) ~~Aerial lasers, b~~ Beacons, and searchlights are prohibited at night, except for emergency use by authorized first responders.

25. Item #56 – Outdoor and Site Lighting: In the Exhibit on Lighting for the 2023 Annual Update, 5-8(D)(2)(a), unbind the minimum CCT by deleting the language “a minimum CCT of 2700K and” from this subsection.

26. Item #56 – Outdoor and Site Lighting: In the Exhibit on Lighting for the 2023 Annual Update, 7-1 Definitions, revise this section with the following modifications:

- Add the following definition for *Curfew*: “See Outdoor Lighting Curfew”
- Delete the definition for *Candela* because it is not used the body of the ordinance.

- Change the new definition for *Footcandle (fc)* to: “A unit of illumination measurement equal to one lumen per square foot (lm/s.f.) of surface.”
27. Item #56 – Outdoor and Site Lighting: In the Exhibit on Lighting for the 2023 Annual Update, 5-12(E)(5)(a), delete the proposed Subsection 3 as unnecessary.
- ~~"3. [New] No other portion of an illuminated sign shall have a luminance greater than 200 foot lamberts or 685 nits during the hours of darkness at night."~~
28. Item #58 Tribal Engagement – Revise the proposed definition for “Indian Nations, Tribes, or Pueblos” as follows:
- For the purposes of this IDO, the designated chief executives (or their designees) of a federally recognized Indian Nation, Tribe, or Pueblo located wholly or partially in New Mexico. The Tribal Liaison with the City’s Office of Native American Affairs shall maintain an updated list of the names and contact information ~~for the chief executives of the Indian Nations, Tribes, or Pueblos.~~
29. Item #58 Tribal Engagement – Update Table 6-1-1 to add a column for Tribal Pre-submittal meetings for the following applications:
- i. Archaeological Certificate
  - ii. Master Development Plan
  - iii. Subdivision of Land – Minor
  - iv. Subdivision of Land – Major
  - v. Subdivision of Land – Bulk Land
  - vi. Zoning Map Amendment – EPC
  - vii. Zoning Map Amendment – Council

Add a new Subsection for Pre-submittal Tribal Meeting in Section in 14-16-6-4 General Procedures as follows:

14-16-6-4(X) [new] Pre-submittal Tribal Meeting

6-4(X)(1) For applications meeting all of the following criteria, the applicant shall offer at least 1 meeting to all Indian Nations, Tribes, and Pueblos as defined by this IDO no more than 1 calendar year before filing the application. In such cases, project applications will not be accepted until a pre-submittal tribal meeting has been held, or the requirements for a reasonable attempt in Subsection (3) below have been met.

6-4(X)(1)(a) Table 6-1-1 requires pre-submittal tribal meeting to be offered for that type of application.

6-4(X)(1)(b) The subject property is within 660 feet of Major Public Open Space or tribal land.

6-4(X)(1)(c) A pre-submittal tribal meeting was not offered for the same subject property at a prior stage in the development process for the same proposed project.

6-4(X)(2) A meeting request shall be sent via email, if one is listed in the contacts maintained by the Tribal Liaison with the City’s Office of Native American Affairs, or by Certified Mail, return receipt requested if no email is listed, to both of the following:

6-4(X)(2)(a) Indian Nations, Tribes, or Pueblos.

6-4(X)(2)(b) Tribal Representatives.

Either method constitutes a reasonable attempt to notify a Neighborhood Association of a meeting request. The requirements of Subsection 14-16-6-4(K)(7) (Documentation of Good Faith Effort Required) also apply.

6-4(X)(3) If any recipient of the request chooses to meet, he/she must respond within 15 calendar days of the request (email or Certified Mail) being sent. The meeting must be scheduled for a date within 30 calendar days but no fewer than 15 calendar days after the recipient accepts the meeting request, unless an earlier date is agreed upon. If no recipient responds within 15 calendar days of the request, the applicant may proceed pursuant to Subsection (9) below.

6-4(X)(4) The pre-submittal tribal meeting shall be facilitated by the City's Alternative Dispute Resolution (ADR) Office. If an ADR facilitator is not available within the required timeframe, the applicant can facilitate the meeting or arrange for another facilitator. All other requirements in this Subsection 14-16-6-4(X) shall be met.

6-4(X)(5) The ADR facilitator shall email all recipients the scheduled meeting date, time, and location.

6-4(X)(6) At the pre-submittal tribal meeting, the applicant shall provide information about the proposed project, including but not limited to the scope of uses, approximate square footages for different uses, general site layout, design guidelines, architectural style, conceptual elevations, and conceptual landscaping plans.

6-4(X)(7) The ADR facilitator shall prepare and email a summary of the meeting to the applicant, recipients who requested the meeting, and any other meeting participants who signed in and provided an email address.

6-4(X)(8) Where Table 6-1-1 requires that a pre-submittal tribal meeting be offered, and a meeting was held, the applicant shall provide all of the following as part of the project application:

6-4(X)(8)(a) proof that a meeting was offered.

6-4(X)(8)(b) proof that the meeting occurred, including a sign-in sheet of attendance.

6-4(X)(8)(c) meeting location, date, and time.

6-4(X)(8)(d) summary of discussion, including concerns raised, areas of agreement and disagreement, and next steps identified, if any.

6-4(X)(8)(e) identification of any design accommodations that may have been made as a result of the meeting. If the concerns raised at the meeting have not been accommodated, the applicant must identify the site or project constraints that limit the ability to address those concerns.

6-4(X)(9) Where Table 6-1-1 requires that a pre-submittal tribal meeting be held, and a meeting was not held, the requirement for a pre-submittal tribal meeting shall be waived if the applicant can demonstrate that reasonable attempts were made to notify tribal governments as required by Subsection (2) above, and no response was received within 15 calendar days of the notice being sent.

30. Item #58 Tribal Engagement: Delete proposed Subsection 6-4(J)(9) The Albuquerque Indian School Area from the Exhibit and renumber subsequent subsections accordingly.



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31. Item #58 Tribal Engagement: Delete proposed change for Subsection 6-4(J)(6) and revise proposed Subsection 6-4(J)(7) as follows: Development within 660 feet of Major Public Open Space, including the Petroglyph National Monument.
32. New Amendment: Revise the definition in Section 7-1 for “Adjacent,” as follows: "Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private. Properties that are on opposite corners of an intersection diagonally (e.g. "kitty corner" or "catty corner" or "caddy corner") are not considered adjacent."
33. New Amendment: Revise the definition in Section 7-1 for “Street-facing Façade,” as follows:  
Any façade that faces and ~~is within 30 feet of a property line~~ is visible from an abutting a street, not including alleys, unless specified otherwise in this IDO. A building may have more than one street-facing façade. The phrase “façade facing a” that refers to a specific street or to alleys is included in this definition as well.
34. New Amendment: Change the update cycle for the IDO from an annual process to a bi-annual process and modify the submittal and hearing dates to avoid the end of year holidays. Revise IDO Subsection 6-3(D) and corresponding subsections as follows:
- 6-3(D) **BI-ANNUAL UPDATES TO THE IDO**  
The Planning Department shall prepare amendments to the text of this IDO to be submitted ~~once~~ every ~~other~~ calendar year for an EPC hearing in ~~December~~ October. These amendments shall be reviewed and decided pursuant to Subsection 14-16-6-7(D) (Amendment to IDO Text – Citywide) or Subsection 14-16-6-7(E) (Amendment to IDO Text – Small Area), as applicable. Submittals shall occur in odd-numbered years.
- 6-3(D)(1) Anyone may submit recommended changes to the Planning Department throughout the ~~year~~ cycle, particularly during the CPA assessment process, as set out in Subsection 14-16-6-3(E)(1) (Community Planning Area Assessments).
- 6-3(D)(4) Notwithstanding the schedule for ~~annual~~ updates to the IDO in this Subsection 14-16-6-3(D), the Planning Director may determine that an interim amendment to the text of this IDO shall be submitted for review and decision to prevent a significant threat to public health or safety.
- 6-3(D)(5) Within 90 days of the effective date of each ~~annual~~ update, the Planning Department shall provide presentations and/or trainings for relevant City boards and commissions.
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**Michael Vos, AICP**  
**Principal Planner**



**China Osborn**  
**Senior Planner**

*Notice of Decision cc list:*

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

SPREADSHEET OF PROPOSED TEXT AMENDMENTS-

IDO Annual Update 2023 – EPC Review – City-wide

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
1	120	3-5(G) [new]	<b>Setbacks in HPOs</b> Add a new Subsection with text as follows: " <u>New development or redevelopment shall comply with contextual standards for lot sizes, front setbacks, and side setbacks in Subsection 14-16-5-1(C)(2), unless the Landmarks Commission approves a different standard in a Historic Certificate of Appropriateness - Major pursuant to Subsection 14-16-6-6(D).</u> "	Applies contextual standards to all development in HPOs for lot sizes and setbacks. Contextual standards in 5-1(C)(2) apply only to low-density residential development in Areas of Consistency. Gives the Landmarks Commission the discretion to approve different lot sizes and setbacks on a case-by-case basis without a variance (which are reviewed by the Zoning Hearing Examiner).	Staff
2	155	Table 4-2-1	<b>Outdoor Amplified Sound</b> Create a new accessory use with use-specific standard and add an A in the following zone districts: MX-M, MX-L, MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM Add a CA in MX-T	Adds outdoor amplified sound as an accessory use to enable a curfew between 10 p.m. and 7 a.m. See related amendment for 14-16-4-3(F)(14) and 14-16-7-1.	Public
3	159	4-3(B)(4)	<b>Cottage Development</b> See Council Memo for proposed amendments.	See Council Memo.	Council
4	186	4-3(D)(37)(a)	<b>General Retail - Walls/fences</b> Add a new Subsection (b) with text as follows and renumber subsequent Subsection accordingly: " <u>This use requires a wall or fence at least 3 feet high around the perimeter of the premises and from the edges of the primary building to and along the side or rear property line so that pedestrian access is controlled to designated access points and public access is blocked to the side and rear yard beyond public entrances.</u> "	Requires a perimeter wall for general retail stores to limit pedestrian access and deter crime.	Admin
5	175	4-3(D)(18)	<b>Light Vehicle Fueling Station - Walls/fences</b> Add a new Subsection with text as follows: " <u>This use requires a wall or fence at least 3 feet high around the perimeter of the premises and from the edges of the primary building to and along the side or rear property line so that pedestrian access is controlled to designated access points and public access is blocked to the side and rear yard beyond public entrances.</u> "	Requires a perimeter wall for gas stations to limit pedestrian access and deter crime.	Admin

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
6	198	4-3(E)(8)	<b>Electric Utility</b> Revise Subsections (a), (b), (c), and (d) to add battery storage in addition to substations. Revise Subsection (f) as follows: "Electric generation facilities, as <del>defined</del> <u>identified</u> in the Facility Plan for Electric System Transmission and Generation, are large-scale industrial developments and are only allowed in the NR-GM zone district."	Requires walls and landscaping for battery storage facilities associated with electric utilities. The definition of electric utility includes battery storage as an incidental activity in Section 7-1. Electric utilities are regulated separately from the standalone Battery Energy Storage System (BESS) proposed in another amendment.	Public
7	217	4-3(F)(14) [new]	<b>Outdoor Amplified Sound</b> Create a new subsection with text as follows and renumber subsequent subsections accordingly: <u>"If this use is within 330 feet of a Residential zone district or lot containing a residential use in a Mixed-use zone district, any amplified sound from speakers outside of a fully enclosed building shall be turned off between 10:00 p.m. and 7:00 a.m."</u>	Prohibits amplified sound after 10 p.m. near residential uses. Similar to prohibition of self-storage access.	Public
8	Multiple	4	<b>Cannabis Retail</b> See Council Memo for proposed amendments, including Table 4-2-1 and use-specific standard in Subsection 14-16-4-3(D)(35).	See Council Memo.	Council

# IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
9	Multiple	4	<p><b>Overnight Shelter</b>  Revise Table 4-2-1 to make permissive in all zone districts where currently allowed as Conditional (MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM).  Revise Subsection 14-16-4-3(C)(6) as follows:  <del>"(a) This use is prohibited within 1,500 feet in any direction of a lot containing any other overnight shelter.</del>  <del>(b) This use shall be conducted within fully enclosed portions of a building.</del>  (a) [new] This use requires a Conditional Use approval pursuant to Subsection 14-16-6-6(A) for any of the following:  1. More than 50 beds in any zone district where allowed, except MX-H.  2. Locations within 1,500 feet in any direction of any other overnight shelter.  3. Locations within 330 feet of Residential zone districts or any residential use in a Mixed-use zone district.  <del>(c) (b)</del> In the MX-M zone district, this use shall not exceed 25,000 square feet.</p>	Allows small overnight shelters permissively in zone districts where the use is currently only allowed conditionally. Requires conditional approval for larger shelters, shelters near residential, and shelters within 1500 feet of each other.	Staff
10	161	4-3(B)(5)(b)	<p><b>Dwelling, Two-family Detached (Duplex)</b>  Revise text as follows:  "This use is prohibited in the R-1 zone district, except for the following:  1. In R-1A where 1 two family detached dwelling is permissive on 2 lots where the building straddles the lot line and each dwelling unit is on a separate lot.  2. On corner lots that are a minimum of 5,000 square feet."</p>	Allows duplexes in R-1 on corner lots that are at least 5,000 s.f.	Public
11	147	4-1(A)(4) [new]	<p><b>Conditional Uses for City Facilities</b>  Add a new subsection with text as follows and renumber subsequent subsections accordingly:  "City facilities do not require a Conditional Use Approval where listed as 'C' in Table 4-2-1 because they serve a public purpose. Conditions of approval pursuant to Subsection 14-16-6-4(P) may be added by the decision-maker for the associated Site Plan to ensure conformance with the IDO and to ensure public health, safety, and welfare."</p>	Exempts City facilities from the conditional use process.	Admin

# IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
12	Multiple	4	<b>Dwelling, Live-work</b> On page 151, in Table 4-2-1, add a P in R-1 and change C to P in R-T and R-ML. On page 162, in Subsection 4-3(B)(7)(c), add cannabis retail and nicotine retail as prohibited uses. In Subsection (c)2, revise text as follows: "Any use <u>other than restaurant</u> in the Food, Beverage, and Indoor Entertainment category."	Allows live/work for very small retail and restaurants on corner lots in neighborhoods to open business opportunities for homeowners who otherwise could not purchase/maintain/rent two properties, one for business and one for living. Returns the pattern of corner stores in neighborhoods for services within walking distance of more residences. Prohibits cannabis retail and nicotine retail in all zone districts.	Public
12	Multiple	4 (cont'd)	<b>Dwelling, Live-work</b> (cont'd) On page 162, in Subsection 4-3(B)(7), add a new subsection (e) with text as follows: " <u>Where allowed in a Residential zone district, general retail and restaurant are limited to a total of 3,000 square feet or less.</u> " Add a new subsection (f) with text as follows: " <u>In the R-T and R-ML zone districts, this use is permissive on corner lots that are a minimum of 5,000 square feet. In other locations, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).</u> " Add a new subsection (g) with text as follows: " <u>In the R-1 zone district, this use is only allowed on corner lots that are a minimum of 5,000 square feet. Only general retail and restaurants are allowed.</u> "	(Cont'd from above)	Public
13	Multiple	4-3(B)(5)	<b>Two-family Detached (Duplex) Dwelling</b> See Council Memo for proposed amendments.	See Council Memo.	Council
14	241	5-2(G)	<b>Irrigation (Acequia) Standards</b> Add a new Subsection with text as follows: " <u>For cluster development and multi-family dwellings, locate at least 25 percent of common open space or ground-level usable open space to be contiguous with the irrigation ditch/acequia. These areas shall be made accessible from the remaining land via pedestrian walkways. Access to irrigation ditches/acequias is only allowed if approved by the Middle Rio Grande Conservancy District (MRGCD).</u> "	Follows the existing requirement for cluster development and multi-family dwellings next to Major Public Open Space in Subsection 14-16-5-2(J)(2)(a). Implements an action in the 2017 ABC Comprehensive Plan.	Comp Plan

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
15	242	5-2(H)	<b>Landfill Gas Mitigation</b> Revise text as follows: "Sensitive lands include landfill gas buffer areas, which comprise <del>closed or</del> operating landfills, <u>landfills closed within the last 30 years</u> , and the areas of potential landfill gas migration surrounding them. Development within landfill gas buffer areas, as established by Interim Guidelines for Development within City Designated Landfill Buffer Zones of the City Environmental Health Department and as shown on the Official Zoning Map, shall follow the Interim Guidelines to mitigate health hazards due to methane and other byproduct gases. All development within a landfill gas buffer requires a Landfill Gas Mitigation Approval pursuant to Subsection 14-16-6-4(S)(5) to ensure that potential health and safety impacts are addressed.	Exempts landfills closed more than 30 years ago from landfill gas mitigation procedures.	Admin
16	247	5-2(K)	<b>Preventing and Mitigating Construction Impact</b> See Exhibit for proposed amendment.	Adds requirements in the IDO for mitigating impact from construction activities next to Major Public Open Space or on properties where sensitive lands have been identified.	Staff
17	270	5-5(B)(4)(d)	<b>RV, Boat, and Trailer Parking</b> See Council Memo for proposed changes.	See Council Memo.	Council
18	282	5-5(C)(7)	<b>Parking Maximums</b> See Council Memo for proposed amendments.	See Council Memo.	Council
19	293	5-5(G)(3)	<b>Parking Structures for Multi-family Residential Development</b> Revise as follows: "All parking structures that provide parking for multi-family <u>residential development dwellings</u> , mixed-use development, and non-residential development shall comply with the following standards. These standards do not apply to any garage for low-density residential uses."	Broadens the applicability of these building design standards to all uses in the Group Housing sub-category in Table 4-2-1. See Development Definitions, Multi-family Residential Development.	Staff



## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
20	297	5-6(B)(1)	<b>Applicability - Landscaping</b> See Council Memo for proposed amendments.	See Council Memo.	Council
21	301	5-6(C)(5)(d)	<b>Soil Condition and Planting Beds - Mulching Requirement</b> See Council Memo for proposed amendments.	See Council Memo.	Council
22	301	5-6(C)(5)(e)	<b>Soil Condition and Planting Beds - Street Tree Mulching Requirement</b> See Council Memo for proposed amendments.	See Council Memo.	Council
23	320	5-7(D)(3)(a)	<b>Walls &amp; Fences - Front Yard Wall</b> 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 all of the following requirements are met:</u> <u>(a) The wall is not located in a small area where taller walls are prohibited pursuant to Subsection (3) below.</u> <u>(b) View fencing is used for portions of a wall above 3 feet.</u> <u>(c) The wall is set back at least 5 feet, and the setback area is landscaped with at least 3 shrubs or 1 tree every 25 feet along the length of the wall."</u>	Allows 5 foot walls in front yard with view fencing for at least 2 feet at top, set back 5 feet, and landscaped.	Admin
24	321	Table 5-7-2	<b>Options for a Taller Front or Side Yard Wall</b> Revise the first row of text under View Fencing as follows: "<5 <del>10</del> ft. from lot line abutting the street"	Requires Permit - Wall or Fence - Major for 5-ft. walls less than 5 feet from the property line.	Admin
25	349	5-11(E)	<b>Building Design - Facades for NR-LM, NR-GM and Industrial Development in Any Zone District</b> See Council Memo for proposed amendments.	See Council Memo.	Council
26	387	Table 6-1-1	<b>Historic Certificate of Appropriateness - Minor</b> Add requirement for Pre-application Meeting.	Matches current practice.	Staff
27	387	Table 6-1-1	<b>Permit - Temporary Use / Temporary Window Wrap</b> Add X in mailed notice requirement for Temporary Use Permit. Move footnote 3 to the mailed notice requirement on both uses.	Clarifies that the requirement for both uses is the same, matching the existing procedure in 14-16-6-5(D)(2)(a)3.	Staff

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
28	394	6-2(E)(2)(b)	<b>EPC Appointments</b> 6-2(E)(2)(b) <del>Prior to</del> <u>When a vacancy on the EPC occurs or upon the resignation of an EPC member:</u> 1.The Mayor shall notify a City Councilor in writing that his/her District member's term <del>will be expiring</del> <u>of office has expired</u> or <del>that the position is otherwise</del> <u>will be</u> vacant, and that the City Councilor shall have 60 calendar days to submit recommended appointments to fill that position. If the City Councilor fails to submit 2 names within 60 calendar days of notification, the Mayor shall have the right to make the appointment subject to the advice and consent of the City Council.	Allows the EPC appointment process to begin before the Commissioner leaves, eliminating or minimizing the time that a seat is vacant.	Staff
29	403	6-4(B)	<b>Pre-submittal Neigh Meeting</b> Revise Subsection (1) as follows: "For applications that meet any of the following criteria, the applicant shall offer at least 1 meeting to all Neighborhood Associations <u>within 330 feet of whose boundaries include or are adjacent to</u> the subject property no more than 90 calendar days before filing the application. In such cases, project applications will not be accepted until a pre-submittal neighborhood meeting has been held, or the requirements for a reasonable attempt in Subsection (3) below have been met." Delete Subsection (2).	Replaces adjacency requirement with a set distance that is expected to achieve approximately the same result. Common administrative practice currently assumes .025 miles (132 feet) from the subject property line to pick up relevant Neighborhood Associations. For large roadways, ONC staff has to measure the roadway. If larger than 132 feet, ONC staff has to manually add Neighborhood Associations that are adjacent. The adjacency requirement precludes automation in GIS. This solution will help automate queries for required NA representative contacts. Note: 330 feet = 1/16 of a mile or approx. 1 city block See related proposed changes to make distances consistent for public notice [6-4(K)], post-submittal facilitated meeting [6-4(L)(3)(a)], and appeals [6-4(V)(2)(a)].	Staff
30	403	6-4(B)(1)	<b>Pre-submittal Neighborhood Meeting</b> See Council Memo for proposed amendments.	See Council Memo.	Council

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
31	408	6-4(J)	<b>Referrals to Agencies</b> Revise second sentence as follows: <u>"For administrative decisions in Table 6-1-1, any comments received after such a referral and prior to the decision shall be considered with the application materials in any further review and decision-making procedures. For decisions that require a public hearing and policy decisions in Table 6-1-1, Any comments must be received within 15 calendar days after such a referral to shall be considered with the application materials in any further review and decision-making procedures."</u>	Matches current practice. Referring agencies receive notice of applications that are decided administratively, but the City will not delay these administrative decisions for 15 days until the comment period ends, as is done with decisions that require a public hearing.	Staff
32	409	6-4(K)	<b>Public Notice to Neighborhood Associations</b> Replace the adjacency requirement for notice to Neighborhood Associations with a set distance of 330 feet from the subject property in the following subsections: (2) Electronic Mail (3)(b)3 Mailed Notice to Neighborhood Associations	Replaces the "adjacent" requirement with a set distance to allow automation of the query for Neighborhood Associations. See related proposed changes to make distances consistent for pre-submittal neighborhood meeting [6-4(B)], post-submittal facilitated meeting [6-4(L)(3)(a)], and appeals [6-4(V)(2)(a)].	Staff
33	412	6-4(K)(3)(c)2	<b>Mailed Notice to Property Owners</b> Revise the second sentence as follows: <u>"For zoning map amendment applications only, adjacent properties shall be included where the edge of that 100-foot buffer area falls within any public right-of-way, adjacent properties shall be included."</u>	Removes the adjacency requirement to allow automation for the query for property owners in all but zoning map amendment cases. The State of New Mexico requires mailed notice to adjacent property owners within 100 feet excluding right-of-way for zoning map amendments.	Staff
34	412	6-4(K)(3)(d)2	<b>Mailed Notice for Amendments to IDO Text - Small Area</b> Revise text as follows: "All owners, as listed in the records of the Bernalillo County Assessor, of property located partially or completely within 100 feet in any direction of the proposed small area. <del>Where the edge of that 100-foot buffer area falls within any public right-of-way, adjacent properties shall be included."</del>	Removes the adjacency requirement to allow automation for the query for property owners.	Staff

# IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
35	412	6-4(K)(4)	<p><b>Posted Sign</b>            Create new subsections, revise existing text as follows, and renumber subsequent subsections accordingly:            "(a) Where Table 6-1-1 requires posted sign notice, the applicant shall post at least 1 sign on each street abutting the property that is the subject of the application, at a point clearly visible from that street.  <u>(b) For administrative decisions, the sign shall be posted for at least 5 calendar days after submitting the application and 15 days after the decision through the required appeal period pursuant to Subsection 14-16-6-4(V)(3)(a)1.</u>  <u>(c) For decisions requiring a public hearing or policy decisions, the sign shall be posted for at least 15 calendar days before a required the public hearing and for the required appeal period following any final decision, required pursuant to Subsection 14-16-6-4(U) and Subsection 14-16-6-4(V)(3)(a)1."</u></p>	Requires signs to be posted before administrative decisions. The existing language requires posting before the decision only for applications requiring a public hearing and after the decision for the appeal period for all applications.	Staff
36	415	6-4(L)(3)(a)	<p><b>Post-submittal Facilitated Meeting</b>            Revise the final sentence as follows:            "The facilitator shall attempt to contact all Neighborhood Associations <del>within 330 feet of whose boundaries include or are adjacent to the</del> subject property."</p>	Replaces adjacency requirement with a set distance to allow automation of the query for Neighborhood Associations. See related proposed changes to make distances consistent for pre-submittal neighborhood meeting [6-4(B)], public notice [6-4(K)], and appeals [6-4(V)(2)(a)].	Staff

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
37	430	6-4(V)(2)(a)	<p><b>Appeals - Standing Based on Proximity for Neighborhood Associations</b>            In Subsection 14-16-6-4(V)(2)(a)5, revise text as follows:            "Property owners (other than the applicant) and Neighborhood Associations on the basis of proximity for decisions as specified in Table 6-4-2.            a. Distances noted in feet in Table 6-4-2 are measured from the nearest lot line of the subject property. <del>Where the edge of that area falls within a public right of way, adjacent properties shall be included.</del>            b. Distances for Neighborhood Associations are based on the boundary on file with the ONC at the time the application for decision related to the subject property was accepted as complete.            c. <del>Where proximity is noted as "Includes or Is Adjacent," the Neighborhood Association boundary includes or is adjacent to the subject property."</del>            In Table 6-4-2, replace "Includes or Is Adjacent" and "660 feet" with "330 feet."</p>	Replaces "adjacent" with a set distance of 330 feet and matches that distance for all other decisions. See related proposed changes to make distances consistent for pre-submittal neighborhood meeting [6-4(B)], public notice [6-4(K)], and post-submittal facilitated meeting [6-4(L)(3)(a)].	Staff
38	438	Table 6-4-3	<p><b>Conditional Use Expiration</b>            Revise the period of validity for Conditional Use Approvals as follows:            "<del>2 years</del> <u>1 year</u> after issuance if use is not begun, or <del>2 years</del> <u>1 year</u> after use is discontinued or fails to operate"</p>	Extends conditional use approvals. Construction often takes longer than 1 year, and restarting a use also takes more time in recent years.	Public
39	436	6-4(X)	<p><b>Time Extensions</b>            See Exhibit for proposed amendments.</p>	Makes time extensions an administrative review/decision. Time extensions do not include changes to the original approval, when public notice takes place. The applicant must justify the request by showing that circumstances beyond their control prevented progress on the project. The shortage of construction workers and other delays are more common, so this administrative approval will help more projects get on the ground.	Staff

# IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
40	501	6-6(O)(2)	<p><b>Variance - ZHE</b>  Revise Subsection (b) as follows:  "All applications in an HPO zone or on a property or in a district listed on the State Register of Cultural Properties or the National Register of Historic Places shall <del>first be referred for review and comment reviewed</del> by the Historic Preservation Planner pursuant to Subsection 14-16-6-5(B) (Historic Certificate of Appropriateness – Minor), <del>and the Historic Preservation Planner shall send a recommendation to the ZEO.</del>"  Add a new Subsection (c) with text as follows and renumber subsequent subsections accordingly:  <u>"All applications on a property adjacent to Major Public Open Space shall be referred for review and comment by the Parks &amp; Recreation Open Space Superintendent."</u></p>	Adds a procedure for the Open Space Superintendent to review variances requested adjacent to Major Public Open Space.	Staff
41	531	6-8(D)(1)	<p><b>Nonconforming Structures</b>  Create new subsections and revise text as follows:  "<u>1. Unless specified otherwise in this Section 14-16-6-8, a nonconforming structure shall be allowed to continue to be used, regardless of any change in ownership or occupancy of the structure, until the structure is vacant for a period of 2 years, or until unless</u> another provision of this Section 14-16-6-8 requires the termination of the use.  <u>2. Mobile home dwellings are subject to provisions in Subsection 14-16-6-8(C)(7) (Mobile Home Dwellings).</u>  <u>3. Signs are subject to provisions in Subsection 14-16-6-8(F) (Nonconforming Signs)."</u></p>	Allows nonconforming structures to be re-used even after being vacant for 2+ years. Note that a separate rule on nonconforming uses would continue to have a time limit of 2 years. This rule change would incentivize the reuse of existing buildings, while the nonconforming use rule would ensure compliance with allowable uses over time.	Staff
42	534	6-8(G)(2)(a) .a	<p><b>Front Yard Parking</b>  See Council Memo for proposed amendments.</p>	See Council Memo.	Council

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
43	Multiple	6	<b>Wireless Telecommunications Facility - Public Notice</b> In Table 6-1-1, add Email Notice requirement for WTFs. Move language in 6-4(K)(3)(b)2 to 6-4(K)(2) in a new Subsection.	Adds consistency with other decisions that provide notice to Neighborhood Associations in terms of receiving email notice. Note that Subsection 14-16-6-4(K)(2)(a) requires mailed notice if a Neighborhood Associate Representative does not have an email address on file with ONC. Subsection 14-16-6-4(K)(7)(b) requires that an applicant request updated information from the City and another attempt if the email bounces back.	Staff
44	Multiple	6-4(Y)	<b>Minor and Major Amendments &amp; Expiration (Post-IDO Approvals)</b> Add a new Subsection 6-4(Y)(2)(d) with text as follows: <u>"An approved minor amendment does not affect the expiration of the original approval. Time extensions must be requested pursuant to Subsection 14-16-6-4(X)(4) (Extensions of Period of Validity)."</u> Add a new Subsection 6-4(Y)(3)(d) with text as follows: <u>"An approved major amendment replaces the original approval in terms of expiration, if one applies pursuant to Table 6-4-3."</u>	Clarifies how amendments affect the period of validity of the original approval. Matches existing practice.	Staff
45	Multiple	6-4(Z)	<b>Minor and Major Amendments &amp; Expiration (Pre-IDO Approvals)</b> Make existing text a new Subsection 6-4(Z)(1)(a)1 and add a new Subsection 6-4(Z)(1)(a)2 with text as follows: <u>"An approved minor amendment does not affect the expiration of the original approval. Time extensions must be requested pursuant to Subsection 14-16-6-4(X)(4) (Extensions of Period of Validity)."</u> Add a new Subsection 6-4(Z)(1)(b)3 with text as follows: <u>"An approved major amendment replaces the original approval in terms of expiration, if one applies pursuant to Table 6-4-3."</u>	Clarifies how amendments affect the period of validity of the original approval. Matches existing practice.	Staff



# IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
46	556	7-1	<b>Definitions, Community Residential Facility</b> Revise text as follows: <del>"A facility that is designed to provide a residence and services Any building, structure, home, or in which persons reside for a period of more than 24 hours and that is designed to help the residents adjust to the community and society and is used or intended to be used for the purposes of letting rooms, providing meals, and/or providing for persons who need personal assistance, personal services, personal care, and/or protective care, but not skilled nursing care. This use specifically includes, but is not limited to, facilities and who meet meeting the definition of a handicapped person or for other persons are protected against housing discrimination under the federal Fair Housing Act Amendments of 1998 (or as amended) and court decisions interpreting that Act.</del>	Revised to make the definition more operational, enforceable, and parallel to other defined terms. See also proposed amendments for Group Home and Nursing Home in Section 7-1.	Staff
46	556	7-1 (cont'd)	<b>Definitions, Community Residential Facility (cont'd)</b> "For purposes of this definition, the term handicapped does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program. <del>This use does not include 24-hour skilled nursing care. This use shall not include half way houses for individuals in the criminal justice system or residential facilities to divert persons from the criminal justice system.</del> See also <i>Family , Family Care Facility , and Group Home .</i>	(Cont'd from above)	Staff

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
46	556	7-1 (cont'd)	<p><b>Definitions, Community Residential Facility</b> <i>(cont'd)</i></p> <p>Revise text as follows:</p> <p>"Community Residential Facility is divided into 2 categories based on the number of individuals residing in the facility (not the size of the structure).</p> <p>1.Community Residential Facility, Small: A facility housing between 6 and 8 individuals <u>receiving services, plus those providing services that do not meet the definition of a family in which personal service, personal assistance, personal care, and/or protective care are provided.</u></p> <p>2.Community Residential Facility, Large: A facility housing between 9 and 18 individuals <u>receiving services, plus those providing services that do not meet the definition of family in which personal service, personal assistance, personal care, and/or protective care are provided.</u></p>	(Cont'd from above)	Staff
47	568	7-1	<p><b>Group Home</b></p> <p>Revise text as follows:</p> <p>"A facility <del>Any building, structure, home, facility, or place in which persons reside for a period of more than 24 hours that is designed to provide a residence and services help the residents adjust to the community and society and that is intended to be used for the purposes of letting rooms, providing meals, and/or providing personal assistance, personal services, personal care, and protective care to for persons that who need personal assistance, personal services, personal care, and/or protective care but</del> do not meet the definition of a handicapped person or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988 (as amended) and court decisions interpreting that Act, <del>but not skilled nursing care. This use does not include 24-hour skilled nursing care. This use includes other services as incidental activities if they comply with all local and State licensing requirements, including any required license by the New Mexico Department of Health."</del></p>	Revised to make the definition more operational, enforceable, and parallel to other defined terms. See also proposed amendments for Community Residential Facility and Nursing Home in Section 7-1.	Staff

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
47	568	7-1 (cont'd)	<b>Group Home</b> (cont'd) Revise text as follows: "This use <del>includes</del> <del>shall include halfway houses for</del> <u>facilities for persons</u> <del>individuals</del> in the criminal justice system or residential facilities to divert persons from the criminal justice system. <u>This use includes facilities for persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program.</u> "	(Cont'd from above)	Staff
48	583	7-1	<b>Nursing Home</b> Revise text as follows: "A facility designed to provide <del>a residence, housing,</del> meals, and medical- and health-related care for individuals, including <del>24-hour</del> skilled nursing care. This definition includes facilities providing in-patient care for individuals suffering from a terminal illness. Such facilities may include commercial kitchens with shared dining facilities for residents; medical services with personnel that provide assistance with medication, administration, dressing, bathing, and social activities; activity rooms; indoor recreational amenities; gift shops; hair salons; administrative offices; laundry services; worship space; and overnight guest units for short-term visitors."	Revised to make the definition more operational, enforceable, and parallel to other defined terms. See also proposed amendments for Community Residential Facility and Group Home in Section 7-1.	Staff
49	586	7-1	<b>Overnight Shelter</b> "A facility that provides temporary or transitional sleeping accommodations for 6 or more persons within completely enclosed portions of a building with no charge or a charge substantially less than market rates. Such facilities may provide meals, personal assistance, personal services, social services, personal care and protective care. This use does not include <del>24-hour</del> skilled nursing care, which is regulated as either hospital or nursing home for the purposes of this IDO."	Revised for consistency with other proposed changes. See proposed amendments for Community Residential Facility, Group Home, and Nursing Home in Section 7-1.	Staff

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
50	586	7-1	<b>Outdoor Amplified Sound [new]</b> Create a new term with text as follows and renumber subsequent subsections accordingly: <u>"Amplified sound from speakers outside of a fully enclosed building either permanently mounted or used more than 1 time per week. This use does not include amplified sound associated with a special event permit or a temporary use, which are regulated separately."</u>	Defines outdoor amplified sound to enable a curfew between 10 p.m. and 7 a.m. when used as an accessory use.	Public
51	587	7-1	<b>Parking Definitions</b> <b>Garage</b> Revise text as follows: <u>"A single-story structure or part of a building in a low-density residential development or a single-story structure in a multi-family residential development designed to accommodate motor vehicle parking spaces that are partially or completely enclosed, but not including a parking structure."</u>	Adds multi-family residential development to the definition of garage. Multi-story parking is defined as parking structure. Removes conflict with carport, which is defined as parking structure that is partially enclosed.	Staff
52	596	7-1	<b>Sensitive Lands</b> <b>Large Stand of Mature Trees</b> Revise existing text as follows: <u>"At least 3 A collection of 5 or more trees that are each at least 10 years old 30 years or older or with a trunk at least 8 inches in diameter at breast height (DBH), as measured by the City Forester, on a subject property having trunk diameters (as determined by Diameter at Breast Height — DBH) averaging at least 16 inches in diameter, as determined by the City Forester."</u>	Revised to be more realistic given existing trees in ABQ.	Staff
53	596	7-1	<b>Sensitive Lands</b> <b>Rock Outcropping</b> Revise existing text to read as follows: <u>"Bedrock or other stratum a minimum of 4 feet 6 feet high on its steepest side as measured from the adjacent 10 percent slope line and in excess of 300 500 square feet in surface area."</u>	Revised to be more realistic given existing rock outcroppings in ABQ.	Staff
54	Multiple	Multiple	<b>Fire Station or Police Station</b> On page 53, in Subsection 14-16-2-5(E)(2), delete subsection (f). On page 151, in Table 4-2-1, add a new use for Fire station or police station with P in MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM.	Allows fire stations and police stations to be permissive in existing zone districts. Currently, fire stations and police stations require a zone change to NR-SU and the adoption of a Site Plan - EPC.	Admin

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
55	Multiple	Multiple	<b>Battery Energy Storage System (BESS)</b> See Exhibit for a new use in Table 4-2-1, new use-specific standards in Subsection 4-3, and new definitions in 7-1.	Responds to recent applications for private battery energy storage systems and a Declaratory Ruling by the ZEO in early 2022. Establishes distance separations from residential, Major Public Open Space, religious institutions, and schools.	Staff
56	Multiple	Multiple	<b>Outdoor and Site Lighting</b> See Exhibit for proposed amendments, including: Revising USS for self-storage in 4-3(D)(29)(e) Revising USS for WTFs in 4-3(E)(12)(g) Replacing 5-8 with new text Revising illuminated sign standard in 5-12(E)(5)(a)2 Revising electronic sign standard in 5-12(H)(4) Adding, revising, and deleting definitions in 7-1	Updates existing lighting regulations to improve compliance with State's Dark Sky Ordinance and improve enforceability.	Staff
57	Multiple	Multiple	<b>Landscaping Standards</b> See Exhibit for proposed amendments in 5-6 and 7-1.	Increase requirements for plants and irrigation, reduce water consumption, and improve survivability of landscaping in the high desert environment.	Staff
58	Multiple	Multiple	<b>Tribal Engagement</b> See Council memo for proposed amendments, including the following Subsections: 14-16-6-4(J) Referrals to Commenting Agencies 14-16-6-5(A) Archaeological Certificate 14-16-7-1 Definitions	See Council memo	Council
59	All	All	<b>Clerical Changes</b> Make any necessary clerical corrections to the document, including fixing typos, numbering, and cross references.	Covers general clerical corrections.	Staff
60	All	All	<b>Editorial Changes</b> 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.	Covers general editorial corrections.	Staff

# IDO Annual Update 2023

## Exhibit – Construction Mitigation

On page 247, revise Subsection 14-16-5-2(K) as follows.

### 5-2 SITE DESIGN AND SENSITIVE LANDS

#### 5-2(K) PREVENTING AND MITIGATING CONSTRUCTION IMPACT

Construction abutting Major Public Open Space or on a lot with a sensitive land identified on the property shall prevent and mitigate potential negative impact. See the DPM for additional standards.

- 5-2(K)(1) The property owner shall provide photographs of any sensitive land identified on the property and/or the property edge abutting Major Public Open Space and a site plan with a keyed location of each photograph.
- 5-2(K)(2) The property owner's contractor shall hold a pre-construction meeting with City Parks & Recreation staff about Major Public Open Space and City Planning staff about sensitive lands to establish construction work activities and any access points, if necessary, to the Major Public Open Space or sensitive land.
- 5-2(K)(3) The property line abutting Major Public Open Space shall be fenced and signed to disallow entry during construction.
- 5-2(K)(4) Grading plans must ensure that the sensitive land is not compromised or damaged. Extensive fill adjacent to sensitive land shall be avoided to the maximum extent practicable.
- 5-2(K)(5) Before a Certificate of Occupancy may be granted, a post-construction meeting with Parks & Recreation or Planning staff, as relevant, shall be held to verify that the Major Public Open Space or sensitive land has been adequately protected during construction or that any damage has been restored pursuant to the DPM or relevant City Standard Specifications.]

# IDO Annual Update 2023

## Exhibit – Landscaping Amendments

1. On page 300, revise text in Subsection 14-16-5-6(C) as follows:

### **5-6(C) GENERAL LANDSCAPING STANDARDS**

#### **5-6(C)(4) Required Plant Materials and Site Amenities**

- 5-6(C)(4)(a) A minimum of 5 ~~10~~ species must be used in the landscaped area.
- 5-6(C)(4)(d) No more than 10 percent of required landscape areas shall be cool season grass species. ~~Irrigated cool season grass shall not be planted on slopes exceeding 1:4 rise:run or planted in narrow or irregularly shaped areas (10 feet or less in any dimension) in order to avoid water waste. Any cool season grass shall be installed at least 3 feet in any direction from any impermeable hard surface. (A buffer using organic mulch can be used when planting cool season grass adjacent to impermeable surface.)~~
- 5-6(C)(4)(e) [new] No more than 20 percent of required landscape areas shall be warm season grass species.
- 5-6(C)(4)(f) [new] Irrigated grass shall not be planted on slopes exceeding 1:4 rise:run or planted in narrow or irregularly shaped areas (10 feet or less in any dimension) in order to avoid water waste.
- 5-6(C)(4)(g) [new] Any grass irrigated with sprinklers shall be installed at least 3 feet in any direction from any impermeable hard surface. (A buffer using organic mulch can be used when planting grass adjacent to impermeable surface.)

#### **5-6(C)(5) Soil Condition and Planting Beds**

- 5-6(C)(5)(d) A minimum depth of 2 inches ~~3 inches~~ of organic mulch, such as arborist mulch or native mulch woodchips, is required in all planting areas. (See figure below.) Decorative bark mulches, bark nuggets, and pecan shells are prohibited.

#### **5-6(C)(7) Plant Material Spacing**

- 5-6(C)(7)(a) Vegetation required by this Section 14-16-5-6 shall be located the following distances ~~at least 3 feet~~ in any direction from any fire hydrants, valve vaults, hose bibs, manholes, hydrants, and fire department connections:
  - 1. Shrubs: 3 feet
  - 2. Trees: 15 feet



5-6(C)(7)(d) [new] Shrubs, ornamental grasses, and groundcovers shall be spaced so that no plant is within ½ of the mature diameter of another plant.

5-6(C)(7)(e) [new] Trees shall be spaced so that no tree is within ½ the mature diameter of another tree.

**5-6(C)(10) Planting near Utilities**

5-6(C)(10)(e) All screening and vegetation surrounding ground-mounted transformers and utility pads must allow 10 feet of clearance in any direction for access and to ensure the safety of the work crews and public during maintenance and repair.

**5-6(C)(14) Irrigation Systems**

5-6(C)(14)(d) The irrigation system shall not spray or irrigate impervious surfaces, including sidewalks, driveways, drive aisles, hardscapes, or streets; non-landscaped areas; adjacent property; or parking and loading areas.

5. On page 571, revise text in Subsection 14-16-7-1 Definitions as follows:

**Warm Season Grasses**

Grasses that thrive when temperatures are 75 degrees or higher, including but not limited to, buffalo grass, blue grama, Indian rice grass, clover, thyme, and sand dropseed grass. These grasses are native and drought tolerant and have lower water requirements than cool season grasses.

# IDO Annual Update 2023

## Exhibit – Time Extension

1. On page 436, revise text in Subsection 14-16-6-4(X) as follows:

### **6-4(X) EXPIRATIONS OF APPROVALS**

#### **6-4(X)(2) Expiration or Repeal of Approvals**

- 6-4(X)(2)(a) [new] Unless specified otherwise in this IDO, the DPM, an IIA, a Development Agreement approved by the City, or the terms attached to a permit or approval, each permit or approval shall be valid for the period of time shown in Table 6-4-3 and shall be of no force or effect after that time has passed, unless a major amendment or a time extension is approved ~~any of the following applies.~~
- 6-4(X)(2)(b) [new] For permits or approvals for which Table 6-4-3 shows an expiration, the approval of a major amendment pursuant to Section 14-16-6-4(Y) or Section 14-16-6-4(Z), as relevant, replaces the original approval in terms of the period of validity.

#### **6-4(X)(4) Extensions of Period of Validity**

##### **6-4(X)(4)(a) General Provisions**

1. Permits or approvals for which Table 6-4-3 shows an expiration may be granted 1 time extension not to exceed the original period of validity for that permit or approval by the ZEO, with the following exceptions.
  - a. Impact fee assessments may not be extended.
  - b. Any and any Permit – Sign for an electronic sign may not be extended.
  - c. Additional extensions for Preliminary Plats may be granted, but the Preliminary Plat may be required to come into compliance with any applicable standards adopted since the original application was accepted as complete.
2. The ZEO must determine whether the application for a time extension meets r each permit or approval for which Table 6-4-3 shows an expiration period, except an impact fee assessment or a Site Plan, the original decision-making body may approve 1 extension of validity for good cause shown for a time not to exceed the original period of validity for that permit or approval, provided that both of the following requirements are met.

- a. The applicant ~~or property owner submitted~~ submits a written request letter of justification for the requested time extension before the expiration of the original permit or approval ~~with the Planning Director~~.
- b. ~~The extension is considered and a decision made by the same decision-making body as the initial approval, except that no public hearing shall be required, if one would have been required under the IDO for the initial approval.~~
- c. Circumstances beyond the control of the applicant have prevented construction, use, or occupancy of the property pursuant to 14-16-6-4(X)(2)(b).

**~~6-4(X)(4)(b)~~ Additional Provisions for Time Extensions of Approved Site Plans**

- 1. ~~In addition to the finding in Subsection 14-16-6-4(X)(4)(a)2.c above, a Site Plan may be extended if the ZEO original decision-making body finds determines that at least 1 of the following provisions applies.~~
  - a. ~~The Site Plan is still consistent with current or desired conditions on the property and surrounding areas, and the owner intends to fully develop the site according to the Site Plan.~~
  - b. ~~There is little flexibility in how the site can be developed.~~
  - c. ~~There is a strong architectural or landscaping character on the site that should be preserved and that development according to the Site Plan will preserve that architectural or landscaping character.~~
- 2. ~~In addition to the findings in Subsection 14-16-6-4(X)(4)(a)2.c and 14-16-6-4(X)(4)(b)1 above, an An extension of an approved Site Plan — EPC for phased development of the site may be approved if the ZEO EPC finds determines that all of the following provisions apply.~~
  - a. ~~At last 50 percent of the first phase has been developed.~~
  - b. ~~The extension of the Site Plan is for later phases of the Site Plan.~~
  - c. ~~The Site Plan as previously approved is likely to be built in the future.~~
- 3. An Any extension of a Site Plan — EPC shall require a new meeting with the EPC and may require an update of any Traffic Impact Study (TIS) prepared for that Site Plan if the prior TIS is more than 5 years old and the City Engineer determines that background or anticipated traffic volumes or patterns in the surrounding area have changed since the TIS was prepared.

**~~6-4(X)(4)(c)~~ 6-4(X)(4)(c) Additional Provisions for Extensions of Preliminary Plats**

~~In addition to the general provisions in Subsection (a) above,~~

~~additional extensions for Preliminary Plats may be granted by the DHO for good cause, but the Preliminary Plat may be required to come into compliance with any applicable standards adopted since the application was submitted.~~

# IDO Annual Update 2023

## Exhibit – Battery Energy Storage System

### Proposed Amendments

1. On page 154, in the Telecommunications, Towers, and Utilities sub-category of Industrial Uses in Table 4-2-1, add a new row for “Battery energy storage system” with a P in NR-LM and NR-GM to allow a battery energy storage system as a permissive primary use.
2. On page 194, in Subsection 14-16-4-3(E), add a new Subsection for battery energy storage system with text as follows.
3. On page 276, in the Telecommunications, Towers, and Utilities sub-category of Industrial Uses in Table 5-5-1, add a new row for “Battery energy storage system” with “No requirement” for parking.
4. On page 303, in Subsection 14-16-5-6(C)(10), add a new subsection with text as follows.
5. On page 383, in Subsection 14-16-5-13(B)(7), add a new subsection with text as follows.
6. On page 548, in Section 14-16-7-1, add a new term “Battery Energy Storage System” with text as follows.
7. On page 617, in Section 14-16-7-2, add new acronyms as follows.

## Part 14-16-4 Use Regulations

### 4-3 USE-SPECIFIC STANDARDS

#### 4-3(E) INDUSTRIAL USES

##### 4-3(E)(2) **Battery Energy Storage System [New]**

- 4-3(E)(2)(a) Energy storage system capacities, including array capacity and separation, are limited to the thresholds in the National Fire Protection Association (NFPA) standard 855.
- 4-3(E)(2)(b) The 1-hour average noise generated from the Battery Energy Storage System, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA (i.e. A-weighted decibel) as measured at any property line.
1. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance.
  2. The applicant may be required to provide Operating Sound Pressure Level measurements from locations evenly spaced every 100 feet along the property line to demonstrate compliance.
- 4-3(E)(2)(c) A landscaped buffer at least 25 feet wide containing 2 evergreen trees and 6 shrubs per 25 feet shall be provided along all property lines.

- 4-3(E)(2)(d) All onsite utility lines and connections, including associated equipment, shall be placed underground or pad mounted, unless soil conditions, shape, or topography of the site as verified by the City Engineer dictate above-ground installation. Electrical transformers for utility interconnections may be above-ground if required by the utility provider.
- 4-3(E)(2)(e) This use is prohibited within 330 feet in any direction of any Residential zone district or lot containing a residential use in any Mixed-use zone district.

## Part 14-16-5 Development Standards

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### 5-6 LANDSCAPING, BUFFERING, AND SCREENING

#### 5-5(C) GENERAL LANDSCAPING STANDARDS

##### 5-6(C)(10) Planting near Utilities

- 5-6(C)(10)(h) [new] Planting of combustible plant material is prohibited within 25 feet in any direction of a battery energy storage system. Ground cover and turf are allowed, provided that they do not form a means of readily transmitting fire.

### 5-13 OPERATION AND MAINTENANCE

#### 5-13(B) MAINTENANCE STANDARDS

##### 5-13(B)(7) Landscaping, Buffering, and Screening

- 5-13(B)(7)(d) [new] The area within 25 feet in any direction of a battery energy storage system shall be cleared of combustible vegetation and other combustible growth.

## Part 14-16-7 Definitions and Acronyms

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### 7-1 DEFINITIONS

#### **Battery Energy Storage System**

A utility-scale facility that stores energy from the electrical grid and then discharges it at a later time to provide electricity when needed. Electrochemical batteries may include, but are not limited to, lithium-ion, lead-acid, redox flow, and molten salt (including sodium-based chemistries). For the purposes of this IDO, batteries used in consumer products, including EV vehicles, are not included in this use. Battery storage associated with an electric utility is regulated separately. See *Electric Utility*.

## 7-2 ACRONYMS

NFPA: National Fire Protection Association

dba: A-weighted decibel (dB)



# IDO Annual Update 2023- Exhibit – Lighting

On page 42, create a new Subsection with text and table as follows.

## Part 14-16-2 Zone Districts

### 2-4 MIXED-USE ZONE DISTRICTS

#### 2-4(E) MIXED-USE – FORM-BASED ZONE DISTRICT (MX-FB)

2-4(E)(1) Purpose

2-4(E)(2) Other Standards

2-4(E)(3) District Standards

##### 2-4(E)(3)(i) **Outdoor and Site Lighting**

Table 2-4-15: IDO lighting designations for the MX-FB Sub-zones indicate the allowable use for each sub-zone. Where multiple designations are indicated for a zone district, the note in the table identifies which designation shall be used depending on context.

**Table 2-4-15: IDO Lighting Designations for the MX-FB Sub-zones**

Lz2 = ANSI/IES Light Zone 2 Lz3 = ANSI/IES Light Zone 3

IDO Lighting Designations	MX-FB-ID	MX-FB-FX	MX-FB-AC	MX-FB-UD
Lz2	X	X	X	X
Lz3			X <sup>1</sup>	X <sup>1</sup>

##### **Notes:**

[1] Within UC-MS-PT-MT areas, a higher lighting designation is allowed unless the subject property is adjacent to any Residential zone district.

On page 183, revise text in Subsection 14-16-4-3(D)(29)(e) and Subsection 14-16-4-3(E)(1)(d) as follows:

## Part 14-16-4 Use Regulations

### 4-3 USE-SPECIFIC STANDARDS

#### 4-3(D) COMMERCIAL USES

##### 4-3(D)(29) Self-Storage

4-3(D)(29)(e) Within 200 feet of any Residential zone district, internal lighting that is visible from the property line shall not exceed the maximum light trespass values listed in Table 5-8-3 for lighting designation Lz1 during the outdoor lighting curfew ~~be dimmed by 50 percent of the maximum foot lamberts allowed pursuant to Subsection 14-16-5-8(D)(6) between 10:00 P.M. and 7:00 A.M.~~

#### 4-3(E) INDUSTRIAL USES

##### 4-3(E)(12) Wireless Telecommunications Facility

4-3(E)(12)(g) Lighting and Signage

1. Only security lighting or lighting required by a State and/or federal agency is allowed, provided that all of the following requirements are met.
  - a. The location and cut-off angle of the light fixture shall be such that it does not shine directly on any public right-of-way, private way, or any lot containing a residential use.
  - b. Lighting shall not exceed maximum light trespass values in Table 5-8-3 for the relevant lighting designation during outdoor lighting curfew hours. ~~The lighting shall not have an off-site luminance greater than 1,000 foot lamberts at any point, and shall not have an off-site luminance greater than 200 foot lamberts measured from any private property in any Residential zone district.~~
2. Only signage required by State or federal law is allowed.

On page 244, revise text to read as follows:

## Part 14-16-5 Development Standards

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### 5-2 SENSITIVE LANDS

#### 5-2(J) MAJOR PUBLIC OPEN SPACE EDGES

##### 5-2(J)(1) Lots Within 330 Feet of Major Public Open Space

##### 5-2(J)(1)(a) Outdoor Lighting

Regardless of zone district, the lighting designation shall be Lz0 or Lz1 subject to outdoor lighting curfew to protect natural ecosystems and their biodiversity.

On page 335, replace Section 14-16-5-8 in its entirety with the following text:

### 5-8 OUTDOOR AND SITE LIGHTING

#### 5-8(A) PURPOSE

This Section 14-16-5-8 is intended to enhance the attractiveness and livability of the city, protect the safety of its residents, reduce light trespass between private properties, minimize disruption to natural ecosystems, and prevent the increase of unnecessary sky glow that reduces the visibility of stars in the night sky.

#### 5-8(B) APPLICABILITY

All sources of light visible from the exterior of a property shall comply with the standards of this Section 14-16-5-8, unless specified otherwise in this IDO. This includes the use of outdoor lighting, hours of operation, and regulation of light trespass.

##### 5-8(B)(1) Activities that Trigger Outdoor and Site Lighting Requirements ~~General~~

##### 5-8(B)(1)(a) Maintenance and One-for-one Replacement

If an outdoor luminaire is not working or is damaged, the repair and/or replacement shall conform with the requirements of this Section.

##### 5-8(B)(1)(b) Expansion, Renovation, and Redevelopment

The following activities shall require compliance with the requirements of this Section:

1. Expansion of the gross floor area by 25 percent or more.
2. Changes to the number of off-street parking spaces provided by 25 percent or more.
3. Changes to the number of luminaires by 25 percent or more.
4. Any change of land use to a different use category in Table 4-2-1.

##### 5-8(B)(1)(c) New Development

Development involving the construction of a new building or new parking lot shall conform with the requirements of this Section.

## **5-8(B)(2) Exemptions**

The following types of lighting are not subject to the requirements of this Section:

- 5-8(B)(2)(a) Lighting that is required by federal or state regulations that conflicts with this Section, including:
1. Air-side facilities at the airport (runway, taxiway, and other facilities located inside the security fence) as regulated by the Federal Aviation Administration (FAA) for safety.
  2. Building codes and other illumination for means of emergency egress as regulated by the National Fire Protection Association (NFPA).
  3. Temporary outdoor lighting necessary for worker safety at construction sites.
  4. Outdoor lighting necessary for worker safety at farms, ranches, dairies, feedlots, or industrial, mining, or oil and gas facilities, as determined by the EPC in a Site Plan – EPC pursuant to Subsection 14-16-6-6(I) with an outdoor and site lighting performance analysis pursuant to Subsection 14-16-6-4(H)(3).
- 5-8(B)(2)(b) Nighttime illumination of the United States of America flag and the New Mexico State flag that complies with one of the following illumination requirements:
1. A luminaire mounted on top of the flagpole that only directs light downward.
  2. A maximum of 3 in-ground uplights, or 3 shielded spotlights that are surface mounted at grade, that direct light upward. The maximum beam spread of any individual light source shall be no more than 24 degrees. The maximum output of any individual luminaire shall be no more than 100 lumens per foot of flagpole height (e.g. 2,000 lumens for a 20-foot pole).
- 5-8(B)(2)(c) Neon signs and all other illuminated signs that are regulated pursuant to Section 14-16-5-12.

## **5-8(C) PROHIBITED LIGHTING**

### **5-8(C)(1) Toxic and Energy Inefficient**

- 5-8(C)(1)(a) Mercury vapor lights are prohibited.
- 5-8(C)(1)(b) Inefficient light sources (less than 45 lumens/watt) are prohibited for outdoor use, excluding seasonal and festoon lighting.

### **5-8(C)(2) Public Right-of-Way Interference**

- 5-8(C)(2)(a) Any intentionally blinking, flashing, moving, revolving, or wavering lights that distract a motor vehicle operator in the public right-of-way are prohibited.
- 5-8(C)(2)(b) Any luminaire that may be confused as a traffic control device is prohibited unless authorized by federal, state, or city government.

**5-8(C)(3) Obtrusive**

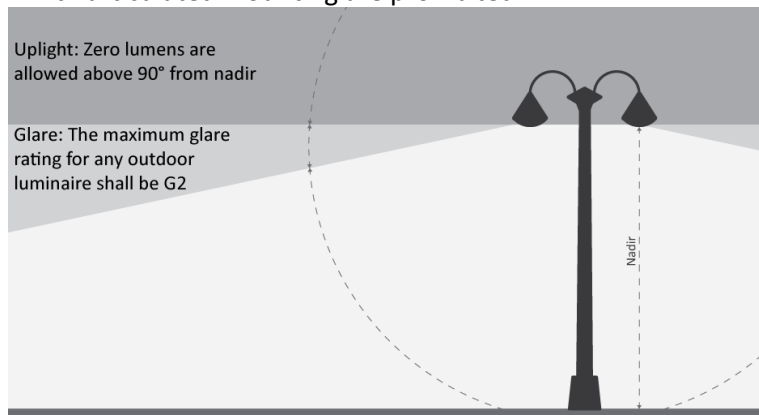
- 5-8(C)(3)(a) No luminaire specification shall exceed a (BUG) glare rating of G2.
- 5-8(C)(3)(b) Shielded spotlights and floodlights within 500 feet of any boundary regulated by Division 30-VI-2 of the Bernalillo County Code of Ordinances (North Albuquerque Acres and Sandia Heights Light Pollution Ordinance) are only allowed when used to illuminate alleys, parking structures, and maintenance areas.
- 5-8(C)(3)(c) Aerial lasers, beacons, and searchlights are prohibited at night, except for emergency use by authorized first responders.

**5-8(D) GENERAL DESIGN AND ILLUMINATION STANDARDS**

All sources of light visible from the exterior of a property subject to this Section 14-16-5-8 shall meet the following standards.

**5-8(D)(1) Uplight Restrictions**

- 5-8(D)(1)(a) Unless specified otherwise in this IDO, luminaires shall be fully shielded or have a U0 rating (i.e. a luminaire that emits zero lumens above 90 degrees from nadir). Unshielded floodlights with articulated mounting are prohibited.



- 5-8(D)(1)(b) Luminaires installed under canopies, porte cocheres, or beneath similar structures shall meet all of the following requirements.
  1. Luminaires shall be mounted to aim downward and installed flush-mounted or recessed above the lowest edge of the canopy such that the lowest part of the luminaire is shielded from view beyond the property line.
  2. The vertical fascia shall not be internally illuminated.
  3. All light emitted shall be substantially confined to the posts, façades, and ground surface directly beneath the perimeter of the canopy or similar structure.

**5-8(D)(2) Correlated Color Temperature (CCT) and Color Rendering Index (CRI)**

- 5-8(D)(2)(a) Unless specified elsewhere in this IDO, outdoor lighting shall have a minimum CCT of 2700K and a maximum of 3000K. The minimum CRI for these light sources shall be 65.

5-8(D)(2)(b) Light sources below 2700K with limited spectral emission and (CRI) values below 65, such as low-pressure sodium or amber LED, are allowed within NDZ or LzO lighting designations, pursuant to Subsection 14-16-5-8(E).

**5-8(D)(3) Light Poles**

Table 5-8-1 indicates the maximum height of light poles, measured from the finished grade to the top of the pole.

TABLE 5-8-1: MAXIMUM HEIGHT FOR LIGHT POLES	
Location, Development Type, or Type of Light	Maximum Height (ft.)
Bollard and pathway luminaires	4 ft.
Residential zone districts and HPO zones	12 ft.
Within 100 feet of Residential zone districts	16 ft.
Mixed-use development or allowable uses in the Offices and Services Sub-category of Table 4-2-1	20 ft.
Allowable uses in Table 4-2-1 in the following categories: Civic and Institutional Uses Commercial Uses other than the Offices and Services Sub-category Industrial Uses	25 ft.

**5-8(D)(4) Façade, Wall/Fence, Landscape Feature, or Sculpture Lighting**

Lighting to illuminate vertical surfaces to help people navigate and detect threats at night shall follow all the following requirements.

5-8(D)(4)(a) Non-white colored lighting is allowed for lighting vertical surfaces.

5-8(D)(4)(b) Articulated lights emitting light above 90 degrees from the nadir shall be shielded to contain light to their targeted surface/object. Windows in a dwelling are not allowed to be a target.

**5-8(D)(5) Steps, Stairs, and Pedestrian Walkway Lighting**

Lighting to illuminate trip and fall hazards such as stairs, curbs, and raised pavement shall follow ANSI/RP-43 standards.

**5-8(D)(6) Deck and Outdoor Dining Lighting**

5-8(D)(6)(a) Lighting used to illuminate patios, decks, balconies, terraces, gazebos, pergolas, or any other accessory structure, including festoon lighting, is subject to an outdoor lighting curfew.

5-8(D)(6)(b) Festoon lighting is exempt from the point light source restriction in Subsection 14-16-5-8(E)(4)(a).

**5-8(D)(7) Security**

Security lighting shall not be used continuously as a general deterrent during outdoor lighting curfew. Lighting to boost illumination levels for security as the primary objective, as described in *IES G-1 Security Lighting*, shall meet all of the following requirements.

- 5-8(D)(7)(a) Security lighting controlled by a motion sensor shall turn off or return to a dimmed level no more than 10 minutes after motion was detected.
- 5-8(D)(7)(b) Security/surveillance cameras emitting infrared light are allowed.
- 5-8(D)(7)(c) Illumination different from ANSI/IES standards may be reviewed and decided by requesting a Site Plan – EPC pursuant to Subsection 14-16-6-6(l) and providing an outdoor and site lighting performance analysis pursuant to Subsection 14-16-6-4(H)(3).

## 5-8(E) LIGHTING DESIGNATIONS FOR ZONE DISTRICTS

Table 5-8-2: Lighting Designations by Zone District indicates the equivalent ANSI/IES lighting designations allowed in each zone district based on allowable land uses. Where multiple designations are indicated for a zone district, the notes in the table identify which designation shall be used depending on context.

Table 5-8-2: Lighting Designations by Zone District																		
NDZ = Natural Dark Zone   Lz0 = Light Zone 0   Lz1 = Light Zone 1   Lz2 = Light Zone 2   Lz3 = Light Zone 3																		
Zone District	Residential						Mixed-Use				Non-Residential							
ANSI/IES Lighting Designation	R-A	R-1	R-T	R-MC	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-PO			
															A	B	C	D
NDZ																X <sup>1</sup>	X <sup>1</sup>	
Lz0	X <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>		X <sup>3</sup>								X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>
Lz1	X	X	X	X	X	X <sup>3, 4</sup>	X	X <sup>4</sup>	X <sup>4</sup>	X <sup>4</sup>	X	X	X	X	X			X
Lz2						X		X	X	X	X <sup>5</sup>			X <sup>5</sup>	X <sup>6</sup>			
Lz3									X <sup>5</sup>	X <sup>5</sup>					X <sup>7</sup>			
<b>Notes:</b>																		
[1] NDZ is required in NR-PO zones for open space where no anthropogenic light is allowed.																		
[2] Lz0 is required in NR-PO zones for open space where some anthropogenic light is needed in hours of darkness, parks with minimal amenities, and parks or open space adjacent to low-density residential uses.																		
[3] A lower lighting zone is required on subject properties with sensitive lands.																		
[4] A lower lighting zone is required on subject properties adjacent to low-density residential uses.																		
[5] In UC-MS-PT-MT areas, a higher lighting zone is allowed, unless the subject property is adjacent to any Residential zone district.																		
[6] Lz2 is allowed in parks with high pedestrian activity and many amenities.																		
[7] Lz3 is allowed in parks containing nighttime stadiums or entertainment activities.																		

## 5-8(E)(1) Planned Development Zone Districts

- 5-8(E)(1)(a) Existing PD or PC zone districts that did not establish lighting standards must come into compliance with the requirements of the lighting designation that most closely matches their current



land use and surrounding contexts as established in Table 5-8-2 pursuant to Subsection 14-16-6-8(G).

- 5-8(E)(1)(b) Any new PD or PC zone districts shall establish the lighting designation(s) that most closely matches the allowable uses of the zone districts in Table 5-8-2 and the lumen limits from Subsection 14-16-5-8(F) in the Site Plan – EPC, pursuant to Subsection 14-16-6-6(I), or Framework Plan, pursuant to Subsection 14-16-6-7(H), as relevant, with an outdoor and site lighting performance analysis pursuant to Subsection 14-16-6-4(H)(3).

**5-8(E)(2) Non-residential Sensitive Use (NR-SU) Zone District**

- 5-8(E)(2)(a) Existing NR-SU zone districts that did not previously establish lighting standards must come into compliance with the requirements of the lighting designation that most closely matches their current land use and surrounding context as established in Table 5-8-2 pursuant to Subsection 14-16-6-8(G).
- 5-8(E)(2)(b) Any new NR-SU zone district shall establish the lighting designation(s) that most closely matches the allowable uses of a zone district in Table 5-8-2 and the lumen limits from Subsection 14-16-5-8(F) in their Site Plan – EPC pursuant to Subsection 14-16-6-6(I) with an outdoor and site lighting performance analysis pursuant to Subsection 14-16-6-4(H)(3).

**5-8(E)(3) Non-residential Parks and Open Space (NR-PO)**

- 5-8(E)(3)(a) City Parks & Recreation staff shall identify environmentally sensitive areas that need protection from anthropogenic light and design outdoor and site lighting based on the lowest possible lighting designation in Table 5-8-2.
- 5-8(E)(3)(b) City Parks & Recreation staff shall identify adjacent properties and design outdoor and site lighting based on the appropriate lighting designation in Table 5-8-2.

**5-8(E)(4) Light Trespass**

- 5-8(E)(4)(a) Unless specified elsewhere in this IDO, all outdoor luminaires shall be located or optically shielded such that the point light source is not visible from adjacent property or public right-of-way.
- 5-8(E)(4)(b) The total illumination from outdoor light sources and interior light escaping from windows shall not exceed light trespass limits in Table 5-8-3, as measured at any location along the property line in both of the following ways:
1. Horizontally at finished grade with the light meter facing upward.
  2. Vertically at 5 feet (1.5 meters) above finished grade with the light meter aiming toward the subject property.

TABLE 5-8-3: LIGHT TRESPASS LIMITS BY LIGHTING DESIGNATION					
	NDZ	Lz0	Lz1	Lz2	Lz3

Footcandles (fc)	0.02	0.05	0.1	0.3	0.8
Lux (lx)	0.2	0.5	1.0	3.0	8
Luminance (cd/m <sup>2</sup> )	0	1	20	40	80

**5-8(E)(4)(c)** If the total illumination from outdoor light sources and interior light escaping from windows exceeds light trespass limits in Table 5-8-3 at any point along the property light, lighting must be re-aimed, removed, turned off, or dimmed until compliance is reached.

## **5-8(F) TOTAL LUMEN ALLOWANCE**

All sources of light visible from the exterior of a property shall meet the requirements of this Subsection 14-16-5-8(F). Only 20 percent of the total allowable site lumens in Table 5-8-4 or Table 5-8-5 is allowed to be uplight (i.e. light emitted above 90 degrees from nadir).

### **5-8(F)(1) Residential Uses**

#### **5-8(F)(1)(a) Total Lumen Allowance**

Table 5-8-4 indicates the total exterior lumens allowed for each dwelling on a subject property.

<b>TABLE 5-8-4: TOTAL LUMENS ALLOWED PER DWELLING</b>				
<b>ZONE DISTRICTS</b>	<b>Lz0</b>	<b>Lz1</b>	<b>Lz2</b>	<b>Lz3</b>
R-A	3,000	5,000	-	-
R-1A	1,500	3,000	-	-
R-1B	2,500	4,500	-	-
R-1C	2,500	4,500	-	-
R-1D	3,000	5,000	-	-
R-T	12,000	20,000	-	-
R-MC	1,500	3,000	-	-
R-ML or MX-T	12,000	20,000	-	-
R-MH or MX-L	-	24,000	35,000	-
MX-M	-	24,000	35,000	49,000
MX-H	-	27,000	40,000	56,000

#### **5-8(F)(1)(a) Additional Lumen Allowance**

1. An additional 1,500 lumens are allowed for an accessory dwelling unit (ADU).
2. Outdoor walkways, outdoor stairs, and parking lots for multi-family dwellings, assisted living facilities, or nursing homes are allowed additional lumens pursuant to Table 5-8-5.

### **5-8(F)(2) Non-residential Development**

Table 5-8-5 indicates the total lumens allowed from all outdoor light sources on properties with an allowable non-residential use.

TABLE 5-8-5: TOTAL SITE LUMENS ALLOWED - NON-RESIDENTIAL DEVELOPMENT					
Lighting Requirement	Unit	Lz0	Lz1	Lz2	Lz3
Tree, Landscape, and Sculpture Beds	lm / s.f.	0.5	1	2	4
Walkways/Stairs/Parking Lot	lm / s.f.	1.00	1.25	1.50	2.50
Outdoor Dining	lm / s.f.	n/a	2	2.5	3

## 5-8(G) ADDITIONAL STANDARDS FOR SPECIFIC TYPES OF LIGHTING

### 5-8(G)(1) Sports and Recreation

#### 5-8(G)(1)(a) General

1. Lighting for recreational areas and outdoor sports, such as baseball, football, racquet sports, and similar sports, shall follow ANSI/IES RP-6 standards. Illumination shall be confined to within 150 feet (or one pole height, whichever is greater) of the play field, track, or bleacher.
2. Correct aiming, shielding, and/or internal louvers are required to prevent light trespass, glare, and light emitted above 60 degrees from nadir.
3. When allowed by permit, underwater pool, spa, and pool deck lighting shall not exceed ANSI/IES RP-6 standards.

#### 5-8(G)(1)(b) Residential Recreational Amenity and Private Parks

1. For small courts located on property with a Residential use or located in private parks within the NR-PO-C sub-zone that serve fewer than 25 people, a performance analysis is not required for lighting that meets the requirements of Section 14-16-5-8(G), including the light pole heights in Table 5-8-1.
2. Lighting on the field of play is not allowed in Lz0.
3. Up to 2 light poles are allowed. Illuminance levels on the field of play shall not exceed any of the following, as relevant:
  - a. Lz2 or Lz3: 10 fc
  - b. Lz1: 5 fc
4. For additional lighting, or if 3 or more light poles are desired, a performance analysis pursuant to Subsection 14-16-6-4(H)(3) and a Site Plan – EPC pursuant to 14-16-6-6(I) are required.

#### 5-8(G)(1)(c) Collegiate, Professional, Stadium, or Outdoor Entertainment Sports Facility

1. These facilities require a performance analysis pursuant to Subsection 14-16-6-4(H)(3) and a Site Plan – EPC pursuant to 14-16-6-6(I).
2. Pole mounting heights shall be based on the playability of the sport, photometric reports, and the player's glare zones per ANSI/IES RP-6.

3. Poles shall be anodized or otherwise coated to minimize glare from the luminaire. Wooden poles are also acceptable.
4. For sports fields where games will regularly be filmed or televised, a CCT of 4000K is allowed but not required.
5. Sports lighting luminaires shall have a CRI of at least 75.
6. Luminaires shall be extinguished 1 hour after the end of play.
7. Uplighting is allowed for aerial sports such as baseball and football. Uplighting shall be controlled separately from other sports lighting.

**5-8(G)(2) Seasonal**

- 5-8(G)(2)(a) Seasonal lighting is not allowed in lighting designation NDZ.
- 5-8(G)(2)(b) Seasonal lighting is allowed for up to 45 consecutive days up to 2 times per year.
- 5-8(G)(2)(c) Seasonal lighting is exempt from the uplight, CCT, CRI, and point light source restrictions in Subsections 14-16-5-8(D) and 14-16-5-8(E)(4)(a).

**5-8(G)(3) Historic Landmarks and HPO Zones**

Outdoor or site lighting on a historic landmark or in HPO zones that does not comply with the requirements in this Section but that are consistent with the time period and character of the historic structure may be allowed by the Landmarks Commission pursuant to a Historic Certificate of Appropriateness – Major pursuant to Subsection 14-16-6-6(D).

On page 359, revise Subsection 14-16-5-12(E)(5)(a)2 as follows:

## 5-12 SIGNS

### 5-12(E) STANDARDS APPLICABLE TO ALL SIGNS

#### 5-12(E)(5) Illumination and Motion

##### 5-12(E)(5)(a) General

2. No white portion of an illuminated sign shall exceed the luminance limits in Table 5-12-1 [new] during the hours of darkness.

TABLE 5-12-1 [new]: SIGN LUMINANCE LIMITS	
ANSI/IES Lighting Designation Lighting Designation	Maximum Luminance (Nits)
Lz1	108
Lz2	323
Lz3	685

3. [New] No other portion of an illuminated sign shall have a luminance greater than ~~200 foot lamberts~~ or 685 nits during the hours of darkness at night.

## **5-12(H) ELECTRONIC SIGNS**

### **5-12(H)(4) Illumination, Brightness, and Images**

- 5-12(H)(4)(b) Electronic signs shall not exceed an illumination level of 0.3 foot candles above ambient light as measured from a distance indicated in Table 5-12-5 based on sign area, with the light meter held perpendicular to the sign and targeting the color white.

On page 407, in Section 14-16-6-4 General Procedures, create a new Subsection (H) with heading “Analyses and Study Requirements” and make existing Subsection 6-4(H) Cumulative Impacts Analysis and 6-4(I) Traffic Impact Study subheadings in the new section. Add a new Subsection in the new Subsection (H) with text as follows:

## **Part 14-16-6 Administration and Enforcement**

---

### **6-4 GENERAL PROCEDURES**

#### **6-4(H) [NEW] ANALYSES AND STUDY REQUIREMENTS**

##### **6-4(H)(3) [new] Outdoor and Site Lighting Performance Analysis Requirements**

- 6-4(H)(3)(a) A performance analysis for outdoor and site lighting may be requested for EPC review as part of a Site Plan – EPC. A lighting plan pursuant to 14-16-6-4(H)(3)(b) below shall be submitted with the application for Site Plan – EPC.
- 6-4(H)(3)(b) The outdoor lighting plan shall include all of the following:
1. Luminaire locations, mounting heights, and aiming directions.
  2. Illuminating Engineering Society (IES) photometric data.
  3. Locations of buildings and structures.
  4. Location of trees and shrubs above 4 feet high.
- 6-4(H)(3)(c) An affidavit shall be submitted verifying that the lighting plan meets both of the following:
1. ANSI/IES standards.
  2. The requirements of Section 14-16-5-8.
- 6-4(H)(3)(d) The lighting plan is subject to the application completeness requirements of Subsection 14-16-6-4(G).

On page 485, in Subsection 14-16-6-6(I), add new subsections with text as follows:

## **6-6 DECISIONS REQUIRING A PUBLIC HEARING**

### **6-6(I) SITE PLAN – EPC**

#### **6-6(I)(1) Applicability**

6-6(I)(1)(a) This Subsection 6-6(I) applies to any of the following:

9. [New] Any application for development requesting an outdoor and site lighting performance analysis to determine compliance with lighting requirements.

#### **6-6(I)(3) Review and Decision Criteria**

6-6(I)(3)(h) If an outdoor or site lighting performance analysis is requested, the proposed lighting design must prove it will not adversely affect the lighting requirements of Section 14-16-5-8(E) without sufficient mitigation and benefits that outweigh the expected impacts.

On page 535, in Subsection 14-16-6-8(G), add a new Subsection with text as follows:

## **6-7 NONCONFORMITY**

### **6-7(A) NONCONFORMING SITE FEATURES**

#### **6-7(A)(1) Outdoor and Site Lighting**

- 6-7(A)(1)(a) Outdoor and site lighting that does not satisfy the requirements of this IDO and that requires investment in electrical work or a new luminaire shall be considered nonconforming until January 1, 2034.
- 6-7(A)(1)(b) After January 1, 2034, unless otherwise specified in this IDO, all outdoor luminaires that do not satisfy the requirements of this IDO must be replaced or retrofitted to comply.

On page 545, in Section 14-16-7-1, add new terms with text as follows and revise existing terms as follows:

## Part 14-16-7 Definitions & Acronyms

---

### 7-1 DEFINITIONS

#### **ANSI/IES Standards**

Standards developed by the American National Standards Institute (ANSI) and the Illuminating Engineering Society (IES), a professional organization of designers, architects, engineers, sales professionals, and researchers. For the purposes of this IDO, ANSI/IES standards are referenced for in Section 14-16-5-8 (Outdoor and Site Lighting).

#### **Anthropogenic**

Change of conditions caused or influenced by people.

#### **BUG (Backlight, Uplight, Glare) Rating**

A rating system for the quantity of light within specific beam angles, consisting of all of the following:

##### **Backlight**

A rating based on zonal lumens distributed behind a luminaire between 0 and 90 degrees from the vertical of nadir.

##### **Uplight**

A rating based on zonal lumens emitted above 90 degrees from the vertical of nadir.

##### **Glare**

A rating based on the zonal lumens distributed between 60 and 90 degrees from the vertical of nadir.

#### **Candela**

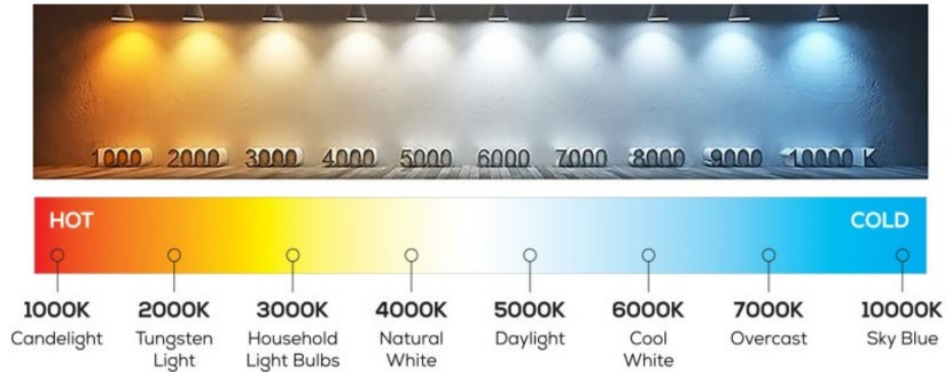
The International System of Units (SI) of luminous intensity in a given direction of a light source, measured in candela per square meter (cd/m<sup>2</sup>).

#### **Color Rendering Index (CRI)**

A measurement on a scale of 0 to 100 to describe the ability of a light source to render an object's colors as if it were being exposed to natural daylight. A score close to 100 indicates that an anthropogenic light source is a close match for natural light.

#### **Correlated Color Temperature (CCT)**

The color appearance of light emitted by a lamp. The CCT rating for a lamp is a measure of the "warmth" or "coolness" of its appearance and is measured in Kelvin (K). Lower CCT (2200K) appears very warm or amber. Medium CCT (2700K – 3000K) appears "warm white." High CCT (4000K +) appears "cool white" or "blue."



### **Festoon Lighting**

String lighting with individual bulbs suspended between two or more points and capable of providing usable illuminance, subject to curfew. For the purposes of this IDO, festoon lighting is not considered seasonal lighting. See also *curfew* and *seasonal lighting*.

### **Foot Candle**

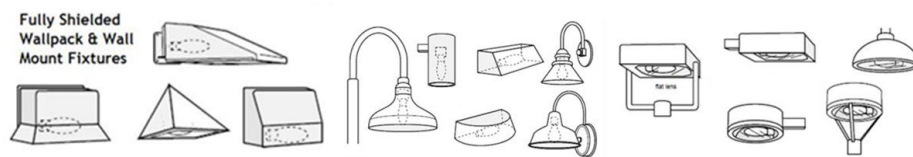
A unit of illumination of a surface that is equal to one lumen per square foot (lm/s.f.). For the purposes of this IDO, foot candles shall be measured at a height of 5 feet (1.5 meters) ~~3 feet~~ above finished grade by a digital light meter.

### **Foot Lambert**

A unit of luminance equal to  $1/\pi$  candela per square foot or 3.426 candela per square meter. 200 foot lamberts = 685 nits. See also *Measurement Definitions for Luminance*.

### **Fully Shielded Luminaire**

Luminaires constructed and properly installed so that no light rays are directly emitted at angles above the horizontal plane as certified by a photometric test report and all light is effectively directed downward.



### **Glare**

The sensation produced by luminance brightness within the visual field of vision that is ~~are~~ sufficiently greater than the luminance light level to which the eyes are already adapted to, causing ~~cause~~ annoyance, discomfort, or loss of in visual performance ~~and visibility~~.

### **Lighting Designations**

Lighting designations align with the ANSI/IES lighting zone definitions, which serve as the basis for ANSI/IES lighting standards. For the purposes of this IDO, the lighting zones are summarized below.

#### **Natural Dark Zone (NDZ)**

Natural areas where no anthropogenic lighting is allowed at night.



**Light Zone 0 (Lz0)**

Predominantly dark areas with limited built environment. Responsible lighting techniques offer some environmental protection.

**Light Zone 1 (Lz1)**

Developed areas with quiet and dark character, commonly used for residential and lower-volume areas.

**Light Zone 2 (Lz2)**

Developed areas for commerce and recreation with moderate volume. Lighting and minimal signage inform people.

**Light Zone 3 (Lz3)**

Commercial signage and lighting are continuous as they compete to attract and entertain people.

**Illuminance**

A measurement for the amount of light falling onto a surface, commonly measured in the horizontal and/or vertical planes in Footcandles (Fc) or lux.

**Light Trespass**

Light traveling past property lines and illuminating properties without approval.

**Luminaire**

The complete electrical light unit, including the light source, housing, optics, and driver.

**Luminance**

The light source or surface brightness as it is perceived by the human eye, measured in candela per meter squared (cd/m<sup>2</sup>).

**Measurement Definitions****Luminance**

The brightness of an object, expressed in terms of foot lamberts, determined from a point 5 feet above ground level on another premises or the public right-of-way, at least 20 feet in any direction from the object measured. See also *Foot Lambert*.

**Lumen**

A unit of measure to rate the quantity of light provided by a light source. A quantitative unit measuring the amount of light emitted by a light source. A lamp is generally rated in lumens.

**Lux**

A unit used to measure illuminance. One (1) lux is equal to 1 lumen per square meter (lm/m<sup>2</sup>).

**Mounting Height**

The vertical distance between the finished grade and the center of the apparent light source of the luminaire.

**Outdoor Lighting Curfew**

For the purposes of this IDO, the time between 10 P.M. and 7 A.M. when outdoor lighting and interior light escaping through windows must be reduced by at least 50 percent of the normal illuminance. For establishments with business hours later than 10 P.M., outdoor lighting curfew begins one hour after

closing. For establishments with business hours earlier than 7 A.M., outdoor lighting curfew ends one hour before opening.

**Point Light Source**

The exact place where illumination is produced (e.g. a light bulb filament or LED package) even when behind a clear lens.

**Shielded Lighting**

A floodlight with an accessory intended to block obtrusive light through either an optical intervention and/or a physical shield or louver.

**Seasonal Lighting**

Outdoor or site lighting that is portable, temporary, and decorative. This includes but is not limited to string lighting, icicle lighting, outline lighting, and lighted holiday inflatables that are not intended for general illumination. See also *Festoon Lighting*.

**Security Lighting**

Distinct from outdoor lighting installed for safe passage during hours of darkness, security lighting is installed to provide bright illumination for security to protect people, property, and infrastructure from physical or criminal threats.

On page 617, in Section 14-16-7-2 Acronyms and Abbreviations, add text as follows

## **7-2 ACRONYMS**

ANSI - American National Standards Institute

BUG - Backlight, Uplight, Glare

CCT - Correlated Color Temperature

CD - Candela

CRI - Color Rendering Index

FC - Footcandle

IES - Illuminating Engineering Society

LED - Light Emitting Diode

LM - Lumen



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## CITY OF ALBUQUERQUE CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Isaac Benton, City Councilor for District 2  
Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Cottage Development Use-Specific Standards

**DATE:** October 20<sup>th</sup>, 2023

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Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

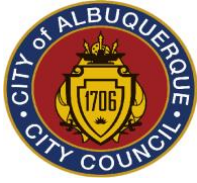
**Purpose:** The purpose of this amendment is to add new use-specific standards (USS) to the Cottage Development use. One USS will allow dwelling units to be connected on one side and the other will require front porches on all dwelling units in a Cottage Development.

**Actions:**

- Add two new use-specific standards to 4-3(B)(4) Cottage Development in appropriate numerical order as follows

[4-3(B)(4)(XX) In the R-1 zone district, dwelling units may be attached on one side.]

4-3(B)(4)(XX) Dwelling units shall have front porches.]



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Two-Family Detached (Duplex)

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

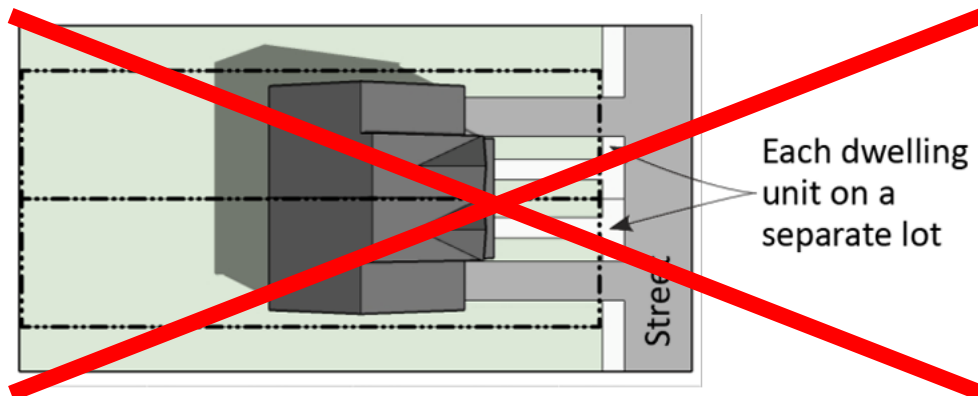
Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to allow two-family detached (duplex) dwellings in the entirety of the R-1 zone district and add new use-specific standards. Today, this dwelling type is only allowed in the R-1A sub district of R-1.

**Actions:**

- Delete 4-3(B)(5)(b) and the associated illustration as follows:

~~{4-3(B)(5)(b) This use is prohibited in the R-1 zone district, except in R-1A where 1 two-family detached dwelling is permissive on 2 lots where the building straddles the lot line and each dwelling unit is on a separate lot. (See figure below.)}~~



- Add use-specific standards to 4-3(B)(5) Two-Family Detached (duplex) in appropriate numerical order as follows:

4-3(B)(5)(XX) In the R-1 Zone District, this use is permissive on lots where the second dwelling unit is attached to or is within an existing building.

4-3(B)(5)(XX) In the R-1 Zone District, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when the dwelling is constructed on a vacant lot.

4-3(B)(5)(XX) In the R-1 Zone District, this use is not allowed on a lot with an Accessory Dwelling Unit.

4-3(B)(5)(XX) Street facing facades must have at least one entrance and one window.]

- Add a use-specific standard to 4-3(F)(6) Dwelling Unit, Accessory as follows:

4-3(F)(6)(XX) In the R-1 Zone District, this use is not allowed on a lot with a Two-Family Detached (Duplex) dwelling.]



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Rene Grout, City Councilor for District 9

**SUBJECT:** 2023 IDO Update: Cannabis Retail

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this proposed amendment is to make four changes to Cannabis Retail:

1. Remove the Conditional Use allowance for Cannabis Retail when a location is proposed within 600 feet of another location
2. Remove the distance separation exception for businesses with microbusiness licenses
3. Increase the distance separation requirement from 600 feet to 660 feet to be consistent with other measurements in the IDO
4. Remove the allowance of Cannabis Retail in the MX-T zone district.
5. Delete the definition of Cannabis Microbusiness, as there will be no regulations pertaining to microbusinesses if this amendment is to pass.

**Actions:**

- Amend Table 4-2-1: Allowable Uses on page 153 to remove the “P” from the Cannabis Retail line in the MX-T zone district.
- Amend Section 4-3(D)(35)(c) as follow:

~~4-3(D)(35)(c) [If located within 600 feet of any other cannabis retail establishment, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), unless associated with an establishment licensed by the State as a cannabis microbusiness. Nothing herein prohibits multiple licenses from operating from a single “licensed premises” as defined by Sections 26-2C-1 to 26-2C-42 NMSA 1978.] [This use is prohibited within 660 feet of another cannabis retail location.]~~

- Delete section 4-3(D)(35)(j) as follows:

~~[4-3(D)(35)(i) In the MX-T zone district, this use is prohibited, unless associated with an establishment licensed by the State as a cannabis microbusiness, in which case this use shall not exceed 10,000 square feet of gross floor area.]~~

- Amend Section 7-1 Definitions to delete the definition of Cannabis Microbusiness:

~~**[Cannabis Microbusiness**~~

~~An establishment licensed by the State as an Integrated Cannabis Microbusiness or Cannabis Producer Microbusiness, as defined by Sections 26-2C-1 to 26-2C-42 NMSA 1978.]~~



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Rene Grout, City Councilor for District 9

**SUBJECT:** 2023 IDO Update: Boat and RV parking

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this proposed amendment is disallow recreational vehicles and boats from parking in a front yard area, whether that front yard area has been improved or not.

**Actions:**

- Amend Section 5-4(B) as follows:

5-5(B)(4)(d) Parking of recreational vehicle, boat, and/or recreational trailer for more than 2 hours:

1. Allowed with the permission of the property owner of a premises with a primary residential use allowed by Table 4-2-1 in any Residential zone district or MX-T zone district.
2. Allowed with the permission of the property owner of a premises with a primary non-residential use allowed by Table 4-2-1 in any MX or NR zone district.
3. The vehicle must be parked in 1 of the following areas:

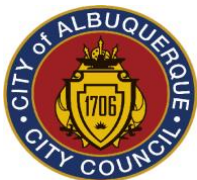
a. Inside an enclosed structure.

b. Outside in a side or rear yard.

~~[c. Outside in a front yard, with the unit perpendicular to the front curb and the body of the recreational vehicle at least 11 feet from the face of the curb.]~~

~~4. The vehicle shall not be parked in any portion of a front yard, whether that portion has been improved as a driveway or not.]~~





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## CITY OF ALBUQUERQUE CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Parking Maximums near Transit Facilities

**DATE:** October 20<sup>th</sup>, 2023

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Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to implement a maximum parking requirement within proximity to Transit Facilities. This new requirement would exclude park & ride facilities, which fall under the general definition of 'transit facilities'. The IDO defines a transit facility as follows:

**Transit Facility** Land used for transit stations, terminals, depots, and transfer points, which may include shelters, park-and-ride lots, and/or related facilities on public or privately owned lots.

**Actions:**

- Amend 5-5(C)(7) Parking Maximums to add a new subsection in appropriate numerical order as follows:

[5-5(C)(7)(XX) Within 330 feet of a transit facility, the maximum number of off-street parking spaces provided shall be no more than 100 percent of the off-street parking spaces required by Table 2-4-13 or Table 5-5-1, as applicable.]



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Isaac Benton, City Councilor for District 2  
Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Landscaping Applicability

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to reduce the applicability in which landscaping is required. The requirements are proposed to be lowered by a total of 20%.

**Actions:**

- Amend 5-6(B) APPLICABILITY as follows:

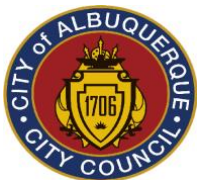
5-6(B)(1) The provisions of this Section 14-16-5-6 shall apply to any of the following, unless specified otherwise this IDO:

5-6(B)(1)(a) Construction of a new building containing multi-family, mixed-use, or non-residential development or an accessory parking structure.

5-6(B)(1)(b) Construction of a new parking lot containing ~~[25 20]~~ or more spaces, or expansion of an existing parking lot by ~~[25 20]~~ spaces or more.

5-6(B)(1)(c) Expansion of the gross floor area of an existing building containing multi-family, mixed-use, or non-residential development by ~~[2,500 2,000]~~ square feet or more, or ~~[25 20]~~ percent or more, whichever is less.

5-6(B)(1)(d) Renovation or redevelopment of an existing building containing multi-family, mixed-use, or non-residential development, including but not limited to reconstruction after fire, flood, or other damage, where the value of the renovation or redevelopment, indicated by building permits, is ~~[\$500,000 \$400,000]~~ or more.



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## CITY OF ALBUQUERQUE CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Mulching Requirements

**DATE:** October 20<sup>th</sup>, 2023

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Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to specify that the existing mulching requirement in the IDO – which currently requires that a minimum of 2 inches of mulch be required in planting areas – be specifically extended to two feet around any plant. The code does not currently have a requirement for how far the mulch around the base of a plant must extend.

**Actions:**

- Amend 5-6(C)(5)(d) as follows:

5-6(C)(5)(d) A minimum of 2 inches of organic mulch is required in all planting areas [within at least a 2-foot radius around the plant at anticipated mature size of the actual vegetation], with 3-4 inches recommended. (See figure below.)



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## CITY OF ALBUQUERQUE CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Isaac Benton, City Councilor for District 2  
Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Street Tree Mulching Requirement

**DATE:** October 20<sup>th</sup>, 2023

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Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to remove the mulching requirement for trees that are considered street trees. Other trees on a project site that would not meet the definition of a street tree would continue to be subject to the mulching requirement. The IDO considers any tree within 20-feet of a street to be a street tree.

**Actions:**

- Amend 5-6(B) APPLICABILITY as follows:

5-6(C)(5)(e) Organic mulch is required as ground cover under trees [, not including street trees,] within a 5-foot radius around the tree trunk, but not directly against the trunk. In these areas, weed barrier fabric is prohibited. (See figure below.)



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Building Design

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to implement building design requirements for buildings which do not have such requirements. Today, the IDO provides building design requirements for low-density residential buildings, multi-family buildings, and buildings in mixed-use or non-residential zone districts that are within Urban Centers, Main Street Corridors, or Premium Transit Corridors

**Actions:**

- Create a new Section 5-11(F) as follows and renumber subsequent sections as necessary

[5-11(F) NON-RESIDENTIAL DEVELOPMENT OTHER THAN INDUSTRIAL DEVELOPMENT IN NR-LM OR NR-GM]

All non-residential development, except Industrial development, in the NR-LM or NR-GM zone districts shall comply with the standards in this Subsection 14-16-5-11(F), except that Parking structures, including the portion of parking structures incorporated into a building with allowable primary and/or accessory uses, shall comply with the design standards in 14-16-5-5(G) (Parking Structure Design).

5-11(F)(1) Façade Design

Each street-facing façade shall incorporate at least 2 of the following features along at least 20 percent of the length of the façade, distributed along the façade so that at least 1 of the incorporated features occurs every 50 feet:

- a) Ground floor transparent windows
- b) Windows on upper floors

- c) Primary pedestrian entrances
- d) Sun shelves or other exterior building features designed to reflect sunlight into the building and reduce the need for interior lighting.
- e) Raised planters between 12 inches and 28 inches above grade with the surface planted to achieve at least 75 percent vegetative cover at maturity.
- f) Wall plane projections or recesses of at least 1 foot in depth at least every 50 feet of façade length and extending at least 10 percent of the length of the façade.
- g) A change in color, texture, or material at least every 50 feet of façade length and extending at least 20 percent of the length of the façade.
- h) Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.
- i) Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.]

- Create a new Section 5-11(G) as follows and renumber subsequent sections as necessary

5-11(G) INDUSTRIAL DEVELOPMENT IN ANY ZONE DISTRICT

All industrial development located in any zone district, excluding MX-FB, NR-SU, and NR-PO that does not meet the applicability requirements of Section 5-11(E) shall comply with the standards in this Subsection 14-16-5-11(G), except that Parking structures, including the portion of parking structures incorporated into a building with allowable primary and/or accessory uses, shall comply with the design standards in 14-16-5-5(G) (Parking Structure Design).

5-11(G)(1) Each street-facing façade less than 150 feet in length shall incorporate at least 1 of the following features along at least 15 percent of the length of the façade, distributed along the façade so that at least 1 of the incorporated features occurs every 50 feet:

- a) Transparent windows
- b) Wall plane projections or recesses of at least 1 foot in depth at least every 50 feet of façade length and extending at least 20 percent of the length of the façade.
- c) A change in color, texture, or material at least every 50 feet of façade length and extending at least 20 percent of the length of the façade.
- d) Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.
- e) Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.

5-11(G)(2) Each street-facing façade shall incorporate at least 1 of the following features along at least 10 percent of the length of the façade, distributed along the façade so that at least 1 of the incorporated features occurs every 75 feet:

- a) Transparent windows
- b) Wall plane projections or recesses of at least 1 foot in depth at least every 75 feet of façade length and extending at least 10 percent of the length of the façade.

- c) A change in color, texture, or material at least every 75 feet of façade length and extending at least 20 percent of the length of the façade.
- d) Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.
- e) Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.]



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Brook Bassan, City Councilor for District 4

**SUBJECT:** 2023 IDO Update: Pre-Submittal Meeting Validity Period

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to increase the time in which a pre-submittal neighborhood meeting is valid prior to an application being submitted. Today, the pre-submittal neighborhood meeting must occur within 90 days of the development application being filed. This amendment proposes to increase that timeline to one year.

**Actions:**

- Amend 6-4(B) as follows:

**6-4(B) PRE-SUBMITTAL NEIGHBORHOOD MEETING**

6-4(B)(1) For applications that meet any of the following criteria, the applicant shall offer at least 1 meeting to all Neighborhood Associations whose boundaries include or are adjacent to the subject property no more than ~~{90 calendar days}~~ [1 year] before filing the application. In such cases, project applications will not be accepted until a pre-submittal neighborhood meeting has been held, or the requirements for a reasonable attempt in Subsection (3) below have been met.





## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Rene Grout, City Councilor for District 9

**SUBJECT:** 2023 IDO Update: Front Yard Parking – Angular Stone

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this proposed amendment is to remove “angular stone” as an allowed material that would meet the requirement of an improved surface for the purposes of front yard parking regulations in the IDO. Other gravel-like materials such as crusher fines will continue to be an allowed material.

**Actions:**

- Amend Section 6-8(G) to as follows:

**6-8(G)(2)(a) Front Yard Parking Areas in Existence Prior to June 17, 2007**

1. Front yard parking areas that do not satisfy the requirements of this IDO that were improved for and specifically dedicated to use as a front yard parking area prior to June 17, 2007 (when City Council adopted O-07-61, which first regulated front yard parking), and that otherwise satisfied the requirements of all applicable regulations in place at the time of their installation, may continue to be used as front yard parking areas pursuant to the provisions of this IDO governing nonconforming uses and structures.

a. For the purposes of this Subsection 14-16-6-8(G)(3), “improvements” include either impervious surfaces, such as concrete or asphalt, or all-weather pervious surfaces, such as recycled asphalt, compacted crusher fines ~~[, or compacted angular stone.]~~. In order to enjoy nonconforming status under this Section 14-16-6-8, any such improvements must have been installed for and be suitable for the specific purpose of front yard parking and maneuvering.

- Amend Section 5-5(F) as follows:

**5-5(F)(2) Design, Access, and Circulation**

The following standards apply to driveways, drive aisles, carports, parking lots, and parking structures unless specified otherwise in this IDO.

**5-5(F)(2)(a) Low-density Residential Development**

The following standards apply to all low-density residential development in any zone district except R-MC.

1. Driveways, parking areas, and curb cuts shall meet any applicable requirements in Subsection 14-16-5-3(C)(3)(b) (Driveways, Drive Aisles, and Access) and the DPM except that angular stone is not allowed.



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Tribal Engagement

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this proposed amendment is to integrate potentially impacted Tribal nations and their members within the development review and approval process. In the IDO today, there is no formal mechanism for Tribal nations within and around Albuquerque to be notified or otherwise included in the review and approval process of development activities. The proposed amendments below will create a formal process in which Tribal nations will be solicited for feedback on certain development applications and/or provided notice of development activity.

*\*6-4(J)(9) and 6-4(J)(10) will require two separate Text Amendment to IDO – Small Mapped Area applications. This language has been provided in this memo for illustrative purposes but should not be included by the Planning Department in the 2023 IDO Annual Update city-wide changes.*

#### **Actions:**

- Amend Section 7-1 to add a new definition as follows:

#### **Indian Nation, Tribe, or Pueblo**

For the purposes of this IDO, the designated chief executives of a federally recognized Indian Nation, Tribe, or Pueblo located wholly or partially in New Mexico. The Tribal Liaison with the City's Office of Native American Affairs shall maintain an updated list of the names and contact information for the chief executives of the Indian Nations, Tribes or Pueblos.

#### **Tribal Representative**

A tribally appointed representative currently serving on the City of Albuquerque Commission on American Indian/Alaska Native Affairs. The Tribal Liaison with the City's Office of

Native American Affairs shall maintain an updated list of the names and contact information for members of the City of Albuquerque Commission on American Indian/Alaska Native Affairs.

**Tribal Land**

Land held in trust, fee land, or land owned by the tribal government of an Indian Nation, Tribe, or Pueblo that the relevant tribal government requests in writing to be mapped by AGIS for the purpose of referrals to the tribal government as a commenting agency.]

- Amend Section 6-4 as follows:

**6-4(J) REFERRALS TO COMMENTING AGENCIES**

Following a determination that the application is complete, the Planning Director, ZEO, or any City staff designated to review applications in Table 6-1-1 shall refer applications for comment to the following departments or agencies, as noted below. Any comments received within 15 calendar days after such a referral shall be considered with the application materials in any further review and decision-making procedures.

**6-4(J)(6) Development within 660 feet of the Petroglyph National Monument**

**6-4(J)(6)(a) National Park Service.**

**6-4(J)(6)(b) Open Space Division of the City Parks and Recreation Department.**

[(6-4(J)(6)(c) Indian Nation, Tribes, or Pueblos

6-4(J)(6)(d) Tribal Representative

**6-4(J)(7) Development within 660 feet of Major Public Open Space**

6-4(J)(7)(a) Indian Nation, Tribes, or Pueblos

6-4(J)(7)(b) Tribal Representative

**6-4(J)(8) Development within 660 feet of tribal land.**

6-4(J)(8)(a) Indian Nation, Tribes, or Pueblos

6-4(J)(8)(b) Tribal Representative

**6-4(J)(9) The ~~4-H Park~~ Albuquerque Indian School Area\***

6-4(J)(9)(a) Indian Nation, Tribes, or Pueblos

6-4(J)(9)(b) Tribal Representative

**6-4(J)(10) Development within 660 feet of the Northwest Mesa Escarpment View Protection Overlay Zone – VPO-2\***

6-4(J)(10)(a) Indian Nation, Tribes, or Pueblos

6-4(J)(10)(b) Tribal Representative

**6-4(J)(11) Archaeological Certificate Applications**

6-4(J)(11)(a) Indian Nation, Tribes, or Pueblos are to receive the Certificate of No effect or the Certificate of Approval from the City Archaeologist.  
6-4(J)(11)(b) Tribal Representative are to receive the Certificate of No effect or the Certificate of Approval from the City Archaeologist.]

- Amend Section 6-5 as follows:

#### **6-5(A) Archaeological Certificate**

##### **6-5(A)(2) Procedure**

6-5(A)(2)(a) [The applicant shall have all of the following responsibilities:

1. Provide notice of the application to Indian Nation, Tribes, or Pueblos by certified mail and by email that specifies the subject property and the proposed development.
2. Provide notice of the application to the tribal representatives by email that specifies the subject property and the proposed development.
3. Supply proof of notification to Indian nation, tribe, or pueblo and tribal representatives with the application.
4. Provide the treatment plan, if required, by email to Indian nation, tribe, or pueblo and tribal representatives within five business days that it is submitted to the City Archaeologist.]

## APPLICANT INFORMATION

## **IDO Lighting Ordinance Update – Public Review Process**

**Project:** City of Albuquerque IDO Lighting Ordinance Update  
**Meeting Date/Time:** January 4, 2023 at 10:30 AM  
**Location:** Virtual Meeting – Zoom

We are pleased at Clanton & Associates to see such a favorable public response to the outdoor lighting ordinance draft so far, along with some very constructive and relevant comments. The public review process looks to have received good engagement and attention from the Albuquerque community. The comments received have been grouped under the relevant document sections for conciseness. The following responses from Clanton and Associates (C&A) are intended for the City of Albuquerque to be able to complete this phase of the review process and finalize the drafted ordinance.

### **Public Comments by Section & C&A Responses**

#### **2-4 (E)(3)(i):**

No change recommended. The City of Albuquerque does not have enough of the current and reliable land use information that would allow the creation of a “step up and step down” overlay map displaying “optional” lighting zone designations. Therefore, the current reference tables are preferred over a static map that could unintentionally lead users to false information.

#### **Table 2-4-15:**

No change recommended. MX-FB-AC (activity center) and MX-FB-UD (urban development) are fairly unique uses and may need higher light levels in some locations to safely handle higher pedestrian volumes. Lz3 is already only allowed when safely away from residential uses.

#### **4-3(D)(29):**

No change recommended. All sources of light entering the outdoor environment at night were considered in the development of this ordinance. Local self-storage units using glass structures and high light levels at night may be particularly troublesome beyond their own property line.

#### **5-8(A):**

No change recommended. The City of Albuquerque supports the DarkSky/IES Five principles of responsible outdoor lighting. The strategy and content of the five principles are already used throughout the outdoor lighting ordinance. The purpose statement remains accurate, familiar, and concise without adding the additional narrative.

#### **5-8(B)(2)(b):**

No change recommended. The current flag lighting guidance is appropriate and will prevent egregious lighting.

#### **5-8(C)(3)(c):**

C&A agrees with the public comment to remove aerial lasers from the document. The misuse of aerial lasers, such as by aiming them at aircraft, is adequately covered by other laws and regulations. We recommend deleting aerial lasers.

**5-8(D)(2)(a):**

C&A agrees with the public comments to unbind the minimum CCT. The minimum CRI requirement will already rule out egregiously low or monochromatic sources in areas that need visual performance. We recommend deleting the language “*a minimum CCT of 2700K and*”.

**5-8(D)(4):**

No change recommended. Adding lumen limit criteria to this section would be redundant with the requirements of section 5-8(F). We recognize the issue of ease of information lookup, but the document’s intent is to avoid duplicate requirements that are already mandated requirements.

**5-8(G)(1)(c)(4):**

No change recommended. It is important to note that the new DarkSky International Approved Sports Lighting criteria allows the use of up to 5700K.

**5-8(G)(2):**

No change recommended. Adding this level of oversight to a temporary, 45-day event would not be realistic for code enforcement staff to monitor or enforce.

**7-1:**

CA agrees with multiple recommendations that were made in this section:

- Add the following definition for Curfew: “*See Outdoor Lighting Curfew*”
- Delete the definition for Candela. It is not used the body of the ordinance.
- The new definition for Footcandle (fc) should be: “*A unit of illumination measurement equal to one lumen per square foot (lm/s.f.) of surface*”

**6-7(A)(1)(a) Compliance Date:**

No change recommended. Reducing the applicability amortization to five years from ten years will force an unfair level of financial investment be made by some citizens prior to existing lighting equipment reaching its half-life. It also reduces the time City staff has for any necessary public outreach and preparation for enforcement.

**Additional Comments:**

Comments were made regarding the lighting of a Tumbleweed Statue, the NM United Stadium, and the DOE. These comments should be made to the City through other means as they are not relevant to the finalization of this ordinance.



Staff and Agency  
Comments

**From:** [Schultz, Shanna M.](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** 48-Hour Correspondence to EPC  
**Date:** Wednesday, December 13, 2023 12:07:14 PM  
**Attachments:** [image001.png](#)

---

Good afternoon,

Please provide this correspondence to the EPC for their consideration under the 48-hour rule.

---

Dear Chair Shaffer,

Councilor Grout has proposed an IDO amendment related to the location on a property in which Boats, RVs, and Trailers may be parked. The language, as submitted to the EPC, goes beyond the original intent of the amendment. The original intention of this amendment was to only regulate the parking of such vehicles on properties with residential uses. As currently drafted, the proposed changes would also impact commercial properties. Please disregard the original proposed language and instead consider the following:

5-5(B)(4)(d) Parking of recreational vehicle, boat, and/or recreational trailer for more than 2 hours:

1. Allowed with the permission of the property owner of a premises with a primary residential use allowed by Table 4-2-1 in any Residential zone district or MX-T zone district.
2. Allowed with the permission of the property owner of a premises with a primary non-residential use allowed by Table 4-2-1 in any MX or NR zone district.
3. The vehicle must be parked in 1 of the following areas:

- a. Inside an enclosed structure.
- b. Outside in a side or rear yard.

[c. In any Residential zone district or MX-T zone district with a primary residential use, the vehicle shall not be parked in any portion of a front yard, whether that portion has been improved as a driveway or not.]

[d. In any MX or NR zone district with a primary non-residential use, the vehicle may be parked] outside in a front yard, with the unit perpendicular to the front curb and the body of the recreational vehicle at least 11 feet from the face of the curb.



**Shanna Schultz, AICP | Council Planning Manager**

Albuquerque City Council Services

Office: (505) 768-3185

**From:** [Schultz, Shanna M.](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** FW: National Park Service Comments - Text Amendment to IDO -Small Mapped Area: Implementation of tribal engagement requirements  
**Date:** Wednesday, December 13, 2023 8:57:44 AM  
**Attachments:** [image001.png](#)

---

The below public comment is for the VPO-2 amendment case to be heard in January, please place in the record.



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

---

**From:** Hendricks, Nancy E <Nancy\_Hendricks@nps.gov>  
**Date:** Friday, December 8, 2023 at 10:24 AM  
**To:** Schultz, Shanna M. <smschultz@cabq.gov>  
**Cc:** Walter, Chanteil G <Chanteil\_Walter@nps.gov>  
**Subject:** National Park Service Comments - Text Amendment to IDO -Small Mapped Area: Implementation of tribal engagement requirements

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

IN REPLY REFER TO:

1.A.1.

December 7, 2023

City of Albuquerque

Environmental Planning Committee

Re: IDO Small Area Amendment to integrate potentially impacted Tribal nations  
and their members within the development review and approval process.

Dear EPC Chair Mr. Shaffer and fellow Commissioners,

I am writing on behalf of the National Park Service (NPS) Petroglyph National Monument (Monument), supporting the amendment submitted by Councilor Tammy Fiebelkorn to integrate potentially impacted Tribal nations and their members within the development review and approval process for certain development activities in Albuquerque, and the sharing of information from the City Archaeologist including the Archaeological Certificate, and as needed, a treatment plan.

On June 27, 1990, Congress passed the Petroglyph National Monument Establishment Act of 1990 creating the Monument as a unit of the NPS “in light of the national significance of the West Mesa Escarpment and the petroglyphs and the urgent need to protect the cultural and natural resources of the area from urbanization and vandalism ...” Pub. Law 101-313, § 101 (1990). The area contains significant and numerous cultural resources, including a large concentration of petroglyphs and numerous archaeological sites. Petroglyph National Monument is a cultural landscape, and in particular, the escarpment area, is listed on the National Register of Historic Places (NRHP) as the Las Imagines Archeological District. The entire Monument area is considered sacred to all 19 Pueblos and 10 additional tribes across the Southwest. The cultural landscape, including the views to and from the Monument, from the Escarpment to the Volcanoes and beyond, is critical to the significance of this area.

Engaging with the Tribal Governments is important to understand their specific concerns related to development near the Monument, to reduce any potentially adverse effects to the cultural and historic sites in the area, and to determine the best ways to protect these world-renowned resources. In fact, we consistently engage with area Tribes and Pueblos on proposed and ongoing projects within the Monument and find their input extremely valuable.

Our specific comments are as follows:

1. We support the Tribal Liaison within the City's Office of Native American Affairs maintaining the list of the names and contact information for the chief executives of the Indian Nations, Tribes, and Pueblos. We recommend including the cultural resources staff and/or Tribal Historic Preservation Officers on the notification list. We would be happy to supply their contact information to the City's Tribal Liaison for inclusion on the mailing list.
2. Section 6-4(J) Referrals to Commenting Agencies. We recommend extending the period for submitting comments to at least 30 days to allow for site visits and adequate time to assess potential impacts.

We appreciate the opportunity to provide input on this proposal. The protection of the sacred landscapes around Albuquerque including Petroglyph National Monument is extremely important. Formally engaging with the people who created and are still connected to these cultural landscapes will help improve the development review processes.

Sincerely,

Nancy Hendricks  
Superintendent

## Nancy Hendricks

Superintendent  
Petroglyph National Monument  
6001 Unser Blvd, NW  
Albuquerque, NM 87120

505-899-0205

Check out [The NPS App - Digital \(U.S. National Park Service\)](#)

**From:** [Barkhurst, Kathryn Carrie](#)  
**To:** [Vos, Michael J.](#); [Osborn, China F.](#)  
**Cc:** [de Garmo, Andrew F.](#); [Kline, Lawrence S.](#)  
**Subject:** ABQ RIDE comments for Project# 2018-001843 RZ-2023-00040 – Text Amendments to Integrated Development Ordinance (IDO) – Citywide  
**Date:** Thursday, December 21, 2023 4:42:44 PM

---

Hello Michael and China,

We have a few comments that didn't get sent in time for the first IDO update hearing. Could you please add these for the January EPC hearing?

ABQ RIDE supports the purpose and the intent of this regulation, which would encourage more density in locations served by transit and disallow over-parking a property in these locations. Adding more people, businesses, and services in locations that are well-served by transit can increase ridership by making transit service more accessible/useful to more people.

ABQ RIDE operates 28 transit facilities, as defined by the IDO. These include the Alvarado Transit Center, Uptown Transit Center, Unser and Central Transit Center, Northwest Transit Center, Montano Transit Center, Montgomery & Tramway Transit Center, Yale Operations & Maintenance Facility, Ken Sanchez Operations & Maintenance Facility, and 20 transit stations. There are also multiple [shared-use](#) park-and-ride lots that are publicly and privately owned (see <https://www.cabq.gov/transit/routes-and-schedules/park-ride>).

The purpose of the amendment states that it would exclude park & ride facilities, but these are specifically included in the transit facility definition so this regulation would apply to them. Would that intended exception be captured in a new regulation or by amending the transit facility definition? One concern ABQ RIDE notes regarding this regulation is that the private park-and-ride locations may change over time, depending on the property-owner's interest in allowing this use to continue. ABQ RIDE no longer has formal agreements for most of these locations.

The second concern is that the two Operations & Maintenance Facilities do not directly serve the public; the Ken Sanchez Facility is not even accessible by public transit. For these two facilities in particular, a parking maximum for nearby property would not serve a public benefit and may unnecessarily limit nearby development/redevelopment over time. Excluding "park-and-ride lots" and "depot" from the transit facility types that trigger the parking maximum would address these first two concerns. For example, "Within 330 feet of a transit facility, excluding park-and-ride lots and depots, the maximum number of off-street parking spaces..."

The third concern is that the 20 ART transit stations are all designated as a Premium Transit area, which has lower parking minimums. This proposed amendment makes the minimum also the maximum. For example, a new apartment within 330 feet of a transit station would be required to provide 1 space per dwelling unit, but could not provide any additional spaces for management or visitors. This could potentially drive multi-family development further

away from transit stations to avoid the parking maximum. It might be helpful to give some flexibility, particularly for residential uses because those are the most needed along the ART corridor.

Thank you!

Carrie

## Public Comments



**From:** [jimprice@swcp.com](mailto:jimprice@swcp.com)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** 48 hour comments - Dec. 14 EPC hearing - Item #56 - Outdoor & Site Lighting - SUPPORT  
**Date:** Tuesday, December 12, 2023 9:41:29 AM

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

I am writing in support of the proposed changes to the outdoor lighting section of the IDO. These are excellent recommendations from Clanton and Associates.

Protecting the night sky and reducing the glow of the city at night has far reaching implications.

If a telescope that observes asteroids that could be a danger to our planet cannot look over Albuquerque due to "skyglow", that can be a problem. Telescopes also help keep track of satellites, such as those launched by North Korea recently. They also keep track of missile launches and testing at White Sands Missile Range. This work should not be impeded by the artificial light emanating upward from Albuquerque.

We have learned how artificial light affects wildlife from bird migration to pollinators that pollinate our vegetation. It would be sad not to see the birds migrating and visiting our Bosque or see vegetation not being pollinated in our community. Having been a resident of Albuquerque since 1963, I remember when we could see the stars at night. I also remember when we had fireflies in the city limits. The fireflies are gone due to artificial light.

LED lighting has made artificial lighting cheap to buy and cheap to operate. This needs to be addressed as this ordinance does. LED lighting has become the dominant light source. The current IDO is based on standards from 1999. Please consider that at that time cars came with AM/FM Cassette players and we rented videocassettes to watch movies. The light sources we used then are just as obsolete. This update to the IDO is desperately needed. It should be supported.

Respectfully Submitted

James Price

Victoria Dr NW

-Albuquerque, NM 87120

505-480-5031

**From:** [judphil](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** Landscape fabrics and plant health  
**Date:** Tuesday, December 12, 2023 6:22:45 PM

---

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

The use of landscape fabrics under mulches in Albuquerque landscapes prevents rain from penetrating the soil and therefore limits access to plant roots. There is published research by Washington State University and others that documents this. We are losing mature trees and killing their supposed replacements by covering the soil with landscape fabrics under thin layers of mulches. This does not provide a weed barrier--weeds germinate very well in moisture that persists on top of the fabric. The ideal is a 3" layer of shredded wood mulch (not chipped bark) which allows rainwater to penetrate the soil, reduces evapotranspiration from the soil, and minimizes weed seed germination.

Please reconsider revising the IDO provisions.  
Thank you,  
Judith Phillips

**From:** [paxtonm](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** attn Mikaela & Michael, discussion for Jan 11 EPC continuation  
**Date:** Friday, December 29, 2023 10:46:31 AM  
**Attachments:** [2023 Dec 29 for 2024 Jan 11 EPC continuation.docx](#)  
[2023 Dec 27 Medical Urgency of Cooling Cities.pdf](#)  
[2023 Dec 27 Cool Cities Network.pdf](#)  
[2023 Dec 27 Deadly Heat Is Baking Cities.pdf](#)

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

As I understand the comments made by the EPC members during the December 14 hearing on the IDO updates, those of us who testified should engage in discussions with you before the January 11th continuation. It appears that it could be helpful for me to provide more information on the Urban Heat Island that is developing here and what might be done to begin mitigating it before we're faced with a situation like Phoenix now has. Of course, I realize that you may already know more about this than I do. If you would like to discuss this further, perhaps by Zoom, I would welcome the conversation. I would also appreciate having the letter and supporting materials forwarded to the EPC.

With best wishes for 2024,  
Merideth  
(Paxton)

[abcto@cabq.gov](mailto:abcto@cabq.gov)

Dear Michael Vos and Mikaela Renz-Whitmore:

(cc: Chairman David Shaffer and EPC Commissioners)

The following comments regarding the developing Albuquerque Urban Heat Island supplement my statements during the December 14 EPC hearing. I noted then that we had fifteen days of triple digit temperatures last summer instead of the usual three days and that our night low temperatures were not as cooling. This is because heat is retained by heat-absorbing constructions, not reflected.

The need to address this Albuquerque issue before it becomes yet more challenging is urgent because UHIs are known to increase death rates among residents (please see attached *The Lancet* article summary). The beginning of our local effort to find solutions does not have to be dauntingly complicated, as many cities in the US are already collaborating and testing ideas. We can learn from developments made by Austin, Boston, Los Angeles, Miami, New York, Philadelphia, Phoenix, and Washington, DC through their partnership in the Cool Cities Network (see attached overview). I would suggest that Albuquerque consider joining the network. In Phoenix, for example, reflective paving surfaces have decreased heat retention. Nevertheless, urban forests and green landscaping are the best solution (attached: “Deadly Heat is Baking Cities, Here’s How to Cool Them Down”).

The latter article associates hotter areas within cities with economic inequality, and I would urge that IDO revisions not be used to create such sacrifice sectors in places where disproportionately high demand concentrates heat absorption. Specifically, I would ask that Spruce Park and other neighborhoods surrounding UNM be recognized as important contributors to mitigation of the Albuquerque UHI through our extension of the urban forest that exists on the main campus and our cultivation of other plants. We have additional beneficial qualities as well. These neighborhoods should never be destroyed by those who would drive us from our homes because they see only the opportunity to profit from short-term rental units for students. Surely, removing our trees and landscape to make space for more heat-absorbing apartments would worsen the Albuquerque UHI and is indefensible on environmental grounds.

I thank the EPC for noting the detrimental impacts on neighborhoods that Items 10 and 13 would create; these would be especially harmful near the campus. I would ask that your December 14 opinions be used to create a recommendation that would forestall future threats brought by the return of similar IDO revision proposals.

I am also grateful for the time and expertise that you give toward shaping our city to benefit future generations.

Sincerely,

Merideth Paxton, PhD

## [Cooling cities through urban green infrastructure: a health impact assessment of European cities - The Lancet](#)

(Accessed December 27, 2023)

*The Lancet* is a widely respected medical journal (please see statement at end of account).

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# Cooling cities through urban green infrastructure: a health impact assessment of European cities

Tamara Jungman, MPH • Marta Cirach, MSc • Federica Marando, PhD • Evelise Pereira Barboza, MPH • Sasha Khomenko, MSc • Pierre Masselot, PhD • et al. Show all authors

Published: January 31, 2023 • DOI: [https://doi.org/10.1016/S0140-6736\(22\)02585-5](https://doi.org/10.1016/S0140-6736(22)02585-5) Check for updates

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## Summary

### Background

High ambient temperatures are associated with many health effects, including premature mortality. The combination of global warming due to climate change and the expansion of the global built environment mean that the intensification of urban heat islands (UHIs) is expected, accompanied by adverse effects on population health. Urban green infrastructure can reduce local temperatures. We aimed to estimate the mortality burden that could be attributed to UHIs and the mortality burden that would be prevented by increasing urban tree coverage in 93 European cities.

### Methods

We did a quantitative health impact assessment for summer (June 1–Aug 31), 2015, of the effect of UHIs on all-cause mortality for adults aged 20 years or older in 93 European cities. We also estimated the temperature reductions that would result from increasing tree coverage to 30% for each city and estimated the number of deaths that could be potentially prevented as a result. We did all analyses at a high-resolution grid-cell level (250×250 m). We propagated uncertainties in input analyses by using Monte Carlo simulations to obtain point estimates and 95% CIs. We also did sensitivity analyses to test the robustness of our estimates.

### Findings

The population-weighted mean city temperature increase due to UHI effects was 1.5°C (SD 0.5; range 0.5–3.0). Overall, 6700 (95% CI 5254–8162) premature deaths could be attributable to the effects of UHIs (corresponding to around 4.33% [95% CI 3.37–5.28] of all summer deaths). We estimated that increasing tree coverage to 30% would cool cities by a mean of 0.4°C (SD 0.2; range 0.0–1.3). We also estimated that 2644 (95% CI 2444–2824) premature deaths could be prevented by increasing city tree coverage to 30%, corresponding to 1.84% (1.69–1.97) of all summer deaths.

### Interpretation

Our results showed the deleterious effects of UHIs on mortality and highlighted the health benefits of increasing tree coverage to cool urban environments, which would also result in more sustainable and climate-resilient cities.

### Funding

GoGreenRoutes, Spanish Ministry of Science and Innovation, Institute for Global Health, UK Medical Research Council, European Union's Horizon 2020 Project Exhaustion.

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## [Cool Cities Network - C40 Cities](#)

(Accessed December 27, 2023)


This organization is global. Participating cities in the US are Austin, Boston, Los Angeles, Miami, New York, Philadelphia, Phoenix, and Washington, DC.

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## Cool Cities Network



### Tackling urban heat by building greener cities

The number of cities exposed to extreme temperatures will nearly triple over the next decades. By 2050, more than 970 cities will experience average summertime temperature highs of 35°C (95°F). Cities are specifically vulnerable to rising temperatures due to the Urban Heat Island (UHI) effect, which shows that urban areas are 3 to 8 degrees Celsius warmer than rural areas. Urban surfaces absorb more sunlight and heat than natural landscapes, and urban areas lack vegetation to cool through evaporation. Extreme temperatures compounded by the UHI effect trigger an increase in building energy use due to increased cooling needs, which in turn increases air pollution causing significant health impacts for urban residents, and reduces quality of life. Cities can reduce urban temperatures by using cooling surfaces, alternative materials and design, and green infrastructure.

Many cities are taking several measures to address the urban heat island effect in their local jurisdictions. These early successes represent a significant opportunity for knowledge sharing and collaboration among C40 cities. Cities participating in the Cool Cities Network, led by the City of Athens, have prioritised focus areas around which they are actively sharing policies and strategies with one another.

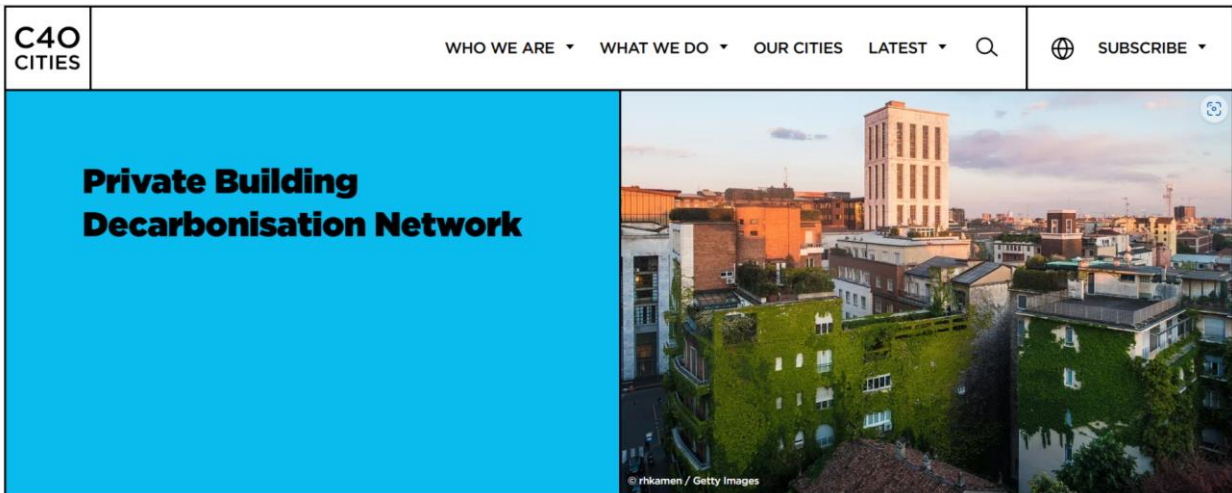
**Focus areas:**

- **Heat & vulnerability mapping**  
Measuring urban heat & assessing vulnerabilities to target future action
- **Heat wave emergency management**  
Developing heat wave emergency response systems (*cooling centres, heatwave public communication*)
- **Integrating heat into long-term planning**  
Developing urban heat strategies and integrating heat action into long-term planning (*setting heat reduction targets & measuring progress*)
- **Making the case for heat action**  
Highlighting co-benefits of heat action to gain political support
- **Heat mitigation solutions**  
Evaluating green and cool solutions and methods for implementation, such as cool roofs & pavements, green building envelopes, street trees, urban forests and alternative cooling techniques

Partners: Global Cool Cities Alliance

**Cities participating in the network:** Accra, Athens, Austin, Barcelona, Berlin, Boston, Buenos Aires, Cape Town, Dar es Salaam, Durban, Freetown, Guadalajara, Lisbon, London, Los Angeles, Madrid, Medellín, Melbourne, Mexico City, Miami, Milan, Montréal, New York, Paris, Philadelphia, Phoenix, Quito, Rio de Janeiro, Rome, Rotterdam, Salvador, Sao Paulo, Sydney, Tel Aviv - Yafo, Tokyo, Toronto, Tshwane, and Washington DC.





## Making our buildings more energy efficient

Energy consumed in buildings accounts for almost half of C40 cities' carbon emissions on average, and around two-thirds of this comes from private buildings. Buildings can last over 100 years, which means that increasing a building's energy efficiency is critical to meeting global climate goals. Improving building energy efficiency can bring many other additional benefits such as reduced energy bills, healthier workplaces, new jobs and greater energy security.

Cities participating in the network have prioritised four focus areas around which they are actively sharing policies, strategies, ideas and challenges with one another.

### Focus areas:

- **Data for policy-making**  
Collecting and using building energy data to drive ambitious policy development.  
Understanding how to use data for detailed modelling to plan ambitious policies.  
Encouraging stakeholders to collect and disclose data.
- **Residential buildings**  
Encouraging multi-family and single-family home retrofits by exploring financing schemes for action and raising awareness.  
Designing engaging campaigns to encourage resident action.
- **Deep retrofit**  
Understanding the policies and programmes needed for achieving zero carbon building retrofits.
- **Commercial buildings**  
Encouraging commercial building owners, tenants and landlords to take action to develop building tune-up programs.  
Fostering retro-commissioning in commercial buildings.

### The network is complemented by two technical assistance programmes:

- **Private building retrofit and data policy programme** – helping cities to collect, analyse and report building energy data to accelerate the retrofit of private buildings.
- **Residential retrofit programme** – working with cities on programmes to retrofit residential building fabric, heating and lighting systems and engage building occupants.

This work is part of the C40 Buildings & Energy 2020 Programme, generously supported by the [Children's Investment Fund Foundation \(CIFF\)](#) and [ClimateWorks Foundation](#).

In China, building heat is being developed as a source of low-carbon energy.

## C40 Cities China Buildings Programme

This programme helps cities pilot and develop low carbon building codes, energy benchmarking and quota systems, municipal and residential building retrofits, and transformative actions on clean and renewable energy.



### Helping cities to develop and implement transformative actions on clean and renewable energy

The China Buildings Programme, launched in 2018 in Beijing, is working with **Beijing, Fuzhou, Qingdao, and Shanghai (Changning District)** to develop a range of innovative policies to rapidly reduce emissions from existing buildings, ensure new buildings reach ultra-low energy consumption levels, and promote the use of buildings as a source of low carbon energy. The programme supports the four Chinese cities to deliver ambitious climate action and share knowledge with cities across China and internationally.

The Center of Science and Technology of Industrialization Development (CSTID), a research institution under the Ministry of Housing and Urban-Rural Development (MoHURD), manages the delivery of technical assistance support to Beijing, Fuzhou, and Qingdao, as well as most central communication and outreach functions. The China Association of Building Energy Efficiency (CABEE), a non-profit association composed of building energy efficiency products and service enterprises, manages the delivery of technical assistance support to the Changning District, Shanghai, as well as capacity building functions for the China Better Buildings Challenge.

The C40 China Buildings Programme is one of two country level initiatives within C40's global **Building Energy 2020 Programme (BE2020)**, the other being in South Africa. Funded by the Children's Investment Fund Foundation (CIFF), BE2020 is supporting more than 50 cities to take action and develop policies that curb emissions from existing buildings, avoid carbon lock-in from low performing buildings, and help cities utilise buildings as sources of low carbon energy.

Cities, which account for over 85% of China's overall CO2 emissions, are at the frontline of efforts to deliver on the Chinese government's commitment to peak CO2 emissions by 2030.



Accessed December 27, 2023

MATT SIMON SCIENCE OCT 11, 2021 7:00 AM

## Deadly Heat Is Baking Cities. Here's How to Cool Them Down

Urban areas can be 20 degrees hotter than the surrounding country. But green spaces and reflective pavement can make city life more bearable.



IF YOU'VE EVER driven from the country into the city and marveled at how the temperature dramatically spiked, you've felt the urban heat island effect. The streets and buildings of a metropolis absorb the sun's energy during the day and gradually release it at night. The built environment essentially bakes itself, and temperatures can soar as much as 20 degrees Fahrenheit higher than the surrounding country, which benefits from swaths of trees that "sweat," releasing water vapor and cooling the air.

As global temperatures rapidly climb, scientists, governments, and activists are scrambling for ways to counter the heat island effect. According to the [World Health Organization](#), the number of people exposed to heat waves jumped by 125 million between 2000 and 2016. Extreme heat kills more Americans than any other natural disaster, and is especially dangerous for folks with preexisting conditions like asthma.

By 2050, seven in 10 people will live in cities, says the [World Bank](#). That will be a whole lot of sweltering humans. "I really see cities as kind of a canary in the coal mine type of situation, where you have a little bit of a harbinger of what the rest of the planet could be experiencing," says Portland State University climate adaptation scientist Vivek Shandas, who has studied the heat island effect in over 50 US cities.

Shandas' research has shown that even within cities, one neighborhood might be 15 degrees hotter than another, and that disparity maps to income inequalities. A major predictor of a neighborhood's heat is how much green space it has. Richer parts of a city tend to have more greenery, and poorer parts have more concrete: they're heavily developed, and filled with big box stores, freeways, and industrial facilities that soak up the sun's radiation. A concrete landscape is so good at holding onto heat, in fact, that it'll stay warm through the night. When the sun comes up, a poor neighborhood is already hotter than a rich neighborhood.

Scientists are just beginning to study whether they can bring down the temperature of city structures by deploying "cool" roofs, walls, and pavements—ones that are light colored and bounce the sunlight away. Lighter surfaces reflect more of the sun's radiation than dark surfaces. (Think about how you feel while wearing black instead of white on a sunny day. This albedo effect is also part of the reason why the Arctic is warming so fast.) But while the thermodynamics are

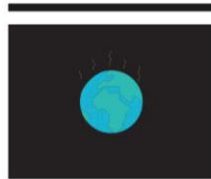


straightforward, the deployment of cool surfaces turns out to be weirdly complicated.

Take the problem of cooling roofs, says environmental engineer George Ban-Weiss, who studies cool infrastructure at the University of Southern California. In theory, it's simple to paint the large, flat tops of commercial buildings white or light gray. Residential homeowners could opt for lighter tiles—regular old clay, in fact, reflects sunlight quite well. These modifications would cool down the air coming off a roof, as well as the structure itself, meaning occupants wouldn't need to run air conditioning as often. If a building can support the extra weight, the owners could even create a rooftop garden packed with plants, which would cool the entire area by releasing water vapor.

But while these changes would make life more bearable for the people inside each modified building, if enough owners followed suit, in some areas it could have an unintended regional side effect. In a coastal metropolis like Los Angeles, the urban warmth usually contrasts with the coldness of the ocean, a differential that drives a reliable sea breeze. As land and sea temperatures get closer to each other, there may be less of that wind. "So that means less clean air coming into the city, which would tend to make pollutant concentrations higher," says Ban-Weiss, plus the loss of the breeze that itself keeps people cool.

A cool wall follows the same principle, just with a vertical surface. But this, too, can have an unintended consequence: Sunlight reflecting off a wall can shine on passing pedestrians, heating them instead of the building. And engineers like Ban-Weiss are hitting the same snag in their experiments with cool pavements, which are slathered with a reflective coating. This does indeed reduce a road's surface temperature—but it bounces some of that energy back at pedestrians.



#### The WIRED Guide to Climate Change

The world is getting warmer, the weather is getting worse. Here's everything you need to know about what humans can do to stop wrecking the planet.

BY KATIE H. PALMER AND MATT SIMON

"It's kind of a tug of war," says Ban-Weiss.

"You've got a reduction in air temperature that would tend to make people more comfortable. But then you've got an increase in this absorbed solar radiation from the pedestrian that would make them less comfortable. And so the question is: Which one of those wins? Is the person less comfortable or more comfortable from a cool pavement? And the answer is not super clear yet." At least during the day—at night, reflectance isn't an issue.

Early projects are starting to provide some data. In September, officials in Phoenix announced the results from the first year of the city's Cool Pavement Pilot Program, in which stretches of roads were treated with a reflective coating. Researchers from Arizona State

University took temperature readings four times a day and compared the treated roads to non-treated ones. They found that the treated pavement was on average 10.5 to 12 degrees Fahrenheit cooler in the afternoon. Surface temperatures at sunrise were 2.4 degrees cooler, suggesting that the coating attenuated some of the carryover heat from day to day.

But reflectiveness—or the amount of light that could ricochet back at pedestrians—also increased, which the scientists measured with a light-detecting instrument called a spectroradiometer. "This may be a necessary trade-off, because if we want to reduce surface temperatures using a reflective surface, that's going to happen no matter what," says Arizona State University climate and health scientist Jennifer Vanos, who conducted the study. "However, do people walk in the middle of the road? Hopefully not."



Treating pavement in Phoenix. COURTESY OF THE CITY OF PHOENIX

There's another seemingly simple solution that cities could deploy about anywhere that's not in the path of a car: Plant more living things. Done right, a green space creates a slew of benefits: It cools a neighborhood and beautifies it, while also acting as a sponge to absorb floodwaters. It provides shade for people to shelter in during a heat wave, plus it's good for mental health. Building the space creates jobs, as does maintaining it. And lower temperatures reduce the demand for air conditioning, which is a major source of emissions, as well as of heat, because of all the hot air the machines expel as they work. Elizabeth Sawin, codirector of Climate Interactive, a nonprofit that focuses on the intersection of climate change and inequity, calls this "multisolving."

But planting greenery, too, can have an unintended consequence—it's known as green gentrification. Urban investment attracts the attention of speculators, who start buying up housing in low-income neighborhoods, driving up rents. "Then the people in the very neighborhood the investment was meant to help get displaced off into places that are heat islands or other kinds of climate risk zones," says Sawin.

Sawin says that plans to increase green spaces should involve local residents at the very earliest stages. "It can't be a siloed approach. It has to combine pre-thinking about affordable housing or community-owned land trusts. And that needs to happen well in advance of the first shovels of the project," she says.

Shandas points out that thinking about heat reduction is still very novel in urban planning, even as temperatures soar. "There's not a single municipality in the country that I know of that is requiring consideration of rising temperatures in their design guidelines or regulations," says Shandas. "Right now developers are building lot-edge-to-lot-edge in cities across the country, and they are not leaving any space on the lot itself for a small garden box, let alone any mature large trees."

And since the science of urban heat is still young, it's not always clear which strategy is best to follow. For instance: Which trees work best in which climates?

Has the heat island effect already gotten so bad in some places that they can't support certain species? And how much cooling can trees really produce? "We don't have a really good way of empirically understanding the relationship between how well a specific type of heat-ameliorating design works in the context of the levels of temperatures that we've experienced," says Shandas, "for example, this summer in the Northwest."

The city of the future may be both more reflective *and* greener, with both strategies being used in concert to mitigate the heat island effect. But in terms of cooling effects, says Ban-Weiss, it's hard to beat vegetation when it comes to the many simultaneous benefits they provide. "If you're going to pick one technology, I would always go with green space," he says. "It solves so many different problems."

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**From:** [Jane Baechle](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Renz-Whitmore, Mikaela J.](#); [Vos, Michael J.](#); [Schultz, Shanna M.](#)  
**Subject:** IDO Written Comments  
**Date:** Monday, January 1, 2024 11:42:25 AM  
**Attachments:** [EPC Comments for 1112024.pdf](#)  
[EPC VPO-2.pdf](#)

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Good morning,

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

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

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

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

Thank you,

Jane Baechle

Jane Baechle  
7021 Lamar Avenue NW  
Albuquerque, NM 87120  
[Jane.Baechle@gmail.com](mailto:Jane.Baechle@gmail.com)

Date: January 1, 2024

To: David Shaffer, Chair  
EPC

From: Jane Baechle  
Member, SFVNA

Re: IDO 2023 Agenda Items  
Meeting of 1/11/2024

Commissioners,

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

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

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



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

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

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

Thank you for your time and consideration.

Sincerely,

Jane Baechle

**From:** [Jane Baechle](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Renz-Whitmore, Mikaela J.](#); [Vos, Michael J.](#); [china.osborn@cabq.gov](mailto:china.osborn@cabq.gov)  
**Subject:** Comments for EPC Meeting of 1/11/2024  
**Date:** Monday, January 8, 2024 2:13:06 PM  
**Attachments:** [EPC 48 hr 1112024.pdf](#)

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Good afternoon,

I am attaching written comments for both Citywide amendments and the proposed amendment to the VHUC. They are included in the same document. Please forward them to the Commissioners on both matters.

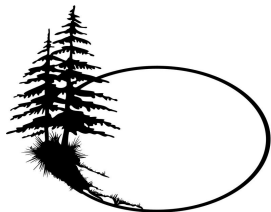
I am also including two photos of "corner lots >5,000 sf" within two lots of my home. Both of these would be eligible to become a commercial space under the Dwelling, Live/Work amendment. I hope these provide a visual example of how potentially harmful such a use would be in SFV.

Please share them also with the Commissioners.

Thank you,

Jane Baechle SFVNA





## Santa Fe Village Neighborhood Association

5601 Bogart St. NW Albuquerque, NM 87120

SFVNA2014@gmail.com

Date: January 8, 2024

To: David Shaffer  
Chair, EPC

From: Jane Baechle  
Representative, SFVNA

Re: Comments for 1/11/2024

We appreciate the work of the Commissioners and the ABQ Planning Department staff in reviewing the proposed citywide amendments and the small area amendment to the Volcano Heights Urban Center and crafting the proposals to be heard on 1/11/2024. After review of the staff reports for the meeting of 1/11/2024, I am submitting the following comments on behalf of the Santa Fe Village Neighborhood Association Board. They are consistent with our prior positions. I will note where I comment as an individual on the “New” amendments.

- **Small Area Amendment, IDO 14-16-4-3(F)(5)(f)10, Volcano Heights Urban Center-**We are grateful for the Planning Department recommendation of *DENIAL* of this amendment. The SFVNA has submitted multiple written comments outlining our opposition to removing the prohibition on drive throughs in the VHUC. We have cited, as did Planning Department staff, the conflict that drive throughs represent in a “walkable” area and their conflict with the ABC Comp Plan. To quote Policy 11.3.6, sub policy d, “Protect the area’s natural and archaeological resources, including the Monument and significant rock outcroppings, while encouraging urban development in the Volcano Heights Urban Center to create a vibrant, *walkable district with an identity, character, and sense of place inextricably linked to the volcanic landscape.*” (Emphasis mine.) This proposal represents an effort to rewrite the Comp Plan with IDO changes rather than respecting the purpose of the IDO to “Implement the adopted Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.” Please accept the Planning Department recommendation and DENY this proposed amendment.
- **Item 12, IDO Section 4, Dwelling Live-Work-**We appreciate the removal of restaurants as an accepted use in this proposal. Likewise, making this a conditional use acknowledges the

potential harms to a neighborhood and provides a public hearing on those as well as requirements for mitigation. Nonetheless, these do *not* address our concerns regarding the public health and safety impacts of any commercial use which involves the delivery, serving or sale of food and handling and removal of waste. We have outlined these in previous and extensive written comments. We respectfully request the commissioners *DELETE* this amendment.

- **Item 29, 6-4(B), Pre-submittal Neigh Meeting, Item 32, 6-4(K) Public Notice to Neighborhood Associations, Item 36, 6-4(L)(3)(a), Post-submittal Facilitated Meeting and Item 37, 6-4(V)(2)(a), Appeals - Standing Based on Proximity for Neighborhood Associations**-We appreciate the inclusion of multiple maps. They do not cover every area of the City where substituting a measure of distance for the standard of “adjacency” would potentially remove a neighborhood association or property owner from receiving notice. It is not acceptable to change the requirements regarding notice if they include “almost everyone.” We recognize that Condition 18, B, Option 2 for Item 37 reflects the significant impact of reducing neighborhood association standing and the hugely impactful applications that would be included in the original amendment. This would be immensely more consequential on the westside, particularly on the NW mesa. We still believe that there should be *no* change to the distances for individual or neighborhood association notice and standing unless they include *everyone* currently included. As such, we request that the Commissioners *DELETE* Items 29, 32, 33, 34, 36 and 37.
- **Item 58, Tribal Engagement**-We strongly support this proposed amendment and will speak in support of including the area of the NW Mesa Escarpment VPO-2 at the meeting of 1/18/2024. Every effort should be made to ensure that Tribal nations have a seat at the table on development matters, particularly those in proximity to sacred cultural and natural landscapes. They should also be afforded ample time, not only to comment, but to take action to protect significant sites. As such, we support the requirement of a pre-submittal meeting as outlined in Condition 2 and prompt action to broaden the scope of Tribal entities receiving notice. Please *APPROVE*.

The following list includes a summary of our positions on multiple amendments. We remain opposed to each of these and request the EPC *DELETE* them from the Citywide amendments.

- **Item 9, Overnight Shelter**
- **Item 10, Dwelling Two Family Detached (Duplex)**
- **Item 11, Conditional Uses for City Facilities**
- **Item 13, Two-Family Detached (Duplex) Dwelling**
- **Item 23, Walls and Fences-Front Yard Wall**

We continue to support the following Citywide amendments and urge their adoption (*ADOPT*).

- **Item 40, Variance-ZHE**
- **Item 53, Sensitive Lands Rock Outcropping.**

Although I am commenting here as an individual, I anticipate the positions I outline would receive the endorsement of the SFVNA Board as well. I will comment on two of the “New” amendments.

I strongly OPPOSE the revised definition of “adjacent” which specifically excludes property located diagonally across an intersection. As an attendee in the LUHO hearings of an appeal of a proposed development approved by both the DRB and the DHO, I am well aware that the argument of the applicant was that the MPOS diagonally across from the subject property did not merit the protections outlined in the IDO because it was not adjacent. The first decision of the LUHO was subsequently appealed to District Court. In the second appeal, the LUHO ruled in favor of the appellants. This proposed amendment is, at best, a thinly disguised effort to create a barrier against requirements to consider the impact of development and the application of IDO provisions intended to protect MPOS. It is ludicrous on its face to argue that a property that is mere feet from a proposed development simply because it is diagonally across a street, particularly a residential street, has no interest in what is being proposed and no standing. Please DELETE this change.

Finally, I strongly SUPPORT the new amendment which would move the IDO review process to a Bi-annual cycle. More than five years after Council passed the IDO, it should not be necessary to make sweeping, significant and consequential changes to zoning law every year. The IDO review process has become a back door strategy to rewrite the Comprehensive Plan and in the service of development interests rather than a reflection of community engagement and vision as outlined in the Community Planning Assessment process. The time and resources of City staff, neighborhood associations and ABQ residents should be spent on the CPA process rather than making multiple changes to the IDO. Please ADOPT this proposal.

Thank you for your time and thoughtful attention.

Sincerely,

Jane Baechle  
IDO Representative, SFVNA











**From:** [Barbara Blumenfeld](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** Comments for Jan. 11 meeting on Proposed Amendments to IDO  
**Date:** Monday, January 8, 2024 2:38:30 PM

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Dear Chairman Shaffer and Commissioners,

The following are comments addressed to the proposed IDO amendments dealing with the construction of duplexes and retail establishments in R-1 Districts. I previously sent an email for the Dec. 14 meeting regarding these issues. This email addresses the revised proposal for your Jan. 11 meeting.

**Allowance of groceries and bakeries on corner lots in R-1 districts (Item 14)**

While I personally would be completely against this, I understand that in some areas, especially those referred to as “food deserts”, such establishments may be a necessity. But I would argue that their construction should be conditional, thus allowing the residents of that particular area to express their opinions before construction permits are granted. Therefore I would ask that you vote for Option 2 - conditional use - on this amendment.

**Duplexes in R-1 districts (Items 10 and 13)**

I strongly believe that any duplex construction in R-1 areas should be conditional along with whatever other restrictions are placed on the construction. Duplexes can fundamentally change the character of an R-1 neighborhood as well as affecting such things as increased need for city services and infrastructure, increased traffic and street parking, increased noise, etc.

As I stated to you previously, duplexes imply rentals. Renters are generally not long-term residents of a neighborhood and as such are not as invested in its quality or as concerned with nearby homeowners as are long-term residents of the neighborhood.

With a duplex, there conceivably will be two renting families on one piece of property. Many properties that might once have been sold to a homeowner family will now and over the upcoming years likely be purchased by property developers or other individuals who have no intention of living on the property themselves and instead will develop duplex dwellings and rent them out. This will have a negative impact on the neighborhood of a once R-1 area; it will affect the community’s culture and its permanence.

As to **Item 10**, simply restricting duplexes to corner lots of a certain size does not change the above considerations. Making such use permissive is a slap in the face to the single-family homeowners who have together created the neighborhood as their R-1 community. Unless this usage is made conditional I ask that you reject this Item by voting for Option 2 to delete it.

**Item 13** should be rejected in both its forms. While allowing conditional use on new construction may seem to be a significant concession, we have to realize that most duplex construction will be to existing family homes. The neighbors of those homes must be given the opportunity to comment, to perhaps negotiate about size or placement, to speak to their neighbors rather than simply being told they must accept a permissive structure which they do not see as appropriate for the neighborhood community that they have developed and are a part of.

As I have previously submitted, there is no good reason to justify these amendments, especially when their disruption to, if not destruction of, unique neighborhood communities is potentially so great. Duplexes are not likely to address our current housing crisis; building a duplex is a money-making venture; duplex rentals will usually rent for more than comparable square footage in a multi-resident apartment complex. And as more and more homes are bought as investments with the

purpose of renting to two families, prices will rise even higher. This is of no use to those low-income individuals who constitute the majority of the housing crisis in this city.

Albuquerque has many family neighborhoods and unique communities of which their residents are a proud part. Any way you look at the idea of permissively allowing duplex development, the bottom line is that it will cause significant change to those communities. People move to R-1 districts for a reason and the least that the city can do is give those residents the respect they deserve by allowing them to have a voice in any such changes by making those proposed use changes conditional.

I therefore ask that you vote against Items 10 and 13 as written by voting for Option 2 – rejection and deletion of both 10 and 13.

Respectfully submitted,  
Barbara Blumenfeld  
5912 Carruthers St. NE  
Albuquerque 87111  
Albuquerque resident for over 30 years.

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"Too often we... enjoy the comfort of opinion without the discomfort of thought." -John F. Kennedy

**From:** [Barbara Blumenfeld](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** Comments for Dec. 14 meeting on Proposed Amendments to IDO  
**Date:** Monday, January 8, 2024 2:48:31 PM

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

The following is a corrected copy of the email I just sent - I had mislabeled one of the item numbers. Please use this email which is otherwise identical. Thank you

Dear Chairman Shaffer and Commissioners,

The following are comments addressed to the proposed IDO amendments dealing with the construction of duplexes and retail establishments in R-1 Districts. I previously sent an email for the Dec. 14 meeting regarding these issues. This email addresses the revised proposal for your Jan. 11 meeting.

### **Allowance of groceries and bakeries on corner lots in R-1 districts (Item 12)**

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5912 Carruthers St. NE  
Albuquerque 87111  
Albuquerque resident for over 30 years.

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"Too often we... enjoy the comfort of opinion without the discomfort of thought." -John F. Kennedy

**From:** [Michael Bowen](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Kristi L. Bowen](#)  
**Subject:** IDO Annual Update 2023 - EPC Review and Recommendation, EPC Chair Shaffer.  
**Date:** Monday, January 8, 2024 5:19:19 PM  
**Attachments:** [image002.png](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

EPC Chair Shaffer,

The area under consideration. I can see no value to have nicotine and liquor sales available on that corner or additionally, anywhere in the area. There is a high homeless population in this area. The crime statistics for the retail locations just north of the property are higher than normal. This proposal would only add to the complications and the traffic that currently flows through 12<sup>th</sup> street intersections, in all directions. I strongly contest the request that has been brought before the EPC. Please deny this request immediately and consider reevaluating the property for its highest and best use. Looking forward to your comments regarding this matter.

A concerned resident,

[Michael Bowen](#)



## Michael Bowen

**Sr. Loan officer, Branch Manager**

NMLS #214602

6733 Academy Rd NE

Albuquerque NM 87109

**Mobile:** [505-259-8326](tel:505-259-8326)

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## Roseanne Starkey

**Loan Originator –**

**Loan Partner to Michael Bowen**

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TF: [800.354.1149](tel:800.354.1149)

Email: [RStarkey@WaterstoneMortgage.com](mailto:RStarkey@WaterstoneMortgage.com)



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**From:** [Jessica Cassyle Carr](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Morris, Petra](#); [Vos, Michael J.](#); [abqdna@abqdna.com](#)  
**Subject:** Re: IDO update recommendations - distance requirements and permitting for outdoor music venues  
**Date:** Tuesday, January 9, 2024 8:02:22 AM  
**Attachments:** [Policy Brief.AlbuquerqueShouldCreateGoodNeighborPolicy.20231025.pdf](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Good morning,

The following comments pertain to items 2, 7, and 50 in “IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal IDO” (see table below).\*

Firstly, I appreciate the incorporation of language addressing outdoor amplified sound. Because I may be missing something within the text amendment document, I would prefer to wait and listen to Thursday morning's IDO meeting before commenting, but—seeing that this morning is the deadline for comments—I will share now.

- I agree with other commenters that adding language that underlines the existing noise ordinance does not address the issue, which is non-residential entities projecting outdoor amplified sound in close proximity to residential uses. This includes outdoor amplified sound between the normative waking hours of 7am and 10pm—not just late at night and early in the morning.
- I do not agree with adding outdoor amplified sound as an accessory use without conditions. As they are written now, the amendments clarify that entities within the districts specified in Item #2 are free to project outdoor amplified sound under their own terms—as long as it happens between 7am and 10pm.
- Businesses located within districts specified in Item #2 that *do not border on residential uses* could potentially be harmed by a 10pm outdoor amplified sound curfew. Examples: 1) Fusion, Marble Brewery and other operations along First and Second Streets, 2) Revel (near Montano and 1-25).
- In the policy brief I shared on 10/26/23 (attached), I recommended the IDO incorporate evidence-based practices from other cities—namely Austin and Denver. I encouraged a 100 to 200 foot distance buffer zone between outdoor amplified sound and residences (note that I do not think this should apply to the MX-FB- designations in the Downtown core). That would mean that outdoor amplified sound would not be permitted as a primary, accessory, or conditional use within 100 feet (or we could say .025 miles or 132 feet) of a residence. According to the proposed IDO updates, non-

residential entities located within the districts specified in Item #2 are allowed to project (act as source premises of) outdoor amplified sound without restriction. So, in theory, if a business wants to occupy a residential block's outdoor soundscape with heavy metal from 7am to 10pm, there is no recourse for the people who live next door (receptor premises) except to file a noise complaint.

In short, I believe it is counterproductive to enact a blanket curfew and add outdoor amplified sound as an accessory use in the districts specified in Item #2. More nuance is necessary. As I outlined in the 10/26/23 policy brief, I encourage two things: 1) a 100 to 200 foot distance requirement or buffer zone between residences and non-residential entities that project outdoor amplified sound, and 2) a permitting process that includes community input for any non-residential entity that projects outdoor amplified sound within 600 feet of a residence.

Thank you for your time,

Jessica

\* Items in "IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal IDO" pertaining to outdoor amplified sound

Item #	Change / Discussion	Explanation
2	<b>Outdoor amplified sound:</b> Create a new accessory use with use-specific standard and add an A in the following zone districts: MX-M, MX-L, MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM. Add a CA in MX-T.	Adds outdoor amplified sound as an accessory use to enable a curfew between 10 p.m. and 7 a.m. See related amendment for 14-16-4-3(F)(14) and 14-16-7-1.
7	<b>Outdoor amplified sound:</b> If this use is within 330 feet of a Residential zone district or lot containing a residential use in a Mixed-use zone district, any amplified sound from speakers outside of a fully enclosed building shall be turned off between 10:00 p.m. and 7:00 a.m."	Prohibits amplified sound after 10 p.m. near residential uses. Similar to prohibition of self-storage access.
50	<b>Outdoor amplified sound:</b> Amplified sound from	Defines outdoor amplified sound to enable a curfew

	speakers outside of a fully enclosed building either permanently mounted or used more than 1 time per week. This use does not include amplified sound associated with a special event permit or a temporary use, which are regulated separately."	between 10 p.m. and 7 a.m. when used as an accessory use.
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On Thu, Oct 26, 2023 at 11:58 AM Jessica Cassyle Carr <[cassyle@gmail.com](mailto:cassyle@gmail.com)> wrote:

Hello: Please see attached and below.

# Albuquerque Should Create Policies For Outdoor Music Venues to Prevent Conflict and Promote Cultural Vitality

October 2023

## Summary

Outdoor music venues can play an important role in promoting community and cultural vitality. However, they can also be a social nuisance and source of avoidable problems, especially if located too close to residential and other sensitive areas. The following brief discusses outdoor music venues—defined as *a commercial property where sound equipment is used to amplify sound that is not fully enclosed by permanent, solid walls and a roof*—and policies that promote their harmonious coexistence with surrounding communities. It outlines practice-based evidence supporting a distance requirement of at least 100 feet between outdoor music venues and residences, and a permitting protocol that requires business owners to engage with neighbors within 600 feet—policies that should be adopted in Albuquerque.

## Scope of the Problem

Albuquerque’s sunny, mostly-temperate climate is highly conducive to outdoor special event activities, including those with amplified sound. Presently, the city lacks clearly-defined guidelines, or a permitting protocol, specifically for businesses that wish to operate outdoor music venues, regardless of primary or conditional use. Zoning for outdoor music venues in other U.S. cities frequently requires a combination of distance requirements or buffer zones—these are typically between 100 feet (e.g. Austin, Texas) and 200 feet (e.g. Denver, Colorado) and permitting processes, in addition to directions to follow municipal noise ordinances (City of Austin, n.d.; City of Denver, 2021). However, cities with significant experience mitigating unintended conflict that outdoor music venues can cause take it a step further—they create policies that define the good business practices required to obtain outdoor music venue permits. These policies are designed to promote positive relationships between outdoor music venues (source premises) and their surrounding communities (receptor premises).

## Policy Overview

Albuquerque’s Integrated Development Ordinance (IDO) does not include language that specifically addresses “outdoor music” or “live music.” See the Appendix section below for instances where music is mentioned in relation to amplified sound (City of Albuquerque, 2023). As a result, regulations relevant to outdoor music venues are open to interpretation, and, by default, amplified sound at outdoor music venues is regulated by Albuquerque’s often difficult-to-enforce noise ordinance. These circumstances can damage community relationships, but conflicts are preventable via policy intervention.

Compared to indoor music venues, there are more variables that impact distribution of sound outdoors, including meteorological conditions, therefore sound is harder to control and often louder (WHO, 2020). Distance requirements that specify the minimum buffer zone between outdoor music venues and residential areas help to ensure businesses do not have a negative impact on the quality of life of their neighbors. This, along with community engagement programs that are tied to permitting, can help to reduce unwanted sound and improve the relationship between outdoor music venues and residential communities. Actively addressing music through planning serves both venues and residents (Ro, 2019).

For example, Austin, Texas is legendary for its music scene, and, like Albuquerque, has a mostly-temperate climate conducive to outdoor entertainment. The two places are also similar in their dense downtown entertainment districts, and their early twentieth century mixed-use and residential areas that sprawl from the city center. In Austin, all outdoor music venues must apply to receive a permit. The zoning code deems that “permits may not be issued for using sound equipment within 100 feet of the property zoned and used as

residential.” If not within 100 feet of a residential property, when an permit application is filed, or before one is renewed, a public official is required to mail a notice of the outdoor music venue permit application to: (a) the applicant; (b) notice owner of a single-family use located within 600 feet of the site or property included in the application; (c) owner of a multi-family use located adjacent to the site or property included in the application; and (d) the registered neighborhood organizations whose declared boundaries are within 600 feet of the site or property included in the application. (City of Austin, n.d.-a; n.d.-b)

## Conclusion

Albuquerque should adopt zoning policies that require: 1) a 100 to 200 foot distance requirement or buffer zone between outdoor music venues and residences, 2) a permitting process that includes community input for any outdoor music venue within 600 feet of a residence. Ultimately, these policy recommendations are pro-music, pro-business and pro-peace. Creating guidelines that prevent conflict sets businesses up for success, and excellent performances. Clearly, Austin differs from Albuquerque in significant ways, including 400,000 more residents and a music tourism economy that brings \$1.8 billion dollars annually. However, that city’s experience with practice-based policy interventions can provide guidance for how zoning code can help promote a thriving music scene in Albuquerque. A more in-depth policy scan that includes evidence from more cities would offer further insight into promising practices concerning amplified sound. As Albuquerque grows, clear guidance as to how to best create and operate outdoor music venues will be beneficial to all involved in the city’s urban life.

## Sources

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## Appendix

Albuquerque's Integrated Development Ordinance (IDO) does not include language that specifically addresses "outdoor music" or "live music." Below are the instances where music is mentioned in relation to amplified sound:

- **Amphitheater** A covered or uncovered open-air area or structure suitable for musical or theatrical performances, performing arts, or sporting events with tiers of seats, benches, or berms with seating capacity for less than 1,000 people.
- **Auditorium** A hall or seating area, generally enclosed, where an audience views a musical or theatrical performance, concert, sporting, or other entertainment event, including but not limited to a conference center.
- **Fair, Festival, or Theatrical Performance** An organized event or set of events, including but not limited to musical performances and plays, usually happening in one place for a designated period of time with its own social activities, food, or ceremonies and accessory sales of retail goods.
- **Nightclub** An establishment dispensing liquor in which music, dancing, or entertainment is provided, but not including any adult entertainment use.

- **Theater** A facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

While the table below—**Outdoor Recreation and Entertainment**—mentions amphitheaters, drive-in theaters, it does not mention restaurants or nightclubs that act as Outdoor Music Venues.



The category “Other Outdoor Entertainment” does not address music either:

- **Other Outdoor Entertainment** An outdoor facility whose main purpose is to provide entertainment or recreation, with or without charge, but not including auto or horse race tracks, drive-in theaters, or any similar outdoor use not listed separately in Table 4-2-1. Examples include, but are not limited to, amusement parks, batting cages, go-cart tracks, golf courses and driving ranges, miniature golf, skateboard parks, skating rinks, sports courts, swimming pools, target sport ranges, and water parks.

Similarly, regulations related to “Other Outdoor Entertainment” primarily address projectiles and balls:

4-3(D)(32) Other Outdoor Entertainment 4-3(D)(32)(a) This use shall include fencing or other measures meeting the standards in Section 14-16-5-6 (Landscaping, Buffering, and Screening) and designed to prevent balls or other objects from the activity from passing beyond the property line and onto any surrounding properties not owned by the owner or operator of the use. 4-3(D)(32) (b) Rifle range (public or private) and flying of kites are prohibited in the Air Space and Runway Protection Sub-areas pursuant to Subsection 14-16-3-3(C) (Airport Protection Overlay Zone Use Regulations).

# Albuquerque Should Create Policies For Outdoor Music Venues to Prevent Conflict and Promote Cultural Vitality

October 2023

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However, that city's experience with practice-based policy interventions can provide guidance for how zoning code can help promote a thriving music scene in Albuquerque. A more in-depth policy scan that includes evidence from more cities would offer further insight into promising practices concerning amplified sound. As Albuquerque grows, clear guidance as to how to best create and operate outdoor music venues will be beneficial to all involved in the city's urban life.

## Sources

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## Appendix

Albuquerque's Integrated Development Ordinance (IDO) does not include language that specifically addresses "outdoor music" or "live music." Below are the instances where music is mentioned in relation to amplified sound:

- **Amphitheater** A covered or uncovered open-air area or structure suitable for musical or theatrical performances, performing arts, or sporting events with tiers of seats, benches, or berms with seating capacity for less than 1,000 people.
- **Auditorium** A hall or seating area, generally enclosed, where an audience views a musical or theatrical performance, concert, sporting, or other entertainment event, including but not limited to a conference center.
- **Fair, Festival, or Theatrical Performance** An organized event or set of events, including but not limited to musical performances and plays, usually happening in one place for a designated period of time with its own social activities, food, or ceremonies and accessory sales of retail goods.
- **Nightclub** An establishment dispensing liquor in which music, dancing, or entertainment is provided, but not including any adult entertainment use.
- **Theater** A facility with fixed seats for the viewing of movies or live presentations of musicians or other performing artists.

While the table below—**Outdoor Recreation and Entertainment**—mentions amphitheaters, drive-in theaters, it does not mention restaurants or nightclubs that act as Outdoor Music Venues.

Outdoor Recreation and Entertainment																		
Amphitheater										C	C	C	C	C	A	P	A	C
Balloon Fiesta Park events and activities																P		4-3(D)(30)
Drive-in theater										C	C	C	C	C				4-3(D)(31)
Fairgrounds																P		
Residential community amenity, outdoor	P	P	P	P	P	P	P	P	P	P								A
Stadium or racetrack																P	P	
Other outdoor entertainment	CA	CA	CA	CA	CA	CA	A	A	A	A	P	P	P	A		P		P 4-3(D)(32)

The category "Other Outdoor Entertainment" does not address music either:

- **Other Outdoor Entertainment** An outdoor facility whose main purpose is to provide entertainment or recreation, with or without charge, but not including auto or horse race tracks, drive-in theaters, or any similar outdoor use not listed separately in Table 4-2-1. Examples include, but are not limited to, amusement parks, batting cages, go-cart tracks, golf courses and driving ranges, miniature golf, skateboard parks, skating rinks, sports courts, swimming pools, target sport ranges, and water parks.

Similarly, regulations related to “Other Outdoor Entertainment” primarily address projectiles and balls:

4-3(D)(32) Other Outdoor Entertainment 4-3(D)(32)(a) This use shall include fencing or other measures meeting the standards in Section 14-16-5-6 (Landscaping, Buffering, and Screening) and designed to prevent balls or other objects from the activity from passing beyond the property line and onto any surrounding properties not owned by the owner or operator of the use. 4-3(D)(32)(b) Rifle range (public or private) and flying of kites are prohibited in the Air Space and Runway Protection Sub-areas pursuant to Subsection 14-16-3-3(C) (Airport Protection Overlay Zone Use Regulations).

**From:** [JULIE DREIKE](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** 48 hour comments  
**Date:** Saturday, January 6, 2024 5:40:34 PM  
**Attachments:** [48 hour comments to EPC regarding IDO annual updates.docx](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Chair Shaffer

Attached please find comments submitted under the 48 hour rule.

Thank you for your consideration and for your service.

Respectfully,

Julie Dreike

Embudo Canyon NA

District 9 East Gateway Coalition

ICC IDO working group



48 hour comments to EPC regarding IDO annual updates  
1/6/2024

I am the President of Embudo Canyon NA and the designated representative on the IDO for ECNA, the Secretary of District 9 East Gateway Coalition and a member of the ICC IDO working group. These comments are the result of past and current work on the IDO with Neighborhood Association representatives from throughout the City. I have previously pinned comments on several of the amendments and appreciate the opportunity to submit comments to the EPC.

Thank you for your consideration of the comments and for your work on the IDO.

Walls and Fences – 14-16-4-3(D)(18); 14-16-4-3(D)(37); 14-16-5-7(D)(3)(a); Table 5-7-2 [Items #4, #5, #23 and #24]

Support the removal of these amendments for the reasons identified in the staff report. (page 7)

Cannabis Retail – Table 4-2-1; 14-16-4-3(D)(35) [Item #8]

Support the amendment. Of particular importance is not to overburden parts of the community.

Overnight Shelters – Table 4-2-1; Subsection 14-16-4-3(C)(6) [Item #9]

Oppose making this use permissive where they are currently conditional. Taking away the opportunity for citizens to provide input contrary to public engagement. Support the removal of this amendment.

Duplex – 14-16-4-3(B)(5); 14-16-4-3(F)(6) [Items #10, #13]

Similar amendments were voted down in last years IDO amendments. As identified in the staff report, the public continues to object to this change in zoning.

City Facilities – 14-16-2-5(E)(2); 14-16-4-1(A)(4) [Item #11, #54]

Amendment #11—the idea of removing the opportunity for public input into City facilities poor public policy. Agree with the staff report to remove this amendment.

Dwelling, Live-Work – Table 4-2-1; 14-16-4-3(B)(7); 14-16-6-6(A) [Item #12]

Oppose this amendment in its current form. This amendment has not been well thought out regarding the impacts on neighborhoods and the actual, not wishful thinking, of potential positive impacts.

Impacts on parking. All we have to do is recall the parking near Open Space during the pandemic to understand the impact parking has on home owners. Impacts on deliveries and waste storage and removal. A corner lot does not make these challenges go away. This issue is discussed as if this will solve the food desert issues in neighborhoods. All one has to do is look to the closure of

the largest retailer in the US and multiple closures of convenience stores to see that this amendment is not a magic fix. This amendment requires further thought and development to solve the problems identified. Consideration is needed to start small in areas that have been identified as food deserts. Consideration to space between such establishments so that a neighborhood is not overly impacted. Consideration to owner occupied. Making this permissive eliminates the opportunity for input, contrary to good public policy.

Recreational Vehicle, Boat, and Trailer Parking; Front Yard Parking – 14-16-5-5(B)(4); 14-16-5- 5(F)(2); 14-16-6-8(G) [Items #17 and #42]

Support the idea of reducing front yard parking of RV, Boats and Trailers. Please give consideration to how this amendment can be improved. Additionally, parking of vehicles in front yards is a major problem in many neighborhoods as a result of poor enforcement by the City.

Notice and Referrals – 14-16-6-4(B) & (K); Table 6-1-1 (Items #29, #32, #33, #34, #36)

Oppose removal of “adjacent” with a distance is contrary to the meaning and spirit of good community planning and communication. This would only serve to make it “easier” for the applicant and the Planning Department. Notices are critical to good information and good decision making. NARO call for engagement, and this amendment could and would damage engagement.

Respectfully submitted

Julie Dreike

**From:** [Elizabeth Haley](#)  
**To:** [City of Albuquerque Planning Department](#); [Salas, Alfredo E.](#); [Jones, Megan D.](#)  
**Subject:** 48 Hour Rule Comments from WSCONA  
**Date:** Tuesday, January 9, 2024 8:15:23 AM  
**Attachments:** [image.png](#)  
[Notice of Decision LUHO.pdf](#)  
[WSCONA IDO Amendments for the January 11 EPC Hearing.pdf](#)

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



January 9, 2024 Via email:

Re:

[abcto@cabq.gov](mailto:abcto@cabq.gov)

EPC Chair Shaffer

PR-2018-001843 / RZ-2023-00044– Small Area VHUC PR-2018-001843 / RZ-2023-00043–  
Small Area Rail Trail PR-2018-001843 / RZ-2023-00040– Citywide

Chairman Shaffer,

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The West Side Coalition of Neighborhood Associations, WSCONA respectfully submits the following comments regarding the above-mentioned cases to be heard by the Environmental Planning Commission on January 11, 2024. WSCONA supports the comments of the ICC Working Group and the separate comments submitted by our Land Committee Members.

Regarding Finding 32. New Amendment: Revise the definition in section 7-1 for “Adjacent”. We are not in favor of any reduction of notification.

The legal concepts of notification and adjacency are defined by the New Mexico State Zoning Statutes and legal precedent, the Comprehensive Plan and the IDO. These erroneous misapplications of common planning terms is an attempt to codify after the fact and to facilitate individual zoning applications

WSCONA requested an administrative review from the City of Albuquerque Land Hearing Officer and during that sworn testimony new facts were discovered concerning actual CABQ land review practices. In light of this information we feel that the following amendments are particularly problematic:

- RZ-2023-00044 – Text Amendments to IDO – Small Area VHUC<sup>[1]</sup><sub>SEP</sub>

We wholeheartedly agree with the recommendation of DENIAL for this amendment and applaud staff for recognizing the need to follow the Comprehensive Plan, noting this excerpt from Staff Report on Page 11:

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

As noted in the Small Area VHUC report, the Comprehensive Plan is the overriding guide. Changes to the IDO should not be project driven. We believe risk may still exist regarding the notification process in this matter. It is unclear how or if individual property owners were advised, to the extent that they fully comprehend (as per the definition of notification in our NM State Statutes), these proposed changes. The need to defer the Small Area VHUC from last month because of irregularities in the notification process is an example of the importance of proper notification.

- Items #59 and #60, Clerical and Editorial Changes: although these have been included in every past Annual Update, we do not support the continued inclusion of these amendments as they have no oversight and allow potential risk and mismanagement at the planning department level. .

CONDITION 16; Items #29, #32, and #36 – Neighborhood Association notification distances:

**Please select Option 2: Delete the proposed amendment.**

CONDITION 18; Item #37 – Appeals – Standing for Neighborhood Associations: **Please select Option 2: Delete the proposed amendment.**

WSCONA members representing our interest during EPC community comment testimony need your support. These proposed amendments matter and make a dramatic difference in outcomes as found during the **AC-23-14 Appeal by WSCONA and others and the subsequent LUHO Proposed decision**. Our recent Testimony was disputed by Mr. Voss of the Planning Department. Still, some practices are detrimental to future fair land review processes and procedures.

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from the present IDO without public comment or legislative process. These unique interpretations violate New Mexico State Statute Zoning Ordinances and current legal precedents. The City of Albuquerque's Land Hearing Officer wrote in his opinion:

"The Appellee-Applicants, Jubilee Development, LLC and Group II U26 VC, LLC. The Applicants) sought and were granted final plat approval of an 18.23-acre development in a recent hearing before the Development Hearing Officer (DHO). It is undisputed that the Applicants never obtained EPC approval for a Site Plan-EPC for the development. In this appeal, Appellants primarily allege that without a Site Plan-EPC, the final plat approval is invalid. The Appellants also raise numerous other issues of alleged error in this appeal. After reviewing the record, listening to arguments of the parties, witness testimony, and cross-examination in an extended three-hour quasi-judicial appeal hearing, and after considering the applicable IDO provisions, I [ the Land hearing Officer] respectfully conclude that city planning staff's "strict" interpretation and application of the term "adjacent" in the IDO is erroneous. The Appellants' appeal on this issue should be sustained. Until the Applicants obtain EPC approval of a Site Plan- EPC, the platting application and approval are premature and should be denied. Specifically, as detailed below, I find that the city staff's and the Applicants' narrow interpretation is inconsistent with the definition of "adjacent" and with its legislative purpose in the IDO, and it is inconsistent with the legislative intent of the City Council to protect major public open space."

In another section of the LUHO Decision, he states:

"The application included inaccurate area maps from the Albuquerque Geographic Information System (AGIS), a network of advanced mapping layers of land uses, including existing zoning statuses of the lands within the city's municipal boundary. The AGIS maps did not show the newly zoned MPOS lands at the caddy-corner intersection of Kimmick Drive and Rosa Parks Road. "

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The Decision also states

"The evidence indicates that Consensus Planning was the agent for the city applicant in the rezoning that created the MPOS. Consensus Planning is also the agent for the Applicants in the preliminary plat, amended site plan, and final plat applications in this matter. Although new MPOS lands were created at the south side of 100 Kimmick Dr. and Rosa Parks Rd. NW intersection of the application site, the DRB had already concluded informally, outside of the public hearings, that the MPOS was not sufficiently adjacent to the application's site. In addition, the DRB and the Applicants did not address, acknowledge, or otherwise publicly discuss the inaccuracies in the AGIS zone maps submitted with the application."

The LUHO Decision points to planning staff developing unique findings rather than conforming to the Comprehensive Plan or IDO specified process. The changes proposed in these amendments would mean staff could interpret planning terms and zoning maps to match the needs of individual owners rather than the Ordinance and change the Ordinance after the fact. In this case, the advantage to the applicant was skipping the EPC review of the site plan.

"The Applicants and the City Planning Department staff, on the other hand, contend that a Site

Plan-EPC was unnecessary. They argue that because the space separating the application site and the MPOS is a street intersection, the MPOS is insufficiently adjacent to satisfy the definition of adjacent under the IDO. The Applicants and city staff further argue that under their "strict" interpretation of the term "adjacent," a Site Plan-EPC is only required if the application site and the MPOS were separated by only "one" street rather than an intersection which is composed of two streets."

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The entire LUHO report is attached and follows. Please read it. The IDO has yet to help the City of Albuquerque economically. Still, the proposed IDO Amendments listed in these comments would exclude many Administrative Appeals due to lack of standing, inadequate notification and timely access to appeals. The quasi-judicial process disclosed the errors found by the LUHO. Once revealed in the hearing, those errors and omissions made the LUHO reverse his earlier opinion. The District Court has yet to issue a final opinion (as reported by Mr. Voss in the last hearing.) A decision is only final once the court decides on our current motion for rehearing (based on the LUHO's Final Decision and reversal of the prior LUHO approval) and the appeal period is over. Neither event has happened as of January 8, 2024.

Our thanks to the Planning Staff and the EPC for their work.

Sincerely,  
Elizabeth Kay Haley, M Arch, WSCONA President



January 9, 2024 Via email:

Re:

[abcto@cabq.gov](mailto:abcto@cabq.gov)

EPC Chair Shaffer

PR-2018-001843 / RZ-2023-00044– Small Area VHUC PR-2018-001843 /  
RZ-2023-00043– Small Area Rail Trail PR-2018-001843 / RZ-2023-00040– Citywide

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Our thanks to Planning Staff and the EPC for their work.

Sincerely,

Elizabeth Kay Haley, M Arch, WSCONA President

**Notice of Decision  
City Council  
City of Albuquerque  
November 13, 2023**

**AC-23-14** (VA-2023-00196) PR-2022-007712, SI-2023-00127 The Westside Coalition of Neighborhood Associations and Michael Voorhees appeal the Development Hearing Officer decision to approve a final plat, for all or a portion of Lot 5, Block 6 Volcano Cliffs Unit 26 & Lot 1, Block 2, Volcano Cliffs Unit 26 zoned MX-L & MX-M, located on Rosa Parks Rd. between Paseo Del Norte and Rosa Parks Rd. containing approximately 18.23 acre(s). (C-11)

**Decision**

On November 8, 2023, by a vote of **8 FOR 0 AGAINST** the City Council voted to accept the withdrawal by the Applicant.

**Excused:** Benton

**IT IS THEREFORE ORDERED THAT THIS MATTER IS WITHDRAWN.**

**Attachments**

1. Land Use Hearing Officer's Findings and Recommendation
2. Action Summary from the November 8, 2023 City Council Meeting

A person aggrieved by this decision may appeal the decision to the Second Judicial District Court by filing in the Court a notice of appeal within thirty (30) days from the date this decision is filed with the City Clerk.



\_\_\_\_\_  
Pat Davis, President  
City Council

\_\_\_\_\_  
Date: 11/13/2023

Received by: \_\_\_\_\_  
City Clerk's Office

\_\_\_\_\_  
Date: 11/13/2023

1 CITY OF ALBUQUERQUE  
2 **LAND USE APPEAL UNDER THE IDO**  
3 **BEFORE AN INDEPENDENT**  
4 **LAND USE HEARING OFFICER**  
5  
6

7 **APPEAL NO. AC-23-14**  
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9 VA-2023-00196; PR 2022-007712 and SD-2023-00127  
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11 Michael Voorhees, and  
12 The Westside Coalition of Neighborhood Associations,  
13

14 Appellants,  
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16 and,  
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18 Jubilee Development, LLC and Group II U26 VC, LLC,  
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20 Appellees-Applicants.  
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22 **PROPOSED DECISION**  
23

24 INTRODUCTION  
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32 **I. INTRODUCTION**  
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34 Under sections 5-4(C)(6) and 5-2(J)(2) of the IDO, “prior to any platting action,” any  
35 development on lots 5-acres or larger that is “*adjacent*” to Major Public Open Space (MPOS)  
36 requires a Site Plan-EPC. The crux of this appeal turns on whether the Appellee-Applicants’  
37 proposed development is “adjacent” to the La Cuentista MPOS.

38 The Appellee-Applicants, Jubilee Development, LLC and Group II U26 VC, LLC (the

Applicants) sought and were granted final plat approval of an 18.23-acre development in a recent hearing before the Development Hearing Officer (DHO). It is undisputed that the Applicants did not ever obtain EPC approval of a Site Plan-EPC for the development. In this appeal, Appellants primarily allege that without a Site Plan-EPC, the final plat approval is invalid. The Appellants also raise numerous other issues of alleged error in this appeal, all of which are discussed below.

The Applicants and the city Planning Department staff, on the other hand, contend that a Site Plan-EPC was unnecessary. They argue that because the space separating the application site and the MPOS is a street intersection, the MPOS is insufficiently adjacent to satisfy the definition of adjacent under the IDO. The Applicants and city staff further argue that under their “strict” interpretation of the term “adjacent,” a Site Plan-EPC is only required if the application site and the MPOS were separated by only “one” street rather than an intersection which is comprised of two streets.

After reviewing the record, listening to arguments of the parties, witness testimony, and cross-examination in an extended three-hour quasi-judicial appeal hearing, and after considering the applicable IDO provisions, I respectfully conclude that city planning staff’s “strict” interpretation and application of the term “adjacent” in the IDO is erroneous and the Appellants’ appeal on this issue should be sustained. Until the Applicants obtain EPC approval of a Site Plan-EPC, the platting application and approval are premature and should be denied.

Specifically, as detailed below, I find that city staffs’ and the Applicants’ narrow interpretation is inconsistent with the definition of “adjacent” and with its legislative purpose in the IDO, and it is inconsistent with the legislative intent of the City Council to protect major

61 public open space. On all other issues presented by Appellants in this appeal, I respectfully  
62 find that those issues are either not ripe, are mooted by the proposed findings below, or that  
63 they should be denied on their merits.

## 64 65 **II. RELEVANT BACKGROUND**

66 The relevant procedural background associated with the application site is multifaceted  
67 and entangled with various layers of approvals over the course of several years. In this appeal,  
68 the Appellants and the Applicants stipulated that the record should be supplemented to include  
69 records of those approvals. The parties also supplemented the record with written arguments  
70 and additional exhibits which by stipulation are also included in the record. Because of the  
71 numerous additions to the record, I have re-Bates stamped the record.<sup>1</sup>

72 In September 2017, the Development Review Board (DRB) approved the Applicants'  
73 application for a site plan, encompassing the then entire 18.79-acre site which is the subject of  
74 this appeal. [R. 313]. That site plan apparently encompassed three lots between Paseo Del  
75 Norte N.W. and Rosa Parks Road, along Kimmick Drive [R. 313]. At the time, the original  
76 site plan for the site was subject to the design regulations in the Volcano Cliffs Sector Plan  
77 which was subsequently repealed and replaced by the IDO [R. 639].

78 The Applicants then sought a rezoning for 8.7 acres of the site from MX-L to MX-M  
79 which at the time encompassed the lot 1 (Tract 1-A in the 2022 amended site plan described  
80 below) [R. 004]. On October 10, 2019, the Environmental Planning Commission (EPC)

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1. Throughout this recommendation, for clarity, when I reference the record, I will be referencing the re-Bates stamped record only.

81 approved the Applicants' rezoning application. **[R. 223]**.<sup>2</sup>

82 Significant to this appeal, on June 16, 2022, the EPC had approved a rezoning of 35-  
83 acres of land from R-1D to NR-PO-B which is considered under the IDO as MPOS land **[R.**  
84 **011, 104]**. Under IDO, § 6-7(G)(1), the EPC is the final decision-maker in approving NR-PO-  
85 B zone map amendments and the rezoning that created the MPOS was effective on June 16,  
86 2022, when the EPC approved the application. The rezoning resulted in newly created MPOS  
87 land directly caddy-corner to the application site at the south side of the intersection of  
88 Kimmick Drive, and Rosa Parks Road N.W. **[R. 011, 104]**.<sup>3</sup>

89 Then, on August 4, 2022, the Applicants applied to the DRB to amend the September  
90 2017 site plan, submitted a proposed amended site plan, and also requested approval of a  
91 preliminary plat for the site **[R. 497]**. The application included inaccurate area maps from the  
92 Albuquerque Geographic Information System (AGIS), a network of advanced mapping layers  
93 of land uses, including existing zoning statuses of the lands within the city's municipal  
94 boundary. The AGIS maps did not show the newly zoned MPOS lands at the caddy-corner  
95 intersection of Kimmick Drive and Rosa Parks Road **[R. 032, 496, 500, 509]**. However,  
96 testimony in the appeal hearing (AC-23-14) shows that the DRB knew of the MPOS rezoning  
97 **[R. 927-928]**. On October 26, 2022, the DRB held its first hearing on the application **[R. 602-**  
98 **625]**. After deferring a decision, the DRB approved the application requests at its November

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2. An EPC condition of the rezoning approval was that the Applicants' plat results in lot lines that coincide with the internal rezoning boundaries as required by IDO, 6-7(G)(2).

3. The evidence indicates that Consensus Planning was the agent for the city applicant in the rezoning that created the MPOS. Consensus Planning is also the agent for the Applicants, in the preliminary plat, amended site plan, and final plat applications in this matter.



9, 2022, hearing [R. 628-672].<sup>4</sup> Although new MPOS lands were created at the south side of Kimmick Dr. and Rosa Parks Rd. NW intersection of the application site, the DRB had already concluded informally, outside of the public hearings, that the MPOS was not sufficiently adjacent to the application site [R. 926-927]. In addition, the DRB and the Applicants did not address, acknowledge, or otherwise publicly discuss the inaccuracies in the AGIS zone maps submitted with the application. [R. 628-672].

On November 28, 2022, these Appellants and others filed a timely administrative appeal of the DRB's November 9, 2022, decision. An administrative Land Use appeal hearing was subsequently held and in a scheduled public hearing on March 6, 2023, the City Council accepted the proposed findings, denying the appeal.<sup>5</sup> The Appellants appealed the City Council's decision to the Bernalillo County District Court on April 3, 2023.<sup>6</sup> the District Court appeal to this day remains undecided.

Next, the record shows that on June 22, 2023, the Applicants filed an application to the Development Hearing Officer (DHO) for Major-Final Plat approval [R. 029]. Then, on July 12, 2023, the DHO held a public hearing on the application and subsequently approved the

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4. The amendments also essentially replaced the design regulations that were adopted into the site plan from the Volcano Cliffs Sector Development Plan. In addition, because lands were also dedicated for additional right-of-way for Paseo Del Norte, the application site was reduced to 18.23 acres from 18.7 acres.

5. The city administrative appeal (AC-23-1) was about the amended site plan, not the preliminary plat. And issues about whether the La Cuentista MPOS was adjacent to the application site was not presented in that appeal.

6. *Westside Coalition of Neighborhood Associations and Michael Vorhees v. City of Albuquerque*, et al., No. D-202-CV-2023-02637.

final plat application in a written decision [R. 068-092 and 026-027 respectively]. This administrative appeal under the IDO was subsequently timely filed [R. 017-025]. An extended quasi-judicial administrative appeal hearing was held on October 4, 2023 [R. 808].

### III. APPEAL ISSUES

In this appeal, Appellants presented nine (9) issues of error in the reviews and approvals of the amended site plan, the preliminary plat, and the final plat.<sup>7</sup> Appellants first contend that when the DRB reviewed and then finally approved the amended site plan and the preliminary plat, it lacked authority to conduct a quasi-judicial hearing and therefore the subsequent approval by the DHO is also invalid [R. 022]. As detailed below, I find that the DRB review process was flawed for other reasons. Appellants also contend that the final plat does not conform to the original 2017 site plan and therefore, the plats are both invalid [R. 023]. Notably, the 2017 site plan was amended on November 9, 2022, with the DRB's decision. The final plat must conform to the amended site plan, not the 2017 site plan. Appellants next contend that the Applicants presented "incorrect and misleading" evidence to the DRB regarding the zoning of the MPOS land [R. 023]. The evidence in the record supports this claim.

Regarding the DHO hearing, Appellants argue that the DHO erred because Appellants

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7. Under the July 15, 2022, IDO in effect at the time, Appellants were unable to administratively appeal the preliminary plat. Although this appeal is from a decision of the DHO, because the IDO prevented Appellants from appealing the preliminary plat decision of the DRB, and because the preliminary plat and the final plat are substantially connected procedurally and factually (discussed below), the Appellants are raising the flaws in the preliminary plat approval now.

132 raised the above issues regarding the MPOS at the hearing and the DHO failed to address any  
133 of them in the written decision **[R. 023]**. Appellants also claim that the DHO should have  
134 recused himself from hearing the applicant's final plat application because he allegedly has a  
135 bias against Appellant Michael Voorhees and/or a conflict of interest **[R. 023]**. Appellants  
136 further argue that the DHO decision is invalid because even though Mr. Voorhees requested a  
137 copy of the DHO's final decision, it was apparently not sent to him. **[R. 024]**. Next, Appellants  
138 suggest that because the preliminary plat approvals were appealed to the District Court, the  
139 final plat review and decision should have been stayed (deferred) by the DHO until the District  
140 Court appeal is resolved **[R. 023]**.

141         The last set of issues presented concern the MPOS land which is situated caddy-corner  
142 from the application site at the southeast side of the intersection of Rosa Parks Road and  
143 Kimmick Drive, NW. Appellants claim that the MPOS is "adjacent" to the application site and  
144 therefore a Site Plan-EPC must first be submitted and approved by the EPC before the  
145 preliminary and final plats could have been approved. Appellant also argue the DHO erred  
146 when he did not make any official findings on whether the MPOS is adjacent to the final plat  
147 application site. Finally, Appellants claim that city planning staff violated the IDO when they  
148 informally made a "declaratory like" decision behind closed doors to decide that the MPOS is  
149 not adjacent to the application site. They suggest that issue of adjacency and the decision-  
150 making to conclude that the MPOS was not adjacent to the application site should have been  
151 carried out in a public quasi-judicial setting or in the public hearings on the preliminary and  
152 final plats **[R. 022]**.

153         The Applicant-Appellees (Applicants) deny the Appellants' claims of error, but they

also take the position that based on IDO, § 6-4(V)(2), Appellant Michael Voorhees does not have standing to appeal the DHO's decision. The Applicants stipulate that the Westside Coalition of Neighborhood Associations (WSCNA) have standing to appeal, but they challenge whether the WSCNA leadership have approved the appeal.

#### **IV. STANDARD OF REVIEW**

A review of an administrative appeal under the IDO is a whole record review to determine whether the decision-maker's decision was fraudulent, arbitrary, or capricious under the IDO; or whether the decision is not supported by substantial evidence; or if in approving the application, the decision-maker erred in the facts, or in applying any applicable IDO provisions, policy, or regulation. IDO, § 6-4(V)(4). At the time the final plat application was submitted and reviewed, the July 2022 IDO was in effect; therefore, it is appropriate that the same IDO version also be applicable to adjudicate this administrative appeal.

#### **V. DISCUSSION**

The core issue in this appeal turns on the meaning of "adjacent" in the IDO and relates to whether the DRB and the DHO could lawfully approve the plats under the IDO without the Applicants first having obtained approval of a Site Plan-EPC. If the definition of "adjacent" under the IDO brings into its fold the subject MPOS lands, then the platting approvals by the DRB and the DHO are premature without a Site-Plan EPC. It is undisputed that the Applicants

174 have not applied for a Site Plan-EPC.<sup>8</sup> After the threshold issue of standing is addressed, the  
175 bigger issue regarding the adjacency question will be discussed in detail as it may be  
176 dispositive of the appeal. However, discussions of the other issues will follow.

177 **A. Appellant Michael Voorhees has standing to appeal the DHO decision.**

178 In response to this appeal, the Applicants through counsel argue that Mr. Voorhees  
179 lacks standing to appeal the DHO’s decision because he does not reside or own property within  
180 330-feet of the application site **[R. 208]**. See IDO, § 6-4(V)(2)(a)5 and the associated Table  
181 6-4-2 for standing, which essentially requires an appellant to have a property interest within  
182 330-feet of an application site. Mr. Voorhees did not dispute that he resides over 2,000 feet  
183 from the application site. It is clear that Mr. Voorhees lacks standing based on his proximity  
184 to the application site.

185 The Applicants also contend that Mr. Voorhees lacks standing arising from a “legal  
186 right” that is “specially and adversely affected by the decision” in this matter. IDO, § 6-  
187 4(V)(2)(a)4. I respectfully disagree. Mr. Voorhees’ sworn testimony at the administrative  
188 appeal hearing demonstrates that as a resident of the Petroglyphs Estates he personally utilizes  
189 the nearby La Cuentista MPOS lands for recreation **[R. 825-826]**. Although, the enjoyment of  
190 someone else’s private property is normally not a legal right Mr. Voorhees can claim for  
191 standing, in this case the decision implicates public open space. The La Quentista MPOS is  
192 “City-owned or managed property” and it is set aside “primarily for facilitating recreation” by  
193 the public. See IDO, § 7-1, Definitions, MPOS and Extraordinary Facility.

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8. Note that the EPC did approve a site plan for the site in 2017; however, that site plan was replaced with an amended site plan when the DRB approved the Applicants’ amended site plan and preliminary plat in November 2022.

Entwined in the objective of and purpose for creating major public open space is an implied interest or right for Albuquerque residents to lawfully use it. Certainly, under the United States Constitution, Mr. Voorhees has a constitutional First Amendment right to lawfully exercise free speech on public open space land. Similarly, at least for purposes of standing to have an interest in a decision that arguably impacts the La Cuentista MPOS, Mr. Voorhees, as a member of the public, has a somewhat analogous legal right to recreate on public lands that are specifically dedicated for that purpose. As § 6-4(V)(2)(a)4 demands, Mr. Voorhees' legal right to utilize the open space is arguably "specially and adversely affected" by the platting decisions in this matter. That is, because of the close proximity of the application site to the MPOS, it is conceivable and rational that the platting decisions do in fact impact the Mr. Voorhees' interest in that MPOS land—an interest to assure that the IDO regulations pertaining to MPOS are met. In addition, under the related earlier appeal (AC-23-1) which is now pending in the District Court, the Applicants and their same legal counsel stipulated that Mr. Voorhees' had standing in that matter which concerned the same application site [R. 231].

Accordingly, because the application site and the decision appealed has an obvious and sufficient connection to the MPOS, I find that Mr. Voorhees' legal right to make use of the MPOS, is "*specially affected by the decision.*" Thus, Mr. Voorhees has standing under § 6-4(V)(2)(a)4.

There is no dispute that the WSCNA appellants have standing. The testimony of WSCNA President, Elizabeth K. Haley during the appeal hearing confirms that the WSCNA Executive Board approved the filing of the administrative appeal.

216           **B. The DRB’s review of the preliminary plat was flawed.**

217           The record of the DRB’s review of the amended site plan and the preliminary plat  
218 shows that the DRB and the Applicants did not *publicly* disclose or otherwise overtly  
219 acknowledge in as late as November 9, 2022, that Consensus Planning submitted with their  
220 application inaccurate zone maps of the area. The area zone maps that the Applicants did  
221 submit with their application did not show the rezoned 35-acres of new NR-PO-B (MPOS)  
222 zoned lands. Consensus Planning was the city’s agent for the MPOS rezoning and is the agent  
223 in the platting and site plan application in this matter. Despite this fact, Consensus Planning  
224 Principal, Jackie Fishman testified that until the DRB brought it up at the hearing on the  
225 Applicants’ application, she was unaware of the June 2022 rezoning that created 35-acres of  
226 new MPOS land near the application site [R. 885-887]. Ms. Fishman explained that she was  
227 unaware because the rezoning was not personally handled by her but by another employee of  
228 her firm, Consensus Planning [R. 884-885].

229           Associate Planning Director Jolene Wolfley testified in the administrative appeal  
230 hearing that she knew there was a newly created MPOS caddy-corner to the application site  
231 [R. 927-928].<sup>9</sup> Since it was determined informally (prior to the hearings) that the MPOS was  
232 not pertinent to the issue of whether it was adjacent to the application site, the matter was not  
233 substantively discussed at the preliminary plat hearings [R. 929].

234           The Appellants take the position that Ms. Fishman should have known or did know of  
235 the June 2022 rezoning and that the inaccurate submission is more than a mistake. Specifically,

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9. Ms. Wolfley was the Chairperson of the DRB when the DRB was tasked with reviewing the amended site plan and preliminary plat application.

Appellants argue that Ms. Fishman had to have known that the area zoning maps she submitted with the amended site plan and preliminary plat application were inaccurate since her firm represented the city in the MPOS rezoning. Appellants further contend that the inaccurate maps submitted with the application required the DRB to conclude that the application was either “incomplete” or that the submission of inaccurate maps was cause for the DRB to deny the application.

Irrespective of who knew what, it is a fact that the Applicants did submit inaccurate area zoning maps to the DRB with its application [R. 032, 496, 500, 509]. The maps submitted by the Applicants showed that the 35-acres of MPOS land was R-1D zoned land not NR-PO-B (MPOS). In addition, the record supports that, as a result of discretionary decision-making that occurred outside of a public hearing, the DRB considered that the inaccuracies in the application were unimportant to their decision-making under the IDO.

These multiple flaws were not harmless error. Although the inaccurate maps came from the AGIS network which apparently was not updated to reflect the June 2022 rezoning, because city DRB staff knew of the rezoning, it must have also known that the maps submitted with the application were inaccurate. The DRB had a duty under the IDO, § 1-7(C) to ensure that “*based on conditions that exist...when the application was accepted*” the application was in fact “*complete*.” Inaccuracies in an application are tantamount to an incomplete application. Similarly, and perhaps more importantly, the DRB had a duty to the public to disclose the inaccuracy in its public hearing.

I find that the Applicants, through their agent, Consensus Planning, with minimal due diligence, should have known that their preliminary plat application maps were inaccurate. As



the agent for the MPOS rezoning, they were mailed notice of the rezoning decision a few months before the DRB application was submitted [R. 807]. I also find that the DRB had a duty to the public and to the Applicants to disclose in a public meeting what they knew about the inaccuracy.<sup>10</sup> Remaining silent about the whole matter is inconsistent with the fundamental principles of justice and the procedural due process due to the public and necessary in administrative hearings. See generally *State Ex Rel. Battershell v. City of Albuquerque*, 1989-NMCA-045. Thus, the DRB erred. However, as I describe below, I also find that the preliminary and final plats, were not properly before the DRB or the DHO in the first place.

**C. The Applicants' and city planning staffs' interpretation of the definition of "adjacent" in the IDO is unreasoned, inconsistent, and erroneous.**

Turning now to the crux of this appeal, the determination that a parcel of land is adjacent to MPOS under the IDO is consequential. If a site encompassing 5-acres or more is adjacent to MPOS, a Site Plan-EPC is required "*prior* to any platting action." Subsection 5-4(C) is headed "Compliance with Zoning Requirements" and its subsection 5-4(C)(6) states in full:

In the PD and NR-SU zone districts, and **for development in any zone district on a site 5 acres or greater adjacent to Major Public Open Space, an approved Site Plan – EPC is required prior to any platting action.** In the PC zone district, an approved Framework Plan is required prior to any platting action. Subsequent platting must conform to the approved plans. (Emphasis added).

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10. In the past, Planning Staff with the city have officially notified applicants of deficiencies in applications by sending an applicant a "deficiency Notice." Deficiency notices are a formal request that the applicants correct deficiencies found in applications. These deficiency notices are included in the records of applications. At the very least, this normally routine process should have occurred in this matter to advise the Applicants that the area zone maps they submitted are inaccurate and to resubmit accurate information.

Thus, if this provision is applicable to the application site, the preliminary and final plats should not have been approved without the Applicants first obtaining the EPC's approval of a Site Plan-EPC. There is no dispute that the application site is greater than 5 acres in size and that it comprises of the subdividing of lots. Setting aside the adjacency issue for a moment, the Applicants contend that the preliminary and final platting of the site is not "development" for purposes of IDO, § 5-4(C)(6) above. The Applicants are clearly wrong.

IDO, § 5-4 contains the general provisions for "promoting the public health, safety, and general welfare" through the regulation of subdivisions of land in the city. The definition of "development" in the IDO expressly includes *"any activity that alters...lot lines on a property."* IDO, Definition of Development, §7-1. It cannot be disputed that the Applicants' applications were in part to obtain approval to "alter lot lines" within the application site. Thus, the Applicants' platting applications meet the definition of both subdivision and development under the IDO. And although arguably the altering of lot lines was partly to fulfill an October 9, 2019, EPC condition for the rezoning at the application site, it was the Applicants who sought the rezoning amendment to rezone 8.7 acres of the site from MX-L to MX-M [R. 004]. Just because the submission of the preliminary plat was partly to satisfy an EPC condition, the EPC condition cannot be seized as a basis to argue that the platting was compulsory and is somehow not development under IDO, § 5-4(C)(6) as suggested in this appeal.

Moving now to whether the MPOS is adjacent to the application site, the definition of the term "adjacent" in the IDO states in full:

**Adjacent**

Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private. See also Alley, Multi-use Trail, Private Way, Right-of-way, and Street.

IDO, § 7-1, p. 541.

Under New Mexico law, if an ordinance makes sense as it is written, language which is not there should not be read into it. *High Ridge Hinkle Joint Venture v. City of Albuquerque*, 1998-NMSC-050, ¶ 5. In interpreting language of an ordinance, another rule of construction is that the entire ordinance is to be read as a whole and each part is to be construed in connection with every other part so as to produce a harmonious whole. *Burroughs v. Board of County Comm'rs*, 1975-NMSC-05, ¶ 14. Consequently, the “plain language” of the definition of adjacent is the “primary indicator of legislative intent.” *High Ridge Hinkle Joint Venture v. City of Albuquerque*, 1998-NMSC-050, ¶ 5. Applying these rules of statutory interpretation to this matter, it is clear that the interpretation that the city staff relied upon to determine that the application site is not adjacent to the MPOS is unreasonable.

Associate Planning Director Wolfley testified in the administrative appeal hearing that city staff believe that the IDO should be interpreted “strictly” with regard to the definition of “adjacent” [R. 924]. Meanwhile, in Planning Staff’s strict interpretation, lands caddy-corner, separated only by an intersection of *two* streets is not considered adjacent to one another. City staff and the Applicants essentially take the position that the phrase “*separated only by a street*” in the definition of adjacent means that that MPOS and another parcel must be separated only by “*one*” street to be considered adjacent to one another.

Associate Planning Director Wolfley further testified that parcels of land caddy-corner to one another that are separated by only an intersection of two streets have only “one point in space” of “tangency” in which they are geometrically adjacent to one another [R. 924]. Evidently, in city staff’s assessment, the physical space of adjacency in the street intersection

of Kimmick Dr. and Rosa Parks Rd. is insufficient or too small to meet the definition of adjacent in the IDO. Implicit in this complicated interpretation is (1) a concession that, even if it is a small amount of physical space, there is adjacency between the MPOS and the application site, and (2) staff are reading into the IDO's definition that a certain unidentified measure of physical adjacency is necessary to satisfy the IDO's definition of the term "adjacent."

Notwithstanding that the strict interpretation is unreasoned, I find that even under the strict interpretation proffered by city staff and the Applicants in this appeal, the MPOS is adjacent to the application site. On this basis alone, it should have been determined by the DRB that the preliminary plat application was submitted prematurely because a Site Plan-EPC had not been applied for, much less approved.

Associate Planning Director Wolfley also testified that a strict interpretation is necessary because *"there's quite a bit of implication for a property owner if they are determined to be adjacent"* [R. 924]. I find this rationale irrelevant to interpreting IDO definitions. Potential impact on property rights is not a basis for city planning staff to decide whether provisions of the IDO should be ignored or not enforced. These are considerations normally associated with the enactment of ordinances, not their enforcement. However, I do find that protecting MPOS is a significant legislative intent and purpose for § 5-2(J)(2) and § 5-4(C)(6) of the IDO.

Furthermore, I find that not only is staffs' "strict" interpretation erroneous with the plain meaning of the IDO's definition of adjacent, but I also find that city staff abused their authority under the IDO when they determined under this strict interpretation that the measure

or quantum of physical adjacency required is too small to meet the IDO’s definition. Briefly stated, it is obvious that the definition of adjacent in the IDO does not contemplate that there be a certain measure of physical adjacent space for properties to be considered adjacent to each other. It is an arbitrary and capricious interpretation because the definition of “adjacent” in the IDO does not have or contemplate any minimal measurement thresholds. Staff’s interpretation violates basic rules of statutory construction. See *Burroughs v. Board of County Comm’rs*, 1975-NMSC-05, ¶ 14, and *High Ridge Hinkle Joint Venture v. City of Albuquerque*, 1998-NMSC-050, ¶ 5.

In addition, staff’s strict interpretation is problematic because it discounts or disregards other terms in the definition which must be harmonized with any interpretation. For example, in the definition, properties that are separated only by “utility easement” are also considered to be adjacent. However, under the city staffs’ strict interpretation, if there is more than “one” utility easement that separates the properties at issue, or if the properties are separated only by two intersecting utility easements (both examples can be a regular occurrence), then the properties cannot be considered to be adjacent. As shown in the next subsection, the meaning of adjacent can easily be defined without resorting to adding words or reading subjective measurement proportions into the definition.

**D. Under a plain reading of the IDO’s definition of the term “adjacent,” the application site is adjacent to the La Cuentista MPOS.**

In the IDO’s definition of adjacent, the word “a” in the phrase “*separated only by a street, alley, trail, or utility easement*” is grammatically used as an indefinite article. As an indefinite article, it operates to signal that the labels “*a street, alley, trail, or utility easement*” are descriptions of general groups of the nouns (street, alley, trail, and utility easement). The

labels are not referents of these nouns in the singular but *any* version of these nouns. In other words, grammatically, the phrase “separated only by *a* street, alley, trail, or utility easement” does not mean “separated by only one street, one alley, one trail, or one utility easement.”

Furthermore, how “a street, alley, trail, or utility easement” are classified in the IDO cannot be lost in their meaning as they apply to the definition of adjacent in the IDO. These labels are nomenclature that are all classified in the IDO as public or private “right-of-way” of which is explicitly also unambiguously and distinctly referenced in the second sentence in the definitional language of the term “adjacent.” This is integral to any interpretation of the term adjacent and cannot be ignored. Of particular importance is the second sentence of the definition of Adjacent. It states: “*See also Alley, Multi-use Trail, Private Way, Right-of-way, and Street.*” Because these terms are expressly referenced in the definition, they are part of the definition, and these terms must be reconciled with any interpretation of the term “adjacent” in the IDO. The binding connection between the terms “Alley, Multi-use Trail, Private Way, Right-of-way, and Street” is that they are all considered public or private rights-of-way under IDO, § 7-1.

In the IDO, the definitions of “right-of-way” and “street” includes “public right-of-way.” Public right-of-way is defined as:

“Land deeded, reserved or dedicated by plat, or otherwise acquired by any unit of government for the purposes of movement of vehicles, bicycles, pedestrian traffic, and/or for conveyance of public utility services and drainage.”

How the term “street” is defined in the IDO is also crucial. Under the IDO, “street” means:

The portion of a public right-of-way or private way, from curb to curb (or from edge of paving to edge of paving if there is no curb, or from edge of

visible travel way to edge of visible travel way, if there is no paving), that is  
*primarily devoted to vehicular use.* (Emphasis added).

IDO, § 7-1, p. 600.

Turning back now to the definition of adjacent, the phrase “separated only by a street” in the definition is consistent with the grammatical use of the term as an indefinite article and it is consistent with the definition of “right-of-way.” Put another way, “street” is a general description of public right-of-way “primarily devoted for vehicular use.” In simple terms, land dedicated for vehicular use is considered street and vice versa. It is incontrovertible that street intersections are “primarily devoted to vehicular use” and are public right-of-way.

Only from giving meaning to all terms in the definitional language of “adjacent” can the correct meaning be properly interpreted, and the legislative intent identified. Thus, properties separated only by the referenced types of private or public right-of-way (“street, alley, trail, or utility easement”) are considered adjacent to one another and specifically, the phrase “separated only by a street” refers to all parts of public right-of way; street encompasses the land primarily devoted to vehicular use which inevitably includes street intersections unless otherwise noted in the IDO.

Under this interpretation, words and unidentified measurement expanses of physical space are not read into the definition. Moreover, this interpretation, as it relates to MPOS, is consistent with the legislative intent in the IDO to protect MPOS. Simply stated, development separated “only by” the public right-of-way encompassing “street, alley, trail, or utility easement” must meet the additional IDO provisions (§ 5-2(J)(2)) designed to protect MPOS.

In applying the proper interpretation to the facts of this case, it is clear that what separates the MPOS land and the application site on the south-east side of the site is only public

right-of-way—the intersection of Kimmick Dr. and Rosa Parks Rd. The MPOS and the application site are in fact adjacent to one another and because of this simple fact, the Applicants should not have and cannot obtain platting approval without first obtaining approval of a Site Plan-EPC as required by IDO, § 5-4(C)(6).

**E. Prior to all platting of the application site, the Applicants must first apply for a Site Plan-EPC.**

To expeditiously resolve this appeal, the amended site plan, and the preliminary plat approval should be revoked and the final plat denied. After the June 2022 EPC rezoning, MPOS land became adjacent to the Applicants' site requiring a Site Plan-EPC under IDO, § 5-4(C)(6). The DRB and the subsequent DHO approvals were not only premature, but they violated IDO procedure and are invalid without a Site Plan-EPC.

Associate Planning Director Wolfley testified in the appeal hearing that if city staff had concluded that IDO, § 5-4(C)(6) was applicable, only a small “buffer in an arc” on the application site near the street intersection would be required to protect the MPOS [R. 941]. Respectfully, whatever is required cannot be a justification for circumventing IDO processes. Notwithstanding though, it is evident that the IDO requires more when development under § 5-4(C)(6) is adjacent to MPOS land. First, it is the EPC that will evaluate the site plan in a quasi-judicial hearing open to the public. Second, under § 5-2(J)(2)(b), the Applicants must design access, circulation, parking, and aesthetics, to minimize any impacts on the MPOS. With the clear understanding that the application site is adjacent to MPOS, design protections must be reviewed by the staff of the Open Space Division of the City Parks and Recreation Department as well as city Planning staff. Protection of the MPOS will be publicly discussed in terms of it being formally determined that it is adjacent to the application site. Moreover,



the EPC has authority under the IDO to set any other reasonable conditions necessary to accomplish the intent of protecting MPOS.

Next, the Appellants are correct that the Applicants do not have a vested right to the approved preliminary plat especially since it was based on inaccurate evidence and was approved in violation of IDO procedure. And whether the Applicants relied on the AGIS or not in their submission of the inaccurate maps, the Applicants' agents, with due diligence, should have known of the MPOS since they were also the agents for the city in creating the MPOS and were sent mailed notice of the EPC's approval [R. 807].

**F. Unless the District Court orders a stay on the administrative processes, the administrative applications, their review, and administrative adjudication under the IDO should continue.**

Appellants take the position in this appeal that the City should defer all decisions on the application site until the District Court finally resolves the issues in the District Court appeal. The Appellants concede that a City Council stay on the matter would be discretionary and is not required [R. 122]. Unless the District Court issues an Order compelling the City to stay the application process, there is no compelling reason to defer a decision on this matter or to prevent the Applicants from following the correct application process.

**G. The record of the DHO hearing.**

Appellant Michael Voorhees believes that the DHO holds a grudge against him or has "personal animus" for him [R. 124]. He also contends that the DHO has an actual conflict of interest or that there is an appearance of a conflict of interest. I respectfully disagree that there is any evidence of animosity, a conflict, or an appearance of a conflict of interest.

470 Specifically, Appellant contends as the basis for the conflict that “several years ago”  
471 when the DHO (David Campbell) was the Planning Director for the City, Mr. Voorhees filed  
472 an appeal and, in that appeal, he made “numerous allegations of misconduct” (presumably  
473 against Mr. Campbell) [R. 068-071]. Appellant Voorhees also claims that he “met in person  
474 on two previous occasions and had extensive conversations” again presumably with Mr.  
475 Campbell [R. 071-072].

476 In the DHO hearing, Mr. David Campbell responded, advising Mr. Voorhees that he  
477 could not recall either meeting with him and he could not recall the allegations Mr. Voorhees  
478 made against him several years ago [R. 070-071]. The DHO then responded to Mr. Voorhees’  
479 request that he recuse himself from hearing the application [R. 072]. The DHO said:

480 Okay. Thank you. Duly noted. I have -- I have no recollection of any of this  
481 that you're talking about and don't have a -- I think what you're saying is  
482 that this -- it doesn't relate to the case at issue here; is that correct?

483 ...

484 All right. Thank you for raising that. And you say you have one other -- the  
485 DHO does not have a conflict on this, and there is no personal animus.

486 ...

487 And I want -- again, there are no personal grudge or animus against you for  
488 something that I have no recollection of.

489  
490 [R. 070-071].

491 Establishing a conflict of interest or an appearance of a conflict of interest requires  
492 more than what is in this record. Other than the allegation from Appellant, there is no evidence  
493 whatsoever that the DHO holds any animosity for Mr. Voorhees, nor is there objective  
494 evidence of a conflict. Furthermore, there is no evidence that the DHO prejudged the facts of  
495 the Applicants’ application. For a detailed discussion on what evidence is necessary to  
496 disqualify a tribunal See *Las Cruces Prof'l Fire Fighters v. City of Las Cruces*, 1997-NMCA-

031. The fact that Mr. Voorhees perceives that the allegations he made in a previous case “years ago” create an appearance of a conflict, does not in and of itself make it so. The allegations in that previous case have nothing to do with the facts in this matter. In fact, Mr. Campbell was not even a hearing officer when Mr. Voorhees complained of Mr. Campbell. In addition, there is no evidence of the truth of the allegations when Mr. Campbell was the Planning Director, and if there were, that would likely be insufficient to disqualify him from sitting in judgment on this matter. As stated above the evidentiary requirements under law are more nuanced to disqualify the DHO.

Appellants next contend that the DHO staff failed to send Appellant Voorhees a copy of the DHO’s final written decision and therefore the decision should be reversed as a consequence. Appellants cite to the most recent iteration of the IDO effective July 27, 2023, § 6-4(M)(6) which essentially requires decision making bodies to, among other things, send “each party to the matter and to any other person who has entered an appearance and requested a copy of the decision.” Notably, this language is not in the July 15, 2022, version of the IDO, which is applicable in this appeal. Although, anyone requesting a copy of a decision should be sent the decision, the error in this matter is harmless because Appellants, including Mr. Voorhees, filed a timely appeal of the DHO’s decision.

## **VI. PROPOSED FINDINGS**

Pursuant to IDO, § 6-4(V)(3)(d)5, I respectfully find that the below findings are warranted, supported by substantial evidence, and I recommend that they be adopted.

1. This is an appeal of a July 12, 2023, decision approving a final plat based on a

preliminary plat and amended site plan by the DHO.

2. Appellant WSCNA has standing to pursue this appeal under § 6-4(V)(2)(a)5.

3. Appellant Michael Voorhees has standing to pursue this appeal under § 6-4(V)(2)(a)4.

4. The DRB's November 9, 2022, decision approving the preliminary plat was not appealable under § 6-4(U)(1) of IDO update, effective July 15, 2022.

5. The DHO's July 12, 2023, decision approving the final plat is appealable under the July 15, 2022 IDO which was in effect when the final decision was made.

6. Pursuant to IDO, § 6-6(L)(3)(c), the final plat must conform to the preliminary plat.

7. Pursuant to IDO, § 6-6(L)(2)(g) the final plat and the preliminary plat are required to meet all applicable regulations and conditions of approvals, including previous approvals.

8. Pursuant to IDO, § 5-2(J)(2) and § 5-4(C)(6), prior to all platting of any development greater than 5-acres in size, a Site Plan-EPC is required when the proposed plat site is adjacent to any MPOS.

9. It is undisputed that the Applicants did not apply for or ever obtain Site-Plan EPC approval for development at the 18.23-acre application site.

10. On June 16, 2022, the EPC approved an application by the City to rezone 35 acres of land to NR-PO-B (MPOS). This MPOS is known as the La Quentista MPOS, and it is located between Kimmick Dr. NW and Ridgeway Dr. NW and on the south side of Rosa Parks Rd. NW.

11. The agent for the City in the rezoning application was Consensus Planning who is also the agent for the Applicants of the amended site plan, preliminary, and final plat

541 applications.

542 12. The La Quentista MPOS is situated caddy-corner to the Applicants' application site  
543 at the southwest intersection of Kimmick Dr. NW and Rosa Parks Rd. NW.

544 13. The La Quentista MPOS is adjacent to the Applicants' application site because it is  
545 separated from the Applicants' application site by only street public right-of-way.

546 14. The DRB erred in approving the amended site plan and preliminary plat in  
547 November 2022.

548 15. In its approval of the amended site plan and the preliminary plat, the DRB failed to  
549 acknowledge at its public hearing that the Applicants' application site is situated adjacent to  
550 the La Quentista MPOS as that term is defined in the IDO.

551 16. In addition, at some point in time prior to the two hearings on the amended site plan  
552 and preliminary plat (October 26, and November 9, 2022, hearings), the DRB unofficially  
553 concluded (not in the DRB public hearings) that the La Quentista MPOS was not adjacent to  
554 the application site and in doing so, they misinterpreted and misapplied the IDO.

555 17. The amended site plan and the preliminary plat do not account for the adjacent  
556 MPOS, and the amended site plan and preliminary plat do not in any manner demonstrate that  
557 the applicable IDO provisions of § 5-2(J)(2), are satisfied.

558 18. With the amended site plan and preliminary plat application, the Applicants  
559 submitted to the DRB inaccurate zone maps of the area which did not show the rezoned 35-  
560 acres as NR-PO-B zoned lands.

561 19. Because the DRB was aware of the EPC's previous rezoning, the DRB knew or  
562 should have known that the Applicants' area zone-map submission was inaccurate.

563 20. The DRB disregarded or otherwise did not make any public disclosure in its public  
564 hearings of the Applicants' inaccurate area zone map.

565 21. Without an approved Site Plan-EPC, as required by IDO, § 5-2(J)(2) and § 5-4(C)(6),  
566 the DRB did not have authority to approve the Applicants' preliminary plat.

567 22. Because the DRB did not have authority to approve the preliminary plat, the  
568 appropriate remedy is to revoke the preliminary plat.

569 23. Because there is no evidence in the amended site plan that the regulations for  
570 protecting MPOS have been satisfied under IDO, § 5-2(J)(2) and § 5-4(C)(6), the amended site  
571 plan should also be revoked.

572 24. Because the preliminary plat is factually and legally entwined with the final plat  
573 under the IDO, the decision approving the final plat should be reversed.

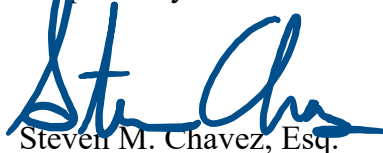
574 25. Contrary to Appellant Voorhees' claim in this appeal, the record of the DHO hearing  
575 on the final plat demonstrates that the DHO held no animosity for Mr. Voorhees.

576 26. Contrary to Appellants' claims, the DHO does not have a conflict of interest and  
577 there is not sufficient evidence of an appearance of one in this matter.

578 27. Unless the District Court orders a stay on all administrative proceedings related to  
579 the application site, which at this time there is no evidence of, this matter may run its course.

580 28. The amended site plan and the preliminary plat shall be revoked and the decision  
581 approving the final plat shall be reversed.

582 Respectfully Submitted:

583   
584 Steven M. Chavez, Esq.

585 Land Use Hearing Officer

October 18, 2023

Copies to:

City Council

Appellants

Appellees/ Party Opponents

Planning Staff

Notice to the Parties regarding City Council rules.

When the Council receives the Hearing Officer's proposed disposition of an appeal, the Council shall place the decision on the agenda of the next regular full Council meeting provided that there is a period of at least 10 days between the receipt of the decision and the Council meeting. The parties may submit comments to the Council through the Clerk of the Council regarding the Hearing Officer's decision and findings provided such comments are in writing and received by the Clerk of the Council and the other parties of record four (4) consecutive days prior to the Council "accept or reject" hearing. Parties submitting comments in this manner must include a signed, written attestation that the comments being submitted were delivered to all parties of record within this time frame, which attestation shall list the individual(s) to whom delivery was made. Comments received by the Clerk of the Council that are not in conformance with the requirements of this Section will not be distributed to Councilors.



# City of Albuquerque

City of Albuquerque  
Government Center  
One Civic Plaza  
Albuquerque, NM 87102

## Action Summary

### City Council

*Council President, Pat Davis, District 6*  
*Council Vice-President, Renée Grout, District 9*

*Louie Sanchez, District 1; Isaac Benton, District 2*  
*Klarissa J. Peña, District 3; Brook Bassan, District 4*  
*Dan Lewis, District 5; Tammy Fiebelkorn, District 7*  
*Trudy E. Jones, District 8*

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Wednesday, November 8, 2023

5:00 PM

Vincent E. Griego Chambers  
One Civic Plaza NW

City of Albuquerque Government Center

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### TWENTY-FIFTH COUNCIL - FORTIETH MEETING

#### 1. ROLL CALL

**Present** 9 - Brook Bassan, Isaac Benton, Pat Davis, Tammy Fiebelkorn, Renee Grout,  
Trudy Jones, Dan Lewis, Klarissa Peña, and Louie Sanchez

#### 2. MOMENT OF SILENCE

Councilor Peña led the Pledge of Allegiance in English.  
Councilor Bassan led the Pledge of Allegiance in Spanish.

#### 3. PROCLAMATIONS & PRESENTATIONS

#### 4. ADMINISTRATION QUESTION & ANSWER PERIOD

#### 5. APPROVAL OF JOURNAL

October 16, 2023

#### 6. COMMUNICATIONS AND INTRODUCTIONS

#### 7. REPORTS OF COMMITTEES

Finance and Government Operations Committee - October 23, 2023

#### 8. CONSENT AGENDA: {Items may be removed at the request of any Councilor}

- a. [EC-23-376](#) City of Albuquerque Vision Zero Year-in-Review/Action Plan Update



**A motion was made by Vice-President Grout that this matter be Receipt Be Noted. The motion carried by the following vote:**

**For:** 8 - Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

**Excused:** 1 - Benton

- b. [EC-23-378](#) Approval of Outside Counsel for Workers Compensation Legal Services Agreement with YLAW, P.C.

**A motion was made by Vice-President Grout that this matter be Approved. The motion carried by the following vote:**

**For:** 8 - Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

**Excused:** 1 - Benton

- c. [EC-23-379](#) Approval of the Farolito Senior Community Development Agreement with Greater Albuquerque Housing Partnership to Utilize HUD HOME Funds Towards the New Construction of a Senior Rental Housing Project

**A motion was made by Vice-President Grout that this matter be Approved. The motion carried by the following vote:**

**For:** 8 - Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

**Excused:** 1 - Benton

- d. [EC-23-380](#) Authorization of Social Service Agreement with Youth Development Inc. to Provide Violence Intervention & Prevention Services to youth/young adults who are high risk of engaging in gun violence or violent crimes

**A motion was made by Vice-President Grout that this matter be Approved. The motion carried by the following vote:**

**For:** 8 - Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

**Excused:** 1 - Benton

- e. [AC-23-14](#) (VA-2023-00196) PR-2022-007712, SI-2023-00127 The Westside Coalition of Neighborhood Associations and Michael Voorhees appeal the Development Hearing Officer decision to approve a final plat, for all or a portion of Lot 5, Block 6 Volcano Cliffs Unit 26 & Lot 1, Block 2, Volcano Cliffs Unit 26 zoned MX-L & MX-M, located on Rosa Parks Rd. between Paseo Del Norte and Rosa Parks Rd. containing approximately 18.23 acre(s). (C-11)

**A motion was made by Vice-President Grout that this matter be Withdrawn by Applicant. The motion carried by the following vote:**

**For:** 8 - Bassan, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

**Excused:** 1 - Benton

## 9. ANNOUNCEMENTS

**10. FINANCIAL INSTRUMENTS****11. GENERAL PUBLIC COMMENTS****12. APPEALS****13. APPROVALS: {Contracts, Agreements, and Appointments}**

- a. [EC-23-377](#) Mayor's Recommendation of Award to Fresquez Concessions Inc. for "Food and Beverage Concessions Program at the Albuquerque International Sunport"

**A motion was made by President Davis that this matter be Approved. The motion carried by the following vote:**

**For:** 7 - Bassan, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

**Against:** 1 - Davis

**Excused:** 1 - Benton

**14. FINAL ACTIONS**

- f. [O-23-88](#) Repealing Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Board Ordinance; Abolishing The Current Albuquerque-Bernalillo County Air Quality Control Board; Adopting Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Ordinance; Creating The Albuquerque-Bernalillo County Air Quality Control Board (Lewis)

**A motion was made by President Davis that this matter be Tabled. The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

**15. OTHER BUSINESS: {Reports, Presentations, and Other Items}**

- a. **Executive Session relating to the matter of LaDella Williams, et al. v City of Albuquerque, which is subject to attorney-client privilege pertaining to threatened or pending litigation as permitted by Section 10-15-1.H(7), NMSA 1978**

**A motion was made by President Davis that they move into Executive Session. The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

President Davis affirmed that matters discussed in executive session were limited to those specified in the motion for closure.

## 14. FINAL ACTIONS

- f. [O-23-88](#) Repealing Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Board Ordinance; Abolishing The Current Albuquerque-Bernalillo County Air Quality Control Board; Adopting Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Ordinance; Creating The Albuquerque-Bernalillo County Air Quality Control Board (Lewis)

**A motion was made by President Davis that O-23-88 be removed from the table. The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

**A motion was made by President Davis that this matter be Amended. President Davis moved Amendment No. 1. President Davis withdrew Amendment No. 1.**

**A motion was made by Councilor Bassan that the rules be suspended for the purpose of extending the meeting to 12:00 a.m. The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

- f. [O-23-88](#) Repealing Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Board Ordinance; Abolishing The Current Albuquerque-Bernalillo County Air Quality Control Board; Adopting Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Ordinance; Creating The Albuquerque-Bernalillo County Air Quality Control Board (Lewis)

**A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 2. The motion failed by the following vote:**

**For:** 3 - Benton, Davis, and Peña

**Against:** 6 - Bassan, Fiebelkorn, Grout, Jones, Lewis, and Sanchez

**A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 3. The motion carried by the following vote:**

**For:** 6 - Bassan, Davis, Grout, Lewis, Peña, and Sanchez

**Against:** 3 - Benton, Fiebelkorn, and Jones

**A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 4. The motion failed by the following vote:**

**For:** 3 - Grout, Peña, and Sanchez

**Against:** 6 - Bassan, Benton, Davis, Fiebelkorn, Jones, and Lewis

**A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 5. The motion carried by the following vote:**

**For:** 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Peña, and Sanchez

**Against:** 1 - Lewis

**A motion was made by Councilor Lewis that this matter be Passed as Amended. The motion carried by the following vote:**

**For:** 5 - Bassan, Grout, Jones, Lewis, and Sanchez

**Against:** 4 - Benton, Davis, Fiebelkorn, and Peña

**g.**     [R-23-176](#)

Establishing A Moratorium For The Albuquerque-Bernalillo County Air Quality Control Board To Act Under Chapter 9, Article 5, Part 1 ROA 1994, The Joint Air Quality Control Board Ordinance Until February 1, 2024 (Lewis)

**A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 1. The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

**A motion was made by Councilor Lewis that this matter be Passed as Amended. The motion carried by the following vote:**

**For:** 5 - Bassan, Grout, Jones, Lewis, and Sanchez

**Against:** 4 - Benton, Davis, Fiebelkorn, and Peña

**a.**     [O-23-87](#)

Directing The Tax Revenue Generated By Legal Recreational Marijuana Sales To A Permanent Marijuana Equity And Community Reinvestment Fund For The Benefit, Health, Safety, Welfare, And Quality Of Life For Those Who Have Been Negatively Impacted By The Criminalization Of Marijuana (Peña)

**A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 1. The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

**A motion was made by Councilor Peña that this matter be Amended. Councilor Peña moved Amendment No. 2. The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

**A motion was made by Councilor Peña that this matter be Passed as Amended. The motion carried by the following vote:**

**For:** 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Lewis, Peña, and Sanchez

**Against:** 1 - Jones

**A motion was made by Councilor Lewis that the rules be suspended for the purpose of extending the meeting to 1:00 a.m. The motion carried by the following vote:**

**For:** 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Lewis, Peña, and Sanchez

**Against:** 1 - Jones

**b.** [O-23-89](#)

Amending Sections §7-2-1-1 Through §7-2-1-3 Of The Transit System Ordinance, Creating A Zero-Fare Structure (Fiebelkorn, Davis, Peña)

**A motion was made by Councilor Fiebelkorn that this matter be Passed. The motion carried by the following vote:**

**For:** 6 - Bassan, Benton, Davis, Fiebelkorn, Jones, and Peña

**Against:** 3 - Grout, Lewis, and Sanchez

**d.** [R-23-178](#)

Suspending Administrative Appeals To Safe Outdoor Space Applications In Response To Court Injunction Restricting Removing Encampments From Public Land (Fiebelkorn)

**A motion was made by Councilor Fiebelkorn that this matter be Amended. Councilor Fiebelkorn moved Amendment No. 1. The motion failed by the following vote:**

**For:** 4 - Benton, Davis, Fiebelkorn, and Jones

**Against:** 5 - Bassan, Grout, Lewis, Peña, and Sanchez

**A motion was made by Councilor Fiebelkorn that this matter be Passed. The motion failed by the following vote:**

**For:** 4 - Benton, Davis, Fiebelkorn, and Jones

**Against:** 5 - Bassan, Grout, Lewis, Peña, and Sanchez

**e.** [RA-23-3](#)

Amending Article I, Sections 8(C) And 8(H); And Article III, Sections 4(A), 4(B), 24(12), And 24(13) Of The City Council Rules Of Procedure Relating To The Order Of Business And Public Comment On Quasi-Judicial Matters (Davis)

**A motion was made by President Davis that this matter be Passed. The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

**c.** [R-23-177](#)

Designating Fund '305 Misc.' As The 'Housing Forward Fund' And Requiring The Administration To Provide An Annual Report (Benton)

**A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Amendment No. 1. The motion carried by the**

following vote:

**For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

**A motion was made by Councilor Benton that this matter be Passed as Amended. The motion carried by the following vote:**

**For:** 9 - Bassan, Benton, Davis, Fiebelkorn, Grout, Jones, Lewis, Peña, and Sanchez

**\*h.** [R-23-180](#)

Approving And Authorizing The Acceptance Of Grant Awards From The Federal Emergency Management Agency (FEMA) And Providing For An Appropriation To The Department Of Finance And Administration For Fiscal Years 2024, 2025 And 2026 (Fiebelkorn, by request)

**A motion was made by Councilor Fiebelkorn that this matter be Passed. The motion carried by the following vote:**

**For:** 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Lewis, Peña, and Sanchez

**Excused:** 1 - Jones

**\*i.** [R-23-181](#)

Directing The City Of Albuquerque Transit Department And Rio Metro Regional Transit District To Conduct A Study For Considering Consolidation; Appropriating Funding For The Study (Benton)

**A motion was made by Councilor Benton that this matter be Passed. The motion carried by the following vote:**

**For:** 5 - Benton, Davis, Fiebelkorn, Grout, and Lewis

**Against:** 3 - Bassan, Peña, and Sanchez

**Excused:** 1 - Jones

**\*j.** [R-23-182](#)

Establishing Legislative And Budget Priorities For The City Of Albuquerque For The Second Session Of The 56th New Mexico State Legislature (Fiebelkorn, Peña, Bassan)

**A motion was made by Councilor Fiebelkorn that this matter be Passed. The motion carried by the following vote:**

**For:** 8 - Bassan, Benton, Davis, Fiebelkorn, Grout, Lewis, Peña, and Sanchez

**Excused:** 1 - Jones

**From:** [Joe Hardesty](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** IDO - Hearing #2 - Environmental Planning Commission  
**Date:** Monday, January 8, 2024 8:23:03 PM

---

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

Dear EPC Chair Shaffer,

Regarding the ABQ City IDO Annual Update 2023 - Proposed Citywide Text Amendments, specifically regarding:

- > Item #23; IDO Page 320; IDO Section 5-7(D)(3)(a)  
- and -
- > Item #24; IDO Page 321; IDO Section Table 5-7-2

I can't believe that we have to keep addressing this absurd proposal.

Here is a real-life ABQ example of why allowing taller front yard walls should not be approved. I knew an elderly couple in the Altura Park/Sandia Ridge neighborhood who had their house broken into and vandalized along with many expensive family items stolen or broken that could never be replaced, as well as substantial damage to their home.

Thankfully they were not home and did not have to encounter violence to themselves. Their neighbors felt awful and told them that if they had not had the 5' hedge of pyracantha in their front yard, that they would have seen the criminals and called the police. The next day, they asked me to remove their tall hedge. Maintaining front walls at a height at/below 3' to enable street visibility and surveillance increases security that does make a real difference.

As a Nob Hill homeowner and an architect, I am opposed to this proposal to increase front yard wall heights in the strongest possible terms! I am perplexed as to why we need to repeatedly defend ourselves against this proposal over numerous years - particularly in light of taller walls typically making neighborhoods LESS safe. Please, please stop harassing us with this unsafe proposal! As John Pate notes (thank you, John) "We do not want to live on impersonal, rarely walked-on urban canyons like you see elsewhere in the southwest. We have a very pedestrian, walkable neighborhood where we actually interact with our neighbors and their pets. We can see the street activities and they can see us and that is how we want to keep it."

I see at least a dozen people who walk by our house daily. Having a streetscape that is pleasant and inviting to pedestrians improves surveillance and connections across communities. That I can see the street in front of my house, see my neighbor's front yard and front door, see and say hello to my neighbors as they walk by, and know that they can see what is going on at my house is why I choose to live in this neighborhood and remain in Albuquerque. Is allowing us to have our safe and connected neighborhood too much to ask for in Albuquerque?

Please include my comment for the EPC Hearing, and the dozens of others who have also done so in opposition to this proposal.

Respectfully,  
Jasper (Joe) Hardesty  
650.302.3248 (cell phone)  
[joharde@gmail.com](mailto:joharde@gmail.com)

*In what is now New Mexico, I live and work on the unceded and traditional lands of the Tiwa, Tewa, Diné, and N'de peoples, currently represented by the nineteen New Mexico Pueblos and Diné (Navajo) peoples.*



January 8, 2024

Re: IDO Citywide and Small area Amendment VHUC.

Dear Mr. Shaffer and fellow EPC members,

A lot of good points were raised by the Community and EPC during the Dec. 14, 2023 hearing, in written and oral testimony. We support the ICC Inter-Coalition letter, that is responding to community input. I would also like to emphasize attention to several amendments.

At the December 14th EPC hearing the Neighborhoods have expressed that there are too many amendments to review at once. In addition the IDO Annual Update should not take place during the holidays. At the December 14th EPC hearing the EPC members and the public spent 10 hours reviewing 60 IDO amendments, plus a small area amendment. For the January 11th Hearing written comments were due January 2nd, the day after New Year's Day, in order to be included in the staff report. Comments were due on January 9th to meet the 48 hour rule. Again, this is a difficult time to get comments in, especially for 60 plus amendments, right after the holidays. As mentioned before, the process needs to be scheduled to avoid the holidays.

After reading the staff report for the January 11th meeting, it looks like staff has added changes to the amendments. This required substantially more review. Will the community be allowed to comment on these new changes at the January 11th EPC hearing?

The public is very interested in maintaining the unique character of Albuquerque along with its unique natural, cultural and historic resources which is why we spend so much time reviewing the zoning amendments. We are proud of Albuquerque and don't want to undermine all the past work to preserve these resources.

---

### **Comments for Small Area Amendment VHUC Volcano Heights Urban Center:**

**The Westside Land Use Committee supports the Staff's recommendation to maintain the prohibition on drive-throughs in the Volcano Heights Urban Center in the mixed use zones. The goal is to make the urban center walkable. This would be similar to the Uptown Urban Center, next to Coronado Mall, which is a walkable design. This area is very sensitive due to its adjacency to the Monument. We want to maintain good design features and walkability for this area. Therefore we support the staff's recommendation to deny this request.**

---

### **Comments for Citywide Amendments: (Our Comments are italicized below)**

**Amendment #2. Public: Outdoor Amplified Sound: Adds Outdoor Sound as an Accessory Use to enable a curfew between 10pm to 7 am. This amendment would allow Outdoor Amplified Sound as a "permissive" Accessory Use to the following zone districts: (MXL, MXM, MXH, NRC, NR-BP, NR-LM, NR-GM). It would be conditional in MXT zones. Relates to IDO amendments: #2, 7, & 50: *There is***

already an ordinance that has a 10pm to 7am curfew. It does not address daytime amplified sound which has caused unresolved conflicts. Shouldn't Amplified sound be reserved for indoor use not outdoors. Until we know how this would make things better, we support EPC's Dec. 14th decision to vote NO, in making outdoor amplified sound a permissive Accessory Use.

---

#### **Walls and Fences:**

##### **Amendment #4. & #5. Administration: General Retail and Light Vehicle Refueling Stations**

**Walls and Fences: 4-3(D)(37)(a), pg. 186: Require a perimeter wall for general retail & refueling stations to control pedestrian access to deter crime.** We support deleting this amendment and let the businesses decide if they want a wall or fence to deter crime.

##### **#24. & #25.: Front yard walls and fences: To increase the Front yard wall height for a Taller**

**Front or Side yard Wall:** The Community does not support changing the front yard wall design which will negatively change the character of neighborhoods. We support the December 14th EPC's decision to vote NO.

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#### **Utilities and Waste management:**

**#6: Battery storage landscape:** EPC is waiting for staff to talk with PNM. (Introducing BESS as a new use )

**# 55: Battery storage: one hour of generator sound, no more than 60 DBA with distance 330 ft. of residential.** Agree with staff that there needs to be a distance separation between homes and the battery storage, due to noise and potential dangers associated with the battery storage.

**#15: Exempt 30 yr. site from land fill gas mitigation:** We agree with EPC to vote NO.

---

**#8: Councilor Grout's amendment to maintain a distance separation between Cannabis 660 ft. Retail stores, with no exceptions.** We support a distance requirement of 660ft. between stores. This will help to slow down over-saturation of the cannabis businesses. We also recommend a distance requirement between residents and cannabis retail/consumption. This is starting to become an issue, especially with concerns regarding odor control. A distance separation between cannabis retails and residential is something we should consider as well.

**#9: Overnight Shelter: change from conditional to permissive. (Note: Overnight shelters are currently conditional in MXM, MXH, NRC, NR-BP, NR-LM, NR-GM):** Agree with the EPC and staff to maintain overnight shelters as a conditional use, not permissive.

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**# 10 Allow Duplex's on corner lots/ 5000 sf:** A small corner lot is not big enough for a duplex. Support the ICC letter that both amendments should be deleted.

**#13: Allow duplex in all R-1 zones not just R-1A:** Agree with EPC comments that changing R-1 to allow duplexes permissively, changes the R-1 status. This is why the community does not support it. Agree with EPC to not Support! Note: home additions are allowed with kitchens, therefore there is no need for duplexes.

**#12) Live work/corner lot/5000 sf.:** Most R-1 lot sizes are too small for live work. Agree with EPC members that parking space would be lacking. While Live work is a good concept, it is permissive in R-ML and all Mixed use zones where it is appropriate. Agree with ICC letter to maintain existing zoning.

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**#11: Exempt city facilities** from conditional use process: Agree with EPC to maintain the conditional use process for city facilities. Don't support!

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**#17: RV/ Boat/ Trailer Front yard Parking:** Agree that front yard parking needs to be addressed. Agree with the ICC letter that Option one is the better Option. Utility vehicles need to set back further from the street, 11 ft. or more.

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**#18: Parking maximums 330 ft. of transit:** Agree with the EPC and ICC letter to delete this amendment. Parking spaces are critical. The West side does not have the transit service to replace vehicle parking requirements. 4 Bus lines have been suspended on the west side. We also need extra parking space at shopping centers to park and catch the bus, Don't support!

**#20: Landscape & parking reduction by 20 %:** Don't support parking reduction!

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**We also opposed the six amendments which would reduce neighborhood notification of development applications - (see below):** This is very important!! Currently, the distance is 660 ft. for neighborhood associations for notification and appeal standing. Staff wants to reduce it to 330 ft. distance for notification. This will not work for many neighborhoods. The lack of notification is becoming a problem for us and many other Neighborhood Associations. We need to maintain adjacency & the distance requirement. Do not support changing any of the notification requirements below:

**# 29: pre-submittal notification:** replaces adjacency to 330 ft: Pre-submittal notification are very important in order to participate in the facilitated meetings. 330 ft. does not cover freeways. Also Neighborhoods should not be used to notify everyone as they do not have everyone's email.

**# 32: Public notice: Affects adjacency:** Maintain adjacency requirement.

**#33: Mailed notice: Adjacency:** Agree with EPC members to maintain existing notification requirements. Do not eliminate adjacency. It is important to maintain.

**# 34: Notice for Small area amendment: Removes adjacency:** Don't support!

**# 36: Facilitated meetings: contact NA within 330 ft.:** replaces adjacency. Facilitated meetings are important. 330 ft. is not enough. Maintain the 660 ft. and the adjacency requirement.

**# 37: Appeal Standing: Replaces adjacency & 660 ft. to 330ft.** This is a taking. We have lots of development on the west side, and lots of Major Public Open space that are Albuquerque's unique natural and cultural landscape features that we are trying to protect through sensitive design. Neighborhoods work hard to try to get sensitive development to support protective

*regulations to protect these areas. This is to the benefit of everyone! We recommend increasing the distance requirement to 1000 ft. otherwise it should not be changed or reduced.*

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**58: Tribal engagement:** *We support tribal engagement. Have not had time to review all the options listed. But it is important to have their input for areas they have historically been a part of.*

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**59 & 60) Clerical & Editorial changes:** *The community has noticed over the years, that changes made to the IDO regulations, were incorrect, such as the solar access chart. This is why the community has concerns about substantive changes being made without more careful review.*

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These comments reflect the comments we sent in for the December 14th hearing, for the 48 hour rule. We hope the comments we sent in for the December 14th hearing (to meet the 48 hour rule) are also included in the record for this IDO update. We have not had time to include all those comments in this letter. But we continue to support those views.

As mentioned before, good planning, zoning, and design is important to preserve Albuquerque's unique character.

Thank you, for taking our comments under consideration. We appreciate it!

Rene' Horvath  
Land Use Director for WSCONA

**From:** [Kathryn McSorley](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** To: David Shaffer, EPC chair of Planning Dept.  
**Date:** Friday, January 5, 2024 6:04:54 PM

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Greetings,

This email is in regards to my support of City-wide changes in allowing tribal nations to comment on any proposed developments or changes near or abutting Petroglyph National Monument. It is about time that they can freely make comments/decisions about the land that was once theirs.

Also, I am vehemently against a drive-thru coffee shop in the Santa Fe Village that abuts Petroglyph National Monument. What are you thinking? Increasing gas fumes in a neighborhood right next to a National Monument where people go to breathe fresh air while they're hiking? That's downright wrong.

Thank you for considering my comments. I wish you a fair meeting on January 11.

Sincerely,

Kathryn McSorley

**From:** [Peggy Neff](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Patricia Willson](#); [Mandy Warr](#); [Michael Brasher](#); [Don Hancock](#); [Rene" Horvath](#); [Joe Brooks](#); [Elizabeth Haley](#); [pdinelli aol](#); [Jane Baechele](#); [Janice Arnold-Jones](#); [Summit Park](#)  
**Subject:** Independent Review of 2023 IDO Annual Amendments  
**Date:** Monday, January 8, 2024 12:32:47 PM  
**Attachments:** [Independent Review of CABO IDO 2023 Amendments as Proposed to the EPC 1-8-2023.docx](#)

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To Whom It May Concern,

Please can you ensure that these comments are well recived and affirm for me that they have been added to record regarding the City Wide IDO Amendments for 2023.

Thanks,

Peggy Neff

Peggy Neff Other Path LLC 505-977-8903

## **Independent Review of CABQ IDO 2023 Amendments as Proposed to the EPC**

**Submitted by Peggy Neff, University Heights NA Current Board Member, Summit Park NA Member, Dist. 7 Coalition Member and Inner Coalition Council Regular Participant at IDO Review Committee**

**1/8/2024**

**To: CABQ Planning Department**

**Attention: EPC Chair David Shaffer and EPC Commissioners**

Dear Sirs and Madam,

These notes are again submitted without approval of any board or community group noted above and in no way am I attempting to represent any of the above-mentioned groups. No one has any time to review these matters.

But, with sincere hope, I present these notes so that they can somehow influence you to affect positive changes to the current broken IDO Amendment Processes and/or to any of the given amendments in front of you.

First, I'd like to reiterate my concerns, concerns that have been echoed over the past several years by NA's, community groups and council members, about the 'broken' IDO Annual Amendment process:

### **A. EXCLUSIONARY AND DISCRIMANATORY**

The IDO Annual Amendment Process is both exclusionary and discriminatory. See my previous notes for a fuller explanation. While it is still legal to marginalize whole communities of people it is not best practice.

### **B. CONFLICTING GOALS WITH COMMUNITY ASSESSMENT AREA PLANNING**

Annual IDO Amendment Process, without prioritizing Community Assessment Area Planning processes and recommendations creates the argument that fraudulent processes may be at work within the Planning Department. See my previous notes for a fuller explanation and current examples.

### **C. BROKEN PROCESS OF INCLUDING SUBSTANTIVE ZONING CHANGES IN A PROCESS THAT WAS DESIGNED FOR TEXT AND TECHNICAL UPDATES**

Where are the data points for substantive amendments? Continuing to deny the public's many requests (requests formally made to the EPC and to Council annually since 2019) that substantive amendments include statements of beneficiaries, impacts, examples, unintended consequences (RISK) and summaries of public comments, will only continue to result in amplified losses as court cases against these arbitrary and capricious amendments and decisions continue to be documented. See my previous notes for a fuller explanation.

While the new amendment that came forward from the Dec. 14th EPC meeting in regard to supporting a suggestion from the public that this Annual Process go to a Bi-Annual schedule is

very much appreciated and supported, WE STILL NEED METRICS THAT ESTABLISH A PROCESS FOR SUBSTANTIVE AMENDMENTS.

Without these metrics there is considerable risk associated with the entire process of amending our zone codes in Albuquerque.

#### D. UNINTENDED CONSEQUENCES (RISK) and SOURCE STATEMENTS

Without asking the Planning Department to formally address potential and known unintended consequences, for substantive amendments, the EPC cannot approach a comprehensive decision.

The intention the public expressed two years ago when requesting that the source of the amendment be made public was not to see council separated from public, but to be able to gauge the true intent of the amendment in regard to personal gains. Without insisting that full understanding of the source of the amendment be provided to the EPC, it appears that you all are engaged in keeping this information from the public. I trust this not true, but in fact, there are many amendments here that only seem to profit a few and not to be a benefit to the entire community.

There are several amendments now going in front of Council were both unintended known and unknown consequences have not been thoroughly considered or documented. I provide a list here so to encourage further discussions. See my previous notes for additional substantial points.

1. HPO Zones – giving the Landmarks Commission discretion to approve zoning variances.
2. & 7. Outdoor Amplified Sound – setting up parallel, enforceable, ordinances
3. Cottage Development – not incorporating and basically ignoring CPA recommendations
- 4., 5., 10., 13., 23., 24. General Retail Walls and Fences, Refueling Stations and Duplexes – findings did not go far enough to stop the process of allowing the Planning Department to bring forward recommended amendments when the City Council has recently heard and reviewed and voted against such amendments. See previous notes for further discussions.
6. Electric Utility: Battery Storage – I’m not convinced a full review was applied to these amendments.
8. Cannabis Retail – There was no discussion regarding this issue being moved to a City Licensing effort. I believe the City is at RISK to be found crafting inequitable zoning laws.
11. Removing the Conditional Use Permitting for City Facilities – fully support deleting this amendment as I fully believe in community participation and visioning as a primary residential right.
12. Dwelling Unit/Live Work – support conditional use permitting processes. See early notes for further references.
14. and 16. Irrigation (Acequia) Standards and Mitigating Construction Impacts – Prior to opening up what may be a terrible decision for our wildlife and animal habitats, insist that we



map riparian corridors to ensure that Cluster Development and Construction activities fully address Open Space and the term 'useable'.

Misc. issues that need serious attention as they are substantive in nature and we all agree that this annual process does not fully attend to substantive changes in our zone code

Notifications – further reductions of notifications will result in more law suits

Tribal Engagement – Imperative to get this right

Clerical and Editorial Changes = RISK Please see additional reference in ICC 48 hour notes.

I very much appreciate the amendment to make this a Bi-Annual process and applaud all the recommendations for removing amendments.

Again, substantive issues need more data in order to for changes to be considered appropriate. The continued denial of information will result in RISK. In order to mitigate this we need to supplement our process by asking that the Planning Department do their due diligence and

1. Require data on beneficiaries
2. Provide impact statements
3. Supply examples, mapping and/or data to respond to questions from the public
4. Require a summary of RISK and/or known unintended consequences for all amendments.

Again, these are my personal notes and I do not represent opinions of any group or agency that is noted here in. Thank you again for the good work this year by the EPC. I very much appreciate the change in direction you all are taking in listening and responding to public comments.

Sincerely,

Peggy Neff

1/8/24

**From:** [paxtonm](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** 48-hour material, attention EPC Chairman David Shaffer  
**Date:** Monday, January 8, 2024 11:04:11 PM  
**Attachments:** [2023 XII 28 cover letter.pdf](#)  
[2023 Dec 27 Medical Urgency of Cooling Cities.pdf](#)  
[2023 Dec 27 Cool Cities Network.pdf](#)  
[2023 Dec 27 Deadly Heat Is Baking Cities.pdf](#)

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

These attachments pertaining to the city-wide 2023 update of the IDO have been previously submitted to the planning department. I would request that they also be included in the 48-hour material for the January 11 continuation of the December 14 hearing. Although I am a member of the Spruce Park Neighborhood Association board of directors, the statements are my personal views.

Thank you for this consideration.  
Merideth Paxton, PhD

Dear Michael Vos and Mikaela Renz-Whitmore:  
(cc: David Shaffer, Chairman, and members of the EPC)

The following comments regarding the developing Albuquerque Urban Heat Island supplement my statements during the December 14 EPC hearing. I noted then that we had fifteen days of triple digit temperatures last summer instead of the usual three days and that our night low temperatures were not as cooling. This is because heat is retained by heat-absorbing constructions, not reflected.

The need to address this Albuquerque issue before it becomes yet more challenging is urgent because UHIs are known to increase death rates among residents (please see attached *The Lancet* article summary). The beginning of our local effort to find solutions does not have to be dauntingly complicated, as many cities in the US are already collaborating and testing ideas. We can learn from developments made by Austin, Boston, Los Angeles, Miami, New York, Philadelphia, Phoenix, and Washington, DC through their partnership in the Cool Cities Network (see attached overview). I would suggest that Albuquerque consider joining the network. In Phoenix, for example, reflective paving surfaces have decreased heat retention. Nevertheless, urban forests and green landscaping are the best solution (attached: “Deadly Heat is Baking Cities, Here’s How to Cool Them Down”).

The latter article associates hotter areas within cities with economic inequality, and I would urge that IDO revisions not be used to create such sacrifice sectors in places where disproportionately high demand concentrates heat absorption. Specifically, I would ask that Spruce Park and other neighborhoods surrounding UNM be recognized as important contributors to mitigation of the Albuquerque UHI through our extension of the urban forest that exists on the main campus and our cultivation of other plants. We have additional beneficial qualities as well. These neighborhoods should never be destroyed by those who would drive us from our homes because they see only the opportunity to profit from short-term rental units for students. Surely, removing our trees and landscape to make space for more heat-absorbing apartments would worsen the Albuquerque UHI and is indefensible on environmental grounds.

I thank the EPC for noting the detrimental impacts on neighborhoods that Items 10 and 13 would create; these would be especially harmful near the campus. I would ask that your December 14 opinions be used to create a recommendation that would forestall future threats brought by the return of similar IDO revision proposals.

I am also grateful for the time and expertise that you give toward shaping our city to benefit future generations.

Sincerely,

Merideth Paxton, PhD

## [Cooling cities through urban green infrastructure: a health impact assessment of European cities - The Lancet](#)

(Accessed December 27, 2023)

*The Lancet* is a widely respected medical journal (please see statement at end of account).

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### Cooling cities through urban green infrastructure: a health impact assessment of European cities

Tamara Jungman, MPH • Marta Cirach, MSc • Federica Marando, PhD • Evelise Pereira Barboza, MPH • Sasha Khomenko, MSc • Pierre Masselot, PhD • et al. Show all authors

Published: January 31, 2023 • DOI: [https://doi.org/10.1016/S0140-6736\(22\)02585-5](https://doi.org/10.1016/S0140-6736(22)02585-5) • Check for updates

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### Summary

#### Background

High ambient temperatures are associated with many health effects, including premature mortality. The combination of global warming due to climate change and the expansion of the global built environment mean that the intensification of urban heat islands (UHIs) is expected, accompanied by adverse effects on population health. Urban green infrastructure can reduce local temperatures. We aimed to estimate the mortality burden that could be attributed to UHIs and the mortality burden that would be prevented by increasing urban tree coverage in 93 European cities.

#### Methods

We did a quantitative health impact assessment for summer (June 1–Aug 31), 2015, of the effect of UHIs on all-cause mortality for adults aged 20 years or older in 93 European cities. We also estimated the temperature reductions that would result from increasing tree coverage to 30% for each city and estimated the number of deaths that could be potentially prevented as a result. We did all analyses at a high-resolution grid-cell level (250×250 m). We propagated uncertainties in input analyses by using Monte Carlo simulations to obtain point estimates and 95% CIs. We also did sensitivity analyses to test the robustness of our estimates.

#### Findings

The population-weighted mean city temperature increase due to UHI effects was 1.5°C (SD 0.5; range 0.5–3.0). Overall, 6700 (95% CI 5254–8162) premature deaths could be attributable to the effects of UHIs (corresponding to around 4.33% [95% CI 3.37–5.28] of all summer deaths). We estimated that increasing tree coverage to 30% would cool cities by a mean of 0.4°C (SD 0.2; range 0.0–1.3). We also estimated that 2644 (95% CI 2444–2824) premature deaths could be prevented by increasing city tree coverage to 30%, corresponding to 1.84% (1.69–1.97) of all summer deaths.

#### Interpretation

Our results showed the deleterious effects of UHIs on mortality and highlighted the health benefits of increasing tree coverage to cool urban environments, which would also result in more sustainable and climate-resilient cities.

#### Funding

GoGreenRoutes, Spanish Ministry of Science and Innovation, Institute for Global Health, UK Medical Research Council, European Union's Horizon 2020 Project Exhaustion.

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## [Cool Cities Network - C40 Cities](#)

(Accessed December 27, 2023)


This organization is global. Participating cities in the US are Austin, Boston, Los Angeles, Miami, New York, Philadelphia, Phoenix, and Washington, DC.

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## Cool Cities Network



### Tackling urban heat by building greener cities

The number of cities exposed to extreme temperatures will nearly triple over the next decades. By 2050, more than 970 cities will experience average summertime temperature highs of 35°C (95°F). Cities are specifically vulnerable to rising temperatures due to the Urban Heat Island (UHI) effect, which shows that urban areas are 3 to 8 degrees Celsius warmer than rural areas. Urban surfaces absorb more sunlight and heat than natural landscapes, and urban areas lack vegetation to cool through evaporation. Extreme temperatures compounded by the UHI effect trigger an increase in building energy use due to increased cooling needs, which in turn increases air pollution causing significant health impacts for urban residents, and reduces quality of life. Cities can reduce urban temperatures by using cooling surfaces, alternative materials and design, and green infrastructure.

Many cities are taking several measures to address the urban heat island effect in their local jurisdictions. These early successes represent a significant opportunity for knowledge sharing and collaboration among C40 cities. Cities participating in the Cool Cities Network, led by the City of Athens, have prioritised focus areas around which they are actively sharing policies and strategies with one another.

**Focus areas:**

- **Heat & vulnerability mapping**  
Measuring urban heat & assessing vulnerabilities to target future action
- **Heat wave emergency management**  
Developing heat wave emergency response systems (*cooling centres, heatwave public communication*)
- **Integrating heat into long-term planning**  
Developing urban heat strategies and integrating heat action into long-term planning (*setting heat reduction targets & measuring progress*)
- **Making the case for heat action**  
Highlighting co-benefits of heat action to gain political support
- **Heat mitigation solutions**  
Evaluating green and cool solutions and methods for implementation, such as cool roofs & pavements, green building envelopes, street trees, urban forests and alternative cooling techniques

Partners: Global Cool Cities Alliance

**Cities participating in the network:** Accra, Athens, Austin, Barcelona, Berlin, Boston, Buenos Aires, Cape Town, Dar es Salaam, Durban, Freetown, Guadalajara, Lisbon, London, Los Angeles, Madrid, Medellín, Melbourne, Mexico City, Miami, Milan, Montréal, New York, Paris, Philadelphia, Phoenix, Quito, Rio de Janeiro, Rome, Rotterdam, Salvador, Sao Paulo, Sydney, Tel Aviv - Yafo, Tokyo, Toronto, Tshwane, and Washington DC.

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Private Building  
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Making our buildings  
more energy efficient

Energy consumed in buildings accounts for almost half of C40 cities' carbon emissions on average, and around two-thirds of this comes from private buildings. Buildings can last over 100 years, which means that increasing a building's energy efficiency is critical to meeting global climate goals. Improving building energy efficiency can bring many other additional benefits such as reduced energy bills, healthier workplaces, new jobs and greater energy security.

Cities participating in the network have prioritised four focus areas around which they are actively sharing policies, strategies, ideas and challenges with one another.

**Focus areas:**

- Data for policy-making**  
 Collecting and using building energy data to drive ambitious policy development.  
 Understanding how to use data for detailed modelling to plan ambitious policies.  
 Encouraging stakeholders to collect and disclose data.
- Residential buildings**  
 Encouraging multi-family and single-family home retrofits by exploring financing schemes for action and raising awareness.  
 Designing engaging campaigns to encourage resident action.
- Deep retrofit**  
 Understanding the policies and programmes needed for achieving zero carbon building retrofits.
- Commercial buildings**  
 Encouraging commercial building owners, tenants and landlords to take action to develop building tune-up programs.  
 Fostering retro-commissioning in commercial buildings.

**The network is complemented by two technical assistance programmes:**

- Private building retrofit and data policy programme** – helping cities to collect, analyse and report building energy data to accelerate the retrofit of private buildings.
- Residential retrofit programme** – working with cities on programmes to retrofit residential building fabric, heating and lighting systems and engage building occupants.

This work is part of the C40 Buildings & Energy 2020 Programme, generously supported by the [Children's Investment Fund Foundation \(CIFF\)](#) and [ClimateWorks Foundation](#).

In China, building heat is being developed as a source of low-carbon energy.

## C40 Cities China Buildings Programme

This programme helps cities pilot and develop low carbon building codes, energy benchmarking and quota systems, municipal and residential building retrofits, and transformative actions on clean and renewable energy.



### Helping cities to develop and implement transformative actions on clean and renewable energy

The China Buildings Programme, launched in 2018 in Beijing, is working with **Beijing, Fuzhou, Qingdao, and Shanghai (Changning District)** to develop a range of innovative policies to rapidly reduce emissions from existing buildings, ensure new buildings reach ultra-low energy consumption levels, and promote the use of buildings as a source of low carbon energy. The programme supports the four Chinese cities to deliver ambitious climate action and share knowledge with cities across China and internationally.

The Center of Science and Technology of Industrialization Development (CSTID), a research institution under the Ministry of Housing and Urban-Rural Development (MoHURD), manages the delivery of technical assistance support to Beijing, Fuzhou, and Qingdao, as well as most central communication and outreach functions. The China Association of Building Energy Efficiency (CABEE), a non-profit association composed of building energy efficiency products and service enterprises, manages the delivery of technical assistance support to the Changning District, Shanghai, as well as capacity building functions for the China Better Buildings Challenge.

The C40 China Buildings Programme is one of two country level initiatives within C40's global **Building Energy 2020 Programme (BE2020)**, the other being in South Africa. Funded by the Children's Investment Fund Foundation (CIFF), BE2020 is supporting more than 50 cities to take action and develop policies that curb emissions from existing buildings, avoid carbon lock-in from low performing buildings, and help cities utilise buildings as sources of low carbon energy.

Cities, which account for over 85% of China's overall CO2 emissions, are at the frontline of efforts to deliver on the Chinese government's commitment to peak CO2 emissions by 2030.



Accessed December 27, 2023

MATT SIMON SCIENCE OCT 11, 2021 7:00 AM

## Deadly Heat Is Baking Cities. Here's How to Cool Them Down

Urban areas can be 20 degrees hotter than the surrounding country. But green spaces and reflective pavement can make city life more bearable.



IF YOU'VE EVER driven from the country into the city and marveled at how the temperature dramatically spiked, you've felt the urban heat island effect. The streets and buildings of a metropolis absorb the sun's energy during the day and gradually release it at night. The built environment essentially bakes itself, and temperatures can soar as much as 20 degrees Fahrenheit higher than the surrounding country, which benefits from swaths of trees that "sweat," releasing water vapor and cooling the air.

As global temperatures rapidly climb, scientists, governments, and activists are scrambling for ways to counter the heat island effect. According to the [World Health Organization](#), the number of people exposed to heat waves jumped by 125 million between 2000 and 2016. Extreme heat kills more Americans than any other natural disaster, and is especially dangerous for folks with preexisting conditions like asthma.

By 2050, seven in 10 people will live in cities, says the [World Bank](#). That will be a whole lot of sweltering humans. "I really see cities as kind of a canary in the coal mine type of situation, where you have a little bit of a harbinger of what the rest of the planet could be experiencing," says Portland State University climate adaptation scientist Vivek Shandas, who has studied the heat island effect in over 50 US cities.

Shandas' research has shown that even within cities, one neighborhood might be 15 degrees hotter than another, and that disparity maps to income inequalities. A major predictor of a neighborhood's heat is how much green space it has. Richer parts of a city tend to have more greenery, and poorer parts have more concrete; they're heavily developed, and filled with big box stores, freeways, and industrial facilities that soak up the sun's radiation. A concrete landscape is so good at holding onto heat, in fact, that it'll stay warm through the night. When the sun comes up, a poor neighborhood is already hotter than a rich neighborhood.

Scientists are just beginning to study whether they can bring down the temperature of city structures by deploying "cool" roofs, walls, and pavements—ones that are light colored and bounce the sunlight away. Lighter surfaces reflect more of the sun's radiation than dark surfaces. (Think about how you feel while wearing black instead of white on a sunny day. This albedo effect is also part of the reason why the Arctic is warming so fast.) But while the thermodynamics are





straightforward, the deployment of cool surfaces turns out to be weirdly complicated.

Take the problem of cooling roofs, says environmental engineer George Ban-Weiss, who studies cool infrastructure at the University of Southern California. In theory, it's simple to paint the large, flat tops of commercial buildings white or light gray. Residential homeowners could opt for lighter tiles—regular old clay, in fact, reflects sunlight quite well. These modifications would cool down the air coming off a roof, as well as the structure itself, meaning occupants wouldn't need to run air conditioning as often. If a building can support the extra weight, the owners could even create a rooftop garden packed with plants, which would cool the entire area by releasing water vapor.

But while these changes would make life more bearable for the people inside each modified building, if enough owners followed suit, in some areas it could have an unintended regional side effect. In a coastal metropolis like Los Angeles, the urban warmth usually contrasts with the coldness of the ocean, a differential that drives a reliable sea breeze. As land and sea temperatures get closer to each other, there may be less of that wind. "So that means less clean air coming into the city, which would tend to make pollutant concentrations higher," says Ban-Weiss, plus the loss of the breeze that itself keeps people cool.

A cool wall follows the same principle, just with a vertical surface. But this, too, can have an unintended consequence: Sunlight reflecting off a wall can shine on passing pedestrians, heating them instead of the building. And engineers like Ban-Weiss are hitting the same snag in their experiments with cool pavements, which are slathered with a reflective coating. This does indeed reduce a road's surface temperature—but it bounces some of that energy back at pedestrians.



#### The WIRED Guide to Climate Change

The world is getting warmer, the weather is getting worse. Here's everything you need to know about what humans can do to stop wrecking the planet.

BY KATIE H. PALMER AND MATT SIMON

"It's kind of a tug of war," says Ban-Weiss.

"You've got a reduction in air temperature that would tend to make people more comfortable. But then you've got an increase in this absorbed solar radiation from the pedestrian that would make them less comfortable. And so the question is: Which one of those wins? Is the person less comfortable or more comfortable from a cool pavement? And the answer is not super clear yet." At least during the day—at night, reflectance isn't an issue.

Early projects are starting to provide some data. In September, officials in Phoenix announced the results from the first year of the city's Cool Pavement Pilot Program, in which stretches of roads were treated with a reflective coating. Researchers from Arizona State

University took temperature readings four times a day and compared the treated roads to non-treated ones. They found that the treated pavement was on average 10.5 to 12 degrees Fahrenheit cooler in the afternoon. Surface temperatures at sunrise were 2.4 degrees cooler, suggesting that the coating attenuated some of the carryover heat from day to day.

But reflectiveness—or the amount of light that could ricochet back at pedestrians—also increased, which the scientists measured with a light-detecting instrument called a spectroradiometer. "This may be a necessary trade-off, because if we want to reduce surface temperatures using a reflective surface, that's going to happen no matter what," says Arizona State University climate and health scientist Jennifer Vanos, who conducted the study. "However, do people walk in the middle of the road? Hopefully not."



Treating pavement in Phoenix. COURTESY OF THE CITY OF PHOENIX

There's another seemingly simple solution that cities could deploy about anywhere that's not in the path of a car: Plant more living things. Done right, a green space creates a slew of benefits: It cools a neighborhood and beautifies it, while also acting as a sponge to absorb floodwaters. It provides shade for people to shelter in during a heat wave, plus it's good for mental health. Building the space creates jobs, as does maintaining it. And lower temperatures reduce the demand for air conditioning, which is a major source of emissions, as well as of heat, because of all the hot air the machines expel as they work. Elizabeth Sawin, codirector of Climate Interactive, a nonprofit that focuses on the intersection of climate change and inequity, calls this "multisolving."

But planting greenery, too, can have an unintended consequence—it's known as green gentrification. Urban investment attracts the attention of speculators, who start buying up housing in low-income neighborhoods, driving up rents. "Then the people in the very neighborhood the investment was meant to help get displaced off into places that are heat islands or other kinds of climate risk zones," says Sawin.

Sawin says that plans to increase green spaces should involve local residents at the very earliest stages. "It can't be a siloed approach. It has to combine pre-thinking about affordable housing or community-owned land trusts. And that needs to happen well in advance of the first shovels of the project," she says.

Shandas points out that thinking about heat reduction is still very novel in urban planning, even as temperatures soar. "There's not a single municipality in the country that I know of that is requiring consideration of rising temperatures in their design guidelines or regulations," says Shandas. "Right now developers are building lot-edge-to-lot-edge in cities across the country, and they are not leaving any space on the lot itself for a small garden box, let alone any mature large trees."

And since the science of urban heat is still young, it's not always clear which strategy is best to follow. For instance: Which trees work best in which climates?

Has the heat island effect already gotten so bad in some places that they can't support certain species? And how much cooling can trees really produce? "We don't have a really good way of empirically understanding the relationship between how well a specific type of heat-ameliorating design works in the context of the levels of temperatures that we've experienced," says Shandas, "for example, this summer in the Northwest."

The city of the future may be both more reflective *and* greener, with both strategies being used in concert to mitigate the heat island effect. But in terms of cooling effects, says Ban-Weiss, it's hard to beat vegetation when it comes to the many simultaneous benefits they provide. "If you're going to pick one technology, I would always go with green space," he says. "It solves so many different problems."

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**From:** [paxtonm](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** 48 hour material, Attn. EPC Chairman David Shaffer, a further thought  
**Date:** Tuesday, January 9, 2024 8:36:29 AM  
**Attachments:** [2024 Jan 4 ICC Item 12 opposition.pdf](#)

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

Although the following statement of opposition to Item 12 was written before the deletion of restaurants, the same objections apply to other uses. Please consider these factors.

Thank YOu,  
Merideth Paxton, PhD

Item 12 of the proposed 2023 revisions of the Albuquerque Integrated Development Ordinance would “*Allow live/work for very small retail and restaurants to open business opportunities for homeowners who otherwise could not purchase/maintain/rent two properties, one for business and one for living. Returns the pattern of corner stores in the neighborhoods for services within walking distance of more residences. Prohibits cannabis retail and nicotine retail in all zone districts.*” The discussion during the December 14, 2023 EPC hearing noted that small grocery stores could be helpful to neighborhoods in food deserts. The IDO Working Group of the Inter-Coalition Council opposes Item 12 because such commercialization of neighborhoods has not previously been allowed, evidently due to the numerous problems this change is likely to bring to residents.

According to Table 4-2 of the current IDO, restaurants are not allowed in any residential zone. Farmers’ markets are not allowed in R-1, and are permitted only as a temporary use in R-A, R-MC, R-T, R-ML, and R-MH. General retail, small is not now allowed in R-A, R-1, R-T, R-ML (it is a permissive accessory use in R-MC and R-MH). The formal text of Item 12 would allow general retail (small retail is a category, but very small retail does not appear to exist) and restaurants in the R-1 zone “*only on corner lots that are a minimum of 5,000 square feet.*” Many neighborhoods would potentially be impacted because 5,000 square-foot lots are common. Even in the older areas with lots that are small by modern standards, the typical dimension is 50 feet by 142 feet (7,100 square feet). General retail and restaurants would bring delivery vehicles, which would generally increase traffic and create risks for young children riding bicycles and crossing streets. Accumulations of trash would not fit in residential collection bins, and commercial dumpsters would pose another risk for children. Where would the dumpsters be placed? Perhaps along the streets, in the public right of way? Restaurant dumpsters are likely to attract rodents and other pests. Could liquor be served with food? These proposed commercial uses would surely increase parking needs beyond the spaces along both sides of the corner. Additionally, the premise that the change would “*Allow live/work for very small retail and restaurants to open business opportunities for homeowners who otherwise could not purchase/maintain/rent two properties, one for business and one for living.*” is flawed because there is no way to enforce a requirement that the owner of the property must live there.

Item 12 highlights a general problem with application of all of the IDO provisions over the entire city. Not all neighborhoods need general retail and/or places to buy food. In areas where these businesses already exist, additional competition could drive both established and new enterprises out of existence. Further, since not all neighborhoods would initially attract commercial investment, the detriments of new restaurants and retail would only affect some residential areas. Replacing sector plans with the IDO is fundamentally unfair.



**From:** [Dan Regan](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** ["P. Davis Willson"; reynolds@unm.edu; anvanews@aol.com; lxbaca@gmail.com; "Mildred Griffie"; dwillems2007@gmail.com; Marlene Willems; dlreganabq@gmail.com](#)  
**Subject:** FW: EPC IDO Hearing #2; 48 hour comments  
**Date:** Monday, January 8, 2024 4:51:39 PM  
**Attachments:** [Untitled attachment 00198.htm](#)  
[LTR 48hrPDW Jan8 2024.pdf](#)  
**Importance:** High

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Attn: EPC Chair David Shaffer,

I write to strongly support the attached letter from Patricia Willson. Especially significant is the manner in which CABQ is not following state law when it comes to the notification of property owners when changes to their zoning is being considered and not even doing individual notification as that Zoning has changed.

The figures that Ms. Willson provides almost make the notification process as used by CABQ a sad joke and a major insult to all property owners who provide a major portion of all taxes paid in the CABQ's & the county's revenues!

For the City Council and the Planning Dept. to claim for 5+ years that they just can't make the software for an Opt-In application (same one used by APD and multiple other city departments).....that's an absolute insult to every property owner in the city! I support this being FIXED at the earliest possible time!

Thanks for your attention to all of the above and the attached.

Dan Regan  
Active Member of KHNA and D4C since 2017

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**From:** [icc-working-group@googlegroups.com](mailto:icc-working-group@googlegroups.com) [mailto:[icc-working-group@googlegroups.com](mailto:icc-working-group@googlegroups.com)] **On**  
**Behalf Of** P. Davis Willson  
**Sent:** Monday, January 8, 2024 4:22 PM  
**To:** City of Albuquerque Planning Department <[abcto@cabq.gov](mailto:abcto@cabq.gov)>  
**Subject:** EPC IDO Hearing #2; 48 hour comments

Attn: EPC Chair Shaffer

Please accept the following letter for the IDO Hearing #2 on Thursday, January 11, 2024.

Thank you,

Patricia D. Willson, AIA

Willson + Willson Architects  
505 Dartmouth Drive SE

Albuquerque, NM 87106  
V: (505) 266-8944  
F: (505) 266-2746  
[email: info@willsonstudio.com](mailto:info@willsonstudio.com)  
<http://www.willsonstudio.com>

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For more options, visit <https://groups.google.com/d/optout>.

January 8, 2024

Via email: [abcto@cabq.gov](mailto:abcto@cabq.gov)  
EPC Chair Shaffer

Re: PR-2018-001843 / RZ-2023-00044– Small Area VHUC  
PR-2018-001843 / RZ-2023-00043– Small Area Rail Trail  
PR-2018-001843 / RZ-2023-00040– Citywide

Chairman Shaffer,

Regarding the three cases above that you will hear Thursday, January 11, 2024, please accept this 48-hour material for your review. I have spent enough time—drafting the Inter-Coalition Council letter—commenting on specific items, findings, and conditions; these are some general comments.

ALBUQUERQUE IS NOT MAYBERRY...

The concept of allowing corner R-1 lots to permissively become duplexes or 'bodegas' flies in the face of the Comprehensive Plan. The fact that Staff has recommended DENIAL of the VHUC Small Area Amendment gives me hope that the Planning Department is recognizing the hierarchy of the CompPlan, the Community Planning Assessments, and the IDO. Maybe now someone could also review the use of terms like casita, bodega and 'Burque...

TRANSIT IS THE FIRST WORD IN **TOD** (Transit Oriented Development)...

Moving people out of Single Occupancy Vehicles and into Mass Transit is necessary. Reducing parking works when people don't need to drive their cars—which only works when there is mass transit with appropriate routes and headways. The West Side has had four bus routes cut. You can't get there from here...

EIGHT TEN THOUSANDTHS (.0008)...

I'm pretty math-challenged, but I think this is the percentage of the number of Points of Contact (POCs) to the adult population of Albuquerque (≈352 to ≈443,196). Both the Annual Update Process and the notification system are broken. I'm not necessarily suggesting that more people need to be notified, just have a system where people can find information. (Want to know if your street is going to get dug up? Just look here: <https://www.cabq.gov/gis/map-views/municipal-development-projects>) Why can't development applications be similarly pinned?

Chairman Shaffer and Commissioners, thank you for serving—this is more work than anyone should be tasked with. I am thrilled that the amendment to lessen the update frequency has gotten traction; next we should work on quantity. I have yet to find another jurisdiction that comes anywhere close to matching Albuquerque's number of zoning code amendments.

Though I serve as my neighborhood association president, a District 6 Coalition officer and an Inter-Coalition Council (ICC) representative, these are my personal comments.

Respectfully,



P. Davis Willson  
architect, activist, interloper

**From:** [Dan Regan](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** ["P. Davis Willson"; reynolds@unm.edu; anvanews@aol.com; lxbaca@gmail.com; "Mildred Griffie"; dwillems2007@gmail.com; Marlene Willems; dlreganabq@gmail.com](#)  
**Subject:** FW: EPC IDO Hearing #2; 48 hour comments  
**Date:** Monday, January 8, 2024 4:38:48 PM  
**Attachments:** [ICC LTR to EPC 1 8 24Final.pdf](#)  
[Untitled attachment 00193.htm](#)

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

Attn: EPC Chair David Shaffer,

I write in strong support of the attached Inter-Coalition Council letter to your recommending EPC. I have been following the development of the contents of the attached letter over the past 4+ months of ICC meetings.

I have been involved with the IDO processes since the night it was passed in Nov. 2017. I am an active member of the Knapp Heights Neighborhood Association and the District 4 Coalition of NAs.

**To all EPC members:** Please read carefully and give consideration to the all of the recommendations of the attached letter.....they were painfully (as in with a great deal of effort and focus.....cuz none of this fits into the category of FUN) developed by many voices from throughout our fair city.

Thanks

Dan Regan, member of KHNA and D4C

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**From:** [icc-working-group@googlegroups.com](mailto:icc-working-group@googlegroups.com) [mailto:[icc-working-group@googlegroups.com](mailto:icc-working-group@googlegroups.com)] **On**  
**Behalf Of** P. Davis Willson  
**Sent:** Monday, January 8, 2024 4:22 PM  
**To:** City of Albuquerque Planning Department <[abcto@cabq.gov](mailto:abcto@cabq.gov)>  
**Cc:** Michael Brasher <[eastgatewaycoalition@gmail.com](mailto:eastgatewaycoalition@gmail.com)>  
**Subject:** EPC IDO Hearing #2; 48 hour comments

Attn: EPC Chair Shaffer

Please accept the following letter from the Inter-Coalition Council (ICC) IDO Working Group for the IDO Hearing #2 on Thursday, January 11, 2024. I have Cc'd the ICC President Michael Brasher.

Thank you,

Patricia Willson

Victory Hills NA: President  
District 6 Coalition: Treasurer



Inter-Coalition Council Representative

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# ICC Inter-Coalition Council

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

January 8, 2024

Via email: [abcto@cabq.gov](mailto:abcto@cabq.gov)  
EPC Chair Shaffer

Re: PR-2018-001843 / RZ-2023-00044– Small Area VHUC  
PR-2018-001843 / RZ-2023-00043– Small Area Rail Trail  
PR-2018-001843 / RZ-2023-00040– Citywide

Chairman Shaffer,

The Inter-Coalition Council (ICC) respectfully submits the following comments regarding the above-mentioned cases to be heard by the Environmental Planning Commission on January 11, 2024. Kudos to Staff for their excellent Supplemental Staff Reports on all three of the Agenda items.

- RZ-2023-00044 – Text Amendments to IDO – Small Area VHUC

We wholeheartedly agree with the recommendation of DENIAL for this amendment and applaud staff for recognizing the need to follow the Comprehensive Plan, noting this excerpt from Staff Report on Page 11:

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

- RZ-2023-00043 – Text Amendments to IDO – Small Area Rail Trail

While the Metropolitan Redevelopment Agency (MRA) section of the City’s website says “The design and vision of the Rail Trail is rooted in substantial community involvement” (<https://www.cabq.gov/mra/rail-trail-1/community-engagement-equitable-development>), we have concerns about the decision to categorize the development regulations along the Rail Trail as a Small Area in IDO Part 5 Development Standards rather than as an Overlay Zone. However, it is still a quasi-judicial matter, so we have additional concerns about notification.

As noted in the Small Area VHUC report, the Comprehensive Plan is the overriding guide. Changes to the IDO should not be project driven—we have seen how various Administrations’ pet projects have had unintended consequences. We believe risk may still exist regarding the notification process in this matter. It is unclear how or if individual property owners were advised, to the extent that they fully comprehend (as per the definition of notification in our NM State Statutes), these proposed changes. The need to defer the Small Area VHUC from last month because of irregularities in the notification process is an example of the importance of proper notification.

Staff’s Recommended Conditions for Approval appear to support the interests of the development community while attempting to maintain the protections of the 6 Character Protection Overlay (CPO) zones the Trail intersects. The ICC neither supports nor opposes this Text Amendment.

- RZ-2023-00040 – Text Amendments to IDO – Citywide

While we question the need for approximately 60 proposed amendments—there have been over 500 “text amendments” to the IDO in the last five years—we applaud staff for their work in this process. We are appreciative of the example diagrams included to clarify distances in Notices and Referrals, and are relieved by the last Finding on Page 33:

***“Regarding Item #23 Front Yard Walls: EPC advises decision-makers not to pursue taller front yard walls in future IDO updates, as the amendments, in all their variations, have been overwhelmingly opposed by the public.”***

In general, we agree with the recommendation of APPROVAL and agree with most of the CONDITIONS presented. However, we have some concerns about the following specific items:

- Item #1 Contextual Standards for HPO Zones, we have concern that there is no process for appeal to the Landmarks Commission, as there is for ZHE.
- Item #3 Cottage Development: while we’re not sure if the increase to 5 acres is to provide more buffering or additional units, the Council Memo by former Clr. Benton and Clr. Feibelkorn appears to be another attempt to introduce duplexes permissively in R-1.
- Items #59 and #60, Clerical and Editorial Changes: although these have been included in every past Annual Update, we do not support the continued inclusion of these amendments as they have no oversight and present potential risk and mismanagement at the planning department level.

For CONDITIONS that have Options, we support the following Options:

CONDITION 2; Items #2, #7, and #50 – Outdoor Amplified Sound: **Option 4: Delete all proposed amendments in their entirety.**

CONDITION 6; Item #10 – Duplex – IDO Subsection 14-16-4-3(B)(5)(b): **Please select Option 2: Delete the proposed amendment...**

CONDITION 6 (7?); Item #13 – Duplex – IDO Subsection 14-16-4-3(B)(5) and 14-16-4-3(F)(6): **Please select Option 2: Delete the proposed amendment...**

CONDITION 9; Item #12 – Dwelling, Live-Work **Please select Option 3. Delete the proposed amendments, thus continuing to regulate live-work as it is currently allowed and regulated.**

CONDITION 11; Item #17 – RV, Boat, and Trailer Parking: **Please select Option 1: Revise the proposed language...**

CONDITION 12; Item #18 – Parking Maximums: **Please select Option 2: Delete the proposed amendment entirely.**

CONDITION 16; Items #29, #32, and #36 – Neighborhood Association notification distances: **Please select Option 2: Delete the proposed amendment.**

CONDITION 18; Item #37 – Appeals – Standing for Neighborhood Associations: **Please select Option 2: Delete the proposed amendment.**

Regarding **Finding 32. New Amendment: Revise the definition in section 7-1 for “Adjacent”**. We are not in favor of any reduction of notification. This would be a moot point if the long-requested “Opt-in” notification system could be instituted.

Regarding findings for **Item #56 – Outdoor and Site Lighting**; Improvements in lighting that improve Albuquerque’s Night Sky Compliance are welcome, and we are also pleased to see the inclusion of the public comment information regarding the Urban Heat Island effect.

We wholeheartedly agree with **Finding 34. New Amendment: Change the update cycle** for the IDO from an annual process to a bi-annual process.

Our thanks to Planning Staff and the EPC for their work on this always-Herculean effort

Sincerely,

*Michael Brasher*

Michael Brasher  
Inter-Coalition Council President

and members of the ICC IDO working group including:

Patricia Willson; Victory Hills NA

Jane Baechle; Santa Fe Village NA

Rene’ Horvath; Taylor Ranch NA

Julie Dreike; Embudo Canyon NA

Merideth Paxton; Spruce Park NA

Evelyn Rivera; Taylor Ranch NA

Peggy Neff; University Heights and Summit Park NAs



EPC Chair Shaffer and EPC Commissioners,

I am an officer in the Vista Grande Neighborhood Association (VGNA), which is located south of St. Pius High School.

This comment focuses on the need for an effective and comprehensive “development notification process” for neighborhood associations, neighborhood coalitions and individuals that might be affected by proposed development projects, site plan changes and variance requests.

Currently, Pre-Submittal Neighborhood Meetings are required by the IDO according to Section 6-4(B)(2):

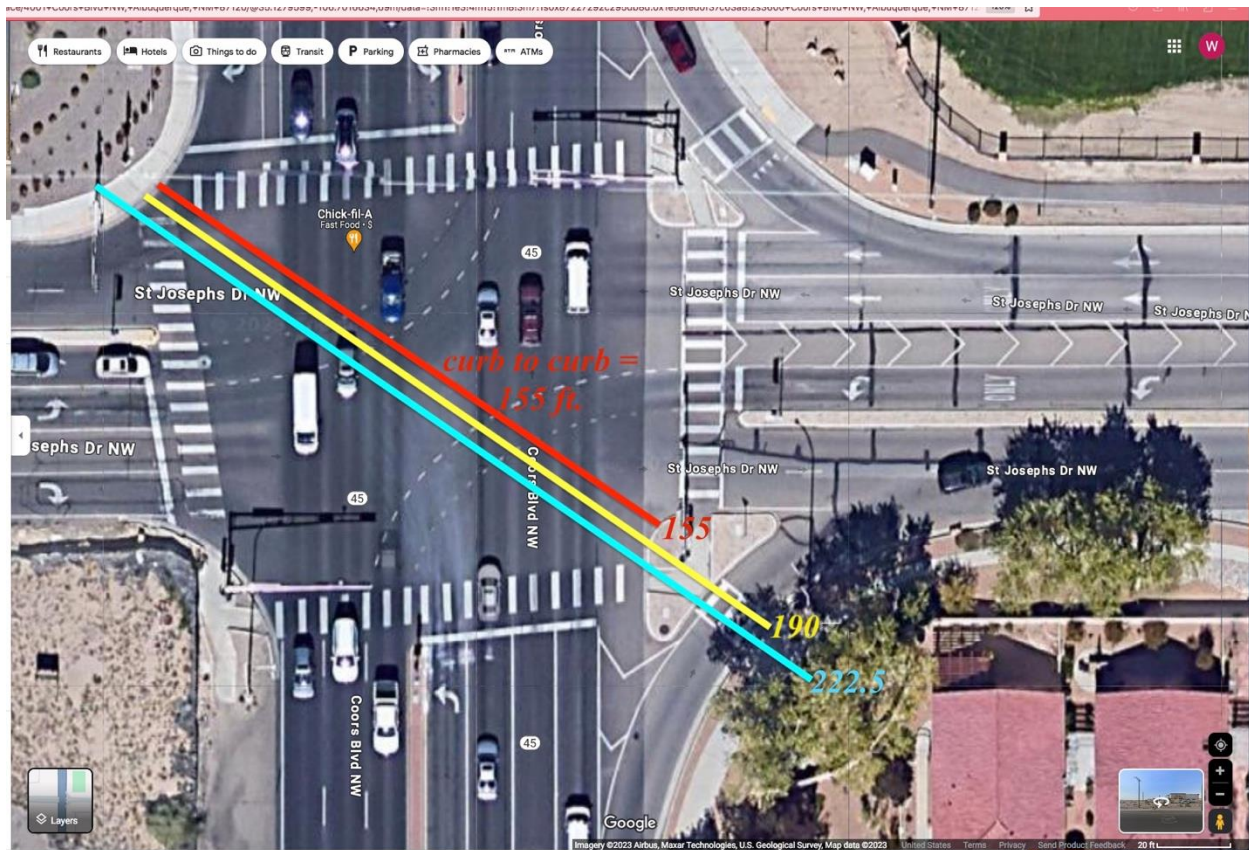
*6-4(B)(2) If the project is not located within or adjacent to the boundaries of any Neighborhood Association, the applicant shall offer at least 1 meeting to all Neighborhood Associations whose boundaries include land within 1,320 feet (¼ mile) of the subject property. If no Neighborhood Association has land within that distance of the subject property, no pre-submittal neighborhood meeting shall be required. (Current IDO, P. 403)*

This quarter-mile notification standard is a reasonable. If, for technical reasons, the Planning Department staff is requesting changes to the quarter-mile standard, those changes should be made as near as possible to the 1,320 ft. current standard as is technically possible. However, at the last EPC hearing, a number of the proposed IDO amendments (Amendments 29, 31, 32, 33, 34, 36 and 37) sought to reduce the notification distances, often by cutting distances in half.

What is the rationale for this? That the City’s notification process is overly robust? I can assure you as a neighborhood representative, that is not the case. We have trouble getting notifications of project and site plan changes that are occurring within or quite near the Vista Grande Neighborhood Association boundaries, without adding another layer of more restrictive and complex distance and boundary interpretations to be made by Planning Department staff and developers.

Once you start to half (660 ft.), and half again (330 ft.), and then half again (175 ft.) the quarter-mile standard, then it becomes confusing and quite highly interpretive—as well as opaque—whether or not almost any project that is across the street from a neighborhood association should be notified.

For example, last May, our neighborhood association was not notified of a proposed site plan change to put a Target Superstore across Coors Blvd. from our neighborhood association boundary (Coors Blvd. and St. Josephs Dr. NW). The map below shows how the measurement of distances from our neighborhood boundary to the development site apparently confused planning and neighborhood coordination staff, so we were not notified. According to how the “neighborhood” and the “site” of the “subject property” were interpreted, the distance could have been 135 ft. (red line), 190 ft. (yellow line) or 232.5 ft. (blue line) across that intersection, depending on interpretations of “adjacency,” “boundaries” and “subject property.” That kind of hair-splitting measurement is only going to cause problems.



At an EPC meeting last December, a staff member of the Planning Department characterized Amendments 29, 31, 32, 33, 34, 36 and 37 as a “give and take” in terms of notification distances on the current standards, or perhaps a simplification of the potentially confusing existing IDO standards. In all but a few very extreme cases, the proposals called for reducing or halving the existing notification distances. For that reason, what was said at the last EPC meeting was not a good faith characterization of those proposed amendments. Planning staff that make

such characterizations should be sworn in and pressed on their reasons for proposing the amendments and characterizing them as simplifications, neutral in terms of changing distances, or necessary for technical reasons.

In contrast, the city would be well served by decreasing the complexity and standardizing the notification distances at more reasonable distances that would not cause staff to split hairs over distances, especially since notification can now be done with minimal expense via email. Therefore, Amendments 29, 31, 32, 33, 34, 36 and 37 should be rejected, and a more reasonable and simpler standard should be considered in the future.

It would be wonderful if there an “opt-in” list for interested parties within a quarter-mile, half-mile or mile of major development, site plan and variance applications. And why not include Albuquerque’s six or seven “coalitions of neighborhood associations” in the notification process. In short, distance notifications should be robust and err on the side of notification, so that hair-splitting of distances and “adjacency” would not favor exclusion from notification processes. That would make for a more open process, which at one time was a goal of Albuquerque planners.

Richard Schaefer, Vista Grande Neighborhood Secretary/Treasurer  
Phone: 505-917-9909  
schaefer@unm.edu

**From:** [Jim Strozier](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Vos, Michael J.](#); [Renz-Whitmore, Mikaela J.](#); [Chris Knopp](#); [Rachel Walker](#); [jjacobi@rodey.com](#)  
**Subject:** BESS EPC Comments  
**Date:** Tuesday, January 9, 2024 9:23:34 AM  
**Attachments:** [ABQ BESS IDO Amendments 2024 01 08 Oso Negro.pdf](#)

---

**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

See attached letter.

I thought I sent this last night, but was having trouble connecting at the City Council.

Let us know if you have any questions.

**Jim Strozier, FAICP**

Consensus Planning, Inc.

302 8<sup>th</sup> Street NW

(505) 764-9801





January 8, 2024

Environmental Planning Commission  
City of Albuquerque  
c/o CABQ Planning Department  
PO Box 1293  
Albuquerque, NM 87103

Subject: 2023 Integrated Development Ordinance Update (IDO), Second Plus Power Comment Letter

Dear Chairman Shaffer and Members of the Environmental Planning Commission,

Oso Negro Energy Storage, LLC, a wholly owned subsidiary of Plus Power, LLC, is writing to thank the City of Albuquerque Environmental Planning Commission (EPC) for reviewing our initial comments dated November 27, 2023 related to proposed battery energy storage system (BESS) regulations in the 2023 IDO Annual Update.

The staff report was published January 4, 2024 following the December 14 EPC public hearing. We agree with the staff recommendation regarding Battery Energy Storage Systems per the following "... Staff recommends a condition of approval to remove this amendment from consideration with a finding that staff continues to explore appropriate regulations for Battery Energy Storage Systems as the annual update proceeds to City Council." We would also request that changes to Electric Utility [Item #6] regarding walls and other minor clarifications also be removed from this amendment to allow for continued exploration of appropriate regulations for Battery Energy Storage Systems.

Oso Negro Energy Storage, LLC submits additional comments and suggested amendments regarding the proposed IDO amendments for BESS.

Since national fire safety requirements prohibit vegetation within 10 feet of BESS facilities, we propose language that eliminates such hazards. BESS facilities do not have as much tall infrastructure as substations, therefore, we propose a reduction to the minimum height for perimeter walls consistent with other jurisdictions' requirements.

Suggested amendments are noted below in **black bold text and** ~~strikeout text~~. We base our proposed amendments on PNM's proposed (new) amendments for Energy Storage Systems (ESS) ~~red text~~.

**4-3(E)(#) Energy Storage System (ESS) [New]**

~~4-3(E)(8)(a) Substation walls shall be set back a minimum of 10 feet from all property lines to allow for~~

perimeter ~~landscape~~ buffer, except where the property is abutting property zoned NR-C, NR-BP, NR-LM, NR-GM and unclassified Utility Properties.

4-3(E)(8)(b) Substation facilities shall be surrounded by a minimum 10-foot ~~landscaped~~ buffer area ~~consisting of shrubs and other vegetation~~ that complies with the safety and maintenance requirements for substations, **except where the property is abutting property zoned NR-C, NR-BP, NR-LM, NR-GM and unclassified Utility Properties.**

4-3(E)(#)(c) ESS facility perimeter walls shall be a **minimum 8-foot-high** wall that is a combination of split face and smooth face blocks, cast-in-place walls with a discernable pattern, and/or shall provide pilasters along the wall every 20 feet.

4-3(E)(#)(d) The ~~landscape~~ buffer, **where required**, shall ~~minimize~~ **not include** combustible materials including mulch, living groundcover, shrubs, and trees, but where landscape is appropriately located it shall provide visual buffering of the perimeter wall from public rights-of-way and residential uses to the maximum extent practicable.

Thank you for your consideration of our concerns.

Oso Negro Energy Storage, LLC



**From:** [P. Davis Willson](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** Re: EPC IDO Hearing #2; 48 hour comments  
**Date:** Monday, January 8, 2024 9:20:26 PM  
**Attachments:** [ICC LTR to EPC 1 8 24.pdf](#)

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

Dear Ms. Bloom,

Thanks so much for the confirmation. Additional ICC IDO Working Group committee members have asked to have their signatures added. If it's not too much trouble; please substitute this revision in place of the one sent earlier (and I promise I won't send any more tomorrow!)

Sincerely,

Patricia Willson

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

On Jan 8, 2024, at 7:18 PM, City of Albuquerque Planning Department <[abcto@cabq.gov](mailto:abcto@cabq.gov)> wrote:

January 8, 2024

Dear Ms. Wilson:

Good evening. Thank you for submitting your comments as they were received and will be attached to the staff report in accordance with the 48 hour rule.

Thank you and have a wonderful evening.

Respectfully submitted,

<image001.png>

**MISA K. BLOOM**

(she / hers)

associate planner

urban design & development

o 505.924.3662

e [mbloom@cabq.gov](mailto:mbloom@cabq.gov)

[cabq.gov/planning](http://cabq.gov/planning)

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**From:** P. Davis Willson <[info@willsonstudio.com](mailto:info@willsonstudio.com)>  
**Sent:** Monday, January 8, 2024 4:22 PM  
**To:** City of Albuquerque Planning Department <[abcto@cabq.gov](mailto:abcto@cabq.gov)>  
**Cc:** Michael Brasher <[eastgatewaycoalition@gmail.com](mailto:eastgatewaycoalition@gmail.com)>  
**Subject:** EPC IDO Hearing #2; 48 hour comments

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

Attn: EPC Chair Shaffer

Please accept the following letter from the Inter-Coalition Council (ICC) IDO Working Group for the IDO Hearing #2 on Thursday, January 11, 2024. I have Cc'd the ICC President Michael Brasher.

Thank you,

Patricia Willson

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

# ICC Inter-Coalition Council

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January 8, 2024

Via email: [abcto@cabq.gov](mailto:abcto@cabq.gov)  
EPC Chair Shaffer

Re: PR-2018-001843 / RZ-2023-00044– Small Area VHUC  
PR-2018-001843 / RZ-2023-00043– Small Area Rail Trail  
PR-2018-001843 / RZ-2023-00040– Citywide

Chairman Shaffer,

The Inter-Coalition Council (ICC) respectfully submits the following comments regarding the above-mentioned cases to be heard by the Environmental Planning Commission on January 11, 2024. Kudos to Staff for their excellent Supplemental Staff Reports on all three of the Agenda items.

- RZ-2023-00044 – Text Amendments to IDO – Small Area VHUC

We wholeheartedly agree with the recommendation of DENIAL for this amendment and applaud staff for recognizing the need to follow the Comprehensive Plan, noting this excerpt from Staff Report on Page 11:

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

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While the Metropolitan Redevelopment Agency (MRA) section of the City’s website says “The design and vision of the Rail Trail is rooted in substantial community involvement” (<https://www.cabq.gov/mra/rail-trail-1/community-engagement-equitable-development>), we have concerns about the decision to categorize the development regulations along the Rail Trail as a Small Area in IDO Part 5 Development Standards rather than as an Overlay Zone. However, it is still a quasi-judicial matter, so we have additional concerns about notification.

As noted in the Small Area VHUC report, the Comprehensive Plan is the overriding guide. Changes to the IDO should not be project driven—we have seen how various Administrations’ pet projects have had unintended consequences. We believe risk may still exist regarding the notification process in this matter. It is unclear how or if individual property owners were advised, to the extent that they fully comprehend (as per the definition of notification in our NM State Statutes), these proposed changes. The need to defer the Small Area VHUC from last month because of irregularities in the notification process is an example of the importance of proper notification.

Staff’s Recommended Conditions for Approval appear to support the interests of the development community while attempting to maintain the protections of the 6 Character Protection Overlay (CPO) zones the Trail intersects. The ICC neither supports nor opposes this Text Amendment.



- RZ-2023-00040 – Text Amendments to IDO – Citywide

While we question the need for approximately 60 proposed amendments—there have been over 500 “text amendments” to the IDO in the last five years—we applaud staff for their work in this process. We are appreciative of the example diagrams included to clarify distances in Notices and Referrals, and are relieved by the last Finding on Page 33:

***“Regarding Item #23 Front Yard Walls: EPC advises decision-makers not to pursue taller front yard walls in future IDO updates, as the amendments, in all their variations, have been overwhelmingly opposed by the public.”***

In general, we agree with the recommendation of APPROVAL and agree with most of the CONDITIONS presented. However, we have some concerns about the following specific items:

- Item #1 Contextual Standards for HPO Zones, we have concern that there is no process for appeal to the Landmarks Commission, as there is for ZHE.
- Item #3 Cottage Development: while we’re not sure if the increase to 5 acres is to provide more buffering or additional units, the Council Memo by former Clr. Benton and Clr. Feibelkorn appears to be another attempt to introduce duplexes permissively in R-1.
- Items #59 and #60, Clerical and Editorial Changes: although these have been included in every past Annual Update, we do not support the continued inclusion of these amendments as they have no oversight and present potential risk and mismanagement at the planning department level.

For CONDITIONS that have Options, we support the following Options:

CONDITION 2; Items #2, #7, and #50 – Outdoor Amplified Sound: **Option 4: Delete all proposed amendments in their entirety.**

CONDITION 6; Item #10 – Duplex – IDO Subsection 14-16-4-3(B)(5)(b): **Please select Option 2: Delete the proposed amendment...**

CONDITION 6 (7?); Item #13 – Duplex – IDO Subsection 14-16-4-3(B)(5) and 14-16-4-3(F)(6): **Please select Option 2: Delete the proposed amendment...**

CONDITION 9; Item #12 – Dwelling, Live-Work **Please select Option 3. Delete the proposed amendments, thus continuing to regulate live-work as it is currently allowed and regulated.**

CONDITION 11; Item #17 – RV, Boat, and Trailer Parking: **Please select Option 1: Revise the proposed language...**

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CONDITION 16; Items #29, #32, and #36 – Neighborhood Association notification distances: **Please select Option 2: Delete the proposed amendment.**

CONDITION 18; Item #37 – Appeals – Standing for Neighborhood Associations: **Please select Option 2: Delete the proposed amendment.**

Regarding **Finding 32. New Amendment: Revise the definition in section 7-1 for “Adjacent”**. We are not in favor of any reduction of notification. This would be a moot point if the long-requested “Opt-in” notification system could be instituted.

Regarding findings for **Item #56 – Outdoor and Site Lighting**; Improvements in lighting that improve Albuquerque’s Night Sky Compliance are welcome, and we are also pleased to see the inclusion of the public comment information regarding the Urban Heat Island effect.

We wholeheartedly agree with **Finding 34. New Amendment: Change the update cycle** for the IDO from an annual process to a bi-annual process.

Our thanks to Planning Staff and the EPC for their work on this always-Herculean effort

Sincerely,

*Michael Brasher*

Michael Brasher  
Inter-Coalition Council President

and members of the ICC IDO working group including:

Patricia Willson; Victory Hills NA  
Jane Baechle; Santa Fe Village NA  
Rene’ Horvath; Taylor Ranch NA  
Julie Dreike; Embudo Canyon NA  
Merideth Paxton; Spruce Park NA  
Evelyn Rivera; Taylor Ranch NA  
Peggy Neff; University Heights and Summit Park NAs  
Mark Reynolds, Highlands North NA  
Dan Regan, Knapp Heights NA  
D. H. Couchman, Academy Hills Park NA

**From:** [P. Davis Willson](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Michael Brasher](#)  
**Subject:** EPC IDO Hearing #2; 48 hour comments  
**Date:** Monday, January 8, 2024 4:24:14 PM  
**Attachments:** [ICC LTR to EPC 1 8 24Final.pdf](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

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Patricia Willson

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January 8, 2024

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EPC Chair Shaffer

Re: PR-2018-001843 / RZ-2023-00044– Small Area VHUC  
PR-2018-001843 / RZ-2023-00043– Small Area Rail Trail  
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Sincerely,

*Michael Brasher*

Michael Brasher  
Inter-Coalition Council President

and members of the ICC IDO working group including:

Patricia Willson; Victory Hills NA

Jane Baechle; Santa Fe Village NA

Rene’ Horvath; Taylor Ranch NA

Julie Dreike; Embudo Canyon NA

Merideth Paxton; Spruce Park NA

Evelyn Rivera; Taylor Ranch NA

Peggy Neff; University Heights and Summit Park NAs

**From:** [P. Davis Willson](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** IDO Annual Update 2023 - EPC Review and Recommendation  
**Date:** Tuesday, January 9, 2024 7:46:32 AM  
**Attachments:** [LTR 48hrPDW Jan8 2024.pdf](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Attn: EPC Chair Shaffer,

I sent this letter yesterday but am not sure it was attached properly. So, sorry if this is a duplicate—but better twice than not at all.

And thank you for extending your term on the EPC to provide continuity through this process.

Respectfully,

Patricia Willson

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

January 8, 2024

Via email: [abcto@cabq.gov](mailto:abcto@cabq.gov)  
Attn: EPC Chair Shaffer

Re: PR-2018-001843 / RZ-2023-00044– Small Area VHUC  
PR-2018-001843 / RZ-2023-00043– Small Area Rail Trail  
PR-2018-001843 / RZ-2023-00040– Citywide

Chairman Shaffer,

Regarding the three cases above that you will hear Thursday, January 11, 2024, please accept this 48-hour material for your review. I have spent enough time—drafting the Inter-Coalition Council letter—commenting on specific items, findings, and conditions; these are some general comments.

ALBUQUERQUE IS NOT MAYBERRY...

The concept of allowing corner R-1 lots to permissively become duplexes or 'bodegas' flies in the face of the Comprehensive Plan. The fact that Staff has recommended DENIAL of the VHUC Small Area Amendment gives me hope that the Planning Department is recognizing the hierarchy of the CompPlan, the Community Planning Assessments, and the IDO. Maybe now someone could also review the use of terms like casita, bodega and 'Burque...

TRANSIT IS THE FIRST WORD IN **TOD** (Transit Oriented Development)...

Moving people out of Single Occupancy Vehicles and into Mass Transit is necessary. Reducing parking only works when people don't need to drive their cars—which only works when there is mass transit with appropriate routes and headways. The West Side has had four bus routes cut. You can't get there from here...

EIGHT TEN THOUSANDTHS (.0008)...

I'm pretty math-challenged, but I think this is the percentage of the number of Points of Contact (POCs) to the adult population of Albuquerque (≈352 to ≈443,196). Both the Annual Update Process and the notification system are broken. I'm not necessarily suggesting that more people need to be notified, just have a system where people can find information. (Want to know if your street is going to get dug up? Just look here: <https://www.cabq.gov/gis/map-views/municipal-development-projects>) Why can't development applications be similarly pinned?

Chairman Shaffer and Commissioners, thank you for serving—this is more work than anyone should be tasked with. I am thrilled that the amendment to lessen the update frequency has gotten traction; next we should work on quantity. I have yet to find another jurisdiction that comes anywhere close to matching Albuquerque's number of zoning code amendments.

Though I serve as my neighborhood association president, a District 6 Coalition officer and an Inter-Coalition Council (ICC) representative, these are my personal comments.

Respectfully,



P. Davis Willson  
architect, activist, interloper



EPC Minutes, Agenda Items 2 and 3  
January 11, 2024

**CHAIR SHAFFER:** Commissioner Meadows.

**COMMISSIONER MEADOWS:** Commissioner Meadows, aye.

**CHAIR SHAFFER:** Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Commissioner Hollinger, aye.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** Eyster, aye.

**CHAIR SHAFFER:** Commissioner Pfeiffer.

**COMMISSIONER PEIFFER:** Commissioner Pfeiffer, aye.

**CHAIR SHAFFER:** Commissioner Cruz.

**COMMISSIONER CRUZ:** Commissioner Cruz, aye.

**CHAIR SHAFFER:** Commissioner Shaffer with the additional finding, I'll vote aye. Passes 7 to 1. Thank you.

(7-1 vote. Motion approved, with  
Commissioner Stetson voting no.) .

**CHAIR SHAFFER:** Mr. Vos, you'll be presenting Agenda Item Number 3, correct?

**MR. VOS:** Chair Shaffer, that's correct.

**CHAIR SHAFFER:** What is your front end of -- I mean, there's a lot to go through, just because, you know, we gave specific instructions on how to rewrite all -- well, not all 60, but a number of the 60 text amendments, and we've got to go through each one of them, and that's going to take a while. Do you have a song and dance that you can do 14 minutes before we actually see all those?

**MR. VOS:** I don't really. I can start doing the presentation, should you like. But as you mentioned, it's fairly long to hit all the conditions that are in the staff report.

Or should you choose to take a 30-minute break or something, we could come back and start agenda Item 3 after that.

**CHAIR SHAFFER:** My six years of doing this, I've never requested to stop a meeting before. So I guess maybe on my next-to-the-last one, I can say let's take an early lunch instead of a late one and let's just reconvene at 11:15. That's basically 30 minutes. So I apologize. Six years later, I apologize.

(Recess held.)

**CHAIR SHAFFER:** Mr. Vos, question, sir.

**MR. VOS:** Yes, Chair.

**CHAIR SHAFFER:** So what you're going to show us, did you want to kind of -- without starting to show us yet, are there substantial changes, or is it literally just reviewing what we sent you to task on?

**EPC Minutes, Agenda Items 2 and 3**  
**January 11, 2024**

**MR. VOS:** I'd say it's mostly reviewing what you sent me to task on.

**CHAIR SHAFFER:** I'm sorry, I didn't know how else to say that.

**MR. VOS:** Yeah, as with the case with having -- you know, there's 20, 30, I don't know how many conditions are in the staff report, and some of them are bigger than others.

**CHAIR SHAFFER:** Yeah. So we've got to review them. And so we're probably going to need to do the same thing, is hear the presentation, get some input, make sure everyone's on the same page, and then do the same thing.

**MR. VOS:** That seems reasonable to me.

**CHAIR SHAFFER:** All right. Well, I see Commissioner Eyster on. I believe everybody is back. So let's roll, sir.

**MR. VOS:** All right. Thank you, Chair and Commissioners.

Given our technology problems, do you see a full screen PowerPoint slide?

**CHAIR SHAFFER:** Yes, sir.

**MR. VOS:** Awesome.

So this is the citywide IDO annual update, continued from your December 14th hearing. I'm Michael Vos, principal planner here at the planning department, joined by Mikaela Renz-Whitmore and Petra Morris, who is the city council associate director of planning and policy development, to discuss any additional information and may be responding to questions you may have about city council amendments that are in the package.

The annual update is PR-2023-00040. It's about 60 changes in a spreadsheet affecting multiple sections of the IDO. It's accompanied by two small area applications that were on the agenda before this, and a small area application that you are hearing next week.

I'm not going through all of the changes in this PowerPoint presentation, but kind of limit it to those that have conditions, based on your discussion on December 14th, and a few others that received additional public comment, written public comment that's new 48-hour materials.

The changes are broken down into each section of the IDO approximately as follows. This slide was in the presentation at your December 14th hearing. To say it up front, as a reminder, the decision that you are making a recommendation to city council on is based on the following three review and decision criteria on Section 6-7(D) of the IDO. And this is what staff's analysis in our staff report has been focused on; that the proposed amendments are consistent with the spirit and intent of the comp plan and other policies and plans adopted by the city council. It does not apply to only one lot or development project. And that the amendments promote the public health, safety and welfare.

Staff is recommending approval, that the EPC recommend approval of the 2023 IDO annual update, the citywide amendments to the council, with findings and recommended conditions of approval.

Once I'm done, and we do take additional comment and discussion,

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we can go through all the conditions. There are options presented in the staff report, like we did last year, for you to sort of vote on each and work through sort of each item.

**CHAIR SHAFFER:** Perfect.

**MR. VOS:** The first change is Item Number 1 in the spreadsheet. You did not have any direction for us regarding contextual standards in the protection overlay zones.

I bring this back up again because there was still one additional comment, sort of unclear or in opposition to letting the landmarks commission have the discretion to approve these, and specifically appealing the -- specifically regarding the appeals process.

Like the ZHE, the landmarks commission is a quasi-judicial board, with the same responsibilities, including their appeals process. So if a decision by the landmarks commission, someone is aggrieved by it, they are able to appeal that decision through the LUHO to city council in the exact same manner as a decision of the ZHE. Just putting that out there for sort of the public record and acknowledgment to that public comment.

**CHAIR SHAFFER:** So no change to that one from anything? It's just you're acknowledging the public comment?

**MR. VOS:** Correct.

**CHAIR SHAFFER:** Thank you.

**MR. VOS:** The next change, I kept this slide because it was discussed in tandem with conditional uses for city facilities. This change specifically is to move fire station and police station out of the NR-SU, nonresidential sensitive use zone, and make it a permissive use in MX-M, MX-H in our nonresidential base zone districts.

There was not public opposition to this and you did not request a change. So unless something changes today, if you recommend approval, this change will go forward.

But moving into some of the use sections, Item Number 11 in the spreadsheet received significant public comment, and it's specific to an exemption for city facilities, to not require a conditional-use approval because they serve a public purpose.

There were many public comments, and I note that proposed Condition Number 8 would delete this proposed item from the spreadsheet and keep conditional use procedures in place for city facilities.

But as I mentioned, we have no condition on the fire station and police station change.

Regarding outdoor --

**CHAIR SHAFFER:** Real quick. I didn't mean to interrupt you. But it's probably -- even though we're going to go through the verbiage of the conditions later, Commissioners, I would chime in now if something pops up that is not to your recollection of what we discussed. But so far everything has been how I've got it noted. So just chime in. We will address them as they happen. So thank you.

**MR. VOS:** Regarding outdoor amplified sound, this is Items

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Number 2, Number 7 and Number 50 in the spreadsheet. It is to create a new accessory use for outdoor amplified sound that's allowed in certain zone districts.

This allows us to then create a use-specific standard business prohibiting the amplified sound in its entirety if located within 330 feet of a residential zone district between specified hours, essentially setting a curfew.

There were comments on this, as you recall. Some to extend the use to midnight to allow outdoor amplified sound later. Some confusion over the noise ordinance, which hopefully kind of described how the noise ordinance worked versus this curfew; that would be through the zoning.

Since December, additional comments were submitted to remove this amendment, as well as support for finding ways to better regulate amplified sound and music, including potentially have separations at all times of day and a permitting process.

In the conditions, proposed Condition Number 2, we have four options available. The first three, you are able to, if you choose, adopt one, two or three of them in combination. The first one would create an exemption for certain, more intense center areas, where the curfew would not apply if the use was otherwise approved.

The Option Number 2 tracks with the comment to extend until midnight the allowance for the amplified sound.

And Option 3 would reduce the separation distance where the curfew would apply, from 330 feet away from residential to 100 feet.

So you can do any combination of those three if you want to approve it with changes.

Option 4 would be to delete all these proposed amendments in their entirety and leave amplified sounds to the purview of the noise ordinance and our existing rules.

And just to say up front, whatever those options, you can approve with changes, you can delete it. You can always just delete the condition, and if you do that, it would adopt the amendment as currently written in the spreadsheet.

**CHAIR SHAFFER:** All right. So let's talk about that real quick. Because we agreed to Option 4 in our last meeting. We all agreed that these three would go away in their entirety.

Commissioners, do you need any clarification on any of these three options? Do you want to discuss them now. I know we're doing it a little bit different, but with this many, I'd rather just tackle them now. And that'll give a chance, also, to address some public comment, as well.

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** Chair, I think you said that at the December hearing. We said that we wanted to delete the proposed amendment in its entirety. If that's true, I don't see any reason to revisit that.

**CHAIR SHAFFER:** Well, I didn't say that. We all said that.



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**COMMISSIONER EYSTER:** You said that we said that.

**CHAIR SHAFFER:** Yeah, yeah.

**COMMISSIONER EYSTER:** Yeah. So I don't see why we would reopen it today.

**CHAIR SHAFFER:** Well, I guess the point to that is, to Mr. Vos' point, there was some more comments that they received over this last month, so they're trying to appease the masses and everybody else, so they have spent time to create additional options for us to consider.

**MR. VOS:** Chair Shaffer and Commissioner Eyster, I think that's correct, to provide some options. And I'd just -- you know, I understand the straw voting and sort of comments last week. We based these conditions on the notes that we took from all of your discussion. And without a formal vote of this commission to say yes, indeed you are deleting it, sometimes there might be an option, delete or don't delete, or something like that, as well.

**CHAIR SHAFFER:** Okay.

**COMMISSIONER EYSTER:** If we --

**CHAIR SHAFFER:** Go ahead, Commissioner Eyster.

**COMMISSIONER EYSTER:** Thanks, Chair. If we are to look at it again, I would not like to see the music go two hours later to midnight. And I would not like to see the distance changed from 330 to 100.

**CHAIR SHAFFER:** Yeah. I think when we went through all three of these in detail last month, it was really determined that noise ordinance was sufficient, and this was just adding a layer of complexity that was unneeded.

**COMMISSIONER MACEACHEN:** Chair, Commissioner MacEachen.

**CHAIR SHAFFER:** Commissioner MacEachen.

**COMMISSIONER MACEACHEN:** I'm an Option 4 guy.

**CHAIR SHAFFER:** Okay. Okay. Well, let's move on. We still have all of our notes, so when we get down to the actual conditions. But I figured we should talk about a couple of these now, since there was so many on this one.

**MR. VOS:** Absolutely. Thanks, Chair.

**CHAIR SHAFFER:** Yep. Good work, though.

**MR. VOS:** Appreciate it.

The next items were Item Number 3 and Item Number 13 of city council amendments.

The first, Item 3, related to cottage development, to allow units to be attached on one side and requiring them to have front porches.

And then duplexes, Item Number 13, to allow duplexes in the R-1 zone permissively if they are part of an existing building; conditional, if they are new construction; to prohibit them on lots where there is already an accessory dwelling unit, or also

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an accessory dwelling unit, and providing some design standards for street-facing facades.

Related Item Number 10 from city staff is a change that would allow duplexes permissively on corner lots only that are a minimum of 5,000 square feet to provide an option for some additional density in neighborhoods on lots that are large enough and on a corner that might be more well suited to that type of a use.

**COMMISSIONER MEADOWS:** Chair.

**CHAIR SHAFFER:** Yes, Commissioner Meadows.

**COMMISSIONER MEADOWS:** Yeah, if this is the correct time to speak up, I was sort of hoping to merge those two options, both the staff and the council one, and make it a condition, but keep it just on corner lots and --

**CHAIR SHAFFER:** Well, let's finish, because he's got to get to his conditions.

**COMMISSIONER MEADOWS:** Okay.

**CHAIR SHAFFER:** Because our original vote was keeping 3 and deleting in its entirety 10 and 13. So let's hear the rest of what he had to say.

**COMMISSIONER MEADOWS:** Okay.

**CHAIR SHAFFER:** Now, I'll skip these next couple slides that sort of talk about the comment that I had in December.

There remain some concerns about cottage development. And there were several more comments submitted in opposition to duplexes.

As you mentioned in December, there was talk about deleting Items 10 and 13. On the cottage development, there's a proposed condition in your report to adopt to proposed change with an additional amendment to change the maximum project size from two acres to five acres, where we think they might be able to be designed more cohesively or on a bigger site, with sort of the bigger landscape buffers around the outside of them.

There was some discussion about the landscape buffers and fitting these projects into some of the existing areas of town.

On Items 10 and 13, there are two options presented on each. 1, to adopt the amendment, or Option 2, to delete the proposed amendments.

Planning staff did not put an option in our report related to making these conditional uses. Our perspective is that housing -- the purpose of a conditional use is to mitigate harms, and providing housing is not necessarily -- we don't view it as something that's harmful. It's simply a use that is appropriate or not appropriate, given the context.

Should this commission choose to direct us to do a third option regarding the conditional use, to Commissioner Meadows' point, we can talk about that, I think, probably when we're going through item by item.

**CHAIR SHAFFER:** Can we go back to that? I apologize.

So, I mean, we can just -- I'd rather discuss it now, because,

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Commissioner -- I don't want to make a decision right now, but I want to discuss our options.

So we had said yes to Number 3. You've now got it changed, an additional change. So we had agreed as is. But you're asking us to approve Item Number 3 with the additional condition of changing it to five acres. And then you've given us the option basically of as is on 10 and 13, where we said it's either as is or delete, which is what we voted on last time.

**MR. VOS:** The delete option sounded like the straw vote for maybe a majority of this commission, noting that, you know, Commissioner Meadows did state his desire to consider potentially a conditional use option as sort of a compromise.

So if that were to get traction, that would be in the purview of this commission to choose to do that or not.

**CHAIR SHAFFER:** So any other -- Commissioner Meadows, go ahead.

**COMMISSIONER MEADOWS:** Yeah. So my understanding is the council proposal is to make it conditional if it's on a vacant lot. And so I was hoping we could kind of merge both the staff and the council and make this conditional on a 5,000-square-foot corner lot, but make it conditional. Which seems to be in keeping with the council proposal. So that's what I thought we were going to have an option for.

Thank you.

**CHAIR SHAFFER:** I don't have those -- I knew you had mentioned that, but I thought that the rest of us, everyone said just delete.

Any other commissioners have any desire to modify from either yes or no? I mean, again, when we're going through each -- just think about it. Let's move on. And then when we get -- when we're starting to go down the conditions, then we can discuss it again.

**MR. VOS:** Thanks, Chair, for that. That sounds like a good plan.

**CHAIR SHAFFER:** Well, it's a plan.

**MR. VOS:** As I pointed out, as you're discussing all of these conditions and thinking in the context of the review and decision criteria about what supports our comprehensive plan, and staff does support these duplex amendments still, then understand that the commissioners may vote differently as providing more housing for our community is a paramount part of the comprehensive plan.

The next change is Item Number 12 in the spreadsheet, dwelling, live/work, which was proposed to add restaurants and retail options permissively in R-1 if they are located on corner lots that are 5,000 square feet in size, and only those retail uses. Otherwise, they would not be allowed in R-1.

In RT and R-ML, the use would be changed from conditional to permissive in those same situations. Otherwise, the conditional-use approval that currently exists would remain. And to limit the size of those retail and restaurant spaces to 3,000 square feet or less.

The purpose of this is to foster small, local, neighborhood-oriented economy and economic opportunities for the community.

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Based on some of the feedback and some of the comments, some options are presented on this in Condition Number 9. There were more comments submitted in opposition to live/work changes in its entirety. There was one comment that was submitted in your packets that specifically supports our condition Option Number 2 as below.

So based on some feedback, staff has, in sort of the two options, one and two, in both instances, proposing to remove the restaurant use and add grocery and bakery as retail type uses that support -- so it's sort of a retail only addition.

Option 1 would otherwise keep it permissive, as described in the original amendment.

Option 2 would allow grocery, retail and bakery as a conditional use in R-1, still subject to the corner lot and lot size minimum. And it would delete any changes for the other residential zones, which would keep an existing conditional use process in place.

And Option Number 3 would be to delete this amendment in its entirety.

**CHAIR SHAFFER:** Commissioners, I mean, that was what we agreed on the last time. Only they want to throw some food for thought here on, well, yeah, how about some of this option. So does anyone have any commentary on these two additional options?

Okay. Well, we can discuss them more, but just think about that one, too. Because it's good for viewing at the moment.

**MR. VOS:** For Item Number 9 in the spreadsheet, overnight shelter, staff has proposed in the staff report, based on discussion last month, Condition Number 5, to delete the amendment and keep overnight shelters as currently recommended as a conditional use.

Regarding Item Number 4 and Item Number 5, which were proposed changes to allow -- to require a wall or fence around gas stations and retail establishments, there was significant public comment against these. And Condition Number 4 --

**CHAIR SHAFFER:** Oh, we lost Mr. Vos. He turned into a robot.

Mr. Vos, I don't know if you can hear us, but you're locked up.

Commissioner Stetson, you're now the host. Right on. You run the show now. Perfect.

We'll assume he's popping back here in a second. Let's be patient. Looks like it was everybody at the city and that one group left at one time. So it was probably -- did you guys have another power outage again.

**MR. VOS:** Not a power outage. Looks like the Internet just briefly -- let me get back to sharing. All right.

So, Chair and Commissioners, when the Internet dropped, I was talking about electric utility, Item Number 6 in the spreadsheet. This would require walls and specific landscaping for battery storage facilities associated with PNM electric utilities as their current definition includes battery storage as an incidental activity.

We had a proposal for a stand-alone battery energy storage



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system, with an exhibit, that we talked about in December, adding a new use for the NR-LM and GM districts, with use-specific standards for landscape screening, walls, noise, et cetera and associated definition for that, PNM and a battery developer submitted comments in opposition to that. And city council had sent a memo requesting that the EPC not make any recommendations on that, hopefully, at least until this January meeting.

**CHAIR SHAFFER:** This is the one where you said get all the stakeholders together, come up with an agreeable plan, come re-present to us?

**MR. VOS:** Correct. Chair and Commissioners, planning and city council staff met with PNM stakeholders on December 20th to discuss this amendment. PNM provided us with additional feedback just last week, on January 3rd, that we are still kind of evaluating.

Based on some of that feedback, we are recommending Condition Number 22, which removes the stand-alone best use and exhibit from consideration at this time, and we will continue to work with the stakeholders to come up with a viable solution that works for all parties.

That could be introduced through the city council process, at LUPZ, or could be held for a future IDO update, depending on how much work with the stakeholders is necessary.

We don't have a condition to remove Item Number 6 from the spreadsheet for the minor changes to the electric utility use. It's an existing use. And it would help sort of as an interim solution, provide walls and landscape buffer around battery facilities until such a time a stand-alone use can be created.

A battery developer did submit some 48-hour comments opposed to the electric utility change and offered suggested changes to the language. I would say that those suggested changes, in sort of the same way we still need to continue evaluating the PNM feedback, is that I think, as staff, we would rather punt on both of these than just adopting what was provided in those public comments verbatim.

**CHAIR SHAFFER:** So to be clear, then, so Condition 22 is going to be removing 55 in its entirety. 6 would be you're recommending (inaudible) --

**MR. VOS:** So --

**CHAIR SHAFFER:** -- as is?

**MR. VOS:** So right now, staff is recommending approve 6 as is. Should this commission, in your deliberation, decide that 6 should be removed and worked on in conjunction with 55, you would have to amend Condition Number 22 to remove both items.

**CHAIR SHAFFER:** Okay. Got it.

Commissioners. Leave 6, keep 55, or add both 6 and 55 to the same Condition 22?

Someone say something.

Or we can wait till we get to those conditions and discuss it then?

All right. We'll wait till those conditions, discuss it then.

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Keep going.

**MR. VOS:** Moving on from the uses standard of the IDO now, to development standards.

The first item to talk about there is Item Number 15 for the landfill gas mitigation. The proposed change was to exempt landfills closed more than 30 years ago from the landfill gas mitigation procedures.

Based on feedback, we have added Condition Number 10 to delete this item from consideration.

**CHAIR SHAFFER:** Can I ask you a quick question? Is there -- and that's great because that's what we recommended. Is there a reason why these didn't follow in order, versus jumping all over all the conditions?

**MR. VOS:** Chair Shaffer and Commissioners, it's based on how I created the presentation in December, a little bit.

**CHAIR SHAFFER:** I got it.

**MR. VOS:** And the way the spreadsheet is in order is sort of by section and page number of the IDO, except when an item is in, like, three different sections, we then stick it at the end.

**CHAIR SHAFFER:** Okay.

**MR. VOS:** The items and the conditions will get more in order a little bit further into the presentation.

**CHAIR SHAFFER:** Just my -- you know, what is that called? The thing that tries to make me focus. That thing.

Anyway, keep going. Yes, sir.

**MR. VOS:** Chair and Commissioners, we've got Items Number 42 and 17. I've put this together originally because they're somewhat related front yard parking issues. That came from city council.

One was regarding angular stone as a material for the purposes of improving parking. Condition Number 19 would delete that from consideration at this time.

For boat and RV parking, council has an amendment that would propose to disallow the parking of RVs in any portion of a front yard.

EPC had concerns about this amendment at the hearing, whether the council was overreaching and what the impact could be on small properties, et cetera.

Two comments were submitted in support of passing this amendment, with some changes. The councilor who proposed this amendment realized after submittal that it did not quite do exactly what they wanted it to do.

So option one tracks with a request from the sponsoring city councilor to revise the amendment that would prohibit the RV, boat or trailer to be parked in the front yard if you are in a residential zone or MX-T with a residential use, while keeping the allowance to park it in the front of a property if that property is mixed use or nonresidential, with a nonresidential use.

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So the intent is to prohibit parking RVs in residential neighborhoods on residential lots. That's Option 1.

Option 2 is to delete the proposed amendment and to continue to allow the RV parking under our current rules. If it's in the front yard, it has to be perpendicular to the curb and set back at least 11 feet from the face of the curb.

There was some discussion in December about a permit process. Staff did not put forward a separate permit process because, quite frankly, that would be really messy, I think. And, you know --

**CHAIR SHAFFER:** Create more work?

**MR. VOS:** -- and RV is not really a use, the way we see it.

So, like, a conditional use -- and really, we don't want a permit process just where neighbors are going to fight over RVs or not. It's do we think RVs are appropriate in some front yards or not? And we can just make that by either adopting this or not adopting this.

**CHAIR SHAFFER:** So I had it written down as that this would be rewritten because it was unclear, and so this is the answer, is all right, here it is rewritten to clarify the intent?

**MR. VOS:** Yes.

**CHAIR SHAFFER:** So, Commissioners, Option 2 wasn't really one that we said. 1 is the clarify that we asked for. So what do you all think?

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** I think you said it right, Chair. Option 1 is the clarification that we asked for. Plus it has the input from the councilor.

**CHAIR SHAFFER:** So is everyone -- I mean, again, we can vote when -- let's not discuss it now. Let's just -- we'll discuss it when we go down the last. But so everyone is clear what those two options are. Okay. Got it.

**MR. VOS:** Two more city council amendments, Items 18 and 20.

Number 18 is a parking maximum within 330 feet of a transit facility. Transit facility definition is shown here.

And then to change the applicability requirements for landscaping, by lowering the thresholds, landscaping would be required for smaller projects or more frequently.

On the parking maximums, council staff had previously asked a condition to exempt park-and-ride facilities to match their original intent. And we have since received comment from the city's transit department generally supportive of parking maximums, but also requesting an additional exclusion for depots.

The transit department has two maintenance facilities that would fall under the transit facility definition, but there are not necessarily transit routes or service to or near those maintenance facilities.

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So Option 1 in Condition Number 12 would be to revise and adopt the amendment for parking maximums, excluding park-and-ride lots and depots, based on input from the sponsoring city councilor and the transit department that we received.

Or Option 2 is to delete the proposed amendment, which I think tracks with most public comment.

**CHAIR SHAFFER:** Well, I'll say that I think we'll give credit obviously to the sponsoring councilor and comments. But we had brought that up, as well, saying it didn't make any sense to have the amendment near park-and-ride lots. It was like, what's the point?

So, Commissioners, I think that we had that listed as a -- we had this as a no, but now the supporting councilor wants us to say, well, it should be yes because of the comments that came in.

Commissioner Meadows.

**COMMISSIONER MEADOWS:** This is one where I would support Option Number 1.

**CHAIR SHAFFER:** Okay. I think that was part of our issue, was it didn't make sense, and now maybe it does make more sense. But we'll table that till we get to that condition.

Thank you.

**MR. VOS:** Thanks. In addition to -- I'm going to get back to conditions relating to the landscaping applicability amendment from city council, and talk about quickly Item 57 as another landscaping change that was proposed by staff, sort of brought in the applicability of some standards and kind of regulates landscape a little bit better for our high desert environment.

We heard -- or you heard from Cheryl Somerfeldt, from the parks and recreation department, at your December hearing that supported these changes, with an amendment to Item Number 57 to delete a proposed subsection regarding warm season grasses.

So in Condition Number 13, we have an amendment or a condition that proposes to delete Items Number 20 and 21, while keeping Item 22, based on your feedback, and then amending Item 57 for the parks comments.

**CHAIR SHAFFER:** And, Commissioners, that's exactly what I've got written down. Does that track with what you all have?

**COMMISSIONER MACEACHEN:** Yes, it does.

**CHAIR SHAFFER:** Yeah, delete 20, 21, keep 22, amend per parks and rec's comments. So this tracks with what I have.

Thank you.

**MR. VOS:** Next items, Number 23 and 24 in the spreadsheet, are for front yard walls and fences to allow taller walls in the front. Those walls are set back from the property line and utilized view fencing above 3 feet and provide landscaping along the sidewalk.

Staff, based on your deliberation and public comment, has Condition Number 14 to delete the proposed amendments.

We also have a proposed finding that you may adopt advising the



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decision makers to not pursue taller front yard walls in future updates, that's Finding Number 25, since that was a topic of your discussion.

**CHAIR SHAFFER:** I think you'll make several hundred people pleased.

Anyone have any comments to that finding or that condition?

**COMMISSIONER EYSTER:** Eyster. Could we take just a minute, Chair, to look at Finding 25?

**CHAIR SHAFFER:** Well, I think that's it right there, right? Or you want to see --

**COMMISSIONER EYSTER:** I'd like to see exactly what it says.

The reason I ask that, Chair, is because I think we need to make it very clear we have a duty to the administration to help them understand this principle much better than they do, and we have a duty to the council, especially with new councilors, to help them understand it.

And I have -- I want to see Finding 25, but I have a simple phrase that we could add to Condition 14, which I think would get more traction than a finding.

**CHAIR SHAFFER:** Well, the Condition 14 deletes that entire amendment.

**COMMISSIONER EYSTER:** It does delete it. But we've deleted it two years in a row, and administration comes back with it again. So that hasn't worked.

**CHAIR SHAFFER:** Let's do this, because I don't want to -- we haven't made any changes yet. So that will be part of our discussion when we get to Condition 14.

**COMMISSIONER EYSTER:** Good.

**CHAIR SHAFFER:** We'll add in the 25 commentary there.

**COMMISSIONER EYSTER:** Perfect. Thank you, Chair.

**MR. VOS:** Chair Shaffer and Commissioners, I appreciate that. And we can discuss it more when we go through condition by condition.

And that may be a good time to hear from your council. I'm not sure it's appropriate for this commission to tie the hands of the city's ultimate planning and zoning authority by putting something in a condition that says that they shall not do something ever.

**CHAIR SHAFFER:** Yeah.

**COMMISSIONER EYSTER:** And, Chair, Mr. Vos, I would not do that.

**MR. VOS:** Okay.

**COMMISSIONER EYSTER:** I'm looking more at a strong statement, an educational statement.

**CHAIR SHAFFER:** Let's move on. We'll see what it says.

**MR. VOS:** Chair and Commissioner Eyster, I appreciate that. And

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I think educational statements and facts to provide are most appropriate in findings. And so we'll talk about that more later. Perhaps a finding and then tying your condition to that finding in the right way is the way to go about it.

**CHAIR SHAFFER:** That will give Commissioner Eyster plenty of time to stew on it until then.

**COMMISSIONER EYSTER:** Thank you, Chair. Thank you, Mr. Vos.

**CHAIR SHAFFER:** All right.

**MR. VOS:** Jumping ahead in the spreadsheet, because this exhibit affected multiple sections of the IDO, but it's mainly in our five development standards.

Item Number 57 is to replace the outdoor and site lighting section of the IDO in its entirety with new and updated rules. The commission was in support of these changes, as is the community, based on the discussion at the December hearing.

There were comments in December, making some very specific requests that -- to potentially change some of the --

**COMMISSIONER MACEACHEN:** Is this Item 56?

**MR. VOS:** 57.

**COMMISSIONER MACEACHEN:** 57, I've got landscaping standards.

**MR. VOS:** You are correct, it's 56.

**COMMISSIONER MACEACHEN:** Okay.

**MR. VOS:** That is a typo. Thank you for catching that, Commissioner MacEachen.

Item Number 56 for outdoor and site lighting, we had in December comments for specific changes. In general, the community is in support, the commission was in support. We sent public comments to our consult that we utilized to draft this section, (inaudible) and associates to review those comments.

Based on public comments and some additional feedback, we have several conditions, Numbers 23 through 27, that provide clarifications or slight improvements to these outdoor lighting rules highlighted here.

Clarifying, right now, near major public open space, there sort of says you can use Lighting Zone 0 or 1. But it's clearer for us to just say that you have a maximum, which would be lighting Zone 1, and it's always available to you to go to a lower lighting designation.

Based on public comment, to remove a prohibition on aerial lasers for educational purposes; to remove the preliminary correlated color temperature of lamps. Again, sort of leaving just maximum as the appropriate way to sort of a way of the regulate the light is a maximum. And if you're able to and want to go lower, you may.

Adding a definition of "Curfew" to point to outdoor lighting curfew. Deleting the definition for a word that isn't used in the section anymore. And slightly amending the definition for foot-candle.

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And then there's one regulation related to signage lighting that basically is stated twice. So we're requesting we delete one of those.

Item Number 25 in the spreadsheet from city council is an amendment --

**CHAIR SHAFFER:** I meant to say can you go back one. I apologize.

**MR. VOS:** Yeah.

**CHAIR SHAFFER:** So let's just clarify. So there was the Conditions 23 -- they're basically below those five items.

**MR. VOS:** Yeah.

**CHAIR SHAFFER:** They're 23, 24, 25, 26, 27, which all relate to Item Number 56?

**MR. VOS:** Correct. They're all related to 56.

**CHAIR SHAFFER:** So five conditions for Item 56. So, Commissioners, any heartburn to any of that? Because we had approved it as written. And then you're saying --

**MR. VOS:** Yeah, Chair Shaffer, these conditions you can probably put in the bucket of clarifications and improvements based on public comment and our consultant's knowledge -- our sort of best practice.

**CHAIR SHAFFER:** So the guy that we, as taxpayers paid to make sure they made the right recommendations made these recommendations?

**MR. VOS:** They reviewed them, and yes. And a letter from the consultant is in your packets.

**CHAIR SHAFFER:** Okay.

**MR. VOS:** Speaking as much.

**CHAIR SHAFFER:** Got it. Thank you.

**MR. VOS:** For Item Number 25 on the spreadsheet, a council amendment on building design for non-industrial development in industrial zones and for industrial development in any zone district.

There was public comment in December stating that a developer specifically was in support of actually applying these standards to developments, with adjustments. Council staff, in December, said that the councilor was amenable to those.

So what's proposed in Condition Number 15 is that win/win adjustment that we think to the design standards, where hopefully everyone is happy with what comes out of this, based on the feedback we received.

**CHAIR SHAFFER:** So these changes, Mr. Vos, this is -- so we had approved "as is," but this is further clarifications based on the public comments?

**MR. VOS:** Chair Shaffer and Commissioners, that's correct.

There was a comment requesting to change the frequency from 75 feet to 150, and allow for vertical projections in addition to

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horizontal. So you see all of the references to 75 going to 150. And then the 20 percent of the height is how we would get to the allowance that you can provide vertical features on the height of the facade, versus just across the horizontal with the facade.

This proposed condition came from city council staff in response to public comment.

**CHAIR SHAFFER:** I have this written down as this came -- yeah, the original request of this came as, you know, a council amendment. And Ms. Schultz had some commentary.

And I had written down "150 request from public comment." So this is -- all the stuff I have written down looks like that's what got amended and put in.

**MR. VOS:** That's correct.

**CHAIR SHAFFER:** Not that you know what I wrote down, but --

**MR. VOS:** I mean, yeah. Well, I wrote down based on what was said that you were writing down.

**CHAIR SHAFFER:** Got it. Okay. Thank you.

**MR. VOS:** Now moving into Part 6 of the IDO, our procedures section.

There was a lot of public comment about proposed Item 29 for pre-submittal neighborhood meetings; Item Number 32 for public notice, neighborhood associations; and Item Number 36, for post-submittal facilitated meetings.

These changes all sort of do the same thing, which is change when an association is supposed to be notified of a project from when the project is within or adjacent to the neighborhood association's boundaries, to it being within 330 feet of that association.

A request was made to show some examples of sort of what that means. These examples are in our staff report.

On the left, there is a zone change that you heard a few months ago near Mountain and 20th that only had to notify the Sawmill Neighborhood Association because it was only within or adjacent to that one neighborhood association.

The 330 buffer would have added the historic Old Town association and the Downtown Neighborhood Association, providing some additional neighbors that would have been required to be notified.

Another example at Carlisle and I-40. This site, as you may well be aware is being redeveloped for a new Whole Foods and American Home Furniture. The Altura neighborhoods and the -- I forget which association is at the Southwest corner of Carlisle and Indian School, were the two applicable associations when this went through our processes several years ago.

They would continue to be notified under the 330 feet requirement. But as you note in sort of the upper left of this bubble around the property, it just hits the Netherwood Park Association, so that's a third association that was not required to be notified that would be added with this change.

**CHAIR SHAFFER:** So can you go back? I mean, you can look at that

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one there, too, but this is what we were asking for, was a literal depiction of what 330 feet meant.

And so what you're saying is, and that was one of my questions, was that upper left, Netherwood Park, very, very, very, very, very, very, very corner, it's getting touched, so now everybody within that neighborhood association becomes a party to notification; is that correct?

**MR. VOS:** The neighborhood association -- the two contacts that the city has on file --

**CHAIR SHAFFER:** Okay. Yeah.

**MR. VOS:** -- for the neighborhood and then that they, in turn, can notify their entire membership.

**CHAIR SHAFFER:** Got it. So since it's touched within that 330 feet, that triggers the requirement not necessarily because it -- a home within Netherwood Association was not within 330 feet?

**MR. VOS:** That's correct.

**CHAIR SHAFFER:** Okay.

Counsel Myers, you popped on. Did you want to tell me to not say that?

**MR. MYERS:** No. I agree with you. I think that's exactly right. (Inaudible).

**CHAIR SHAFFER:** Okay. Thank you.

**MR. VOS:** And, I mean, just to also show that this -- it was commented that in some instances, your interstates, very, very, very wide roads may be too wide for them to pick up, for you to pick up an association on the other side.

On the left here is a property at 4th Street and Interstate 40. Recently, in 2019-ish, had a conditional use and a site plan approval through the city's processes. At the time, for including or adjacent, the near North Valley and Wells Park were notified. Wells Park is across the interstate highway.

The 330 feet distance that's shown by this blue blob does not quite reach all the way across the interstate. So if they were to -- if they had to -- if they were starting -- you know, if this were to be amended and then they started this with the new change, only the near North Valley Neighborhood and North Valley Coalition would be notified. Wells Park would not be notified by the applicant or be required to be notified by the applicant.

On the other side of the screen, on the right, is another property at Coors and I-40. The 330-foot here does reach across the Coors Boulevard right-of-way and pick up the SR Marmon Neighborhood. And part of this, I think, is how associations work with ONC to set up what their association boundaries are.

The West Mesa Neighborhood Association, which is the orange on the bottom of this Coors and I-40 image, their boundary, according to our mapping, extends into the interstate right-of-way.

On the east side of the city, a lot of neighborhood associations' boundaries go straight in the centerline of the road. So, you know, the university neighborhoods extend to the middle of



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Girard, and then Nob Hill to the east of them also extends in the middle of Girard.

So if you mapped that to the middle of rights-of-way also kind of helps reduce the distance that you would need to hit that association in those large right-of-way instances.

The last example that was in the staff report is a project that just broke ground near Paseo del Norte and Woodmont, in the Northwest part of town. And the Valle Prado Neighborhood Association is within that 330-foot distance and would get picked up. And therefore, the West Side Coalition would continue to be notified of that if development in a similar situation.

There are still -- you know, there's -- as described, this could add neighborhoods, this could take away some neighborhoods, depending on individual circumstances of where properties are situated. So there are still comments that were submitted in your 48-hour packet that are in opposition.

Staff has a condition proposed that applies equally to Items 29, 32 and 36 to either adopt this change to go to 330 feet or to delete the amendment.

**CHAIR SHAFFER:** Thank you, Mr. Vos for all those examples. That's exactly what everyone was asking for. And I think it kind of shows that -- I don't know, it -- you'd have to put up 25 examples, I guess, instead of six. But the majority of the time, it's meeting the intent. It's just one time it didn't. That's a good point on the boundary lines that are put on file with ONC.

I'm actually dealing that on a neighborhood association issue I've got for ours up in the Uptown area, where whoever filed it years and years and years ago picked the wrong side of the street. So then the other people next door can't do their boundary where it should go, because someone else has claimed that part of the street. So there is some boundary issues on file with ONC. So that's another topic for another day.

Commissioners, any questions in regard to this? And we'll hear public comment and their stuff in the 48-hour rule, 48-hour material. But there's the two options.

Commissioner Stetson.

**COMMISSIONER STETSON:** I'm just against any changes that reduce notice distances to the neighborhoods.

I might suggest this, though. That all has to do with the challenges with the narrow ordinance, where a number of neighborhood associations are finding themselves not recognized and therefore, won't be notified.

Perhaps this might be a place to make the suggestion, that the coalitions -- that ONC makes sure that all the coalitions-- any development in a coalition area be notified such that those coalitions could notify neighborhoods that might not be recognized or working through that challenge.

**CHAIR SHAFFER:** Well, the issue becomes in standing, is because certain -- let's say in a coalition, let's just say it's the West Side Coalition and they notify four other neighborhood associations that aren't actually affected by that property. Those neighborhood associations actually wouldn't have standing, according to our rules. But I understand what you're saying.

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I don't think that they want to delete or restrict notification. This is just clarification for -- I think trying to simplify clarification. But noted for sure.

We'll revisit this when we get up to the Condition 16. And noting that it applies to 29, 32 and 36.

**MR. VOS:** The next items to look at are Items 33 and 34, which are mailed notice to property owners for small area text amendments to the IDO and generally mailed notice to property owners for development projects.

This proposed change to reduce the adjacency requirement down to the 100-foot minimum required, based on public comment and feedback, I guess I don't have a slide in here. You might see this in a couple slides.

There is a condition proposed that would delete these two, 33 and 34, as it would reduce the number of property owners receiving mailed notice of these applications.

**CHAIR SHAFFER:** And 33 and 34, we had in our notes as deleted. So that tracks.

**MR. VOS:** Item Number 37 is regarding standing based on proximity for neighborhood associations. This change does essentially the same thing for neighborhood associations, to replace "includes or is adjacent" with the 330-foot distance to match with the change to pre-submittal meetings, post-submittal meetings and neighborhood association notices.

It also reduces the distance in Table 6-4-2 for some types of applications from 660 feet down to 330 feet. So it does a little bit of the replacement of the other types, and then also in some distances, reduces the distance for appeal standing to create a more consistent, across-the-board applicability of when a neighborhood association -- if you get notice, you should have standing.

The 660 feet, the way it's written now, it's possible that a neighborhood association does not get a notification. A developer is not even required to send them notification, but they still have automatic standing to file an appeal of that project. So the change to reduce would make it the standing tied strictly to your notifications.

Here's where I mentioned Condition Number 17 is what deletes the mailed notice changes, 33 and 34. And then Condition Number 18 is regarding the appeals.

We are proposing -- or we presented three options. One is to adopt the changes as written, which would replace both the "includes or is adjacent," and the 660 feet in the table with the consistent 330-foot measurement.

Option 2 would apply the 330 feet only to those currently listed as includes or is adjacent. But leaving the 660 foot distance alone, this is a compromise and sort of -- if we think the 330 feet sufficiently addresses the "includes or adjacent," you can make that change, but not touch the 660 and reduce that standing in the table.

Or Option Number 3, is to delete this proposed amendment altogether.

**CHAIR SHAFFER:** So I had -- this is one we had to get really nice

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and confusing on. 30 was okay. 32 depended on where the other ones went. 32, 33 and 34 were okay. And then I wrote "N/A" on 36 and 37 because we were waiting for all the clarifications. There was no vote on those.

So when you're saying Option -- let's look at -- Condition Number 17, deletes 33 and 34, and Condition Number 18 actually has three options, which, if you --

**MR. VOS:** Yeah, and to be clear, Condition 18 is for Item Number 37.

**CHAIR SHAFFER:** Okay. So 18 is only for 37?

**MR. VOS:** Yes.

**CHAIR SHAFFER:** What happens with 36, 32 and 30? That was on the previous one, right?

**MR. VOS:** That was the previous condition to adopt or not adopt the 330-foot.

**CHAIR SHAFFER:** Okay. Got it.

Commissioners, anyone need any clarifications on this one?

Okay. Well, let's move on.

**MR. VOS:** Jumping ahead in that order here, I guess, again, Item Number 58 is a council amendment for tribal engagement, which proposes to require that final entities or representatives be considered as commenting agencies for development in certain locations.

Those locations are listed here, noting that Number 5 on the list is a separate application that you'll hear next week.

And we have a condition proposed to remove Item Number 4 because it is already covered by Item Number 3 on this list.

As mentioned in December, the Pueblo of Laguna submitted comments in support of these goals, along with several other public commenters, supporting this change for tribal engagement.

Pueblo of Laguna had some specific comments to extend the proposed distance from 660 feet to a mile, extending the notice to the Coors character view protection overlays and then supplementing notice by providing, like, a designated employee to receive the referral.

For the Coors Boulevard CPO, that would be a small area application, so we can't make a change regarding that at this point in time without a separate application and lots of public comment.

We are proposing a condition to allow the tribes to supplement their notice with an additional designated employee.

And should you choose, when you get to the conditions, discussions or in a little bit, want to discuss options on the 660-foot distance to one mile comment, we can have that conversation.

And also, Mikaela Renz-Whitmore has worked significantly with council staff on this amendment and can answer any questions you may have.

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So in the staff report, right now, there are four conditions related to Item Number 58. Those are 28 through 31.

Number 28 revises the definition of "Indian Nations Tribes Or Pueblos." This responds to that allowing that designee comment from the Laguna Pueblo.

Number 29 is a fairly extensive comment or condition for a pre-submittal meeting process with tribal entities. This is in response to sort of comments that were received that the 15 days for a referral as a commenting agency after an application is submitted is sort of too fast to properly review for these tribes and sort of putting an applicant -- kind of like a pre-submittal meeting for neighborhood associations. An applicant could talk to the tribes ahead of making an application and to get out in front of that review and engagement with the tribal entities.

Condition Number 30 strikes the Albuquerque Indian School area from the proposed exhibit, since that is already covered by the tribal lands definition.

And then, Condition Number 31, we are proposing to delete a subsection and then revise another. Sort of essentially what we're proposing is to move the Petroglyph National Monument as sort of a separate bullet item on the list. I'll go back a couple slides.

So instead of having Item Number 1 on this list of -- separate from Item Number 2, we would merge them into a single item because all of Petroglyph National Monument is considered major public open space. So combining things to sort of simplify the structure of the amendment.

And I'll pause there.

**CHAIR SHAFFER:** Any questions or comments on these four conditions now that will affect one item?

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** Thank you, Chair.

Mr. Vos, before I ask my question, I think you and all staff have done an awesome job on this. It's amazing.

On Condition 29, there are about seven applications that would add a column for tribal pre-submittal meetings. So things like zone map amendment EPC, that means that we would add that process to the pre-submittal activities of a zone map amendment that we looked at, as long as it's in these locations, even if it's in the middle of the city?

**MR. VOS:** Chair Shaffer and Commissioner Eyster, I think that is correct. In that pre-submittal process, just like when someone has to operate a pre-submittal neighborhood meeting, they offer it, there's steps that they go through. And if they hold a meeting, a copy of the notes from that meeting is submitted to you all with their application materials for consideration in the process.

And I guess I would invite Ms. Renz-Whitmore to chime in, and she's much more well versed in this tribal engagement amendment, to see if there's anything else that you would like to add for

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that.

**CHAIR SHAFFER:** Ms. Renz-Whitmore. Okay.

**COMMISSIONER EYSTER:** If she's off the Zoom for a moment, there's another request, subdivision of land minor. How small of a project could that be? Like splitting a lot into two?

**MR. VOS:** Chair Shaffer and Commissioner Eyster, splitting a lot into two would be considered a minor subdivision if there was no public infrastructure.

Basically any platting action, subdivision of land major and subdivision of land minor are both on the list. So any platting action that goes to the development hearing officer would be required to have that meeting.

**COMMISSIONER EYSTER:** Thank you.

**MR. VOS:** And I might add, I believe the wording has been drafted that you only need to offer it at the first step in your development process. So if the first thing you do is a zone map amendment, you talk to the tribal entities and then continue forward, get your zone map amendment, and then you need to come back and then get a subdivision or then get a site plan.

You don't need to off the tribal engagement pre-submittal meeting at every single step multiple times.

**COMMISSIONER EYSTER:** How do you accomplish that tribal notification?

**MR. VOS:** Chair Shaffer and Commissioner Eyster, the city's office of Native American affairs has a list of all of the tribal entities in New Mexico and contacts for each of those, and so we would be utilizing that list of contacts to send notifications out to.

**COMMISSIONER EYSTER:** And is that a mailed notice or e-mail?

**MS. RENZ-WHITMORE:** If they provide e-mail, Chair and Commissioners, then you can e-mail it. Otherwise, you have to do certified mail.

**COMMISSIONER EYSTER:** Thank you.

**MS. RENZ-WHITMORE:** Mm-hmm.

**CHAIR SHAFFER:** All right. No other comments on this?

Well, obviously, we'll revisit when we get to them again. But all good. Okay.

**MS. MORRIS:** Chair Shaffer, sorry. This is Petra. I think Commissioner Eyster had asked if this would apply citywide for the pre-submittal meeting. And I wasn't sure if that had got answered.

**CHAIR SHAFFER:** Okay. Commissioner Eyster is shaking his head, but I don't know if that means he didn't get an answer.

**COMMISSIONER EYSTER:** I'd like to hear that, yes, Chair.

**MS. RENZ-WHITMORE:** Sure. Chair, Commissioners, it would be for the same geographies as the referrals. So it would be within the 660 feet of major public open space, 660 feet of tribal land, and



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anything within the Northwest Mesa view protection overlay.

**COMMISSIONER EYSTER:** Beautiful. Thank you.

**CHAIR SHAFFER:** Thank you. Okay. Thank you, Ms. Morris.

Mr. Vos, on to the next.

**MR. VOS:** All right. Thank you, Chair and Commissioners. Moving on from our procedures sections to our definitions, there are several minor changes to definitions for community residential facility and group home, also for nursing home and overnight shelter, to make them more consistent and parallel.

And we had a clarifying condition that was discussed for community and residential facilities that responds to public comment. That's Condition Number 20. It has this sort of additional language about community residential facilities, not including facilities for persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program, and facilities for individuals in the criminal justice system for residential facilities to divert persons from the criminal justice testimony, which are regulated as group homes.

**CHAIR SHAFFER:** Okay. Because that what I had on my notes, was we were going to hear a new version of what the proposal was. So this is a condition that modifies the proposal.

**MR. VOS:** That is correct.

**CHAIR SHAFFER:** Okay. Commissioners?

Okay. We'll get public comment and we will move on from there.

**MR. VOS:** Moving on to the next item, definition item, that had a comment from December. It's Item Number 52 for sensitive lands, a large stand of mature trees. Change sort of how we determine what that large stand is.

Based on the feedback, we have Condition Number 21 to adopt Item 52 by striking the "ten years old" language, since the age of the tree, can't really definitively know without cutting the tree down. And we're trying to avoid cutting the tree down.

**CHAIR SHAFFER:** So yeah, that tracks. We were confused by the language, so this clarifies it. Is everyone okay?

Okay.

**MR. VOS:** And then, lastly, staff identified two new amendments in our December presentation for changes to definitions for your consideration for today. A change to the definition of "Adjacent" to exclude properties of opposite corners of an intersection diagonally. It would be revised if you accept Condition Number 32.

This is proposed to be revised in response to a district court decision. And I'll note that at least two public comments were submitted in opposition to this change based on project appeals that referenced the district court decision is related to.

And then the other new change which would be added to the annual update, if you accept Condition Number 33, is to change the definition for "Street-Facing Facade" to make it less about how close something is to a property line but more about the

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visibility of that structure to a property line, which impacts how we applied building design standards.

Large buildings, even if they might be set back a little ways, have an impact on the street and the attractiveness of our streetscapes. And so this change kind of allows to make those larger buildings that might be set back further still need to add some architectural interest through our development process.

**CHAIR SHAFFER:** Will you go back? Okay. Thank you.

**MR. VOS:** And then, the last item, based on your discussion from different public comments, there was some discussion about our IDO annual update process. So staff has drafted a condition for your consideration that would propose or recommend to city council to a change from an annual update cycle to the IDO to a biannual update. So we do this every two years ago instead of every year.

This proposed condition would make those cycles happen in odd numbered years, which would alternate the IDO annual update with the city's capital improvements program bond hearings that you also hear every other year.

We are also proposing to move our first hearings for this planning commission up from December to October. So potentially avoiding the holidays with this commission. If we start in October, you have a second hearing in December, even a third hearing at the beginning of December. Hopefully we're done and we're forwarding it to city council over the holidays. And then they would pick it up following the holidays, and avoid review during that busy holiday time.

**CHAIR SHAFFER:** Well, and I would also throw in there, this does what we asked, which was staggers everything, gives staff a break, gives everybody a break, gives more public comment, gives more input.

It also then doesn't do what we're having right now, which is a swap-over of commissioners that are coming and going. We're able to maintain. So I think this literally accomplishes every single one of the -- I wouldn't say complaints, but the suggestions to make this better.

So any commissioners have any issues with how this is written?

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** Chair, I would reinforce that. And I would also add the idea that this offers the potential to kind of smooth out the workload for this commission. And I like the idea about alternating with the capital improvements program for that reason.

**CHAIR SHAFFER:** Yeah, I think gets implied, Commissioner Eyster. I mean, the end result would be that. Since this is a condition, I don't know -- that that sounds more like a finding. But yeah, this is a condition. So I think that this -- this achieves what you're saying. It does it for both. Because you would actually say the same thing, it also streamlines and affords staff that same opportunity.

**COMMISSIONER EYSTER:** You bet.

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**CHAIR SHAFFER:** So I'm good with all those. I'm good with how that's written.

Anyone else have any -- oh, sorry. Go right ahead.

**MR. VOS:** Chair and Commissioners, with that, I have nothing further in my presentation at this time. So look forward to hearing the public comment and discussion, and we'll move into the conditions themselves afterwards.

**CHAIR SHAFFER:** Okay. All right.

Well let's move on to public comment, Mr. Salas.

**MR. SALAS:** Yes, Chair and Commissioners. The first speaker is going to be Dan Rich. If you're still on, Mr. Rich.

If anybody wishes to speak, please raise your virtual hand.

I don't believe Mr. Rich is on anymore.

The next speaker is going to be Jane Baechle.

**CHAIR SHAFFER:** Ms. Baechle, hello.

**MS. BAECHLE:** I'm sorry.

**CHAIR SHAFFER:** No, you're good. We can hear you.

So, you need to see your name and address for the record, please.

**MS. BAECHLE:** Yes, it's Jane Baechle, and I reside at 7021 Lamar Avenue, Northwest.

**CHAIR SHAFFER:** And do you swear to tell the truth under penalty of perjury?

**MS. BAECHLE:** I do.

**CHAIR SHAFFER:** All right, you may proceed.

**MS. BAECHLE:** Thank you.

So I'm speaking primarily on behalf of the Santa Fe Village Neighborhood Association. And I want to say that these comments are consistent with the written comments we previously submitted and appended to the staff report.

First, we oppose all changes to notice or standing which removes either of those from any property owner or neighborhood association who currently has them.

We also oppose defining "Adjacent" to specifically include property located diagonally across the street, a definition which removes stakeholders with clear potential interest and harm.

We still oppose the dwelling live/work because it does not yet adequately address our concerns regarding their impact on residential areas, especially where any use would involve the service or sale or handling of food.

We support tribal engagement, including adding them as commenting agencies, assuring they're notified of archaeologic findings, and allowing adequate time to effectively participate in the developmental process.

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And finally, we wholeheartedly support changing the IDO review to a biannual, including the outlying provisions submitted this afternoon.

And we request your support and thank you for your time and attention.

**CHAIR SHAFFER:** Thank you, Ms. Baechle. Appreciate that.

Commissioners, any questions?

Okay. Mr. Salas, next.

**MR. SALAS:** Yes, Chair and Commissioners. The next speaker is going to be Elizabeth Haley.

**CHAIR SHAFFER:** Ms. Haley, I see you. Well, I don't see you, but... We don't see or hear you, Ms. Haley. We can come right -- oh, there we are. I see you now. I'm clicking on "ask to unmute," so we'll get you there. There we are.

**MS. HALEY:** Sorry, Zoom was not cooperating.

**CHAIR SHAFFER:** Good morning or good afternoon. Please state your name and address for the record.

**MS. HALEY:** My name is Elizabeth Haley. I'm the president of WSCONA. My address is 6005 Chaparral Circle, Northwest, Albuquerque.

**CHAIR SHAFFER:** And do you swear to tell the truth under penalty of perjury?

**MS. HALEY:** I do.

**CHAIR SHAFFER:** You may proceed. Oh, go right ahead. Sorry.

**MS. HALEY:** We have a later speaker who will take the five minutes for WSCONA.

I just have a comment that I, I wanted to talk about and that is the "Adjacency" definition. I think part of the problem with both with both notification and adjacency is these terms are defined under the New Mexico State Zoning Statute and case law. So they have a commonality across all jurisdictions. And to have them individualized is problematic. And there are unintended consequences.

The case that is now in district court I don't want to go into it to any extent because it is quasi-judicial. But I do want to say that in that case, this redefinition of adjacency, especially as it is catty-cornering, would keep things out of the EPC that would automatically be there because of their proximity to public open space.

There are a lot of unintended consequences that aren't clearly identified in the staff report. And for that reason, I think that that you should deny Number 32, which deals with adjacency, and all of those that actually deal with notification. Because many conditions and situations simply aren't covered.

Thank you.

**CHAIR SHAFFER:** Thank you. We appreciate that.

Anyone have any questions for Ms. Haley?

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Okay. Mr. Salas.

**MR. SALAS:** Yes, Chair. The next speaker is going to be Loretta, Naranjo Lopez.

**CHAIR SHAFFER:** Ms. Naranjo Lopez. Hello, and you actually were sworn in last one, so you are good to go. Except we can't hear you. Hold on, I just hit "ask to unmute," so let's see if he pops up, there you go.

**MS. NARANJO LOPEZ:** Thank you. My name is Loretta Naranjo Lopez, and I'm representing the Historic Neighborhood Alliance. Thank you, Chair and Commissioners, for this time.

We approve and support Item 8. And I'm just going to go -- I'm not going to go into them. 14, 16, 21, 22, 26, 27, 40, 41, 43, 44, 45, 46, 52, 53, 54.

We oppose 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 15, 17, 18, 19, 20, 23, 25, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39 --

**COMMISSIONER HOLLINGER:** Chair.

**MS. NARANJO LOPEZ:** -- (inaudible) 40, 59, 60.

**CHAIR SHAFFER:** Hold on.

**MS. NARANJO LOPEZ:** This is a letter that we submitted on January 9th. And we would like to thank Patty Wilson and the group from ICC for really working diligently on these items and helping us get through them, because it's very difficult.

We want to just say that the conditions that you have went thoroughly through, we support you, we thank you for looking at these very carefully.

Our letter just states what we're saying on the conditions. And I'm not going to go through them, but I just want to say that we continue to ask for the protection of the historic neighborhoods through historic overlay zone. And the HNARA report commissioned by the HNDEF and mayor's office clearly talks about the displacement of our neighborhoods based on the planned development for the downtown area.

Our neighborhoods are up for grabs by investors, and there's a threat of historic neighborhoods going away over time due to the commercial developments.

So we are very concerned about this and we ask for your support in protecting our neighborhoods.

And thank you for all your work that you do. We appreciate it. Thanks.

**CHAIR SHAFFER:** Thank you, Ms. Naranjo Lopez.

And, Commissioner Hollinger, I know you were going to ask her to slow down. But, actually, that letter is part of the 48-hour rule.

My question was more of, did she support the conditions, because there are a bunch of those deletions in there, and she said yes. So that was good to hear.

Mr. Salas, who's next?



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**MR. SALAS:** Yes, Chair and Commissioners, the next speaker is going to be Rachel Walker.

**CHAIR SHAFFER:** Ms. Walker, hello.

**MS. WALKER:**

**CHAIR SHAFFER:** Would you mind stating your name and address for the record, please.

**MS. WALKER:** My name is Rachel Walker, and my address is 1780, Hughes Landing Boulevard, the Woodlands, Texas.

**CHAIR SHAFFER:** Okay. Would you raise your hand, swear to tell the truth under penalty of perjury?

**MS. WALKER:** I swear to tell the truth.

**CHAIR SHAFFER:** All right. You may proceed.

**MS. WALKER:** Thank you.

Hi. My name is Rachel Walker, and I'm the senior permitting manager at Oso Negro Energy Storage, LLC, which does business with Plus Power, which is a developer, operator and owner of battery energy storage systems.

And I thank you for the opportunity to provide some brief comments regarding the proposed IDO 2023 amendments related to Battery Energy Storage.

Plus Power has provided two sets of comments, one on the 27th of November last year in advance of last month's meeting, and then also on January 8th of this year.

And additionally, based on last month's hearing, the EPC directed staff to engage the stakeholders, and Plus Power provided comments, but is and is also therefore a stakeholder, but wasn't invited to the stakeholder meeting. So I wanted to note that.

Our comments today specifically relate to Item Number 6, regarding electric utilities, which talk about setbacks and wall height for battery energy storage systems.

And for the reasons I'm about to provide, we respectfully request that these proposed amendments be removed from consideration, with a finding that staff continue to explore appropriate regulations for battery energy storage systems. In other words --

**CHAIR SHAFFER:** Just real quick, did you see that condition that says exactly that?

**MS. WALKER:** Yes. So we're asking that you amend Condition Number 22 to remove Item Number 6, which doesn't have that right now, and not adopt Item Number 6 related to electric utility setbacks.

So we make this request because battery energy storage systems are going to be critical to the City of Albuquerque. And there are many benefits, including grid stability and energy stability and recovery from blackouts.

And if these changes are not made, it could prevent us from building our project. I just want to make that very clear.

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And as a developer of one of the largest battery energy storage systems, we're very concerned about this.

Therefore, we agree with staff recommendations to pause before proceeding to allow for continued conversations, which would lead to appropriate regulations for battery energy storage that keep both the community safe and ensure electric reliability. This will include regulations that follow national fire protection standards for safety -- for setbacks, excuse me, such as NFPA 855. NFPA 855 includes recommendations for setbacks.

Thank you.

**CHAIR SHAFFER:** Thank you, Ms. Walker.

All right. Commissioners, any questions?

**COMMISSIONER EYSTER:** Eyster.

**COMMISSIONER EYSTER:** Thanks, Chair.

Condition 22 does remove Item 55. So I think you're good with that, Ms. Walker.

**MS. WALKER:** No, I -- oh, sorry, I don't mean to interrupt you. Go ahead.

**COMMISSIONER EYSTER:** Was I right, you're good with Condition 22?

**MS. WALKER:** Yes.

**COMMISSIONER EYSTER:** What about --

**MS. WALKER:** No, no.

**COMMISSIONER EYSTER:** -- Item 6? Okay. You go ahead.

**MS. WALKER:** I'm sorry. It's confusing, and I apologize.

Item 22, Condition 22, should include a proposal to remove Item 6.

Right now it includes removing Item 55, and we like that. But we would like you to also remove Item 5; in other words, all the discussion about battery energy storage, that there's time to discuss this in the future.

**CHAIR SHAFFER:** I believe that was an option. Was that right, Mr. Vos, on Number 22?

**MR. VOS:** Chair and Commissioners, we talked about that as an option. It's not written that way in your report right now. Condition 22 right now is written only for Item 55. I think it's 55.

But Item Number 6, as I mentioned in my presentation, Plus Power did submit comments. And should you want to amend Condition Number 22 to sort of defer both 6 and 55, that would be in your purview. But it's not written right now.

**CHAIR SHAFFER:** Understood.

And so, Ms. Walker, that's what you're supporting?

**MS. WALKER:** That's what we're supporting.

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**CHAIR SHAFFER:** Thank you.

**MS. WALKER:** Yes.

**CHAIR SHAFFER:** All right. Mr. Salas, who's next?

**MR. SALAS:** Yes, Chair. The next speaker is going to be Jim Strozier.

**CHAIR SHAFFER:** Who?

Oh, Mr. Strozier. Sorry. Mr. Strozier, welcome. Can't hear you. I guess we've got to click always to ask since this doesn't work anymore.

**MR. STROZIER:** All right.

**CHAIR SHAFFER:** There you go.

**MR. STROZIER:** Okay. I was trying to do it a different way. Thank you, Mr. Chairman.

**CHAIR SHAFFER:** Address for the record, sir.

**MR. STROZIER:** Jim Strozier, 302 8th Street, Northwest, 87102. And I swear to tell the truth.

**CHAIR SHAFFER:** Penalty of perjury. You may proceed, sir.

**MR. STROZIER:** All right, thank you.

I appreciate all the work the commission has done on all these amendments, as well as staff. And I am really just here to reiterate Ms. Walker's request from Plus Power and the Oso Negro Battery Storage Project.

And it seems like when we first saw the amendment that all of the discussion related to battery storage was going to get removed and further discussion was needed and work on those amendments.

But as was pointed out, the current condition removes Item 55 but doesn't remove Item Number 6. And we would respectfully request that Item 5 also be removed as part of that condition, so that we can deal with all of these issues related to battery storage and the technology associated with that and the fire safety issues all at once.

So that would be our request. And I'd just like to support Ms. Walker's comments on that

And appreciate everybody's time.

And I would also just reiterate that battery storage as part of the transition to clean energy is critical. And so making sure that we don't do something, an unintended consequence that would make it harder to do those projects or to add additional burden on doing those projects that isn't supported by the science and the work that's being done on the fire safety side of it might be detrimental.

And so just urging a little caution in bringing all of those regulations into one future conversation so we make sure we get it right. So thank you.

**CHAIR SHAFFER:** Thank you, Mr. Strozier. That's literally our

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goal. And as a matter of fact, that almost says word for word what our goal was. And the other small area rule is get it all right as best we can the first time.

So thank you.

Commissioners, any questions?

Okay. Mr. Salas, who's next?

**MR. SALAS:** The next speaker is going to be Meredith Paxton.

**CHAIR SHAFFER:** Ms. Paxton, hi. State your name and address for the record, please. Oh boy, we can't hear your. I think you're on AOL.

**MS. PAXTON:** How's that?

**CHAIR SHAFFER:** That's probably better.

**MS. PAXTON:** Okay.

**CHAIR SHAFFER:** Say your name and address for the record. You've got a really, really bad connection.

**MS. PAXTON:** How's that?

**CHAIR SHAFFER:** That part's better, but I don't know if it's going to help the connection piece, but give it a shot.

**MS. PAXTON:** Okay. I'm a resident of Spruce Park (inaudible), 1603 Roma Avenue. I was never informed that a stakeholder meeting was being held.

**CHAIR SHAFFER:** Ms. Paxton, we're getting every other word you're saying. Yeah, it's not the microphone. It's the connection that you've got. The internet connection is really bad.

**MS. PAXTON:** Suppose I will leave you and come back. I'll try to logging out.

**CHAIR SHAFFER:** Let's try that and let's try to come back in. That works. Thank you for doing that.

All right. So, Mr. Salas, who's next?

**MR. SALAS:** Yes, Chair. The next speaker is going to be Patricia Wilson.

**CHAIR SHAFFER:** Hello, Ms. Wilson.

**MS. WILSON:** Hi. How are you?

**CHAIR SHAFFER:** Good. You've already been sworn in, so you go right ahead.

**MS. WILSON:** Thank you, Commissioners.

I want to thank Commissioner Stetson for his comments regarding the NARO and issues about notification of recognized neighborhood associations and unrecognized neighborhood associations.

In my 48-hour material, I did some math that showed you all what a tiny percentage of the population actually gets developer notifications.

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And while I appreciate Commissioner Stetson's discussion about the coalitions providing the information to all the neighborhoods in that area, I just want to remind everybody that we're volunteers and it's exhausting.

And I am so grateful that the amendment about biannual has gotten traction. And my goal was to reduce the frequency of these hearings, and now I'm going to work on reducing the number of amendments.

So I thank you for all your work. And, Chair Shaffer, I'm going to miss you on this committee. Thank you.

**CHAIR SHAFFER:** Thank you. I really appreciate that. My best.

All right. Anyone else want to let her keep talking?

**COMMISSIONER EYSTER:** Eyster. Could I ask her a question?

**CHAIR SHAFFER:** Yes, sir, Commissioner Eyster.

**COMMISSIONER EYSTER:** Thank you, Chair.

Ms. Wilson, thank you for speaking to us today.

I'm wondering about on the notification process, is there something that could be done there that would make that more attractive to you as a neighborhood leader, something about the distances. We've heard about the catty-corner. Are some of those important that we could consider?

**MS. WILSON:** Absolutely. And just as a reminder, the block I live on in, near the university, that block is 600 feet long. So if the notification distance were 100 feet or 330 feet, I wouldn't even know about something in the next block.

As someone who is proactive, I would be okay with just knowing what GIS map to be able to go to to look at developer applications. I can go to the DMD map and see if there's any road work in my neighborhood. I get an e-mail every morning from crime mapping.com showing everything I've asked to be identified in a one-mile radius from my house.

So I've been arguing with council members for many years about an opt-in system and expanding -- not necessarily expanding notification, but making information available to those zoning nerds of us that are interested in looking it up.

But thank you for your question, Commissioner Eyster.

**COMMISSIONER EYSTER:** Thanks. That's helpful to me. And thank you and so many people like you, who devote so much of your expertise, volunteer to make our city better. We appreciate you.

**CHAIR SHAFFER:** Thank you, Commissioner Eyster.

And that's a great point, that there's literally notifications for everything on a just through e-mail basis. And something to consider.

All right, Mr. Salas, who's next?

**MR. SALAS:** Yes, Chair and Commissioners. We have Meredith Paxton back on.

**CHAIR SHAFFER:** Oh, Ms. Paston, let's see if we got you better



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now.

**MS. PAXTON:** Let's hope.

**CHAIR SHAFFER:** Oh, that sounds better.

**MS. PAXTON:** All right.

**CHAIR SHAFFER:** All right. So real quick, we have to swear you in still, because we weren't able to. So your name and address for the record.

**MS. PAXTON:** Okay. 1603 (inaudible). I swear to (inaudible). Is that it?

**CHAIR SHAFFER:** Give it your best shot.

**MS. PAXTON:** All right. I'm a resident of Spruce Park National Historic Neighborhood. And by the way, I was never advised that there was a meeting of stakeholders.

I am here primarily to support the (inaudible) of Items 10 and 13 and also Item 12.

Focusing on 10 and 13, I am concerned that by increasing density in existing single-family homes, the IDO could be creating more housing but making home ownership out of the reach of residents of moderate means.

A cautionary example is what happened in the Los Angeles community of Silver Lake, where lower-level employees in the movie industry once lived.

An actor recently competed with 33 developers for the purchase of a modest 755-square-foot home there that was built in 1903. Developers planned to demolish the house to build something else. The actor got the home only because the owner was an architect who liked what he would do instead of the denser project.

The actor paid \$783,000 for the 755-square-foot home, which was a reduced price because the inspection revealed foundation damage. He spent yet more money to improve and eventually learned that he could build a second home on the 10th-of-an-acre lot.

The LA situation isn't that different from the trend in Albuquerque. Here, because of the policy of densification along corridors, older neighborhoods will be most impacted.

Two blocks from my home, a single-family house along the corridor has been replaced by six apartments. With densification, the value of property shifts away from the structure to the land, which discourages routine maintenance of homes and encourages deterioration of neighborhoods. This sounds like slumification and/or the road to LA.

And I can give you the link to the story about that 755-square-foot house if you'd like to.

**CHAIR SHAFFER:** Thank you, Miss Paxton. I actually used to live next to Silver Lake. Interesting.

All right. Commissioners, any questions?

Okay. Next, Mr. Salas.

**MR. SALAS:** Chair and Commissioners, the next speaker is going to

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be Jessica Carr.

**CHAIR SHAFFER:** Ms. Carr.

**MS. CARR:** Hello.

**CHAIR SHAFFER:** I see you. You mind saving your name and address for the record, please?

**MS. CARR:** My name is Jessica Cassyle Carr. I am a resident of 1013 Fruit Avenue, Northwest, in the Fourth Ward.

**CHAIR SHAFFER:** Do you swear to tell the truth under penalty perjury?

**MS. CARR:** Yes, I do.

**CHAIR SHAFFER:** You may proceed.

**MS. CARR:** Hi. I just wanted to thank everyone for the addition of language around outdoor amplified sound in Items 2, 7 and 50. But I also wanted to express my disagreement with these changes.

I don't think that underlining the existing noise ordinance will be helpful in dealing with the issue, which is nonresidential entities projecting amplified sound right next to residential uses.

I also don't agree with the curfew, which could impact businesses that are in the business of projecting outdoor amplified sound, but are not near residential areas.

My suggestions were to create a buffer zone between residential uses and nonresidential uses if the nonresidential use or the source property was going to be doing outdoor amplified sound.

So a buffer zone of 100 to 200 feet. There's evidence for this, practice-based evidence in Austin and in Denver and other cities.

I would recommend a policy scan to see what other cities do. I would also recommend a community input process where any neighborhood association or property owner within 600 feet of an entity that was going to project amplified outdoor sound. And this is primarily dealing with music venues and private event spaces, I would say.

But I would recommend a community input process, and this is what they do in Austin. And that's it. And please get in touch with me if you would like to discuss this.

**CHAIR SHAFFER:** Thank you.

Commissioners, any questions?

Okay. Thank you, Ms. Carr.

Who's next?

**MR. SALAS:** Chair, the next speaker is going to be Rene Horvath.

**CHAIR SHAFFER:** Ms. Horvath, hello. You've been sworn in so you're good to go there.

**MS. HORVATH:** Okay. Thank you.

**CHAIR SHAFFER:** Are you our preemptively five-minute warning that

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we got that some of you are speaking on behalf of WSCONA?

**MS. HORVATH:** Yes, I am.

**CHAIR SHAFFER:** All right.

**MS. HORVATH:** Okay. Thanks very much.

**CHAIR SHAFFER:** (Inaudible) now so Mr. Salas can set the timer correctly.

**MS. HORVATH:** Well, I do think you guys made some really good comments at the December 14th hearing. So my comments that I sent to you were supportive of what you guys agreed to at the last hearing.

But real quick, since there's several, I want -- and we also agree with the inter-coalitions comments on their letters. So I'm going to switch back and forth, but going to emphasize some of their comments.

But since the last speaker talked about amplified sound, that's one of them. When you look at making amplified sound as a permissive accessory use, it almost sounds like you're giving permission to an establishment to go ahead and make that amplified sound.

And the reason why I'm concerned about it is because I've received so many complaints that people are -- like maybe a church. You know, Hastings over here became vacant and a church came in and they wanted to do amplified sound. The neighborhoods were very much opposed to that.

Down the street, a church does do amplified sound to do their sermons. A guy that lives over there says, "I work at night, sleep during the day. They do this amplified sermon and music and it wakes me up. I ask them to turn it off, they refused."

So this doesn't really address the daytime amplified sound. I see problems with it. And so that's why we agree to just delete that amendment. You have an ordinance that says 10 o'clock to 7:00 is a curfew, let's go with that. And if we can improve on this down the road, okay, fine. But right now I think there's a lot of questions and it could cause problems if we make it permissive, amplified accessory sounds.

Then the other big issue is that's been mentioned already is notification. That's a biggie. Last time you guys said you didn't support any changes. We totally agree with that. You should not reduce it from 660 feet for adjacent neighborhood associations.

We have a lot of development going up on here. On top of the Mesa, there may be proposals over 660 feet. I get calls from people who say, "Hey, I wasn't notified on this and I live up on the mesa."

And I said, "Yeah, I agree. We weren't even notified either."

He said, "Well, what is this?"

So let's not reduce to 330 feet. That's just going to make it worse. And you need neighborhood input, because we've got some sensitive areas that need some calm, to express that at these hearings, how sensitive and that we need to tone things down to be more compatible with the area.

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So please do not change the notification requirements or the adjacency definition that you on catty-corner.

LUHO agreed with us on this one case. And I know our president just expressed that it doesn't meet the state statute. Do not change the adjacency definition.

Also, in addition, duplexes. A lot of your comments was this changes R-1 status. And that's why the neighborhoods aren't really for it, because you already got zoning for duplexes.

And also, just to let you know, a person can add on to their building, an addition. Like my house, I have an addition. It has outdoor -- it has a kitchen, it has a bathroom, a bedroom, a living room. It's attached to the house. I can shut the door and it could be almost a duplex. It has doors that go to the outside.

You do not need to change anything, you know, to support these duplexes, because right now, people can add on to their homes and it's almost treated like a duplex.

Then, live/work, I think maintain what you got. Because I think one of the comments last time was, is there enough parking even on the corner on a 5000-square-foot lot. A 5000-square-foot lot is extremely small.

And I like the concept very much, but I think we need to think through a little bit better, because those lots are way too small. So I don't think -- you already are allowed to do live/work and R-MLs and several other zones. Just keep it that way until we're sure of what we're going to get.

Let's see.

**CHAIR SHAFFER:** Last item.

**MS. HORVATH:** Last item. Oh, we support tribal engagement, because they have historic and religious involvement in most of the areas on the West Side and throughout the city.

So I hope I covered most of these things.

But I do agree that 60 amendments with all this much detail is very difficult on you, on us, the staff. I think we need to shrink how many amendments. They need to be thought through very carefully before they're proposed and get really good neighborhood support and engagement before they even come to the table.

So thank you for your time.

**CHAIR SHAFFER:** Yeah. And don't be surprised if code enforcement shows up to look at your addition.

**MS. HORVATH:** I already asked Mikaela and she said, "No. Yours is an addition, so I'm okay."

**CHAIR SHAFFER:** Just checking.

**MS. HORVATH:** And oh, parking max, don't support any parking reductions. So that's the only one. Thank you.

**CHAIR SHAFFER:** All right. Commissioners, any questions for Ms. Horvath?

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**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** Thank you, Chair

Ms. Horvath, thank you. I thank you, as I did Ms. Wilson, for your engagement. This process really wouldn't work without community leaders like you.

My question is regarding the live/work in R-1. Are there any sorts of controls or conditions, like a conditional use permit, or other sort of controls, like the size of the lot or the corner lot, that would make that acceptable to WSCONA or to you?

**MS. HORVATH:** Well, that's what I've been wondering, you know, are there any models in the city that are currently working on a residential lot.

Because when I think of my dad's neighborhood, I look at those lots and I don't see how they would work. Because if there's any sort of parking on the streets and people are trying to get in and out of that street, it's going to create a public hazard, people trying to squeeze through cars parked on both sides of the street to accommodate the business.

So parking is an issue. And 5,000 square foot, those lots where my dad is, they're 10,000-square-foot lots. 5,000 is half of that. And I'm like, oh, that's just going to be way too small.

So it's not like I'm against it. There's somebody in our neighborhood in Taylor Ranch that does kombucha. I just went over there to pick up some kombucha. They have a business on Central, but I can still pick it up. But they're not a business that attracts a lot of parking issues. It's kind of casual.

And so I think it needs more thought as to what size lots. There might be some in the valley that are really large, have enough room for parking and this and that. But I think we need to think about that a little further before we start agreeing to something that -- I just don't think 5,000 square foot lots would even work. So I think we should hold off approving it.

And then, if we find any examples in the city that work really good, we can look at the model and see what conditions are around it to make it successful and not impact the neighborhood.

**CHAIR SHAFFER:** All right. So I'm going to continue this. Commissioner Eyster, does that answer your question?

**COMMISSIONER EYSTER:** Thank you, Ms. Horvath. That does help me kind of sort through the nuances of the question. Thank you.

**MS. HORVATH:** Yeah. Thank you for asking.

**CHAIR SHAFFER:** All right. Mr. Salas, who's next?

**MR. SALAS:** Yes, Chair and Commissioners, the next speaker is going to be Ricardo Guillermo.

**CHAIR SHAFFER:** Mr. Guillermo.

**MR. GUILLERMO:** Good day.

**CHAIR SHAFFER:** Good day. Do you mind stating your name and



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address for the record, sir.

**MR. GUILLERMO:** Name is Ricardo Guillermo. Address is 1108 11th Street, Northwest, Albuquerque, New Mexico.

**CHAIR SHAFFER:** Do you swear to tell the truth under penalty of perjury? I do.

**MR. GUILLERMO:** I do.

**CHAIR SHAFFER:** I like your collection of books behind you.

**MR. GUILLERMO:** Oh, yeah, yeah, that's just a fraction. There's so many. But the building's not in fear of collapse, so don't worry about it.

I'm in opposition of Item Number 11, which would appear to restrict conditions for facilities that are for public use.

I think that you should have public buy-in and the city should not be evading concerns regarding comments from the public facilities. So I speak in opposition of that and for as much public involvement as possible.

Thank you.

**CHAIR SHAFFER:** And I think the condition that we've kind of ratified also follows that. So I think you're okay there.

**MR. GUILLERMO:** Thank you. Have a great day. I appreciate all your work.

**CHAIR SHAFFER:** Thank you, sir.

All right. Mr. Salas, any others?

**MR. SALAS:** Chair, we don't have anybody else signed up to speak. If anybody else wishes to speak, please say so now.

I believe that's it, sir.

**CHAIR SHAFFER:** All right. Oh, looks like Ms. Haley stuck her hand up again.

**MS. HALEY:** Yes, I did. I, once again, am having trouble with Zoom. I suppose I'm still sworn in?

**CHAIR SHAFFER:** Yes, ma'am.

**MS. HALEY:** I'm unclear about this. There was, in your previous meeting, discussions concerning the ability of staff to make changes outside of the IDO process.

Some of them were called editorial changes. Some of them were called changes after the fact in order to ensure continuity.

I think that that is problematic. I didn't see it come up. It was, I think, the last two amendments that were listed in the previous IDO list.

And I had a question as to whether they are still being considered or whether those have been dropped?

**CHAIR SHAFFER:** They're still on there. And I know you're talking about the very last two that were on there. And it had

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to do with strictly the ability, as you said -- it was editorial for commas, misspellings. Ms. -- now she's been gone for a month and I'm forgetting her name already.

Catalina went through that pretty much in detail. It allows them for editorial changes. It wasn't changing intent. It wasn't changing, you know, yeses to nos.

**MS. HALEY:** The second one did. It actually would have allowed something besides taking care of a comma fault or a misspelling, because it allowed for the purposes of continuity.

And I think what's problematic about that is the strange adjacency ruling that the LUHO said was not in keeping with the IDO when that case came up before his appeal, has now appeared.

And it's just an example of what may seem innocuous but is outside of the IDO process. And I guess that's the other thing that I had to say, that if you're going to go ahead with allowing those editorial changes, you have to really include the term "un-substantive," because if it has a regulatory impact, it simply cannot be made up by staff outside of the IDO process, because it defeats the purpose of having a quasi-judicial hearing.

**CHAIR SHAFFER:** I would agree with that, what you're saying.

Mr. Vos, do you want to pull those two up real quick? Because if it's a simple word of substantive, you know, that's an easy change.

**MR. VOS:** Chair Shaffer, let me --

**CHAIR SHAFFER:** Everybody, our favorite word.

**MR. VOS:** The spreadsheet. And I don't think we used the word "substantive." The two items there -- let me share my screen, go to the -- so you're seeing the online spreadsheet, Items 59 and 60, I made clerical changes that are typos, numbering and cross-references. And 60, editorial changes, which are minor revisions for clarity without changing the actual substantive content or meaning. You know, adding cross-references to make it clearer to point to things, but not changing the regulations themselves.

**MR. HALEY:** I think --

**CHAIR SHAFFER:** Ms. Haley, once second. Let me do my job, please So it says without changing substantive content, so I think it's notated within Item Number 60.

**MS. HALEY:** I think that we just want to make very sure that it doesn't have even -- I use the word "substantive," but what the impact is, is it shouldn't entail a regulatory change. And that's the problem.

**CHAIR SHAFFER:** I think we want and I appreciate what you're saying is that you don't want to leave an open backdoor, and I think that's clear.

But I'm pretty sure necessary editorial changes to the document, including minor text additions, revisions for clarity, without changing substantive content -- subjective content to me is definitive of changing the intent of the entire document. So I think it's --

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**MS. HALEY:** I think that that varies. I think that you need to include that there will not be a regulatory change.

**CHAIR SHAFFER:** Well, I think if you open that door, you're going to want to add 25 other things. So I'm going to defer to our EPC counsel for his interpretation.

**MR. MYERS:** Yeah, thank you, Chairman.

I think, as written, without the addition suggested by Ms. Haley, is sufficient. I think it's clear that you're not making any substantive changes. And we've discussed the kind of changes we're talking about here. And I'd say if Ms. Haley ever finds that there were changes that she felt were substantive, she could bring that up.

**CHAIR SHAFFER:** I agree. I think it's fine as written, and we went through it.

And, Ms. Horvath, we're not going to debate all this particular item, because we went through it last month and we were fine with how that was written. We discussed it and this meeting was to only go through the changes and the conditions that we asked for from last month. So I think we're covered there.

I would also say, if you start adding one item, then you've left out 10 others. Now you've left open the door for those 10 other items. So I think the substantive language covers it as a generic. And I think that's good.

So no more speakers, Mr. Salas. So we will close the floor.

Before we dive into heading down the Conditions 1 through, it's 1:25. Let's take a quick 10-minute break, and then we'll go run through them in order. And we'll be back here at 1:35.

(Recess held.)

**CHAIR SHAFFER:** Looks like we have Commissioner Stetson back in the kitchen. Meadows. We have Cruz, we got Commissioner Cruz, Hollinger. We need Hollinger. Eyster and Pfeiffer.

All right, so let's get going. So I guess the easiest way to do it, since we've heard all the explanations, we've heard everything that's wanted to be changed, we've heard all the explanations of each one of the changes, so let's just go ahead and start with Condition Number 1.

And I guess for terms of clarity, if it's not a condition, we're not referencing any of the other amendments and they're being approved as is. So I guess that needs to be stated as well.

So, Commissioners, if there's some item that we don't cover in the conditions, then you need to realize that it's being approved as presented in last month's meeting. And there you go.

Mr. Vos, did you just want to share your screen and we'll run right down them?

**MR. VOS:** Chair, Commissioners, sure. I've just pulled up the staff report. We can work through it and track changes and then see what the final numbering is when we're through.

**CHAIR SHAFFER:** All right. Can you zoom in on that just a little bit, just so we can get in a little bit closer?

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Okay. So Number 1 is just telling us we're making changes, got it.

**MR. VOS:** Basically this is what you just said, that if something is not changed in the below conditions, it's being adopted as originally shown.

**CHAIR SHAFFER:** Almost like I read it at some other point. Got it.

All right, so Number 2, Items 2, 7 and 9, outdoor amplified sound, you showed us Options 1, 2 and 3, or we could stick with our original recommendation, which was Option 4. Does anyone want to discuss that?

Commissioner Eyster, are you back? I don't want to start doing decision-making without all of us here.

Commissioner Meadows, go ahead.

**COMMISSIONER MEADOWS:** Yeah, I'm good with just deleting these. But if we were to consider one of the options, I think Option 1 would be okay for me, where we're sort of exempting some of those corridors where there's more intensive activity happening. But that might be going to later hours and so forth. But I'm fine with Option D, to just delete it and go with our sound ordinance.

**CHAIR SHAFFER:** I see Commissioner Eyster coming in.

So, Commissioner Eyster, we've stated that we're at that point now. We're going to run through them all. And if they're not listed on here, they're approved as not noted.

**COMMISSIONER EYSTER:** Thank you, Chair.

**CHAIR SHAFFER:** So we're on the very first one, which is Number 2.

So, Mr. Vos, you want to scroll up just a little bit so we can see which one we're on.

So it's the Items 2, 7, 50, the outdoor amplified sound. Number 1 just stated what I just said, so we're good there.

We originally chose Option 4. The the staff has presented Options 1, 2 and 3. Commissioner Meadows just said he would be fine with Option 1.

My only comment to that would be, yes, it's exempt from those areas, but that was kind of the whole point. That means you got to accept the entire rest of the section.

So last month we had said stick with Option 4. Does anyone want to change from that? Or do you want to accept any one of these other options? And we got to -- we'll have to go through each one of these, so if anyone has any to say, you need to start chiming up.

**COMMISSIONER HOLLINGER:** Commissioner Hollinger. I would opt for 4.

**CHAIR SHAFFER:** Okay. You'd like to stick with 4  
Other commissioners?

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**COMMISSIONER STETSON:** Commissioner Stetson. I concur.

**CHAIR SHAFFER:** Okay.

**COMMISSIONER MACEACHEN:** Commissioner MacEachen. I'm a 4.

**CHAIR SHAFFER:** Okay. I think the will of the commission is sticking with Option 4.

**MR. VOS:** I was going to say, if you're Option 4, I think you have a majority vote on that. All right. Okay.

**CHAIR SHAFFER:** Condition -- so that rennumbers that just to A. Got it.

**MR. VOS:** Typo.

**CHAIR SHAFFER:** Got it. Yep. All right.

**MR. VOS:** And just one other change, if you will.

**CHAIR SHAFFER:** Condition Number 3. This one we were okay with, but now they wanted to change it from 2 to 5. Is everyone okay with --

**COMMISSIONER EYSTER:** That seems okay.

**CHAIR SHAFFER:** Okay. So 3 is approved.

4, yeah, we wanted this deleted, so I think 4 is okay.

5, delete. We were okay on that. There was no arguments there, so yes, delete it.

**COMMISSIONER EYSTER:** Yes.

**CHAIR SHAFFER:** Number 6 is, back to deleted as written, and delete it. Our original comment was deleted. This is where, oh, this is Number 6. Sorry, this is Number 6, in conjunction with 55. So this is where we've had to -- that's not right. That's Condition Number 6. I apologize.

**MR. VOS:** Chair and Commissioners, Condition 6, as opposed to item in the spreadsheet Number 6.

**CHAIR SHAFFER:** I apologize, yeah.

**MR. VOS:** So 6 and 7 both are the duplex amendments, so Items 10 and 13. Options are to approve or to delete on each. And these are the ones where Commissioner Meadows suggested potentially an option that he would be interested in merging together with a conditional use process.

**CHAIR SHAFFER:** Commissioner Meadows, do you want to make your point here? Because here's where we were talking about it.

We had originally for 6 and 7 said pick Option 2, just delete them both after our lengthy discussion last month. And you're wanting to propose something different than what -- because these basically say yes or no, Option 1 or Option 2. We had said Option 2.

**COMMISSIONER MEADOWS:** Yeah, I thought I had made that clear last time. But basically I'm saying to have a duplex option, but make it conditional. And I like the idea of the corner lots. There's a whole movement across the country to have more of this missing



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middle housing, like we used to back before the second World War. This used to be common in all neighborhoods, that they had duplexes as well as detached single-family residences.

And I think it would make our neighborhoods stronger to have more variety of housing. And it would also bring some affordability. So I would support that, but I understand the concerns. So that's why I say make it conditional.

**CHAIR SHAFFER:** So, I mean, it's either a complete rewrite because there's other language other than just what it says here within that subsection. So what you're suggesting is Option 1 on both of them, but just add the words and make it a conditional use?

So, Commissioners?

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** I appreciate Commissioner Meadows's creative thinking on it. I do know that the general principle, the general idea out there on the street, is that it is just the rottenest idea in the world. I think that the public has enormous trepidation about it.

So if we were to put in the conditional, that would really keep the lid on it. That, you know, as a trial for any number of years.

The other thing that I wonder would, if it would work, and we may not want to pursue this because it's a little out there, but the IDO always tries to make one size fit all, and sometimes that's just not right. And I think people sometimes pine for the good old days of the sector plans.

But another approach to this either at this time or in a subsequent IDO update in two years, I hope, a sort of a small area where there are people who really want to do it, and communities who really say, yeah, "We got a food desert. We need little grocery stores," you know. If it were focused, more focused like that, that could make it much more palatable to people, especially when they're able to opt in in a small area.

But for now, maybe the conditional on both of them and not just on a new one, but on any one.

**COMMISSIONER MACEACHEN:** Chair.

**CHAIR SHAFFER:** Commissioner MacEachen.

**COMMISSIONER MACEACHEN:** So, I mean, if we heard anything in all these hearings, in the last few hearings, I mean, the public is absolutely against this. Then I would stand for what we came up with last time, which is to delete them both, because that's in keeping with what we've heard.

And there's so much left unsaid in these two options, that it probably needs to be researched more, debated a little more and fine tuned. So at this point, I would like to eliminate them both.

**CHAIR SHAFFER:** Yeah. And I appreciate Commissioner Meadows's willingness to, you know, make him conditional. But I'm just nervous because there's a lot more verbiage that's not on here

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that we're not looking at. And we already did look at it last time and we already vetted it last month saying these are both bad. And I hate just now, all of a sudden, saying, oh, just make it conditional and now it's 100 percent fine.

I like the idea. I mean, if I was going to say, I would agree with one, it might be the Item 10 and not 13, but yeah, I mean, it was an overwhelming opposition to these.

I would prefer to stick with Option 2 on both.

**COMMISSIONER MEADOWS:** Yeah, the reason why I like on Number 13 is because it talks about the ADU, so that you don't have both an ADU and a duplex.

**CHAIR SHAFFER:** Yeah, that makes sense.

**COMMISSIONER MEADOWS:** Yeah.

**COMMISSIONER STETSON:** Chair, Commissioner Stetson. I would be inclined to stick with Option 2.

**CHAIR SHAFFER:** I think we've got a majority here that says Option 2 on both of these. Is that what I'm hearing?

**COMMISSIONER EYSTER:** I would support 2.

**CHAIR SHAFFER:** There you go. There we go.

All right. Number 8, delete it. We already agreed on that. Everyone's good with that, correct?

**COMMISSIONER EYSTER:** Yes.

**CHAIR SHAFFER:** Okay. Number 9, which is Item 12, the dwelling, live/work. Yeah, this is where we heard a couple of different options.

**MR. VOS:** So, yeah, Chair and Commissioners, Option 1, again, it is sort of -- the existing, make it permissive, add R-1. The permissive use would be on certain size lots on corners. But we would remove the original allowance for a restaurant and replace it with grocery store and bakery to stick more to the retail uses.

Option 2 is the conditional use option, rather than permissive. Same limitation on those retail type uses on corner lots of a certain size.

And then Option 3 is to just delete it.

**CHAIR SHAFFER:** So when we were debating last month, we never came to an agreement on this one because we wanted to see all the revised based on all the public comment on the sizes and the zone districts.

I think the conditional one, which would be B, correct, more matches what we heard in public comment? But everyone else, tell me if I'm wrong.

I don't know that we heard everyone. There was a lot of public comment against, but I think that's just because it was a little unclear. And now that it's been rewritten, I don't know that we have that same opposition.

So I don't know, Mr. Vos, if you want to scroll back up to A, B

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and C again, just so we can kind of look at them again.

I think a lot of the 48-hour rule, unfortunately there was 131 pages because there was so much of the city council stuff that got put in there. But I think there was still opposition saying no to any of this.

Commissioner Meadows.

**COMMISSIONER MEADOWS:** I did read in some of the 48-hour information, there were some people that were for it if it was conditional. And I know I heard concerns about parking, but I think these are neighborhood scale. This is not something you're going to have people driving from all over the city. This is people within the neighborhood that are accessing it.

So I think if you make it conditional, then you can review a site plan and see whether it fits or doesn't fit in your neighborhood. So I'd hope we'd at least give it a try.

**COMMISSIONER HOLLINGER:** Commissioner Hollinger. Can we see a little bit more of B? Thank you.

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** Thank you, Chair.

I would stand with Commissioner Meadows at the moment to produce some dialogue about this.

And my remarks on the duplexes before we're too early. That would be applicable to this. You know, if you have a food desert in a community, a small subpart of Albuquerque, and someone says, "Hey, we could do a little grocery here," you know, if they would go get a conditional use permit, then the community could be heard and make sure that it was generally accepted.

Also, conditions could be developed. That's part of the conditional use, so that it was going to work for the majority of the community.

So I think it's okay to look at Option 2 here, for the sake of discussion.

**CHAIR SHAFFER:** Anybody else have any concerns with Option 2 or want to still consider Option 3, which was delete all of it,

**COMMISSIONER HOLLINGER:** Hollinger.

**CHAIR SHAFFER:** Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** I think we heard quite a bit of negativity in regards to this condition. However, I think my fellow commissioners make some strong points that Option 2 could be viable, especially with the conditions, as Commissioner Eyster was saying. So I would be okay with Option 2.

**CHAIR SHAFFER:** Okay.

**COMMISSIONER MACEACHEN:** Chair.

**CHAIR SHAFFER:** Commissioner MacEachen.

**COMMISSIONER MACEACHEN:** Again, we get back to the sanctity of

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R-1 zoning. And we're effectively doing away with R-1 zoning. Anybody that ever bought a property to have R-1 zoning would like a little comfort in their heart that they're going to have single-family residences next to them. And, in fact, the city kind of made a promise that that's what they're going to have.

Now we're going to do away with R-1 zoning. It's the nose of the camel. I really would like to delete both of these.

**CHAIR SHAFFER:** Chair.

**CHAIR SHAFFER:** Commissioner Stetson.

**COMMISSIONER STETSON:** Yeah, I concur with Commissioner MacEachen. I think Option 3 is the better choice. And if we want to consider this in the future and bring it back in a couple years, we'll see how that works.

**CHAIR SHAFFER:** So I got two and two.

**MR. MYERS:** Chairman Shaffer, Matt Myers.

**CHAIR SHAFFER:** Yes.

**MR. MYERS:** Thank you, Chairman.

I bet Commissioner MacEachen might know what I'm going to say, because I said the same thing last time he said what he said.

But you're not guaranteed your zoning. You do not have a property right to your zoning. Okay? And if there is a citywide legislative decision made by the city council to change the zoning, and the decision is made based on the policies contained in the comp plan and in line with the IDO, then that is legal, that's permissive, you know.

And I understand what you're saying, Commissioner MacEachen, which is maybe you don't think it satisfied those requirements. But I'm saying just as an outright statement, you are not entitled, as a matter of right, to the zoning you have when you bought your property. Just something to think about.

**COMMISSIONER MACEACHEN:** Chair.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER MACEACHEN:** It still erodes from what you bought. It still takes away from what you bought, and people will feel damaged.

And if you do something with a rubber stamp that's citywide, like the counselor said, I mean, maybe there is a legal thing that says I'm not entitled to that, but we heard loud and clear from the people we're supposed to represent that this isn't what they want.

**MR. MYERS:** Fair enough. Yeah, fair enough.

**CHAIR SHAFFER:** Okay. I don't know if -- Commissioner Hollinger, what are your thoughts? Or Commissioner Cruz or Pfeiffer or anybody else? Because it's kind of two and two.

**COMMISSIONER HOLLINGER:** Commissioner Hollinger. I think Commissioner Eyster also makes a strong point. And if it's the will of the public to not have this, even though I said otherwise, I think I'll agree with him.

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**CHAIR SHAFFER:** I think I'll just say I'm on Option 3. We already kind of heard this.

But Commissioner Pfeiffer.

**COMMISSIONER PFEIFFER:** No, I was just going to say I agree with Hollinger and what everybody else is saying. Yeah, I think we need to just eliminate it.

**CHAIR SHAFFER:** Okay. So I think we have a majority of Option 3.

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** I can embrace Option 3. I think that if our planners or our council wants to pursue these ideas of the duplexes or the live/work at R-1, you know, they can develop these more fully, and they can sell these more fully, and they can look at ideas like trial small areas or opt-in neighborhoods, if they're really committed to the ideas to get the public behind them. Because they're not they're not now.

**CHAIR SHAFFER:** Right.

So Mr. Vos, we're going with Option -- there you go. Thank you.

I'll reiterate what I said when you were presenting this. It was good work.

Okay. I don't think anyone has any issues with Number 10. We all agree that that needed to go as a delete amendment.

Now we have Condition 11 for Item 17. We had proposed deleting it. There's an option now because we asked for a clarification and the clarification is Option A -- Option 1, I should say.

Does Option 1 satisfy everybody's questions of how it was unclear before?

**COMMISSIONER EYSTER:** I can go with Option 1.

**CHAIR SHAFFER:** I need to double check my notes on what I had written down. I think we had literally, for lack of a better term, deferred it because we were waiting for that rewrite. So we never -- last month we said it was no as written, but we needed clarification of what it really meant. So Option 1 is what it really means.

Any other commentary?

**COMMISSIONER HOLLINGER:** Hollinger.

**CHAIR SHAFFER:** Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Thank you, Chair.

I am in favor of Option 1. I'm curious about the ability to enforce it, but I think it's doing its part to try and clean up some of the neighborhoods.

**CHAIR SHAFFER:** Anybody else? If you're silent, you're in -- silence is complicity, right?



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**COMMISSIONER STETSON:** Chair, Stetson. I too, I can live with Option 1.

**CHAIR SHAFFER:** Okay. Option 1, there we go.

Well, we appreciate the councilor who proposed it coming up and rewriting it. So that's all we asked for and they did that. So thank you for that.

Condition 12. This was another one where we had said no, but now it was redone with why we said no. Option 1 was adopt it with the clarification, and Option 2 was delete.

**COMMISSIONER MEADOWS:** So, Chair, could I say a few things?

**CHAIR SHAFFER:** Absolutely. Commissioner Meadows.

**COMMISSIONER MEADOWS:** Okay. So I'm a daily bus rider, and like some of the comments I read, I've been really disappointed in the suspension of service on some of those routes. But I know that's temporary.

The ABQ Ride is rebuilding after COVID. They lost over 100 drivers and they're trying to rebuild their staff. They're trying to rebuild those routes. And so I feel we need to do everything we can to strengthen our land use to support a strong transit system. And so I support this one.

**CHAIR SHAFFER:** Okay. And honestly, I think that everyone was like -- when we were debating this last time, it didn't make sense because of the park-and-ride lots and things like that. It's like, it was counterintuitive.

So I think with that clarification, is everyone okay with Option 1? Okay. So we're good with Option 1, which is no longer an option. It's the condition.

Okay. Number 13. Okay. Yeah. So this is -- yeah So we want.

**MR. VOS:** Chair and Commissioners, this is all the landscaping.

**CHAIR SHAFFER:** Yeah, yeah.

**MR. VOS:** Deleting the two that you had said to delete. Amending Number 57 in response to parks and recreation comments.

**CHAIR SHAFFER:** Right.

**MR. VOS:** And 22 is not mentioned because you said to accept it as the way it was written.

**CHAIR SHAFFER:** Right, yeah. So we're all good with 13.

**COMMISSIONER EYSTER:** Yes.

**CHAIR SHAFFER:** 14. Here we go. So Commissioner Eyster, your chance to word differently, keeping in mind that we can't give direction in the condition, necessarily, to city council, but we can put a finding.

**COMMISSIONER EYSTER:** Yes. Thank you, Chair.

I think we're on the right track here. I appreciate the guidance from staff and from Mr. Myers about the condition. And I think it's fine to leave the condition the way it is. It could refer

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to Finding 25.

And, Mr. Vos, can you -- I can read Finding 25. There it is.

So staff had put in regarding this item: EPC advises decision makers not to pursue taller front walls in the future IDO updates, as the amendments and all their variations have been overwhelmingly opposed by the public.

I think that that is a true statement. I would like to provide all the parties, all the players, the administration, the council, with just this one tiny little grain of an idea about these tall walls. And I provided some words to Mr. Vos and Ms. Renz-Whitmore.

Is it possible for you to display those? We would just add those, I think.

**CHAIR SHAFFER:** Now's the time.

**COMMISSIONER EYSTER:** I can read them to the commission and then if you embrace those, then staff has those on an e-mail.

**CHAIR SHAFFER:** As long as it's not a soliloquy. Is it?

**COMMISSIONER EYSTER:** I'm not sure what that means, but I'll read it to you and you can tell me.

The Commission notes overwhelming public testimony for three years in a row that this proposal would damage neighborhoods, that permissive walls in front yards degrade welcoming character, diminish walkability, restrict contact and cooperation among neighbors, make communities less safe by impeding eyes on the street, restrict visibility for police patrols, and restrict access for emergency services.

**CHAIR SHAFFER:** And would that be in lieu of 25 or added?

**COMMISSIONER EYSTER:** Added.

**CHAIR SHAFFER:** Okay.

**COMMISSIONER MACEACHEN:** Chair.

**CHAIR SHAFFER:** Commissioner MacEachen.

**COMMISSIONER MACEACHEN:** I kind of like it. I think at some point you've got to overemphasize your point to get your point across. And if that doesn't, then I'm stunned. So, what he has to say.

**COMMISSIONER EYSTER:** Thank you, Commissioner.

**CHAIR SHAFFER:** All right. Mr. Vos.

**COMMISSIONER HOLLINGER:** I have no heartburn with that.

**CHAIR SHAFFER:** I'm okay with it. Like you said, I like -- oh, you got to fix all your formatting there. It's stressing me out. There you go. Thank you.

**COMMISSIONER HOLLINGER:** Well stated, Commissioner Eyster. That takes thought.

**COMMISSIONER EYSTER:** Thank you, Commissioner Hollinger.

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**CHAIR SHAFFER:** Yeah, I mean, I'm fine with it. Yeah, there you go. I like how Commissioner MacEachen said sometimes you got to overstate the obvious. So there you go.

All right. So there you go.

**COMMISSIONER EYSTER:** Thank you, Commissioners.

**CHAIR SHAFFER:** Revised Finding 25, we all are in agreement on.

And then let's go back to -- we're on 13, correct? Or no, are we on 14, on conditions? Yeah, we're on 14. So 14 can stay as is, delete, and then the finding is a finding. So there we go.

Okay. 15. These are all the agreed-upon items. I think we're okay. Everyone okay with that? All the stakeholders chimed in. This is what everyone agreed to. So I think we're good. Okay. 15 is good.

16. All right. This is another --

**MR. VOS:** Chair and Commissioners, Condition Number 16, regarding these three items, is the first of the neighborhood association or notification changes to change from the property -- or the -- yeah, includes the words "Adjacent to a neighborhood association boundary" to "is within 330 feet of the neighborhood association."

**CHAIR SHAFFER:** All right. That's 29, 32, 36, Option 1, adopting the amendment as written, or Number 2, delete. So there are two options.

**COMMISSIONER MACEACHEN:** Chair.

**CHAIR SHAFFER:** Go right ahead.

**COMMISSIONER MACEACHEN:** The second thing we heard most from the public was the resistance to lessen the distance and lessen the whatever you want to call it, circumference, whatever you want to call it, where less people find out about what's going on in the neighborhood. So anything that would bring it down, I would be against.

**CHAIR SHAFFER:** So I will say this. I still think that -- I'm a triangulation freak, meaning I understand why they're asking this, and I don't think you're going to lessen. I'm going to go with what everybody else wants to do on this. But I really think that this was not going to lessen notification. I really don't.

I think they showed that because of -- it simplified how they were going to do it, not necessarily lessened how they were going to do it. But I'll go with the commission. I

Really think it was a process that was going to simplify how they were going to be able to get things taken care of and done. And I'm all about effectively amending processes in that direction.

**COMMISSIONER MACEACHEN:** Mr. Vos, do you agree with what Commissioner Shaffer just said? We're not going to lose a soul?

**MR. VOS:** Chair and Commissioners, the Chair is right in our intent. As I described with the exhibits and the staff report and in my presentation, it depends on the property and the unique circumstances. There are instances where more people will get notified. There are instances where maybe fewer people or neighborhoods would get notified.

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There's pluses and minuses to that number of notified associations, depending on the context of the individual application. So it's not exclusively reducing our notification. And in some instances, more neighborhoods would be involved in the process or be required to be involved.

**COMMISSIONER MACEACHEN:** You know this is being recorded?

**MR. VOS:** I do, and I certainly think you can go back to the presentation and show that that's a true statement that I just said.

**COMMISSIONER STETSON:** Commissioner Stetson.

**CHAIR SHAFFER:** Real quick. Commissioner Meadows had his hand up, so let's do his first, and then go to you, Commissioner Stetson.

Commissioner Meadows.

**COMMISSIONER MEADOWS:** Yeah, I just think it would help if we could be consistent. I mean, some places we have 660 feet, some places we have 330 feet, some places we have 100 feet, and it's very confusing.

And I understand the 100 feet because that's in statute, so we have to follow that. But everywhere else, it seems like it would help if we could be consistent across the board.

But I too, don't want to reduce anybody's notice. And, you know, so I'm willing to go along with what the public is saying.

**CHAIR SHAFFER:** Commissioner Stetson.

**COMMISSIONER STETSON:** My position would be to take Option 2.

**CHAIR SHAFFER:** Okay. Commissioner Eyster.

**COMMISSIONER EYSTER:** Thank you, Chair.

Mr. Vos, for pre-submitted neighborhood meetings, public notice and post-submitted facilitated meetings, are we talking about notifying neighborhood associations? And is that just a matter of a couple of e-mail addresses?

**MR. VOS:** Chair and Commissioner Eyster, I mean, this distance determines which associations' e-mail addresses ONC gives to you. And by making this strictly a distance in feet, ONC just simply has to say it's this property, it's 330 feet from the properties boundary. It picks up which associations fall on that and they have the e-mail addresses or mailing addresses that need to be utilized for notification purposes.

**COMMISSIONER EYSTER:** Well, that answers my question. And so it leads me to suggest, if it's just sending out a couple of e-mails, those are free to send. For heaven's sake, why don't we just make it 660 feet and then that'll give more people notice? And it won't be cost anybody anything.

**COMMISSIONER HOLLINGER:** Commissioner Hollinger.

Commissioner Eyster, you stole my thunder. That was my point.

**COMMISSIONER EYSTER:** Another factor that might come into play

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here is that I think the public would feel more comfortable if they felt like it wasn't just going to be run through a GIS and then sent out, but that some planner or administrative assistant in the ONC would be looking at it and making sure that it made sense.

But I'll ask the commission, would you buy that 660 feet, and then maybe we over-notice? Well that's not going to make anybody mad.

**CHAIR SHAFFER:** I think the problem is that some of these are tied into each other, which is then your next one, which is Number 17. So a lot of these references are referencing other items.

I don't know that us now changing, going the other direction, is the right -- that isn't even vetted or looked at, or what does that mean?

**COMMISSIONER HOLLINGER:** Commissioner Hollinger.

**CHAIR SHAFFER:** Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Thank you, Chair.

I would opt for Option 2. I like the over-notice idea. However, if that hasn't been fully considered, perhaps that's an item we look at at another time.

**CHAIR SHAFFER:** So real quick, Mr. Vos. Condition Number 16 has, obviously, as written or delete. 17 just -- oh, that's just an option to delete.

**MR. VOS:** Correct, Chair Shaffer .

**CHAIR SHAFFER:** It's just different ways to write the same thing?

**MR. VOS:** Chair Shaffer, no. 17 is different types of notice to property owners and not neighborhood associations.

**CHAIR SHAFFER:** No, I know. I know. But what I meant was, like, the way you presented it could have been the same. Option 1 was adopted as written, and Number 2, it had been delete, but it literally just as delete. It's the same thing, just different.

**MR. VOS:** That's correct. On 17, at your December hearing for the property owners, you gave us more direct -- there's more direct that reduces notification of the property owners. We would prefer to delete it --

**CHAIR SHAFFER:** Right.

**MR. VOS:** -- rather than on the neighborhood associations, you wanted those exhibits and more information to be able to discuss.

**CHAIR SHAFFER:** That's right. So 17, we had said -- so 17, I don't think there's an argument. That's the mail notice. We said leave that one alone.

And then 16 is neighborhood association one strictly, which is why I'm back to what I said, was that graph was extremely helpful because it showed that you're touching those neighbors associations even by one foot and you're having to notify it.

So I'm back to supporting 16 as Option 2, and then 17, which is deleting that entire section.



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Ms. Morris.

**MS. MORRIS:** I just wanted to float out there that if there is interest in increasing the distance to 660, that rather than worrying about Conditions 16 and 17, that the condition just broadly give the planning department direction to make the pre-submittal meeting public gnosis, post-submittal meeting, and appeal distances where they include the phrase "includes or is adjacent" to be replaced with "660." And then that would achieve what Agenda Items 16 and 17 are covering, I think.

**CHAIR SHAFFER:** That's conditions, you're saying. Because that's Item 37. And then go back up, it's 32, 30 -- 29, 32 and 36. So you're saying 29, 32, 36 and 37 all get rewritten to say it all goes to 660?

**MS. MORRIS:** Yes. That was the direction that you're going in. And maybe there would need to be a five-minute tea break for staff to try and provide you guys (inaudible) that.

**MR. VOS:** Chair and Commissioners, that would track with Commissioner Eyster's suggestion on that distance to, to go from 330 to 660. It would achieve the staff goal of having it better automated by going to a number. So that's something to consider.

**CHAIR SHAFFER:** Okay. Everyone else okay with that?

**COMMISSIONER MACEACHEN:** And just to be clear, we're doing the 660 on everything?

**MR. VOS:** It would be consistent. Everything except for the property owners, since that's 100 foot and designated under state statute for things like zone app amendments.

So I think Condition 17 would remain, to delete those. And then 16 and 18, we would revise to say 660 feet across the board for all neighborhood associations.

**CHAIR SHAFFER:** There we go.

**COMMISSIONER MACEACHEN:** I can hear neighborhood associations cheering in the background.

**CHAIR SHAFFER:** Yeah, there was a big roar I just heard.

So I don't know. I mean, I hate taking a break, a tea break, it sounds wonderful though.

But, Mr. Vos, can somebody else write that while you're moving through? Or let's back to 17 and 18. Or do you want to just -- you can change it right now? There you go. Yeah, you can just strike that.

**COMMISSIONER MACEACHEN:** Quit talking to him.

**CHAIR SHAFFER:** Oh, I'm sorry.

**COMMISSIONER MACEACHEN:** He's concentrating.

**CHAIR SHAFFER:** He is pretty quick.

**MR. VOS:** Chair and Commissioners, I think that satisfies what was just discussed, changing it to a 660-foot notification distance for both those conditions.

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**January 11, 2024**

**CHAIR SHAFFER:** Yep. And then 17 stays as deleted. Got it.  
 Everyone good?

**COMMISSIONER HOLLINGER:** That's a wonderful option.

**CHAIR SHAFFER:** All right. 19. Delete, right?

Okay. 20, this was our requested -- Item Number 20. Let's see. Oh, Item 46. I keep doing that. My apologies

46, that's one we needed to rewrite. So how does everyone feel about this, Condition 20?

**MR. VOS:** Chair and Commissioners, this rewrite for this clarification is in response to public comment that was concerned that these definitions being updated would somehow allow shelters or group homes into neighborhoods where they're currently not allowed. And that's not the intent, so this makes it very clear that those types of uses are regulated differently and would not be allowed in neighborhoods as these community residential facilities.

**CHAIR SHAFFER:** Got it. Yeah, we heard that again today. And I think 20 is good. Okay. 20 is approved

Condition 21. 21, we're all good with, because that -- we discussed that, not cutting down trees.

22. This is the one that the request is to add Number 6.

**MR. VOS:** That's correct. That's the public comment that was in the 48 hours and spoken to you today to add Item Number 6 to this and work on sort of both of those changes in conjunction.

**CHAIR SHAFFER:** I think that's part of the --

**MR. VOS:** (Inaudible).

**CHAIR SHAFFER:** Okay. Can you type that in? You have to change the -- yeah. Do you have to change -- well, I guess -- no, I guess you don't have to. All right.

Is everyone good with that?

That's what I was going to ask, if you had to add that part in. Sorry. That's where I was going.

Okay. 56, which is Condition 23.

**MR. VOS:** Chair and Commissioners, the next five conditions are all of those ones that were put in based on our consultant's review of the public comment on outdoor and site lighting.

**CHAIR SHAFFER:** I think we were all good with that when we reviewed them. So I think all five of those are good. .

**COMMISSIONER MACEACHEN:** Yes. .

**CHAIR SHAFFER:** 28. So we went through 25, 26 -- or 24, 25, 26, 27, all approved. 28. And then we added that subsection to 29.

Everyone okay with 28 and 29 as written? I guess that means yes. Silence is complicity.

**MR. VOS:** 29 is the (inaudible). There we go.

**EPC Minutes, Agenda Items 2 and 3**  
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**CHAIR SHAFFER:** Number 30, that was a request, so deleting that, so everyone's okay with that.

And same thing with 31. Those are all by request for verification. So I think 30 and 31 are good.

Now we're back to -- now that this is the definition, 32, catty-corner. This is a new amendment. 32, 33, 34 are all new amendments that we saw today. So 32.

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** Thank you, Chair. Actually, "catty-corner," to me feels adjacent.

**CHAIR SHAFFER:** Catty-corner to me is diagonal, but...

**COMMISSIONER EYSTER:** They touch at one point. At the two corners, they touch. And certainly a guy that's catty-corner would have an interest in what's going on catty-corner from him or her.

**CHAIR SHAFFER:** I don't see it that way. That are separated by -- only by a street alley. It's actually saying they don't touch.

**COMMISSIONER EYSTER:** They are separated by a street, you're right. That's the street that they're -- so I guess it's just clarifying that they are separated by a street, and the fact that they're catty-corner doesn't make them adjacent. So I can agree with that.

**CHAIR SHAFFER:** So 32, everyone's good with.

33, this was by request. This was a little more cleanup language on the facade.

Issue? Any adverse comments? Nope.

Okay. 34 we wholeheartedly support and agree to, correct?

**COMMISSIONER EYSTER:** Yes. .

**CHAIR SHAFFER:** Everyone chimes in on it.

**COMMISSIONER EYSTER:** And I think I heard the public shake the ground also.

**CHAIR SHAFFER:** So, Mr. Vos, not to run you through the ringer, but that runs -- that's identical to what we reviewed in your presentation, correct?

**MR. VOS:** Chair Shaffer and Commissioners, that's correct. My presentation basically was a copy and paste of this proposed condition.

**CHAIR SHAFFER:** Thank you.

All right. So we've revised the conditions. We don't need to read them again. We can just name them as revised Conditions 1 through 34 and revised Finding Number 25, if anyone wants to make a motion.

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**COMMISSIONER EYSTER:** Eyster. I'm not quite ready for a motion, Chair. I wanted to ask one question --

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** -- try and get one little thing.

The Condition 14 was the one about the walls and fences. And I had suggested in my remarks that we would refer to Finding 25 or 26. I guess was 25.

Can we do that, Mikaela or --

**CHAIR SHAFFER:** Yeah, go ahead.

It's a condition. In the condition, we're saying it's deleted. And you're saying now you must go read Finding Number 25. I'm not sure that's something we can say there.

**COMMISSIONER EYSTER:** I wouldn't want to tell anybody that they must go read it, but I could see a benefit for councilors, policy analysts in saying, "Oh, I better go look at" -- "yeah, I want to go look at Finding 25 and see what they're saying."

**CHAIR SHAFFER:** Yeah.

**MR. MYERS:** I think that would be fine from a legal perspective.

.

**CHAIR SHAFFER:** Ms. Renz-Whitmore.

**MS. RENZ-WHITMORE:** Chair and Commissioners, it's fairly unusual. And I'll just say that the findings and conditions are always supposed to be read in tandem.

So it's a little bit undermining of the fact that everyone's supposed to read all the findings and all the conditions to say, well, especially this time go read them.

**CHAIR SHAFFER:** That what I was feeling, was I feel like we're -- it's a little -- it's almost demeaning a little bit of saying, "And by the way."

**COMMISSIONER MACEACHEN:** Rubbing their nose in it.

**UNIDENTIFIED MALE:** I think that's what he's trying to do.

**COMMISSIONER EYSTER:** Honestly, honestly, no rubbing, but just sort of educating, you know.

**CHAIR SHAFFER:** I suggest we leave it off. We already added all that additional language.

**COMMISSIONER MACEACHEN:** Yeah, I think we're good.

**COMMISSIONER EYSTER:** One would just need to refer to that. Say, if you were talking to LUPZ, you could just refer them to that if you wanted to.

So I can go with this, Commission. I appreciate what you did provide.

**CHAIR SHAFFER:** Thank you.

**MR. VOS:** Chair and Commissioners, don't mind me. I'm just

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getting rid of all the bullet points in this Condition 25 and just making a simple list.

**CHAIR SHAFFER:** So what you're doing, you're making editorial changes.

**COMMISSIONER MACEACHEN:** Ooh.

**MR. VOS:** There you go. Thank you.

**CHAIR SHAFFER:** Shortening it up saves paper. Good job.

All right. Perfect. All right. So we have Findings 1 through 25, revised Finding 25. We have Conditions 1 through 34, as revised and discussed in the record.

So if anyone would like to make a motion, please do.

**COMMISSIONER HOLLINGER:** I think I'm prepared, Chair. This is Commissioner Hollinger.

**CHAIR SHAFFER:** Go right ahead, sir.

**COMMISSIONER HOLLINGER:** Very well.

In the matter of Agenda Item Number 3, amendments to the IDO, Project Number PR-2018-001843, Case RZ-2023-00040, I move for a recommendation of approval be sent to city council, subject to Findings 1 through 25, as revised, in addition to Conditions 1 through 34, and 25.

**COMMISSIONER MACEACHEN:** Well done.

**CHAIR SHAFFER:** Good job.

We have a motion. Do we have a second? .

**COMMISSIONER MACEACHEN:** Second. .

**CHAIR SHAFFER:** We have a second from Commissioner MacEachen. We'll go to a roll call vote.

Commissioner Stetson.

**COMMISSIONER STETSON:** Stetson, aye.

**CHAIR SHAFFER:** Commissioner MacEachen.

**COMMISSIONER MACEACHEN:** MacEachen, aye.

**CHAIR SHAFFER:** Commissioner Meadows.

**COMMISSIONER MEADOWS:** Meadows, aye.

**CHAIR SHAFFER:** Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Commissioner Hollinger, aye.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** Eyster, aye.

**CHAIR SHAFFER:** Commissioner Pfeiffer.

**COMMISSIONER PEIFFER:** Pfeiffer, aye.



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**CHAIR SHAFFER:** Commissioner Cruz.

**COMMISSIONER CRUZ:** Cruz, aye.

**CHAIR SHAFFER:** Commissioner Shaffer is an aye, so that passes 8-0.

(8-0 vote. Motion approved.)

(Conclusion of Agenda Items 2 and 3.)

**EPC Minutes, Agenda Items 2 and 3  
January 11, 2024**

RE: CITY OF ALBUQUERQUE EPC MEETING MINUTES OF  
JANUARY 11, 2024, AGENDA ITEMS 2 and 3

TRANSCRIPTIONIST'S AFFIRMATION

I HEREBY STATE AND AFFIRM that the foregoing is a correct transcript of an audio recording provided to me and that the transcription contains only the material audible to me from the recording and was transcribed by me to the best of my ability.

IT IS ALSO STATED AND AFFIRMED that I am neither employed by nor related to any of the parties involved in this matter other than being compensated to transcribe said recording and that I have no personal interest in the final disposition of this matter.

IT IS ALSO STATED AND AFFIRMED that my electronic signature hereto does not constitute a certification of this transcript but simply an acknowledgement that I am the person who transcribed said recording.

DATED this 16th day of February 2024.

/S/

Kelli A. Gallegos-----



## ENVIRONMENTAL PLANNING COMMISSION AGENDA

Thursday, January 11, 2024  
8:40 a.m.

Due to COVID-19 this meeting is a Public Zoom Video Conference

Members of the public may attend via the web at this address: <https://cabq.zoom.us/j/2269592859> or by calling the following number: 1 301 715 8592 and entering Meeting ID: 226 959 2859

### MEMBERS

David Shaffer, Chair  
Tim MacEachen, Vice Chair

Giovanni Coppola  
Joseph Cruz  
Gary L. Eyster P.E. (Ret.)  
Jonathan R. Hollinger

Richard Meadows  
Mrs. Jana Lynne Pfeiffer  
Robert Stetson

\*\*\*\*\*

**NOTE: A LUNCH BREAK AND/OR DINNER BREAK WILL BE ANNOUNCED AS NECESSARY**

Agenda items will be heard in the order specified unless changes are approved by the EPC at the beginning of the hearing; deferral and withdrawal requests (by applicants) are also reviewed at the beginning of the hearing. Applications deferred from a previous hearing are normally scheduled at the end of the agenda.

There is no set time for cases to be heard. Please be prepared to provide brief and concise testimony to the Commission if you intend to speak. **In the interest of time, presentation times are limited as follows, unless otherwise granted by the Commission Chair: Staff – 5 minutes; Applicant – 10 minutes; Public speakers – 2 minutes each. An authorized representative of a recognized neighborhood association or other organization may be granted additional time if requested. Applicants and members of the public with legal standing have a right to cross-examine other persons speaking pursuant to Article 3, Section 2D, of the EPC Rules of Practice & Procedure.**

All written materials – including petitions, legal analysis and other documents – should ordinarily be submitted at least 10 days prior to the public hearing, ensuring presentation at the EPC Study Session. The EPC strongly discourages submission of written material at the public hearing. Except in extraordinary circumstances, the EPC will not consider written materials submitted at the hearing. In the event the EPC believes that newly submitted material may influence its final decision, the application may be deferred to a subsequent hearing. Cross-examination of speakers is possible per EPC Rules of Conduct.

**NOTE: ANY AGENDA ITEMS NOT HEARD BY 8:30 P.M. MAY BE DEFERRED TO ANOTHER HEARING DATE AS DETERMINED BY THE PLANNING COMMISSION.**

## **Call to Order:**

- A. Pledge of Allegiance
- B. Roll Call of Planning Commissioners
- C. Zoom Overview
- D. Announcement of Changes and/or Additions to the Agenda
- E. Approval of Amended Agenda
- F. Swearing in of City Staff

### **1. Project# 2018-001843**

RZ-2023-00044 – Text Amendment to Integrated Development Ordinance (IDO) – Small Area – Volcano Heights Urban Center (VHUC)

The City of Albuquerque Council Services Department requests to amend the text of the Integrated Development Ordinance (IDO) affecting a small area. This update includes requested changes to remove a prohibition on drive-through facilities in the mixed-use zone districts within the Volcano Heights Urban Center (VHUC).

Staff Planner: Mikaela Renz-Whitmore

**(Deferred at the December 7, 2023 Special hearing)**

### **2. Project# 2018-001843**

RZ-2022-00043 – Text Amendments to Integrated Development Ordinance (IDO) – Small Area – Rail Trail

The City of Albuquerque Metropolitan Redevelopment Agency requests to amend the text of the Integrated Development Ordinance (IDO) to establish a new small area and related regulations. This update includes changes requested to add development standards affecting properties adjacent to the planned Albuquerque Rail Trail.

Staff Planner: Robert Messenger

**(Continued at the December 7, 2023 Special hearing)**

### **3. Project# 2018-001843 (2018-00195)**

RZ-2023-00040 – Text Amendments to Integrated Development Ordinance (IDO) – Citywide

The City of Albuquerque Planning Department requests to amend the text of the Integrated Development Ordinance (IDO) affecting properties citywide. This fifth annual update includes changes requested by neighbors, developers, staff, and Council Services.

Staff Planners: Michael Vos, China Osborn

**(Continued at the December 7, 2023 Special hearing)**

## **4. OTHER MATTERS**

## **5. ADJOURNMENT**

PLANNING DEPARTMENT  
URBAN DESIGN & DEVELOPMENT DIVISION  
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860 Fax (505) 924-3339



## OFFICIAL NOTIFICATION OF DECISION

December 14, 2023

City of Albuquerque,  
Planning Department  
PO Box 1293  
Albuquerque, NM 87102

**Project# 2018-001843**

RZ-2023-00040 – Text Amendments to Integrated Development Ordinance (IDO) – Citywide

**LEGAL DESCRIPTION:**

The City of Albuquerque Planning Department requests to amend the text of the Integrated Development Ordinance (IDO) affecting properties citywide. This fifth annual update includes changes requested by neighbors, developers, staff, and Council Services. Staff Planners: Michael Vos, China Osborn

On December 14, 2023 the Environmental Planning Commission (EPC) voted to CONTINUE Project# 2018-001843, RZ-2023-00040 – Text Amendments to Integrated Development Ordinance (IDO) – Citywide, to the January 11, 2024, EPC hearing.

APPEAL: It is not possible to appeal an EPC Recommendation to the City Council, since this is not a final decision. For more information regarding the appeal process, please refer to Section 14-16-6-4(V) of the Integrated Development Ordinance (IDO), Administration and Enforcement.

Sincerely,

*Megan Jones*

for Alan M. Varela,  
Planning Director

AV/MV/MJ



OFFICIAL NOTICE OF DECISION

PR-2018-001843

RZ-2023-00040

December 14, 2023

Page 2 of 2

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EPC File



**Environmental  
Planning  
Commission**

**Agenda Number: 3**  
**Project #: PR-2018-001843**  
**Case #: RZ-2023-00040**  
**Hearing Date: December 14, 2023**

**Staff Report**

**Applicant** City of Albuquerque Planning  
Department

**Request** Amendments to the Integrated  
Development Ordinance (IDO)  
Text for the 2023 Annual IDO  
Update

**Location** Citywide

**Staff Recommendation**

***That PR-2018-001843/RZ-2023-00040 be  
continued for one month to the January 11,  
2024 special EPC hearing.***

**Staff Planners**  
**Michael Vos, AICP – Principal Planner**  
**China Osborn – Senior Planner**

**Summary of Analysis**

The request is 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). 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 60 proposed amendments requested by neighbors, developers, Staff, City Council, and the Administration.

The proposed amendments are found in a spreadsheet of “IDO Annual Update 2023 – 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 several public comments, mostly concerning walls, duplexes, overnight shelters, and outdoor lighting. Agency comments include landfills and Battery Energy Storage Systems. Staff recommends a continuance to a special EPC hearing on January 11, 2024 but will be prepared should the EPC choose to make its recommendation to City Council at the December 14, 2023 special hearing.

Comments received before November 27<sup>th</sup> at 9AM are attached to and addressed in this Staff Report. Comments received before December 7<sup>th</sup> at 9AM are attached, but not addressed. Clarifying materials received before December 12<sup>th</sup> 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.

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## ***I. INTRODUCTION***

### ***Background***

When it became effective in May 2018, the Integrated Development Ordinance (IDO) established a process to update zoning regulations annually. IDO Subsection 14-16-6-3(D) requires the Planning Department to prepare proposed amendments to the text of the IDO and submit them every calendar year for an EPC hearing in December. The IDO annual update process establishes a regular, required cycle for discussion among residents, businesses, City Staff, and decision-makers to consider any needed changes that were identified over the course of the year.

The 2019 IDO Annual Update that became effective in November 2020 establishes two types of amendments for zoning changes:

- Amendment to IDO Text – Citywide [Subsection 14-16-6-7(D)] and
- Amendment to IDO Text – Small Area [Subsection 14-16-6-7(E)].

Citywide text amendments apply generally throughout the city, are legislative in nature, and are reviewed using a legislative process. Text amendments that only apply to small areas in the city are quasi-judicial in nature, requiring a review process that includes mailed notice to affected property owners and a prohibition of ex parte communication with decision-makers about the proposed changes. City Councilors will be acting as legislators when adopting citywide text amendments and as quasi-judges when adopting text amendments only affecting properties in specific small areas.

### ***Request***

This request is for various citywide amendments to the text of the Integrated Development Ordinance (IDO) for the Annual Update required by Subsection 14-16-6-3(D). These citywide text amendments are accompanied by proposed text amendments to two small areas within the city – the Rail Trail small area and the Volcano Heights Urban Center, which were submitted separately pursuant to Subsection 14-16-6-7(E) and are the subject of other Staff Reports. The proposed citywide amendments, when combined with the proposed small area amendments, are collectively known as the 2023 IDO Annual Update.

A spreadsheet (see attachment) of approximately 60 proposed, citywide changes provides the following information for each proposed change:

- item number for tracking purposes,
- the page and section of the IDO that would be modified,
- the text proposed to change,
- an explanation of the purpose and/or intent of the change, and
- its source.

Since the submittal of the 2022 annual update, Staff has identified amendments to the IDO that could be made to improve the clarity, enforcement, and effectiveness of existing regulations. Changes were also collected from property owners, agents, developers, neighbors, the Administration, and City Councilors.



***Applicability***

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

***Environmental Planning Commission (EPC) Role***

The EPC is hearing this case pursuant to Subsection 14-16-6-7(D), Amendment to IDO Text – Citywide. The EPC’s task is to review the proposed changes and make a recommendation to the City Council regarding the proposed IDO text amendments as a whole. The EPC is a recommending body with review authority and can submit Recommended Conditions of Approval as it deems necessary. As the City’s Planning and Zoning Authority, the City Council will make the final decision. This is a legislative matter.

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

***Integrated Development Ordinance (IDO)***

The request for IDO Text Amendments – Citywide was submitted after the July 27, 2023 effective date of the 2022 Annual IDO Update; therefore, it is subject to applicable standards and processes therein. Subsection 14-16-6-3(D) Annual Updates to the IDO applies. Planning Staff compiled the requested changes and submitted them for EPC review and recommendation. The request fulfills the requirement for an IDO Annual Update.

The request is also required to meet the review and decision criteria for Amendment to IDO Text – Citywide in Subsections 14-16-6-7(D)(3)(a-c). The applicant’s justification letter (see attachment) demonstrates that the request adequately meets the criteria. The requirement is in plain text; Staff analysis follows in ***bold italic*** text.

***Criterion 14-16-6-7(D)(3)(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. Overall, the request generally meets Criterion 14-16-6-7(D)(3)(a). See Section III of this report for Staff’s policy analysis.***

***Criterion 14-16-6-7(D)(3)(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. The changes would apply across a particular zone district or for all***

*approvals of a designated type; therefore, the proposed citywide amendments are broad and legislative in nature. Proposed changes to specific zones (ex. mixed-use and non-residential zone districts) would apply equally in all areas with the same designation and are not directed toward any specific lot or project. Procedural changes would apply to all approvals of a certain type. Therefore, the request meets Criterion 14-16-6-7(D)(3)(b).*

*Criterion 14-16-6-7(D)(3)(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. (See Section III for Staff's in-depth policy analysis.) 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. Therefore, the request meets Criterion 14-16-6-7(D)(3)(c).*

#### ***Charter of the City of Albuquerque***

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

##### Article I, Incorporation and Powers

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

*Amending the IDO via text 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.*

##### Article IX, Environmental Protection

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

*The 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.*

Article XVII, Planning

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

***Amending the IDO through the annual update process is an instance of the Council exercising its role as the City's ultimate planning and zoning authority. The IDO 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.***

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

***Amending the IDO through the annual update process will help the Administration to implement the Comprehensive Plan vision for future growth and development and will help enforce and administer land use plans.***

***Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)***

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

The request for a text amendment to the IDO affecting properties citywide is generally consistent with a preponderance of applicable Comprehensive Plan Goals and policies, though some conflicts related to particular proposed amendments explained below in the Staff analysis in Section III of this Staff Report.

*Chapter 4: Community Identity*

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

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

***The proposed amendments would generally help enhance, protect, and preserve distinct communities and neighborhoods because they include additional protections to neighborhoods, such as distance separations, noise protections, and parking standards. Additional amendments would provide greater opportunities for development and economic activities that contribute to vital communities, while protecting their distinct character, such as allowance for duplexes, cottage developments and live-work opportunities. Therefore, the request is consistent with Goal 4.1 Character and Policy 4.1.4 Neighborhoods.***

*Chapter 5: Land Use*

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

*The request would create a complete, healthy, and sustainable community because the proposed amendments include changes that could foster greater housing opportunities and housing types, preserve historic character in neighborhoods, strengthen local and small businesses, protect open space, create landscaped areas, and contribute to safer communities through lighting standards. The request is consistent with Policy 5.2.1 Land Uses.*

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.

*The proposed text amendments promote efficient development patterns and use of land because they help support development and re-development in established neighborhoods throughout the city by encouraging infill projects and small businesses. The request is consistent with Goal 5.3 Efficient Development Patterns.*

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.

Sub-policy b): Minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic.

*The proposed amendments seek to minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, pollution, and traffic, through updated lighting standards for all developments, noise restrictions for outdoor amplified music, parking standards, and landscaping mitigations. The request is consistent with Policy 5.6.4 Appropriate Transitions.*

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

*The IDO annual update is a process that supports continued efforts to effectively and equitably implement the Comprehensive Plan. The proposed amendments seek to improve procedures, notification, transparency, and implementation of the IDO in order to further this Goal. The request is consistent with Goal 5.7 Implementation Processes.*

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 land use and development standards, such as lighting, landscaping, sensitive lands, parking, distance separations for uses, and procedural clarifications that help support desired growth, high-quality development, economic development, and housing. The request is consistent with Policy 5.7.2 Regulatory Alignment.*

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

*The IDO annual update process provides a regular opportunity for residents and stakeholders to better understand and engage in the planning and development process. The proposed amendments include numerous changes that will contribute to more consistency regarding mailed and emailed notice, posted signs, and appeal procedures that provide opportunities for improved public engagement and more efficient processes. The request is consistent with Policy 5.7.4 Streamlined Development.*

*Chapter 7: Urban Design*

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

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

*The request includes proposed amendments that seek to enhance the built environment and urban landscape through updated façade requirements for non-residential developments, lighting improvements, and landscape requirements. The amendments would contribute to context-sensitive design that enhances surrounding neighborhoods. The request is consistent with Policy 7.3.4 Infill.*

Goal 7.4 Context-Sensitive Parking: Design parking facilities to match the development context and complement the surrounding built environment.

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 for mixed-use and multi-family developments requiring parking facilities that match the development context and complement the surrounding built environment. Other amendments would limit the parking options available to single-family residences, possibly creating additional parking burdens for some property owners, especially those who park recreational vehicles on their properties. These changes do not consider contextual parking standards in existing single-family homes. Therefore, the request is partially consistent with Goal 7.4 Context Sensitive Parking and Policy 7.4.2 Parking Requirements.*

*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 that would allow more diverse economic activities throughout the city and provide an opportunity for entrepreneurs with home businesses. The request is consistent with Policy 8.1.2 Resilient Economy.*



*Chapter 9: Housing*

Goal 9.1 Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

*The proposed amendments would allow a greater supply of housing by allowing two-family residences on lots with existing single-family residences and in cottage developments, thereby allowing for a greater variety of housing within existing neighborhoods and creating the opportunity to expand the city's existing housing supply. The request is consistent with Policy 9.1.1 Housing Options.*

Goal 9.4 Homelessness: Make homelessness rare, short-term, and non-recurring.

Goal 9.5 Vulnerable Populations: Expand capacity to provide quality housing and services to vulnerable populations.

*The proposed text amendments would change overnight shelters to a permissive use in the zones where they are currently a conditional use, with use-specific standards that establish thresholds under which they require a conditional use approval, including proximity to residential uses. Therefore, the request would expand the ability to provide more services to the unhoused, while at the same time protecting surrounding neighborhoods. The request is generally consistent with Goal 9.4 Homelessness and Goal 9.5 Vulnerable Populations.*

*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.

*The proposal includes a text amendment that would allow contextual setback standards to apply to properties in Historic Protection Overlay zones, which would preserve and enhance significant historic districts. This change would also help those seeking to maintain and improve historic properties or build in historic neighborhoods by allowing more flexibility in their site design, while maximizing consistency with the historic character of these distinct districts. The request is consistent with Goal 11.2 Historic Assets.*

### **III. PROPOSED AMENDMENTS & DISCUSSION**

The proposed citywide text amendments are presented and explained in the spreadsheet “IDO Annual Update 2023 – EPC Review – Citywide.” (See attachment.) This section focuses on the key substantive changes that warrant further discussion; many have garnered public comments.

These changes are grouped by category and referred to by page number to track with the IDO effective as of July 27, 2023. A detailed explanation of the proposed amendment is provided in plain text, followed by Staff analysis in *italic text*.

#### ***Contextual Standards for Historic Protection Overlay Zones – 14-16-3-5(G) [Item #1]***

***Summary:***

This proposal from Historic Preservation staff would amend IDO page 120, adding a new Section 3-5(G), and renumbering subsequent sections. The proposal would require new development or

redevelopment in Historic Protection Overlay (HPO) zones to comply with contextual standards in Subsection 14-16-5-1(C)(2) for lot sizes, front setbacks, and side setbacks, unless the Landmarks Commission approves a different standard in a Historic Certificate of Appropriateness – Major pursuant to Subsection 14-16-6-6(D). The purpose of this proposal is to allow alternative site design standards on historic lots so that they follow historic development patterns rather than IDO zoning standards. Lots in historic districts tend to be smaller than the minimum lot sizes established by the IDO, and surrounding development often does not conform to setback requirements. This change would allow owners flexibility to design sites to follow the pattern of existing development and would give the Landmarks Commission authority to set and approve alternative standards as appropriate.

Some public comment was received expressing concern that this proposal would give the Landmarks Commission too much authority and flexibility; however, the Landmarks Commission already has the responsibility of determining appropriate design standards within HPOs. The proposed amendment makes the Landmarks Commission, not the Zoning Hearing Examiner, the appropriate body to determine appropriate setbacks if additional flexibility is needed for a particular development.

*Policy Analysis:* The proposed amendment to contextual standards in Historic Protection Overlay zones is consistent with the following Comprehensive plan Goals and Policies.

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

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

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

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 11.2.3 Distinct Built Environments: Preserve and enhance the social, cultural, and historical features that contribute to the identities of distinct communities, neighborhoods, and districts.

*The proposed amendment is generally consistent with Comprehensive Plan Goals and Policies because it will enhance the character of existing communities and historic neighborhoods, allowing their development to continue to observe the distinct patterns of the existing neighborhoods and historic districts. Furthermore, the adoption of this new section for the IDO will allow historic districts that include Areas of Change to apply the contextual setback standards, thereby eliminating the unequal application of IDO standards within the Historic Protection Overlay zone.*

***Amplified Sound – Table 4-2-1; 14-16-4-3(F)(14); 14-16-7-1 [Items #2, #7, #50]***

***Summary:***

There are three proposed amendments related to amplified sound, all based on a request from the public. These amendments create a new accessory use in Table 4-2-1: Allowable Uses for Outdoor Amplified Sound. This accessory use would be permissive (A) in the following zone districts: MX-L, MX-M, MX-

H, NR-C, NR-BP, NR-LM, and NR-GM. The accessory use would be conditional (CA) in the MX-T zone district.

The amendment proposes new use-specific standards in a new Subsection 14-16-4-3(F)(14), renumbering subsequent subsections accordingly. The use-specific standards would prohibit amplified sound from speakers outside of a fully enclosed building between the hours of 10 p.m. and 7 a.m. near residential uses.

Staff received public comments via comments pinned on the IDO Annual Update 2023 Spreadsheet. Some questioned the potential overlap with regulations in the existing Noise Ordinance. The proposed amendment is written to complement but not conflict with the Noise Ordinance, and both would be enforced by the Environmental Health Department. Other comments recommended extending the curfew hours beyond 7 a.m. The amendment is written to be consistent with other morning hour regulations in the IDO (Community Garden, Self-storage, Nicotine Retail, Helipad, Home Occupation, Outdoor Animal Run). Some commenters requested larger distance from residential uses. The amendment proposes 330 feet (approximately 1 city block) as opposed to 100 feet, a measurement which is often used as a distance from residential uses.

*Policy Analysis:* The amendments to amplified sound are consistent with the following Comprehensive Plan Goals and Policies:

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

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

5.6.2.f: Minimize potential negative impacts of development on existing residential uses with respect to noise, stormwater runoff, contaminants, lighting, air quality, and traffic.

Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

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.

5.6.6.b: Minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic.

*The proposed amendments would be generally consistent with the Comprehensive Plan by helping to ensure that the negative impacts of development near residential areas is minimized. The use-specific standards establish a curfew on outdoor amplified sound near residential areas and provide a transition that respects and protects nearby neighborhoods.*

***Cottage Development – 14-16-4-3(B)(4) [Item #3]***

***Summary:***

The proposal to amend IDO Section 4-3(B)(4) on pages 159-161 adds 2 new use-specific standards for Cottage Development. The proposed amendment would allow cottage developments to be duplexes (i.e. connected on one side) and would require front porches on all dwellings in a Cottage Development, whether single-family or duplex. This amendment is intended to provide more flexibility for housing options while ensuring a consistent character of design.

Staff received a public comment recommending that the minimum lot size requirement for Cottage Developments be reduced. Subsections 4-3(B)(4)(a) and (b) require a minimum of 1 acre citywide or 10,000 square feet in an Urban Center (UC), Main Street (MS), or Premium Transit (PT) area. Reducing the minimum lot size would allow cottage development in more areas throughout the city. Long Range Planning staff commented that many residents in the Near Heights CPA expressed support for cottage development because it increases opportunities for living close to family and aging in place.

*Policy Analysis:* The proposed amendment is consistent with the following Goals and Policies:

Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

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

5.2.1.d: Encourage development that broadens housing options to meet a range of incomes and lifestyles.

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

5.2.1.n: Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

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

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

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

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

7.3.2.e: Encourage high-quality development that capitalizes on predominant architectural styles, building materials, and landscape elements.

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

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

Goal 9.1 Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

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.

Policy 9.1.2 Affordability: Provide for mixed-income neighborhoods by encouraging high-quality, affordable, and mixed income housing options throughout the area.

Goal 9.2 Sustainable Design: Promote housing design that is sustainable and compatible with the natural and built environments.

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

- a) Encourage innovative and diverse options for intentional or communal living.

Goal 9.3 Density: Support increased housing density in appropriate places with adequate services and amenities.

*The amendments are generally consistent with Comprehensive Goals and Policies encouraging more housing options for complete communities and more infill that encourages sustainable growth patterns and efficient use of existing infrastructure and public services. Reducing the minimum lot size for Cottage Developments would encourage more infill development and more housing developments that provide alternatives for people looking for multigenerational living and intentional communities. Staff has prepared a recommended Condition of Approval for EPC review.*

The proposed requirement that all units in a Cottage Development have a front porch is only partially consistent with the following Comprehensive Goals and Policies:

Goal 9.6 Development Process: Promote cost-effective housing redevelopment and construction that meets community needs.

Policy 9.6.1 Development Cost: Reduce development costs and balance short-term benefits of delivering less costly housing with long-term benefits of preserving investment in homes and protecting quality of life.

*The request to require front porches on all dwelling units will add construction cost to a Cottage Development Project. EPC should carefully consider whether this requirement is overly onerous,*



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*potentially discouraging cottage development, or whether it is an appropriate requirement to establish consistent character for cottages that may be either single-family or duplex.*

***Walls and Fences – 14-16-4-3(D)(18); 14-16-4-3(D)(37); 14-16-5-7(D)(3)(a); Table 5-7-2 [Items #4, #5, #23 and #24]***

***Summary:***

The request includes four changes related to wall and fences. The first two changes require walls via use-specific standards for Light Vehicle Fueling Stations (i.e. gas stations) and General Retail. Subsection 4-3(D)(18) and Subsection 4-3(D)(37) require a wall or fence at least 3 feet high around the perimeter of all general retail and light vehicle fueling stations and from the edges of the primary building to the side or rear property line. This amendment is intended to limit pedestrian access to designated public entrances. It is important to note that one effect of the proposed change will be that pedestrians may be pushed closer to traffic in the street; particularly where older sidewalks do not meet ADA standards.

The other two changes would allow taller front yard walls in low-density residential development. Subsection 14-16-5-7(D)(3)(a) would allow a front yard or street side yard wall up to 5 feet tall, if all the following requirements are met:

- (a) The wall is not located in a small area where taller walls are prohibited.
- (b) View fencing is used for portions of a wall above 3 feet.
- (c) The wall is set back at least 5 feet, and the setback area is landscaped with at least 3 shrubs or 1 tree every 25 feet along the length of the wall.

Additionally, the amendment would revise Table 5-7-2: Options for a Taller Front or Side Yard Wall so that a wall taller than 3 feet located less than 5 feet from the property line would still require a Wall or Fence Permit – Major.

The proposed change would allow a private, enclosed space in front yards that might increase a sense of safety, but it might also change the character of neighborhoods that have developed since 1959, when zoning first limited front yard walls to 3 feet in residential areas. The setback, view fencing, and landscaping requirements are all intended to enhance community character and ensure continued “eyes on the street.”

Many public commenters were opposed to the proposed change for taller walls in neighborhoods, and several were frustrated that this proposal was included again after being rejected the past two years. The amendment was drafted in response to general requests for taller walls in front yards that can provide more privacy and potentially more safety for young children and pets. Long-Range staff commented that some neighborhoods value protecting and preserving the distinct character of their communities above privacy and that residents in the Near Heights CPA have generally been opposed to allowing taller fences in residential areas.

Several public commenters opposed the required walls for the non-residential uses, citing concerns over the negative impact on connectivity for pedestrians and urban design in the built environment.

Participants in the Near Heights CPA in particular wanted to increase pedestrian access and maintain sightlines between buildings in retail areas.

*Policy Analysis:* The proposed amendments to fence heights are only partially consistent with the following Comprehensive Plan Goals and Policies:

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

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

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

Goal 6.2 Multi-Modal System: Encourage walking, biking, and transit, especially at peak-hour commuting times, to enhance access and mobility for people of all ages and abilities.

Policy 6.2.3 Pedestrian & Bicycle Connectivity: Provide direct pedestrian and bicycle access to and circulation within Centers, commercial properties, community facilities, and residential neighborhoods.

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

Policy 7.2.1 Walkability: Ensure convenient and comfortable pedestrian travel.

7.2.1.j: Emphasize pedestrian connections between buildings on a site and to adjacent uses.

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

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

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

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

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

*The proposal to allow taller front-yard walls in low-density residential development is partly consistent with Policy 7.3.2 Community Character to the extent that it only allows residents to*

*increase wall heights if the walls are set back 5 feet, incorporate view fencing, and are paired with landscaping in the setback. Taller walls may contribute to a sense of safety; however, allowing taller walls than have been allowed since 1959 will change the character along the street of many existing neighborhoods. Therefore, the proposal is only partially consistent with Goal 7.3 Sense of Place, Policy 7.3.2 Community Character, and Policy 4.1.2 and conflicts with Goal 4.1 Character and Policy 4.1.1 Distinct Communities.*

*The proposal to require walls around light vehicle fueling and general retail generally conflicts with Goals and Policies encouraging pedestrian-oriented design, walkability, and connectivity because it intentionally limits pedestrian access to general retail; therefore, the proposed change conflicts with Goal 6.2 Multi-modal System, Policy 6.2.3 Pedestrian & Bicycle Connectivity, Goal 7.2- Pedestrian Accessible Design, Policy 7.2.1 Walkability, and Policy 7.2.2 Walkable Places.*

*The proposed change would also result in sporadic street walls in many more business districts, changing the character of the built environment; therefore, the proposal conflicts with Goal 7.3 Sense of Place and Policy 7.3.2 Community Character.*

*EPC should carefully consider the extent to which walls improve public safety and whether that community benefit outweighs the negative impact to connectivity, access, urban design, and community character encouraged by Comp Plan goals and policies.*

#### **Utilities and Waste Management – 14-16-4-3(E)(8); 14-16-5-2(H) [Items #6, #15, #55]**

##### ***Summary:***

There are two proposed amendments related to utilities and waste management. The first amendment includes 2 items on the spreadsheet that would create a new primary use – Battery Energy Storage System – that allows a private facility with utility-scale batteries to store electricity until needed on the electric grid. The amendment also makes a minor change to the definition of Electric Utility, which allows battery storage as an incidental use. The intent is that private, standalone Battery Energy Storage Systems would follow the proposed new regulations, while battery storage installed by the Public Service Company of New Mexico (PNM) would be regulated by the use-specific standards for Electric Utility. The proposed amendment for a standalone Battery Energy Storage System adds a new primary use to Table 4-2-1 allowing the use in the NR-LM and NR-GM zone districts, with new use-specific standards in Subsection 4-3, and new definitions in 14-16-7-1.

The Battery Energy Storage System amendment responds to a growing need for electric power as we move away from natural gas toward renewable energy sources, commonly referred to as “electrification.” The proposed amendment would allow electricity to be stored until it is needed during an energy shortage or an emergency – where it might be needed – helping to serve future economic growth in the city, improving the viability and efficiency of our electric utility, and allowing the private market to help fill this need throughout our city. As beneficial as this use is to the electric utility, the chemicals that allow the energy storage in batteries can pose a public safety hazard, as several facilities nationwide have experienced fires that resulted in plumes of smoke with toxic chemicals. The chemicals in the batteries can be combustible, and fires can be difficult to control and put out. For these reasons, the proposed amendment only allows this use in the NR-LM and NR-GM zone districts, which are

intended for manufacturing uses, and landscape buffers and distance separations from residential uses are required to ensure safety during an emergency.

PNM comments supported creating a new Battery Energy Storage System use but questioned whether some of the regulations were necessary. It is important to note that the IDO definition for Electric Utility is intended to regulate all the components that PNM needs for its facilities, so PNM would not be subject to the proposed regulations. In addition to meeting IDO regulations related to Electric Utility, PNM facilities are regulated by the New Mexico Public Regulatory Commission (NMPRC).

The other proposed amendment would revise the regulation related to landfill gas buffer areas, included in Section 14-16-5-2. The proposed change would exempt landfills closed within the last 30 years from review by the City's Environmental Health Department or any requirement to mitigate potential landfill gas that can pose health hazards due to methane and other byproduct gases.

The City's Environmental Services Division provided comments explaining that existing regulations for landfill mitigation were created in response to public health hazards and cautioning that the proposed language would all but eliminate any regulations for closed landfills in Albuquerque.

*Policy Analysis:* The proposed amendments to utilities and waste water management are consistent with the following Comprehensive plan Goals and Policies:

Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

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

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

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

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

Goal 8.2 Entrepreneurship: Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.

Policy 8.2.1 Local Business: Emphasize local business development.

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

8.2.3.a.: Encourage innovative, energy efficient design and construction, standards, and techniques.

8.2.3.d.: Promote businesses that have economic qualities and/or products that support sustainability.

Goal 12.1 Infrastructure: Plan, coordinate, and provide for efficient, equitable, and environmentally sound infrastructure to support existing communities and the Comp Plan's vision for future growth.

Policy 12.1.6 Energy Systems: Coordinate with energy providers to safeguard essential infrastructure to serve existing development and ensure a safe, adequate, and reliable supply to support growth.

Goal 12.3 Public Services: Plan, coordinate, and provide efficient, equitable, and environmentally sound services to best serve residents and protect their health, safety, and well-being.

Policy 12.3.2 Solid Waste Management: Maintain a clean and healthy community by providing solid waste services.

12.3.2.a: Minimize potential adverse environmental impacts of collection, transfer, and disposal.

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

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

Goal 13.4 Natural Resources: Protect, conserve, and enhance natural resources, habitat, and ecosystems.

Policy 13.4.3 Energy Resources: Conserve energy and capitalize on renewable energy resources that are plentiful in our region, especially solar and wind energy

Goal 13.5 Community Health: Protect and maintain safe and healthy environments where people can thrive.

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

Policy 13.5.3 Public Infrastructure Systems and Services: Coordinate with providers to ensure that systems and services do not compromise the health, safety, and welfare of the community.

*The proposal to create a new use that allows a Battery Energy Storage System is consistent with Comp Plan Goals and Policies encouraging complete communities, efficient infrastructure, and sustainability. This use will improve the reliability and efficiency of existing electric utilities, particularly as more people transition away from gas appliances and heating systems. Generally, electric systems are more compatible with renewable energy sources, and this use will improve the viability and availability of electricity as it is needed during peak hours of use or on calm, cloudy days. To that extent, this use*



*improves the provision of environmentally sound services that help protect and maintain safe and healthy environments and communities; therefore, this amendment is consistent with Goal 5.2 Complete Communities, Policy 5.2.1 Land Uses, Goal 5.3 Efficient Development Patterns, Goal 8.2 Entrepreneurship, Policy 8.2.3 Sustainable Business, Goal 12.1 Infrastructure, Policy 12.1.6 Energy Systems, Goal 12.3 Public Services, Goal 13.1 Climate Change, Policy 13.1.1 Resource-efficient Development, Goal 13.4 Natural Resources, Policy 13.4.3 Energy Resources.*

*The proposed amendment is consistent with Comp Plan goals and policies related to ensuring public health and safety because the proposed amendment includes requirements for distance separations from residential uses, landscape buffers next to other uses, and other regulations to minimize risk related to the combustible toxic chemicals in the batteries. These use-specific regulations and development standards are intended to make amendment consistent with Goal 13.5 Community Health, Policy 13.5.1 Land Use Impacts, and Policy 13.5.3 Public Infrastructure Systems and Services.*

*The proposed amendment to landfill gas mitigation is consistent with goals and policies encouraging efficient review and decision processes (Goal 5.7 Implementation Processes and Policy 5.7.4 Streamlined Development), because development proposed within the existing former landfill buffer would no longer be required to be reviewed by the Environmental Health Department.*

*However, the amendment conflicts with Goal 12.1 Infrastructure, Goal 12.3 Public Services, Policy 12.3.2.a Solid Waste Management, Goal 13.5 Community Health and Policy 13.5.1 Land Use Impacts, because closed landfills continue to pose risks to public health and safety even after 30 years, and the proposed change would eliminate the ability to address these hazards and ensure that they are properly mitigated with new development and re-development and monitored over time.*

*EPC should carefully consider whether the potential for increased efficiency of reviews that may be achieved with the proposed amendment outweighs the potential negative impact on public health and safety.*

#### ***Cannabis Retail – Table 4-2-1; 14-16-4-3(D)(35) [Item #8]***

##### ***Summary:***

City Council proposed five amendments related to cannabis retail. One amendment would align the existing distance separation between cannabis retail establishments in the use-specific standard in Subsection 14-16-4-3(D)(35)(c) to other distance separation requirements in the IDO, from 600 feet to 660 feet. The amendment would delete the provision that allows a cannabis retail establishment to get a conditional use approval to be closer than that distance. Because the distance separation would be a use-specific standard, no variances would be allowed. The proposed amendment would prohibit cannabis retail in the Mixed-Use – Transition (MX-T) zone district, which would change Table 4-2-1 and delete Subsection 14-16-4-3(D)(35)(j). Finally, the proposed amendment would delete the term Cannabis Microbusiness from the IDO, Section 7-1 because that term only appears in the deleted Subsection related to MX-T.

Public comments supported the proposed amendments.

*Policy Analysis:* The amendments to cannabis retail are consistent with the following Comprehensive Plan Goals and Policies:

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

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

Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

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

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

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

*The proposed amendments are consistent with Comprehensive Plan goals and policies that support healthy, complete communities and distinct neighborhoods because it strengthens a distance separation intended to prevent over-concentration of a use that could have negative impacts on surrounding areas and avoids overburdening any community with cannabis retail establishments.*

### ***Overnight Shelters – Table 4-2-1; Subsection 14-16-4-3(C)(6) [Item #9]***

#### ***Summary:***

A proposed amendment revises Table 4-2-1 to make overnight shelters permissive in all zone districts where they are currently allowed as Conditional (MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM) and amends the existing use-specific standards in Subsection 14-16-4-3(C)(6) to limit the size of shelters to 50 beds or fewer. Above that size, a conditional use approval would be required. The proposed amendment makes overnight shelters conditional within 330 feet of residential zone districts and residential uses in mixed-use zones, allowing public input at a public hearing when the use might raise concerns for surrounding neighborhoods. The proposal would also make overnight shelters conditional within 1,500 feet of any other overnight shelter. The distance separation is intended to ensure that no community is overburdened with a use that might pose negative impacts on surrounding areas, and the conditional use process is intended to provide an opportunity for public input and for additional conditions to be required to address concerns and mitigate negative impacts.

This proposal responds to a need for additional shelters for unhoused people and would facilitate development that provides much-needed services for those experiencing homelessness.

The proposed amendment lessens the burden of lengthy approval processes for small overnight shelters that are not close to residential uses or to other overnight shelters. The change would allow the City and

other nonprofits working to address homelessness by providing housing to vulnerable populations, a much-needed service in the city.

Long Range staff commented that throughout the CPA Assessment processes in Near Heights, Southwest Mesa, East Gateway, and Central ABQ, neighbors expressed concern for people without shelter. Many participants in these planning processes supported increasing services for people experiencing homelessness.

***Policy Analysis:*** The proposed amendments to overnight shelters are consistent with the following Comprehensive Plan Goals and Policies:

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

Policy 5.3.7 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.

5.3.7.a: Minimize the impacts of locally unwanted land uses on surrounding areas through policies, regulations, and enforcement.

5.3.7.b: Ensure appropriate setbacks, buffers, and/or design standards to minimize offsite impacts.

Goal 9.4 Homelessness: Make homelessness rare, short-term, and non-recurring.

Policy 9.4.1 Best Practices: Implement an appropriate and effective model to address chronic homelessness.

Policy 9.4.2 Services: Provide expanded options for shelters and services for people experiencing temporary homelessness.

Policy 9.4.3 Equitable Distribution: Support a network of service points that are easily accessible by residents and workers, geographically distributed throughout the city and county, and proximate to transit.

Goal 9.5 Vulnerable Populations: Expand capacity to provide quality housing and services to vulnerable populations.

Policy 9.5.1 Quality Housing: Ensure well-maintained, safe transitional and permanent housing for the lowest-income households that are most at risk of homelessness.

*This proposal is consistent with Comprehensive Plan policies encouraging housing and services for vulnerable populations and people experiencing homelessness. The proposed amendment would make overnight shelters permissive, which has the immediate effect of getting an approval more quickly if all requirements are met, allowing these much-needed facilities to provide housing more quickly to those*

*in need. Therefore, the amendment is consistent with Goal 9.4 Homelessness, Policy 9.4.1 Best Practices, Policy 9.4.2 Services, Goal 9.5 Vulnerable Populations, and Policy 9.5.1 Quality Housing.*

*This proposal is consistent with Comprehensive Plan policies encouraging equitable distribution of services and locally unwanted land uses that provide a public good because it includes distance separations from residential uses and from other overnight shelters, as well as a requirement for a conditional use approval that requires a public hearing where public input can be taken and conditions of approval can be added to mitigate negative impacts.*

*Concerned residents nearby proposed overnight shelters would continue to have input in the process. This proposed amendment does not expand the areas where overnight shelters are an allowed use. Therefore, this proposal is consistent with Goal 5.3 Efficient Development Patterns, Policy 5.3.7 Locally Unwanted Land Uses, and Policy 9.4.3 Equitable Distribution.*

***Definitions for Community Residential Facilities, Group Homes, Overnight Shelter and Nursing Homes – 14-16-7-1 [Items #46, #47, #48, #49]***

***Summary:***

Proposed amendments modify the definitions of Community Residential Facilities, Group Homes, Overnight Shelters, and Nursing Homes to be more consistent with the Federal Fair Housing Act and to clarify the differences among the related terms. The revised definitions are intended to improve enforcement. The proposed amendments do not change where these uses would be allowed either permissively or conditionally.

Public comments about these definitions showed confusion about the intent of the proposed changes. Commenters opposed any changes that would allow people with substance addictions not in recovery programs or people in the criminal justice system to live in residential neighborhoods. It is important to note that the definitions do not change these allowances. Both types of facilities would be regulated as group homes, which are not allowed in R-A, R-1, R-MC, or R-T.

*Policy Analysis:* The proposed definitions for Definitions for Community Residential Facilities, Group Homes, Overnight Shelter and Nursing Homes are consistent with the following Comprehensive plan Goal and Policies:

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

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

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

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

*The proposed amendments are consistent with the Goals and Policies related to implementation process because having clear, precise definitions help support improved procedures and processes to implement the Comprehensive Plan and achieve desired development in the city, as well as helping to update the regulatory framework needed to support both public service and quality of life priorities for the greater community. Having clear definitions helps encourage efficiencies in the development review process and creates transparency that supports consistent implementation, high-quality customer service, and efficiencies in development processes. The proposed changes to the definitions would not extend these uses in any zone district, nor allow them in zones they are currently not allowed. The updated definitions would simply align with current Federal Fair Housing Act regulations and provide greater clarity in the development review process and code enforcement efforts. Therefore, the proposed amendments are consistent with Goal 5.7 Implementation Processes, Policy 5.7.2 Regulatory Alignment, Policy 5.7.4 Streamlined Development, and Policy 5.7.6 Development Services.*

***Duplex – 14-16-4-3(B)(5); 14-16-4-3(F)(6) [Items #10, #13]***

***Summary:***

Two amendments propose to change allowances for two-family detached (duplex) dwellings. One would allow duplexes permissive in R-1 on corner lots that are a minimum of 5,000 square feet, where additional access to driveways and on-street parking might be available. Other than this allowance, duplexes would only be allowed in the R-1A sub-zone, where the building straddles the lot line and each dwelling unit is on a separate lot. This proposal was pared down from a public comment requesting that up to 6 units be allowed on all R-1 lots citywide.

City Council submitted the other proposal (see Council Memo attached) that would allow duplexes permissively in the R-1 zone district where they are added to or created from an existing single-family house but make them conditional on a lot without an existing house. This amendment proposes changes to the use-specific standards for duplex and accessory dwelling units to allow a property owner to have one but not the other on the same lot. This amendment is intended to limit demolition of existing single-family residences and require an additional public hearing for public input and potential conditions of approval to ensure consistency with neighborhood character. The proposed changes ensure modest allowances for an additional unit while limiting the potential density of additional development in existing residential areas. This change would allow efficient use of existing infrastructure and investment in public services and facilities throughout the city while providing much-needed housing.

This amendment would expand housing options in residential development, which is also much needed in the city. In general, duplexes are considered a more affordable housing option for many families. They can also be added to create an additional independent living space within the main dwelling for other family members. From a land-use perspective, there is no way to distinguish a second kitchen in a dwelling, which is currently allowed, from an attached accessory dwelling unit (duplex). Therefore, allowing duplexes to be added on to an existing residential structure could effectively have very little effect on the character of existing residential neighborhoods. Further, these conversions can often be part of an anti-displacement strategy, as a family can live in one unit and rent the other or multi-generational families can continue to live and grow together, helping to cover living expenses.

The Mid-Region Metropolitan Planning Organization (MRMPO) commented that Connections 2040 Metropolitan Transportation Plan (MTP) supports duplexes as a way to gently increase density to



incentivize redevelopment, transit-oriented development, and infill in order to maximize the utility of existing infrastructure while providing for a mix of housing.

Long Range staff commented that community members appreciate the mix of housing types within neighborhoods, particularly in the Near Heights CPA. Two participants in the East Gateway CPA Assessment opposed allowing duplexes in single-family zones.

Public commenters generally opposed all the amendments for duplexes over concerns for property values and neighborhood character.

*Policy Analysis:* The amendments to duplexes are consistent with the following comprehensive plan Goal and Policy:

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

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

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

Goal 9.1 Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

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.

Policy 9.1.2 Affordability: Provide for mixed-income neighborhoods by encouraging high-quality, affordable, and mixed income housing options throughout the area.

Goal 9.3 Density: Support increased housing density in appropriate places with adequate services and amenities.

Goal 9.6 Development Process: Promote cost-effective housing redevelopment and construction that meets community needs.

Policy 9.6.1 Development Cost: Reduce development costs and balance short-term benefits of delivering less costly housing with long-term benefits of preserving investment in homes and protecting quality of life.

*The proposed amendments allowing duplexes in more locations in Albuquerque are consistent with Comprehensive Plan policies encouraging housing options, affordability, infill, and gentle density. Given the existing shortage in housing in general and affordable housing in particular and the limited land currently zoned for this use, allowing duplexes in the R-1 zone could increase housing supply*

*created by converting existing single-family houses into two-family houses. Duplexes are a low-density residential use, and the land use impacts would be similar to single-family dwellings. Where duplexes are constructed, the shared roof and wall would not only reduce the cost of construction per dwelling unit, resulting in “naturally affordable” housing, but also these dwellings are all but indistinguishable from single-family homes as seen from the street, protecting the character of existing neighborhoods while providing an incremental increase in housing supply. Any proposed duplex would have to meet all parking requirements, design standards, and small-area standards in the IDO, ensuring that they are high-quality and consistent with the established requirements in low-density residential neighborhoods. Therefore, the proposed amendments are consistent with Goal 7.3 Sense of Place, Policy 7.3.4 Infill, Policy 7.3.5 Development Quality, Goal 9.1 Supply, Policy 9.1.1 Housing Options, Policy 9.1.2 Affordability, Goal 9.3 Density, Goal 9.6 Development Process, and Policy 9.6.1 Development Cost.*

***City Facilities – 14-16-2-5(E)(2); 14-16-4-1(A)(4) [Item #11, #54]***

***Summary:***

Two amendments are proposed to help facilitate the development of city facilities. The first change would remove the requirement for police stations and fire stations to be zoned NR-SU (Non-residential—Sensitive use), which includes a process to review/decide a zone map amendment and a Site Plan – EPC. This amendment is intended to allow fire and police stations in more locations throughout the city to better-serve city residents and to lessen the burden of review at a public hearing. If approved, Subsection 14-16-2-5(E)(2)(f) would be deleted, and in Table 4-2-1, a new use for Fire station or police station would be added as a permissive use (P) in MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM.

The second change, in Subsection 14-16-4-1(A)(4), would exempt City facilities from requiring a Conditional Use Approval where it would be otherwise required in Table 4-2-1. The purpose of this change is to facilitate the development of City facilities that serve a public purpose by streamlining the review and approval process while still allowing conditions of approval to be added to mitigate potential negative impacts to surrounding properties and to ensure public health, safety, and welfare.

Long Range staff comments that some community members find the development process confusing, for both developers and neighbors. In one way, the proposed amendments would eliminate one potentially confusing step in the review/decision process for City facilities. In another way, the proposed amendments would eliminate a potential opportunity for community involvement in the decision-making process for vital public services.

Public comments generally opposed amendments that would make City facilities easier to develop over concerns about lack of notice and public input opportunities in the development review and decision process.

***Policy Analysis:***

The proposed amendment is consistent with the following Goals and Policies:

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.

Goal 12.3 Public Services: Plan, coordinate, and provide efficient, equitable, and environmentally sound services to best serve residents and protect their health, safety, and well-being.

Policy 12.3.1 Access to Public Services: Maximize residents' access to public services and distribute services equitably, whether they are provided by the City or County or in partnership with other agencies. [ABC]

Policy 12.3.3 Fire and Rescue: Provide comprehensive fire and rescue and emergency medical services to save and protect lives, property, and the environment in cooperation with the public and other agencies. [ABC]

Policy 12.3.4 Police and Sheriff: Maintain a safe and secure community by providing crime prevention, police protection, law enforcement, and investigative services in cooperation with the public and other agencies. [ABC]

*The proposed amendment is consistent with Comprehensive Plan Goals and Policies encouraging public facilities that support the public good, provide public services, and protect lives, property, and the environment because the amendment would make developing police stations and fire stations an easier, faster process and would allow them in locations throughout the city without a zone change.*

The proposed amendment is partially consistent with the following Goals and Policies:

Goal 12.5 Resources: Identify and allocate sufficient resources to support infrastructure, community facility, and public service needs in order to invest public dollars efficiently and effectively and to maintain a sound fiscal position.

Policy 12.5.6 Public Input: Provide information and opportunities for input about capital investment programming, project delivery, and funding priorities. [ABC]

*The proposed amendments related to City facilities are partially consistent with Comprehensive Plan Goal 12.5 Resources and Policy 12.5.6 Public Input because while the amendments make it easier to provide needed City facilities that serve a substantial government interest by reducing the requirement for a public hearing (zoning map amendment/Site Plan hearing at EPC for fire/police stations and a conditional use hearing at the Zoning Hearing Examiner for uses listed as C in Table 4-2-1), contributing to a more efficient process, cutting down on staff time and City resources required to review and approve these facilities, these changes would also reduce opportunities for public input and community involvement in how and where these facilities are provided for the public good.*

*EPC should carefully consider whether the potential efficiencies in the development process and the provision of these public services and City facilities outweigh the benefit, potential improvement, and transparency/accountability that comes through the public input provided during public hearings.*

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***Dwelling, Live-Work – Table 4-2-1; 14-16-4-3(B)(7); 14-16-6-6(A) [Item #12]***

***Summary:***

The proposed change would allow small restaurants and retail establishments permissively in the R-1, R-T and R-ML zone districts. The amendments would modify Table 4-2-1 and use-specific standards in Subsection 14-16-4-3(B)(7). Cannabis retail and nicotine retail would be prohibited. This change would expand opportunities for neighborhood-serving restaurants, coffee shops, and retail while strengthening the local economy, creating additional opportunities for entrepreneurs, and supporting small-scale local businesses.

In the R-1 zone district, general retail and restaurants would be limited to 3,000 square feet or less and would only be allowed on corner lots that are a minimum of 5,000 square feet.

In the R-T and R-ML zone districts, this use would be permissive on corner lots that are a minimum of 5,000 square feet. In other locations, a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), would be required.

This proposal allows for a return to the pattern of corner stores in neighborhoods, providing services within walking distance of more residences, contributing to the creating of a walkable, bikeable, and sustainable city, with thriving neighborhoods.

Long Range staff commented that this proposed change supports Southwest Mesa community members' desire to have increased access to neighborhood services, while prohibiting undesirable uses. While better served, Near Heights and Central ABQ neighbors also desired more amenities within walking distance of their homes.

*Policy Analysis:* The proposed amendment is consistent with the following Goals and Policies:

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

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

4.1.4.a: Respect existing neighborhood values and social, cultural, recreational resources.

4.1.4.b: Leverage community resources to identify issues, opportunities, and special places and promote strong community identity.

4.1.4.c: Support improvements that protect stable, thriving residential neighborhoods and enhance their attractiveness.

Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

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

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

5.2.1.b: Encourage development that offers choice in transportation, work areas, and lifestyles.

5.2.1.d: Encourage development that broadens housing options to meet a range of incomes and lifestyles.

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

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

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

Goal 8.1 Placemaking: Create places where business 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.

Goal 8.2 Entrepreneurship: Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.

Policy 8.2.1 Local Business: Emphasize local business development.

Policy 8.2.2 Diverse Talent: Promote a more inclusive ecosystem for developing entrepreneurs.

8.2.2.b. Promote efforts to reach potential entrepreneurs in the neighborhoods and industry sectors where they work.

*The proposed amendments are consistent with Comprehensive Plan Goals and Policies supporting neighborhood-serving services, walkable and pedestrian-oriented development, complete communities, entrepreneurship, and local businesses because allowing live-work for small retail and restaurants on corner lots in neighborhoods will expand business opportunities for homeowners and entrepreneurs who otherwise could not purchase, maintain, or rent two properties, one for business and one for living. This proposal will foster a small, local, neighborhood-oriented economy, providing economic opportunities for many sectors of the community that may have otherwise been limited in their possibilities for economic growth.*



**Construction Mitigation – 14-16-5-2(K) [Item #16]**

***Summary:***

The proposed amendment would revise Subsection 14-16-5-2(K) Preventing and Mitigating Construction Impact to include specific requirements for development next to Major Public Open Space or on lots where sensitive lands have been identified to help prevent or mitigate impacts from construction activities. (See relevant exhibit.)

***Policy Analysis:***

The amendment is consistent with the following Comprehensive Plan Goals and Policies:

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

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

Policy 4.1.5 Natural Resources: Encourage high-quality development and redevelopment that responds appropriately to the natural setting and ecosystem functions.

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

Policy 7.3.1 Natural and Cultural Features: Preserve, enhance, and leverage natural features and views of cultural landscapes.

Goal 10.3 Open Space: Protect the integrity and quality of the region's natural features and environmental assets and provide opportunities for outdoor recreation and education.

Goal 11.4 Archaeological & Paleontological Resources: Identify, acquire, and manage significant archaeological and paleontological sites for research, education, tourism, and recreational use.

Policy 11.4.5 Private Protections: Encourage the private protection of sensitive lands, such as rock outcrops or significant cultural, archaeological, volcanic, or geologic land through private conservation easements, or re-platting as private open space.

Goal 13.5 Community Health: Protect and maintain safe and healthy environments where people can thrive.

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

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

*This amendment would help protect and preserve the integrity of sensitive lands and Major Public Open Space by requiring fencing to protect sensitive lands during construction and pre- and post-construction coordination with the Parks and Recreation Department. Therefore, the proposed amendment is consistent with Goal 4.1 Character, Policy 4.1.3 Placemaking, Policy 4.1.5 Natural Resources, Goal 7.3 Sense of Place, Policy 7.3.1 Natural and Cultural Features, Goal 10.3 Open Space, Goal 11.4 Archaeological & Paleontological Resources, Policy 11.4.5 Private Protections, and Goal 13.5 Community Health, and Policy 13.5.1.c Land Use Impacts.*

***Recreational Vehicle, Boat, and Trailer Parking; Front Yard Parking – 14-16-5-5(B)(4); 14-16-5-5(F)(2); 14-16-6-8(G) [Items #17 and #42]***

Two items requested by City Council pertain generally to parking in the front yard. The first specifically addresses the allowance to park or store a recreational vehicle, boat, or recreational trailer in the front yard of a property. The change deletes the existing allowance and criteria for placement in a front yard, perpendicular to the curb, and at least 11 feet setback from the curb with a prohibition of parking such vehicles in “...any portion of a front yard, whether that portion has been improved as a driveway or not.” The remaining subsections following this change within Subsection 5-5(B)(4)(d) will remain and be renumbered if this amendment passes.

The second proposed change amends two sections of the IDO regarding approved materials for front yard parking areas. First, this amendment changes the nonconforming site features section related to front yard parking areas in existence prior to June 17, 2007, which is when the City first began regulating front yard parking. Currently, if someone improved their front yard parking prior to the regulation of front yard parking using a list of accepted materials, they can continue to use that front yard parking even if it does not otherwise comply with current IDO requirements. Parking must cease on any unimproved portion of such lots. Where there are no improvements and parking began prior to requiring improvements, the parking may continue subject to the IDO limitations on maximum sizes.

This proposal deletes “compacted angular stone” from the list of materials that count as improvements in Subsection 14-16-6-8(G)(2)(a) 1.a. Further, it also amends Subsection 5-5(F)(2)(a) to stipulate that driveways and parking must meet other City codes and the DPM with the exception that “angular stone is not allowed.”

The result of this amendment would be that areas with compacted angular stone in the front yard would no longer be considered nonconforming as to parking if there are other improved surfaces to park on, and owners would be required to cease parking on those areas unless they are further improved and meet IDO standards. If the only existing parking on a site consists of compacted angular stone it could continue being used for parking under Subsection 14-16-6-8(G)(2)(a)2, if it meets the IDO size limits for front yard parking areas.

*Policy Analysis:* The proposed amendments to Parking are consistent with the following Comprehensive Plan Goals and Policies apply:

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

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Policy 4.1.1 – Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

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

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

Policy 7.2.1 Walkability: Ensure convenient and comfortable pedestrian travel.

*The proposed amendments are partially consistent with Comp Plan policies encouraging pedestrian-friendly and walkable environments and enhancing and preserving distinct neighborhood character by reducing the area for and number of automobiles parking in front of homes along neighborhood streets.*

The EPC should carefully consider the impacts of limiting such parking, particularly for recreational vehicles where some lots may be too small to park them in any other location on a property, or costs associated with improving long-existing front yard parking areas that will no longer be considered nonconforming if a property owner would like to continue using it. Several comments were received questioning the need for these amendments, particularly the impacts of eliminating the allowance of parking an RV in front of a home.

***Parking Standards – 14-16-5-5(C)(7); 14-16-5-5(G)(3); 14-16-7-1 [Items #18, #19, #51]***

***Summary:***

The primary proposed amendments related to parking standards has been proposed by City Council to implement maximum parking requirements within 330 feet of a transit facility. This proposed subsection would cap maximum parking at 100 percent of the minimum parking specified in the IDO for a development or set of uses. Parking maximums do not apply to structured parking options, but rather to surface parking lots.

A Transit Facility is defined in the IDO as “Land used for transit stations, terminals, depots, and transfer points, which may include shelters, park-and-ride lots, and/or related facilities on public or privately owned lots.”

Two more technical amendments have been proposed by Planning Department staff. The first revises the applicability of parking structure design standards for those included within multi-family residential “development” rather than “dwellings.” Multi-family dwellings are only one type of residential land use, and by expanding the applicability this provision applies these standards to other types of multi-family found in the Group Living category, such as assisted living facilities, community residential facilities, group homes, and dormitories, which are not currently subject to these requirements.

Finally, a second technical change is proposed to the definition of a garage to add single-story buildings designed for parking within multi-family development that are not currently captured as either a garage or a parking structure. This change also removes an existing conflict with the definition of a carport.

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

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

Policy 4.1.1 – Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

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

Policy 6.1.2 Transit-Oriented Development: Prioritize transit-supportive density, uses, and building design along Transit Corridors.

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

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

Goal 7.4 Context-Sensitive Parking: Design parking facilities to match the development context and complement the built environment.

Policy 7.4.1 Parking Strategies: Provide parking options, optimize parking efficiencies, and plan for parking as essential infrastructure.

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

Policy 7.4.2.a: Discourage oversized parking facilities.

*The proposed amendments are generally consistent with Goals and Policies related to promoting infill development, supporting transit (Policies 6.1.2 and 6.1.3), and promoting high-quality pedestrian-oriented neighborhoods (Policy 7.2.2). Providing parking maximums will prohibit oversized parking facilities from being constructed near transit facilities and may encourage development better suited for the pedestrian and transit context (Policy 7.4.2). The technical amendments proposed by staff clarify the applicability of building design standards to parking facilities (Policy 4.1.2).*

The description of the parking maximum request from City Council specifies that it excludes park and ride facilities, but that is not reflected in the language of the amendment. City Council staff has requested that a condition of approval be applied to add this exclusion and ensure the proposed amendment meets the originally described purpose and intent.

***Irrigation (Acequia) Standards – 14-16-5-2(G), [Item #14]***

***Summary:***

The proposed amendment would revise existing irrigation (acequia) standards in Subsection 14-16-5-2(G) to require cluster development and multi-family dwellings to locate at least 25 percent of common open space or ground-level usable open space contiguously with irrigation ditch/acequia that are abutting the property line and connecting to this area via pedestrian walkways. Access to irrigation ditches/acequias would be subject to approval by the Middle Rio Grande Conservancy District (MRGCD).

***Policy Analysis:***

The proposed amendment to Irrigation Standards is consistent with the following Goals and Policies:

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

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

Policy 5.3.4 Conservation Development: Encourage conservation development to promote private open space and preserve natural landscape, agricultural lands, and other features of the natural environment to encourage development that is sensitive to the open, natural character of the area and the geological and cultural conditions.

Goal 9.2 Sustainable Design: Promote housing design that is sustainable and compatible with the natural and built environments.

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

Goal 10.4 Coordination: Coordinate across disciplines, jurisdictions, and geographies to leverage limited resources, maximize efficiencies, and best serve the public's need for parks and recreation facilities.

Policy 10.4.4 Arroyos and Drainage: Work with MRGCD and AMAFCA to protect arroyos, drains, and acequias as part of Community Green Space.

10.4.4.b: Protect drainage or Open Space functions of arroyos from development impacts.

10.4.4.e: Encourage trails along suitable arroyos and irrigation ditches and design the facilities to protect the irrigation and drainage function.

*The proposal is consistent with Comprehensive Plan policies that protect and provide access to open space, encourage conservation and sustainable design, and coordinate resources for the creation and protection of open space, parks, and recreation areas because it requires cluster development and multi-family development to design the site so that on-site open space is contiguous with acequias. This*



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*amendment also directly fulfills Comp Plan Action 5.6.1.1: “Develop setback standards for and encourage clustering of open space along the irrigation system.”*

***Landscaping – 14-16-5-6(B)(1); 14-16-5-6(C); 14-16-5-6(C)(5)(e); 14-16-5-6(C)(5)(d) [Items #20, #21, #57]***

***Summary:***

There are multiple amendments related to landscaping, including three Council memos and an exhibit.

Two Council memos relate to mulching requirements in Subsection 14-16-5-6. One proposed amendment removes mulching requirements for street trees in Subsection 14-16-5-6(C)(5)(e). The other amendment clarifies the radius measurement for required mulch in Subsection 14-16-5-6(C)(5)(d).

A separate Council memo would apply landscaping requirements to more projects by lowering the threshold percentages and dollar amounts in Subsection 14-16-5-6(B)(1).

City Planning Staff also proposed amendments to landscaping as an exhibit showing revisions to Subsections 14-16-5-6(C)(4), 14-16-5-6(C)(5), 14-16-5-6(C)(7), 14-16-5-6(C)(10), 14-16-5-6(C)(14), and the definition of warm season Grasses in Section 14-16-7-1. The proposed changes are intended to increase requirements for plants and irrigation, reduce water consumption, and improve survivability of landscaping in the high desert environment.

Staff received a few public comments of support for increasing landscaping requirements pinned on the IDO Annual Update 2023 Spreadsheet.

***Policy Analysis:*** The proposed amendments to landscaping standards are consistent with the following Comprehensive Plan Goals and Policies:

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

Policy 5.3.4 Conservation Development: Encourage conservation development to promote private open space and preserve natural landscape, agricultural lands, and other features of the natural environment to encourage development that is sensitive to the open, natural character of the area and the geological and cultural conditions.

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

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

Goal 11.3 Cultural Landscapes: Protect, reuse, and/or enhance significant cultural landscapes as important contributors to our heritage and rich and complex identities.

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

Goal 13.2 Water Supply & Quality: Protect and conserve our region's limited water supply to benefit the range of uses that will keep our community and ecosystem healthy.

*The proposed landscape amendments are generally consistent with Comprehensive Plan Goals and Policies encouraging efficient development, promoting natural features, and reinforcing a sense of place through context-sensitive design because the proposed amendments encourage more planting, better conditions to support vegetation, and development that is sensitive to the natural environment while contributing the protection and enhancement of natural features.*

***Sensitive Lands – 14-16-7-1 [Items #52, #53]***

***Summary:***

The proposed amendments to Section 14-16-7-1 change the definitions of Sensitive Lands, specifically Large Stand of Mature Trees and Rock Outcropping. The amendments would revise the text of both definitions to be more realistic given the existing natural environment of Albuquerque. The proposed changes would apply sensitive land requirements in more situations by lowering the thresholds in the existing definitions.

Staff received public comments supporting these amendments pinned on the IDO Annual Update 2023 Spreadsheet. The comments supported protections for natural features and the value they add to Albuquerque.

*Policy Analysis:* The proposed amendments to Sensitive Lands are consistent with the following Comprehensive Plan Goals and Policies:

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

Policy 7.3.1 Natural and Cultural Features: Preserve, enhance, and leverage natural features and views of cultural landscapes.

7.3.1.a: Minimize alteration of existing vegetation and topography in subdivision and site design.

Goal 11.3 Cultural Landscapes: Protect, reuse, and/or enhance significant cultural landscapes as important contributors to our heritage and rich and complex identities.

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

Policy 11.4.5 Private Protections: Encourage the private protection of sensitive lands, such as rock outcrops or significant cultural, archaeological, volcanic, or geologic land through private conservation easements, or re-platting as private open space.

Goal 13.4 Natural Resources: Protect, conserve, and enhance natural resources, habitat, and ecosystems.

Policy 13.4.4 Unique Landforms and Habitats: Protect areas with unique landforms, and crucial habitat for wildlife, through sensitive urban development or acquisition as Open Space.

*The sensitive lands amendments are consistent with Comprehensive Plan Goals and Policies related to Cultural Landscapes, Natural and Cultural Features, and Sense of Place. The proposed amendment would help conserve more large trees and rock outcroppings by defining them as sensitive lands. Existing regulations require avoiding sensitive lands during site design. Where sensitive lands cannot be avoided, the EPC may approve variances that help balance the goal of conservation with the needs of a particular development. In general, this amendment helps conserve natural and cultural features by minimizing alteration of exiting vegetation and topography, which helps protect unique landforms and reinforces a sense of place in Albuquerque.*

***Façades – 14-16-5-11(E) [Item # 25]***

***Summary:***

City Council proposed a change to Subsection 14-16-5-11(F) to expand the applicability of building design and façade requirements to non-residential development other than industrial development in NR-LM or NR-GM zone districts, as well as for industrial development in any zone district.

Currently, the IDO includes building design standards for low-density residential [14-16-5-11(C)], multi-family residential [14-16-5-11(D)], and mixed-use and non-residential zone districts [14-16-5-11(E)]. In the mixed-use and non-residential zones, the IDO excludes MX-FB, NR-LM, NR-GM, NR-SU, and NR-PO from these building design standards. MX-FB has its own separate standards, but development that occurs within the other four zone districts does not have specific building design standards. NR-LM and NR-GM zone districts allow some non-residential uses that are not in the Industrial category of uses. This amendment would apply design standards to these non-residential developments to improve the quality of buildings in these zones. This amendment seeks to improve the building design standards for restaurants, hotels, and many other possible uses in the NR-LM and NR-GM zone districts. The proposed amendment modifies the IDO's existing building design standards in other zones to maintain consistency.

The second half of this amendment applies building design standards to industrial developments in all zone districts except MX-FB, NR-SU, and NR-PO. MX-FB has a separate set of design standards. NR-SU and NR-PO are subject to review and approval by the EPC and/or have Master Plans and other governing documents that can set standards.

The proposed amendment modifies the existing building design standards in other zones to allow the same menu of options but require fewer of the features or lower percentages than more commercial or mixed-use development projects would require.

*Policy Analysis:* The proposed amendments to Façade requirements are consistent with the following Comprehensive Plan Goals and Policies:

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

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

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

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

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

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

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

*The proposed amendments are generally consistent with Comp Plan Goals and policies to enhance the character of neighborhoods and promote a sense of place because they add requirements for high-quality building designs regardless of the development type or zoning district. Improved building design along public streets using the menu of options already in the IDO will help create a sense of place and improve the overall visual quality of new development. Therefore, the proposed amendments are consistent with Goal 4.1 Character, Policy 4.1.2 Identity and Design, Goal 5.7 Implementation Processes, Policy 5.7.2 Regulatory Alignment, Goal 7.3 Sense of Place, Policy 7.3.2 Community Character, and Policy 7.3.5 Development Quality.*

***Procedures – 14-16-6-2; 14-16-6-4; 14-16-6-8; Table 6-1-1; Table 6-4-2 [Items #26, #27, #28, #38, #39, #40, #41, #44, #45]***

***Summary:***

Several amendments address review and decision processes and related procedures. These amendments include:

- Requiring a pre-application meeting for minor Historic Certificates of Appropriateness, which matches the process for major applications and current practice, as staff fills out a pre-application form when talking to applicants as they submit their applications. [#26]
- Modifying the notice requirements for temporary window wraps to match temporary uses. [#27]
- Clarifying the EPC appointment process and making it more efficient. [#28]

- Extending the Period of Validity for Conditional Use approvals to extend the timeframe for expiration from 1 year to 2 years. [#38]
- Simplifying the procedure for requesting and receiving a time extension under 14-16-6-4(X)(4) to allow the Zoning Enforcement Officer (ZEO) to approve an extension if “Circumstances beyond the control of the applicant have prevented construction, use, or occupancy of the property...” [#39] (See exhibit.)
- Adding a referral to the Parks & Recreation Department Open Space Superintendent in the Variance – ZHE process for developments proposed next to Major Public Open Space. [#40]
- Removing the time limits for occupancy of nonconforming structures to encourage their reuse, maintenance, and improvement over time. Note: this change does not affect nonconforming uses, only structures. [#41]
- Clarifying the Period of Validity and expiration of Site Plans that go through either a Minor or Major Amendment process. [#44 and #45]

*Policy Analysis:* The proposed amendments to IDO Procedures are consistent with the following Goals and Policies:

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

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

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

5.7.4.c: Provide streamlined approval processes for projects that meet the intent of the Comp Plan.

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

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

*The proposed amendments are consistent with Comprehensive Plan Goals and Policies related to development procedures that implement the Comp Plan, support desired growth, encourage efficiencies, and provide transparency. The proposed changes would promote clarity and consistency in administration and enforcement by following standard practices for pre-application meetings when Historic properties are involved and the same notification processes for all temporary permits to allow for appropriate public input. Changes to public notice and appeals related to a consistent distance measurement are also consistent with other distance requirements throughout the IDO. The amendments provide greater clarity and efficiency for reuse of nonconforming structures and conditional uses, as well as providing clear guidance for how amendments to site plans affect expiration dates and how to go about requesting and obtaining an extension prior to expiration. Because these*



*amendments are intended to improve processes for efficiency, customer service, and public engagement, the amendments are generally consistent Goal 5.7 Implementation, Policy 5.7.2 Regulatory Alignment, Policy 5.7.4.a Streamlined Development, Policy 5.7.5 Public Engagement, and Policy 5.7.6 Development Services.*

**Notice and Referrals – 14-16-6-4(B); Table 6-1-1 (Items #29, #30, #31, #32, #33, #34, #35, #36, #37, #43)**

**Summary:**

There are several proposed amendments to Subsection 14-16-6-4(B).

Items #29, #32, #33, #34, and #36 propose to replace the requirement to notice adjacent Neighborhood Associations or property owners with a set distance that is easily mapped and, in most cases, more generous than the existing requirement. This change would allow automation of a map query to generate a list of property owners or affected Neighborhood Associations to be notified. This “adjacency requirement” affects the Pre-submittal Neighborhood Meeting [#29], public notice to Neighborhood Associations [#32], Mailed Notice to property owners for zone changes [#33] and small area text amendments [#34], and Post-submittal Facilitated Meeting [#36]. These amendments are intended to improve these processes and ensure that all notice, meeting requests, and meeting summaries are provided as required.

Item #37 would revise the distance for standing for appeals by Neighborhood Associations to 330 feet for consistency with the proposed change to email notice.

Item #43 would allow emailed notice of Wireless Telecommunications Facilities (WTF) to Neighborhood Associations; currently, mailed notice is required.

Item #31 proposes to change the existing language for referrals to agencies for comment on development proposals to match current practice. Currently, the City does not delay administrative decisions to wait for agency comments. For decisions that go to a public hearing, the processes allow sufficient time to wait 15 days for agency comments. The proposed change clarifies that for administrative decisions, any comments received after the referral and prior to the decision shall be considered with the application materials in any further review and decision-making procedures, but the administrative decisions are not required to wait for comments. The current 15-day comment period for decisions requiring a public hearing will remain unchanged.

Item #35 clarifies the procedures for posted signs required for administrative decisions (Historic Certificates of Appropriateness – Minor, Alternative Signage Plan, and Site Plan – Administrative). Currently, the sign is required to be posted for the 15 days of the appeal period. The proposed change adds a requirement to post the sign at least 5 calendar days after submitting the application and 15 days after the decision through the appeal period. This change would delay the approval of these administrative decisions for at least 5 days. The posted sign requirements for decisions requiring public hearings will remain unchanged.

***Policy Analysis:***

The proposed amendment to IDO Notice and Referrals is consistent with the following Goals and Policies:

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

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

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

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

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

*Each of the proposed changes to IDO Section 14-16-6-4 and Table 6-1-1 are intended to create more clear and efficient processes, while increasing chances for public participation and comment during the development approval process. Having clearly defined distances for noticing requirements, time-frames for reception of comments, and new and clear sign-posting requirements improve the transparency and effectiveness of the development process; therefore, the request is consistent with Goal 5.7 Implementation Processes, Policy 5.7.2 Regulatory Alignment, Policy 5.7.4 Streamlined Development, Policy 5.7.5 Public Engagement, and Policy 5.7.6 Development Services.*

***Lighting – 14-16-4-3; 14-16-5-8, 14-16-5-12 [Item #56]***

***Summary:***

A significant amendment proposed in this Annual Update is an overhaul of the City’s Outdoor and Site Lighting regulations in Section 14-16-5-8. The City hired Clanton & Associates, an award-winning lighting design and engineering firm, to assist with evaluating existing regulations in the IDO and preparing proposed amendments, which are presented in an exhibit that would replace the existing section in its entirety. The proposed amendment is intended to improve compliance with the State’s Dark Sky Act and improve enforceability of lighting standards.

The proposed changes include modifications to existing provisions, restructuring of the existing Section 14-16-5-8, and new provisions to regulate Color Temperature and Color Rendering of installed luminaires, limit uplight and glare, establish lighting designations by zone district to limit light trespass and total lumens allowed, and add specific regulations for sports lighting, seasonal lighting, and historic landmarks and districts.

Associated changes are also proposed for the Form-based zone districts in 14-16-2-4(E); use-specific standards for Self-storage and Wireless Telecommunications Facilities in 14-16-4-3; lots near Major

Public Open Space in 14-16-5-2(J); and illumination of signs in 14-16-5-12. Definitions are updated for new and revised terminology used throughout.

Changes to review procedures in Part 6 of the IDO include the allowance to submit an Outdoor and Site Lighting Performance Analysis for review as part of a Site Plan – EPC with specific criteria. If an applicant cannot meet the requirements or chooses to submit alternative lighting designs, a performance analysis of the proposed lighting can be evaluated through a Site Plan – EPC to ensure that alternative lighting meets best practices, mitigates any the harmful effects, and provides benefits.

Lastly, the amendment proposes to establish a date that all lighting must comply with the new standards. Subsection 14-16-6-8(G) for nonconforming site features would establish January 1, 2034 as the date by which all luminaires must come into compliance with these regulations. If lighting needs significant repairs or replacement sooner, a property owner would need to comply with the new regulations.

Nearly 20 pinned comments and several emailed letters were received on the lighting regulations in support of changes while also encouraging even more robust regulations consistent with Dark Sky communities, creating maps for lighting designations, removing lower limits for color temperature, adding additional limits related to lighting of flags, and concern about the extended nonconformities period before requiring property owners to come into compliance, among others.

Policy Analysis: The proposed amendment to Lighting is consistent with the following Comprehensive plan Goals and Policies:

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

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

Policy 4.1.5 Natural Resources: Encourage high-quality development and redevelopment that responds appropriately to the natural setting and ecosystem functions.

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

Policy 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.

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

Policy 10.2.2 Security: Increase safety and security in parks.

10.2.2.a: Minimize vandalism through adequate lighting, site design, and durable materials.

Goal 10.3 Open Space: Protect the integrity and quality of the region's natural features and environmental assets and provide opportunities for outdoor recreation and education.

Goal 13.4 Natural Resources: Protect, conserve, and enhance natural resources, habitat, and ecosystems.

*The proposed Outdoor and Site Lighting regulations are consistent with Comprehensive Plan Goals and Policies related to preserving the character of communities and encouraging high-quality development that responds appropriately to its context, surrounding properties, open spaces, and natural habitats. The changes strike an appropriate balance between allowing for adequate lighting of outdoor spaces for navigating and ensuring safety while also encouraging less light overall to minimize our human impact on the night sky.*

***Tribal Referrals – 14-16-6-4-(J); 14-16-6-5(A); 14-16-7-1 [Item #58]***

***Summary:***

This amendment proposed by City Council requires the City to refer applications for proposed development to Tribal Nations as commenting agencies. The amendment is intended to establish a formal mechanism to communicate with leaders of Indian Nations, Tribes, or Pueblos in New Mexico and tribal representatives serving on the City's Commission on American Indian and Native Alaskan Affairs about development that may impact tribal communities.

Referrals for comment would be required for proposed development in the following locations:

- Within 660 feet of the Petroglyph National Monument;
- Within 660 feet of Major Open Public Space;
- Within 660 feet of Tribal Lands;
- Within 660 feet of Northwest Mesa Escarpment View Protection Overlay Zone – VPO-2.

Tribal Nations may comment on proposed projects as they choose within the established timeframes for review. It is important to note that this request for citywide text amendments would only change the referral Major Public Open Space (which includes the Petroglyph National Monument) and tribal land because they are located throughout the city. The additional referral for applications within 660 feet of the VPO-2 boundary constitutes a small area text amendment, which requiring a separate application and a quasi-judicial review/decision process. An application was submitted to be reviewed at the regular EPC hearing in January 2024. The EPC should refrain from discussing the VPO-2 provision specifically while reviewing citywide amendments. Any changes can be addressed as part of the small area application review. While the Albuquerque Indian School Area was originally included in the submitted amendment, it is covered by the tribal land referral and will not be submitted separately. Planning staff will prepare a condition removing that language for the special hearing in January.

The amendment also proposes changes related to the review/decision process for an Archaeological Certificate in Subsection 14-16-6-5(A). Applicants are required to notify Tribal leaders via certified mail and email of proposed developments and include copies of notification with their applications. If the City Archaeologist requires the applicant to submit a treatment plan, the applicant must send a copy of the treatment plan to tribal leaders within five days of submittal to the City Archaeologist.

The proposed amendment adds definitions for “Indian Nation, Tribe, or Pueblo,” “Tribal Representative,” and “Tribal Land” to Section 14-16-7-1. The City’s Office of Native American Affairs maintains the list of contacts for tribal leaders and tribal representatives. Tribal governments are responsible for submitting in writing requests to map land as tribal land for the purpose of triggering referrals for comment when the City receives applications for proposed development within 660 feet.

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

Goal 4.2 Process: Engage communities to identify and plan for their distinct character and needs.

Policy 4.2.2 Community Engagement: Facilitate meaningful engagement opportunities and respectful interactions in order to identify and address the needs of all residents.

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

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

Goal 11.3 Cultural Landscapes: Protect, reuse, and/or enhance significant cultural landscapes as important contributors to our heritage and rich and complex identities.

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

*Establishing a system to refer applications to Indian Nations, Tribes, or Pueblos in New Mexico provides transparency and opportunities for discussion and engagement about development that may impact tribal communities. As the original and continuing stewards of cultural landscapes and natural and cultural features, tribal leaders can provide meaningful comments to guide appropriate development nearby. By improving development processes through comments and providing opportunities for engagement in development processes, the proposed amendment is consistent with Goal 4.2 Process, Policy 4.2.2 Community Engagement, Goal 5.7 Implementation Processes, Policy 5.7.5 Public Engagement, Goal 11.3 Cultural Landscapes, and Policy 11.3.1 Natural and Cultural Features.*

#### **IV. PUBLIC OUTREACH**

##### ***Meetings and Presentations***

The proposed amendments in the 2023 Annual Update were reviewed during two online public study sessions in October 2023 via Zoom, prior to application submittal for the EPC process. One session was held on October 12, 2023 in the evening and another session on October 13, 2023 over the lunch hour, covering the same content. Planning Staff presented the proposed text amendments and answered questions from participants for both the citywide and the small area amendments.



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

Another public meeting to review and discuss the proposed changes was held on November 17, 2023 after the EPC application was submitted. A link to the presentation, in .pdf format and video format, is here: <https://abq-zone.com/ido-annual-update-2023#paragraphs-item-339>

The EPC held a study session regarding the proposed 2023 IDO amendments on December 7, 2023. This was a publicly-noticed meeting, although no public input is taken during study sessions. (See EPC Rules of Practice and Procedure, Article II, Section V.) The presentation from the study session and other information about the EPC hearing is available at this link: <https://abq-zone.com/ido-annual-update-2023#paragraphs-item-335>

## ***V. NOTICE***

### ***Required Notice for the EPC Hearing***

For an Amendment to IDO Text, public notice must be published, emailed, and posted on the web. (See Table 6-1-1: Summary of Development Review Procedures.)

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

Email notice was sent to the two representatives of each Neighborhood Association and Coalition registered with the Office of Neighborhood Coordination (ONC) pursuant to the requirements of IDO Subsection 14-16-6-4(K). Representatives without e-mail addresses were mailed first class letters. (See attachments.)

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

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

### ***Additional Notice Provided***

Email notice about the pre-application review meetings was sent to approximately 9,500 subscribers on the ABC-Z project update email list on September 15, 2022, and a reminder email was sent alongside a Comprehensive Plan update email on October 4, 2023. An email notice announcing submittal of the EPC application, the November 17th public meeting, December 7th EPC study session, and December 14th hearing was sent on October 27, 2023. Additional reminder emails were sent on November 3 and November 29, 2023.

## **VI. AGENCY & PUBLIC COMMENTS**

### ***Agency Comments***

Agency comments were received from the Albuquerque Metropolitan Arroyo Flood Control District (AMAFCA), Mid-Region Metropolitan Planning Organization (MRMPO), Albuquerque Public Schools (APS), City of Albuquerque Environmental Health Department, City of Albuquerque Long Range Planning, Public Service Company of New Mexico (PNM), Albuquerque-Bernalillo County Water Utility Authority (ABCWUA) and the Solid Waste Management Division (SWMD). See comments below and in the attachments.

### ***Public and Neighborhood Comments***

#### ***Letters via e-mail***

As of this writing, Staff has received approximately 30 written comments regarding the proposed citywide text amendments. The comments are from interested parties such as coalitions, neighborhood associations, and individuals. (See attachments.)

Neighborhood organizations that commented include, but are not limited to, the Santa Fe Village Neighborhood Association (NA), Parkland Hills NA, South Los Altos NA, Huning Castle NA, and Spruce Park NA. There is also a consolidated comment letter from the Inter-Coalition Council, which consists of members from various coalitions. There are also comments from individuals that are members of the neighborhood associations mentioned. (See attachments.)

These comments express strong opposition to the proposed walls and fences text amendments and ask why taller front yard walls are being considered again. Comments express concerns about duplexes, RV parking, overnight shelters, and outdoor lighting. Some commenters support duplexes. Two letters expressing concern about the exemption of landfills closed for more than 30 years from gas mitigation requirements. Some individuals expressed concern about the IDO annual update process in general, noting that the yearly update process is burdensome. There is one proposal to make the IDO update a bi-annual process, and others to add new amendments related to timelines for decisions and making changes to the use-specific standards for campgrounds and RV parks.

#### ***Pinned Comments***

Staff also received comments via the IDO Annual Update 2023 Spreadsheet, which was posted on the ABC-Z project website available online here: <https://abq-zone.com/ido-annual-update-2023>. The spreadsheet was interactive and provided an opportunity for members of the public to pin a comment directly onto an item. Staff similarly received pinned comments on Exhibits and Council Memos. (See attachments.)

Approximately 216 comments were pinned on the IDO Annual Update Spreadsheet, Council Memos, and Exhibits. The topics and the number of pinned comments are shown in the table below. Several topics did not have any pinned comments (Preventing and Mitigating Construction Impact and Utilities).

<b>Item Numbers</b>	<b>Topic</b>	<b># of Pinned Comments</b>
2, 7, 50	Amplified Sound	5
3	Cottage Development	7
4, 5, 23-24	Walls and Fences	28
8	Cannabis	6
9	Overnight Shelter	7
46-49	Community Residential Facilities, Group Homes, Overnight Shelter and Nursing Homes	8
10, 13	Duplex	31
11, 54	City Facilities	7
17, 42	RV, Boat and Trailer Parking/Front Yard Parking	15
18-19, 51	Parking Standards	5
14	Major Public Open Space	1
20-22, 57	Landscaping	8
52-53	Sensitive Lands	4
1	Design Standards	7
25	Facades	5
26-28, 37-41, 44-45	Procedures	7
29-36, 43	Notice and Referrals	15
56	Lighting	24
58	Tribal Referrals	6
N/A	General	12
12	Dwelling Live Work	8

The topic that garnered the most comments is duplexes, which includes comments on Item #10, Item #13, and the Council Memo for Item #13. Most of the pinned comments expressed strong opposition and concern. Many comments voiced concerns that the proposed amendments would change existing neighborhood character and reduce property values. Several commenters disliked that these amendments are proposed this year, following the defeat of duplexes in the Housing Forward amendments in 2022.

Walls and Fences received the second-most comments. Generally, commenters expressed opposition to requiring walls for General Retail and Light Vehicle Fueling Stations. Commenters questioned how walls and fences would reduce crime and requested to see more analysis and supporting information.

Many people also pinned comments to voice concern about and opposition to the Annual IDO Update process, public comment process, and the explanations and justifications of the amendments.

## ***VII. CONCLUSION***

The request is for citywide text amendments to the IDO. The Planning Department has compiled approximately 60 proposed changes and analyzed them for the EPC's review and recommendation to the City Council.

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

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 4: Community Identity, Chapter 5: Land Use, Chapter 7: Urban Design, Chapter 8: Economic Development, Chapter 9: Housing, 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 as required, and via mail for those without an e-mail address on file.

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 duplexes, walls and fences, and outdoor lighting. Some neighborhood organizations expressed concern about the IDO update process and have questions about some of the proposed text amendments.

## ***RECOMMENDATION – RZ-2023-00040 – December 14, 2023 – Text Amendment to the IDO – Citywide***

**That PR-2018-001843/RZ-2023-00040 be continued for one month to the January 11, 2024 special EPC hearing.**

---



**Michael Vos, AICP  
Principal Planner**



**China Osborn  
Senior Planner**

*Notice of Decision cc list:*

List will be finalized subsequent to the EPC hearing on December 14, 2023.

## *CITY OF ALBUQUERQUE AGENCY COMMENTS*

### *PLANNING DEPARTMENT*

#### *Zoning Enforcement*

#### *Long Range Planning*

*See attached email and comments dated November 21, 2023*

### *CITY ENGINEER*

#### *Transportation Development*

#### *Hydrology Development*

### *DEPARTMENT of MUNICIPAL DEVELOPMENT*

#### *Transportation Planning*

#### *Traffic Engineering Operations*

#### *Street Maintenance*

### *WATER UTILITY AUTHORITY*

#### *Utility Services*

*No adverse comments.*

### *ENVIRONMENTAL HEALTH DEPARTMENT*

#### *Air Quality Division*

#### *Environmental Services Division*

*See attached email and comments dated November 27, 2023.*

### *PARKS AND RECREATION*

#### *Planning and Design*

#### *Open Space Division*

#### *City Forester*

### *POLICE DEPARTMENT/Planning*

### *SOLID WASTE MANAGEMENT DEPARTMENT*

*No comment at this time.*



*FIRE DEPARTMENT/Planning*

*TRANSIT DEPARTMENT*

## ***COMMENTS FROM OTHER AGENCIES***

*BERNALILLO COUNTY*

*ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY*

No adverse comments to the 5th annual update text amendments to the IDO.

*ALBUQUERQUE PUBLIC SCHOOLS*

No comment.

*MID-REGION COUNCIL OF GOVERNMENTS*

See attached memo dated November 20, 2023.

*MIDDLE RIO GRANDE CONSERVANCY DISTRICT*

*NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)*

*PUBLIC SERVICE COMPANY OF NEW MEXICO*

Please see attached letter dated November 27, 2023

Agency Comments

**From:** [Bolen, Rebecca A.](#)  
**To:** [Vos, Michael J.](#); [Renz-Whitmore, Mikaela J.](#); [Osborn, China E.](#); [Jones, Megan D.](#)  
**Subject:** Long Range Comments for IDO Application  
**Date:** Tuesday, November 21, 2023 12:36:24 PM  
**Attachments:** [EPC LR Comments\\_IDOTextCityWideFINAL.docx](#)

---

Hi all,

Long Range comments for RZ-2023-00040, Amendment to IDO Text – Citywide are attached. Have a great day,

Rebecca



**REBECCA BOLEN**

she | her | hers

principal planner

o 505.924.3843

m 505.362.1372

e [rbolen@cabq.gov](mailto:rbolen@cabq.gov)

[cabq.gov/planning](http://cabq.gov/planning)

# Long Range Comments for December 2023 Special EPC Hearing

Case Number: RZ-2023-00040 \_Amendment to IDO Text – Citywide

**Address:** *Citywide*

**CPA/CPO:** *Citywide*

**Request:** *Amendment to IDO Text*

**Size of project site:** *Citywide*

**Case Planner:** *Michael Vos*

## **Outdoor Amplified Sound #2, #7 & #50**

Several participants in the Central ABQ and East Gateway Community Planning Area (CPA) assessments would welcome the addition of a creation of a new “Outdoor Amplified Sound” use, residential protections, and a definition.

## **Cottage Development #3**

Many residents in the Near Heights CPA expressed support for cottage development, as it may increase opportunities for living in proximity to family and aging in place, if not in a person’s home than in their neighborhood.

## **General Retail - Walls/fences #4, Light Vehicle Fueling Station - Walls/fences #5, Walls & Fences - Front Yard Wall #23, Options for a Taller Front or Side Yard Wall #24**

Participants in the CPA Assessments generally, and particularly in the Near Heights, wanted to increase pedestrian access and maintain sightlines between buildings in residential and retail areas. Changes requiring more fencing, especially around the perimeter of the property, should carefully consider the impact on pedestrians that may be pushed closer to traffic, in particular where older sidewalks do not meet ADA standards.

Residents in the Near Heights CPA have generally been opposed to allowing taller fences in residential areas.

## **Overnight Shelter #9**

Throughout the CPA Assessment process in Near Heights, Southwest Mesa, East Gateway, and Central ABQ neighbors expressed concern for people without shelter. Many participants supported increasing services.

## **Dwelling, Two-family Detached (Duplex) #10 & #13**

Near Heights community members appreciate the mix of housing types within neighborhoods. Two participants in the East Gateway CPA Assessment opposed allowing duplexes in single-family zones.

**Conditional Uses for City Facilities #11**

Some community members mentioned confusion around the development process, as the builder or a neighbor witnessing building. The EPC should carefully consider changes that complicate when and where standards are applied.

**Dwelling, Live-work #12**

This proposed change supports Southwest Mesa community members' desire to have increased access to neighborhood services while prohibiting undesirable uses. While better served, Near Heights and Central ABQ neighbors also desired more amenities within walking distance of their homes.

**Landfill Gas Mitigation #15**

Community members throughout the assessment process in all four CPAs expressed a desire for clean, safe, and sustainable neighborhoods and recreational amenities. Community members in the East Gateway CPA were particularly interested in the South Eubank Landfill and were pleased to learn about continuing monitoring. The EPC should carefully consider potential impacts of modifying standards for environmental monitoring.



**From:** [Barber, Charles A.](#)  
**To:** [Vos, Michael J.](#); [Renz-Whitmore, Mikaela J.](#); [City of Albuquerque Planning Department](#)  
**Subject:** ESD comments for IDO changes  
**Date:** Monday, November 27, 2023 9:13:15 AM  
**Attachments:** [Landfill Guidance change Implications 2023.pdf](#)  
[image002.png](#)

---

Mikaela and Michael,

Here are our comments on the proposed IDO change.



**CHARLES BARBER, P.G**

manager | environmental services division  
environmental health department

o 505.768.2630

m 505.228.5195

[cabq.gov/environmentalhealth/](http://cabq.gov/environmentalhealth/)

## **Technical Comments on the proposed change to Integrated Development Ordinance (IDO) section 5-2(H)**

The Environmental Services Division (ESD) is providing input on the proposed change due to the significant health and safety risk that would be caused by removing protective language that ensures proper mitigation efforts are required near landfills older than 30 years. These landfills continue to actively produce toxic substances and represent a risk to the City and to the community. ESD proposes that this amendment be struck from the draft revisions.

The Environmental Health Department (EHD), ESD staff submits the following technical Comments on the proposed change of section 5-2(H) of the IDO.

### **Proposed changes impact**

The elimination of landfills greater than 30 years in age from the IDO would remove all landfills currently regulated under this ordinance. This increases the hazards to City of Albuquerque (CABQ) residents due to the significant health and safety risk that would be caused by removing protective language that ensures that proper mitigation and remediation efforts are required for construction projects near landfills older than 30 years. The only two landfills meeting the proposed criteria are outside City of Albuquerque limits; Cerro Colorado municipal waste facility and Southwest Landfill construction waste facility, which are regulated by the New Mexico Environment Department (NMED).

### **History**

The ordinance was originally developed to regulate areas around landfills within Albuquerque that were not regulated by either the State of New Mexico or the United States Environmental Protection Agency (US EPA). The "Interim Guidelines for Development within City Designated Landfill Buffer Zones" (Interim Guidelines) were drafted in part as a response to a settlement against the City by a local developer for landfill gas migration from the closed Los Angeles Landfill into the developer's property. The City paid over 2 million dollars in the Spring of 2000 to purchase the property from the developer. The City vowed to take a "programmatic approach to our landfill issues and not deal with them on a case-by-case basis." (See April 13, 2000, Albuquerque Journal Article "Curing a Methane Headache" [https://infoweb.newsbank.com/apps/news/openurl?ctx\\_ver=z39.88-2004&rft\\_id=info%3Aaid/infoweb.newsbank.com&svc\\_dat=NewsBank&req\\_dat=1034BCED5D9D696D&rft\\_val\\_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft\\_dat=document\\_id%3Anews%252F0EAC54F9DB93EDA3](https://infoweb.newsbank.com/apps/news/openurl?ctx_ver=z39.88-2004&rft_id=info%3Aaid/infoweb.newsbank.com&svc_dat=NewsBank&req_dat=1034BCED5D9D696D&rft_val_format=info%3Aofi/fmt%3Akev%3Amtx%3Actx&rft_dat=document_id%3Anews%252F0EAC54F9DB93EDA3)).

At the time of drafting the Interim Guidelines, there was concern over the potential and active migration of gases from closed landfills. There was also concern that some of the former landfills were privately owned and that the City was no longer able to ensure that the sites were being adequately maintained and monitored. Another concern in developing the Interim Guidelines was that unregulated excavating and filling actions can be considered opening a formerly closed landfill per NMED criteria. This opening of the landfill would potentially require the entire landfill to come under the jurisdiction of current NMED Solid Waste Bureau regulations.

### **Current conditions**

All landfills that fall under the ordinance are over 30 years of age and are non-engineered landfills. US EPA typically categorizes these sites as dump sites or open dumps and not landfills as they have very limited or no controls to prevent contaminant migration to the environment. These landfills do not have liners, do not have an engineered final cap, or extensive siting review. Typically, the landfills were placed in old sand and gravel quarries or in arroyos. These locations are particularly poor choices for the

siting of landfills as they increase the ability for gas to migrate from the site to surrounding areas due to the porosity of the soils. All CABQ closed landfills, with the exception of Los Angeles landfill, do not have an active gas collection and destruction system. All of these landfills did not segregate waste and therefore received waste that is considered hazardous waste under current regulations. The Los Angeles Landfill at 40 years post-closure has a complete landfill gas collection and flare system that controls gas migration to surrounding property. The flare operates continuously, 24 hours a day every day of the year. Based on testing of perimeter wells at Los Angeles Landfill it is calculated that landfill gas would migrate to neighboring properties in approximately 8 weeks if the landfill gas collection and destruction system was not present at the closed Los Angeles Landfill.

#### **Land ownership**

Some closed landfills are partly or entirely on land not owned by the City of Albuquerque. Nazareth, Los Angeles, and Yale landfills are on City-owned land. Kirtland landfills are located on federally-owned land. San Antonio, San Francisco, Atrisco, the west half of Eubank, Coronado, Menaul/University, Riverside, Seay Brothers, and Schwartzman landfills are mostly on private land. Sacramento Landfill is on NM Department of Transportation land. South Broadway Landfill and the east half of Eubank Landfill is located on State Land Office land.

#### **What is the risk associated with landfills closed more than 30 years ago?**

As the refuse in landfills decomposes, landfill gas is generated. Landfill gas is a mixture of methane, carbon dioxide and trace toxic gases (including but not limited to hydrogen sulfide and chlorinated solvents such as tetrachloroethene). As landfill gas is generated it may become pressurized within the landfill and the gas will move outside of the boundary of the landfill. A rule of thumb in the Solid Waste industry is that landfill gas is assumed to migrate up to 1,000 feet laterally if left uncontrolled and landfill gas can migrate over 1,000 feet through preferential pathways (sand and gravel layers or unprotected utility corridors). Landfill gas can then build up in buildings and other structures in the surrounding property, which is a potential explosion hazard (due to methane), as well as a health hazard due to the toxic gases in landfill gas.

Closed landfills in the desert southwest have a very long window as potential health hazards. The dry, arid environment allows landfill gas production to extend past the normal USEPA estimates for landfill gas production. As an example, the closed Yale landfill which operated from 1948-1965, still produces landfill gas with 20% methane. Methane is flammable at 5% concentrations and this landfill has been inactive for almost 60 years, double the post closure time frame suggested by USEPA and NMED.

Other potential issues with landfill gas migration are that some of the trace toxic gases (especially chlorinated solvents) that are left behind after the landfill gas has pushed out of the landfill will remain in the soil gas for decades. NMED has Vapor Intrusion Screening Levels (VISLs) that pertain to these situations and can impact the development on properties that are affected by the soil gas contamination. The trace toxic gases in the landfill gas also can have significant impacts on ground water quality. The closed Los Angeles Landfill had a contaminant plume that took several decades to remediate and still has a Voluntary Abatement Plan with NMED to monitor the groundwater. Almost all City operated closed landfills have groundwater contamination (most are below NMED regulatory standards).

Other concerns for development on or near closed landfills include:

- Differential settlement and subsidence due to landfill decomposition
- Landfill fires/spontaneous combustion of waste due to the increase of oxygen intrusion into the landfill

- Dangers to workers during construction
- Landfill gas migration into structures placed near landfills
- Water intrusion into these arid landfills will cause a dramatic increase in landfill gas generation

### **Other municipalities**

The Interim Guidelines are not unique to the City of Albuquerque. In fact, our guidelines were partially based on the City of Tucson's Ordinance, which predates the Interim Guidelines. Several other States and Municipalities have landfill buffer zone ordinances, rules, and regulations (See City of Tucson Ordinance <https://www.tucsonaz.gov/files/sharedassets/public/v/1/city-services/environmental-services/documents/landfillord.pdf> and County of San Diego [https://www.sandiegocounty.gov/content/dam/sdc/pds/docs/Hazardous\\_Guidelines.pdf](https://www.sandiegocounty.gov/content/dam/sdc/pds/docs/Hazardous_Guidelines.pdf) as two examples.)

### **Current guidelines allow for buffers areas to be reduced or innovative approaches**

The ordinance allows for landfills to have their buffer areas decreased, removed to the limits of the landfill, or the entire landfill removed from the ordinance based on modeling and testing. Holly and Oakland landfills were removed from the ordinance because all waste was removed from the properties. Atrisco Landfill is limited only to proper disposal of waste with no gas migration requirements after studies by ESD. Coronado Landfill is limited to the landfill boundaries with mitigations required for proper removal of waste and vapor intrusion on the landfill site. The guidelines under the ordinance allow for innovative or new state of the practice approaches. While other municipalities have very restrictive requirements, the guidelines as they currently exist allow for measured approaches that allow safe use of these hazardous properties.

### **Some recent issues**

Yale Landfill, the City's second oldest landfill (operated from 1948 to 1965), recently had a fire in 2022 due to trash from the 1940's that still had not degraded. Nazareth Landfill requires annual landfill gas flaring and sealing of asphalt cracks to allow for RV parking during Balloon Fiesta. Development on San Antonio Landfill resulted in increased landfill gas migration towards neighboring houses that required implementation of powered venting by the landfill development project. Waterline leaks on San Antoniolandfill caused landfill gas generation resulting in soil vapor readings exceeding 40% methane where previously they had been below 1%. Settlement along San Antonio Road from I-25 to Louisiana includes a continuous maintenance cost that would have been avoided if current IDO guidelines had been available for the engineers and planners.

### **Conclusion**

In its current state the City of Albuquerque IDO provides a methodology for staff to review safe construction and individually tailored remediation around closed landfills and use of otherwise empty hazardous properties. The proposed amendment of the current IDO removes safeguards and exposes the City and its residents to potentially unsafe chemical exposures and explosive conditions.



## Mid-Region Metropolitan Planning Organization

**Mid-Region Council of Governments**  
809 Copper Avenue NW  
Albuquerque, New Mexico 87102  
(505) 247-1750-tel. (505) 247-1753-fax  
[www.mrcog-nm.gov](http://www.mrcog-nm.gov)

TO: Alfredo Salas

FR: Peach Anderson-Tauzer, Outreach & Engagement Planner

RE: MRMPO Comments for Environmental Planning Commission Cases Scheduled for December 14, 2023 Hearing

November 20, 2023

The following staff comments relate to transportation systems planning within the Albuquerque Metropolitan Planning Area (AMPA). Principal guidance comes from the *2040 Metropolitan Transportation Plan (MTP)* and the maps therein; *Transportation Improvement Program (TIP) for FFY 2016-2021*; the *Intelligent Transportation Systems (ITS) Regional Architecture*; and the *Roadway Access Policies* of the Transportation Coordinating Committee (TCC) of the Metropolitan Transportation Board (MTB).

### #PR-2018-001843

#### RZ-2023-00040

MRMPO has no adverse comment. For informational purposes:

Appendix G of Connections 2040 (MTP) supports the following as it relates to the 2023 IDO Update: Two-Family Detached (Duplex) amendment.

- Incentivize redevelopment, transit-oriented development, and infill in order to maximize the utility of existing infrastructure.
- Increase alternative housing concepts such as tiny homes, co-housing, multi-generational housing, and accessory dwelling units.
- Promote a diverse mix of housing, in cost, unit types, and neighborhood settings.
- Promote fiscally responsible growth patterns.

Appendix G of Connections 2040 (MTP) recommends the following as it relates to the 2023 IDO Update: Parking maximums near transit facilities amendment.

- Adopt parking management strategies to decrease parking requirements in activity centers and redevelopment areas and increase parking costs in high demand locations.

#### RZ-2023-00043

MRMPO has no adverse comment.

#### RZ-2023-00044

MRMPO has no adverse comment.

If you have any questions or require further information, please do not hesitate to contact me by e-mail at [panderson-tauzer@mrcog-nm.gov](mailto:panderson-tauzer@mrcog-nm.gov).

**From:** [Brito, Russell](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Maestas, Ken](#)  
**Subject:** 2023 IDO Annual Update  
**Date:** Monday, November 27, 2023 8:55:49 AM  
**Attachments:** [image001.png](#)  
[PNM - CABO IDO 2023 Annual Update - Nov 2023.pdf](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

EPC Chair Schaffer,

Public Service Company of New Mexico (PNM) appreciates this first opportunity to provide comments on proposed amendments to the Integrated Development Ordinance (IDO) for your consideration and requests changes for your recommendation to City Council. Attached is a letter that outlines PNM's concerns with the proposed amendments to address Battery Energy Storage Systems (BESSs).

Thank you,

*Russell Brito*

Land Use & Permitting Administrator  
Environmental Services & Land Use Permitting



505.241.2798



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Main Offices  
Albuquerque, NM 87158 -1105  
P 505 241-2849  
F 505 241-2347  
PNM.com



November 27, 2023

EPC Chair David Shaffer  
c/o CABQ Planning Department  
PO Box 1293  
Albuquerque, NM 87103

Subject: 2023 IDO Annual Update

Dear Chair Shaffer,

Public Service Company of New Mexico (PNM) appreciates this first opportunity to provide comments on proposed amendments to the Integrated Development Ordinance (IDO) and requests several changes for your consideration and recommendation to City Council. PNM would like to thank Planning Department staff for their inclusion of a new Battery Energy Storage System (BESS) use that is imperative for the successful transition of electricity generation to emissions-free and renewable sources, such as solar and wind power.

#### Regulatory Background and Context

Critical infrastructure includes the physical and cyber systems and assets that are so vital to the United States that their absence or incapacity would have a debilitating impact on our physical and economic security, public health, and safety. The federal government identifies the electric grid system as critical infrastructure that provides the essential services that underpin American society. The United States Department of Homeland Security (DHS) categorizes the energy sector as one of 16 critical industries.

The DHS further identifies the energy sector as uniquely critical because it provides an enabling function across all critical infrastructure sectors. A stable energy supply supports health and welfare, the U.S. economy, and is a vital component of modern life. Electric utility facilities deliver this essential service to all end-users, including homes, businesses, schools, and other institutions.

The federal government regulates the nationwide, interconnected electric grid system, except in Texas that has its own separate electric grid. The Federal Energy Regulatory Commission (FERC) is an independent agency within the Department of Energy (DOE) that regulates the interstate transmission of electricity. The North American Electric Reliability Corporation (NERC) is a regulatory body, subject to oversight by FERC, that develops and improves the industry's reliability standards, monitors and enforces compliance, and issues penalties for violations or nonconformance. In October 2023, FERC directed NERC to develop reliability standards for wind, solar, and battery storage systems.

The New Mexico State Legislature adopted, and the Governor signed into law the Energy Transition Act (ETA) in 2019. The ETA fundamentally changes the dynamic for electricity generation and delivery by requiring all investor-owned utilities (IOUs), including PNM, to have a 100% emissions-free generation portfolio by 2045. In conjunction with wind and solar renewable generation sources, PNM needs BESS (Battery Energy Storage System) facilities, which are critically necessary to provide power when the sun is not shining and the wind is not blowing (intermittency).

A BESS is a utility-scale facility that consists of rechargeable batteries that stores energy from different sources and discharges the energy when it is needed. BESS can be used to balance the electric grid, provide backup power, and improve grid stability at the distribution level. Battery storage technologies are quickly evolving and making notable improvements in reliability, capacity, and safety every year.

The New Mexico Public Regulation Commission (NM PRC), a regulatory subdivision of the State, is charged with ensuring that IOUs comply with the ETA and its requirements for clean energy. PNM is on-track to meet the ETA requirements with ongoing interconnections of new, utility-scale solar and wind power generation and the implementation of new BESS facility projects.

PNM has a franchise agreement with the City of Albuquerque that allows electric facilities such as power lines and pole structures, switches, and transformers to be placed in the public right-of-way. This agreement, together with IDO standards and regulations for private properties provides the local government framework for the larger electric grid and its Electric Utility facilities and uses.

The electric grid is evolving to meet the challenges and opportunities presented by the ETA, including addressing the intermittency of renewable generation, extreme weather events becoming more frequent and disruptive, and accommodating numerous requests for interconnection to the larger system. And of course, the electrification of the transportation system is steadily increasing the demand for electricity and the infrastructure needed to support electric vehicles (EVs). Both short-duration and long-duration energy storage systems are needed to help address all variables to maintain and improve the safe and reliable provision of electric service in New Mexico.

#### BESS Technologies and Renewable Generation

The New Mexico Renewable Energy Transmission Authority (NM RETA) recently hosted their second annual Energy Storage Workshop on October 23 & 24, 2023. Several manufacturers, state and federal government officials, and research scientists shared details about the latest innovations and products that are becoming available for utility-scale BESS projects and applications.

Recent BESS technology advances have introduced both improvements to existing technologies and new technologies that are non-flammable, more cost-effective, and that use easily sourced materials with better availability at the national and global scale. Lithium-ion batteries, with their high operating and maintenance expenses, limited cycle life, and use of flammable liquids and toxic materials have until now dominated the energy storage sector. Newer BESS technologies include iron-air batteries (1/10<sup>th</sup> the cost of lithium ion), nickel-hydrogen batteries that have no thermal runaway risk and no flammable liquids or toxic materials, and systems that use hot & cold water as the storage medium ([https://nmreta.com/energy\\_storage\\_workshop/](https://nmreta.com/energy_storage_workshop/)).

BESSs can be single or combinations of technologies, including electrochemical batteries, thermal energy storage, and/or mechanical energy storage. In general, as the transition to emissions-free and renewable generation sources progresses, BESSs help to reduce costs, while improving resiliency, sustainability, and the safety of the electric grid. But this is only possible if BESSs are allowed to be located throughout PNM's service area, especially where the growth of load demand for electricity is occurring.

New load growth is increasingly driven by population growth, transitions to electric HVAC systems and electric appliances, economic development projects, and electric vehicles (EVs). BESSs are most effective when they are located near the load demand center and where there are existing electric utility facilities such as substations and renewable generation. The technical requirements for BESSs include interconnection to the distribution system, transformers, switches and other control equipment, and adequately sized sites that maximize efficacy, efficiency, and effectiveness.

## IDO Annual Update

Currently, Electric Utility uses are a Permissive Primary use in every IDO Zone District except NR-SU (sensitive use) and NR-PO (parks and open space) where they are an accessory use:

Zone District >>	Residential						Mixed-use				Non-residential							Use-specific Standards	
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	NR-PO			
																A	B		C
Land Uses																			
Electric utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	4-3(E)(8)

Existing IDO use and development standards reflect the IDO's acknowledgement that the electric grid and electric utility uses are critical infrastructure and are permissive or allowed uses in all Albuquerque communities and neighborhoods. Electric utility infrastructure is as important as stormwater facilities, potable water systems, wireless telecommunication, roadways, traffic control signals, and streetlights. Every other infrastructure system in the City of Albuquerque relies upon the electric grid to function in-part or in-full. The emergence of EVs and the growing demand for electricity to fuel them, along with the growing prevalence of renewable generation, also speak to the critical importance of Electric Utility uses that make up the electric grid.

Because the IDO's current definition for Electric Utility already includes battery storage, PNM in early October 2023 requested from Planning staff a single, comprehensive change to IDO Use Specific Standard (USS) 4-3(E)(8) for the Electric Utility use. This requested change was to clarify and ensure the continued allowance of this critical BESS use with development standards equal to those for a substation:

- For USS 4-3(E)(8) Subsections (a), (b), (c), and (d): **add + stand-alone Battery Energy Storage Systems (BESSs)** + in addition to substations.

The above requested change is the simplest, most straightforward way of addressing the emerging prevalence of BESSs, an Electric Utility use, that reflects the need for them to be as ubiquitous as substations, interspersed at technically regularized intervals throughout the City of Albuquerque and Bernalillo County.

### Proposed IDO Amendments for Battery Energy Storage Systems

PNM, the public utility that provides Albuquerque's critical electric infrastructure and service, will be most directly affected by that these proposed 2023 Annual Update standards. Private, merchant developers of BESS systems will also be affected. PNM would like to take this first opportunity to address the proposed IDO Annual Update amendments drafted by Planning Department staff. The below comments include requested changes for the BESS use allowance, Use Specific Standards (USSs), landscaping standards, maintenance standards, and the BESS definition.

In general, the proposed standards for BESSs appear intended to protect the general health, safety, and welfare of City residents, but many of the proposals create intractable obstacles to the integration of these critical facilities into the electric grid where and when they are needed. As BESS facilities are critical to the State mandated transition to emissions-free and renewable generation sources, many of these proposed amendments could be contrary to the intent of and realistic and timely compliance with the Energy Transition Act (ETA).

Below are PNM's comments for the lengthy set of amendments proposed for BESS facilities:

## Proposed Amendment

1. On page 154, in the Telecommunications, Towers, and Utilities sub-category of Industrial Uses in Table 4-2-1, add a new row for “Battery energy storage system” with a P in NR-LM and NR-GM to allow a battery energy storage system as a permissive primary use.

### PNM response:

Because the current IDO definition for Electric Utility already identifies and includes battery storage and the Electric Utility use is allowed in all IDO Zone Districts, limiting BESSs to manufacturing zones is contrary to the definition of Electric Utility and the use’s permissive allowance in every IDO Zone District except NR-SU and NR-PO. Limiting BESS uses to manufacturing zones will severely hamper the ability of PNM and merchant developers to integrate battery energy storage systems into the distribution system in areas of increasing load demand for electricity in mixed-use, residential, and economic development that will occur in areas outside of the NR-LM and NR-GM Zone Districts.

BESS facilities are unmanned and if limited to only manufacturing zone districts will take away limited land that is needed for employment growth that is more appropriately located in NR-LM and NR-GM areas. PNM will be interested in the staff report analyses and reasoning for this proposed location limitation for BESSs that reflect the ongoing technological advances for reliability and safety and that address the need for Electric Utility uses to be located as close to electric load demand centers as possible. PNM requests that the BESS use be a Permissive Primary use in all IDO Zone Districts in exactly the same way as the more comprehensive Electric Utility use.

## Proposed Amendment

2. On page 194, in Subsection 14-16-4-3(E), add a new Subsection for battery energy storage system with text as follows.

### **4-3(E) INDUSTRIAL USES**

- 4-3(E)(2) Battery Energy Storage System [New]**  
**4-3(E)(2)(a) Energy storage system capacities, including array capacity and separation, are limited to the thresholds in the National Fire Protection Association (NFPA) standard 855.**

### PNM response:

- (a) PNM is not opposed to applicable fire safety regulations, but requests clarifications and answers to the following concerns and questions:
  - It is unclear who would enforce this new subsection for compliance with NFPA standard 855 thresholds. Would this be the Zoning Enforcement Officer (ZEO) within the Planning Department because it is in the IDO, or would it be the AFR Fire Code Official?
  - Would a review of a proposed BESS project per this new standard be part of an administrative site plan approval or would a separate process be applicable?
  - If there is a conflict between any existing section of the IDO and/or of the City’s Fire Code (14-2-1 et seq) and/or the International Fire Code (IFC), and/or the International Building Code (IBC) with this new requirement to comply with NFPA standard 855, will the ZEO or the Fire Code Official determine which regulation/standard shall apply?
  - Will this new subsection apply to non-electrochemical BESS projects that may rely on technologies such as thermal or mechanical energy storage?

4-3(E)(2)(b) The 1-hour average noise generated from the Battery Energy Storage System, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA (i.e. A-weighted decibel) as measured at any property line.

1. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance.
2. The applicant may be required to provide Operating Sound Pressure Level measurements from locations evenly spaced every 100 feet along the property line to demonstrate compliance.

PNM response:

(b) PNM acknowledges its current obligation to comply with the City's Noise Control Ordinance (9-9-1 et seq) and requests clarifications and answers to the following concerns and questions:

- It is unclear who would be enforcing this new subsection for compliance with the 60 dBA sound level. Would this be the Zoning Enforcement Officer (ZEO) within the Planning Department because it is in the IDO or the Environmental Health Department that enforces the City's Noise Control Ordinance?
- If there is a conflict with the City's Noise Control Ordinance, which standard would prevail and who would make such a determination, the ZEO or the Environmental Health Department?
- Would a review of a proposed BESS project per this standard be part of an administrative site plan approval or would a separate process be applicable?
- If an applicant for a BESS project is required to provide sound level measurements, would the Planning Department or Environmental Health Department be reviewing and certifying compliance?

4-3(E)(2)(c) A landscaped buffer at least 25 feet wide containing 2 evergreen trees and 6 shrubs per 25 feet shall be provided along all property lines.

PNM response:

(c) This proposed 25 foot landscape buffer along all property lines makes development of critical BESS facilities infeasible, especially in infill areas where land is often only available as smaller parcels, but where electric load demand growth occurs with redevelopment and infill projects and the steady adoption of EVs.

Unlike the existing landscape requirements for substations (4-3(E)(8)), this proposed standard does not give any deference to "the safety and maintenance requirements of substations." BESS facilities are Electric Utility uses that require interconnections with the local distribution system, most of which are overhead lines that are not compatible with "2 evergreen trees and 6 shrubs per 25 feet . . . along all property lines" because of potential damage to the lines from tree limbs and branches. Underground lines in conduits and their junction boxes have similar potential to be damaged by tree roots. Because it is a USS, this subsection also conflicts with and will supersede (see IDO section 1-8(A)(2)) the current landscaping requirements in IDO section 5-6(C)(10) that are intended to protect critical infrastructure.

PNM is required by the NM PRC to interconnect not only private renewable generation sources, but also private BESS projects. Private merchant BESS developers may see this proposed requirement as a deal-breaker if it prevents a project from “penciling out” and making sense as an investment opportunity, which may detract from the electric grid reaching the goals and meeting the requirements of the State’s Energy Transition Act (ETA).

If public safety is the intent of this impractical landscape buffer around every BESS project, then the establishment of numerous, attractive nuisances for the unhoused, taggers, and vandals may well be the result, and not the furtherance of public safety. Critical infrastructure should not be subjected to the risks that a 25 foot landscape buffer on all sides presents, especially in “rear yard” areas located away from streets where public safety service providers (Albuquerque Police Department, Albuquerque Fire and Rescue, and Albuquerque Community Safety) need visibility.

PNM requests that BESS landscape requirements be identical to those for substations and not per subsection (c). PNM also requests that the wall requirement USS for substations be applicable to all BESS facilities as well.

**4-3(E)(2)(d) All onsite utility lines and connections, including associated equipment, shall be placed underground or pad mounted, unless soil conditions, shape, or topography of the site as verified by the City Engineer dictate above-ground installation. Electrical transformers for utility interconnections may be above-ground if required by the utility provider.**

PNM response:

- (d) Requiring that “all onsite utility lines and connections, including associated equipment, shall be placed underground or pad mounted” will make BESS facilities cost-prohibitive in many locations because existing overhead distribution lines will have to be “risered down” with new pole structures and conduits. This requirement may create conflicts between the Franchise Agreement that covers the public right-of-way and the IDO that covers private properties if changes on the private side require changes on the public right-of-way side that cannot be accommodated because of limited space or other existing infrastructure (streetlights, traffic signals, bus stop shelters, fire hydrants, sidewalks, etc.).

And pad mounted equipment is by definition above-ground, which may require the ZEO to determine what is pad mounted versus what is underground versus what is above ground on a case-by-case basis. These potential internal conflicts and the need to resolve them would add additional uncertainty and less predictability to the development review process for critical infrastructure. This undergrounding requirement is also in conflict with above subsection (c) because underground conduits and junction boxes may be in direct conflict with evergreen tree and shrub planting locations every 25 feet along all property lines.

Since this requirement for undergrounding is not a measurable standard and relies entirely upon the City Engineer for relief from its requirements, what “soil conditions, shape, or topography of the site” would they verify and per what dictating criteria?

PNM requests that this subsection (d) in its entirety not be recommended to City Council or included in any way as a USS for a BESS use.



4-3(E)(2)(e) This use is prohibited within 330 feet in any direction of any Residential zone district or lot containing a residential use in any Mixed-use zone district.

PNM response:

- (e) This proposed distance separation requirement from residential zones and residential uses makes development of critical BESS facilities infeasible, especially in infill areas where land is often only available as smaller parcels, but where electric load demand growth occurs with redevelopment projects and the adoption of EVs. BESS facilities need to be located as close to electric load demand centers as possible to be most effective.

Ideal BESS locations include where load growth is driven by mixed-use and residential development/redevelopment, new EV charging stations in single-family home garages and at multifamily residential parking areas. Load growth can also be driven where natural gas HVAC systems and appliances are being replaced by electrically powered systems and appliances, namely residential, mixed-use, and commercial areas. Available land is also a driving criterion for the location of new BESS projects and this proposed distance separation requirement even makes some manufacturing zone district (NR-LM and NR-GM) areas unavailable if there is adjacency to residential zone districts or residential uses.

Similarly to substations, BESS facilities do not generate electricity, do not produce emissions, and must be maintained per FERC and NERC requirements. Further, compliance with NFPA standard 855 thresholds (see (a) above) should hopefully and adequately address all fire safety concerns and potentialities. And finally, a requirement for a security wall around a BESS facility would help integrate it into any community or neighborhood context in the same way as security walls for a substation, an Electric Utility use allowed in all Residential and Mixed-Use Zone Districts (see existing IDO USS 4-3(E)(8)).

PNM requests that this subsection (e) in its entirety not be recommended to City Council or included in any way as a USS for a BESS use.

**Proposed Amendment**

3. On page 276, in the Telecommunications, Towers, and Utilities sub-category of Industrial Uses in Table 5-5-1, add a new row for “Battery energy storage system” with “No requirement” for parking.

PNM Response:

This amendment is logical and based in reality because BESS facilities, like substations, are unmanned and do not require parking for staff or customers.

PNM strongly supports proposed amendment number 3.

**Proposed Amendment**

4. On page 303, in Subsection 14-16-5-6(C)(10), add a new subsection with text as follows.

## 5-5(C) GENERAL LANDSCAPING STANDARDS

### 5-6(C)(10)

#### Planting near Utilities

5-6(C)(10)(h) [new] Planting of combustible plant material is prohibited within 25 feet in any direction of a battery energy storage system.

Ground cover and turf are allowed, provided that they do not form a means of readily transmitting fire.

#### PNM Response:

This amendment is in direct conflict with the proposed USS 4-3(E)(2)(c) that requires a landscape buffer with 2 evergreen trees and 6 shrubs per 25 feet along all property lines. Evergreen trees are extremely combustible plant material because of their high levels of oils, resins, and/or waxes. Shrubs are combustible plant material. “Ground cover and turf” could include crusher fine or other gravel, living vegetation, and/or artificial turf, depending on what section of the IDO is referenced. This proposed amendment is internally inconsistent because living vegetation and turf are all combustible regardless of their hydration or greenness and could form a means of readily transmitting fire. Any plant can burn, and especially evergreen trees and shrubs.

Furthermore, this proposed amendment is unnecessary because per IDO section 1-8(A)(2), if there is a conflict between this proposed Planting near Utilities amendment and the proposed BESS USS amendment, “the Use-specific Standard shall prevail regardless of whether the Use-specific Standard is more or less restrictive than the Development Standard.” If both this landscape standard, 5-6(C)(10)(h), and USS 4-3(E) are adopted, then this may present applicants and the Zoning Enforcement Officer (ZEO) with an unnecessary determination about which standard prevails for each and every BESS project. Again, these potential internal conflicts and the need to resolve them would add additional uncertainty and less predictability to the development review process for critical infrastructure.

PNM requests that this amendment in its entirety not be recommended to City Council or included in any way as part of the IDO Annual Update.

#### **Proposed Amendment**

5. On page 383, in Subsection 14-16-5-13(B)(7), add a new subsection with text as follows.

## 5-13(B) MAINTENANCE STANDARDS

### 5-13(B)(7)

#### Landscaping, Buffering, and Screening

5-13(B)(7)(d) [new] The area within 25 feet in any direction of a battery energy storage system shall be cleared of combustible vegetation and other combustible growth.

#### PNM Response:

This amendment is in direct conflict with the proposed USS 4-3(E)(2)(c) that requires a landscape buffer with 2 evergreen trees and 6 shrubs per 25 feet along all property lines and with Proposed Amendment 4 above ground cover and turf. All vegetation, regardless of hydration or greenness, is combustible and therefore any required living landscape (e.g. evergreen trees and shrubs every 25 feet along every property line) would then have to be cleared. Then the site would become non-compliant to the USS for

landscaping, subjecting a property owner to enforcement action to re-install the landscape that would then have to be cleared. Any plant can burn, especially evergreen trees and shrubs that contain oils, resins, and/or waxes.

PNM requests that this amendment in its entirety not be recommended to City Council or included in any way as part of the IDO Annual Update.

#### **Proposed Amendment**

6. On page 548, in Section 14-16-7-1, add a new term “Battery Energy Storage System” with text as follows.

#### **Battery Energy Storage System**

A utility-scale facility that stores energy from the electrical grid and then discharges it at a later time to provide electricity when needed. Electrochemical batteries may include, but are not limited to, lithium-ion, lead-acid, redox flow, and molten salt (including sodium-based chemistries). For the purposes of this IDO, batteries used in consumer products, including EV vehicles, are not included in this use. Battery storage associated with an electric utility is regulated separately. See *Electric Utility*.

#### **PNM Response:**

PNM is concerned about the inclusion of this defined term because it only refers to “Electrochemical batteries” when describing a Battery *Energy* Storage System. It should go further to include thermal energy and mechanical energy storage systems as BESS facilities as well. The portion of the definition that works well is the differentiation of a BESS from batteries used in EVs and other consumer products. The last sentence: “Battery storage associated with an electric utility is regulated separately.” is not necessary and should be removed because the first sentence makes it clear that a BESS is “utility-scale” and a private merchant BESS developer may or may not be associated with an electric utility and these applicants should be held to the same standards as a public utility for the same use.

PNM might support this amendment with the changes noted above.

#### **Proposed Amendment**

7. On page 617, in Section 14-16-7-2, add new acronyms as follows.

NFPA: National Fire Protection Association

dBA: A-weighted decibel (dB)

#### **PNM Response:**

PNM is not opposed to this amendment.

### Comprehensive Plan Goals and Policies

This set of IDO amendments to address BESS facilities do not appear to further the following CompPlan Goals and Policies, which is a requirement of IDO Review and Decision criterion 6-7(B)(3)(a) for the IDO Annual Update:

#### Goal 5.3 Efficient Development Patterns

Policy 5.3.1 Infill Development

Policy 5.3.2 Leapfrog Development

Policy 5.3.3 Compact Development

#### Goal 5.4 Jobs-Housing Balance

#### Goal 5.7 Implementation Processes

Policy 5.7.2 Regulatory Alignment

Policy 5.7.4 Streamlined Development

Policy 5.7.6 Development Services

#### Goal 7.6 Context-Sensitive Infrastructure

Policy 7.6.3 Utility Infrastructure

#### Goal 8.1 Placemaking

Policy 8.1.2 Resilient Economy

Policy 8.1.5 Available Land

#### Goal 12.1 Infrastructure Systems

Policy 12.1.6 Energy Systems

#### Goal 12.4 Coordination

Policy 12.4.1 Collaborative Strategies

Policy 12.4.4 Joint Use

#### Goal 12.5 Resources

Policy 12.5.1 Cost-Benefit Analysis

Policy 12.5.2 Cost Allocation

Policy 12.5.4 Cost Efficiencies

#### Goal 13.1 Climate Change

Policy 13.1.1 Resource-Efficient Development

Policy 13.1.2 Greenhouse Gas Mitigation

Policy 13.1.3 Public Infrastructure and Facilities

#### Goal 13.3 Natural Hazards

Policy 13.3.1 Resilient Infrastructure

#### Goal 13.4 Natural Resources

Policy 13.4.3 Energy Resources

#### Goal 13.5 Community Health

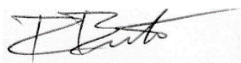
Policy 13.5.3 Public Infrastructure Systems and Services

### Conclusion

What started as a relatively simple request from PNM for a minor text amendment to the existing Use-specific Standard for the Electric Utility use (4-3(E)(8)) to add Battery Energy Storage System (BESS) and apply the same standards as those for an electric substation have morphed into a lengthy set of proposed amendments that will have detrimental and unintended consequences for the development and implementation of BESS projects. These consequences include making it much more difficult to develop BESS projects that are critically necessary to comply with and implement the State mandated transition to emissions-free and renewable generation sources (Energy Transition Act). And the potential internal conflicts contained in these proposed amendments would add additional uncertainty and less predictability to the City's development review process for this critical infrastructure.

Electric load demand growth comes from all land uses located in all IDO Zone Districts and BESS infrastructure should not be relegated to only manufacturing zones. PNM respectfully requests that this proposed language be amended and pared down as detailed in this letter to reflect technically and economically realistic design standards that respond to current and future BESS technologies. BESS projects are critical infrastructure that will be necessary in all communities throughout the City of Albuquerque and Bernalillo County.

Sincerely,



Russell Brito  
Land Use & Permitting Administrator  
Environmental Services & Land Use Permitting

Cc: Ken Maestas – PNM

City Council Comments



**From:** [Schultz, Shanna M.](#)  
**To:** [City of Albuquerque Planning Department](#); [Vos, Michael J.](#)  
**Subject:** 2023 IDO Annual Update - Parking Maximum Amendment  
**Date:** Friday, December 1, 2023 3:58:56 PM  
**Attachments:** [image001.png](#)

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Good afternoon,

Councilor Fiebelkorn submitted an IDO Amendment related to parking maximums in proximity to transit facilities. In the explanation of this amendment there is indication that park & ride facilities would be exempted from the parking maximum requirement, however the proposed text change fails to mention the park & ride exemption. To ensure that the intention of the amendment is fully realized, staff requests that a condition be drafted to add in the park & ride exemption prior to the package being transmitted to the full City Council.

Please let me know if you have questions about this request.

Thank you,  
Shanna



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



## CITY OF ALBUQUERQUE CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Tribal Engagement – Amended Proposal

**DATE:** December 6, 2023

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Dear Director Varela and Ms. Renz-Whitmore,

In the memo titled “2023 IDO Update: Tribal Engagement” that I sent you on October 20<sup>th</sup> there was mention of two small-mapped area proposals. This memo serves as an update for Planning Department staff and the public that there will not be a proposed IDO amendment to create the small mapped area titled “Albuquerque Indian School Area”, as outlined in the original memo.

Through the required pre-application facilitated meeting process, it was brought to staff’s attention that this proposed small mapped area is, in fact, not necessary for several reasons:

1. The boundary, as originally proposed, would have applied the new tribal engagement process to properties that are held in federal trust. Land that is held in federal trust is not required to comply with any local zoning regulations, including the proposed tribal engagement process.
2. Of stronger interest to stakeholders in the area is ensuring the tribal engagement process is implemented *surrounding* the land that is currently held in trust. Within the existing tribal engagement proposal is a requirement that development “within 660 feet of Tribal Land” be subject to the tribal engagement process. This requirement will ensure that development within 660 feet of the land held in trust at the Albuquerque Indian School will be subject to the tribal engagement process.

The pre-application facilitated meeting process successfully brought to my attention these issues with the original proposal. Thank you to those participants who reviewed the proposal and provided feedback to staff.

For these reasons, please disregard the portion of the October 20<sup>th</sup> memo that references the creation of a new Small Mapped Area to be called the “Albuquerque Indian School Area”. I will not be submitting an application to create this small mapped area.



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## CITY OF ALBUQUERQUE CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** EPC Chair David Shaffer

**FROM:** Pat Davis, City Councilor for District 6  
Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** Battery Energy Storage System (BESS) Text Amendments

**DATE:** December 7, 2023

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In the 2023 IDO Annual Update packet there is an exhibit that contains proposed language to be amended into the IDO for a new land use called “Battery Energy Storage System (BESS)”. These proposed changes do not adequately respond to the need to regulate BESS facilities.

BESSs are crucial to our clean energy transition and meeting the ambitious goals of the Energy Transition Act. This exhibit represents a monumental shift in the treatment of battery storage. Currently, battery storage is included in the Electric Utility Use and as such is permissive in nearly all zone districts. However, the exhibit would relegate stand-alone BESSs to NR-LM and NR-GM and requires a distance separation of 330 feet from Residential zone districts, limiting site availability and moving them away from where they are most needed.

In addition to the zoning district concern, the exhibit makes BESSs unnecessarily difficult to site with by requiring a 25-foot landscaped buffer and a prohibiting any planting withing 25 feet of a facility, which is either conflicting or results in a required 50 foot buffer. We also find the definition of a BESS to be lacking by only referring to “Electrochemical batteries” while other options exist for energy storage such as thermal and mechanical storage. Finally, it puts onerous requirements for undergrounding that are both cost prohibitive and difficult to interpret.

It appears that many of these requirements are being put forth as safety concerns, and while we respect the intention, they are ill founded and will result in unintended consequences including slowing our transition to clean energy and preventing reliability improvements to our grid.

We would please request that the Environmental Planning Commission not consider any amendments to the IDO related to BESSs at the December 14<sup>th</sup> hearing. Please defer any consideration of this item to your January hearing, if it’s the will of the commission to have a second meeting. This deferral time will allow staff to work with industry and subject matter experts to propose reasonable land use regulations for BESSs to the Commission.

In the instance that the commission will not have a second hearing on the 2023 IDO Annual Update, we request that a condition of approval to the full City Council as follows:

“This commission makes no recommendation regarding line item #55 in the IDO Annual Update spreadsheet and its associated exhibit. The regulation of BESS facilities requires more analysis and input from industry experts. The City Council should determine how to best

regulate these facilities in later stages of the 2023 IDO Annual update process, which will allow city staff adequate time to engage with industry professionals on best practices and appropriate language.”

We thank you for your consideration and for your willingness to serve our city in this crucial role.

## APPLICANT INFORMATION



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	Decisions Requiring a Public Meeting or Hearing	Policy Decisions
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input checked="" type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Alternative Landscape Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		<b>Appeals</b>
		<input type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)

### APPLICATION INFORMATION

Applicant: City of Albuquerque, Planning Department / Urban Design & Development		Phone: (505) 924-3860
Address: 600 2nd Street NW, 3rd Floor		Email: mvos@cabq.gov
City: Albuquerque	State: NM	Zip: 87102
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site:		List <u>all</u> owners:

### BRIEF DESCRIPTION OF REQUEST

Amendment to IDO Text - Citywide for the 2023 IDO Annual Update, as required by Section 6-3(D) of the IDO.

### SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.: Citywide	Block:	Unit:
Subdivision/Addition:	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s):	Existing Zoning:	Proposed Zoning:
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (acres):

### LOCATION OF PROPERTY BY STREETS

Site Address/Street: Citywide	Between:	and:
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### CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

PR-2018-001843 / RZ-2022-00054 (2022), RZ-2021-00048 (2021), RZ-2020-00046 (2020), RZ-2019-00046 (2019); Project #1001620 (Adoption of the IDO)

Signature:	Date: October 26, 2023
Printed Name: Michael Vos, AICP	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent

### FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees
Meeting/Hearing Date:			Fee Total:		
Staff Signature:			Date:		
			Project #		



## Form Z: Policy Decisions

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

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

☒ **INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted)**

- ☒ Interpreter Needed for Hearing? No ☐ if yes, indicate language: \_\_\_\_\_
- N/A Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B) \*Not required for Amendment to IDO Text - Citywide
- N/A Letter of authorization from the property owner if application is submitted by an agent
- N/A Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)
- N/A Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled (not required for Amendment to IDO Text) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

☐ **ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN**

☐ **ADOPTION OR AMENDMENT OF FACILITY PLAN**

- ☐ Plan, or part of plan, to be amended with changes noted and marked
- ☐ Letter describing, explaining, and justifying the request per the criteria in IDO Sections 14-16-6-7(A)(3) or 14-16-6-7(B)(3), as applicable
- ☐ Required notices with content per IDO Section 14-16-6-4(K)(6)
- ☐ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
- ☐ Proof of emailed notice to affected Neighborhood Association representatives
- ☐ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

☒ **AMENDMENT TO IDO TEXT**

- ☒ Section(s) of the Integrated Development Ordinance to be amended with changes noted and marked
- ☒ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(D)(3)
- ☒ Required notices with content per IDO Section 14-16-6-4(K)(6)
- ☒ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
- N/A Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing \*Not required for Amendment to IDO Text - Citywide

☐ **ZONING MAP AMENDMENT – EPC**

☐ **ZONING MAP AMENDMENT – COUNCIL**

- ☐ Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- ☐ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable
- ☐ Required notices with content per IDO Section 14-16-6-4(K)(6)
- ☐ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
- ☐ Proof of emailed notice to affected Neighborhood Association representatives
- ☐ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing
- ☐ Sign Posting Agreement

☐ **ANNEXATION OF LAND**

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

**I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.**

Signature: 

Date: October 26, 2023

Printed Name: Michael Vos, AICP

☒ Applicant or ☐ Agent

**FOR OFFICIAL USE ONLY**

Project Number:

Case Numbers

-

-

-

Staff Signature:

Date:



# CITY OF ALBUQUERQUE

Planning Department  
PO Box 1293  
Albuquerque NM 87103



October 26, 2023

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

Dear Chair Shaffer,

As required by IDO Subsection 14-16-6-3(D), we are submitting the 2023 annual update to the Integrated Development Ordinance (IDO) for the Environmental Planning Commission's review and recommendation to the City Council, the City's ultimate planning and zoning authority.

In order for the City's land use, zoning, and development regulations to stay up-to-date, the IDO has an annual update process built into its regulatory framework. The annual update for 2023 includes approximately 50 changes requested by members of the public, staff, and the City Administration. Each proposed change provides the page and section of the adopted IDO that would be modified, the text that is proposed to change, along with an explanation of the purpose or intent of the change. This document is the main body of the application for Amendments to IDO Text - Citywide.

These proposed amendments to the IDO text are consistent with the required Annual Update process described in IDO Subsection 14-16-6-3(D). The Planning Department has compiled the requested changes and is now submitting the proposed amendments for EPC's review and recommendation at a special hearing in December. A detailed staff analysis of the amendments will be submitted to the EPC, which will include an analysis of the decision criteria set forth in IDO Subsection 14-16-6-7(D)(3).

Sincerely,

Alan Varela, Director  
Planning Department

October 26, 2023

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



Dear Chair Shaffer,

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

The IDO is the regulatory tool to realize and implement the "Centers and Corridors" community vision set out in the Albuquerque-Bernalillo County Comprehensive Plan ("Comp Plan") in a coordinated, citywide context where existing communities can benefit from appropriate new development, while being protected from potential adverse effects. The IDO regulations coordinate with the City's Development Areas – Areas of Change and Consistency – that work together to direct growth to appropriate locations and ensure protections for neighborhoods, parks, and Major Public Open Space. The IDO implements the Comp Plan through regulations tailored to the City's designated Centers and Corridors.

In order for the City's land use, zoning, and development regulations to stay up-to-date, the IDO has a built-in annual update process within the regulatory framework. This process was established to provide a regular cycle for discussion among residents, City staff, and decision-makers to consider any needed changes that were identified over the course of the year. Since the completion of the 2022 annual update, Planning staff has collected approximately 60 proposed amendments. These amendments were requested by members of the public, staff, City Councilors, and the City administration. Proposed amendments are compiled into a table of "Citywide Proposed Text Amendments." Each proposed change provides a reference number, the page and section of the IDO that would be modified, the text that is proposed to change, an explanation of the purpose or intent of the change, and the source of the change (i.e. staff, Admin, public, or Council). In addition, several amendments proposed by City Council are accompanied with supporting memos, and several other proposed amendments include exhibits with longer, more detailed explanations of changes or additions for consideration. Together, these documents are the main body of the application for Amendments to IDO Text - Citywide.

#### **Justification for an Amendment to IDO Text – Citywide under the Criteria in 14-16-6-7(D)(3)**

These proposed amendments to the IDO text are consistent with the required Annual Update process described in IDO Subsection 14-16-6-3(D). The Planning Department has compiled the recommendations, analyzed proposed changes, and is now submitting the proposed amendments for EPC's review and recommendation in December. These proposed amendments to the IDO text meet the Review and Decision Criteria in IDO Subsection 14-16-6-7(D)(3).

- (a) These proposed amendments to the IDO text are 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.
- (b) The proposed amendments do not apply to only one lot or development project. The amendments affect property citywide.
- (c) These proposed amendments promote public health, safety, and welfare.

**Review and Decision Criterion 14-16-6-7(D)(3)(a)**

These proposed amendments to the IDO text are consistent with Comp Plan policies that direct the City to adopt and maintain an effective regulatory system for land use, zoning, and development review. In general, these amendments further the following applicable goals and policies of the ABC Comprehensive Plan and protect the public health, safety, and welfare.

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

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

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

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

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

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

**Goal 5.2 Complete Communities:** Foster communities where residents can live, work, learn, shop, and play together.

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

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

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

**Policy 5.3.7 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.

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

**Policy 5.6.1 Community Green Space:** Provide visual relief from urbanization and offer opportunities for education, recreation, cultural activities, and conservation of natural resources by setting aside publicly-owned Open Space, parks, trail corridors, and open areas throughout the Comp Plan area as mapped in Figure 5-3.

**Action 5.6.1.1** Develop setback standards for and encourage clustering of open space along the irrigation system.

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

**Sub-policy f):** Minimize potential negative impacts of development on existing residential uses with respect to noise, stormwater runoff, contaminants, lighting, air quality, and traffic.

**Policy 5.6.3 Areas of Consistency:** Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

**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.

**Sub-policy b):** Minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic.

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

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

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

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

**Policy 7.3.1 Natural and Cultural Features:** Preserve, enhance, and leverage natural features and views of cultural landscapes.

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

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

**Goal 7.4 Context-Sensitive Parking:** Design parking facilities to match the development context and complement the surrounding built environment.

**Policy 7.4.3 Off-street Parking Design:** Encourage well-designed, efficient, safe, and attractive parking facilities.

**Goal 7.5 Context-Sensitive Site Design:** Design sites, buildings, and landscape elements to respond to the high desert environment.

**Policy 7.5.1 Landscape Design:** Encourage landscape treatments that are consistent with the high desert climate to enhance our sense of place.

**Goal 9.1 Supply:** Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

**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.

**Policy 9.1.2 Affordability:** Provide for mixed-income neighborhoods by encouraging high-quality, affordable, and mixed-income housing options throughout the area.

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

**Goal 9.4 Homelessness:** Make homelessness rare, short-term, and non-recurring.

**Policy 9.4.2 Services:** Provide expanded options for shelters and services for people experiencing temporary homelessness.

**Policy 9.4.3 Equitable Distribution:** Support a network of service points that are easily accessible by residents and workers, geographically distributed throughout the city and county, and proximate to transit.

#### **Review and Decision Criterion 14-16-6-7(D)(3)(b)**

These proposed amendments to the IDO text include changes to regulations that apply citywide. None of the proposed text amendments to the IDO text apply to a single lot or development project. Where there are changes that apply to a narrower portion of the city, such as in select Centers and Corridors, the change is supported by Comprehensive Plan policies cited above. These are noted in the “Citywide Proposed Text Amendments,” where relevant. In other instances, there are changes that would apply across a particular zone district or for all approvals of a certain type. Because of this, the proposed amendments are legislative in nature.

#### **Review and Decision Criterion 14-16-6-7(D)(3)(c)**

These proposed amendments to the IDO text help promote economic growth and investment in the City as a whole. The proposed changes continue the Planning Department’s response to challenges in implementing new regulations and neighborhood protections in a real-world context with real-world projects. Changes responding to comments from a wide variety of community members, improving development outcomes, and increasing enforceability by staff, are addressed in the proposed text



amendments. This request promotes public health, safety, and welfare by improving the quality and the enforceability of the existing land use and zoning regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Vos", with a stylized flourish at the end.

Michael Vos, AICP  
Principal Planner  
Urban Design & Development Division  
City Planning Department

SPREADSHEET OF PROPOSED TEXT AMENDMENTS-

IDO Annual Update 2023 – EPC Review – City-wide

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
1	120	3-5(G) [new]	<b>Setbacks in HPOs</b> Add a new Subsection with text as follows: " <u>New development or redevelopment shall comply with contextual standards for lot sizes, front setbacks, and side setbacks in Subsection 14-16-5-1(C)(2), unless the Landmarks Commission approves a different standard in a Historic Certificate of Appropriateness - Major pursuant to Subsection 14-16-6-6(D).</u> "	Applies contextual standards to all development in HPOs for lot sizes and setbacks. Contextual standards in 5-1(C)(2) apply only to low-density residential development in Areas of Consistency. Gives the Landmarks Commission the discretion to approve different lot sizes and setbacks on a case-by-case basis without a variance (which are reviewed by the Zoning Hearing Examiner).	Staff
2	155	Table 4-2-1	<b>Outdoor Amplified Sound</b> Create a new accessory use with use-specific standard and add an A in the following zone districts: MX-M, MX-L, MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM Add a CA in MX-T	Adds outdoor amplified sound as an accessory use to enable a curfew between 10 p.m. and 7 a.m. See related amendment for 14-16-4-3(F)(14) and 14-16-7-1.	Public
3	159	4-3(B)(4)	<b>Cottage Development</b> See Council Memo for proposed amendments.	See Council Memo.	Council
4	186	4-3(D)(37)(a)	<b>General Retail - Walls/fences</b> Add a new Subsection (b) with text as follows and renumber subsequent Subsection accordingly: " <u>This use requires a wall or fence at least 3 feet high around the perimeter of the premises and from the edges of the primary building to and along the side or rear property line so that pedestrian access is controlled to designated access points and public access is blocked to the side and rear yard beyond public entrances.</u> "	Requires a perimeter wall for general retail stores to limit pedestrian access and deter crime.	Admin
5	175	4-3(D)(18)	<b>Light Vehicle Fueling Station - Walls/fences</b> Add a new Subsection with text as follows: " <u>This use requires a wall or fence at least 3 feet high around the perimeter of the premises and from the edges of the primary building to and along the side or rear property line so that pedestrian access is controlled to designated access points and public access is blocked to the side and rear yard beyond public entrances.</u> "	Requires a perimeter wall for gas stations to limit pedestrian access and deter crime.	Admin

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
6	198	4-3(E)(8)	<b>Electric Utility</b> Revise Subsections (a), (b), (c), and (d) to add battery storage in addition to substations. Revise Subsection (f) as follows: "Electric generation facilities, as <del>defined</del> <u>identified</u> in the Facility Plan for Electric System Transmission and Generation, are large-scale industrial developments and are only allowed in the NR-GM zone district."	Requires walls and landscaping for battery storage facilities associated with electric utilities. The definition of electric utility includes battery storage as an incidental activity in Section 7-1. Electric utilities are regulated separately from the standalone Battery Energy Storage System (BESS) proposed in another amendment.	Public
7	217	4-3(F)(14) [new]	<b>Outdoor Amplified Sound</b> Create a new subsection with text as follows and renumber subsequent subsections accordingly: <u>"If this use is within 330 feet of a Residential zone district or lot containing a residential use in a Mixed-use zone district, any amplified sound from speakers outside of a fully enclosed building shall be turned off between 10:00 p.m. and 7:00 a.m."</u>	Prohibits amplified sound after 10 p.m. near residential uses. Similar to prohibition of self-storage access.	Public
8	Multiple	4	<b>Cannabis Retail</b> See Council Memo for proposed amendments, including Table 4-2-1 and use-specific standard in Subsection 14-16-4-3(D)(35).	See Council Memo.	Council

# IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
9	Multiple	4	<p><b>Overnight Shelter</b>  Revise Table 4-2-1 to make permissive in all zone districts where currently allowed as Conditional (MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM).  Revise Subsection 14-16-4-3(C)(6) as follows:  <del>"(a) This use is prohibited within 1,500 feet in any direction of a lot containing any other overnight shelter.</del>  <del>(b) This use shall be conducted within fully enclosed portions of a building.</del>  (a) [new] This use requires a Conditional Use approval pursuant to Subsection 14-16-6-6(A) for any of the following:  1. More than 50 beds in any zone district where allowed, except MX-H.  2. Locations within 1,500 feet in any direction of any other overnight shelter.  3. Locations within 330 feet of Residential zone districts or any residential use in a Mixed-use zone district.  <del>(c) (b)</del> In the MX-M zone district, this use shall not exceed 25,000 square feet.</p>	Allows small overnight shelters permissively in zone districts where the use is currently only allowed conditionally. Requires conditional approval for larger shelters, shelters near residential, and shelters within 1500 feet of each other.	Staff
10	161	4-3(B)(5)(b)	<p><b>Dwelling, Two-family Detached (Duplex)</b>  Revise text as follows:  "This use is prohibited in the R-1 zone district, except for the following:  1. In R-1A where 1 two family detached dwelling is permissive on 2 lots where the building straddles the lot line and each dwelling unit is on a separate lot.  2. On corner lots that are a minimum of 5,000 square feet."</p>	Allows duplexes in R-1 on corner lots that are at least 5,000 s.f.	Public
11	147	4-1(A)(4) [new]	<p><b>Conditional Uses for City Facilities</b>  Add a new subsection with text as follows and renumber subsequent subsections accordingly:  "City facilities do not require a Conditional Use Approval where listed as 'C' in Table 4-2-1 because they serve a public purpose. Conditions of approval pursuant to Subsection 14-16-6-4(P) may be added by the decision-maker for the associated Site Plan to ensure conformance with the IDO and to ensure public health, safety, and welfare."</p>	Exempts City facilities from the conditional use process.	Admin

# IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
12	Multiple	4	<b>Dwelling, Live-work</b> On page 151, in Table 4-2-1, add a P in R-1 and change C to P in R-T and R-ML. On page 162, in Subsection 4-3(B)(7)(c), add cannabis retail and nicotine retail as prohibited uses. In Subsection (c)2, revise text as follows: "Any use <u>other than restaurant</u> in the Food, Beverage, and Indoor Entertainment category."	Allows live/work for very small retail and restaurants on corner lots in neighborhoods to open business opportunities for homeowners who otherwise could not purchase/maintain/rent two properties, one for business and one for living. Returns the pattern of corner stores in neighborhoods for services within walking distance of more residences. Prohibits cannabis retail and nicotine retail in all zone districts.	Public
12	Multiple	4 (cont'd)	<b>Dwelling, Live-work</b> (cont'd) On page 162, in Subsection 4-3(B)(7), add a new subsection (e) with text as follows: " <u>Where allowed in a Residential zone district, general retail and restaurant are limited to a total of 3,000 square feet or less.</u> " Add a new subsection (f) with text as follows: " <u>In the R-T and R-ML zone districts, this use is permissive on corner lots that are a minimum of 5,000 square feet. In other locations, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).</u> " Add a new subsection (g) with text as follows: " <u>In the R-1 zone district, this use is only allowed on corner lots that are a minimum of 5,000 square feet. Only general retail and restaurants are allowed.</u> "	(Cont'd from above)	Public
13	Multiple	4-3(B)(5)	<b>Two-family Detached (Duplex) Dwelling</b> See Council Memo for proposed amendments.	See Council Memo.	Council
14	241	5-2(G)	<b>Irrigation (Acequia) Standards</b> Add a new Subsection with text as follows: " <u>For cluster development and multi-family dwellings, locate at least 25 percent of common open space or ground-level usable open space to be contiguous with the irrigation ditch/acequia. These areas shall be made accessible from the remaining land via pedestrian walkways. Access to irrigation ditches/acequias is only allowed if approved by the Middle Rio Grande Conservancy District (MRGCD).</u> "	Follows the existing requirement for cluster development and multi-family dwellings next to Major Public Open Space in Subsection 14-16-5-2(J)(2)(a). Implements an action in the 2017 ABC Comprehensive Plan.	Comp Plan



## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
15	242	5-2(H)	<b>Landfill Gas Mitigation</b> Revise text as follows: "Sensitive lands include landfill gas buffer areas, which comprise <del>closed or</del> operating landfills, <u>landfills closed within the last 30 years</u> , and the areas of potential landfill gas migration surrounding them. Development within landfill gas buffer areas, as established by Interim Guidelines for Development within City Designated Landfill Buffer Zones of the City Environmental Health Department and as shown on the Official Zoning Map, shall follow the Interim Guidelines to mitigate health hazards due to methane and other byproduct gases. All development within a landfill gas buffer requires a Landfill Gas Mitigation Approval pursuant to Subsection 14-16-6-4(S)(5) to ensure that potential health and safety impacts are addressed.	Exempts landfills closed more than 30 years ago from landfill gas mitigation procedures.	Admin
16	247	5-2(K)	<b>Preventing and Mitigating Construction Impact</b> See Exhibit for proposed amendment.	Adds requirements in the IDO for mitigating impact from construction activities next to Major Public Open Space or on properties where sensitive lands have been identified.	Staff
17	270	5-5(B)(4)(d)	<b>RV, Boat, and Trailer Parking</b> See Council Memo for proposed changes.	See Council Memo.	Council
18	282	5-5(C)(7)	<b>Parking Maximums</b> See Council Memo for proposed amendments.	See Council Memo.	Council
19	293	5-5(G)(3)	<b>Parking Structures for Multi-family Residential Development</b> Revise as follows: "All parking structures that provide parking for multi-family <u>residential development dwellings</u> , mixed-use development, and non-residential development shall comply with the following standards. These standards do not apply to any garage for low-density residential uses."	Broadens the applicability of these building design standards to all uses in the Group Housing sub-category in Table 4-2-1. See Development Definitions, Multi-family Residential Development.	Staff

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
20	297	5-6(B)(1)	<b>Applicability - Landscaping</b> See Council Memo for proposed amendments.	See Council Memo.	Council
21	301	5-6(C)(5)(d)	<b>Soil Condition and Planting Beds - Mulching Requirement</b> See Council Memo for proposed amendments.	See Council Memo.	Council
22	301	5-6(C)(5)(e)	<b>Soil Condition and Planting Beds - Street Tree Mulching Requirement</b> See Council Memo for proposed amendments.	See Council Memo.	Council
23	320	5-7(D)(3)(a)	<b>Walls &amp; Fences - Front Yard Wall</b> 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 all of the following requirements are met:</u> <u>(a) The wall is not located in a small area where taller walls are prohibited pursuant to Subsection (3) below.</u> <u>(b) View fencing is used for portions of a wall above 3 feet.</u> <u>(c) The wall is set back at least 5 feet, and the setback area is landscaped with at least 3 shrubs or 1 tree every 25 feet along the length of the wall."</u>	Allows 5 foot walls in front yard with view fencing for at least 2 feet at top, set back 5 feet, and landscaped.	Admin
24	321	Table 5-7-2	<b>Options for a Taller Front or Side Yard Wall</b> Revise the first row of text under View Fencing as follows: "<5 <del>10</del> ft. from lot line abutting the street"	Requires Permit - Wall or Fence - Major for 5-ft. walls less than 5 feet from the property line.	Admin
25	349	5-11(E)	<b>Building Design - Facades for NR-LM, NR-GM and Industrial Development in Any Zone District</b> See Council Memo for proposed amendments.	See Council Memo.	Council
26	387	Table 6-1-1	<b>Historic Certificate of Appropriateness - Minor</b> Add requirement for Pre-application Meeting.	Matches current practice.	Staff
27	387	Table 6-1-1	<b>Permit - Temporary Use / Temporary Window Wrap</b> Add X in mailed notice requirement for Temporary Use Permit. Move footnote 3 to the mailed notice requirement on both uses.	Clarifies that the requirement for both uses is the same, matching the existing procedure in 14-16-6-5(D)(2)(a)3.	Staff

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
28	394	6-2(E)(2)(b)	<p><b>EPC Appointments</b>  6-2(E)(2)(b) <del>Prior to</del> <u>When a vacancy on the EPC occurs or upon the resignation of an EPC member:</u>  1.The Mayor shall notify a City Councilor in writing that his/her District member's term <del>will be expiring</del> <u>of office has expired</u> or <del>that</del> <u>the position is otherwise</u> <del>will be</del> <u>is</u> vacant, and that the City Councilor shall have 60 calendar days to submit recommended appointments to fill that position. If the City Councilor fails to submit 2 names within 60 calendar days of notification, the Mayor shall have the right to make the appointment subject to the advice and consent of the City Council.</p>	Allows the EPC appointment process to begin before the Commissioner leaves, eliminating or minimizing the time that a seat is vacant.	Staff
29	403	6-4(B)	<p><b>Pre-submittal Neigh Meeting</b>  Revise Subsection (1) as follows:  "For applications that meet any of the following criteria, the applicant shall offer at least 1 meeting to all Neighborhood Associations <u>within 330 feet of whose boundaries include or are adjacent to</u> the subject property no more than 90 calendar days before filing the application. In such cases, project applications will not be accepted until a pre-submittal neighborhood meeting has been held, or the requirements for a reasonable attempt in Subsection (3) below have been met."  Delete Subsection (2).</p>	<p>Replaces adjacency requirement with a set distance that is expected to achieve approximately the same result. Common administrative practice currently assumes .025 miles (132 feet) from the subject property line to pick up relevant Neighborhood Associations. For large roadways, ONC staff has to measure the roadway. If larger than 132 feet, ONC staff has to manually add Neighborhood Associations that are adjacent. The adjacency requirement precludes automation in GIS. This solution will help automate queries for required NA representative contacts.  Note: 330 feet = 1/16 of a mile or approx. 1 city block  See related proposed changes to make distances consistent for public notice [6-4(K)], post-submittal facilitated meeting [6-4(L)(3)(a)], and appeals [6-4(V)(2)(a)].</p>	Staff
30	403	6-4(B)(1)	<p><b>Pre-submittal Neighborhood Meeting</b>  See Council Memo for proposed amendments.</p>	See Council Memo.	Council

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
31	408	6-4(J)	<b>Referrals to Agencies</b> Revise second sentence as follows: <u>"For administrative decisions in Table 6-1-1, any comments received after such a referral and prior to the decision shall be considered with the application materials in any further review and decision-making procedures. For decisions that require a public hearing and policy decisions in Table 6-1-1, Any comments must be received within 15 calendar days after such a referral to shall be considered with the application materials in any further review and decision-making procedures."</u>	Matches current practice. Referring agencies receive notice of applications that are decided administratively, but the City will not delay these administrative decisions for 15 days until the comment period ends, as is done with decisions that require a public hearing.	Staff
32	409	6-4(K)	<b>Public Notice to Neighborhood Associations</b> Replace the adjacency requirement for notice to Neighborhood Associations with a set distance of 330 feet from the subject property in the following subsections: (2) Electronic Mail (3)(b)3 Mailed Notice to Neighborhood Associations	Replaces the "adjacent" requirement with a set distance to allow automation of the query for Neighborhood Associations. See related proposed changes to make distances consistent for pre-submittal neighborhood meeting [6-4(B)], post-submittal facilitated meeting [6-4(L)(3)(a)], and appeals [6-4(V)(2)(a)].	Staff
33	412	6-4(K)(3)(c)2	<b>Mailed Notice to Property Owners</b> Revise the second sentence as follows: <u>"For zoning map amendment applications only, adjacent properties shall be included where the edge of that 100-foot buffer area falls within any public right-of-way, adjacent properties shall be included."</u>	Removes the adjacency requirement to allow automation for the query for property owners in all but zoning map amendment cases. The State of New Mexico requires mailed notice to adjacent property owners within 100 feet excluding right-of-way for zoning map amendments.	Staff
34	412	6-4(K)(3)(d)2	<b>Mailed Notice for Amendments to IDO Text - Small Area</b> Revise text as follows: "All owners, as listed in the records of the Bernalillo County Assessor, of property located partially or completely within 100 feet in any direction of the proposed small area. <del>Where the edge of that 100-foot buffer area falls within any public right-of-way, adjacent properties shall be included.</del> "	Removes the adjacency requirement to allow automation for the query for property owners.	Staff

# IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
35	412	6-4(K)(4)	<p><b>Posted Sign</b>            Create new subsections, revise existing text as follows, and renumber subsequent subsections accordingly:            "(a) Where Table 6-1-1 requires posted sign notice, the applicant shall post at least 1 sign on each street abutting the property that is the subject of the application, at a point clearly visible from that street.  <u>(b) For administrative decisions, the sign shall be posted for at least 5 calendar days after submitting the application and 15 days after the decision through the required appeal period pursuant to Subsection 14-16-6-4(V)(3)(a)1.</u>  <u>(c) For decisions requiring a public hearing or policy decisions, the sign shall be posted for at least 15 calendar days before a required the public hearing and for the required appeal period following any final decision, required pursuant to Subsection 14-16-6-4(U) and Subsection 14-16-6-4(V)(3)(a)1."</u></p>	Requires signs to be posted before administrative decisions. The existing language requires posting before the decision only for applications requiring a public hearing and after the decision for the appeal period for all applications.	Staff
36	415	6-4(L)(3)(a)	<p><b>Post-submittal Facilitated Meeting</b>            Revise the final sentence as follows:            "The facilitator shall attempt to contact all Neighborhood Associations <del>within 330 feet of whose boundaries include or are adjacent to the</del> subject property."</p>	Replaces adjacency requirement with a set distance to allow automation of the query for Neighborhood Associations. See related proposed changes to make distances consistent for pre-submittal neighborhood meeting [6-4(B)], public notice [6-4(K)], and appeals [6-4(V)(2)(a)].	Staff

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
37	430	6-4(V)(2)(a)	<p><b>Appeals - Standing Based on Proximity for Neighborhood Associations</b>            In Subsection 14-16-6-4(V)(2)(a)5, revise text as follows:            "Property owners (other than the applicant) and Neighborhood Associations on the basis of proximity for decisions as specified in Table 6-4-2.            a. Distances noted in feet in Table 6-4-2 are measured from the nearest lot line of the subject property. <del>Where the edge of that area falls within a public right of way, adjacent properties shall be included.</del>            b. Distances for Neighborhood Associations are based on the boundary on file with the ONC at the time the application for decision related to the subject property was accepted as complete.            c. <del>Where proximity is noted as "Includes or Is Adjacent," the Neighborhood Association boundary includes or is adjacent to the subject property.</del>            In Table 6-4-2, replace "Includes or Is Adjacent" and "660 feet" with "330 feet."</p>	Replaces "adjacent" with a set distance of 330 feet and matches that distance for all other decisions. See related proposed changes to make distances consistent for pre-submittal neighborhood meeting [6-4(B)], public notice [6-4(K)], and post-submittal facilitated meeting [6-4(L)(3)(a)].	Staff
38	438	Table 6-4-3	<p><b>Conditional Use Expiration</b>            Revise the period of validity for Conditional Use Approvals as follows:            "<del>2 years</del> <u>1 year</u> after issuance if use is not begun, or <del>2 years</del> <u>1 year</u> after use is discontinued or fails to operate"</p>	Extends conditional use approvals. Construction often takes longer than 1 year, and restarting a use also takes more time in recent years.	Public
39	436	6-4(X)	<p><b>Time Extensions</b>            See Exhibit for proposed amendments.</p>	Makes time extensions an administrative review/decision. Time extensions do not include changes to the original approval, when public notice takes place. The applicant must justify the request by showing that circumstances beyond their control prevented progress on the project. The shortage of construction workers and other delays are more common, so this administrative approval will help more projects get on the ground.	Staff



## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
40	501	6-6(O)(2)	<p><b>Variance - ZHE</b>  Revise Subsection (b) as follows:  "All applications in an HPO zone or on a property or in a district listed on the State Register of Cultural Properties or the National Register of Historic Places shall <del>first be referred for review and comment reviewed</del> by the Historic Preservation Planner pursuant to Subsection 14-16-6-5(B) (Historic Certificate of Appropriateness – Minor), <del>and the Historic Preservation Planner shall send a recommendation to the ZEO.</del>"  Add a new Subsection (c) with text as follows and renumber subsequent subsections accordingly:  <u>"All applications on a property adjacent to Major Public Open Space shall be referred for review and comment by the Parks &amp; Recreation Open Space Superintendent."</u></p>	Adds a procedure for the Open Space Superintendent to review variances requested adjacent to Major Public Open Space.	Staff
41	531	6-8(D)(1)	<p><b>Nonconforming Structures</b>  Create new subsections and revise text as follows:  "<u>1. Unless specified otherwise in this Section 14-16-6-8, a nonconforming structure shall be allowed to continue to be used, regardless of any change in ownership or occupancy of the structure, until the structure is vacant for a period of 2 years, or until unless</u> another provision of this Section 14-16-6-8 requires the termination of the use.  <u>2. Mobile home dwellings are subject to provisions in Subsection 14-16-6-8(C)(7) (Mobile Home Dwellings).</u>  <u>3. Signs are subject to provisions in Subsection 14-16-6-8(F) (Nonconforming Signs)."</u></p>	Allows nonconforming structures to be re-used even after being vacant for 2+ years. Note that a separate rule on nonconforming uses would continue to have a time limit of 2 years. This rule change would incentivize the reuse of existing buildings, while the nonconforming use rule would ensure compliance with allowable uses over time.	Staff
42	534	6-8(G)(2)(a) .a	<p><b>Front Yard Parking</b>  See Council Memo for proposed amendments.</p>	See Council Memo.	Council

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
43	Multiple	6	<b>Wireless Telecommunications Facility - Public Notice</b> In Table 6-1-1, add Email Notice requirement for WTFs. Move language in 6-4(K)(3)(b)2 to 6-4(K)(2) in a new Subsection.	Adds consistency with other decisions that provide notice to Neighborhood Associations in terms of receiving email notice. Note that Subsection 14-16-6-4(K)(2)(a) requires mailed notice if a Neighborhood Associate Representative does not have an email address on file with ONC. Subsection 14-16-6-4(K)(7)(b) requires that an applicant request updated information from the City and another attempt if the email bounces back.	Staff
44	Multiple	6-4(Y)	<b>Minor and Major Amendments &amp; Expiration (Post-IDO Approvals)</b> Add a new Subsection 6-4(Y)(2)(d) with text as follows: <u>"An approved minor amendment does not affect the expiration of the original approval. Time extensions must be requested pursuant to Subsection 14-16-6-4(X)(4) (Extensions of Period of Validity)."</u> Add a new Subsection 6-4(Y)(3)(d) with text as follows: <u>"An approved major amendment replaces the original approval in terms of expiration, if one applies pursuant to Table 6-4-3."</u>	Clarifies how amendments affect the period of validity of the original approval. Matches existing practice.	Staff
45	Multiple	6-4(Z)	<b>Minor and Major Amendments &amp; Expiration (Pre-IDO Approvals)</b> Make existing text a new Subsection 6-4(Z)(1)(a)1 and add a new Subsection 6-4(Z)(1)(a)2 with text as follows: <u>"An approved minor amendment does not affect the expiration of the original approval. Time extensions must be requested pursuant to Subsection 14-16-6-4(X)(4) (Extensions of Period of Validity)."</u> Add a new Subsection 6-4(Z)(1)(b)3 with text as follows: <u>"An approved major amendment replaces the original approval in terms of expiration, if one applies pursuant to Table 6-4-3."</u>	Clarifies how amendments affect the period of validity of the original approval. Matches existing practice.	Staff

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
46	556	7-1	<b>Definitions, Community Residential Facility</b> Revise text as follows: <del>"A facility that is designed to provide a residence and services Any building, structure, home, or in which persons reside for a period of more than 24 hours and that is designed to help the residents adjust to the community and society and is used or intended to be used for the purposes of letting rooms, providing meals, and/or providing for persons who need personal assistance, personal services, personal care, and/or protective care, but not skilled nursing care. This use specifically includes, but is not limited to, facilities and who meet meeting the definition of a handicapped person or for other persons are protected against housing discrimination under the federal Fair Housing Act Amendments of 1998 (or as amended) and court decisions interpreting that Act.</del>	Revised to make the definition more operational, enforceable, and parallel to other defined terms. See also proposed amendments for Group Home and Nursing Home in Section 7-1.	Staff
46	556	7-1 (cont'd)	<b>Definitions, Community Residential Facility (cont'd)</b> "For purposes of this definition, the term handicapped does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program. <del>This use does not include 24-hour skilled nursing care. This use shall not include half way houses for individuals in the criminal justice system or residential facilities to divert persons from the criminal justice system.</del> See also <i>Family , Family Care Facility , and Group Home .</i>	(Cont'd from above)	Staff

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
46	556	7-1 (cont'd)	<p><b>Definitions, Community Residential Facility</b> <i>(cont'd)</i></p> <p>Revise text as follows:</p> <p>"Community Residential Facility is divided into 2 categories based on the number of individuals residing in the facility (not the size of the structure).</p> <p>1.Community Residential Facility, Small: A facility housing between 6 and 8 individuals <u>receiving services, plus those providing services that do not meet the definition of a family in which personal service, personal assistance, personal care, and/or protective care are provided.</u></p> <p>2.Community Residential Facility, Large: A facility housing between 9 and 18 individuals <u>receiving services, plus those providing services that do not meet the definition of family in which personal service, personal assistance, personal care, and/or protective care are provided.</u></p>	(Cont'd from above)	Staff
47	568	7-1	<p><b>Group Home</b></p> <p>Revise text as follows:</p> <p>"A facility <del>Any building, structure, home, facility, or place in which persons reside for a period of more than 24 hours that is designed to provide a residence and services help the residents adjust to the community and society and that is intended to be used for the purposes of letting rooms, providing meals, and/or providing personal assistance, personal services, personal care, and protective care to for persons that who need personal assistance, personal services, personal care, and/or protective care but</del> do not meet the definition of a handicapped person or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988 (as amended) and court decisions interpreting that Act, <del>but not skilled nursing care. This use does not include 24-hour skilled nursing care. This use includes other services as incidental activities if they comply with all local and State licensing requirements, including any required license by the New Mexico Department of Health."</del></p>	Revised to make the definition more operational, enforceable, and parallel to other defined terms. See also proposed amendments for Community Residential Facility and Nursing Home in Section 7-1.	Staff

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
47	568	7-1 (cont'd)	<b>Group Home</b> (cont'd) Revise text as follows: "This use <del>includes</del> <del>shall include halfway houses for</del> <u>facilities for persons</u> <del>individuals</del> in the criminal justice system or residential facilities to divert persons from the criminal justice system. <u>This use includes facilities for persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program.</u> "	(Cont'd from above)	Staff
48	583	7-1	<b>Nursing Home</b> Revise text as follows: "A facility designed to provide <del>a residence, housing,</del> meals, and medical- and health-related care for individuals, including <del>24-hour</del> skilled nursing care. This definition includes facilities providing in-patient care for individuals suffering from a terminal illness. Such facilities may include commercial kitchens with shared dining facilities for residents; medical services with personnel that provide assistance with medication, administration, dressing, bathing, and social activities; activity rooms; indoor recreational amenities; gift shops; hair salons; administrative offices; laundry services; worship space; and overnight guest units for short-term visitors."	Revised to make the definition more operational, enforceable, and parallel to other defined terms. See also proposed amendments for Community Residential Facility and Group Home in Section 7-1.	Staff
49	586	7-1	<b>Overnight Shelter</b> "A facility that provides temporary or transitional sleeping accommodations for 6 or more persons within completely enclosed portions of a building with no charge or a charge substantially less than market rates. Such facilities may provide meals, personal assistance, personal services, social services, personal care and protective care. This use does not include <u>24-hour</u> skilled nursing care, which is regulated as either hospital or nursing home for the purposes of this IDO."	Revised for consistency with other proposed changes. See proposed amendments for Community Residential Facility, Group Home, and Nursing Home in Section 7-1.	Staff

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
50	586	7-1	<b>Outdoor Amplified Sound [new]</b> Create a new term with text as follows and renumber subsequent subsections accordingly: <u>"Amplified sound from speakers outside of a fully enclosed building either permanently mounted or used more than 1 time per week. This use does not include amplified sound associated with a special event permit or a temporary use, which are regulated separately."</u>	Defines outdoor amplified sound to enable a curfew between 10 p.m. and 7 a.m. when used as an accessory use.	Public
51	587	7-1	<b>Parking Definitions</b> <b>Garage</b> Revise text as follows: <u>"A single-story structure or part of a building in a low-density residential development or a single-story structure in a multi-family residential development designed to accommodate motor vehicle parking spaces that are partially or completely enclosed, but not including a parking structure."</u>	Adds multi-family residential development to the definition of garage. Multi-story parking is defined as parking structure. Removes conflict with carport, which is defined as parking structure that is partially enclosed.	Staff
52	596	7-1	<b>Sensitive Lands</b> <b>Large Stand of Mature Trees</b> Revise existing text as follows: <u>"At least 3 A collection of 5 or more trees that are each at least 10 years old 30 years or older or with a trunk at least 8 inches in diameter at breast height (DBH), as measured by the City Forester, on a subject property having trunk diameters (as determined by Diameter at Breast Height — DBH) averaging at least 16 inches in diameter, as determined by the City Forester."</u>	Revised to be more realistic given existing trees in ABQ.	Staff
53	596	7-1	<b>Sensitive Lands</b> <b>Rock Outcropping</b> Revise existing text to read as follows: <u>"Bedrock or other stratum a minimum of 4 feet 6 feet high on its steepest side as measured from the adjacent 10 percent slope line and in excess of 300 500 square feet in surface area."</u>	Revised to be more realistic given existing rock outcroppings in ABQ.	Staff
54	Multiple	Multiple	<b>Fire Station or Police Station</b> On page 53, in Subsection 14-16-2-5(E)(2), delete subsection (f). On page 151, in Table 4-2-1, add a new use for Fire station or police station with P in MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM.	Allows fire stations and police stations to be permissive in existing zone districts. Currently, fire stations and police stations require a zone change to NR-SU and the adoption of a Site Plan - EPC.	Admin



## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
55	Multiple	Multiple	<b>Battery Energy Storage System (BESS)</b> See Exhibit for a new use in Table 4-2-1, new use-specific standards in Subsection 4-3, and new definitions in 7-1.	Responds to recent applications for private battery energy storage systems and a Declaratory Ruling by the ZEO in early 2022. Establishes distance separations from residential, Major Public Open Space, religious institutions, and schools.	Staff
56	Multiple	Multiple	<b>Outdoor and Site Lighting</b> See Exhibit for proposed amendments, including: Revising USS for self-storage in 4-3(D)(29)(e) Revising USS for WTFs in 4-3(E)(12)(g) Replacing 5-8 with new text Revising illuminated sign standard in 5-12(E)(5)(a)2 Revising electronic sign standard in 5-12(H)(4) Adding, revising, and deleting definitions in 7-1	Updates existing lighting regulations to improve compliance with State's Dark Sky Ordinance and improve enforceability.	Staff
57	Multiple	Multiple	<b>Landscaping Standards</b> See Exhibit for proposed amendments in 5-6 and 7-1.	Increase requirements for plants and irrigation, reduce water consumption, and improve survivability of landscaping in the high desert environment.	Staff
58	Multiple	Multiple	<b>Tribal Engagement</b> See Council memo for proposed amendments, including the following Subsections: 14-16-6-4(J) Referrals to Commenting Agencies 14-16-6-5(A) Archaeological Certificate 14-16-7-1 Definitions	See Council memo	Council
59	All	All	<b>Clerical Changes</b> Make any necessary clerical corrections to the document, including fixing typos, numbering, and cross references.	Covers general clerical corrections.	Staff
60	All	All	<b>Editorial Changes</b> 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.	Covers general editorial corrections.	Staff

# IDO Annual Update 2023

## Exhibit – Construction Mitigation

On page 247, revise Subsection 14-16-5-2(K) as follows.

### 5-2 SITE DESIGN AND SENSITIVE LANDS

#### 5-2(K) PREVENTING AND MITIGATING CONSTRUCTION IMPACT

Construction abutting Major Public Open Space or on a lot with a sensitive land identified on the property shall prevent and mitigate potential negative impact. See the DPM for additional standards.

- 5-2(K)(1) The property owner shall provide photographs of any sensitive land identified on the property and/or the property edge abutting Major Public Open Space and a site plan with a keyed location of each photograph.
- 5-2(K)(2) The property owner's contractor shall hold a pre-construction meeting with City Parks & Recreation staff about Major Public Open Space and City Planning staff about sensitive lands to establish construction work activities and any access points, if necessary, to the Major Public Open Space or sensitive land.
- 5-2(K)(3) The property line abutting Major Public Open Space shall be fenced and signed to disallow entry during construction.
- 5-2(K)(4) Grading plans must ensure that the sensitive land is not compromised or damaged. Extensive fill adjacent to sensitive land shall be avoided to the maximum extent practicable.
- 5-2(K)(5) Before a Certificate of Occupancy may be granted, a post-construction meeting with Parks & Recreation or Planning staff, as relevant, shall be held to verify that the Major Public Open Space or sensitive land has been adequately protected during construction or that any damage has been restored pursuant to the DPM or relevant City Standard Specifications.]

# IDO Annual Update 2023

## Exhibit – Landscaping Amendments

1. On page 300, revise text in Subsection 14-16-5-6(C) as follows:

### **5-6(C) GENERAL LANDSCAPING STANDARDS**

#### **5-6(C)(4) Required Plant Materials and Site Amenities**

- 5-6(C)(4)(a) A minimum of 5 ~~10~~ species must be used in the landscaped area.
- 5-6(C)(4)(d) No more than 10 percent of required landscape areas shall be cool season grass species. ~~Irrigated cool season grass shall not be planted on slopes exceeding 1:4 rise:run or planted in narrow or irregularly shaped areas (10 feet or less in any dimension) in order to avoid water waste. Any cool season grass shall be installed at least 3 feet in any direction from any impermeable hard surface. (A buffer using organic mulch can be used when planting cool season grass adjacent to impermeable surface.)~~
- 5-6(C)(4)(e) [new] No more than 20 percent of required landscape areas shall be warm season grass species.
- 5-6(C)(4)(f) [new] Irrigated grass shall not be planted on slopes exceeding 1:4 rise:run or planted in narrow or irregularly shaped areas (10 feet or less in any dimension) in order to avoid water waste.
- 5-6(C)(4)(g) [new] Any grass irrigated with sprinklers shall be installed at least 3 feet in any direction from any impermeable hard surface. (A buffer using organic mulch can be used when planting grass adjacent to impermeable surface.)

#### **5-6(C)(5) Soil Condition and Planting Beds**

- 5-6(C)(5)(d) A minimum depth of 2 inches ~~3 inches~~ of organic mulch, such as arborist mulch or native mulch woodchips, is required in all planting areas. (See figure below.) Decorative bark mulches, bark nuggets, and pecan shells are prohibited.

#### **5-6(C)(7) Plant Material Spacing**

- 5-6(C)(7)(a) Vegetation required by this Section 14-16-5-6 shall be located the following distances ~~at least 3 feet~~ in any direction from any fire hydrants, valve vaults, hose bibs, manholes, hydrants, and fire department connections:
  - 1. Shrubs: 3 feet
  - 2. Trees: 15 feet

5-6(C)(7)(d) [new] Shrubs, ornamental grasses, and groundcovers shall be spaced so that no plant is within ½ of the mature diameter of another plant.

5-6(C)(7)(e) [new] Trees shall be spaced so that no tree is within ½ the mature diameter of another tree.

**5-6(C)(10) Planting near Utilities**

5-6(C)(10)(e) All screening and vegetation surrounding ground-mounted transformers and utility pads must allow 10 feet of clearance in any direction for access and to ensure the safety of the work crews and public during maintenance and repair.

**5-6(C)(14) Irrigation Systems**

5-6(C)(14)(d) The irrigation system shall not spray or irrigate impervious surfaces, including sidewalks, driveways, drive aisles, hardscapes, or streets; non-landscaped areas; adjacent property; or parking and loading areas.

5. On page 571, revise text in Subsection 14-16-7-1 Definitions as follows:

**Warm Season Grasses**

Grasses that thrive when temperatures are 75 degrees or higher, including but not limited to, buffalo grass, blue grama, Indian rice grass, clover, thyme, and sand dropseed grass. These grasses are native and drought tolerant and have lower water requirements than cool season grasses.

# IDO Annual Update 2023

## Exhibit – Time Extension

1. On page 436, revise text in Subsection 14-16-6-4(X) as follows:

### **6-4(X) EXPIRATIONS OF APPROVALS**

#### **6-4(X)(2) Expiration or Repeal of Approvals**

- 6-4(X)(2)(a) [new] Unless specified otherwise in this IDO, the DPM, an IIA, a Development Agreement approved by the City, or the terms attached to a permit or approval, each permit or approval shall be valid for the period of time shown in Table 6-4-3 and shall be of no force or effect after that time has passed, unless a major amendment or a time extension is approved ~~any of the following applies.~~
- 6-4(X)(2)(b) [new] For permits or approvals for which Table 6-4-3 shows an expiration, the approval of a major amendment pursuant to Section 14-16-6-4(Y) or Section 14-16-6-4(Z), as relevant, replaces the original approval in terms of the period of validity.

#### **6-4(X)(4) Extensions of Period of Validity**

##### **6-4(X)(4)(a) General Provisions**

1. Permits or approvals for which Table 6-4-3 shows an expiration may be granted 1 time extension not to exceed the original period of validity for that permit or approval by the ZEO, with the following exceptions.
  - a. Impact fee assessments may not be extended.
  - b. Any and any Permit – Sign for an electronic sign may not be extended.
  - c. Additional extensions for Preliminary Plats may be granted, but the Preliminary Plat may be required to come into compliance with any applicable standards adopted since the original application was accepted as complete.
2. The ZEO must determine whether the application for a time extension meets r each permit or approval for which Table 6-4-3 shows an expiration period, except an impact fee assessment or a Site Plan, the original decision-making body may approve 1 extension of validity for good cause shown for a time not to exceed the original period of validity for that permit or approval, provided that both of the following requirements are met.

- a. The applicant ~~or property owner submitted~~ submits a written request letter of justification for the requested time extension before the expiration of the original permit or approval ~~with the Planning Director~~.
- b. ~~The extension is considered and a decision made by the same decision-making body as the initial approval, except that no public hearing shall be required, if one would have been required under the IDO for the initial approval.~~
- c. Circumstances beyond the control of the applicant have prevented construction, use, or occupancy of the property pursuant to 14-16-6-4(X)(2)(b).

**~~6-4(X)(4)(b)~~ Additional Provisions for Time Extensions of Approved Site Plans**

- 1. ~~In addition to the finding in Subsection 14-16-6-4(X)(4)(a)2.c above, a Site Plan may be extended if the ZEO original decision-making body finds determines that at least 1 of the following provisions applies.~~
  - a. ~~The Site Plan is still consistent with current or desired conditions on the property and surrounding areas, and the owner intends to fully develop the site according to the Site Plan.~~
  - b. ~~There is little flexibility in how the site can be developed.~~
  - c. ~~There is a strong architectural or landscaping character on the site that should be preserved and that development according to the Site Plan will preserve that architectural or landscaping character.~~
- 2. ~~In addition to the findings in Subsection 14-16-6-4(X)(4)(a)2.c and 14-16-6-4(X)(4)(b)1 above, an An extension of an approved Site Plan — EPC for phased development of the site may be approved if the ZEO EPC finds determines that all of the following provisions apply.~~
  - a. ~~At last 50 percent of the first phase has been developed.~~
  - b. ~~The extension of the Site Plan is for later phases of the Site Plan.~~
  - c. ~~The Site Plan as previously approved is likely to be built in the future.~~
- 3. An Any extension of a Site Plan — EPC shall require a new meeting with the EPC and may require an update of any Traffic Impact Study (TIS) prepared for that Site Plan if the prior TIS is more than 5 years old and the City Engineer determines that background or anticipated traffic volumes or patterns in the surrounding area have changed since the TIS was prepared.

**~~6-4(X)(4)(c)~~ 6-4(X)(4)(c) Additional Provisions for Extensions of Preliminary Plats**

~~In addition to the general provisions in Subsection (a) above,~~



~~additional extensions for Preliminary Plats may be granted by the DHO for good cause, but the Preliminary Plat may be required to come into compliance with any applicable standards adopted since the application was submitted.~~

# IDO Annual Update 2023

## Exhibit – Battery Energy Storage System

### Proposed Amendments

1. On page 154, in the Telecommunications, Towers, and Utilities sub-category of Industrial Uses in Table 4-2-1, add a new row for “Battery energy storage system” with a P in NR-LM and NR-GM to allow a battery energy storage system as a permissive primary use.
2. On page 194, in Subsection 14-16-4-3(E), add a new Subsection for battery energy storage system with text as follows.
3. On page 276, in the Telecommunications, Towers, and Utilities sub-category of Industrial Uses in Table 5-5-1, add a new row for “Battery energy storage system” with “No requirement” for parking.
4. On page 303, in Subsection 14-16-5-6(C)(10), add a new subsection with text as follows.
5. On page 383, in Subsection 14-16-5-13(B)(7), add a new subsection with text as follows.
6. On page 548, in Section 14-16-7-1, add a new term “Battery Energy Storage System” with text as follows.
7. On page 617, in Section 14-16-7-2, add new acronyms as follows.

## Part 14-16-4 Use Regulations

### 4-3 USE-SPECIFIC STANDARDS

#### 4-3(E) INDUSTRIAL USES

##### **4-3(E)(2) Battery Energy Storage System [New]**

- 4-3(E)(2)(a) Energy storage system capacities, including array capacity and separation, are limited to the thresholds in the National Fire Protection Association (NFPA) standard 855.
- 4-3(E)(2)(b) The 1-hour average noise generated from the Battery Energy Storage System, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA (i.e. A-weighted decibel) as measured at any property line.
1. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance.
  2. The applicant may be required to provide Operating Sound Pressure Level measurements from locations evenly spaced every 100 feet along the property line to demonstrate compliance.
- 4-3(E)(2)(c) A landscaped buffer at least 25 feet wide containing 2 evergreen trees and 6 shrubs per 25 feet shall be provided along all property lines.

- 4-3(E)(2)(d) All onsite utility lines and connections, including associated equipment, shall be placed underground or pad mounted, unless soil conditions, shape, or topography of the site as verified by the City Engineer dictate above-ground installation. Electrical transformers for utility interconnections may be above-ground if required by the utility provider.
- 4-3(E)(2)(e) This use is prohibited within 330 feet in any direction of any Residential zone district or lot containing a residential use in any Mixed-use zone district.

## Part 14-16-5 Development Standards

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### 5-6 LANDSCAPING, BUFFERING, AND SCREENING

#### 5-5(C) GENERAL LANDSCAPING STANDARDS

##### 5-6(C)(10) Planting near Utilities

- 5-6(C)(10)(h) [new] Planting of combustible plant material is prohibited within 25 feet in any direction of a battery energy storage system. Ground cover and turf are allowed, provided that they do not form a means of readily transmitting fire.

### 5-13 OPERATION AND MAINTENANCE

#### 5-13(B) MAINTENANCE STANDARDS

##### 5-13(B)(7) Landscaping, Buffering, and Screening

- 5-13(B)(7)(d) [new] The area within 25 feet in any direction of a battery energy storage system shall be cleared of combustible vegetation and other combustible growth.

## Part 14-16-7 Definitions and Acronyms

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### 7-1 DEFINITIONS

#### **Battery Energy Storage System**

A utility-scale facility that stores energy from the electrical grid and then discharges it at a later time to provide electricity when needed. Electrochemical batteries may include, but are not limited to, lithium-ion, lead-acid, redox flow, and molten salt (including sodium-based chemistries). For the purposes of this IDO, batteries used in consumer products, including EV vehicles, are not included in this use. Battery storage associated with an electric utility is regulated separately. See *Electric Utility*.

## 7-2 ACRONYMS

NFPA: National Fire Protection Association

dba: A-weighted decibel (dB)

# IDO Annual Update 2023- Exhibit – Lighting

On page 42, create a new Subsection with text and table as follows.

## Part 14-16-2 Zone Districts

### 2-4 MIXED-USE ZONE DISTRICTS

#### 2-4(E) MIXED-USE – FORM-BASED ZONE DISTRICT (MX-FB)

2-4(E)(1) Purpose

2-4(E)(2) Other Standards

2-4(E)(3) District Standards

##### 2-4(E)(3)(i) Outdoor and Site Lighting

Table 2-4-15: IDO lighting designations for the MX-FB Sub-zones indicate the allowable use for each sub-zone. Where multiple designations are indicated for a zone district, the note in the table identifies which designation shall be used depending on context.

**Table 2-4-15: IDO Lighting Designations for the MX-FB Sub-zones**

Lz2 = ANSI/IES Light Zone 2 Lz3 = ANSI/IES Light Zone 3

IDO Lighting Designations	MX-FB-ID	MX-FB-FX	MX-FB-AC	MX-FB-UD
Lz2	X	X	X	X
Lz3			X <sup>1</sup>	X <sup>1</sup>

##### Notes:

[1] Within UC-MS-PT-MT areas, a higher lighting designation is allowed unless the subject property is adjacent to any Residential zone district.

On page 183, revise text in Subsection 14-16-4-3(D)(29)(e) and Subsection 14-16-4-3(E)(1)(d) as follows:

## Part 14-16-4 Use Regulations

### 4-3 USE-SPECIFIC STANDARDS

#### 4-3(D) COMMERCIAL USES

##### 4-3(D)(29) Self-Storage

4-3(D)(29)(e) Within 200 feet of any Residential zone district, internal lighting that is visible from the property line shall not exceed the maximum light trespass values listed in Table 5-8-3 for lighting designation Lz1 during the outdoor lighting curfew ~~be dimmed by 50 percent of the maximum foot lamberts allowed pursuant to Subsection 14-16-5-8(D)(6) between 10:00 P.M. and 7:00 A.M.~~

#### 4-3(E) INDUSTRIAL USES

##### 4-3(E)(12) Wireless Telecommunications Facility

4-3(E)(12)(g) Lighting and Signage

1. Only security lighting or lighting required by a State and/or federal agency is allowed, provided that all of the following requirements are met.
  - a. The location and cut-off angle of the light fixture shall be such that it does not shine directly on any public right-of-way, private way, or any lot containing a residential use.
  - b. Lighting shall not exceed maximum light trespass values in Table 5-8-3 for the relevant lighting designation during outdoor lighting curfew hours. ~~The lighting shall not have an off-site luminance greater than 1,000 foot lamberts at any point, and shall not have an off-site luminance greater than 200 foot lamberts measured from any private property in any Residential zone district.~~
2. Only signage required by State or federal law is allowed.



On page 244, revise text to read as follows:

## Part 14-16-5 Development Standards

### 5-2 SENSITIVE LANDS

#### 5-2(J) MAJOR PUBLIC OPEN SPACE EDGES

##### 5-2(J)(1) Lots Within 330 Feet of Major Public Open Space

##### 5-2(J)(1)(a) Outdoor Lighting

Regardless of zone district, the lighting designation shall be Lz0 or Lz1 subject to outdoor lighting curfew to protect natural ecosystems and their biodiversity.

On page 335, replace Section 14-16-5-8 in its entirety with the following text:

### 5-8 OUTDOOR AND SITE LIGHTING

#### 5-8(A) PURPOSE

This Section 14-16-5-8 is intended to enhance the attractiveness and livability of the city, protect the safety of its residents, reduce light trespass between private properties, minimize disruption to natural ecosystems, and prevent the increase of unnecessary sky glow that reduces the visibility of stars in the night sky.

#### 5-8(B) APPLICABILITY

All sources of light visible from the exterior of a property shall comply with the standards of this Section 14-16-5-8, unless specified otherwise in this IDO. This includes the use of outdoor lighting, hours of operation, and regulation of light trespass.

##### 5-8(B)(1) Activities that Trigger Outdoor and Site Lighting Requirements ~~General~~

##### 5-8(B)(1)(a) Maintenance and One-for-one Replacement

If an outdoor luminaire is not working or is damaged, the repair and/or replacement shall conform with the requirements of this Section.

##### 5-8(B)(1)(b) Expansion, Renovation, and Redevelopment

The following activities shall require compliance with the requirements of this Section:

1. Expansion of the gross floor area by 25 percent or more.
2. Changes to the number of off-street parking spaces provided by 25 percent or more.
3. Changes to the number of luminaires by 25 percent or more.
4. Any change of land use to a different use category in Table 4-2-1.

##### 5-8(B)(1)(c) New Development

Development involving the construction of a new building or new parking lot shall conform with the requirements of this Section.

## **5-8(B)(2) Exemptions**

The following types of lighting are not subject to the requirements of this Section:

- 5-8(B)(2)(a) Lighting that is required by federal or state regulations that conflicts with this Section, including:
1. Air-side facilities at the airport (runway, taxiway, and other facilities located inside the security fence) as regulated by the Federal Aviation Administration (FAA) for safety.
  2. Building codes and other illumination for means of emergency egress as regulated by the National Fire Protection Association (NFPA).
  3. Temporary outdoor lighting necessary for worker safety at construction sites.
  4. Outdoor lighting necessary for worker safety at farms, ranches, dairies, feedlots, or industrial, mining, or oil and gas facilities, as determined by the EPC in a Site Plan – EPC pursuant to Subsection 14-16-6-6(I) with an outdoor and site lighting performance analysis pursuant to Subsection 14-16-6-4(H)(3).
- 5-8(B)(2)(b) Nighttime illumination of the United States of America flag and the New Mexico State flag that complies with one of the following illumination requirements:
1. A luminaire mounted on top of the flagpole that only directs light downward.
  2. A maximum of 3 in-ground uplights, or 3 shielded spotlights that are surface mounted at grade, that direct light upward. The maximum beam spread of any individual light source shall be no more than 24 degrees. The maximum output of any individual luminaire shall be no more than 100 lumens per foot of flagpole height (e.g. 2,000 lumens for a 20-foot pole).
- 5-8(B)(2)(c) Neon signs and all other illuminated signs that are regulated pursuant to Section 14-16-5-12.

## **5-8(C) PROHIBITED LIGHTING**

### **5-8(C)(1) Toxic and Energy Inefficient**

- 5-8(C)(1)(a) Mercury vapor lights are prohibited.
- 5-8(C)(1)(b) Inefficient light sources (less than 45 lumens/watt) are prohibited for outdoor use, excluding seasonal and festoon lighting.

### **5-8(C)(2) Public Right-of-Way Interference**

- 5-8(C)(2)(a) Any intentionally blinking, flashing, moving, revolving, or wavering lights that distract a motor vehicle operator in the public right-of-way are prohibited.
- 5-8(C)(2)(b) Any luminaire that may be confused as a traffic control device is prohibited unless authorized by federal, state, or city government.

**5-8(C)(3) Obtrusive**

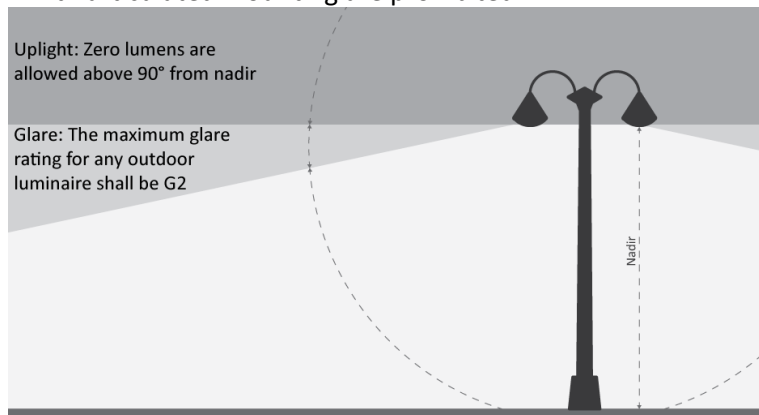
- 5-8(C)(3)(a) No luminaire specification shall exceed a (BUG) glare rating of G2.
- 5-8(C)(3)(b) Shielded spotlights and floodlights within 500 feet of any boundary regulated by Division 30-VI-2 of the Bernalillo County Code of Ordinances (North Albuquerque Acres and Sandia Heights Light Pollution Ordinance) are only allowed when used to illuminate alleys, parking structures, and maintenance areas.
- 5-8(C)(3)(c) Aerial lasers, beacons, and searchlights are prohibited at night, except for emergency use by authorized first responders.

**5-8(D) GENERAL DESIGN AND ILLUMINATION STANDARDS**

All sources of light visible from the exterior of a property subject to this Section 14-16-5-8 shall meet the following standards.

**5-8(D)(1) Uplight Restrictions**

- 5-8(D)(1)(a) Unless specified otherwise in this IDO, luminaires shall be fully shielded or have a U0 rating (i.e. a luminaire that emits zero lumens above 90 degrees from nadir). Unshielded floodlights with articulated mounting are prohibited.



- 5-8(D)(1)(b) Luminaires installed under canopies, porte cocheres, or beneath similar structures shall meet all of the following requirements.
  1. Luminaires shall be mounted to aim downward and installed flush-mounted or recessed above the lowest edge of the canopy such that the lowest part of the luminaire is shielded from view beyond the property line.
  2. The vertical fascia shall not be internally illuminated.
  3. All light emitted shall be substantially confined to the posts, façades, and ground surface directly beneath the perimeter of the canopy or similar structure.

**5-8(D)(2) Correlated Color Temperature (CCT) and Color Rendering Index (CRI)**

- 5-8(D)(2)(a) Unless specified elsewhere in this IDO, outdoor lighting shall have a minimum CCT of 2700K and a maximum of 3000K. The minimum CRI for these light sources shall be 65.

5-8(D)(2)(b) Light sources below 2700K with limited spectral emission and (CRI) values below 65, such as low-pressure sodium or amber LED, are allowed within NDZ or LzO lighting designations, pursuant to Subsection 14-16-5-8(E).

**5-8(D)(3) Light Poles**

Table 5-8-1 indicates the maximum height of light poles, measured from the finished grade to the top of the pole.

TABLE 5-8-1: MAXIMUM HEIGHT FOR LIGHT POLES	
Location, Development Type, or Type of Light	Maximum Height (ft.)
Bollard and pathway luminaires	4 ft.
Residential zone districts and HPO zones	12 ft.
Within 100 feet of Residential zone districts	16 ft.
Mixed-use development or allowable uses in the Offices and Services Sub-category of Table 4-2-1	20 ft.
Allowable uses in Table 4-2-1 in the following categories: Civic and Institutional Uses Commercial Uses other than the Offices and Services Sub-category Industrial Uses	25 ft.

**5-8(D)(4) Façade, Wall/Fence, Landscape Feature, or Sculpture Lighting**

Lighting to illuminate vertical surfaces to help people navigate and detect threats at night shall follow all the following requirements.

5-8(D)(4)(a) Non-white colored lighting is allowed for lighting vertical surfaces.

5-8(D)(4)(b) Articulated lights emitting light above 90 degrees from the nadir shall be shielded to contain light to their targeted surface/object. Windows in a dwelling are not allowed to be a target.

**5-8(D)(5) Steps, Stairs, and Pedestrian Walkway Lighting**

Lighting to illuminate trip and fall hazards such as stairs, curbs, and raised pavement shall follow ANSI/RP-43 standards.

**5-8(D)(6) Deck and Outdoor Dining Lighting**

5-8(D)(6)(a) Lighting used to illuminate patios, decks, balconies, terraces, gazebos, pergolas, or any other accessory structure, including festoon lighting, is subject to an outdoor lighting curfew.

5-8(D)(6)(b) Festoon lighting is exempt from the point light source restriction in Subsection 14-16-5-8(E)(4)(a).

**5-8(D)(7) Security**

Security lighting shall not be used continuously as a general deterrent during outdoor lighting curfew. Lighting to boost illumination levels for security as the primary objective, as described in *IES G-1 Security Lighting*, shall meet all of the following requirements.

- 5-8(D)(7)(a) Security lighting controlled by a motion sensor shall turn off or return to a dimmed level no more than 10 minutes after motion was detected.
- 5-8(D)(7)(b) Security/surveillance cameras emitting infrared light are allowed.
- 5-8(D)(7)(c) Illumination different from ANSI/IES standards may be reviewed and decided by requesting a Site Plan – EPC pursuant to Subsection 14-16-6-6(l) and providing an outdoor and site lighting performance analysis pursuant to Subsection 14-16-6-4(H)(3).

## 5-8(E) LIGHTING DESIGNATIONS FOR ZONE DISTRICTS

Table 5-8-2: Lighting Designations by Zone District indicates the equivalent ANSI/IES lighting designations allowed in each zone district based on allowable land uses. Where multiple designations are indicated for a zone district, the notes in the table identify which designation shall be used depending on context.

Table 5-8-2: Lighting Designations by Zone District																		
NDZ = Natural Dark Zone   Lz0 = Light Zone 0   Lz1 = Light Zone 1   Lz2 = Light Zone 2   Lz3 = Light Zone 3																		
Zone District	Residential						Mixed-Use				Non-Residential							
ANSI/IES Lighting Designation	R-A	R-1	R-T	R-MC	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-PO			
															A	B	C	D
NDZ																X <sup>1</sup>	X <sup>1</sup>	
Lz0	X <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>		X <sup>3</sup>								X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>
Lz1	X	X	X	X	X	X <sup>3, 4</sup>	X	X <sup>4</sup>	X <sup>4</sup>	X <sup>4</sup>	X	X	X	X	X			X
Lz2						X		X	X	X	X <sup>5</sup>			X <sup>5</sup>	X <sup>6</sup>			
Lz3									X <sup>5</sup>	X <sup>5</sup>					X <sup>7</sup>			
<b>Notes:</b> [1] NDZ is required in NR-PO zones for open space where no anthropogenic light is allowed. [2] Lz0 is required in NR-PO zones for open space where some anthropogenic light is needed in hours of darkness, parks with minimal amenities, and parks or open space adjacent to low-density residential uses. [3] A lower lighting zone is required on subject properties with sensitive lands. [4] A lower lighting zone is required on subject properties adjacent to low-density residential uses. [5] In UC-MS-PT-MT areas, a higher lighting zone is allowed, unless the subject property is adjacent to any Residential zone district. [6] Lz2 is allowed in parks with high pedestrian activity and many amenities. [7] Lz3 is allowed in parks containing nighttime stadiums or entertainment activities.																		

## 5-8(E)(1) Planned Development Zone Districts

- 5-8(E)(1)(a) Existing PD or PC zone districts that did not establish lighting standards must come into compliance with the requirements of the lighting designation that most closely matches their current

land use and surrounding contexts as established in Table 5-8-2 pursuant to Subsection 14-16-6-8(G).

- 5-8(E)(1)(b) Any new PD or PC zone districts shall establish the lighting designation(s) that most closely matches the allowable uses of the zone districts in Table 5-8-2 and the lumen limits from Subsection 14-16-5-8(F) in the Site Plan – EPC, pursuant to Subsection 14-16-6-6(I), or Framework Plan, pursuant to Subsection 14-16-6-7(H), as relevant, with an outdoor and site lighting performance analysis pursuant to Subsection 14-16-6-4(H)(3).

**5-8(E)(2) Non-residential Sensitive Use (NR-SU) Zone District**

- 5-8(E)(2)(a) Existing NR-SU zone districts that did not previously establish lighting standards must come into compliance with the requirements of the lighting designation that most closely matches their current land use and surrounding context as established in Table 5-8-2 pursuant to Subsection 14-16-6-8(G).
- 5-8(E)(2)(b) Any new NR-SU zone district shall establish the lighting designation(s) that most closely matches the allowable uses of a zone district in Table 5-8-2 and the lumen limits from Subsection 14-16-5-8(F) in their Site Plan – EPC pursuant to Subsection 14-16-6-6(I) with an outdoor and site lighting performance analysis pursuant to Subsection 14-16-6-4(H)(3).

**5-8(E)(3) Non-residential Parks and Open Space (NR-PO)**

- 5-8(E)(3)(a) City Parks & Recreation staff shall identify environmentally sensitive areas that need protection from anthropogenic light and design outdoor and site lighting based on the lowest possible lighting designation in Table 5-8-2.
- 5-8(E)(3)(b) City Parks & Recreation staff shall identify adjacent properties and design outdoor and site lighting based on the appropriate lighting designation in Table 5-8-2.

**5-8(E)(4) Light Trespass**

- 5-8(E)(4)(a) Unless specified elsewhere in this IDO, all outdoor luminaires shall be located or optically shielded such that the point light source is not visible from adjacent property or public right-of-way.
- 5-8(E)(4)(b) The total illumination from outdoor light sources and interior light escaping from windows shall not exceed light trespass limits in Table 5-8-3, as measured at any location along the property line in both of the following ways:
1. Horizontally at finished grade with the light meter facing upward.
  2. Vertically at 5 feet (1.5 meters) above finished grade with the light meter aiming toward the subject property.

TABLE 5-8-3: LIGHT TRESPASS LIMITS BY LIGHTING DESIGNATION					
	NDZ	Lz0	Lz1	Lz2	Lz3



Footcandles (fc)	0.02	0.05	0.1	0.3	0.8
Lux (lx)	0.2	0.5	1.0	3.0	8
Luminance (cd/m <sup>2</sup> )	0	1	20	40	80

**5-8(E)(4)(c)** If the total illumination from outdoor light sources and interior light escaping from windows exceeds light trespass limits in Table 5-8-3 at any point along the property light, lighting must be re-aimed, removed, turned off, or dimmed until compliance is reached.

## **5-8(F) TOTAL LUMEN ALLOWANCE**

All sources of light visible from the exterior of a property shall meet the requirements of this Subsection 14-16-5-8(F). Only 20 percent of the total allowable site lumens in Table 5-8-4 or Table 5-8-5 is allowed to be uplight (i.e. light emitted above 90 degrees from nadir).

### **5-8(F)(1) Residential Uses**

#### **5-8(F)(1)(a) Total Lumen Allowance**

Table 5-8-4 indicates the total exterior lumens allowed for each dwelling on a subject property.

<b>TABLE 5-8-4: TOTAL LUMENS ALLOWED PER DWELLING</b>				
<b>ZONE DISTRICTS</b>	<b>Lz0</b>	<b>Lz1</b>	<b>Lz2</b>	<b>Lz3</b>
R-A	3,000	5,000	-	-
R-1A	1,500	3,000	-	-
R-1B	2,500	4,500	-	-
R-1C	2,500	4,500	-	-
R-1D	3,000	5,000	-	-
R-T	12,000	20,000	-	-
R-MC	1,500	3,000	-	-
R-ML or MX-T	12,000	20,000	-	-
R-MH or MX-L	-	24,000	35,000	-
MX-M	-	24,000	35,000	49,000
MX-H	-	27,000	40,000	56,000

#### **5-8(F)(1)(a) Additional Lumen Allowance**

1. An additional 1,500 lumens are allowed for an accessory dwelling unit (ADU).
2. Outdoor walkways, outdoor stairs, and parking lots for multi-family dwellings, assisted living facilities, or nursing homes are allowed additional lumens pursuant to Table 5-8-5.

### **5-8(F)(2) Non-residential Development**

Table 5-8-5 indicates the total lumens allowed from all outdoor light sources on properties with an allowable non-residential use.

TABLE 5-8-5: TOTAL SITE LUMENS ALLOWED - NON-RESIDENTIAL DEVELOPMENT					
Lighting Requirement	Unit	Lz0	Lz1	Lz2	Lz3
Tree, Landscape, and Sculpture Beds	lm / s.f.	0.5	1	2	4
Walkways/Stairs/Parking Lot	lm / s.f.	1.00	1.25	1.50	2.50
Outdoor Dining	lm / s.f.	n/a	2	2.5	3

## 5-8(G) ADDITIONAL STANDARDS FOR SPECIFIC TYPES OF LIGHTING

### 5-8(G)(1) Sports and Recreation

#### 5-8(G)(1)(a) General

1. Lighting for recreational areas and outdoor sports, such as baseball, football, racquet sports, and similar sports, shall follow ANSI/IES RP-6 standards. Illumination shall be confined to within 150 feet (or one pole height, whichever is greater) of the play field, track, or bleacher.
2. Correct aiming, shielding, and/or internal louvers are required to prevent light trespass, glare, and light emitted above 60 degrees from nadir.
3. When allowed by permit, underwater pool, spa, and pool deck lighting shall not exceed ANSI/IES RP-6 standards.

#### 5-8(G)(1)(b) Residential Recreational Amenity and Private Parks

1. For small courts located on property with a Residential use or located in private parks within the NR-PO-C sub-zone that serve fewer than 25 people, a performance analysis is not required for lighting that meets the requirements of Section 14-16-5-8(G), including the light pole heights in Table 5-8-1.
2. Lighting on the field of play is not allowed in Lz0.
3. Up to 2 light poles are allowed. Illuminance levels on the field of play shall not exceed any of the following, as relevant:
  - a. Lz2 or Lz3: 10 fc
  - b. Lz1: 5 fc
4. For additional lighting, or if 3 or more light poles are desired, a performance analysis pursuant to Subsection 14-16-6-4(H)(3) and a Site Plan – EPC pursuant to 14-16-6-6(I) are required.

#### 5-8(G)(1)(c) Collegiate, Professional, Stadium, or Outdoor Entertainment Sports Facility

1. These facilities require a performance analysis pursuant to Subsection 14-16-6-4(H)(3) and a Site Plan – EPC pursuant to 14-16-6-6(I).
2. Pole mounting heights shall be based on the playability of the sport, photometric reports, and the player's glare zones per ANSI/IES RP-6.

3. Poles shall be anodized or otherwise coated to minimize glare from the luminaire. Wooden poles are also acceptable.
4. For sports fields where games will regularly be filmed or televised, a CCT of 4000K is allowed but not required.
5. Sports lighting luminaires shall have a CRI of at least 75.
6. Luminaires shall be extinguished 1 hour after the end of play.
7. Uplighting is allowed for aerial sports such as baseball and football. Uplighting shall be controlled separately from other sports lighting.

**5-8(G)(2) Seasonal**

- 5-8(G)(2)(a) Seasonal lighting is not allowed in lighting designation NDZ.
- 5-8(G)(2)(b) Seasonal lighting is allowed for up to 45 consecutive days up to 2 times per year.
- 5-8(G)(2)(c) Seasonal lighting is exempt from the uplight, CCT, CRI, and point light source restrictions in Subsections 14-16-5-8(D) and 14-16-5-8(E)(4)(a).

**5-8(G)(3) Historic Landmarks and HPO Zones**

Outdoor or site lighting on a historic landmark or in HPO zones that does not comply with the requirements in this Section but that are consistent with the time period and character of the historic structure may be allowed by the Landmarks Commission pursuant to a Historic Certificate of Appropriateness – Major pursuant to Subsection 14-16-6-6(D).

On page 359, revise Subsection 14-16-5-12(E)(5)(a)2 as follows:

## 5-12 SIGNS

### 5-12(E) STANDARDS APPLICABLE TO ALL SIGNS

#### 5-12(E)(5) Illumination and Motion

##### 5-12(E)(5)(a) General

2. No white portion of an illuminated sign shall exceed the luminance limits in Table 5-12-1 [new] during the hours of darkness.

TABLE 5-12-1 [new]: SIGN LUMINANCE LIMITS	
ANSI/IES Lighting Designation Lighting Designation	Maximum Luminance (Nits)
Lz1	108
Lz2	323
Lz3	685

3. [New] No other portion of an illuminated sign shall have a luminance greater than ~~200 foot lamberts~~ or 685 nits during the hours of darkness at night.

## **5-12(H) ELECTRONIC SIGNS**

### **5-12(H)(4) Illumination, Brightness, and Images**

- 5-12(H)(4)(b) Electronic signs shall not exceed an illumination level of 0.3 foot candles above ambient light as measured from a distance indicated in Table 5-12-5 based on sign area, with the light meter held perpendicular to the sign and targeting the color white.

On page 407, in Section 14-16-6-4 General Procedures, create a new Subsection (H) with heading “Analyses and Study Requirements” and make existing Subsection 6-4(H) Cumulative Impacts Analysis and 6-4(I) Traffic Impact Study subheadings in the new section. Add a new Subsection in the new Subsection (H) with text as follows:

## **Part 14-16-6 Administration and Enforcement**

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### **6-4 GENERAL PROCEDURES**

#### **6-4(H) [NEW] ANALYSES AND STUDY REQUIREMENTS**

##### **6-4(H)(3) [new] Outdoor and Site Lighting Performance Analysis Requirements**

- 6-4(H)(3)(a) A performance analysis for outdoor and site lighting may be requested for EPC review as part of a Site Plan – EPC. A lighting plan pursuant to 14-16-6-4(H)(3)(b) below shall be submitted with the application for Site Plan – EPC.
- 6-4(H)(3)(b) The outdoor lighting plan shall include all of the following:
1. Luminaire locations, mounting heights, and aiming directions.
  2. Illuminating Engineering Society (IES) photometric data.
  3. Locations of buildings and structures.
  4. Location of trees and shrubs above 4 feet high.
- 6-4(H)(3)(c) An affidavit shall be submitted verifying that the lighting plan meets both of the following:
1. ANSI/IES standards.
  2. The requirements of Section 14-16-5-8.
- 6-4(H)(3)(d) The lighting plan is subject to the application completeness requirements of Subsection 14-16-6-4(G).

On page 485, in Subsection 14-16-6-6(I), add new subsections with text as follows:

## **6-6 DECISIONS REQUIRING A PUBLIC HEARING**

### **6-6(I) SITE PLAN – EPC**

#### **6-6(I)(1) Applicability**

6-6(I)(1)(a) This Subsection 6-6(I) applies to any of the following:

9. [New] Any application for development requesting an outdoor and site lighting performance analysis to determine compliance with lighting requirements.

#### **6-6(I)(3) Review and Decision Criteria**

6-6(I)(3)(h) If an outdoor or site lighting performance analysis is requested, the proposed lighting design must prove it will not adversely affect the lighting requirements of Section 14-16-5-8(E) without sufficient mitigation and benefits that outweigh the expected impacts.

On page 535, in Subsection 14-16-6-8(G), add a new Subsection with text as follows:

## **6-7 NONCONFORMITY**

### **6-7(A) NONCONFORMING SITE FEATURES**

#### **6-7(A)(1) Outdoor and Site Lighting**

6-7(A)(1)(a) Outdoor and site lighting that does not satisfy the requirements of this IDO and that requires investment in electrical work or a new luminaire shall be considered nonconforming until January 1, 2034.

6-7(A)(1)(b) After January 1, 2034, unless otherwise specified in this IDO, all outdoor luminaires that do not satisfy the requirements of this IDO must be replaced or retrofitted to comply.

On page 545, in Section 14-16-7-1, add new terms with text as follows and revise existing terms as follows:

## Part 14-16-7 Definitions & Acronyms

### 7-1 DEFINITIONS

#### **ANSI/IES Standards**

Standards developed by the American National Standards Institute (ANSI) and the Illuminating Engineering Society (IES), a professional organization of designers, architects, engineers, sales professionals, and researchers. For the purposes of this IDO, ANSI/IES standards are referenced for in Section 14-16-5-8 (Outdoor and Site Lighting).

#### **Anthropogenic**

Change of conditions caused or influenced by people.

#### **BUG (Backlight, Uplight, Glare) Rating**

A rating system for the quantity of light within specific beam angles, consisting of all of the following:

##### **Backlight**

A rating based on zonal lumens distributed behind a luminaire between 0 and 90 degrees from the vertical of nadir.

##### **Uplight**

A rating based on zonal lumens emitted above 90 degrees from the vertical of nadir.

##### **Glare**

A rating based on the zonal lumens distributed between 60 and 90 degrees from the vertical of nadir.

#### **Candela**

The International System of Units (SI) of luminous intensity in a given direction of a light source, measured in candela per square meter (cd/m<sup>2</sup>).

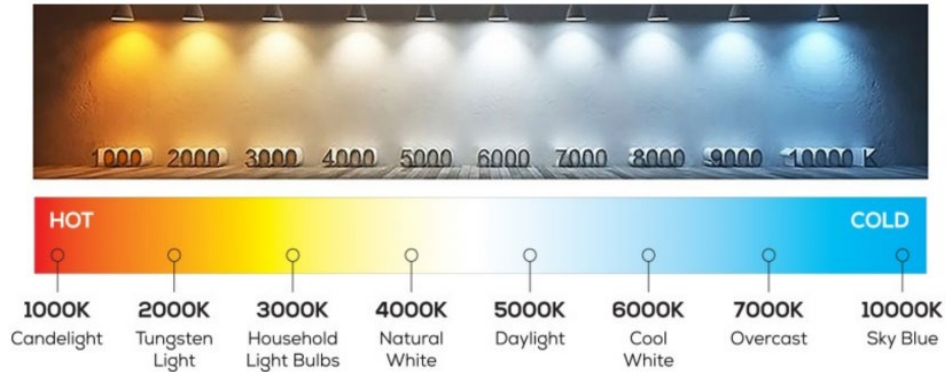
#### **Color Rendering Index (CRI)**

A measurement on a scale of 0 to 100 to describe the ability of a light source to render an object's colors as if it were being exposed to natural daylight. A score close to 100 indicates that an anthropogenic light source is a close match for natural light.

#### **Correlated Color Temperature (CCT)**

The color appearance of light emitted by a lamp. The CCT rating for a lamp is a measure of the "warmth" or "coolness" of its appearance and is measured in Kelvin (K). Lower CCT (2200K) appears very warm or amber. Medium CCT (2700K – 3000K) appears "warm white." High CCT (4000K +) appears "cool white" or "blue."





### **Festoon Lighting**

String lighting with individual bulbs suspended between two or more points and capable of providing usable illuminance, subject to curfew. For the purposes of this IDO, festoon lighting is not considered seasonal lighting. See also *curfew* and *seasonal lighting*.

### **Foot Candle**

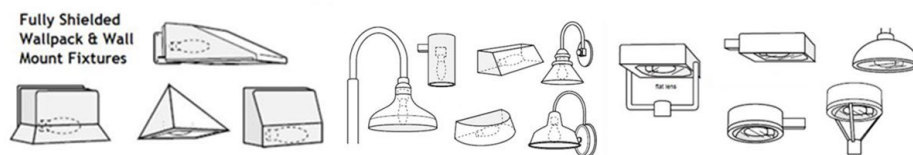
A unit of illumination of a surface that is equal to one lumen per square foot (lm/s.f.). For the purposes of this IDO, foot candles shall be measured at a height of 5 feet (1.5 meters) ~~3 feet~~ above finished grade by a digital light meter.

### **Foot Lambert**

A unit of luminance equal to  $1/\pi$  candela per square foot or 3.426 candela per square meter. 200 foot lamberts = 685 nits. See also *Measurement Definitions for Luminance*.

### **Fully Shielded Luminaire**

Luminaires constructed and properly installed so that no light rays are directly emitted at angles above the horizontal plane as certified by a photometric test report and all light is effectively directed downward.



### **Glare**

The sensation produced by luminance brightness within the visual field of vision that is ~~are~~ sufficiently greater than the luminance light level to which the eyes are already adapted to, causing ~~cause~~ annoyance, discomfort, or loss of in visual performance ~~and visibility~~.

### **Lighting Designations**

Lighting designations align with the ANSI/IES lighting zone definitions, which serve as the basis for ANSI/IES lighting standards. For the purposes of this IDO, the lighting zones are summarized below.

#### **Natural Dark Zone (NDZ)**

Natural areas where no anthropogenic lighting is allowed at night.

**Light Zone 0 (Lz0)**

Predominantly dark areas with limited built environment. Responsible lighting techniques offer some environmental protection.

**Light Zone 1 (Lz1)**

Developed areas with quiet and dark character, commonly used for residential and lower-volume areas.

**Light Zone 2 (Lz2)**

Developed areas for commerce and recreation with moderate volume. Lighting and minimal signage inform people.

**Light Zone 3 (Lz3)**

Commercial signage and lighting are continuous as they compete to attract and entertain people.

**Illuminance**

A measurement for the amount of light falling onto a surface, commonly measured in the horizontal and/or vertical planes in Footcandles (Fc) or lux.

**Light Trespass**

Light traveling past property lines and illuminating properties without approval.

**Luminaire**

The complete electrical light unit, including the light source, housing, optics, and driver.

**Luminance**

The light source or surface brightness as it is perceived by the human eye, measured in candela per meter squared (cd/m<sup>2</sup>).

**Measurement Definitions****Luminance**

The brightness of an object, expressed in terms of foot lamberts, determined from a point 5 feet above ground level on another premises or the public right-of-way, at least 20 feet in any direction from the object measured. See also *Foot Lambert*.

**Lumen**

A unit of measure to rate the quantity of light provided by a light source. A quantitative unit measuring the amount of light emitted by a light source. A lamp is generally rated in lumens.

**Lux**

A unit used to measure illuminance. One (1) lux is equal to 1 lumen per square meter (lm/m<sup>2</sup>).

**Mounting Height**

The vertical distance between the finished grade and the center of the apparent light source of the luminaire.

**Outdoor Lighting Curfew**

For the purposes of this IDO, the time between 10 P.M. and 7 A.M. when outdoor lighting and interior light escaping through windows must be reduced by at least 50 percent of the normal illuminance. For establishments with business hours later than 10 P.M., outdoor lighting curfew begins one hour after

closing. For establishments with business hours earlier than 7 A.M., outdoor lighting curfew ends one hour before opening.

**Point Light Source**

The exact place where illumination is produced (e.g. a light bulb filament or LED package) even when behind a clear lens.

**Shielded Lighting**

A floodlight with an accessory intended to block obtrusive light through either an optical intervention and/or a physical shield or louver.

**Seasonal Lighting**

Outdoor or site lighting that is portable, temporary, and decorative. This includes but is not limited to string lighting, icicle lighting, outline lighting, and lighted holiday inflatables that are not intended for general illumination. See also *Festoon Lighting*.

**Security Lighting**

Distinct from outdoor lighting installed for safe passage during hours of darkness, security lighting is installed to provide bright illumination for security to protect people, property, and infrastructure from physical or criminal threats.

On page 617, in Section 14-16-7-2 Acronyms and Abbreviations, add text as follows

## **7-2 ACRONYMS**

ANSI - American National Standards Institute

BUG - Backlight, Uplight, Glare

CCT - Correlated Color Temperature

CD - Candela

CRI - Color Rendering Index

FC - Footcandle

IES - Illuminating Engineering Society

LED - Light Emitting Diode

LM - Lumen



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Isaac Benton, City Councilor for District 2  
Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Cottage Development Use-Specific Standards

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to add new use-specific standards (USS) to the Cottage Development use. One USS will allow dwelling units to be connected on one side and the other will require front porches on all dwelling units in a Cottage Development.

**Actions:**

- Add two new use-specific standards to 4-3(B)(4) Cottage Development in appropriate numerical order as follows

[4-3(B)(4)(XX) In the R-1 zone district, dwelling units may be attached on one side.]

4-3(B)(4)(XX) Dwelling units shall have front porches.]



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Two-Family Detached (Duplex)

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

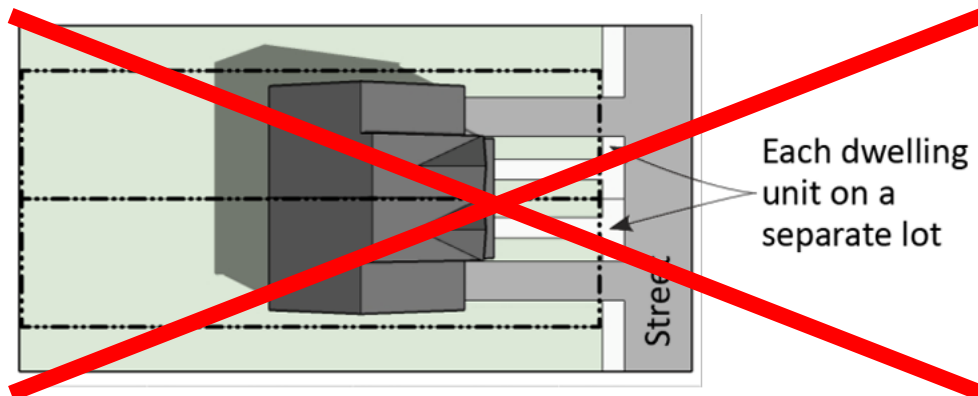
Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to allow two-family detached (duplex) dwellings in the entirety of the R-1 zone district and add new use-specific standards. Today, this dwelling type is only allowed in the R-1A sub district of R-1.

**Actions:**

- Delete 4-3(B)(5)(b) and the associated illustration as follows:

~~{4-3(B)(5)(b) This use is prohibited in the R-1 zone district, except in R-1A where 1 two-family detached dwelling is permissive on 2 lots where the building straddles the lot line and each dwelling unit is on a separate lot. (See figure below.)}~~



- Add use-specific standards to 4-3(B)(5) Two-Family Detached (duplex) in appropriate numerical order as follows:

4-3(B)(5)(XX) In the R-1 Zone District, this use is permissive on lots where the second dwelling unit is attached to or is within an existing building.

4-3(B)(5)(XX) In the R-1 Zone District, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when the dwelling is constructed on a vacant lot.

4-3(B)(5)(XX) In the R-1 Zone District, this use is not allowed on a lot with an Accessory Dwelling Unit.

4-3(B)(5)(XX) Street facing facades must have at least one entrance and one window.]

- Add a use-specific standard to 4-3(F)(6) Dwelling Unit, Accessory as follows:

4-3(F)(6)(XX) In the R-1 Zone District, this use is not allowed on a lot with a Two-Family Detached (Duplex) dwelling.]





## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Rene Grout, City Councilor for District 9

**SUBJECT:** 2023 IDO Update: Cannabis Retail

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this proposed amendment is to make four changes to Cannabis Retail:

1. Remove the Conditional Use allowance for Cannabis Retail when a location is proposed within 600 feet of another location
2. Remove the distance separation exception for businesses with microbusiness licenses
3. Increase the distance separation requirement from 600 feet to 660 feet to be consistent with other measurements in the IDO
4. Remove the allowance of Cannabis Retail in the MX-T zone district.
5. Delete the definition of Cannabis Microbusiness, as there will be no regulations pertaining to microbusinesses if this amendment is to pass.

**Actions:**

- Amend Table 4-2-1: Allowable Uses on page 153 to remove the “P” from the Cannabis Retail line in the MX-T zone district.
- Amend Section 4-3(D)(35)(c) as follow:

~~4-3(D)(35)(c) [If located within 600 feet of any other cannabis retail establishment, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), unless associated with an establishment licensed by the State as a cannabis microbusiness. Nothing herein prohibits multiple licenses from operating from a single “licensed premises” as defined by Sections 26-2C-1 to 26-2C-42 NMSA 1978.] [This use is prohibited within 660 feet of another cannabis retail location.]~~

- Delete section 4-3(D)(35)(j) as follows:

~~[4-3(D)(35)(i) In the MX-T zone district, this use is prohibited, unless associated with an establishment licensed by the State as a cannabis microbusiness, in which case this use shall not exceed 10,000 square feet of gross floor area.]~~

- Amend Section 7-1 Definitions to delete the definition of Cannabis Microbusiness:

~~**[Cannabis Microbusiness**~~

~~An establishment licensed by the State as an Integrated Cannabis Microbusiness or Cannabis Producer Microbusiness, as defined by Sections 26-2C-1 to 26-2C-42 NMSA 1978.]~~



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Rene Grout, City Councilor for District 9

**SUBJECT:** 2023 IDO Update: Boat and RV parking

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this proposed amendment is disallow recreational vehicles and boats from parking in a front yard area, whether that front yard area has been improved or not.

**Actions:**

- Amend Section 5-4(B) as follows:

5-5(B)(4)(d) Parking of recreational vehicle, boat, and/or recreational trailer for more than 2 hours:

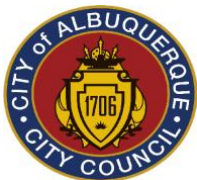
1. Allowed with the permission of the property owner of a premises with a primary residential use allowed by Table 4-2-1 in any Residential zone district or MX-T zone district.
2. Allowed with the permission of the property owner of a premises with a primary non-residential use allowed by Table 4-2-1 in any MX or NR zone district.
3. The vehicle must be parked in 1 of the following areas:

a. Inside an enclosed structure.

b. Outside in a side or rear yard.

~~[c. Outside in a front yard, with the unit perpendicular to the front curb and the body of the recreational vehicle at least 11 feet from the face of the curb.]~~

~~4. The vehicle shall not be parked in any portion of a front yard, whether that portion has been improved as a driveway or not.]~~



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Parking Maximums near Transit Facilities

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to implement a maximum parking requirement within proximity to Transit Facilities. This new requirement would exclude park & ride facilities, which fall under the general definition of 'transit facilities'. The IDO defines a transit facility as follows:

**Transit Facility** Land used for transit stations, terminals, depots, and transfer points, which may include shelters, park-and-ride lots, and/or related facilities on public or privately owned lots.

**Actions:**

- Amend 5-5(C)(7) Parking Maximums to add a new subsection in appropriate numerical order as follows:

[5-5(C)(7)(XX) Within 330 feet of a transit facility, the maximum number of off-street parking spaces provided shall be no more than 100 percent of the off-street parking spaces required by Table 2-4-13 or Table 5-5-1, as applicable.]



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Isaac Benton, City Councilor for District 2  
Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Landscaping Applicability

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to reduce the applicability in which landscaping is required. The requirements are proposed to be lowered by a total of 20%.

**Actions:**

- Amend 5-6(B) APPLICABILITY as follows:

5-6(B)(1) The provisions of this Section 14-16-5-6 shall apply to any of the following, unless specified otherwise this IDO:

5-6(B)(1)(a) Construction of a new building containing multi-family, mixed-use, or non-residential development or an accessory parking structure.

5-6(B)(1)(b) Construction of a new parking lot containing ~~[25 20]~~ or more spaces, or expansion of an existing parking lot by ~~[25 20]~~ spaces or more.

5-6(B)(1)(c) Expansion of the gross floor area of an existing building containing multi-family, mixed-use, or non-residential development by ~~[2,500 2,000]~~ square feet or more, or ~~[25 20]~~ percent or more, whichever is less.

5-6(B)(1)(d) Renovation or redevelopment of an existing building containing multi-family, mixed-use, or non-residential development, including but not limited to reconstruction after fire, flood, or other damage, where the value of the renovation or redevelopment, indicated by building permits, is ~~[\$500,000 \$400,000]~~ or more.



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Mulching Requirements

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to specify that the existing mulching requirement in the IDO – which currently requires that a minimum of 2 inches of mulch be required in planting areas – be specifically extended to two feet around any plant. The code does not currently have a requirement for how far the mulch around the base of a plant must extend.

**Actions:**

- Amend 5-6(C)(5)(d) as follows:

5-6(C)(5)(d) A minimum of 2 inches of organic mulch is required in all planting areas [within at least a 2-foot radius around the plant at anticipated mature size of the actual vegetation], with 3-4 inches recommended. (See figure below.)





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## CITY OF ALBUQUERQUE CITY COUNCIL

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### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Isaac Benton, City Councilor for District 2  
Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Street Tree Mulching Requirement

**DATE:** October 20<sup>th</sup>, 2023

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Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to remove the mulching requirement for trees that are considered street trees. Other trees on a project site that would not meet the definition of a street tree would continue to be subject to the mulching requirement. The IDO considers any tree within 20-feet of a street to be a street tree.

**Actions:**

- Amend 5-6(B) APPLICABILITY as follows:

5-6(C)(5)(e) Organic mulch is required as ground cover under trees [, not including street trees,] within a 5-foot radius around the tree trunk, but not directly against the trunk. In these areas, weed barrier fabric is prohibited. (See figure below.)



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Building Design

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to implement building design requirements for buildings which do not have such requirements. Today, the IDO provides building design requirements for low-density residential buildings, multi-family buildings, and buildings in mixed-use or non-residential zone districts that are within Urban Centers, Main Street Corridors, or Premium Transit Corridors

**Actions:**

- Create a new Section 5-11(F) as follows and renumber subsequent sections as necessary

[5-11(F) NON-RESIDENTIAL DEVELOPMENT OTHER THAN INDUSTRIAL DEVELOPMENT IN NR-LM OR NR-GM

All non-residential development, except Industrial development, in the NR-LM or NR-GM zone districts shall comply with the standards in this Subsection 14-16-5-11(F), except that Parking structures, including the portion of parking structures incorporated into a building with allowable primary and/or accessory uses, shall comply with the design standards in 14-16-5-5(G) (Parking Structure Design).

5-11(F)(1) Façade Design

Each street-facing façade shall incorporate at least 2 of the following features along at least 20 percent of the length of the façade, distributed along the façade so that at least 1 of the incorporated features occurs every 50 feet:

- a) Ground floor transparent windows
- b) Windows on upper floors

- c) Primary pedestrian entrances
  - d) Sun shelves or other exterior building features designed to reflect sunlight into the building and reduce the need for interior lighting.
  - e) Raised planters between 12 inches and 28 inches above grade with the surface planted to achieve at least 75 percent vegetative cover at maturity.
  - f) Wall plane projections or recesses of at least 1 foot in depth at least every 50 feet of façade length and extending at least 10 percent of the length of the façade.
  - g) A change in color, texture, or material at least every 50 feet of façade length and extending at least 20 percent of the length of the façade.
  - h) Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.
  - i) Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.]
- Create a new Section 5-11(G) as follows and renumber subsequent sections as necessary

[5-11(G) INDUSTRIAL DEVELOPMENT IN ANY ZONE DISTRICT

All industrial development located in any zone district, excluding MX-FB, NR-SU, and NR-PO that does not meet the applicability requirements of Section 5-11(E) shall comply with the standards in this Subsection 14-16-5-11(G), except that Parking structures, including the portion of parking structures incorporated into a building with allowable primary and/or accessory uses, shall comply with the design standards in 14-16-5-5(G) (Parking Structure Design).

5-11(G)(1) Each street-facing façade less than 150 feet in length shall incorporate at least 1 of the following features along at least 15 percent of the length of the façade, distributed along the façade so that at least 1 of the incorporated features occurs every 50 feet:

- a) Transparent windows
- b) Wall plane projections or recesses of at least 1 foot in depth at least every 50 feet of façade length and extending at least 20 percent of the length of the façade.
- c) A change in color, texture, or material at least every 50 feet of façade length and extending at least 20 percent of the length of the façade.
- d) Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.
- e) Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.

5-11(G)(2) Each street-facing façade shall incorporate at least 1 of the following features along at least 10 percent of the length of the façade, distributed along the façade so that at least 1 of the incorporated features occurs every 75 feet:

- a) Transparent windows
- b) Wall plane projections or recesses of at least 1 foot in depth at least every 75 feet of façade length and extending at least 10 percent of the length of the façade.

- c) A change in color, texture, or material at least every 75 feet of façade length and extending at least 20 percent of the length of the façade.
- d) Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.
- e) Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.]



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Brook Bassan, City Councilor for District 4

**SUBJECT:** 2023 IDO Update: Pre-Submittal Meeting Validity Period

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to increase the time in which a pre-submittal neighborhood meeting is valid prior to an application being submitted. Today, the pre-submittal neighborhood meeting must occur within 90 days of the development application being filed. This amendment proposes to increase that timeline to one year.

**Actions:**

- Amend 6-4(B) as follows:

**6-4(B) PRE-SUBMITTAL NEIGHBORHOOD MEETING**

6-4(B)(1) For applications that meet any of the following criteria, the applicant shall offer at least 1 meeting to all Neighborhood Associations whose boundaries include or are adjacent to the subject property no more than ~~{90-calendar-days}~~ [1 year] before filing the application. In such cases, project applications will not be accepted until a pre-submittal neighborhood meeting has been held, or the requirements for a reasonable attempt in Subsection (3) below have been met.



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Rene Grout, City Councilor for District 9

**SUBJECT:** 2023 IDO Update: Front Yard Parking – Angular Stone

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this proposed amendment is to remove “angular stone” as an allowed material that would meet the requirement of an improved surface for the purposes of front yard parking regulations in the IDO. Other gravel-like materials such as crusher fines will continue to be an allowed material.

**Actions:**

- Amend Section 6-8(G) to as follows:

**6-8(G)(2)(a) Front Yard Parking Areas in Existence Prior to June 17, 2007**

1. Front yard parking areas that do not satisfy the requirements of this IDO that were improved for and specifically dedicated to use as a front yard parking area prior to June 17, 2007 (when City Council adopted O-07-61, which first regulated front yard parking), and that otherwise satisfied the requirements of all applicable regulations in place at the time of their installation, may continue to be used as front yard parking areas pursuant to the provisions of this IDO governing nonconforming uses and structures.

a. For the purposes of this Subsection 14-16-6-8(G)(3), “improvements” include either impervious surfaces, such as concrete or asphalt, or all-weather pervious surfaces, such as recycled asphalt, compacted crusher fines ~~[, or compacted angular stone.]~~. In order to enjoy nonconforming status under this Section 14-16-6-8, any such improvements must have been installed for and be suitable for the specific purpose of front yard parking and maneuvering.



- Amend Section 5-5(F) as follows:

**5-5(F)(2) Design, Access, and Circulation**

The following standards apply to driveways, drive aisles, carports, parking lots, and parking structures unless specified otherwise in this IDO.

**5-5(F)(2)(a) Low-density Residential Development**

The following standards apply to all low-density residential development in any zone district except R-MC.

1. Driveways, parking areas, and curb cuts shall meet any applicable requirements in Subsection 14-16-5-3(C)(3)(b) (Driveways, Drive Aisles, and Access) and the DPM except that angular stone is not allowed.



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Tribal Engagement

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this proposed amendment is to integrate potentially impacted Tribal nations and their members within the development review and approval process. In the IDO today, there is no formal mechanism for Tribal nations within and around Albuquerque to be notified or otherwise included in the review and approval process of development activities. The proposed amendments below will create a formal process in which Tribal nations will be solicited for feedback on certain development applications and/or provided notice of development activity.

*\*6-4(J)(9) and 6-4(J)(10) will require two separate Text Amendment to IDO – Small Mapped Area applications. This language has been provided in this memo for illustrative purposes but should not be included by the Planning Department in the 2023 IDO Annual Update city-wide changes.*

#### **Actions:**

- Amend Section 7-1 to add a new definition as follows:

#### **Indian Nation, Tribe, or Pueblo**

For the purposes of this IDO, the designated chief executives of a federally recognized Indian Nation, Tribe, or Pueblo located wholly or partially in New Mexico. The Tribal Liaison with the City's Office of Native American Affairs shall maintain an updated list of the names and contact information for the chief executives of the Indian Nations, Tribes or Pueblos.

#### **Tribal Representative**

A tribally appointed representative currently serving on the City of Albuquerque Commission on American Indian/Alaska Native Affairs. The Tribal Liaison with the City's Office of

Native American Affairs shall maintain an updated list of the names and contact information for members of the City of Albuquerque Commission on American Indian/Alaska Native Affairs.

**Tribal Land**

Land held in trust, fee land, or land owned by the tribal government of an Indian Nation, Tribe, or Pueblo that the relevant tribal government requests in writing to be mapped by AGIS for the purpose of referrals to the tribal government as a commenting agency.]

- Amend Section 6-4 as follows:

**6-4(J) REFERRALS TO COMMENTING AGENCIES**

Following a determination that the application is complete, the Planning Director, ZEO, or any City staff designated to review applications in Table 6-1-1 shall refer applications for comment to the following departments or agencies, as noted below. Any comments received within 15 calendar days after such a referral shall be considered with the application materials in any further review and decision-making procedures.

**6-4(J)(6) Development within 660 feet of the Petroglyph National Monument**

**6-4(J)(6)(a) National Park Service.**

**6-4(J)(6)(b) Open Space Division of the City Parks and Recreation Department.**

[(6-4(J)(6)(c) Indian Nation, Tribes, or Pueblos

6-4(J)(6)(d) Tribal Representative

**6-4(J)(7) Development within 660 feet of Major Public Open Space**

6-4(J)(7)(a) Indian Nation, Tribes, or Pueblos

6-4(J)(7)(b) Tribal Representative

**6-4(J)(8) Development within 660 feet of tribal land.**

6-4(J)(8)(a) Indian Nation, Tribes, or Pueblos

6-4(J)(8)(b) Tribal Representative

**6-4(J)(9) The ~~4-H Park~~ Albuquerque Indian School Area\***

6-4(J)(9)(a) Indian Nation, Tribes, or Pueblos

6-4(J)(9)(b) Tribal Representative

**6-4(J)(10) Development within 660 feet of the Northwest Mesa Escarpment View Protection Overlay Zone – VPO-2\***

6-4(J)(10)(a) Indian Nation, Tribes, or Pueblos

6-4(J)(10)(b) Tribal Representative

**6-4(J)(11) Archaeological Certificate Applications**

6-4(J)(11)(a) Indian Nation, Tribes, or Pueblos are to receive the Certificate of No effect or the Certificate of Approval from the City Archaeologist.  
6-4(J)(11)(b) Tribal Representative are to receive the Certificate of No effect or the Certificate of Approval from the City Archaeologist.]

- Amend Section 6-5 as follows:

#### **6-5(A) Archaeological Certificate**

##### **6-5(A)(2) Procedure**

6-5(A)(2)(a) [The applicant shall have all of the following responsibilities:

1. Provide notice of the application to Indian Nation, Tribes, or Pueblos by certified mail and by email that specifies the subject property and the proposed development.
2. Provide notice of the application to the tribal representatives by email that specifies the subject property and the proposed development.
3. Supply proof of notification to Indian nation, tribe, or pueblo and tribal representatives with the application.
4. Provide the treatment plan, if required, by email to Indian nation, tribe, or pueblo and tribal representatives within five business days that it is submitted to the City Archaeologist.]

PUBLIC NOTIFICATION

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



**PART I - PROCESS**

Use [Table 6-1-1](#) in the Integrated Development Ordinance (IDO) to answer the following:

Application Type: Amendment to IDO Text - Citywide

Decision-making Body: City Council

Pre-Application meeting required: ☐ Yes ☒ No

Neighborhood meeting required: ☐ Yes ☒ No

Mailed Notice required: ☒ Yes ☐ No

Electronic Mail required: ☒ Yes ☐ No

Is this a Site Plan Application: ☐ Yes ☒ No **Note: if yes, see second page**

**PART II – DETAILS OF REQUEST**

Address of property listed in application: City of Albuquerque - all properties

Name of property owner: All

Name of applicant: City of Albuquerque - Planning Department

Date, time, and place of public meeting or hearing, if applicable:

December 14, 2023, 8:30 am, Zoom: <https://cabq.zoom.us/j/2269592859> / (346) 248-7799, Meeting ID: 226 959 2859

Address, phone number, or website for additional information:

<https://abc-zone.com/ido-annual-update-2023>

**PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE**

☐ Zone Atlas page indicating subject property.

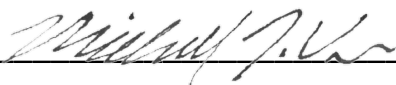
☐ Drawings, elevations, or other illustrations of this request.

☐ Summary of pre-submittal neighborhood meeting, if applicable.

☒ Summary of request, including explanations of deviations, variances, or waivers.

**IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO [SUBSECTION 14-16-6-4\(K\)](#) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.**

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

 (Applicant signature) 10/26/2023 (Date)

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



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



**PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY**

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

- ☐ a. Location of proposed buildings and landscape areas.
- ☐ b. Access and circulation for vehicles and pedestrians.
- ☐ c. Maximum height of any proposed structures, with building elevations.
- ☐ d. For residential development: Maximum number of proposed dwelling units.
- ☐ e. For non-residential development:
  - ☐ Total gross floor area of proposed project.
  - ☐ Gross floor area for each proposed use.

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

## Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed/Emailed to a Neighborhood Association

Date of Notice\*: October 26, 2023

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)\*: All - See attachment

Name of NA Representative\*: All - See attachment

Email Address\* or Mailing Address\* of NA Representative<sup>1</sup>: All - See attachment

### Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address\* City of Albuquerque - all properties

Location Description All properties within City of Albuquerque boundary

2. Property Owner\* Multiple

3. Agent/Applicant\* [if applicable] City of Albuquerque - Planning Department

4. Application(s) Type\* per IDO [Table 6-1-1](#) [mark all that apply]

☐ Zoning Map Amendment

☒ Other: Amendment to IDO Text - Citywide

Summary of project/request<sup>2</sup>\*:

Amendments proposed for the 2023 annual update of the Integrated Development Ordinance

affecting all properties to be decided legislatively.

5. This application will be decided at a public hearing by\*:

☐ Environmental Planning Commission (EPC)

☒ City Council

This application will be first reviewed and recommended by:

☒ Environmental Planning Commission (EPC)

☐ Landmarks Commission (LC)

☐ Not applicable (Zoning Map Amendment – EPC only)

<sup>1</sup> Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

<sup>2</sup> Attach additional information, as needed to explain the project/request.

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

Date/Time\*: Thursday, December 14, 8:30 am

Location\*<sup>3</sup>: Zoom: <https://cabq.zoom.us/j/2269592859> / (346) 248-7799, Meeting ID: 226 959 2859

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

To contact staff, email [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found\*<sup>4</sup>:

<https://abq-zone.com/ido-annual-update-2023>

**Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):**

1. Zone Atlas Page(s)\*<sup>5</sup> All - See <https://www.cabq.gov/planning/agis-maps>
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant\*: ~~Attached to notice or provided via website noted above~~ N/A
3. The following exceptions to IDO standards have been requested for this project\*:

☐ Deviation(s)      ☐ Variance(s)      ☐ Waiver(s)

Explanation\*:

N/A

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4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): ☐ Yes    ☒ No

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

N/A

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Public meetings were held October 12 & 13 to review proposed changes

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See video and presentation here: <https://abq-zone.com/ido-annual-update-2023#paragraphs-item-339>

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<sup>3</sup> Physical address or Zoom link

<sup>4</sup> Address (mailing or email), phone number, or website to be provided by the applicant

<sup>5</sup> Available online here: <http://data.cabq.gov/business/zoneatlas/>

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

**Additional Information [Optional]:**

From the IDO Zoning Map<sup>6</sup>:

1. Area of Property [typically in acres] City of Albuquerque boundaries
  2. IDO Zone District Multiple
  3. Overlay Zone(s) [if applicable] Application does not affect Overlay Zones
  4. Center or Corridor Area [if applicable] Multiple
- Current Land Use(s) [vacant, if none] Multiple

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

**Useful Links**

**Integrated Development Ordinance (IDO):**

<https://ido.abc-zone.com/>

**IDO Interactive Map**

<https://tinyurl.com/IDOzoningmap>

Cc: All - See attachment [Other Neighborhood Associations, if any]

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<sup>6</sup> Available here: <https://tinurl.com/idozoningmap>

October 26, 2023

Authorized Representative  
City of Albuquerque Recognized Neighborhood Association  
Re: Application Submittal for Amendment to IDO Text - Citywide



Dear Neighborhood Association Representative,

As required by Integrated Development Ordinance (IDO) Subsection 14-16-6-7(D)(3), the Planning Department will be submitting the annual update to the Environmental Planning Commission (EPC) for review and recommendation to the City Council at a hearing in December 2023. This emailed letter fulfills the notice requirement in Table 6-1-1 for the Amendment to IDO Text – Citywide and as specified in IDO Subsection 14-16-6-4(K)(2).

### Participation Details

To see the full list of proposed amendments and review presentations and videos from public review meetings in September and October, please visit the project webpage:

<https://abq-zone.com/ido-annual-update-2023>

To learn more about the proposed amendments, join us at one of the following events:

Annual Update Open House: **Friday, November 17, 2023, 12:00 pm – 1:30 pm** on Zoom

Zoom link: <https://cabq.zoom.us/j/91371262282>

To dial in by phone: (346) 248-7799, Meeting ID: 913 7126 2282, Passcode: CABQ

Environmental Planning Commission Study Session: **Thursday, December 7, 2023, 8:30 am**

Zoom:

Zoom link: <https://cabq.zoom.us/j/2269592859>

To dial in by phone: (346) 248-7799, Meeting ID: 226 959 2859

Come and listen or give **verbal comments** at the first **Environmental Planning Commission hearing**:

**Thursday, December 14, 2023, 8:30 am**

Zoom:

Zoom link: <https://cabq.zoom.us/j/2269592859>

To dial in by phone: (346) 248-7799, Meeting ID: 226 959 2859

*Public Notice of Application*

*CABQ Planning – IDO Text Amendment – Citywide*

Send **written comments for the record** to the Environmental Planning Commission:

email: Chair David Shaffer  
c/o Planning Department  
[abcto@cabq.gov](mailto:abcto@cabq.gov)

regular mail: Chair David Shaffer  
c/o Planning Department  
600 Second Street NW, Third Floor  
Albuquerque NM 87102

**Deadlines:**

- To be included in the staff report for EPC consideration, send comments by **9 am on Monday, November 27<sup>th</sup>**.
- To be included in the packet for EPC consideration, send comments by **9 am on Tuesday, December 12<sup>th</sup>**.

**Purpose**

The IDO is the regulatory tool to implement the “Centers and Corridors” community vision set out in the Albuquerque-Bernalillo County Comprehensive Plan (“Comp Plan”) in a coordinated, citywide context so that existing communities can benefit from appropriate new development, while being protected from potential adverse effects. The IDO regulations coordinate with the City’s Development Areas – Areas of Change and Consistency – that work together to direct growth to appropriate locations and ensure protections for low-density residential neighborhoods, parks, and Major Public Open Space. The IDO implements the Comp Plan through regulations tailored to the City’s designated Centers and Corridors. The IDO regulations are also coordinated with transportation and urban design policies in the updated Comp Plan.

In order for the City’s land use, zoning, and development regulations to stay up-to-date, the IDO built in an annual update process into the regulatory framework. This process was established to provide a regular cycle for discussion among residents, City staff, and decision-makers to consider any needed changes that were identified over the course of the year. For the 2023 annual update, staff collected approximately 60 amendments to improve the clarity and implementation of the adopted regulations. These clarifications and adjustments were gathered from staff, the public, the Administration, and Councilors and are compiled into a table of “Proposed Citywide Amendments.” Each proposed change provides the page and section of the adopted IDO that would be modified, the text that is proposed to change, an explanation of the purpose or intent of the change, and the source of the requested change. This document is the main body of the application for Amendments to IDO Text - Citywide.

You can review and/or download the Proposed Amendments and review process online here:

<https://abq-zone.com/ido-annual-update-2023>



## Justification

These proposed amendments to the IDO text are consistent with the Annual Update process described in IDO Subsection 14-16-6-3(D). The Planning Department has compiled the recommendations and is now submitting the proposed amendments for EPC's review and recommendation at a public hearing. These proposed amendments to the IDO text meet all of the Review and Decision Criteria in IDO Subsection 14-16-6-7(D)(3).

These proposed Text Amendments to the IDO are also consistent with Comprehensive Plan policies that direct the City to adopt and maintain an effective regulatory system for land use, zoning, and development review. In general, these amendments further the following applicable goals and policies of the ABC Comprehensive Plan and protect the public health, safety, and welfare.

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

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

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

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

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

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

Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

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

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

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

Policy 5.3.7 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.

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

Policy 5.6.1 Community Green Space: Provide visual relief from urbanization and offer opportunities for education, recreation, cultural activities, and conservation of natural resources by setting aside publicly-owned Open Space, parks, trail corridors, and open areas throughout the Comp Plan area as mapped in Figure 5-3.

Action 5.6.1.1 Develop setback standards for and encourage clustering of open space along the irrigation system.

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

Sub-policy f): Minimize potential negative impacts of development on existing residential uses with respect to noise, stormwater runoff, contaminants, lighting, air quality, and traffic.

Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

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.

Sub-policy b): Minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic.

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

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

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

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

Policy 7.3.1 Natural and Cultural Features: Preserve, enhance, and leverage natural features and views of cultural landscapes.

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

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

Goal 7.4 Context-Sensitive Parking: Design parking facilities to match the development context and complement the surrounding built environment.

Policy 7.4.3 Off-street Parking Design: Encourage well-designed, efficient, safe, and attractive parking facilities.

Goal 7.5 Context-Sensitive Site Design: Design sites, buildings, and landscape elements to respond to the high desert environment.

Policy 7.5.1 Landscape Design: Encourage landscape treatments that are consistent with the high desert climate to enhance our sense of place.

Goal 9.1 Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

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.

Policy 9.1.2 Affordability: Provide for mixed-income neighborhoods by encouraging high-quality, affordable, and mixed-income housing options throughout the area.

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

Goal 9.4 Homelessness: Make homelessness rare, short-term, and non-recurring.

Policy 9.4.2 Services: Provide expanded options for shelters and services for people experiencing temporary homelessness.

Policy 9.4.3 Equitable Distribution: Support a network of service points that are easily accessible by residents and workers, geographically distributed throughout the city and county, and proximate to transit.

The project team would like to thank those of you who have been involved so far and encourage everyone to participate in the Annual Update process to help improve the IDO and ensure that it provides appropriate regulations to protect our community.

Please contact the ABC-Z team if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Vos", with a stylized flourish at the end.

Michael Vos, AICP  
Principal Planner, Urban Design & Development  
Planning Department, City of Albuquerque  
505.924.3825  
[abcto@cabq.gov](mailto:abcto@cabq.gov)

## Cc List of Neighborhood Associations

ABQ Park NA	District 4 Coalition of	Kirtland Community
ABQCore Neighborhood	Neighborhood Associations	Association
Association	District 6 Coalition of	Knapp Heights NA
Academy Estates East NA	Neighborhood Associations	La Luz Landowners
Academy Hills Park NA	District 7 Coalition of	Association
Academy North NA	Neighborhood Associations	La Mesa Community
Academy Park HOA	District 8 Coalition of	Improvement Association
Academy Ridge East NA	Neighborhood Associations	La Sala Grande NA
Alameda North Valley	Downtown Neighborhoods	Incorporated
Association	Association	Ladera West NA
Alamosa NA	East Gateway Coalition	Las Lomas NA
Albuquerque Meadows	Eastrange Piedra Vista NA	Las Terrazas NA
Residents Association	Eastridge NA	Laurelwood NA
Altura Addition NA	EDo NA Incorporated	Lee Acres NA
Altura Park NA	El Camino Real NA	Loma Del Rey NA
Alvarado Gardens NA	Elder Homestead NA	Los Alamos Addition NA
Alvarado Park NA	Embudo Canyon NA	Los Altos Civic Association
Anderson Hills NA	Enchanted Park NA	Los Duranes NA
Antelope Run NA	Fair West NA	Los Griegos NA
Arroyo Del Oso North NA	Four Hills Village	Los Poblanos NA
Avalon NA	Association	Los Volcanes NA
Barelas NA	Gavilan Addition NA	Mark Twain NA
Bear Canyon NA	Glenwood Hills NA	McDuffie Twin Parks NA
BelAir NA	Greater Gardner &	McKinley NA
Campus NA	Monkbridge NA	Mesa Del Sol NA
Cherry Hills Civic	Heritage East Association of	Mile Hi NA
Association	Residents	Molten Rock NA
Cibola Loop NA	Highland Business and NA	Monte Largo Hills NA
Cibola NA	Incorporated	Monterey Manor NA
Cielito Lindo NA	Highlands North NA	Mossman NA
Citizens Information	Historic Old Town	Mossman South NA
Committee of	Association	Near North Valley NA
Martineztown	Hodgin NA	Netherwood Park NA
Classic Uptown NA	Hoffmantown NA	Nob Hill NA
Clayton Heights Lomas del	Huning Castle NA	Nor Este NA
Cielo NA	Huning Highland Historic	North Albuquerque Acres
Comanche Foothills NA	District Association	Community Association
Countrywood Area NA	Indian Moon NA	North Campus NA
Crestview Bluff Neighbors	Inez NA	North Domingo Baca NA
Association	Jerry Cline Park NA	North Eastern Association
Del Norte NA	John B Robert NA	of Residents
Del Webb Mirehaven NA	Juan Tabo Hills NA	North Valley Coalition
Delamar NA		North Wyoming NA

Onate NA  
Oso Grande NA  
Palomas Park NA  
Paradise Hills Civic  
Association  
Parkland Hills NA  
Parkway NA  
Pat Hurley NA  
Peppertree Royal Oak  
Residents Association  
Piedras Marcadas NA  
Pueblo Alto NA  
Quaker Heights NA  
Quigley Park NA  
Quintessence NA  
Rancho Sereno NA  
Raynolds Addition NA  
Rio Grande Boulevard NA  
Riverview Heights NA  
Route 66 West NA  
San Jose NA  
Sandia High School Area NA  
Sandia Vista NA  
Santa Barbara  
Martineztown NA  
Santa Fe Village NA  
Sawmill Area NA  
Siesta Hills NA  
Silver Hill NA  
Singing Arrow NA  
Snow Heights NA  
South Broadway NA  
South Guadalupe Trail NA  
South Los Altos NA  
South San Pedro NA  
South Valley Coalition of  
Neighborhood Associations  
South West Alliance of  
Neighborhoods (SWAN  
Coalition)  
Southeast Heights NA  
Spruce Park NA  
SR Marmon NA  
Stardust Skies North NA  
Stardust Skies Park NA  
Stinson Tower NA

Stronghurst Improvement  
Association Incorporated  
Summit Park NA  
Supper Rock NA  
Sycamore NA  
Taylor Ranch NA  
The Courtyards NA  
The Paloma Del Sol NA  
The Quail Springs NA  
Thomas Village NA  
Tres Volcanes NA  
Trumbull Village Association  
Tuscany NA  
University Heights NA  
Valle Prado NA  
Valley Gardens NA  
Vecinos Del Bosque NA  
Victory Hills NA  
Vineyard Estates NA  
Vista Del Mundo NA  
Vista Del Norte Alliance  
Vista Grande NA  
Vista Magnifica Association  
Wells Park NA  
West La Cueva NA  
West Mesa NA  
West Old Town NA  
West Park NA  
Westgate Heights NA  
Westside Coalition of  
Neighborhood Associations  
Wildflower Area NA  
Willow Wood NA  
Winrock South NA  
Yale Village NA



**From:** [Renz-Whitmore, Mikaela J.](#) on behalf of [City of Albuquerque Planning Department](#)

**To:** [City of Albuquerque Planning Department](#)

**Cc:** [Michael Vos \(mvos@cabq.gov\)](#)

**Bcc:** [tiffany.m1274@gmail.com](#); [shirleylockyer@gmail.com](#); [rickrennie@comcast.net](#); [bacajoaguin9@gmail.com](#); [dukecity777@yahoo.com](#); [lepoep@msn.com](#); [nwaslosky@comcast.net](#); [Chipolson44@gmail.com](#); [dwehling@outlook.com](#); [adamjwar@hotmail.com](#); [prattsalwm@yahoo.com](#); [chris@ocksriderlawfirm.com](#); [elliellw@comcast.net](#); [arnoldtom@yahoo.com](#); [anvanews@aol.com](#); [jeanettebaca973@gmail.com](#); [jgallegoswccdg@gmail.com](#); [rsmith0822@aol.com](#); [timlcurt@yahoo.com](#); [archhero@aol.com](#); [wright.js@gmail.com](#); [nspero@phs.org](#); [rajackso@msn.com](#); [medexter49@gmail.com](#); [president@alvaradoneighborhood.com](#); [marybe9@gmail.com](#); [elissa.dente@gmail.com](#); [ilapitz@hotmail.com](#); [dwillingham@redw.com](#); [alexlrnm@comcast.net](#); [willieorr1@msn.com](#); [adonneighborhood@gmail.com](#); [avasecretary121@gmail.com](#); [avalon3a@yahoo.com](#); [lisapwardchair@gmail.com](#); [liberty.c.bell@icloud.com](#); [patsybeck@aol.com](#); [bstone@yahoo.com](#); [ealarid29@gmail.com](#); [flops2@juno.com](#); [kenny.stansbury@gmail.com](#); [calmartin93@gmail.com](#); [rvaughn.rv@gmail.com](#); [hhapp@juno.com](#); [gforrest47@comcast.net](#); [learrael@aol.com](#); [michael.alexander@altadt.com](#); [josefree@yahoo.com](#); [khattler@aol.com](#); [pat.duda.52@gmail.com](#); [martinez.renee@gmail.com](#); [kris042898@icloud.com](#); [johnwhalen78@gmail.com](#); [brt25@pm.me](#); [e.molinadodge@yahoo.com](#); [boyster2018@gmail.com](#); [meaganr@juno.com](#); [beck3008@comcast.net](#); [bob.borgeson@msn.com](#); [cmessersmith@q.com](#); [alotero57@gmail.com](#); [fourseven@comcast.net](#); [white1ink@aol.com](#); [rverble05@gmail.com](#); [elizabethsmithchavez@gmail.com](#); [susanpatcarroll@gmail.com](#); [dmmar3@gmail.com](#); [edueweke@juno.com](#); [mgriffie@noreste.org](#); [mandy@theremedayspa.com](#); [info@willsonstudio.com](#); [learnoldjones70@gmail.com](#); [mikekious@aol.com](#); [nobullbob1@gmail.com](#); [lamesainternationaldistrict@gmail.com](#); [treasurer@abqdna.com](#); [chair@abqdna.com](#); [dreikeja@comcast.net](#); [eastgatewaycoalition@gmail.com](#); [jrsphil1@hotmail.com](#); [robertdebra4055@gmail.com](#); [tgrasmussen@msn.com](#); [verrityg@yahoo.com](#); [irobertson@titan-development.com](#); [david@edoabq.com](#); [truillloabqbc@comcast.net](#); [cchristy4305@gmail.com](#); [mrkious@aol.com](#); [sp-wonderwoman@comcast.net](#); [dreikeja@comcast.net](#); [jhardgrave505@gmail.com](#); [plunkett5724@outlook.com](#); [financialhelp@earthlink.net](#); [paulsanchez7771@gmail.com](#); [artisticmediacoop@gmail.com](#); [elkaleyah@aol.com](#); [fhvapres@gmail.com](#); [bhaskins1@aol.com](#); [slernst@aol.com](#); [james.levy@gmail.com](#); [Faith Willmott](#); [wood\\_cpa@msn.com](#); [realityofnewmexico@gmail.com](#); [willpawl@msn.com](#); [melissa.ann.pacheco@gmail.com](#); [omardurant@yahoo.com](#); [emh@adexec.com](#); [reynolds@unm.edu](#); [secretary@albuquerqueoldtown.com](#); [president@albuquerqueoldtown.com](#); [malloryabq@msn.com](#); [austenwalsh@gmail.com](#); [smurfmom@comcast.net](#); [brenda.marks648@gmail.com](#); [debzallen@ymail.com](#); [bsturge@gmail.com](#); [annlouisacarson@gmail.com](#); [ronzawis@abq.com](#); [Lynne Martin](#); [yemaya@swcp.com](#); [donna.yetter3@gmail.com](#); [danielle.e.boardman@outlook.com](#); [ericshirley@comcast.net](#); [larswells@yahoo.com](#); [suzy0910@comcast.net](#); [ryangiar@gmail.com](#); [Richard & Carrie Lujan](#); [bakieaikin@comcast.net](#); [kande0@yahoo.com](#); [dlreganabq@gmail.com](#); [dwillems2007@gmail.com](#); [sliceness@gmail.com](#); [patgllr@aol.com](#); [lamesainternationaldistrict@gmail.com](#); [5058041113rw@gmail.com](#); [lsgna67@gmail.com](#); [kellypetre@gmail.com](#); [heckert@swcp.com](#); [slcnalbg@aol.com](#); [annes@swcp.com](#); [r.griego04@comcast.net](#); [dvoth@uark.edu](#); [steidley@centurylink.net](#); [paul.gonzales01@comcast.net](#); [fcomfort94@gmail.com](#); [nissapatterson@gmail.com](#); [abroyer1@msn.com](#); [jarmijo12@outlook.com](#); [oronacarol@hotmail.com](#); [damian@modernhandcrafted.com](#); [don.dudley@dondudleydesign.com](#); [darlenesolis.laca@gmail.com](#); [athenalaroux@yahoo.com](#); [lee@lganm.com](#); [billherring@comcast.net](#); [lgna505abq@gmail.com](#); [marybethorn@gmail.com](#); [don.newman@mac.com](#); [kjiboutz@gmail.com](#); [douglascooper@hotmail.com](#); [nedcarla@live.com](#); [joel.c.wooldridge@gmail.com](#); [bardean12@comcast.net](#); [drakelavellefamily@gmail.com](#); [jesselholly@gmail.com](#); [lucerowilfred@gmail.com](#); [catburns87106@gmail.com](#); [dmills544@gmail.com](#); [mbcarr92@gmail.com](#); [jbd2946@hotmail.com](#); [jillveagley@swcp.com](#); [maryann@hlsnm.org](#); [susanlaw009@comcast.net](#); [golfcindy5@gmail.com](#); [jamesonlr@outlook.com](#); [maryasena1@gmail.com](#); [britt@chipotlebutterfly.com](#); [wordsongLLC@gmail.com](#); [nearnorthvalleyna@gmail.com](#); [jsabatini423@gmail.com](#); [saramills@comcast.net](#); [wgannon@unm.edu](#); [jeffreyaehoe@unm.edu](#); [lucylongcares@gmail.com](#); [rpmartinez003@gmail.com](#); [uri.bassan@noreste.org](#); [shackley@berkeley.edu](#); [president@naaca.info](#); [tdavisnm@gmail.com](#); [sarakoplik@hotmail.com](#); [hhowerton9379@msn.com](#); [judiepellegrino@gmail.com](#); [ndpressley@msn.com](#); [matt.bohnhoff@gmail.com](#); [jasalazarm@gmail.com](#); [peggygnorton@yahoo.com](#); [wrbarry@msn.com](#); [nancic613@hotmail.com](#); [alexanderrahimi@yahoo.com](#); [srz29@aol.com](#); [janiemc07@gmail.com](#); [nobullbob1@gmail.com](#); [annwagner10@gmail.com](#); [wmarsh7@comcast.net](#); [lromero@comcast.net](#); [peterkalitsis@gmail.com](#); [phnacommunications@gmail.com](#); [marykloughran@comcast.net](#); [m\\_raleman@yahoo.com](#); [vicepresident.phna@gmail.com](#); [president.phna@gmail.com](#); [jnapacheco@gmail.com](#); [a.verardo@comcast.net](#); [rlawlor619@gmail.com](#); [debbie.a.koranyi@gmail.com](#); [tyler.richter@gmail.com](#); [auntiesym@msn.com](#); [lilqg2002@yahoo.com](#); [valarid@gmail.com](#); [mo01llama@gmail.com](#); [lisa.whalen@gmail.com](#); [qna.abq@gmail.com](#); [president@qna-abq.org](#); [aschwartz74@comcast.net](#); [debracox62@comcast.net](#); [janet.manry@gmail.com](#); [raynoldsneighborhood@gmail.com](#); [newmexmba@aol.com](#); [chowski83@gmail.com](#); [elenagonz@comcast.net](#); [tollhouse1@msn.com](#); [paulfava@gmail.com](#); [cherquezada@yahoo.com](#); [bacadeanna@gmail.com](#); [sjnase@gmail.com](#); [mikekious@aol.com](#); [john.l.jones.nm@gmail.com](#); [lulumu1213@gmail.com](#); [happygranny8@q.com](#); [theresa.illgen@aps.edu](#); [lnjalopez@msn.com](#); [joannwright1949@gmail.com](#); [jilibretto@gmail.com](#); [browne.amanda.jane@gmail.com](#); [mari.kempton@gmail.com](#); [siesta2napres@gmail.com](#); [dbodinem@gmail.com](#); [ja.montalbano@gmail.com](#); [123mbeck@gmail.com](#); [lawilliams751@gmail.com](#); [bjdniels@msn.com](#); [laurasmigi@aol.com](#); [tiffany.hb10@gmail.com](#); [fparmijo@gmail.com](#); [jasalazarm@gmail.com](#); [nicgonzales0218@gmail.com](#); [sdmarticos91@gmail.com](#); [notices@slananm.org](#); [khadijah bottom](#); [zabdiel505@gmail.com](#); [eschman@unm.edu](#); [dpatricio@gmail.com](#); [luis@wccdg.org](#); [jgallegoswccdg@gmail.com](#); [peter belletto](#); [jpate@molzencorbin.com](#); [emailbrowns@aol.com](#); [pnsuift@comcast.net](#); [sallygar@srmna.org](#); [info@srmna.org](#); [tillery3@icloud.com](#); [mtbsh@comcast.net](#); [mateo.stratton@gmail.com](#); [lovelypeake@comcast.net](#); [arzate.boyles2@yahoo.com](#); [stnapres@outlook.com](#); [aberdaber@comcast.net](#); [wgsabatini@gmail.com](#); [franchini.kathryn@gmail.com](#); [joebrooks@homesinabq.com](#); [kmotheirish@gmail.com](#); [Kathleen Schindler-Wright](#); [richard@vigliano.net](#); [mg411@q.com](#); [mariancp21@gmail.com](#); [aboard111@gmail.com](#); [jackiecooke@comcast.net](#);

jaubele1012@comcast.net; rq1dq1@gmail.com; bob.mcelearney@yahoo.com; laurah067@gmail.com; gstone@swcp.com; rejoness7@msn.com; abqrmeyners@gmail.com; randm196@gmail.com; t0m2pat@yahoo.com; alyceice@gmail.com; landry54@msn.com; hlhen@comcast.net; vistadelnorte@me.com; mandy@theremedyspa.com; sricdon@earthlink.net; valle.prado.na@gmail.com; jlbeutler@gmail.com; ajuarez8.ad@gmail.com; drewjara72@gmail.com; vdb87105@gmail.com; altheatherton@gmail.com; info@willsonstudio.com; zarecki@aol.com; djesmeek@comcast.net; Chris Crum; dproach@sandia.gov; Jim Souter; vistadelnorte@me.com; bradyklovelady@gmail.com; Schaefer@unm.edu; madmiles@msn.com; beatfeet17@yahoo.com; mprando@msn.com; doreenmcknightnm@gmail.com; peggvd333@yahoo.com; westmesa63@gmail.com; ddee4329@aol.com; g.clarke45@comcast.net; gteffertz@gmail.com; definition22@hotmail.com; westparkna@gmail.com; navrmc6@aol.com; mattearchuleta1@hotmail.com; aboard111@gmail.com; elizabethkayhaley@gmail.com; ggarcia103@comcast.net; ltcaudill@comcast.net; pmeyer@sentrymgt.com; samijoster@gmail.com; donaldlove08@comcast.net; kloved26@gmail.com

**Subject:** IDO Annual Update 2023

**Date:** Thursday, October 26, 2023 10:43:00 AM

**Attachments:** 04a-CABQ-Official\_public\_notice\_form-2019-EmailMail-IDOAnnualupdate2023-CHECKLIST.pdf  
04b-Emailed-Mailed-Notice-PolicyDecisions-Print&Fill-IDO-Annual\_update-Citywide.pdf  
04c-IDONeighborhoodNotificationLetter-2023-citywide-cclist.pdf

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Please see attached materials providing notice that the City of Albuquerque will be submitting an application on October 26, 2023 to amend the Integrated Development Ordinance (IDO) for the 2023 IDO Annual Update.

More details about the update, including the list of proposed changes, comment deadlines, and hearing information, are available here:

<https://abq-zone.com/ido-annual-update-2023>

Best,



## REGULATORY PLANNING

o 505.924.3860

e [abcto@cabq.gov](mailto:abcto@cabq.gov)

## Mailed Notice - Neighborhood Association Representatives without Email Addresses

Association Name	First Name	Last Name	Address Line 1	Zip
Crestview Bluff Neighbors Association	Stephanie	Gilbert	908 Alta Vista Court SW	87105
Hoffmantown NA	Pamela	Pettit	2710 Los Arboles Place NE	87112
Monte Largo Hills NA	Tom	Burkhalter	13104 Summer Place NE	87112
Paradise Hills Civic Association	Tom	Anderson	10013 Plunkett Drive NW	87114
Valley Gardens NA	Robert	Price	2700 Desert Garden Lane SW	87105
Winrock South NA	John and Virginia	Kinney	7110 Constitution Avenue NE	87110



Hoffmantown NA  
Pamela Pettit  
2710 Los Arboles Place NE  
Albuquerque NM 87112



Code Enforcement

CITY OF ALBUQUERQUE

Paradise Hills Civic Association  
Tom Anderson  
10013 Plunkett Drive NW  
Albuquerque NM 87114

CITY OF ALBUQUERQUE

Crestview Bluff Neighbors Association  
Stephanie Gilbert  
908 Alta Vista Court SW  
Albuquerque NM 87105



CITY OF ALBUQUERQUE

Valley Gardens NA  
Robert Price  
2700 Desert Garden Lane SW  
Albuquerque NM 87105

CITY OF ALBUQUERQUE

Monte Largo Hills NA  
Tom Burkhalter  
13104 Summer Place NE  
Albuquerque NM 87112



CITY OF ALBUQUERQUE

Winrock South NA  
John & Virginia Kinney  
7110 Constitution Avenue NE  
Albuquerque NM 87110



Mr. Shahab Biazar  
City Engineer  
Planning Department  
City of Albuquerque  
600 2<sup>nd</sup> St. NW  
Albuquerque, NM 87102

RE: October 2023 EPC Submittal – Public Mailed Notice Certification  
Amendment to Integrated Development Ordinance (IDO) Text – Citywide

Dear Mr. Biazar,

Please accept this letter as certification of Mailed Notice as required by the IDO.

I, Alfredo Salas, do hereby certify and attest that I delivered 6 letters to the City of Albuquerque's mail room for first class stamping and delivery to the U.S. Post Office on October 26, 2023.

These letters were addressed to Neighborhood Association representatives without email addresses on file with the Office of Neighborhood Coordination for the city-wide request as required by IDO Subsection 14-16-6-4(K)(3)(b) and as shown on the attached exhibits.

Sincerely,

Alfredo Ernesto Salas  
EPC Hearing Monitor  
Planning Department  
600 2nd Street NW, Third Floor  
Albuquerque NM 87102

\*

Received by Larry D. English Date 10-26-23

DFAS/Purchasing/Office Services (mail room)



Mr. Shahab Biazar  
City Engineer  
Planning Department  
City of Albuquerque  
600 2<sup>nd</sup> St. NW  
Albuquerque, NM 87102

RE: October 2023 EPC Submittal – Public Mailed Notice Certification  
Amendment to Integrated Development Ordinance (IDO) Text – Citywide

Dear Mr. Biazar,

Please accept this letter as certification of Mailed Notice as required by the IDO.

I, Alfredo Salas, do hereby certify and attest that I delivered 9 letters to the City of Albuquerque's mail room for first class stamping and delivery to the U.S. Post Office on October 27, 2023.

These letters were addressed to Neighborhood Association representatives where the email addresses on file with the Office of Neighborhood Coordination bounced or were returned as undeliverable for the city-wide request as required by IDO Subsection 14-16-6-4(K)(3)(b) and as shown on the attached exhibits.

Sincerely,

Alfredo Ernesto Salas  
EPC Hearing Monitor  
Planning Department  
600 2nd Street NW, Third Floor  
Albuquerque NM 87102

\* Received by Larry Pugh Date 10-27-23  
DFAS/Purchasing/Office Services (mail room)



From: Carmona, Delaina L.  
To: Messenger, Robert C.  
Subject: Citywide (Amendment to IDO Text - Citywide) Public Notice Inquiry Sheet Submission  
Date: Wednesday, October 18, 2023 12:15:25 PM  
Attachments: image001.png  
image002.png  
image003.png  
image004.png  
Citywide (Amendment to IDO Text - Citywide) for Robert Messenger as of 10-18-23.xls  
image006.png

PLEASE NOTE:

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

Dear Applicant:

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

Association Name	First Name	Last Name	Email	Address Line 1	Address Line 2	City	State	Zip	Mobile Phone	Phone
ABQ Park NA	Tiffany	Mojarro	tiffany.m1274@gmail.com	7504 Sky Court Circle NE		Albuquerque	NM	87110		5053632643
ABQ Park NA	Shirley	Lockyer	shirleylockyer@gmail.com	7501 Sky Court Circle NE		Albuquerque	NM	87110	5057107314	
ABQCore Neighborhood Association	Rick	Rennie	rickrennie@comcast.net	326 Lucero Road		Albuquerque	NM	87048		5054502182
ABQCore Neighborhood Association	Joaquin	Baca	bacajaquin9@gmail.com	100 Gold Avenue	#408	Albuquerque	NM	87102		5054176689
Academy Estates East NA	James	Santistevan	dukecity777@yahoo.com	5609 Cometa Court NE		Albuquerque	NM	87111		5054508385
Academy Estates East NA	Larry	Pope	lepopel@msn.com	9000 Galaxia Way NE		Albuquerque	NM	87111		5058213077
Academy Hills Park NA	Nadine	Waslosky	nwaslosky@comcast.net	9816 Compadre Lane NE		Albuquerque	NM	87111		5053621808
Academy Hills Park NA	Walter	Olson	Chipolson4@gmail.com	PO Box 14533		Albuquerque	NM	87191	5052282165	
Academy North NA	Debra	Wehling	dwehling@outlook.com	8112 Ruidoso NE		Albuquerque	NM	87109		5052807779
Academy North NA	Adam	Warrington	adamjwar@hotmail.com	8400 Parrot Run Road NE		Albuquerque	NM	87109		5056101820
Academy Park HOA	William	Pratt	prattsalwm@yahoo.com	6753 Kelly Ann Road NE		Albuquerque	NM	87109		5058561009
Academy Park HOA	Chris	Ockxider	chris@ockxiderlawfirm.com	6733 Kelly Ann Road NE		Albuquerque	NM	87109		5054894477
Academy Ridge East NA	Ellen	Wilsey	elliwil@comcast.net	10828 Academy Ridge Road NE		Albuquerque	NM	87111		5055303535
Academy Ridge East NA	Tom	Arnold	arnoldtom@yahoo.com	10901 Academy Ridge Road NE		Albuquerque	NM	87111		5058973052
Alameda North Valley Association	Steve	Wentworth	anvanews@aol.com	8919 Boe Lane NE		Albuquerque	NM	87113		5053792976
Alamosa NA	Jeannette	Baca	jeannettebaca973@gmail.com	900 Field SW		Albuquerque	NM	87121	5053855809	5058362976
Alamosa NA	Jerry	Gallegos	jgallegoscrc@gmail.com	5921 Central Avenue NW		Albuquerque	NM	87105		5058362976
Albuquerque Meadows Residents Association	Rochelle	Smith	rsmith0822@aol.com	7112 Pan American Fwy NE	#342	Albuquerque	NM	87109		5053621415
Albuquerque Meadows Residents Association	Tim	Curatolo	timlcurt@yahoo.com	7112 Pan American Fwy. NE	#211	Albuquerque	NM	87109	7085679065	
Altura Addition NA	Denise	Hammer	archhero@aol.com	1735 Aliso Drive NE		Albuquerque	NM	87110		5052681250
Altura Addition NA	Jon	Wright	wright.j.s@gmail.com	1826 Solano Drive NE		Albuquerque	NM	87110	9898598457	
Altura Park NA	Neal	Spero	nspero@phs.org	4205 Hannett NE		Albuquerque	NM	87110	7346585577	
Altura Park NA	Robert	Jackson	rajacks@msn.com	4125 Hannett NE		Albuquerque	NM	87110		5052101458
Alvarado Gardens NA	Michael	Dexter	medexter49@gmail.com	3015 Calle San Ysidro NW		Albuquerque	NM	87107	5052897648	
Alvarado Gardens NA	Diana	Hunt	president@alvaradoneighborhood.com	2820 Candelaria Road NW		Albuquerque	NM	87107	5053635913	
Alvarado Park NA	Mary	Erwin	maryer9@gmail.com	PO Box 35704		Albuquerque	NM	87176	5052508158	
Alvarado Park NA	Elissa	Dente	elissa.dente@gmail.com	PO Box 35704		Albuquerque	NM	87176	5055733387	
Anderson Hills NA	Jan	LaPitz	jlapitz@hotmail.com	3120 Rio Plata Drive SW		Albuquerque	NM	87121		5058774159
Antelope Run NA	Dean	Willingham	dwillingham@redw.com	11809 Ibox Avenue NE		Albuquerque	NM	87111	5052502679	5052938986
Antelope Run NA	Alex	Robinson	alexlrhm@comcast.net	12033 Ibox Avenue NE		Albuquerque	NM	87111	5056109561	5052940473
Arroyo Del Oso North NA	Willie	Orr	willeorr1@msn.com	7930 Academy Trail NE		Albuquerque	NM	87109	3039105707	
Arroyo Del Oso North NA	Max	Dubroff	adoneighborhood@gmail.com	7812 Charger Trail NE		Albuquerque	NM	87109		5053856039
Avalon NA	Samantha	Pina	svasecretary121@gmail.com	423 Elohim Court NW		Albuquerque	NM	87121	5053633455	
Avalon NA	Lucy	Anchondo	avalon.3a@yahoo.com	601 Stern Drive NW		Albuquerque	NM	87121		5058396601
Barelas NA	Lisa	Padilla	lisapadwardchair@gmail.com	904 3rd Street SW		Albuquerque	NM	87102		5054537154
Barelas NA	Courtney	Bell	liberty.c.bell@cloud.com	500 2nd Street SW	#9	Albuquerque	NM	87102		5059299397
Bear Canyon NA	Patsy	Beck	patsybeck@aol.com	7518 Bear Canyon Road NE		Albuquerque	NM	87109		5052397897
Bear Canyon NA	Brian	Stone	bstone@yahoo.com	5800 La Madera NE		Albuquerque	NM	87109	5052715356	
BelAir NA	Elizabeth	Alarid	ealarid29@gmail.com	2932 Bel-Air NE		Albuquerque	NM	87110		5052708320
BelAir NA	Barb	Johnson	flopez@juno.com	2700 Hermosa Drive NE		Albuquerque	NM	87110	5053796187	
Campus NA	Kenny	Stansbury	kenny.stansbury@gmail.com	615 Vassar NE		Albuquerque	NM	87106		5054634276
Campus NA	Calvin	Martin	calmartin93@gmail.com	411 Girard Boulevard NE		Albuquerque	NM	87106		5054127669
Cherry Hills Civic Association	Roger	Vaughn	rvvaughnrv@gmail.com	6912 Red Sky Road NE		Albuquerque	NM	87111	5056882313	
Cherry Hills Civic Association	Hank	Happ	hhapp@juno.com	8313 Cherry Hills Road NE		Albuquerque	NM	87111	5052595656	5058289912
Cibola Loop NA	Ginny	Forrest	gforrest47@comcast.net	4113 Logan Road NW		Albuquerque	NM	87114	5054170373	
Cibola Loop NA	Julie	Rael	learael@aol.com	10700 Del Sol Park Drive NW		Albuquerque	NM	87114	5052358189	
Cibola NA	Michael	Alexander	michael.alexander@altadt.com	2516 Madre Drive NE		Albuquerque	NM	87112		5052842486
Cibola NA	Joseph	Freedman	josefree@yahoo.com	13316 Tierra Montanosa Drive NE		Albuquerque	NM	87112	7033077929	
Cielito Lindo NA	Karl	Hattler	khattler@aol.com	3705 Camino Capistrano NE		Albuquerque	NM	87111	5052506705	
Cielito Lindo NA	Patricia	Duda	pat.duda.52@gmail.com	3720 Camino Capistrano NE		Albuquerque	NM	87111	5054403735	5052922015
Citizens Information Committee of Martineztown	Renee	Martinez	renee.martinez@gmail.com	515 Edith Boulevard NE		Albuquerque	NM	87102	5054108122	5052474605
Citizens Information Committee of Martineztown	Kristi	Houde	kris042898@icloud.com	617 Edith Boulevard NE	#8	Albuquerque	NM	87102	5053661439	
Classic Uptown NA	John	Whalen	johnwhalen78@gmail.com	2904 Las Cruces NE		Albuquerque	NM	87110		5052651278
Classic Uptown NA	Bert	Davenport	btrt25@pm.me	2921 San Pablo Street NE		Albuquerque	NM	87110	7736206636	
Clayton Heights Lomas del Cielo NA	Eloisa	Molina-Dodge	e_molinadodge@yahoo.com	1704 Buena Vista SE		Albuquerque	NM	87106		5052434322
Clayton Heights Lomas del Cielo NA	Isabel	Cabrera	boyster2018@gmail.com	1720 Buena Vista SE		Albuquerque	NM	87106	5056592414	5052474494
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Comanche Foothills NA	Paul	Beck	beck3008@comcast.net	3008 Camino De La Sierra NE		Albuquerque	NM	87111		5053507077
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Crestview Bluff Neighbors Association	Stephanie	Gilbert		908 Alta Vista Court SW		Albuquerque	NM	87105	5053218595	5058865929
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Del Norte NA	Mary	White	white1ink@aol.com	4913 Overland Street NE		Albuquerque	NM	87109		50526201353
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Delamar NA	Susan	Carroll	susanpatcarroll@gmail.com	5013 San Luis Place NW		Albuquerque	NM	87107		5055141862
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District 7 Coalition of Neighborhood Associations	Michael	Kious	mikekious@aol.com	7901 Palo Duro Avenue NE		Albuquerque	NM	87110	5059778967	
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East Gateway Coalition	Michael	Brasher	eastgatewaycoalition@gmail.com	216 Zena Lona NE		Albuquerque	NM	87123	5053822964	5052988312
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Quigley Park NA	Maureen	Maher	mmo1lama@gmail.com	2935 Cardenas Drive NE		Albuquerque	NM	87110		5058885181	
Quigley Park NA	Lisa	Whalen	lisa.whelen@gmail.com	2713 Cardenas Drive NE		Albuquerque	NM	87110		5052770268	
Quintessence NA	QNA	Board	qna.abq@gmail.com	PO Box 22033		Albuquerque	NM	87154	4325285135		
Quintessence NA	Andrea	Landaker	president@qna-abq.org	10012 Coronado Avenue NE		Albuquerque	NM	87122	5057972466		
Rancho Sereno NA	Alan	Schwartz	aschwartz74@comcast.net	4409 Rancho Centro Court NW		Albuquerque	NM	87120		5058907142	
Rancho Sereno NA	Debra	Cox	debracox62@comcast.net	8209 Rancho Paraiso NW		Albuquerque	NM	87120	5052388563	5057920448	
Raynolds Addition NA	Janet	Manry	janet.manry@gmail.com	806 Lead Avenue SW		Albuquerque	NM	87102	8327073645		
Raynolds Addition NA	Margaret	Lopez	raynoldneighborhood@gmail.com	1315 Gold Avenue SW		Albuquerque	NM	87102	5052899857		
Rio Grande Boulevard NA	Doyle	Kimbrough	newmexmba@aol.com	2327 Campbell Road NW		Albuquerque	NM	87104	5052490938		
Rio Grande Boulevard NA	David	Michalski	chowski83@gmail.com	3533 Luke Circle NW		Albuquerque	NM	87107	5054807675		
Riverview Heights NA	Elena	Gonzalez	elenagonz@comcast.net	1396 Attrisco Drive NW		Albuquerque	NM	87105	5054508749		
Riverview Heights NA	Cyrus	Toll	tolhouse1@mtn.com	1306 Riverview Drive NW		Albuquerque	NM	87105	5052052513		
Route 66 West NA	Paul	Fava	paulfava@gmail.com	505 Parnelli Drive SW		Albuquerque	NM	87121	5053853202		
Route 66 West NA	Cherise	Quezada	cherquezada@yahoo.com	10304 Paso Fino Place SW		Albuquerque	NM	87121	5052631178		
San Jose NA	Deanna	Barela	bacadeanna@gmail.com	408 Bethel Drive SE		Albuquerque	NM	87102			
San Jose NA	Olivia	Greathouse	sjnase@gmail.com	408 Bethel Drive SE		Albuquerque	NM	87102			
Sandia High School Area NA	Michael	Kious	mikekious@aol.com	7901 Palo Duro Avenue NE		Albuquerque	NM	87110	5059778967		
Sandia High School Area NA	John L.	Jones	john.l.jones.rm@gmail.com	7713 Sierra Azul NE		Albuquerque	NM	87110	5056043456		
Sandia Vista NA	Lucia	Munoz	lulumu1213@gmail.com	316 Dorothy Street NE		Albuquerque	NM	87123	5056207164		
Sandia Vista NA	Brenda	Gebler	happyganny8@q.com	PO Box 50219		Albuquerque	NM	87181		5052935543	
Santa Barbara Martinestown NA	Theresa	Ilgen	theresa.ilgen@aps.edu	214 Prospect NE		Albuquerque	NM	87102		505048620	
Santa Barbara Martinestown NA	Loretta	Naranjo Lopez	lnajlopez@msn.com	1127 Walter NE		Albuquerque	NM	87102		5052707716	
Santa Fe Village NA	Jo Anne	Wright	joanewright1949@gmail.com	6708 Lamar Avenue NW		Albuquerque	NM	87120		505201949	
Santa Fe Village NA	Irene	Libretto	gilbretto@gmail.com	6917 Sweetbriar Avenue NW		Albuquerque	NM	87120	5164286582		
Sawmill Area NA	Amanda	Browne	browne.amanda.jane@gmail.com	1314 Claire Court NW		Albuquerque	NM	87104	6097600743		
Sawmill Area NA	Mari	Kempton	mari.kempton@gmail.com	1305 Claire Court NW		Albuquerque	NM	87104	6122260658		
Siesta Hills NA	Rachel	Baca	siesta2napres@gmail.com	1301 Odium SE		Albuquerque	NM	87108	5055630156		
Silver Hill NA	Don	Mciver	dbodinem@gmail.com	1801 Gold Avenue SE		Albuquerque	NM	87106		5053850464	
Silver Hill NA	James	Montalbano	ja.montalbano@gmail.com	1409 Silver Avenue SE		Albuquerque	NM	87106	5052430827		
Singing Arrow NA	Meg	Beck	123mbeck@gmail.com	12800 Piru Boulevard SE		Albuquerque	NM	87123	3034892067		
Singing Arrow NA	Laurie	Williams	lawilliams751@gmail.com	512 Dorado Place SE		Albuquerque	NM	87123		5054536304	
Snow Heights NA	Julie	Nielsen	bjdnielsen@msn.com	8020 Bellamah Avenue NE		Albuquerque	NM	87110	5053622313	5052923989	
Snow Heights NA	Laura	Garcia	laursmigi@aol.com	1404 Katie Street NE		Albuquerque	NM	87110	5052355858		
South Broadway NA	Tiffany	Broadous	tiffany.hb10@gmail.com	215 Trumbull SE		Albuquerque	NM	87102	5055074250		
South Broadway NA	Frances	Armijo	fparmijo@gmail.com	915 William SE		Albuquerque	NM	87102	5050403473	5052487898	
South Guadalupe Trail NA	James	Salazar	jsalazarnm@gmail.com	5025 Guadalupe Trail NW		Albuquerque	NM	87107	5054895040		
South Guadalupe Trail NA	Nicole	Gonzalez	nigonzalez0218@gmail.com	1500 Douglas MacArthur Road NW		Albuquerque	NM	87107	5753026897		
South Los Altos NA	Stephen	Martos-Ortiz	sdmartos91@gmail.com	429 General Somervell Street NE		Albuquerque	NM	87123		5058037736	
South Los Altos NA	Jim	Ahrend	notices@slanar.org	304 General Bradley NE		Albuquerque	NM	87123	6319874131		
South San Pedro NA	Khadjah	Bottom	khadjahsili@vizonz.org	1200 Madeira SE	#130	Albuquerque	NM	87108		5058327141	
South San Pedro NA	Zabdiel	Aldaz	zabdiel505@gmail.com	735 Alvarado SE		Albuquerque	NM	87108		5052363534	
South Valley Coalition of Neighborhood Associations	Peter	Eschman	eschman@unm.edu	1916 Conita Real Avenue SW		Albuquerque	NM	87105		5058731517	
South Valley Coalition of Neighborhood Associations	Patricio	Dominguez	dpatricio82@gmail.com	3094 Rosendo Garcia Road SW		Albuquerque	NM	87105		5052382429	
South West Alliance of Neighborhoods (SWAN Coalition)	Luis	Hernandez Jr.	luis@wccdg.org	5921 Central Avenue NW		Albuquerque	NM	87105			
South West Alliance of Neighborhoods (SWAN Coalition)	Jerry	Gallejos	jgallejoswccdg@gmail.com	5921 Central Avenue NW		Albuquerque	NM	87105	5053855809	5058362976	
Southeast Heights NA	Pete	Belleto	pmbdoc@yahoo.com	902 Valverde Drive SE		Albuquerque	NM	87108		5052064957	
Southeast Heights NA	John	Pate	jpate@molenzcorbin.com	1007 Idelwilde Lane SE		Albuquerque	NM	87108	5052354193		
Spruce Park NA	Heidi	Brown	emalibrowns@aol.com	1603 Sigma Chi Road NE		Albuquerque	NM	87106		5052641783	
Spruce Park NA	Peter	Swift	prowift@comcast.net	613 Ridge Place NE		Albuquerque	NM	87106		5053793201	
SR Marmon NA	Sally	Garcia	sallygar@srmaa.org	PO Box 7434		Albuquerque	NM	87194			
SR Marmon NA	Em	Ward	info@srmaa.org	PO Box 7434		Albuquerque	NM	87194	5053048167		
Stardust Skies North NA	Tillery	Dingler	tillely3@icloud.com	7727 Hermanson Place NE		Albuquerque	NM	87110	5052200484		
Stardust Skies North NA	Mary	Hawley	mtbsh@comcast.net	7712 Hendrix Road NE		Albuquerque	NM	87110	5052595849		
Stardust Skies Park NA	Matt	Stratton	mateo.stratton@gmail.com	7309 Bellrose NE		Albuquerque	NM	87110	5054170004		
Stardust Skies Park NA	Kim	Lovely-Peake	lovelypeake@comcast.net	7100 Bellrose NE		Albuquerque	NM	87110		5052687969	
Stinson Tower NA	Lucy	Arzate-Boyles	arzate.boyles2@yahoo.com	3684 Tower Road SW		Albuquerque	NM	87121	5059343035		
Stinson Tower NA	Bruce	Rizzieri	snraps@outlook.com	1225 Rael Street SW		Albuquerque	NM	87121	5055858096		
Stronghurst Improvement Association Incorporated	Mark	Lines	aberdaber@comcast.net	3010 Arno Street NE		Albuquerque	NM	87107		5052504129	
Stronghurst Improvement Association Incorporated	William	Sabatini	wsabatini@gmail.com	2904 Arno Street NE		Albuquerque	NM	87107	5052500497		
Summit Park NA	Kate	Franchini	franchini.kathryn@gmail.com	1809 Rita Drive NE		Albuquerque	NM	87106		5052699244	
Summit Park NA	Joe	Brooks	joebrooks@homesinabq.com	1418 Wellesley Drive NE		Albuquerque	NM	87106	5059773474		
Supper Rock NA	Ken	O'Keefe	kmotheirs@gmail.com	600 Vista Abajo Drive NE		Albuquerque	NM	87123		5052969075	
Supper Rock NA	Kathleen	Schindler-Wright	srock692@comcast.net	407 Monte Largo Drive NE		Albuquerque	NM	87123		5052752710	
Sycamore NA	Richard	Vigliano	richard@vigliano.net	1205 Copper NE		Albuquerque	NM	87106		5059809813	
Sycamore NA	Mardon	Gardella	rmg411@q.com	411 Maple Street NE		Albuquerque	NM	87106		5058436154	
Taylor Ranch NA	Marian	Pendleton	mariancp21@gmail.com	5608 Equestrian Drive NW		Albuquerque	NM	87120	5053771744		
Taylor Ranch NA	Rene	Horvath	aboard111@gmail.com	5515 Palomino Drive NW		Albuquerque	NM	87120	5059852391	5058982114	
The Courtyards NA	Jackie	Cooke	jackiecooke@comcast.net	8015 Dark Mesa NW		Albuquerque	NM	87120	4105985453	5058390388	
The Courtyards NA	Jayne	Aubele	jaubele1012@comcast.net	2919 Monument Drive NW		Albuquerque	NM	87120	5059808703	5053526390	
The Paloma Del Sol NA	Roland	Quintana	rq1dq1@gmail.com	10412 Calle Contento NW		Albuquerque	NM	87114	5052637220		
The Paloma Del Sol NA	Bob	McElearney	bob.mclearney@yahoo.com	5009 San Timoteo Avenue NW		Albuquerque	NM	87114	3122184454		
The Quail Springs NA	Laura	High	laurah067@gmail.com	7135 Quail Springs Place NE		Albuquerque	NM	87113		5054532756	
The Quail Springs NA	Goldalu	Stone	gstone7@swcp.com	7116 Quail Springs Place NE		Albuquerque	NM	87113		5057975597	
Thomas Village NA	Rondall	Jones	rejoness7@msn.com	3117 Don Quikote Court NW		Albuquerque	NM	87104	5059348799		
Thomas Village NA	Richard	Meyners	abgmeyners@gmail.com	3316 Calle De Daniel NW		Albuquerque	NM	87104		5052427319	
Tres Volcanes NA	Rick	Gallagher	randm196@gmail.com	8401 Casa Gris Court NW		Albuquerque	NM	87120		5054048827	
Tres Volcanes NA	Thomas	Borst	tom2pat@yahoo.com	1908 Selway Place NW		Albuquerque	NM	87120	5058034836	5053526563	
Trumbull Village Association	Alyce	Ice	alyceice@gmail.com	6902 4th Street NE		Los Ranchos	NM	87107	5053150188	5053150188	
Trumbull Village Association	Joanne	Landry	landry54@msn.com	7501 Trumbull SE		Albuquerque	NM	87108	5056046761	5056046761	
Tuscany NA	Harry	Hendriksen	hhenn@comcast.net	10592 Rio Del Sol NW		Albuquerque	NM	87114		5058903481	
Tuscany NA	Janelle	Johnson	visadelnorte@me.com	PO Box 6270		Albuquerque	NM	87197		5053440822	
University Heights NA	Mandy	Warr	mandy@theremedydayspa.com	113 Vassar Drive SE		Albuquerque	NM	87106	5054014367	5052659219	
University Heights NA	Don	Hancock	sdcon@earthlink.net	105 Stanford SE		Albuquerque	NM	87106	5052622053	5052621862	
Valle Prado NA	Steve	Shumacher	valle.prado.na@gmail.com	8939 South Sky Street NW		Albuquerque	NM	87114			
Valle Prado NA	Joshua	Beutler	jbeutler@gmail.com	7316 Two Rock Road NW		Albuquerque	NM	87114		5055036414	
Valley Gardens NA	Robert	Price		2700 Desert Garden Lane SW		Albuquerque	NM	87105	5055506679		
Valley Gardens NA	Antoinette	Dominguez	ajuauez8.ad@gmail.com	4519 Valley Park Drive SW		Albuquerque	NM	87105	5054591734		
Vecinos Del Bosque NA	Andrew	Jaramillo	drewjara72@gmail.com	1512 Trujillo Road SW		Albuquerque	NM	87105	5055731557		
Vecinos Del Bosque NA	Jennifer	Cruz	vb087105@gmail.com	1512 Cerro Vista Road SW		Albuquerque	NM	87105	5058703297		
Victory Hills NA	Almya	Altherton	altherton@msn.com	1107 Vassar Drive SE		Albuquerque	NM	87106	9786609532		
Victory Hills NA	Petrisa	Willson	info@willsonstudio.com	505 Dartmouth Drive SE		Albuquerque	NM	87106	5059808007		
Vineyard Estates NA	David	Zarecki	zarecki@aol.com	8305 Vintage Drive NE		Albuquerque	NM	87123		5058048806	
Vineyard Estates NA	Elizabeth	Meek	djemeek@comcast.net	8401 Mendocino Drive NE		Albuquerque	NM	87123		5055080806	
Vista Del Mundo NA	Chris	Crum	ccrum.vdm@gmail.com	1209 Sierra Larga Drive NE		Albuquerque	NM	87113			
Vista Del Mundo NA	Dennis	Roach	dgroach@sandia.gov	13812 Spirit Trail NE		Albuquerque	NM	87113			
Vista Del Norte Alliance	James	Souter	james@souter@msn.com	6928 Via del Cerro NE		Albuquerque	NM	87113		5052506366	
Vista Del Norte Alliance	Janelle	Johnson	visadelnorte@me.com	PO Box 6270		Albuquerque	NM	87197		5053440822	
Vista Grande NA	Brady	Lovelyady	bradylovelyady@gmail.com	3508 Sequoia Road NW		Albuquerque	NM	87120		5053792552	
Vista Grande NA	Richard	Schaefer	rschaefer@unm.edu	3579 Sequoia Place NW		Albuquerque	NM	87120	5059179909		
Vista Magnifica Association	Anna	Solano	madmiles@msn.com	1616 Bluffside Place NW		Albuquerque	NM	87105		5054532587	
Vista Magnifica Association	Tom	Salas	beatfeet17@yahoo.com	1704 Cliffside Drive NW		Albuquerque	NM	87105		5058364571	

Wells Park NA	Mike	Prando	mprando@msn.com	611 Bellamah NW		Albuquerque	NM	87102		5054536103
Wells Park NA	Doreen	McKnight	doreenmcknightnm@gmail.com	1426 7th Street NW		Albuquerque	NM	87102		5056152937
West La Cueva NA	Peggy	Neff	peggyd333@yahoo.com	8305 Calle Soquille NE		Albuquerque	NM	87113		5059778903
West Mesa NA	Michael	Quintana	westmesa63@gmail.com	301 63rd Street NW		Albuquerque	NM	87105	5059330277	
West Mesa NA	Dee	Silva	ddee4329@aol.com	313 63rd Street NW		Albuquerque	NM	87105	5053627737	
West Old Town NA	Gil	Clarke	g.clarke45@comcast.net	2630 Aloysis Lane NW		Albuquerque	NM	87104		5058426620
West Old Town NA	Glen	Effertz	gteffertz@gmail.com	2918 Mountain Road NW		Albuquerque	NM	87104		5059800964
West Park NA	Dylan	Fine	definition22@hotmail.com	2111 New York Avenue SW		Albuquerque	NM	87104	6508147834	
West Park NA	Roxanne	Witt	westparkna@gmail.com	2213 New York Avenue SW		Albuquerque	NM	87104	5054005447	
Westgate Heights NA	Christoper	Sedillo	navmcc6@aol.com	605 Shire Street SW		Albuquerque	NM	87121	6193155051	
Westgate Heights NA	Matthew	Archuleta	mattearchuleta1@hotmail.com	1628 Summerfield Place SW		Albuquerque	NM	87121	5054016849	
Westside Coalition of Neighborhood Associations	Rene	Horvath	aboard111@gmail.com	5515 Palomino Drive NW		Albuquerque	NM	87120	5059852391	5058982114
Westside Coalition of Neighborhood Associations	Elizabeth	Haley	elizabethhaley@gmail.com	6005 Chaparral Circle NW		Albuquerque	NM	87114	5054074381	
Wildflower Area NA	Glenn	Garcia	ggarcia103@comcast.net	4901 Goldenthread NE		Albuquerque	NM	87113		5052697832
Wildflower Area NA	Larry	Caudill	ltcaudill@comcast.net	4915 Watercress Drive NE		Albuquerque	NM	87113		5058570596
Willow Wood NA	Pamela	Meyer	pmeyer@sentrymt.com	4121 Eubank Boulevard NE		Albuquerque	NM	87111		5053237600
Willow Wood NA	Samantha	Martinez	samijoster@gmail.com	823 Glacier Bay Street SE		Albuquerque	NM	87123	5054638036	
Winrock South NA	John	Kinney		7110 Constitution Avenue NE		Albuquerque	NM	87110		5053215432
Winrock South NA	Virginia	Kinney		7110 Constitution Avenue NE		Albuquerque	NM	87110		5053215432
Yale Village NA	Donald	Love	donalddlove08@comcast.net	2125 Stanford Drive SE		Albuquerque	NM	87106	5054807175	
Yale Village NA	Kim	Love	klowe726@gmail.com	2122 Cornell Drive SE		Albuquerque	NM	87106	5056882162	

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

Please note the following:

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

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

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

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

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

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

Thank you.



**Dalaina L. Carmoua**

Senior Administrative Assistant  
Office of Neighborhood Coordination  
Council Services Department  
1 Civic Plaza NW, Suite 9087, 9<sup>th</sup> Floor  
Albuquerque, NM 87102  
505-768-3334

[dlcarmoua@cabq.gov](mailto:dlcarmoua@cabq.gov) or [DNC@cabq.gov](mailto:DNC@cabq.gov)

Website: [www.cabq.gov/neighborhoods](http://www.cabq.gov/neighborhoods)



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**From:** [webmaster@cabq.gov](mailto:webmaster@cabq.gov) <[webmaster@cabq.gov](mailto:webmaster@cabq.gov)>

**Sent:** Tuesday, October 17, 2023 4:40 PM

**To:** Messenger, Robert C. <[rmessenger@cabq.gov](mailto:rmessenger@cabq.gov)>

**Cc:** Office of Neighborhood Coordination <[onc@cabq.gov](mailto:onc@cabq.gov)>

**Subject:** Public Notice Inquiry Sheet Submission

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

Public Notice Inquiry For:

Other (please specify in field below)

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

Amendment to IDO Text - Citywide (City Council)

Contact Name

Robert Messenger

Telephone Number

(505) 924-3837

Email Address

[rmessenger@cabq.gov](mailto:rmessenger@cabq.gov)

Company Name

City of Albuquerque Planning Department

Company Address

600 2nd Street NW

City

Albuquerque

State

NM

ZIP

87102

Legal description of the subject site for this project:

Citywide (Amendment to IDO Text - Citywide)

Physical address of subject site:

Citywide

Subject site cross streets:

Citywide

Other subject site identifiers:

This site is located on the following zone atlas page:

various

Captcha

x

PUBLIC COMMENTS- Pinned

<https://ido.abc-zone.com/ido-annual-update-2022-epc-submittal-citywide-proposed-changes>

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
1	120	3-5(G) [new]	<b>Setbacks in HPOs</b> Add a new Subsection with text as follows: <u>"New development or redevelopment shall comply with contextual standards for lot sizes, front setbacks, and side setbacks in Subsection 14-16-5-1(C)(2), unless the Landmarks Commission approves a different standard in a Historic Certificate of Appropriateness - Major pursuant to Subsection 14-16-6-6(D)."</u>	Applies contextual standards to all development in HPOs for lot sizes and setbacks. Contextual standards in 5-1(C)(2) apply only to low-density residential development in Areas of Consistency. Gives the Landmarks Commission the discretion to approve different lot sizes and setbacks on a case-by-case basis without a variance (which are reviewed by the Zoning Hearing Examiner).	Staff
2	155	Table 4-2-1	<b>Outdoor Amplified Sound</b> Create a new accessory use with use-specific standard and add an A in the following zone districts: MX-M, MX-L, MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM Add a CA in MX-T	Adds outdoor amplified sound as an accessory use to enable a curfew between 10 p.m. and 7 a.m. See related amendment for 14-16-4-3(F)(14) and 14-16-7-1.	Public
3	159	4-3(B)(4)	<b>Cottage Development</b> See Council Memo for proposed amendments.	See Council Memo.	Council
4	186	4-3(D)(37)(a)	<b>General Retail - Walls/fences</b> Add a new Subsection (b) with text as follows and renumber subsequent Subsection accordingly: <u>"This use requires a wall or fence at least 3 feet high around the perimeter of the premises and from the edges of the primary building to and along the side or rear property line so that pedestrian access is controlled to designated access points and public access is blocked to the side and rear yard beyond public entrances."</u>	Requires a perimeter wall for general retail stores to limit pedestrian access and deter crime.	Admin
5	175	4-3(D)(18)	<b>Light Vehicle Fueling Station - Walls/fences</b> Add a new Subsection with text as follows: <u>"This use requires a wall or fence at least 3 feet high around the perimeter of the premises and from the edges of the primary building to and along the side or rear property line so that pedestrian access is controlled to designated access points and public access is blocked to the side and rear yard beyond public entrances."</u>	Requires a perimeter wall for gas stations to limit pedestrian access and deter crime.	Admin



## #001

Posted by **Patricia Willson** on **11/05/2023** at **11:36am** [Comment ID: 654] - [Link](#)

*Agree: 3, Disagree: 0*

This is a cut and paste from a comment on the Pre-EPC submittal that is so good, it bears repeating:

"...While there is probably good intent behind many of these proposed changes, most read as very self serving and don't relate to or benefit the majority of the homes or residents in the neighborhood. The housing market and real estate values are facing some tough days ahead, and the economy is somewhat fragile when it comes to consumer spending on things like home improvements, renovations, new development and redevelopment. It would be in the city's best interest, and the best interest of the homeowners in most neighborhoods to limit or eliminate changes to the current requirements which add to the expense and effort involved with maintaining and improving properties in our neighborhood and others. As it is, many of the restrictions or requirements are ignored, and little to no effort is made to enforce simple ordinances to preserve existing properties, so it's reasonable to ask how the city is prepared to enforce additional rules and restrictions or proposed changes. Like much of the country, Albuquerque has a housing supply issue and affordable housing issue on its hands, and if meaningful improvements are not made soon, the consequences for the greater community will be costly and long lasting. Rather than nitpicking apart the existing zoning codes, the city council should be focusing its resources on programs that incentivize the construction and development of modestly priced housing that is within reach for single professionals, young people, college grads, retirees, service members, teachers, police officers, and the lists goes on..."

## #002

Posted by **Peter Swift** on **11/26/2023** at **11:46am** [Comment ID: 749] - [Link](#)

*Agree: 0, Disagree: 0*

Setting aside the substance of the proposed changes, the process itself for public comment is flawed and discriminatory. I'm reasonably computer literate, and I would find this commenting process too cumbersome to use if I didn't have two full-size monitors with two copies of the spreadsheet open at once (one switching back and forth to the supporting memos and other documents) and a separate copy of the IDO itself downloaded and open in the background. Simply from the perspective of creating user-friendly software, this process is a disaster. It completely excludes members of the public who don't have internet access and it functionally excludes those who rely only on a small screen. It really could be better.

## #003

Posted by **Patricia Willson** on **11/01/2023** at **1:09pm** [Comment ID: 616] - [Link](#)

Agree: 2, Disagree: 0

I am repeating all my comments that were pinned on the Pre-EPC submittal, as they are still relevant. Where there was a reply to my comment, I am including that. I am concerned that, less than 24 hours after the comment period closed, the citywide changes numbered 60, up from 50!

The spreadsheet dated 10/10 had 50 items on 13 pages. This one (dated 10/12) has 30-something on 12 pages. Hard to keep up--need to buy more paper :(

Agree 0 Disagree 0

Peggy Neff Oct 25 2023 at 8:48AM

Poor system. Broken process. We will likely see the amendments that were previously part of the record return to us at LUPZ or at Council so to avoid public discussions. Shameful. The use of this questionable process has given the community cause for concern and eroded our trust, please, EPC stand up against this process, go back to what was originally promoted: community assessment areas review city wide substantive changes and then they go to the EPC. Put money into this. Albuquerque is unique and should remain so, we have limited resources and all our plans should reflect this. The city of the future is not built on greed it is built on united fronts, it is built where community is the highest concern. This process, where the EPC has come to see their role as one of making the decisions without community involvement, are we not concealing value decisions that community members need to be part of, eroding democracy?

## #004

Posted by **Jane Baechle** on **11/03/2023** at **10:23am** [Comment ID: 628] - [Link](#)

Agree: 1, Disagree: 0

The "Explanation" should not be a mere restatement of the proposed change. It should provide some evidence of the merits of the proposal in order for those reading it to weigh its appropriateness and whether the potential benefit outweighs the cost of the change and should, therefore, be supported. If the Planning Dept. does not have the authority to require that level of analysis and evidence from the ones proposing a change, they surely should be given that authority.

## #005

Posted by **Rene' Horvath** on **11/26/2023** at **9:47pm** [Comment ID: 766] - [Link](#)

Type: Suggestion

Agree: 0, Disagree: 0

I agree with previous comments that reviewing 60 plus zoning amendments during the Holidays is extremely disrespectful to the community. Why so many amendments with cryptic explanations? Some are very technical, while others are too confusing to understand. These zoning amendments if not carefully thought through could negatively impact Albuquerque's unique character and quality of life. Why couldn't the comment period have been extended to the end of November, instead of the Monday right after the Thanksgiving weekend?

**#006**

Posted by **Mike Voorhees** on **11/17/2023** at **11:12am** [Comment ID: 698] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

Having comments due immediately following major holidays is disrespectful of community participation and input. Please extend the comments period and change the schedule for the IDO updates away from the holiday season.

**#007**

Posted by **Jane Baechle** on **11/27/2023** at **7:49am** [Comment ID: 799] - [Link](#)

*Agree: 0, Disagree: 0*

I acknowledge I am repeating myself here but I am not the only one in SFV with this view. The process of reviewing, thoughtfully considering and providing informed comment on 60 citywide amendments, sorting through technical language and explanations which provide little more than a restatement of the change and no analysis of its potential consequences appears intended to make it as difficult as possible for residents and individual property owners to engage on land use issues. The SFVNA Board and a number of association members have followed these proposals since they were published and will continue to do so. We accept our mandate to serve as a recognized NA. We expect City leadership to engage in good faith. This process does not look like a genuinely good faith effort to us.

**#008**

Posted by **Amber Schwarz** on **11/07/2023** at **9:53am** [Comment ID: 675] - [Link](#)

*Agree: 0, Disagree: 0*

We do not want retail in our neighborhood, it would be vastly detrimental to it.

**#009**

Posted by **ICC committee (10 people)** on **10/27/2023** at **10:56am** [Comment ID: 585] - [Link](#)

*Agree: 1, Disagree: 0*

Additional requirements for business do not belong in the IDO. To fence EVERY gas station will be a huge burden.

## #010

Posted by **Merideth Paxton** on **11/26/2023** at **9:50pm** [Comment ID: 767] - [Link](#)

*Agree: 0, Disagree: 0*

To state the concern about homelessness problems more specifically, residents are now required by city ordinance to keep the alleys behind their property clean. If this proposed revision moves encampments off commercial property, the alleys are a likely place where they will go. This would place individual residents in the position of having to clear the camps, which could be occupied by people with weapons and who (perhaps) are mentally unstable. Even if the odds of this situation are low, average citizens should not have to assume the vulnerability.

## #011

Posted by **Patricia Willson** on **11/05/2023** at **11:32am** [Comment ID: 653] - [Link](#)

*Agree: 1, Disagree: 0*

This sets a bad precedent; putting decision making in the hands of an unelected commission of 7 individuals (Landmarks Commission)

## #012

Posted by **Merideth Paxton** on **11/24/2023** at **11:52am** [Comment ID: 733] - [Link](#)

*Agree: 0, Disagree: 0*

This could make the retail areas look like prison camps and move the problems of homelessness into the alleys and yards for neighborhoods to fight.

## #013

Posted by **Amber Schwarz** on **11/07/2023** at **9:53am** [Comment ID: 676] - [Link](#)

*Agree: 0, Disagree: 0*

We do not want this in our neighborhood.

## #014

Posted by **Merideth Paxton** on **11/24/2023** at **11:27am** [Comment ID: 730] - [Link](#)

*Agree: 0, Disagree: 0*

Why doesn't the IDO update begin to consider solutions to the urban heat island problem that is now developing—15 days above 100 degrees last summer instead of our typical 3? The NM state climatologist has been concerned about this for several years. Planning approaches are being found elsewhere; see New York Times, September 18, 2023, "How to Cool Down a City." [link;smid=nytcare-ios-share&referringSource=articleShare](#)

**#015**

Posted by **Merideth Paxton** on **11/24/2023** at **11:31am** [Comment ID: 731] - [Link](#)

*Agree: 0, Disagree: 0*

This is an instance where it would be helpful to know why the Landmarks Commission feels a need for this authority.

**#016**

Posted by **Julie Dreike** on **10/31/2023** at **1:08pm** [Comment ID: 610] - [Link](#)

*Agree: 1, Disagree: 0*

No specifics about how high the wall will be—at least 3 feet, what is the maximum? I oppose ABQ becoming a city of walls. Walls do not prevent crime. What is the position of retail? Expense of building the wall will be passed on to customers. If a retail establishment wants a fence, they could build one. This mandate is not good policy

**#017**

Posted by **ICC IDO working group** on **11/03/2023** at **10:56am** [Comment ID: 630] - [Link](#)

*Agree: 0, Disagree: 0*

If I understand correctly the difference between "Cluster" and "Cottage" development, Cluster development allows single family and duplex development on smaller lots while preserving open space on the site in return. The number of units is determined by the area of the site divided by min. allowed lot size, rounded down to whole number. There is a clear diagram in the IDO. Cottage development allows shared facilities, therefore it's possible to have dwelling units without kitchens. Determination of number of units is by complicated calculation. There is no diagram in the IDO. Do I have this right?

**#018**

Posted by **Merideth Paxton** on **11/24/2023** at **11:26am** [Comment ID: 729] - [Link](#)

*Agree: 0, Disagree: 0*

Being asked to re-pin all the previous comments is an impediment to participation. It isn't even possible to search that version by author name to find my first remarks. I wonder why it wasn't possible to make the revisions for the EPC to the original Planning Department document.

## #019

Posted by **Amber Schwarz** on **11/07/2023** at **9:52am** [Comment ID: 674] - [Link](#)

*Agree: 0, Disagree: 0*

I do not think they should be able to make these decisions without feedback or agreement by the neighborhood. Disagree.

## #020

Posted by **Irene Libretto** on **11/08/2023** at **11:33am** [Comment ID: 683] - [Link](#)

*Agree: 0, Disagree: 0*

Disagree. This will do little to deter crime, and put a financial burden on small retail businesses.

## #021

Posted by **Merideth Paxton** on **11/24/2023** at **11:54am** [Comment ID: 734] - [Link](#)

*Agree: 0, Disagree: 0*

This could make the gas stations look like prison camp units and move the problems of homelessness into the alleys and yards for neighborhoods to fight.

## #022

Posted by **ICC IDO working group** on **11/03/2023** at **10:56am** [Comment ID: 631] - [Link](#)

*Agree: 0, Disagree: 0*

If I understand Benton & Fiebelkorn's Council Memo, this is an attempt to re-introduce duplexes into R-1 zones thru "Cottage" development (as duplexes and townhomes are already allowed in R-T and R-ML; see 4-3(B)(4)(c) 1.b). And while porches are nice everywhere, you can't legislate good design--Clr. Benton has told me that numerous times. Does a portal count as a porch?

## #023



Posted by **Julie Dreike** on **10/31/2023** at **1:10pm** [Comment ID: 611] - [Link](#)

*Agree: 0, Disagree: 0*

Same comment as above for General Retail Wall/Fence. ABQ Administration should provide the data to support this mandate. If a fueling station wanted a wall, they could build it. Where there are walls currently, do they have less crime? Let's see the data.

## #024

Posted by **Rene' Horvath** on **11/26/2023** at **10:38pm** [Comment ID: 770] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

Who asked for this amendment? How will making outdoor amplified sound an accessory use make things better? There is already a noise ordinance that has an outdoor sound curfew from 10 pm-7am. I have heard complaints from people who have been awakened by amplified outdoor church services. I have also talked with neighbors wanting to close down a restaurant because of the outdoor amplified music. Will this amendment address daytime amplified sound? I do not want to encourage more amplified outdoor sound, by making it an Accessory use.

## #025

Posted by **Jane Baechle** on **11/02/2023** at **4:13pm** [Comment ID: 624] - [Link](#)

*Agree: 1, Disagree: 0*

What is the rationale for this? It is impossible to support a mandate in the absence of a specific justification and a consideration of both costs and potential benefits.

Agree4 Disagree0

## #026

Posted by **Jane Baechle** on **11/02/2023** at **4:12pm** [Comment ID: 623] - [Link](#)

*Agree: 0, Disagree: 0*

What is the rationale for this? It is impossible to support a mandate in the absence of a specific justification and a consideration of both costs and potential benefits.

Agree 4 Disagree 0

Reposting

## #027

Posted by **ICC IDO working group** on **11/03/2023** at **10:57am** [Comment ID: 632] - [Link](#)

*Agree: 1, Disagree: 0*

I have read the Council Memo--Due to lack of information and lack of clarity I oppose. What problem is being solved? What area(s) are affected? What is the definition of a front porch? If there is a shared wall, I think that is a duplex, no longer a single dwelling cottage. Why require a front porch? Poorly developed amendment.

## #028

Posted by **Jane Baechle** on **11/19/2023** at **3:20pm** [Comment ID: 705] - [Link](#)

*Agree: 1, Disagree: 0*

Monday, November 27, 2023 is the first day following the Thanksgiving holiday weekend, a time where many have family commitments and travel or are essential workers who are on the job. Establishing a due date and time at the start of that week and the start of the workday represents at best an effort to discourage public engagement. It would be more realistic to allow comments through the remainder of the month. That would still allow for nearly two weeks to send comments to the EPC>

## #029

Posted by **Irene Libretto** on **11/08/2023** at **11:30am** [Comment ID: 682] - [Link](#)

*Agree: 0, Disagree: 0*

I disagree with the Landmarks Commission the authority to approve lot sizes without a variance being examined by the ZHE

## #030

Posted by **Rene' Horvath** on **11/26/2023** at **10:59pm** [Comment ID: 772] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

Same as above - Have you let the gas stations know about this amendment. It may be an idea they may want to do, but not be forced to do. Not sure how this would work in addressing crime issues. We should not mandate the use of walls and fences to solve crime.

## #031

Posted by **Patricia Willson** on **11/01/2023** at **1:14pm** [Comment ID: 618] - [Link](#)

*Agree: 1, Disagree: 0*

Shouldn't this be dealt with within the COA Noise Control Ordinance? It is also problematic in early mornings--from churches having amplified music/services? Bad precedent to have regulations in multiple places.

## #032

Posted by **Rene' Horvath** on **11/26/2023** at **10:58pm** [Comment ID: 771] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

Does retail know about this amendment. It may be an idea they may want to do, but not be forced to do. I agree with previous comments that we don't want to be a city of walls and fences.

## #033

Posted by **Patricia Willson** on **10/27/2023** at **10:35am** [Comment ID: 584] - [Link](#)

*Agree: 0, Disagree: 0*

Where are all the previous comments!!!!!!

## #034

Posted by **Michelle Negrette** on **10/27/2023** at **11:53am** [Comment ID: 601] - [Link](#)

*Agree: 0, Disagree: 0*

Can variances still be applied for through the EPC or ZHE or is the LUCC the only body that make a decision related to lot size and setbacks?

## #035

Posted by **Rene' Horvath** on **11/26/2023** at **10:00pm** [Comment ID: 768] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

We do not support an amendment that would undermine the character of historic Neighborhoods? It is unclear why this amendment is being proposed. Which staff requested this and why? Is this to reduce the load on the ZHE? How does the historic preservation planning staff feel about this? It is very important to maintain the character of Albuquerque's historic neighborhoods.

## #036

Posted by **Patricia Willson** on **11/01/2023** at **6:19pm** [Comment ID: 619] - [Link](#)

*Agree: 1, Disagree: 0*

The entire Victory Hills NA board is concerned about this process and making sure our voices are heard. I am meeting with 11 folks right now.

## #037

Posted by **ICC committee (10 people)** on **10/27/2023** at **10:57am** [Comment ID: 586] - [Link](#)

*Agree: 0, Disagree: 0*

Did this come from the Planning Director or the Mayor's office?








## #038

Posted by **projectteam** on **10/26/2023** at **9:51am** [Comment ID: 574] - [Link](#)

*Agree: 0, Disagree: 0*

Click anywhere on the document to share a comment!

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
6	198	4-3(E)(8)	<b>Electric Utility</b> Revise Subsections (a), (b), (c), and (d) to add battery storage in addition to substations. Revise Subsection (f) as follows: "Electric generation facilities, as <del>defined</del> <sup>identified</sup> in the Facility Plan for Electric System Transmission and Generation, are large-scale industrial developments and are only allowed in the NR-GM zone district."	Requires walls and landscaping for battery storage facilities associated with electric utilities. The definition of electric utility includes battery storage as an incidental activity in Section 7-1. Electric utilities are regulated separately from the standalone Battery Energy Storage System (BESS) proposed in another amendment.	Public
7	217	4-3(F)(14) [new]	<b>Outdoor Amplified Sound</b> Create a new subsection with text as follows and renumber subsequent subsections accordingly: <u>"If this use is within 330 feet of a Residential zone district or lot containing a residential use in a Mixed-use zone district, any amplified sound from speakers outside of a fully enclosed building shall be turned off between 10:00 p.m. and 7:00 a.m."</u>	Prohibits amplified sound after 10 p.m. near residential uses. Similar to prohibition of self-storage access.   	Public
8	Multiple	4	<b>Cannabis Retail</b> See Council Memo for proposed amendments, including Table 4-2-1 and use-specific standard in Subsection 14-16-4-3(D)(35).	See Council Memo.    	Council

## #039

Posted by **Patricia Willson** on **11/03/2023** at **12:25pm** [Comment ID: 636] - [Link](#)

*Agree: 3, Disagree: 0*

copying forward comments from Pre-EPC spreadsheet:

Greg Weirs Oct 23 2023 at 9:23PM

I support this amendment. The ZHE has granted the vast majority of conditional use requests, and microbusinesses are not significantly different in their impacts than non-micro businesses. While this particular amendment has not been considered by the NHNA, the association sent a letter requesting a very similar amendment.

Agree 3 Disagree 0

Peggy Neff Oct 25 2023 at 10:41AM

I suggest that the EPC ask Planning for a review of how many variances for Cannabis Retail have been approved. Why have you not required data? Deny it based on lack of data alone, set the precedent that you require data before making laws.

## #040

Posted by **ICC IDO working group** on **11/03/2023** at **12:17pm** [Comment ID: 633] - [Link](#)

*Agree: 1, Disagree: 0*

Maybe there could be two cycles for annual amendments - one year for developers and contractors and large investors to advance their agenda and the next year for public protections such as this. Hate to see this go away, but really the process is wrong.

## #041

Posted by **Patricia Willson** on **11/03/2023** at **12:17pm** [Comment ID: 634] - [Link](#)

*Agree: 0, Disagree: 0*

Shouldn't this be dealt with within the COA Noise Control Ordinance? It is also problematic in early mornings--from churches having amplified music/services? Bad precedent to have regulations in multiple places.

## #042

Posted by **Jane Baechle** on **11/02/2023** at **4:14pm** [Comment ID: 625] - [Link](#)

*Agree: 1, Disagree: 0*



Jane Baechle Oct 25 2023 at 7:38AM

Strongly support. The allowance of cannabis retail within 660' is appropriate and reasonable. There should be no mechanism to alter that and concentrate cannabis retail in individual areas, esp. those likely to represent underserved or lower income neighborhoods and those where residents have fewer resources to navigate the conditional use ZHE hearing process.

#043

Posted by **Patricia Willson** on **11/03/2023** at **12:19pm** [Comment ID: 635] - [Link](#)

*Agree: 0, Disagree: 0*

This is confusing, regarding Item#5 on Pre-EPC spreadsheet. Is this the same issue but the distance changed from 100 to 330 feet? Based on whose input?

#044

Posted by **Jane Baechle** on **11/02/2023** at **4:15pm** [Comment ID: 626] - [Link](#)

*Agree: 0, Disagree: 0*

Jane Baechle Oct 25 2023 at 7:38AM

Strongly support. The allowance of cannabis retail within 660' is appropriate and reasonable. There should be no mechanism to alter that and concentrate cannabis retail in individual areas, esp. those likely to represent underserved or lower income neighborhoods and those where residents have fewer resources to navigate the conditional use ZHE hearing process.

#045

Posted by **ICC committee (10 people)** on **10/27/2023** at **11:06am** [Comment ID: 588] - [Link](#)

*Agree: 0, Disagree: 0*

see ICC comment directly on Council Memo

#046

Posted by **Rene' Horvath** on **11/26/2023** at **11:08pm** [Comment ID: 773] - [Link](#)


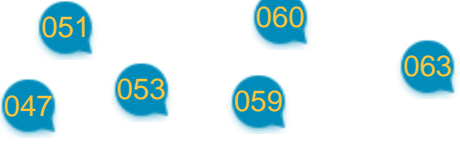

*Type: Suggestion*

*Agree: 0, Disagree: 0*

Support! This will help address neighborhood and business concerns of too many cannabis stores opening up in the

same area and will also help avoid diluting their customer base.

# IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
9	Multiple	4	<p><b>Overnight Shelter</b></p> <p>Revise Table 4-2-1 to make permissive in all zone districts where currently allowed as Conditional (MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM).</p> <p>Revise Subsection 14-16-4-3(C)(6) as follows:</p> <p><del>"(a) This use is prohibited within 1,500 feet in any direction of a lot containing any other overnight shelter.</del></p> <p><del>(b) This use shall be conducted within fully enclosed portions of a building.</del></p> <p><u>(a) [new] This use requires a Conditional Use approval pursuant to Subsection 14-16-6-6(A) for any of the following:</u></p> <ol style="list-style-type: none"> <li><u>1. More than 50 beds in any zone district where allowed, except MX-H.</u></li> <li><u>2. Locations within 1,500 feet in any direction of any other overnight shelter.</u></li> <li><u>3. Locations within 330 feet of Residential zone districts or any residential use in a Mixed-use zone district.</u></li> </ol> <p><del>(c) (b)</del> In the MX-M zone district, this use shall not exceed 25,000 square feet.</p>	<p>Allows small overnight shelters permissively in zone districts where the use is currently only allowed conditionally. Requires conditional approval for larger shelters, shelters near residential, and shelters within 1500 feet of each other.</p> 	Staff
10	161	4-3(B)(5)(b)	<p><b>Dwelling, Two-family Detached (Duplex)</b></p> <p>Revise text as follows:</p> <p><del>"This use is prohibited in the R-1 zone district, except for the following:</del></p> <ol style="list-style-type: none"> <li><del>1. In R-1A where 1 two family detached dwelling is permissive on 2 lots where the building straddles the lot line and each dwelling unit is on a separate lot.</del></li> <li><u>2. On corner lots that are a minimum of 5,000 square feet."</u></li> </ol>	<p>Allows duplexes in R-1 on corner lots that are at least 5,000 s.f.</p> 	Public 067
11	147	4-1(A)(4) [new]	<p><b>Conditional Uses for City Facilities</b></p> <p>Add a new subsection with text as follows and renumber subsequent subsections accordingly:</p> <p><u>"City facilities do not require a Conditional Use Approval where listed as 'C' in Table 4-2-1 because they serve a public purpose. Conditions of approval pursuant to Subsection 14-16-6-4(P) may be added by the decision-maker for the associated Site Plan to ensure conformance with the IDO and to ensure public health, safety, and welfare."</u></p>	<p>Exempts City facilities from the conditional use process.</p> 	Admin

## #047

Posted by **Merideth Paxton** on **11/24/2023** at **8:36pm** [Comment ID: 737] - [Link](#)

*Agree: 1, Disagree: 0*

The impacts of the limitation to corner lots with a minimum area of 5,000 square feet are unclear. The lot size could be met by a measurement of 50 feet by 100 feet, and there must be many such lots. If cars were parked along the curbs on all four corners of an intersection, could fire trucks and garbage trucks negotiate a turn there? In any case, this revision invites profit-driven real estate speculation. Why take neighborhoods away from owners who care about protecting the quality of life of the community?

## #048

Posted by **Amber Schwarz** on **11/07/2023** at **9:57am** [Comment ID: 679] - [Link](#)

*Agree: 0, Disagree: 0*

Oppose, city facilities should require approval.

## #049

Posted by **Julie Dreike** on **10/31/2023** at **1:16pm** [Comment ID: 614] - [Link](#)

*Agree: 1, Disagree: 0*

City needs to follow all the same standards as the public--after all the City is there to serve the public. DO NOT exempt the City to the rules.

## #050

Posted by **Julie Dreike** on **10/31/2023** at **1:13pm** [Comment ID: 612] - [Link](#)

*Agree: 1, Disagree: 0*

Oppose permission process. Community needs to be involved. Lots of good ideas come from the public for improvements.

## #051

Posted by **Julie Dreike** on **10/31/2023** at **1:15pm** [Comment ID: 613] - [Link](#)

*Agree: 2, Disagree: 0*

similar zoning change was voted down last year. Oppose this amendment.

Reply by **Peter Swift** on **11/26/2023** at **11:36am** [Comment ID: 747] - [Link](#)

*Agree: 1, Disagree: 0*

Adding to the previous comment: This appears to be an inappropriate use of the IDO update process to make substantive zoning changes without full council concurrence, circumventing the full council vote last summer on the subject of duplexes in R-1. I oppose the change on both process and substance. It's a bad idea being pushed in through a back door.

## #052

Posted by **ICC committee (10 people)** on **10/27/2023** at **11:17am** [Comment ID: 590] - [Link](#)

*Agree: 0, Disagree: 0*

Do these need to be indoors? If not, seems to just codify tent encampments.

Reply by **projectteam** on **10/27/2023** at **1:32pm** [Comment ID: 602] - [Link](#)

*Agree: 1, Disagree: 0*

Yes. The definition in 7-1 specifies that this is an indoor use.

## #053

Posted by **Amber Schwarz** on **11/07/2023** at **9:56am** [Comment ID: 678] - [Link](#)

*Agree: 2, Disagree: 0*

Allowing duplex's in our neighborhood would only reduce property values and increase crime. No.

## #054

Posted by **Rene' Horvath** on **11/26/2023** at **11:18pm** [Comment ID: 774] - [Link](#)

*Type: Suggestion*

*Agree: 1, Disagree: 0*

Should maintain Overnight shelters as a conditional use to allow public input to address any concerns.

## #055

Posted by **ICC committee (10 people)** on **10/27/2023** at **11:27am** [Comment ID: 592] - [Link](#)

*Agree: 1, Disagree: 0*

So City may buy a property and build or lease a waste transfer station, a detention center, an overnight shelter, treatment plant, half-way house OR A LNG FACILITY--without any notice????

ABSOLUTELY NOT.

**#056**

Posted by **Merideth Paxton** on **11/24/2023** at **8:42pm** [Comment ID: 738] - [Link](#)

*Agree: 0, Disagree: 0*

This is an outrageous expansion of the concept of eminent domain.

**#057**

Posted by **Jane Baechle** on **11/05/2023** at **7:43am** [Comment ID: 637] - [Link](#)

*Agree: 1, Disagree: 0*

Jane Baechle Oct 25 2023 at 7:42AM

The conditional use process provides a mechanism for public engagement that maximizes the success of individual efforts and approaches. The issues that contribute to homelessness are no less complex than they were two years ago when the IDO process was used to circumvent both public engagement and effective responses to this complex issue.

Reply by **Jane Baechle** on **11/05/2023** at **7:47am** [Comment ID: 639] - [Link](#)

*Agree: 1, Disagree: 0*

Effective responses to the needs for shelter for the unhoused will not come from circumventing public engagement and public comment. That is clearly the intent of this proposal.

**#058**

Posted by **Amber Schwarz** on **11/07/2023** at **9:54am** [Comment ID: 677] - [Link](#)

*Agree: 0, Disagree: 0*

Absolutely not, we do not want to allow this, it's basically giving permission for homeless camps, no thank you.

**#059**

Posted by **Rene' Horvath** on **11/26/2023** at **11:26pm** [Comment ID: 775] - [Link](#)



*Type: Suggestion*

*Agree: 0, Disagree: 0*

This amendment will create a lot of problems in terms of parking and traffic congestion at the corner of residential streets, affecting the access in and out of neighborhoods. Not only will it negatively change the character and status of R-1 zoning, (which is in an Area of Consistency); it also becomes a public safety issue due to street parking that will restrict access into the neighborhood. This should not be approved.

## #060

Posted by **ICC IDO working group** on **11/03/2023** at **10:40am** [Comment ID: 629] - [Link](#)

*Agree: 3, Disagree: 0*

This is a zone change that requires notification to all R-1 property owners. 2 units do not = R-1, Single Family Residential.

If passed, duplexes in R-1 subdivisions would drastically change the character of established neighborhoods. This will result in second-story additions and garage conversions. Lack of conformity leads to diminished property values. Upzoning will lead to higher real estate property taxes.

Many existing single-family residential neighborhoods lack the infrastructure to accommodate the construction of duplexes, ie: utility connections, sewer line capacity, and parking.

## #061

Posted by **ICC committee (10 people)** on **10/27/2023** at **11:22am** [Comment ID: 591] - [Link](#)

*Agree: 2, Disagree: 0*

Oppose the MX-H exception--would allow >50 person shelter permissively? Maintain Conditional Use. Language is so convoluted it is hard to know what ramifications will be. CU allows the option for informed involvement.

## #062

Posted by **ICC committee (10 people)** on **10/27/2023** at **11:28am** [Comment ID: 593] - [Link](#)

*Agree: 0, Disagree: 0*

THIS IS OUTRAGEOUS--AND WE ARE MEANING TO SHOUT--LOUDLY

## #063

Posted by **Jane Baechle** on **11/05/2023** at **8:02am** [Comment ID: 640] - [Link](#)

*Agree: 2, Disagree: 0*

This is arguably the worst proposal re: duplexes put forth to date. It provides no standards, removes public notice and comment and makes no attempt to address any of the well founded criticisms of changes to R-1 zoning, specifically converting a single family dwelling to a two family dwelling, across the city. It provides no evidence to consider the merits of such a change or any evidence that it will reasonably add to housing options. It is presented as coming from a member of the "public" with no indication of who that is and the likely benefit that would accrue to the proposer should this be enacted. If City leadership and the Planning Dept. is sincere about finding ways to increase "missing middle" housing options in ABQ, they need to publish only thoughtful and detailed proposals, clearly identified as to their source and with sufficient evidence for a debate of their merits. This is NOT an example of such a proposal.

## #064

Posted by **Rene' Horvath** on **11/26/2023** at **11:31pm** [Comment ID: 776] - [Link](#)

*Type: Suggestion*

*Agree: 1, Disagree: 0*

The ICC has made very good points as to why City facilities should NOT be exempt from a conditional use hearing process. The public can give valuable input to solving some of our community issues if given a chance.

## #065

Posted by **Jane Baechle** on **11/02/2023** at **4:19pm** [Comment ID: 627] - [Link](#)

*Agree: 1, Disagree: 0*

Jane Baechle Oct 25 2023 at 7:34AM

After reading the council memo, the following are evident to me: This is a fundamental change to property rights and entitlements for property zoned R-1. As such, it does not belong in the IDO annual review process. Permissive addition of duplexes was voted down in the 2022 IDO review process with good reason. This proposal attempts to address some of those but falls short on ensuring protection of neighborhood character, safety and welfare. At a minimum, any fundamental change of a dwelling unit to accommodate a second separate home should be a "conditional" use. The addition of a carport is a conditional use; surely a second home is as consequential for surrounding homes and a residential neighborhood. The Planning Dept. asserted that IDO 6-5(G)(1)(f)6 would protect individual and neighborhood interests in the addition of an ADU. I am doubtful that would be the case for an ADU and would not in the addition of a second attached dwelling unit.

Agree2 Disagree0

Reply by **Jane Baechle** on **11/05/2023** at **7:45am** [Comment ID: 638] - [Link](#)

*Agree: 1, Disagree: 0*

Please regard this as a comment on duplexes. The fact that it is pinned to the proposals re: shelters is evidence of the challenge of ensuring that comments are reflected in all of the documents published as part of the IDO review.

## #066

Posted by **Jane Baechle** on **11/02/2023** at **10:39am** [Comment ID: 620] - [Link](#)

*Agree: 1, Disagree: 0*

This appears to be an effort on the part of City leadership to make an end run around public engagement and public comment on any project which encounters opposition. Regardless of the merits of a project or its contribution to the public health, safety and welfare, the conditional use designation exists to ensure that any project meets IDO standards for a conditional use and that it is fully vetted in a robust process involving the public and open meetings. If passed, this would set a terrible precedent. Surely the City administration and all members of Council recognize that City offices will eventually change hands and that removing standards and guardrails on development that suit one administration can be used for entirely different ends by a subsequent one. To say I vehemently oppose this would be an understatement.

## #067

Posted by **ICC committee (10 people)** on **10/27/2023** at **11:16am** [Comment ID: 589] - [Link](#)

*Agree: 0, Disagree: 0*

Was this change suggested by owner of corner properties? This is a change in zoning and does not belong in the annual amendment process. Where duplexes are currently allowed, the City hasn't maximized duplexes--does not belong in Citywide.

# IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
12	Multiple	4	<b>Dwelling, Live-work</b> On page 151, in Table 4-2-1, add a P in R-1 and change C to P in R-T and R-ML. On page 162, in Subsection 4-3(B)(7)(c), add cannabis retail and nicotine retail as prohibited uses. In Subsection (c)2, revise text as follows: "Any use <u>other than restaurant</u> in the Food, Beverage, and Indoor Entertainment category."	Allows live/work for very small retail and restaurants on corner lots in neighborhoods to open business opportunities for homeowners who otherwise could not purchase/maintain/rent two properties, one for business and one for living. Returns the pattern of corner stores in neighborhoods for services within walking distance of more residences. Prohibits cannabis retail and nicotine retail in all zone districts.	Public 087
12	Multiple	4 (cont'd)	<b>Dwelling, Live-work</b> (cont'd) On page 162, in Subsection 4-3(B)(7), add a new subsection (e) with text as follows: " <u>Where allowed in a Residential zone district, general retail and restaurant are limited to a total of 3,000 square feet or less.</u> " Add a new subsection (f) with text as follows: " <u>In the R-T and R-ML zone districts, this use is permissive on corner lots that are a minimum of 5,000 square feet. In other locations, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).</u> " Add a new subsection (g) with text as follows: " <u>In the R-1 zone district, this use is only allowed on corner lots that are a minimum of 5,000 square feet. Only general retail and restaurants are allowed.</u> "	(Cont'd from above)	Public 073 077 081
13	Multiple	4-3(B)(5)	<b>Two-family Detached (Duplex) Dwelling</b> See Council Memo for proposed amendments.	See Council Memo.	Council 068 069 071 072 074 076 079 082 083 084 086
14	241	5-2(G)	<b>Irrigation (Acequia) Standards</b> Add a new Subsection with text as follows: " <u>For cluster development and multi-family dwellings, locate at least 25 percent of common open space or ground-level usable open space to be contiguous with the irrigation ditch/acequia. These areas shall be made accessible from the remaining land via pedestrian walkways. Access to irrigation ditches/acequias is only allowed if approved by the Middle Rio Grande Conservancy District (MRGCD).</u> "	Follows the existing requirement for cluster development and multi-family dwellings next to Major Public Open Space in Subsection 14-16-5-2(J)(2)(a). Implements an action in the 2017 ABC Comprehensive Plan.	Comp Plan 078

## #068

Posted by **Peter Swift** on **11/26/2023** at **11:51am** [Comment ID: 750] - [Link](#)

*Agree: 1, Disagree: 0*

I entered this comment last month both here in the spreadsheet. Like all other comments, it was deleted in the spreadsheet but retained in the memo. I apologize for the redundancy, but I'm repeating it here.

This change effectively reinstates language from proposed O-22-54 Section 1 that was removed following public comment. This provision is not present in enacted O-23-54, and including it here seems to be contrary both to the majority vote of City Council in June 2023 and to the intent of the amendment process. This is a substantive change that has been proposed without adequate public notice or comment. The date on the memo is October 20, 2023, after the proposed change to the IDO had been posted without details.

## #069

Posted by **Amber Schwarz** on **11/07/2023** at **9:58am** [Comment ID: 681] - [Link](#)

*Agree: 1, Disagree: 0*

Oppose, this would lower property values and increase crime.

Reply by **Debbie Conger** on **11/21/2023** at **8:42pm** [Comment ID: 708] - [Link](#)

*Agree: 0, Disagree: 0*

Agree with Amber.

## #070

Posted by **Amber Schwarz** on **11/07/2023** at **9:57am** [Comment ID: 680] - [Link](#)

*Agree: 1, Disagree: 0*

Oppose, would ruin the look of the neighborhood, decreasing property values and increasing crime.

## #071

Posted by **Debbie Conger** on **11/21/2023** at **8:48pm** [Comment ID: 712] - [Link](#)

*Agree: 1, Disagree: 0*

This will destroy many of our neighborhoods. We already have issues with people parking 2-4 cars in front yards in my

neighborhood and others. This is in addition to 2 cars in driveways. To our detriment, Code Enforcement does not enforce the rules about parking in front yards. This issue will be made worse with making duplexes permissive in R-1.

## #072

Posted by **Debbie Conger** on **11/21/2023** at **8:51pm** [Comment ID: 713] - [Link](#)

*Agree: 0, Disagree: 0*

No! This will destroy many of our neighborhoods. The City does not enforce the rules on cars parked in front yards and this will make it worse. Our neighborhoods will lose more green space. How the City can think of doing this is beyond my understanding.

## #073

Posted by **Rene' Horvath** on **11/26/2023** at **11:51pm** [Comment ID: 777] - [Link](#)

*Type: Suggestion*

*Agree: 2, Disagree: 0*

This amendment will also create a lot of problems in terms of parking and traffic congestion at the corner of residential streets, affecting the access in and out of neighborhoods. Not only will it negatively change the character and status of R-1 zoning, (which is in an Area of Consistency); it also becomes a public safety issue due to street parking that will restrict access into the neighborhood. This should not be approved.

## #074

Posted by **ICC committee (10 people)** on **10/27/2023** at **11:48am** [Comment ID: 598] - [Link](#)

*Agree: 0, Disagree: 0*

"See Council Memo" is a new layer of complications while trying to review changes.

Reply by **Debbie Conger** on **11/21/2023** at **8:43pm** [Comment ID: 709] - [Link](#)

*Agree: 0, Disagree: 0*

Agree with ICC comment.

Reply by **Peter Swift** on **11/26/2023** at **11:40am** [Comment ID: 748] - [Link](#)

*Agree: 0, Disagree: 0*

The comment is correct, and calls attention to a badly flawed and frankly discriminatory public comment process. I'm reasonably computer literate, and I would find this commenting process too cumbersome

to use if I didn't have two copies of the spreadsheet open at once with a separate copy of the IDO open in the background. Simply from the perspective of creating user-friendly software, this process is a disaster, and it completely excludes members of the public who don't have internet access or who rely only on a small screen.

## #075

Posted by **Julie Dreike** on **10/31/2023** at **1:21pm** [Comment ID: 615] - [Link](#)

*Agree: 3, Disagree: 0*

Agree with ICC comments. The current locations of corner stores tend to be higher priced items, are a disadvantage to those living in poverty. Where is the data on where these are currently allowed in ABQ. Need a map to see impact to neighborhoods. People bought in neighborhoods expecting the character and zoning to remain.

## #076

Posted by **Rene' Horvath** on **11/26/2023** at **11:53pm** [Comment ID: 778] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

Don't support! There is no reason to support when there is a zoning designation for duplex already.

## #077

Posted by **Jane Baechle** on **11/05/2023** at **9:12am** [Comment ID: 641] - [Link](#)

*Agree: 2, Disagree: 0*

First, this is fundamentally a zone change which effectively converts all low density residential zoning to a mixed use zone. It would effectively turn any corner lot into a spot zone, at least in my view.

It would be hugely damaging to the health, safety and welfare and the character of Santa Fe Village. On my review of the IDO Interactive Map, there are 82 properties in SFV which are corner lots of 5,000 s.f. There is no way that this area could safely accommodate 82 small retail establishments and/or restaurants. And yet, that is what this amendment proposes.

There is no reason to believe that such establishments would only be patronized by people who walk to them. There is no evidence or reason to believe that this change would serve only individuals or individual property owners rather than commercial interests with the financial resources to purchase and convert single family residential properties for rental income.

In fact, as was the case in Item #10, there is no evidence whatsoever provided to support the proposal or allow it to



be considered on its merits.

The assumption that most neighborhoods in ABQ ever were consistent with "the pattern of corner stores in neighborhoods for services within walking distance" is simply stated as fact. With the exception of downtown, Old Town and Nob Hill, I can think of no other neighborhoods where this description is accurate.

And, this amendment would make all such establishments permissive as well. Even if the "public" author of this proposal could support its potential gains over its likely costs sufficient to consider such a sweeping change, as a permissive use, there is zero engagement from the public, meaning the nearby property owners and neighborhood, impacted by any given establishment.

It again appears to me that the Planning Department engaged in no oversight or analysis of this proposal and the extent to which it is consistent with purpose statements of the IDO or goals and policies of the ABC Comp Plan. I hope that detailed analysis will be evident in the staff report to the EPC.

## #078

Posted by **Rene' Horvath** on **11/26/2023** at **11:55pm** [Comment ID: 779] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

Sounds good!

## #079

Posted by **Jane Baechle** on **11/05/2023** at **9:14am** [Comment ID: 642] - [Link](#)

*Agree: 0, Disagree: 0*

Jane Baechle Oct 25 2023 at 3:05PM

IF passed, what use specific and design specific standards will apply? Protection overlays supersede other provisions; what consideration has been given to assuring that language is included. Would it be possible for a single story home to add a two story unit as a duplex and what limits will be placed to ensure any addition to the structure is consistent with the scale and design of the original structure?

Reply by **Jane Baechle** on **11/05/2023** at **9:27am** [Comment ID: 643] - [Link](#)

*Agree: 1, Disagree: 0*

Speaking as an individual, I am not reflexively opposed to the thoughtful addition of a duplex to low density residential property. There are a FEW homes in SFV large enough to become a two family dwelling and allow for true off street parking while complying with the current IDO standards for parking on the street facing portion of the property. Having said that, this is not what this proposal can be expected to ensure. It provides no

safeguards or standards to ensure that a duplex has no negative impacts on the neighborhood or nearby property. It would provide no limit on the number of properties that could be turned into a two family dwelling or consideration of neighborhood density. This will disproportionately harm older and modest neighborhoods. This reflects no acknowledgement of the availability of public transit to allow for reliance on something other than multiple personal vehicles per household. And, as a permissive use, it effectively precludes any genuine say on the part of affected property owners or the neighborhood as a whole.

Reply by **Debbie Conger** on **11/21/2023** at **8:44pm** [Comment ID: 710] - [Link](#)

*Agree: 0, Disagree: 0*

Good comments by Jane.

## #080

Posted by **Steven Pan** on **11/27/2023** at **4:09am** [Comment ID: 798] - [Link](#)

*Agree: 0, Disagree: 0*

"It would be tyranny to say to a poor man who happens to own a lot within a residence district of palatial structures and his title subject to no servitude, that he could not erect an humble home upon it suited to his means, or that any residence he might erect must equal in grandeur those about it. Under his constitutional rights he could erect such a structure as he pleased, so long as it was not hazardous to others. It might proclaim his poverty; it might advertise the humbleness of his station; it might stand as a speaking contrast between his financial rank and that of his neighbors. Yet, it would be his "castle;" and the Constitution would shield him in its ownership and in its use.

If the citizen is not to be left free to determine the architecture of his own house, and the lawful and uninjurious use to which he will put it; if he is not to be permitted to improve his land as he chooses without hurt to his neighbors; if by law he is to be allowed to do these things only as officials or the public shall decree, or as may for the time suit the taste of a part of the community, the law might as well deal candidly with him and assert that he holds his property altogether at public sufferance. It might as well prescribe the kind of clothes he and his family shall wear and the sort of food they shall eat. Some people are as much offended by the clothes and diet of other people as they are by the style of their houses."

-Spann vs the City of Dallas November 2, 1921

## #081

Posted by **Evelyn Rivera** on **11/20/2023** at **12:29pm** [Comment ID: 707] - [Link](#)

*Agree: 2, Disagree: 0*

Changes in zoning required notification to all R-1 homeowners.

Property values would be negatively effected by non-conforming uses, deemed a negative external influence, therefore having a negative impact on the values of R-1 properties.

## #082

Posted by **Merideth Paxton** on **11/27/2023** at **8:27am** [Comment ID: 801] - [Link](#)

*Agree: 0, Disagree: 0*

Rejecting this concept will make an important contribution to calming the heat island effect in Albuquerque. Last summer there were 15 days with temperatures in the triple digit range in comparison with 3 days the previous year. The NM State Climatologist is already concerned about this problem in our city. Removing trees and landscape to densify residential structures and parking on impervious surfaces in the central city will only intensify the heat island effect. Now is the time to protect the environment instead of making the problem worse.

## #083

Posted by **ICC committee (10 people)** on **10/27/2023** at **11:51am** [Comment ID: 600] - [Link](#)

*Agree: 1, Disagree: 0*

"process" does not need streamlining; (re: more housing). We need more staff. Inpections take forever!

## #084

Posted by **Merideth Paxton** on **11/27/2023** at **8:16am** [Comment ID: 800] - [Link](#)

*Agree: 0, Disagree: 0*

People who just want to enjoy the homes they own according to the R-1 zoning they purchased should not be displaced by property owners who are driven primarily by the desire for profit. Also, this is an example of why the broad-brush approach to city planning is so problematic. Dividing houses onto duplexes is unworkable in older neighborhoods with smaller lots and narrow streets. Allowing parking to be met along the curbs of narrow lots leaves no room for trash cans, nor emergency and service vehicles like ambulances and mail delivery vans. It is doubtful that firetrucks and garbage trucks could negotiate some narrow, curving streets if curbside parking fills both sides. All this was stated before City Council deleted the provision from O-22-54. Why does it keep coming back?

## #085

Posted by **ICC committee (10 people)** on **10/27/2023** at **11:34am** [Comment ID: 594] - [Link](#)

*Agree: 3, Disagree: 0*

As with our objections to Housing Forward; when you have purchased a home in R-1, R-t and R-ML zones, you have expectations of the surrounding neighborhood and do not expect a bodega to go in next door without notification. In Santa Fe Village, for example (which is all residential) there would be no accommodations for customer parking.

**#086**

Posted by **Debbie Conger** on **11/21/2023** at **8:45pm** [Comment ID: 711] - [Link](#)

*Agree: 0, Disagree: 0*

All the bubble comments that we added for the first go-round for staff report should be added here for the EPC. People should not be expected to add again. Doesn't the City realize we are not paid to do this and have limited time, many of us with full-time jobs?

**#087**

Posted by **ICC committee (10 people)** on **10/27/2023** at **11:36am** [Comment ID: 595] - [Link](#)

*Agree: 1, Disagree: 0*

again, does this "Public" own corner lots? and belong to NAIOP?

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
15	242	5-2(H)	<b>Landfill Gas Mitigation</b> Revise text as follows: "Sensitive lands include landfill gas buffer areas, which comprise <del>closed or</del> operating landfills, <u>landfills closed within the last 30 years</u> , and the areas of potential landfill gas migration surrounding them. Development within landfill gas buffer areas, as established by Interim Guidelines for Development within City Designated Landfill Buffer Zones of the City Environmental Health Department and as shown on the Official Zoning Map, shall follow the Interim Guidelines to mitigate health hazards due to methane and other byproduct gases. All development within a landfill gas buffer requires a Landfill Gas Mitigation Approval pursuant to Subsection 14-16-6-4(S)(5) to ensure that potential health and safety impacts are addressed.	Exempts landfills closed more than 30 years ago from landfill gas mitigation procedures.	Admin
16	247	5-2(K)	<b>Preventing and Mitigating Construction Impact</b> See Exhibit for proposed amendment.	Adds requirements in the IDO for mitigating impact from construction activities next to Major Public Open Space or on properties where sensitive lands have been identified.	Staff
17	270	5-5(B)(4)(d)	<b>RV, Boat, and Trailer Parking</b> See Council Memo for proposed changes.	See Council Memo. <div>089 091 092</div>	Council
18	282	5-5(C)(7)	<b>Parking Maximums</b> See Council Memo for proposed amendments.	See Council Memo. <div>088 090</div>	Council
19	293	5-5(G)(3)	<b>Parking Structures for Multi-family Residential Development</b> Revise as follows: "All parking structures that provide parking for multi-family <u>residential development dwellings</u> , mixed-use development, and non-residential development shall comply with the following standards. These standards do not apply to any garage for low-density residential uses."	Broadens the applicability of these building design standards to all uses in the Group Housing sub-category in Table 4-2-1. See Development Definitions, Multi-family Residential Development.	Staff

## #088

Posted by **Peter Swift** on **11/26/2023** at **11:56am** [Comment ID: 752] - [Link](#)

*Agree: 0, Disagree: 0*

I'm re-entering a comment I made in October that was deleted, like all comments on the spreadsheet. The comment remains on the cited memo, and is repeated here. If I understand this correctly, it would limit the maximum number of off-street parking spaces in the specified areas to the minimum currently required in the IDO. For example, if you have a two-bedroom home near an ART stop, you would be limited to 1 parking space. A four-bedroom duplex would be limited to 2 spaces. This might make sense in Manhattan, but I don't think Albuquerque is quite ready to say goodbye to the concept of the two-car family. (Which, among other things, has been a major factor in democratizing access to the work place over the last century, particularly for women.) Did I misunderstand something here?

## #089

Posted by **Peter Swift** on **11/26/2023** at **11:53am** [Comment ID: 751] - [Link](#)

*Agree: 0, Disagree: 0*

I entered this comment on both the spreadsheet and memo in October. Like all other comments in the spreadsheet, it was deleted. I apologize for the redundancy, but here it is again.

This change will have a significant impact on many residents who currently own RVs, boats, or trailers. A change of this magnitude should have more opportunity for public notice and comment than has been provided here. Note that the date of the memo is October 20, 2023.

## #090

Posted by **Rene' Horvath** on **11/27/2023** at **12:08am** [Comment ID: 781] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

Don't support limiting parking near a transit shelter or bus stops. Bus riders often rely on the extra space of parking lots in shopping centers or businesses to park and catch the bus. Don't want to discourage bus ridership because there is no place for them to park and catch the bus. Albuquerque lacks parking near bus stops. I have been told by people who work in transit that the more you make it easy for people to catch the bus the more they will ride the bus.

## #091

Posted by **Jane Baechle** on **11/06/2023** at **11:44am** [Comment ID: 666] - [Link](#)

*Agree: 0, Disagree: 0*

Jane Baechle Oct 25 2023 at 3:23PM

It is difficult for me to even picture how a low density residential property could comply with IDO 5-5(F)(2)(a) and still accommodate an RV, Boat or Trailer in the front yard. To the extent that is possible, I support requiring these to be parked in a side or rear yard. As with several previous proposals, they will have limited effect if not promptly and consistently enforced.

**#092**

Posted by **Rene' Horvath** on **11/27/2023** at **12:02am** [Comment ID: 780] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

Support, addressing this issue as front yard parking has increased for RV's, and Boats. I'm starting to hear more complaints as a result. Side and rear yard parking could work as long as the vehicles don't stick out beyond the house, or dominate the visual appearance of the lot . They should also not block views of the neighbors or use the street as a parking lot.



## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
20	297	5-6(B)(1)	<b>Applicability - Landscaping</b> See Council Memo for proposed amendments.	See Council Memo. 099 109	Council
21	301	5-6(C)(5)(d)	<b>Soil Condition and Planting Beds - Mulching Requirement</b> See Council Memo for proposed amendments.	See Council Memo. 103	Council
22	301	5-6(C)(5)(e)	<b>Soil Condition and Planting Beds - Street Tree Mulching Requirement</b> See Council Memo for proposed amendments.	See Council Memo.	Council
23	320	5-7(D)(3)(a)	<b>Walls &amp; Fences - Front Yard Wall</b> Create a new subsection 1, renumbering subsequent subsections accordingly, with text as follows: "For low-density residential development, the maximum height for a wall in the front yard or street side yard is 5 feet if 095 the following requirements are met: 094 (a) The wall is not located in a small area where taller walls are prohibited pursuant to Subsection (3) below. 093 (b) View fencing is used for portions of a wall above 3 feet. (c) The wall is set back at least 10 feet, and the setback area is landscaped with at least 3 shrubs or 1 tree every 25 feet along the length of the wall."	Allows 5 foot walls in front yard with view fencing for at least 2 feet at top, set back 5 feet, and landscaped. 100 102 111 104 107 106 098 101	Admin
24	321	Table 5-7-2	<b>Options for a Taller Front or Side Yard Wall</b> Revise the first row of text under View Fencing as follows: "<5 10 ft. from lot line abutting the street"	Requires Permit - Wall or Fence - Major for 5-ft. walls less than 5 feet from the property line. 108 110 112	Admin
25	349	5-11(E)	<b>Building Design - Facades for NR-LM, NR-GM and Industrial Development in Any Zone District</b> See Council Memo for proposed amendments. 096 097	See Council Memo. 105	Council
26	387	Table 6-1-1	<b>Historic Certificate of Appropriateness - Minor</b> Add requirement for Pre-application Meeting.	Matches current practice.	Staff
27	387	Table 6-1-1	<b>Permit - Temporary Use / Temporary Window Wrap</b> Add X in mailed notice requirement for Temporary Use Permit. Move footnote 3 to the mailed notice requirement on both uses.	Clarifies that the requirement for both uses is the same, matching the existing procedure in 14-16-6-5(D)(2)(a)3.	Staff

## #093

Posted by **Beth Silbergleit** on **11/02/2023** at **3:48pm** [Comment ID: 621] - [Link](#)

*Type: Suggestion*

*Agree: 4, Disagree: 0*

continue to be bewildered and dismayed that we cannot lay to rest the idea that increasing permissible wall heights in front yards is a good idea. It is not! Permissible front yard wall heights have been set at 3 feet since the 1950s. Public input to numerous zoning code updates throughout the decades has consistently reaffirmed that this is the appropriate height. Destruction of existing streetscape, diminished neighborhood safety by limiting eyes on the street, and a gradual transition to a city and neighborhoods that will be defined by walled-in front yards are the perils of raising wall heights. Those of us who live in historic neighborhoods have made that choice for a variety of reasons. The sense and aesthetics of community is a prime factor. This will be destroyed as walls begin to predominate the streetscape, even if the top few feet are transparent. I truly hope we can put this issue to rest and concentrate our energy on the many other issues pertaining to smart development in our City.

## #094

Posted by **Dennis Trujillo** on **11/02/2023** at **4:06pm** [Comment ID: 622] - [Link](#)

*Agree: 4, Disagree: 0*

I again am in opposition to the proposal related to walls and fences extending the height of front yard walls from three feet to five feet. I am a long time resident of Albuquerque and of Nob Hill, I received my PhD from UNM and I retired as a historian for the state of New Mexico. I am concerned about our shared historical and cultural environment. Historically, Clyde Tingley signed Albuquerque's first zoning code in 1955, limiting permissive walls in front yards to 3 ft. in height. This architectural and social feature has remained in place in zoning updates of 1965, 1973, 1991, and the 2017 IDO. The IDO received an enormous amount of public input, rounds of public review, and no one suggested that it would be a good idea to make permissive walls, in front yards, anything other than 3 ft. in height. For 70 years now, the vast majority of walls built by homeowners in front yards, have been permissive 3 ft. walls; sometimes called garden walls. These front-yard walls are visible from the public way and remain a defining historic and cultural feature of our streetscape, neighborhoods and city. These walls preserve the concept of "eyes on the street," a valuable tool for public safety. Permissive walls in front yards up to 3 ft. high are an important part of the historic character of Albuquerque. Making 5 foot high walls (2 feet being transparent) permissive, would diminish our historic streetscape and the safety concept of "eyes on the street." Please do not let Albuquerque become fortress like, a city of high walls. 3 foot garden walls are important in our history, important to our future, important to our city.

Sincerely,

Dennis P. Trujillo, PhD

## #095

Posted by **Marshall Mourar** on **11/24/2023** at **12:42pm** [Comment ID: 735] - [Link](#)

*Agree: 0, Disagree: 0*

As a Nob Hill homeowner, I also would like to weight in AGAINST this proposal to increase wall heights. I value 'eyes on the street': that pedestrians are visible from houses. I value it for the safety that it provides, and the sense of neighborliness.

## #096

Posted by **Patricia** on **11/17/2023** at **9:30am** [Comment ID: 692] - [Link](#)

*Agree: 0, Disagree: 0*

This type of misguided attempt to make "pretty" non-residential development will only create additional costs and possibly be the deciding factor as to whether or not a company chooses to locate in Albuquerque. As soon-to-be-retired Councilor Benton has often said, you can't legislate good design.

## #097

Posted by **Patricia** on **11/17/2023** at **9:31am** [Comment ID: 693] - [Link](#)

*Agree: 0, Disagree: 0*

and this type of misguided 'architectural' requirement is why we have the ridiculous fake storefront windows on the Carlisle building at Carlisle and Central.

## #098

Posted by **Rene' Horvath** on **11/27/2023** at **12:25am** [Comment ID: 784] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

I do not support this amendment, as this amendment increases the allowable front yard wall height which will negatively change the character of neighborhoods. The majority of neighborhoods want to maintain the character of the existing wall height and the openness it provides for their community. This amendment was brought up last year which received strong neighborhood opposition. Therefore this amendment should not be approved.

## #099

Posted by **Rene' Horvath** on **11/27/2023** at **12:15am** [Comment ID: 782] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

Don't support reducing any landscape requirements or parking requirements for multifamily. Usable open space and parking space requirements for apartments have already been reduced in prior IDO amendment updates. This is a quality of life issue. Landscaping provides a nice space for the tenants and a nice visual appearance as well. Don't reduce anymore landscaping or parking for multifamily.

## #100

Posted by **Patricia Willson** on **11/01/2023** at **1:11pm** [Comment ID: 617] - [Link](#)

*Agree: 3, Disagree: 0*

Again (and again) I express my strong opposition to this change. View fences become solid fences and I have provided photographic proof of this in last year's update cycle--and will provide it again this year.

Agree 7 Disagree 0

Debbie Conger Oct 25 2023 at 8:06PM

Very true about view fences becoming solid fences. And view fences not actually providing a good view in certain lighting and from certain angles.

Reply by **Debbie Conger** on **11/21/2023** at **8:52pm** [Comment ID: 714] - [Link](#)

*Agree: 0, Disagree: 0*

I agree with all that Patty says above.

## #101

Posted by **Jane Baechle** on **11/05/2023** at **9:47am** [Comment ID: 647] - [Link](#)

*Agree: 2, Disagree: 0*

On the archived version of this spreadsheet there are 45 separate bubbles of comments, many with multiple comments per bubble. All but one are opposed to the increase in front yard wall heights. That means that approximately 2% of those comments support this proposal and 98% oppose it. Given the failure of this idea to pass in the two previous IDO annual reviews, these numbers should be sufficient evidence that this is a proposal which should be removed from the 2023 IDO Annual review as well.

Reply by **Patricia Willson** on **11/05/2023** at **11:39am** [Comment ID: 655] - [Link](#)

*Agree: 0, Disagree: 0*

I agree with Jane Baechle's comment, especially as it is backed up with THE DATA concerning strong opposition.

## #102

Posted by **Patricia Willson** on **11/05/2023** at **11:42am** [Comment ID: 656] - [Link](#)

*Agree: 3, Disagree: 0*

The Pre-EPC Submittal comment bubbles for Item #17 (now #23) are so overwhelming, they obscure the text. To expect the authors of those 40+ comments to have to post them again flies in the face of transparency and community involvement!

Reply by **Debbie Conger** on **11/21/2023** at **8:54pm** [Comment ID: 715] - [Link](#)

*Agree: 2, Disagree: 0*

Agree. I was just going to make that same comment. The authors of those 40+ comments should not be expected to post them again. Planning needs to add them back here. Or at the least - here is my comment: EPC, please ask to see all of the comments that were previously posted!

## #103

Posted by **Rene' Horvath** on **11/27/2023** at **12:17am** [Comment ID: 783] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

Support!

## #104

Posted by **John Cochran** on **11/26/2023** at **7:42pm** [Comment ID: 757] - [Link](#)

*Agree: 1, Disagree: 0*

I am strongly opposed to making 5 foot tall walls permissive in R-1 zones because it would cause significant damage to our neighborhoods. We won't have family-friendly, inviting neighborhoods if the homes are walled-off from neighbors and visitors. This remains true even if the top 2 feet are "transparent;" because there will still be a 5 foot tall wall in the front yard.

If people are worried about a pet or young child getting out, they have their entire backyard, or they can go through a variance process to (possibly) build a taller wall in the front yard. Let's retain 3 foot walls in front yards, and not destroy the family-friendly character of our neighborhoods.

Finally, why is this proposal, which was defeated last year, being recirculated?

## #105

Posted by **Patricia** on **11/17/2023** at **9:27am** [Comment ID: 691] - [Link](#)

*Agree: 0, Disagree: 0*

Obviously, the Council Memo placed on Item 23 Walls & Fences-Front Yard Wall, belongs here, in Item 25. This lack of attention to accuracy further underscores how unworkable and broken this update process is--does not inspire confidence!

## #106

Posted by **JOHN Q PATE** on **11/27/2023** at **9:00am** [Comment ID: 803] - [Link](#)

*Agree: 0, Disagree: 0*

AGAIN? NO! The Southeast Heights Neighborhood Association has consistently opposed this misguided effort to raise the height of barriers between our streets and our homes.

At the Annual Meeting on October 25, 2022 we ONCE AGAIN discussed an effort at the City Zoning Department to modify the 3' height limit for walls within the front yard setbacks. Your neighborhood association has been continually dealing with this issue. We are opposed to this in the strongest possible terms. Someone is trying to convince people that it will make our neighborhood safer: That concept is flawed and just wrong. This item was brought to a vote of the Southeast Heights Neighborhood Association at the Annual Meeting in 2006 and has been discussed continuously since. Our policy and objection to the taller wall within the front yard setbacks has not changed.

### Southeast Heights Neighborhood Association Policy - Garden Walls in Front Yard Setbacks

It has been a long-standing policy of the Board of the Southeast Heights Neighborhood Association to uphold the City Zoning Ordinance on walls and fences over 3 feet high within the setback in the front of homes. We therefore OPPOSE any application for a CONDITIONAL USE or a VARIANCE for construction of these walls for a number of reasons:

- In the spirit of keeping the historical nature of our neighborhood which was designed with broad avenues and houses with a primary orientation toward the street.

- One element of good neighborhoods is defensibility. Self-surveillance creates safer neighborhoods. Neighborhoods with private active living spaces with a view of the street activity require less martial resources and promote legal activities on the streets. The tall walls facing the street prohibit self-surveillance and put the legal activities behind walls and leaving the streets unwatched and consequently fewer safe spaces.
- In the same vein tall wall create a complete visual barrier conducive to burglaries and other undesirable activities while one's neighbors would be unable to see or respond appropriately. Additionally, it is a farce to promote tall walls in an effort to reduce crime. Nothing could be further from the truth.
- Tall walls provide spaces behind which people can hide.
- Tall walls disturb the sight lines and views down the streets.

Properties in our neighborhood do not generally have special circumstances that would justify violation of the zoning standards for construction of a wall of that height. Although the Board for the Southeast Heights Neighborhood Association is not the reviewing agency and the ultimate decision will be made by the City Zoning Hearing Examiner, we believe that it is the duty of the Board to promote the zoning standards affecting our neighborhood. The Board trusts that the hearing examiner reviews each case on its merits and ascertains that extenuating circumstances exist that would warrant an exception to any zoning code before granting approval. It is up to the applicant to show the City Zoning Hearing Examiner why any exception to the Zoning Ordinance should be granted.

Most disturbing regarding this effort, is that it seems counter to the fundamental reason we have a comprehensive masterplan and the IDO to guide urban development. The thesis of the document regarding residential areas is to preserve individual neighborhood character and to promote neighborhood interaction and walkability. The plan literally says consult with and listen to the neighborhoods. Closing off residences from the street is counter to maintenance of healthy, walkable, neighborhoods where the residents can keep an eye on neighborhood activities and assist in crime reduction and prevention.

There may be neighborhoods in Albuquerque where this is appropriate BUT NOT OURS! We do not want to live on impersonal, rarely walked-on urban canyons like you see elsewhere in the southwest. We have a very pedestrian, walkable neighborhood where we actually interact with our neighbors and their pets. We can see the street activities and they can see us and that is how we want to keep it.

Please consider what the neighbors want.



## #107

Posted by **Jane Baechle** on **11/05/2023** at **9:38am** [Comment ID: 646] - [Link](#)

*Agree: 1, Disagree: 0*

Jane Baechle Oct 20 2023 at 11:26AM

This proposal with minimal differences has been defeated twice in the two previous IDO reviews. It has been widely opposed by residents, NAs as well as the EPC. No justification or explanation about how this will improve residential neighborhood character or integrity has ever been provided. It will significantly harm streetscapes and neighborhood character.

Reply by **Jane Baechle** on **11/05/2023** at **9:52am** [Comment ID: 648] - [Link](#)

*Agree: 1, Disagree: 0*

For the past two years, the SFVNA has opposed any increase in front yard wall heights. We have viewed it as damaging to the streetscape and the context of SFV which is surrounded on three side by the volcanic escarpment of the Petroglyph National Monument and where the streets wind through the neighborhood to follow the natural terrain. Front yard walls even as described in this year's proposal would damage the sense of space and connection to the natural landscape. Further, the experience and sense of space for walkers would be more adversely impacted.

## #108

Posted by **Jane Baechle** on **11/16/2023** at **8:08am** [Comment ID: 686] - [Link](#)

*Agree: 0, Disagree: 0*

This proposal is the equivalent of Item #23 in its destruction of street scapes and neighborhood walkability. I am strongly opposed.

## #109

Posted by **Jane Baechle** on **11/06/2023** at **1:30pm** [Comment ID: 667] - [Link](#)

*Agree: 0, Disagree: 0*

Jane Baechle Oct 25 2023 at 7:51AM

I strongly support increasing the requirements for landscaping. Please also ensure that Code enforcement has the resources and will to enforce them.

Agree1 Disagree0

## #110

Posted by **Marshall Mourar** on **11/24/2023** at **12:46pm** [Comment ID: 736] - [Link](#)

*Agree: 0, Disagree: 0*

I am opposed. Again, any amendment that raises wall heights, or brings them closer to the lot line, interferes with "eyes on the street" and reduces public safety and enjoyment of our walking environment.

## #111

Posted by **Jane Baechle** on **11/16/2023** at **8:07am** [Comment ID: 685] - [Link](#)

*Agree: 1, Disagree: 0*

It is well worth saying again to the readers of these comments, the original and now archived spreadsheet of comments on this proposal numbered more than 45 separate bubbles, some with multiple comments. Only one of those supported this proposal. Assuredly, most of those commenting on the original spreadsheet believed their comments would be widely shared and acknowledged. It is unlikely they could and have continued to follow new iterations of the Citywide changes and subsequent documents. Therefore, I am saying again that the proposal to permissively increase the height of front yard walls, no matter the qualifiers, is an idea in search of justification. It has no real support, should be removed from the citywide changes and prevented from being included in future annual reviews unless and until the planning department can document wide community support.

## #112

Posted by **JOHN Q PATE** on **11/27/2023** at **9:04am** [Comment ID: 804] - [Link](#)

*Agree: 0, Disagree: 0*

This is the same as Item 23. SEHNA vigorously OPPOSES modification to heights of walls in our front yard setbacks and any argument for doing so are flawed and ill-conceived. When will P & Z start listening to the people who actually live and own property in the neighborhood.

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
28	394	6-2(E)(2)(b)	<p><b>EPC Appointments</b>  6-2(E)(2)(b) <del>Prior to</del> <u>When a vacancy on the EPC occurs or upon the resignation of an EPC member:</u>  1.The Mayor shall notify a City Councilor in writing that his/her District member's term <del>will be expiring</del> <u>of office has expired</u> or <del>that</del> <u>the position is otherwise</u> <del>will be</del> <u>vacant</u>, and that the City Councilor shall have 60 calendar days to submit recommended appointments to fill that position. If the City Councilor fails to submit 2 names within 60 calendar days of notification, the Mayor shall have the right to make the appointment subject to the advice and consent of the City Council.</p>	<p>Allows the EPC appointment process to begin before the Commissioner leaves, eliminating or minimizing the time that a seat is vacant.</p> <p>116</p> <p>117</p>	Staff
29	403	6-4(B)	<p><b>Pre-submittal Neigh Meeting</b>  Revise Subsection (1) as follows:  "For applications that meet any of the following criteria, the applicant shall offer at least 1 meeting to all Neighborhood Associations <u>within 330 feet of whose boundaries include or are adjacent to</u> the subject property no more than 90 calendar days before filing the application. In such cases, project applications will not be accepted until a pre-submittal neighborhood meeting has been held, or the requirements for a reasonable attempt in Subsection (3) below have been met."  Delete Subsection (2).</p> <p>113</p> <p>114</p>	<p>Replaces adjacency requirement with a set distance that is expected to achieve approximately the same result. Common administrative practice currently assumes .025 miles (132 feet) from the subject property line to pick up relevant Neighborhood Associations. For large roadways, ONC staff has to measure the roadway. If larger than 132 feet, ONC staff has to manually add Neighborhood Associations that are adjacent. The adjacency requirement precludes automation in GIS. This solution will help automate queries for required NA representative contacts.</p> <p>Note: 330 feet = 1/16 of a mile or approx. 1 city block  See related proposed changes to make distances consistent for public notice [6-4(K)], post-submittal facilitated meeting [6-4(L)(3)(a)], and appeals [6-4(V)(2)(a)].</p>	Staff
30	403	6-4(B)(1)	<p><b>Pre-submittal Neighborhood Meeting</b>  See Council Memo for proposed amendments.</p>	<p>See Council Memo.</p> <p>115</p>	Council

## #113

Posted by **Rene' Horvath** on **11/27/2023** at **12:36am** [Comment ID: 785] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

This amendment needs to be more clear. Currently adjacent does not include the ROW of roadways or utility easements within the 330 ft. distance for notification, so that NAs across the street, or utility easements such as an arroyo, can also be notified. Don't change the current language. Leave the "adjacency " language unchanged.

## #114

Posted by **Jane Baechle** on **11/05/2023** at **9:56am** [Comment ID: 649] - [Link](#)

*Agree: 0, Disagree: 0*

Jane Baechle Oct 23 2023 at 3:12PM

Expediting notice of Neighborhood Associations and consistent identification of all those entities who are entitled to notice and the opportunity to comment is essential to demonstrate genuine public engagement. Is there any possibility this change in language could be used to or have the effect of disenfranchising neighborhoods? I am uncertain that it will have the actual effect of ensuring notice of all those who want or are entitled to it.

Reply by **Jane Baechle** on **11/05/2023** at **10:01am** [Comment ID: 650] - [Link](#)

*Agree: 0, Disagree: 0*

I appreciate the replies to my questions to Michael Vos and Mikaela about the potential for this change to disenfranchise any individual neighborhood and their detailed explanation that it would not. Nonetheless, I hope that is something that will also be discussed in the Planning Staff report and in the EPC discussion. It is essential to provide timely public notice and protect the right to notice to all.

## #115

Posted by **Jane Baechle** on **10/30/2023** at **5:33pm** [Comment ID: 607] - [Link](#)

*Agree: 0, Disagree: 0*

Support. Measures that increase public engagement and notice are helpful.

## #116

Posted by **Jane Baechle** on **11/06/2023** at **1:35pm** [Comment ID: 668] - [Link](#)

*Agree: 2, Disagree: 0*

I strongly support taking steps to ensure continuity and consistent representation of every district on the EPC. This is the deliberative body with land use and planning expertise and a working knowledge of the plans which govern land use decisions. I fail to see, however, the rationale for allowing any mayor to appoint a Commissioner to a body which advises the Council, either in the existing IDO or in any amendments.

**#117**

Posted by **Bridget Harrington** on **11/06/2023** at **3:17pm** [Comment ID: 671] - [Link](#)

*Type: Suggestion*

*Agree: 1, Disagree: 0*

Commissioner appointments for any office should be done via Special Election. We already have issues on the state level with the governor "appointing" her own biased choices to make decisions for us. If it affects property owners or renting residents, seats should be voted in, not appointed.

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
31	408	6-4(J)	<b>Referrals to Agencies</b> Revise second sentence as follows: <u>"For administrative decisions in Table 6-1-1, any comments received after such a referral and prior to the decision shall be considered with the application materials in any further review and decision-making procedures. For decisions that require a public hearing and policy decisions in Table 6-1-1, Any comments must be received within 15 calendar days after such a referral to shall be considered with the application materials in any further review and decision-making procedures."</u>	Matches current practice. Referring agencies receive notice of applications that are decided administratively, but the City will not delay these administrative decisions for 15 days until the comment period ends, as is done with decisions that require a public hearing. <div>124</div>	Staff
32	409	6-4(K)	<b>Public Notice to Neighborhood Associations</b> Replace the adjacency requirement for notice to Neighborhood Associations with a set distance of 330 feet from the subject property in the following subsections: <div>118</div> (2) Electronic Mail <div>120</div> (3)(b)3 Mailed Notice to Neighborhood Associations <div>121</div>	Replaces the "adjacent" requirement with a set distance to allow automation of the query for Neighborhood Associations. See related proposed changes to make distances consistent for pre-submittal neighborhood meeting [6-4(B)], post-submittal facilitated meeting [6-4(L)(3)(a)], and appeals [6-4(V)(2)(a)].	Staff
33	412	6-4(K)(3)(c)2	<b>Mailed Notice to Property Owners</b> <div>119</div> Revise the second sentence as follows: <u>"For zoning map amendment applications only, adjacent properties shall be included where the edge of that 100-foot buffer area falls within any public right-of-way, adjacent properties shall be included."</u>	Removes the adjacency requirement to allow automation for the query for property owners in all but zoning map amendment cases. The State of New Mexico requires <div>125</div> notice to adjacent property owners within 100 feet excluding right-of-way for zoning map amendments.	Staff
34	412	6-4(K)(3)(d)2	<b>Mailed Notice for Amendments to IDO Text - Small Area</b> Revise text as follows: "All owners, as listed in the records of the Bernalillo County Assessor, of property located partially or completely within 100 feet in any direction of the proposed small area. <del>Where the edge of that 100-foot buffer area falls within any public right-of-way, adjacent properties shall be included."</del>	Removes the adjacency requirement to allow automation for the query for property owners. <div>122</div> <div>123</div>	Staff

## #118

Posted by **Rene' Horvath** on **11/27/2023** at **12:49am** [Comment ID: 786] - [Link](#)

*Agree: 0, Disagree: 0*

I do not understand the need to replace the "Adjacency" language. I believe this will have a negative effect on Neighborhood notification. It is unnecessary to change the language, and therefore I do not support this change.

## #119

Posted by **Rene' Horvath** on **11/27/2023** at **1:04am** [Comment ID: 787] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

It is unclear why the City wants to change the language for notification. The current language seems stronger. I recommend not changing the notification language.

## #120

Posted by **Patricia** on **11/17/2023** at **9:36am** [Comment ID: 694] - [Link](#)

*Agree: 0, Disagree: 0*

None of this would be an issue if there was either an opt-in list serve for notifications, or a map where development projects were pinned (see DMD projects map: <https://www.cabq.gov/gis/map-views/municipal-development-projects> )

## #121

Posted by **Jane Baechle** on **11/06/2023** at **11:00am** [Comment ID: 660] - [Link](#)

*Agree: 0, Disagree: 0*

Facilitating prompt notice should be a priority. It should also be clear that the change to 330' does not in any way disenfranchise any neighborhood association or coalition.

## #122

Posted by **Rene' Horvath** on **11/27/2023** at **1:08am** [Comment ID: 788] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*



It is unclear why the City wants to change the language for notification. The current language seems stronger. I recommend not removing the adjacency requirement for notification.

## #123

Posted by **Jane Baechle** on **11/06/2023** at **11:02am** [Comment ID: 662] - [Link](#)

*Agree: 0, Disagree: 0*

As before, the timely notice to potentially affected properties is critically important as is ensuring that any change in language will not disenfranchise any property owner.

## #124

Posted by **Jane Baechle** on **11/05/2023** at **10:02am** [Comment ID: 651] - [Link](#)

*Agree: 0, Disagree: 0*

Patricia Willson Oct 24 2023 at 3:19PM

I'm confused, I thought that for decisions that require a public hearing, you have 15 days to request a meeting, not to provide the comments.

Agree1 Disagree0

Jane Baechle Oct 25 2023 at 7:58AM

Clearly an example of the actual effect of a change in language may limit public input and increase the complexity of engaging on consequential land use issues.

Reply by **Jane Baechle** on **11/05/2023** at **10:06am** [Comment ID: 652] - [Link](#)

*Agree: 0, Disagree: 0*

Please assure that there is no restriction on the allowed time to request any public meeting. Many members of the public and even neighborhood association boards have multiple demands on their time and should be accorded the maximum amount of notice to weigh the ramifications of an application, request a meeting or provide comment.

Reply by **projectteam** on **11/07/2023** at **9:37am** [Comment ID: 673] - [Link](#)

*Agree: 0, Disagree: 0*

This section is about referrals to agencies for comment. This is not related to public comment or the request for a Neighborhood Meeting at all.

## #125

Posted by **Jane Baechle** on **11/06/2023** at **11:02am** [Comment ID: 661] - [Link](#)

*Agree: 0, Disagree: 0*

As before, the timely notice to potentially affected properties is critically important as is ensuring that any change in language will not disenfranchise any property owner.

# IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
35	412	6-4(K)(4)	<p><b>Posted Sign</b>            Create new subsections, revise existing text as follows, and renumber subsequent subsections accordingly:            "(a) Where Table 6-1-1 requires posted sign notice, the applicant shall post at least 1 sign on each street abutting the property that is the subject of the application, at a point clearly visible from that street.  <u>(b) For administrative decisions, the sign shall be posted for at least 5 calendar days after submitting the application and 15 days after the decision through the required appeal period pursuant to Subsection 14-16-6-4(V)(3)(a)1.</u>  <u>(c) For decisions requiring a public hearing or policy decisions, the sign shall be posted for at least 15 calendar days before a required the public hearing and for the required appeal period following any final decision, required pursuant to Subsection 14-16-6-4(U) and Subsection 14-16-6-4(V)(3)(a)1."</u></p>	Requires signs to be posted before administrative decisions. The existing language requires posting before the decision only for applications requiring a public hearing and after the decision for the appeal period for all applications.	Staff
36	415	6-4(L)(3)(a)	<p><b>Post-submittal Facilitated Meeting</b>            Revise the final sentence as follows:            "The facilitator shall attempt to contact all Neighborhood Associations <sup>127</sup>  <del>within 330 feet of whose boundaries include or are adjacent to the</del>            subject property."  <sup>126</sup></p>	Replaces adjacency requirement with a set distance to allow automation of the query for Neighborhood Associations. See related proposed changes to make distances consistent for pre-submittal neighborhood meeting [6-4(B)], public notice [6-4(K)], and appeals [6-4(V)(2)(a)].	Staff

## #126

Posted by **Rene' Horvath** on **11/27/2023** at **1:11am** [Comment ID: 789] - [Link](#)

*Agree: 0, Disagree: 0*

It is unclear why the City wants to change the language for notification. The current language seems stronger. I recommend not removing the adjacency requirement for notification.

## #127

Posted by **Jane Baechle** on **11/06/2023** at **1:36pm** [Comment ID: 669] - [Link](#)

*Agree: 2, Disagree: 0*

As before, prompt notice is essential and is the widest possible and most inclusive public engagement process.

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
37	430	6-4(V)(2)(a)	<p><b>Appeals - Standing Based on Proximity for Neighborhood Associations</b>            In Subsection 14-16-6-4(V)(2)(a)5, revise text as follows:            "Property owners (other than the applicant) and Neighborhood Associations on the basis of proximity for decisions as specified in Table 6-4-2.            a. Distances noted in feet in Table 6-4-2 are measured from the nearest lot line of the subject property. <del>Where the edge of that area falls within a public right of way, adjacent properties shall be included.</del>            b. Distances for Neighborhood Associations are based on the boundary on file with the ONC at the time the application for decision related to the subject property was accepted as complete.            c. <del>Where proximity is noted as "Includes or Is Adjacent," the Neighborhood Association boundary includes or is adjacent to the subject property.</del>            In Table 6-4-2, replace "Includes or Is Adjacent" and "660 feet" with "330 feet."</p>	Replaces "adjacent" with a set distance of 330 feet and matches that distance for all other decisions. See related proposed changes to make distances consistent for pre-submittal neighborhood meeting [6-4(B)], public notice [6-4(K)], and post-submittal facilitated meeting [6-4(L)(3)(a)].	Staff
38	438	Table 6-4-3	<p><b>Conditional Use Expiration</b>            Revise the period of validity for Conditional Use Approvals as follows:            "<del>2 years</del> <u>1 year</u> after issuance if use is not begun, or <del>2 years</del> <u>1 year</u> after use is discontinued or fails to operate"</p>	Extends conditional use approvals. Construction often takes longer than 1 year, and restarting a use also takes more time in recent years.	Public
39	436	6-4(X)	<p><b>Time Extensions</b>            See Exhibit for proposed amendments.</p>	Makes time extensions an administrative review/decision. Time extensions do not include changes to the original approval, when public notice takes place. The applicant must justify the request by showing that circumstances beyond their control prevented progress on the project. The shortage of construction workers and other delays are more common, so this administrative approval will help more projects get on the ground.	Staff

#128

Posted by **donna griffin** on **11/05/2023** at **5:43pm** [Comment ID: 658] - [Link](#)

*Agree: 1, Disagree: 0*

section 6(V)2(a) 4 . appears to allow (correctly) anyone to appeal who has suffered an injury-in-fact. This does not comport with table 6-4-2 which appears to limit the basis of appeal only to linear feet. Additionally, the appearance of record is required (6-4(V) (2) b, but it is unclear if the appearance at a hearing on a matter can be construed as basis for standing regardless of the linear feet the appellant's property is from the property subject to the hearing on the record. For filing an appeal, it appears that one would follow 6-4 (V) (3)a but that is not the case. The IDO should be clear that each hearing unit has its own "rules" and that the planning department has requirement to submit an "application" and a fee of \$132 to file an appeal. Following the regulations at COA 14-16-6-4(V) (a) is fatal to an appeal and is disparate treatment of the parties involved.

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
40	501	6-6(O)(2)	<p><b>Variance - ZHE</b>  Revise Subsection (b) as follows:  "All applications in an HPO zone or on a property or in a district listed on the State Register of Cultural Properties or the National Register of Historic Places shall <del>first be referred for review and comment reviewed</del> by the Historic Preservation Planner pursuant to Subsection 14-16-6-5(B) (Historic Certificate of Appropriateness – Minor), <del>and the Historic Preservation Planner shall send a recommendation to the ZEO.</del>"  Add a new Subsection (c) with text as follows and renumber subsequent subsections accordingly:  <u>"All applications on a property adjacent to Major Public Open Space shall be referred for review and comment by the Parks &amp; Recreation Open Space Superintendent."</u></p>	<p>Adds a procedure for the Open Space Superintendent to review variances requested adjacent to Major Public Open Space.</p> <p>129</p> <p>132</p> <p>135</p>	Staff
41	531	6-8(D)(1)	<p><b>Nonconforming Structures</b>  Create new subsections and revise text as follows:  "<u>1. Unless specified otherwise in this Section 14-16-6-8, a nonconforming structure shall be allowed to continue to be used, regardless of any change in ownership or occupancy of the structure, until the structure is vacant for a period of 2 years, or until unless</u> another provision of this Section 14-16-6-8 requires the termination of the use.  <u>2. Mobile home dwellings are subject to provisions in Subsection 14-16-6-8(C)(7) (Mobile Home Dwellings).</u>  <u>3. Signs are subject to provisions in Subsection 14-16-6-8(F) (Nonconforming Signs)."</u></p>	<p>Allows nonconforming structures to be re-used even after being vacant for 2+ years. Note that a separate rule on nonconforming uses would continue to have a time limit of 2 years. This rule change would incentivize the reuse of existing buildings, while the nonconforming use rule would ensure compliance with allowable uses over time.</p>	Staff
42	534	6-8(G)(2)(a)1 .a	<p><b>Front Yard Parking</b>  See Council Memo for proposed amendments.</p>	<p>See Council Memo.</p> <p>130</p> <p>131</p> <p>133</p> <p>134</p>	Council



## #129

Posted by **Rene' Horvath** on **11/27/2023** at **1:19am** [Comment ID: 790] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

Agree with Jane Baechle that the National Park Service for Petroglyph National Monument should also be notified of applications for properties adjacent to the monument so they can review and provide comment.

## #130

Posted by **Debbie Conger** on **11/21/2023** at **8:59pm** [Comment ID: 716] - [Link](#)

*Agree: 0, Disagree: 0*

The City needs to enforce the existing IDO regulations about front yard parking. There are many R1 lots in my neighborhood that regularly have 2-4 cars parked in the front yards (and that's in addition to the cars already parked in the driveway) and that have little to no green space.

## #131

Posted by **Peter Swift** on **11/26/2023** at **12:14pm** [Comment ID: 754] - [Link](#)

*Agree: 0, Disagree: 0*

This same comment appears in the supporting memo also.

Is this aimed at a specific size of angular stone? If so, why? It seems unnecessary--few people want to park on uneven angular boulders or cobbles, so maybe this is aimed at angular gravel coarser than crusher fines? I can imagine advantages to a driveway of compacted angular stones between approximately 1/2 inch and 1 inch in diameter--particles small enough to pack down flat and but large enough not to get stuck in your shoes like crusher fines. Is there really a pressing zoning issue to exclude this option? If so, please be specific about allowable particle sizes, and explain why. As an editorial observation, the proposed wording needs "or" inserted in front of "crusher fines" to be consistent with the preceding phrase "such as".

## #132

Posted by **Jane Baechle** on **10/30/2023** at **5:01pm** [Comment ID: 606] - [Link](#)

*Agree: 2, Disagree: 0*

As I requested on the initial publication of these proposals, please add a requirement that the NPS Petroglyph National

Monument (PETR) Superintendent be provided the application for any variances on property adjacent to PETR. As before, I realize the NPS cannot be compelled to comment but they should have the same notice that is submitted to the Open Space Superintendent and should be allotted the same amount of time to provide a comment. This is especially relevant in the multiple neighborhoods where multiple homes share a property line with the NPS boundary.

## #133

Posted by **Jane Baechle** on **11/06/2023** at **10:57am** [Comment ID: 659] - [Link](#)

*Agree: 2, Disagree: 0*

Jane Baechle Oct 25 2023 at 8:09AM

I support requirements to use appropriate materials for front yard parking and driveways. However, currently, the city fails to enforce existing IDO requirements re: how much of a front yard can be turned into a parking surface. Please assure enforcement of existing standards as well.

Agree2 Disagree0

Debbie Conger Oct 25 2023 at 8:38PM

Yes, please enforce existing standards for front yard parking.

Agree1 Disagree0

## #134

Posted by **Rene' Horvath** on **11/27/2023** at **1:28am** [Comment ID: 791] - [Link](#)

*Agree: 0, Disagree: 0*

Agree that graveled front yard landscaped area should not be used as the parking areas for vehicles. Also Agree with Jane Baechle's and Debbie Conger that existing front yard regulations should be enforced.

## #135



Posted by **Bridget Harrington** on **11/06/2023** at **3:10pm** [Comment ID: 670] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

As Jane Baechle mentioned in her comment, many homes in the Santa Fe Village community share or are close to the Petroglyph boundary. My home is one of those -- as are any homes directly on or with a cross-street of Rockcress or Montano. Homeowner input on this should be solicited prior to any changes. My high home value is partly because it shares that National Park boundary.

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
43	Multiple	6	<b>Wireless Telecommunications Facility - Public Notice</b> In Table 6-1-1, add Email Notice requirement for WTFs. Move language in 6-4(K)(3)(b)2 to 6-4(K)(2) in a new Subsection. 	Adds consistency with other decisions that provide notice to Neighborhood Associations in terms of receiving email notice. Note that Subsection 14-16-6-4(K)(2)(a) requires mailed notice if a Neighborhood Associate Representative does not have an email address on file with ONC. Subsection 14-16-6-4(K)(7)(b) requires that an applicant request updated information from the City and another attempt if the email bounces back.	Staff
44	Multiple	6-4(Y)	<b>Minor and Major Amendments &amp; Expiration (Post-IDO Approvals)</b> Add a new Subsection 6-4(Y)(2)(d) with text as follows: <u>"An approved minor amendment does not affect the expiration of the original approval. Time extensions must be requested pursuant to Subsection 14-16-6-4(X)(4) (Extensions of Period of Validity)."</u> Add a new Subsection 6-4(Y)(3)(d) with text as follows: <u>"An approved major amendment replaces the original approval in terms of expiration, if one applies pursuant to Table 6-4-3."</u>	Clarifies how amendments affect the period of validity of the original approval. Matches existing practice.	Staff
45	Multiple	6-4(Z)	<b>Minor and Major Amendments &amp; Expiration (Pre-IDO Approvals)</b> Make existing text a new Subsection 6-4(Z)(1)(a)1 and add a new Subsection 6-4(Z)(1)(a)2 with text as follows: <u>"An approved minor amendment does not affect the expiration of the original approval. Time extensions must be requested pursuant to Subsection 14-16-6-4(X)(4) (Extensions of Period of Validity)."</u> Add a new Subsection 6-4(Z)(1)(b)3 with text as follows: <u>"An approved major amendment replaces the original approval in terms of expiration, if one applies pursuant to Table 6-4-3."</u>	Clarifies how amendments affect the period of validity of the original approval. Matches existing practice. 	Staff

## #136

Posted by **Rene' Horvath** on **11/27/2023** at **1:32am** [Comment ID: 792] - [Link](#)

*Agree: 0, Disagree: 0*

Support mailed notice if NA representative does not have an email address.

## #137







Posted by **Bridget Harrington** on **11/06/2023** at **3:21pm** [Comment ID: 672] - [Link](#)

*Type: Suggestion*

*Agree: 1, Disagree: 0*

The portions in the IDO about single family home conversion to two family...I'm not seeing anything in the documents about superceding the allowable size or definitions of a 2 family. The majority of homes in the Santa Fe Village community are too small to fit the legal size definition of 2fam, as well as there being challenges to adding separate entrances to properties that don't already have them. Same as retail and restaurants on corner lots...in order for that to happen, the property must also meet the standards for parking and traffic. Virtually no street in Santa Fe Village will accommodate increased retail traffic. Making parking in front of homes allowed for this proposed retail/restaurant allowance will inconvenience homeowners. Many of us do not have adequate parking as it is, with many having multiple vehicles and recreational trailers.

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
46	556	7-1	<b>Definitions, Community Residential Facility</b> Revise text as follows: <del>"A facility that is designed to provide a residence and services Any building, structure, home, or in which persons reside for a period of more than 24 hours and that is designed to help the residents adjust to the community and society and is used or intended to be used for the purposes of letting rooms, providing meals, and/or providing for persons who need personal assistance, personal services, personal care, and/or protective care, but not skilled nursing care. This use specifically includes, but is not limited to, facilities and who meet meeting the definition of a handicapped person or for other persons are protected against housing discrimination under the federal Fair Housing Act Amendments of 1998 (or as amended) and court decisions interpreting that Act.</del>	Revised to make the definition more operational, enforceable, and parallel to other defined terms. See also proposed amendments for Group Home and Nursing Home in Section 7-1.    	Staff
46	556	7-1 (cont'd)	<b>Definitions, Community Residential Facility (cont'd)</b> "For purposes of this definition, the term handicapped does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program. <del>This use does not include 24-hour skilled nursing care. This use shall not include half way houses for individuals in the criminal justice system or residential facilities to divert persons from the criminal justice system.</del> See also <i>Family , Family Care Facility , and Group Home .</i>	(Cont'd from above)     	Staff

## #138

Posted by **Patricia** on **11/17/2023** at **9:52am** [Comment ID: 695] - [Link](#)

*Agree: 0, Disagree: 0*

If I'm understanding this correctly, then a small CRF (permissive in R-1) could go in next door with no notice?

## #139

Posted by **Patricia** on **11/17/2023** at **9:57am** [Comment ID: 696] - [Link](#)

*Agree: 0, Disagree: 0*

Which means there could be 8 ex-cons in a halfway house next-door?

## #140

Posted by **Rene' Horvath** on **11/27/2023** at **1:53am** [Comment ID: 793] - [Link](#)

*Agree: 0, Disagree: 0*

Seems OK. What Community Residential Facilities does Albuquerque have already?

## #141

Posted by **Rene' Horvath** on **11/27/2023** at **2:58am** [Comment ID: 795] - [Link](#)

*Agree: 0, Disagree: 0*

What group of people does this type of Facility serve? It would be helpful to learn more about Community Residential Facilities and how they operate. What City Department does that?

## #142

Posted by **Peter Swift** on **11/26/2023** at **12:20pm** [Comment ID: 755] - [Link](#)

*Agree: 0, Disagree: 0*

This seems to be an inappropriate use of the IDO update process to make a substantive zoning change without sufficient public notice and comment. This goes well beyond a simple revision of a definition. If the revision is genuinely needed to "make the definition more operational, enforceable, and parallel to other defined terms", the changes need greater visibility.

#143

Posted by **Jane Baechle** on **11/19/2023** at **3:31pm** [Comment ID: 706] - [Link](#)

*Agree: 0, Disagree: 0*

This not a "revised" definition. This is a fundamental rewrite which effectively changes the applicability of the use to previously ineligible individuals, including those with convictions for criminal activity, and removes the residents from any process of notification or comment. To be clear, this is going to disproportionately impact modest or low-income neighborhoods, many of which are already historically underserved and have high rates of socio-economic stressors. The IDO specifically call for the IDO to 1-3(D) Protect all communities, especially those that have been historically underserved and 1-3(E) Protect the quality and character of residential neighborhoods. this language is manifestly in conflict with those statements of purpose.



## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
46	556	7-1 (cont'd)	<p><b>Definitions, Community Residential Facility</b> (<i>cont'd</i>)</p> <p>Revise text as follows:</p> <p>"Community Residential Facility is divided into 2 categories based on the number of individuals residing in the facility (not the size of the structure).</p> <p>1.Community Residential Facility, Small: A facility housing between 6 and 8 individuals <u>receiving services, plus those providing services that do not meet the definition of a family in which personal service, personal assistance, personal care, and/or protective care are provided.</u></p> <p>2.Community Residential Facility, Large: A facility housing between 9 and 18 individuals <u>receiving services, plus those providing services that do not meet the definition of family in which personal service, personal assistance, personal care, and/or protective care are provided.</u></p>	<p>(Cont'd from above)</p> <p>144</p>	Staff
47	568	7-1	<p><b>Group Home</b></p> <p>Revise text as follows:</p> <p>"A facility <del>Any building, structure, home, facility, or place in which persons reside for a period of more than 24 hours that is designed to provide a residence and services help the residents adjust to the community and society and that is intended to be used for the purposes of letting rooms, providing meals, and/or providing personal assistance, personal services, personal care, and protective care to for persons that who need personal assistance, personal services, personal care, and/or protective care but</del> do not meet the definition of a handicapped person or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988 (as amended) and court decisions interpreting that Act, <del>but not skilled nursing care. This use does not include 24-hour skilled nursing care. This use includes other services as incidental activities if they comply with all local and State licensing requirements, including any required license by the New Mexico Department of Health."</del></p>	<p>Revised to make the definition more operational, enforceable, and parallel to other defined terms. See also proposed amendments for Community Residential Facility and Nursing Home in Section 7-1.</p>	Staff


**#144**

Posted by **Merideth Paxton** on **11/26/2023** at **10:21pm** [Comment ID: 769] - [Link](#)

*Agree: 0, Disagree: 0*

The separation of CRFs into Small and Large should be based on square footage of sleeping areas, not numbers of residents. Knowing how many people are actually living in a facility is difficult because operators could move occupants temporarily if they learn of inspections in advance.

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
47	568	7-1 (cont'd)	<b>Group Home</b> (cont'd) Revise text as follows: "This use <del>includes shall include halfway houses for</del> <u>includes facilities for</u> persons <del>individuals</del> in the criminal justice system or residential facilities to divert persons from the criminal justice system. <u>This use includes facilities for persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program.</u> "	(Cont'd from above)  	Staff
48	583	7-1	<b>Nursing Home</b> Revise text as follows: "A facility designed to provide <del>a residence, housing,</del> meals, and medical- and health-related care for individuals, including <del>24-hour</del> skilled nursing care. This definition includes facilities providing in-patient care for individuals suffering from a terminal illness. Such facilities may include commercial kitchens with shared dining facilities for residents; medical services with personnel that provide assistance with medication, administration, dressing, bathing, and social activities; activity rooms; indoor recreational amenities; gift shops; hair salons; administrative offices; laundry services; worship space; and overnight guest units for short-term visitors."	Revised to make the definition more operational, enforceable, and parallel to other defined terms. See also proposed amendments for Community Residential Facility and Group Home in Section 7-1.	Staff
49	586	7-1	<b>Overnight Shelter</b> "A facility that provides temporary or transitional sleeping accommodations for 6 or more persons within completely enclosed portions of a building with no charge or a charge substantially less than market rates. Such facilities may provide meals, personal assistance, personal services, social services, personal care and protective care. This use does not include <del>24-hour</del> skilled nursing care, which is regulated as either hospital or nursing home for the purposes of this IDO."	Revised for consistency with other proposed changes. See proposed amendments for Community Residential Facility, Group Home, and Nursing Home in Section 7-1.	Staff

#145

Posted by **Rene' Horvath** on **11/27/2023** at **3:28am** [Comment ID: 796] - [Link](#)

*Agree: 0, Disagree: 0*

This amendment needs more explanation as to what clients Group Homes serve and where will they be located. It is important to have a successful program that serves those coming out of the criminal justice system or has addiction issues. We don't want to impact the surrounding Community. It would be good to know what drug treatment facilities Albuquerque has and how successful they are. Does Albuquerque currently have any successful models? Is there anyone that can explain how group homes operate? The more the public learns about these facilities the more we can determine what works, what doesn't and what is needed.

## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
50	586	7-1	<b>Outdoor Amplified Sound [new]</b> Create a new term with text as follows and renumber subsequent subsections accordingly: <u>"Amplified sound from speakers outside of a fully enclosed building either permanently mounted or used more than 1 time per week. This use does not include amplified sound associated with a special event permit or a temporary use, which are regulated separately."</u>	Defines outdoor amplified sound to enable a curfew between 10 p.m. and 7 a.m. when used as an accessory use.	Public
51	587	7-1	<b>Parking Definitions</b> <b>Garage</b> Revise text as follows: "A single-story structure or part of a building in a low-density residential development <u>or a single-story structure in a multi-family residential development</u> designed to accommodate motor vehicle parking spaces that are <del>partially or</del> completely enclosed, but not including a parking structure."	Adds multi-family residential development to the definition of garage. Multi-story parking is defined as parking structure. Removes conflict with carport, which is defined as parking structure that is partially enclosed. <span style="color: blue; border: 1px solid blue; border-radius: 50%; padding: 2px;">150</span>	Staff
52	596	7-1	<b>Sensitive Lands</b> <b>Large Stand of Mature Trees</b> Revise existing text as follows: <u>"At least 3 A collection of 5 or more trees that are each at least 10 years old 30 years or older or with a trunk at least 8 inches in diameter at breast height (DBH), as measured by the City Forester, on a subject property having trunk diameters (as determined by Diameter at Breast Height — DBH) averaging at least 16 inches in diameter, as determined by the City Forester."</u>	Revised to be more realistic given existing trees in ABQ. <span style="color: blue; border: 1px solid blue; border-radius: 50%; padding: 2px;">146</span> <span style="color: blue; border: 1px solid blue; border-radius: 50%; padding: 2px;">148</span>	Staff
53	596	7-1	<b>Sensitive Lands</b> <b>Rock Outcropping</b> Revise existing text to read as follows: "Bedrock or other stratum a minimum of <u>4 feet 6 feet</u> high on its steepest side as measured from the adjacent 10 percent slope line and in excess of <u>300 500</u> square feet in surface area."	Revised to be more realistic given existing rock outcroppings in ABQ. <span style="color: blue; border: 1px solid blue; border-radius: 50%; padding: 2px;">147</span> <span style="color: blue; border: 1px solid blue; border-radius: 50%; padding: 2px;">149</span>	Staff
54	Multiple	Multiple	<b>Fire Station or Police Station</b> On page 53, in Subsection 14-16-2-5(E)(2), delete subsection (f). On page 151, in Table 4-2-1, add a new use for Fire station or police station with P in MX-M, MX-H, NR-C, NR-BP, NR-LM, and NR-GM.	Allows fire stations and police stations to be permissive in existing zone districts. Currently, fire stations and police stations require a zone change to NR-SU and the adoption of a Site Plan - EPC.	Admin

## #146

Posted by **Rene' Horvath** on **11/27/2023** at **2:36am** [Comment ID: 794] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

Support! We've had planning documents that promoted the protection of existing mature tree on a parcel of land, by incorporating them in to the landscape. It would be good to promote that practice again as many trees have died in the last few years, due to drought. This amendment is a good start.

## #147

Posted by **Rene' Horvath** on **11/10/2023** at **4:57pm** [Comment ID: 684] - [Link](#)

*Agree: 3, Disagree: 0*

Rock out crops are one of the most fascinating geological features of the mesa top. These basaltic hills are remnants of Albuquerque's volcanic activity. Some have petroglyphs on them. They are a very rare type of landscape worthy of preservation. It's unfortunate so many are destroyed; as they can be a great asset for a community to use along pedestrian trails, parks, view areas or corridors, landscape buffers or added attractions for a parcel of land. This definition better includes smaller outcrops in its description. I would encourage more creativity in using these unique features as they can add value and character to the area.

## #148

Posted by **Jane Baechle** on **11/06/2023** at **11:05am** [Comment ID: 663] - [Link](#)

*Agree: 1, Disagree: 0*

Jane Baechle Oct 24 2023 at 9:51AM

I strongly support protection of the tree canopy and existing vegetation in designing development. In an arid and increasingly challenged landscape it is critical to preserve these both for the aesthetic benefit they confer as well as for their positive impact on the health and welfare of the people who live here.

## #149

Posted by **Jane Baechle** on **11/06/2023** at **11:07am** [Comment ID: 664] - [Link](#)

*Agree: 2, Disagree: 0*

Jane Baechle Oct 24 2023 at 10:31AM

I also strongly support the protection of natural features of the landscape inc. rock outcroppings. These represent an invaluable asset to the landscape, particularly along the escarpment on on the NW mesa but anywhere they occur across the city. As above, these are not merely aesthetic considerations. The ABQ natural landscape is one of its greatest assets to Native people, residents, visitors, property owners and to our children. Our development laws and standards should assure its protection for current and future generations and protect the economic benefit the landscape provides to the entire area.

Agree4 Disagree0

Reply by **Jane Baechle** on **11/06/2023** at **11:26am** [Comment ID: 665] - [Link](#)

*Agree: 2, Disagree: 0*

I believe it is simply impossible to overstate the importance of this natural feature and it intrinsic value to the landscape and this City.

## #150

Posted by **Michelle Negrette** on **10/27/2023** at **11:51am** [Comment ID: 599] - [Link](#)

*Agree: 0, Disagree: 0*

How is this interpreted if there is housing above the garage? Does the language need to include single-story structure?

Reply by **projectteam** on **10/30/2023** at **9:03am** [Comment ID: 605] - [Link](#)

*Agree: 0, Disagree: 0*

Multi-family housing above parking is considered podium parking per the definition of parking structure.

"Parking Structure

A multi-story structure or part of a multi-story building designed to accommodate motor vehicle parking spaces that are partially or completely enclosed, including podium parking..."



## IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC Submittal

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
55	Multiple	Multiple	<b>Battery Energy Storage System (BESS)</b> See Exhibit for a new use in Table 4-2-1, new use-specific standards in Subsection 4-3, and new definitions in 7-1.	Responds to recent applications for private battery energy storage systems and a Declaratory Ruling by the ZEO in early 2022. Establishes distance separations from residential, Major Public Open Space, religious institutions, and schools.	Staff
56	Multiple	Multiple	<b>Outdoor and Site Lighting</b> See Exhibit for proposed amendments, including: Revising USS for self-storage in 4-3(D)(29)(e) 157 Revising USS 152/TFs in 4-3(E)(12) 154 Replacing 5-8 with new text 153 155 Revising illuminated sign standard in 5-12(E) 156a)2 Revising 151 ronic sign standard in 5-12(H)(4) 158 Adding, revising, and deleting definitions in 7-1	Updates existing lighting regulations to improve compliance with State's Dark Sky Ordinance 164 and improve enforcement 172 160 168 165 171 161 163 167 170	Staff
57	Multiple	Multiple	<b>Landscaping Standards</b> See Exhibit for proposed amendments in 5-6 and 7-1.	Increase requirements for plants and irrigation, reduce water consumption, and improve survivability of landscaping in the high desert environment. 162	Staff
58	Multiple	Multiple	<b>Tribal Engagement</b> See Council memo for proposed amendments, including the following Subsections: 14-16-6-4(J) Referrals to Commenting Agencies 14-16-6-5(A) Archaeological Certificate 14-16-7-1 Definitions	See Council memo 166 169	Council
59	All	All	<b>Clerical Changes</b> Make any necessary clerical corrections to the document, including fixing typos, numbering, and cross references.	Covers general clerical corrections.	Staff
60	All	All	<b>Editorial Changes</b> 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.	Covers general editorial corrections.	Staff

## #151

Posted by **Gary Starkweather** on **11/26/2023** at **8:24pm** [Comment ID: 759] - [Link](#)

*Agree: 0, Disagree: 0*

Color temperature lights should not have a lower limit or 3000K or 2700K. Narrow spectrum lights with no blue light are 2200K TO 1700K. Phrase as low as possible while providing adequate illumination.

## #152

Posted by **Gary Starkweather** on **11/26/2023** at **8:21pm** [Comment ID: 758] - [Link](#)

*Agree: 0, Disagree: 0*

Color Maps need to be added for light zones to identify where the zones apply.

## #153

Posted by **Gary Starkweather** on **11/26/2023** at **8:50pm** [Comment ID: 764] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

This Ordinance should state the Purpose

And should include "...to prevent the increase of unnecessary sky glow that reduces the visibility of stars in the night sky and to protect natural ecosystems and their biodiversity

## #154

Posted by **Jim Price** on **11/25/2023** at **1:43pm** [Comment ID: 742] - [Link](#)

*Agree: 0, Disagree: 0*

I agree strongly with these revisions.

## #155

Posted by **Gary Starkweather** on **11/26/2023** at **8:53pm** [Comment ID: 765] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

Flag illumination upper limit missing.

Set upper limit on top mounted down facing flag pole luminaries to 3000 lumens at 5000K total emission maximum.

## #156

Posted by **Gary Starkweather** on **11/26/2023** at **8:30pm** [Comment ID: 760] - [Link](#)

*Agree: 0, Disagree: 0*

When the draft references ANSI/IES Light Zone X, for different LZ's, add the ANSI/IES data in the same section for easy review.

## #157

Posted by **Gary Starkweather** on **11/26/2023** at **8:34pm** [Comment ID: 761] - [Link](#)

*Agree: 0, Disagree: 0*

Table 2-14-15 for LZ2 , LZ3 MX-FB Sub Zones is not very helpful. Can this be restructured to be easier to understand? Context is murky at best.

## #158

Posted by **Gary Starkweather** on **11/26/2023** at **8:42pm** [Comment ID: 762] - [Link](#)

*Agree: 0, Disagree: 0*

Re: Non conforming lighting - if electric or change of luminaries is needed shall be considered non-conforming thru 2034. What about un-permitted lights and lights non-conforming to the 1999 NSPA? Do they get to operate for 10 more years without having a permit or being constructed out of compliance with the State ACT?  
Is this an amnesty program for all non compliant luminaries?

## #159

Posted by **Gary Starkweather** on **11/26/2023** at **8:45pm** [Comment ID: 763] - [Link](#)

*Agree: 0, Disagree: 0*

Mixed Use in LZ2 has lights on all night. This should be restricted to on as needed or motion detection hardware.

## #160

Posted by **Jon Eldredge** on **11/22/2023** at **5:13pm** [Comment ID: 723] - [Link](#)

*Type: Suggestion*

*Agree: 3, Disagree: 0*

Excess lighting has been linked with health problems and environmental disruption. Lighting consequently should be hooded and pointed only downward toward the intended objects such as cars in a driveway or a front porch steps. I agree with most comments in this section, but would add an important point. Law enforcement officers have told me that those bright lights that shine horizontally to illuminate an entire front yard and the street (a form of light trespassing per the city ordinance) actually hinder their efforts in spotting burglars or possible assailants. Unfortunately, these horizontally cast lights are marketed to and believed by many in the public to be a crime deterrent when the opposite is true.

## #161

Posted by **Ed Barker** on **11/22/2023** at **4:28pm** [Comment ID: 722] - [Link](#)

*Type: Suggestion*

*Agree: 2, Disagree: 0*

Large cities, such as Albuquerque, contribute most of the light pollution that is a glow on the horizon from Ground-based Observatories and hinders the quality of the deep sky observations that are attempted. Following the Dark Sky recommendations' would help keep New Mexico on the favored Dark Sky, Observatory list, which is critical for bringing NSF, NASA and DOE funding to NM.

## #162

Posted by **Peter Swift** on **11/26/2023** at **12:30pm** [Comment ID: 756] - [Link](#)

*Agree: 0, Disagree: 0*

I support these changes , but I'm a little surprised to see them introduced this late in the IDO process without more public notice and comment. Did I miss something in the process? I don't see a date on when the exhibit was posted.

## #163

Posted by **Debbie Conger** on **11/21/2023** at **9:13pm** [Comment ID: 719] - [Link](#)

*Agree: 3, Disagree: 0*

This is a start, but more needs to be done to prevent the increase of unnecessary sky glow that reduces the visibility of stars in the night sky, impacts human health, damages natural ecosystems and their biodiversity, interferes with the migrations of birds and nocturnal insects.

As one example, the city's own proposal for the Rail Trail Tumbleweed is in conflict with these principles. Is a 25-foot LED statue representing an invasive plant truly a benefit that outweighs its impact on our night skies?

## #164

Posted by **Debbie Conger** on **11/21/2023** at **9:05pm** [Comment ID: 717] - [Link](#)

*Type: Suggestion*

*Agree: 3, Disagree: 0*

The purpose 5-8(A) of the Outdoor and Site Lighting Standards should be directed by the 5 Principles for Responsible Outdoor Lighting created by DarkSky in coordination with the Illuminating Engineering Society:

- 1) Useful - Use light only if it is needed.
- 2) Targeted - Light should be directed only to where it is needed.
- 3) Low level - Illumination should be no higher than necessary.
- 4) Controlled - Light should be used only when it is useful.
- 5) Warm-colored - Use warmer-color lights where possible.

## #165

Posted by **Derek Wallentinsen** on **11/24/2023** at **9:37am** [Comment ID: 728] - [Link](#)

*Type: Suggestion*

*Agree: 1, Disagree: 0*

I made comments back in October on the exhibit document. They do not show when linking off of link 1. Off link 2, they do show and that page is closed to comments. If the city is to use this functionality, it has to make it consistent.

Link 1

<https://abq-zone.com/ido-annual-update-2023-citywide-amendments-epc-submittal>

Link 2

<https://abq-zone.com/ido-annual-update-2023-exhibit-lighting-pre-epc-submittal>

## #166

Posted by **Jane Baechle** on **10/31/2023** at **12:24pm** [Comment ID: 609] - [Link](#)

*Agree: 0, Disagree: 0*

Please see comments written directly on the Council Memo.

## #167

Posted by **Debbie Conger** on **11/21/2023** at **9:07pm** [Comment ID: 718] - [Link](#)

*Type: Suggestion*

*Agree: 2, Disagree: 0*

I disagree with the lower CCT to 2700K. There should be no limit as long as the color rendition of the light is high enough. The lower the better, as lower CCT reduces the scattering of light and disturbance to human health and ecosystems.

## #168

Posted by **Derek Wallentinsen** on **11/24/2023** at **9:13am** [Comment ID: 724] - [Link](#)

*Type: Suggestion*

*Agree: 1, Disagree: 0*

5-8(G)(1) The just-approved NM United stadium should be subject to these regulations.

## #169

Posted by **Rene' Horvath** on **11/27/2023** at **3:43am** [Comment ID: 797] - [Link](#)

*Agree: 1, Disagree: 0*

Support! The mesa top is sacred to Native Americans. It would be good to get their input.

## #170

Posted by **Derek Wallentinsen** on **11/24/2023** at **9:32am** [Comment ID: 727] - [Link](#)

*Type: Suggestion*

*Agree: 1, Disagree: 0*

5-8(F) Total site lumens for non-residential is leaving out limits for uses such as gas stations, car sales lots, etc. These footcandle limits need to be in there and should take into account ground reflection, as it is a significant contributor to sky glow for brightly lit areas, even if BUG standards are met.

## #171

Posted by **Debbie Conger** on **11/21/2023** at **9:15pm** [Comment ID: 720] - [Link](#)

*Agree: 4, Disagree: 0*

There are other communities that have benefited by becoming dark sky communities that has resulted in the growing astro-tourism market. Let's make this amendment as robust as possible.!

## #172

Posted by **Derek Wallentinsen** on **11/24/2023** at **9:17am** [Comment ID: 725] - [Link](#)

*Type: Suggestion*

*Agree: 1, Disagree: 0*

5-8(D)(7)(a) The interval for turning off or reduction in motion-sensed switching should be 5 minutes or less. Further, my walking my dog in my driveway should not set off my neighbor's motion detector. Their effectiveness must be limited to the property line.



# IDO Annual Update 2023- Exhibit – Lighting

On page 42, create a new Subsection with text and table as follows.

## Part 14-16-2 Zone Districts

### 2-4 MIXED-USE ZONE DISTRICTS

#### 2-4(E) MIXED-USE – FORM-BASED ZONE DISTRICT (MX-FB)

2-4(E)(1) Purpose

2-4(E)(2) Other Standards

2-4(E)(3) District Standards

##### 2-4(E)(3)(i) Outdoor and Site Lighting

Table 2-4-15: IDO lighting designations for the MX-FB Sub-zones indicate the allowable use for each sub-zone. Where multiple designations are indicated for a zone district, the note in the table identifies which designation shall be used depending on context.

**Table 2-4-15: IDO Lighting Designations for the MX-FB Sub-zones**

Lz2 = ANSI/IES Light Zone 2 Lz3 = ANSI/IES Light Zone 3				
IDO Lighting Designations	MX-FB-ID	MX-FB-FX	MX-FB-AC	MX-FB-UD
Lz2	X	X	X	X
Lz3			X <sup>1</sup>	X <sup>1</sup>

**Notes:**

[1] Within UC-MS-PT-MT areas, a higher lighting designation is allowed unless the subject property is adjacent to any Residential zone district.

#001

Posted by **Derek Wallentinsen** on **11/24/2023** at **9:23am** [Comment ID: 726] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

I made comments back in October on this exhibit document. They do not show here. On another link, they do show and that page is closed to comments. If the city is to use this functionality, it has to make it consistent.

On page 183, revise text in Subsection 14-16-4-3(D)(29)(e) and Subsection 14-16-4-3(E)(1)(d) as follows:

## Part 14-16-4 Use Regulations

### 4-3 USE-SPECIFIC STANDARDS

#### 4-3(D) COMMERCIAL USES

##### 4-3(D)(29) Self-Storage

4-3(D)(29)(e) Within 200 feet of any Residential zone district, internal lighting that is visible from the property line shall not exceed the maximum light trespass values listed in Table 5-8-3 for lighting designation Lz1 during the outdoor lighting curfew ~~be dimmed by 50 percent of the maximum foot lamberts allowed pursuant to Subsection 14-16-5-8(D)(6) between 10:00 P.M. and 7:00 A.M.~~

#### 4-3(E) INDUSTRIAL USES

##### 4-3(E)(12) Wireless Telecommunications Facility

4-3(E)(12)(g) Lighting and Signage

1. Only security lighting or lighting required by a State and/or federal agency is allowed, provided that all of the following requirements are met.
  - a. The location and cut-off angle of the light fixture shall be such that it does not shine directly on any public right-of-way, private way, or any lot containing a residential use.
  - b. Lighting shall not exceed maximum light trespass values in Table 5-8-3 for the relevant lighting designation during outdoor lighting curfew hours. ~~The lighting shall not have an off-site luminance greater than 1,000 foot lamberts at any point, and shall not have an off-site luminance greater than 200 foot lamberts measured from any private property in any Residential zone district.~~
2. Only signage required by State or federal law is allowed.

On page 244, revise text to read as follows:

## Part 14-16-5 Development Standards

### 5-2 SENSITIVE LANDS

#### 5-2(J) MAJOR PUBLIC OPEN SPACE EDGES

##### 5-2(J)(1) Lots Within 330 Feet of Major Public Open Space

##### 5-2(J)(1)(a) Outdoor Lighting

Regardless of zone district, the lighting designation shall be Lz0 or Lz1 subject to outdoor lighting curfew to protect natural ecosystems and their biodiversity.

On page 335, replace Section 14-16-5-8 in its entirety with the following text:

### 5-8 OUTDOOR AND SITE LIGHTING

#### 5-8(A) PURPOSE

This Section 14-16-5-8 is intended to enhance the attractiveness and livability of the city, protect the safety of its residents, reduce light trespass between private properties, minimize disruption to natural ecosystems, and prevent the increase of unnecessary sky glow that reduces the visibility of stars in the night sky.

#### 5-8(B) APPLICABILITY

All sources of light visible from the exterior of a property shall comply with the standards of this Section 14-16-5-8, unless specified otherwise in this IDO. This includes the use of outdoor lighting, hours of operation, and regulation of light trespass.

##### 5-8(B)(1) Activities that Trigger Outdoor and Site Lighting Requirements General

##### 5-8(B)(1)(a) Maintenance and One-for-one Replacement

If an outdoor luminaire is not working or is damaged, the repair and/or replacement shall conform with the requirements of this Section.

##### 5-8(B)(1)(b) Expansion, Renovation, and Redevelopment

The following activities shall require compliance with the requirements of this Section:

1. Expansion of the gross floor area by 25 percent or more.
2. Changes to the number of off-street parking spaces provided by 25 percent or more.
3. Changes to the number of luminaires by 25 percent or more.
4. Any change of land use to a different use category in Table 4-2-1.

##### 5-8(B)(1)(c) New Development

Development involving the construction of a new building or new parking lot shall conform with the requirements of this Section.

## #002

Posted by **Jim Price** on **11/25/2023** at **2:02pm** [Comment ID: 746] - [Link](#)

*Agree: 0, Disagree: 0*

There should be some form of information provided to home builders and contractors. These ordinances are meaningless if they don't follow them.

## #003

Posted by **Jim Price** on **11/25/2023** at **2:00pm** [Comment ID: 745] - [Link](#)

*Agree: 0, Disagree: 0*

Will there be an outreach to vendors of lighting? Even a volunteer group would be helpful to educate big box stores, lighting dealers, electrical supply houses etc.

## **5-8(B)(2) Exemptions**

The following types of lighting are not subject to the requirements of this Section:

- 5-8(B)(2)(a) Lighting that is required by federal or state regulations that conflicts with this Section, including:
1. Air-side facilities at the airport (runway, taxiway, and other facilities located inside the security fence) as regulated by the Federal Aviation Administration (FAA) for safety.
  2. Building codes and other illumination for means of emergency egress as regulated by the National Fire Protection Association (NFPA).
  3. Temporary outdoor lighting necessary for worker safety at construction sites.
  4. Outdoor lighting necessary for worker safety at farms, ranches, dairies, feedlots, or industrial, mining, or oil and gas facilities, as determined by the EPC in a Site Plan – EPC pursuant to Subsection 14-16-6-6(I) with an outdoor and site lighting performance analysis pursuant to Subsection 14-16-6-4(H)(3).
- 5-8(B)(2)(b) Nighttime illumination of the United States of America flag and the New Mexico State flag that complies with one of the following illumination requirements:
1. A luminaire mounted on top of the flagpole that only directs light downward.
  2. A maximum of 3 in-ground uplights, or 3 shielded spotlights that are surface mounted at grade, that direct light upward. The maximum beam spread of any individual light source shall be no more than 24 degrees. The maximum output of any individual luminaire shall be no more than 100 lumens per foot of flagpole height (e.g. 2,000 lumens for a 20-foot pole).
- 5-8(B)(2)(c) Neon signs and all other illuminated signs that are regulated pursuant to Section 14-16-5-12.

## **5-8(C) PROHIBITED LIGHTING**

### **5-8(C)(1) Toxic and Energy Inefficient**

- 5-8(C)(1)(a) Mercury vapor lights are prohibited.
- 5-8(C)(1)(b) Inefficient light sources (less than 45 lumens/watt) are prohibited for outdoor use, excluding seasonal and festoon lighting.

### **5-8(C)(2) Public Right-of-Way Interference**

- 5-8(C)(2)(a) Any intentionally blinking, flashing, moving, revolving, or wavering lights that distract a motor vehicle operator in the public right-of-way are prohibited.
- 5-8(C)(2)(b) Any luminaire that may be confused as a traffic control device is prohibited unless authorized by federal, state, or city government.

**5-8(C)(3) Obtrusive**

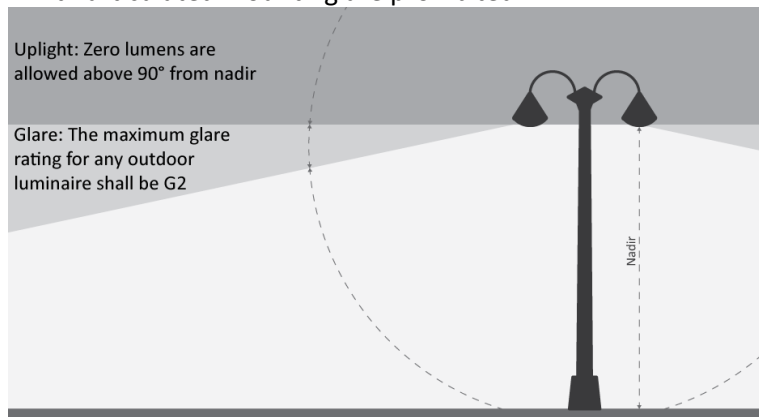
- 5-8(C)(3)(a) No luminaire specification shall exceed a (BUG) glare rating of G2.
- 5-8(C)(3)(b) Shielded spotlights and floodlights within 500 feet of any boundary regulated by Division 30-VI-2 of the Bernalillo County Code of Ordinances (North Albuquerque Acres and Sandia Heights Light Pollution Ordinance) are only allowed when used to illuminate alleys, parking structures, and maintenance areas.
- 5-8(C)(3)(c) Aerial lasers, beacons, and searchlights are prohibited at night, except for emergency use by authorized first responders.

**5-8(D) GENERAL DESIGN AND ILLUMINATION STANDARDS**

All sources of light visible from the exterior of a property subject to this Section 14-16-5-8 shall meet the following standards.

**5-8(D)(1) Uplight Restrictions**

- 5-8(D)(1)(a) Unless specified otherwise in this IDO, luminaires shall be fully shielded or have a U0 rating (i.e. a luminaire that emits zero lumens above 90 degrees from nadir). Unshielded floodlights with articulated mounting are prohibited.



- 5-8(D)(1)(b) Luminaires installed under canopies, porte cocheres, or beneath similar structures shall meet all of the following requirements.
  1. Luminaires shall be mounted to aim downward and installed flush-mounted or recessed above the lowest edge of the canopy such that the lowest part of the luminaire is shielded from view beyond the property line.
  2. The vertical fascia shall not be internally illuminated.
  3. All light emitted shall be substantially confined to the posts, façades, and ground surface directly beneath the perimeter of the canopy or similar structure.

**5-8(D)(2) Correlated Color Temperature (CCT) and Color Rendering Index (CRI)**

- 5-8(D)(2)(a) Unless specified elsewhere in this IDO, outdoor lighting shall have a minimum CCT of 2700K and a maximum of 3000K. The minimum CRI for these light sources shall be 65.



5-8(D)(2)(b) Light sources below 2700K with limited spectral emission and (CRI) values below 65, such as low-pressure sodium or amber LED, are allowed within NDZ or LzO lighting designations, pursuant to Subsection 14-16-5-8(E).

**5-8(D)(3) Light Poles**

Table 5-8-1 indicates the maximum height of light poles, measured from the finished grade to the top of the pole.

TABLE 5-8-1: MAXIMUM HEIGHT FOR LIGHT POLES	
Location, Development Type, or Type of Light	Maximum Height (ft.)
Bollard and pathway luminaires	4 ft.
Residential zone districts and HPO zones	12 ft.
Within 100 feet of Residential zone districts	16 ft.
Mixed-use development or allowable uses in the Offices and Services Sub-category of Table 4-2-1	20 ft.
Allowable uses in Table 4-2-1 in the following categories: Civic and Institutional Uses Commercial Uses other than the Offices and Services Sub-category Industrial Uses	25 ft.

**5-8(D)(4) Façade, Wall/Fence, Landscape Feature, or Sculpture Lighting**

Lighting to illuminate vertical surfaces to help people navigate and detect threats at night shall follow all the following requirements.

5-8(D)(4)(a) Non-white colored lighting is allowed for lighting vertical surfaces.

5-8(D)(4)(b) Articulated lights emitting light above 90 degrees from the nadir shall be shielded to contain light to their targeted surface/object. Windows in a dwelling are not allowed to be a target.

**5-8(D)(5) Steps, Stairs, and Pedestrian Walkway Lighting**

Lighting to illuminate trip and fall hazards such as stairs, curbs, and raised pavement shall follow ANSI/RP-43 standards.

**5-8(D)(6) Deck and Outdoor Dining Lighting**

5-8(D)(6)(a) Lighting used to illuminate patios, decks, balconies, terraces, gazebos, pergolas, or any other accessory structure, including festoon lighting, is subject to an outdoor lighting curfew.

5-8(D)(6)(b) Festoon lighting is exempt from the point light source restriction in Subsection 14-16-5-8(E)(4)(a).

**5-8(D)(7) Security**

Security lighting shall not be used continuously as a general deterrent during outdoor lighting curfew. Lighting to boost illumination levels for security as the primary objective, as described in *IES G-1 Security Lighting*, shall meet all of the following requirements.

- 5-8(D)(7)(a) Security lighting controlled by a motion sensor shall turn off or return to a dimmed level no more than 10 minutes after motion was detected.
- 5-8(D)(7)(b) Security/surveillance cameras emitting infrared light are allowed.
- 5-8(D)(7)(c) Illumination different from ANSI/IES standards may be reviewed and decided by requesting a Site Plan – EPC pursuant to Subsection 14-16-6-6(l) and providing an outdoor and site lighting performance analysis pursuant to Subsection 14-16-6-4(H)(3).

## 5-8(E) LIGHTING DESIGNATIONS FOR ZONE DISTRICTS

Table 5-8-2: Lighting Designations by Zone District indicates the equivalent ANSI/IES lighting designations allowed in each zone district based on allowable land uses. Where multiple designations are indicated for a zone district, the notes in the table identify which designation shall be used depending on context.

Table 5-8-2: Lighting Designations by Zone District																		
NDZ = Natural Dark Zone   Lz0 = Light Zone 0   Lz1 = Light Zone 1   Lz2 = Light Zone 2   Lz3 = Light Zone 3																		
Zone District	Residential						Mixed-Use				Non-Residential							
ANSI/IES Lighting Designation	R-A	R-1	R-T	R-MC	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-PO			
															A	B	C	D
NDZ																X <sup>1</sup>	X <sup>1</sup>	
Lz0	X <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>		X <sup>3</sup>								X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>	X <sup>2</sup>
Lz1	X	X	X	X	X	X <sup>3, 4</sup>	X	X <sup>4</sup>	X <sup>4</sup>	X <sup>4</sup>	X	X	X	X	X			X
Lz2						X		X	X	X	X <sup>5</sup>			X <sup>5</sup>	X <sup>6</sup>			
Lz3									X <sup>5</sup>	X <sup>5</sup>					X <sup>7</sup>			
<b>Notes:</b> [1] NDZ is required in NR-PO zones for open space where no anthropogenic light is allowed. [2] Lz0 is required in NR-PO zones for open space where some anthropogenic light is needed in hours of darkness, parks with minimal amenities, and parks or open space adjacent to low-density residential uses. [3] A lower lighting zone is required on subject properties with sensitive lands. [4] A lower lighting zone is required on subject properties adjacent to low-density residential uses. [5] In UC-MS-PT-MT areas, a higher lighting zone is allowed, unless the subject property is adjacent to any Residential zone district. [6] Lz2 is allowed in parks with high pedestrian activity and many amenities. [7] Lz3 is allowed in parks containing nighttime stadiums or entertainment activities.																		

## 5-8(E)(1) Planned Development Zone Districts

- 5-8(E)(1)(a) Existing PD or PC zone districts that did not establish lighting standards must come into compliance with the requirements of the lighting designation that most closely matches their current

land use and surrounding contexts as established in Table 5-8-2 pursuant to Subsection 14-16-6-8(G).

- 5-8(E)(1)(b) Any new PD or PC zone districts shall establish the lighting designation(s) that most closely matches the allowable uses of the zone districts in Table 5-8-2 and the lumen limits from Subsection 14-16-5-8(F) in the Site Plan – EPC, pursuant to Subsection 14-16-6-6(I), or Framework Plan, pursuant to Subsection 14-16-6-7(H), as relevant, with an outdoor and site lighting performance analysis pursuant to Subsection 14-16-6-4(H)(3).

**5-8(E)(2) Non-residential Sensitive Use (NR-SU) Zone District**

- 5-8(E)(2)(a) Existing NR-SU zone districts that did not previously establish lighting standards must come into compliance with the requirements of the lighting designation that most closely matches their current land use and surrounding context as established in Table 5-8-2 pursuant to Subsection 14-16-6-8(G).
- 5-8(E)(2)(b) Any new NR-SU zone district shall establish the lighting designation(s) that most closely matches the allowable uses of a zone district in Table 5-8-2 and the lumen limits from Subsection 14-16-5-8(F) in their Site Plan – EPC pursuant to Subsection 14-16-6-6(I) with an outdoor and site lighting performance analysis pursuant to Subsection 14-16-6-4(H)(3).

**5-8(E)(3) Non-residential Parks and Open Space (NR-PO)**

- 5-8(E)(3)(a) City Parks & Recreation staff shall identify environmentally sensitive areas that need protection from anthropogenic light and design outdoor and site lighting based on the lowest possible lighting designation in Table 5-8-2.
- 5-8(E)(3)(b) City Parks & Recreation staff shall identify adjacent properties and design outdoor and site lighting based on the appropriate lighting designation in Table 5-8-2.

**5-8(E)(4) Light Trespass**

- 5-8(E)(4)(a) Unless specified elsewhere in this IDO, all outdoor luminaires shall be located or optically shielded such that the point light source is not visible from adjacent property or public right-of-way.
- 5-8(E)(4)(b) The total illumination from outdoor light sources and interior light escaping from windows shall not exceed light trespass limits in Table 5-8-3, as measured at any location along the property line in both of the following ways:
1. Horizontally at finished grade with the light meter facing upward.
  2. Vertically at 5 feet (1.5 meters) above finished grade with the light meter aiming toward the subject property.

TABLE 5-8-3: LIGHT TRESPASS LIMITS BY LIGHTING DESIGNATION					
	NDZ	Lz0	Lz1	Lz2	Lz3

#004

Posted by **Jim Price** on **11/25/2023** at **1:49pm** [Comment ID: 743] - [Link](#)

*Agree: 0, Disagree: 0*

This must be included regardless of wattage or lumen output.

Footcandles (fc)	0.02	0.05	0.1	0.3	0.8
Lux (lx)	0.2	0.5	1.0	3.0	8
Luminance (cd/m <sup>2</sup> )	0	1	20	40	80

**5-8(E)(4)(c)** If the total illumination from outdoor light sources and interior light escaping from windows exceeds light trespass limits in Table 5-8-3 at any point along the property light, lighting must be re-aimed, removed, turned off, or dimmed until compliance is reached.

## **5-8(F) TOTAL LUMEN ALLOWANCE**

All sources of light visible from the exterior of a property shall meet the requirements of this Subsection 14-16-5-8(F). Only 20 percent of the total allowable site lumens in Table 5-8-4 or Table 5-8-5 is allowed to be uplight (i.e. light emitted above 90 degrees from nadir).

### **5-8(F)(1) Residential Uses**

#### **5-8(F)(1)(a) Total Lumen Allowance**

Table 5-8-4 indicates the total exterior lumens allowed for each dwelling on a subject property.

<b>TABLE 5-8-4: TOTAL LUMENS ALLOWED PER DWELLING</b>				
<b>ZONE DISTRICTS</b>	<b>Lz0</b>	<b>Lz1</b>	<b>Lz2</b>	<b>Lz3</b>
R-A	3,000	5,000	-	-
R-1A	1,500	3,000	-	-
R-1B	2,500	4,500	-	-
R-1C	2,500	4,500	-	-
R-1D	3,000	5,000	-	-
R-T	12,000	20,000	-	-
R-MC	1,500	3,000	-	-
R-ML or MX-T	12,000	20,000	-	-
R-MH or MX-L	-	24,000	35,000	-
MX-M	-	24,000	35,000	49,000
MX-H	-	27,000	40,000	56,000

#### **5-8(F)(1)(a) Additional Lumen Allowance**

1. An additional 1,500 lumens are allowed for an accessory dwelling unit (ADU).
2. Outdoor walkways, outdoor stairs, and parking lots for multi-family dwellings, assisted living facilities, or nursing homes are allowed additional lumens pursuant to Table 5-8-5.

### **5-8(F)(2) Non-residential Development**

Table 5-8-5 indicates the total lumens allowed from all outdoor light sources on properties with an allowable non-residential use.

TABLE 5-8-5: TOTAL SITE LUMENS ALLOWED - NON-RESIDENTIAL DEVELOPMENT					
Lighting Requirement	Unit	Lz0	Lz1	Lz2	Lz3
Tree, Landscape, and Sculpture Beds	lm / s.f.	0.5	1	2	4
Walkways/Stairs/Parking Lot	lm / s.f.	1.00	1.25	1.50	2.50
Outdoor Dining	lm / s.f.	n/a	2	2.5	3

## 5-8(G) ADDITIONAL STANDARDS FOR SPECIFIC TYPES OF LIGHTING

### 5-8(G)(1) Sports and Recreation

#### 5-8(G)(1)(a) General

1. Lighting for recreational areas and outdoor sports, such as baseball, football, racquet sports, and similar sports, shall follow ANSI/IES RP-6 standards. Illumination shall be confined to within 150 feet (or one pole height, whichever is greater) of the play field, track, or bleacher.
2. Correct aiming, shielding, and/or internal louvers are required to prevent light trespass, glare, and light emitted above 60 degrees from nadir.
3. When allowed by permit, underwater pool, spa, and pool deck lighting shall not exceed ANSI/IES RP-6 standards.

#### 5-8(G)(1)(b) Residential Recreational Amenity and Private Parks

1. For small courts located on property with a Residential use or located in private parks within the NR-PO-C sub-zone that serve fewer than 25 people, a performance analysis is not required for lighting that meets the requirements of Section 14-16-5-8(G), including the light pole heights in Table 5-8-1.
2. Lighting on the field of play is not allowed in Lz0.
3. Up to 2 light poles are allowed. Illuminance levels on the field of play shall not exceed any of the following, as relevant:
  - a. Lz2 or Lz3: 10 fc
  - b. Lz1: 5 fc
4. For additional lighting, or if 3 or more light poles are desired, a performance analysis pursuant to Subsection 14-16-6-4(H)(3) and a Site Plan – EPC pursuant to 14-16-6-6(I) are required.

#### 5-8(G)(1)(c) Collegiate, Professional, Stadium, or Outdoor Entertainment Sports Facility

1. These facilities require a performance analysis pursuant to Subsection 14-16-6-4(H)(3) and a Site Plan – EPC pursuant to 14-16-6-6(I).
2. Pole mounting heights shall be based on the playability of the sport, photometric reports, and the player's glare zones per ANSI/IES RP-6.

3. Poles shall be anodized or otherwise coated to minimize glare from the luminaire. Wooden poles are also acceptable.
4. For sports fields where games will regularly be filmed or televised, a CCT of 4000K is allowed but not required.
5. Sports lighting luminaires shall have a CRI of at least 75.
6. Luminaires shall be extinguished 1 hour after the end of play.
7. Uplighting is allowed for aerial sports such as baseball and football. Uplighting shall be controlled separately from other sports lighting.

**5-8(G)(2) Seasonal**

- 5-8(G)(2)(a) Seasonal lighting is not allowed in lighting designation NDZ.
- 5-8(G)(2)(b) Seasonal lighting is allowed for up to 45 consecutive days up to 2 times per year.
- 5-8(G)(2)(c) Seasonal lighting is exempt from the uplight, CCT, CRI, and point light source restrictions in Subsections 14-16-5-8(D) and 14-16-5-8(E)(4)(a).

**5-8(G)(3) Historic Landmarks and HPO Zones**

Outdoor or site lighting on a historic landmark or in HPO zones that does not comply with the requirements in this Section but that are consistent with the time period and character of the historic structure may be allowed by the Landmarks Commission pursuant to a Historic Certificate of Appropriateness – Major pursuant to Subsection 14-16-6-6(D).

On page 359, revise Subsection 14-16-5-12(E)(5)(a)2 as follows:

## 5-12 SIGNS

### 5-12(E) STANDARDS APPLICABLE TO ALL SIGNS

#### 5-12(E)(5) Illumination and Motion

##### 5-12(E)(5)(a) General

2. No white portion of an illuminated sign shall exceed the luminance limits in Table 5-12-1 [new] during the hours of darkness.

TABLE 5-12-1 [new]: SIGN LUMINANCE LIMITS	
ANSI/IES Lighting Designation Lighting Designation	Maximum Luminance (Nits)
Lz1	108
Lz2	323
Lz3	685



3. [New] No other portion of an illuminated sign shall have a luminance greater than ~~200 foot lamberts~~ or 685 nits during the hours of darkness at night.

## **5-12(H) ELECTRONIC SIGNS**

### **5-12(H)(4) Illumination, Brightness, and Images**

- 5-12(H)(4)(b) Electronic signs shall not exceed an illumination level of 0.3 foot candles above ambient light as measured from a distance indicated in Table 5-12-5 based on sign area, with the light meter held perpendicular to the sign and targeting the color white.

On page 407, in Section 14-16-6-4 General Procedures, create a new Subsection (H) with heading “Analyses and Study Requirements” and make existing Subsection 6-4(H) Cumulative Impacts Analysis and 6-4(I) Traffic Impact Study subheadings in the new section. Add a new Subsection in the new Subsection (H) with text as follows:

## **Part 14-16-6 Administration and Enforcement**

---

### **6-4 GENERAL PROCEDURES**

#### **6-4(H) [NEW] ANALYSES AND STUDY REQUIREMENTS**

##### **6-4(H)(3) [new] Outdoor and Site Lighting Performance Analysis Requirements**

- 6-4(H)(3)(a) A performance analysis for outdoor and site lighting may be requested for EPC review as part of a Site Plan – EPC. A lighting plan pursuant to 14-16-6-4(H)(3)(b) below shall be submitted with the application for Site Plan – EPC.
- 6-4(H)(3)(b) The outdoor lighting plan shall include all of the following:
1. Luminaire locations, mounting heights, and aiming directions.
  2. Illuminating Engineering Society (IES) photometric data.
  3. Locations of buildings and structures.
  4. Location of trees and shrubs above 4 feet high.
- 6-4(H)(3)(c) An affidavit shall be submitted verifying that the lighting plan meets both of the following:
1. ANSI/IES standards.
  2. The requirements of Section 14-16-5-8.
- 6-4(H)(3)(d) The lighting plan is subject to the application completeness requirements of Subsection 14-16-6-4(G).

On page 485, in Subsection 14-16-6-6(I), add new subsections with text as follows:

## **6-6 DECISIONS REQUIRING A PUBLIC HEARING**

### **6-6(I) SITE PLAN – EPC**

#### **6-6(I)(1) Applicability**

6-6(I)(1)(a) This Subsection 6-6(I) applies to any of the following:

9. [New] Any application for development requesting an outdoor and site lighting performance analysis to determine compliance with lighting requirements.

#### **6-6(I)(3) Review and Decision Criteria**

6-6(I)(3)(h) If an outdoor or site lighting performance analysis is requested, the proposed lighting design must prove it will not adversely affect the lighting requirements of Section 14-16-5-8(E) without sufficient mitigation and benefits that outweigh the expected impacts.

On page 535, in Subsection 14-16-6-8(G), add a new Subsection with text as follows:

## **6-7 NONCONFORMITY**

### **6-7(A) NONCONFORMING SITE FEATURES**

#### **6-7(A)(1) Outdoor and Site Lighting**

6-7(A)(1)(a) Outdoor and site lighting that does not satisfy the requirements of this IDO and that requires investment in electrical work or a new luminaire shall be considered nonconforming until January 1, 2034.

6-7(A)(1)(b) After January 1, 2034, unless otherwise specified in this IDO, all outdoor luminaires that do not satisfy the requirements of this IDO must be replaced or retrofitted to comply.

#005

Posted by **Jim Price** on **11/25/2023** at **1:56pm** [Comment ID: 744] - [Link](#)

*Agree: 0, Disagree: 0*

Non-conforming lighting should be dimmed or turned or shielding retro fitted if not replaced before 2034.

On page 545, in Section 14-16-7-1, add new terms with text as follows and revise existing terms as follows:

## Part 14-16-7 Definitions & Acronyms

---

### 7-1 DEFINITIONS

#### **ANSI/IES Standards**

Standards developed by the American National Standards Institute (ANSI) and the Illuminating Engineering Society (IES), a professional organization of designers, architects, engineers, sales professionals, and researchers. For the purposes of this IDO, ANSI/IES standards are referenced for in Section 14-16-5-8 (Outdoor and Site Lighting).

#### **Anthropogenic**

Change of conditions caused or influenced by people.

#### **BUG (Backlight, Uplight, Glare) Rating**

A rating system for the quantity of light within specific beam angles, consisting of all of the following:

##### **Backlight**

A rating based on zonal lumens distributed behind a luminaire between 0 and 90 degrees from the vertical of nadir.

##### **Uplight**

A rating based on zonal lumens emitted above 90 degrees from the vertical of nadir.

##### **Glare**

A rating based on the zonal lumens distributed between 60 and 90 degrees from the vertical of nadir.

#### **Candela**

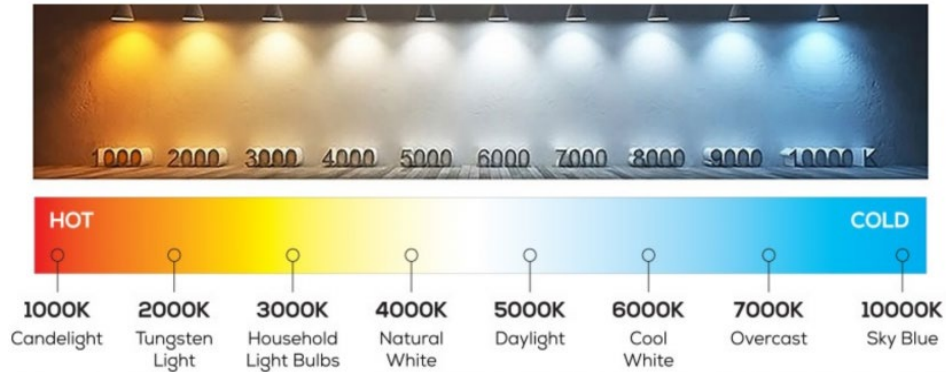
The International System of Units (SI) of luminous intensity in a given direction of a light source, measured in candela per square meter (cd/m<sup>2</sup>).

#### **Color Rendering Index (CRI)**

A measurement on a scale of 0 to 100 to describe the ability of a light source to render an object's colors as if it were being exposed to natural daylight. A score close to 100 indicates that an anthropogenic light source is a close match for natural light.

#### **Correlated Color Temperature (CCT)**

The color appearance of light emitted by a lamp. The CCT rating for a lamp is a measure of the "warmth" or "coolness" of its appearance and is measured in Kelvin (K). Lower CCT (2200K) appears very warm or amber. Medium CCT (2700K – 3000K) appears "warm white." High CCT (4000K +) appears "cool white" or "blue."



### **Festoon Lighting**

String lighting with individual bulbs suspended between two or more points and capable of providing usable illuminance, subject to curfew. For the purposes of this IDO, festoon lighting is not considered seasonal lighting. See also *curfew* and *seasonal lighting*.

### **Foot Candle**

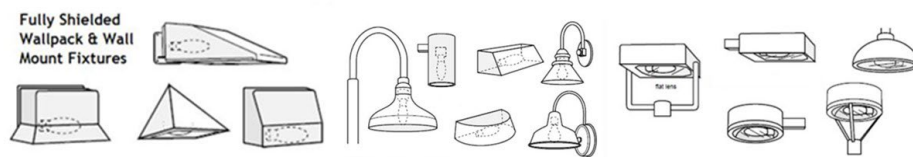
A unit of illumination of a surface that is equal to one lumen per square foot (lm/s.f.). For the purposes of this IDO, foot candles shall be measured at a height of 5 feet (1.5 meters) ~~3 feet~~ above finished grade by a digital light meter.

### **Foot Lambert**

A unit of luminance equal to  $1/\pi$  candela per square foot or 3.426 candela per square meter. 200 foot lamberts = 685 nits. See also *Measurement Definitions for Luminance*.

### **Fully Shielded Luminaire**

Luminaires constructed and properly installed so that no light rays are directly emitted at angles above the horizontal plane as certified by a photometric test report and all light is effectively directed downward.



### **Glare**

The sensation produced by luminance brightness within the visual field of vision that is ~~are~~ sufficiently greater than the luminance light level to which the eyes are already adapted to, causing ~~cause~~ annoyance, discomfort, or loss of in visual performance ~~and visibility~~.

### **Lighting Designations**

Lighting designations align with the ANSI/IES lighting zone definitions, which serve as the basis for ANSI/IES lighting standards. For the purposes of this IDO, the lighting zones are summarized below.

#### **Natural Dark Zone (NDZ)**

Natural areas where no anthropogenic lighting is allowed at night.

**Light Zone 0 (Lz0)**

Predominantly dark areas with limited built environment. Responsible lighting techniques offer some environmental protection.

**Light Zone 1 (Lz1)**

Developed areas with quiet and dark character, commonly used for residential and lower-volume areas.

**Light Zone 2 (Lz2)**

Developed areas for commerce and recreation with moderate volume. Lighting and minimal signage inform people.

**Light Zone 3 (Lz3)**

Commercial signage and lighting are continuous as they compete to attract and entertain people.

**Illuminance**

A measurement for the amount of light falling onto a surface, commonly measured in the horizontal and/or vertical planes in Footcandles (Fc) or lux.

**Light Trespass**

Light traveling past property lines and illuminating properties without approval.

**Luminaire**

The complete electrical light unit, including the light source, housing, optics, and driver.

**Luminance**

The light source or surface brightness as it is perceived by the human eye, measured in candela per meter squared (cd/m<sup>2</sup>).

**Measurement Definitions****Luminance**

The brightness of an object, expressed in terms of foot lamberts, determined from a point 5 feet above ground level on another premises or the public right-of-way, at least 20 feet in any direction from the object measured. See also *Foot Lambert*.

**Lumen**

A unit of measure to rate the quantity of light provided by a light source. A quantitative unit measuring the amount of light emitted by a light source. A lamp is generally rated in lumens.

**Lux**

A unit used to measure illuminance. One (1) lux is equal to 1 lumen per square meter (lm/m<sup>2</sup>).

**Mounting Height**

The vertical distance between the finished grade and the center of the apparent light source of the luminaire.

**Outdoor Lighting Curfew**

For the purposes of this IDO, the time between 10 P.M. and 7 A.M. when outdoor lighting and interior light escaping through windows must be reduced by at least 50 percent of the normal illuminance. For establishments with business hours later than 10 P.M., outdoor lighting curfew begins one hour after

closing. For establishments with business hours earlier than 7 A.M., outdoor lighting curfew ends one hour before opening.

**Point Light Source**

The exact place where illumination is produced (e.g. a light bulb filament or LED package) even when behind a clear lens.

**Shielded Lighting**

A floodlight with an accessory intended to block obtrusive light through either an optical intervention and/or a physical shield or louver.

**Seasonal Lighting**

Outdoor or site lighting that is portable, temporary, and decorative. This includes but is not limited to string lighting, icicle lighting, outline lighting, and lighted holiday inflatables that are not intended for general illumination. See also *Festoon Lighting*.

**Security Lighting**

Distinct from outdoor lighting installed for safe passage during hours of darkness, security lighting is installed to provide bright illumination for security to protect people, property, and infrastructure from physical or criminal threats.

On page 617, in Section 14-16-7-2 Acronyms and Abbreviations, add text as follows

## **7-2 ACRONYMS**

ANSI - American National Standards Institute

BUG - Backlight, Uplight, Glare

CCT - Correlated Color Temperature

CD - Candela

CRI - Color Rendering Index

FC - Footcandle

IES - Illuminating Engineering Society

LED - Light Emitting Diode

LM - Lumen





## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Rene Grout, City Councilor for District 9

**SUBJECT:** 2023 IDO Update: Boat and RV parking

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this proposed amendment is to disallow recreational vehicles and boats from parking in a front yard area, whether that front yard area has been improved or not.

**Actions:**

- Amend Section 5-4(B) as follows:

5-5(B)(4)(d) Parking of recreational vehicle, boat, and/or recreational trailer for more than 2 hours:

1. Allowed with the permission of the property owner of a premises with a primary residential use allowed by Table 4-2-1 in any Residential zone district or MX-T zone district.
2. Allowed with the permission of the property owner of a premises with a primary non-residential use allowed by Table 4-2-1 in any MX or NR zone district.
3. The vehicle must be parked in 1 of the following areas:

a. Inside an enclosed structure.

b. Outside in a side or rear yard.

~~[c. Outside in a front yard, with the unit perpendicular to the front curb and the  
the recreational vehicle at least 11 feet from the face of the curb.]~~

~~4. The vehicle shall not be parked in any portion of a front yard, whether that portion  
has been improved as a driveway or not.]~~

## #001

Posted by **Patricia Willson** on **10/25/2023** at **3:59pm** [Comment ID: 494] - [Link](#)

*Agree: 0, Disagree: 0*

please proof read for typos

## #002

Posted by **Patricia Willson** on **10/25/2023** at **3:14pm** [Comment ID: 492] - [Link](#)

*Agree: 0, Disagree: 0*

What happened to the current 5-5(B)(4)(d), which currently reads "4. No part of the vehicle may extend over any public sidewalk or into any required clear sight triangle."

and what about items 5 through 11?? This memo is totally unclear; how does it affect the rest of the Section and where does it now say that you cannot block clear sight triangle??

## #003

Posted by **Michael Porter** on **11/22/2023** at **9:53am** [Comment ID: 721] - [Link](#)

*Agree: 0, Disagree: 0*

The purpose for this change needs to clearly define the issue it purports to address. Agree with other comments that this issue needs to be widely advertised and discussed.

## #004

Posted by **Peter Swift** on **10/21/2023** at **2:04pm** [Comment ID: 344] - [Link](#)

*Agree: 1, Disagree: 0*

This change will have a significant impact on many residents who currently own RVs, boats, or trailers. A change of this magnitude should have more opportunity for public notice and comment than has been provided here. Note that the date of the memo is October 20, 2023.

## #005

Posted by **Patricia Willson** on **10/25/2023** at **4:01pm** [Comment ID: 495] - [Link](#)

*Agree: 0, Disagree: 0*

This seems to really discriminate against folks that live in areas with smaller lots and no alley access (much of Victory Hills, for example). The front yard area may be their only option.

## #006

Posted by **Peter Swift** on **10/21/2023** at **1:50pm** [Comment ID: 342] - [Link](#)

*Agree: 0, Disagree: 0*

This proposed change would have substantive impacts on city residents who currently park RVs, boats, or trailers in driveways that face the street. Given that the memo is dated October 20, 2023, this seems like insufficient time for public notice and comment for a substantive change to the IDO.

Reply by **Peggy Neff** on **10/25/2023** at **12:44pm** [Comment ID: 478] - [Link](#)

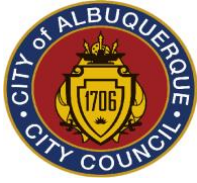
*Agree: 0, Disagree: 0*

Agreed. This is a taking, this is a substantive issue that affects multiple residents and visitors alike. Albuquerque has always been a place for travelers, why would this be disallowed.

What is the motivation for this? The term 'council' is not enough, requesting that the source field for public date to be amended to include '...in discussions with ....' so that it is clear why this is needed.

Perhaps what is needed is a time limit? But this type of amendment, on that affects every single resident, needs to go through a different process than one that reaches to 50-100 persons in order for the concept of notification to hold up in court.

RISK



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Rene Grout, City Councilor for District 9

**SUBJECT:** 2023 IDO Update: Boat and RV parking

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this proposed amendment is to disallow recreational vehicles and boats from parking in a front yard area, whether that front yard area has been improved or not.

**Actions:**

- Amend Section 5-4(B) as follows:

5-5(B)(4)(d) Parking of recreational vehicle, boat, and/or recreational trailer for more than 2 hours:

1. Allowed with the permission of the property owner of a premises with a primary residential use allowed by Table 4-2-1 in any Residential zone district or MX-T zone district.
2. Allowed with the permission of the property owner of a premises with a primary non-residential use allowed by Table 4-2-1 in any MX or NR zone district.
3. The vehicle must be parked in 1 of the following areas:

a. Inside an enclosed structure.

b. Outside in a side or rear yard.

~~[c. Outside in a front yard, with the unit perpendicular to the front curb and the face of the recreational vehicle at least 11 feet from the face of the curb.]~~

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*Agree: 0, Disagree: 0*

please proof read for typos

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and what about items 5 through 11?? This memo is totally unclear; how does it affect the rest of the Section and where does it now say that you cannot block clear sight triangle??

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*Agree: 0, Disagree: 0*

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## #004

Posted by **Peter Swift** on **10/21/2023** at **2:04pm** [Comment ID: 344] - [Link](#)

*Agree: 1, Disagree: 0*

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*Agree: 0, Disagree: 0*

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*Agree: 0, Disagree: 0*

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Reply by **Peggy Neff** on **10/25/2023** at **12:44pm** [Comment ID: 478] - [Link](#)

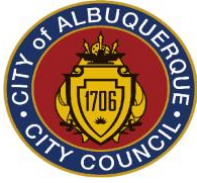
*Agree: 0, Disagree: 0*

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What is the motivation for this? The term 'council' is not enough, requesting that the source field for public date to be amended to include '...in discussions with ....' so that it is clear why this is needed.

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RISK



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Building Design 001 002

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to implement building design requirements for buildings which do not have such requirements. Today, the IDO provides building design requirements for low-density residential buildings, multi-family buildings, and buildings in mixed-use or non-residential zone districts that are within Urban Centers, Main Street Corridors, or Premium Transit Corridors

**Actions:**

- Create a new Section 5-11(F) as follows and renumber subsequent sections as necessary

**[5-11(F) NON-RESIDENTIAL DEVELOPMENT OTHER THAN INDUSTRIAL DEVELOPMENT IN NR-LM OR NR-GM**

**All non-residential development, except Industrial development, in the NR-LM or NR-GM zone districts shall comply with the standards in this Subsection 14-16-5-11(F), except that Parking structures, including the portion of parking structures incorporated into a building with allowable primary and/or accessory uses, shall comply with the design standards in 14-16-5-5(G) (Parking Structure Design).**

**5-11(F)(1) Façade Design**

**Each street-facing façade shall incorporate at least 2 of the following features along at least 20 percent of the length of the façade, distributed along the façade so that at least 1 of the incorporated features occurs every 50 feet:**

- a) Ground floor transparent windows**
- b) Windows on upper floors**



## #001

Posted by **Patricia** on **11/17/2023** at **9:23am** [Comment ID: 689] - [Link](#)

*Agree: 0, Disagree: 0*

Why is this Council Memo placed in the Walls & Fences item?

## #002

Posted by **Patricia** on **11/17/2023** at **9:24am** [Comment ID: 690] - [Link](#)

*Agree: 0, Disagree: 0*

Regardless of where this Memo belongs, it is mis-guided and full of unintended consequences.

- c) Primary pedestrian entrances
- d) Sun shelves or other exterior building features designed to reflect sunlight into the building and reduce the need for interior lighting.
- e) Raised planters between 12 inches and 28 inches above grade with the surface planted to achieve at least 75 percent vegetative cover at maturity.
- f) Wall plane projections or recesses of at least 1 foot in depth at least every 50 feet of façade length and extending at least 10 percent of the length of the façade.
- g) A change in color, texture, or material at least every 50 feet of façade length and extending at least 20 percent of the length of the façade.
- h) Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.
- i) Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.]

- Create a new Section 5-11(G) as follows and renumber subsequent sections as necessary

[5-11(G) INDUSTRIAL DEVELOPMENT IN ANY ZONE DISTRICT

All industrial development located in any zone district, excluding MX-FB, NR-SU, and NR-PO that does not meet the applicability requirements of Section 5-11(E) shall comply with the standards in this Subsection 14-16-5-11(G), except that Parking structures, including the portion of parking structures incorporated into a building with allowable primary and/or accessory uses, shall comply with the design standards in 14-16-5-5(G) (Parking Structure Design).

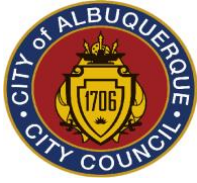
5-11(G)(1) Each street-facing façade less than 150 feet in length shall incorporate at least 1 of the following features along at least 15 percent of the length of the façade, distributed along the façade so that at least 1 of the incorporated features occurs every 50 feet:

- a) Transparent windows
- b) Wall plane projections or recesses of at least 1 foot in depth at least every 50 feet of façade length and extending at least 20 percent of the length of the façade.
- c) A change in color, texture, or material at least every 50 feet of façade length and extending at least 20 percent of the length of the façade.
- d) Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.
- e) Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.

5-11(G)(2) Each street-facing façade shall incorporate at least 1 of the following features along at least 10 percent of the length of the façade, distributed along the façade so that at least 1 of the incorporated features occurs every 75 feet:

- a) Transparent windows
- b) Wall plane projections or recesses of at least 1 foot in depth at least every 75 feet of façade length and extending at least 10 percent of the length of the façade.

- c) A change in color, texture, or material at least every 75 feet of façade length and extending at least 20 percent of the length of the façade.
- d) Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.
- e) Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.]



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Rene Grout, City Councilor for District 9

**SUBJECT:** 2023 IDO Update: Cannabis Retail

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this proposed amendment is to make four changes to Cannabis Retail:

1. Remove the Conditional Use allowance for Cannabis Retail when a location is proposed within 600 feet of another location
2. Remove the distance separation exception for businesses with microbusiness licenses
3. Increase the distance separation requirement from 600 feet to 660 feet to be consistent with other measurements in the IDO
4. Remove the allowance of Cannabis Retail in the MX-T zone district.
5. Delete the definition of Cannabis Microbusiness, as there will be no regulations pertaining to microbusinesses if this amendment is to pass.

### **Actions:**

- Amend Table 4-2-1: Allowable Uses on page 153 to remove the “P” from the Cannabis Retail line in the MX-T zone district.
- Amend Section 4-3(D)(35)(c) as follow:

~~4-3(D)(35)(c) [If located within 600 feet of any other cannabis retail establishment, this use shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), unless associated with an establishment licensed by the State as a cannabis microbusiness. Nothing herein prohibits multiple licenses from operating from a single “licensed premises” as defined by Sections 26-2C-1 to 26-2C-42 NMSA 1978.] [This use is prohibited within 660 feet of another cannabis retail location.]~~

- Delete section 4-3(D)(35)(j) as follows:

#001

Posted by **ICC committee (11 people)** on **10/27/2023** at **11:05am** [Comment ID: 587] - [Link](#)  
*Agree: 0, Disagree: 0*

Can the municipality remove the CU option for less than 600 feet between cannabis establishment (based on state statue?). Also, can the amendment increase the distance?

Otherwise, we are in support of this amendment.

~~[4-3(D)(35)(i) In the MX-T zone district, this use is prohibited, unless associated with an establishment licensed by the State as a cannabis microbusiness, in which case this use shall not exceed 10,000 square feet of gross floor area.]~~

- Amend Section 7-1 Definitions to delete the definition of Cannabis Microbusiness:

~~**[Cannabis Microbusiness**~~

~~An establishment licensed by the State as an Integrated Cannabis Microbusiness or Cannabis Producer Microbusiness, as defined by Sections 26-2C-1 to 26-2C-42 NMSA 1978.]~~



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Isaac Benton, City Councilor for District 2  
Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Cottage Development Use-Specific Standards

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore, 003

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to add new use-specific standards (USS) to the Cottage Development use. One USS will allow dwelling units to be connected on one side and the other will require front porches on all dwelling units in a Cottage Development.

#### **Actions:**

- Add two new use-specific standards to 4-3(B)(4) Cottage Development in appropriate numerical order as follows 002

[4-3(B)(4)(XX) In the R-1 zone district, dwelling units may be attached on one side.]

4-3(B)(4)(XX) Dwelling units shall have front porches.]

001

004



## #001

Posted by **Merideth Paxton** on **11/24/2023** at **11:41am** [Comment ID: 732] - [Link](#)

*Agree: 0, Disagree: 0*

The front porch requirement seems arbitrary.

This overall approach should never be used for “urban infill” in existing neighborhoods because it undermines the incentives for maintaining lower density homes near urban centers.

## #002

Posted by **Patrick Martin** on **11/17/2023** at **1:02pm** [Comment ID: 701] - [Link](#)

*Agree: 0, Disagree: 0*

I like it, who cares if a casita is fully separated or not?

## #003

Posted by **Michelle Negrette** on **10/27/2023** at **11:41am** [Comment ID: 596] - [Link](#)

*Agree: 0, Disagree: 0*

I would like to see the minimum size for cottage development reduced. At two acres, this development type is only feasible in new developments and/or on large tracts in rural areas. The development type is appropriate for urban infill and has precedent in the bungalow courts found throughout the west. We have an example of this form near Menaul and Broadway. Limits could be placed (4-5 units) depending on smaller lots, but due to open space and setback requirements, this would typically be self limiting. This form could also be limited to single story on smaller lots if deemed to intense.

## #004

Posted by **Patricia Willson** on **10/25/2023** at **4:03pm** [Comment ID: 496] - [Link](#)

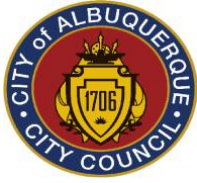
*Agree: 0, Disagree: 0*

Architectural design guidelines don't belong in the zoning code.

Reply by **Patricia Willson** on **10/25/2023** at **4:03pm** [Comment ID: 497] - [Link](#)

*Agree: 0, Disagree: 0*

As Councilor Benton has told me more than once; you can't legislate good design.



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Rene Grout, City Councilor for District 9

**SUBJECT:** 2023 IDO Update: Front Yard Parking – Angular Stone

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this proposed amendment is to remove “angular stone” as an allowed material that would meet the requirement of an improved surface for the purposes of front yard parking regulations in the IDO. Other gravel-like materials such as crusher fines will continue to be an allowed material.

**Actions:**

- Amend Section 6-8(G) to as follows:

**6-8(G)(2)(a) Front Yard Parking Areas in Existence Prior to June 17, 2007**

1. Front yard parking areas that do not satisfy the requirements of this IDO that were improved for and specifically dedicated to use as a front yard parking area prior to June 17, 2007 (when City Council adopted O-07-61, which first regulated front yard parking), and that otherwise satisfied the requirements of all applicable regulations in place at the time of their installation, may continue to be used as front yard parking areas pursuant to the provisions of this IDO governing nonconforming uses and structures.

a. For the purposes of this Subsection 14-16-6-8(G)(3), “improvements” include either impervious surfaces, such as concrete or asphalt, or all-weather pervious surfaces, such as recycled asphalt, compacted crusher fines ~~[, or compacted angular stone.]~~. In order to enjoy nonconforming status under this Section 14-16-6-8, any such improvements must have been installed for and be suitable for the specific purpose of front yard parking and maneuvering.

001

002

## #001

Posted by **Merideth Paxton** on **11/27/2023** at **8:36am** [Comment ID: 802] - [Link](#)

*Agree: 0, Disagree: 0*

Could this include cement blocks with openwork that could contain dirt and grass? I have seen a driveway constructed this way, and the visual effect was much more attractive than asphalt as well as being less of a contributor to the heat island effect. I think this would be called a pervious surface, requiring a slight modification of the terminology here.

## #002

Posted by **Peter Swift** on **11/26/2023** at **12:12pm** [Comment ID: 753] - [Link](#)

*Agree: 0, Disagree: 0*

Is this aimed at a specific size of angular stone? If so, why? It seems unnecessary--few people want to park on uneven angular boulders or cobbles, so maybe this is aimed at angular gravel coarser than crusher fines? I can imagine advantages to a driveway of compacted angular stones between approximately 1/2 inch and 1 inch in diameter-- particles small enough to pack down flat and but large enough not to get stuck in your shoes like crusher fines. Is there really a pressing zoning issue to exclude this option? If so, please be specific about allowable particle sizes, and explain why.

As an editorial observation, the proposed wording needs "or" inserted in front of "crusher fines" to be consistent with the preceding phrase "such as".

- Amend Section 5-5(F) as follows:

**5-5(F)(2) Design, Access, and Circulation**

The following standards apply to driveways, drive aisles, carports, parking lots, and parking structures unless specified otherwise in this IDO.

**5-5(F)(2)(a) Low-density Residential Development**

The following standards apply to all low-density residential development in any zone district except R-MC.

1. Driveways, parking areas, and curb cuts shall meet any applicable requirements in Subsection 14-16-5-3(C)(3)(b) (Driveways, Drive Aisles, and Access) and the DPM except that angular stone is not allowed.



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Isaac Benton, City Councilor for District 2  
Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Landscaping Applicability

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to reduce the applicability in which landscaping 002 required. The requirements are proposed to be lowered by a total of 20%.

**Actions:**

- Amend 5-6(B) APPLICABILITY as follows:

5-6(B)(1) The provisions of this S001 on 14-16-5-6 shall apply to any of the following, unless specified otherwise this IDO:

5-6(B)(1)(a) Construction of a new building containing multi-family, mixed-use, or non-residential development or an accessory parking structure.

5-6(B)(1)(b) Construction of a new parking lot containing ~~[25 20]~~ or more spaces, or expansion of an existing parking lot by ~~[25 20]~~ spaces or more.

5-6(B)(1)(c) Expansion of the gross floor area of an existing building containing multi-family, mixed-use, or non-residential development by ~~[2,500 2,000]~~ square feet or more, or ~~[25 20]~~ percent or more, whichever is less.

5-6(B)(1)(d) Renovation or redevelopment of an existing building containing multi-family, mixed-use, or non-residential development, including but not limited to reconstruction after fire, flood, or other damage, where the value of the renovation or redevelopment, indicated by building permits, is ~~[\$500,000 \$400,000]~~ or more.

## #001

Posted by **Jim Price** on **11/25/2023** at **12:07pm** [Comment ID: 740] - [Link](#)

*Agree: 0, Disagree: 0*

This verbage is confusing. I think it means to create more landscaping by lowering the threshold required. Clarification is needed.

## #002

Posted by **donna griffin** on **11/05/2023** at **5:13pm** [Comment ID: 657] - [Link](#)

*Type: Suggestion*

*Agree: 0, Disagree: 0*

I agree completely with this expansion of the applicability of landscaping requirements to smaller parking lots and buildings. Anything to lessen the urban heat island. Just to note - I did find the language in the purpose stating the change would "reduce the applicability" to be completely misleading.



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Mulching Requirements

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to specify that the existing mulching requirement in the IDO – which currently requires that a minimum of 2 inches of mulch be required in planting areas – be specifically extended to two feet around any plant. The code does not currently have a requirement for how far the mulch around the base of a plant must extend.

**Actions:**

- Amend 5-6(C)(5)(d) as follows:

5-6(C)(5)(d) A minimum of 2 inches of organic mulch is required in all planting areas [within at least a 2-foot radius around the plant at anticipated mature size of the actual vegetation], with 3-4 inches recommended. (See figure below.)

001



#001

Posted by **Patricia** on **11/17/2023** at **9:19am** [Comment ID: 687] - [Link](#)

*Agree: 0, Disagree: 0*

where do I find "figure below"? Do I need to go to the IDO 5-6(C)(5)(d)? This additional text is confusing--is it a 2-foot radius or a radius of the anticipated size--which could be 20' in diameter.



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Parking Maximums near Transit Facilities

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to implement a maximum parking requirement within proximity to Transit Facilities. This new requirement would exclude park & ride facilities, which fall under the general definition of 'transit facilities'. The IDO defines a transit facility as follows:

**Transit Facility** Land used for transit stations, terminals, depots, and transfer points, which may include shelters, park-and-ride lots, and/or related facilities on public or privately owned lots.

**Actions:**

001

- Amend 5-5(C)(7) Parking Maximums to add a new subsection in appropriate numerical order as follows:

[5-5(C)(7)(XX) Within 330 feet of a transit facility, the maximum number of off-street parking spaces provided shall be no more than 100 percent of the off-street parking spaces required by Table 2-4-13 or Table 5-5-1, as applicable.]

002

## #001

Posted by **Patrick Martin** on **11/17/2023** at **1:12pm** [Comment ID: 703] - [Link](#)

*Agree: 0, Disagree: 0*

People using transit facilities generally have to walk to where they are going; we shouldn't needlessly extend the distance they have to walk by allowing oversized parking lots. This is a good amendment.

## #002

Posted by **Peter Swift** on **10/26/2023** at **1:23pm** [Comment ID: 581] - [Link](#)

*Agree: 2, Disagree: 0*

If I understand this correctly, it would limit the maximum number of off-street parking spaces in the specified areas to the minimum currently required in the IDO. For example, if you have a two-bedroom home near an ART stop, you would be limited to 1 parking space. A four-bedroom duplex would be limited to 2 spaces. This might make sense in Manhattan, but I don't think Albuquerque is quite ready to say goodbye to the concept of the two-car family. (Which, among other things, has been a major factor in democratizing access to the work place over the last century, particularly for women.) Did I misunderstand something here?

Reply by **Patrick Martin** on **11/17/2023** at **1:05pm** [Comment ID: 702] - [Link](#)

*Agree: 0, Disagree: 0*

There's limited space near transit in this city, we shouldn't let people waste it with unnecessary private parking spaces. If you want to put two cars on your property, there's plenty of places to do that away from our transit facilities.



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Brook Bassan, City Councilor for District 4

**SUBJECT:** 2023 IDO Update: Pre-Submittal Meeting Validity Period

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to increase the time in which a pre-submittal neighborhood meeting is valid prior to an application being submitted. Today, the pre-submittal neighborhood meeting must occur within 90 days of the development application being filed. This amendment proposes to increase that timeline to one year.

#### **Actions:**

- Amend 6-4(B) as follows:

#### **6-4(B) PRE-SUBMITTAL NEIGHBORHOOD MEETING**

6-4(B)(1) For applications that meet any of the following criteria, the applicant shall offer at least 1 meeting to all Neighborhood Associations whose boundaries include or are adjacent to the subject property no more than ~~[90 calendar days]~~ [1 year] before filing the application. In such cases, project applications will not be accepted until a pre-submittal neighborhood meeting has been held, or the requirements for a reasonable attempt in Subsection (3) below have been met.

#001

Posted by **Jim Price** on **11/25/2023** at **12:09pm** [Comment ID: 741] - [Link](#)

*Agree: 0, Disagree: 0*

I agree with this.



## CITY OF ALBUQUERQUE CITY COUNCIL

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Isaac Benton, City Councilor for District 2  
Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Street Tree Mulching Requirement

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to remove the mulching requirement for trees that are considered street trees. Other trees on a project site that would not meet the definition of a street tree would continue to be subject to the mulching requirement. The IDO considers any tree within 20-feet of a street to be a street tree.

**Actions:**

- Amend 5-6(B) APPLICABILITY as follows:

5-6(C)(5)(e) Organic mulch is required as ground cover under trees [, not including street trees,] within a 5-foot radius around the tree trunk, but not directly against the trunk. In these areas, weed barrier fabric is prohibited. (See figure below.)

001

#001

Posted by **Patricia** on **11/17/2023** at **9:20am** [Comment ID: 688] - [Link](#)

*Agree: 0, Disagree: 0*

again, reference to "See figure below"--with no figure below--makes it hard to understand the Council Memo





## CITY OF ALBUQUERQUE CITY COUNCIL

001

### INTEROFFICE MEMORANDUM

**TO:** Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

**FROM:** Tammy Fiebelkorn, City Councilor for District 7

**SUBJECT:** 2023 IDO Update: Tribal Engagement

**DATE:** October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this proposed amendment is to integrate potentially impacted Tribal nations and their members within the development review and approval process. In the IDO today, there is no formal mechanism for Tribal nations within and around Albuquerque to be notified or otherwise included in the review and approval process of development activities. The proposed amendments below will create a formal process in which Tribal nations will be solicited for feedback on certain development applications and/or provided notice of development activity.

*\*6-4(J)(9) and 6-4(J)(10) will require two separate Text Amendment to IDO – Small Mapped Area applications. This language has been provided in this memo for illustrative purposes but should not be included by the Planning Department in the 2023 IDO Annual Update city-wide changes.*

#### **Actions:**

- Amend Section 7-1 to add a new definition as follows:

#### **Indian Nation, Tribe, or Pueblo**

For the purposes of this IDO, the designated chief executives of a federally recognized Indian Nation, Tribe, or Pueblo located wholly or partially in New Mexico. The Tribal Liaison with the City's Office of Native American Affairs shall maintain an updated list of the names and contact information for the chief executives of the Indian Nations, Tribes or Pueblos.

#### **Tribal Representative**

A tribally appointed representative currently serving on the City of Albuquerque Commission on American Indian/Alaska Native Affairs. The Tribal Liaison with the City's Office of

#001

Posted by **Janet Lipham** on **10/27/2023** at **6:46pm** [Comment ID: 603] - [Link](#)

*Agree: 0, Disagree: 0*

Tribal nations should have a say in development that potentially impacts their lands or their sacred sites. I support these amendments.

Native American Affairs shall maintain an updated list of the names and contact information for members of the City of Albuquerque Commission on American Indian/Alaska Native Affairs.

**Tribal Land**

Land held in trust, fee land, or land owned by the tribal government of an Indian Nation, Tribe, or Pueblo that the relevant tribal government requests in writing to be mapped by AGIS for the purpose of referrals to the tribal government as a commenting agency.]

- Amend Section 6-4 as follows:

**6-4(J) REFERRALS TO COMMENTING AGENCIES**

Following a determination that the application is complete, the Planning Director, ZEO, or any City staff designated to review applications in Table 6-1-1 shall refer applications for comment to the following departments or agencies, as noted below. Any comments received within 15 calendar days after such a referral shall be considered with the application materials in any further review and decision-making procedures.

**6-4(J)(6) Development within 660 feet of the Petroglyph National Monument**

**6-4(J)(6)(a) National Park Service.**

**6-4(J)(6)(b) Open Space Division of the City Parks and Recreation Department.**

[(6-4(J)(6)(c) Indian Nation, Tribes, or Pueblos

6-4(J)(6)(d) Tribal Representative

**6-4(J)(7) Development within 660 feet of Major Public Open Space**

6-4(J)(7)(a) Indian Nation, Tribes, or Pueblos

6-4(J)(7)(b) Tribal Representative

**6-4(J)(8) Development within 660 feet of tribal land.**

6-4(J)(8)(a) Indian Nation, Tribes, or Pueblos

6-4(J)(8)(b) Tribal Representative

**6-4(J)(9) The ~~4-H Park~~ Albuquerque Indian School Area\***

6-4(J)(9)(a) Indian Nation, Tribes, or Pueblos

6-4(J)(9)(b) Tribal Representative

**6-4(J)(10) Development within 660 feet of the Northwest Mesa Escarpment View Protection Overlay Zone – VPO-2\***

6-4(J)(10)(a) Indian Nation, Tribes, or Pueblos

6-4(J)(10)(b) Tribal Representative

**6-4(J)(11) Archaeological Certificate Applications**

003

002

## #002

Posted by **Jane Baechle** on **10/31/2023** at **12:20pm** [Comment ID: 608] - [Link](#)

*Agree: 0, Disagree: 0*

These amendments are long overdue and the failure to actively include tribal representatives or to respect the pleas of NPS and neighborhood representatives to engage with and respect Native American voices and values when deciding amendments and development on the NW mesa has led to the approval of plans or changes that are in conflict with the protection of culturally sensitive landscapes. The passage by City Council of changes to the NW Mesa Escarpment VPO-2 last year is but one example. I appreciated Councilor Fiebelkorn's consistent opposition in both LUPZ and at Council to the VPO-2 changes. I wonder if those would have passed if Native American voices and views had been explicitly included in the deliberations.

## #003

Posted by **Patricia Willson** on **10/26/2023** at **9:46am** [Comment ID: 573] - [Link](#)

*Agree: 1, Disagree: 0*

If I recall correctly; Councilor Fiebelkorn made an impassioned speech in support of tribal objections against VPO-2 late one night at Council (one of the June 2023 meetings?)--and then voted against their interests!

6-4(J)(11)(a) Indian Nation, Tribes, or Pueblos are to receive the Certificate of No effect or the Certificate of Approval from the City Archaeologist.  
6-4(J)(11)(b) Tribal Representative are to receive the Certificate of No effect or the Certificate of Approval from the City Archaeologist.]

- Amend Section 6-5 as follows:

#### **6-5(A) Archaeological Certificate**

##### **6-5(A)(2) Procedure**

6-5(A)(2)(a) [The applicant shall have all of the following responsibilities:

1. Provide notice of the application to Indian Nation, Tribes, or Pueblos by certified mail and by email that specifies the subject property and the proposed development.
2. Provide notice of the application to the tribal representatives by email that specifies the subject property and the proposed development.
3. Supply proof of notification to Indian nation, tribe, or pueblo and tribal representatives with the application.
4. Provide the treatment plan, if required, by email to Indian nation, tribe, or pueblo and tribal representatives within five business days that it is submitted to the City Archaeologist.]

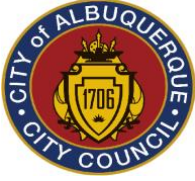
004

#004

Posted by **Jane Baechle** on **10/25/2023** at **8:17am** [Comment ID: 445] - [Link](#)

*Agree: 1, Disagree: 0*

Acknowledgement and genuine inclusion of Native American and tribal voices is long overdue and examples of highly impactful changes made without the inclusion of their voices and values are readily identified. The public comment from Native American voices at the June 2022 meeting of Council where the 2022 IDO was passed are only the most recent example. I have personally watched hearing where tribal leadership and representatives were present and testified. It is past time to mandate their inclusion and attention to their views.



# CITY OF ALBUQUERQUE CITY COUNCIL

## INTEROFFICE MEMORANDUM

TO: Alan Varela, Planning Director  
Mikaela Renz-Whitmore, Manager, Urban Design and Development

FROM: Tammy Fiebelkorn, City Councilor for District 7

SUBJECT: 2023 IDO Update: Two-Family Detached (Duplex)

DATE: October 20<sup>th</sup>, 2023

Dear Director Varela and Ms. Renz-Whitmore,

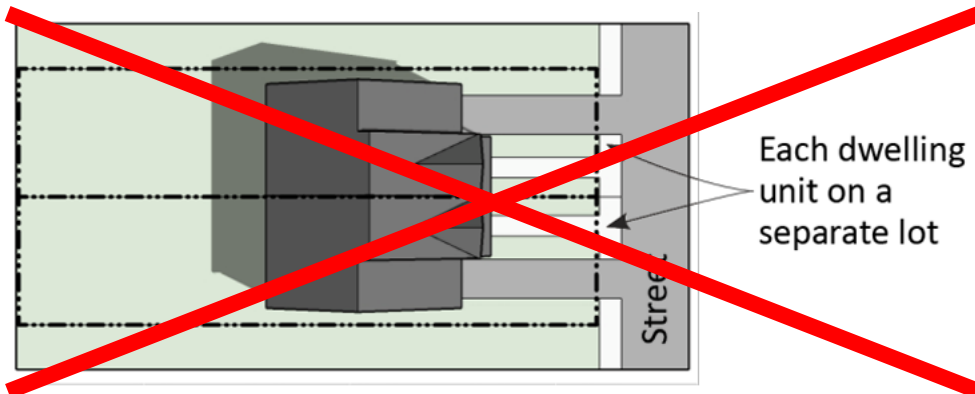
Please include the following proposed amendment in the packet of materials to be submitted to the Environmental Planning Commission for the 2023 IDO Annual Update.

**Purpose:** The purpose of this amendment is to allow two-family detached (duplex) dwellings in the entirety of the R-1 zone district and add new use-specific standards. Today, this dwelling type is only allowed in the R-1A sub district of R-1.

### Actions:

- Delete 4-3(B)(5)(b) and the associated illustration as follows:

~~{4-3(B)(5)(b) This use is prohibited in the R-1 zone district, except in R-1A where 1 two-family detached dwelling is permissive on 2 lots where the building straddles the lot line and each dwelling unit is on a separate lot. (See figure below.)}~~





## #001

Posted by **E J Rivera** on **10/28/2023** at **10:18am** [Comment ID: 604] - [Link](#)

*Type: Suggestion*

*Agree: 1, Disagree: -3*

Purpose lacks substance, no analysis of risk and benefits.

Why is this being reintroduced, when it was defeated 8/21/2023.

This is a zone change that requires notification to all R-1 property owners. 2 units do not = R-1.

If passed duplexes in R-1 subdivisions would drastically change the character of established neighborhoods. This will result in second-story additions and garage conversions. Lack of conformity leads to diminished property values. Upzoning will lead to higher real estate property taxes.

In order for a property to have market value improvements need to conform to existing improvements in the subject's market area.

Improvements need to be economically feasible, not likely with today's interest rates.

Improvements need to be physically feasible, ie: utility connections, sewer line capacity, access to parking, setbacks, etc.

## #002

Posted by **Michael Bouchey** on **11/17/2023** at **10:00am** [Comment ID: 697] - [Link](#)

*Agree: 4, Disagree: 0*

Both as a professional policy analyst at NMT who has written about urban planning issues, and a citizen of Albuquerque city council district 9 represented by Renee Grout, I am fully in support of policies that would add housing density to R-1 zoning. If we want to keep housing affordable, reduce homelessness, and have a fiscally sound city, policies such as adding duplex housing to R-1 are the least that the city can do. I would go so far as to suggest that all R-1 zoning allow low rise apartments and live-work shops and other small scale commercial arrangements. But given that these other essential changes are not currently on the agenda, adding duplexes is a good, though inadequate, start.

## #003

Posted by **Patrick Martin** on **11/17/2023** at **1:00pm** [Comment ID: 700] - [Link](#)

*Type: Suggestion*

*Agree: 1, Disagree: -1*

Housing costs are too high for us to have such restrictive zoning laws. We should legalize duplexes (and more!) across the city. If you care about reducing homelessness, you should care about increasing density. Let alone the environmental and sustainability benefits.

## #004

Posted by **Peter Swift** on **10/21/2023** at **1:47pm** [Comment ID: 341] - [Link](#)

*Agree: 8, Disagree: -1*

This change effectively reinstates language from proposed O-22-54 Section 1 that was removed following public comment. This provision is not present in enacted O-23-54, and including it here seems to be contrary both to the majority vote of City Council in June 2023 and to the intent of the amendment process. This is a substantive change that has been proposed without adequate public notice or comment. The date on the memo is October 20, 2023, after the proposed change to the IDO had been posted without details.

## #005

Posted by **Brenda Marks and Paul Howes** on **10/26/2023** at **2:06pm** [Comment ID: 582]

- [Link](#)

*Agree: 1, Disagree: -4*

My husband and I are vehemently opposed to the City going back to the well to try to cram down through the wrong process (an annual general update) duplexes in R-1 zones less than one year after the same proposal failed as a part of Housing Forward after residents finally got wind of it. You know as well as we do that allowing this use will do NOTHING to provide affordable housing for people between 30-80% of AMI. This is sneaky and outrageous. We object!

## #006

Posted by **Patrick Martin** on **11/18/2023** at **4:29pm** [Comment ID: 704] - [Link](#)

*Agree: 1, Disagree: -1*

Per the Water 2120 report, "A significant shift to more high density development and infill would likely reduce overall per capita [water] use significantly". Allowing duplexes in R-1 zones is crucial to our city's sustainability and survival.

## #007

Posted by **Patricia Willson** on **10/25/2023** at **4:09pm** [Comment ID: 498] - [Link](#)

*Agree: 3, Disagree: -1*

This change does not belong in the annual update process any more than Housing Forward did!

## #008

Posted by **ICC committee (10 people)** on **10/27/2023** at **11:44am** [Comment ID: 597] - [Link](#)

*Agree: 3, Disagree: -3*

this will create sacrifice areas in some older neighborhoods (Spruce Park for example). Its proximity to UNM makes it a target for ghettoization. Another case of expectation of R-1 that is changed drastically by change from r-1 to higher densities. It destroys the quality of life to the extent that long-time residents move out and the area becomes high density eventually. Danger is it sets a precedent. Change from C to P destroys established neighborhoods

#009

Posted by **Patricia Willson** on **10/25/2023** at **4:21pm** [Comment ID: 502] - [Link](#)

*Agree: 6, Disagree: -1*

Amending something out of an amendment one year (taking duplexes out of R-1 in Housing Forward) and re-introducing it again the next year, reinforces my concern about Council's absolute lack of urban planning knowledge. Too bad this plan was not used to guide the wide range of housing types needed so desperately in Albuquerque:

[https://documents.cabq.gov/planning/longrange-plan-revisions/Final\\_VisualizingDensity-2022.pdf?fbclid=IwAR1iqXW5lrwRCI-jgrIYHCvjPLXwuhutNhFB82ZwLqulNQCo4iWEsEDeRuU](https://documents.cabq.gov/planning/longrange-plan-revisions/Final_VisualizingDensity-2022.pdf?fbclid=IwAR1iqXW5lrwRCI-jgrIYHCvjPLXwuhutNhFB82ZwLqulNQCo4iWEsEDeRuU)

Reply by **Patricia Willson** on **10/25/2023** at **4:22pm** [Comment ID: 503] - [Link](#)

*Agree: 5, Disagree: 0*

And this document was published in May, 2015; well before the CompPlan/IDO rehash!

Reply by **Patrick Martin** on **11/17/2023** at **12:47pm** [Comment ID: 699] - [Link](#)

*Type: Suggestion*

*Agree: 1, Disagree: 0*

I don't understand this comment. I agree that we need a variety of density options, but everything but the least dense is currently illegal to build in most of the city. This amendment would legalize building alternate, denser, types of single-family dwellings.

- Add use-specific standards to 4-3(B)(5) Two-Family Detached (duplex) in appropriate numerical order as follows:

4-3(B)(5)(XX) In the R-1 Zone District, this use is permissive on lots where the second dwelling unit is attached to or is within an existing building.

4-3(B)(5)(XX) In the R-1 Zone District, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when the dwelling is constructed on a vacant lot.

4-3(B)(5)(XX) In the R-1 Zone District, this use is not allowed on a lot with an Accessory Dwelling Unit.

4-3(B)(5)(XX) Street facing facades must have at least one entrance and one window.]

- Add a use-specific standard to 4-3(F)(6) Dwelling Unit, Accessory as follows:

4-3(F)(6)(XX) In the R-1 Zone District, this use is not allowed on a lot with a Two-Family Detached (Duplex) dwelling.]

010

012

013

011

## #010

Posted by **Merideth Paxton** on **11/24/2023** at **10:14pm** [Comment ID: 739] - [Link](#)

Agree: 1, Disagree: 0

To quote the position that was aptly stated by Peter Swift in the previous version of the current IDO update, "The relevant Council Memo is dated October 20, 2021, and appears to have been written after the proposed IDO changes were posted. The change effectively reinstates a provision from 2022 proposed version of O-22-54 Section 1 that was removed from the ordinance following public review and comment on the earlier version. This provision does not appear in the enacted O-23-54, and its inclusion in the IDO updates appears to contravene both due process and the majority position of the City Council."

## #011

Posted by **Jane Baechle** on **11/05/2023** at **9:30am** [Comment ID: 645] - [Link](#)

Agree: 3, Disagree: -1

Multiple newer neighborhoods, including SFV and most of those nearby on ABQ's westside, have congregate mail boxes. Will the US Postal Service be required to install new mailboxes each time an additional dwelling unit is added?

## #012

Posted by **Jane Baechle** on **11/05/2023** at **9:27am** [Comment ID: 644] - [Link](#)

Agree: 3, Disagree: -1

Jane Baechle Nov 5 2023 at 9:14AM

Jane Baechle Oct 25 2023 at 3:05PM IF passed, what use specific and design specific standards will apply? Protection overlays supersede other provisions; what consideration has been given to assuring that language is included. Would it be possible for a single story home to add a two story unit as a duplex and what limits will be placed to ensure any addition to the structure is consistent with the scale and design of the original structure?

reply

Agree0 Disagree0

Jane Baechle Nov 5 2023 at 9:27AM

Speaking as an individual, I am not reflexively opposed to the thoughtful addition of a duplex to low density residential property. There are a FEW homes in SFV large enough to become a two family dwelling and allow for true off street parking while complying with the current IDO standards for parking on the street facing portion of the property. Having said that, this is not what this proposal can be expected to ensure. It provides no safeguards or standards to ensure that a duplex has no negative impacts on the neighborhood or nearby property. It would provide no limit on the number of properties that could be turned into a two family dwelling or consideration of neighborhood density. This will disproportionately harm older and modest neighborhoods. This reflects no acknowledgement of the availability of public transit to allow for reliance on something other than multiple personal vehicles per

household. And, as a permissive use, it effectively precludes any genuine say on the part of affected property owners or the neighborhood as a whole.

**#013**

Posted by **Martha Bird** on **10/21/2023** at **1:52pm** [Comment ID: 343] - [Link](#)

*Agree: 5, Disagree: -3*

I am opposed to allowing duplexes in R-1 zoned areas.

PUBLIC COMMENTS-Letters



**From:** [Diane Agnew](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** Comment on proposed changes - Item #15, IDO Page 242, Section 5-2(H)  
**Date:** Tuesday, December 5, 2023 11:49:04 AM

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

To Whom It May Concern:

My name is Diane Agnew and I am writing to submit comment on the Proposed Citywide Text Amendments, specifically Item #15 (page 242, Section 5-2(H)), pertaining to the establishment of landfill gas buffer areas. The proposed text amendments will completely eliminate the establishment of the landfill gas buffer zones, and therefore requirements for landfill gas mitigation, creating a serious concern for neighbors, businesses, and any construction workers working in close proximity to the City of Albuquerque's closed landfills. The addition of the language "closed within the last 30 years" encompasses all of the City's closed landfills, resulting in no instance of where a protective buffer would be maintained.

Closed landfills create a sustained exploration risk for many decades, likely lifetimes. Closure of landfills is a regulatory determined status and does not include the removal of waste. As a result, waste in the landfills continues to break down over time, generating landfill gases that are a concern for human health and the environment. The risks from landfill gases are well established, supported by decades of data from landfills located across the United States. The Agency for Toxic Substances & Disease Registry (ATSDR) has a website with information on the risks from landfill gases, an important consideration when considering revisions to the above referenced section of the IDO: <https://www.atsdr.cdc.gov/HAC/landfill/html/ch3.html>

The concern with the change is increased risk to nearby business and residents, risk to construction workers building new construction in the former landfill buffer areas, and risk to anyone who enters (or lives in) buildings constructed in the former landfill buffer areas.

Changes to Section 5-2(H) of the IDO should be done in coordination and consultation with the City of Albuquerque Environmental Health Department. Staff in this department conduct regular monitoring at each of the City's closed landfills and are therefore knowledgeable in the risks presented by the landfills and the importance of the buffer area.

Sincerely,

Diane Agnew  
[dkagnew@gmail.com](mailto:dkagnew@gmail.com)  
(505) 615-408

**From:** [Jane Baechle](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Renz-Whitmore, Mikaela J.](#); [Vos, Michael J.](#)  
**Subject:** Please Append  
**Date:** Monday, December 4, 2023 9:08:41 AM  
**Attachments:** [Personal IDO 125.pdf](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Please append these attached written comments to the Staff Report to the ECP. They are submitted ahead of the deadline of December 5, 2023 @ 9:00 a.m. for such action by the Planning dept.

I appreciate your assistance and would also appreciate your confirmation these have been received and added.

Thank you so much,

Jane Baechle

Jane Baechle  
7021 Lamar Avenue NW  
Albuquerque, NM 87120  
[Jane.Baechle@gmail.com](mailto:Jane.Baechle@gmail.com)

Date: December 4, 2023

To: David Shaffer, Chair  
Environmental Planning Commission

From: Jane Baechle  
Resident, Albuquerque

Re: IDO 2023 Annual Review

Dear Commissioners:

The IDO outlines eighteen purpose statements for the Integrated Development Ordinance (IDO). They address its fundamental purpose to “Implement the adopted Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended” as well as multiple other statements outlining the characteristics of a vibrant and desirable place to live and work. None of the IDO purpose statements describe zoning laws as a mechanism to provide for public safety, address social problems like homelessness or decrease the cost and work of administering city responsibilities.

That, however, is what the IDO annual review and the 2023 proposed amendments attempt to do. This is also the basis for my *opposition* to the following proposals.

**Item 4, 4-3(D)(37)(a), General Retail - Walls and Fences and Item 5, 4-3(D)(18), Light Vehicle Fueling Station - Walls and Fences.**

If erecting a physical barrier and limiting pedestrian access was an effective deterrent to criminal activity, these business owners would be erecting such barriers under existing IDO provisions. There would be no indication to mandate them. The intent, then, appears to be to sidestep effective public safety measures and adherence to existing zoning standards re: walls and fences and push unlawful or undesirable behavior to neighborhoods and public spaces where individuals are left to lead on addressing those issues.

**Item 29, 6-4(B), Pre-submittal Neigh Meeting, Item 32, 6-4(K) Public Notice to Neighborhood Associations, Item 36, 6-4(L)(3)(a), Post-submittal Facilitated Meeting and**

**Item 37, 6-4(V)(2)(a), Appeals - Standing Based on Proximity for Neighborhood Associations.**

“Replaces adjacency requirement with a set distance that is expected to achieve approximately the same result.” This statement captures the fundamental error in these proposals quite succinctly. There is no place in the IDO where provisions with the force of law should be allowed to *approximately* meet any requirement, particularly the requirement to assure adequate public notice of zoning and development plans and decisions and the right of any involved party to appeal. The IDO contains a specific and legally binding definition of the term *adjacent*.

“Adjacent - Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private. See also Alley, Multi-use Trail, Private Way, Right-of-way, and Street.” This definition, and this definition only, should be the requirement by which the right of notice is determined to be met. The “automation” of the process of providing notice in any situation where it is required is not a defensible reason for disenfranchising any party required to be notified. The purpose of the IDO is not to decrease the administrative costs or burden of complying with zoning requirements or law.

I raised this issue with Planning Department staff and was told that no ABQ right of way exceeded 330’ with the possible exception of an interstate. I am confident there are neighborhoods separated by I-40 or I-25 where a proposed development in one would carry potentially immense consequences for an adjacent neighborhood on the opposite side of that interstate. Even if that were not the case, writing a provision which clearly and specifically contradicts the IDO definition is bad policy at best.

**Item 1, 3-5(G), Setbacks in HPOs.**

This represents another example of fundamentally bad policy. Whatever benefit might accrue from removing a decision from the established and IDO defined process for weighing the appropriateness of a variance request is unclear. While one may disagree with the ZHE on any number of decisions, that position belongs to an individual charged with making judgements consistent with the language of the IDO. There is no basis to conclude the Landmarks Commission, however knowledgeable and well intended, would be accountable for making decisions using that same legal standard.

Once again, those proposing changes to the IDO appear willing to allow unchecked authority to make land use decisions without adequate checks, safeguards or public input. Whether it is the Landmarks Commission or the City administration, the body that exists now will change over time and may adopt a direction with which one fundamentally disagrees.

Finally, I *support* **Item 56, Outdoor and Site Lighting**. I recognize the work and resources that went into crafting these proposals and respect the expertise of those involved.

I realize this is the third document I have submitted on the 2023 IDO Annual Review, documents reflecting my views as an individual as well as one representing those of the SFVNA Board. There will be more. The sheer number of proposed amendments makes it impossible to read,

consider and thoughtfully address their intended and unanticipated consequences in any single effort.

I also recognize this represents a huge amount of work for the Commissioners. I hope you have found the time to read and consider all my comments as well as those I anticipate you have received from others. I appreciate your service to our City and the time you devote to this process. I look forward to your analysis of these proposals.

Thank you for your time and consideration.

Sincerely,

Jane Baechle

**From:** [Kelsey Bicknell](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** Public Comment Proposed IDO Changes - EPC Hearing  
**Date:** Thursday, November 30, 2023 7:56:00 AM

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

Good morning,

I would like to submit the following comment on Item 15 of the proposed changes to the IDO.

Item 15 regarding the exemption of landfills closed for more than 30 years from landfill gas mitigation procedures should not be accepted by EPC as it will create a significant public health and safety risk. A closed landfill designation does not mean the landfill no longer presents risk, it means the landfill can no longer accept waste. All of the closed landfills within the City of Albuquerque were closed more than 30 years ago and many of them operated before landfill regulations were put in place in the late 1980s. This means the waste within the landfills is not well known and is likely mixed with organic waste, which produces dangerous gases (methane, hydrogen sulfide, carbon dioxide) when decomposing. Because of our arid environment, decomposition in landfills takes a long time and these dangerous gases continue to be produced by the landfill for much longer than 30 years post closure. The EPA developed the 30-year timeline as a guidance to regulators but if there is still significant risk, regulators can extend the post-closure care period to protect human health.

The landfill gas mitigation plan is designed to protect public health and safety by ensuring there are no pathways for landfill gases to enter areas of new development. This requires a thorough review of what gases the landfill is producing, what disturbances to the land surface are proposed, how landfill gas can migrate into the area of new development, and how landfill gas migration can be mitigated during construction. Omitting this step creates unacceptable risks for construction workers during development and for patrons of the development after its completion.

Thank you,  
Kelsey Bicknell

**From:** [emailbrowns@aol.com](mailto:emailbrowns@aol.com)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Davis, Pat](#)  
**Subject:** SPNA Opposes IDO Changes  
**Date:** Monday, November 27, 2023 2:22:14 PM

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

Dear Chairman Schaffer and Members of the EPC:

The Board of Directors of Spruce Park Neighborhood Association has voted to oppose the proposed changes in the Integrated Development Ordinance that are shown below because they would be detrimental to the livability of our neighborhood.

**The following changes encourage profit-driven investment uses of residences at the expense of homeowners who simply wish to enjoy living in their homes over the long term. They destabilize neighborhoods, and item 13 was rejected by the City Council just last year.**

Item 10, IDO page 151, 4-3(B)(5)(b) [Two-family Detached (Duplex) Dwelling]: This change allows duplexes in R-1 on corner lots that are at least 5,000 square feet.

Item 13, Multiple IDO pages, 4-3(B)(5) [Two-family Detached (Duplex) Dwelling]: Among other things, “In the R-1 Zone, this use is permissive on lots where the second dwelling unit is attached to or is within an existing dwelling.” (In the R-1 Zone, this use is not allowed on a lot with an Accessory Dwelling Unit or with a Two-Family Detached (Duplex) dwelling.)

Item 12, Multiple IDO pages, IDO Section 4 (a table, which makes the following use permissive in R-1): “Live/work for very small retail and restaurants on corner lots in neighborhoods to open business opportunities for homeowners. . .”

**In tandem, the following modifications are designed to “limit pedestrian access and deter crime” in commercial areas. The intent appears to be to reduce the problems caused by encroachments by homeless people. If the unhoused are diverted from general retail and gas stations, that increases the likelihood that problems in residential neighborhoods will increase, especially in older areas with alleys (including Spruce Park). Residents are required by ordinance to keep the alleys clean and already are clearing small encampments and detritus from the alleys behind their houses at personal cost. These modifications could mean encampments growing in size and occupancy of people who may be mentally unstable or possess weapons. Bonfires against buildings are another potential outcome. Average citizens should not have to assume the risks of living with these conditions. Moreover, there is no upper height limit, and the fence requirement would give Albuquerque the appearance of a prison camp. Businesses along Central Avenue that have erected compound-like fences have proven that barrier fencing does not work to solve the problems. Better**



**solutions for homelessness are needed.**

Item 4, IDO page 186, 4-3(D)(37)(a) [General Retail-Walls/fences] and Item 5, IDO page 175, 4-3(D)(18) [Light Vehicle Fueling Station-Walls/fences]: Both provisions “require a wall or fence at least 3 feet high around the perimeter of the premises and from the edges of the primary building to and along the side or rear property line so that pedestrian access is controlled to designated access points and public access is blocked to the side and rear yard beyond public entrances.”

**The following proposed revision gives City government powers that are vaguely defined and too broad. “Serving a public purpose” without specifics or details is not a sufficient basis for failing to balance governmental purpose with, in the Code’s words, ensuring “conformance with the IDO and to ensure public health, safety, and welfare”.**

**Eliminating a public process in favor of one shielded from the public rarely favors the public good. Stating that, “Conditions of approval...may be added by the decision-maker for the associated Site Plan...” is redundant and does nothing to add to the surety or transparency of a correct decision. Inherent in a Conditional Use decision are Conditions of Approval and reasoning for lack of enforceable conditions. Requiring the Conditional Use process provides a level of transparency and ensures compatible uses.**

Item 11, IDO page 147, 4-1(A)(4) [new] Conditional Uses for City Facilities. This proposed revision exempts City facilities from the conditional use process. It states, “City facilities do not require a Conditional Use Approval where listed as C in Table 4-2-1 because they serve a public purpose. Conditions of approval pursuant to Subsection 14-16-6-4(P) may be added by the decision-maker for the associated Site Plan to ensure conformance with the IDO and to ensure public health, safety, and welfare.”

Thank you for considering our views regarding these important changes to the IDO.

Sincerely,

Heidi Brown, President

**From:** [KatyFrank Fuchs](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** Comment for EPC Chair Shaffer  
**Date:** Wednesday, November 29, 2023 4:00:19 PM

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

Regarding item #23 of the IDO Proposed Amendments

Spreadsheet - Please, please, please do not allow walls over 3' in front yards!

Please. No residential neighborhood in Albuquerque should be subjected to tall walls that only serve to turn walkable, friendly, community-building streetscapes into dangerous, unsightly alleyways. My neighbors and I in the historic Ridgecrest neighborhood are tired of this ridiculous subject repeatedly being proposed by planners. Please put that idea to rest once and for all.

Thank you. Katy Fuchs

614 Ridgecrest Dr SE

Sent from my iPhone

**From:** [Miriam Hicks](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Robert Sitkowski](#)  
**Subject:** GAHP Contribution to 2023 IDO Update Process  
**Date:** Wednesday, December 6, 2023 3:25:45 PM

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

To David Shaffer, Chair  
City of Albuquerque  
Environmental Planning Commission

Dear Chairman Shaffer,

The Greater Albuquerque Housing Partnership (GAHP) respectfully offers the Environmental Planning Commission (EPC) the following for consideration as it engages in its annual update of the Integrated Development Ordinance (IDO) for 2023.

As established with the Mayor's Housing Forward initiative last year, the need for an increase in affordable housing units in the City of Albuquerque is dire and immediate. In its May 2023 publication entitled Spotlight: Homelessness Supports and Affordable Housing, the New Mexico Legislative Finance Committee Project Evaluation Unit concluded that Bernalillo County currently possesses 17,748 too few affordable rental units to meet the needs of low-income renters, i.e., those with incomes of 30 percent of the area median income or less (See Spotlight Figure 5, p. 10). As presented to the City Council on September 18, 2023 by the City of Albuquerque's Department of Health, Housing & Homelessness (HHH) Deputy Director of Housing Joseph Montoya, the City has a "goal of assisting 5000 new affordable units" in five years. We focus our following recommendations on changes to the recently-implemented Site Plan - Administrative Development Facilitation Team ("DFT") process and zoning approval process that will reduce risk and cost to housing developers, therefore increasing ability for developers to pursue development opportunities that satisfy our city's housing needs.

Deputy Director Montoya's slide entitled "Affordable Housing Plan – City Goal of Assisting 5000 New Affordable Units", states: "Expedite planning approvals for affordable housing developments." We agree with this stated goal because it aligns with the Planning Department's goals as well as the needs of housing developers. While there are likely many inventive ways to streamline the current various planning approval processes, GAHP suggests fine-tuning the newly implemented DFT process to add timelines to achieve this desired goal more effectively for, specifically, workforce or affordable single-family or multifamily developments that have successfully been awarded through a competitive process with the City of Albuquerque. We want to emphasize the importance of the award through a competitive process with the City of Albuquerque because it is through that process that a public private partnership with the City of Albuquerque is established and solidified with a development agreement that must be approved by City Council. From that point forward, these projects have been highly and competitively vetted to meet the housing needs and goals established by the City of Albuquerque and thus, should be considered a City of Albuquerque development by other city departments.

1. Provide a "fast-track process" for staff completeness review of proposed DFT applications prior to submittal to the DFT. We recommend that City staff assist the applicant to achieve the departmental approvals needed to deem the project ready for DFT submittal by implementing a 30 -day maximum departmental review period for competitively awarded City affordable housing projects;
2. Implement a requirement that comments on completed applications by reviewers must be submitted back to the applicant no less than four days prior to any DFT meeting. This will allow most minor corrections to be accomplished and presented at the DFT meeting. Currently, comments are provided the evening prior to the meeting, which has the practical effect of making the initial DFT meeting only one of no less than two DFT meetings. This

current practice makes it virtually impossible to achieve an approval at the initial DFT meeting; and

3. Implement a two-meeting maximum decision-making period on the completed application review process. Given the approvals required prior to the DFT meeting to deem the application is ready to be submitted for DFT review and approval, the applicant will have achieved a complete application and an alignment of zoning requirements prior the DFT meeting. This should allow a swift review and establishment of comments for efficient cure by the applicant. However, the DFT approval process continues to introduce an unreasonable amount of uncertainty in the real estate development process since DFT review is not subject to clearly articulated and reliable decision-making timeframes. Instead, once an application is “deemed complete” by staff, it can only then be submitted for DFT review. After that, there is no limit on the number of meetings at which the DFT will consider a complete application, since decision deferral times are not capped.

In summary, GAHP proposes that the IDO be amended to impose a 30-day maximum decision-making period on the DFT application completeness review and a two-meeting maximum decision-making period on the DFT decision process. These proposed updates would apply only to a specific subset of applicants: those single-family and multifamily development projects able to provide a letter of award from a City of Albuquerque department stating that the project has successfully won a competitive process in response to a City of Albuquerque (or combined City of Albuquerque and Bernalillo County) request for proposal and documenting the number of housing units with restricted rent at or below 80% Area Median Income. Such projects would have already received a substantial and time-consuming City review. Subjecting them to further indeterminate review at the DFT only increases the time that it takes to deliver much-needed affordable units.

GAHP urges the EPC and City of Albuquerque Planning Department to give these suggestions its most favorable consideration.

Thank you for your time and service as Chair of the EPC Board.

Sincerely,

**Miriam J. Hicks, RA** | Director of Housing Development

**Greater Albuquerque Housing Partnership**

O: 505.244.1614 | D: 505.705.3703 | [www.abqgahp.org](http://www.abqgahp.org)

**From:** [Tracy Jordan](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Grout, Renee](#); [Miller, Rachel R.](#)  
**Subject:** IDO Annual Update 2023 -#17 Comments  
**Date:** Friday, December 1, 2023 12:06:14 PM  
**Attachments:** [Screenshot\\_20231201-115022.png](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Hi, I'm opposed to #17, see screen shot below - RV and boat storage related. I live next door to 3900 12th St NW which is an old converted gas station that is packed, and I mean packed, worsening and worsening over the past 5 years, with cars, trucks, trailers, boats on trailers, buses, you name it and looks exactly like a junk yard - worse actually as none of this is blocked in any way from view. The entire idea of #17 has got to be one quickest ways ever to take a residential area and turn it into a slew of mini junk/salvage/abandoned vehicle yards! It's so bad that if I ever wanted to sell my home, at this point, I worry it could actually be unsellable. Also, no matter how I look at it, I cannot figure what is the upside to this - who can I ask for an explanation of the benefits of this to me? Serious question. Finally, if you want photos of 3900 12th NW, just ask. Please confirm receipt of these comments.  
Thanks, Tracy Jordan



Home



Select Language



# IDO Annual Update 2023 - Council Memo - Boat and RV parking



These amendments and comments will be reviewed by the EPC at a hearing on December 14, 2023

This memo from Councilor Grout proposes amendments to IDO Subsection [14-16-5-5\(B\)\(4\)\(d\)](#).

- See other [proposed Citywide amendments](#).
- Send written comments to [abcto@cabq.gov](mailto:abcto@cabq.gov) for consideration at future hearings.
- Review staff responses, other emailed comments, and hearing details (including Zoom link) on [this EPC webpage](#).
- Planning staff held an open house in **November** to answer questions. See details [here](#).
- Planning staff held 2 trainings in **October** to review these items. See meeting materials [here](#).
- Planning staff held 2 general trainings on the IDO in **September**. See meeting materials [here](#).



**From:** [Dana Loy](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** IDO Annual Update - Lighting  
**Date:** Thursday, November 30, 2023 6:55:37 AM  
**Attachments:** [Lighting Comments for City IDO.docx](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Dear EPC Chair Shaffer,

Our organization would like to submit the attached comments for the IDO Annual Update. Our comments concern Lighting.

We appreciate the opportunity to participate in this process.

Dana Loy

Dana Loy  
Board Member  
Climate and Conservation Committee  
Bird Alliance of Central New Mexico  
*a chapter of the National Audubon Society*



Nov-30-2023 EPC Draft Comments – Exhibit – Lighting  
For full consideration in the staff report

The Bird Alliance of Central New Mexico (a chapter of the National Audubon Society) appreciates the opportunity to submit comments to improve the lighting in Albuquerque. We support the proposed changes, but we also urge the EPC to work on further strengthening sections of the IDO. As the biggest city and the place with the most lights, we have a responsibility to control our lights, especially the increasing skyglow. We ask that the IDO be strengthened through the following sections.

14-16-2-4(E)(3)(i) For clarity, color-coded maps of the Lighting Zones (LZs) in and around Albuquerque need to be created and made publicly available. While it's great that the city has a page with use zones that has a lot of information and that the city will make decisions based on sensitive adjacent areas, the proposal would be much clearer with the LZs on a dedicated map/filterable to turn off/on the underlying use zones.

Table 2-4-15: The mixed-use areas to encourage pedestrian uses should in general be kept to LZ2 standards so as to maintain pedestrian night vision.

Section 5-8(A) Purpose.

The following Illuminating Engineering Society/DarkSky International principles for responsible outdoor lighting design should be stated and direct the purpose of this section:

- 1) Useful - Use light only if it is needed.
- 2) Targeted - Light should be directed only to where it is needed.
- 3) Low level - Illumination should be no higher than necessary.
- 4) Controlled - Light should be used only when it is useful.
- 5) Warm-colored - Use warmer-color lights where possible.

In addition, please note that attractiveness and livability of the city includes preventing the increase of unnecessary sky glow that reduces the visibility of stars in the night sky, impacts human health, damages natural ecosystems and their biodiversity, and interferes with the migrations of birds and nocturnal insects.

As one example, the city's own proposal for the Rail Trail Tumbleweed is in conflict with these principles. A 25-foot LED statue representing an invasive plant is not a benefit that outweighs its impact on our night skies.

DOE says that only 1% of outdoor lighting serves a useful purpose. Albuquerque should have a larger percentage of good lighting.

5-8(B)(2)(b) Flagpole illumination downwards should have a lumens cap and that should be much less than that for uplights at the base, as the flag is very close to the light.

5-8(C)(3)(c) Aerial lasers should allow pointers for instructional purposes (i.e., astronomy education) and have a milliwatt limit ( $\leq 5\text{mW}$  laser Federal limits).

5-8(D)(2) The minimum CCT should be unbounded. Lower CCT (for example, 2200K) should be allowed in all zones provided it meets the CRI requirement. Such lights are available. Warmer light scatters less and affects humans and other creatures natural patterns less.

In 5-8(D)(4), there is no lumens limit. This kind of lighting should be limited to no more than 20 percent of total. This is stated in another way in 5-8(F) but should be stated here, too.

5-8(D)(7)(a) The interval for turning off or reduction in motion-sensed switching should be 5 minutes or less. Further, motion detector effectiveness must be limited to the property line.

5-8(F) Total site lumens for non-residential is leaving out limits for uses such as gas stations, car sales lots, etc. These footcandle limits need to be in there and should take into account ground reflection, as it is a significant contributor to sky glow for brightly lit areas, even if BUG standards are met.

5-8(G)(1) The just-approved NM United stadium should be subject to these regulations.

5-8(G)(1)(c) 4. CCTs of 4000K are not necessary for filming, as modern cameras can adjust white balance for lower color temperatures. Sports fields should have 2700K lights with excellent CRI.

Thank you,  
Dana Loy  
Bird Alliance of Central New Mexico  
*A chapter of the National Audubon Society*

**From:** [Jim Strozier](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Renz-Whitmore, Mikaela J.](#); [Chris Knopp](#)  
**Subject:** IDO 2023 Amendments - Comments on proposed changes impacting BESS facilities  
**Date:** Tuesday, November 28, 2023 10:14:36 AM  
**Attachments:** [IDO Comment Letter 11.27.23.pdf](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

See attached letter. Please let either Chris or I know if you have any questions.

Thank you.

**Jim Strozier, FAICP**  
Consensus Planning, Inc.  
302 8<sup>th</sup> Street NW  
(505) 764-9801



11/27/23

EPC Chair David Shaffer  
c/o CABQ Planning Department  
PO Box 1293  
Albuquerque, NM 87103

Subject: 2023 IDO Annual Update

Dear Chair Shaffer,

Plus Energy is a developer and industry expert in the design, construction, and operating and maintaining Utility-Scale Battery Energy Storage Systems. We have been working with the City of Albuquerque Planning Department and recently completed a Zoning Map Amendment for a property adjacent to PNM's West Mesa Substation for the purpose of developing a new, state of the art BESS facility. The proposed IDO 2023 Annual Amendments raise significant concerns and would likely severely impact if not eliminate the ability to develop new BESS facilities within Albuquerque.

We have also coordinated with and agree with PNM's comments and concerns regarding the proposed amendments related to BESS facilities.

Our concerns are provided in *italics*.

#### 4-3(E) INDUSTRIAL USES

##### 4-3(E)(2) Battery Energy Storage System [New]

4-3(E)(2)(a) Energy storage system capacities, including array capacity and separation, are limited to the thresholds in the National Fire Protection Association (NFPA) standard 855.

***Concern over how this is regulated and how it affects building permit review and approval times.***

4-3(E)(2)(b) The 1-hour average noise generated from the Battery Energy Storage System, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA (i.e. A-weighted decibel) as measured at any property line.

1. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance.
2. The applicant may be required to provide Operating Sound Pressure Level measurements from locations evenly spaced every 100 feet along the property line to demonstrate compliance.

***Concern over how this is regulated and how it compares to and/or conflicts with the City's current***

***noise ordinance. If the purpose is to protect adjacent residents, should the noise measurement be taken at the adjacent residential property line? The residential property line could be on the other side of a street, drainage, or utility easement. Need to better understand the implications of this amendment.***

**4-3(E)(2)(c)**     A landscaped buffer at least 25 feet wide containing 2 evergreen trees and 6 shrubs per 25 feet shall be provided along all property lines.

***This requirement raises a number of concerns related to safety, visual surveillance of the property, etc. Suggest that the standards be similar to that for a substation. Suggest that this requirement not recommended to the City Council for inclusion.***

**4-3(E)(2)(d)**     All onsite utility lines and connections, including associated equipment, shall be placed underground or pad mounted, unless soil conditions, shape, or topography of the site as verified by the City Engineer dictate above-ground installation. Electrical transformers for utility interconnections may be above-ground if required by the utility provider.

***The preferred location for BESS facilities are locations where they are adjacent to or very close to existing sub-stations. Overhead connections are the most efficient way to provide for the necessary interconnection to the Power grid. Suggest that this requirement not recommended to the City Council for inclusion.***

**4-3(E)(2)(e)**     This use is prohibited within 330 feet in any direction of any Residential zone district or lot containing a residential use in any Mixed-use zone district.

***It is unclear what the scientific basis is for the 330-foot separation standard. This will likely render most, if not all, potential BESS facility locations to be prohibited. Was there any type of analysis done based on existing industrial zoning, existing substations, and proximity to residential property? Suggest that this requirement not recommended to the City Council for inclusion.***

Thank you for your consideration of our concerns.

Sincerely,

*Chris Knopp*

Chris Knopp  
Director of Project Development, Central Region

**From:** [Schultz, Shanna M.](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** FW: Letter to Members of the Albuquerque City Council  
**Date:** Monday, November 27, 2023 3:58:38 PM  
**Attachments:** [Final HCNA Ltr to Council.pdf](#)  
[image001.png](#)

---

Please provide the attached public comment in the EPC record for the 2023 IDO Annual Update.

Thank you,  
Shanna



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

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**From:** Chavez, Aziza <azizachavez@cabq.gov>  
**Date:** Monday, November 27, 2023 at 3:11 PM  
**To:** Schultz, Shanna M. <smschultz@cabq.gov>, Morris, Petra <pmorris@cabq.gov>  
**Subject:** Fwd: Letter to Members of the Albuquerque City Council

FYI

Aziza Chavez  
Policy Analyst

Begin forwarded message:

**From:** brenda.marks648@gmail.com  
**Date:** November 27, 2023 at 3:05:36 PM MST  
**To:** "Sanchez, Louie E." <lesanchez@cabq.gov>, "Benton, Isaac" <ibenton@cabq.gov>, "Pena, Klarissa J." <kpena@cabq.gov>, "Bassan, Brook" <bbassan@cabq.gov>, "Lewis, Dan P." <danlewis@cabq.gov>, "Davis, Pat" <patdavis@cabq.gov>, "Fiebelkorn, Tammy" <tfiebelkorn@cabq.gov>, "Jones, Trudy" <trudyjones@cabq.gov>, "Grout, Renee" <rgrout@cabq.gov>  
**Subject:** Letter to Members of the Albuquerque City Council  
**Reply-To:** brenda.marks648@gmail.com

**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Please select one or more City Councilors.

Louie Sanchez, District 1, Isaac Benton, District 2, Klarissa Peña, District 3, Brook Bassan, District 4, Dan Lewis, District 5, Pat Davis, District 6, Tammy Fiebelkorn, District 7, Trudy Jones, District 8, Renée Grout, District 9

Your First Name

Brenda

Last Name

Marks

Address Line 1

1726 Chacoma Place SW

Address Line 2

City

Albuquerque

State

NM

Email Address

brenda.marks648@gmail.com

Zip

87104

Phone Number

4692356598

Subject of your message

Letter to Members of the Albuquerque City Council

Enter Your Message Here

A letter from the Huning Castle Neighborhood Association Board is attached.

Captcha

x





November 25, 2023

Dear Councilmembers:

During the past year, our Huning Castle Neighborhood Association (HCNA) board spent considerable time reviewing O-22-54 and supporting studies referred to us by city staff. We also did our own serious research. After hearings before the Land Use, Planning & Zoning Committee, the City Council as a whole, and much advocacy on the part of neighborhoods across the city (including ours), the City Council in its final version of O-22-54, adopted on June 21, 2023, struck the proposed amendment to the IDO deleting the requirement that duplex dwellings have separate lots for each duplex unit. [See, IDO §14-16-4-3(B)(5)(b)]. The council ultimately adopted casitas permissibly in R-1 zones and rejected any changes to duplexes.

Now, merely four months later, without waiting to see how the adoption of casitas would play out, and with no additional data to support the deleted amendment's efficacy, Councilor Fiebelkorn has decided to bring the subject of duplexes back. It is unclear why this issue is being revisited, as no rationale has been provided.

During prior debate, we were informed that the problem is simply supply and demand and the barrier is zoning. We respectfully suggest that the issue is far more complex, requiring an economic analysis that includes variables that drive supply and demand (interest rates, availability of capital, projections of income, employment, inflation, recession, etc.) as well as physical analysis to determine likely areas of expansion (adequate lot size, roads, setbacks, utility access, etc.). According to the Federal Reserve, the rise in interest rates since January 2021 drove higher housing prices and is currently the major contributor to a slowing housing market, as homeowners are increasingly reluctant to leave behind their 3% mortgages by selling their current homes to buy another more expensive home at 7.5%. Changes in local zoning will not mitigate these national issues.

While we sympathize with our city's needs expressed in its revised Housing Forward Plan, we question the efficacy of an across-the-board up-zone policy to create more housing in the near term, or to create more affordable housing, given current economic conditions. None of the documents provided or referenced by the city cited data to support its housing theories. The actual results from similar cities that have up-zoned residential single-family zones to create more housing are mixed, at best, and depend on incentives provided to local developers to create more affordable units. In many major cities, comprehensive up-zoning has led to gentrification and higher market rates.

The proposed Amendment eliminates single-family (R-1) zoning in Albuquerque totally, without consideration of neighborhood character or the preferences of its residents. Some neighborhoods may welcome the change, but the policy behind the proposed Amendment fails to create a mechanism for neighborhoods such as ours, who believe the change may drive neighborhood decay in the future, to "opt out".

For all these reasons, HCNA strenuously objects to any attempt by Councilors to continue to bring this issue up at every opportunity until it passes. Huning Castle Neighborhood Association does not support this proposed amendment.

Sincerely,

Brenda Marks, President  
Huning Castle Neighborhood A

From: [Carmen Marrone](#)  
To: [City of Bloomington Planning Department](#)  
Subject: IDO website  
Date: Monday, December 4, 2023 12:44:21 PM

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

To whom it may concern:

I would like to take this opportunity to comment on the proposed amendments to the IDO document as it pertains to the North 4th Street Corridor. In order to maintain the character of the corridor and provide a more "walkable" street I propose that the MINIMUM SETBACK be increased to 15' in order to provide wider sidewalks and landscaping. The current proposal calls for a minimum setback of 10' which creates an imposing impact on the street especially if the building is taller than three stories. Also, if IDO doesn't already address this, I propose that a building facade along 4th street be no taller than three stories. If a developer desires a building greater than three stories, then the building setbacks should be increased to keep in character with the corridor.

I have attached photos of recent development along the corridor for your consideration. The first four are GOOD examples of development and comply with the IDO requirements. Please note that the buildings are 3 stories.

The 5th photo is an example of what should NOT be allowed. The front of the building is 4 stories and looms over the adjacent business. The building has no articulation and looks like a warehouse. The remainder of the building is stepped down to 3 stories and is articulated. The reverse should have happened in this case with the 3-story portion of the building being along 4th St. and the "warehouse" to the rear.

The final photo contains what is currently being developed on north 4th St. It is a car wash. Since IDO requires "building to the street" along 4th street, the owner has built this wall to fulfill this requirement and to screen the business. It is not attractive and does not promote the character of the corridor. This type of wall should not be allowed to continue.

I would be happy to work with city planners to improve the regulations for the North Street Corridor in order to provide a more walkable corridor. I am a retired city planner myself. Thank you for your consideration of my comments.

Carmen Marrone  
carmenmarrone@aol.com















Sent from my iPhone

**From:** [Peggy Norton](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** IDO Annual Update 2023 - EPC Review and Recommendation  
**Date:** Thursday, November 30, 2023 12:45:01 PM

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

I do not support item#17 which allows storage of RV's and boats in any MX or NR zone category. This amendment will permit any allowed use lot to become an outdoor vehicle storage use lot, which is not allowed in any MX zone and is conditional in NR-C and NR-BP. I cannot imagine why we would want to degrade our neighborhoods with this. MX is a widely used zoning category and often is adjacent to residential lots.

Peggy Norton  
3810 11th Street NW  
ABQ



**From:** [Beth Silbergleit](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** IDO Annual Update 2023- Wall heights  
**Date:** Sunday, December 3, 2023 7:44:14 AM

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Chair Shaffer:

I continue to be bewildered and dismayed that we cannot lay to rest the idea that increasing permissible wall heights in front yards is a good idea. It is not! Permissible front yard wall heights have been set at 3 feet since the 1950s. Public input to numerous zoning code updates throughout the decades has consistently reaffirmed that this is the appropriate height. Destruction of existing streetscape, diminished neighborhood safety by limiting eyes on the street, and a gradual transition to a city and neighborhoods that will be defined by walled-in front yards are the perils of raising wall heights. Those of us who live in historic neighborhoods have made that choice for a variety of reasons. The sense and aesthetics of community is a prime factor. This will be destroyed as walls begin to predominate the streetscape, even if the top few feet are transparent. I truly hope we can put this issue to rest and concentrate our energy on the many other issues pertaining to smart development in our City.

**From:** [Johanna Stein](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** IDO Annual Update 2023 - EPC Review and Recommendation  
**Date:** Wednesday, November 29, 2023 11:51:11 AM

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

I'm writing in support of duplexs in all R1 it has lots of benefits as mentioned last year by many and I continue to strongly support this update. Especially because it will provide a safe way for the many illegal ones to meet code and actually become safe dwellings.

Cheers,

Jo Stein District 7  
Sent from my iPhone=

**From:** [Dennis P. Trujillo](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** IDO walls  
**Date:** Saturday, December 2, 2023 6:20:01 PM

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Dear EPC Chair Shaffer—I am a long time resident of Albuquerque and of Nob Hill, I received my PhD from UNM and I retired as a historian for the state of New Mexico. I am concerned about our shared historical and cultural environment. Historically, Clyde Tingley signed Albuquerque's first zoning code in 1955, limiting permissive walls in front yards to 3 ft. in height. This architectural and social feature has remained in place in zoning updates of 1965, 1973, 1991, and the 2017 IDO. The IDO received an enormous amount of public input, rounds of public review, and no one suggested that it would be a good idea to make permissive walls, in front yards, anything other than 3 ft. In height. For 70 years now, the vast majority of walls built by homeowners in front yards, have been permissive 3 ft. walls; sometimes called garden walls. These front-yard walls are visible from the public way and remain a defining historic and cultural feature of our streetscape, neighborhoods and city. These walls preserve the concept of "eyes on the street," a valuable tool for public safety. Permissive walls in front yards up to 3 ft. high are an important part of the historic character of Albuquerque. Making 5 foot high walls (2 feet being transparent) permissive, would diminish our historic streetscape and the safety concept of "eyes on the street." Please do not let Albuquerque become fortress like, a city of high walls. 3 foot garden walls are important in our history, important to our future, important to our city.

Sincerely,  
Dennis P. Trujillo, PhD

**From:** [Jeffrey Wiener](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** IDO Annual Update 2023 - EPC Review and Recommendation  
**Date:** Tuesday, December 5, 2023 6:25:32 PM

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

## IDO Annual Update - Lighting EPC Chair Shaffer

Dear Chair Shaffer,

First I thank you and the fellow IDO committee members for considering and putting forward updated lighting regulations for Albuquerque. I am also appreciative of my City Council member for pushing forward the funding for the lighting study that led to these proposed changes. Light pollution in Albuquerque has progressively worsened with population expansion and growth of inexpensive white LEDs. The low cost and energy savings of LEDs make it too easy to leave on all night and pollute the skies with scattered blue wavelengths. In addition, uneducated businesses leave glaring lights on around their buildings all night in the name of safety and security, instead of using motion detectors. These issues are having serious negative effects on wilderness areas and inhabited areas alike in the Albuquerque metro area.

I have read the proposed updates to the lighting guidelines and respectfully request consideration of the following:

1) In 5-8(D) (2) (a) and (b): remove minimum CCT restrictions on lighting. Amber LEDs should be encouraged to be used in ALL areas except where it may be confused with traffic lights.

Lights with CCT below 2700K (eg Amber LEDs) cause less light pollution, less light scatter, less glare and is less harmful to animals, insects and humans. It is to be encouraged, not restricted.

2) 6-7 (A) (1) (a) change date for non-compliance from Jan 1, 2034 to Jan 1, 2029.

As mentioned light pollution and light trespass in Albuquerque is a serious and growing problem. We cannot wait 10 years for egregious light polluters to be corrected. Ask yourselves: why should a facility be allowed to continue mto keep bright lights on all night when there is no one present? It needlessly wastes energy, bothers neighbors, encourages crime, hurts the environment. The energy savings itself would pay for motion detectors.

Again, thank you for all you do. I appreciate your consideration.

Thank you.

Jeffrey C Wiener, PhD

Member: American Physical Society, Dark Sky International  
12712 Northern Sky Ave NE  
Albuquerque, NM 87111  
jwieneri@comcast.net

Sent from my iPhone

**From:** [P. Davis Willson](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** Attn: EPC Chair Shaffer  
**Date:** Tuesday, November 28, 2023 1:47:36 PM  
**Attachments:** [CommentsForCouncil9.4.23.pdf](#)

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

Re: 2023 IDO Annual Update

Chair Shaffer,

I sent this email a moment ago but am not sure the attachments were selected so I am again sending 1) a letter to Council from September; and 2) a summary prepared for Parkland Hills Annual Meeting.

Thank You,

Patricia Willson

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

### 11.5.23 IDO SUMMARY

Albuquerque's first zoning code was adopted in 1959, was 58 pages long and established 14 zone categories. In 1975, a new zoning code was adopted, with 22 zone categories and 2 new 'special use' zones. Between 1976 and 2018, this code was amended nearly 200 times. Major updates were added in 1990 and 1994. Over 40 standalone sector development plans established more than 400 unique special use zones (SU-2 and SU-3) and over 770 categories of SU-1 zones were created.

In 2014, the City Council adopted a resolution which directed the Planning Department to update the Rank 1 policy document—the Comprehensive Plan—,overhaul the City's land use and zoning framework and update the Development Process Manual (DPM). Out-of-state consultants were hired to update the Comprehensive Plan and overhaul the zoning code. A local architect led the DPM update.

The CompPlan update took effect in April of 2017. Late in 2017 (at the end of the Berry administration) Council rushed thru the adoption of the Integrated Development Ordinance (IDO). It was amended twice before it took effect in 2018.

All this information can be found here: <https://abq-zone.com/background-coordination-abc-comp-plan>  
The two slides below are from past City presentations; they show the relationship between the CompPlan and the IDO, and how the update cycles are supposed to work (the 5-year cycle has already been amended to 6 years). Only 3 of the 12 CPA Assessment Reports have been completed to date, but the CompPlan Update is currently proceeding regardless.



The 1-year update cycle for the IDO is cumbersome, unworkable, and has led to hundreds of changes in just the four years of adopted updates. It is difficult to find information on the number of changes each year; this spreadsheet is compiled from my own notes:

YEAR	# OF CHANGES	# OF MEETINGS	# OF OPEN HOUSES
2019	256	12	4
2020	101	0	1
2021	55	6	3
2022	37	8	3
2023 (in progress)	60	2 (to date)	
	509		





September 5, 2023

Council President Davis and Councilors.

I would like to bring up two major points that I have spoken and written about many times.

- 1) Creation of metrics to differentiate between “technical/textual” and “substantive” amendments to the Integrated Development Ordinance.
- 2) Creation of an “opt-in” listserv in place of—or in addition to—the Two Points of Contact for Notification defined in the IDO and the NARO.

But first, some history: nearly 10 years ago, a NAIOP luncheon presentation became the catalyst for what I call ‘how we got to where we are’. I have three folders of documents titled:

- How ART came first...
- How CompPlan/IDO came second...
- How IDO-NARO compliance came third...

I am happy to share these documents widely; they include the 70 page PowerPoint presentation, titled “Albuquerque’s Innovation Corridor”, given at the January 27, 2014 NAIOP luncheon, the 42 page report prepared for the City by the Chicago Center for Neighborhood Technology (CNT) titled “The Scale of the Prize”, and many other documents.

The late Paul Lusk, architect, planner, and true visionary, summed up the ‘cart-before-the-horse’ process several years ago (the ‘draft’ he is referring to is the CNT study):

*“The draft (with the boiler-plate boxes with the BIG \$ numbers, and with just the name of the city/client changed) that was produced early in the Berry ‘dynasty’ by a Chicago consultant touted (advocated for and apparently had connections to) using a high percentage of Federal \$\$ for Rapid Transit development -- and if you did so, great economic benefit would accrue to adjacent properties (2.9 \$Billion). ...*

*The consultant's report went on to say that 'of course, you will have to change your zoning code to allow capture of this great development (and profit) potential, and get rid of some of those pesky little stores along the way. Hence: became the 'IDO' -- which seeks to homogenize (but mostly has traumatized) Albuquerque.*

*But, of course, to justify and accommodate the IDO, you will have to 'update' the Comprehensive Plan, and get rid of all those quirky, old Sector Plans and Area Plans -- that (disconcertingly) reflect the inherent diversity of Albuquerque. And so!, we had the ass-backwards process of a grant for Transit -- driving the IDO -- driving the CompPlan.”*

But of course, this is all water under the bridge now. How do we mitigate the damage done and prevent further damage to Albuquerque’s unique natural landscapes and promote sensitive development designs to complement and strengthen our communities and open space areas?

One word: NEIGHBORHOODS! Take advantage of the care and compassion people have for the places they live, and the extensive institutional knowledge that is being dismissed. Follow the long-range planning process of the Community Planning Area (CPA) assessments—the careful, thoughtful work that produces reports that reflect communication with people!

Which gets me back to my two points at the beginning: **stop using the IDO amendment process to make major changes to the zoning code**—changes that generally support the development community and disenfranchise neighborhoods. And **allow those who are interested to find the information** about development. I can look here and see what’s going on with road projects:

<https://www.cabq.gov/gis/map-views/municipal-development-projects>

... so why can’t there be a map of development projects?

Sincerely,

Patricia Willson

**From:** [Jane Baechle](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Renz-Whitmore, Mikaela J.](#); [Vos, Michael J.](#)  
**Subject:** Comments to EPC 2023 IDO  
**Date:** Wednesday, November 22, 2023 12:44:33 PM  
**Attachments:** [2023 IDO Individual Comments.pdf](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

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

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

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

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

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

Thank you for your time and attention.

Jane Baechle

Jane Baechle  
7021 Lamar Avenue NW  
Albuquerque, NM 87120  
[Jane.Baechle@gmail.com](mailto:Jane.Baechle@gmail.com)

Date: November 22, 2023

To: David Shaffer  
Chair, EPC

From: Jane Baechle

Re: 2023 Annual Review of the IDO

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

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

#### 2023 Amendment Proposals, Position and Rationale

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

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

Position: *Oppose*

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

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

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

Position-*Oppose*

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

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

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

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

“Exempts city facilities from the conditional use process”

Position: *Oppose*

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

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

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

Position: *Oppose*

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

Small Area Amendment, IDO 14-16-4-3(F)(5)(f)10, **Volcano Heights Urban Center**

Removes prohibition on drive-throughs in the Volcano Heights Urban Center

Position: *Oppose*

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

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

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

Position: *Support*

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

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

IDO Citywide Amendments, Item 53, IDO 7-1, **Sensitive Lands Rock Outcropping**

Revises the definition of rock outcropping to reflect existing rock outcroppings in ABQ.

Position: *Support*

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

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

Thank you for your time and attention.

Sincerely,

Jane Baechle

Resident of SFV and SFVNA Representative

**From:** [Jane Baechle](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Renz-Whitmore, Mikaela J.](#); [Vos, Michael J.](#); [Jane Baechle](#)  
**Subject:** SFVNA Board Comment for the EPC on IDO 2023 Proposals  
**Date:** Sunday, November 26, 2023 4:31:46 PM  
**Attachments:** [2023 IDO EPC 11.22.pdf](#)

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

Good afternoon,

I hope you all have enjoyed a lovely Thanksgiving holiday.

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

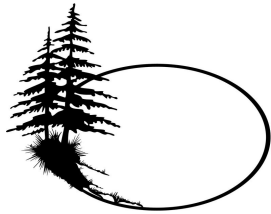
I respectfully request your assistance in ensuring they are provided to Chair Shaffer and members of the EPC.

I would also appreciate confirmation you have received these.

Thank you very much,

Jane Baechle





## Santa Fe Village Neighborhood Association

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

Date: November 26, 2023

To: David Shaffer  
Chair, EPC

From: Jane Baechle, Representative  
Santa Fe Village Neighborhood Association

Re: 2023 Annual Review of the IDO

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

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

### 2023 Amendment Proposals, SFVNA Position and Rationale

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

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

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

SFVNA position: *Oppose*

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

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

SFVNA Position-*Oppose*

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

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

“Exempts city facilities from the conditional use process”

SFVNA position: *Oppose*

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

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

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

SFVNA position: *Oppose*

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

Small Area Amendment, IDO 14-16-4-3(F)(5)(f)10, **Volcano Heights Urban Center**

Removes prohibition on drive-throughs in the Volcano Heights Urban Center

SFVNA position: *Oppose*

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

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

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

SFVNA position: *Support*

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

IDO Citywide Amendments, Item 53, IDO 7-1, **Sensitive Lands Rock Outcropping**

Revises the definition of rock outcropping to reflect existing rock outcroppings in ABQ.

SFVNA position: *Support*

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

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

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

SFVNA position: *Support*

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

**IDO Citywide Amendment #58, Tribal Engagement**

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

SFVNA position: *Support*

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

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

Thank you for your time and attention.

Respectfully submitted,

Jane Baechle

**From:** [JULIE DREIKE](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [icc-working-group@googlegroups.com](mailto:icc-working-group@googlegroups.com)  
**Subject:** Fwd: Opt-In Amendment to IDO request  
**Date:** Tuesday, November 14, 2023 2:06:15 PM  
**Attachments:** [Opt In amend to IDO II.docx](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Please see the email below sent to Council President Pat Davis and Councilor Renee Grout. This email has also been forwarded to all City Councilors.

Attached is the amendments needed for Opt-In.

I understand that Councilor Grout has shared this request with staff.

Please contact me with questions or further information on how to get this request on the proposed spreadsheet of amendments.

Julie Dreike  
Secretary ICC

----- Original Message -----

From: JULIE DREIKE <[dreikeja@comcast.net](mailto:dreikeja@comcast.net)>  
To: "patdavis@cabq.gov" <[patdavis@cabq.gov](mailto:patdavis@cabq.gov)>, "rgrou@cabq.gov" <[rgrou@cabq.gov](mailto:rgrou@cabq.gov)>, "seanforan@cabq.gov" <[seanforan@cabq.gov](mailto:seanforan@cabq.gov)>, "rrmiller@cabq.gov" <[rrmiller@cabq.gov](mailto:rrmiller@cabq.gov)>  
Cc: "icc-working-group@googlegroups.com" <[icc-working-group@googlegroups.com](mailto:icc-working-group@googlegroups.com)>, "Renz-Whitmore, Mikaela J." <[mrenz-whitmore@cabq.gov](mailto:mrenz-whitmore@cabq.gov)>  
Date: 10/23/2023 1:35 PM MDT  
Subject: Opt-In Amendment to IDO request

Dear Council President Pat Davis and Councilor Renee Grout,  
Attached please find for your consideration amendments to the IDO that would address the need for members of the community to be notified of projects in the City affecting their community. We worked on these amendments at the behalf of the Inter-Coalition Council (ICC). The ICC members have reviewed these amendments and ask for your consideration for the introduction of these amendments.

The idea of individuals to be able to "Opt-In" for notifications has long been discussed. Councilor Davis, you may recall that you had first discussed this idea with constituents at least as early as 2019 as a way for individuals to be notified of projects that affect their community.

Councilor Grout, your support for community involvement dates to your election to the City Council in January 2022. Your recognition of the value of constituent involvement and consideration of how to make it easy for constituents to be informed and involved aligns with "Opt-In".

Why is Opt-In important:

- Not all parts of Albuquerque have Neighborhood Associations (recognized by the ONC or not). In fact, the number of Neighborhood Associations has decreased.

A person should not have to be a member of a group to receive notifications as defined in the IDO.

- Where there are Neighborhood Associations, not all neighbors are members.
- Where there are Neighborhood Associations, as volunteer organizations, most do not have the resources to make notifications.
- Notifications are the responsibility of the City of Albuquerque. Government and the people they serve deserve an informed public.
- Opt-In will require few resources beyond the initial set up. Several City Departments have similar Opt-In processes to receive newsletters from Departments. The technology is readily available.
- Opt-In is a user-friendly option as opposed to directing individuals to search a map or list.

The concept of Opt-In has been discussed for several years. Its time has come and can be accomplished with a few amendments to the IDO and a timeline for implementation.

Respectfully,

Debbie Conger, Resident District 6

Julie Dreike, Resident District 9

## Definitions:

**Interested Parties:** Individuals who sign up for notifications, herein after called Opt-In List, from the City of Albuquerque as described within the IDO. The individual completes the Opt-In form on the City of Albuquerque Planning Department website. The individual can change their Opt-In designations through an update on the website, including unsubscribing from notification.

**Interested Parties can Opt-In for notifications within any City Council Districts.**

## IDO pages 403-413

6-4(B)(2) If the project is not located within or adjacent to the boundaries of any Neighborhood Association, the applicant shall offer at least 1 meeting to all Neighborhood Associations whose boundaries include land within 1,320 feet (¼ mile) of the subject property **and Interested Parties who Opted-In for notifications of projects within the City Council District that the project is located in.** If no Neighborhood Association has land within that distance of the subject property **or no Interested Party is identified on the Opt-In list maintained by City Planning,** no pre-submittal neighborhood meeting shall be required.

## 6-4 (B) (3)

A meeting request shall be sent to the 2 representatives on file at the ONC for all applicable Neighborhood Associations via Certified Mail, return receipt requested, or via email. Either method constitutes a reasonable attempt to notify a Neighborhood Association of a meeting request.

**Additionally, meeting request shall be sent by email to Interested Parties who have opted in to a notification list maintained by City Planning.**

The requirements of Subsection 14-16-6-4(K)(7) (Documentation of Good Faith Effort Required) also apply.

## 6-4 (B) (4)

If the Neighborhood Association **or Interested Parties** chooses to meet, the Neighborhood Association **or Interested Party** must respond within 15 calendar days of the request (Certified Mail



or email) being sent. The meeting must be scheduled for a date within 30 calendar days but no fewer than 15 calendar days after the Neighborhood Association **or Interested Parties** accepts the meeting request, unless an earlier date is agreed upon.

~~If the Neighborhood Association declines the meeting, the applicant may proceed pursuant to Subsection (9) below.~~

**If a meeting is not requested by a Neighborhood Association or, the applicant may proceed pursuant to Subsection (9) below.**

#### **6-4 (B) (7)**

A summary of the meeting shall be prepared and emailed to the representatives **of the Neighborhood Association(s) and Interested Parties that requested the meeting** ~~representatives of the Neighborhood Association(s) that requested the meeting and any other meeting participants who signed in and provided an email address.~~

#### **6-4 (B) (9)**

Where Table 6-1-1 requires that a pre-submittal neighborhood meeting be held, and a meeting was not held, the requirement for a pre-submittal neighborhood meeting shall be waived if the applicant can demonstrate that reasonable attempts were made to notify a Neighborhood Association **and Interested Parties** as required by Subsections (1) through (4) above, and either no response was received within

15 calendar days of the notice being sent, or the notified the interested parties Neighborhood Association **or Interested Parties did not request a meeting.** ~~declined the meeting.~~

#### **6-4(K)(2) Electronic Mail**

Where Table 6-1-1 requires electronic mail notice, the applicant shall send an electronic mail notice to the e-mail addresses on file with the ONC for each Neighborhood Association whose boundaries include or are adjacent to the subject property **and those Interested Parties on the Opt-In list maintained by Planning Department.**

#### **6-4(K)(7)(c)**

Failure to provide evidence of timely mailing or electronic notice of required notices to Neighborhood Associations **or Interested Parties** shall result in

postponement of the public hearing unless the City receives written notice from each Neighborhood Association **or Interested Parties** required to receive mailed notice that it has received notice and has no objection to the hearing proceeding as scheduled, or unless Subsection (d) below applies.

6-4(K)(7)(d)

Failure to provide evidence of required mailed notice to any individual other than a Neighborhood Association **or Interested Parties** representative may result in the postponement of further review of the application unless the City determines that those parties required to receive mailed notice have received notice of the public hearing or unless Subsection (e) below applies

6-4(K)(7)(e)

If the applicant provides evidence that the required notices were timely provided, then failure of a property owner or Neighborhood Association **or Interest Parties** to receive actual notice due to changes of address since the latest update to the City or County real estate records, or due to changes of e-mail addresses since those were last provided to the City, or due to errors in postal delivery or newspaper publishing, or for other reasons beyond the control of applicant or City, shall not be grounds for a delay of application review or public hearings, or for appeal of the resulting decision,

**From:** [Hoffman, Jim](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** Volcano Heights Urban Center - Small Area IDO Update ... Attention Chair Shaffer  
**Date:** Friday, November 24, 2023 11:24:17 AM  
**Attachments:** [image001.png](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Chair Shaffer,

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

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

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

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

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

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

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

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

Respectfully,

James Hoffman  
817-689-4897

**From:** [Steven Pan](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** Comment on IDO changes  
**Date:** Monday, November 27, 2023 4:07:31 AM

---

**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

To the Chair (for comments on 2023 IDO changes),

Though I've submitted this comment before, I believe that the changes are far too conservative in terms of increasing density. I understand and can see there is much pushback from the community over duplexes, but really making at least four-plexes allowed city wide and getting rid of parking minimums altogether is the only way to increase housing affordability for all. This is the law of supply and demand at work (I'm not assuming you agree or disagree with this statement, that is simply my view).

As a city council meeting recently stated, 70% of burquenos could not re-buy the house they live in. If we want a future for the city, we must allow the law of supply and demand to work, decrease regulations, and give people back the rights to their own property to build. Yes, that means if my neighbor decides to put an apartment next to my house I am fine with that. We have to learn to live with each other. Also getting rid of parking minimums as was shown in the case of Minneapolis (<https://www.axios.com/local/twin-cities/2023/08/11/twin-cities-inflation-cools-lowest-nation>) would be an even greater help to boosting supply.

Steven

**From:** [paxtonm](#)  
**To:** [JULIE DREIKE](#)  
**Cc:** [City of Albuquerque Planning Department; icc-working-group@googlegroups.com](#)  
**Subject:** Re: Fwd: Opt-In Amendment to IDO request  
**Date:** Tuesday, November 14, 2023 7:16:20 PM

---

[EXTERNAL] Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.  
Great, Julie! Thank you! SPNA would also like to include the deputy city clerk, but I could only find contact information for the clerk (city clerk: Ethan Watson, [cityclerk@cabq.gov](mailto:cityclerk@cabq.gov)). Would anyone happen to have what I need? Another odd discovery is that I couldn't find a direct email address for the EPC. I see that when we were fighting O-22-54, I used [abctoza@cabq.gov](mailto:abctoza@cabq.gov). Is there a better address?

Thanks,  
Merideth

On Nov 14 2023 2:03 PM, JULIE DREIKE wrote:

> Please see the email below sent to Council President Pat Davis and  
> Councilor Renee Grout. This email has also been forwarded to all City  
> Councilors.

>  
> Attached is the amendments needed for Opt-In.  
>  
> I understand that Councilor Grout has shared this request with staff.

>  
>  
> Please contact me with questions or further information on how to get  
> this request on the proposed spreadsheet of amendments.

>  
> Julie Dreike  
> Secretary ICC

>  
>> ----- Original Message -----

>> From: JULIE DREIKE <[dreikeja@comcast.net](mailto:dreikeja@comcast.net)>  
>> To: "patdavis@cabq.gov" <[patdavis@cabq.gov](mailto:patdavis@cabq.gov)>, "rgrout@cabq.gov"  
>> <[rgrout@cabq.gov](mailto:rgrout@cabq.gov)>, "seanforan@cabq.gov" <[seanforan@cabq.gov](mailto:seanforan@cabq.gov)>,  
>> "rrmiller@cabq.gov" <[rrmiller@cabq.gov](mailto:rrmiller@cabq.gov)>  
>> Cc: "icc-working-group@googlegroups.com"  
>> <[icc-working-group@googlegroups.com](mailto:icc-working-group@googlegroups.com)>, "Renz-Whitmore, Mikaela J."  
>> <[mrenz-whitmore@cabq.gov](mailto:mrenz-whitmore@cabq.gov)>  
>> Date: 10/23/2023 1:35 PM MDT  
>> Subject: Opt-In Amendment to IDO request

>>  
>> Dear Council President Pat Davis and Councilor Renee Grout,

>>  
>> Attached please find for your consideration amendments to the IDO  
>> that would address the need for members of the community to be  
>> notified of projects in the City affecting their community. We  
>> worked on these amendments at the behalf of the Inter-Coalition  
>> Council (ICC). The ICC members have reviewed these amendments and  
>> ask for your consideration for the introduction of these amendments.

>>  
>>  
>> The idea of individuals to be able to "Opt-In" for

>> notifications has long been discussed. Councilor Davis, you may  
>> recall that you had first discussed this idea with constituents at  
>> least as early as 2019 as a way for individuals to be notified of  
>> projects that affect their community.  
>>  
>> Councilor Grout, your support for community involvement dates to  
>> your election to the City Council in January 2022. Your recognition  
>> of the value of constituent involvement and consideration of how to  
>> make it easy for constituents to be informed and involved aligns  
>> with "Opt-In".  
>>  
>> Why is Opt-In important:  
>>  
>> \* Not all parts of Albuquerque have Neighborhood Associations  
>> (recognized by the ONC or not). In fact, the number of Neighborhood  
>> Associations has decreased.  
>> \* A person should not have to be a member of a group to receive  
>> notifications as defined in the IDO.  
>> \* Where there are Neighborhood Associations, not all neighbors are  
>> members.  
>> \* Where there are Neighborhood Associations, as volunteer  
>> organizations, most do not have the resources to make notifications.  
>> \* Notifications are the responsibility of the City of Albuquerque.  
>> Government and the people they serve deserve an informed public.  
>> \* Opt-In will require few resources beyond the initial set up.  
>> Several City Departments have similar Opt-In processes to receive  
>> newsletters from Departments. The technology is readily available.  
>> \* Opt-In is a user-friendly option as opposed to directing  
>> individuals to search a map or list.  
>>  
>> The concept of Opt-In has been discussed for several years. Its  
>> time has come and can be accomplished with a few amendments to the  
>> IDO and a timeline for implementation.  
>>  
>> Respectfully,  
>> Debbie Conger, Resident District 6  
>> Julie Dreike, Resident District 9  
>  
> --  
> You received this message because you are subscribed to the Google  
> Groups "ICC Working Group" group.  
> To unsubscribe from this group and stop receiving emails from it, send  
> an email to [icc-working-group+unsubscribe@googlegroups.com](mailto:icc-working-group+unsubscribe@googlegroups.com).  
> To view this discussion on the web visit  
> [https://groups.google.com/d/msgid/icc-working-](https://groups.google.com/d/msgid/icc-working-group/1952518092.206307.1699995811715%40connect.xfinity.com)  
> [group/1952518092.206307.1699995811715%40connect.xfinity.com](https://groups.google.com/d/msgid/icc-working-group/1952518092.206307.1699995811715%40connect.xfinity.com)  
> [1].  
> For more options, visit <https://groups.google.com/d/optout>.  
>  
>  
> Links:  
> -----  
> [1]  
> [https://groups.google.com/d/msgid/icc-working-](https://groups.google.com/d/msgid/icc-working-group/1952518092.206307.1699995811715%40connect.xfinity.com?utm_medium=email&utm_source=footer)  
> [group/1952518092.206307.1699995811715%40connect.xfinity.com?utm\\_medium=email&utm\\_source=footer](https://groups.google.com/d/msgid/icc-working-group/1952518092.206307.1699995811715%40connect.xfinity.com?utm_medium=email&utm_source=footer)



**From:** [Sal Perdomo](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Josh Rogers](#); [Ian Robertson](#)  
**Subject:** IDO Annual Update 2023 - EPC Review and Recommendation  
**Date:** Monday, November 27, 2023 7:10:54 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[IDO Letter to EPC - 2023 Amendments \(IDO\) 2023-11-20.pdf](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Good morning,

Please see the attached letter outlining comments to the 2023 IDO annual update. We are available if there are any questions.

Thank you,

Sal



**SAL PERDOMO**

*Director of Acquisitions & Development*

**M** (505) 261-1176 **P** (505) 515-2925

**W** [www.titan-development.com](http://www.titan-development.com)

**E** [sperdomo@titan-development.com](mailto:sperdomo@titan-development.com)

6300 Riverside Plaza, Ste. 200  
Albuquerque, NM 87120

4903 Woodrow Unit A  
Austin, TX 78756

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November 27, 2023

Dear Members of the Environmental Planning Commission,

Titan Development has reviewed the 2023 Proposed Amendments to the IDO. The purpose of this letter is to state Titan's comments 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.

Section	IDO Policy	Proposed Change	Request and Commentary
Proposed Citywide Text Amendments (new)	New	N/A	<p><b>Request:</b> Add Data Centers as a new Use category to Table 4-2-1</p> <p><b>Commentary:</b> Data Centers are not currently defined as a use within the zoning code and should be added as a use and permissively allowed in MX-M and above. This user type is continuing to have interest in Albuquerque and will need to have more specific guidance from a zoning perspective.</p>
Proposed Citywide Text Amendments (#4)	4-3(D)(37)(a)	Requirement for a 3' high perimeter wall around the General Retail Use	<p><b>Request:</b> Remove from consideration</p> <p><b>Commentary:</b> This provision will not prevent or limit retail theft and will ultimately burden the retailer to construct an expensive wall around their property. Additionally, this requirement will impact the urban environment negatively creating a castle like look and feel around the entire property. Any wall under 8' feet can easily be scaled by a burglar. This is not the appropriate way to limit or decrease retail theft - it will make no difference.</p>

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**TEXAS**  
 4903 Woodrow Ave, Bldg A  
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Proposed Citywide Text Amendments (#5)	4-3(D)(18)	Requirement for a 3' high perimeter wall around the Light Vehicle Fueling Station Use	<p><b>Request:</b> Remove from consideration</p> <p><b>Commentary:</b> This provision will not prevent or limit theft and will ultimately burden the retailer to construct an expensive wall around their property. Additionally, this requirement will impact the urban environment negatively creating a castle like look and feel around the entire property. Any wall under 8' feet can easily be scaled by a burglar. This is not the appropriate way to limit or decrease theft - it will make no difference.</p>
Proposed Citywide Text Amendments (#7)	4-3(F)(14) [new]	Limiting amplified sound in certain areas from 7:00am to 10:00pm	<p><b>Request:</b> Exclude this requirement in all MS-PT-UC areas and extend hours to 7:00am to 12:00am</p> <p><b>Commentary:</b> This will impact New Mexico negatively by hampering the ability for small businesses to thrive in our walkable and urban areas. This will negatively impact the City's cool, up and coming neighborhoods including, Sawmill, EDo, WeDo, Nob Hill, University, and Downtown.</p>
Proposed Citywide Text Amendments (#52)	7-1	Creating more restrictive definition for a Large Stand of Mature Trees	<p><b>Request:</b> Remove from consideration</p> <p><b>Commentary:</b> Although the current definition of Large Stand of Mature Trees does not cover a significant portion of land in Albuquerque, this Sensitive Land will continue to become more relevant in the future as infill development becomes more common. The City should avoid creating long term issues with potential infill development in established areas.</p>
Proposed Citywide Text Amendments (#53)	7-1	Creating more restrictive definition for a Rock Outcropping	<p><b>Request:</b> Remove from consideration</p> <p><b>Commentary:</b> We do not understand how a rock outcropping is a Sensitive</p>

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			Land in the first place, so why should the definition be made even more restrictive.
Small Area Text Amendments - Rail Trail	5-2(A)(3)	Adds an additional buffer to the Rail Trail	<b>Request:</b> Remove from consideration  <b>Commentary:</b> The Rail Trail is intended to promote density and investment throughout the corridor where it is located. Adding an additional buffer to the Rail Trail is counterintuitive to the whole intent of the project. This provision does not promote investment and development along the rail trail and directly hampers buildable land around the rail trail.
Small Area Text Amendments - Rail Trail	5-2(A)(5)	Adds an additional height stepdown adjacent to the Rail Trail.	<b>Request:</b> Remove from consideration  <b>Commentary:</b> The Rail Trail is intended to promote density and investment throughout the corridor where it is located. Adding a height restriction to the Rail Trail is counterintuitive to the whole intent of the project and will negatively impact investment along the corridor.
Memo - Industrial Building Design	5-11(G)(2)	Adds additional design requirements to Industrial building design	<b>Request:</b> Support with minor changes  <b>Commentary:</b> We are in full support of this amendment, but would request a few minor changes to Section 5-11(G)(2). These changes include (1) clarify this section refers to street-facing facades over 150 feet and (2) under subsection b) include vertical projections or recessions in addition to horizontal projects and recessions.
Memo - Landscape Requirements	5-6(C)(4)(e)	No more than 20% of required landscape shall be warm season grass species.	<b>Request:</b> This should read "cool season grass species".  <b>Commentary:</b> Cool season grass species require more water than warm season grass species. We believe this is an error.

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Memo - Landscape Requirements	5-6(C)(4)(g)	Sprinklered grass cannot be located within 3' of a hard surface (mulch can be used to buffer off of sidewalk).	<b>Request:</b> Expand to include gravel or some other form of material.  <b>Commentary:</b> The requirement for mulch as a buffer is too specific and should be expanded.
Memo - Landscape Requirements	5-6(C)(5)	Species types of mulch to be used in Planting Beds	<b>Request:</b> Confirm location of Planting Beds to better match intent on amendment.  <b>Commentary:</b> Additional clarification needs to be used to confirm the location of this requirement. The provision currently states "all planting areas", but is only intended to be used for "planting beds".

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](mailto:jrogers@titan-development.com) or (505) 998-0163.

Thank you,



Josh Rogers  
 Partner  
 Titan Development

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**From:** [emeraldprops@aol.com](mailto:emeraldprops@aol.com)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Vos, Michael J.](#)  
**Subject:** Attn: David Shaffer, re. Request for a modification to IDO section 4-3(d)(14)(e) Campground or Recreational Vehicle Park  
**Date:** Sunday, November 5, 2023 7:26:44 AM

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

Dear Mr. Shaffer,

I have been in communication with Planning staff regarding the above-referenced proposed 2023 IDO update. Although this did not make it into the submittal of the Annual Update to EPC, I wish to pursue this submit this public comment/request so it will receive further discussion and consideration for inclusion in the 2023 update.

**PROPOSED CHANGE:** Restoring a modified version of the provision of Campground Regulations as per the old zoning code (before IDO) regarding a reduction of the required 20 feet required setback if screening is introduced.

This provision of the old code to allow for a reduction of the 20 feet setback was omitted when adopted into the IDO.

14-16-3-7(b)(4)(a)(1) did stipulate a 20 feet setback: *"Camp sites shall be set back a minimum of 20 feet from each property line."*

However, 14-16-3-7(b)(4)(b) went on to state *"The minimum setback requirements, above, may be reduced if the camp site is totally obscured from sight by off-site by natural barriers or a solid wall or fence at least six feet high"*

The current IDO language is strict regarding the 20 feet setback. The amended language 4-3(D)(14)(e) of the 2023 IDO update should be revised as follows:

***"Camp sites shall be set back a minimum of ~~20~~ 10 feet from each property line"***

The current IDO language does address screening requirements: 4-3(D)(14)(f) states *"Camp sites shall be screened on all sides by an opaque wall or vegetative screen at least 6 feet high unless they are set back at least 100 feet from any property line abutting a street."*

As I explained to Planning staff, a 10 foot setback is consistent and in some cases more restrictive than similar situations, and I believe this is a most reasonable request for the justifications explained below. It should be included as a proposed update to the IDO and have the opportunity to receive Council vote.

**BACKGROUND AND JUSTIFICATION FOR THIS REQUEST:** In June of 2021, amendment B22 which was sponsored by former Councilor Gibson, was unanimously supported by the City Council Land Use Committee. This amendment allowed for the permissive use of campgrounds to be built in NR-C zones. Revising 20' setback

requirement should have been part of this amendment. A mandatory 20' setback on smaller and well-located infill lots, many of them located in NR-C districts, imposes a significant hardship to those intending to serve this important need which would address those affected by unaffordable housing as well as help meet the high demand for RV accommodations of recreational and professional travelers. This proposed update is consistent with current trends which consider more effective use of some urban zones in order to properly address housing and accommodations.

The documented justification of the June, 2021 B22 City Council decision was:

- 1) High demand for well-located RV accommodations in Albuquerque
- 2) Lack of supply
- 3) Proposal is appropriately limited to appropriate NC zones
- 4) This will boost opportunity for more RV tourists and business travelers, a benefit to local economy
- 5) Not injurious to the community because there will be a separation between NR NR and Residential.

There is a shortage of RV-stay accommodations in Albuquerque and a great need for well-located sites which are in easy proximity to local vendors and services. This need has dramatically grown due to economic changes associated with the Covid-19 pandemic, as work and travel patterns have changed. In addition to the recognition of opportunities for affordable housing, there has been a significant increase in RV recreational travelers as well as those who work as contracted tradespeople and professionals, such as skilled construction workers - and especially traveling nurses. These people travel to work locales where they require a safe and desirable location to reside in their RVs on a short-term basis. Many traveling nurses stay in their own RV's and are unfortunately not able to accept contracts at Albuquerque hospitals because they cannot find a suitable park for their RV, so they accept contracts elsewhere. This has reached a crisis level, as many hospitals are challenged to fill positions with qualified traveling nurses. Albuquerque's location at the intersection of two major interstate highways enhances the vitality of this need. Another increasing sector of society are referred as "Digital Nomads". These are people who choose to embrace a location-independent, technology-enabled lifestyle that allows them to travel and work remotely, anywhere in the Internet-connected world.

In order to accommodate the demand described above, this proposed change should be included in the 2023 update, in order to enable developers of Recreational Vehicle Parks and campgrounds located on smaller parcels to design their improvements without the burden of this significant setback constraint which could render a project unfeasible. When presented to the Planning Department for Site Plan approval, code enforcement, recognizing the current IDO language, will reject any project that shows a setback less than 20 feet and the applicant must then go through the lengthy and discretionary process of obtaining a zoning variance.

Thank you for your attention this matter,



Dan Rich

(505) 304-4516

**From:** [Brito, Russell](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Maestas, Ken](#)  
**Subject:** 2023 IDO Annual Update  
**Date:** Monday, November 27, 2023 8:55:49 AM  
**Attachments:** [image001.png](#)  
[PNM - CABO IDO 2023 Annual Update - Nov 2023.pdf](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

EPC Chair Schaffer,

Public Service Company of New Mexico (PNM) appreciates this first opportunity to provide comments on proposed amendments to the Integrated Development Ordinance (IDO) for your consideration and requests changes for your recommendation to City Council. Attached is a letter that outlines PNM's concerns with the proposed amendments to address Battery Energy Storage Systems (BESSs).

Thank you,

*Russell Brito*

Land Use & Permitting Administrator  
Environmental Services & Land Use Permitting



505.241.2798

u

Main Offices  
Albuquerque, NM 87158 -1105  
P 505 241-2849  
F 505 241-2347  
PNM.com



November 27, 2023

EPC Chair David Shaffer  
c/o CABQ Planning Department  
PO Box 1293  
Albuquerque, NM 87103

Subject: 2023 IDO Annual Update

Dear Chair Shaffer,

Public Service Company of New Mexico (PNM) appreciates this first opportunity to provide comments on proposed amendments to the Integrated Development Ordinance (IDO) and requests several changes for your consideration and recommendation to City Council. PNM would like to thank Planning Department staff for their inclusion of a new Battery Energy Storage System (BESS) use that is imperative for the successful transition of electricity generation to emissions-free and renewable sources, such as solar and wind power.

#### Regulatory Background and Context

Critical infrastructure includes the physical and cyber systems and assets that are so vital to the United States that their absence or incapacity would have a debilitating impact on our physical and economic security, public health, and safety. The federal government identifies the electric grid system as critical infrastructure that provides the essential services that underpin American society. The United States Department of Homeland Security (DHS) categorizes the energy sector as one of 16 critical industries.

The DHS further identifies the energy sector as uniquely critical because it provides an enabling function across all critical infrastructure sectors. A stable energy supply supports health and welfare, the U.S. economy, and is a vital component of modern life. Electric utility facilities deliver this essential service to all end-users, including homes, businesses, schools, and other institutions.

The federal government regulates the nationwide, interconnected electric grid system, except in Texas that has its own separate electric grid. The Federal Energy Regulatory Commission (FERC) is an independent agency within the Department of Energy (DOE) that regulates the interstate transmission of electricity. The North American Electric Reliability Corporation (NERC) is a regulatory body, subject to oversight by FERC, that develops and improves the industry's reliability standards, monitors and enforces compliance, and issues penalties for violations or nonconformance. In October 2023, FERC directed NERC to develop reliability standards for wind, solar, and battery storage systems.

The New Mexico State Legislature adopted, and the Governor signed into law the Energy Transition Act (ETA) in 2019. The ETA fundamentally changes the dynamic for electricity generation and delivery by requiring all investor-owned utilities (IOUs), including PNM, to have a 100% emissions-free generation portfolio by 2045. In conjunction with wind and solar renewable generation sources, PNM needs BESS (Battery Energy Storage System) facilities, which are critically necessary to provide power when the sun is not shining and the wind is not blowing (intermittency).

A BESS is a utility-scale facility that consists of rechargeable batteries that stores energy from different sources and discharges the energy when it is needed. BESS can be used to balance the electric grid, provide backup power, and improve grid stability at the distribution level. Battery storage technologies are quickly evolving and making notable improvements in reliability, capacity, and safety every year.

The New Mexico Public Regulation Commission (NM PRC), a regulatory subdivision of the State, is charged with ensuring that IOUs comply with the ETA and its requirements for clean energy. PNM is on-track to meet the ETA requirements with ongoing interconnections of new, utility-scale solar and wind power generation and the implementation of new BESS facility projects.

PNM has a franchise agreement with the City of Albuquerque that allows electric facilities such as power lines and pole structures, switches, and transformers to be placed in the public right-of-way. This agreement, together with IDO standards and regulations for private properties provides the local government framework for the larger electric grid and its Electric Utility facilities and uses.

The electric grid is evolving to meet the challenges and opportunities presented by the ETA, including addressing the intermittency of renewable generation, extreme weather events becoming more frequent and disruptive, and accommodating numerous requests for interconnection to the larger system. And of course, the electrification of the transportation system is steadily increasing the demand for electricity and the infrastructure needed to support electric vehicles (EVs). Both short-duration and long-duration energy storage systems are needed to help address all variables to maintain and improve the safe and reliable provision of electric service in New Mexico.

#### BESS Technologies and Renewable Generation

The New Mexico Renewable Energy Transmission Authority (NM RETA) recently hosted their second annual Energy Storage Workshop on October 23 & 24, 2023. Several manufacturers, state and federal government officials, and research scientists shared details about the latest innovations and products that are becoming available for utility-scale BESS projects and applications.

Recent BESS technology advances have introduced both improvements to existing technologies and new technologies that are non-flammable, more cost-effective, and that use easily sourced materials with better availability at the national and global scale. Lithium-ion batteries, with their high operating and maintenance expenses, limited cycle life, and use of flammable liquids and toxic materials have until now dominated the energy storage sector. Newer BESS technologies include iron-air batteries (1/10<sup>th</sup> the cost of lithium ion), nickel-hydrogen batteries that have no thermal runaway risk and no flammable liquids or toxic materials, and systems that use hot & cold water as the storage medium ([https://nmreta.com/energy\\_storage\\_workshop/](https://nmreta.com/energy_storage_workshop/)).

BESSs can be single or combinations of technologies, including electrochemical batteries, thermal energy storage, and/or mechanical energy storage. In general, as the transition to emissions-free and renewable generation sources progresses, BESSs help to reduce costs, while improving resiliency, sustainability, and the safety of the electric grid. But this is only possible if BESSs are allowed to be located throughout PNM's service area, especially where the growth of load demand for electricity is occurring.

New load growth is increasingly driven by population growth, transitions to electric HVAC systems and electric appliances, economic development projects, and electric vehicles (EVs). BESSs are most effective when they are located near the load demand center and where there are existing electric utility facilities such as substations and renewable generation. The technical requirements for BESSs include interconnection to the distribution system, transformers, switches and other control equipment, and adequately sized sites that maximize efficacy, efficiency, and effectiveness.

## IDO Annual Update

Currently, Electric Utility uses are a Permissive Primary use in every IDO Zone District except NR-SU (sensitive use) and NR-PO (parks and open space) where they are an accessory use:

Zone District >>	Residential						Mixed-use				Non-residential							Use-specific Standards
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	A	B NR-PO	
Electric utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	A	A	4-3(E)(8)

Existing IDO use and development standards reflect the IDO's acknowledgement that the electric grid and electric utility uses are critical infrastructure and are permissive or allowed uses in all Albuquerque communities and neighborhoods. Electric utility infrastructure is as important as stormwater facilities, potable water systems, wireless telecommunication, roadways, traffic control signals, and streetlights. Every other infrastructure system in the City of Albuquerque relies upon the electric grid to function in-part or in-full. The emergence of EVs and the growing demand for electricity to fuel them, along with the growing prevalence of renewable generation, also speak to the critical importance of Electric Utility uses that make up the electric grid.

Because the IDO's current definition for Electric Utility already includes battery storage, PNM in early October 2023 requested from Planning staff a single, comprehensive change to IDO Use Specific Standard (USS) 4-3(E)(8) for the Electric Utility use. This requested change was to clarify and ensure the continued allowance of this critical BESS use with development standards equal to those for a substation:

- For USS 4-3(E)(8) Subsections (a), (b), (c), and (d): **add + stand-alone Battery Energy Storage Systems (BESSs)** + in addition to substations.

The above requested change is the simplest, most straightforward way of addressing the emerging prevalence of BESSs, an Electric Utility use, that reflects the need for them to be as ubiquitous as substations, interspersed at technically regularized intervals throughout the City of Albuquerque and Bernalillo County.

### Proposed IDO Amendments for Battery Energy Storage Systems

PNM, the public utility that provides Albuquerque's critical electric infrastructure and service, will be most directly affected by that these proposed 2023 Annual Update standards. Private, merchant developers of BESS systems will also be affected. PNM would like to take this first opportunity to address the proposed IDO Annual Update amendments drafted by Planning Department staff. The below comments include requested changes for the BESS use allowance, Use Specific Standards (USSs), landscaping standards, maintenance standards, and the BESS definition.

In general, the proposed standards for BESSs appear intended to protect the general health, safety, and welfare of City residents, but many of the proposals create intractable obstacles to the integration of these critical facilities into the electric grid where and when they are needed. As BESS facilities are critical to the State mandated transition to emissions-free and renewable generation sources, many of these proposed amendments could be contrary to the intent of and realistic and timely compliance with the Energy Transition Act (ETA).

Below are PNM's comments for the lengthy set of amendments proposed for BESS facilities:

## Proposed Amendment

1. On page 154, in the Telecommunications, Towers, and Utilities sub-category of Industrial Uses in Table 4-2-1, add a new row for “Battery energy storage system” with a P in NR-LM and NR-GM to allow a battery energy storage system as a permissive primary use.

### PNM response:

Because the current IDO definition for Electric Utility already identifies and includes battery storage and the Electric Utility use is allowed in all IDO Zone Districts, limiting BESSs to manufacturing zones is contrary to the definition of Electric Utility and the use’s permissive allowance in every IDO Zone District except NR-SU and NR-PO. Limiting BESS uses to manufacturing zones will severely hamper the ability of PNM and merchant developers to integrate battery energy storage systems into the distribution system in areas of increasing load demand for electricity in mixed-use, residential, and economic development that will occur in areas outside of the NR-LM and NR-GM Zone Districts.

BESS facilities are unmanned and if limited to only manufacturing zone districts will take away limited land that is needed for employment growth that is more appropriately located in NR-LM and NR-GM areas. PNM will be interested in the staff report analyses and reasoning for this proposed location limitation for BESSs that reflect the ongoing technological advances for reliability and safety and that address the need for Electric Utility uses to be located as close to electric load demand centers as possible. PNM requests that the BESS use be a Permissive Primary use in all IDO Zone Districts in exactly the same way as the more comprehensive Electric Utility use.

## Proposed Amendment

2. On page 194, in Subsection 14-16-4-3(E), add a new Subsection for battery energy storage system with text as follows.

### 4-3(E) INDUSTRIAL USES

- 4-3(E)(2) Battery Energy Storage System [New]  
4-3(E)(2)(a) Energy storage system capacities, including array capacity and separation, are limited to the thresholds in the National Fire Protection Association (NFPA) standard 855.

### PNM response:

- (a) PNM is not opposed to applicable fire safety regulations, but requests clarifications and answers to the following concerns and questions:
  - It is unclear who would enforce this new subsection for compliance with NFPA standard 855 thresholds. Would this be the Zoning Enforcement Officer (ZEO) within the Planning Department because it is in the IDO, or would it be the AFR Fire Code Official?
  - Would a review of a proposed BESS project per this new standard be part of an administrative site plan approval or would a separate process be applicable?
  - If there is a conflict between any existing section of the IDO and/or of the City’s Fire Code (14-2-1 et seq) and/or the International Fire Code (IFC), and/or the International Building Code (IBC) with this new requirement to comply with NFPA standard 855, will the ZEO or the Fire Code Official determine which regulation/standard shall apply?
  - Will this new subsection apply to non-electrochemical BESS projects that may rely on technologies such as thermal or mechanical energy storage?

4-3(E)(2)(b) The 1-hour average noise generated from the Battery Energy Storage System, components, and associated ancillary equipment shall not exceed a noise level of 60 dBA (i.e. A-weighted decibel) as measured at any property line.

1. Applicants may submit equipment and component manufacturers noise ratings to demonstrate compliance.
2. The applicant may be required to provide Operating Sound Pressure Level measurements from locations evenly spaced every 100 feet along the property line to demonstrate compliance.

PNM response:

(b) PNM acknowledges its current obligation to comply with the City's Noise Control Ordinance (9-9-1 et seq) and requests clarifications and answers to the following concerns and questions:

- It is unclear who would be enforcing this new subsection for compliance with the 60 dBA sound level. Would this be the Zoning Enforcement Officer (ZEO) within the Planning Department because it is in the IDO or the Environmental Health Department that enforces the City's Noise Control Ordinance?
- If there is a conflict with the City's Noise Control Ordinance, which standard would prevail and who would make such a determination, the ZEO or the Environmental Health Department?
- Would a review of a proposed BESS project per this standard be part of an administrative site plan approval or would a separate process be applicable?
- If an applicant for a BESS project is required to provide sound level measurements, would the Planning Department or Environmental Health Department be reviewing and certifying compliance?

4-3(E)(2)(c) A landscaped buffer at least 25 feet wide containing 2 evergreen trees and 6 shrubs per 25 feet shall be provided along all property lines.

PNM response:

(c) This proposed 25 foot landscape buffer along all property lines makes development of critical BESS facilities infeasible, especially in infill areas where land is often only available as smaller parcels, but where electric load demand growth occurs with redevelopment and infill projects and the steady adoption of EVs.

Unlike the existing landscape requirements for substations (4-3(E)(8)), this proposed standard does not give any deference to "the safety and maintenance requirements of substations." BESS facilities are Electric Utility uses that require interconnections with the local distribution system, most of which are overhead lines that are not compatible with "2 evergreen trees and 6 shrubs per 25 feet . . . along all property lines" because of potential damage to the lines from tree limbs and branches. Underground lines in conduits and their junction boxes have similar potential to be damaged by tree roots. Because it is a USS, this subsection also conflicts with and will supersede (see IDO section 1-8(A)(2)) the current landscaping requirements in IDO section 5-6(C)(10) that are intended to protect critical infrastructure.



PNM is required by the NM PRC to interconnect not only private renewable generation sources, but also private BESS projects. Private merchant BESS developers may see this proposed requirement as a deal-breaker if it prevents a project from “penciling out” and making sense as an investment opportunity, which may detract from the electric grid reaching the goals and meeting the requirements of the State’s Energy Transition Act (ETA).

If public safety is the intent of this impractical landscape buffer around every BESS project, then the establishment of numerous, attractive nuisances for the unhoused, taggers, and vandals may well be the result, and not the furtherance of public safety. Critical infrastructure should not be subjected to the risks that a 25 foot landscape buffer on all sides presents, especially in “rear yard” areas located away from streets where public safety service providers (Albuquerque Police Department, Albuquerque Fire and Rescue, and Albuquerque Community Safety) need visibility.

PNM requests that BESS landscape requirements be identical to those for substations and not per subsection (c). PNM also requests that the wall requirement USS for substations be applicable to all BESS facilities as well.

**4-3(E)(2)(d) All onsite utility lines and connections, including associated equipment, shall be placed underground or pad mounted, unless soil conditions, shape, or topography of the site as verified by the City Engineer dictate above-ground installation. Electrical transformers for utility interconnections may be above-ground if required by the utility provider.**

PNM response:

- (d) Requiring that “all onsite utility lines and connections, including associated equipment, shall be placed underground or pad mounted” will make BESS facilities cost-prohibitive in many locations because existing overhead distribution lines will have to be “risered down” with new pole structures and conduits. This requirement may create conflicts between the Franchise Agreement that covers the public right-of-way and the IDO that covers private properties if changes on the private side require changes on the public right-of-way side that cannot be accommodated because of limited space or other existing infrastructure (streetlights, traffic signals, bus stop shelters, fire hydrants, sidewalks, etc.).

And pad mounted equipment is by definition above-ground, which may require the ZEO to determine what is pad mounted versus what is underground versus what is above ground on a case-by-case basis. These potential internal conflicts and the need to resolve them would add additional uncertainty and less predictability to the development review process for critical infrastructure. This undergrounding requirement is also in conflict with above subsection (c) because underground conduits and junction boxes may be in direct conflict with evergreen tree and shrub planting locations every 25 feet along all property lines.

Since this requirement for undergrounding is not a measurable standard and relies entirely upon the City Engineer for relief from its requirements, what “soil conditions, shape, or topography of the site” would they verify and per what dictating criteria?

PNM requests that this subsection (d) in its entirety not be recommended to City Council or included in any way as a USS for a BESS use.

4-3(E)(2)(e) This use is prohibited within 330 feet in any direction of any Residential zone district or lot containing a residential use in any Mixed-use zone district.

PNM response:

- (e) This proposed distance separation requirement from residential zones and residential uses makes development of critical BESS facilities infeasible, especially in infill areas where land is often only available as smaller parcels, but where electric load demand growth occurs with redevelopment projects and the adoption of EVs. BESS facilities need to be located as close to electric load demand centers as possible to be most effective.

Ideal BESS locations include where load growth is driven by mixed-use and residential development/redevelopment, new EV charging stations in single-family home garages and at multifamily residential parking areas. Load growth can also be driven where natural gas HVAC systems and appliances are being replaced by electrically powered systems and appliances, namely residential, mixed-use, and commercial areas. Available land is also a driving criterion for the location of new BESS projects and this proposed distance separation requirement even makes some manufacturing zone district (NR-LM and NR-GM) areas unavailable if there is adjacency to residential zone districts or residential uses.

Similarly to substations, BESS facilities do not generate electricity, do not produce emissions, and must be maintained per FERC and NERC requirements. Further, compliance with NFPA standard 855 thresholds (see (a) above) should hopefully and adequately address all fire safety concerns and potentialities. And finally, a requirement for a security wall around a BESS facility would help integrate it into any community or neighborhood context in the same way as security walls for a substation, an Electric Utility use allowed in all Residential and Mixed-Use Zone Districts (see existing IDO USS 4-3(E)(8)).

PNM requests that this subsection (e) in its entirety not be recommended to City Council or included in any way as a USS for a BESS use.

**Proposed Amendment**

3. On page 276, in the Telecommunications, Towers, and Utilities sub-category of Industrial Uses in Table 5-5-1, add a new row for “Battery energy storage system” with “No requirement” for parking.

PNM Response:

This amendment is logical and based in reality because BESS facilities, like substations, are unmanned and do not require parking for staff or customers.

PNM strongly supports proposed amendment number 3.

**Proposed Amendment**

4. On page 303, in Subsection 14-16-5-6(C)(10), add a new subsection with text as follows.

## 5-5(C) GENERAL LANDSCAPING STANDARDS

### 5-6(C)(10)

#### Planting near Utilities

5-6(C)(10)(h) [new] Planting of combustible plant material is prohibited within 25 feet in any direction of a battery energy storage system.

Ground cover and turf are allowed, provided that they do not form a means of readily transmitting fire.

#### PNM Response:

This amendment is in direct conflict with the proposed USS 4-3(E)(2)(c) that requires a landscape buffer with 2 evergreen trees and 6 shrubs per 25 feet along all property lines. Evergreen trees are extremely combustible plant material because of their high levels of oils, resins, and/or waxes. Shrubs are combustible plant material. “Ground cover and turf” could include crusher fine or other gravel, living vegetation, and/or artificial turf, depending on what section of the IDO is referenced. This proposed amendment is internally inconsistent because living vegetation and turf are all combustible regardless of their hydration or greenness and could form a means of readily transmitting fire. Any plant can burn, and especially evergreen trees and shrubs.

Furthermore, this proposed amendment is unnecessary because per IDO section 1-8(A)(2), if there is a conflict between this proposed Planting near Utilities amendment and the proposed BESS USS amendment, “the Use-specific Standard shall prevail regardless of whether the Use-specific Standard is more or less restrictive than the Development Standard.” If both this landscape standard, 5-6(C)(10)(h), and USS 4-3(E) are adopted, then this may present applicants and the Zoning Enforcement Officer (ZEO) with an unnecessary determination about which standard prevails for each and every BESS project. Again, these potential internal conflicts and the need to resolve them would add additional uncertainty and less predictability to the development review process for critical infrastructure.

PNM requests that this amendment in its entirety not be recommended to City Council or included in any way as part of the IDO Annual Update.

#### **Proposed Amendment**

5. On page 383, in Subsection 14-16-5-13(B)(7), add a new subsection with text as follows.

## 5-13(B) MAINTENANCE STANDARDS

### 5-13(B)(7)

#### Landscaping, Buffering, and Screening

5-13(B)(7)(d) [new] The area within 25 feet in any direction of a battery energy storage system shall be cleared of combustible vegetation and other combustible growth.

#### PNM Response:

This amendment is in direct conflict with the proposed USS 4-3(E)(2)(c) that requires a landscape buffer with 2 evergreen trees and 6 shrubs per 25 feet along all property lines and with Proposed Amendment 4 above ground cover and turf. All vegetation, regardless of hydration or greenness, is combustible and therefore any required living landscape (e.g. evergreen trees and shrubs every 25 feet along every property line) would then have to be cleared. Then the site would become non-compliant to the USS for

landscaping, subjecting a property owner to enforcement action to re-install the landscape that would then have to be cleared. Any plant can burn, especially evergreen trees and shrubs that contain oils, resins, and/or waxes.

PNM requests that this amendment in its entirety not be recommended to City Council or included in any way as part of the IDO Annual Update.

#### **Proposed Amendment**

6. On page 548, in Section 14-16-7-1, add a new term “Battery Energy Storage System” with text as follows.

#### **Battery Energy Storage System**

A utility-scale facility that stores energy from the electrical grid and then discharges it at a later time to provide electricity when needed. Electrochemical batteries may include, but are not limited to, lithium-ion, lead-acid, redox flow, and molten salt (including sodium-based chemistries). For the purposes of this IDO, batteries used in consumer products, including EV vehicles, are not included in this use. Battery storage associated with an electric utility is regulated separately. See *Electric Utility*.

#### **PNM Response:**

PNM is concerned about the inclusion of this defined term because it only refers to “Electrochemical batteries” when describing a Battery *Energy* Storage System. It should go further to include thermal energy and mechanical energy storage systems as BESS facilities as well. The portion of the definition that works well is the differentiation of a BESS from batteries used in EVs and other consumer products. The last sentence: “Battery storage associated with an electric utility is regulated separately.” is not necessary and should be removed because the first sentence makes it clear that a BESS is “utility-scale” and a private merchant BESS developer may or may not be associated with an electric utility and these applicants should be held to the same standards as a public utility for the same use.

PNM might support this amendment with the changes noted above.

#### **Proposed Amendment**

7. On page 617, in Section 14-16-7-2, add new acronyms as follows.

NFPA: National Fire Protection Association

dBA: A-weighted decibel (dB)

#### **PNM Response:**

PNM is not opposed to this amendment.

### Comprehensive Plan Goals and Policies

This set of IDO amendments to address BESS facilities do not appear to further the following CompPlan Goals and Policies, which is a requirement of IDO Review and Decision criterion 6-7(B)(3)(a) for the IDO Annual Update:

#### Goal 5.3 Efficient Development Patterns

Policy 5.3.1 Infill Development

Policy 5.3.2 Leapfrog Development

Policy 5.3.3 Compact Development

#### Goal 5.4 Jobs-Housing Balance

#### Goal 5.7 Implementation Processes

Policy 5.7.2 Regulatory Alignment

Policy 5.7.4 Streamlined Development

Policy 5.7.6 Development Services

#### Goal 7.6 Context-Sensitive Infrastructure

Policy 7.6.3 Utility Infrastructure

#### Goal 8.1 Placemaking

Policy 8.1.2 Resilient Economy

Policy 8.1.5 Available Land

#### Goal 12.1 Infrastructure Systems

Policy 12.1.6 Energy Systems

#### Goal 12.4 Coordination

Policy 12.4.1 Collaborative Strategies

Policy 12.4.4 Joint Use

#### Goal 12.5 Resources

Policy 12.5.1 Cost-Benefit Analysis

Policy 12.5.2 Cost Allocation

Policy 12.5.4 Cost Efficiencies

#### Goal 13.1 Climate Change

Policy 13.1.1 Resource-Efficient Development

Policy 13.1.2 Greenhouse Gas Mitigation

Policy 13.1.3 Public Infrastructure and Facilities

#### Goal 13.3 Natural Hazards

Policy 13.3.1 Resilient Infrastructure

#### Goal 13.4 Natural Resources

Policy 13.4.3 Energy Resources

#### Goal 13.5 Community Health

Policy 13.5.3 Public Infrastructure Systems and Services

### Conclusion

What started as a relatively simple request from PNM for a minor text amendment to the existing Use-specific Standard for the Electric Utility use (4-3(E)(8)) to add Battery Energy Storage System (BESS) and apply the same standards as those for an electric substation have morphed into a lengthy set of proposed amendments that will have detrimental and unintended consequences for the development and implementation of BESS projects. These consequences include making it much more difficult to develop BESS projects that are critically necessary to comply with and implement the State mandated transition to emissions-free and renewable generation sources (Energy Transition Act). And the potential internal conflicts contained in these proposed amendments would add additional uncertainty and less predictability to the City's development review process for this critical infrastructure.

Electric load demand growth comes from all land uses located in all IDO Zone Districts and BESS infrastructure should not be relegated to only manufacturing zones. PNM respectfully requests that this proposed language be amended and pared down as detailed in this letter to reflect technically and economically realistic design standards that respond to current and future BESS technologies. BESS projects are critical infrastructure that will be necessary in all communities throughout the City of Albuquerque and Bernalillo County.

Sincerely,



Russell Brito  
Land Use & Permitting Administrator  
Environmental Services & Land Use Permitting

Cc: Ken Maestas – PNM

**From:** [D. Saumon](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [newmexico@darksky.org](mailto:newmexico@darksky.org)  
**Subject:** Albuquerque IDO Annual Update - Lighting  
**Date:** Sunday, November 26, 2023 2:00:55 PM

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

Dear EPC Chair Staffer,

I have read the Integrated Development Ordinance (IDO) sections on Outdoor and Site Lighting and would like to offer some comments.

First, I am pleased that the city of Albuquerque is considering a strong and modern outdoor lighting ordinance. After the relamping of its street lights a few years ago, the dome of light above the city has become much brighter and of a white color, both detrimental to dark skies in the Albuquerque area and as far away as the Valles Caldera National Preserve. This ordinance will help compensate for this major set back in preserving dark skies.

I applaud the inclusion of explicit limits to light trespass, rules about security lighting, rules about areas near parks and open spaces, and the adoption of a curfew and of a 10-year amortization period for compliance.

It will be important to follow the adoption of the ordinance with a public education campaign, especially in view of the amortization period. Contractors will also need to be made aware of the new ordinance and become aware of good lighting practices which, in my experience, is sorely lacking.

Following are comments for needed improvements and clarification.

The ordinance must include a map of the city with an overlay of the lighting zones. This is very important to get a bird's eye view of its impact and implications.

4-3(D)(29) Why is there a call-out to "internal lighting" of self-storage? Presumably lighting of the interior of a self-storage space is off most of the time and being internal, should not contribute much to light trespass or light pollution.

5-8(A): The purpose statement must include the 5 principles of sound outdoor lighting. They were devised by the Illuminating Engineering Society and DarkSky International:

1) Useful - Use light only if it is needed.



- 2) Targeted - Light should be directed only to where it is needed.
- 3) Low level - Illumination should be no higher than necessary.
- 4) Controlled - Light should be used only when it is useful.
- 5) Warm-colored - Use warmer-color lights where possible.

Adding these principles to the purpose statement justifies the rules that follow and provides guidance for situations not explicitly stated in the ordinance where city staff may have to exercise judgment.

5-8(D)(2) CCT between 2700K and 3000K. There is no good reason for setting a lower limit to the CCT. While 2200K LED are still less common than 2700K, the industry and market are evolving rapidly. In a side-by-side comparison I have evaluated a HPS light, a 2200K LED with CRI=70 and a 2700K with CRI=75 in a parking lot. Because of its high CRI, the 2200K light provides ample color perception and looks very different from the HPS. Furthermore, the visual appearances of the 2200K and 2700K are not very different from each other, but the 2700K emits twice as much blue light (per lumen) as the 2200K (this can vary somewhat with the manufacturer). For the preservation of dark skies and to limit the environmental impact of outdoor lighting, it is very important to limit the emission of blue light (principle #5 above). Thus, 2200K is by far the better choice and will become easily available on the consumer market in just a few years. To summarize, there should not be a lower limit on the CCT, and the upper limit should be reduced to 2700K to limit blue light emissions

5-8(G)(2) There should be a site lumen limit for seasonal lighting.

6-6(I)(3) This language is quite opaque and should be clarified.

Definitions:

Curfew: This is a very important element of the ordinance and belongs in the main text.

Candela: Confusion between candela and candela per square meter. Needs clarification.

CCT: 4000K does not appear blue. The very useful graphics associated with this definition correctly display a nearly white color.

Foot candle: The sentence about how fc are measured does not belong in a definition of fc. Furthermore, it is inconsistent with the full text of 5-8(E)(4)(b) and the definition of Illuminance.

Best regards,

Didier Saumon

**From: Parkland Hills Neighborhood Association**

**11/26/2023**

**To: Attention Chair Shaffer.**

**Email [abcto@cabq.gov](mailto:abcto@cabq.gov)**

**Re: Comments for the EPC regarding IDO Annual Update 2023 including:  
IDO Annual Update 2023 - Proposed Citywide Text Amendments - EPC  
Submittal “Printed 10/26/2023” - Submitted prior to 11/27, 9 am: Deadline  
for written comments to be included in EPC staff report**

Chair Shaffer,

Please accept our comments from Parkland Hills Neighborhood Association for your consideration in making your recommendations to the Albuquerque City Council for adoption of proposed IDO Annual update 2023.

**Table of Contents include the following:**

1. Maps showing **Locations Overnights Shelters would be allowed with proposed IDO Zoning changes** including #9 IDO proposal identifying some of the permitted locations of overnight Shelters with up to 50 persons with no separation from other shelters and unlimited capacity of shelters in MX-H Zone. These would be permitted without any neighborhood input that currently is required by a Conditional use approval. Additionally if proposed IDO change #11 to exempts city from conditional use requirements, at any of the locations shown on the 2 maps, city facilities including overnight shelters and any other occupancies requiring neighborhood input through the conditional use process would be permitted without any input or approval process.
2. List of 2023 IDO proposed change comment list.
3. Review of possibly important 2023 Proposed IDO zoning changes
4. Reference showing current permissive and conditional use location for Community residential, group homes, and overnights shelters

**PAST YEARS IDO (ZONING) HIGHLIGHTS**

1. This is the third year in a row for the proposed change to make Overnight shelters Permissive in MX-M and MX-H and at least second year for increased wall height change proposals.
2. PHNA submission of IDO (zoning) proposal to clarify Wall/Fence zoning for variances on walls in front yards to be more consistent with neighborhood. If 6' wall proposed, then 20% of existing walls should be at least the 6' proposed, rather than 20% being anything over 3'. This was submitted by Parkland Hills Neighborhood Association.

## Locations Overnights Shelters would be allowed with proposed IDO Zoning changes

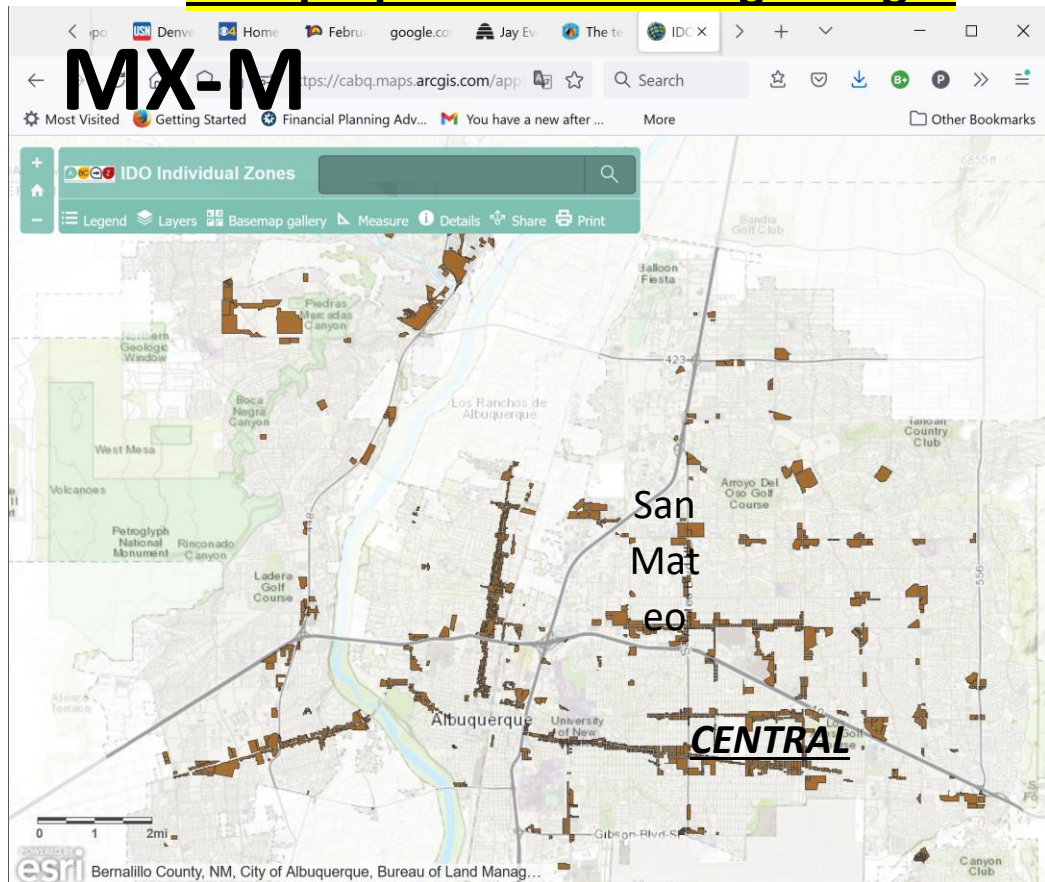
### MX-M AND NR-C

LOCATIONS OVERNIGHT SHELTER <50 PERSONS PERMITTED WITHOUT ANY NEIGHBORHOOD INPUT ALLOWED.

UNLIMITED CAPACITY IF CITY DOESN'T NEED TO FOLLOW CONDITIONAL USE UNDER NEW PROPOSAL.

50 OR 2500 IF ALL PROPOSED CHANGES OCCUR.

CHANGE WOULD PERMIT NEXT TO R-1 WITH NO SEPARATION FROM OTHER OVERNIGHT SHELTER. All shapes (or blobs) are locations where these building could be located.



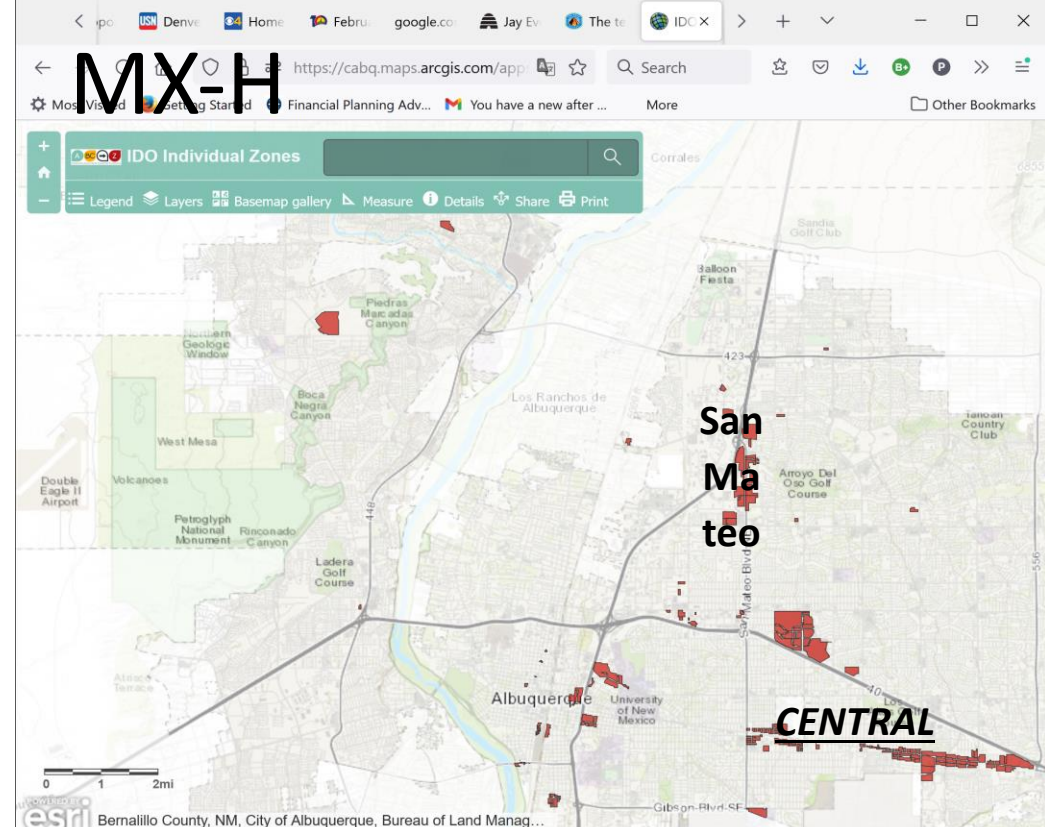
### MX-H LOCATIONS

UNLIMITED OVERNIGHT SHELTER CAPACITY WITHOUT ANY NEIGHBORHOOD INPUT ALLOWED.

2500+ CAPACITY

CHANGE WOULD PERMIT NEXT TO R-1 WITH NO SEPARATION FROM OTHER OVERNIGHT SHELTER.

All shapes (or blobs) are locations where these building could be located.



**LIST OF 2023 IDO COMMENTS OF EPC SUBMITTAL “10/26/2023” PROPOSED  
CHANGES FROM PARKLAND HILLS NEIGHBORHOOD ASSOCIATION**

**(DETAILED REVIEW ON FOLLOWING PAGES)**

- A. Item 8. Cannabis minimum 660’ apart- no exceptions - **Support**
- B. Item 9. Overnight shelters permitted throughout city without neighborhood input permitted. **Oppose**
- C. Items 10 and 13. Two-family detached (duplex) dwellings in the entirety of the R-1 zone district **Oppose**
- D. Item 11. City buildings can ignore conditional use process and build without neighborhood input allowed. **Oppose**
- E. Item 12. Live/work allows all corner lots in single family residential zone to have 3000 sq feet of retail or restaurant. **Oppose**
- F. Item 23 & 24. Walls 5’ high with no setback in front yards at property lines. **Oppose**
- G. Items 29-37. Change to decrease time and decrease number of neighbors and neighborhood associations to notify of changes to zoning and what is permitted to be done on or with a property. Reduces opportunity for neighborhood input by keeping them in the dark. **Oppose and Support. See Individual Amendments**
- H. Items 46 & 47. Changes definition of Community residential facilities and Group homes. This could permit some to operate as overnight shelters and permit halfway houses and criminal diversion facilities in Residential neighborhoods. **Oppose**

**A. 8 Multiple 4 – Cannabis Retail – Removal of Conditional use including increasing separation distance of establishments from 600 to 660’ of another retail location. Council Memo.**

**Support: Please support this amendment for the following reasons**

- 1) Currently, conditional use can be requested which appears to usually be approved in spite of neighborhood concerns. This proposal could reduce dispensary concentration in individual areas, particularly areas that need economic development
- 2) A separation distance of 660 feet conforms to Albuquerque standard blocks which would provide a 2 block separation which would reduce community overburden
- 3) Removal of MX-T would remove this activity from residential zones. Currently there is a harmful burden in that smoking establishments do not need to prove that they provide a filtration system to remove fumes from adjacent residential areas, such as occurs on San Mateo with residence behind.

**B. 9 Multiple 4 - Overnight Shelter**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
9	Multiple	4	<p><b>Overnight Shelter</b>  Revise Table 4-2-1 to make permissive in all zone districts where currently allowed as Conditional (MX-M, MX-H, NR-C, NR-BP, NR-LM, NR-GM).  Revise Subsection 14-16-4-3(C)(6) as follows:  “(a) This use is prohibited within 1,500 feet in any direction of a lot containing any other overnight shelter.  (b) This use shall be conducted within fully enclosed portions of a building.  (a) [new] This use requires a Conditional Use approval pursuant to Subsection 14-16-6-6(A) for any of the following:  1. More than 50 beds in any zone district where allowed, except MX-H.  2. Locations within 1,500 feet in any direction of any other overnight shelter.  3. Locations within 330 feet of Residential zone districts or any residential use in a Mixed-use zone district.  (e) (b) In the MX-M zone district, this use shall not exceed 25,000 square feet.</p>	Allows small overnight shelters permissively in zone districts where the use is currently only allowed conditionally. Requires conditional approval for larger shelters, shelters near residential, and shelters within 1500 feet of each other.	Staff

**Allows** small overnight shelters permissively in zone districts where the use is currently only allowed conditionally. Requires conditional approval for larger shelters, shelters near residential, and shelters within 1500 feet of each other. Changes overnight shelters in MX-H zone to be permissive. **Staff**

**Oppose: Please oppose this amendment for the following reasons:**

- 1) **Overnight shelter** – up to 50 beds would be permitted to be located without any public input almost anywhere along Central, parts of San Mateo and Gibson, Lomas and Menaul Northeast and many intersections in the northeast heights. Please keep neighborhood input by opposing this change.
- 2) They would also be permitted within one block of many residential zones without public input and without inclusion of solutions to existing problems, particularly with services to the unhoused being concentrated in specific areas of the city such as Downtown and the international district, which already is overburdened. The use of ACS being at the Gibson Health Hub has not stopped the bridge at that location from encampments and the surrounding neighborhoods from the ramifications of this concentration, even when it is in the front yard of the ACS. This demonstrates the inability of the city to manage overnight shelters without conditions included to prevent significant adverse impacts.
- 3) Conditional use could allow overnight shelter to be located within 1500’ or others which is currently prohibited. Past experience has demonstrated that Neighborhood association input is commonly ignored as to safety concerns and Conditional use is usually given, no matter what the significant adverse impacts upon the neighborhood identified. This might as well be listed as permissive, which appears to be the intent of this proposal. See #11 also.



- 4) Overnight shelters of 50 or less would be permitted without neighborhood input where they currently require a conditional use permit approval without neighborhood input. This would permit these facilities almost anywhere along Central, AS IDENTIFIED BY THE INCLUDED ZONE MAPS.
- 5) Instead of overnight shelters being required to be 1500 feet apart (less than 5 blocks), it permits them to be less with a conditional use permit which recently has been easy to get no matter what the evidence to the contrary suggests. Past experience in conditional use permit hearings has demonstrated that Neighborhood input is commonly ignored as to safety concerns and this might as well be listed as permissive use.
- 6) MX-H would be permissive use for all overnight shelters without any capacity limits and without any public input. This is a continuation of the past 2 years efforts for the administration to make overnight shelters permissive in MX-H and MX-M zones. This takes away neighborhood association input, the people who help to maintain the “community of a neighborhood” and permits the city to overburden specific areas of the city, particularly District 6.
- 7) With the change definition of group homes and community residential facility, particularly the removal of residing for a period of 24 hours, this could possibly permit group homes and community residential facilities to act as overnight shelters. This would be done without public oversight and input and from the included allowable uses chart, could potentially place them in areas already overburdened with sheltering facilities.
- 8) This, along with the proposal requested by the administration, to permit any city property to ignore conditional use requirements without any neighborhood input, including placing overnight shelters of unlimited capacity throughout the city. (see maps for MX-M and MX-H for these permitted locations). Conditional use was included in the IDO for a valid reason, and this along with the ZHE’s readily approving conditional use activities could greatly harm communities not planned for these facilities and harm communities, particularly areas of District 6 in great need of economic development.

**C. 10 161 4- 3(B)(5)(b) and 13 - Multiple proposals Two-family detached (duplex) dwelling - Public**

Allows duplexes in R-1 on all lots. Alternate proposal is to permit them on corner lots that are at least 5,000 s.f. – These would allow **Duplexes** on all R-1 zoning that doesn’t have accessory dwelling unit without any neighborhood input and another proposal would allow duplexes on all corner lots. (SEE LAST PAGE FOR COUNCIL PROPOSAL)

10	161	4-3(B)(5)(b)	Dwelling, Two-family Detached (Duplex) Revise text as follows: "This use is prohibited in the R-1 zone district, except for the following: <u>1. In R-1A where 1 two-family detached dwelling is permissive on 2 lots where the building straddles the lot line and each dwelling unit is on a separate lot.</u> <u>2. On corner lots that are a minimum of 5,000 square feet."</u>	Allows duplexes in R-1 on corner lots that are at least 5,000 s.f.
13	Multiple	4-3(B)(5)	Two-family Detached (Duplex) Dwelling See Council Memo for proposed amendments.	See Council Memo.

**(copy of proposed change #13 at end of this document)**

**Oppose: Please oppose these amendments for the following reasons:**

- 1) All or corner R-1 lots could permit duplexes which could overwhelm some areas, though not all, with parking issues and density. Older neighborhoods would be subject to greater traffic, making it more dangerous for neighborhoods that have children or that would like to attract children into the housing mix. If accepted, this should be a conditional use so that neighborhood association input regarding burden, such as areas surrounding UNM which already have parking challenges could be addressed. We request that this either be a conditional use to permit greater increase in housing only in areas that can support it and to permit neighborhood input as ADU’s are already permissive.
- 2) As the city counts on street parking to meet the required parking needs, as stated above this could even more severely overburden neighborhoods if done as a permissive use throughout the city.
- 3) A these are unlimited size as opposed to ADU’s, they would more readily overburden due to the significant increase in density that could occur is this occurred on a moderate number of lots on one block.
- 4) Due to the conditional use process often limiting neighborhood consideration, some areas of the city should not include this option. Other areas of the city might be acceptable for this, but they would need to be carefully studied before this would be incorporated into the IDO.



**D. 11. 147 4-1(A)(4) Conditional Uses for City Facilities Exempts** City facilities from the conditional use process. **Admin**

11	147	4-1(A)(4) [new]	<p><b>Conditional Uses for City Facilities</b></p> <p>Add a new subsection with text as follows and renumber subsequent subsections accordingly:</p> <p><u>"City facilities do not require a Conditional Use Approval where listed as 'C' in Table 4-2-1 because they serve a public purpose. Conditions of approval pursuant to Subsection 14-16-6-4(P) may be added by the decision-maker for the associated Site Plan to ensure conformance with the IDO and to ensure public health, safety, and welfare."</u></p>	Exempts City facilities from the conditional use process.	Admin
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**Oppose: Please oppose this amendment for the following reasons:**

- 1) Looking at the allowable use chart beginning on page 151 of the current IDO, the major occupancy categories that would be changed would be the group living section and civic and institutional uses categories. These changes including overnight shelters and group homes (which could be used as overnight shelters per other proposed IDO proposed amendments) appear to be the primary categories affected by this proposal, in effectively making these a permissive use.
- 2) As an example, The city and the administration could place unlimited capacity overnight shelters and other uses that currently require conditional use without neighborhood input as to potential significant adverse impacts. This could mean that the city could contract to run or lease out any city owned property such as all the buildings along central or many other areas for these facilities.
- 3) All it would take is the city purchase of a building. This would be done without public oversight and input. This is a continuation of the past 2 years efforts for the administration to make overnight shelters permissive in MX-H and MX-M zones, which this change could effectively accomplish.

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**12 Multiple. Allows live/work** for very small retail and restaurants on corner lots in R-1 zone. limited to a total of 3,000 square feet or less." "In the R-T and R-ML zone districts, corner lots that are a minimum of 5,000 square feet. In "In the R-1 zone district, only allowed on corner lots minimum of 5,000 square feet. **Public**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation
12	Multiple	4	<p><b>Dwelling, Live-work</b></p> <p>On page 151, in Table 4-2-1, add a P in R-1 and change C to P in R-T and R-ML.</p> <p>On page 162, in Subsection 4-3(B)(7)(c), add cannabis retail and nicotine retail as prohibited uses.</p> <p>In Subsection (c)2, revise text as follows:</p> <p><u>"Any use other than restaurant in the Food, Beverage, and Indoor Entertainment category."</u></p>	Allows live/work for very small retail and restaurants on corner lots in neighborhoods to open business opportunities for homeowners who otherwise could not purchase/maintain/rent two properties, one for business and one for living. Returns the pattern of corner stores in neighborhoods for services within walking distance of more residences. Prohibits cannabis retail and nicotine retail in all zone districts.
12	Multiple	4 (cont'd)	<p><b>Dwelling, Live-work (cont'd)</b></p> <p>On page 162, in Subsection 4-3(B)(7), add a new subsection (e) with text as follows:</p> <p><u>"Where allowed in a Residential zone district, general retail and restaurant are limited to a total of 3,000 square feet or less."</u></p> <p>Add a new subsection (f) with text as follows:</p> <p><u>"In the R-T and R-ML zone districts, this use is permissive on corner lots that are a minimum of 5,000 square feet. In other locations, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A)."</u></p> <p>Add a new subsection (g) with text as follows:</p> <p><u>"In the R-1 zone district, this use is only allowed on corner lots that are a minimum of 5,000 square feet. Only general retail and restaurants are allowed."</u></p>	(Cont'd from above)

**Oppose: Please oppose these amendments for the following reasons:**

- 1) In most single family residential neighborhoods, a corner lot would permit the opening of a small restaurant or store bringing increase traffic into neighborhoods.
  - a. With few exceptions, most small lots are over 5000 Square feet. This would create more urban settings which has not been the intent of R-1 neighborhoods to date. This is a major change in the philosophy of the intent of the IDO. An example is any corner could have a restaurant or small store.

2) Deliveries and activity of restaurants and stores that have enough business to sustain them.

- a. Restaurant and stores create waste. Food waste is especially problematic, from the smells, more frequent trash pickup, evening and possible nighttime activity. If someone has chosen to live along a mixed use area where it is planned for these activities, such as apartment along the central corridor, that is their decision going in knowing of these activities. R-1 neighborhoods that were not designed for that take away that choice. Older areas that were designed to accommodate commercial adjacent to residential, such as the Silver corridor is an example of an area designed for that condition. Most of the city is not planned for that. Future planning of new areas could include this opportunity in the master plan.
- b. This could and would provide reduce opportunities from neighborhoods with people walking. Albuquerque is not designed to be a walking city, except for small pockets. In areas such as the southeast, a lot of people walk and they have to walk in the street as sidewalks are not designed for walking due to driveway aprons which encourage people to walk in the street or not walk at all. This is different than other urban areas that either have planting strips so that sidewalks are flat or have short driveway aprons and very low curbs.

**F. 23. and 24. Walls & Fences - Front Yard Wall and side yard walls-** Allows 5 foot walls in front yard with view fencing for at least 2 feet at top, set back 5 feet, or possibly less than 5'. **Admin**

23	320	5-7(D)(3)(a)	<p><b>Walls &amp; Fences - Front Yard Wall</b> 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 all of the following requirements are met:</u>  <u>(a) The wall is not located in a small area where taller walls are prohibited pursuant to Subsection (3) below.</u>  <u>(b) View fencing is used for portions of a wall above 3 feet.</u>  <u>(c) The wall is set back at least 5 feet, and the setback area is landscaped with at least 3 shrubs or 1 tree every 25 feet along the length of the wall."</u></p>	Allows 5 foot walls in front yard with view fencing for at least 2 feet at top, set back 5 feet, and landscaped.
24	321	Table 5-7-2	<p><b>Options for a Taller Front or Side Yard Wall</b> Revise the first row of text under View Fencing as follows:  <u>"&lt;5 ft. from lot line abutting the street"</u></p>	Requires Permit - Wall or Fence - Major for 5-ft. walls less than 5 feet from the property line.

**Oppose: Please oppose these amendments for the following reasons:**

- 1) Permitting all 5' walls in the front yard, possibly located at property line, reduces or eliminates opportunity for neighborhood input and breaks up cohesiveness and character of a neighborhood. This is appropriate for some older areas of the city such as old town, but does not promote community in most of the northeast and southeast heights.
- 2) The administration tried to get similar wall changes passed last year and submits again after major public opposition last year.

## G. 29, 31, 33, 34, 35, 36, 37 – NOTIFICATION AMENDMENTS

Includes changes of distance and time that Neighbors and Neighborhood Associations are required to be notified of changes to what functions and buildings

### 29 403 6-4(B) - Pre-submittal Neigh Meeting

29	403	6-4(B)	<p><b>Pre-submittal Neigh Meeting</b>  Revise Subsection (1) as follows:  "For applications that meet any of the following criteria, the applicant shall offer at least 1 meeting to all Neighborhood Associations <u>within 330 feet of whose boundaries include or are adjacent to the subject property</u> no more than 90 calendar days before filing the application. In such cases, project applications will not be accepted until a pre-submittal neighborhood meeting has been held, or the requirements for a reasonable attempt in Subsection (3) below have been met."  Delete Subsection (2).</p>	<p>Replaces adjacency requirement with a set distance that is expected to achieve approximately the same result. Common administrative practice currently assumes .025 miles (132 feet) from the subject property line to pick up relevant Neighborhood Associations. For large roadways, ONC staff has to measure the roadway. If larger than 132 feet, ONC staff has to manually add Neighborhood Associations that are adjacent. The adjacency requirement precludes automation in GIS. This solution will help automate queries for required NA representative contacts.  Note: 330 feet = 1/16 of a mile or approx. 1 city block  See related proposed changes to make distances consistent for public notice [6-4(K)], post-submittal facilitated meeting [6-4(L)(3)(a)], and appeals [6-4(V)(2)(a)].</p>	Staff
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#### Support:

- 1) This amendment increases the distance required for notification of neighborhood associations providing greater opportunity for public participation.

### 31 408 6-4(J) - Referrals to Agencies [tight language confusing change]

Item #	IDO Page	IDO Section	Change / Discussion	Explanation
31	408	6-4(J)	<p><b>Referrals to Agencies</b>  Revise second sentence as follows:  "<u>For administrative decisions in Table 6-1-1, any comments received after such a referral and prior to the decision shall be considered with the application materials in any further review and decision-making procedures. For decisions that require a public hearing and policy decisions in Table 6-1-1, Any comments must be received within 15 calendar days after such a referral to shall be considered with the application materials in any further review and decision-making procedures.</u>"</p>	<p>Matches current practice. Referring agencies receive notice of applications that are decided administratively, but the City will not delay these administrative decisions for 15 days until the comment period ends, as is done with decisions that require a public hearing.</p>

#### Oppose: Please oppose this amendment for the following reasons:

- 1) This may seem small, but this takes away citizen's rights. Removes the requirement that comments received within 15 days after referral to POSSIBLY be considered as the removal of the words **SHALL BE** now no longer requires that these comments be considered with ANY further review and decision making procedures.
- 2) This clearly takes away the requirement that neighborhood associations and neighbors comments be included in further reviews and decision making procedures. This effectively takes away existing rights to participate in government.
- 3) The explanation statement that states that this changes "matches current practice" clearly demonstrates that the city does not follow the IDO, and making it less stringent ensures that it is acceptable for the city to ignore the IDO and that they just need to not follow the regulations to justify changing them. The city often does this, even to the extent that a mediator for a variance said it was accepted practice for the city not to follow IDO procedures. Please do not give the city more opportunity to take away citizens rights.

**33 412 6-4(K)(3)(c)2 - Mailed Notice to Property Owners – Staff and****34 412 6-4(K)(3)(d)2 - Mailed Notice for Amendments to IDO Text - Small Area - . Staff**

33	412	6-4(K)(3)(c)2	Mailed Notice to Property Owners Revise the second sentence as follows: " <del>For zoning map amendment applications only, adjacent properties shall be included where the edge of that 100-foot buffer area falls within any public right-of-way, adjacent properties shall be included.</del> "	Removes the adjacency requirement to allow automation for the query for property owners in all but zoning map amendment cases. The State of New Mexico requires mailed notice to adjacent property owners within 100 feet excluding right-of-way for zoning map amendments.
34	412	6-4(K)(3)(d)2	Mailed Notice for Amendments to IDO Text - Small Area Revise text as follows: "All owners, as listed in the records of the Bernalillo County Assessor, of property located partially or completely within 100 feet in any direction of the proposed small area. <del>Where the edge of that 100-foot buffer area falls within any public right-of-way, adjacent properties shall be included.</del> "	Removes the adjacency requirement to allow automation for the query for property owners.

**33 412 6-4(K)(3)(c)2 - Mailed Notice to Property Owners - Staff****Oppose: Please oppose this amendment for the following reasons:**

1. Removes adjacent properties that are separated by a public right of way from being included in notifications. This causes a reduction in neighborhood and associations given notification. If it is due to automated software, as stated, simplicity would be to change it to 660 feet to inform neighbors so as not to reduce participation due to software limitations. Inclusion, rather than exclusion of citizen participation should be the end goal.

**34 412 6-4(K)(3)(d)2 - Mailed Notice for Amendments to IDO Text - Small Area - . Staff****Oppose: Please oppose this amendment for the following reasons:**

1. Removes adjacent properties that are separated by a public right of way from being included in notifications. This causes a reduction in neighborhood and associations given notification. If it is due to automated software, as stated, simplicity would be to change it to 660 feet to inform neighbors so as not to reduce participation due to software limitations. Inclusion, rather than exclusion of citizen participation should be the end goal.

**35 412 6-4(K)(4) Posted Sign - Staff**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation
35	412	6-4(K)(4)	Posted Sign Create new subsections, revise existing text as follows, and renumber subsequent subsections accordingly: "(a) Where Table 6-1-1 requires posted sign notice, the applicant shall post at least 1 sign on each street abutting the property that is the subject of the application, at a point clearly visible from that street. (b) <u>For administrative decisions, the sign shall be posted for at least 5 calendar days after submitting the application and 15 days after the decision through the required appeal period pursuant to Subsection 14-16-6-4(V)(3)(a)1.</u> (c) <u>For decisions requiring a public hearing or policy decisions, the sign shall be posted for at least 15 calendar days before a required the public hearing and for the required appeal period following any final decision, required pursuant to Subsection 14-16-6-4(U) and Subsection 14-16-6-4(V)(3)(a)1.</u> "	Requires signs to be posted before administrative decisions. The existing language requires posting before the decision only for applications requiring a public hearing and after the decision for the appeal period for all applications.

**Oppose: Please oppose this amendment for the following reasons:**

- 1) In looking at table 6-1-1, This removes required posting for many applications that currently require this such as carport and wall or fence major. Besides reducing neighborhood participation opportunity, this makes it easier reduce neighbor input in a change that could severely impact the quality of the neighborhood such as in areas where a 6' high wall could go up without neighbors 200' away knowing about a public hearing. This is especially critical in that the planning department has said it not their responsibility to inform people of public hearings and they need to find out on their own.

**36 415 6-4(K)(Q) Post-submittal Facilitated Meeting -****Staff**

36	415	6-4(L)(3)(a)	Post-submittal Facilitated Meeting Revise the final sentence as follows: "The facilitator shall attempt to contact all Neighborhood Associations within 330 feet of whose boundaries include or are adjacent to the subject property."	Replaces adjacency requirement with a set distance to allow automation of the query for Neighborhood Associations. See related proposed changes to make distances consistent for pre-submittal neighborhood meeting [6-4(B)], public notice [6-4(K)], and appeals [6-4(V)(2)(a)].	Staff
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**Support: Please support this amendment for the following reasons**

- 1) This amendment increases the distance required for notification of neighborhood associations providing greater opportunity for public participation.

**37 430 6-4(V)(2)(a) - Appeals - Standing Based on Proximity for Neighborhood Associations-**

Item #	IDO Page	IDO Section	Change / Discussion	Explanation
37	430	6-4(V)(2)(a)	Appeals - Standing Based on Proximity for Neighborhood Associations In Subsection 14-16-6-4(V)(2)(a)5, revise text as follows: "Property owners (other than the applicant) and Neighborhood Associations on the basis of proximity for decisions as specified in Table 6-4-2. a. Distances noted in feet in Table 6-4-2 are measured from the nearest lot line of the subject property. <del>Where the edge of that area falls within a public right of way, adjacent properties shall be included.</del> b. Distances for Neighborhood Associations are based on the boundary on file with the ONC at the time the application for decision related to the subject property was accepted as complete. c. <del>Where proximity is noted as "Includes or Is Adjacent," the Neighborhood Association boundary includes or is adjacent to the subject property.</del> In Table 6-4-2, replace "Includes or Is Adjacent" and "660 feet" with "330 feet."	Replaces "adjacent" with a set distance of 330 feet and matches that distance for all other decisions. See related proposed changes to make distances consistent for pre-submittal neighborhood meeting [6-4(B)], public notice [6-4(K)], and post-submittal facilitated meeting [6-4(L)(3)(a)].

**Oppose/Support: Please oppose and support this amendment for the following reasons:**

1. **Oppose** reducing Neighborhood Association Standing for appeals from 660 feet to 330 feet, this clearly reduces the opportunity for neighborhood association standing, which is critical for major conditional use appeals. This reduces neighborhood associations participation, which is greatly detrimental as they are the connection of the community to government. An increase to 1000 feet would provide greater citizen inclusion.
2. **Support** changing in changing adjacent with 330' as it provides greater neighborhood inclusion.
3. Please Removes adjacent properties that are separated by a public right of way from being included in notifications. This causes a reduction in neighborhood and associations given notification. If it is due to automated software, as stated, simplicity would be to change it to 660 feet to inform neighbors so as not to reduce participation due to software limitations. Inclusion, rather than exclusion of citizen participation should be the end goal.



## DEFINITION CHANGE PROPOSALS

### G. 46 556 7-1 - Definitions, Community Residential Facility **AND**

### G. 47 568 7-1 - Group Home Definition changes

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
46	556	7-1	<p>Definitions, Community Residential Facility</p> <p>Revise text as follows:</p> <p><del>"A facility that is designed to provide a residence and services Any building, structure, home, or in which persons reside for a period of more than 24 hours and that is designed to help the residents adjust to the community and society and is used or intended to be used for the purposes of letting rooms, providing meals, and/or providing for persons who need personal assistance, personal services, personal care, and/or protective care, but not skilled nursing care. This use specifically includes, but is not limited to, facilities and who meet meeting the definition of a handicapped person or for other persons are protected against housing discrimination under the federal Fair Housing Act Amendments of 1998 (or as amended) and court decisions interpreting that Act.</del></p>	Revised to make the definition more operational, enforceable, and parallel to other defined terms. See also proposed amendments for Group Home and Nursing Home in Section 7-1.	Staff
46	556	7-1 (cont'd)	<p>Definitions, Community Residential Facility (cont'd)</p> <p>"For purposes of this definition, the term handicapped does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program. <del>This use does not include 24-hour skilled nursing care. This use shall not include half-way houses for individuals in the criminal justice system or residential facilities to divert persons from the criminal justice system.</del></p> <p>See also <i>Family</i> , <i>Family Care Facility</i> , and <i>Group Home</i> .</p>	(Cont'd from above)	Staff
46	556	7-1 (cont'd)	<p>Definitions, Community Residential Facility (cont'd)</p> <p>Revise text as follows:</p> <p>"Community Residential Facility is divided into 2 categories based on the number of individuals residing in the facility (not the size of the structure).</p> <p>1. Community Residential Facility, Small: A facility housing between 6 and 8 individuals <del>receiving services, plus those providing services that do not meet the definition of a family in which personal service, personal assistance, personal care, and/or protective care are provided.</del></p> <p>2. Community Residential Facility, Large: A facility housing between 9 and 18 individuals <del>receiving services, plus those providing services that do not meet the definition of family in which personal service, personal assistance, personal care, and/or protective care are provided.</del></p>	(Cont'd from above)	Staff
47	568	7-1	<p>Group Home</p> <p>Revise text as follows:</p> <p><del>"A facility Any building, structure, home, facility, or place in which persons reside for a period of more than 24 hours that is designed to provide a residence and services help the residents adjust to the community and society and that is intended to be used for the purposes of letting rooms, providing meals, and/or providing personal assistance, personal services, personal care, and protective care to for persons that who need personal assistance, personal services, personal care, and/or protective care but do not meet the definition of a handicapped person or another person protected against housing discrimination under the federal Fair Housing Act Amendments of 1988 (as amended) and court decisions interpreting that Act, but not skilled nursing care. This use does not include 24-hour skilled nursing care. This use includes other services as incidental activities if they comply with all local and State licensing requirements, including any required license by the New Mexico Department of Health."</del></p>	Revised to make the definition more operational, enforceable, and parallel to other defined terms. See also proposed amendments for Community Residential Facility and Nursing Home in Section 7-1.	Staff

47	568	7-1 (cont'd)	<p>Group Home (cont'd)</p> <p>Revise text as follows:</p> <p>"This use <u>includes</u> <del>shall include halfway houses for facilities for persons</del> individuals in the criminal justice system or residential facilities to divert persons from the criminal justice system. <u>This use includes facilities for persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program.</u>"</p>	(Cont'd from above)	Staff
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**G. 46 556 7-1 - Definitions, Community Residential Facility -**

**Oppose: Please oppose these amendments for the following reasons:**

- 1) This appears to allow these facilities to function as overnight shelters with the deletion of 24 hours. This overlap overnight shelter which is adding this phrase. This is another attempt for the third year in a row that could make overnight shelters permissive.
- 2) This adds facilities such as small halfway housed to be permitted in all residential areas. We disagree with these significant changes to the IDO definitions which appear to be a workaround for a system that was thoroughly vetted when adopted in 2018.

**G. 47 568 7-1 - Group Home Definition changes** include deletion of reside for more than 24 hours

**Oppose: Please oppose these amendments for the following reasons:**

- 1) This includes the elimination of 24 hour residence and **could include persons using this as an overnight shelter** and specifically includes people who are currently using alcohol or controlled substances. **Removal of 24 hours** creates this as part of the revision of the definition. This overlap overnight shelter which is adding this phrase.
- 2) This is another attempt for the third year in a row that could make overnight shelters permissive. We disagree with these significant changes to the IDO definitions which appear to be a workaround for a system that was thoroughly vetted when adopted in 2018.

**End of 2023 Proposed IDO zoning change Parkland Hills Neighborhood Association Comments**

Respectfully submitted,

Janet Simon

President, Parkland Hills Neighborhood Association (PHNA)

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**References showing: 1) current permissive and conditional use location for Community residential, group homes, and overnights shelters 2) Council Memo #13**

**Part 14-16-4: Use Regulations**

**4-2: Allowable Uses**

**4-2 ALLOWABLE USES**

**Table 4-2-1: Allowable Uses**

P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory  
CV = Conditional if Structure Vacant for 5+ years T = Temporary CT = Conditional Temporary  
Blank Cell = Not Allowed

Zone District >>	Residential						Mixed-use				Non-residential								Use-specific Standards
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	A	B	NR-PO	
Land Uses																			
PRIMARY USES THAT MAY BE ACCESSORY IN SOME ZONE DISTRICTS																			
RESIDENTIAL USES																			
Household Living																			
Dwelling, single-family detached	P	P	P	P	P		P												4-3(B)(1)
Dwelling, mobile home			P																4-3(B)(2)
Dwelling, cluster development	P	P		P	P		P												4-3(B)(3)
Dwelling, cottage development	P	P	P	P	P		P												4-3(B)(4)
Dwelling, two-family detached (duplex)		P		P	P		P												4-3(B)(5)
Dwelling, townhouse				P	P	P	P	P	P	P									4-3(B)(6)
Dwelling, live-work				C	C	P	P	P	P	P	CA	CA							4-3(B)(7)
Dwelling, multi-family					P	P	P	P	P	P		CV							4-3(B)(8)
Group Living																			
Assisted living facility or nursing home				C	P	P	P	P	P	P									
Community residential facility, small	P	P		P	P	P	P	P	P	P									4-3(B)(9)
Community residential facility, large					P	P	P	P	P	P									4-3(B)(9)
Dormitory						P	C	P	P	P									
Group home, small					C	P	P	P	P										4-3(B)(10)
Group home, medium					C	C	C	P	P	P									4-3(B)(10)
Group home, large						C			C	C									4-3(B)(10)
CIVIC AND INSTITUTIONAL USES																			
Adult or child day care facility			C	C	C	P	P	P	P	P	P	P	A	A					
BioPark																	P (in D)		4-3(C)(7)
Cemetery															P				
Community center or library	C	P		P	P	P	P	P	P	P	C	C	C	C		P		C	4-3(C)(1)
Correctional facility															P				
Elementary or middle school	C	C		C	P	P	P	P	P	P	P	P	CV			P		C	4-3(C)(2)
Fire station or police station															P				
High school	C	C		C	C	P	P	P	P	P	P	P	C			P			4-3(C)(3)
Hospital									P	P	P	P							4-3(C)(4)
Museum				CV	CV	C	P	P	P	P	P	P	P	P		P	A		4-3(C)(5)
Overnight shelter									C	C	C	C	C	C					4-3(C)(6)
Parks and open space	P	P		P	P	P	P	P	P	P	P	P	C	C	A	P	P	P	4-3(C)(7)
Religious institution	P	P		P	P	P	P	P	P	P	P	P	CV	CV					4-3(C)(8)
Sports field							CV	C	P	P	P	P	P	C		P		C	

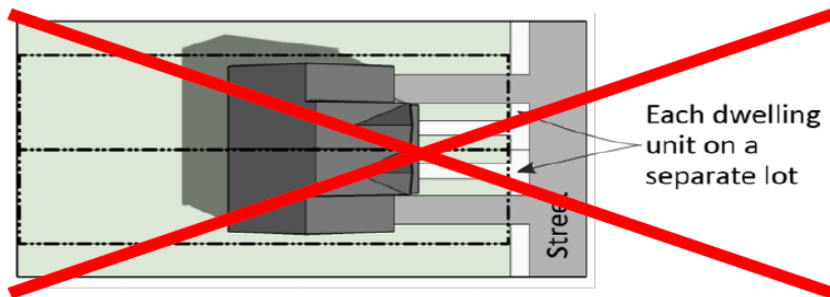
## #13 - Two Family Detached Duplex

**Purpose:** The purpose of this amendment is to allow two-family detached (duplex) dwellings in the entirety of the R-1 zone district and add new use-specific standards. Today, this dwelling type is only allowed in the R-1A sub district of R-1.

### Actions:

- Delete 4-3(B)(5)(b) and the associated illustration as follows:

~~[4-3(B)(5)(b) This use is prohibited in the R-1 zone district, except in R-1A where 1 two-family detached dwelling is permissive on 2 lots where the building straddles the lot line and each dwelling unit is on a separate lot. (See figure below.)]~~



- 
- Add use-specific standards to 4-3(B)(5) Two-Family Detached (duplex) in appropriate numerical order as follows:

[4-3(B)(5)(XX) In the R-1 Zone District, this use is permissive on lots where the second dwelling unit is attached to or is within an existing building.]

4-3(B)(5)(XX) In the R-1 Zone District, this use requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) when the dwelling is constructed on a vacant lot.

4-3(B)(5)(XX) In the R-1 Zone District, this use is not allowed on a lot with an Accessory Dwelling Unit.

4-3(B)(5)(XX) Street facing facades must have at least one entrance and one window.]

- Add a use-specific standard to 4-3(F)(6) Dwelling Unit, Accessory as follows:

[4-3(F)(6)(XX) In the R-1 Zone District, this use is not allowed on a lot with a Two-Family Detached (Duplex) dwelling.]

**From:** [Janet Simon](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [peter kalitsis](#)  
**Subject:** RE: Comments for the EPC regarding IDO Annual Update 2023 including:  
**Date:** Sunday, November 26, 2023 5:28:55 PM  
**Attachments:** [Parkland Hills NA 2023 IDO PHNA Comments 11 26 2023.pdf](#)

---

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

**To: Attention Chair Shaffer**

**Sincerely,  
Janet Simon  
President, PHNA**

**From:** [Derek Wallentinsen](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** IDO Annual Update - Lighting - EPC Chair Shaffer  
**Date:** Sunday, November 26, 2023 2:17:50 PM

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

EPC Chair Shaffer:

Nov-27-2023 EPC Draft Comments – Exhibit – Lighting  
For full consideration in the staff report

I am a long-time Albuquerque resident and DarkSky International member who during my life here has seen the city grow enormously and the light pollution grow at an even greater rate.

Light pollution has scientifically-established economic and environmental consequences, which result in significant impacts to the ecology and human health of all communities.

In New Mexico, we still have the experience of standing beneath a starry night sky that inspires feelings of wonder and awe, and encourages a growing interest in science and nature, especially among young people and out-of-area visitors. The aesthetic beauty and wonder of a natural night sky is a shared heritage of all humankind. Albuquerque is the major source of artificial light at night and the major threat to dark skies in the state.

Astronomy—which is both hindered and endangered by unfettered light pollution—represents a statewide capital investment of more than \$1.3 billion and an annual economic return of over \$250 million, including an indirect attachment to more than 150,000 jobs through the aerospace and defense sector, much of it in Albuquerque.

New Mexico is internationally famous for its dark sky tourism, drawing people to its nine DarkSky International certified International Dark Sky Places, including Valle de Oro National Wildlife Refuge, and places like the Very Large Array. Albuquerque, as the hub of the state, benefits from much of this activity.

As the biggest city and place with the most lights, we have a responsibility here to the rest of the state to control our lights. I personally have viewed the light pollution dome of Albuquerque from places as far away as Bandelier, Chaco, and Magdalena. Satellite imagery and on-the-ground experience both show that the city's skyglow extends over a huge area of the state.

The changes proposed are much better than what has existed in the past; however, I urge the EPC to work on further strengthening the lightning parts of the IDO. Here are my comments on specific parts.

On the public input process: I made comments back in October on the exhibit document. They do not show when linking off of link 1. Off link 2,

they do show and that page is closed to comments. If the city is to use this functionality, it has to make it consistent.

Link 1

<https://abq-zone.com/ido-annual-update-2023-citywide-amendments-epc-submittal>

Link 2

<https://abq-zone.com/ido-annual-update-2023-exhibit-lighting-pre-epc-submittal>

14-16-2-4(E)(3)(i) For clarity, color-coded maps of the Lighting Zones (LZs) in and around Albuquerque need to be created and made publicly available. While it's great that the city has a page with use zones that has a lot of information and that the city will make decisions based on sensitive adjacent areas, the proposal would be much clearer with the LZs on a dedicated map/filterable to turn off/on the underlying use zones.

Table 2-4-15: The mixed-use areas to encourage pedestrian uses should in general be kept to LZ2 standards so as to maintain pedestrian night vision.

Section 5-8(A) Purpose.

The following Illuminating Engineering Society/DarkSky International principles for responsible outdoor lighting design should be stated and direct the purpose of this section:

- 1) Useful - Use light only if it is needed.
- 2) Targeted - Light should be directed only to where it is needed.
- 3) Low level - Illumination should be no higher than necessary.
- 4) Controlled - Light should be used only when it is useful.
- 5) Warm-colored - Use warmer-color lights where possible.

In addition, please note that attractiveness and livability of the city includes preventing the increase of unnecessary sky glow that reduces the visibility of stars in the night sky, impacts human health, damages natural ecosystems and their biodiversity, interferes with the migrations of birds and nocturnal insects.

As one example, the city's own proposal for the Rail Trail Tumbleweed is in conflict with these principles. Is a 25-foot LED statue representing an invasive plant truly a benefit that outweighs its impact on our night skies?

DOE says that only 1% of outdoor lighting serves a useful purpose. Shouldn't Albuquerque have a larger percentage of good lighting?

5-8(B)(2)(b) Flagpole illumination downwards should have a lumens cap and that should be much less than that for uplights at the base, as the flag is very close to the light.

5-8(C)(3)(c) Aerial lasers should allow pointers for instructional purposes (i.e., astronomy education) and have a milliwatt limit ( $\leq 5\text{mW}$  laser Federal limits).

5-8(D)(2) The minimum CCT should be unbounded. Lower CCT (for example, 2200K) should be allowed in all zones provided it meets the CRI requirement. Such lights are available. Warmer light scatters less and affects humans and other creatures natural patterns less.

In 5-8(D)(4), there is no lumens limit. This kind of lighting should be limited to no more than 20 percent of total. This is stated in another way in 5-8(F) but should be stated here, too.

5-8(D)(7)(a) The interval for turning off or reduction in motion-sensed switching should be 5 minutes or less. Further, my walking my dog in my driveway should not set off my neighbor's motion detector. Their effectiveness must be limited to the property line.

5-8(F) Total site lumens for non-residential is leaving out limits for uses such as gas stations, car sales lots, etc. These footcandle limits need to be in there and should take into account ground reflection, as it is a significant contributor to sky glow for brightly lit areas, even if BUG standards are met.

5-8(G)(1) The just-approved NM United stadium should be subject to these regulations.

5-8(G)(1)(c) 4. CCTs of 4000K are not necessary for filming, as modern cameras can adjust white balance for lower color temperatures. Sports fields should have 2700K lights with excellent CRI.

Clear and dark skies,  
Derek Wallentinsen

**From:** [P. Davis Willson](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** IDO Annual Update 2023 - EPC Review and Recommendation  
**Date:** Wednesday, November 22, 2023 1:28:07 PM  
**Attachments:** [ICC LTR to EPC11.22.23 .pdf](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Attn: EPC Chair Shaffer,

Please accept this letter from the Inter-Coalition Council (ICC) Working Group ahead of the Nov. 27, 9am deadline for inclusion in the Staff Report.

Thank you.

Patricia Willson

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



# 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.*

Date: November 22, 2023  
Re: IDO Annual Update 2023  
Attn: EPC Chair Shaffer  
From: Inter-Coalition Council (ICC) Working Group

The Inter-Coalition Council (ICC) Working Group has again been meeting weekly for the last seven weeks to review this year's Annual Update. To date that includes 3 Small Area Amendments and a Citywide spreadsheet of 17 pages with 60 items listed. Some of the items (Walls & Fences, Duplexes) are re-appearing for the second and third year in a row—after being denied at all three steps of the Annual Update process in previous years.

In reviewing other unified development codes and ordinances, we have found no other jurisdiction that mandates an **annual** update. Why is Albuquerque's Planning Department, the EPC, City Council, neighborhood leaders, and the general public forced to suffer through this agonizing, broken, months-long process **every year**? Everyone's time is valuable, especially during the holiday season.

We are encouraging individuals, Neighborhood Associations, and District Coalitions to pin their own comments on the spreadsheet, and to write their own letters detailing opposition (or support) for specific items.

Rather than comment on specific Citywide items and Small Area Amendments, the ICC Working Group respectfully requests that you—at the very least—adopt the amendment for 6-3(D) ~~ANNUAL~~ UPDATES TO THE IDO to be amended to BI-ANNUAL.

Sincerely,

*Michael Brasher*

Michael Brasher  
Inter-Coalition Council President

Please note the number of text amendments over the last 5 years:

IDO Annual Updates (Citywide changes)			
YEAR	# OF CHANGES	# OF MEETINGS	# OF OPEN HOUSES
2019	256	12	4
2020	101	0	1
2021	55	6	3
2022	37	8	3
2023 (in progress)	60	2 (to date)	
	509		

**From:** [P. Davis Willson](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** 2023 IDO Update  
**Date:** Monday, November 27, 2023 8:48:17 AM  
**Attachments:** [CommentsForCouncil9.4.23.pdf](#)

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

Attn: EPC Chair Shaffer

Chair Shaffer,

We are about 15 minutes away from the first-thing-Monday-after-a-holiday deadline for inclusion in the Staff Report. I will save specifics on certain items (fences & walls, duplexes, overnight shelters) for a 48 hour submission, but I would like these two documents to be included now.

One is a letter to Council in early September of this year, the other is a summary prepared for the Parkland Hills NA Annual Meeting.

Thank you for your consideration and work on the EPC.

Patricia Willson

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

### 11.5.23 IDO SUMMARY

Albuquerque's first zoning code was adopted in 1959, was 58 pages long and established 14 zone categories. In 1975, a new zoning code was adopted, with 22 zone categories and 2 new 'special use' zones. Between 1976 and 2018, this code was amended nearly 200 times. Major updates were added in 1990 and 1994. Over 40 standalone sector development plans established more than 400 unique special use zones (SU-2 and SU-3) and over 770 categories of SU-1 zones were created.

In 2014, the City Council adopted a resolution which directed the Planning Department to update the Rank 1 policy document—the Comprehensive Plan—, overhaul the City's land use and zoning framework and update the Development Process Manual (DPM). Out-of-state consultants were hired to update the Comprehensive Plan and overhaul the zoning code. A local architect led the DPM update.

The CompPlan update took effect in April of 2017. Late in 2017 (at the end of the Berry administration) Council rushed thru the adoption of the Integrated Development Ordinance (IDO). It was amended twice before it took effect in 2018.

All this information can be found here: <https://abq-zone.com/background-coordination-abc-comp-plan>  
The two slides below are from past City presentations; they show the relationship between the CompPlan and the IDO, and how the update cycles are supposed to work (the 5-year cycle has already been amended to 6 years). Only 3 of the 12 CPA Assessment Reports have been completed to date, but the CompPlan Update is currently proceeding regardless.



The 1-year update cycle for the IDO is cumbersome, unworkable, and has led to hundreds of changes in just the four years of adopted updates. It is difficult to find information on the number of changes each year; this spreadsheet is compiled from my own notes:

IDO Annual Updates (Citywide changes)			
YEAR	# OF CHANGES	# OF MEETINGS	# OF OPEN HOUSES
2019	256	12	4
2020	101	0	1
2021	55	6	3
2022	37	8	3
2023 (in progress)	60	2 (to date)	
	509		



September 5, 2023

Council President Davis and Councilors.

I would like to bring up two major points that I have spoken and written about many times.

- 1) Creation of metrics to differentiate between “technical/textual” and “substantive” amendments to the Integrated Development Ordinance.
- 2) Creation of an “opt-in” listserv in place of—or in addition to—the Two Points of Contact for Notification defined in the IDO and the NARO.

But first, some history: nearly 10 years ago, a NAIOP luncheon presentation became the catalyst for what I call ‘how we got to where we are’. I have three folders of documents titled:

- How ART came first...
- How CompPlan/IDO came second...
- How IDO-NARO compliance came third...

I am happy to share these documents widely; they include the 70 page PowerPoint presentation, titled “Albuquerque’s Innovation Corridor”, given at the January 27, 2014 NAIOP luncheon, the 42 page report prepared for the City by the Chicago Center for Neighborhood Technology (CNT) titled “The Scale of the Prize”, and many other documents.

The late Paul Lusk, architect, planner, and true visionary, summed up the ‘cart-before-the-horse’ process several years ago (the ‘draft’ he is referring to is the CNT study):

*“The draft (with the boiler-plate boxes with the BIG \$ numbers, and with just the name of the city/client changed) that was produced early in the Berry ‘dynasty’ by a Chicago consultant touted (advocated for and apparently had connections to) using a high percentage of Federal \$\$ for Rapid Transit development -- and if you did so, great economic benefit would accrue to adjacent properties (2.9 \$Billion). ...*

*The consultant's report went on to say that 'of course, you will have to change your zoning code to allow capture of this great development (and profit) potential, and get rid of some of those pesky little stores along the way. Hence: became the 'IDO' -- which seeks to homogenize (but mostly has traumatized) Albuquerque.*

*But, of course, to justify and accommodate the IDO, you will have to 'update' the Comprehensive Plan, and get rid of all those quirky, old Sector Plans and Area Plans -- that (disconcertingly) reflect the inherent diversity of Albuquerque. And so!, we had the ass-backwards process of a grant for Transit -- driving the IDO -- driving the CompPlan.”*

But of course, this is all water under the bridge now. How do we mitigate the damage done and prevent further damage to Albuquerque’s unique natural landscapes and promote sensitive development designs to complement and strengthen our communities and open space areas?

One word: NEIGHBORHOODS! Take advantage of the care and compassion people have for the places they live, and the extensive institutional knowledge that is being dismissed. Follow the long-range planning process of the Community Planning Area (CPA) assessments—the careful, thoughtful work that produces reports that reflect communication with people!

Which gets me back to my two points at the beginning: **stop using the IDO amendment process to make major changes to the zoning code**—changes that generally support the development community and disenfranchise neighborhoods. And **allow those who are interested to find the information** about development. I can look here and see what’s going on with road projects:

<https://www.cabq.gov/gis/map-views/municipal-development-projects>

... so why can’t there be a map of development projects?

Sincerely,

Patricia Willson

**From:** [P. Davis Willson](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** IDO Annual Update 2023  
**Date:** Monday, November 6, 2023 4:13:34 PM  
**Attachments:** [Amendment 6-3\(D\) ProposedChanges.pdf](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

EPC Chair Shaffer;

Commissioner Shaffer,

Your time is valuable. Our time is valuable. You are already faced with reviewing—for the third year in a row—a proposed change to permissive fence heights in the front yard setback.

I am submitting another proposed amendment for review by the EPC: to make the ANNUAL UPDATE into a BI-ANNUAL UPDATE. Please see attached.

Respectfully,

Patricia Willson, AIA

Willson + Willson Architects  
505 Dartmouth Drive SE  
Albuquerque, NM 87106  
V: (505) 266-8944  
F: (505) 266-2746  
[email: info@willsonstudio.com](mailto:info@willsonstudio.com)  
<http://www.willsonstudio.com>

PROPOSED AMENDMENT TO 6-3 (D) ANNUAL UPDATES TO THE IDO  
Submitted 11/7/23 by Patricia Willson

6-3(D) BI-ANNUAL UPDATES TO THE IDO

The Planning Department shall prepare amendments to the text of this IDO to be submitted once every other calendar year for an EPC hearing in December. These amendments shall be reviewed and decided pursuant to Subsection 14-16-6-7(D) (Amendment to IDO Text – Citywide) or Subsection 14-16-6-7(E) (Amendment to IDO Text – Small Area), as applicable. Submissions shall occur in odd-numbered years.

- 6-3(D)(1) Anyone may submit recommended changes to the Planning Department throughout the two years, particularly during the CPA assessment process, as set out in Subsection 14-16-6-3(E)(1) (Community Planning Area Assessments).
- 6-3(D)(2) The Planning Department shall compile these recommendations, perform analyses, revise recommendations as necessary, and submit proposed amendments that further applicable goals and policies of the ABC Comp Plan, as amended, as well as other City plans, and that protect the public health, safety, and welfare. Each proposed amendment shall include all of the following information:
- 6-3(D)(2)(a) The Item # of the change and the page of the IDO that the amendment would revise. When Item #'s change due to additions and/or deletions, the new Item # shall be followed by the former or original Item # in parenthesis.
- 6-3(D)(2)(b) The section number and heading of the IDO that the amendment would revise.
- 6-3(D)(2)(c) A summary to explain the amendment's intent, origin, and need.
- 6-3(D)(2)(d) A summary of the potential impact and analysis of potential consequences of the amendment.
- 6-3(D)(3) Changes recommended by a Community Planning Area (CPA) assessment that has been accepted by City Council pursuant to Subsection 14-16-6-3(E)(7) shall be submitted for consideration at this time.
- 6-3(D)(4) Notwithstanding the schedule for bi-annual updates to the IDO in this Subsection 14-16-6-3(D), the Planning Director may determine that an interim amendment to the text of this IDO shall be submitted for review and decision to prevent a significant threat to public health or safety.
- 6-3(D)(5) Within 90 days of the effective date of each bi-annual update, the Planning Department shall provide presentations and/or trainings for relevant City boards and commissions.

**From:** [Jane Baechle](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** Comments to the EPC  
**Date:** Monday, December 11, 2023 12:34:36 PM  
**Attachments:** [SFVNA 48Hr.pdf](#)  
[Individual 48 hr..pdf](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

I am attaching additional written comments to be submitted to the EPC ahead of the 48 hour interval prior to the meeting of 12/14/2023 where written comments are no longer accepted.

There are two documents: the first affirms the positions of the SFVNA and the second my individual positions on additional proposed amendments.

I appreciate your assistance in ensuring these are made available to the commissioners ahead of Thursday's meeting.

I also appreciate confirmation these have been received and forwarded.

Thank you so much for your assistance.

Jane Baechle





## Santa Fe Village Neighborhood Association

5601 Bogart St. NW Albuquerque, NM 87120

SFVNA2014@gmail.com

Date: December 11, 2023

To: David Shaffer  
Chair, EPC

From: Jane Baechle  
Representative, SFVNA

Re: 2023 IDO Annual Review

Dear Commissioners,

I am in the process of reading sections which I have not yet read of the 415 page Staff Report of the proposed amendments to the IDO put forth in the 2023 Annual Review process. That report, available on Friday afternoon, 12/8/2023, includes multiple pinned comments and three letters I have submitted. Some pinned comments come from residents of Santa Fe Village (SFV). One letter represents the endorsed positions of the Santa Fe Village Neighborhood Association (SFVNA) Board, positions reached after multiple written and in person communications evaluating the impact of proposals on SFV. To be clear, we have engaged in this process, attended available meetings, read the published proposals and communicated with Planning Department and Council Planning staff since the initial meeting on October 12, 2023. Our positions, both in support and opposition, are carefully considered and reflect hours of study of the information available.

I will not be repeating all of our comments in this letter. I intend to address the fundamental basis of much of our opposition with one example. I will also provide a list of the items on which we have taken a position, either in support or opposition.

Item 12, IDO Section 4, **Dwelling Live-Work** would permissively allow small retail and/or restaurants to be added to a dwelling on any corner lot of 5,000 s.f. or greater. This was referred to in the EPC Study Session on 12/7/2023 as the “bodega amendment,” a catchy term that suggests such a change would only be an innocuous and charming addition to any residential neighborhood. In fact, “bodega amendment” is an entirely frivolous characterization which fails to identify or consider any reasonably expected negative impacts; impacts including but not limited to resident and customer parking, delivery of merchandise or food supplies, handling and removal of waste and requirements of security and fire prevention to assure the safety of

customers and residents. Further, there is an assumption that any such establishments would only be patronized by nearby neighbors who would choose to walk to this business, an assumption which there is no evidence to support and ample experience that this would not be the case. The fact that New Orleans or any already densely built city can accommodate such a use is not evidence that the impact would be similar in any way in Albuquerque. Any such retail space which sells food will not be a solution to “food deserts” and is unlikely to sell products at a cost which is affordable to those with limited incomes.

According to the IDO Interactive Map, SFV contains 82 eligible properties. The impact if even a portion of these were converted to include a retail or restaurant use would be profoundly damaging to SFV. This would incentivize commercial real estate entities to purchase selected properties and convert them to commercial use with limited real living space. There is no evidence that any commercial use would reflect the needs or interests of SFV residents or support the neighborhood character or integrity. Finally, this is yet another fundamental change to the definition of residential zoning made as a permissive use, thereby skirting the requirement of a property owner to meet the multiple IDO criteria for a conditional use, criteria which are written to assure the protection of the surrounding area and mitigation of any harmful effects. If there is one consistent rationale for SFVNA opposition across multiple proposals, it is the designation of new and highly impactful uses as permissive or the removal of the conditional use designation from uses which are and remain controversial and potentially harmful.

The following is list of SFVNA positions on the proposed citywide amendments.

Opposition:

- Item 10, IDO 4-3(B)(5)(b), **Dwelling Two-Family Detached (Duplex)**
- Item 12, IDO Section 4, **Dwelling Live-Work**
- Item 13, IDO Section 4-3(B)(5), **Two-Family Detached (Duplex) Dwelling**
- Item 23, IDO 5-7(D)(3)(a), **Walls and Fences-Front Yard Wall**
- Item 11, IDO 4-1(A)(4) (new), **Conditional Uses for City Facilities**
- Item 9, IDO Section 4, **Overnight Shelter**

Support:

- Item 40, IDO 6-6(O)(2), **Variance-ZHE**
- Item 53, IDO 7-1, **Sensitive Lands Rock Outcropping**
- Item 17, IDO 5-5(B)(4)(d), **RV, Boat and Trailer Parking**
- Item 42, 6-8(G)(2)(a)1.a, **Front Yard Parking.**

In response to Commissioner Eyster’s question about what the Council wished to see in the EPC’s work, Council Planning and Planning Department staff asked for very explicit comments, detailed comments, “specificity,” strong recommendations and “conditions of approval.” Commissioners, I echo that language. I also ask that your recommendations and conditions be informed by a broad analysis of the potential impacts of these proposed changes, a thorough review of the work of the public who have engaged in this process and careful consideration of the conformity to the Comprehensive Plan and purpose of the IDO of all proposed amendments.

The SFVNA Board has consistently articulated its view that the IDO Annual Review process is fundamentally flawed, is used by the City to diminish individual property rights and

neighborhood protections and is effectively inaccessible to the majority of ABQ residents and home owners. At a minimum, the advice of the EPC should be informed by the views of those residents and respect the voices of those individuals and neighborhood associations who engage in this process.

We respectfully request your thoughtful consideration.

Sincerely,

Jane Baechle  
SFVNA Representative

Jane Baechle  
7021 Lamar Avenue NW  
Albuquerque, NM 87120  
[Jane.Baechle@gmail.com](mailto:Jane.Baechle@gmail.com)

Date: December 11, 2023

To: David Shaffer  
Chair, EPC

From: Jane Baechle

Re: 2023 IDO Annual Review

Dear Commissioners,

This letter will reiterate my individual positions on selected proposed amendments to the IDO submitted in the 2023 Annual Review. I will discuss my strong opposition to several amendments and provide a list of the items on which I have taken a position. I will not repeat the positions articulated by the Santa Fe Village Neighborhood Association which I have represented. Where I repeat other points, however, it is because I have judged that those merit repetition and extensive, thorough consideration by the EPC.

I have engaged in this process, attended available meetings, read the published proposals and communicated with Planning Department and Council Planning staff since the initial meeting on October 12, 2023. My positions, both in support and opposition, are carefully considered and reflect hours of study of the information available.

**Item 29, 6-4(B), Pre-submittal Neigh Meeting, Item 32, 6-4(K) Public Notice to Neighborhood Associations, Item 36, 6-4(L)(3)(a), Post-submittal Facilitated Meeting and Item 37, 6-4(V)(2)(a), Appeals - Standing Based on Proximity for Neighborhood Associations** fundamentally redefine the standing of individuals and neighborhoods and their right to notice and appeal of proposed developments which may significantly impact neighborhood character, quality of life and property values. Replacing “adjacent,” a term clearly defined in the IDO, with a set distance from a proposed development as a matter of expediency for applicants and the Planning Department is indefensible. There is no place in the IDO where provisions with the force of law should be allowed to *approximately* meet any requirement. There are no laws where one may *approximately* comply. We do not *approximately* follow traffic laws, *approximately* refrain from assault or theft, *approximately* pay our taxes or allow alcohol sales to anyone who is *approximately* twenty-one.

It became clear in the EPC study session that this proposal will assuredly disenfranchise neighborhood associations by reducing the required notice to those neighborhood associations within 660' of certain developments and zoning changes to those within 330'. Among the issues where notice would be removed from neighborhood associations by virtue of reducing the area where notice is required are multiple, highly consequential matters including conditional use applications, variances, small area amendments and zoning map amendments. This represents a fundamental taking from neighborhood associations and the residents they serve, serve at the behest of the NARO charged to "engage with community and land use planning, protect the environment, and promote the community welfare" and "foster communication between the recognized neighborhood association ... and city government on plans, proposals, and activities affecting their area."

The following is a list of my additional positions on the proposed amendments. My original letter outlines the basis of my positions.

Opposition:

Item 4, 4-3(D)(37)(a), **General Retail - Walls and Fences**

Item 5, 4-3(D)(18), **Light Vehicle Fueling Station - Walls and Fences**

Item 1, 3-5(G), **Setbacks in HPOs**

Support

Item 56, **Outdoor and Site Lighting**

Item 58, **Tribal Engagement**

I echo the comments of Council Planning and Planning Department staff for detailed, explicit and specific comments from the EPC, comments which take clear positions and establish conditions of approval. I also ask that your recommendations and conditions be informed by a broad analysis of the potential impacts of these proposed changes, a thorough review of the work of the public, including myself, who have engaged in this process and careful consideration of the conformity to the Comprehensive Plan and purpose of the IDO of all proposed amendments.

I share the view of many association and coalition representatives and the Inter-Coalition Council that the IDO Annual Review process is fundamentally flawed, is used by the City to diminish individual property rights and neighborhood protections and is effectively inaccessible to the majority of ABQ residents and home owners. Clearly, proposed amendments intend to codify that disenfranchisement and restrict neighborhood association representatives who would step up to speak to neighborhood concerns. At a minimum, the decisions of the EPC should be informed by the views of residents and respect the voices of those individuals and neighborhood associations who engage in this process.

I respectfully request your thoughtful review and consideration of all of the documents and comments I have submitted.

Sincerely,  
Jane Baechle

**From:** [Barbara Blumenfeld](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Salas, Alfredo E.](#)  
**Subject:** Comments for Dec. 14 meeting on Proposed Amendments to IDO  
**Date:** Monday, December 11, 2023 1:15:27 PM

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Dear Chairman Shaffer and Commissioners:

The following are comments addressed to proposed IDO amendments dealing with the permissive construction of duplexes, city facilities, and retail establishments in R-1 districts: Subsections 14-16-4-3(D)(5); 14-16-4-3(F)(6) [Items #10, #13], 14-16-4-3(B)(7) and Table 4-2-1 [Item #12], 14-16-4-1(A)(4) [Item #11].

These comments center on three key words, all three of which require far more deliberate and thorough attention before any vote in favor of these amendments is cast. These three words are “neighborhood”, “permissive”, and “rationale”.

### **Neighborhood.**

The common definition of “neighborhood” is: “a district, especially one forming a community within a town or city.” “Community” is defined as: “a group of people with a common characteristic or interest living together within a larger society.”

Within Albuquerque there are many unique communities, all of which make up the many diverse neighborhoods in this City.

Many of these neighborhoods exist in what are now R-1 areas. These neighborhoods consist primarily of single-family homes and often represent the classic American dream that these homeowners and others strive toward. These are areas where families own their homes, raise their children, know their neighbors, where children play in the area and residents socialize and watch out for one another, where traffic is consistent with one family per piece of property.

These neighborhoods are communities, each of which has its own unique characteristics, yet is, like most R-1 residential areas, made up primarily of individuals who see themselves as permanent residents of their unique community and who are committed to its continuance as a unique area – a true neighborhood - for these residents.

The changes allowing duplexes not only destroy the single-family nature and unique character of each neighborhood, but also affect significant intangibles such as the makeup of and interactions of the neighbors.

Duplexes imply rentals. Renters are generally not long-term residents of a neighborhood and as such are not as invested in its quality or as concerned with nearby homeowners as are long-term residents of the neighborhood.

With a duplex, there will conceivably be two renting families on one piece of property. Many properties that might once have been sold to a homeowner family will now and over the upcoming years likely be purchased by property developers or other individuals who have no intention of living on the property themselves and instead will develop duplex dwellings and rent them out. This will have a negative impact on the neighborhood of a once R-1 area; it will affect the community’s culture and its permanence.

With the additional residents will also come more traffic, likely more street parking, and a generally less safe street area for neighborhood children. There will also be other infrastructure needs to handle the increased population and traffic in the area.

The proposal amending Subsection 14-16-4-3(B)(7) and Table 4-2-1 [Item #12] takes the above

negative aspects of duplexes and puts them on steroids. Allowing small businesses in what are now R-1 areas is a way to completely destroy these neighborhoods. Businesses mean traffic, they mean many people, often strangers, in an area where children are used to playing safely with only neighbors around them. Businesses generate more waste, more noise, and generally more disruption of the community aspect of the neighborhood. The argument that the lots allowing commercial establishments including restaurants, coffee shops, etc., would require at least 5000 square feet is not a reasonable rationale to allow such commercial activity to invade residential communities.

### **Permissive.**

The above negatives, combined with the unique and diverse nature of Albuquerque's many neighborhoods, lead to a necessary consideration of why these amendments allow such extensive *permissive* development.

Certainly, while many neighborhoods will loathe development of duplexes or retail establishments in their midst, there might be some that would relish the idea of a small coffee shop or bodega in their midst. But the residents of each neighborhood should be able to consider and have a say in the specific building that is being proposed in their neighborhood. They should have the rights and protections that a conditional use grants them rather than being denied any say at all in the development of their neighborhood.

At a minimum, if any of these new R-1 uses are allowed, they should be conditional, not permissive. Neighbors need a chance to consider exactly what their neighbor is proposing and be able to make objections or suggestions for modifications to the specific proposed project. Things like location generally, such as: near a path kids travel to school; totally blocking neighbors' views; significant change to neighborhood landscape or possible effects on local wildlife.

This need that the use be conditional rather than permissive should extend to City facilities – they should not become exempt from current conditional requirements as is proposed by amending Subsection 14-16-4-1(A)(4) [Item #11].

### **Rationale.**

There is no good reason to justify these amendments, especially when their disruption to, if not destruction of, unique neighborhood communities is potentially so great.

The City states: "This amendment would expand housing options in residential development, which is also much needed in the city." While we do have a housing shortage in Albuquerque, the building of duplexes is not going to alleviate the current housing crisis.

First, at the Dec. 7 meeting the City presentation made assurances that there would be little to worry about because few would actually build duplexes. Assuming that is true, then the few that are built will not alleviate the crisis.

More realistically, however, building a duplex is a money-making venture; duplex rentals will usually rent for more than comparable square footage in a multi-resident apartment complex. And as more and more homes are bought as investments with the purpose of renting to two families, prices will rise even higher. This is of no use to those low-income individuals who constitute the majority of the housing crisis in this city.

Moreover, the increased population and increased traffic requires increased infrastructure, more road maintenance, more calls for first responders, more City inspectors, etc. The money that the City is likely to be required to spend on those things alone would go much farther to address the housing crisis than would the building of duplexes and restaurants, coffee bars, and other retail establishments.

If the intent is to destroy family neighborhoods and unique communities, then this is a good proposal. Any other way you look at or analyze it is nothing but negatives for the existing communities and their residents and for the unique qualities that make Albuquerque what it is.



Please vote against these proposed amendments.

Respectfully submitted,

Barbara Blumenfeld

Albuquerque Resident for over 30 years

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"Too often we... enjoy the comfort of opinion without the discomfort of thought." -John F. Kennedy

**From:** [Schultz, Shanna M.](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** FW: Councilor Fiebelkorn's IDO Amendment re Tribal Notice  
**Date:** Friday, December 8, 2023 2:41:47 PM  
**Attachments:** [image002.png](#)

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Please provide this to the EPC for their consideration next week.

Thank you,  
Shanna



**Shanna Schultz, AICP | Council Planning Manager**

Albuquerque City Council Services

Office: (505) 768-3185

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**From:** Kip Bobroff <[kbobroff@pol-nsn.gov](mailto:kbobroff@pol-nsn.gov)>  
**Date:** Thursday, December 7, 2023 at 7:42 PM  
**To:** Schultz, Shanna M. <[smschultz@cabq.gov](mailto:smschultz@cabq.gov)>  
**Cc:** Wilfred Herrera <[wherrera@pol-nsn.gov](mailto:wherrera@pol-nsn.gov)>, Richard Smith Sr. <[rsmith@pol-nsn.gov](mailto:rsmith@pol-nsn.gov)>, James Burson <[jburson@pol-nsn.gov](mailto:jburson@pol-nsn.gov)>  
**Subject:** Councilor Fiebelkorn's IDO Amendment re Tribal Notice

**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Thank you for the invitation to Governor Herrera for the Pueblo of Laguna to comment on Councilor Fiebelkorn's proposed amendment to the Integrated Development Ordinance to require notification to New Mexico tribes, Pueblos, and Nations under certain conditions. The Pueblo appreciates Councilor Fiebelkorn following up on concerns the Pueblo expressed last summer during the discussion of the annual IDO amendments.

At the direction of Gov. Herrera, I submit the following comments on behalf of the Pueblo:

1. The Pueblo continues to have great concern about the impact of development in Albuquerque upon the Petroglyphs and other cultural and religious sites important to Laguna and other pueblos and Native communities.
2. Laguna strongly supports the goals of the proposed amendment to ensure the opportunity for tribal notice and participation in the development process.
3. The Pueblo has three suggestions to further improve the IDO.
  - a. The proposed distance of 660 feet for required notice is much too little to allow the Pueblo to participate meaningfully in development decisions that will impact Laguna's cultural and religious interests in areas important to the Pueblo. The Pueblo proposes to extend the distance to one mile.
  - b. Due to very significant cultural and religious sites in the Bosque, the Pueblo proposes that the notice requirement be extended to the Coors Protection Overlay Zone.
  - c. Because of the very short time frames required for response to development notifications, the Pueblo suggests that tribes be allowed to supplement the required

notice to the CEO and “tribal representative” by designating an additional tribal official or employee to receive notice. For Laguna and in most instances, but probably not all, such notice will be most effective if made to the Tribal Historic Preservation Officer.

The Pueblo is more than happy to meet to discuss these suggestions further.

Sincerely,



Kip Bobroff  
Acting Director, Government Affairs Office  
In House Attorney  
O: 505-552-6654  
Cell: 505-459-4227  
[kbobroff@pol-nsn.gov](mailto:kbobroff@pol-nsn.gov)

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From: [emailbrowns@aol.com](mailto:emailbrowns@aol.com)  
To: [City of Albuquerque Planning Department](#); [Davis, Pat](#)  
Subject: Revisions IDO  
Date: Tuesday, December 12, 2023 8:32:20 AM

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

Dear Chairman Schaffer and Members of the EPC:

The Board of Directors of Spruce Park Neighborhood Association has voted to oppose the proposed revisions of the Integrated Development Ordinance shown below because they would be detrimental to the livability of our neighborhood.

**We particularly oppose Item 13, which returns a provision of O-22-54 (Housing Forward) that was expressly rejected last year by the Albuquerque City Council.**

**This proposed change would permissively allow the conversion of single-family homes into duplexes (if there is not an existing Accessory Dwelling Unit). Although it would be legal for this to occur throughout the city, its greatest implementation and detrimental impact will be in areas of special demand, including Spruce Park and other neighborhoods near the main UNM campus. Spruce Park is already a mixture of single- and multi-family residences. Much of the housing in Spruce Park is listed on the National Register of Historic Places and the NM State Register of Cultural Properties. For the most part the homes are lovingly cared for by resident owners who plan to live here over the long term. However, because the neighborhood is directly across University Boulevard from the UNM campus, it is vulnerable to sales of properties to owners who see the housing only as potential rentals to students for maximum short-term profit. The lot sizes are narrower than current standards, and the streets are also narrower and frequently curving. If curbside space is relied on to meet residential parking needs, the allowances for the clear-sight triangle and trash bins will accordingly be limited or lost. The parking spaces for emergency and service vehicles (including mail delivery) will be minimized or eliminated, and it is doubtful that fire engines and garbage trucks could even navigate some streets if both sides are occupied excessively with cars. Heavy reliance on on-street parking defies common sense in this city, which perennially ranks nationally among the ten worst places for vehicle theft. While Item 13 would bring other problems to Spruce Park, this single example shows how it is likely to destroy one of the jewels among Albuquerque neighborhoods.**

**We oppose the following changes because they encourage profit-driven investment uses of residences at the expense of homeowners who simply wish to enjoy living in their homes over the long term. They destabilize neighborhoods.**

Item 10, IDO page 151, 4-3(B)(5)(b) [Two-family Detached (Duplex) Dwelling]: This change allows duplexes in R-1 on corner lots that are at least 5,000 square feet.

Item 13, Multiple IDO pages, 4-3(B)(5) [Two-family Detached (Duplex) Dwelling]: Among other things, "In the R-1 Zone, this use is permissive on lots where the second dwelling unit is attached to or is within an existing dwelling." (In the R-1 Zone, this use is not allowed on

a lot with an Accessory Dwelling Unit or with a Two-Family Detached (Duplex) dwelling.)

Item 12, Multiple IDO pages, IDO Section 4 (a table, which makes the following use permissive in R-1): “Live/work for very small retail and restaurants on corner lots in neighborhoods to open business opportunities for homeowners. . .”

**In tandem, the following modifications are designed to “limit pedestrian access and deter crime” in commercial areas. The intent appears to be to reduce the problems caused by encroachments by homeless people. If the unhoused are diverted from general retail and gas stations, that increases the likelihood that problems in residential neighborhoods will increase, especially in older areas with alleys (including Spruce Park). Residents are required by ordinance to keep the alleys clean and already are clearing small encampments and detritus from the alleys behind their houses at personal cost. These modifications could mean encampments growing in size and occupancy of people who may be mentally unstable or possess weapons. Bonfires against buildings are another potential outcome. Average citizens should not have to assume the risks of living with these conditions. Moreover, there is no upper height limit, and the fence requirement would give Albuquerque the appearance of a prison camp. Businesses along Central Avenue that have erected compound-like fences have proven that barrier fencing does not work to solve the problems. Better solutions for homelessness are needed.**

Item 4, IDO page 186, 4-3(D)(37)(a) [General Retail-Walls/fences] and Item 5, IDO page 175, 4-3(D)(18) [Light Vehicle Fueling Station-Walls/fences]: Both provisions “require a wall or fence at least 3 feet high around the perimeter of the premises and from the edges of the primary building to and along the side or rear property line so that pedestrian access is controlled to designated access points and public access is blocked to the side and rear yard beyond public entrances.”

**The following proposed revision gives City government powers that are vaguely defined and too broad. “Serving a public purpose” without specifics or details is not a sufficient basis for failing to balance governmental purpose with, in the Code’s words, ensuring “conformance with the IDO and to ensure public health, safety, and welfare”.**

**Eliminating a public process in favor of one shielded from the public rarely favors the public good. Stating that, “Conditions of approval...may be added by the decision-maker for the associated Site Plan...” is redundant and does nothing to add to the surety or transparency of a correct decision. Inherent in a Conditional Use decision are Conditions of Approval and reasoning for lack of enforceable conditions. Requiring the Conditional Use process provides a level of transparency and ensures compatible uses.**

Item 11, IDO page 147, 4-1(A)(4) [new] Conditional Uses for City Facilities. This proposed revision exempts City facilities from the conditional use process. It states, “City facilities do not require a Conditional Use Approval where listed as C in Table 4-2-1 because they serve a public purpose. Conditions of approval pursuant to Subsection 14-16-6-4(P) may be added by the decision-maker for the associated Site Plan to ensure conformance with the IDO and to ensure public health, safety, and welfare.”

Thank you for considering our views regarding these highly impactful and detrimental

changes to the IDO.

Sincerely,

Heidi Brown, President  
Spruce Park Neighborhood Association

**From:** [Debbie - South Los Altos](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** 48 hour comments - Dec. 14 EPC hearing - Item #13 - Duplex Dwellings - DO NOT SUPPORT  
**Date:** Monday, December 11, 2023 9:43:56 PM

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Attention: EPC Chair Shaffer

Regarding Item # 13

*Description:*

Two-family Detached (Duplex) Dwelling  
See Council Memo for proposed amendments.

I do not support this at all. This is in reality a zoning change from R1 to R2. This will change the character of many of our neighborhoods for the worst. We already have problems with parking in front yards because people don't want to park in the street and the Planning Department Code Enforcement team does not have the resources to go out in the evenings and weekends to see just how bad it is. Allowing duplexes will make this problem worse.

I would like to attend this hearing and give verbal comments but have a full-time job with prior commitments that prevents me from doing so.

Respectfully,

Debbie Conger  
South Los Altos resident  
Albuquerque NM



**From:** [Debbie - South Los Altos](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** 48 hour comments - Dec. 14 EPC hearing - Item #56 - Outdoor & Site Lighting - SUPPORT  
**Date:** Monday, December 11, 2023 9:36:00 PM

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

Attention: EPC Chair Shaffer

Regarding Item # 56

*Description:*

*Outdoor and Site Lighting*

*See Exhibit for proposed amendments, including:*

*Revising USS for self-storage in 4-3(D)(29)(e)*

*Revising USS for WTFs in 4-3(E)(12)(g)*

*Replacing 5-8 with new text*

*Revising illuminated sign standard in 5-12(E)(5)(a)2*

*Revising electronic sign standard in 5-12(H)(4)*

*Adding, revising, and deleting definitions in 7-1*

*Updates existing lighting regulations to improve compliance*

*Explanation:*

*Updates existing lighting regulations to improve compliance with State's Dark Sky Ordinance and improve enforceability.*

I support this. Although there are some suggestions that could make it even better, I'd rather have this than nothing. Let's not let the perfect be the enemy of the good. There is a lot of research that points to bad lighting and light trespass as reducing fear of crime but not crime itself. Bad lighting provides shadows in which criminals can hide and also gives them light to carry out criminal activities. Too much lighting in residential streets can actually increase speeding at night. Porch lights and side yard lights and lights over driveways that are too bright and spread too far cause temporary blindness when driving down some residential streets. Bad lighting interferes with sleep at night, especially in poorer neighborhoods where people cannot afford blackout curtains. Bad lighting has been linked to health issues such as breast cancer in humans and is interfering with normal functioning in trees, insects, birds, and mammals. Bad lighting prevents seeing the stars and connecting us to nature.

I would like to attend this hearing and give verbal comments but have a full-time job with prior commitments that prevents me from doing so.

Respectfully,

Debbie Conger  
South Los Altos resident  
Albuquerque NM

**From:** [Debbie - South Los Altos](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** 48 hour comments - Dec. 14 EPC hearing - Item #23 Walls & Fences - DO NOT SUPPORT  
**Date:** Monday, December 11, 2023 9:16:36 PM

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

Attention: EPC Chair Shaffer

Regarding Item # 23, IDO Page 320, Section 5- 7(D)(3)(a)

*Description:*

*Walls & Fences - Front Yard Wall*

*Create a new subsection 1, renumbering subsequent subsections accordingly, with text as follows:*

*"For low-density residential development, the maximum height for a wall in the front yard or street side yard is 5 feet if all of the following requirements are met:*

- (a) The wall is not located in a small area where taller walls are prohibited pursuant to Subsection (3) below.*
- (b) View fencing is used for portions of a wall above 3 feet.*
- (c) The wall is set back at least 5 feet, and the setback area is landscaped with at least 3 shrubs or 1 tree every 25 feet along the length of the wall."*

I do not support this amendment for the following reasons:

- View fencing on paper very often does not provide a clear view in reality. There are many, many examples of this in my neighborhood, South Los Altos (Eubank to Wyoming, Central to Copper) where the pilasters and the wrought iron viewed at certain angles do not provide a clear sight at corners and impede the clear sight triangle. One must pull out at an unsafe distance past stop signs to see oncoming vehicles, bicycles, or pedestrians.
- Walls or fences above 3 feet take "eyes off the street", providing places for criminal activity to occur unseen.
- Walls or fences above 3 feet take away a sense of community and make neighborhoods less attractive to being friendly, walkable neighborhoods.
- Setbacks are measured from the curb, not where the sidewalk meets the yard. For a sidewalk that is 3 and 1/2 feet wide, that makes the setback only 1 and 1/2 feet deep. For a sidewalk that is 4 foot wide, that makes the setback only 1 foot deep. Neither provides enough room for the required landscaping, especially for trees.

I would like to attend this hearing but have a full-time job with prior commitments that prevents me from doing so.

Respectfully,

Debbie Conger  
South Los Altos resident  
Albuquerque NM

**From:** [JULIE DREIKE](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [icc-working-group@googlegroups.com](mailto:icc-working-group@googlegroups.com)  
**Subject:** Walls amendment to the IDO  
**Date:** Tuesday, December 12, 2023 6:55:59 AM

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Thank you for taking comments on the amendments to the IDO. I have entered comments on the spreadsheet. This message is specific to the amendment to walls. These comments are similar to those sent last year and were approved by Embudo Canyon NA Board.

First I am disappointed that this amendment continues to come back after being voted down multiple times. In the past no organization or person entered comments or spoke in support of higher walls. Yet the Planning Department continues to put this amendment forward. Why would the Planning Department want an amendment for higher fences given the opposition from individuals and Neighborhood Associations?

I oppose higher fences for a variety of reasons:

- We should not become a city of walls

- "Visibility" described if fact is a false promise. At a variety of angles the top of the fence block visibility.

- Blocking visibility for the safety triangle.

- The City does not effectively enforce the current fence requirements and there are already higher fences that create harmful situations.

- Walls do not make us safer. Higher walls in fact can harm safety by removing the "eyes on the street" and providing space for the "bad guy" to hide behind.

Please do not support this amendment.

Respectfully,

Julie Dreike

President, Embudo Canyon NA

**From:** [Rene' Horvath](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Michael Vos](#); [Renz-Whitmore, Mikaela J.](#); [Salas, Alfredo E.](#); [Wolfley, Jolene](#)  
**Subject:** Comments for the EPC Dec. 14, 2023 Hearing  
**Date:** Monday, December 11, 2023 4:57:47 PM  
**Attachments:** [Comments for 60 Citywide IDO Amendments by WSCONA & ICC.pdf](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Dear Mr. Shaffer (EPC Chair) and fellow EPC members,  
WSCONA and ICC members have spent weeks going over the proposed IDO amendments.  
Here are our comments for the upcoming Dec. 14th EPC hearing. Please let us know you received them. See attachment below.

See you then.

Thank you,

Rene' Horvath

WSCONA Land Use Director



Virus-free. [www.avg.com](http://www.avg.com)

**Comments for 60 Citywide IDO Amendments:  
by WSCONA and the Inter-Coalition working group.**

For EPC hearing *December 14, 2023*

***Community Comments regarding the Overall IDO Process:***

***The first group of NA comments on the spread sheet, expressed criticism of holding the IDO amendment update during the holidays. Each year Neighborhoods have to review numerous amendments that go through an approval process, starting during the holidays. This year there are 60 amendments plus 3 small area amendments to review. Many are significant changes to the zone code which can negatively affect the quality of life in Albuquerque. Many of the amendments are confusing with so many unanswered questions to determine if the changes are really a benefit to the community or not. This is extremely disrespectful and burdensome to the community to review so many amendments each year without enough meaningful public discussion before being submitted. Everyone feels the process is flawed.***

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***Our comments on the IDO amendments, included below, are bolded and italicized:***

**1. HPO-Historic Preservation Overlay Zones/ Staff Amendment:** Add new subsection: Development shall comply with contextual standards 5-1(C)(2) for lot sizes, front and side setbacks, unless Land Marks Commission approves a different standard. 5-1(C)(2) Only applies to low density residential in Areas of Consistency. Gives Landmarks Commission discretion to approve different lot size and setbacks without a variance (which are reviewed by the ZHE).

***There is Community concern about giving the Land Marks Commission discretion to change lot sizes and setbacks without a variance . It is very important to the Albuquerque Community to maintain the character of Albuquerque's historic neighborhoods. It is important to be able to hold a quasi judicial hearing to allow public input to ensure lot size and setbacks are carefully reviewed to preserve historic character and to protect homes from any adjacent house fires. We recommend keeping the current practice of having the ZHE review in a quasi judicial hearing. Don't support!***

**Please note: The Zoning Hearing Examiner (ZHE) conducts monthly quasi-judicial public hearings regarding requests for exceptions to the Integrated Development Ordinance. A Special Exception allows a property to develop in a way that is different from what the property's zoning allows. Special exceptions include variances, conditional uses, expansions of nonconforming uses or structures, and solar rights permits. If appealed, the Land Use Hearing Officer/ LUHO will conduct a quasi-judicial hearing. The LUHO then will recommend a final decision to the City Council. New Mexico State Zoning Statutes and NM Supreme Court decisions require a quasi-judicial hearing process, and hearings. These quasi-judicial hearings with sworn testimony and certain specific processes are essential to balancing individual land rights and public planning policy. Quasi-judicial hearings are mandatory to acquire appeal standing in New Mexico Courts. The quasi-judicial hearing affords public input to consider community interests like lot size, setbacks, and other criteria to preserve the historic character of the architecture, the community fabric, and streetscape and ensure safety issues like fire separation. The Preservation Department and Landmarks Commission should review Special Exceptions as staff reports to the ZHE. This amendment is one of several seemingly small-scale recommendations by the Planning Staff. Still, it violates the existing Albuquerque Comprehensive Plan, New Mexico State Statute zoning mandates (NM Stat § 3-21-8 (2021), and the existing IDO. The regulation's purpose, intended or not, drastically abridges individual property and zoning appeal rights. We recommend keeping the current practice of having the ZHE review all special exceptions in a quasi-judicial hearing. Don't support!**

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**2. Public: Outdoor Amplified Sound: Adds Outdoor Sound as an Accessory Use to enable a curfew between 10pm to 7 am. This amendment would allow Outdoor Amplified Sound as a "permissive" Accessory Use to the following zone districts: (MXL, MXM, MXH, NRC, NR-BP, NR-LM, NR-GM). It would be conditional in MXT zones. Relates to IDO amendments: #2, 7, & 50:**

**Don't support allowing Outdoor Amplified Sound as a permissive Accessory Use, bringing more outdoor amplified sound to the community which is already a nuisance for many. Albuquerque already has a Noise Ordinance that has a Sound Curfew from 10 pm-7am. How will this**



***amendment make things better? We have received complaints regarding churches or restaurants who use outdoor amplified sound for music and sermons during the day and evening hours, which has been problematic for nearby residents. This amendment does not address these issues, and has not demonstrated that there would be any protection during the day/evening hours. There has been no in-depth discussion with the public as to how this would make things better except for the 10-7am curfew, which the Noise Ordinance has already. Don't Support!***

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**3. Council/Benton and Fiebelkorn: Cottage Development: 4-3(B)(4), pg.159: To add new use specific stands: To allow dwelling units to be attached on one side and to require front porches on all of them. In R-1 zone district.**

***While porches are nice, the community does not support changing R-1 or cottage zoning status to do duplexes. This also reduces lot sizes from 1 acre to 10,000sf. in (UC, MS, PT areas) It would be helpful to have an explanation of cottage development versus duplex proposal to make informed decisions. Do not support until we know more about this proposal.***

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**4. Administration: General Retail Walls and Fences: 4-3(D)(37)(a), pg. 186: Require a perimeter wall for general retail to control pedestrian access to deter crime.**

**5. Light Vehicle Refueling Stations - Walls & Fences: 4-3(D)(18), pg.175: Require a perimeter wall for gas stations to control pedestrian access to deter crime.**

***Question/comment- For 4 & 5: Have you let the retail and gas stations know about this amendment? It may be an idea they may want to do, but not be forced to do. We don't want to become a city of walls and fences. Should not mandate the use of walls and fences to solve crime. Let the businesses decide. Don't support!***

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**6. Public: Electric Utility, 4-3(E)(8), pg. 198:Revise subsection a, b, c, & d to add battery storage: Requires walls and landscaping for battery storage facilities associated with electric utilities.**

***Sounds OK, to do walls and landscaping around the facility. Will need to learn more about these storage facilities and if there are any safety***

***issues we need to be aware of, due to potential fires. Location of these uses will be important.***

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**7. Public: Outdoor Amplified Sound:**4-3(F)(14) new, pg. 217: Create a new subsection: If this use is within 330 ft. of Residential zone or a residential lot within mixed use zone, any amplified sound from speakers outside of a building shall be turned off between 10pm and 7:00am. Prohibits amplified sound near residential after 10pm.

***Albuquerque already has a noise ordinance with a 10pm-7:00am curfew for outdoor amplified sound.***

***As mentioned before, we have received complaints of outdoor music and church sermons that happen on a weekly basis from a church or a restaurant, gas station pumps, that wake people from sleep, etc. Outdoor Amplified sounds are unnecessary, and should only occur indoors, not outdoors. Outdoor amplified sound should not be allowed as an accessory use.***

***Recommend: Turning the focus to prohibiting the sale of mufflers that produce loud auto engine noise which would be more productive.***

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**8. Grout: Cannabis Retail: To make 4 changes:** 1) Remove conditional use approvals for requests within 600 ft. of another. 2) Remove distance separation exception for micro businesses. 3) Increase distance from 600- 660. 4) remove allowance in MXT zone

***Support! This will help address neighborhood and business concerns of too many cannabis stores opening up in the same area and will also help avoid diluting their customer base.***

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**9. Staff: Overnight Shelter: Table 4-2-1, Multiple pgs.:** To make permissive in all zones where it is currently conditional (MXM,MXH,NRC,NR-BP,NR-LM,NR-GM):

***Don't support, changing Overnight shelters to a permissive use. Community members have expressed that Overnight shelters need to remain as a conditional use to allow public input to address any concerns. Overnight shelters could be impactful if not operated or maintained well. It would be helpful to know how many overnight***

*shelters Albuquerque has and who runs them. Are they helpful in getting the homeless off the streets or do they attract more homeless to the area, blighting it? Need to know which shelters work and which ones don't, and why, so that the City can ensure that overnight shelters are managed well.*

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10. Public: Dwelling/Two family detached duplex: 4-3(B)(5)(b), pg. 161 Allows duplexes in R-1 on corner lots that are at least 5000sf:

*Don't Support! This amendment will create a lot of problems in terms of parking and traffic congestion for residential neighborhoods. A duplex on a small corner lot changes the character and zoning status of the R-1 zone (which is in an Area of Consistency), it also becomes a public safety issue due to street parking that will restrict traffic access in and out of the neighborhood especially on small corner residential lots.*

*This should not be approved. Don't Support!*

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11. Administration: Conditional uses for City Facilities: 4-1(A)(4), pg. 127, new: Exempts city facilities from the conditional use process:

*Maintain City Facilities as a conditional use to allow public input to have any concerns be addressed for the following reasons mentioned by Community members. See below:*

*1) So the City may buy a property and build or lease a waste transfer station, a detention center, an overnight shelter, treatment plant, or half-way house without any notice???? ABSOLUTELY NOT.*

*2) Regardless of the merits of a project or its contribution to the public health, safety and welfare, the conditional use designation exists to ensure that any project meets IDO standards for a conditional use and that it is fully vetted in a robust process involving the public and open meetings. If passed, this would set a terrible precedent.*

*Don't support exempting the City from the conditional use process!!*

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12. Public: Dwelling Unit/ Live work: pgs151, 152: To Allows Live/Work dwellings changing it from conditional to permissive in R-1, R-T, R-ML corner lots that are a minimum of

5000 sf. for small retail and restaurants to open business opportunities for those who cannot afford 2 properties.

**Don't support!** *While Live/Work is a good concept, it will not work on small corner lots in Albuquerque. Not only will it change the status of R-1 residential zoning it will create traffic problems due to parking on the street that will restrict traffic access in and out of the neighborhood, making it a public safety issue. Currently Live/work is already allowed conditionally in R-ML zones and is permissively in all Mixed use zones (MX-T, MX-L, MX-M, MX-H) (IDO 2023, pg. 151). Live/work is not allowed in R-1 zones. The current regulations are much more appropriate and should not be changed. Don't support!*

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**13. Councilor Fiebelkorn: Duplexes: Purpose is to allow 2 family detached in entirety of R-1 zone districts.** Today duplexes are only allowed in R-1A zones.

Add Use Specific standards:

- 1) Make duplex permissive In R-1 zones by attaching to or is within existing building.
- 2) Make duplex a conditional on vacant lots.
- 3) This use not allowed on lots with ADU's
- 4) Street facing facades must have one window and one door facing street.
- 5) This use not allowed on a lot with another duplex on it.

**Don't support!** *The Community has expressed that they Don't want to eliminate R1 zoning by changing it to duplex. The Community wants to maintain the R-1 zoning status for single family lots. There is no reason to support this amendment when duplexes are already allowed in R-1A zoning. Maintain the existing R-1 zoning districts. Don't support!*

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**14. Comp Plan: Irrigation (Acequia) Standards: 5-2(G), pg. 241: Add: For Cluster Development and multi-family locate at least 25 % common open space or useable open space to be contiguous with acequia. Access to ditches is only allowed if approved by MRGCD. Follows existing requirements for cluster development and multi-family next to MPOS.**

*This would be fine, for cluster development as long as the common open space is usable for the tenants to enjoy. It should not be unusable, undevelopable slopes, arroyos, drainage facilities or utility easements. It should not replace other open space buffer requirements. In addition zone changes should not be approved to permit high density multifamily or cluster development near acequia /MPOS areas as they have created many conflicts.*

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**15. Administration: Land fill Gas mitigation:5-2(H), pg. 242:** Exempts landfills closed for more than 30 years for landfill gas mitigation procedures.

***Landfills should not be exempt if they need more mitigation even after 30 years.***

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**16. Staff: Exhibit/Preventing and Mitigating Construction Impacts: 5-2(K), pg.247:** Adds IDO requirements for mitigating impacts from construction activities next to MPOS or where sensitive lands have been identified.

**Support!**

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**17. Grout: Boat and RV's:** Purpose is to not allow RV's and Boats to park in Front yard whether the yard has been improved or not.

**We agree that front yard parking for RV's and Boats needs to be addressed as it has gotten out of hand, in some cases. The amendment may need some adjustment so it is not too restrictive. Side or rear yard parking could work as long as the vehicles don't stick out beyond the house, or dominate the visual appearance of the lot. They should not block views of the neighbors or use the street as a parking lot. Does Albuquerque have an ordinance on this issue? If so, we should examine its rules and enforce them.**

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**18. Fiebelkorn/District 7: Parking Maximums near transit facilities:** Purpose is to require parking maximums near transit facilities. This amendment excludes Park and Ride facilities.

Add new Subsection: Within 330 ft. of transit facility, maximum # of parking spaces shall be no more than 100 % off street parking spaces, as applicable as required in Table 2-4-13 or Table 5-5-1.

**Don't support limiting parking space near transit shelters or bus stops. Bus riders rely on parking lots in shopping centers or businesses to park and catch the bus. We don't want to discourage bus ridership because they don't have a place for bus riders to park and catch the bus. It has been expressed by Transit employees, who have said, "The more you make it easy for people to catch the bus the more they will ride the bus. Please don't limit parking lot spaces as they can be useful for transit. Don't Support!**

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**19. Staff/Parking Structures for Multi Family Residential Development:5-5(G)(3), pg. 293:** *All parking structures for multi-family residential development, mixed use development and non residential development shall comply with the following standards. these standards do not apply to low density residential. Broadens the applicability of building design standards to Group Homes. Table 4-2-1*

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**20. Fiebelkorn/District 7:Landscaping Applicability:** Purpose is to reduce applicability in which landscaping is required. *To be lowered by 20%.*

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**20. Fiebelkorn/District 7:Landscaping Applicability:** Purpose is to reduce applicability in which landscaping is required. *To be lowered by 20%.*

Section 14-16-5-6: **D**

- Amend 5-6(B) APPLICABILITY as follows:

5-6(B)(1) The provisions of this Section 14-16-5-6 shall apply to any of the following, unless specified otherwise this IDO:

5-6(B)(1)(a) Construction of a new building containing multi-family, mixed-use, or non-residential development or an accessory parking structure.

5-6(B)(1)(b) Construction of a new parking lot containing **[25 20]** or more spaces, or expansion of an existing parking lot by **[25 20]** spaces or more.

5-6(B)(1)(c) Expansion of the gross floor area of an existing building containing multi-family, mixed-use, or non-residential development by **[2,500 2,000]** square feet or more, or **[25 20]** percent or more, whichever is less.

5-6(B)(1)(d) Renovation or redevelopment of an existing building containing multi-family, mixed-use, or non-residential development, including but not limited to reconstruction after fire, flood, or other damage, where the value of the renovation or redevelopment, indicated by building permits, is **[\$500,000 \$400,000]** or more.

***This amendment is unclear. Is it to reduce parking or landscaping?***  
***If the intent is to reduce the landscape area and parking spaces in apartments, then Don't support!*** *Landscaping and parking spaces for apartments have already been reduced in prior IDO amendment updates. There are already a lot of complaints about the lack of parking from people living in apartments, and their guests. This also forces parking into Neighborhoods. This is a quality of life issue for the tenants, and surrounding areas.*  
***Please do not support this amendment to reduce parking and landscape requirements for apartments.***

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**21. Fiebelkorn: Mulching Requirements:** Purpose is to specify how far to extend mulching from plants.

**Support!**

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22. Benton & Fiebelkorn: Mulching Requirements for street trees: Mulching is not required for street trees.

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23. Administration: Walls and Fences/Front yard wall: 5-7(D)(3)(a), pg. 320:  
Allows 5 ft. for front yard walls with 2 ft. view fencing and setback 5 foot and landscaped.

*The Community does do not support changing the allowable front yard wall height which will negatively change the character of neighborhoods. The wall height standards has been in place for years. The neighborhoods want to maintain the existing front yard wall regulations to protect the character and the openness it provides for their community. This amendment was proposed last year which received strong opposition. This amendment should not be approved. Don't support!!*

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24. Administration: Options for a Taller Front or Side yard Wall: Table 5-7-2, pg. 321:

*Don't Support! For the same reasons as mentioned above.*

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25. Fiebelkorn: Building Design: Purpose is to implement building Requirements for building that don't have requirements.

*In terms of building design, the IDO requires buildings to be built right up to the roadway. This is more of an urban design feature. Buildings built right up against the road, especially large buildings, block the views that the Albuquerque community has always enjoyed. While the urban design, looks good for the downtown area, it is out of character for the rest of Albuquerque.*

*Instead of this amendment: We recommend an amendment to Change the regulations to move the buildings back away from the roadway, and return the parking and landscape to be out in front and around the building, so that the community can continue to see the views of the mountains, the west mesa, volcanoes and 9 Mile Hill in the back ground. We should do more protect those views, in terms of building height, design, and lot layout. Those are our suggestions.*

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26. Staff: Historic Certificate of Appropriateness- Minor: Table 6-6-1, pg.387: Add requirement for pre-application meeting. Matches current practices.

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27. Staff: Permit- Temporary Use /Temporary Window Wrap: Table 6-6-1, pg.387:Clarifies requirement for both uses is the same matching existing procedure: 14-16-6-5(D)(2)(a)(3)

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28. Staff: EPC Appointments: 6-2(E)(2)(b), pg. 394: Mayor may notify City Councilor term will be expiring and that the City Councilor has 60 days to submit names of recommended appointments to fill the EPC vacancy. Otherwise Mayor shall make the appointment.

***Don't Support! It is important to have both the Mayor, Council and Community be involved in the selection.***

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29. Staff: Pre-submittal Neighborhood meeting: 6-4(B), pg.403 *Revise as follows: For applications that meet any of the following criteria, the applicant shall offer at least one meeting to all NAs within 330 ft. whose boundaries include or adjacent to subject property no more than 90 days before filing application.*

***Don't support !!! This amendment changes the notification requirements to notify Neighborhood Associations who may be interested in attending facilitated meetings. Not only does this amendment eliminate the "Adjacency" language, it is also reduces the notification distance from 660 ft. to 330 ft. This is considered a taking as it shortens the distance requirement for notification, reducing the public's ability to be involved in the development review process. The Planning dept. should have alerted the Neighborhood Associations to these proposed changes before being submitted. We feel this is a trick to reduce notification distance and appeal rights. Don't change the current notification requirements.***

***Note: The definition for "Adjacent" does not include the ROW of roadways, trails, alleys or utility easements when measuring the notification distance. See "Adjacent definition" below.***

**Adjacent**

Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private. See also *Alley, Multi-use Trail, Private Way, Right-of-way, and Street.*

**30. Brook Bassan/District 4: Presubmittal Meeting Validity Period: 6-4(B)(1), pg. 403:** Purpose is to increase time line for when pre-submittal neighborhood meetings are valid prior to when an application is submitted. Today meetings must occur within 90 days of when the development application is filed. This amendment proposed to increase timeline up to 1 year.

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**31. Staff: Referrals to Agencies: 6-4(J), pg. 408:** For administrative decisions in Table 6-6-1 any comments received after a referral and prior to a decision shall be considered with the application materials in any further review and decision making procedures. For decisions that require a public hearing an policy decisions in Table 6-6-1. Any comments must be received within 15 days after such a referral to shall be considered with the application materials in any further review and decision making procedures.

***Don't support! It is unclear what this amendment is proposing to change the language affecting public comments or agency. Public and agency comments are important. More explanation is needed for the proposed amendment. Below are Community comments from the spreadsheet that demonstrate the confusion:***

***1) I'm confused, I thought that for decisions that require a public hearing, you have 15 days to request a meeting, not to provide the comments.***

***2) Clearly an example of the actual effect of a change in language may limit public input and increase the complexity of engaging on consequential land use issues.***

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**32. Staff: Public Notice: 6-4(K), pg. 409:** Replaces the adjacency requirement with a set distance to allow automation of the query of NAs.

***This again affects the "Adjacency" language and will have a negative effect on Neighborhood notification. Please maintain the current language. This amendment was not discussed with the neighborhoods before submitting. Do not support!***

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**33. Staff: Mailed notice to property owners: 6-4(K)(3)(c)(2), pg. 412:**For zone map amendments only adjacent properties are included where the edge of the 100 ft. buffer falls within public ROW adjacent properties shall be included.

***Don't support! This affects notification, public engagement and appeal rights. Please maintain the current language.***

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**34. Staff: Mailed Notice for Amendments to IDO text-small area: 6-4(K)(3)(d)(2), pg. 412: Removes the adjacency requirement with a set distance to allow automation of the query of NAs.**

**Don't Support! Notification is very important for small area amendments. Please maintain the current language.**

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**35. Staff: Posted Sign: 6-4(K)(4) pg. 412: Requires signs to be posted before administrative decisions.** The existing language requires posting before a decision for applications that require a public hearing, and after the decision for the appeal period. Create a new subsection:

- a) Signs to be posted on each abutting street.
  - b) For administrative decisions Signs shall be posted 5 days after submittal and 15 after decision for the appeal period.
  - c. For a decision that requires a public hearing sign shall be posted 15 days before the hearing and the required appeal period.
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**36. Staff: Post submittal facilitated meeting: Revise the final sentence: The facilitator shall attempt to contact all NAs within 330 ft. of ~~whose boundaries include or adjacent to subject property~~.** Replaces adjacency with set distance to allow automation of the query for NAs to make distance consistent with pre-submittal NA meetings. See 6-4(B), public notice 6-4(K), and appeals 6-4(V)(2)(a).

**Don't Support! Notification distance is 660 ft., not 330 ft. for Neighborhood Associations. The Notification Distance and the Adjacency requirement should not be changed or eliminated. Maintain current language.**  
**This amendment should not be approved!**

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**37. Staff: Appeals - Standing based on proximity for Neighborhood Associations: 6-4-(V)(2)(a), pg. 430: Replaces adjacent with set distance of 330 ft.**

- a) Distances noted in Table 6-4-2 is measured from the nearest lot line of subject property. ~~Where the edge of that property line falls within public ROW, adjacent properties shall be included.~~

b) Distances for NAs boundaries is what is on file with ONC at the time application was accepted as complete.

c) ~~Where proximity is noted as includes or is adjacent, the NA association boundary is includes or adjacent to subject property.~~

In Table 6-4-2 replace "includes" or is "Adjacent" and "660 ft." with 330 ft.

**Don't Support!!!**

***This should not be approved. The Planning Dept. did not specifically point out these details of the proposed IDO amendment changes that reduces Notification Distance & Appeal rights. This is like finding a Needle in the Hay stack. This is why we do not like the IDO process. It has been removing IDO protections every year by hiding the changes in numerous complicated amendments that take weeks to review. This is a taking! Don't Approve!!!!!!***

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**38. Public: Conditional Use Expiration: Table 6-4-3, pg. 438: Revise period**

**validity as follows:** 2 years ~~1 year~~ after issuance if use has not begun, or 2 years ~~1 year~~ after use is discontinued or fails to operate. Extends conditional use approvals. Construction takes longer than 1 year and restarting a use takes more time in recent years.

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**39. Staff: Time Extensions: 6-4(X), pg. 436:** Makes Time extensions administrative review/ decision. Does not change original approval when public notice takes place. Applicant must justify the request by showing circumstances are beyond their control prevented progress on the project. Shortage of construction workers and delays are more common. Administrative approval will help more projects on the ground.

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**40. Staff: Variance -ZHE: 6-6(0)(2) Pg. 501:** Revise subsection (b): All applications in an HPO zone or on a property or district listed on the State Register for Cultural Properties or the National Register of Historic Places shall ~~first be referred for review and comment reviewed~~ by the Historic Preservation Planner pursuant to 14-16-6-5(B) (Historic certificate Appropriateness - minor) and ~~Historic Preservation Planner shall send a recommendation to ZEO.~~ Add a new subsection (c): All applications on a property adjacent to MPOS shall be referred for review and comment by the Parks and Rec Open Space Superintendent. Adds a procedure for OS Superintendent to review variances adjacent to MPOS.

**We recommend maintaining the current language so that the Preservation Planner will continue to send their recommendations to the ZEO. We also support review by the Open Space superintendent for properties adjacent to MPOS. And we recommend that the National Park Service for Petroglyph National Monument be notified so they can review and provide comments for applications on properties within 660 ft. of or adjacent to the monument. Please include Petroglyph National Monument to the notification list.**

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**41. Staff: Nonconforming structures: 6-8(D)(1), pg.531:Create new subsections:**

1) Unless specified otherwise and nonconforming structure shall be allowed to be continued, regardless of any change in ownership or occupancy, or ~~until structure is vacant for 2 years.~~  
unless another provision of this section 14-16-6-8 requires termination of its use.

2) Mobile Homes are subject to provisions in subsection 14-16-6-8(C)(7) (mobile homes dwellings).

3) Signs are subject to provisions in 14-16-6-8(F)(nonconforming signs).

Allows nonconforming structures to be used even after 2 years. Note a separate rule on nonconforming uses would have a 2 year time limit. This rule would incentivize the reuse of existing buildings, while nonconforming use rules would ensure compliance with allowable use over time.

**Question: How does this affect mobile home parks? Will this displace people? Needs more explanation.**

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**42. Councilor Renee Grout: Front Yard Parking: 6-8 (G)(2)(a)1-a, pg.534:** The purpose of this amendment is to remove "angular stone" as material used for Front yard Parking. Compacted Crusher Fine mix is okay to use.

**We support efforts to enforce the existing front yard parking regulations. This would include front yard landscape - graveled areas which should not be used for extra parking space for vehicles. Front yards are to maintain an aesthetic quality for the Neighborhood. Front yard parking on landscape areas has gotten out of hand, which is why this amendment is needed to bring more attention to enforcing the regulations. Support!**

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**43. Staff: 6/ multiple: Wireless Telecommunication Facility- Public Notice: In**

**Table 6-1-1 Add email notice requirement for WTF's.** Move 6-4(K)(3)(b)2 to new subsection 6-4(K)2. Adds consistency to decisions that requirement notice to NA's in terms of email notice. Note subsection 14-16-6-4(K)(2)(a) requires mailed notice if NA representative does not have email on file with ONC.

***We support mailed notices if the NA representative does not have an email address.***

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**44. Staff: 6-4(Y)multiple: Minor and Major Amendments and Expiration (pre IDO**

**Approvals) Add a new subsection 6-4(Y)(2)(d) with following text:** An approved minor amendment does not affect the expiration of an original approval. Time extensions must be requested pursuant to subsection 14-16-6-4(X)(4) (Extension of period of validity). Add new subsection 6-4(Y)(3)(d) with following text: An approved major amendment replaces the original approval in terms of expiration, if one applies pursuant to Table 6-4-3. Clarifies how amendments affect the period of original approvals. Matches existing practice.

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**45. Staff: 6-4(Z) multiple: Minor and Major Amendments and Expiration (pre IDO Approvals): Making existing text a new subsection: 6-4(Z)(1)(a)1 and add a new subsection: 6-4(Z)(1)(a)2, with the following text:** An approved minor amendment does not affect the expiration of an original approval. Time extensions must be requested pursuant to subsection 14-16-6-4(X)(4) (Extension of period of validity). Add new subsection 6-4(Z)(1)(b)3 with following text: An approved major amendment replaces the original approval in terms of expiration, if one applies pursuant to Table 6-4-3. Clarifies how amendments affect the period of original approvals. Matches existing practice.

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**46. Staff: pg. 556 (sect. 7-1) : Definitions/ Community Residential Facilities: Revised Text as follows:** A facility designed to provide a residence and services for persons who need: personal assistance, personal services, personal care, protective care, and who meet the definition of a handicapped person or are protected against housing discrimination under Fed. Fair Housing Act 1998 and court decisions interpreting that Act. Revised to make more operational and enforceable, parallel to other defined terms. See proposed amendments for Group home and Nursing homes (7-1).

***Seems OK. How many Facilities does Albuquerque have already? What group of clients does this type of Facility serve?***

***It would be helpful to know more about them and who operates them.***

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**Definitions/ Community Residential Facilities/continued:** For purposes of this definition the term handicap does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program. This use does not include 24 hour nursing care. ~~This use shall not include half way houses for those in the criminal justice system...~~ See also Family, Family Care facility, and Group Home.

***Please explain the reason for striking out: "This use shall not include half way houses for those in the criminal justice system."***

***Does this mean a Community Residential Facility can be a Half way house for those coming out of jail or the prison system?***

***What is the difference between Community Residential Facilities, Group homes, and Halfway houses? What City Department is responsible for these Community Residential Facilities that can explain how they work? Neighborhoods would like to learn more.***

***There is a Halfway house on 4th street in an industrial area that is adjacent to the freeway. How successful is it? Location and its operation is important. We would appreciate more discussion on this.***

**Note:** Halfway houses for those in the criminal justice system need wrap-around social services as much or more than any other special needs housing group. Proposed facilities must comply with existing city zoning, state licensure requirements, and fire, health, occupancy, and safety inspections. This category of group homes and apartments must consider the community context and amenities, including, proximity to bus lines, employment opportunities, and health and substance abuse clinics. The zoning approval must be conditional because the community surroundings, such as schools and playgrounds, are prohibited for some categories of parolees, and recidivism is often high.

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**Definitions/ Community Residential Facilities/continued:** Revised Text as follows: This Facility is divided into 2 categories based on the number of



individuals residing in the Facility , (not the size of the structure). 1) Small: Housing between 6-8 individuals receiving services plus those providing services. Large: Housing between 8-18 individuals receiving services plus those providing services.

*Glad the definition mentions that the number of individuals living in the group home includes those that provide the services. It is important to have someone there to monitor and supervise these Facilities.*

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47. Staff: pg. 568 (7-1): Group Home: Revised text to: A facility that is designed to provide a residence and services, for persons who need personal assistance, personal services, personal care, protective care, but don't meet the definition of handicapped or another person protected against housing discrimination. Does not include 24 hour skilled nursing care. This includes services as incidental activities if they comply with local & state licensing requirements, including any required license by NM Dept. of Health. Revised to make more operational and enforceable, parallel to other defined terms. See proposed amendments for Nursing home and Community residential facility (7-1).

*Sounds OK*

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*Group Home Continued: Revised Test as follows: This use ~~shall include halfway houses for individuals.~~ includes facilities for persons in the criminal justice system or residential facilities to divert persons from the criminal justice system. This includes facilities for persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery system.*

*This amendment needs more explanation as to what clients Group Homes serve and where they will be located. It is important to have a successful program that serves those coming out of the criminal justice system or have addiction issues. Location is important. We don't want Group Homes to impact the surrounding Community, including residential and businesses. We find that when a service is provided, such as overnight shelters, it attracts homeless encampments to the surrounding area, which can attract drugs and crime. How do we avoid this? Group homes need to be conditional to allow these concerns to be addressed.*

*It would also be good to know what drug treatment facilities Albuquerque already has and how successful are they . Is there anyone that can explain how group homes operate? The more the public learns*

*about these facilities the more we can determine what works and what doesn't and what is needed.*

*We also recommend beefing up drug treatment and mental health facilities so they will be successful in dealing with these issues.*

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48. Staff: pg. 583: Nursing Home: Designed to provide a residence ~~Housing~~, meals, medical/ health care, 24 hour skilled nursing care. This definition is to include in patient care for individuals with terminal illness. Revised to make more operational and enforceable, parallel to other defined terms. See proposed amendments for Group home and Community residential facility. (7-1).

**Sounds OK.**

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49. Staff: pg. 586, (sect. 7-1) **Overnight Shelter:** *A facility that provides temporary or transitional sleeping accommodations for 6 or more people, free or less than marker rate. May provide meals, personal assistance, personal services, social services, personal care, protective care. Does not include 24 hr. skilled nursing care, such as nursing home care. Revised for consistency with other changes. See proposed amendments for community residential facility, nursing home, group home (7-1).*

***Where will these be located and how will they be managed?***

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50. Public: Outdoor amplified sound [new]: Defines outdoor amplified sound to enable a curfew between 10 pm - 7 pm when used as an accessory use.

***Don't support making outdoor amplified sound an Accessory use. Needs more explanation.***

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51. Staff: **Parking Definitions: Garage:** A single story parking structure completely enclosed for single family and group home.

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52. Staff: Sensitive Lands/Large Stands of Mature Trees: Revise the text: At least 3 trees ~~5~~ that are at least 10 ~~30~~ years old with a trunk diameter of 8 inches, as measured by City Forrester.

***Support! Planning documents have promoted the protection of existing mature trees on a parcel of land, and to include them into the landscape plan. We support continuing that practice for the aesthetic benefit for the people who live here; as it has been a challenge to keep trees alive in an arid climate especially during the drought.***

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53. Staff: Sensitive Lands/Rock Out crops: Revised to include smaller sizes which are more realistic: 4 ft. vs. 6-ft. high, on its steepest side as measured on the adjacent 10 percent slope, and in excess of 300 vs. 500 sf. in surface area.

***Support! Rock out crops are fascinating geological basaltic hills on the mesa top, remnants of Albuquerque's volcanic activity. Some have petroglyphs on them. It's unfortunate so many are destroyed as the mesa top is being developed. More effort should be given to preserve these unique geological features by including them in a trail network, view corridor, parks or as landscape features.***

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54. Administration: Fire station or police station: Allow as a permissive use in MXM, MXH, NRC, NR-BP, NR-LM, NR-GM.

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55. Staff: Responds to recent applications of Battery Energy storage facilities and declaratory Ruling from ZEO 2022. Distance separation from residents (330 ft.), MPOS, religious institution, schools. One hour noise generated shall not exceed noise level 60 dBA. Landscape buffer of 25 ft.

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56. Staff: Outdoor and site lighting: Update lighting regulations to improve compliance with Dark Sky Ordinance and enforceability.

***We support regulations that ensure compliance with the Dark Sky Ordinance as Albuquerque still has dark skies to enjoy the stars and the planets. There are many comments on this topic, that may offer helpful suggestions to do that.***

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57. Staff: Landscaping Standards/Required Plant materials and site amenities: Increase requirements for plants and irrigation, reduce water consumption. Improve plant survivability in desert. 5-6(C)(4)(a): a) A minimum of 10 species are required in the landscape d) No more than 10 % of the landscape shall be cool seasoned grass. e) No more than 20 % of required landscaping shall be warm season grass. f) Irrigated grass shall not be planted on slopes with a 1:4 rise to avoid water waste. g) Irrigated grasses on sprinklers shall be planted 3 ft. away from hard impermeable surfaces. .... There is more:

***The amendment makes good landscape suggestions to conserve water. These ideas would be helpful to help educate the public to design landscaping that helps to conserve and avoid water waste. Would like to see more discussion on this to promote these ideas.***

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58. Councilor Fiebelkorn Dist. 7: Tribal Engagement: (pg. 43 of the staff report)

***Support! The mesa top and escarpment have always been sacred to the Native Americans. It's important to engage them to get their input, as commenting agencies.***

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59. Staff: Clerical Changes: Make corrections and fixing typos.

***Add: Shall not involve substantive issues.***

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60. Staff: Editorial changes: For better clarity and consistency.

***Add: Shall not involve substantive issues. Minor changes and errors process is in the Severability Clause attached to all IDO Legislative Amendments. Changes and appeals options are already covered in the IDO and state zoning statutes. Staff alone should not legislate zoning in place of Zoning officers, EPC and City Council without public input and notice. Otherwise it violates New Mexico State Zoning Statutes (NM Stat § 3-21-8 (2021)).***

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Small Area amendment:

Volcano Heights Urban Center: Deferral requested by Applicant.

1. Councilor Lewis: Remove the Drive Through prohibition in Volcano Heights Urban Center (VHUC): An amendment for a Small Area Text Amendment introduced on October 26, 2023 to remove prohibition on drive-throughs in mixed use zones in the Volcano Heights Urban Center.

***Don't support! A facilitated meeting was held to discuss the proposal. There was no support for this amendment to remove a prohibition on drive thru's as the area is adjacent to Petroglyph National Monument. This area is intended to be a walkable like the Uptown Urban area which also prohibits Drives through. We don't want undo the intent.***

**From:** [Dan McGregor](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Elias E. Archuleta](#); [Brian J. Lopez](#); [Elvira Lopez](#); [Ziegler, Ken R.](#)  
**Subject:** IDO Annual Update 2023 - EPC Review and Recommendation - Landfill mitigation provisions  
**Date:** Monday, December 11, 2023 2:17:42 PM

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[ **EXTERNAL** ] Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Bernalillo County has reviewed the proposed IDO changes regarding protective language regarding proper investigation and mitigation efforts required near landfills older than 30 years.

We have been in consult with the City Environmental Services Division regarding the removal of the language as the county also uses the existing language as an applicable regulatory requirement in evaluating county land use applications and special use permits, particularly where there are overlapping jurisdictions (Eubank landfill, Holly, Oakland, San Antonio, Nazareth landfills) and prior landfills in the far Northeast Heights, in the mid-South Valley areas (Seay Brothers, Schwartzman), and at the South Broadway landfill that was a joint city/county operation.

We are in concurrence with the Environmental Services Division comments being provided directly to you from that city department, and which lays out the engineering and technical issues for the ordinance as it currently exists. That ordinance represents a best standard of practice regarding subsequent land use on and near closed dumps and landfills, particularly those predating the federal regulations that were enacted in the early 1980s (i.e. landfills older than 30 years).

Reduction of those standards in the IDO is not prudent, creates an unwarranted risk for end users of properties developed on prior landfill sites, is adverse to environmental justice concerns as many of the landfill sites are located in disadvantaged communities and/or the land value is discounted initially and thus a ready target for use for low income housing or high density/lower cost residential development such as mobile home developments). Disclosure of the landfill is often not appropriately made to the home buyer or resident by the developer or its implications are not understood.

In short, and opining as licensed geoscientist professional with nearly 40 years in geotechnical and environmental investigations, engineering geology applications, landfill siting and monitoring experience, the proposed reduction of the standard is contrary to best engineering and environmental practices concerning landfill sites and surrounding uses and is ill advised.

The county is opposed to reduction of the existing investigative and monitoring standards.

Respectfully submitted

**Dan McGregor, Certified Professional Geologist (AIPG, CPG-09335),  
Professional Geoscientist (Texas #3024)**  
**Natural Resource Services Section Manager**

---

Public Works / Technical Services  
415 Silver Ave. SW, Albuquerque, NM 87102  
**OFFICE:** 505.848.1578  
**EMAIL:** dmcgregor@bernco.gov

*The mission of Natural Resource Services is to steward Bernalillo County's natural resources. We do this by educating the public about protection and conservation of these resources, assisting with prudent development, monitoring, and providing technical input to the county's policies and project.*

**From:** [Peggy Neff](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [P. Davis Willson](#); [Rene" Horvath](#); [Michael Brasher](#); [Janice Arnold-Jones](#); [Don Hancock](#); [Mandy Warr](#); [Summit Park](#); [Joe Brooks](#); [Juan Larrañaga](#); [Courtney Lawton](#)  
**Subject:** Comments to EPC: IDO 2023 Proposed Amendments  
**Date:** Monday, December 11, 2023 8:29:44 PM  
**Attachments:** [Independent Review of CABQ IDO 2023 Amendments as Proposed to the EPC.docx](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

To Whom It May Concern,

Please find attached my personal suggestions and concerns regarding the IDO 2023 Annual Amendments. Please will you ensure that they reach EPC Chair David Shaffer and send receipt of this letter in return email.

Thank you.

Sincerely,

Peggy Neff

Peggy Neff Other Path LLC 505-977-8903



## **Independent Review of CABQ IDO 2023 Amendments as Proposed to the EPC**

**Submitted by Peggy Neff, University Heights NA Current Board Member, Summit Park NA Member, Dist. 7 Coalition Member and Inner Coalition Council Regular Participant at IDO Review Committee**

**To: CABQ Planning Department**

**Attention: EPC Chair David Shaffer and EPC Commissioners**

Dear Sirs,

These notes are submitted without approval of any board or community group noted above and in no way am I attempting to represent any of the above-mentioned groups. No one has any time to review these matters. But, with sincere hope, I present these notes so that they can somehow influence you to affect positive changes to the current broken IDO Amendment Processes and/or to any of the given amendments in front of you.

First, I'd like to reiterate my concerns, concerns that have been echoed over the past several years by NA's, community groups and council members, about the 'broken' IDO Annual Amendment process:

### **A. EXCLUSIONARY AND DISCRIMANATORY**

The IDO Annual Amendment Process is both exclusionary and discriminatory. When 99% of Albuquerque residents do not understand the IDO amendment process (a process which affects residential property rights), the GIS mapping, the democratic processes that have been and continue to be taken away from them (conditional permitting, accesses to data, appeals processes etc.) there is a problem. The continued use of these broken processes without concern for the average citizen's understanding and involvement in matters that affect their rights as residents, must be considered a practice that is both exclusionary and discriminatory. While it is still legal to marginalize whole communities of people it is not best practice.

### **B. CONFLICTING GOALS WITH COMMUNITY ASSESSMENT AREA PLANNING**

Annual IDO Amendment Process, without prioritizing Community Assessment Area Planning processes and recommendations creates the argument that fraudulent processes may be at work within the Planning Department. For example, when the adopted Near-Heights CPA indicates that the extremely dangerous Lead-Coal Corridor must needs be addressed with multiple traffic mediations and we see multiple proposed amendments that should not be applied to this area at this time.

This applies also to the proposed Girard Blvd. Complete Streets area, the Campus Blvd and Roma Ave developments and the potential Historic Districts south of Central. Why rush to these annual amendments without considerations of both the short and mid term recommendations made in the report if not to appease one or two agents within the inner circles?

### C. BROKEN PROCESS OF INCLUDING SUBSTANTIVE ZONING CHANGES IN A PROCESS THAT WAS DESIGNED FOR TEXT AND TECHNICAL UPDATES

Where are the data points for substantive amendments? Continuing to deny the public's many requests (requests formally made to the EPC and to Council annually since 2019) that substantive amendments include statements of beneficiaries, impacts, examples, unintended consequences (RISK) and summaries of public comments, will only result in amplified losses as court cases against these arbitrary and capricious amendments and decisions continue to be documented. The argument can be made that without consultation of the public in open and communicative forums, these amendments are put to you without regard to community needs, directions and priorities – the only other kind analysis is that they are arbitrary, impulsive and unmotivated by community members outside of the construction, commercial realty and economic investment groups.

One must consider the recent EPC Study Session in this regard. The question is called: What is the difference between a Study Session and a Planning Department Presentation? When the Planning Department's Lawyer is advising against questions, why continue to call it a study session? The public has pointed out many questions to Planning Department and our questions remain unaddressed. Why did none of you bring these questions? There will not be enough time to address these questions unless the EPC makes it a priority, how do we get there? Respectfully, how do we get you each to put your professional interests and expediency aside and address the unanswered questions, public safety and risk?

What needs to happen? I lost tenants and property values due to an amendment to allow balconies to be built into easements on second floors at a property near the University. I'm likely going to see a duplex go up next to me at another sight. Like other small investors I think its time for me to pack it in. Everyone I review this process with who is not making change on the changes sees how dangerous this Annual Amendment Process for the resident, the small home owner, the small business owner and the general well being of our community.

Does the EPC have the will to return an amendment to Planning if beneficiaries, impacted residents, mapping, examples, unintended consequences are not fully detailed? No. This was evident last year. So why not step up and review the process and address the flaws? There is no, no, urgency in these matters unless you represent those who are economically invested in facilitating these changes.

So, again, I ask that you consider a special session to fully address the process of this Annual Amendment cycle and avoid consequences that will come forward when an amendment gets past EPC scrutiny and ends up in appeal courts.

### D. UNINTENDED CONSEQUENCES (RISK) and SOURCE STATEMENTS

It is impossible to address this concern lightly. Without asking the Planning Department to formally address potential and known unintended consequences, for substantive amendments, the EPC cannot approach a comprehensive decision.

To continue on this course, commissioners not only put residents of Albuquerque at RISK, but you put yourselves at RISK. One way to mitigate this immediately is to find agreement in imposing consensus on the Annual Amendment Process at the EPC level. This would mean that all amendments be voted on individually and that they pass with all in agreement, no abstaining votes.

The intention the public expressed when requesting that the source of the amendment be made public was not to see council separated from public, but to be able to gauge the true intent of the amendment in regard to personal gains. Without insisting that full understanding of the source of the amendment be provided to the EPC, it appears that you all are engaged in keeping this information from the public. I trust this not true, but in fact, there are many amendments here that only seem to profit a few and not to be a benefit to the entire community.

#### Notes On 2023 Amendments:

1. HPO Zones – giving the Landmarks Commission discretion to approve different lot sizes and setbacks without a variance.

This amendment is concerning in that it seems to be setting the precedent that an unelected group of individuals can decide zoning matters? Where is the applicable legislation for appeals to such a decision? What are the metrics to be applied to these decisions? What other commissions can be given variance approvals, on what conditions?

And, the fact that the Landmarks Commission was not asked their inputs on this amendment speaks volumes to the brokenness of this process.

2. Outdoor Amplified Sound

This amendment causes the issue to be addressed in two different places, causing confusion for enforcement and further obfuscating the role of the IDO into city ordinances.

3. Cottage Development

Where are examples? How do we rule out the various areas identified in the Near East – CPA as sensitive and not really candidates for this development at this time.

4. and 5. General Retail Walls and Fences and Refueling Stations

Where are the examples, who is bringing this? Where is the data? Who is impacted and how have them been notified? This needs wider discussion and perhaps a pilot area to test out the unforeseen consequences. It certainly is not part of the Near East CPA which is greatly invested in discovering new ways to address homelessness. It is not wanted in Historical Neighborhoods, is it part of the 'Bodega' drive?

It has always been my experience that walls help protect those who want to sleep on the streets, not deter them.

#### 6. Electric Utility: Battery Storage

Common standards were not part of the original amendment. Very glad to see that they have been added, have not been able to review fully. Please can one of you take the time to compare our standards here to national standards?

#### 7. Amplified Sound (see above)

#### 8. Cannabis Retail

Again, I think this all needs to be addressed with Cannabis Licensing designed to reflect alcohol licensing, until this happens, I believe the City is at RISK to be found creating inequitable zoning laws.

#### 9. Overnight Shelter

Again, where is the data, where are the examples, where are the guidelines? This is a taking to liberalize this across the city. Why is Mesa Del Sol exempt for this as their new covenants disallow such homes? Start with 10 beds max and provide guidelines. Use the conditional process to engage neighborhoods. Look to the north, where there are no NA's. Find ways to compensate, support and promote communities where these are seeded and take root.

#### 10. Dwelling/Two Family Detached Duplex

There are so many places where this is not appropriate. Where is the data for these requests that have come to negative conclusions regarding conditional use permits? This is a false approach to the current situation if you cannot see this data. This can very much be considered a taking. For sure it should not be allowed along the Lead/Coal corridor. I for one will be watching if this goes forward and if there are any resultant accidents along the corridor where this is applied, I will personally provide my notes that you all were informed that this is a serious, documented, Public Safety Issue.

\*Perhaps we need a means for the Planning Department to resist the pressures and temptations of rewriting zoning laws annually, pressures such as those that continue to push this wall height increase before the EPC, the Council and the Public. Whether the pressures are from within or from without the policies can be structured in a way to avoid this type of circumstances.

It can't be avoided when a public group continues to attempt to bring something to legislation as the law allows this as representation is a given democratic process. But for a city department, an administration, to ignore public input and council decisions, perhaps policy needs to kick in. That is where EPC findings might require an amendment to the amendment process that says something to the effect that any amendments that are voted down at Council must not be brought back either in their entirety or in part to the EPC for five years (unless of course there are mitigating circumstances).

11. Removing the Conditional Use Permitting for City Facilities.

Again, a taking and a nullification of community voice. Things like Fire Departments, Police Stations, Libraries need public support from the ground up. What is the motivation for this? Where is the data where these have been delayed – the Gibson Health Center. Just because we have a very poor team of marketing folks for our social justice endeavors doesn't mean that we should destroy our democratic principles.

12. Dwelling Unit/Live Work

This needs to remain a conditional use permitting process or it needs to be along the entire street. Who are the beneficiaries? Planning has this data, why is it not presented to the EPC? I noticed last year that there are a significant amount of vacant and abandoned corner lots that have been recently demolished in R-1, Dist. 7 and Dist 6, a review of ownership and proposed site plans would likely show a pattern of inequitable benefits tied to the passage of this amendment. Due diligence cannot be accomplished without a review of the impact/beneficiaries. And, at this time, without traffic calming measures in place, it must not be allowed along the Lead/Coal Corridor adding to additional traffic accidents and pedestrian fatalities.

13. Duplexes

See above notes.

14. Irrigation (Acequia) Standards

First we need riparian corridors mapped on our GIS, we need to ensure that Cluster Development Open Space definition include and stipulate the term 'useable'.

15. Land Fill Gas Mitigation

Why would we legislate this unless there is a problem that someone is trying to get around by using this broken amendment process? Maybe the stadium folks need us to look the other way. The Federal Solid Waste Disposal Facility Criteria as published include the discussions of post-closure care requirements. We should not simplify this issue with an arbitrary 30 year date, although this seems to be the norm, other clearances are mandated. When public safety is the risk, all attendant guidelines need to be followed and compliance needs to be clear. We should not confuse this enforcement with this type of unsubstantiated, zero data supported, substantive amendment that appears to benefit some who would like to build on landfills in the NE Sector of our city.

16. Mitigating Construction Impacts

Map riparian corridors please.

17. Boat and RV's

Why? This seems a bit extreme. Where is the data? Who is affected? Who is going to see this enforcement through? At this point, it seems like a private gripe. I personally

will have this right taken from me and it is just weird that this would somehow be on this table at this point. Why? What motivates this?

18. Parking Maximums Near Transit Facilities

Seems like a boon for Uber and a taking for the normal person who uses public transport opportunities. More parking not less, parking that can be converted when public makes the move to bikes, but right now, no. We need more parking across the board.

19. Design Standards

Makes sense.

20. Landscaping Applicability

The public has asked for this amendment to be explained better. Maps, data and examples should be minimum standards for amending our zone code.

21. and 22. Mulching

Questions remained unanswered. Even in the study session. Seems like a technical/textual amendment until you look at the beneficiaries and the impact to the city for tree maintenance.

23. & 24. Walls and Fences

See above notes \* under #10. Please see the brokenness of this process herein as these amendments that have been heard, discussed and voted against by our representatives, should not come forward except through a representative means – not through admin.

25. Building Design

Why not ask what does the Bernalillo Comp plan say in regard to characteristics. Residents bought into this and have asked that this remain as we have invested. Can the EPC side with the public or do we need to comply with NAIOP standards, can't we have our town as we envision it?

26. & 27. Historic Certificate and Permit – Temp. Use

Seem to be Text/Technical updates without substantive impacts and should be approved as this is what the annual amendment process is supposed to be addressing. To continue to add substantive amendments at the rate given over the past 5 years, is not sustainable and will cause the whole thing to crumble.

28. EPC Appointments

The Mayor to be allowed to appoint EPC members. Oh my, the roots of Oligarchy continue to be fed by the inequities of a broken processes and exhausted protectors of the cauldron.

29. Pre-Submittal NA Meeting Changes

TAKING. RISK. Make it 660 ft if you want to automate it, make it 990 ft. and build community. Include more public, get things through using better processes of communication, compromise and compensations. Provide access to the public to the automated data link system that is currently available now to a privileged few.

30. Extending the Validity Period

What is currently happening is this a technical update to match processes? Then say this. It would be good to have this reference in the future when compiling lists of substantive amendments for the record as this data will be necessary in appeals to this process when community oversight wanes and extraordinary amendments are passed without comprehensive data, basic risk analysis, impact statements, public support or even public notification and understanding.

31. Referrals to Agencies

See WISCONA Comments. Unclear.

32. 33. and 34. Public Notice, Mailed Notice, IDO Text Amendments

Again, this seems like a TAKING in regard to notifications. It appears to be some sort of capricious redefining of adjacency. What is prompting this, if the idea is to automate it, expand the definition, don't reduce it. The costs here of expanding notice are minuscule compared to the certain costs when folks find that they were not included due to an annual amendment to which they were not party in both discussions or in notifications.

35. Posted Signs

These signs need to also state the deadlines.

36. and 37 More TAKING of Notification processes. See above 29, 32, 33, and 34

38. and 39. Conditional Use Expiration and Time Extensions

Address the question as to whether or not this is current process and this is a technical update or if it is a giving to certain groups who submit plans and then change plans overtime without community notifications or responding to inputs.

40. Variance-ZHE

How can you get rid of the ZHE in these matters? Where and what is the appeal process? The ZHE is supposed to provide quasi judicial decisions. This cannot be affected by city officials – this was argued in court just recently in the matter at Barstow and Alameda. RISK. TAKING.

41. Nonconforming Structures

Those of us who have been attempting to protect poorer communities and residents wonder at the impact of this statement. The EPC, as community protectors, needs to



see the data for who and which properties will be immediately affected by this, 3 months from now, 6 months from now. This is not a big ask, but there is no way to make a decision on this if you don't know who is impacted.

42. Front Yard Parking

I'm confused on this. Removing the example terms 'angular stone' is not restricting its use, simply it is removing it as a stated example. ??????

43. Add Email Notice Requirement

Why isn't this across all notices – if NA rep doesn't have an email? Seems like a technical update.

44. and 45. Minor and Major Amendments

Seems like a technical update and would be appropriate for this amendment cycle.

46. Community Residential Facilities

May need to address parking needs for these at this point. If Short Term Rentals are going to be registered and taxed, why wouldn't these also have to undergo such a process? I personally think it is imperative to continue to include the exemption for those in the criminal justice system otherwise this is a TAKING of current rights of resident's in regard to expectations.

47. Group Home

I believe this to be a substantive change that needs a broader audience and a more complete discussion. I'm confused with the terms 'protective care' and 'incidental activities'. These have not been explained and data on the numbers of those folks who will be housed in these locations is not available to the public. This seems to be a TAKING, HIGH RISK and a GIVING.

One of the successes of Group Homes was that they did not include folks in addition rehab. This is a significantly different subset of folks who put pressures on their environments and need different care guidelines and housing standards. This is a substantive issue and should not be attended to in an annual text/technical update of our zoning code.

48. Nursing Home Def:

Text amendment that facilitates understanding.

49. Overnight Shelter

Need a definition of Protective Care and link to guidelines and enforcement policies (which don't exist).

50. Def. Amplified Sound

See above comments on Amplified Sound Ordinances

51. Garage Def.

Seems to be a Text/Technical update that aligns with current processes.

52. and 53. Sensitive Lands Mature Trees and Rock Out Crops

While this is a substantive issue, it directly aligns with the IDO's uncomplicated and clear goal of protecting our environment, support should be 100% unless someone has a personal agenda.

54. Fire Stations and Police Stations as Permissive

Again, this need seems in direct contrast to getting public support and public inputs for these builds. I do not understand why they cannot be conditional permits. It should be part of marketing strategies and bringing folks together. Seems odd to me and I don't think everything is clear here.

55. Battery Energy Storage Facilities

Using the IDO Annual Update process to address ZEO rulings is an appropriate use of this amendment process and an amendment to the amendment process should be considered in order for there to be clarity that all ZEO rulings should result as necessary in IDO Annual Amendments unless under appeal.

56. Lighting Amendments

Wish I could have read these.

57. Landscaping Standards

Doesn't an analysis of impact need to be presented here?

58. Tribal Engagement

Substantive and more public discussions can only support the outcome of bringing more consciousness to all regarding our First Nations.

59 and 60. Clerical and Editorial Changes

Fully agree with WISCONA that these should not allowed for substantive issues. Would take if further to add that substantive issues include those that

1. Address Public Safety
2. Change more than 3 places in any given section of the IDO
3. Have public comments that challenge immediate consensus
4. Require data on beneficiaries and impact statements
5. Need examples, mapping and/or data to respond to questions from the public
6. Require a summary of RISK and/or known unintended consequences

Again, these are my personal notes and I do not represent opinions of any group or agency that is noted here in.

Thank you again for serving on the EPC, thank you for listening to these points and considering both the opportunities here for change and the RISK involved in continuing to allow this broken process to move along unchecked.

Here's hope that you can make some progress to improve this system, perhaps asking for data, examples, statements of beneficiaries and impact, perhaps getting unintended consequences into the record – whatever you can do.

Sincerely appreciated,

Peggy Neff

12/11/2023

**From:** [paxtonm](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** Attention, David Schaffer, IDO update comment  
**Date:** Tuesday, December 12, 2023 8:20:28 AM  
**Attachments:** [2023 XII 11 Paxton response.docx](#)

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[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.  
Please forward this message to Chairman Schaffer.  
Thank you,  
Merideth Paxton

Dear Chairman Schaffer and  
Members of the Environmental Planning Commission:

As the owner of a home in Spruce Park neighborhood,<sup>1</sup> I object for three reasons to Item 13 of the proposed 2023 revision of the IDO, which would allow division of single-family (R-1) homes into duplexes (if there is no existing Accessory Dwelling Unit). The related Items 10 and 12 would also be detrimental to this small area. Similar arguments could be raised to prevent the destruction of other residential neighborhoods surrounding UNM.

## **1) Preservation of Albuquerque's cultural heritage is important.**

### Historic architectural styles

Spruce Park, with various architectural styles reminiscent of Europe, is over 100 years old, and its companion, Sigma Chi, largely represents the ranch-style architecture of the 1950s. Susan Beard, has commented, *"I have been a full time Realtor for 40 plus years and specialize in selling residential real estate in the neighborhood surrounding the University of New Mexico. For 40 years, I have found that homes in the Spruce Park area command some of the highest prices in the UNM area because it is architecturally and historically unique. Buyers prize the diversity of historic architectural styles and attention to detail on the façade and interior of most homes."*

The Comprehensive Plan ([ABC Comprehensive Plan — City of Albuquerque \(cabq.gov\)](#)) "has the power to shape land use and zoning decisions as the Rank 1 Master Plan for both Albuquerque and Bernalillo County" (Section 1.3)." The 2017 update identifies "priority areas to protect and enhance, such as the city's diverse and vibrant neighborhoods. . ." (Comp Plan home page). The IDO implements the Comp Plan.

As stated in Chapter 11, Heritage Conservation ([CompPlan-Chapter11.pdf \(cabq.gov\)](#)), some of the specific parts that apply to the preservation of Spruce Park are: the explanation that the concept "refers to a set of actions that keep the cultural resources we have inherited from our predecessors safe from harm, decay, or loss and to preserve those resources from damaging change" (Section 11.1.1). Among its guiding principles are "Development that protects and leverages cultural heritage reinforces community values." and "Placemaking that leverages unique historic assets and places creates value for property owners and increases revenues for businesses and governments" (page 11-3). Another objective is, "Downtown and surrounding neighborhoods will be vibrant, sustainable, pedestrian environments that showcase historic buildings through adaptive use and homeowner investment" (page 11-4). Policy 11.2.2 (Historic Registration) is to "Promote the preservation of historic buildings and districts determined to be of significant local, State, and/or National historical interest," and to "Recognize historic buildings and districts as vital elements of the community."

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<sup>1</sup> The neighborhood is bounded approximately by University Boulevard, Dr. Martin Luther King Ave., Cedar NE, and Sigma Chi Road. It is composed of two historic districts, Spruce Park (Listed on the National Register of Historic Places and the New Mexico State Register of Cultural Properties) and Sigma Chi Road (listed on the New Mexico State Register of Cultural Properties).

Land use directives also support the preservation of Spruce Park.

Chapter 5, Land Use ([CompPlan-Chapter5.pdf \(cabq.gov\)](#)) Is characterized by a statement from Gary Toth, Senior Director, Transportation Initiatives, “Placemaking promotes a simple principle: if you plan cities for cars and traffic, you get cars and traffic. If you plan for people and places, you get people and places.” A vision of the future is that “Areas of Consistency. . . will experience limited new development. Change that does occur will reinforce or enhance the existing character of those neighborhoods” (page 5-4). Policy 5.6.3 (Areas of Consistency) is to Protect and enhance the character of existing single-family neighborhoods. . .”; Spruce Park is one of these areas (Figure 5-6, revised March 2017). Policy 5.7.2 (Regulatory Alignment) is to “Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and *quality of life priorities* (italics mine).”

## **2. A serious environmental problem, the urban heat island effect, is developing.**

Dr. Dave DuBois, the climatologist for the New Mexico State Government, has expressed concern that Albuquerque is becoming an urban heat island due to the increasing concentration of elements that retain heat. His research has shown that in Las Cruces, those areas are much hotter than landscaped neighborhoods.<sup>2</sup> A meteorologist at the National Weather Service has also remarked,<sup>3</sup> “That’s also one of the main reasons why we had record warm nights this past summer. It important to have some landscaped areas in town to reflect radiation and not absorb it.” In Albuquerque this past summer, there were fifteen days with triple digit temperatures in comparison with the usual three days—as we all have heard.

One of the attractions of Spruce Park is landscaping. If the destruction of its trees and other plants is encouraged to accommodate residential densification, an important means to diminish the urban heat island effect will be being undermined.

Other cities are now being planned to promote cooling,<sup>4</sup> and Albuquerque is certainly also capable of addressing this need through the IDO. This concern should be an urgent priority.

## **3. Varying levels of demand for densification create sacrifice areas; Spruce Park is vulnerable.**

Because the neighborhood is literally across University Boulevard from the main UNM campus, homes are already susceptible to sales to owners who are primarily interested in profits from rentals to students. As has happened in the south campus neighborhood (University Heights, which has apparently been indelibly branded as the “student ghetto),” the densification allowed under the proposed IDO revisions would only increase this type of ownership in Spruce Park and promote relatively short-term occupancy. This can be expected to bring late-night noise problems from parties. Increased crime is also likely because neighbors would not know whether an

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<sup>2</sup> Presentation to the New Mexico Fulbright Association, on or about March 26, 2021.

<sup>3</sup> Personal communication, December 1, 2023.

<sup>4</sup> An example is Singapore (How to Cool Down a City, *New York Times*, September 18, 2023)

unfamiliar person is a burglar or a new tenant. Decreased maintenance of houses and other serious declines in the quality of life would gradually drive long-term owners from the area.

Would it be good planning to convert Spruce Park and other neighborhoods surrounding the main UNM campus and UNM Hospital to slums?

Thank you for considering these arguments to oppose the densification of residential zoning by allowing conversions of R-1 homes to duplexes, which would very detrimentally impact my ability to continue living in my home. I urge you to eliminate Item 13, which was rejected last year by the full city council, and its companion revisions. These are Items 10 (which permits duplexes on corner lots having 5,000 square feet) and 12 (which allows live-work and small restaurants on corner lots). Spruce Park already has numerous multi-family apartment buildings and we are a short walk from restaurants and businesses located along Central Ave.

I would also like to thank you for the time and expertise that you contribute toward the betterment of Albuquerque.

Sincerely,

Merideth Paxton, PhD



**From:** [Evelyn J Rivera](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** Comments for EPC meeting 12/14/2023  
**Date:** Monday, December 11, 2023 1:35:40 PM  
**Attachments:** [E.Rivera Comments.docx](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

EPC Chair Shaffer and committee members:

Please see the attached comments regarding the proposed general amendments to the IDO.

Evelyn Rivera

Date: December 11, 2023

To: David Schaffer, Environmental Planning Commission Chair

From: Evelyn J Rivera, New Mexico Certified Residential Real Estate Appraiser

Re: 2024 Proposed Amendments to the Integrated Development Ordinance

**Zoning Changes**

#10 Dwelling Two-Family Detached (Duplexes) in R-1 zoning

#12 Dwelling, Live-work – Allows commercial uses in R-1 zoning

#13 Two-Family Detached (Duplex) Dwelling in R-1 zoning

An additional dwelling may be added to or included within an existing dwelling

**Proposed Amendment Notification**

As a homeowner in Albuquerque, I never received written notification of these amendments that Will effectively rezone my property. I attended the following zoom presentations by the city planners:

- October 12, 2023, online 12 participants (including 6 planners)
- October 13, 2023, online 22 participants (including 6 planners)
- November 17, 2023, online 22 participants (including 8 planners)

Only 39 community members attended these presentations. This is not a notification to the public. The presenters acknowledged that they cannot adequately notify the public because the software to do so will not be available until the end of 2024. No major zoning changes should be considered without proper public notification.

It is my understanding that zoning changes require notification to all R-1 property owners. These proposed amendments would drastically change the character of R-1 neighborhoods and adversely affect the value of a typical homeowner's greatest financial asset. The live-work proposed amendment would allow commercial uses on many corner lots in R-1 neighborhoods. Allowing duplexes in R-1 zoning would create multi-family dwellings in R-1 neighborhoods. No changes in zoning or use should occur until property owners receive proper notification.

Councilor Fiebelkorn stated in an email the reason for her proposed amendment to allow Duplexes on R-1 properties was "We are in a housing crisis and duplexes are a relatively easy way to provide additional housing."

### **The taking of private property for public good.**

*The Appraisal of Real Property* defines “Eminent Domain” as the taking of private property for the public good as condemnation, which requires compensation. The Fifth Amendment of the U.S. Constitution guarantees payment of compensation upon appropriation of private property.

### **Where is the data for the claim that there is a housing crisis?**

Berkadia, a national market research company (Berkadia.com) 3<sup>rd</sup> quarter data indicates a 5.9% vacancy rate in multi-family units containing 5 or more rental units. This equates to 3,345 vacant units. A recent Apartment Association of NM newsletter lists a total of 5238 apartments under construction, 36.6% of which are affordable units.

Federal Reserve Economic Data for 2022 (fred.stlouisfed.org), there is a 6% vacancy rate for residential rental properties in New Mexico. Utilizing the *American Community Survey Data 2021* on the City’s website this would equate to 5,906 vacant units in Albuquerque. These figures do not include the abandoned, substandard housing that could be renovated.

### **Is this a relatively easy way to provide additional housing?**

For improvements to add value, they must be financially feasible and physically possible. High mortgage rates and high construction costs make many improvements financially unfeasible at this time. Up zoning will result in higher real estate taxes and increased insurance costs. The argument that these dwellings would create added income for the single-family homeowner is not valid. Many property owners would be jeopardizing their financial stability because they lack property management expertise.

Data does not support the theory that up zoning will increase the housing supply. Minneapolis up-zoned single-family properties in 2018. A Twin City transit planner who analyzed the data stated “The change hasn’t been that big”. A recent Urban Institute document titled, “*Zoning Changes Have Small Impact on Housing Supply*” does not support upzoning of R-1 properties.

### **Impact on existing R-1 properties.**

Per Fannie Mae guidelines, “The appraiser must consider the present or anticipated use of any adjoining property that may affect the value or marketability of the subject”. Single-family values can be negatively impacted when duplexes, income properties, retail properties, or multi-

family (non-conforming uses) are near single-family properties. Real estate property taxes can be increased above the 3% annual limitation due to upzoning or change in use.

The real beneficiaries of these proposed amendments are investors who will convert single-family dwellings into duplexes and short-term rentals. Upzoning R-1 will reduce the number of homes available for aspiring homeowners.

Why is this being reintroduced, when it was defeated in 2023? This is a zone change that requires notification to all R-1 property owners. 2 units do not = R-1. If passed duplexes in R-1 subdivisions would drastically change the character of established neighborhoods. This will result in second-story additions and garage conversions. Lack of conformity leads to diminished property values. For a property to have market value improvements need to conform to existing improvements in the subject's market area. Improvements need to be economically feasible, not likely with today's interest rates. Improvements need to be physically feasible, i.e.: utility connections, sewer line capacity, access to parking, setbacks, etc. Many existing single-family residential neighborhoods lack the infrastructure to accommodate additional dwellings, i.e. sewer line capacity, and utility connections.

The estimate of value for a single-family dwelling may be negatively impacted. Non-conforming uses in existing, homogenous, single-family residential neighborhoods will likely result in a decline in property values. As an appraiser, I am obligated to consider external or environmental influences on the subject property. Negative external influences include zoning uses not compatible with existing uses, and traffic. Negative environmental influences include nuisances such as odors, noise, and litter. The addition of another dwelling or converting a portion of the existing improvements to create a duplex or retail use will not automatically increase the value of the property and may contribute no value if that improvement is deemed to be over-improvement or functional obsolescence.

Respectfully submitted,

Evelyn Rivera  
NM Certified Residential Appraiser

**From:** [Evelyn J Rivera](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** Proposed Amendments to the IDO  
**Date:** Tuesday, December 12, 2023 8:28:15 AM

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

EPC Chair Shaffer and committee members:

Here are my general observations regarding the process of amending the IDO.

- The planning department appears to be more interested in pursuing its social justice agenda than serving the citizens of Albuquerque.
- There is minimal effort to notify the citizens of Albuquerque of proposed amendments that could have a negative effect on their financial well-being. The online process is so complicated that it is overwhelming.
- Why put forward additional amendments regarding walls, fences, and recreation vehicles instead of enforcing the current regulations? Lack of enforcement has led to the proliferation of these problems. I sincerely hope that the process can be corrected so that it better serves the citizens of Albuquerque. Respectfully submitted. Evelyn Rivera

**From:** [Richard Schaefer](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Cc:** [Richard Schaefer](#); [Sanchez, Louie E.](#)  
**Subject:** Proposed IDO Amendments  
**Date:** Tuesday, December 12, 2023 7:58:30 AM  
**Attachments:** [2023-2024 IDO letter 12-11-23.docx](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Re.: Note to EPC and Planning Dept. regarding IDO Amendments (also sent as attachment)

From: Richard Schaefer

Date: Dec. 12, 2023 (8 a.m.)

I am the Secretary/Treasurer of Vista Grande Neighborhood Association (VGNA), but the opinions expressed below are my own, these opinions have not been cleared with all the members of the VGNA.

**GENERAL ISSUES WITH THE IDO AMENDMENT PROCESS:** The IDO amendment process needs to have specific deadlines for the various steps that should be taken over a period of many months. This would enable planning department personnel and neighborhood and community volunteers to weigh in on the appropriateness of the proposed changes. It should also provide ample time to consult with interested parties and attempt to understand the rationale behind and implications of the various proposed amendments.

Recent practice has not followed an orderly procedural process that allows for proposed IDO amendments to be analyzed with whether or not they conflict with existing federal, state, and county regulations and plans. Indeed, sometimes the proposed amendments even contradict other parts of the IDO itself. Thus, the compliance implications need much more comprehensive review by qualified City employees who are familiar with federal, state and county regulations, as well as the details of the IDO.

Nor does the current process permit sober analysis and discussion of the potential implications by neighborhood association and sustainable development volunteers, as well as interested businesses, residents and homeowners who might have strong opinions on specific changes to the Comprehensive Plan and IDO.

Finally, the whole process often appears to be an exercise in catering to the whims of city councilors who are pushing through regulations at the behest of their friends and contributing constituents regardless of the implications for the “public good.” In short, the push to rapidly propose and micromanage detailed zoning changes and variances via last-minute changes to IDO by city politicians often appears to be a practice of insider dealing, rather than an orderly effort to establish development policy and needed regulatory reform.

#### **SPECIFICS WITH SELECTED CURRENTLY PROPOSED IDO AMENDMENTS:**

Noise and Dark Sky Amendments (2, 7, 50, 56): In general, live-able urban and suburban areas should not be subjected to excessive noise, which can now be easily amplified to aircraft-noise levels. Therefore, Amendments 2 and 50 could present problems for neighbors, whereas Amendment 7 deserves support. Special permits might be sought for rallies in parks and for outdoors concerts, but sound amplification needs to be done carefully to create a live-able environment. Toward this end, planners need to establish

ordinances limiting appropriate levels of amplified car music and engine noise, as well as encourage auto-noise enforcement. Similarly, Amendment 56 would contribute to dark sky quality of life.

Changes to R-1 Zoning Amendments (3, 10, 13): Last year, contentious public debate surrounded the proposed changes to R-1 zoning and produced a major permitting reform with regard to accessory dwelling units. These three amendments appear to be an attempt to again break open R-1 zoning regulation without revisiting the public debate around the issue, as well as without waiting to see how last year's changes will affect R-1 and address affordable housing concerns. Therefore, these three "end-run" deregulatory amendments should be rejected.

Changing Standards on Overnight Shelters, Live/Work and City Facilities and Parks and Open Space Amendments (9, 11, 12, 40). Amendments 9, 11 and 12 to move from "conditional" to "permissive" uses for various types of controversial developments need to be rejected. There should be public input on these types of developments.

In contrast, Amendment 30 would contribute to public support by seeking more input on major parks and open spaces.

Parking Requirements Amendments (17, 18, 19, 42): Amendments 17, 19 and 42 to restrict unsightly parking should be supported.

But similar to R-1 zoning end-runs, Amendment 18 that pertains to parking requirements that were extensively debated last year, should again be rejected.

Wall Requirement Amendments (23, 24): Amendments 23 and 24 should be rejected because they would contribute to a walled-city appearance.

Notification and Public Feedback Amendments (29, 30, 31, 32, 33, 34, 35, 36, 37, 58): A number of these amendments (29, 31, 32, 33, 34, 36 and 37) are designed to restrict the public notification and feedback process, which in Albuquerque is already weak and underdeveloped. Development applications need to be as publicly accessible as possible, rather than made less publicly available. The city would be well served by increasing the distances for public notification, especially since notification can now be done with minimal expense via email. In fact, there should be an amendment for an "opt-in" list for anyone interested in development applications with regard to facilitated meetings that might be dealing with applications within a half-mile or mile of their properties. That would contribute to a more open public notification process. Therefore, Amendments 29, 31, 32, 33, 34, 36 and 37 should be rejected.

In contrast, Amendment 58, which might need more detail, is moving in the right direction by encouraging tribal engagement.

Sensitive Lands and Water Conservation Amendments (52, 53, 57): All these Amendments (52, 53 and 57) deserve support to preserve and beautify our environment.

Staff Editing of IDO Amendments (59, 60): True fixing of typos (Amendment 59) might work, but the staff should not be allowed to make substantive changes in text wording, since these should be done through a public procedure. The changes to the Comprehensive Plan that staff incorporated into the IDO in 2017 represents an instance of the staff changes that were actually major policy changes. The City and the Planning Department need to re-establish good faith in this regard by avoiding surreptitious staff



edits. Therefore, Amendment 60 should be rejected.

Small Area Text Amendment on Volcano Heights Urban Center: This Small Area Amendment is an example of “insider dealing” and needs to be rejected.

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Small Area Text Amendment on Volcano Heights Urban Center: This Small Area Amendment is an example of “insider dealing” and needs to be rejected.

**From:** [Beth Silbergleit](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** IDO Wall heights  
**Date:** Monday, December 11, 2023 3:45:12 PM

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

I continue to be bewildered and dismayed that we cannot lay to rest the idea that increasing permissible wall heights in front yards is a good idea. It is not! Permissible front yard wall heights have been set at 3 feet since the 1950s. Public input to numerous zoning code updates throughout the decades has consistently reaffirmed that this is the appropriate height. Destruction of existing streetscape, diminished neighborhood safety by limiting eyes on the street, and a gradual transition to a city and neighborhoods that will be defined by walled-in front yards are the perils of raising wall heights. Those of us who live in historic neighborhoods have made that choice for a variety of reasons. The sense and aesthetics of community is a prime factor. This will be destroyed as walls begin to predominate the streetscape, even if the top few feet are transparent. I truly hope we can put this issue to rest and concentrate our energy on the many other issues pertaining to smart development in our City.

**From:** [Dennis P. Trujillo](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** IDO Annual Update 2023 - EPC Review and Recommendation  
**Date:** Monday, December 11, 2023 3:56:16 PM

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Dear EPC Chair Shaffer:

I am a long time resident of Albuquerque and of Nob Hill, I received my PhD from UNM and I retired as a historian for the state of New Mexico. I am concerned about our shared historical and cultural environment. Historically, Clyde Tingley signed Albuquerque's first zoning code in 1955, limiting permissive walls in front yards to 3 ft. in height. This architectural and social feature has remained in place in zoning updates of 1965, 1973, 1991, and the 2017 IDO. The IDO received an enormous amount of public input, rounds of public review, and no one suggested that it would be a good idea to make permissive walls, in front yards, anything other than 3 ft. in height. For 70 years now, the vast majority of walls built by homeowners in front yards, have been permissive 3 ft. walls; sometimes called garden walls. These front-yard walls are visible from the public way and remain a defining historic and cultural feature of our streetscape, neighborhoods and city. These walls preserve the concept of "eyes on the street," a valuable tool for public safety. Permissive walls in front yards up to 3 ft. high are an important part of the historic character of Albuquerque. Making 5 foot high walls (2 feet being transparent) permissive, would diminish our historic streetscape and the safety concept of "eyes on the street." Please do not let Albuquerque become fortress like, a city of high walls. 3 foot garden walls are important in our history, important to our future, important to our city.

Sincerely,  
Dennis P. Trujillo, PhD

**From:** [Greg Weirs](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** Input to EPC regarding IDO Annual Update 2023  
**Date:** Tuesday, December 12, 2023 8:55:43 AM  
**Attachments:** [NHNA to EPC-IDO23.pdf](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Please forward to EPC Chair Shaffer.

Regards,  
Greg Weirs, NHNA

--

Greg Weirs  
505 515 6334 (M)  
[vgweirs@gmail.com](mailto:vgweirs@gmail.com)

# Nob Hill Neighborhood Association, Inc.

PO Box 4875, Albuquerque, NM 87196

TheBoard@NobHill-NM.com

12 December 2023

David Shaffer, EPC Chair  
By email to [abcto@cabq.gov](mailto:abcto@cabq.gov)

Re: IDO Annual Update 2023

Dear Mr. Lucero,

At the NHNA regular Board meeting on December 5th, the board voted 7-0 to adopt the following positions for input to the EPC regarding the IDO Annual Update 2023. The item numbers below refer to the spreadsheet of Citywide text amendments.

Cannabis Retail, Item 8. The board supports this amendment. The board notes that the ZHE grants the existing conditional use in almost all cases, regardless of input from the community.

Walls & Fences - Front Yard Wall, Item 23. The board opposes this amendment, as it has for similar amendments in the last two IDO Annual Update cycles and will continue to do for future cycles. The NHNA's opposition is based on activating the streetscape to enhance the pedestrian experience, crime prevention through environmental design (CPED), and historic preservation in Albuquerque's core neighborhoods. There is citywide community opposition to walls over 3' in front yard setbacks, as you have heard in past years and will again this year. We thank the EPC for reflecting the public input on this issue in past years.

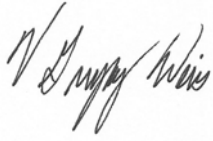
Dwelling, two-family Detached (Duplex), Item 10, and Two-family Detached (Duplex) Dwelling, Item 13. The board opposes two-family detached dwellings (duplexes) as a permissive use in R-1 zones. R-1 zones are, by definition, intended as single-family detached dwellings. If the city of Albuquerque desires to change the zoning to allow duplexes in locations that are currently zoned R-1, they can go through the existing process for changing a parcels zoning rather than redefine the zone. The aspect of Item 13 that the board supports are that accessory dwelling units and duplexes on the same R-1 lot be mutually exclusive. A comment from a resident is that rather than having at least one entrance and window on the street-facing facade, a restriction to no more than one entrance on the street-facing facade be allowed; this reflects the desire of residents to maintain the character of the single-family housing environment.



Overnight Shelter, Item 9. The board opposes the amendment to make overnight shelters a permissive use in the MX-M zone. The board opposes the availability of a conditional use for a shelter within 1500 feet of an existing shelter.

Outdoor Amplified Sound, Items 2, 7, and 50. The board opposes outdoor amplified sound between 10pm and 7am, whether regularly or through a temporary use or special event permit. In our neighborhood, several recent events have had sound that interferes with residents sleeping even when the business claimed their sound was below the permitted level.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Greg Weirs", written over a light blue rectangular background.

Greg Weirs  
Chair, Urban Planning Committee  
Nob Hill Neighborhood Association

**From:** [P. Davis Willson](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** 48 Hour Material for Dec 14 EPC hearing  
**Date:** Monday, December 11, 2023 12:49:40 PM  
**Attachments:** [48hrPage1.pdf](#)  
[48hrPage2.pdf](#)  
[48hrPage3.pdf](#)  
[48HrPage4Patio.pdf](#)  
[48hrPage5.pdf](#)  
[48hrPage6.pdf](#)  
[48hrPage7.pdf](#)

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**[ EXTERNAL ]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Attention: EPC Chair Shaffer

Attached is a letter and two pages of photos, along with additional pages submitted last year—  
included because the information is still applicable.

Thanks to you and the entire EPC for your work; see you on Zoom Thursday at the hearing.

Respectfully,

Patricia Willson

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

December 11, 2023

Via email: [abcto@cabq.gov](mailto:abcto@cabq.gov)  
EPC Chair David Shaffer

Re: Project #: PR-2018-001843  
Case #: RZ-2023-00040 – Citywide Amendments  
Item #4: Sec. 4-3(D)(37)(a); General Retail – Walls/fences  
Item #5: Sec. 4-3(D)(18); Light Vehicle Fueling Station – Walls/fences  
Item #23: Sec. 5-7(D)(3)(a); Walls & Fences – Front Yard Wall  
Item #24: Table 5-7-2; Options for a Taller Front or Side Yard Wall

Chairman Shaffer,

Though I serve as my neighborhood association president, a District 6 Coalition officer and an Inter-Coalition Council (ICC) representative, these are my personal comments.

I am opposed to Items 4 & 5. Business owners of both General Retail and gas stations should not be required to fence their properties. If they choose to do it—fine, but it should not be mandated.

For Items 23 & 24, I have included two pages of photographs supporting my opposition to allowing 5' "view" fencing permissively.

This is the third year in a row that an amendment proposing taller walls permissively in front yard setbacks has been submitted. For a third year in a row, there has been massive opposition to this idea. I am hoping the administration will stop wasting everyone's time with this in the future. We do not want to be known as a City of Walls...

It is easy enough to have a tall, private patio wall—I am also including pages submitted last year regarding good examples of tall walls NOT in the front yard setback, successful view fencing examples, and several examples of successful 3' walls.

Please pay special attention to the Staff Report recommendation on Page 17:

***EPC should carefully consider the extent to which walls improve public safety and whether that community benefit outweighs the negative impact to connectivity, access, urban design, and community character encouraged by Comp Plan goals and policies.***

Thank you for your work and attention to these matters.

Respectfully,



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

The problem with "View Fencing": there is no enforcement to maintain the "view"



View portion of fence covered with bamboo screen (Oct. '22)



View portion of fence covered with solid wood boards (Jan. '23)





While view fencing can work well when viewed straight on, it is less transparent at corners--where visibility at the clear site triangle is critical.



The view down an entire block of "view" fencing is anything but transparent.



A neighborhood with 3' walls and fences.



Successful Patio Wall examples  
(6' walls > 10' back):



Less successful Patio Walls  
(tall walls @ property line):





Successful view and security fencing:



Unsuccessful view fencing:





Sucessful 3' walls of block, wood, metal (some effectively higher with terracing):



Good use of lower planter at clear sight triangle





3' serpentine wall in front yard accommodates existing tree; side yard and back yard step up as allowed.



**From:** [P. Davis Willson](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** 2023 IDO Annual Update  
**Date:** Monday, December 11, 2023 10:33:33 PM  
**Attachments:** [LTR reRandomItemsEPC12.12.23.pdf](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Attn: EPC Chair Shaffer,

Please accept one more letter with comments on various items in this year's update.

Thank you,

Patricia Willson

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



December 12, 2023

Via email: [abcto@cabq.gov](mailto:abcto@cabq.gov)  
EPC Chair David Shaffer

Re: 2023 IDO Annual Update: Random Items

Chairman Shaffer,

Though I serve as my neighborhood association president, a District 6 Coalition officer and an Inter-Coalition Council (ICC) representative, these are my personal comments.

As I continue to scroll around through the Staff Reports for the three cases you will hear Dec. 14<sup>th</sup> and Jan. 11<sup>th</sup>, I have these thoughts about a few Item numbers—in no particular order.

- **City Facilities – 14-16-2-5(E)(2); 14-16-4-1(A)(4) [Item #11, #54]** In the Summary, Staff notes: *“Long Range staff comments that some community members find the development process confusing, for both developers and neighbors. In one way, the proposed amendments would eliminate one potentially confusing step in the review/decision process for City facilities. In another way, the proposed amendments would eliminate a potential opportunity for community involvement in the decision-making process for vital public services. Public comments generally opposed amendments that would make City facilities easier to develop over concerns about lack of notice and public input opportunities in the development review and decision process.”*

Perhaps a better solution is educating both developers and community members to eliminate confusion around the review/decision process.

- **Notice and Referrals 14-16-6-4(B); Table 6-1-1 (Items #29, #30, #31, #32, #33, #34, #35, #36)** Items #29, #32, #33, #34, and #36 propose to replace the requirement to notice adjacent Neighborhood Associations or property owners with a set distance that is easily mapped and, in most cases, more generous than the existing requirement. This change would allow automation of a map query to generate a list of property owners or affected Neighborhood Associations to be notified.

The IDO definition of Adjacent reads “Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private.” Nothing is said about the ROW width. My understanding is this amendment was proposed because of human error in reading maps and determining adjacency of properties—and by using a set number, GIS automatically determines who gets notified. A property across the street from me is adjacent (at least until THAT is amended in the IDO) and this change would prevent proper notification. This is an instance where we should rely on well trained staff, not AI.

- **Dwelling, Live-Work – Table 4-2-1; 14-16-4-3(B)(7); 14-16-6-6(A) [Item #12]** *“The proposed change would allow small restaurants and retail establishments permissively in the R-1, R-T and R-ML zone districts. The amendments would modify Table 4-2-1 and use-specific standards in Subsection 14-16-4-3(B)(7). Cannabis retail and nicotine retail would be prohibited. This change would expand opportunities for neighborhood-serving restaurants, coffee shops, and retail while strengthening the local economy, creating additional opportunities for entrepreneurs, and supporting small-scale local businesses.”*

This is a terrible idea. I am two houses from the corner, so I might have to put up with cooking odors, lunch rush, etc., on my block every day? The IDO already allows for Home Occupation: “An activity that is carried on for commercial or philanthropic purposes on the same lot as a dwelling

unit where the operator of the home occupation resides and that is clearly secondary to that dwelling.” To allow small restaurants and retail establishments permissively in R-1, R-T and R-ML zone districts flies in the face of the Comprehensive Plan’s establishment of Areas of Consistency (which has already been hammered by Housing Forward.)

The pattern of corner stores in neighborhoods historically occurred in downtowns. A bodega may be desirable on or near an arterial street—not in the middle of an R-1 neighborhood.

• **Public and Neighborhood Comments**

I appreciate Staff’s summation of submitted and pinned comments; providing the data on number of comments per item is critically important information. And I appreciate that the amendment I submitted on November 7<sup>th</sup> [6-3(D) BI-ANNUAL UPDATES TO THE IDO] was included as Page 415 of 415.

I have researched revised zoning ordinances in other jurisdictions and have yet to find one that mandates an annual update. When asked about this at a recent Planning Dept. event, Ms. Renz-Whitmore told me our IDO was modeled after Austin’s code that had an annual “Zoning round-up”. Perhaps the previous code did, but their current code does not. According to the Austin LDC (Land Development Code) Schedule of Active Code Amendments <https://www.speakupaustin.org/d0670> there are 10 amendments scheduled for City Council review and adoption in Dec. 2023, and 2 more for Jan. 2024. Other cities, including Charlotte, NC and Memphis, TN, have had yearly amendments in single- or double-digit numbers. We have had over 500 Citywide amendments.

I have attached that chart on the next page. The zoning code website also has a table of Active Code Amendments color coded to show three stages of activity: Initiation, Development & Engagement, and Review & Adoption. <https://publicinput.com/Customer/File/Full/d1cbef18-091b-48bb-ab6b-e6e0cfcdf025> Perhaps this system of dividing amendments into those with scheduled review and adoption dates versus those that are active ‘unscheduled’ amendments would allow a more thoughtful multi-year process of zoning code updates. And I haven’t even mentioned the last minute, late night, Councilor initiated Floor Amendment process that we all have to look forward to...

In spending time scrolling through the Staff Reports, I am heartened to see so many detailed, articulate comments regarding so many—too many—amendments to review. I really hope we can make some changes to the update process that makes better use of everyone’s time.

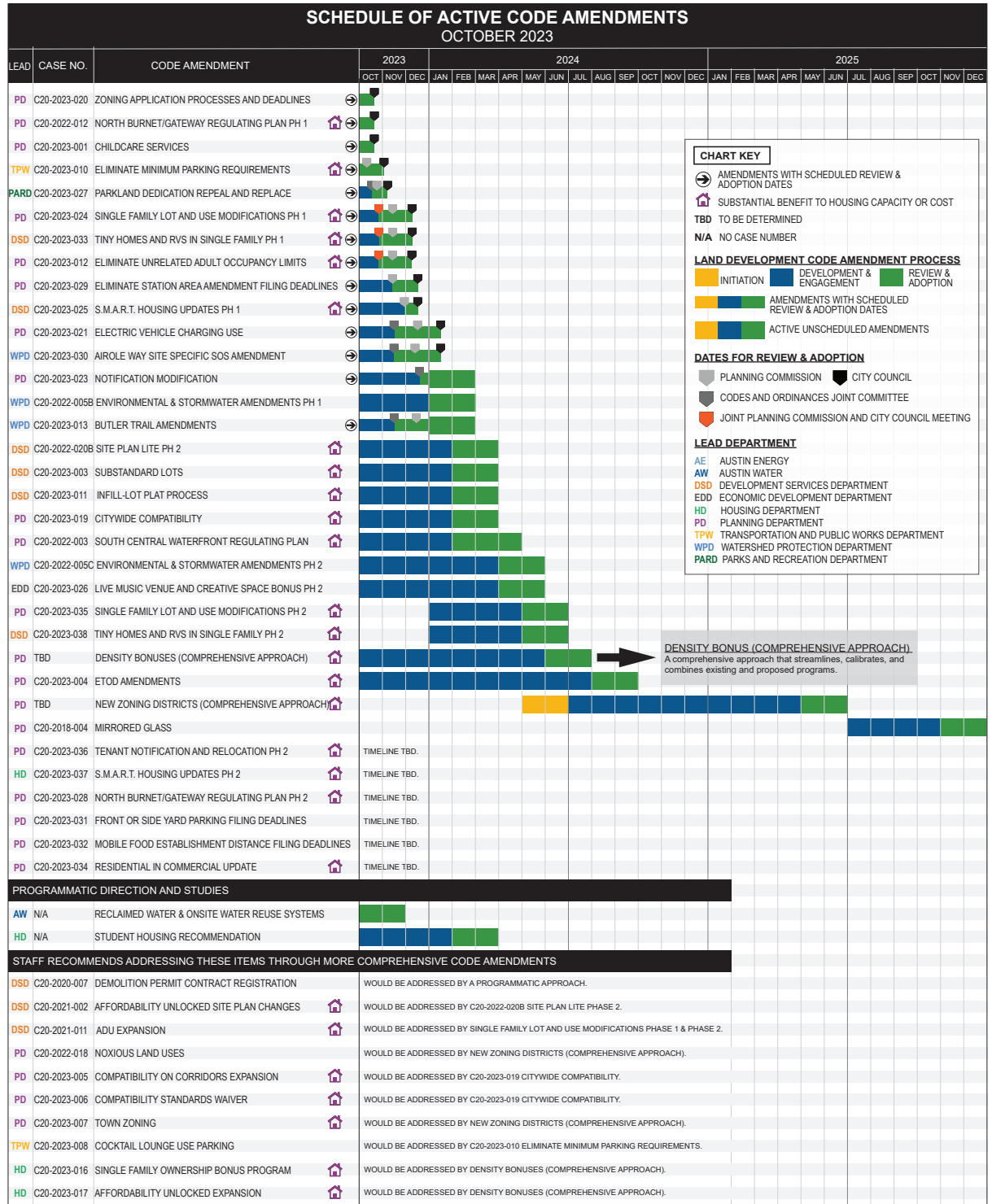
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Patricia Willson  
Victory Hills NA President, District 6 Coalition Treasurer, Inter-Coalition Council Representative

The following chart outlines the recommended timeline for the drafting and adoption of the active Austin LDC amendments by city staff.



OCTOBER 17, 2023

Note: Schedule presented is subject to change based on future changes to priorities, resources, commission and community bandwidth, and additional analysis related to the complexity of particular amendments.

**From:** [P. Davis Willson](#)  
**To:** [City of Albuquerque Planning Department](#)  
**Subject:** 2023 IDO Annual Update  
**Date:** Tuesday, December 12, 2023 7:49:41 AM  
**Attachments:** [LTR reRandomItemsEPC12.12.23.pdf](#)

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**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Attn: EPC Chair Shaffer,

Last night I sent an email with a letter attached for submission under the 48 hour rule. I am not sure it got properly attached. Apologies if this is a duplicate—but I wanted to be sure it got in.

thank you,

Patricia Willson

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

December 12, 2023

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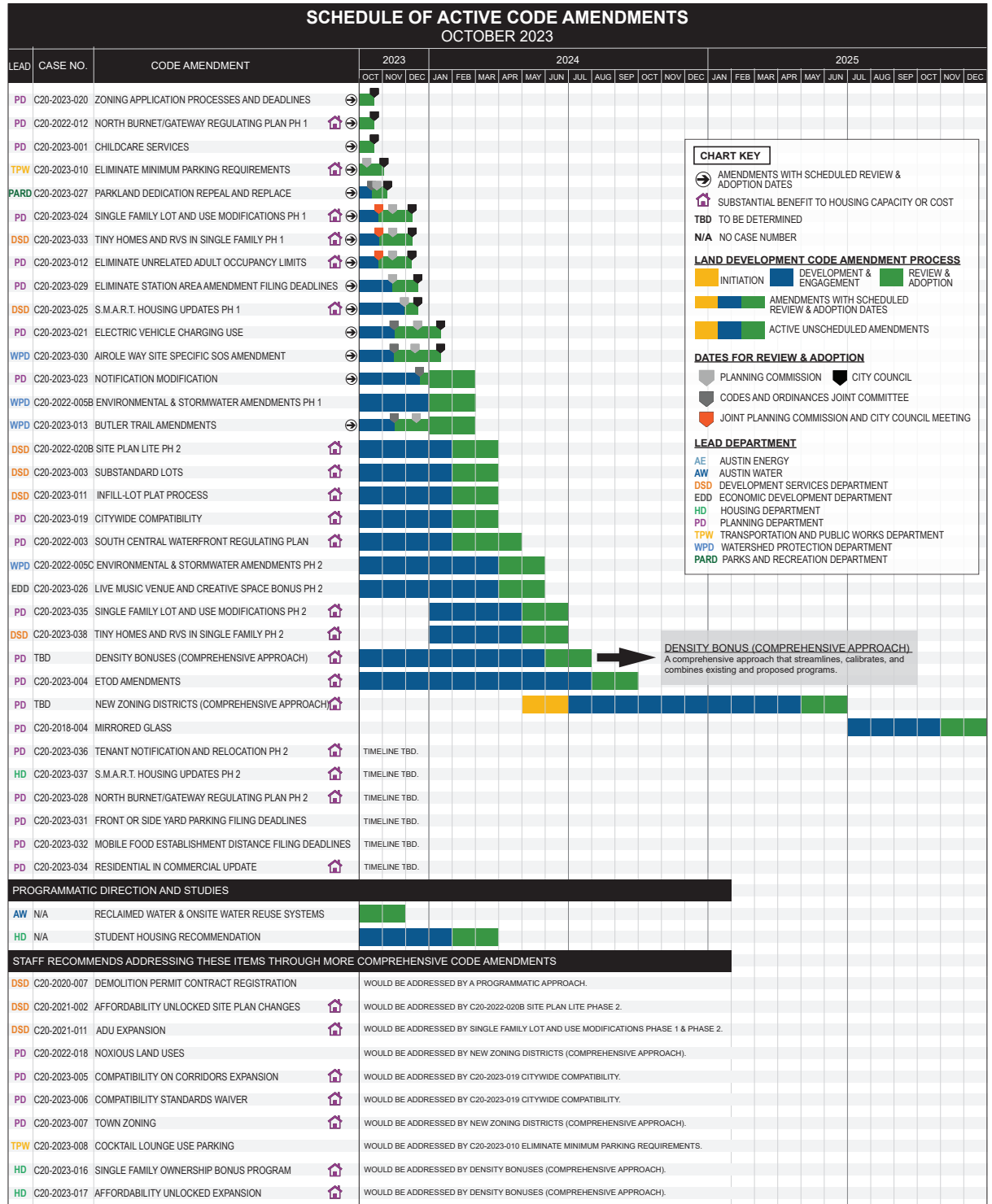
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**EPC Minutes, Agenda Items 2 and 3**  
**December 14, 2023**

one. Not that this one wasn't big. I was just saying big because this one was called small area rule; that's the only reason why I said that. But Agenda Item Number 3 will come up.

It's 10:43. Let's do 12 minutes. Let's come back at 10:55. Can never be on the hour.

(Recess held.)

**CHAIR SHAFFER:** Okay. 10:55. I see everybody popping back in. Commissioner Meadows, Eyster, Pfeiffer, Hollinger. Gotcha, gotcha. Counsel Myers is on and getting blinded by the light.

Commissioner Meadows, are you with us?

Here's Commissioner Stetson. We'll wait for Commissioner Meadows and Hollinger to get back on, since we definitely want everybody here for this.

On that note, let's all plan on viewing this the same way we just did this one. We'll make our notes, we'll make our recommended discussion points and changes with all interested parties, and then that's when we'll rehear it, we'll hear the continuance for this one, as well, in that same special meeting on the 11th. Because there's going to be lots to go back and reword and change and update, just like we do every year. So same idea, same note-taking, so on and so forth, for every one of these items. And then changes can be made and re-presented to us next month.

Let's get going, Mr. Vos. I believe you'll be doing the presentation, so please proceed. We have Agenda Item Number 3.

**MR. VOS:** I'd like to share my screen. Thank you, Chair Shaffer and Commissioners.

This is the first EPC hearing for the 2023 IDO annual update. My name is Michael Vos, a principal planner for the City of Albuquerque Planning Department.

The IDO annual update for citywide changes is Project Number PR-2018-001843, RZ-2023-00040. This is a request for recommendation to the city council for text amendments to the Integrated Development Ordinance. This is for citywide changes, which is a legislative action. This request is accompanied by two previous items you heard today for small areas. And collectively, they are known as the IDO annual update.

**CHAIR SHAFFER:** Mr. Vos, I'm going to ask you a quick question, just because it popped in my head when you put this up about legislative for this part and the quasi-judicial part for the other areas.

Since this part is legislative, it doesn't go to LUPZ and then city council? It just goes to city council?

**MR. VOS:** Chair Shaffer and Commissioners, no. All of these cases will end up going through LUPZ, regardless of the quasi-judicial or legislative nature because they're land use changes. It's just a matter of the procedural safeguards for no ex parte communications involved in the quasi-judicial.

**CHAIR SHAFFER:** Got it. Thank you. I wondered if that was a distinction along with both of those. But thank you. Keep going.

**MR. VOS:** Absolutely. So the EPC's role today, since we're

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recommending a continuance, to review the proposed changes and make your recommendation to the city council via LUPZ, and city council will make the final decision as the ultimate planning and land use authority for the City of Albuquerque.

Staff has gathered approximately 60 citywide updates that were submitted in a spreadsheet, with accompanying exhibits from both city council and for some larger changes proposed by planning staff.

These changes, as a whole, generally the IDO meets the decision criteria for a recommendation of approval. We've received lots of public comment and I'm sure you've read, hopefully, all of that in your packet and the 48-hour rule comments, and are looking forward to the discussion today to sort of further see what changes and motivations are going to be considered by this commission with regard to the annual update.

Based on all of that input and further reviewing and allowing for comments today, staff does recommend a continuance of this action to the special hearing on January 11th of 2024.

Now, I'm going to pause there quickly to see if there's any questions before I dive into specifics about amendments and comments we've received.

**CHAIR SHAFFER:** I don't believe so. There was -- like you said, there was plenty of 48-hour rule comments that we had to dive through. So it gave us lots of things to take notes on and pay attention to as you're going through, and I'm sure there will be more in public comment. So we'll follow the same procedures that we just did in the other one, which is go through, get through public comment, suggest changes and go through there. Okay?

**MR. VOS:** Absolutely. Thanks for that, Chair Shaffer. And just to note, this is sort of the staff presentation, as well as applicant presentation, since this application was submitted by the planning department.

**CHAIR SHAFFER:** Okay. So on that note, so it'll only be you, because, again, this is the legislative side, not necessarily quasi-judicial. So we don't have a secondary presentation coming, it's just this?

**MR. VOS:** Chair Shaffer, it is just this presentation, unless Ms. Schultz at the city council wants to chime in and add anything about the counsel amendments as we go through.

**CHAIR SHAFFER:** You know, and that will probably happen, because I know, based on our study session, there was a lot of questions like, "Well, who requested that and why was that requested?" So I'm sure those questions are coming, so I'm sure Ms. Schultz will have plenty of opportunity to chime in.

**MR. VOS:** Thanks. So moving forward in the presentation, I will go over proposed updates.

We, at the study session that the EPC held last week, went through all of the amendments in the submittal. I have pared the presentation down to those that had significant public comment. There may be public comment on items that were -- that are not in this presentation I'm going to show now, but those comments were generally supportive of those amendments and maybe don't necessarily warrant, you know, conditions or changes in the opinions of staff. You're welcome, as a commission, to bring up questions about anything that's even not in this presentation in

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your review or what you hear from public commenters today. I want to save you some of my speaking on some of the amendments that maybe don't have as much input involved in them.

**CHAIR SHAFFER:** And I appreciate that. I do want to hear from most of it. Because I know that you covered a lot of it in your presentation. So, again, I'm all about front end, meaning the more information we get on the front end limits things on the back end, because we get a lot of questions answered. So I don't mind you talking for an extended period of time, because you're going to cover a lot of bases for us that, again, does answer questions a lot of the time, instead of waiting for us to ask the questions. So I wouldn't cut yourself short, in my opinion.

**MR. VOS:** Well, I've already cut this presentation short, and don't want to edit it on the fly. But I appreciate that, Chair Shaffer. And hopefully, speaking of the study session gave you all the information on those that I don't touch on today. Plus they're covered in the staff report, as well.

The first proposed change I'm going to speak to today is regarding the historic protection overlay zone districts and a provision to apply contextual standards to all development that happens in the historic protection overlays, including areas of change.

So right now, today, the IDO provides for a contextual lot size and setback standards for residential areas in areas of consistency. This change would extend those existing provisions to areas of change in addition to consistency. The purpose of that being historic districts, regardless of that comprehensive plan designation, should have a consistent look and feel to them.

This change would then further give the landmarks commission the discretion to approve different lot sizes or setbacks on a case-by-case basis through their historic certificate of appropriateness process without having to go to the ZHE for a variance as a separate process.

Public comments on this were submitted in opposition to the change, mostly focusing on the ability of the landmarks commission to have that discretion to approve different setbacks. And the importance of the ZHE is quasi-judicial hearing process.

Staff would note in the historic preservation staff (inaudible) comments that granting the commission, the landmarks commission for historic preservation, the ability to grant variances is appropriate, because like the ZHE, they are a quasi-judicial board, with the same responsibilities and accountabilities. And that the landmark commission is maybe better equipped to determine what is appropriate for the community within these historic areas.

The next couple of changes are regarding some use changes within zone districts for the nonresidential sensitive use zone to remove fire station and police stations, and move them into a permissive use status within the mixed-use and nonresidential zones.

Currently fire stations and police stations require a zone change and a site plan to be decided by the EPC as part of the NR-SU. Moving this to permissive in other zone districts may remove the requirement to get a zone change to NR-SU if the appropriate parcel is found and allows the site plan approval to go through an administrative process rather than the planning commission.

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**CHAIR SHAFFER:** Hey, Mr. Vos, which number? Because since we're kind of directing ourselves to that table, the first one was easy, because it was the first one. But I would just -- just because this is the only way we can track all this, and all of our notes are by each one of the item numbers.

**MR. VOS:** This is Item Number 54, so I jumped ahead on this one because it's related to this zone district. But it affects multiple parts of the IDO, so it's near the end of the table

**CHAIR SHAFFER:** That's fine. I just want to make sure that we're making appropriate notes in the appropriate spot. So thank you.

**COMMISSIONER HOLLINGER:** Chair, Commissioner Hollinger.

**CHAIR SHAFFER:** Yes, sir, Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Thank you, Chair. I was just going to make a suggestion to Mr. Vos, if he could call out the item number, so we can follow. I don't know if you already said that, Chair, but that would be really helpful for me.

**CHAIR SHAFFER:** Yeah. That's what I just said, yeah.

**MR. VOS:** Chair, Commissioner Hollinger, I will attempt to do that. I should have noted that on the slides. But I will -- as we go, I may be pausing to look at the spreadsheet as I bring the slides up.

**CHAIR SHAFFER:** One man's pause is another man's (inaudible), so go right ahead.

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** Thank you, Chair.

Mr. Vos, I want to remark before I ask my question, that staff has done such an incredible volume of work and very good quality of work in this year's IDO. And as one commissioner, I really do appreciate everything you've done and how well you've laid this out.

On this Item 54, I wanted to ask, currently, fire stations, police stations, require a zone change and a site plan EPC. Why isn't that good enough?

**MR. VOS:** Chair Shaffer and Commissioner Eyster, the changing this to a permissive use in existing zone districts makes for a more efficient process.

Fire stations and police stations have a significant public purpose and the intent of this would be to allow the city to, when they find an appropriately located parcel that has a mixed-use or nonresidential zone district already, that they may be able to purchase that property and move forward without having to jump through additional hoops for the zone change process.

**COMMISSIONER EYSTER:** Thank you.

**CHAIR SHAFFER:** And, Commissioner Eyster, I want to do these at the end, just because a lot of the public comment actually revolved around that very question of saying, hey, it's a -- why -- you know, this should be permissive, not -- or it should be conditional, not permissive, blah, blah.

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**December 14, 2023**

So let's get through what he has, make our notes, and then we'll go through all those. But that's okay. I mean, if there's something specific that you need a clarification on, you can stop him, but there's -- I'll leave it to your discretion. You know what to ask.

**COMMISSIONER EYSTER:** Yeah, thank you. I appreciate that. You would like to hold down the -- you'd like to get through this so that we can hear the public comment and then have our deliberation.

**CHAIR SHAFFER:** Well, I don't mind asking on the -- you know, once he finishes his presentation, we always have questions for the staff, is what I'm saying, before public comment. So make your notes then, and then we can refer back to each one of them. Because there's going to be a couple of those questions about why, where did this come from, what was the reasoning behind this?

**COMMISSIONER EYSTER:** That's clear. Thank you.

**CHAIR SHAFFER:** Go right ahead, Mr. Vos.

**MR. VOS:** Yes. Chair Shaffer and Commissioners, thanks for the discussion.

Moving on out of the zone districts into (inaudible) section of the IDO, a new proposal is to create an exemption for city facilities from the city's conditional use process. This is Item Number 11 in the spreadsheet.

There were approximately seven pinned comments for this amendment combined with the fire and police station change regarding sort of the applicability of these processes to city projects. And additionally, about nine e-mailed comments in opposition to this specific conditional use exemption, as it would potentially result in -- would result in less notice or input opportunities for neighbors.

Staff's comments on this is that the EPC should carefully consider the efficiencies of the development process for needed city services, and the provision of public services would outweigh the benefit or transparency that comes through public input in the public hearing process.

The proposed language staff did have reviewed by city legal staff, and we'll propose a condition for the commission's consideration for some slightly updated language to include the phrase "substantial government interest" and why this exemption could exist or should exist.

Staff is proposing a new outdoor amplified sound use. This is Item Number 2, as well as Number 7, and then one of the definition changes near the end of the spreadsheet. This would be a brand-new use as an accessory use in the mixed-use and nonresidential zone districts that's generally a permissive accessory use and conditional accessory in MX-T, which is a transition district.

Adding this new use with the associated definition and the use-specific standards, basically enables a curfew of that sound between 10:00 p.m. and 7:00 a.m.

There were five pinned comments made regarding amplified sound. Not as much that was e-mailed later on. One e-mail comment desired there to be no amplified sound during the regulated



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hours, which is the purpose of this amendment. The curfew would require the sound to be turned off completely during the 10:00 p.m. to 7:00 a.m. hours.

Another e-mail request alternatively requested to extend the allowance for amplified sound to midnight and to provide an exception for urban center, main street and premium transit areas.

I'd also note that there was some confusion in the comments about whether this would permit amplified sound that would otherwise be disallowed by the noise ordinance. And staff's response to that is that it does not. The noise ordinance still controls the maximum amount of sound, when you're allowed to do sound. The noise ordinance does not completely prohibit it during the hours when we are proposing to prohibit the sound. It uses decibel readings taken at a receiving property to see if that noise is exceeding the allowable thresholds. And those thresholds are based on what time of day or night the readings are taken.

So this proposed use does not really allow anything new per se, but is really to allow us to, through the IDO, regulate this sound in a different manner and requiring it to be turned off during the curfew hours.

The next couple of amendments for uses that I'm going to speak to are Item Number 3, which is for cottage development, which is a city council amendments, as well as Item 13 for duplexes, which is a city council amendment.

The cottage development use would allow units to be attached on one side and require dwelling units to have front porches.

The city council duplex amendment would propose to allow duplexes in the R-1 zone if they follow the following use-specific standards: That it's permissive; that it's attached to an existing building; and conditional if that use is constructed on an otherwise vacant lot. So this would prevent tear-downs and rebuilds, sort of as easily as a permissive use would allow because it would have the additional conditional use process.

It would prohibit duplexes on lots that have an accessory dwelling unit. And it would require street-facing facades to have an entrance and a window.

City staff in the planning department has also proposed a duplex amendment, that is Item Number 10 on your spreadsheet, which would permissively allow for duplexes in R-1 if they were located on corner lots of at least 5,000 square feet in size. So it's rather than allowing them throughout neighborhoods on all lots, with certain standards, it's a limitation to those larger corner properties only, where there's two street frontages where it could maybe be more appropriate for two units.

There were 31 pinned comments made about the duplex amendments in combination, and about 15 e-mailed comments in opposition to expanding allowances for duplexes generally. And there were a few comments that were submitted in opposition to the cottage development changes, particularly the attached units portion. But there were also a few comments that were submitted in support of these proposed changes to provide additional housing units and living options, as that's a critical need in our community.

Staff thinks that allowing duplexes in more locations is consistent with comprehensive plan policies encouraging for housing options, affordability, infill and gentle density, and

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would note that any proposed duplex would have to meet all parking requirements, design standards and small area regulations (inaudible) to ensure high quality and a development that's consistent with the established character of different low density neighborhoods.

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** Thank you, Chair.

Mr. Vos, we would only send forward 10 or 13; they're exclusive of one another?

**MR. VOS:** Chair Shaffer and Commissioner Eyster, you could send both of them. It would potentially require some massaging. But the -- sort of the standards of more restrictive would apply, or where -- you know, if someone came in and they had a corner lot of enough size, they would maybe be able to permissively do a duplex. But if the 13 amended by city council went forward, if that corner lot had an ADU, they would not be able to do the duplex on that corner lot.

And so we would be able to work with both of them in some manner.

**COMMISSIONER EYSTER:** Thank you.

**CHAIR SHAFFER:** That was a good question, because they are a little conflicting. I don't know how you could pass them both as is. So yeah, we'll discuss that as we're getting into the next part.

Keep going.

**MR. VOS:** Thanks. And regarding cottage development, I already sort of highlighted the public comments. But just from staff's perspectives, expanding allowance for cottage development is consistent for similar reasons as expanding duplex allowances.

We have fielded questions about the minimum and maximum project sizes for such developments. In order to do cottage development, you need to fall within a certain lot size, both minimum and maximum. So staff has been discussing some potential changes to these lot sizes that you may see in conditions of approval at your January hearing. And we'll welcome to discuss those further.

The next proposed change is regarding the live/work use. This is in your spreadsheet as Item Number 12. This change would add a permissive live/work use in R-1 and change the R-T and R-ML zones from conditional to permissive. It would add a prohibition specifically on cannabis retail and nicotine retail uses that weren't initially in the IDO when live/work first got added in 2018, upon adoption. And it would further allow a small restaurant use to occur as part of this live/work use.

The limitations of live/work would include that within R-1, or residential, only be retail and restaurant, with a maximum size of 3,000 square feet. It's only permissive on, again, a corner lot that's 5,000 square feet or greater. And in other locations, there would still be a conditional-use approval process.

And in R-1, it would only be on those larger corner lots and it would not be allowed on any other lot, even with a conditional use.

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Approximately eight pinned comments were made regarding live/work, plus ten or so e-mailed comments in opposition to the expansion of this use. Particularly as it relates to the R-1 zone district.

I've provided the definitions on this slide of live/work as compared to home occupation, as one or more comments brought up the fact that home occupations are allowed in R-1, and live/work has more limitations, and essentially that live/work is just more extensive in its scope than a home occupation is.

This proposal for live/work would foster small local, neighborhood oriented economies and provide economic opportunities that maybe have otherwise been limited in the past.

The question got asked at the study session, "What about grocery stores?" Grocery store is a separate definition and use from general retail, the difference being whether or not more or less than 50 percent of the floor area is devoted to the sale of food products for home preparation and consumption.

So if the commission wants to forward a recommendation of approval and allow for those more grocery oriented uses, it would be appropriate to add grocery store within the definition, similar to the restaurant and retail uses proposed.

The next change is Item Number 9 on the spreadsheet for overnight shelters. It would change the overnight shelter allowances in the use table to allow small overnight shelters of 50 or fewer beds permissively in several zone districts, where it's currently only allowed conditionally. And it would require a conditional-use approval for larger shelters or shelters that are located near residential or within 1500 feet of each other.

About seven pinned comments were made regarding this, and five e-mailed comments in opposition to these changes. There's particular concern over the conditional use for decreased separations; the 1500 feet between shelters in -- especially that one.

And is what is the impact of the proposed amendment as it relates to also potentially exempting city facilities for conditional use requirements that I mentioned earlier, where this amendment includes conditional use allowances or provisions. But if that goes away for city facilities, how does that impact city operated shelters.

Staff's comments on this is that it does not expand the zone districts where overnight shelters are an allowable use. It simplifies the process for those smaller shelters to open and provide much needed services through the permissive use allowance if they're properly separated and those smaller sizes. It additionally keeps the conditional use process in place when close to neighborhoods.

The next couple of changes are regarding general retail, as well as light vehicle fueling. Both have the same new use-specific standard to require a perimeter wall to limit and guide pedestrian access on the site in an effort to deter crime.

Like the request for front yard walls for low density residential, commenters were opposed to these changes. There were concerns regarding negative impacts on connectivity for pedestrians and urban design, with little perceived benefit.

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I will note that these two changes are Items 4 and 5 on your spreadsheet.

The EPC should carefully consider the extent to which walls in these instances improve public safety and whether the community benefits proposed potentially outweigh any negative impacts of connectivity and access that were brought up by the commenters.

The next change is for electric utility, which is Item Number 6 on your spreadsheet. It makes some modifications to the electric utility use requiring walls and landscaping for battery storage facilities that are associated with electric utilities, electric utilities being those public utilities such as PNM, and noting that they are intended to be regulated separately from stand-alone battery storage facilities that are proposed in an amendment I will talk about now.

Staff has proposed a new battery energy storage use, which is Item Number 55 on the spreadsheet, and has a separate exhibit to allow the use permissive in NR-LM and NR-GM zone districts, responding to recent requests for the use and a declaratory ruling by the zoning hearing examiner -- or zoning enforcement officer.

The new use has a definition. It includes use-specific standards for following fire protection rules, sound levels, landscape buffers and separation from residential land uses. Because these are unmanned facilities, there's no parking requirement proposed. And it includes some maintenance standard for landscaping near the facilities.

Some of these facilities use hazardous chemicals, and there have been issues around the country and elsewhere with the flammability of the sites. And we're trying to, through some of these use-specific standards, safeguard the public with where they get installed.

**CHAIR SHAFFER:** So, Mr. Vos, quick question. On that one, if Number 6 modifies the next, Number 55 identifies that standard that you're now going to refer to, correct?

**MR. VOS:** So Number 6 is electric utility, which is a public utility. And the Number 55 battery storage facility would be separate and more intended to regulate private battery facility operators.

The reason they're different is that PNM and other public utilities have separate and additional standards through the -- basically, the public regulation commission of the state. And so they're regulated differently.

**CHAIR SHAFFER:** Yeah, so (inaudible) the wording on 6 to say "as defined," and then you're creating a separate definition on Number 55?

**MR. VOS:** Correct.

**CHAIR SHAFFER:** Okay.

**MR. VOS:** Yes.

**CHAIR SHAFFER:** Thank you.

**MR. VOS:** Thank you, Chair.

There was agency and public comment on these battery storage

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system amendments. PNM submitted lengthy public comments in a letter that was attached to the staff report. They support the inclusion of best facilities as an important part of the transition to clean and renewable energy. But they raised significant concerns about the current language and some potential conflicts between, again, these two separate uses, private and public utility.

They've reached out to staff and staff is working on scheduling a meeting with PNM to further discuss these issues as we're moving this process forward.

There's also a comment from a battery storage system developer that was opposed to parts of the (inaudible) amendment as it's currently drafted. And I would also point out, there's a memo from city council staff requesting that the EPC not make any recommendations today and/or defer action to January or sort of punt on this, as they want to -- and they are involved in our discussions with PNM in terms of how to amend this language to make it more workable for all parties.

So since we've recommended continuance today, we'll see where we get by January, and perhaps we can resolve some of these issues by then. And we'll propose conditions of approval as appropriate based on that.

Now moving into Section 5 of the IDO, which is development standards for projects. There is a proposed change within the sensitive lands section for landfill gas mitigation to exempt landfills that were closed more than 30 years ago due to the landfill mitigation procedures.

There were at least five written comments submitted opposed to this change, including comments from Bernalillo County and the city's environmental services division. This change would be consistent with policies from our streamline development and efficient review processes. But staff has noted in the report that it reflects with policies for community health and potential land use impacts.

And as noted in the city's environment services division comments, all landfills that are currently actually within the city limits and regulated by this are over 30 years old. So if this change were to be approved, there would be no -- effectively no landfill gas mitigation requirement within the city any longer.

**CHAIR SHAFFER:** So, Mr. Vos, everyone is trying to keep up here, but that was Number 15, right? You've got China Osborn helping out, and Mikaela is also (inaudible).

**MR. VOS:** I appreciate that. I don't have my chat open, so yes, that's Number 15.

**CHAIR SHAFFER:** Okay. Thank you.

**MR. VOS:** Moving on now to a couple of city council amendments, there's a proposal to disallow the use of angular stone as an allowable material for parking areas in a front yard, as well as disallowance for the parking of recreational vehicles, boats or RV trailers in any portion of the front yard.

Specifically on the boat and RV parking, there are approximately 15 pinned comments on these two different proposals. There are comments both in support and opposition.

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After the 48-hour materials were sent on Tuesday, council staff e-mailed planning staff classifications regarding the intent of the proposal to only restrict or change such regulation on residential lots. So that is something we will be working on a condition regarding during the continuance period.

There does appear to be some confusion in the public comments, which may be related to this clarification needed on residential versus commercial properties. So staff will evaluate the city council staff request further for the January hearing, should this case be continued.

The next changes proposed by city council include the proposal to add a new parking maximum within 330 feet of a transit facility, which is defined as land use for transit stations, terminals, depots and transfer point, which may include shelters, park-and-ride lots or other related facilities.

And just quickly, parking maximums is Number 18 and the front yard parking requirements for Number 17 and Number 42. Parking maximums is Number 18. And then this landscaping applicability, the next one on the screen, is to -- to reduce the applicability thresholds for landscaping requirement by 20 percent. Some confusion over this was noted in public comment.

By reducing these numbers by 20 percent, it actually expands the applicability of the landscape requirements, so more projects will need to come into compliance with the current IDO landscaping regulations. Essentially, smaller projects will need to comply with landscape updates with this proposal from city council.

The public comment on parking maximums were mostly opposed to limiting parking near transit facilities. It was noted by at least one individual that people drive to park their car and then get on transit. Potentially related to that, counsel staff has requested a condition be added to exempt park-and-ride facilities, which would match the average intent of the employ. The counsel memo actually said that they wanted to exempt park-and-ride facilities, but that did not make it into the original submitted language.

Limiting surface parking areas is consistent with --

**CHAIR SHAFFER:** Mr. Vos, so, like, in that situation, would that not be a condition? Like, when we hear it next month, would it be a condition, or would it just be a -- because what we've done in the past is actually reworded, instead of making conditions, and voted on that change for that particular item.

**MR. VOS:** Yeah. Chair Shaffer and Commissioners, when I state "conditions," it could be a condition that said add this exemption, or it could be a condition that actually gives us the exact rewording. Because it is a change from what the -- what was in the application, it will be a condition of some form.

**CHAIR SHAFFER:** That's always not what we've done. Because in years past, we've actually rewritten it and swapped words out, so on and so forth, and then approved that rewording.

**MR. VOS:** Chair Shaffer, I would have to look at past practice. That does not seem -- I've only been involved in one prior annual update, last year, which was mostly done through conditions. And I think there was still, in that instance, if we reworded things in the spreadsheet, we would still need a condition noting that we -- that you are recommending approval of the updated

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spreadsheet or something along those lines. And I don't know if Counsel Myers has any -- any comments on this.

**CHAIR SHAFFER:** Well, real quick, before he chimes in. Because Ms. Renz-Whitmore came on.

And, Ms. Renz-Whitmore, that's totally what we did in the last two years, was reworded -- on things like this, that were a clear omission -- I don't want to use the word mistake, but some that the request came down from council as one item, and like, a little part like this got left out, we reworded it. It wasn't an actual condition.

**MS. RENZ-WHITMORE:** Mr. Chair, I hate to contradict you, but every change that you make to what was originally submitted has to be a condition, a recommended condition of approval to council.

So any change that you make to the spreadsheet or to any of the exhibits -- and you can -- you can absolutely reword.

**CHAIR SHAFFER:** Right.

**MS. RENZ-WHITMORE:** The condition itself would just be the rewording.

**CHAIR SHAFFER:** Okay. And I'm fine with it. I just want to make sure that we're looking at it all the same way. So don't worry about contradicting me, it's fine. I just want to make sure that we're looking at it the same way as we're thinking about how we're going to be looking at this when we start deliberating. So hundred percent fine.

**MR. VOS:** Thanks, Chair.

The last notes on the parking maximums amendments is that staff comments that limiting the surface parking in Albuquerque is consistent with several comp plan policy regarding transit and creating pedestrian-oriented neighborhoods. And further parking maximums do not apply to structured parking, but only to large seas of surface parking lots.

So someone, if they still wanted to provide additional parking, could do so in a parking garage, underground parking, and things of that nature, for these more transit heavy areas near transit facilities.

Moving on to some city staff proposed landscaping changes that are in a separate exhibit that's in the spreadsheet is Item Number 57. These changes brought in the applicability and sort of reword and order some of the building design standards to make them more workable in our high desert climate and environment.

As you can see on the right side from the proposal, it expands the minimum number of species used from five to ten. It sort of breaks out the sections on grass and irrigation, sort of in the separate subsections for more readability, that it's a 10 percent cap on cool season turf grass, 20 percent cap on warm season turf grass, and then prohibiting irrigation in those grasses on steep slopes, and to make sure that we're not watering over impermeable surfaces.

It adjusts the mulch planting requirements, specifies better plant spacing for both shrubs and trees. Sort of spacing of the plants based on the size that they will grow, so that they have adequate area to grow into. More clear technical wording about



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providing spacing away from utilities, and better, more clear language about what to avoid, again, with the irrigation systems.

There's a minor update related to the definition, as well, for warm season grasses.

The next proposed change in Section 5 regarding walls and fences within front yards. The change would allow a 5-foot tall wall permissively in the front yard if there's at least 2 feet of view fencing on top of the maximum 3-foot solid wall, and the wall is then set back at least 5 feet from the property line and that setback area is landscaped. This is --

**COMMISSIONER EYSTER:** 23, 24.

**MR. VOS:** Yes. Thanks. Item Number 23, and as mentioned, Number 24, is an adjustment to Table 5-7-2 that just corresponds with the change in the permissive allowance or where a taller wall is allowed.

There were 28 pinned comments regarding both this front yard wall and/or the commercial wall requirements that I mentioned earlier for retail and gas station uses. There were about 17 e-mail comments opposing this specific front yard wall change.

Staff analyzed the requests in the staff report and found that it is partially consistent with comprehensive plan goals and policies and may contribute to a sense of safety.

The EPC should carefully consider, again, the extent to which the walls improve public safety, and whether there are benefits there that outweigh negative impacts brought up in the comments.

Based on direction we heard at the study session, our historic preservation staff has provided some additional comments on front yard walls and fences. And as was brought up before, the 3-foot wall or fence height limit within the front setbacks has been part of Albuquerque's zoning code since the first code in 1959. Within residential areas, the front fence has historically been used to define the front yard and not necessarily for security, and noted that there may always be someone that wants to have taller walls for various reasons, and that if that's necessary, we do have our taller wall permit process and variance opportunities that still exist in the IDO.

The next change is a significant rewrite of the city's outdoor lighting standards. This is an exhibit and is Number 56 in the spreadsheet. The change is intended to make us more dark sky compliant and result in better lighting.

There were seven e-mailed written comments generally supporting this change, with some requests for specific alterations to the proposed rules. I'm not going to go line by line right now, but there's different changes here listed that were requested in those letters.

There were also 24 pinned comments made online, requesting some of these same changes, most likely from some of the same individuals.

Staff believes that the changes strike an appropriate balance between allowing for adequate lighting of outdoor spaces for both navigating and ensuring safety, while also encouraging less light overall to minimize our human impact on the night sky.

Continuance of the hearing today will allow staff to review some

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of these public comments and specific requests with our consultant that helped draft the exhibit that was submitted. So we do intend to provide some clarifying conditions, based on further review of this.

I would highlight that there was one public comment that I think is, you know, extremely important for something that's sort of as significant as rewriting the whole section of the IDO, is that they supported the change and that we shouldn't let perfect get in the way of good and this is a very good change for Albuquerque.

The next change for building design, submitted by city council, is Item Number 25, and it adds some facade articulation requirements for nonresidential development, other than industrial that happens to be located in industrial zone districts. And then different standards for industrial development in any zone district where it may occur.

There were five pinned comments online regarding building facades. And one specific e-mailed comment was generally in support of having some design requirements, but asked a change for industrial development section, extending the distances to 150 feet and to allow vertical projections and recesses in addition to horizontal. I believe the exhibit from city council started this at 75 feet, but did not include vertical projections and recesses, just horizontal.

And the menu that's included, and perhaps Shanna can weigh in, I believe, is the same menu that we use for other types of processes -- types of development, with just different numbers or percentages required.

So adding vertical projections would be something new introduced for vertical for industrial development if the commission wanted to pursue a condition for adjustment to this council proposal

**MS. SCHULTZ:** Yes, Mike, that's correct. When we were drafting this amendment for Councilor Fiebelkorn, we pulled the menu items from the existing menu for other types of developments. It was a little more narrowly focused, though. There's some menu items that were really oriented towards, say, pedestrian activity, things like awnings, for example, so we didn't include awnings in the menu for industrial development because that just seemed a little silly.

So generally, the menu items are the same. They were a little more hand picked. The proposed changes that Mike just spoke about that were e-mailed in as public comment, the sponsor of this amendment also received that e-mail and is in support of those changes. So council services would welcome a condition making those changes.

**MR. VOS:** Great. Thanks, Shanna.

Now we are moving from development standards into Part 6 of the IDO, which is our procedures section. It's the section where we talk about what applicants need to submit for review and what the criteria are for making a decision. We are constantly striving to find the right balance between our rules and our process to allow for both predictability, but flexibility in our land use and development processes.

So if you follow the rules, you're more often an administrative decision by staff, and these rules are decided during or annual update process. If there's sort of more requests for exceptions

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to the rules, there's more neighborhood notice, and those decisions require a public hearing. And then discretionary decisions are the most flexible, require the most notice, and go for public hearings, often before this body, the EPC, and are decided on a case-by-case basis, using comprehensive plan policies.

The first time amendment I'm looking to talk about in here is regarding appointments to the EPC, just briefly, that this is mostly clarifying when the appointment process is allowed to begin; that it can happen before any commissioner leaves, to alleviate or minimize the potential time that a seat is vacant.

Some comments were made on this and seemed to believe that bigger changes were happening with regard to who picks the members of the EPC, whether that's the mayor and/or the city councilor. And in terms of the city councilor picking two names and that the mayor then selects one of those two for the advice and consent of city council is the existing process and is intended to remain and continue to be that existing process.

**CHAIR SHAFFER:** Thanks for clarifying that, because that was one of the glaring comments, that someone thought that that process was changing. It's literally just clarifying an already existing one and allowing for some overlaps. So thank you for clarifying.

**MR. VOS:** Absolutely. And that is Item Number 20 eight on the spreadsheet.

The next item for pre-submittal neighborhood meetings and how long they're valid for, was a city council amendment to extend this period from 90 days to one year. That's item Number 30 in the spreadsheet.

And then I guess, slightly out of order, backing up one to Item Number 29, to pre-submittal neighborhood meetings, is to replace an existing adjacency requirement on which neighborhood associations need to be notified for pre-application or pre-submittal neighborhood meetings with a set 330-foot distance. That is intended to match what the adjacent rule currently picks up.

Many comments submitted generally oppose the changes regarding the shift for this from adjacency to the specified 330-foot distance. There was at least one public comment made that did support this distance change as meeting the intent, and actually, in some cases, 330 feet providing a little bit bigger distance than what adjacency would normally cover.

Staff's comment on this is that the proposed set distance of 330 feet is more easily mapped and in most cases is more generous than the existing requirement. 330 feet is approximately a city block in length. The adjacent is either abutting or touching and sharing property lines or across a street. Local streets are only 50 feet wide and many of our major arterials are only 150 or 200 feet wide, such as Montgomery or Coors. So 330 feet sufficiently covers the vast majority of these adjacency scenarios.

The next change is regarding referrals to agencies and clarifying the time frames for getting comments from those agencies that we send our applications to.

When an application comes in for a case that has a public hearing, we allow and require the consideration of comments received within 15 days by staff and the hearing body. And for

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administrative decisions, the city doesn't -- when it's administrative, and it's just whether or not you follow the rules, the city does not necessarily delay those decisions a 15-day full comment period in the same way as public hearings.

I don't have a comment slide on this change. This is Number 31 on the spreadsheet. There were a couple of comments about this process. I think there was some confusion about whether these referrals were about comments from neighbors or interested parties to an application. Those are handled sort of separately, outside of this. This is specifically for agencies, such as Albuquerque Public Schools or Bernalillo County and other agencies that we may send an application to to request their input.

The next change is an exhibit from city council for tribal engagement. This proposal is to require that tribal entities or representatives be considered as commenting agencies and get those referrals that I just mentioned for projects that are located within 660 feet of the national monument, 660 feet of any major public open space or designated tribal land.

The original proposal included Albuquerque Indian School area, but council has requested that be removed because it is covered essentially by the 660-foot distance from tribal land or land that is held in trust by the tribes.

Item Number 5, as you'll note, with the asterisk, land within 660 feet of the Northwest Mesa VPO is a small area application, a separate review and approval process, so this commission should avoid discussing this particular aspect of the tribal engagement process at this point in time because it will be a separate quasi-judicial hearing that you will hear in January.

**CHAIR SHAFFER:** And that's Number 58, correct?

**MR. VOS:** I'm going to say that sounds right. That is correct, yes, 58.

**CHAIR SHAFFER:** Thank you.

**MR. VOS:** And the last thing on this slide is that in addition to referrals for applications in these mapped areas, tribal entities or representatives would be involved in getting notice of archaeological certificate applications.

The Pueblo of Laguna submitted comments to the city and supports the goals of this amendment, with three particular suggestions.

They have requested an extension of the 660-foot distance, an extension of the notice requirement to the Coors Boulevard overlays, or one of them, at least; and further, that they be allowed to supplement the notice by designating an additional tribal officer or employee to receive notice, in addition to the mentioned representatives, such as the tribal historic preservation officer.

There were four other e-mailed comments and six pinned comments made online, generally supportive of including our tribal neighbors in our review processes.

Planning staff is working with council staff to further share this amendment and solicit feedback on it. Staff presented to the commission on American Indian and Alaskan Native affairs just yesterday, on December 13th. And we believe this proposal provides transparency and opportunities for discussion and

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engagement about development that may impact tribal communities, and are fully supportive of what's being proposed by this amendment.

The next changes are all regarding public notice, public notice to neighborhood associations. This is Item Number 32. This would change, again, that adjacency requirements to a set distance for notifications of two neighborhood associations, both for e-mail and mailed notice.

The next change is a change for mailed notice to property owners. Again, it would remove the adjacency requirement and stick generally to a specified number. For property owners, that distance is 100 feet, and it would apply to all application types, with an exception for zoning map amendments that are required under state law, to include properties across the street.

**COMMISSIONER HOLLINGER:** Chair, can I ask a question?

**CHAIR SHAFFER:** Yes, sir, go right ahead.

**COMMISSIONER HOLLINGER:** Thank you. This is Commissioner Hollinger.

Mr. Vos, I really was curious about this one. Is this alluding to replacing mail notifications with e-mail? I just had a hard time understanding the intention of this.

**MR. VOS:** Chair Shaffer, Commissioner Hollinger, no. So for neighborhood associations, mailed notice is currently only required when a neighborhood association representative does not have an e-mail on file with the office of neighborhood coordination. And then otherwise, we use e-mailed notice.

What this does is, so if a project is happening on one side of a street and your neighborhood association boundary stops at that street, right now, the IDO says that you have to notify the neighborhood association because that association is adjacent, which means that the site is inside the neighborhood association boundary or across the street from that neighborhood association boundary.

What we are proposing to do is replacing that adjacency or across-the-street reference and saying it's any association within 330 feet distance from a site. 330 feet is bigger than almost all roadways, and so it should capture basically all of the same neighborhood associations.

**COMMISSIONER HOLLINGER:** So essentially this strengthens the notification for neighborhoods?

**MR. VOS:** It makes it more query-able and easier for staff to just -- you know, we look at a map, we punch in the distance in less of, like, is there a street, how wide is that street, how do we pick that up. It strengthens it in the way that it's easier for staff to provide the contacts and the right neighborhood associations to applicants.

I think I've noted before that, you know, right now with adjacency, a neighborhood that's on one side of Interstate 40 would hear and get notice of an application that's happening on the other side of Interstate 40. Interstate 40 and Interstate 25 are wider than 330 feet, so there's a trade-off happening where in the vast majority of instances sort of strengthens this with just this specified number, but you would lose, you know,

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notification of an application that's across the interstate highway from you if your neighborhood association happens to be up against the interstate.

**COMMISSIONER HOLLINGER:** I understand. I appreciate the clarification. That one was really giving me heartache, so thank you.

**CHAIR SHAFFER:** Thank you, Commissioner Hollinger.

Okay, Mr. Vos.

**MR. VOS:** Thanks. And, again, this would -- similar removal of adjacency for the property owners. They would still receive mailed letters if they're located within 100 feet of the property. And adjacency would remain for zoning map amendments.

For small area IDO text amendments, similarly, removing the adjacency requirement for these small areas and really confining it to those within 100 feet of the proposed amendment. Generally speaking, the small areas only really affect the properties that are actually inside of the boundary, so even 100 feet is letting more people know what is happening, let's people nearby know that there might be changes. But the actual sort of property right impacts of the amendment are what's happening inside of the small area boundary.

We are similarly proposing this same adjacency change to a 330-foot distance for post-submittal facilitated meetings. I've already talked about pre-submittal, before an application is submitted. And this would apply the same distance to meetings that happen after an application is submitted to the city. So this is just these last slides, going down the list, Items 32, 33, 34 and this is 36.

Sort of I think this is the last change that's related to this replacement of adjacency and using the set 330-foot distance to match all other decisions. And this is in the appeals section of the IDO. This is Item Number 37. And as you can see in the IDO text, on the right side of the screen, the neighborhood associations within distance specified has lots of "includes" or "is adjacent." So that would be replaced with "330 feet." And we are also proposing to reduce the 660 feet to 330 feet for consistency for all different types of notice and provisions.

These different notification and referrals changes received 15 pinned comments online. Like the change before about pre-submittal meetings, there's a general opposition to changing our notice requirements.

Changes to property owner notice and automatic standing for appeals do have some reduced distances in some cases. However, staff believes that the 330 feet is the appropriate distance to cover that "includes" or "is adjacent," and really creates more consistency between each step of our review and approval process, making sure that when you're notified, when you have the ability to appeal, and all of your steps where you're involved in an application, that comes through the city, creating consistency between those.

The next change is regarding nonconforming structures. This is Item Number 41. And it's to delete a provision that currently exists, where if a structure is vacant for two or more years, when someone wants to reoccupy that structure, they have to bring it into conformance with all the IDO regulations, which can be burdensome and, in some instances, may require them to tear down

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portions of the structure.

Staff believes that deleting this and allowing the reoccupation of structures, that incentivizes the reuse of existing buildings. And I would note that this does not affect nonconforming uses. So if you're use is not allowed by the zoning code, you would still have to cease that use and change the use of the building to something that conforms.

I did not include a comment slide on this. I believe there's only one comment about this, so nothing really significant, in the opinion of staff. But there was a comment that you should review, sort of asking whether or not the reuse of existing structures is, you know, more beneficial, than eventually requiring all properties to come into complete compliance with the IDO over time.

Moving now into Part 7 of the IDO, which are definitions, first, for community residential facility, which is Item Number 46, staff is proposing to revise the definition here to make it more operational, enforceable and parallel to other defined terms. We're also proposing amendments for group home and nursing home. And here's some more of the modifications.

Similarly, here is the proposal for the change for a group home, Number 47, to again, sort of match how we define these different uses that are very similar to each other but perhaps involve different persons. Community residential facilities are specifically for persons who are handicapped or meeting the standards for protection from housing discrimination under the Fair Housing Act, as opposed to other individuals.

And here's some further changes to the group home amendment. Staff has further proposed an amendment to the definition for overnight shelter to specify a 24-hour skilled nursing care, which would otherwise be regulated as a nursing home or a hospital, if someone is constantly being cared for by nurses. And this is Item Number 49 in the spreadsheet.

Some comments were submitted that expressed concern about the removal of a 24-hour minimum stay in the community residential facility in group home definitions, as potentially a way that the city would be allowing overnight shelters within neighborhoods under those other uses. Concern has also been expressed about halfway houses being brought into neighborhoods based on these changes.

Staff's comments with regard to that is that these changes replace the 24-hour period and related language by stating that the use is to provide a residential and services.

**CHAIR SHAFFER:** Did we lose you? Anyone else?

**COMMISSIONER HOLLINGER:** I don't hear him any longer, Chair.

**CHAIR SHAFFER:** Mr. Vos, you can get back up on the Chair there.

**COMMISSIONER EYSTER:** (Inaudible) what to do.

**CHAIR SHAFFER:** What happened?

**MS. RENZ-WHITMORE:** Mr. Chair, could I suggest we take a quick five-minute break to hope to Internet goes back in for Michael?

**CHAIR SHAFFER:** We can. Let's do five minutes only. And then we're going to have to discuss what we're going to do in terms of



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our next little break. But five minutes, we'll come right back.

**UNIDENTIFIED FEMALE:** Chair Shaffer, can you hear me?

**CHAIR SHAFFER:** Yes, ma'am.

**UNIDENTIFIED FEMALE:** This is (inaudible). Me and Ms. Lehner are here. Let me see if I can get this back up.

**UNIDENTIFIED FEMALE:** Yeah, see if you can do that.

**UNIDENTIFIED FEMALE:** Can you see us now?

**UNIDENTIFIED FEMALE:** Yeah, we're here.

**MS. LEHNER:** Commissioners and Members of the Board, we just had a power failure and a surge, so that impacted us somehow and so -- yeah, that's never happened in an 18 year career, so go figure. But it happened today. So yeah, we'll be back up shortly, I hope.

**CHAIR SHAFFER:** Yeah, let's just come back in five minutes.

**UNIDENTIFIED FEMALE:** Yeah, and just to add to that. I'm on because my laptop is connected to city wifi. But I'm assuming (inaudible) are connected --

**CHAIR SHAFFER:** Got it.

**UNIDENTIFIED FEMALE:** -- via -- hard wired in.

**CHAIR SHAFFER:** Okay.

**UNIDENTIFIED FEMALE:** I'm still recording though.

**CHAIR SHAFFER:** Yeah, it says that, so we're good. So we'll be back in a minute.

**UNIDENTIFIED FEMALE:** So let's just -- 15? Did you say 15?

**CHAIR SHAFFER:** Well, we should be -- everything should get rebooted here in the next five minutes, so we'll be good. We'll come back in five

**UNIDENTIFIED FEMALE:** Okay. Thank you.  
 (Off the record.)

**CHAIR SHAFFER:** All right. Well, I'm back. I don't know if anybody else is back.

Commissioner, Commissioner. We obviously can't do anything without Mr. Vos, so -- he's got one of those 1970s computers that are taking 10 minutes to reboot.

Ms. Renz-Whitmore and staff, I recommend that Mr. Vos get allowed to buy a new computer.

Yes, Commissioner Stetson.

**COMMISSIONER STETSON:** Yeah, I'm wondering while we have this little delay if we might think about having Mr. Vos' presentation, what we just heard, and public comment links to our next staff report so we can have some time to put everything together and make sure we haven't missed anything. It might be helpful for the 11th.

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**CHAIR SHAFFER:** Oh, sure, yeah. So kind of what'll happen, I think, we'll probably -- just so it's fresh in our mind, once he finishes, which I know he's at the end because he's on Part 6, let's go through all of our questions that we have written down. Then we'll probably take a lunch break and get to public comment after that.

And that way, the public comment, once we get through that, then we're going to go through after that just like we did on the other case, figure out what it is that they've got to go modify, make changes on. He already noted a bunch of changes from staff comments. We're going to develop some more. And then that's what will get continued to the next meeting. And then all that will be a new staff report -- or revised staff report that we get between now and next month.

**COMMISSIONER STETSON:** So then we would get a link --

**CHAIR SHAFFER:** Oh, yeah, yeah, absolutely.

**COMMISSIONER STETSON:** -- to all this, so that we can review it and catch anything that we might have missed in the --

**CHAIR SHAFFER:** Absolutely.

**COMMISSIONER STETSON:** -- in the process? Great. Thank you.

**CHAIR SHAFFER:** So let's see. Man, I'm picturing those big, gigantic computers that are up on the wall and with the big circles on them and the reels of tape are going on, and that's what Mr. Vos is working with right now.

And Ms. Renz-Whitmore just put in there, EPC commissioners will get the presentation and they'll post it on the planning web page and the IDO web page.

**MS. RENZ-WHITMORE:** Mr. Chair, we can absolutely wait for a few more minutes or you can perhaps go to lunch and give us a little more time to get things up and running.

**CHAIR SHAFFER:** Ugh. I hate losing steam. I'd love for him to finish, because he was almost done, and then get through our questions.

**COMMISSIONER MACEACHEN:** Maybe (inaudible) we had steam.

**CHAIR SHAFFER:** Yeah. Let's wait for another couple minutes here. It's just the OCD in me not wanting to stop in the middle of something.

Oh, she's saying power is still down.

**COMMISSIONER MACEACHEN:** Boy, I'm glad I'm not chair.

**CHAIR SHAFFER:** Well, if the power is still down currently at Plaza del Sol -- you guys don't have a backup generator there? What's going on? What's up with the city?

**COMMISSIONER MACEACHEN:** (Inaudible) get away with generators.

**CHAIR SHAFFER:** That's right. The recently revised air quality rules said that they don't get to have that kind of stuff.

Well, the power is still down. Then I'm going to say that we need to just go ahead and adjourn for a quick lunch, because we have to hear the finish of the presentation, and then we've got

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our entire list of questions that we get through. So we can't do anything.

So it's 12:25. I prefer not to do a 35-minute -- YOU might get all the way to 1:00? I saw a one go up. That's a long time.

I don't know. What's everyone's thoughts?

Ms. Renz-Whitmore I see you trying to say something.

**MS. RENZ-WHITMORE:** I do, Mr. Chair. I'm going to recommend that Michael head home, where the Internet is probably working, and do the rest of the hearing from his house or some other location that has power and Internet.

So I think if lunch can be at least 30 minutes, that will give him time to hustle home.

**CHAIR SHAFFER:** All right. 1 o'clock it is. We can reconvene at 1 o'clock.

(Lunch recess.)

**CHAIR SHAFFER:** All right. 1 o'clock. I am going to lower each person's hand. And the reason I'm doing that is because I can't move people around when hands are raised, and I got to get everybody situated. And then just re-raise them after I get the screen situation. Everyone will definitely have their chance to talk whether their hand is raised or not. So you'll be all good to go. So just give me two seconds here.

I definitely have got to put Michael Vos up her at the top. That's an odd thing in Zoom, that you can't rearrange your screen when you got people with their hands raised.

So let's see. We got one, two, three, four, five, six. All right. I got everybody organized the way we need them. Perfect.

It is 1:01. Everyone can go ahead who had their hands raised, you can go ahead and re-raise them again for public comment. So you're good to go.

It looks like we've got all commissioners back on board and Mr. Vos.

So, Mr. Vos, I think you were in the middle of the word, "Heh." So figure out where you were on that, and if you don't mind re-sharing your screen and continue from that work.

**MR. VOS:** Thanks, Chair and Commissioners. And I jumped back a couple slides in my presentation just for the sake of clarity and to figure out where I was.

We have some proposed changes in our definitions to clarify the community residential care at residential facilities as well as the group home use, to make them more parallel to each other and enforceable.

We have a slight modification regarding overnight shelters that does not include 24-hour skilled nursing care. And I think that's important, because someone may receive some level of care at a shelter, and it's just the fact that if you stay there 24 hours or continuously, that you're either a nursing home or a hospital use.

So with regard to these changes and definitions, there were comments that were concerned about the removal of a 24-hour

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minimum stay for the community residential facilities and group homes as a way that -- for potentially an overnight shelter could potentially fall in a residential neighborhood under those different amended definitions.

Concern has also been expressed about halfway houses in neighborhoods based on these changes.

Staff's comments in response to those are that these changes replace the 24-hour period and related language by stating that the use is to provide a residence and services, but the use of the word "residence" is intentional. And a residence is defined as a person's home, where someone lives, as opposed to language that's in the overnight shelter definition; for instance, it says it's a temporary or transitional sleeping accommodation.

Halfway houses would fall under the group home use. And group homes are not allowed in any R-1 residential neighborhood. And that's the difference between those uses that are meant for members of a federally protected class that fall under community residential facility may live in a home that's in an R-1 neighborhood. If you're not a federally protected class, you would fall under the group home use for living. And those are first allowed as a conditional use in our multi-family zone districts.

Staff is proposing a condition, some revisions, on Item Number 46 to clarify the definition further in response to the comments about that it's a use that does not include -- it's not intended for persons currently using or addicted to alcohol or controlled substances or not in a federally recognized program or for facilities for persons in the criminal justice system, or facilities to divert persons from the criminal justice system.

Again, so reiterating that a community residential facility is not intended for group home uses and differentiating those.

The next change regarding definitions that I'm going to cover is Item Number 52 in the spreadsheet, which is a sensitive lands definition for a large stand of mature trees.

**CHAIR SHAFFER:** Quick question for you, Mr. Vos. Did you run home and put all these item numbers in the corners like that while we were waiting?

**MR. VOS:** Chair Shaffer, Commissioners, I did not put the numbers, but Ms. Renz-Whitmore, while I was running home, jumped into the presentation and added some numbers for your help, for your --

**CHAIR SHAFFER:** Edification.

**MR. VOS:** Yes.

**CHAIR SHAFFER:** We'll say edification. Thank you.

**MR. VOS:** That was not me. That was Ms. Renz-Whitmore. And I appreciate that.

**CHAIR SHAFFER:** Yeah, she is always on top of those things. Thank you. Anyway, keep going.

**MR. VOS:** Yes. So this change regarding sensitive lands, what constitutes a large stand of mature trees is proposed to change from a collection of five or more trees that are 30 years old, at least 16 inches in diameter, to at least three trees that are ten

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years old, 8 inches in diameter, on a property.

Another sensitive lands definition change is proposed related to rock outcroppings and changing it from 6 feet high and 500 square feet in area to 4 feet high and 300 square feet in area. Both of these definitions changes are revised to be more realistic, given sort of the existing conditions here in Albuquerque with regard to these rock outcroppings on the mesa top or for trees that are in town.

There were plus or minus five written comments supporting these revised definitions for both large stand of mature trees and rock outcroppings.

There's one comment opposed to the change as they would lower sort of the thresholds of what constitutes the sensitive land, and then which implicates some development standards and potentially having to do a site plan EPC process.

Moving beyond the items in the spreadsheet briefly, before I close, there are some additional changes that staff wants to make you aware of that will likely show up in conditions of approval.

One is the definition of "adjacent." To add a sentence: Properties that are on opposite corners of an intersection diagonally.

Next, kitty-corner or catty-corner are not considered adjacent. This is proposed in response to a district court decision following development -- a recent development approval that was appealed, and the Court upheld the approval, to date, based on just some city staff interpretation of the ID0. And so this is clarifying the definition in response to that.

Another change is with regard to street-facing facades and the definition for those facades, so specify that it's a facade that faces and is visible from an abutting street, not including alleys, as opposed to one that is within 30 feet of the property line.

I think there's lots of changes proposed or several between city council and staff about building facade guidelines. And staff has found during project review that there are large buildings being built on large parcels that have essentially avoided any sort of building design standard solely because they're set back so far from the property line.

And those buildings may still be highly visible from the street and should comply with some of our building design standards. And this change in the definition of oriented at more about the visibility of the building than how far it is from a property line would effectuate that.

Lastly, some things for your consideration. If you've read through all the public comment, there were several different proposals. These are just a couple of them from members of the public to potentially add things to the spreadsheet that were not put forward by staff.

There is a comment about adjusting setback requirements within the campground and RV park use to add a new use for specifically data centers with a definition.

Right now, the city essentially classifies them as personal and business services, large or some other related use that's sort of interpreted by the zoning enforcement officer.

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And there is a request from members of the public to adjust our annual update cycle from going through this process every year to going every other year, among others.

And with that, again, staff recommends continuance of this case to further, you know, respond to public comment, hear public comment and work through the different items with you all for conditions to send to the city council.

And I will stand for any questions you have.

**CHAIR SHAFFER:** Okay.

**COMMISSIONER HOLLINGER:** Commissioner Hollinger.

**CHAIR SHAFFER:** Well, yeah, hold on.

All right. So we got through the entire section, and I'm sure you're going to end up putting things back up. We have some of the commissioners who can't unmute. So this is the same thing that happened the other day to me, Mr. Salas. There's some weird thing that happens when people get out and they come back in, they're not allowed to unmute themselves. So that's some weird thing that keeps happening. Because Commissioner MacEachen left for a while and came back.

**COMMISSIONER MACEACHEN:** I can talk now.

**CHAIR SHAFFER:** Yeah, it's just some weird thing. That's what happened to me last Thursday, when I was on the road. Every time I got out and got back in, it was like no-man's land.

All right. So everyone was able to get in. So let's go through -- and Commissioner Hollinger, I saw that you had some questions.

We can either do one, two at a time or go through each one of the items. I don't want to touch on an item that doesn't require any commentary from us until after we've heard public comments. So probably let's just go with the generic clarifying questions, what do we need responses on now.

So we'll go to Commissioner Hollinger first because he chimed in first.

**COMMISSIONER HOLLINGER:** Thank you, Chair. This is quick.

Mr. Vos, I didn't catch something at the very end of our presentation. Did you say that the IDO updates would potentially happen every other year? Did I hear you say that?

**MR. VOS:** Chair Shaffer and Commissioner Hollinger, I mentioned that some members of the public have submitted comments to you that are attached to the staff report requesting that you all recommend to city council changing our annual update process.

So this annual update is required by the IDO, that we sort of open the hood and look at the rules once every year. And the public comment is that you and the city council should change that to every other year.

Staff has not proposed that, but members of the public would like you to do that so that we're not here every single December talking about changes.

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**COMMISSIONER MACEACHEN:** But doesn't biannual mean twice a year?

**MR. VOS:** Chair Shaffer and Commissioner MacEachen, I'm pretty sure biannual could mean either/or.

**COMMISSIONER MACEACHEN:** I'm not doing this twice a year.

**MR. VOS:** So we can go every other year or twice a year, sort of at our discretion, I think.

**CHAIR SHAFFER:** I think that -- anyway, we'll -- all right.

**COMMISSIONER HOLLINGER:** Do I still have the floor, if I may?

**CHAIR SHAFFER:** Yeah, I was going to say, Commissioner Hollinger, do you have anything else?

**COMMISSIONER HOLLINGER:** I do. Thank you.

This is just a comment, but it would be amazingly helpful if we do this in order, instead of jumping back and forth. That was tedious. So I yield.

**CHAIR SHAFFER:** I think what I'll say is, when we get to -- after we hear public comment, because we're definitely not going to get public comment in order, that's for sure. So I think let's ask our questions now of what anyone wrote down and want clarifications. I have a couple regarding specific items about where -- you know, what was the -- where did this come from, where did this develop from.

And then, when we go -- once we finish public comment, yes, absolutely, we're going to go straight down the list. Absolutely.

But for now, since it's all over, I don't know how to control public comment in order. There's no way to do that.

So let's just ask our questions and we'll -- that's a the reason, honestly, Commissioner Hollinger, why I had everybody print everything up and why we had everything, so you can just jump back and forth within your spreadsheet, make your notes.

All right. So Commissioner Meadows has his hand up.

**COMMISSIONER MEADOWS:** Yeah, thank you, Chair.

Mr. Vos, I have a few questions related to live/work duplex and cottage development.

So for live/work, is that in the same building or is that in multiple buildings? Can that be two buildings on the same block, or is that generally in one building?

**MR. VOS:** Chair Shaffer and Commissioner Meadows, I'm opening the IDO to confirm this, but my understanding is that the definition of the live/work dwelling has the work space connected to the living space.

**COMMISSIONER MEADOWS:** Okay. So if we were to entertain having retail within live/work, then it would be in a connected building, the same building?

**MR. VOS:** Chair Shaffer, Commissioner Meadows, that's correct.

**COMMISSIONER MEADOWS:** Okay. That's good.



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And then for duplexes, so currently in the IDO, a duplex is only allowed in the R-1A, and it has to be on two separate lots; is that correct?

**MR. VOS:** Yes, that's correct.

**COMMISSIONER MEADOWS:** So currently, duplexes are not allowed on the same lot because apartments are three or more units; is that correct?

**MR. VOS:** Chair Shaffer and Commissioner Meadows, that's correct. Three or more connected units are either a townhouse, if they're all side by side, or they're apartments if they're more, like, up and down separation.

**COMMISSIONER MEADOWS:** Okay. And then for cottage development, those are separate individual homes, but they're all on one lot; is that correct?

**MR. VOS:** Chair Shaffer and Commissioner Meadows, that's correct. Cottage development is multiple smaller homes that share a property.

**COMMISSIONER MEADOWS:** Okay. That's all I have. Thank you.

**CHAIR SHAFFER:** Perfect. Thank you, Commissioner Meadows.

Like I said, I'm going to wait till the end, because I've got seven or eight. But I'm sure some of you guys are going to hit some of mine. So I'll wait till the end.

Who's next? You can't tell me nobody. Really? No one has any questions for everything we just heard for three hours?

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Okay. Commissioner Meadows is back on. But, Eyster, you spoke first, so Commissioner Eyster.

**COMMISSIONER EYSTER:** I didn't want to pose a question at this time. I'm willing to sit tight and base some of my questions more on public input.

**CHAIR SHAFFER:** Okay. Understood.

Commissioner Meadows.

**COMMISSIONER MEADOWS:** Yeah, thank you, Chair.

So, Mr. Vos, one of the proposals is to have walls around, like, light fueling stations, and I'm not sure what the other kind of commercial use was. But currently for those types of uses, do we require a wall, a short wall, if there's surface parking that comes up to the street? Do we have any kind of a wall requirement?

**MR. VOS:** Chair Shaffer and Commissioner Meadows, yes. In our landscaping and buffering section, the IDO has requirements for if there are parking spaces within a parking lot that are located within 20 or 30 feet of the front lot line or a side lot line that's abutting a street, that a small wall is provided to shield the pedestrians and drivers in the roadway from headlights and the like from cars in those parking spaces.

**COMMISSIONER MEADOWS:** Okay. And the proposal before us is

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higher than 3 feet, so it can't just be -- can it be 3 feet or less? It has to be higher than 3 feet; is that right?

**MR. VOS:** Chair Shaffer and Commissioner Meadows, the proposal, the way it's written right now, I'm going to share my screen, is to require a wall or fence at least 3 feet. So it sort of matches the screen wall requirement, but would require it even if there isn't parking in the vicinity. And it specifies some specific locations around the perimeter, and then also from the edge to and along the side and rear property lines to control pedestrian access from, like, those sort of more the back of the building sort of areas.

**COMMISSIONER MEADOWS:** Okay. And it can be a fence. It could be an opaque fence? It's not a solid wall, like with the parking wall?

**MR. VOS:** Correct. Chair Shaffer, Commissioner Meadows, this is -- this could be open, this could be like a wrought iron, sort of like picket fence. It could be any type of allowable fence material.

**COMMISSIONER MEADOWS:** Okay. I'll yield to other questions.

**CHAIR SHAFFER:** All right. Any other commissioners? Commissioner Stetson, go right ahead.

**COMMISSIONER STETSON:** Mr. Vos, Chairman, Commissioner -- Vos, could you do me a favor here and kind of walk us through Items 32, 33, 34 and 36 to understand why staff feels it's necessary to change the notifications to the neighborhoods.

You know, given what I feel is a failed ordinance with narrow, and where neighborhood organizations are having trouble getting participants involved to take on us, why we would even consider limiting the notice and the public comment?

I think this is something that is concerning for all the neighborhoods. And with staff's position on trying to create a balance, it seems like the balance is maybe getting a little bit off in favor of development or administrative political agendas.

So if you could address that for me, I'd really appreciate it. Thank you.

**CHAIR SHAFFER:** And honestly, I thought it was -- I'd be interested -- I want to hear the answer, too. I thought it was going the other way. I thought it was actually simplifying it and making it more clear. But yeah, if there's something different there that I'm not seeing, yeah, I absolutely want to hear that.

**MR. VOS:** Chair Shaffer and Commissioner Stetson, appreciate the question.

So the change to move from the use of the word adjacency in these instances and using a set number is intended to be more efficient for the staff members that when requests come in, a staff member needs to pull up a map, run the query, get the information on the affected neighborhoods, and then turn around and provide that to an applicant.

Using a specific number, the mapping or query tool that staff uses can't automatically -- you know, you can't punch in "adjacent" and have it figure out that -- you know, there's a roadway, so we need to figure out what's on the other side of the

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roadway. The number is a specific number and it's easier and more efficient for staff to use.

This is also important related to, we feel, the city moving to a new application software program. We're adopting a Tyler Technologies platform right now that should hopefully be implemented next year, and so there's some efficiencies and things that can happen with our new software platforms.

To Chair Shaffer's point of thought it was going in the opposite direction, I think it depends on the unique circumstances and what parts of this we're talking about. You know, in many parts of the city, 330 feet is going to pick up all adjacent properties to your neighborhood association boundaries. If you're near the interstate or perhaps Tramway Boulevard that have wider rights-of-way, 330 feet might not pick up what's on the other side of those really wide roadways.

So there is that balancing act, and what we're asking this commission to decide is the benefits of those efficiencies for our staff and our software programs versus, you know, some of those few instances where the number isn't big enough. I mean, this commission can also recommend different numbers.

On the appeals item in particular, specifically I mentioned we are proposing a reduction from automatic standing from where a number already exists in the table of 660 feet down to 330 feet to create a consistency for all -- you know, if you receive notice at 330, then you have appeal standing at 330, instead of granting appeal standing beyond what even someone might receive notice for, which happens or is available in some cases.

I hope that provides some clarification. And I guess I'd invite Ms. Renz-Whitmore if she has anything else to add to what I've already said.

**CHAIR SHAFFER:** So before we do that, Commissioner Stetson, does that answer your question or generate more questions?

**COMMISSIONER STETSON:** Maybe a little. I'd like to ask -- again, with regard to narrow and these changes in notification, my question would be this, that what would staff's position be if we were to discuss or drill down that when these changes are happening and we have neighborhoods that are not being notified because of the new changes of whether they're recognized or not recognized, could we not be a little bit more fair by making sure that at least the neighborhood coalitions in the affected area would be notified so that they could then make sure that property owners and the neighborhood associations are aware of the changes?

Does that make any sense?

**CHAIR SHAFFER:** It does for me. I think that's a separate -- you're talking about a notification thing through narrow, not necessarily what these are. So these are distances --

**COMMISSIONER MEADOWS:** Not necessarily. Not necessarily, Chair. Excuse me.

You know, I'm just thinking that part of the process, to make it that we consider that outside of the 330-foot, 660, you know, those distances, the one block area, and then, you know, where we have this issue before us about, you know, I-25, anything across I-25 today, we get notified, if we passed the amendment, we wouldn't necessarily see that.

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So I'm just wondering whether or not it might make sense that we make that kind -- or we recommend to council that perhaps making sure that full notification is made, at least to the coalitions, to kind of make sure that everybody gets to be heard. That's all I'm looking for.

**CHAIR SHAFFER:** Okay. Well, we'll have to think about that. But you touched on one of my questions, which probably is more of a picture through the GIS system or something, which was -- and that was one of my questions, was if picturing not catty-corner, because we just learned that that's not the correct term, but if the very edge of a neighborhood association, and I'm talking the 1-foot barrier, 1-foot edge of a five-square-mile neighborhood association is touched within that 330-foot boundary, it then is included in that notification, correct?

**MR. VOS:** Chair Shaffer, that's correct.

**CHAIR SHAFFER:** Not everybody within. So it's literally -- so if it's 330 feet and you touched 1-foot edge of that neighborhood association, now that entire neighborhood association is included, correct?

**MR. VOS:** That's correct.

**CHAIR SHAFFER:** So that was one of my -- I think that was a concern in reading all the public comment, and I know we're going to hear more about it. I think that was a concern and maybe not understood, that it's more than 330 feet. It's not a house that's 330 feet away. It's the neighborhood association. So they're going to get notified of the entire thing, whether they're 330 feet away or not, correct?

**MR. VOS:** I'm sorry, could you repeat the last part of that question for me, Mr. Chair.

**CHAIR SHAFFER:** I'm just reiterating what I said, which was literally -- I think that was a concern that I heard in the public comment -- I'm sorry, not in the public comment, in the 48-hour rule material, that someone said, "Well, our houses are further away from that. We're not going to get notified."

But if they're part of that neighborhood association and if it's literally 329 feet away and it extends two more miles past that, they're going to get notified, because they're within that neighborhood association.

**MR. VOS:** That sounds correct to me, based on how you -- what you're saying.

**CHAIR SHAFFER:** Yeah. I think that assuages some fears; obviously not all of them. But I think that also extends the reach of that 330 feet a lot further than what people are thinking.

So to Commissioner Stetson's point, I think when we -- after we hear public comment, we might want to -- I think, honestly, I understand what you're saying, but I think that's a separate, narrow thing that is not actually -- I don't think it's a condition that's added to these things. I don't think we can add narrow -- a condition saying narrow has to do X, Y, Z as part of this process. But we can ask Ms. Renz-Whitmore.

And you had asked -- Michael, Mr. Vos, you had asked Ms. Renz-Whitmore to chime in if she had any thoughts on any of this, as well.

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**MR. VOS:** Yeah, Chair Shaffer. I think Mikaela popped on and it didn't look like she had anything to add. But I see Shanna just turned on her video, as well.

**CHAIR SHAFFER:** Where did she go? I lost her. Oh, she's down at the bottom. I didn't get to move you.

**MS. SCHULTZ:** Hi, Mr. Chair, Commissioners. I can respond briefly to that, since the narrow comes out of -- the narrow in the office of neighborhood association live in counsel services.

I agree with what Mr. Chair just said about the changes that Commissioner Stetson is really seeking would have to be changes to the narrow itself. They don't -- those changes about how coalitions get notified and how coalitions are eligible for notification is really determined by a separate ordinance that is not the IDO.

So this document wouldn't be the appropriate place to make those changes. Those would need to be advocated for to a councilor, who would need to sponsor an amendment to that ordinance outside of this process.

**CHAIR SHAFFER:** Okay. So, Commissioner Stetson --

**COMMISSIONER STETSON:** Stetson.

**CHAIR SHAFFER:** Yeah, no problem. What I brought up, does that help a little bit, about --

**COMMISSIONER STETSON:** Yeah, sure it does.

**CHAIR SHAFFER:** -- (inaudible)?

**COMMISSIONER STETSON:** I just want to try to get it on the record. And as I see these changes coming through, I just worry that we're narrowing the opportunity for public comment and for fairness. And balance is what we talked about all through this process.

So I'm satisfied with the answer and I appreciate Shanna's thoughts here. I think that's probably appropriate. And I yield.

**CHAIR SHAFFER:** Okay. Thank you, Commissioner Stetson.

Commissioner Meadows, you have your hand up.

**COMMISSIONER MEADOWS:** Yeah. This is my last question. But on the Item Number 11, conditional use for city facilities. And we talked about police and fire stations, and I understand that one.

But what other types of city facilities would this include? Do we know? Is there kind of a list of what would fall under this?

**MR. VOS:** Chair Shaffer and Commissioner Meadows, I don't know if it's possible to produce a complete list of the different facilities that the city operates. But, you know, community centers, for instance, the new community center on the west side from a few years ago on De Vargas Road was in a NR-C zone and required a conditional-use approval before moving forward. That would then be exempt.

Probably what's talked in your comments that you received the most would be the Gateway Center. That shelter facility and

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related services had a conditional-use approval that was required prior to opening. And that is a city-operated facility.

So those are just a couple examples.

**COMMISSIONER MEADOWS:** So it's a wide range of types of facilities that could fall under that?

**MR. VOS:** Correct.

**COMMISSIONER MEADOWS:** Okay. Thank you.

**CHAIR SHAFFER:** Thank you, Commissioner Meadows.

I think Commissioner Hollinger had his physical hand up prior to Commissioner Eyster's virtual hand, so we're going to go to Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Thank you, Chair.

Mr. Vos, I have, I believe, seven questions. I'll keep them high level and short so we don't take up too much time. But I'm curious if I could ask a question, get a response, and then move to the next question just to keep everything in line.

In regard to Numbers 2 and 7, on the same category, amplified sound, how is that different from the existing 10:00 p.m. to 7:00 a.m. ordinance?

**MR. VOS:** Chair Shaffer, Commissioner Hollinger, I'd have to probably review the noise ordinance again. But the existing noise regulation is from a separate ordinance, the city's noise ordinance, enforced by environmental health.

I believe my understanding is that during those hours, you're allowed -- there's allowed to be sound on properties. But it's a lower decibel level during the evening hours, below 65, versus, like, 75 decibels during the day, or something to that effect.

And if someone submits a complaint, the environmental health department needs to go out and measure the sound at the complainant's property, at the receiving property, to see if the sound that has been complained about is exceeding those decibel levels.

This proposed change that just says outdoor amplified sound is essentially a zoning use, and we have a standard that says during these hours, you have to turn it off. There is no decibel measurement if there is sound that is being heard -- that is on and being heard off this property; they are in violation, it's very clear, and we can tell them that they have to turn it off.

**COMMISSIONER HOLLINGER:** That really helps. Okay. So that strengthens that ordinance, in my opinion.

Moving on to 4 and 5, the walls and fences, I'm curious, in your opinion, how this limits crime. And if this shouldn't be up to the property owners instead of belonging in the IDO.

**MR. VOS:** That, Chair Shaffer, Commissioner Hollinger, is specifically the requirements for light vehicle fueling and the retail requirement for walls?

**COMMISSIONER HOLLINGER:** Yes.

**MR. VOS:** I think specifically, I mean, curbing crime -- and I

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guess it's partially to prevent access to sort of areas of the site that may be out of view or, you know, not be where eyes are normally. So obviously if there's -- like at a gas station, the attendants at the counter have, like, windows, they might be able to see out to the fueling pumps, but they might not see around the back or side of their facility, where there aren't windows. And by having some walls, the intent along those side and rear areas and whatnot are supposed to keep individuals out from there.

And I think that's what the major sort of idea is, to keep people in sort of view and where they can be seen and what their activities are.

**COMMISSIONER HOLLINGER:** Okay. Thank you for that.

Live/work, Number 12, raised a parking concern. As I was reading through that, if this is to be in somewhat of a residential area, do you potentially see any parking concerns with that? I do remember from your description that it was corner lots and could potentially include grocery stores. That was my fear with that.

**MR. VOS:** Chair and Commissioner Hollinger, you know, live/work has the parking standard. It is just a couple of parking spaces. In the IDO, you know, on the corner lot, there is, you know, two street frontages. So hopefully in some of those instances, there's extra available street parking.

And I think by the nature of our proposal, to limit this to just -- it's a maximum of 3,000 square feet. And the live/work, I'd like to point out, is a use that's conducted by the residents of the property. They don't have employees that are coming to the site. So in that nature, like, it's kept very small and, in turn, I don't foresee there being high amounts of traffic coming to a facility that might be operated by one or two people.

**COMMISSIONER HOLLINGER:** Okay. Number 15 was with landfill gas mitigation. Are there any studies that prove after 30 years that landfills are safer without gas mitigation? That throws a flag in my book, as well.

**MR. VOS:** Chair, Commissioner Hollinger, I am not personally aware of any such studies. And I think some of the comments from environmental health state that there is potential for dangers, even after 30 years, which is a major reason for their concern over that particular proposal.

**COMMISSIONER HOLLINGER:** Okay. Number 30, pre-submittal neighborhood meeting. You stated something about one year. I believe that came from council.

Quickly, can you just elaborate what that means.

**MR. VOS:** Sure, Chair, Commissioner Hollinger. The current IDO says that if someone holds a meeting with a neighborhood association and they get their notes from the facilitator, those notes are valid for 90 days. And they either need to submit their application to the city for review within those 90 days, or they would have to conduct another, a new facilitated pre-application meeting with the neighborhood before they would be able to submit.

The proposal, by extending that to one year, would then allow -- so after the meeting is held, the applicant would have up to one year to make their application to the city, rather than the just 90 days.



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I see Shanna popped on, since it is a city council amendment. And I'll let her add anything additional.

**MS. SCHULTZ:** Thanks, Mike. I was going to say what you just said. So thanks for doing the heavy lifting.

**COMMISSIONER HOLLINGER:** Okay. I'll yield the floor. Thank you. I hope I didn't take up too much time. But that really answers a lot of questions for me. Thank you, Chair. Thank you, Mr. Vos.

**CHAIR SHAFFER:** No, it's perfectly fine. I'd rather do these now. Because it's going to generate other public comment and questions based on what we're talking about. So we need to do these now, so I appreciate it.

Commissioner Eyster.

**COMMISSIONER EYSTER:** Thank you, Chair.

Mr. Vos, in the report from the environmental health department, in their comment, did I understand correctly that if this proposal is adopted by council, then none of the landfills in the city will fall under the purview of the environmental health department anymore?

**MR. VOS:** Chair and Commissioner Eyster, the landfills, themselves, may -- I mean, if they're owned by the city in some format would still need to be -- you know, the city would have to deal with that.

**COMMISSIONER EYSTER:** Okay.

**MR. VOS:** A lot of those landfills are privately owned. But this is really about properties being developed next to or near and within those buffer areas close to those landfills and when that construction happens, whether or not a mitigation plan needs to be reviewed and approved by environmental health before the construction can commence.

**COMMISSIONER EYSTER:** Very good.

**MR. VOS:** And so this proposal would not require development near those closed landfills to do the mitigation plan.

**COMMISSIONER EYSTER:** But a developer could still do it if they wanted to?

**MR. VOS:** Chair and Commissioner Eyster, a developer is welcome whatever they would like above and beyond the minimum requirements of the IDO. And we welcome that.

**COMMISSIONER EYSTER:** Did I read the comments from environmental health correctly that said that there was a landfill that was over 30 years old that caught fire because of gases underground?

**MR. VOS:** Chair and Commissioner Eyster, I don't recall that specific comment. It's quite possible. I know they had some examples of 30-plus-year-old landfills that have recently caused potential issues. And so that's something to pay close attention to in your review.

**COMMISSIONER EYSTER:** Thank you.

Thank you, Chair.

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**CHAIR SHAFFER:** No problem. Thank you, Commissioner Eyster.

I will say on that note, for that particular item, you know, there was some very compelling 48-hour material from people who do that kind of work. They were not particularly happy with that, this particular change, I trust experts.

I will say, I was involved in a project 15 years ago, downtown, pretty extensive, massive redevelopment downtown. We had a gigantic kickoff and ribbon cutting ceremony and then the very first thing that the backhoe did while everyone was sitting there, they reached over, dug the first part of the ground up, and the very first thing they pulled up was an old landfill, and yeah, which the geo test report did not show that that landfill was there, but anyway, that's separate.

Commissioners, any other questions for Mr. Vos?

I've got a couple that -- some of the ones I wanted to ask were already handled. I had a question on Item Number 1. And there was a lot of 48-hour material on this, as well, in regards to the why, what's the purpose of this particular change and giving the landmarks commission approval of this.

We dealt with this in a case a few months back when we were trying to make a different change. And that question came up saying, well, it has to go through landmarks and changes have to go through them.

And I'm respecting the questions in the 48-hour material about, is this giving the landmarks commission people overreaching authority on making changes that they don't -- it's not necessarily their purview to be making a change of?

**MR. VOS:** Chair Shaffer, I mean, I think it's up to this commission and city council to determine whether or not this is something that, you know, would be within the purview of landmarks.

We've proposed it the way it's been proposed because developments within those historic protection overlay zones already have to go to the landmarks commission or a historic certificate of appropriateness. That says that the proposed construction, you know, complies with our historic design standards and the character of that historic neighborhood.

Adding this requirement that all properties, regardless of area of consistency or change, have to use contextual, like, setback standards. So it sort of comports with that historic character. If all of the lots got developed with 25-foot front setbacks, but the underlying zoning allows a 10-foot front setback, a property within an area of change would be able to build that 10 feet completely different than the rest of the lots in that HPO.

This change would require them to comply with the 25-foot contextual setback of the neighborhood and then during their project review that they have to do anyway with the landmarks commission, the landmarks could say, you know, "We're okay with you maybe being at 18 feet instead of 25," and sort of use their quasi-judicial review authority to approve that alternative setback standard.

If it's the will of this commission and city council to say that you would still need to get a variance through the zoning hearing examiner, that's something you all should be discussing.

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**CHAIR SHAFFER:** Yeah, what I was asking for is first some convincing. And I know Ms. Renz-Whitmore -- I need some context of why that's a good.

We're all here for change. You know, we do want to change forward not backwards and do things that make sense. So if it makes sense great, but, you know, context is key.

So, Ms. Renz-Whitmore.

**MS. RENZ-WHITMORE:** Thank you, Chair commissioners.

I think something that Michael didn't mention is the reason behind the request for the exception.

So the zoning hearing examiner, the decision criteria says your lot has to be exceptional, which means you're different from everybody else, so you should not have to follow the rules of everybody else.

The landmarks commission is doing the opposite and really looking at the circumstances where you should be like everybody else. And if you can't be, well, let's talk about how we can still fit you into the character of what's there.

And landmarks is exactly the body that understands what the historic character is and how you can best make things fit in so the that they still contribute to that historic character.

So this isn't about the exceptionality of the lot. This is really about how do we get a project that really should go in, it's a good project, but they need a little bit of wiggle room. The landmarks commission would be able to say, "Well, we think here's the appropriate amount of wiggle room to make your project still viable, even if it doesn't meet those context rules."

**CHAIR SHAFFER:** Okay. Okay. Well, things to discuss.

Let me move on to the next one, which was -- sorry, I apologize. I was running everybody else. I didn't keep mine separated. I'm going to let it go for now until we hear public comment because it might answer some of my other ones that I have right now and I don't want to hold that up.

So any other commissioners have any other questions for the moment? Yes, Commissioner -- or Michael Vos, yes, sir.

**MR. VOS:** Chair Shaffer, no, I have nothing else to add. If there's no more questions, I am ready to listen in and take notes on all our public comment.

**CHAIR SHAFFER:** Wonderful.

All right. So Mr. Salas, let's move forward with public comment. Who do we have first?

**MR. SALAS:** Chair, Commissioners, the first speaker is going to Ricardo.

**CHAIR SHAFFER:** Okay, Mr. Guillermo. Since we're going to have a lot of people, just a reminder of the rules. Everyone gets two minutes. Please abide by those rules unless you are a neighborhood association representative, who has standing in the city and you have had a meeting and a vote was taken and the vote said you were to come and speak specifically about the topic you're going to talk about. Then you would get five minutes.

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Everybody else gets two minutes. So kind of bullet point your commentary and that way we can get through everything.

So, Mr. Guillermo, you've already been sworn in once, so you are good to go.

**MR. GUILLERMO:** Thank you, Chairman. I've got five questions, so I'll quickly ask them.

The first one has to do with angular stone. I couldn't find a definition. I'd like to know why they are requiring a change with respect to the type of angular stone that can be used. Is there a size limitation? And that pea gravel and that type of stone often migrates on the sidewalks in the streets, creates slip hazards. So I don't understand the reason. I'd like to know the reason.

The next one has to do with the fire stations and police department stations not requiring a conditional use approval. And, you know, for the sake and benefit of transparency, public review and public input, I'm not sure how that benefits the community because of the noise associated with fire stations and so on. So I'd like to know, is that going to impact the easiness with which a police station or fire station can be put in a place that is deemed an appropriate site by the administration, but not by the community.

The next question has to do with sensitive lands. Is public property exempt from such a requirement with respect to the mature tree stands? Specifically with respect to in Wells Park, the Coronado Park, right now we have no park in Wells Park, notwithstanding the fact that we're going to break ground, hopefully next week, for the new Wells Park. Coronado Park remains vacant. The trees have been murdered, I say. And there were other options, but the community was not taken into consideration with respect to the value of those very mature trees.

Public lighting, does that have to conform with the new ordinances? It took me about 12 to 15 years to get a streetlight changed so that it would not shine into my bedroom.

And sound violations, do they apply to residential properties? In my experience, if a residential property has loud music or so on, there's no attempt to track how loud in decibels the sound is. So I've got my own sound meter to do that and know how to do that, whether it's within the county or the city.

Those are my questions. Thank you.

**CHAIR SHAFFER:** Perfect. I appreciated the diligence on that.

So, let's get Mr. Vos to answer those real quick. And I see Commissioner Hollinger's hand up too. So let's have Mr. Vos answer the questions as best he can.

And then Commissioner Hollinger, I'll go to you to ask your question.

**MR. VOS:** Chair, I might need an assist on recalling all the questions that were asked.

**CHAIR SHAFFER:** You don't have a typist right there with you?

**MR. VOS:** I wish.

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**COMMISSIONER HOLLINGER:** Mr. Vos, I can provide some assistance for you. The first question was in regards to angular stone. He was having trouble finding a definition. But he also referenced pea gravel and said that that could end up on the curve.

**MR. VOS:** Yeah. And regarding the angular stone, that was a request that came from city council, so maybe ask for the assist on that one from Ms. Schultz.

I don't believe we have a definition, per se, of what constitutes angular stone. But I could be mistaken.

**MS. SCHULTZ:** Thanks, Mike. Yeah, I can chime in on that one.

Mr. Chair and Commissioners, angular stone has been referenced in the IDO since its adoption, and there's not a definition in the document for that.

I don't know if there's a representative from code enforcement at the meeting today, but that would be an appropriate person to ask on how they determine what's considered angular stone or not.

From the sponsoring councilor's perspective, angular stone is really a landscaping rock that one might use in a decorative fashion. And as front yard parking has been kind of controversial in Albuquerque in residential areas for many years, the aim here is to make sure that the material that cars are being parked upon in an improved driveway setting is not a decorative landscaping rock; that's something like pea gravel or similar would be more appropriate.

So it's really kind of an aesthetic preference from the sponsor, that when folks are improving drive pads or driveways, that they're using the correct materials.

**CHAIR SHAFFER:** Okay. Mr. Vos.

**MR. VOS:** The second question was with regard to the fire stations and other facilities.

Clarify that the fire station and police station is not a conditional use but it's -- it would be not requiring a zone change to NR-SU in a site plan EPC for those two particular ones. And then there's a separate proposed amendment that would exempt city facilities from conditional use processes.

I think one of the main benefits to the community as the proposal from the city administration is that it's a city government purpose, and we need to make sure that we have adequate fire and police service. We have community centers that are available for all of our residents and the like, and if we can do that more efficiently and more easily, that is a community benefit.

The city still has the ability, the planning department, to implement conditions on those site -- they still need a site plan approval, even if they're an allowable use. And so they can be designed and conditioned still to make sure we're complying with the IDO and mitigating impacts.

**CHAIR SHAFFER:** Okay. Number 3.

**MR. VOS:** I'm being fed questions in the chat about -- Number 3 is public property exempt from sensitive lands definitions with respect to Wells Park.

No, if the public land is city-owned, city projects are supposed

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to generally follow the integrated development ordinance. There's a caveat there that the parks and recreation department gets under the NR-PO-A zoning designation some leeway through their own master planning process to design parks and construct parks in a manner that's best for the parks and recreation department. So they should comply, but the parks in particular are allowed exceptions, I think is the answer to that question.

**CHAIR SHAFFER:** Okay. Number 4.

**MR. VOS:** Number 4 regarding lighting standards and what the new regulations apply to in public street lighting was mentioned. No public street lighting -- the IDO in our lighting regulations and the IDO do not apply to the public right-of-way. The city has separate lighting regulations for the public right-of-way that are in the development process manual that are slightly different than what's being proposed. And the street lights need to comply with the DPM and not our zoning.

And Number 5 for the changes to amplified sound on private residential properties, I think right now the way that the proposed use is written is that it's only an accessory use in mixed-use and nonresidential zone districts. So it would not apply in, say, an R-1 neighborhood. So if your neighbor at their home was playing loud music, this use would not apply to them and they would be subject just to the city's noise ordinance, enforced by the environmental health department.

**CHAIR SHAFFER:** Got you.

**MR. GUILLERMO:** A question pertaining to fire stations and police stations, very briefly.

**CHAIR SHAFFER:** So, Mr. Guillermo, I'm going to respectfully say we can't keep going back and forth because I've got 20 other people that need to ask their questions.

I'm going to let you ask your final -- no, actually, he answered the question about the fire stations, so we're going to move on to the next one.

**MR. GUILLERMO:** Thank you.

**CHAIR SHAFFER:** Thank you.

Mr. Vos, thank you for answering the questions.

And, Mr. Salas, who's next?

Oh, Commissioner Hollinger, yes, sir.

**COMMISSIONER HOLLINGER:** Thank you, sir. I appreciate it.

I was just going to request that, as we hear public comment, if the public has the item numbers, if they could mention. I think that would help keep everyone on track.

**CHAIR SHAFFER:** Okay. Mr. Salas, who's next?

**MR. SALAS:** Chair and Commissioners, the next speaker is Rafael Castellanos.

**CHAIR SHAFFER:** Mr. Castellanos, you also have been sworn in already. Don't ask me how I remember that from this morning, but I do. So you've got two minutes. You may proceed, sir.

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**MR. CASTELLANOS:** Excellent. Thank you. Good afternoon, Chair and Members of the EPC.

As stated earlier, Titan Development submitted comments to the EPC via a letter. I will speak directly to the text amendments.

We appreciate all of staff's hard work on these amendments every year. We provided comments by a number of different items, but we'll focus on our commentary on a few specific proposed amendments.

Number one, proposed citywide text amendment Number 4 and Number 5, our request is to remove it from consideration. The requirement for a 3-foot high-perimeter wall around the general retail and light vehicle fueling station use should absolutely be removed from consideration. This provision will not prevent or limit retail death, and will ultimately burden the retailer to construct an expensive wall around their property. Additionally, you this requirement will impact the urban environment negatively, creating a castle-like look and feel around the entire property.

Any wall under 8 feet can easily be scaled by burglar. This is not the appropriate way to limit or decrease retail theft. It will make no difference.

And then number two, proposed citywide text amendment Number 7. The requirement to limit amplified sound in certain areas from 7:00 a.m. to 10 p.m. should be reconsidered and updated to exclude this requirement in all MS-PT-UC areas and extend hours to 7:00 a.m. to 12 a.m. This will impact New Mexico negatively by hampering the ability for small business to thrive in our walkable and urban areas. This will negatively impact the city's cool up-and-coming neighborhoods including Sawmill, Edo, Nob Hill, the university and downtown.

In consideration of our time, I will not elaborate on the remaining items sent via letter, but we encourage staff and the EPC to review our letter in detail and consider our recommendations. We are intimately familiar with IDO and truly believe our recommendations will make a positive impact on the community. Thank you.

**CHAIR SHAFFER:** Yes, sir. Thank you. And the letter you're referencing was in the 48-hour material, correct?

**MR. CASTELLANOS:** Yes. It was a November 27 letter, 2023. I believe so.

**CHAIR SHAFFER:** We saw that in there. So thank you.

**MR. CASTELLANOS:** Thank you.

**CHAIR SHAFFER:** Mr. Salas, who's next?

**MR. SALAS:** Next speaker is going to be Evelyn Rivera.

**MS. RIVERA:** Chairman Shaffer and Committee Members, my name is Evelyn Rivera.

**CHAIR SHAFFER:** Ms. Rivera, hold on one second, please.

Ms. Rivera, please state your name and the address for the record. Evelyn Rivera, 4505 Chadwick Road, Northwest, Albuquerque, New Mexico.



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**CHAIR SHAFFER:** And you swear to tell the truth under penalty of perjury?

**MS. RIVERA:** I do.

**CHAIR SHAFFER:** All right. You may proceed. You have two minutes.

**MS. RIVERA:** Okay. My name is Evelyn Rivera. My real estate career began as a market researcher for Coldwell Banker commercial in the 1980s. For the past 30 years, I've been a certified residential real estate appraiser.

My primary concerns with the proposed amendments are with Numbers 10, 12 and 13, which would allow duplexes and commercial uses in R-1 neighborhoods. These are, in fact, zoning changes.

Allowing non-conforming uses would negatively affect the value of most people's greatest asset, their homes. The proposals are not based on thorough cost benefit analysis or substantial fact-based data. These are zone changes which require public notification.

Planners have stated that they lack software to notify. If that is the case, then do not approve without proper notification.

Also, my research has shown that the housing crises is more one of affordability than lack of supply. Based on federal reserve data from Kansas City, there's a 6 percent vacancy rate in residential properties in Albuquerque.

Thank you.

**MR. MYERS:** Chairman, Matt Myers. I might comment on that, if it's okay with you.

**CHAIR SHAFFER:** You always trump me, so yes, sir, you go right out.

**MR. MYERS:** Well, thank you. I don't know about that.

I was just going to remind the commission that the requests before you right now, these are citywide. The changes to the IDO are citywide and therefore it's legislative. The changes that she's talking about apply citywide. Okay?

So it's not quasi-judicial, and even if you are changing the zoning, as long as it applies citywide and it's not to a particular piece of property or to individual properties that are not treated the same way as other similarly situated properties, then it's legislative and you do not have the same due process requirements for when it's quasi-judicial. So I just thought I'd point that out.

**CHAIR SHAFFER:** Got it. Thank you for that.

And, Commissioner Eyster, I saw you raise your hands. So do you have a question for the public speaker?

**COMMISSIONER EYSTER:** Yes, Chair. Is Ms. Rivera there? Yes, I see her.

Ms. Rivera, you're a certified residential appraiser. If you were sent out to appraise a house and there was a duplex next door, would that affect the value of the house you appraise?

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**MS. RIVERA:** Yes. That would be called a negative external influence. So you want conformity equals value. So if a single-family residence is next to a multifamily, it's considered less desirable and so the value goes down. There'd be a negative adjustment on an appraisal.

**COMMISSIONER EYSTER:** Thanks for that information.

**CHAIR SHAFFER:** Good information. All right.

So, Ms. Rivera, I know our attorney chimed in, but were you completed, because you still had like 17 seconds. So I don't want to cut you off for 17 seconds.

**MS. RIVERA:** Well, the other thing that I can comment on is there's already regulations as far as parking on the front of properties, and boats. And I think what we have is a problem of not regulating. The more people see that, then they think, well, I can add my boat, and so that's what happens. So I don't see how it's helpful to pass additional regulations without enforcement. Thank you.

**CHAIR SHAFFER:** And you also submitted some compelling 48-hour material as well, so thank you for that and getting that in there and having us able to read that ahead of time. So we appreciated that.

**MS. RIVERA:** Thank you.

**CHAIR SHAFFER:** Mr. Salas, who's next?

**MR. SALAS:** Mr. Chair, the next speaker is going to be Patricia Wilson.

**CHAIR SHAFFER:** Ms. Wilson, welcome. Please state your name and address for the record, please.

**MS. WILSON:** Patricia Wilson. 505 Dartmouth Drive, Southeast, Albuquerque, 87106.

**CHAIR SHAFFER:** Do you swear to tell the truth under penalty of perjury?

**MS. WILSON:** Yes, I do.

**CHAIR SHAFFER:** You may proceed. You have two minutes.

**MS. WILSON:** Chairman Shaffer and Commissioners, specifically regarding Items 23 and 24, walls and fences, I'm opposed to the repeated amendments to change the 3-foot fence height in front yard setbacks. Taller walls are already permitted in the correct location. There are many problems with view fencing. I included many examples in my 48-hour submission.

And generally regarding Items 29, 32, 33, 34, notice and referrals, I'm opposed to any dilution of notification. The change from adjacent to a set distance is, according to the staff report, quote, in most cases, more generous than the existing requirement, unquote.

What about the cases where it is less generous? Some examples would be helpful.

I'll leave more specific comments to others. I want to speak to the big picture. This is the fifth annual IDO update. There have been 509 citywide amendments. Many of us have volunteered

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hundreds of hours to inform people, improve good ideas, and mitigate the damage from bad ones. We're all exhausted. Besides changing the annual update to biannual, which is every other year, let's add a deadline for floor amendments. Why can't every change proposed after the EPC's notice of decision be first on the list for the next update cycle?

I haven't found any other jurisdiction that requires an annual update. Charlotte, North Carolina, has had 10 text amendments over four years. Memphis has had 20 over a period of 11 years. Austin has just adopted 10 this year.

The IDO is averaging 100 text amendments per year. What are we doing differently? Why are we reviewing the same or slightly different thing over and over two or three years in a row?

Insanity is doing the same thing over and over again and expecting different results. I'd like to see us stop the insanity, please.

Thank you so much, sir.

**CHAIR SHAFFER:** And I'm assuming that is what's generated some of the additional conditions that came up at the end there. So thank you for your commentary.

Commissioners, any questions? No? Okay.

Mr. Salas.

**COMMISSIONER MACEACHEN:** Commissioner Eyster has his hand up.

**CHAIR SHAFFER:** Okay. I thought he left it up from the last person. I apologize.

Commissioner Eyster, go ahead

**COMMISSIONER EYSTER:** Sorry, chair. And I had myself muted, so you didn't know I wanted to speak.

I wanted to ask Ms. Wilson, or maybe a member of staff. She submitted 48-hour material with a picture that really stuck in my mind. Is there any way that someone could put up Page 77 of the 48-hour material for ten seconds for the commission. Page 77, 48-hour material

**CHAIR SHAFFER:** I can't do that. Mr. Vos

**COMMISSIONER EYSTER:** Maybe we'll get it later.

Okay. Yeah, thanks, Mikaela. Can you focus in on that middle picture, in the middle. Yeah.

Ms. Wilson, what is that? Is that kind of what the administration is proposing in '23 and '24.

**MS. WILSON:** Yes, sir. That is view fencing. And if Ms. Renz-Whitmore scrolls up to the top of the page, you will see view fencing has a great view when you're looking at it perpendicularly, and it has a terrible view when you're looking at it obliquely

**COMMISSIONER EYSTER:** Mikaela, could you go to the bottom of that Page 2. Thank you. Thank you. That's perfect.

So that one shows a normal, everyday neighborhood in Albuquerque,

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with open front yards. And then the one that Ms. Wilson has in the middle shows a block -- that shows what the administration is proposing, as I understand it.

Thank you, Ms. Wilson. I appreciate that photo.

**MS. WILSON:** Thank you, Mr. Eyster.

**CHAIR SHAFFER:** Okay. Mr. Salas, who's next?

**MR. SALAS:** I think there's going to be Peter Kalitsis.

**CHAIR SHAFFER:** Mr. Kalitsis, I see you. Would you state your name and address for the record, please?

**MR. KALITSIS:** Peter Kalitsis, 921 Pampas Drive Southeast, 87108. And I'm speaking for Parkland Hills Neighborhood Association. We had a semi-annual meeting and (inaudible) zoning committee reviewed and comment. We did not take a specific hands-up vote. We got comments voted by the board for me to represent and speak.

**CHAIR SHAFFER:** Well, we'll give you a little leeway there. But would you raise your right hand, swear of tell the truth under penalty of perjury?

**MR. KALITSIS:** I do.

**CHAIR SHAFFER:** All right. Go right ahead, sir.

**MR. KALITSIS:** Okay. The section numbers -- sorry, I'm trying to do this quickly. Section numbers Items 9, 11, 46 and 47, overnight shelters of limited conditional use definition change. Mr. Vos has heard me give some comments.

City has great need for overnight shelters. These have not been done in collaboration with neighborhood groups. With these proposals, this is the third year in a row, overnight shelters would be permissive without including neighborhood input.

And I should be having a shared screen, Mr. Salas.

**CHAIR SHAFFER:** What did you want to share?

**MR. KALITSIS:** Supposed to be getting shared screen.

**MR. SALAS:** We're now on co-host.

**MR. KALITSIS:** Okay. So where do I go for it?

**CHAIR SHAFFER:** Yeah, I was just curious what you wanted to share.

**MR. KALITSIS:** Maps of locations.

**CHAIR SHAFFER:** Okay.

**MR. KALITSIS:** Where do I turn it on?

**MR. SALAS:** Sir, on your Zoom screen, there should be a button on the bottom that's green, that says "share screen." .

**COMMISSIONER MACEACHEN:** Chair, as he speaks, if he can talk directly into his microphone. He's going back and forth and I'm getting about every other word.

**CHAIR SHAFFER:** Yeah, I agree.

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**MR. KALITSIS:** Oh, I'm sorry.

The maps top and bottom go if conditional use is approved, and this is in the package that we sent earlier on, the Parkland Hills Neighborhood Association. Where what currently is conditional use, the city would be permissive. And to the changes completely along Central would be permissive for -- large shelters.

MX-H would be totally allowable. Any shelters, no city input. Community residential and group homes, Removal of 24 hours, yes, effectively make shelters permissive.

There's no particular need to remove it because it is 24 hours. But by moving that, contrary to what Mr. Vos said.

Duplex (inaudible) would work. We disagree because of the impact of the neighborhoods, which is including business. You're going to increase not only traffic, sounds, deliveries. As I said, this is reiterating things we submitted.

Walls and fences, again, it's multiple years. One of the statements that actually occurs is, the ways the zoning code is written, if you propose a 6-foot wall and 20 percent of the existing walls are over 3 feet, your 6-foot wall has to be approved. That's been occurring with us with the zoning officer and looking at the way it's written.

The last group has to do with reduction in notifications and appeals. We strongly oppose, for example, Number 35, removes posted public participation for carports and wall major. It may seem like a small thing for your next door neighbor to put in a carport, but it removes that opportunity.

Item 37, we oppose going from 660 to 330 feet. Firstly, we actually -- we talked about increasing it. Because when you have a large situation like Gateway, we had an experience when the city was saying, oh, we'll do a half a mile -- or excuse me, a quarter mile, but it went from the center of the property, which barely goes over it.

We do support 37, the part changing adjacent to 330 feet.

Many of these changes seem to do two things. One is to, basically, put in homeless shelters, overnight shelters, where needed, but they need to be looked at carefully. The other thing is removing public participation, which generally applies to that.

Thank you very much. You're very much appreciated.

**CHAIR SHAFFER:** Thank you, sir.

**MR. KALITSIS:** Oh, and the right one shows where they would be permissive in small apartments. That's what the C is for, conditional use on group homes, and permissive use on community residential. So it would be an R-A and R-1 and apartments, small apartments.

**CHAIR SHAFFER:** Got it.

Mr. Vos, I didn't know if you wanted to respond to anything, if there was anything you wanted to clarify. It wasn't really questions that he asked, but he had commentary. And I'd like to address these individually as they come up, since there are so

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many.

**MR. VOS:** Chair, thanks for the opportunity.

I think the only thing I would really respond to from Mr. Kalitsis' comments right now is regarding that where he's highlighted the community residential facilities and group homes.

Again, I would sort of specify or -- again, my clarifications on the amended definitions, that a community residential facility is specifically for individuals who are protected by the Federal Fair Housing Act. And we have to allow them to be able to live in locations where everyone else in the community is allowed to live, and that's why they're permissive where they're permissive.

Group homes have their own separate definition and it's about a permanent residence for individuals that are not federally protected and live in those group homes. And as he's pointed out, it's conditional in multifamily, and then small ones become permissive in the highest density multifamily. Otherwise, it's not until mixed-use zones where group homes become allowable. And neither of those uses are an overnight shelter, which is intended to be a temporary transitional housing arrangement.

So just to reiterate that. Thanks.

**CHAIR SHAFFER:** Thank you.

Commissioners, were there any questions for the public comment? And we can get the screen sharing stopped.

**COMMISSIONER HOLLINGER:** Hollinger.

**CHAIR SHAFFER:** Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Thanks, Chair.

Mr. Kalitsis, this is just a technical suggestion with your Yeti microphone. If you put it vertically, instead of talking into it like a microphone, and also on the back, if you put the setting to the one that looks like a little heart, we will probably be able to hear you a lot better.

**CHAIR SHAFFER:** All right. Here we go. Mr. Salas, who do we have next?

**MR. SALAS:** Chair and Commissioners, the next speaker is going to be Jane Baechle.

**CHAIR SHAFFER:** All right. So go ahead and state your name and address for the record, please.

**MS. BAECHLE:** So my name is Jane Baechle and I reside at 7021 Lamar Avenue, Northwest. It is ZIP 87120.

**CHAIR SHAFFER:** Thank you. Are you speaking on -- I know you're part of one neighborhood association, but are you speaking on behalf of yourself?

**MS. BAECHLE:** I'm speaking on behalf of the neighborhood association. And I'm, our written comments and the points we have made have been discussed at multiple meetings of the board and have a vote affirming endorsement by the board.

**CHAIR SHAFFER:** Swear to tell the truth under penalty of perjury?

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**MS. BAECHLE:** I do.

**CHAIR SHAFFER:** All right. You may proceed.

**MS. BAECHLE:** Thank you, Mr. Chair and Commissioners.

We've submitted extensive written comments and I'm not going to be in any way able to summarize those, but I do want to emphasize a few.

First, we oppose Items 10, 12, and 13, what I refer to as the corner lot amendments and two-family detached duplex dwellings. These will materially harm a compact, modest neighborhood like Santa Fe Village, fundamentally change its residential character, quality of life, and modest property values.

We also oppose the designation of these uses as permissive and all efforts to remove the conditional use designation from homeless shelters and city facilities.

That references Items 9 and 11.

Designation as a conditional use acknowledges that use may, quote, create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community, end quote.

Conditional use approval means there's a public and quasi-judicial process in which these impacts are weighed against potential environmental and civic benefit.

We oppose amendments that would potentially restrict notice and appeal rights for property owners and neighborhood associations.

Now I'm referencing Items 29, 32, 36, and 37.

Capturing almost all property owners is really not good enough. And specifically, Item 37 significantly decreases appeal rights of neighborhood associations.

The list of zoning actions, which would be affected by the decrease from 660 to 330 feet, is lengthy and highly consequential.

We oppose Items 23 and 24, introduced again this year with no explanation of its intended benefit, and ample evidence of public opposition.

The SFVNA has not reflexively opposed every proposal. We support Items 40, 53, and 58, those that serve to protect our public lands and heritage landscapes and recognize the voices of tribal people.

We really request your consideration and review of all of the work done by the SFVNA and by the other individuals and neighborhood associations who engage in this process.

Thank you very much for your time and for all of your work.

**CHAIR SHAFFER:** Thank you. Commissioners, any questions of Ms. Baechle?

Okay. Thank you. We appreciate the commentary.

Mr. Salas, who's next?

**MR. SALAS:** Chair and Commissioners, the next speaker is going to



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be Russell Brito.

**CHAIR SHAFFER:** Mr. Brito, you've been sworn in, so you are good. Oh, I've enjoyed the old school TV frame there. You've already been sworn in, so you may jump right in.

**MR. BRITO:** Mr. Chair, Commissioners, thank you. Russell Brito, I'm the vice president of the Los Griegos Neighbor Association. And I would ask Ernesto to please allow me to be a co-host so I can share screen quickly.

Mr. Chair, Commissioners, I'll be speaking to an item that's related to spreadsheet Item Number 3, which talks about cottage development.

My neighborhood association board has directed me to let you know about an issue that we're about to take a vote on. So I'm only taking two minutes, so we haven't voted on this yet.

But having to do with cottage development and -- its original intent is to provide for some gentle densification on infill lots. And that's why there's that minimum one acre, maximum two-acre acreage requirement. But we had a special situation in our neighborhood association off of Griegos Road around our Lady of Guadalupe Church, which is owned R-A, which requires quarter-acre lots.

The cottage development use allowed a developer to purchase properties from the church, almost 10 acres in size, and the cottage development, instead of allowing, per R-A, maybe 30, 35 dwelling units that would spill out onto the narrow two-lane Griegos Road, it allowed the development of 90, 9-0, over 90 cottage developments in this area on these two lots that's going to spill out to Griegos Road.

And we will be submitting a letter both to the commission and to the city council asking for some kind of distance separation requirement between cottage development project sites or some kind of maximum number of cottage development sites that can be adjacent to each other.

Now, this is actually the development that restarted our neighborhood association. And I conferred with city planning staff once our neighborhood association was reformed. And my review is that the developer followed the rules, city staff confirmed they followed the rules because there is no distance separation requirement.

And so now we're going to get over 9-0 dwelling units on this site that at one time could handle maybe 30, 35 dwelling units. And we asked for your consideration of this once we get the letter to you so that other neighborhoods don't have to deal with this intense density compared to surrounding area.

Thank you.

**CHAIR SHAFFER:** Thank you. So I guess you're doing public awareness, not necessarily a comment on this Number 3. Because there's not something you're looking for. You're not looking for a change to what this proposal is in Number 3?

**MR. BRITO:** That that's correct, Mr. Chair. We will be asking for something completely different. And if it's something that we need to take to our new city councilor, once he takes office, we will be doing that as well.

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**CHAIR SHAFFER:** Understood. Okay. I just want to make sure we didn't miss something that you were in opposition of this. Of this Number 3 or in favor of. But you're raising public awareness. Understood.

**MR. BRITO:** Thank you.

**CHAIR SHAFFER:** Thank you.

All right. Mr. Salas, who's next? Can't hear you.

**MR. SALAS:** Sorry. The next speaker is going to be Elizabeth Haley.

**CHAIR SHAFFER:** Thank you. Ms. Haley, I see you on screen there. So would you mind stating your name and address for the record, please.

**MS. HALEY:** My name is Elizabeth Haley. I am the president of the West Side Coalition of Neighborhood Associations. I'm the vice president of the Paradise Hill Civic Association. And I'm the chair of the Paradise Hill Special Zoning District.

I'm speaking today and I think I get the five minutes because WSCONA did take a summary of all the proposed 60 amendments and discussed them at our last general meeting and took a vote from the membership on whether or not they supported or didn't these separate items. Particularly, I'd like to --

**CHAIR SHAFFER:** Hold on. Real quick. Please state your name and address for the record.

**MS. HALEY:** Elizabeth Haley. I reside at 6005 Chaparral Circle, Northwest, Albuquerque, 87114. And I do so swear.

**CHAIR SHAFFER:** All right. You swear to tell the truth under penalty of perjury, you just said yes. You are good to go.

**MS. HALEY:** Thank you. Sorry. I should know better.

The one thing that I'd like to begin to speak to is Number 37, which is the adjacency issue. And part of the reason that I want to speak to that is simply because I believe the support for it was actually a fact in error.

The West Side Coalition of Neighborhood Associations had an appellant case that that was in district court. One of the issues centered around the planning department's determination to have a unique interpretation that they have now tried to get into the 60 amendments, which is Number 37.

What actually happened is that that has not been decided by the district court. It continues to be under review because the LUHO actually decided in favor of the position of the appellants prior. But that district court decision and the LUHO actually reversed an earlier decision that the district court relied upon. So that has not been decided. It is still under review.

And this amendment, Number 37, when you look at it, it is really, really problematic, because it is speaking to exclude not only properties from the appeal process, but it's also saying that if you're adjacent and across the street from something, then that doesn't qualify.

So if I'm correctly interpreting Mr. Vos, I think that his position is in error. I think it's one of a series, 33, 34, 36,

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and I believe also 35, which tends to use a distance rather than using the term "adjacent." .

And where this becomes problematic is not where you want to limit notification from one side of I-25 or one side of I-40, but where you are actually limiting participation from people who are impacted and relatively close under the existing definition.

The other problem is that we have another series of amendments, 59 and 60, which allows staff to do interpretation of the IDO outside of the process, without any criteria about those changes being non-substantive.

And in this case, we ran into one of those occasions, where both the LUHO and I think, ultimately, the district court will actually agree that certain things have to be done in a quasi-judicial hearing, or even in a legislative hearing, where that legislation has gone through extensive and prior review and not just an interpretation by staff.

So we are asking that you negatively review 33, 34, 36, 35, 37, and 59 and 60 for all of those reasons.

Thank you.

**CHAIR SHAFFER:** Mr. Vos, she had mentioned a couple of things saying that it might have been a misinterpretation or something. I don't know if there was something you wanted to -- we're trying to address these as they go so we can then move forward when we start our deliberation.

**MR. VOS:** Thanks, Chair Shaffer.

I believe the comments in general being opposed was to changes to notice and appeals. And the commentary is related to a difference of interpretation of the word "adjacent" in that caddy-corner situation.

If the amendments are adopted the way staff has proposed, the difference of interpretation with regard to caddy-corner would go away and across the street for those notification purposes at least. And I know there's more at stake in the case that's not our purview today with regard to the word "adjacent." But the notification would not have to deal with that interpretation. It would just be a set distance from a property.

**MS. HALEY:** It's actually also standing for appeal. Because if you're involved in notification, you're also talking about standing for appeal. And that seems to have been forgotten in this discussion and is critical.

**MR. VOS:** And, Chair Shaffer, the change, again, for standing for appeals is being a distance -- I mean, I've said before we are proposing a reduction of the 660 to 330. But the replacement of the includes or adjacent language with a distance would get us beyond an interpretation of what the definition of "adjacent" means.

We're trying to also, I mentioned, based on that court case, that we're potentially proposing a condition to update our definition of "adjacent" for caddy-corner.

**CHAIR SHAFFER:** Right.

**MR. VOS:** And I would say in terms of the finality of the court case, an opinion and order was issued. I believe there's some

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ongoing motions for re-hearing.

And the LUHO decision that was referenced, that application was withdrawn by the applicant and accepted by city council.

I'm not an attorney, but there are some outstanding things potentially, but there was an opinion from the court that we relied on when I put that slide up. And we'll see if something changes in the meantime.

**MS. HALEY:** But they --

**CHAIR SHAFFER:** No, wait, Ms. Haley. Gotcha. You had your public comment and he responded to it. And I understand that you don't agree with what his response is, and that's okay. But he's put in that there's an additional condition that might clarify the adjacent comment at the end. And this isn't over. Anything that we're looking at right this second is not the finality of anything. So I would appreciate your patience in that of saying we've noted your objections to each one of those item numbers, along with the other people who have also noted their objections. Okay?

My point is this isn't a deliberation point between public and staff at this point. That's not what we're doing at this point. That was all public comment that was ongoing for the last few months and so on and so forth. But we've noted your objections to those items and we appreciate your time on that.

Mr. Salas, who is next?

**MR. SALAS:** Chair, Commissioners, the next speaker is going to be Michael Brasher.

**CHAIR SHAFFER:** Mr. Brasher.

**MR. BRASHER:** Thank you very much.

**CHAIR SHAFFER:** It says your video is on, but we don't see anything. But that's okay. Would you mind stating your name and address for the record, please.

**MR. BRASHER:** It won't hurt the quality of the testimony. Thank you very much.

It's Michael Brasher, 216, Zena Lona, Northeast, Albuquerque 87123.

**CHAIR SHAFFER:** Thank you. Do you swear to tell the truth under penalty of perjury?

**MR. BRASHER:** Mr. Chairman, I do.

**CHAIR SHAFFER:** Thank you. .

**MR. BRASHER:** Well, thank you very much.

Mr. Chairman, I want to talk very briefly about the inter-coalition council. We've been meeting for months on Fridays to talk about the IDO. We've talked about updates and the number of amendments.

And we need fewer IDO update agenda items and, certainly, a fewer number of amendments to the IDO. It's been a tremendous amount of work.

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A couple of notes. If you do continue on this schedule, will you please move the calendar date for updates to the IDO from November and December? This is a time when people are with their families. And really what you're hoping for is active, constructive participation of people in the community. And when they're busy with their family, they're not able to devote enough time to giving you the very best information they can. So I'd ask for your consideration of that.

What's extremely difficult is when there's a long holiday weekend, that is, a Thanksgiving weekend, but on Monday, at 9 o'clock, you have to provide documentation to meet certain timelines. And that's very, very difficult.

Quick note, and it doesn't apply to you, but I really want to say it publicly. City council needs to get their act together and not schedule important policy decisions, such as the IDO, as the last item on their agenda. It's not appropriate and it doesn't encourage public participation in policy process.

Floor amendments are difficult. Often, they don't go through the whole process. And so what we really need is we need to have some sort of cutoff or they need to have a better understanding of what the process is going to be so that there's general awareness of what's going on. One thing I will tell you is that the limited time that we have to address really complex issues is so very difficult.

Anyway, the inter-coalition council has been working very actively. We're trying to provide you with information we think will be valuable. This stuff about fences and the notification stuff really needs to be -- we need to solve it and put an end to it, because some of the stuff that's proposed just doesn't make sense to me.

But I want to thank you very much for your time.

**CHAIR SHAFFER:** Thank you, sir. We appreciate it. We've heard from a number of people about the timing. And I'm sure it'll be something that gets addressed soon in terms of the number of updates. So thank you.

Mr. Salas, who's next?

**MR. SALAS:** Chair and Commissioners, the next speaker is going to be Rene Horvath.

**CHAIR SHAFFER:** Ms. Horvath, I read in your 48-hour material that you guys did not have a general meeting on this subject. So you've been sworn in already. So do you want to get right to your commentary?

**MS. HORVATH:** Yeah.

**CHAIR SHAFFER:** Can't hear you.

**MS. HORVATH:** You can't hear me?

**CHAIR SHAFFER:** Barely.

**MS. HORVATH:** Can you hear me now?

**CHAIR SHAFFER:** Sure. Go right ahead.

**MS. HORVATH:** So the 48-hour rule, this is what the inter-coalition of neighborhoods, along with West Side Coalition,

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and even Taylor Ranch, we went through these amendments. And people were generally, yes, we agree with what these comments are proposing.

And so I could screen share and go over this with you so you'd really understand the comments that we provided and give you better clarity of why we voted this way or why we're providing those comments.

**CHAIR SHAFFER:** You can screen share, but you're not going to end up -- you're going to run out of time here really quick. If you're going to reiterate everything that was in your 48-hour material, we got all that and we read it. So if you want to bullet point it.

**MS. HORVATH:** Well, I don't know why don't I try to screen share it. And I like more than two minutes.

**CHAIR SHAFFER:** You're already one minute into your two minutes. So keep --

**MS. HORVATH:** Okay. This is 50 amendments and this has taken a full month to prepare. And, and we did our due diligence to go through this stuff. And we did our job.

**CHAIR SHAFFER:** Yes, ma'am. That's why it was super helpful for you guys have to submitted that entire list of things to the 48-hour material because that gave us lots of time to read that over the last few days.

**MS. HORVATH:** Okay. Well, is it all right if I go through it as quickly as possible?

**CHAIR SHAFFER:** Yes, ma'am.

**MS. HORVATH:** Okay. I'm putting screen share. What else do I need to hit?

**CHAIR SHAFFER:** Well, do you want to hit your bullet points of what you're in support or not in support of on each item? Because like I said, we've read your 48-hour material. So we don't want you to reiterate everything that was in that entire document.

**MS. HORVATH:** Okay. Well, I hope you guys understood where we're coming from. So basically what Ms. Haley said, on the notification issues regarding neighborhood associations or even adjacent residents, I would not change any of the language in terms of adjacency or change it from 660 feet to 330 feet. Do not change the notification requirements. That really should be off the table. This was not brought up to the neighborhoods. We just discovered it. We are shocked that it's even being proposed and we feel like it's pure trickery. So do not support any of the notification changes. And that's 29, 32, 33, 34, 36, 37. And those for sure.

Also on the wall changes for retail, mandating it, no. It's not necessary. Leave that alone.

Front yard walls, you've heard from numerous people, they do not support that.

Then on top of that, amplified outdoor sound, the impression it gives -- we have a noise ordinance that says noise off from 10:00 at night till 7:00 in the morning.

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But this gives the impression that people can come in and ask for amplified outdoor sound as an accessory use. And people are concerned about that because I've heard, being the representative, that churches have sermons that wake them up in the mornings on Sunday mornings, or restaurants play music and irritates the surrounding neighborhoods. It gives the impression we're giving permission to do that. You may need to do more discussion on that. But right now, people really don't want to do outdoor amplified sound as a permissive use.

Also, you've heard from people overnight shelters should not be permissive. They should maintain conditional use so people can explain any concerns they have at a public hearing. Do not change that.

Then duplexes on the corner lots, as well as live/work on the corner lots. You're talking about a 5,000 square foot lot at a minimum; that's extremely small. And you heard only two parking spaces, that is not going to work.

Right now, live/work is allowed in R-ML as a conditional use and mixed-use, they're allowed permissively. Just leave the language alone. And if they want to -- and I like the concept of live/work, but it's not going to work the way they've got it.

Duplexes, changing R-1 to allow duplexes permissively changes the R-1 zones. Do not do that, because people are upset that you're trying to eliminate R-1 zoning, and this is an area of consistency. We were told you would not be messing with it when we first started doing the IDO. So do not change that.

Parking maximums next to transit bus stops. Okay. Here on the West side, all along Coors. People do park at the Albertson's shopping center, where there's plenty of parking, and they do park there and they do catch the bus. Because a lot of people live a mile away, they need to place the park. And they use these large parking spots so that they can do so. And right now, we don't have park-and-ride spots, and so this really helps. This, again, would just impact encouraging people to ride the bus. Please do that.

**CHAIR SHAFFER:** You got one last item to cover Ms. Horvath, and then we're moving on.

**MS. HORVATH:** Do not reduce parking requirements. And support the cannabis at 660 feet separation because a lot of people are saying there's just too many, it's diluting the businesses for the cannabis business. But a lot of people in the neighborhoods just told me yesterday, "We've got so many in our area and we smell it."

And I have a lot more comments, too, but this gives --

**CHAIR SHAFFER:** Well, I think you honestly think you guys did a -- I'm going to give you a compliment, like I always do. With your 48-hour material, you covered all that. And it was wonderful to have the time to read it ahead of time, so we do thank you for that.

**MS. HORVATH:** Okay. Thank you.

**CHAIR SHAFFER:** Thank you.

Mr. Salas, who's next?

**MR. SALAS:** Chair, Commissioners, the next speaker is going to be



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Meredith Paxton.

**CHAIR SHAFFER:** Ms. Paxton.

**MS. PAXTON:** Let's see. My name is Meredith Paxton. I live at 1603 Roma Avenue, Northeast. I am on the board of directors of Spruce Park Neighborhood Association. I'm authorized to speak on behalf of the Neighborhood Association. Although we did not realize we needed to take a specific vote on everything, I say today nothing is controversial. I think most of this is in some letter that you have received --

**CHAIR SHAFFER:** Real quick.

**MS. PAXTON:** -- and I do swear.

**CHAIR SHAFFER:** Do you swear to tell the truth under penalty of perjury?

**MS. PAXTON:** I swear.

**CHAIR SHAFFER:** Okay. Go right ahead. Just do the best you can.

**MS. PAXTON:** So, Spruce Park Neighborhood is over 100 years old and is on national and state registries of historic places. I hope to live in my beautiful, irreplaceable home for the rest of my life.

However, some of the proposed IDO revisions unfairly target older neighborhoods like mine, threatening to turn us into sacrifice zones.

Today, I focus on Item 13, which would permissively allow conversions of R-1 homes into duplexes if there is not an existing ADU. This change was rejected just last year by the full city council. Because Spruce Park is literally across University Boulevard from the main UNM campus, with this revision, it is virtually certain that the neighborhood will gradually become a student housing area, with owners who care only about maximizing profits and short-term occupants who have no interest in the future of the community.

The small narrow lots and streets can't begin to accommodate the increased parking demands with some so-called off-street parking actually being allowed on the streets. With vehicles along both sides, it is unlikely that garbage trucks and fire engines could traverse some of our curving streets. Also problems with mail delivery and service vehicles.

The revision simply is not feasible here. I urge you to reject Item 13 and its companion revisions, Items 12 and 10. The revisions of the IDO are extremely difficult for average citizens to understand, yet the impacts on individual homeowners are enormous. While some detrimental aspects never seem to die, it seems impossible for residents to bring positive change through the IDO.

Now is the time to prevent Albuquerque from becoming another Phoenix. The landscape elements in the central area provide cooling by reflecting heat instead of absorbing it. Removing more landscape promotes seemingly endless densification, only intensifies the emerging heat island effect. Please use the IDO to prevent this consequence.

And I would just like to give you a couple more facts regarding the impact of UNM on the neighborhood. And that is, first of

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all, when Spruce Park was platted in 1922, there were 250 students at UNM. There are now more than 27,000. The demand for student rentals is essentially unlimited.

And I would also like to provide a little bit more background on the existing situation in Spruce Park. It's not an area that is only R-1 homes. There are 353 dwellings here; 118 of those are multifamily buildings. And there are also many homes that are used by multiple students. And this whole provision seems remarkably like O-22-54. And I think you told us, Chairman Shaffer, about how there were four of you fellow students living in one room when you were in college. So we know about what it's like to have eight people with cars trying to park in our neighborhood.

So, I'm not sure -- did you hear me?

**CHAIR SHAFFER:** What was the last thing you said?

**MS. PAXTON:** Pardon?

**CHAIR SHAFFER:** What was the last thing you said?

**MS. PAXTON:** That this whole Item 13 and the companions 10 and 12, but especially 13, reminds me of what I think you said when we were all discussing O-22-54, when you said that you and three other students lived in one room when you were in college.

We already have some of that going on in the neighborhood with many cars. There's one house where there's like eight cars parked for one house. That's not the only example I can think of. So, it's not like we're a bunch of snobs who don't want this right here. What we're trying to do is preserve some R-1 housing.

**CHAIR SHAFFER:** Understood. I don't think there was any -- a lot of it was commentary. I don't think there was any questions for Mr. Vos to clarify or answer or anything. So, I think we've noted your example. Did you have a specific one?

**MS. PAXTON:** Yes. Why doesn't the IDO deal with the urban heat island effect? We seem to be lost in little fence heights and little provisions, when there is a major issue that Albuquerque, as you probably remember from the 48-hour material that I submitted, that Albuquerque has had 15 days of triple digit temperatures last summer, when the average is three, and our nights are not cooling the way they should be, the way they have in the past.

Professional climatologists and meteorologists are genuinely concerned that Albuquerque is becoming a heat island. So, why is that not being addressed?

**CHAIR SHAFFER:** I'm going to answer for Mr. Vos that he can't answer that question.

But you can go right ahead.

**MR. VOS:** Thanks, Chair and Commissioners.

I guess what I would say in response to the question about heat island effect is, I mean, we don't specifically call out urban heat island effect in the IDO, but we have plenty of regulations for development that address aspects of urban heat island effect.

You know, we have allowances for alternative paving in parking

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lots, although it's not required. We have lots and lots of landscaping requirements, trees within parking lots, different design requirements that, if followed, you know, will affect urban heat island effect, hopefully positively.

And then what I would probably -- the only other thing I would add is, if residents have specific zoning rules that they think would be positive or tackling urban heat island, reach out to the planning department and to let us know.

The city has studied the urban heat island effects in Albuquerque and we want to be part of the solution to reducing those. And we're open to improvements with that regard.

MS. PAXTON: What about just preserving R-1 zoning with the landscaping, instead of ripping out trees and landscaping to build more heat absorbing materials? Doesn't that seem kind of like a basic concept that could be addressed by zoning?

MR. VOS: Chair Shaffer and Commissioners --

CHAIR SHAFFER: Sorry, I was muted and I didn't mean to -- so this is a debate, and that's not what this particular -- we have specific IDO items that are before us that we needed to decide on, not figure out how to fix a gigantic other issue.

So I appreciate the question and what you're talking about, but it's not kind of relevant to these particular items. It is in an overall fashion, I agree with you, but it's not what we're here for today. So I do appreciate that.

All right, Mr. Salas, who do we have next?

MR. SALAS: Chair, the next speaker is going to be Rhiannon Samuel.

CHAIR SHAFFER: Ms. Samuel, welcome. Would you mind stating your name and address for the record, please.

MS. SAMUEL: Rhiannon Samuel, 435 Montaña Road, Northwest -- or sorry, Northeast, Albuquerque, New Mexico, 87107.

CHAIR SHAFFER: Do you swear to tell the truth under penalty of perjury?

MS. SAMUEL: I do.

CHAIR SHAFFER: All right, you may proceed.

MS. SAMUEL: My comments reflect that of my membership. I am the executive director for NAIOP New Mexico. We're the commercial real estate development association. I'm going to keep my comments broad. And I don't have any questions, so, Michael hopefully I could give you a bit of a break.

The first items like to talk about are Items 4 and 5, the wall heights. I can appreciate that city staff, they're working on trying to address our crime issues. But by requiring the private sector to put in 3-foot walls, I don't think that's going to really solve the root cause of our retail theft or even perhaps violent, I'm not really quite sure what crime we're trying to address there. Three-foot is pretty low and, really, anybody can jump over it. Additionally, it could cause some pedestrian issues and then I think the result may be all of these new buildings coming up that have all these little barriers around them, not exactly making for a welcoming environment.

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Next item, Number 7, around the sound and the areas that it would impact, 10 o'clock is quite early, especially as we look at different districts, like perhaps University, Nob Hill, Wedo, Edo, Sawmill.

I can tell you that my membership is often looking for things that keep people out in a positive environment. Nob Hill used to be one of those places that would be open quite late, but now if it's 10 o'clock, it doesn't really have that entertainment factor that we see people exiting Albuquerque to find, whether it be Denver or Austin.

And finally, Items 32 through 37, we just applaud this city for trying to make all of our procedures consistent and align with state processes. We know that it is challenging to do development in New Mexico; only made more so by the fact that you may have different processes when you're dealing with state land or with city land or, let's just say, the county, where we have lots of unincorporated areas throughout Albuquerque. So we're thankful for that.

And, again, thank you to all the commissioners for your attention all day. What a process.

**CHAIR SHAFFER:** Thank you. Anyone, any questions?

**COMMISSIONER HOLLINGER:** Hollinger. Just a quick one.

**CHAIR SHAFFER:** Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Thank you, Chair.

Ms. Samuel, you said it was 32 through 37, was that correct?

**MS. SAMUEL:** I believe I got that right. Let me double check.

**COMMISSIONER HOLLINGER:** I just wanted to make sure I got that in my notes.

**MS. SAMUEL:** 29 through 37. My apologies. Thank you for the question.

**COMMISSIONER HOLLINGER:** Appreciate it.

Thank you. Thank you, Mr. Chair.

**CHAIR SHAFFER:** Thank you.

All right, Mr. Salas.

**MR. SALAS:** Chair, Commissioners, the next speaker is going to be Derek Wallentinson.

**CHAIR SHAFFER:** Mr. Wallentinson, you've already been sworn in, so you can jump right in and get your two minutes there.

**MR. WALLENTINSON:** Thank you. Yes, I'm commenting on Item 56, outdoor and site lighting.

So I'd like to thank the EPC providing a much stronger lighting ordinance than what's in the city in the past. However, let's make it even stronger and in line with state-of-the-art regulations and technologies that are used in other cities.

The salient points that I'm going to mention must guide a progressive lighting policy and make Albuquerque more livable, a

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responsible city, instead of having the reputation it does now, as the biggest light polluter in the state.

The ordinance, I feel, must provide in its purpose statement the five Illuminating Engineering Society and Dark Sky international principles. And this is to explicitly remind and educate residents, builders, and city personnel what this is all about, and to give backing to city staff where judgments have to be made.

Earlier today, did I not point out artwork that was -- you know, they're unaware of this. This is in ordinances, such as Los Alamos, and also in lighting plans in areas like Valle del Oro.

So in terms of the changes in the ordinance, "useful" means an effective curfew, as well as discouraging lights that provide no benefit. Simply using cheap, bright LED technology should always be questioned.

"Targeted" means B-U-G, backlight, uplight, glare standards must keep light within property boundaries. Low level lumens limits are needed for all things, including seasonal lighting. Controlled, smart use of motion detectors can keep lights on only when needed.

And finally, warm colored. (Inaudible) scatters more, affects birds and invertebrate ecosystems and human physiology more so. The CCT must be set at 2700 K or below and not 3000.

When designing light time for nighttime applications, we need to think about more than just lighting for the tasks. Poor lighting effects people, flora, fauna and the view of the night sky.

So let's be responsible. Only light what's needed when it's needed and the amount needed. Thanks again, EPC.

**CHAIR SHAFFER:** Thank you. I always like to hear specific items like that. So thank you for your commentary.

Do commissioners have any questions?

Okay. Thank you, sir.

**CHAIR SHAFFER:** Mr. Salas, who's next?

**MR. SALAS:** Chair, the next speaker is Richard Schafer.

**CHAIR SHAFFER:** No relation. Mr. Schafer, are you with us?

**MR. SCHAFFER:** Yes. I'd like you to turn on my video.

**CHAIR SHAFFER:** Do you mind stating your name and address for the record, please.

**MR. SCHAFFER:** Richard Shaffer, 3579 Sequoia Place, Northwest 87120.

**CHAIR SHAFFER:** Do you swear to tell the truth under penalty of perjury.

**MR. SCHAFFER:** Yes. I don't know if you recall, Mr. David Shaffer, but last time we spoke, I had a complaint that we were looking at a property that my neighborhood association, Vista Grande, should have been notified on.

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**CHAIR SHAFFER:** Yes, sir.

**MR. SHAFFER:** And/or the ONC misinformed the EPC about whether my neighborhood should have been notified. It should have been notified, as should have the coalition. They eventually sent an e-mail to me apologizing for their mistake. I think they're misinforming you and me again.

Basically, with regard to the problematic notification amendments, 29, 31, 32, 33, 34, 36 and 37, Commissioner Stetson has it right. These are more restrictive. They are not a balancing act. They are an effort to restrict notification, reduce the amount of information that goes out to neighborhoods and reduce the amount of input that developers have to deal with.

Indeed, Mr. Vos is wrong, I believe. We are adjacent to a proposed superstore, Target Superstore, that has a fast food establishment on the corner. So that puts us about 180 feet across the street and beyond the fast food from the Target, the proposed Target.

The changes are designed to make them not have to inform our neighborhood if a Target's going in 180 feet away. Okay? 180 yards, I'm sorry, 180 yards away.

So in every case, the distances are being changed from 1320 feet away, to either the 660 or 330, and the 660 distances are being changed to 330. And I feel that the staff is misleading you about that.

**CHAIR SHAFFER:** And I kind of asked -- that's why I asked -- and I appreciate your comments about what you're talking about, I do remember that case. That's why I asked that question earlier about the clarification. It's not necessarily from your space; it's the edge of the neighborhood association. So I think it's both ways, to be honest with you. But that's just my opinion.

**MR. SCHAFFER:** Well, if I could say, and they also misled you about the narrow and what the narrow is supposed to do. The narrow has -- the 2022 narrow has nothing in it about distances. It indicates that the notification process has to conform to the IDO.

**CHAIR SHAFFER:** Right.

**MR. SCHAFFER:** And so this is an effort to reduce who gets notified. And e-mail notification is good enough. I mean, it doesn't cost the city anything. What it does cost is it's information going out, and these amendments are designed to reduce that. And staff knows that.

**CHAIR SHAFFER:** You'd be surprised how many people complain about not getting a regular one when -- and you just said e-mail is fine. And then a lot of people are saying, "No, I don't want it." It's hard to please everybody, for sure.

**MR. SCHAFFER:** I'll go along with that. If you're in your business or my business, which aren't businesses, but volunteer situations, you have to check your clutter and junk box a lot.

Thanks for doing your work, but please take it real seriously.

**CHAIR SHAFFER:** Yes, sir.

**MR. SCHAFFER:** These people are blowing smoke at you.

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**CHAIR SHAFFER:** Well, we appreciate the comment.

Mr. Vos, I don't know if there was anything -- this was kind of similar to what I think you've addressed. I don't think there was anything new you needed to address, and you don't have to on that. We can move on to the next person.

Mr. Salas.

**MR. SALAS:** Yes, Chair and Commissioners. The next speaker is going to be Mike Voorhees.

**CHAIR SHAFFER:** Mr. Voorhees, hello.

**MR. VOORHEES:** Yes. Hello.

**CHAIR SHAFFER:** State your name and address for the record, sir.

**MR. VOORHEES:** Michael Voorhees and 6320 Camino Alto, Northwest, 80120 [sic]. That's what it is.

**CHAIR SHAFFER:** I wouldn't have known the difference. Do you swear to tell the truth under penalty of perjury.

**MR. VOORHEES:** I do.

**CHAIR SHAFFER:** All right, sir. You may proceed. You have two minutes.

**MR. VOORHEES:** Thank you.

Yeah, Commissioner Stetson's reservations on all of the notification definitions are spot on. And the last speaker also iterated that. This is designed as a deliberate erosion of participation of the public.

And what that does is it disenfranchises people. It delays oftentimes development that could be good for the community because there are disputes that could have been worked out long before these things come to you all and to other bodies.

And so it's a deliberate undermining of participation of thoughtful people who take a good deal of time to look at these changes.

And the fact that the city slipped in the catty-corner change and then mischaracterized it as at the direction of the court that was clarified by Elizabeth earlier, that is not a final order at all. This is an effort of the city planning folks to cover up their egregious interpretation that was done informally and improperly.

The LUHO agreed with us across the board. And then they conveniently withdrew that application. There is no reason for the EPC to go along with that, changing the definition to exclude someone who is immediately across the street. And in this case, it was a major public open space.

So trying to gut the regulations or protections for many of the cherished open space lands that we have and effect the character and cultural landscape is really just an inappropriate way to go. And to spring that addition to this long list, at the last moment, is just unconscionable.

And so trying to say that the court was forcing this, that is a really incorrect interpretation. I would ask the commissioners



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to take that with a huge grain of salt.

Thank you very much for your tireless work on this.

**CHAIR SHAFFER:** No problem. Thank you, sir. Thanks for the commentary.

Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Thank you, Chair. I'm trying to keep my yeas and nays in order.

Ms. Samuel, are you still on our call with the NAIOP? If you're working on your microphone, my question was simply if you were in favor or against 29 through 37. If you're not available, I'll wrap back around.

**CHAIR SHAFFER:** She said she was in favor.

**COMMISSIONER HOLLINGER:** Thank you, Chair.

**CHAIR SHAFFER:** All right, so, Mr. Salas.

**COMMISSIONER EYSTER:** Chair, I have a question.

**CHAIR SHAFFER:** Oh, I'm sorry, Commissioner Eyster. Go right ahead.

**COMMISSIONER EYSTER:** Thank you. I'll direct this to Mr. Vos.

But Mr. Voorhees said that several of these changes proposed about notice would mean that you would not even be -- get noticed if you were across the street. Is there anything like that in any of those?

I was under the impression it was mainly just so that you could automate the notice process. Am I missing something?

**MR. VOS:** Chair and Commissioner Eyster, the changes to notice to replace adjacent with a distance would generally continue to notify neighborhood associations that that are across the street.

Applicants would still notify property owners that are across the street until such a point that -- the property owner notice is lower than the 330. It's a hundred feet.

**COMMISSIONER EYSTER:** Got it.

**MR. VOS:** So a property owner notice, you know, a typical residential neighborhood street is 50 feet wide. So you'd get notified of people across your residential street. You'd probably get notified of things across a collector roadway, which is, you know, like a Girard. Near the university, it's probably like in the 80-foot range in terms of width, the right-of-way.

**COMMISSIONER EYSTER:** Okay.

**MR. VOS:** And then arterial roadways are where it gets above 100 feet. And so the distance would include -- in neighborhood associations across roadways with the 330 feet would generally, as I've stated before, be notified, except for instances where the roadway is more than 330 feet wide from that property. And the only ones that I'm aware of for that are Tramway and the two interstates.

**COMMISSIONER EYSTER:** Thank you very much.

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**CHAIR SHAFFER:** Thank you, Mr. -- or Commissioner Hollinger [sic].

All right. Mr. Salas, who do we have next?

**MR. SALAS:** Yes, Chair and Commissioners. It'll be Eleanor Walther.

**CHAIR SHAFFER:** Eleanor, hello.

**MS. WALTHER:** Hi, I'm Eleanor Walther, 2212 Camino de los Artesanos, Albuquerque, New Mexico, 87107.

**CHAIR SHAFFER:** Do you swear to tell the truth under penalty of perjury?

**MS. WALTHER:** I do.

**CHAIR SHAFFER:** All right, you have two minutes. Go right ahead.

**MS. WALTHER:** Okay. Item 3, which is the cottage development. I support the porches. I'm a little puzzled about the change to allow a common wall, that's essentially a duplex in another word, because they are limited by square footage that they can build. And so I'm not sure what that buys other than maybe it makes it cheaper to build.

I'm in favor of Item 29 and 30, the pre-submittal meeting. The earlier you can get neighbors involved, I think the better off it is.

I oppose walls and fences, and like many others, I get tired of having to deal with this every year.

Item 13, duplexes, I'm not sure how I feel about it, but I'm just curious how an ADU would affect the price of the house versus a duplex. So that's something you might look into.

I think Item 17, I think I oppose both in RV parking changes. I think this might affect old neighborhoods more than other newer neighborhoods. And I'm wondering what's considered the front yard if you have a driveway or a paved place that goes past the front of the house.

I like the pre-submittal neighborhood validity, Item 30. Getting involved sooner is better than getting involved later.

I am confused about Items 32 and 33, but my position is more notification is better than less.

My time's up.

**CHAIR SHAFFER:** Do you have one last thing?

**MS. WALTHER:** Let's see. I just would like to say I'd like to see Item 2 outdoor amplified sound being given to citywide. It's certainly easier to tell whether there's amplified sound after 10:00 than have to go through the arguments about whether your decibel meter is good enough or valid and that kind of thing. So I think it makes enforcement easier.

**CHAIR SHAFFER:** Understood. Thank you.

Commissioner Hollinger.

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**COMMISSIONER HOLLINGER:** Thank you, Chair.

The video broke up. Could you tell me your stance on Item 13. Were you for or against that?

**MS. WALTHER:** I'm not sure, because I think it's more limited than what people have been saying, the way I read it, that it only applied to corner lots. And one of the arguments against it was it lowered property values. But I was just curious how a duplex would lower property value versus a house and an ADU. So, I don't know if that's helpful.

**COMMISSIONER HOLLINGER:** I just want to make sure I got my notes right so I appreciate clarification.

**MS. WALTHER:** Okay.

**CHAIR SHAFFER:** Thank you.

All right, Mr. Salas.

**MR. SALAS:** Chair, Commissioners, the next speaker is going to be John Cochran.

**CHAIR SHAFFER:** Mr. Cochran.

**MR. COCHRAN:** Do you see me?

**CHAIR SHAFFER:** Yes, sir. All right. Do you mind stating your name and address for the record, sir?

**MR. COCHRAN:** John Cochran, 1300 Las Lomas Road, Northeast, 87106, Spruce Park Neighborhood.

**CHAIR SHAFFER:** All right. Do you swear to tell the truth under penalty of perjury?

**MR. COCHRAN:** I do so. All right, may proceed. Items 23, 24, walls and fences. Three points I'd like to make.

First, I'm strongly opposed to making 5-foot walls in front yards permissive in R-1 zones. If we support family-friendly neighborhoods, then we don't want neighborhoods where the homes are literally walled off from their neighbors and other visitors. Tall walls in front yards convey a sense of fear, as each house must wall off its neighbors and visitors.

My second point, the same proposal was defeated a year ago. Why, without changed circumstances, are we having to do this again? Why it being reintroduced?

And then third point, I want to share some information on an incident that occurred here on our street less than three months ago. One of our neighbors, a woman, came home after dark, opens her front door and there's glass and a big rock laying there. Someone has heaved a big rock through her large double-paned glass window, front window. She's very concerned scared, reached out to my wife and I.

We came over and assessed that it looked like it was safe and recommended that she called the police. She did call the police the police came out, also found it to be safe. And then in a follow-up investigation the next day, they talked to neighbors. No one, even though there's houses around her, no one saw or even heard this happen. Why not? She's got a 5-foot tall wall in her front yard. And once an individual scaled the wall, climbed over

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the wall, they weren't seen. And, apparently, it even blocked the sound of him busting the big front glass out.

Now, luckily for her, luckily, the individual wasn't waiting behind the wall for her. Right? But this belief that we need to have taller walls to make people safer is misplaced, and this example just three months ago down the street here, conveys that, right, that once somebody's behind the tall wall, they can't be seen and they can't be heard?

So I'm very much opposed to allowing taller walls in R-1 zones

**CHAIR SHAFFER:** Understood

**MR. COCHRAN:** Mr. Chairman, Commissioners, thank you for your time

**CHAIR SHAFFER:** Appreciate that. Thank you for the commentary.

**COMMISSIONER EYSTER:** Thank you

**CHAIR SHAFFER:** Mr. Salas

**MR. SALAS:** Bret

**CHAIR SHAFFER:** Bret. I'm assuming Bret's got a last name and he's going to tell us any second. Or we can move on to the next person and come back to Bret

**MR. SALAS:** Yes, Chair. The next speaker is going to be --

**MR. BLANCHARD:** I'm here. Can you guys hear me?

**CHAIR SHAFFER:** There's Bret. Bret, how are you?

**MR. BLANCHARD:** Sorry about that. On mute.

Bret Blanchard. Address, 5850 Eubank Boulevard, Northeast, Suite B62, Albuquerque, New Mexico, 87111.

**CHAIR SHAFFER:** All right. Do you swear to tell the truth under penalty of perjury.

**MR. BLANCHARD:** I do.

**CHAIR SHAFFER:** All right you may proceed.

**MR. BLANCHARD:** Commissioners, Chairman, thank you very much. I'm just here to comment on Items 4 and 5. I'll be quick, since my comments will kind of mirror what the prior ones are.

I'm opposed to 4 and 5, the walls around general retail and light fueling stations. As has been stated, any wall less than 8 to 10 feet won't have any deterrence on crime. Criminals are very determinative and they will scale anything of that nature fairly easy.

Also it will not lead to attractive developments. If you're in high retail areas, you'll have all of these different properties all walled off from each other, sort of separated, segregated. I think that's sort of contrary to the desire of the city to become a little bit more connected and walkable. That will sort of limit and prevent that.

And then, depending on the size of the development, I do believe that it could also almost be cost prohibitive, especially in

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light of the current environment that we are in with construction, cost of land, cost of financing. And these particular decisions, I think, should be left to the operator, developer themselves. If they feel that is a necessary cost, then they can go ahead and engage in it.

So with that said, I stand for any questions.

**CHAIR SHAFFER:** Sounds good. You know, we're getting that same comment from a lot of people, let the property owner decide if they are going to incur that expense because that's a detriment to them. So we appreciate the commentary.

**MR. BLANCHARD:** Thank you very much. I appreciate it.

**CHAIR SHAFFER:** Yes, sir.

**COMMISSIONER EYSTER:** Chair, just the quickest question for Bret.

**CHAIR SHAFFER:** Yes, sir.

**COMMISSIONER EYSTER:** Commissioner Eyster here, Bret. I was wondering if, if the administration reached out to the community, do you know, if there was coordination with developers or property owners on this proposal?

**MR. BLANCHARD:** I mean, I think that -- not to speak for the development community, but as, you know, an individual that has been involved in development either directly or indirectly, I mean, I think conversations on anything that affect development, if you have them amongst all the interested parties, especially if they're done in good faith, with the goal of working together, is always positive.

I think obviously as we all know, every party in a development has their part. And if there is individuals working together and coming up with common, attainable goals that obviously facilitates better, more efficient development. So, you know, on its face, I wouldn't say no to that.

**COMMISSIONER EYSTER:** So I appreciate what you're saying. You're not aware of any coordination that was done on this one?

**MR. BLANCHARD:** I mean, I just -- I don't know if it just fell through the cracks. I just got notice of this. I don't think there was nothing. It could have just not come to me. You know, these things happen. So this was late in the game that this came up to me. So, you know, I think for me, it just wasn't that anyone reached out; they may have, I'm not quite sure. It's just in this particular situation --

**COMMISSIONER EYSTER:** Thank you.

**MR. BLANCHARD:** Nothing like that happened.

**COMMISSIONER EYSTER:** I appreciate that.

**CHAIR SHAFFER:** All right. Mr. Salas.

**MR. SALAS:** Yes, Chair and Commissioners. The next speaker is going to be Peggy Neff.

**CHAIR SHAFFER:** Ms. Neff.

**MS. NEFF:** Good afternoon, Commissioners. Thank you so much for the time that you're putting in today.

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**CHAIR SHAFFER:** Your name and address for the record, please.

**MS. NEFF:** What a different approach this year. So much giving and thinking and talk. No debate, but just talk.

Peggy Neff, 3025 Marble Avenue, Northeast, 87106. I am not representing any groups.

**CHAIR SHAFFER:** Do you swear to tell the truth under penalty of perjury?

**MS. NEFF:** I do.

**CHAIR SHAFFER:** All right, you may proceed.

**MS. NEFF:** I'm going to turn off my video. You need to understand that there are so -- you need to really hear the fact that there are so many people that you are changing their property rights for that have no idea what you're doing.

The EPC is supposed to protect those that are not in power, not to protect those that are in power. According to state statute, notification standards are only achieved if those to whom the change is being applied both understand and have the opportunity to address this change.

Notification is not happening in regard to the annual IDO amendment. The move to address substantive land changes through this tiny annual window that was created for IDO text and technical updates must be evaluated and revised.

I have personally suffered property values losses due to this process. And I stand to have construction on three sides of my current home in the next few years if these things continue.

While knowing the storm is coming is somewhat helpful, my heart goes out to those who will face this terror without understanding how this change has happened to their current residential rights.

I ask the EPC again to consider an open review of this complex policy in order to achieve minimum requirements and distinct and different processes for IDO text and technical amendments, versus citywide substantive amendments. Citywide zoning changes need a modicum of public awareness, involvement and support before they come to you.

In my submitted notes, which I'm sure you all made a copy of and pinned right to your desk there, I count between 18 and 13 technical updates out of 60. The remaining amendments need additional public debate and discussions, better data and clear, more extensive notifications to the residents of our city. Land uses are getting more and more opportune, and yet, the space is getting more and more challenged. People need to have their voice. There's nothing pressing here except perhaps in the world of those who build and sell properties.

Correct me if I'm wrong, but EPC commissioners are supposed to protect the entire community, not just those who are vested in growth. Continuing this way, allowing the planning department to deny data, to refuse math, graph examples, ignore requests for beneficiary summaries, impact statements, risk analysis, this is going to challenge the EPC's effectiveness. Most of those affected are really --

**CHAIR SHAFFER:** Ms. Neff, are you going to speak to a single one

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of the amendments? So if this is just --

**MS. NEFF:** No. I would echo a lot of the things that have already been said before. My feel, need to look at the bigger process. And I really wish you would consider a special meeting simply to review this process.

**CHAIR SHAFFER:** And I think that message has been sent loud and clear. I've been doing this for a long time, and this is the first time it's really been reiterated.

**MS. NEFF:** I'm saying it.

**CHAIR SHAFFER:** No, no, I agree with you. All right. Well, thank you.

Mr. Salas.

**MR. SALAS:** Chair and Commissioners, the next speaker is Steve Miller.

**CHAIR SHAFFER:** Mr. Miller, welcome.

**UNIDENTIFIED MALE:** Steve Miller Blues Band?

**MR. MILLER:** That's me. You guys are old enough to know.

**CHAIR SHAFFER:** All right. Name and address for the record, please.

**MR. MILLER:** Steve Miller, 3505 Smith Avenue, Southeast, 87106.

**CHAIR SHAFFER:** All right. Do you swear to tell the truth under penalty of perjury.

**MR. MILLER:** I do.

**CHAIR SHAFFER:** All right. You may proceed, sir.

**MR. MILLER:** Mr. Chair and Commissioners, I want to say thank you so much for all the work you put in into this. And I realize a lot of this stuff is coming up over and over again. I appreciate all the work from everybody who's been involved in the IDO for this long haul have put in and realized, like Patty Wilson mentioned, that it can probably bog you guys all down.

I want to speak in favor of three amendments. And I apologize. I don't know the numbers of all of them. But the duplex, Item 13, the reduced parking requirements along transit corridors. And for allowing for the corner lot mixed-use amendments.

I really appreciate what the IDO has been doing, what its goal is, to bring more equity for various groups of people, not just us land and small business owners or business owners. I meant to mention I'm a co-owner at LiveLab Studios, a modular tiny house building company, and we're doing work to try and get more options out there for people in New Mexico. We serve all of New Mexico, but I especially care about Albuquerque.

I happen to also own a triplex on a corner, and to hear people disparage duplexes and triplexes, I hate to -- I want to help change people's ideas about those. Multi-housing isn't all for bad people. I've lived in mine for 15 years or more. And I hope the rest of the neighborhood considers it more safe because we have 10 of us here that are good friends, looking out on the

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street, taking care of the street, getting to know neighbors and having that connection, rather than the two people that would normally be in a lot like mine. I'm in a primarily single-family housing block.

Secondly, reduced parking. I think all these other things are helping to reduce sprawl, which does speak to environmentalism. And to the -- I appreciate Mrs. Paxton's comments about heat island effect.

I think in so many ways, the IDO is trying to attack environmentalism and not attack to work for it and reduce the amount -- like, the reduced parking is straight up to reduce the amount of paving and car-only oriented space.

We don't have to stop people from driving, but if you have a choice to not, whether it's for financial reasons or just because you don't want to be in a car, you know, your whole commute, like we should have more options. So I'm in favor of that.

And the corner lots having small commercial right in our neighborhood also gets more people out of their cars. So rather than thinking of all the parking requirements, it actually helps shorten our commutes and have less car commutes and less parking issues if we, as a city, really know more urban space. Thanks.

**CHAIR SHAFFER:** Thank you, Mr. Miller.

Commissioners, any questions?

Okay. Thank you, Mr. Miller.

Mr. Salas, anybody else signed up to speak?

**MR. SALAS:** No, Commissioners, nobody else is signed up to speak. If anybody wishes to speak, please say so now.

**UNIDENTIFIED MALE:** Hallelujah. I've had enough.

**MR. SALAS:** Sorry, Chair.

**CHAIR SHAFFER:** Yeah, you muted the wrong guy.

All right. Ms. -- I'm sorry.

**MR. SALAS:** Yeah, Cheryl Somerfeldt would like to speak.

**CHAIR SHAFFER:** All right. So, Ms. Somerfeldt, I see you with your hand raised.

**MS. SOMERFELDT:** Good afternoon, Commissioners. I just wanted to start by saying thank you so much for all of the work that all of you guys are putting into this.

I represent the parks and recreation department planning and design division. And I appreciate a lot of the new regulations regarding sensitive lands, especially the ones about a large stand of mature trees.

I did want to make a quick comment on one thing. I know everyone is tired, but it wasn't something that was discussed earlier. Titan Development submitted --

**COMMISSIONER HOLLINGER:** Chair, do you want to swear her in?

**MS SOMERFELDT:** Sorry?



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**CHAIR SHAFFER:** Yeah, I wasn't sure what she had.

I'm going to have to swear you in. I wasn't sure where you were going or what -- if you were commenting as part of -- let's swear you in. Are you commenting on yourself or -- you weren't part of our process earlier, so not sure what you were going to do.

**MS. SOMERFELDT:** I am commenting on behalf of the planning and design division for the parks and recreation department.

**CHAIR SHAFFER:** Okay. So we're in public comment right now. So is that what you're trying to do, a public comment, or you're trying to -- because we've got to go to, you know, deliberation, we got to go through what we're going to do next. What part did you want to -- you want to make a public comment?

**UNIDENTIFIED MALE:** Yes, I can do that, unless you feel that that's not appropriate at this time.

**CHAIR SHAFFER:** Well, it's just, I mean, we had our presentation earlier and now we're doing public comment and then we're going to close public comment, we're going to take a break, and then we're going to go through each one of these line items and figure out what we're going to recommend to Mr. Vos to change.

So I wasn't sure of your role in this, if you were part of the applicant team or what was happening.

**UNIDENTIFIED MALE:** No, I am not.

**CHAIR SHAFFER:** Okay. So then you should probably say something, what you want to say in public comment, now. So go ahead and say your name and address for the record.

**MS. SOMERFELDT:** My name is Cheryl Somerfeldt. The address is 1801 North 4th Street, Albuquerque, New Mexico.

**CHAIR SHAFFER:** Okay. Do you swear to tell the truth under penalty of perjury.

**MS. SOMERFELDT:** I do.

**CHAIR SHAFFER:** All right. Great. Now we're on the right path. Go right ahead.

**MS. SOMERFELDT:** I noticed that Titan Development made a comment in their comments to the commission that there was one regulation, it's 5-6(C)(4)(b), no more than 20 percent of required landscape areas shall be warm season grass species. And their comment was that they thought this was an error. And our thought was that that was a possibility also.

But I just wanted to say that if it's not an error, that the parks department does support not limiting warm season grass. And the reason is that there is a large possibility for warm season grass that constitutes over 60 percent of the city's spec for revegetation. So it's an important tool for us to be able to revegetate or rehabilitate native species into an area, such as the major public open space buffer part.

And I think that the regulation could be rewritten to allow for that, but I don't believe that there's really a danger of developers overusing warm season grass. And considering the climate issues that we would want to encourage it, rather than discourage it.

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And I do understand that parks and recreation is not subject to the landscape regulations, so I'm just speaking on behalf of having it as a useful tool to recommend to private development. So that's my brief comment.

**CHAIR SHAFFER:** Understood.

**MS. SOMERFELDT:** I appreciate it.

**CHAIR SHAFFER:** You know, while you're up, I have a question for you.

So are you speaking on Number 57?

**MS. SOMERFELDT:** It's part of the landscape regulations in the council memo, so it's regulation 5-6(C)(4)(b).

**CHAIR SHAFFER:** Yeah, that didn't help. So 57 was a staff change. And I think it was one of the staff memo ones that we don't have in our -- it's in our list as a memo, but the details aren't there.

So, Mr. Vos, which one's that?

**MR. VOS:** Chair Shaffer, the amendment that includes the 20 percent warm season turf grass provision is amendment Number 57.

**CHAIR SHAFFER:** Oh, it is 57?

**MR. VOS:** Correct.

**CHAIR SHAFFER:** Okay. Because that says that's a staff one.

**MR. VOS:** Yeah, there were some landscaping amendments proposed by city council and some by city staff, and that particular provision was within the staff memo.

**CHAIR SHAFFER:** So can you make that note about the recommendation on there, so when we get to that, we can recommend that change? Because, you know, it came up as -- those are the only two comments, and having somebody from parks and rec, even though I know it doesn't directly affect them, but having their recommendation to agree with that would be helpful.

And while you're here, I want to ask you a question. This also didn't have any to do with you, but on Number 52, we're supposed to figure out and make a decision about trees that are 30 years old. How do you know if a tree is 30 years old unless you cut it down?

**UNIDENTIFIED MALE:** Well, that's an excellent question, Chair Shaffer. Some of the ways that we figured that out is by looking at historic aerial photos. So I would say that's the primary way. And then, of course, we have city forestry that would examine it even closer.

**CHAIR SHAFFER:** Just was curious about that. All right. Well, thank you for chiming in. We do appreciate it. That was a good spot because that was one of the notes. That was some of the 48-hour rule stuff and someone brought up and it never got touched on. So thank you.

**MS. SOMERFELDT:** Thank you. Thank you all.

**CHAIR SHAFFER:** All right. Mr. Salas, anybody else?

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**MR. SALAS:** Chair, nobody else is signed up to speak.

If anybody else wishes to speak, please say so okay. No, Chair.

**CHAIR SHAFFER:** All right. The floor is closed. Let's do this. Let's take a break until 4 o'clock and gather our thoughts.

We're going to go through each one of these. Some of these will be pretty simple. And what we're going to try to do is do what -- you know, we're not going to rewrite every single one of those, obviously. But this is now going to be to give our recommendations for Mr. Vos to go back and, as we talked about with the other one, massage the wording, take into consideration the alternates.

It'll also give the people who spoke today, all public speakers can now spend the next few weeks, after hearing what the thought process is, going back to staff, offering their suggestions, and then we'll continue this case and hear it next month.

So, yeah, not a problem. So let's take a quick break, get back here in 15 minutes, and we will start with Item Number 1.

(Recess held.)

**COMMISSIONER STETSON:** Commissioner MacEachen, can you hear me? This is Commissioner Stetson.

**COMMISSIONER MACEACHEN:** Yes, I can.

**COMMISSIONER STETSON:** Yeah, before we begin again, I've got a thought I'd just run by you. We're now into eight hours.

**COMMISSIONER MACEACHEN:** Yes, we are.

**COMMISSIONER STETSON:** Yeah. And so I'm thinking, as we began this morning, we talked about this was going to be a continuance, right, so we're going to continue this? And I'm wondering what you think about this, that we might talk to the Chair about this might be a good time to stop, give staff time to put everything together.

We talked about getting Mr. Vos' original presentation as a link to be able to review. And then the public comment today, that also would be something that we could review.

Tomorrow we should be receiving our staff reports for next Thursday's regular EPC meeting, right? So we've got that to go through.

And I'm thinking this might be a good time for us to stop so that we can absorb everything that we got today and the public comment that we can focus on after we get through next week's hearing.

So I'm just wondering what you think about that.

**COMMISSIONER MACEACHEN:** Well, I think what Commissioner Shaffer was trying to do -- oh, there he is. He can tell you what he's trying to do. I think he's trying to get where we have had our comment on the 60 items, which I think could be done in an hour. And then they can take all that and put it into a report that everybody can digest and work from, you know, in the January 11th meeting.

And I agree with you, we're already long, but I think I can see

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the finish line.

I think that's where you're going, right, David?

**CHAIR SHAFFER:** Correct. So we're going to go through now and start each -- there's going to be some of these that we have no comments on, and we're going to move through them.

But Mr. Vos needs to know what our directions are. We're not going to deliberate these things. The final deliberation is going to be coming down the pipe next week -- or not next week, sorry, next month.

But since this is going to be a continuance, people are going to have time to now still chime in with them. He's going to receive, you know, 50 more e-mails on these things between now and then anyway. So we're going to still have all this other commentary based on what everybody heard today.

But we, he's got to have a starting point about what our directions are on what we'd like to see changed or what our direction is. Because, as already mentioned, they have some -- all right, well, we can do an alternate finding for this, or we can do an alternate condition of approval on that. And they need to know what we're thinking.

But we're not deciding today.

**COMMISSIONER MACEACHEN:** But I agree with you. I think it was much better handled last year. But I think some of these are duplicates and it'll be one deal that we go through, so let's just rock and roll and hit the line

**CHAIR SHAFFER:** So you were saying, Commissioner Stetson, it was handled differently last year?

**COMMISSIONER MACEACHEN:** No, I was. He was just saying that this is a good place to --

**CHAIR SHAFFER:** Because I would just say, honestly, this is exactly what we did last year.

**COMMISSIONER MACEACHEN:** He was just saying this might be a good place to break off and start again on the 11th

**CHAIR SHAFFER:** Oh, we can't do that, because he doesn't know what to start rewriting.

**COMMISSIONER MACEACHEN:** Yeah

**CHAIR SHAFFER:** Yeah, so no, we can't do that. We have to start doing it now.

**COMMISSIONER MACEACHEN:** With that, you mean right now, so let's go.

**CHAIR SHAFFER:** All right, so we are 4:01. It's still recording. I know Commissioner Pfeiffer is on her phone now.

And, Commissioner Meadows, are you with us?

And, Commissioner Coppola, are you with us?

**COMMISSIONER COPPOLA:** I'm still here. Commissioner Coppola.

**CHAIR SHAFFER:** All right. Why do I have all these pop up? No, don't do an AVG tune-up right now.

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All right. And again, there's still questions to be asked. Because, I mean, the very first one, you know, I asked questions on this one already. We got our answer of what that was, and we can not necessarily deliberate to make a decision, but deliberate to say what our opinions are, for sure.

So Number 1, anyone have any commentary on this or any changes they'd like to see, based on public comment or what our feelings are.

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster

**COMMISSIONER EYSTER:** Thanks, Chair.

The main thing I heard was that people were concerned that the LC wouldn't do a quasi-judicial process, but then I heard that they do quasi-judicial process. So that public concern seems to me to be answered.

**CHAIR SHAFFER:** Yeah, and that was why I asked that question. It seemed odd to me, but there was definitely a concern for it being outside the process of the norm. So yeah, I don't know.

Mr. Vos, what are your thoughts on what the concerns were?

**MR. VOS:** Chair and Commissioners, I think the concerns were sort of the process and maybe, Mikaela mentioned, the criteria are a little different, and perhaps the idea that going to the LC would be easier to sort of get that variance than through the ZHE's criteria and process.

And I certainly don't have -- and I think the historic preservation staff think that the LC takes their role very seriously and, you know, whether or not things follow those Historic Preservation guidelines and are best for those particular neighborhoods.

So staff stands behind this ordinance the way it was written.

**CHAIR SHAFFER:** Okay. Anyone else?

Commissioner Eyster.

**COMMISSIONER EYSTER:** The other thing I heard, Chair, was that the LC would be more qualified in terms of making a historic type determination than the hearing examiner. And I agree with that, too.

**CHAIR SHAFFER:** Okay. So Number 1 stays as is.

Okay. Number 2. A lot of commenting, a lot of commentary. And this ties in with Number 50, so we can talk about both those at the same time.

**COMMISSIONER MACEACHEN:** So I just feel it's redundant. I think we have laws. We have things that can take care of amplified sound.

I think that, you know, we talk about 400 changes every year. I just don't see a need to implement this.

**CHAIR SHAFFER:** Okay. Other commissioners?

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My opinion is it feels -- I feel like this complicates things versus solidifies things.

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** Could I ask, Mr. Vos, what is it we're missing about the benefit of this proposal?

**MR. VOS:** Chair and Commissioner Eyster, one of the things I didn't mention before is that this amplified sound proposal is basically at the request of the environmental health department, who normally enforces amplified sound through the noise ordinance.

I think there's -- as I've explained before, it's an easier yes/no proposition for enforcement and rather than the complications that they've found with the existing noise ordinance. And I think they have some plans to look at the noise ordinance, but it's more complicated.

**COMMISSIONER MACEACHEN:** The source is listed as public.

**COMMISSIONER EYSTER:** Mm-hmm

**MR. VOS:** Chair and Commissioner MacEachen, there is one particular neighbor who definitely brought this to the planning department's attention. But we've been in conversations about other sites, too.

We began thinking about this from a public inquiry or complaint and then got input from environmental health.

**CHAIR SHAFFER:** So I will say right off the bat, and this is something I chime in on every year, I don't support a complete change in the IDO because of a singular complaint. If we need to overhaul the environmental health department's way of how they're enforcing in-place noise ordinance, that needs to be handled through that existing noise ordinance. It doesn't mean change the IDO because one person complained. That's my stance.

**UNIDENTIFIED MALE:** I agree with that completely.

**CHAIR SHAFFER:** Commissioner Meadows.

**COMMISSIONER MEADOWS:** Yeah, I also heard that this could have the effect of shutting down some areas of town that are trying to have more of a nightlife, and maybe 10 o'clock at night is kind of early in some of the more commercial parts of town. So something to think about.

**MR. VOS:** Chair and Commissioners, may I comment on that?

**CHAIR SHAFFER:** Yes, sir.

**MR. VOS:** Yeah, and that comment or question from Commissioner Meadows reminded me that the use-specific standard that's proposed, the prohibition is really limited to those properties, but it's also there's a distance to a residential use.

So, like, if a neighborhood or a neighboring residential property is within 330 feet, if you're in a heavily commercial area, that within in that 330 feet of your property is just only other commercial businesses, the prohibition may not apply to you. So it is a little bit more nuanced than just everybody has to turn

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their sound off after 10:00 p.m.

**CHAIR SHAFFER:** Yeah, I'm back to my comment. There's a noise ordinance. I support Commissioner MacEachen in his comment. So I would suggest that that is our commentary. And if anyone wants to change it, we can. But there's an existing noise ordinance in place. It feels like that that is the thing that needs to be modified, not necessarily create a new IDO rule.

**COMMISSIONER MACEACHEN:** And, Chair, if I may.

**CHAIR SHAFFER:** Please.

**COMMISSIONER MACEACHEN:** I mean, I just don't want to set the precedent that everybody comes to IDO to fix everything they have.

**CHAIR SHAFFER:** Exactly.

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** So does the commission think that we will just create a condition that says Number 2 should be removed, we did not see the justification?

**CHAIR SHAFFER:** That's fine. I mean, they're asking, per study session, they want specific things. And I'm saying, you know, I think that what we just said was is there's an existing noise ordinance in place and the issues with sound need to be addressed through the existing noise ordinance, in that process, and not through the IDO

**COMMISSIONER EYSTER:** So this is being recorded, so staff could go back in and draft a condition for us for the January hearing with these things that we've been saying?

**CHAIR SHAFFER:** Exactly, yeah, for each one of these.

**COMMISSIONER EYSTER:** Beautiful. Beautiful.

**COMMISSIONER MEADOWS:** No, what I was going for was to strike 2, but I'll go along with Commissioner Eyster and yourself.

**CHAIR SHAFFER:** Okay.

**COMMISSIONER HOLLINGER:** Chair, this is Hollinger.

**CHAIR SHAFFER:** Mr. Vos wanted to chime in on something we just said. Then we'll go to Commissioner Hollinger.

**MR. VOS:** Yeah, I was going to say, Chair and Commissioner, we, as staff, are taking notes on what we're hearing right now. And there's no 100 percent need for you to all be in agreement. We're hearing, and like last year, we can present options for conditions to you all if there's sort of two things that are rising to the surface. We can present two options to you in January, and then you guys can vote individually on which option to go

**CHAIR SHAFFER:** That's a great reminder of that, because we have done that lots of times, where we've said, here's Option A, you can choose between Option a and Option B. So that's a great reminder. Thank you.

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Commissioner Hollinger

**COMMISSIONER HOLLINGER:** Mr. Vos stole my idea

**CHAIR SHAFFER:** Perfect. No, and I'm glad you brought that up now, so since you're doing the note-taking, that's perfect, because we haven't gotten anywhere yet. So, great.

All right. Number 3, cottage development.

**COMMISSIONER HOLLINGER:** Hollinger.

**CHAIR SHAFFER:** Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** I heard quite a bit of opposition. I'm not in favor of this proposed change.

**CHAIR SHAFFER:** Who else?

**COMMISSIONER MACEACHEN:** I'm with Mr. Hollinger. I mean, it was more than a handful of people that are just not comfortable with this.

**CHAIR SHAFFER:** I don't want to confuse cottage development with the -- you know, between duplexes and -- what's the second one, which was the bodega thing.

**COMMISSIONER MACEACHEN:** No, I know what I'm talking about. I absolutely do.

**CHAIR SHAFFER:** I just want to make sure, because I heard the bodega thing, you know, the corner area, a lot of opposition to that.

I didn't necessarily hear specific opposition to Number 3 on its own. You know, as a matter of fact, we had the person say, "Hey, you know, the porch thing is good and so are the sidewalls." So I just want to make sure that we have those two separate, because I don't think there's any support for the corner.

**COMMISSIONER MEADOWS:** Mr. Chair.

**CHAIR SHAFFER:** Yes, sir, Commissioner Meadows.

**COMMISSIONER MEADOWS:** So I think I'm going in the opposite direction. And so I'd like to at least have an option on this one and on the live/work and on the duplex, to at least have conditional approval, if not outright permissive.

**CHAIR SHAFFER:** Okay. Well, that's Number 3. What was the other one?

**COMMISSIONER HOLLINGER:** I think it was 13.

**CHAIR SHAFFER:** Thank you. No, no, wait. No, it's 12.

**COMMISSIONER MACEACHEN:** No, it's 10. There's 10.

**CHAIR SHAFFER:** 10 is the dwellings for duplex.

**MR. VOS:** Chair, it's 12 and 13, I think for duplexes --

**CHAIR SHAFFER:** It's 12.

**MR. VOS:** -- and the live/work. Live work is 12, and duplexes, the council amendment, is 13.



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**CHAIR SHAFFER:** Yeah. But the one that's more in tune with Number 3 is Number 12. Correct?

**COMMISSIONER STETSON:** Yeah, because 12 is the bodega.

**CHAIR SHAFFER:** Yeah.

**COMMISSIONER EYSTER:** Chair, Number 3, cottage development, there's only two little things.

**CHAIR SHAFFER:** Yeah.

**COMMISSIONER EYSTER:** It says that they can be attached and that they got to have front porches. So that's almost one like, well, why bother, just let it go through.

**CHAIR SHAFFER:** Yeah, that's what I meant. The 3, I thought, was a pretty simple one.

**COMMISSIONER EYSTER:** Yeah, yeah, that's not worth a lot of our time.

**CHAIR SHAFFER:** It's important.

**COMMISSIONER EYSTER:** Because most of the people -- you know, it's just they can be attached on one side and they got to have a porch. I mean, that's not a very big deal.

**CHAIR SHAFFER:** Commissioner MacEachen. .

**COMMISSIONER MACEACHEN:** So there's been conversations going on about these three very related items for years, two, three years. And we hear an awful lot about what's going on. And in the industry I'm in, of course I hear what's going on. And I've had to have -- you know, I represent the state board of Realtors, and I represent a lot of different groups and things.

And they think it's the nose of the camel, and they think that all three of these are just trying to get to where we're going to do away with the sanctity of R-1 zoning.

And I feel bad about that. I think that when somebody buys a house and they have R-1 zoning, it's a covenant from the municipality or the county or whoever gave that covenant, whoever gave that zoning, that this is your zoning and you can rely on that and you can rely on us and somebody's not going to come in and change the whole character of the neighborhood, because we told you it's R-1 zoning.

And now we're going, well, let's change the definition of R-1 zoning.

I think it's -- first of all, I think it's a bad decision for a lot of different reasons. But secondly, I think that when you change somebody -- and we're not talking about de-valuing the property you add a cottage to, you devalue property that's next to it. And if you devalue a property, I think there's absolute responsibility on the city's part.

**UNIDENTIFIED MALE:** (Inaudible).

**CHAIR SHAFFER:** So I'll -- hold on one second. Hold on. Let's go one at a time.

So, I'm agreeing with you, honestly, on most of that. I just

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don't think it applies to Number 3, is the only thing I'm saying.

So, I agree with the duplex part and I agree with the live/work. I agree with all that, because I think that's correct. I just think the Number 3 one is a little separate thing, but I could be wrong.

And Ms. Schultz has popped in real quick. So let her say what she's going to say, and then we can go to the next commissioners.

**MS. SCHULTZ:** Thanks, Mr. Chair.

Yeah, I just wanted an opportunity to clarify that cottage development is already a permissive use in a variety of zone districts. It's got a slew of use-specific standards already attached to it.

And all this amendment does is propose to add two new use-specific standards. So it's not allowing cottage development to happen in more places where it can't today. It's adding, in one instance, maybe a new restriction. And in the instance of the attached allowance, just allowing for a different built form. But it won't really allow cottage development to happen anywhere where it cannot already happen today.

**COMMISSIONER MACEACHEN:** Okay. I'll get passionate later.

**CHAIR SHAFFER:** So are we okay with 3? Because, like I said, I think what you just brought up is going to be really relevant to those other ones. Okay. So 3 we're okay. Hold that thought. Hold that passion.

4 and 5 I think we can discuss together.

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** I didn't hear anybody who liked 4 or 5. And I don't see why you should make a developer or a gas station or a retail have a 3-foot wall if they don't want one. If it's good for them, they're going to do it.

**CHAIR SHAFFER:** Yeah, I agree.

**COMMISSIONER MACEACHEN:** And I think if it's struck down three years in a row, it can't come back.

**COMMISSIONER EYSTER:** Three strikes.

**COMMISSIONER STETSON:** So we strike 4 and 5?

**CHAIR SHAFFER:** Strike 4 and 5 with the reasoning -- we need to have a reason. The reason being that we don't agree that it's -- it's not incumbent upon the property owner to address people crossing different property lines. And that's what this is intending to do.

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** It's not clear that it creates any benefit.

**CHAIR SHAFFER:** Yeah. Yep. I guess we can use that term a lot and just say there's no perceived benefit for this change.

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Okay. Number 6. Number 6 ties in with 55, so we can decide on both of those at the same time.

You know, what I heard was should be simple. 6 is simple because it's just changing the word "identify" to "define." So that should be pretty simple.

What I heard was, is that you wanted us to not necessarily -- I don't want to punt it now, but defer what we want to decide on until next month's meeting, while you have conversations with PNM on how that's worded. Is that correct?

**MR. VOS:** Chair, that's correct. And city council specifically submitted a memo to you all to let council staff and planning department in our conversations with PNM and others to try to tackle a compromised position on this item.

**CHAIR SHAFFER:** Well, I guess we will follow that direction and say let them do their thing, because PNM, obviously, being the main stakeholder, has to be in agreement with that.

**COMMISSIONER HOLLINGER:** Chair, this is Hollinger.

**CHAIR SHAFFER:** Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Thank you.

Was that for 6 or 55 or both?

**CHAIR SHAFFER:** I think 6 -- it might --

**MR. VOS:** Chair --

**CHAIR SHAFFER:** Go ahead.

**MR. VOS:** Chair, Commissioner Hollinger --

**CHAIR SHAFFER:** Well, hold on, Commissioner.

**MR. VOS:** Chair, Commissioner Hollinger, it's for both, the electric utility and the BES amendments

**COMMISSIONER HOLLINGER:** And holding until more deliberation is had? Okay.

**CHAIR SHAFFER:** Okay. Commissioner Stetson, you were going to say something.

**COMMISSIONER STETSON:** No, I was agreeing.

**CHAIR SHAFFER:** Okay. All right.

**COMMISSIONER STETSON:** 6 and 55 together, and we'll see what staff has for us on the 11th.

**CHAIR SHAFFER:** Yes, sir. All right. Number 7. Number 7 is congruent to Number 2, or we have the same comment, correct, or no

**COMMISSIONER EYSTER:** Yes

**CHAIR SHAFFER:** Okay so same commentary on Number 7 as we had on Number 2.

**COMMISSIONER MEADOWS:** Which is a strike; is that right

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CHAIR SHAFFER: Correct.

COMMISSIONER MEADOWS: Okay.

CHAIR SHAFFER: Number 8.

COMMISSIONER EYSTER: That's a big winner. I know that. My neighborhood actually proposed that and then Councilor Grout beat us to it.

And I've even heard of cannabis retailers who like it because it helps hold down competition.

CHAIR SHAFFER: Everyone agree?

COMMISSIONER EYSTER: But I know neighborhoods like it

CHAIR SHAFFER: Okay. Good?

COMMISSIONER MEADOWS: Yeah.

CHAIR SHAFFER: All right. Good as written.

Number 9. So now we're at number -- yes, let's just stay at Number 9, because that's separate from the other ones.

Number 9, this will be a tough one.

COMMISSIONER STETSON: I'm not in agreement. Commissioner Stetson

COMMISSIONER HOLLINGER: I would second that. Commissioner Hollinger

CHAIR SHAFFER: Can you --

COMMISSIONER MACEACHEN: I'm with those two guys.

CHAIR SHAFFER: Why? Huh?

COMMISSIONER MACEACHEN: I'm with those two guys

CHAIR SHAFFER: We got to have a reason why, and so I would ask each of you to articulate your reason.

COMMISSIONER MACEACHEN: The words that bother me is "permissively" and "conditionally." I mean, I don't want to give the keys to the city on this deal.

I mean, I think it needs to be conditional. It needs to have strong conditions and it needs to have strong regulations that support it.

CHAIR SHAFFER: So you're --

COMMISSIONER EYSTER: I like that

CHAIR SHAFFER: -- proposing that it remains conditionally, not switching to permissively.

COMMISSIONER EYSTER: Right.

COMMISSIONER MACEACHEN: I really dislike permissively.

CHAIR SHAFFER: Okay

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**COMMISSIONER EYSTER:** Eyster

**CHAIR SHAFFER:** Commissioner Eyster

**COMMISSIONER EYSTER:** The conditional use allows public input. It allows transparency. And it also allows the public and the applicant to develop conditions. That's why it's called conditional use, as Mr. Vos has taught me.

So sometimes uses can be palatable or acceptable if there are some conditions. And those are very unique; every single time they're unique

**CHAIR SHAFFER:** Got it.

You got that, Mr. Vos?

All right. So Number 10, now this is where we're getting passionate, so Number 10 ties into 13. Because those are the duplex ones

**COMMISSIONER EYSTER:** I'd like to hear Commissioner MacEachen's point again.

**COMMISSIONER MACEACHEN:** I don't have any feelings on this.

I just think it gets down to what we promise people and what people think they've bought. And I think there's a bunch of problems, you know, when you start changing things that people have relied on you when they did it. You know, there are streets in our city that you could park cars on both sides all the way down and you could still get a truck by or the mail gets delivered. But there's many you can't.

And (inaudible) for this are utility -- even if there's water and sewer to the place next door, doesn't mean that we have enough to for another dwelling or a duplex or anything like that. All these things, you walk by one of our sewer pipes and they collapse.

You know, I think this is a recipe for disaster. I don't think it talks about urban sprawl. It talks about, you know, trying to change the sanctity of R-1 zoning. I just don't like it.

**COMMISSIONER STETSON:** It also speaks, Commissioner, to personal property rights. I just don't think we should be messing with it.

**COMMISSIONER MACEACHEN:** And I know that if you do something legislatively or you pass a law that devalues your property, if they pass something, you can go after them for devaluing your property. And what if we --

**CHAIR SHAFFER:** I'm going to remind commissioners to say who you are, because there's a lot of people talking and it's going to get real hard to transcribe. So, just when we swap back and.

**COMMISSIONER MACEACHEN:** That was Commissioner MacEachen.

**CHAIR SHAFFER:** Yeah, that was a Commissioner MacEachen comment.

**COMMISSIONER STETSON:** And prior to that, that was Commissioner Stetson.

**CHAIR SHAFFER:** Okay.

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**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster and then Commissioner Meadows. I wanted to ask Ms. Schultz or Mr. Vos if they could just give us a 30-second overview of what the council did a year ago with this one when they didn't do it, when they didn't adopt it.

**MS. SCHULTZ:** Mr. Chair, I'll jump in on that one. I didn't see Mike chomping at the bit to answer that one.

Last year, via O-54, the mayor's Housing Forward initiative, making duplexes, I think it was a permissive use in the R-1 zone district, was considered by the council and the council rejected that portion of Housing Forward.

This Line Item 10 is coming from the planning department, so I can't speak to that one. But when we get down to the council proposed duplex amendment, I can talk a little bit more about Councilor Fiebelkorn's --

**COMMISSIONER EYSTER:** Oh, yeah.

**MS. SCHULTZ:** -- perspective and how her proposal is different from what the council considered last year.

**COMMISSIONER EYSTER:** So that was a -- I asked the wrong question, because this one is only really for the corner lots with 5,000-square-foot lot. And so you didn't -- council didn't look at this last year. This is a little bit different.

**MS. SCHULTZ:** Both duplex proposals in this year's IDO annual update are a little distinct from what was considered last year.

**COMMISSIONER EYSTER:** Okay. Well, would it be okay with the commission if Ms. Schultz told us about the other one --

**CHAIR SHAFFER:** That's fine.

**COMMISSIONER EYSTER:** -- what the council did last year with the other one?

**CHAIR SHAFFER:** Yes, sir. So, Ms. Schultz, we're speaking of Number 13, correct?

**MS. SCHULTZ:** Yes. Yeah. Now we're on to Number 13, which is the council sponsored amendment. Let me pull up my exhibit here.

This proposal is distinct from what the council considered last year because it imposes additional use-specific standards that seek to help maintain a single-family character more than the proposal did last year.

So there would be additional restrictions or maybe some hoops to jump through if someone wanted to do a duplex on a property; the biggest distinction being the permissive versus conditional concept. Instead of making it a blanket permissive use in all of R-1, what this proposal says is that if you're attaching the duplex to an existing building, then you can do it permissively. However, if the lot is vacant or if you scrape an existing building to create a vacant lot and then you build two units, then it's a conditional use.

That's to address the concerns that the council heard very loudly last year, that there was a fear that folks would come into the

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market if this was made just blanket permissively, they would buy up R-1 properties just to scrape an existing housing unit to put up two housing units.

So the nuance there in the permissive versus conditional idea is that you're dis-incentivized from doing that because you're going to have to go through a conditional use process if you're starting from a blank slate, if you're going in to scrape an existing housing unit to put up two. That's the first distinction that was not on the table last year.

The second is the either/or proposal, to say that if there's an accessory dwelling unit on the property, you would not be able to do a duplex. And in the reverse, if there's a duplex already on a property, you would not be able to do an accessory dwelling unit.

During last year's Housing Forward conversation, there was a lot of concern that once you do the math of all the proposals on the table, in the R-1 zone district, you could end up with three units on a lot.

This amendment seeks to address that concern by saying you get to do either an ADU or a duplex, but you never get to do both.

And lastly, there's a use-specific standard that says street-facing facades have to have at least one entrance and one window as an aesthetic concern to make sure that facades look nice and that we're not putting up blank walls facing a street.

So I hope that explanation helps the commission understand how this proposal is a little bit different than last year. Generally, the concept is similar, but the devil is in the details, as is always the case with zoning.

**COMMISSIONER MEADOWS:** So Mr. Chair.

**CHAIR SHAFFER:** Hold on a second. Commissioner Eyster had the floor, and then we'll go right to you, Commissioner Meadows.

**COMMISSIONER EYSTER:** Yeah, I appreciate that, Ms. Schultz.

I am inclined to go with Commissioner MacEachen and tell about the tremendous amount of public input we had, give the council the benefit of knowing that and about the property rights and the covenant that you bought an R-1 house.

And then if they want to -- so we would withdraw it, we would strike it. And then, it's a council amendment. If a councilor wants it bad enough, they can introduce it again.

**CHAIR SHAFFER:** Got it.

Commissioner Meadows.

**COMMISSIONER MEADOWS:** Yeah, I'd like to try to make the two proposals work together and make it permissive -- I mean, I'm sorry, make it conditional in all those cases and still have that as an option.

**CHAIR SHAFFER:** Well, the staff can craft an A or B on that one, and then we can vote on it.

**MR. MYERS:** Mr. Chair

**CHAIR SHAFFER:** All right. Counsel Myers, yes, sir.

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**MR. MYERS:** Yeah, I just wanted to chime in a bit here.

Commissioner MacEachen is talking about property rights, and I think maybe this is a good time again to talk about legislative versus quasi-judicial. Okay?

So a person is not entitled to a specific zoning category. Okay? You do not have a right to a specific zoning. Okay? What you do have a right to is if your property is singled out, okay, your specific property is singled out and the zoning authority is going to change the zoning of your property, you are entitled to quasi-judicial procedures. Okay?

And it also entitles you to a showing by the person asking for the zone change that there's been a change in the surrounding area or neighborhood or the requested zoning is more advantageous to the community as per the planning documents. Okay?

That's what I think Mr. MacEachen is kind of talking about. Right? You're not entitled to a specific zoning category. But if the zoning authority is going to change your zoning, they need to follow due process. Okay?

However, when it's a legislative action, so when all of R-1 is going to change, legislatively, across the entire city, okay, You do not have those additional due process requirements, and the city only has to demonstrate that the request furthers the health, safety or general welfare of the citizens, as a whole, the city. Okay?

So it's a much -- the test isn't as tough. Okay? You just have to show the city, in this case, asking to make the request that the requested change is good for the health, safety and general welfare of its citizens.

You know, and maybe all that doesn't make much sense, but I think it's worth kind of thinking about that a little bit when we're talking about all this. That's all.

**CHAIR SHAFFER:** Okay. Yeah.

**COMMISSIONER MACEACHEN:** For some reason, I don't know why, there's no raise your hand on the bottom of my screen today. And I don't know what I did, but evidently I -- or maybe you did it, Commissioner Shaffer.

**CHAIR SHAFFER:** It wasn't me, but you did that to me when I was on the road last week. And I'm getting you back.

**COMMISSIONER MACEACHEN:** But, you know, again, getting to what Ms. Schultz said, I mean, whether you have a house and can add a duplex or whether you have a duplex and -- you end up with a duplex. It doesn't matter how you get there or what you said. It's just how you get there and you end up with a duplex in a neighborhood that doesn't have duplexes.

And I just think we need to be strong about that when we talk about zoning, we talk about, you know, people's rights and what the -- the public's come out. The public has come out twice now and said they don't want this and it keeps showing up. It's like your front walls

**CHAIR SHAFFER:** Well, we're coming to that.

All right. So I think, you know, we had a request from a



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commissioner, which is Commissioner Meadows, that he wanted to see an alternative to that now, and that's a reasonable request, for us to see two options, and then we vote on them.

Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** I heard a comment from the public that I thought was worth noting on these two, and it was conformability equals value. So I echo Commissioner MacEachen and support that in conjunction with the comment made by public

**CHAIR SHAFFER:** Got it.

All right. So now we're on Number 11, conditional uses for city facilities, and this -- you know, my first question is what is the harm in leaving this as conditional?

I understand the process. I understand that it's a question of simplicity. It's public safety. Since the question got asked saying, well, what does this list incorporate, and that list was exponentially long, I don't know. It just seems to me like it -- it seems to me like it's a free -- I don't want to use the words "free pass," but it seems to me like it's taking a little of the purpose of going through the process out of the process. But maybe I'm looking at that wrong.

**MR. VOS:** Chair Shaffer, I'll weigh in on that. And, I mean, I think that's certainly what the public commenters stated to you in written materials and verbal comment about this change, is sort of whether or not it's considered a free pass.

I think the on the flip side, the argument for these public facilities that certainly are needed in parts of our community, that it's allowing an expedited or more efficient process, reduces cost and time to getting those services out to the community members.

And so that's sort of -- that's the push and pull of this amendment that's in front of you.

**CHAIR SHAFFER:** And, Commissioner MacEachen, I'll come to you in one second.

And I agree with you. Don't get me wrong. No one's saying we don't want a fire station or a police station. But I do know that having been doing this now for six years, every time they come up, the overriding factor -- it passes right away because of those reasons, because it's a fire station, because it's a police station. But it's gone through the due diligence of making sure that it's not a problem.

You know, I think we should think about that. Because if this only said fire stations and police stations, maybe I would feel a little better about it. But just any public facility, it's, like, ugh. Or any city facility, that's that seems a little -- it seems like a lot.

So, Commissioner MacEachen.

**COMMISSIONER MACEACHEN:** Well, I think you're right. I think there's a couple of things. If they had given a better definition, it would have been a lot easier. If they just said city police department or fire department, that have been a lot easier.

But it's a trust thing. I think there's things that the city

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does because they think that we'll all just nod and say yes. You know, we voted down the soccer stadium, but it's here now. And if we just give them a blanket pass on coming back for any kind of review, I think that's a dereliction of our duty.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** Thank you, Chair.

One of the remarks I heard in the staff report was that the benefit of this idea is that important functions outweigh the need for transparency. And I don't agree with that at all.

**CHAIR SHAFFER:** That was an odd statement. I'm not sure where that one came from.

**COMMISSIONER EYSTER:** Yeah, public transparency. The people in this community are really kind of on a tear against the IDO, and that's too bad. We don't want to do things that make that worse.

**CHAIR SHAFFER:** No, and that's -- you know, whoever wrote that particular line, I would probably suggest that they think about those things. Because what that does is it puts everybody on the defensive. And it seems like that is a hidden agenda item. And it probably is not what that meant, but we got to be -- you know, we have to be careful on that stuff, on wording.

So anyone else have any other comments?

**COMMISSIONER PFEIFFER:** Commissioner Pfeiffer.

**CHAIR SHAFFER:** Commissioner Pfeiffer.

**COMMISSIONER PFEIFFER:** So I just would like to state on the record that I definitely agree with Chair Shaffer.

I'm opposed with this. I think that if it was, you know, strictly to the fire station and police station, it would make, I guess, a lot more sense. But if it's leaving it so broadly defined to city facilities, it just, you know, pretty much could be anything.

I think if in the past that we are passing a lot of zone changes needing for police station or fire station, and it goes through that process, the, you know, community and the public knows, it seems like it goes through pretty fast. And I don't think there's anything wrong with continuing that process as is.

**CHAIR SHAFFER:** Thank you, Commissioner Pfeiffer.

Mr. Vos.

**MR. VOS:** Thanks, Chair and Commissioners.

I hear kind of where this is going loud and clear. But I do want to just clarify, there's a lot of references to police stations and fire stations, and there's a separate amendment in this packet that we're going to come to that is about police stations and fire stations and making that a permissive use in some of our base zone districts instead of having it as a non-residential sensitive use. So that is a separate kind of discussion outside of this conditional use one. But I think I know where we're going on this particular item.

**CHAIR SHAFFER:** Yeah, and which I think is going to even solidify

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our commentary more. So what's the purpose of this one?

Commissioner Meadows.

**COMMISSIONER MEADOWS:** Yeah, I was going to suggest an alternative on the police and fire, that maybe that be conditional, like the other city facilities.

**CHAIR SHAFFER:** Well, he just got done saying that there's another one in there. And the reason that we didn't cover it is because there was no talk about it. So almost everything that we went through today was where there was a lot of comments. So we're going to come up to that one.

All right. So do we have our wording correctly?

**UNIDENTIFIED MALE:** So what are we going to do, Chair? We start --

**CHAIR SHAFFER:** We're going to -- we're saying no.

**UNIDENTIFIED MALE:** Okay.

**CHAIR SHAFFER:** We're saying no to this one.

**UNIDENTIFIED MALE:** Good.

**CHAIR SHAFFER:** And Mr. Vos says he picked up what we were putting down.

All right. So on to 12, which is the two square one, because it's continued, it's so much. Dwelling, live/work.

**COMMISSIONER HOLLINGER:** Hollinger.

**CHAIR SHAFFER:** Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Thank you. So I saw support and opposition for this.

My initial concern was the parking requirements. One of the public comments suggested that this was a good thing for -- maybe he said infill. And there was also opposition that said, you know, we just -- this doesn't belong.

I'm kind of on the fence, but I'm leaning more towards no.

**CHAIR SHAFFER:** Okay. Commissioner Meadows.

**COMMISSIONER MEADOWS:** Yeah, so this is another one where I'd like to have an option for conditional approval.

**CHAIR SHAFFER:** Okay.

**CHAIR SHAFFER:** Commissioner MacEachen.

**COMMISSIONER MACEACHEN:** So my first blush on this was no, and then, you know, someone said something about as goods and services move out of neighborhoods, that there's very few places to shop. And I like it in Boston, you walk around Boston and there's a million of these because you got -- you can't have, you know, a basket full of groceries because people get two bags, you know, every other day or something. But it's goods and services that are within a neighborhood.

I think of the Southeast Heights and they have nothing.

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Everybody is moving out on them, and it's, where do you go buy a sandwich or an apple?

So I think there needs to be some real clear language on who can do it and why, but I think there's a definite need for this.

**CHAIR SHAFFER:** Anybody else? I don't want to step on any toes. Oh, Commissioner Stetson.

**COMMISSIONER STETSON:** Yeah, so is this one that we might ask staff to give us some options?

**CHAIR SHAFFER:** I think this is an A or B thing. Yeah, I think it's definitely an A or B situation. And I like the conditional approval approach that Commissioner Meadows is saying.

**COMMISSIONER STETSON:** Absolutely.

**CHAIR SHAFFER:** So, Mike, Mr. Vos, you've got that. It's more of a -- it's a little bit of a rewording of what's been proposed.

**MR. VOS:** Chair, appreciate the comments and will take a stab at options for you in our next staff report.

**CHAIR SHAFFER:** Got it.

Okay. 13 we've already said no to, so we're moving on to 14. Anyone have any heartburn as written for the irrigation standards in acequias?

Look at that. All right, good to go.

We're going to Number 15, landfill gas mitigation. I'm going to point out the 48-hour rule notes from people who do this for a living, saying this is a bad idea. I mean, you rely on experts and expert environmentalists that don't do this.

So what other comments do we have?

**COMMISSIONER STETSON:** Commissioner Stetson.

Living on one of these -- on top of one of these properties in my part of town, I'm absolutely a no.

**CHAIR SHAFFER:** Commissioner Meadows, you had your hand up. You can chime in. Oh, you're unmuting.

**COMMISSIONER STETSON:** This is one to remove, to get rid of.

**CHAIR SHAFFER:** Okay. Commissioner Eyster.

**COMMISSIONER EYSTER:** So Commissioner Stetson said it should be removed.

**CHAIR SHAFFER:** Yeah.

**COMMISSIONER EYSTER:** Did I get that correct, sir?

**CHAIR SHAFFER:** You did.

**COMMISSIONER EYSTER:** Yeah, I like that, too.

**CHAIR SHAFFER:** Okay.

**COMMISSIONER EYSTER:** Again, I didn't see the administration

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identifying any benefits.

**UNIDENTIFIED MALE:** Correct.

**COMMISSIONER EYSTER:** All I see is -- sorry.

**CHAIR SHAFFER:** That's okay. I'm going to go back to my first statement. I mean, we had environmental people who do this for living.

**COMMISSIONER EYSTER:** Yeah. Well --

**CHAIR SHAFFER:** It's a bad idea.

**COMMISSIONER EYSTER:** There's at least two good reasons there, yeah, and you bet.

**CHAIR SHAFFER:** Okay. And let's be clear, environmental people being people who do this specific thing. There's lots of environmental people out there and lots of people who want to claim to be environmentalists for right or wrong reasons. But the people who actually mitigate these type of situations for a living, they're the ones who said that this was a bad idea.

And there was no historical benefit of saying after 30 years, it mysteriously goes away.

So Number 16.

**COMMISSIONER EYSTER:** Okay to leave.

**CHAIR SHAFFER:** Okay.

**COMMISSIONER HOLLINGER:** Second that.

**CHAIR SHAFFER:** Okay. 17 and 18. Well, let's say 17 first, the RV/boat/trailer parking.

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** I would love to see no RVs and boats in our neighborhoods. But the problem is, there's about 20,000 of them, and I don't know what they're going to do. I would love to see this enacted, but I don't know what that's going to do to the council. They're just going to -- or to zoning enforcement for that matter, if it's adopted. So that's just some food for thought.

**CHAIR SHAFFER:** So I'm going to -- oh, sorry, Commissioner MacEachen. I was just going to ask Ms. Schultz what the -- I'm always looking at where does this, you know, whose idea, where was this from?

**MS. SCHULTZ:** Thanks, Mr. Chair. This is a proposal by Councilor Grout. And it's not a full prohibition on the storage of RVs, boats, and trailers. It's only a prohibition within the front yard area. So if your property has a side yard, that could accommodate one of these vehicles, or if you can get it into your backyard, that would still be allowed. Or, of course, if it's in an enclosed structure like a garage. The proposed prohibition is only within the front yard area, which is a defined area per the IDO.

I'd also like to note that I sent in some very late comments

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after the 48-hour period to say that, as written, this amendment currently overreaches its intention. As it's written now, it applies to commercial properties, and that was never the intention, to say that someone who may be selling RVs cannot store those RVs in their front setback. That makes no sense.

And so there's some text. I would request that the commission consider the text that -- I would request that the commission direct staff to prepare a condition with the text that I submitted to Mr. Vos yesterday to make sure that this would only apply to residential properties if the commission so chooses to move forward with this proposal.

To get to the intention question, Councilor Grout doesn't believe that this creates aesthetically pleasing neighborhoods, when these large vehicles, whether they're big RVs or boats, can be parked in the front area. Again, only the front setback area of a property.

So I want to make that clear, because I think what I heard Commissioner Eyster say was that he thought it was a full prohibition on all parking in residential areas, and that's not quite the case.

**CHAIR SHAFFER:** Got it. So Commissioner Meadows had his hand up first, and then we'll --

**COMMISSIONER EYSTER:** Chair, can I just finish that?

**CHAIR SHAFFER:** Sure.

**COMMISSIONER EYSTER:** I appreciate that, Ms. Schultz. And it wasn't that I completely misunderstood it. I support the idea. I think it would improve the aesthetics of our community. I just don't know how zoning enforcement is going to deal with 20,000 angry RV and boat owners. And that's something maybe for council to think about. That's all.

**CHAIR SHAFFER:** Got it.

Commissioner Meadows and then Commissioner MacEachen.

**COMMISSIONER MEADOWS:** I'm just wondering if there's a variance procedure if you can't fit your RV and boat in the backyard or on the side. Do you have any kind of recourse, or is it just you can't you can't keep it at your house?

**MS. SCHULTZ:** Under the current proposal, there's not an alternative kind of recourse, as you described. You would have to store it offsite, somewhere else, either on someone else's property who could accommodate it in a side yard or a backyard or, perhaps, at a storage facility.

Staff could potentially look at an alternative, like a variance procedure. A variance wouldn't be the right method here, per se. But staff could consider some alternative recourse maybe similar to a variance, if that's what you're interested in Commissioner Meadows.

**COMMISSIONER MEADOWS:** Yeah, I think --

**CHAIR SHAFFER:** I don't even know what a variance would be. It would be maybe if you had a covered storage in your front yard, would be a variance. But then have you now built a 5-foot wall?

**COMMISSIONER EYSTER:** Maybe it would be just a conditional use,

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like a carport.

**UNIDENTIFIED MALE:** Yeah.

**COMMISSIONER EYSTER:** Well, that's actually a carport permit. Excuse me. But maybe it would be a RV storage permit. And that would be ZHE.

**CHAIR SHAFFER:** So what I heard was Ms. Schultz say that this had to get rewritten anyway. Do we want to see the rewrite with -- Commissioner MacEachen, I missed you earlier. I apologize.

**COMMISSIONER MACEACHEN:** Well, no, I had to run and go let the delivery guy in, and I apologize.

So I didn't hear the definition of the front of the place. Is that from the end of your house to the other end of your house is considered the front, and if you have a side drive, you're okay?

**MS. SCHULTZ:** Yeah. What you couldn't -- from the front facade of your house or your structure, anything in front of that is considered the front yard area.

**COMMISSIONER MACEACHEN:** I just want to make --

**MS. SCHULTZ:** So once you get beyond that front facade, you're in the side or backyard.

**COMMISSIONER MACEACHEN:** Yeah, I just want to make sure I understood that.

I just think that it's going to put a tremendous strain on -- Commissioner Eyster used the number 20,000. You know, people suddenly have to go find someplace to put their boat or RV. And people that have boats and RVs aren't always rich. Sometimes they don't have a place to put them and it's expensive to own them. They may not have a place to park them or be able to pay for a place to park them.

I might go buy a piece of land and do a storage lot if you guys pass this. I think this is --

**CHAIR SHAFFER:** I know. I was going to say, there's a pretty good opportunity for some business movement here.

**COMMISSIONER MACEACHEN:** Yeah. I think this is flawed. It needs to be rewritten.

**CHAIR SHAFFER:** Okay. Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Thank you, Chair.

I think Councilor Grout is making an attempt to clean up Albuquerque. I know that this could upset quite a few people. People don't like being told to clean up their room. But there are other things that we're trying to pass to clean up Albuquerque. I think it kind of falls in the same category.

It's not up to us to determine the enforceability of it. But conceptually, I think it makes sense. And I know that other homeowners are frustrated when they see that they have a nice plot of land and someone parks their big RV or boat in front. I could see how that would upset a lot of people and where she's coming from.

So I like the idea of this. I think that it does need to be

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reworded, since it's overreaching, but that's my stance.

**CHAIR SHAFFER:** Well, what -- since I was going to say -- oh, Commissioner Stetson.

**MR. SALAS:** Yeah, well, I just go back to Michelle's comment or statements about this, you know, that in his present writing, it affects commercial properties. It needs to be rewritten. So until it's rewritten, I don't think we have anything to talk about.

**CHAIR SHAFFER:** That's kind of what I was going to say, was why don't we see the rewrite in the next meeting, along with an option potentially for, I don't know, what did we say, conditional use or -- Commissioner Eyster

**COMMISSIONER EYSTER:** Oh, thank you, Chair.

Maybe we could just kind of encapsulate the discussion and give the council the benefit of this discussion, which is, we do think it would improve the community form of our neighborhoods. We are concerned about the people who don't have any option for where to park their RV. And we could see where it would be quite a job for zoning enforcement. It could be like an RV storage permit, kind of like a carport permit. And then the council can work with it.

**CHAIR SHAFFER:** Yeah, but we need to either be supporting or non-supporting. I think it's still has to get rewritten to take out the commercial part, is the problem.

**COMMISSIONER EYSTER:** Yeah, that definitely needs to be out. But I'm not aware that we have to support or drop each and every thing.

I was thinking that we could just say, here's the good that we've figured out by all our hard work and listening, and here's the problems. And you're the council, you're going to figure it out anyway.

**CHAIR SHAFFER:** Well, I think that falls into the punt category, which we don't want to do too often. Because if we punt a lot of things, then they're, number one, not going to be happy with us. Number two, they've got to be able to agree with what we came up with or move on. You know what I'm saying?

**COMMISSIONER EYSTER:** Yeah.

**CHAIR SHAFFER:** I think we need to see the rewrite in next meeting. I think it should be pretty simple, once we see the rewrite next month.

**COMMISSIONER EYSTER:** Great.

**CHAIR SHAFFER:** Okay. So we are punting this one until next month when we see the rewrite. Okay. I've got that written down as a rewrite.

Number 18, Parking Maximums. Ms. Schultz, since you're on and since this was a council memo, will you just run through it real quick?

**MS. SCHULTZ:** Yeah, sure thing, Mr. Chair.

This amendment proposes to create a parking maximum for parking requirements and proximity to transit facilities. The amendment



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says that development within 330 feet of a transit facility will have the number of parking spaces that they can provide, capped at 100 percent of the minimum off-street parking spaces required by the IDO.

This is another amendment where there was a memo submitted long before the 48-hour rule, to say there was an intention that park-and-ride facilities not be captured by this amendment. It's a little counterintuitive to encourage a park and ride facility, but then also limit the number of parking spaces. So that was a technical error on staff's part in submitting the memo.

So all other types of transit facilities would capture this 330-foot parking maximum, with the exception of park-and-ride facilities. So I would I would request that a condition be provided to exempt park-and-ride facilities.

**CHAIR SHAFFER:** Commissioner Meadows has his hand up, and then we'll go to Commissioner MacEachen.

**COMMISSIONER MEADOWS:** Yeah that's good to condition exempting park-and-ride facilities. But also what I'm hearing is it's not reducing the amount of parking, it just saying you don't need to provide more parking than what's already required by the standard.

**MS. SCHULTZ:** Mr Chair, Commissioner Meadows, yeah, it would say that you cannot provide more than is required.

**CHAIR SHAFFER:** So it would say you cannot provide more than is required? You couldn't over-park it?

**COMMISSIONER MEADOWS:** Right.

**MS. SCHULTZ:** Correct.

**CHAIR SHAFFER:** No. Okay. Commissioner MacEachen.

**COMMISSIONER MACEACHEN:** I'm just trying to get my arms around this. So context and need, please.

**MS. SCHULTZ:** Sure.

**COMMISSIONER MACEACHEN:** Who brought it and why?

**MS. SCHULTZ:** This is a proposal by Councilor Fiebelkorn. And the ideology behind this is alternative modes of transportation are really encouraged, particularly around transit facilities where folks are using public transit to get from destination A, B, C and D /and so, ideally, moving into the future, there would not be a need for a lot of parking around those facilities. And so this requirement aims to kind of keep the number of parking spaces provided down now, looking into the future as transit becomes more robust and folks use those facilities more.

**COMMISSIONER MACEACHEN:** Do I still have the floor?

**CHAIR SHAFFER:** Go ahead.

**COMMISSIONER MACEACHEN:** So I guess -- I mean, the business I'm in, we always like to see enough parking. And to have a magical cap is kind of troubling to me. I mean, I hate going anywhere. I don't think I'd be able to park or it's going to be difficult to park or things like that.

I mean, real estate costs money and you've got to buy the land to

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do it and you've got to develop the parking lot. And they're not doing it because it's fun or cheap. They're doing because they anticipate a need.

And for us to, you know, sit on our desks and cap this number, it seems kind of, I'll use the word counterintuitive to what a developer wants to do and what a developer wants to end up with.

**CHAIR SHAFFER:** Okay. Commissioners? Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Thank you.

So I will echo that. That was my question was, what is the benefit? But to agree with MacEachen, let the developers figure it out. I don't think we need a maximum. If there's not a need, they're not going to provide the necessary effort to do it. I just don't see the benefit in this.

**CHAIR SHAFFER:** Got it.

Any other commissioners?

**COMMISSIONER STETSON:** Commissioner Stetson. I agree with our commissioners here that have already spoken. I just don't see the need and I think it should be stricken.

**MS. SCHULTZ:** Mr. Chair --

**CHAIR SHAFFER:** Okay. So the wording -- oh, sorry. Go ahead, Ms. Schultz.

**MS. SCHULTZ:** Mr. Chair, I'll just add for context for the commissioners, parking maximums already exist within the IDO. There are several instances in which parking is already capped. This would just be kind of an additional maximum specifically tied to transit.

**CHAIR SHAFFER:** And I understand, I guess. I just don't -- I mean, I'm trying to, like, picture the big picture thing of saying, we're doing transit and let's get a bunch of people there so they could use transit, but then don't want them to park. I don't know.

But it sounds to me like -- I'm not saying one way or another, but it sounds like most of the commissioners are in favor of saying no to this.

So, Mr. Vos, you heard the reasoning?

Let's move on to Number 19, parking structures for multi-family residential development. We didn't really talk about this at all because there was no commentary from public, there was no feedback from anybody. So this is one of the ones that it appears that nobody had any.

I think there was a note. No, no. I have all my 48-hour material printed, as well, and I didn't have any of the -- I didn't have this one circled in anyone's commentary.

Commissioner Eyster.

**COMMISSIONER EYSTER:** Oh, sorry. I didn't have anything, Chair.

**CHAIR SHAFFER:** Oh, you're clearing your throat. Got it.

**COMMISSIONER EYSTER:** I was kind of going, "Huh." .

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**COMMISSIONER MACEACHEN:** Yeah, this is a 5 o'clock "huh."

I have no heartburn on this one.

**CHAIR SHAFFER:** Okay. So we're all in agreement as is? Okay.

Number 20, (inaudible), which is applicability, landscaping, see council memo. So I'm going to shortcut and make Ms. Schultz come back on. Thank you.

**MS. SCHULTZ:** Thanks, Mr. Chair. Let me open up my exhibit to this one

**CHAIR SHAFFER:** And you can stay on, because you've got three in a row here

**MS. SCHULTZ:** Right.

**CHAIR SHAFFER:** And we did see public comment in the 48-hour rules about opposing 20, 21 and 22. And you can just probably address all that at once.

**MS. SCHULTZ:** Sure. They're distinct, so I'll talk about them separately, but I'll talk about them all in a row.

So this first one is related to when the city requires a property owner to provide landscaping. There are certain thresholds that trigger landscaping requirements.

For example, if you're constructing a new parking lot, today the IDO says if you're adding 25 or more spaces, or you're expanding a parking lot by 25 or more spaces, then you trigger landscaping. There are a couple of other criteria, as well.

This amendment reduces -- and there's been some confusion about this, because it's a little confusing to talk about. This reduces the applicability requirements. The ultimate outcome of that is landscaping will be required more frequently than it is today. Those thresholds are being lowered so that applications coming in the door, the threshold that has to be met for landscaping requirements to be triggered, is being lowered by 20 percent in all instances.

So where it was 25 parking spaces before, this proposal says, well, now only if you're doing 20 parking spaces, then you've got to do landscaping. The ultimate goal is to require that development and redevelopment projects more often than they have to today, provide landscaping.

**CHAIR SHAFFER:** Yeah, that is true. I was sitting in a state energy code meeting just listening recently and they were talking about how some of the codes that are coming forward in 2021 and 2024 versions are all going to be actually stepping back from some of those.

And I don't know why, but I thought some of the IBC landscaping requirements were also going to change and go backwards because everything started getting too far ahead.

Was there a specific event that created this Number 20?

**MS. SCHULTZ:** There was, there was a project that did not meet the valuation requirements. That's one of the criteria for providing landscaping. If you tell the planning department that your project costs \$500,000 or more, then you have to do

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landscaping. This project didn't meet that requirement, and so the conversation was initiated to say -- and it was a pretty big redevelopment project. So the conversation started on, well, how can we capture big projects like this that aren't meeting these thresholds when they should be?

**CHAIR SHAFFER:** So someone came in under budget and so they said, okay, just -- I don't know what I'm talking about. I have no idea what project that is.

Well, I understand. So you're trying to capture -- you want the same requirements for everybody, and that was a hindrance to have the same requirements for everybody on a redevelopment project because it happened to fall underneath that dollar threshold?

**MS. SCHULTZ:** In that particular instance, that's what kick-started the conversation to look at all the thresholds, yeah.

**CHAIR SHAFFER:** How many times has that ever happened?

**MS. SCHULTZ:** To my knowledge, the one is the only one that I've heard a complaint about. But I'm not sure when else this may have occurred that I'm just not aware of.

**CHAIR SHAFFER:** Okay. Christian MacEachen.

**COMMISSIONER MACEACHEN:** I'm sorry to be talking so much. These just are all relative to what I do, so I kind of get it.

So \$500,000 threshold, if it costs you \$250 a square foot to build, which is not unusual in any kind of building right now, that's a 2000-square-foot development. And that doesn't sound like a big project to me that needs to have additional landscaping piled on because you're building 2,000 feet. I'm a math guy.

**CHAIR SHAFFER:** No problem. Context is the most important thing, I think.

And I think this leads into -- well, it doesn't, because 20 and 21 are a little bit different. But any other commissioners?

**COMMISSIONER HOLLINGER:** Hollinger.

**CHAIR SHAFFER:** Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** I just want to say thank you for that perspective, Commissioner MacEachen. That's a different way to look at this, and it's appreciated, in my opinion.

**CHAIR SHAFFER:** Commissioner Meadows.

**COMMISSIONER MEADOWS:** Remember all the comments about the heat island effect? We might want to have more landscaping.

**CHAIR SHAFFER:** No, I don't. What's the exact wording, Ms. Schultz?

Oh, Commissioner Stetson, go ahead. Muted. Muted. Commissioner Stetson, muted.

**COMMISSIONER STETSON:** I think this is another no benefit, so I'm not in favor.

**CHAIR SHAFFER:** Ms. Schultz, what's the exact -- I think this was

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a small one, a small wording one, right? It was just a percentage change?

**MS. SCHULTZ:** It reduces the one, two, three numerical threshold criteria by 25 percent. Parking spaces are one of the criteria that's being reduced by 20 percent. Expansion of a building by a certain square footage is being reduced by 20 percent. And then the valuation dollar number is being reduced by 20 percent.

**CHAIR SHAFFER:** Oh, and valuation, as well?

**MS. SCHULTZ:** Yeah, going from \$500,000 to \$400,000.

**CHAIR SHAFFER:** That almost makes it worse, because now that price per square foot thing that Commissioner MacEachen just brought up, that's my end of the business that I get yelled at from my clients, you know, "If I built it smaller, shouldn't it cost less per square foot?" .

And it's like, "Absolutely not. The smaller you build, the price per square foot, it goes up."

**MS. SCHULTZ:** The ultimate goal here is to require more landscaping for more projects, for sure.

**CHAIR SHAFFER:** Right. I'm back to my --

**MS. SCHULTZ:** Oh, yeah. Thanks, Mike.

There's the exact thresholds and their proposed reductions on the right side there.

**CHAIR SHAFFER:** Thank you. Any other commissioner? I hear two staunch nos, and I'm going to call Commissioner Meadows's heat island comment a yes

**COMMISSIONER HOLLINGER:** Hollinger.

**CHAIR SHAFFER:** Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Thank you. I'll just put my two cents in here.

A few items ago We were talking about trying to beautify Albuquerque and saying, hey, you know, you can't park your boat or RV here. This is an example where we're also trying to beautify Albuquerque by incorporating more landscaping. On the flip side, we're making it more prohibitive for developers because it's costs more. So that's a challenging one, but I see both sides of this okay.

**CHAIR SHAFFER:** Well, I do know, based on the commentary -- can we go to 21 and 22 real quick, let that one sit for just one second, then we can make a decision on all of them.

Because 21 and 22, reading the comments from the -- I'm going to use the words boots on the ground, people who actually do this stuff in the development community, talking about how the wood mulch and, you know, how all these right-of-way landscaping areas get destroyed by our environment. I mean, it becomes more of an issue.

And what's the benefit, as we're talking about this, Ms. Schultz, of the changes in 21 and 22 versus the negatives?

**MS. SCHULTZ:** Sure. I'll start with 21, which relates to the

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required mulching in a planting area. 22 is about street trees, and I'll talk about that one separately.

So the IDO today says that when you have a planting, which is the area around which you plant a plant, that a minimum of 2 inches of organic mulch is required. So that's 2 inches of depth around that plant.

What the IDO doesn't say is how far out that mulch has to go. So we've got the depth metric, but not the radius, diameter, the outwards metric.

And so this proposes to add the outwards metric to make sure that the root ball is fully protected in our climate, and proposes to say that in addition to the 2 inches of depth, you've got to go out a 2-foot radius from the planting area. That's 21.

**CHAIR SHAFFER:** Commissioner MacEachen.

**COMMISSIONER MACEACHEN:** Is there any requirement to maintain the mulch? I mean, my mulch looks like junk after, like, a year or two. So we make them do it when they build it, they have to go to the expense. And then after two years, it looks like heck. Or do they have to come back? I mean, I don't get that.

**MS. SCHULTZ:** Mr. Vos can correct me, but I'm pretty sure there's requirements in the IDO that landscaping needs to be maintained as it's depicted on a site plan at all times. So if your mulch blows away, you got to replace it. If your tree gets hit by a car and falls down, you got to replace it. That's all --

**COMMISSIONER MACEACHEN:** I think the landscaping. I don't think the mulch is called out as needing to be replaced.

**MS. SCHULTZ:** I think it would fall under the general requirement of maintaining landscaping.

Is that your understanding, Mike?

**MR. VOS:** Thanks for the question, Shanna. I'm trying to pull up in the background our operation and maintenance standards.

**CHAIR SHAFFER:** I would love to know who enforces that, as well, because I -- yeah, you know, you drive past properties that you see were nice, fresh, brand new one year ago, and then zero maintenance after that.

**MS. SCHULTZ:** Like many items in the zoning code, it's very complaint based. And so if a complaint is made to code enforcement, I'm sure that they would go out and seek compliance.

**CHAIR SHAFFER:** The 311 thing is what you're saying?

**MS. SCHULTZ:** Yes.

**CHAIR SHAFFER:** Okay.

**COMMISSIONER HOLLINGER:** Hollinger.

**CHAIR SHAFFER:** Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Thank you, Chair.

I'm curious, does this apply to -- is this residential or is this commercial, both? And in addition to that, I mean, I drive down the street and I see trees that are planted that are covered in

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Santa Fe brown rock, I forget the technical term, they seem to be doing well. So, is there a strong benefit to enforcing the mulch diameter requirement?

**MS. SCHULTZ:** My understanding from conversations with the sponsor about this is that mulch is preferable to rock because mulch doesn't retain heat the same way that rock does. And so in the hot summers in Albuquerque, as you're trying to keep root balls watered, mulch will be more effective at doing that than any type of landscaping rock.

**COMMISSIONER HOLLINGER:** And this would be applicable to landscapers or city landscaping? That's kind of where I'm asking the question. Is it residential or commercial or both?

**MS. SCHULTZ:** Anywhere that the IDO requires landscaping. So commercial developments, if they meet those thresholds that we just talked about, have to provide landscaping, they would have to comply with this.

Residential projects that have to provide landscaping, not all of them do, would have to comply with this.

**COMMISSIONER COPPOLA:** Commissioner Coppola.

**CHAIR SHAFFER:** Commissioner Coppola, go right ahead.

**COMMISSIONER COPPOLA:** Quick question. When doing the landscaping, would you have the options of using the rock or the mulch, or is this saying in these certain areas, you can only use one type of material?

**MS. SCHULTZ:** The IDO today says that you have to use a minimum of 2 inches of organic mulch. So that's not changing.

What is changing is how far out you have to spread that mulch.

**COMMISSIONER COPPOLA:** Got it. Thank you.

**MS. SCHULTZ:** But the IDO does dictate that it's mulch --

**COMMISSIONER COPPOLA:** In that -- in that --

**MS. SCHULTZ:** -- of the nature.

**COMMISSIONER COPPOLA:** Yeah, in that instance. Okay. Got it. Thank you.

**CHAIR SHAFFER:** Mr. Vos.

**MR. VOS:** Thanks, Chair and Commissioners. Just to reiterate sort of what Shanna said about the projects that require landscaping and compliance with the IDO, which is generally multifamily and commercial mixed-use projects, a low density, single-family home is not generally subject to the extensive landscape regs in the IDO.

And then I'm going to share my screen because you asked about the maintenance standards for landscaping.

So the city has a -- their trees vegetation like weed and litter ordinance that stipulates requirements for keeping things neat and orderly. And then we have that you should be pruning and removing dead trees and things like that. They shouldn't become bare; you know, we want to avoid erosion.

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And so, I mean, it is code enforcement. And our code enforcement is complaint driven to see what the amount of -- you, know how far is it gone and is it compliant with these criteria here.

**CHAIR SHAFFER:** I suggest you do a news story on this and put it out to everybody so 311 can get overwhelmed with 9 million complaints.

But, anyway, let's move on, because we've now spent more time on landscaping than we have on duplexes.

**MS. SCHULTZ:** Mr. Chair, would you like me to talk about 22 quickly?

**CHAIR SHAFFER:** Yes, might as well.

**MS. SCHULTZ:** 22 relates to mulching requirements around trees. So from a kind of landscaping plan perspective, there are street trees and then there are maybe non-street trees.

A street tree per the IDO is defined as a tree that is located within 20 feet of the public right-of-way that kicks it into a street tree category. The IDO today says that organic mulch is required as ground cover around trees within a 5-foot radius. So this is one instance where the radius is predetermined, opposite of what we just discussed.

The proposal here aims to remove that requirement from trees that are considered street trees. So if you have a tree that's within 20 feet of the right-of-way, you do not have to comply with the 5-foot radius mulching requirement. The reason being, that often those trees are placed, as we want them, near sidewalks, where folks are walking. And if you think about a 5-foot radius requirement and how narrow some of Albuquerque's sidewalks are, there is not enough room to provide a 5-foot radius of mulch around a street tree.

So trees that are on a property that are further back than 20 feet will still have to provide a 5-foot radius of mulch. But if they're within that 20 feet, to make sure that we're providing enough space for folks to continue to use the sidewalk, that radius requirement would go away.

**CHAIR SHAFFER:** All right. So I think that's an easy one. 22 is a yes for everybody, right? Because that's a low hanging fruit. So does anyone have a problem with 22?

**COMMISSIONER MACEACHEN:** I think 22 made the argument for getting rid of 21 and 20.

**CHAIR SHAFFER:** Any other comments? Yeah, I heard you. I'm just wanting to see what other commissioners think.

**COMMISSIONER HOLLINGER:** I would also agree with that. I think it seems silly to get rid of a requirement for one but enforce it in another.

**CHAIR SHAFFER:** Okay. So, Mr. Vos, we're hearing, as a commentary from commissioners, that 20 and 21, there's not a benefit, but 22, there is a benefit and it's an understood benefit.

Okay. 23?

**COMMISSIONER EYSTER:** Eyster.



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**CHAIR SHAFFER:** 24. I don't even -- okay. Go right ahead, Commissioner Eyster.

**COMMISSIONER EYSTER:** Thank you, Chair.

I'm not sure if we're having an EPC hearing here or if we're watching an episode of Groundhog Day.

**CHAIR SHAFFER:** Yeah, I mean, I don't -- can somebody just please tell us why this keeps coming up and why we have to keep discussing this every year?

**MR. VOS:** Chair Schaffer and Commissioners, I guess that falls on me as a staff person here, that the city administration still feels that there's a benefit potentially with public safety with regard to allowing individuals an easier process to build these walls or fences.

And I will just point out that, I mean, each of these past two years, we have changed what has been submitted to you to try to respond to comments, you know, such as hearing that a fence might crowd the sidewalk by backing the fence away from the sidewalk; the eyes on the street by promoting view fencing.

So, while it's come back in some form now, I think this is the third year in a row, we have edited the proposal to try to respond to public comment. And so the city administration still thinks that there's a there's a benefit and we're trying to find a compromised position that works for all parties and we continue to try and work out whatever that balance happens to me.

**CHAIR SHAFFER:** Well, I will say this. I will say that you heard 30 people say no, for a variety of reasons, even now more -- it's interesting that we're talking about on all these other properties, put up a fence to keep people out, and then now we want to put up a taller fence to hide people in neighborhoods.

I can't tell you -- I mean, I live in a pretty decent neighborhood around Coronado, and how many times I've had to chase people down the street who were breaking into cars and doing stuff, and if there's a 5-foot fence in someone's yard that's obscuring everything, you know, that person's got a great hiding place.

I think the public has made it loud and clear, and I appreciate what you're saying, that there's been little nuances changed everywhere this year, and now you got a bush and a shrub -- you got a shrub and a tree that's thrown in now, so I got it, that all these little nuances have happened. But this is just not something that the public wants, and there's a variance process in place. And it's another one of those situations that there is a process in place, and I think the administration should hear loud and clear that this is not something that the public's going to lay down on.

Commissioner Stetson raised his hand first, and then we'll go to Commissioner Eyster.

**COMMISSIONER STETSON:** Yeah, I think on 23 and 24, it's three strikes you're out for these.

**CHAIR SHAFFER:** We spend a lot of time on this and it's over and over.

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**COMMISSIONER EYSTER:** Thank you, Chair.

You know, commissioners devote hundreds of hours a year to this work. The administration may not understand that this blatant disregard -- it disrespects us, and sometimes it makes me wonder why I bother.

I heard a public comment -- I read a public comment on the balloons where a guy said, a member of the public said, "You know, this makes me lose my confidence in government." It makes me lose my confidence in the IDO and in the process."

So I hope that we will, again, remove this, with a condition. But I think we need to do a little more, and that is to produce a little bit of reasoning that talks about the dis-benefits of tall permissive walls, really no benefits, and then ask the administration if they can't embrace this and not to pursue this further

**CHAIR SHAFFER:** All right. 25.

We don't need to talk anymore about it, do we? Thank you.

Number 25, building design facades for NR-LM, NR-GM and industrial development. This is another council item, so Ms. Schultz, I might as well say it now. I had a question on here about that condition that would be changed to 150 feet or something like that. That's my note I made seven hours ago.

**MS. SCHULTZ:** Yeah, Mr. Chair, there was a member of the public who requested two things: One, that the rate at which articulation be provided be increased from 75 feet to 150 feet, but also that I think it was vertical elements be added to the menu of options.

That request was also shared with the sponsor of this amendment and she's supportive of that. So council would welcome that condition.

**CHAIR SHAFFER:** I like it when everyone agrees. Is everyone okay with that? We had an interested party make a comment and the sponsor said, "Yes, I agree." So I think that's a win-win.

**UNIDENTIFIED MALE:** Yes, it is.

**COMMISSIONER EYSTER:** Yeah.

**CHAIR SHAFFER:** Mr. Vos, you've got that condition that you'll draft for us and we'll look at it next month.

**MR. VOS:** I certainly do.

**CHAIR SHAFFER:** Okay. 26, historic certificate of appropriateness, minor.

**COMMISSIONER EYSTER:** It sounds like we're doing it this way now. So we're just going to make the IDO match what we do.

**CHAIR SHAFFER:** So that's a yes.

27, permit, temporary use, temporary window wrap. When this came up, was there a single e-mail or a single thing from anybody on the planet that said that this was a bad idea? And I'm asking Mr. Vos.

**MR. VOS:** Yeah, Chair, this is Michael Vos.

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I don't recall any specifics. And we're getting into -- like, there's a few things in the next little bit I think that I didn't even present on this morning --

**CHAIR SHAFFER:** Right.

**MR. VOS:** -- because we didn't really get any public comment and they're pretty minimal changes.

**CHAIR SHAFFER:** Okay. We're on to Number 28.

Number 27 was good.

28, this is what we're already doing. This cleans up, basically, some of our by-law stuff anyway. And, and I appreciate it being able to go through, because I know one of the public comments that ended up in the 48-hour rules was, oh, great, the mayor gets to pick who's on the EPC now and -- well, he already does, because the city councilors put their person forward, and then he has to approve them anyway. So all it's doing is putting it in writing. So I think we're good with this?

**COMMISSIONER EYSTER:** Yeah.

**CHAIR SHAFFER:** Okay. 29. So here we go with 29. I don't want to lump too many of these together because there's 30 -- one of these is a little different. 35 shouldn't get lumped in with some of these other ones, because 35 is a little bit different. It's a posted notice thing, a posted sign thing. And a lot of people started talking about all these in conjunction with each other, and we want to be careful that we don't put them all together.

So 29, does anyone want to talk about any of these specifically, 29 through 35, 36? Commissioner Stetson. You're muted, sir.

**COMMISSIONER STETSON:** I'm sorry. No support.

**CHAIR SHAFFER:** So let's be specific. I guess we're going to have to go one by one, or else we'll never get through them.

So let's talk about 29. So no support from Commissioner Stetson.

I do want to point out again, I understand the way this is all written on the boundaries and I understand the intent. It's to simplify how it's applied, I guess is the easiest way, from what I heard.

And, Mr. Vos, why don't you say what you're going to say on all this?

**MR. VOS:** Thanks, Chair and Commissioners. I've said a lot, I think, in response to public comment on this, in addition to my presentation. I think just to be helpful for you all, we can present some visuals that help explain this adjacent versus 330 feet.

Are you speaking now?

**MR. VOS:** No. In the next report and for next month. I'm not prepared to pull anything up on my screen for that at the moment.

**CHAIR SHAFFER:** That was definitely a request from everybody. And I think a lot of that is -- I don't want to use the word confused because I don't want to imply that someone's confused.

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But I do think that there's clarity that can be had by showing exactly what you're proposing versus the assumption that it's bad or the assumption that it's good.

Commissioner Eyster.

**COMMISSIONER EYSTER:** Thank you, Chair. I appreciate what you said about making it more efficient.

I've been told that office of neighborhood coordination has goofed up on some of these when they give out the neighborhood association that you're supposed to contact because they're human and they look at the map and they make a mistake.

And so if we can get a better result with the GIS, then I can see some benefit in it. We just need to make sure to look at this in next month's hearing and help us understand why it will not leave others out.

**CHAIR SHAFFER:** And I agree

And, Mr. Vos, I would really, really, really encourage that you do a real-life scenario of saying, "Look, here's where this situation would happen," and use kind of what I had pointed out, saying if a neighborhood association is touched at 329 feet, and show how all of a sudden that edge of that neighborhood association, how far it goes the other direction, that those people would be notified. And I think that would assuage some fears of certain things and really provide some context.

Commissioner MacEachen.

**COMMISSIONER MACEACHEN:** Some of the more impassioned testimony we heard was this exactly. And they felt like the city was pulling a fast one and they were trying to shrink down the notice area. I haven't done the math. I can do the math. I've been pretty busy today. But I mean, I think Commissioner Shaffer is exactly right. They feel like that they're getting reduced, not getting bigger. And I think you really need to prove that or change it or leave it the way it is. Those are the only two choices. If it doesn't prove more, you're going to have a real uphill battle.

**COMMISSIONER EYSTER:** Right.

**CHAIR SHAFFER:** Yeah, I would agree with that 100 percent exactly as worded. Prove it or remove it.

**MR. MYERS:** Chairman Shaffer, Matt Myers. Could I make one quick comment on this?

**CHAIR SHAFFER:** Yes, sir.

**MR. MYERS:** So just to be clear --

**CHAIR SHAFFER:** You can only do it if you put your background back up, because now you don't count. It doesn't say that you're a counsel right now.

**MR. MYERS:** Don't worry. I'm with you. I'm a big believer in the background. I like the background. I like your push for that, actually. But I'm not doing it right this second.

I just wanted to make it real clear. When we're talking about notifying the neighborhoods, what will happen is, if the neighborhood is within the 330 feet, the neighborhood association

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will get notified. And then the neighborhood association can go notify all their members. Right? You know, I mean, I just want to make that real clear. It wouldn't be then every individual home, you know, that's located within that neighborhood association gets notified, but it's just the neighborhood association gets notified, and they can go notify their members.

**CHAIR SHAFFER:** Right. And that was literally my point of saying that if you're at 329 feet, guess what? Yeah. Okay

**MR. MYERS:** Perfect. Thanks.

**CHAIR SHAFFER:** Yep, absolutely.

And so do we want to say -- what we're speaking of is 29, 30, when we're talking about this, so we can move on, 31 -- no, 31 is not part of that, right?

**COMMISSIONER EYSTER:** Right.

**CHAIR SHAFFER:** Yeah, 31, let's skip that real quick.

So it's 29, 30, 32. Somebody else want to chime in? Is it 33, or no? Do we stop? That's a separate issue, right?

**COMMISSIONER EYSTER:** Separate.

**COMMISSIONER MACEACHEN:** I'm good at stopping at 32.

**MS. SCHULTZ:** Commissioner Shaffer, I'll note that Line Item 30 does not relate to the adjacency conversation.

**CHAIR SHAFFER:** Yeah. I was just going backwards, too. That's pre-submitted notice meeting. That's your separate one. That's, the one that's a council one. So let's, let's start over. I apologize.

So that's 29. And then 31; is that right?

**COMMISSIONER EYSTER:** 31 is agencies.

**CHAIR SHAFFER:** I've written too many notes on my --

**MR. VOS:** Chair --

**CHAIR SHAFFER:** -- (inaudible).

**MR. VOS:** Chair, let me take a stab at this.

**CHAIR SHAFFER:** Yeah, why don't you, because I've written way too many things on this piece.

**MR. VOS:** So it's 29 for pre-submittal meeting. It's 32 for neighborhood associations.

**CHAIR SHAFFER:** Got it.

**MR. VOS:** 33 and 34 are distance things in adjacency, but for property owners.

**COMMISSIONER EYSTER:** Yeah.

**MR. VOS:** 36, for post-submittal meeting.

**CHAIR SHAFFER:** Right.

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**MR. VOS:** And then 37 for appeals.

**CHAIR SHAFFER:** Okay. Next time you're going to put these all together. So it's 20 -- 29, 32, 36, 37?

**MR. VOS:** Correct, for neighborhood associations.

**CHAIR SHAFFER:** Yeah. For the neighborhood association example we want to use, it's going to cover 29, 32, 36 and 37.

So what we're saying is we're tabling that one until next meeting to further that discussion.

So now that we've said that, let's go back to Number 30. And that's a Shanna Schultz thing.

**MS. SCHULTZ:** This is a Councilor Brook Bassan thing that I would be happy to present on her behalf.

This proposal states that the required pre-submittal facilitated meeting report today in the IDO is only good for 90 days. Once you've passed that 90-day mark, you can no longer submit an application and say that that report is valid.

This proposal would increase that timeline to a year. So 90 days to a full year, which may allow the development community more flexibility as they're preparing their applications.

**CHAIR SHAFFER:** And this came about, I believe, through -- we've heard of this several times where, like, okay, because of the agencies taking forever, potentially, on certain things, you're getting stuck and you're running up against a deadline that you have no control over. Correct?

**MS. SCHULTZ:** This is all about prior to submittal. So if those agency disruptions all happen prior to submittal, then yes, that would certainly be the case.

**CHAIR SHAFFER:** I'm okay with this one. Is everyone?

**COMMISSIONER MACEACHEN:** I have a problem with this one.

**CHAIR SHAFFER:** So 30 is good. Okay?

31 should be fine. This is just cleaning up language. Everyone okay with that? I see a lot of head nods, so we're going to take that as a yes.

32 we just discussed is going to get presented next month,

33 and 34 are together, but let's talk about them. 33, mailed notice to property owners. This is the adjacency thing.

**MR. VOS:** Yes, Chair and Commissioners, this is the adjacency thing in a slightly different way because it's not neighborhood associations.

The IDO right now says 100 feet away applicants provide notice to property owners within the 100 feet. And if the 100 feet stops within a roadway, the adjacent property owners on the other side of said roadway get a notification letter.

This proposed change would essentially say it's 100 feet flat. If you're farther than 100 feet away, the property owner that's outside of the 100 feet would not get a letter, with one exception being zoning map amendments because those are

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controlled under state law.

**CHAIR SHAFFER:** Okay. Anybody? Commissioner Stetson.

**COMMISSIONER STETSON:** Yeah, I think 33 and 34 are a no. A notice is notice, and I don't see the benefit of stopping at 100 feet. I think the way it was written is good. Let's see what we have. We've been through this for six years.

**COMMISSIONER MEADOWS:** And this is Commissioner Meadows, and I agree with Commissioner Stetson. I think this seems to be a case where people would lose their notification, the notification they get now, that we're reducing that. So I would say stick with what we've got.

**CHAIR SHAFFER:** Is this where the public comment is saying this might change anyway based on future rulings?

**MR. VOS:** Chair and Commissioners, I don't believe that this was specific to the discussion of what would come out of a court case. That court case that was discussed earlier was not really a notification question, but it was an adjacency question.

**CHAIR SHAFFER:** It's an adjacency question, but it wasn't -- okay. All right. So we got a couple commissioners saying they don't support this. Anybody else?

**COMMISSIONER HOLLINGER:** Hollinger. I was going to say the same thing. It feels like more is better and less is not. So I don't think this makes sense.

**CHAIR SHAFFER:** Okay. Commissioner MacEachen is agreeing with that. So, Mr. Vos, you've got your notes, 33 and 34 are a no

35, posted sign. Well, I heard no -- I didn't hear any comments specifically about this one, but it did get lumped in with everybody else because I think they were just trying to capture that entire category. But I don't think I heard anything specific about the sign-posting issue.

Anyone have any issues with this one?

**COMMISSIONER EYSTER:** A question, Chair.

**CHAIR SHAFFER:** Yes, sir.

**COMMISSIONER EYSTER:** Mr. Vos, for administrative decisions -- this is the change. For administrative decisions, the sign shall be posted for at least five days, calendar days, after submitting the application.

So it doesn't exactly say when you've got to post it.

**MR. VOS:** Chair and Commissioner Eyster, the purpose of this amendment is, to be very clear, that the sign needs to be up for at least five days before a decision gets made on an administrative approval. That's essentially what this wording does, is you submit an application and a sign needs to be posted for at least five days after the submittal before a decision can be reached.

**COMMISSIONER EYSTER:** Yeah. Well, that will

**MR. VOS:** (Inaudible) --

**COMMISSIONER EYSTER:** That's a --

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**MR. VOS:** -- the IDO.

**COMMISSIONER EYSTER:** That's an improvement, whether it's all perfectly clear to me about when you have to post. That's a good idea. The public could use through three, four or five days to call the number and find out what's going on.

**CHAIR SHAFFER:** So we're good with this one, 37 is good as written? Okay.

38.

**COMMISSIONER EYSTER:** That was 35.

**CHAIR SHAFFER:** I'm sorry. 35. I jumped ahead to the next sheet because I had already marked it down.

37, though, is also the neighborhood association one. So that's part of the next month's deal.

**COMMISSIONER HOLLINGER:** Chair, this is Hollinger. Did you jump over 36 intentionally? Was that lumped into 34?

**CHAIR SHAFFER:** Yeah, that was one of those ones that we had already identified. 36 and 37 is going to be next month.

**COMMISSIONER HOLLINGER:** Oh, thank you.

**CHAIR SHAFFER:** Yeah. That's where we're going to get the example.

So then 38 is one that was -- I think we all had talked in the study session that this is a good thing because this is that one thing that happened -- remember where the guy came into our meeting and said, "I've already built the thing and my stuff's expiring," blah, blah, blah. So I think this helps conditional-use expiration.

So much in this world has changed over the last few years, that nothing happens fast anymore. And this is a good thing. So does anyone have any heartburn on this one?

Okay. 39. So, okay, we talked about this in the study session too. Time extension does not include changes to the original approval when public notice takes place. They have to justify.

So we had kind of discussed in the study session, too, that this was a good thing.

Number 40, I have written down that we had support and this is a good thing. Anybody else?

**COMMISSIONER STETSON:** No, I agree.

**CHAIR SHAFFER:** Okay. 41, nonconforming structures.

**COMMISSIONER HOLLINGER:** This is Hollinger. I'm not sure why, but I had made a note about Commissioner Stetson. Does that mean anything to you?

**CHAIR SHAFFER:** There's a section in there about mobile homes, that's why, in the nonconforming structures. And maybe Mr. Vos -- that was a while ago. Do you want to just run through this one real quick? I think it's pretty simple.



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**MR. VOS:** Yes, Chair and Commissioners. This one basically strikes a time limit with which to, to have a nonconforming structure sit vacant.

Right now, if a structure is nonconforming and it's vacant for two or more years and someone wants to reuse it, we tell you sort of, "Too bad, unless you come into compliance with the IDO, or ask for a bunch of variances," or whatever.

And so striking this line makes it easier for someone to reuse an existing structure, fix it up and get it back to a productive use.

There's reference to the mobile home and sign nonconformities within here, but nothing is changing with regard to those. It's a renumbering thing.

**CHAIR SHAFFER:** Yeah, it's just striking that time limit thing. So it's already in existence. This just provides people more time to be able to make use of something that they have. So I think it's a good thing.

Okay. 42, Ms. Schultz, More parking, more yard parking for you.

**MS. SCHULTZ:** Yes. Commissioners, this amendment relates to the allowed materials for improved parking areas. Today, the IDO has a list of what can be considered an improved parking area. It says: Impervious surfaces, such as concrete or asphalt, or all-weather pervious surfaces, such as recycled asphalt, compacted crusher fines or compacted angular stone.

The proposal here is to strike compacted angular stone to not permit that to be a material that someone could park upon and what would be considered an improved driveway or drive aisle.

**CHAIR SHAFFER:** This is the angular stone question. Got it.

**COMMISSIONER HOLLINGER:** Commissioner Hollinger.

**CHAIR SHAFFER:** Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Thank you. So I had noted that someone had mentioned pea gravel. I assume that that would not be allowed. Because we're removing angular stone, pea gravel is smaller, so I assume that would not be permitted.

**MS. SCHULTZ:** I don't think so. Pea gravel would be a distinct type of gravel that's not -- it's not listed as an allowed material, but it's also not being prohibited.

Mike, do you have an idea of how code enforcement would treat pea gravel in this instance?

**CHAIR SHAFFER:** It's a big-for-forgiveness thing.

**MR. VOS:** Chair and Commissioners, I think the removal of angular stone is sort of one aspect of this.

There's another section that's, I think, amended, if I'm correct, Shanna, that specifically says that it prohibits the use of angular stone, which I think is the more enforceable aspect, because most of these lists are kind of examples of things.

And in terms of all-weather parking surfaces, my guess is that the city would more default to the transportation experts and what's allowed by the development process manual, which would

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allow sort of crusher-fine type, stabilized surfaces for parking, unless it's specifically prohibited elsewhere.

So I think the way that this is written, only angular stone would be prohibited in other types of all-weather surfaces or stabilized surfaces, if transportation is okay with it, would get approved.

**COMMISSIONER HOLLINGER:** I'd like to chime in a further thought.

I mean, If we're saying angular stone and we're picking on that, what about river rock, 3, 4-inch round rocks? They're not angular. Maybe the intent is really to single out -- or to -- what am I trying to say?

So cement would be a qualifying category. Asphalt (inaudible) --

**CHAIR SHAFFER:** Is there a way --

**COMMISSIONER HOLLINGER:** -- a qualifying category.

**CHAIR SHAFFER:** I don't want to guess at what someone was trying to accomplish here. Is this another go back to the sponsor and say, "What did you want?"

**COMMISSIONER HOLLINGER:** Impervious is the word I was looking for.

**CHAIR SHAFFER:** There you go.

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** I like that idea, Chair. What the sponsor has done here is to create something that's just a little bit too nebulous.

I will say about pea gravel, the only time you ever use that is when you strip it off a roof and you have nowhere to put it. And that stuff doesn't work worth a damn because it won't lock.

Angular stone will work, but I think that the sponsor doesn't want yards full of angular stone. The sponsor would like these nice looking, porous parking surfaces, like you see at a nice restaurant out in the north valley, when it's been done right and properly. And that's done with crusher fines.

**CHAIR SHAFFER:** Yeah, that's crusher fine, because that stabilizes.

**COMMISSIONER EYSTER:** I think that's what the sponsor wants. So if we could just get that cleaned up like that, I think it's a good idea.

**CHAIR SHAFFER:** All right. So, Ms. Schultz, says that sound acceptable, is like next month just --

**UNIDENTIFIED MALE:** Context.

**COMMISSIONER EYSTER:** Getting -- get some --

**MS. SCHULTZ:** Sure, Mr. Chair. So are you asking me to come to the table next month with an alternative proposal that would maybe be a little bit more explicit than what's been originally provided?

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**CHAIR SHAFFER:** Yes, perfect.

**COMMISSIONER EYSTER:** Yeah. Mainly like no stone. Just crusher fines. I think that's what they're saying.

**COMMISSIONER MACEACHEN:** Why don't we just let them tell us why they asked for that? I mean, to me, I'd just like to hear context of what she thought she's solving or he, I don't know which councilor it was, he or she thought they were solving with it and a little bit of an explanation. And then we can kind of reach consensus.

**COMMISSIONER EYSTER:** Great idea.

**MS. SCHULTZ:** I could answer that for you now, if you're interested.

**CHAIR SHAFFER:** Sure.

**MS. SCHULTZ:** The purpose of this amendment is that --

**CHAIR SHAFFER:** No time like the present.

**MS. SCHULTZ:** You asked for it, so I'll give it.

The sponsor of this amendment is Councilor Grout. And in her district, she perceives angular stone as a type of landscaping rock that's meant for decorative purposes. It's not supposed to serve a function like a driveway. And so when folks start using angular stone to park upon, it blurs the lines in a front yard between what is the decorative part of the front yard and what is the functional part of the front yard area meant to be used for parking.

**CHAIR SHAFFER:** Okay.

**COMMISSIONER EYSTER:** (Inaudible).

**CHAIR SHAFFER:** Now that I'm hearing that, I don't know that we're going to get a better answer next month. And I would say that we decide yes or no right now.

**COMMISSIONER HOLLINGER:** I think you have to add clarity -- sorry, this is Commissioner Hollinger -- to the material. Because if you're just saying "angular stone," you could squeeze around that pretty quickly. If you say "impervious," that's pretty definitive. That would be my suggestion.

**UNIDENTIFIED MALE:** Chair, I think, again, there's no benefit here. I think we strike this one.

**CHAIR SHAFFER:** I agree.

**COMMISSIONER MACEACHEN:** I think it's over-onerous, I really do. I don't see why we're policing rock.

**CHAIR SHAFFER:** I agree. I'm on board with that. I think this is -- I don't know. It just doesn't seem like it belongs in the IDO. It doesn't seem like we should be discussing it here, to be honest with you.

**COMMISSIONER HOLLINGER:** Can I have one more thought? Commissioner Hollinger?

**CHAIR SHAFFER:** Commissioner Hollinger.

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**COMMISSIONER HOLLINGER:** So back to the -- I don't remember which number it was, something about parking your boats and RVs in the front yard. Maybe that was coupled with this in an attempt to limit where you can park these vehicles and boats and RVs. And if you have decorative gravel, you can park on it. Maybe that was the intent.

**CHAIR SHAFFER:** I don't --

**MS. SCHULTZ:** The purposes are certainly similar, that the concept behind both of these is creating a more aesthetically pleasing front yard to improve the overall quality of neighborhoods.

**CHAIR SHAFFER:** Yeah, but I don't think one was contingent upon the other, which is what Commissioner Hollinger is saying. I think it's just that yes, the overall idea was, give us a prettier front yard. But an angled piece of rock is the wrong terminology to use. So I'd say we don't agree and we move on. Got it. All right.

**COMMISSIONER EYSTER:** Let's do it.

**CHAIR SHAFFER:** Now 43, wireless telecommunications facility, public notice. Explanation, adds consistency with other decisions that provide notice, neighbor associations.

Anyone have any issues with that?

**COMMISSIONER EYSTER:** No issue.

**CHAIR SHAFFER:** All right. 44 and 45, minor and major amendments expiration post-IDO approvals.

Since we didn't go over these two things, Mr. Vos, 10-second overview.

**MR. VOS:** Sure, Chair and Commissioners. If you do a minor amendment, it doesn't change the expiration date of your original approval. If you do a major amendment --

**CHAIR SHAFFER:** We went over this in the study session.

**MR. VOS:** Yeah.

**CHAIR SHAFFER:** And this is another one that we were, like, this is a great idea.

**MR. VOS:** Yeah, a major amendment extends it. And we didn't really get any public comment on it.

**CHAIR SHAFFER:** Yes, and that's the same for both 44 and 45.

**MR. VOS:** Correct. (Inaudible) --

**UNIDENTIFIED MALE:** (Inaudible) session.

**MR. VOS:** Yeah, pre-IDO and post-IDO approvals.

**CHAIR SHAFFER:** I definitely paid attention in the study sessions. Because I definitely heard that, even though I was driving.

All right. 46. There was a note I wrote down having a condition from staff to approve.

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**MR. VOS:** Yes, Chair, staff will bring a condition that further clarifies this as distinct from group homes. So we're going to see a clarification to this change next month.

**MR. VOS:** Correct.

**CHAIR SHAFFER:** Okay. Is everyone okay with that?

**COMMISSIONER EYSTER:** Yes.

**CHAIR SHAFFER:** Okay. 40 -- that's the whole thing. That's the rest of that page. So that's actually part of the next page, too.

47, group home. Does that fall in line with that one, as well?

**MR. VOS:** Chair and Commissioners, yes. These amendments to these two definitions are naturally the next couple after this. They're all being done in parallel with each other to make sure that our definitions create distinct and separate uses, that there's not overlap. So to try and reduce confusion between each type of use.

**COMMISSIONER STETSON:** So that's for --

**CHAIR SHAFFER:** And that's 47, 48 and 49. So you're speaking 46, 47, 48 and 49.

**MR. VOS:** Correct.

**CHAIR SHAFFER:** But was the change we meant that we discussed earlier in the day as a condition would apply to all four of those, or was it specifically just 46?

**MR. VOS:** Chair and Commissioners, I think the condition only applies to 46, to reinstate some language. Because I think the parallel language is already in 47.

**CHAIR SHAFFER:** Okay. So then, Commissioner Stetson, I'm sorry. I was just trying to clarify what we were looking at. So did you have another question?

**COMMISSIONER STETSON:** No. I'm good.

**CHAIR SHAFFER:** Oh, okay.

Commissioners, well, I guess first thing is, do you want to hear anything about 46, or do you want to wait till next month when we have the clarifying language?

**COMMISSIONER STETSON:** Next month.

**CHAIR SHAFFER:** Okay. And then 47, 48, 49, it's just specifically cleaning up language to separate those three from each other. Comments?

**COMMISSIONER MEADOWS:** This is Commissioner Meadows. I think just cleaning up language is fine. I'm fine with that.

**CHAIR SHAFFER:** Just making sure. I didn't want to run over anybody.

Okay. Okay. So 47, 48 and 49 are okay as written? Got it.

Okay. 50 we already said no, as part of our other -- earlier in

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the discussion.

51, parking definitions, garage. I don't have any of my notes covering that at all. So is there any -- this just cleans up the definition between garage and carport, right?

**MR. VOS:** Chair and Commissioners, that's correct. That's part of it. The other aspect is right now there's a hole in the definition where if you do a garage, as we all know a garage, but it's part of an apartment complex, it's not considered a garage for design standards. So this fixes that.

**CHAIR SHAFFER:** Got it. Everyone okay with that?

Okay. 52, sensitive lands, large strand of trees. I still don't know how you -- I understand that pictures from 30 years ago would tell you if the tree is there or not. You don't always have those pictures from that long ago. I don't know. It seems -- what's the intent of this one, other than this language?

**MR. VOS:** Chair and Commissioners, the 30-year language is in the existing code. And it's pretty much impossible -- I mean, I don't know that there's has been a single instance of the existing "large stand of mature trees" actually protecting a tree. And so given the trees that we do have an Albuquerque and, you know, keeping trees, which we like for the heat island, as has been discussed, and, you know, protecting trees where possible, changing this definition sort of makes it apply potentially in more instances.

**CHAIR SHAFFER:** Okay. So it's a good thing.

**COMMISSIONER MACEACHEN:** Chair.

**CHAIR SHAFFER:** Commissioner MacEachen.

**COMMISSIONER MACEACHEN:** So I'm just curious. I mean, I always get into the details. What if it's 10 years old, but it's only 7 inches in diameter. I mean, this is just -- this is goofy

**MR. VOS:** Chair and Commissioner MacEachen, if it's not big enough, it wouldn't count towards this definition. But I would just point out that, again, we're trying to reduce these numbers to make it apply in more instances

Because right now, it's it has to be 30 years old and 16 inches in diameter, which --

**COMMISSIONER MACEACHEN:** Which is goofy, too.

**MR. VOS:** Which is extremely goofy.

**COMMISSIONER MACEACHEN:** You saw the chat comment, right?

**CHAIR SHAFFER:** Yeah. So Ms. Renz-Whitmore says we'll write a condition to strike the age and leave the measurement of the tree. I think that back to my whole age thing, is like, man, that is so subjective. So there we go. So new condition next month. Got it.

53, everyone seemed to be supportive of that when we were listening to things. Anyone have anything you want to add or change?

You know, the first thing that came to my mind, not to drag this on any further, but the very first thing that came to my mind was

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our discussion last month with the gentleman who was trying to build the house and how everything was angled from the street, depending where you took your measurement. I was picturing Kim arguing this case about where you would measure 4 feet versus 6 feet.

Anyway, it's semantics in my mind, but I don't have a problem with changing it to this. Does anyone?

**COMMISSIONER STETSON:** No, it's --

**COMMISSIONER EYSTER:** No.

**COMMISSIONER STETSON:** -- (inaudible), but okay.

**CHAIR SHAFFER:** Yeah. Okay. Someone wants to measure it that way, they can.

54 is now into our fire station police station comment, which we probably should have talked about earlier because that would have solidified our other arguments sooner. Everyone, do you want to talk about this, or you want to get any clarifications on this one? Yeah, I mean, in the existing zone district, current -- everyone all right?

**CHAIR SHAFFER:** Commissioner Meadows. Sorry, I had my head down.

**COMMISSIONER MEADOWS:** Yeah, for these -- I think I'm fine with it for these zoning districts. If it was R-1 or something, I'd say that needs to be conditional. But I think for these particular zoning districts, it's fine.

**CHAIR SHAFFER:** Okay. Anybody else?

Mike, you went to the front of my line. Mr. Vos.

**MR. VOS:** Thanks, Chair. I raised my hand, so it probably moved me around.

Just with regard to Commissioner Meadows's comments, just want to state that if the property was zoned R-1, with the way this is proposed, the city would still need to come in for a zoning map amendment. It just wouldn't be for NR-SU with a site plan. They would just come with a straight zoning map amendment to try to get one of the zones that is listed here. That would permissively allow a fire station, if that happened to be the case.

**CHAIR SHAFFER:** Got it. All right. Everyone okay then? All right. So good as written

55 is on hold with Number 6 for further review

56. So what's everyone's thought on this?

**COMMISSIONER EYSTER:** You know, with the people that spoke today, if this was bad, because there's a bunch of builders and developers and people here, I think we'd heard it. So I think I'm okay with it.

**CHAIR SHAFFER:** I had written a note down (inaudible).

Okay. 57, landscaping standards. This is where we heard from parks and rec and had the commentary about making the noted changes. And I sure hope you wrote those down when we were talking, Mr. Vos.

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**MR. VOS:** Chair, I know I wrote down the warm season turf grass limit, taking that away.

**CHAIR SHAFFER:** Right.

**MR. VOS:** That's the only thing I wrote down, so please inform me if there's others.

**CHAIR SHAFFER:** That was it. So you'll just have to craft that wording for us to look at next month and approve. So I'm going to just write down their makes changes -- or makes condition. Sorry.

58, what was the commentary? I know everybody in public speaking wants to approve this. What was the commentary about needs to -- what did city council say? Ms. Schultz.

**MS. SCHULTZ:** Mr. Chair, I don't know that council had any specific comments on this amendment other than there's a quasi-judicial component to it that you'll hear next month. That'll be a separate application. This is just the legislative portion of this request.

Otherwise, I think the sponsor would just urge your support as written.

**CHAIR SHAFFER:** Okay. What did I -- maybe that's what I heard, because I wrote that down. Maybe that's what I heard, saying we're going to hear it again because of that, the quasi-judicial portion.

Okay. I'll come back to that. Commissioner Meadows.

**COMMISSIONER MEADOWS:** Yeah, there were some comments about to apply this to the Coors overlay zone area, and then also to extend the notice to one mile. So that's what I wrote down, anyway.

**CHAIR SHAFFER:** And that was public comment. And then there was a note from somebody saying you couldn't on one of those, maybe it was the Coors side.

Mr. Vos.

**MR. VOS:** Yeah, Chair, Schaffer and Commissioners, applying this to one or both of the Coors overlay zones would implicate a quasi-judicial process for a small area, just like the Northwest Mesa VPO that you'll hear separately.

If the commission wanted to entertain changes on the other comments, I believe it was Laguna Pueblo that provided extending the distance and allowing for alternative recipients of the referrals. Those would be possible through conditions of approval on this current request.

**CHAIR SHAFFER:** Does anyone have any burning need -- well, let me rephrase that. Is there any comments as written? Let me ask that question.

**COMMISSIONER MACEACHEN:** I have a question.

**CHAIR SHAFFER:** Commissioner MacEachen.

**COMMISSIONER MACEACHEN:** So I understand being, you know, sensitive to their input, and I think that's 100 percent good and



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everything. We look at the legal ramifications as to whether if they're on one of our committees or they're appointed to a committee or we have to take it to them, do we have to listen? It just seems a little vague to me.

**MS. SCHULTZ:** Mr. Chair, Commissioner MacEachen, I think something worth noting here is there's no decision-making authority empowered in the folks who are receiving this notice. They are simply asked to comment on applications in the same way that applications get sent to MRCOG or they get sent to Albuquerque Public Schools. And then they provide comments on that application, and the decision maker, whether it's this body or it's an administrative decision, they look at those comments and they use those comments to inform their decision.

This purposefully was not intended to try to slow down development or to create, kind of, another decision-making body. It's just bringing more folks to the table to provide input.

**COMMISSIONER MACEACHEN:** You know this is being recorded?

**MS. SCHULTZ:** Yes.

**COMMISSIONER MACEACHEN:** (Inaudible).

**CHAIR SHAFFER:** So what you're saying is, when we see the staff report and we have the section that says "Agency Comments," this literally becomes an agency comment?

**MS. SCHULTZ:** Yeah. There will be a new section for whatever tribal entity has chosen to respond to that application, where you would review their comments.

**CHAIR SHAFFER:** Okay. So it's an -- okay. Got it. Because we frequently look at those saying, okay, we see that police said nothing, we see that APS says there's capacity in their school system for that, for this particular development, we are good to go. Things like that.

**MS. SCHULTZ:** Yeah, that's right, Mr. Chair.

And then I just want to make sure that the commission is aware that there's also an implication for the archaeological certificate process, it's not just the commenting agency section, where if a development has to engage in the archaeological certificate process, which is typically only required for sites that are five acres or greater, as they're moving through that process, they are also required to notify the tribal entities and their representatives about that application and the outcome of that application and any treatment plan in response to the archaeological findings. If necessary.

**CHAIR SHAFFER:** Probably the most impactful part of that then of this. The other stuff is not -- it's good to have more commentary, but that's a little more impactful. I'm surprised that people did not read that and comment on that.

Is there a section, that exact wording that you just said, to put on the screen?

**MS. SCHULTZ:** Yeah. I've got the amendment up now. If I could be made a co-host, I can share my screen.

**CHAIR SHAFFER:** I would if I could.

**MS. SCHULTZ:** Thank you.

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He just got me. Let me pull that up.

So you can see the new proposed text in red here, under the archaeological certificate section, 65, which puts some new responsibilities on the applicant that, one, they provide notice to the Indian tribe -- I'm sorry, Indian nation tribe or pueblo when they have to submit for an archaeological certificate.

**CHAIR SHAFFER:** Can I stop you real quick, jus so I can understand? What triggers that?

**MS. SCHULTZ:** An archaeological certificate is required for sites that are five acres or greater at the subdivision stage, the site plan stage. And there's one other trigger that I'm not remembering off the top of my head.

Mike, do you remember what the third trigger is for an archaeological certificate? I think he's madly looking through his IDO.

**CHAIR SHAFFER:** That's fine.

**MS. SCHULTZ:** Okay. While he's looking that up, let me just run through the rest of this to save us some time.

So once they apply for that archaeological certificate, tribes will be notified. And then if the city archaeologist is going to require a treatment plan, if there are sensitive aspects of the site that will require a treatment plan, the tribes are also notified of the treatment plan once it's approved so that they're aware of how the site is being mitigated.

**CHAIR SHAFFER:** So that doesn't say anything or require them to approve the treatment plan. They just have to be notified of the plan?

**MS. SCHULTZ:** That's right.

**CHAIR SHAFFER:** Interesting. Mr. Vos.

**MR. VOS:** Thanks, Chair. The archaeological certificate process is required for preliminary plats, site plans and master development plans that are greater than five acres in size.

**MS. SCHULTZ:** Thanks Mike.

**CHAIR SHAFFER:** And that's already there. That's already a requirement. This just kind of -- when it triggers -- when that happens, it triggers the archaeological certificate and then we're changing this wording to specify exactly what that means?

**MS. SCHULTZ:** This just implements, essentially, a new notification process in which the applicant has to inform tribes that one, they're applying for an archaeological certificate, and two, if a treatment plan is required, what that treatment plan contains.

**CHAIR SHAFFER:** So what we would see, and I keep saying "we," but it's not going to be me anymore, but what the EPC will see is, in a staff report, similar to the neighborhood association, certified -- I almost said certified check -- certified mail.

**COMMISSIONER EYSTER:** Permissive, tall.

**CHAIR SHAFFER:** Oh, let me mute Mr. (Inaudible). There we go.

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You'll see in the staff report, not only the certified mail for -- like, the neighborhood associations, here's where we provide a notification, you would also now see the certified mail receipt for this archeological certificate provided to the appropriate people; is that correct?

**MS. SCHULTZ:** Mr. Chair, yeah. It would be the burden of the applicant to provide proof that this section has been complied with. And that's exactly how that would be done.

**CHAIR SHAFFER:** So it's not necessarily -- I guess why I was surprised that no one commented was because I thought that when you first mentioned it, there was some requirement for their approval, not necessarily the notification side. So it's just additional layer of notification.

**MS. SCHULTZ:** Mr. Chair, that's correct, for the archeological certificate process.

**CHAIR SHAFFER:** Okay. Sorry, I just thought it was important to clarify that.

I think, well, as written, does anyone have any comments of taking as is or saying no?

**COMMISSIONER MACEACHEN:** I'm surprised it's not already in place.

**CHAIR SHAFFER:** Okay. All right. So we're good as written 59, clerical changes. Does anyone --

**COMMISSIONER MACEACHEN:** Who came up with this?

**CHAIR SHAFFER:** I know. You know, there was a comment saying that this -- I think specifically Number 60, the comment was that this is overreaching and gives discretionary change ability to staff without telling anybody, is what I heard. And that was just -- that's not me saying that. That's what public comment said.

So I don't know if you want to address that or kind of clarify what the meaning is of these two.

**MR. VOS:** Thanks, Chair and Commissioners. These last two items for clerical and editorial changes have been in all of the annual updates that have gone through the process to date. And basically, I think it's just sort of you saying we will allow staff to, you know, fix numbering, maybe reorder some things to make more sense and to fix typos and things like that.

We are definitely not the ones empowered with changing the IDO, and I don't think we have done anything that could be considered, you know, doing something underhanded like that.

**CHAIR SHAFFER:** I think the word you're looking for is nefarious.

**MR. VOS:** We haven't done anything nefarious, as was maybe suggested. I think this is just you letting us go through and clean up the IDO and make it a better document for people.

**COMMISSIONER EYSTER:** Yeah.

**CHAIR SHAFFER:** Well, I mean, the words, clarity, cross-references, reorganizing content, that's something that we request every month in our meetings. So, I mean, does any -- Commissioner Meadows, you have your hand up.

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**COMMISSIONER MEADOWS:** Yeah, I was going to say, I'm fine with it, but maybe it should be documented. If you make a correction or something, you should document that in case anybody were to ask.

**MS. SCHULTZ:** Mr. Chair, in previous years, the planning department has provided a red-line version that documents all the changes that this body approves, the council approves, and the editorial changes.

So, if someone wanted to go and look where they, you know, took away an S because a word shouldn't have been plural, those types of changes are all documented, if someone wanted to read the book front to back.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** Thank you, Chair.

That comment, I think, expressed some of this general distrust of the planning process that's developed over the years. And I don't actually have that distrust myself. And I don't have a problem with empowering the staff to have that kind of discretion.

**COMMISSIONER HOLLINGER:** Hollinger.

**CHAIR SHAFFER:** Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Thank you.

If we're already doing this, are we asking for permission now? Why is this in here, if this is already a process that's taking place?

**MS. SCHULTZ:** Mr. Chair, Commissioner Hollinger, any time a change is made to a regulatory document, like an ordinance, there has to be some direction given by the council to empower that change. And so the council is actually the one who will go on to say, yes, the planning department can make editorial and clerical changes. But that direction needs to be there, otherwise they're not empowered to make those changes.

**COMMISSIONER HOLLINGER:** Okay. Thank you. I don't have any problems with this.

**CHAIR SHAFFER:** And, Mr. Vos, did you say that this has been in the last two changes as the last two items anyway?

**MR. VOS:** (Inaudible).

**CHAIR SHAFFER:** And we forgot they were there, because every time we're looking at this, it's been at 6:30 at night and we've just pushed past them?

**MR. VOS:** Chair and Commissioners, yes, that's true. And I think just to Commissioner Hollinger's point, we're not editorially changing the IDO throughout the year. If we see an error, we note it for ourselves, and then when council authorizes this with every annual update in the period between city council approval and the effective date of the IDO, we go through and make the needed changes that we've noted. And then the document is the document and stays that way for the next year until the next annual update goes through. So we're not constantly tweaking the document in any way.

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**CHAIR SHAFFER:** Perfect. All right. So I think we're all okay with as written 59 and 60.

And we need a motion to continue this case until the January 11th IDO special meeting.

**COMMISSIONER HOLLINGER:** One question, Chair. This is Commissioner Hollinger.

**CHAIR SHAFFER:** Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Thank you. So there was talk of revising the annual update to be every other year. Is this an appropriate section to discuss that --

**CHAIR SHAFFER:** Could be

**COMMISSIONER HOLLINGER:** -- or make note of that?

**CHAIR SHAFFER:** That's something that I think would make everybody happy in this process. Maybe not everybody, but a lot of the interested parties. We hear from everybody, both sides of -- I'll say the words, both sides of the fence, from neighborhood association people, developments people, staff people, commissioners, councilors. I mean, there's different ways to make changes through city council versus just the IDO. And we hear a lot. We hear a lot of commentary about, hey, this is not only -- as soon as we are finishing approving this and implementing it in July, you're already back in having to reread hundreds and hundreds and hundreds of pages again of documents.

So I think you would probably find support in a biannual, every other year, update versus an annual update. So that could be definitely a condition that we added to this document that we send forth.

Commissioner Eyster.

**COMMISSIONER EYSTER:** Thank you, Chair. I appreciate Commissioner Hollinger bringing that up now. And I think that it could also be strengthened by suggesting that we not have this all kick off at the hearing stage in December, when we are potentially changing commissioners in January and also changing councilors in January. So here they all come all green and they don't know how to do the work yet.

And then it's the holidays. That's a little bit rough, too. A couple of commenters said that.

**CHAIR SHAFFER:** And I'm going to -- you know, I am -- yeah, holiday, there's a holiday every month, is what I'm going to say.

**COMMISSIONER EYSTER:** Yeah, that's minor.

**CHAIR SHAFFER:** Family time is family time. We want to have family time, but we all have a job to do. And just so everyone's aware, none of us are getting -- this is not our job.

**COMMISSIONER EYSTER:** Yeah.

**CHAIR SHAFFER:** Ms. Schultz, I'll get to you in a second.

And I want to use that example that Commissioner Eyster just said of, I'll say user error, which happened earlier today with a newly appointed councilor who was unaware, rightfully so, on day

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one on the job of what the process is and use that as an example of why right now is not a good time to do it.

**COMMISSIONER EYSTER:** Right.

**CHAIR SHAFFER:** So if we're thinking of doing this as a biannual, as an every-other-year suggestion, all we can do is make a suggestion, we might want to strengthen that as your word said, saying move it up a couple months, to where we're doing this in, like, October and November versus December, January.

**COMMISSIONER HOLLINGER:** Hollinger. I'm not sure that biannual meets your intent. In my eyes, that says twice a year.

**COMMISSIONER MACEACHEN:** No, semi-annual is twice.

**CHAIR SHAFFER:** No, semi-annual would be twice a year. Biannual, because I biannually do my --

**COMMISSIONER MACEACHEN:** I Googled it.

**CHAIR SHAFFER:** Because in my business, I have to do a biannual report, and that's every two years.

**COMMISSIONER EYSTER:** I say we call a vote.

**COMMISSIONER HOLLINGER:** I just want to make sure.

**COMMISSIONER EYSTER:** No, no, no, not really.

**MS. SCHULTZ:** Thanks, Chair Shaffer. I would just like to offer a comment that staff has talked about this over the last five years, because we, too, are a little exhausted of opening this dang book for nine months a year.

However, what I'd like to point out is that while the IDO mandates that we crack the book open every year, it doesn't say that we cannot submit applications any other time of the year. And what an annual update offers is, while it might be considered a nuisance, a little bit of predictability about when the city will be considering text changes to the documents.

I hear all year long from councilors about changes that they want made. And I try my darnedest to hold the reins to say, "Wait until the annual update."

If the update moves to every two years, councilors are not going to wait that long, and you will get multiple applications a year to amend the text to the IDO. The annual update process does offer one place, one time, one set of hearings to do that.

And so I would just like to caution the commission to think about -- the public having to keep up with multiple hearings throughout the year on different topics, instead of kind of considering them in one bucket once a year. Thank you.

**CHAIR SHAFFER:** So what would your suggestion be then, just outside the box?

**MS. SCHULTZ:** I hear the concern that the scheduling of the IDO annual update is challenging for a lot of reasons. And maybe staff can look at an alternative calendar. But I do think the annual update cycle is probably our best bet, considering the alternatives. But maybe the start date could just be moved so that the cycle hits differently on this commission and hits the council at a different time of the year.

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That probably wasn't the answer you wanted. I'm sorry.

**COMMISSIONER MACEACHEN:** Oh, you're making me sad.

**CHAIR SHAFFER:** I know. Pretty soon it's going to be not my monkey, not my circus.

**COMMISSIONER STETSON:** But it is a step in the right direction, I think.

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** I appreciate the dialogue and I really want out of here, too. But it occurs to me that a big giant package of updates like we do, you know, 60 amendments, that's pretty backbreaking for everybody, for staff, for the public, for the commission. And I don't know anyone ever really proved that the annual update is any better than the old trickle-in theory. I don't think that should be completely thrown out just because we came up with this great new idea.

**CHAIR SHAFFER:** You just said don't throw the baby out with the bath water, just so you know.

**COMMISSIONER EYSTER:** The trickle theory. Maybe the old trickle theory wasn't all that bad. I wasn't really too involved with it.

**COMMISSIONER MACEACHEN:** Chair.

**CHAIR SHAFFER:** Commissioner MacEachen.

**COMMISSIONER MACEACHEN:** I would at least try to make the recommendation that we do it every other year and that we move it up a couple months, and let the city council respond to it.

**COMMISSIONER EYSTER:** Yeah, I like that.

**COMMISSIONER MACEACHEN:** I understand everything Shanna said. Ms. Schultz. I'm sorry. I understand everything she said, but we can't win if we don't try.

**CHAIR SHAFFER:** Understood.

Mr. Vos. You're muted.

**MR. VOS:** Thanks, Chair and Commissioners.

I think one of the things that you might consider if you're serious about forwarding some sort of recommendation on this to the city council would be through findings rather than conditions. Staff takes conditions and actually writes them into our red line of the IDO.

So that's kind of a just something to consider if you're not ready to tell -- like, send a red line of the IDO that changes the annual process --

**CHAIR SHAFFER:** Oh, that makes sense.

**MR. VOS:** -- that you make a finding or a couple of findings that say: We've heard these concerns and we would like to send this along without a change right now, but the city council should

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consider --

**CHAIR SHAFFER:** That's a great idea.

**MR. VOS:** -- this more seriously.

**CHAIR SHAFFER:** So if you don't mind presenting that finding to us next month that'd be great.

Ms. Lehner.

**MS. LEHNER:** Thank you. And as you all know, I mean, findings are good to document discussion and everything that went on. But, certainly, if you're feeling more serious about it, you can present strike-out language and suggested changes and send that along as well. A finding would be a placeholder, in my view. It would not be strong enough to really affect much more than a brief consideration.

**CHAIR SHAFFER:** I see what you're saying. So you're saying --

**MS. LEHNER:** And I have said from the very get-go, ever since I was the first analyst on the first IDO annual update in 2019, that it should be biannual -- that it should be every three years. Let's use the word every other year.

**UNIDENTIFIED MALE:** Exactly.

**MS. LEHNER:** That's what I have always thought.

**CHAIR SHAFFER:** And what you're suggesting is take that actual language where it says must be updated annually and actually present that saying, here's what our finding is, is that this should be -- we're suggesting based on public comment and actually everybody in the world's comment, that --

**MS. LEHNER:** And practicalities. I mean, in terms of creating a document that is reliable and creating expectations that are consistent over time. Even over a little bit more time than we have would be, I think, desirable.

**CHAIR SHAFFER:** Got it.

**COMMISSIONER MACEACHEN:** Did I hear Ms. Lehner volunteer to draft that for us?

**CHAIR SHAFFER:** I think she's moved on.

**COMMISSIONER MACEACHEN:** No, I think I heard that.

**MS. LEHNER:** It would be simple to draft, Mr. Chair and Commissioner MacEachen. Strike out and replace with the wording.

**CHAIR SHAFFER:** You know, we're asking staff to provide us with these documents to review next month, so I'd love to see it. Okay.

Anything else? We need the motion to -- we need someone to make a motion and then we need a second. We need to vote to continue this project to next month. And I can't do it. Somebody else has to do it.

**COMMISSIONER EYSTER:** Eyster.

**CHAIR SHAFFER:** Commissioner Eyster.



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**COMMISSIONER EYSTER:** Just want to be sure we are talking about Agenda Item Number 3.

**CHAIR SHAFFER:** Correct.

**COMMISSIONER EYSTER:** Project Number PR-2018-001843, Case RZ-2023-0040 [sic].

**CHAIR SHAFFER:** Yes.

**COMMISSIONER EYSTER:** I move that the request be continued for one month to the January 11, 2024, special EPC hearing.

**CHAIR SHAFFER:** We have a motion. Do we have a second?

**UNIDENTIFIED MALE:** Second.

**UNIDENTIFIED MALE:** Second

**CHAIR SHAFFER:** We got a lot of seconds.

All right, we'll do a roll call vote.

Commissioner Meadows.

**COMMISSIONER MEADOWS:** Commissioner Meadows, aye.

**CHAIR SHAFFER:** Commissioner Stetson.

**COMMISSIONER STETSON:** Commissioner Stetson, aye.

**CHAIR SHAFFER:** Commissioner Eyster.

**COMMISSIONER EYSTER:** Eyster, aye.

**CHAIR SHAFFER:** Commissioner MacEachen.

**COMMISSIONER MACEACHEN:** MacEachen, aye.

**CHAIR SHAFFER:** Commissioner Pfeiffer.

**COMMISSIONER PFEIFFER:** Commissioner Pfeiffer, aye.

**CHAIR SHAFFER:** Commissioner Coppola.

**COMMISSIONER COPPOLA:** Commissioner Coppola, aye.

**CHAIR SHAFFER:** Commissioner Hollinger.

**COMMISSIONER HOLLINGER:** Hollinger, aye.

**CHAIR SHAFFER:** Commissioner Shaffer is a nay -- just kidding. Aye. 8-0, and wonderful.

(8-0 vote. Motion approved.)

**CHAIR SHAFFER:** We have, we don't have any other business, do we?

**COMMISSIONER EYSTER:** That's the end of the agenda.

**CHAIR SHAFFER:** Well, if there's other matters.

**MS. LEHNER:** No other matters.

**COMMISSIONER STETSON:** Don't we have the action summary?

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**CHAIR SHAFFER:** No, that'll be next week's, because this is a special one. So next week's regular meeting is where we'll do the action summary.

**MS. LEHNER:** Correct. At the regular meeting, there are four cases on the agenda, and that is on the 21st.

**CHAIR SHAFFER:** Mr. Salas has been hard at work, because I already got his e-mail saying: Here's your agenda for next week.

**COMMISSIONER MACEACHEN:** So just to remind you, I won't be there.

**CHAIR SHAFFER:** What?

**COMMISSIONER MACEACHEN:** I know. Grandkids. Come on.

**CHAIR SHAFFER:** All right. Well, everybody, good, good, good, good, good, good work. I know it took a long time today, but seriously going through and taking stuff off the plate, narrowing things down, what we had to narrow down so we can then go through them efficiently in a month from now, these extra couple hours today will make a big difference next month.

So appreciate everybody, from the Chair seat, what everyone did and everyone did today and all the public comment and everything, and all the help. Because that's all of us helping each other. So good job, everybody.

**UNIDENTIFIED MALE:** Thank you, Chair. Thank you, everyone.

**COMMISSIONER MACEACHEN:** Bye, everybody.

(Conclusion of Agenda Items 2 and 3.)

**EPC Minutes, Agenda Items 2 and 3  
December 14, 2023**

RE: CITY OF ALBUQUERQUE EPC MEETING MINUTES OF  
DECEMBER 12, 2023, AGENDA ITEMS 2 and 3

TRANSCRIPTIONIST'S AFFIRMATION

I HEREBY STATE AND AFFIRM that the foregoing is a correct transcript of an audio recording provided to me and that the transcription contains only the material audible to me from the recording and was transcribed by me to the best of my ability.

IT IS ALSO STATED AND AFFIRMED that I am neither employed by nor related to any of the parties involved in this matter other than being compensated to transcribe said recording and that I have no personal interest in the final disposition of this matter.

IT IS ALSO STATED AND AFFIRMED that my electronic signature hereto does not constitute a certification of this transcript but simply an acknowledgement that I am the person who transcribed said recording.

DATED this 31st day of January 2023.

/S/

Kelli A. Gallegos



## ENVIRONMENTAL PLANNING COMMISSION AGENDA

Thursday, December 14, 2023  
8:40 a.m.

Due to COVID-19 this meeting is a Public Zoom Video Conference

Members of the public may attend via the web at this address: <https://cabq.zoom.us/j/2269592859> or by calling the following number: 1 301 715 8592 and entering Meeting ID: 226 959 2859

### MEMBERS

David Shaffer, Chair  
Tim MacEachen, Vice Chair

Giovanni Coppola  
Joseph Cruz  
Gary L. Eyster P.E. (Ret.)  
Jonathan R. Hollinger

Richard Meadows  
Mrs. Jana Lynne Pfeiffer  
Robert Stetson

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**NOTE: A LUNCH BREAK AND/OR DINNER BREAK WILL BE ANNOUNCED AS NECESSARY**

Agenda items will be heard in the order specified unless changes are approved by the EPC at the beginning of the hearing; deferral and withdrawal requests (by applicants) are also reviewed at the beginning of the hearing. Applications deferred from a previous hearing are normally scheduled at the end of the agenda.

There is no set time for cases to be heard. Please be prepared to provide brief and concise testimony to the Commission if you intend to speak. **In the interest of time, presentation times are limited as follows, unless otherwise granted by the Commission Chair: Staff – 5 minutes; Applicant – 10 minutes; Public speakers – 2 minutes each. An authorized representative of a recognized neighborhood association or other organization may be granted additional time if requested. Applicants and members of the public with legal standing have a right to cross-examine other persons speaking pursuant to Article 3, Section 2D, of the EPC Rules of Practice & Procedure.**

All written materials – including petitions, legal analysis and other documents – should ordinarily be submitted at least 10 days prior to the public hearing, ensuring presentation at the EPC Study Session. The EPC strongly discourages submission of written material at the public hearing. Except in extraordinary circumstances, the EPC will not consider written materials submitted at the hearing. In the event the EPC believes that newly submitted material may influence its final decision, the application may be deferred to a subsequent hearing. Cross-examination of speakers is possible per EPC Rules of Conduct.

**NOTE: ANY AGENDA ITEMS NOT HEARD BY 8:30 P.M. MAY BE DEFERRED TO ANOTHER HEARING DATE AS DETERMINED BY THE PLANNING COMMISSION.**

## Call to Order:

- A. Pledge of Allegiance
- B. Roll Call of Planning Commissioners
- C. Zoom Overview
- D. Announcement of Changes and/or Additions to the Agenda
- E. Approval of Amended Agenda
- F. Swearing in of City Staff

### 1. Project# 2018-001843

RZ-2023-00044 – Text Amendment to Integrated Development Ordinance (IDO) – Small Area – Volcano Heights Urban Center (VHUC)

*Deferral requested by the applicant*

The City of Albuquerque Council Services Department requests to amend the text of the Integrated Development Ordinance (IDO) affecting a small area. This update includes requested changes to remove a prohibition on drive-through facilities in the mixed-use zone districts within the Volcano Heights Urban Center (VHUC).  
Staff Planner: Mikaela Renz-Whitmore

### 2. Project# 2018-001843

RZ-2022-00043 – Text Amendments to Integrated Development Ordinance (IDO) – Small Area – Rail Trail

The City of Albuquerque Metropolitan Redevelopment Agency requests to amend the text of the Integrated Development Ordinance (IDO) to establish a new small area and related regulations. This update includes changes requested to add development standards affecting properties adjacent to the planned Albuquerque Rail Trail.  
Staff Planner: Robert Messenger

### 3. Project# 2018-001843 (2018-00195)

RZ-2023-00040 – Text Amendments to Integrated Development Ordinance (IDO) – Citywide

The City of Albuquerque Planning Department requests to amend the text of the Integrated Development Ordinance (IDO) affecting properties citywide. This fifth annual update includes changes requested by neighbors, developers, staff, and Council Services.  
Staff Planners: Michael Vos, China Osborn

## 4. OTHER MATTERS

## 5. ADJOURNMENT