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Text amendments to the Integrated Development Ordinance (IDO)
VHUC
PR-2018-001843 – RZ-2023-00044

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OFFICIAL NOTIFICATION OF DECISION

February 15, 2024

City of Albuquerque,
City Council
1 Civic Plaza NW
Albuquerque, NM 87102

Project# 2018-001843

RZ-2023-00044 – Text Amendment to Integrated Development Ordinance (IDO) – Small Area – Volcano Heights Urban Center (VHUC)

LEGAL DESCRIPTION:

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

On February 15, 2024, the Environmental Planning Commission (EPC) voted to forward a recommendation of DENIAL to City Council of Project # 2018-001843, RZ-2023-00044 – Text Amendments to Integrated Development Ordinance (IDO) – Small Area – Volcano Heights Urban Center based on the following Findings:

1. The request is for a text amendment to the Integrated Development Ordinance (IDO) for a small area as part of the Annual Update required by IDO Subsection 14-16-6-3(E). The proposed Small-area amendment, when combined with the proposed City-wide amendments, are collectively known as the 2023 IDO Annual Update.
2. The text amendment to this small area in the city is accompanied by proposed Citywide text amendments, which were submitted separately pursuant to IDO Subsection 14-16-6-7(D) and are the subject of another Staff report (RZ-2023-00040).
3. The small area text amendment is a proposed change requested by Council Services that affects the Volcano Heights Urban Center, as designated in the Comprehensive Plan.
4. The IDO applies to land within the City of Albuquerque municipal boundaries. The IDO does not apply to properties controlled by another jurisdiction, such as the State of New Mexico, federal lands, or lands in unincorporated Bernalillo County or in other municipalities.
5. The EPC's role is to make a recommendation to the City Council regarding the proposed amendment to IDO text for this small area. As the City's Planning and Zoning Authority, the City Council will make the final decision. The EPC is a recommending body to the Council and has important review

authority. Because the proposed change affects properties only in a small area, this is a quasi-judicial matter.

6. The Albuquerque City Charter, Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
7. The request does not further the following relevant City Charter articles:
 - A. Article I, Incorporation and Powers. Amending the IDO via text amendments is inconsistent with the purpose of the City Charter to provide for maximum local self-government. The revised regulatory language and process in the IDO will not help implement a preponderance of relevant goals and policies within the Comprehensive Plan and therefore cannot help guide future legislation.
 - B. Article IX, Environmental Protection. The IDO is an instrument to help promote and maintain an aesthetic and humane urban environment for Albuquerque's citizens, and thereby promote improved quality of life. The proposed Small Area text amendment to the IDO would not ensure that land is developed and used properly. The Volcano Heights Urban Center was established in the Comprehensive Plan to guide the most urban, walkable, mixed-use development to this area and suburban, auto-oriented development to areas outside of Urban Centers; therefore, Commissions, Boards, and Committees would not be able to facilitate effective administration of City policy in this area with the approval of this amendment.
8. The request generally furthers the following relevant City Charter articles:
 - A. Article XVII, Planning. In general, amending the IDO through the annual update process is an instance of the Council exercising its role as the City's ultimate planning and zoning authority. The IDO will help implement the Comprehensive Plan and ensure that development in the City is consistent with the intent of any other plans and ordinances that the Council adopts.
 - B. Section 2. In general, amending the IDO through the annual update process will help the Mayor and his designees to administer the City's land use plan – the Comprehensive Plan – to achieve its vision for future growth and development through development that is regulated by the IDO.
9. The request conflicts with and therefore does not further the following Comprehensive Plan Goal and Policies from Chapter 4: Community Identity:
 - A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.
 - B. Policy 4.1.1 Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

- C. 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.
- D. Policy 4.1.3 Placemaking: Protect and enhance special places in the built environment that contribute to distinct identity and sense of place.

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

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

- 10. The request conflicts with and therefore does not further the following Comprehensive Plan Goal and Policies from Chapter 5: Land Use:
 - A. Policy 5.1.4 Urban Centers: Create highly accessible and walkable Urban Centers that provide a range of employment opportunities and higher-density housing options.
 - B. Policy 5.1.4.a: Encourage mixed-use development.
 - C. Policy 5.1.4.b: Encourage pedestrian-oriented design, transit-oriented development, and infrastructure improvements that make Urban Centers more walkable over time.
 - D. Policy 5.1.8 Premium Transit Corridors: Foster corridors that prioritize high-capacity, high-frequency transit service, with mixed-use, transit-oriented development within walking distance of transit stations.
 - E. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.
 - F. 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.
 - G. 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 request, if approved, would allow an exclusively auto-oriented use into the Urban Center areas where it is currently prohibited. The request would also allow drive-throughs in the mixed-use zone districts lining Paseo del Norte and Unser Boulevard where these streets have a dual designation in the Comprehensive Plan, including Premium Transit. Any land developed as drive-through facilities is unlikely to include residential development, mixed-use development, or transit-oriented development. The infrastructure that goes in to support this auto-oriented development is unlikely to support mixed-use and transit-oriented development, so inefficient retrofits would be necessary to support new development that does meet the intent of the Comp Plan goals and policies.

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

11. The request conflicts with and therefore does not further the following Comprehensive Plan Policies from Chapter 6: Transportation:

- A. Policy 6.1.2 Transit-oriented Development: Prioritize transit-supportive density, uses, and building design along Transit Corridors.
- B. 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.

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

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

12. The request conflicts with and therefore does not further the following Comprehensive Plan Goal and Policies from Chapter 7: Urban Design:

- A. 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.
- B. Policy 7.2.1 Walkability: Ensure convenient and comfortable pedestrian travel.
- C. Policy 7.2.2 Walkable Places: Promote high-quality pedestrian-oriented neighborhoods and districts as the essential building blocks of a sustainable region.

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

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

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

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

14. The request conflicts with and therefore does not further the following Comprehensive Plan Policies from Chapter 11: Heritage Conservation:

- A. 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.
- B. Policy 11.3.1.a: Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment...
- C. Policy 11.3.4 Petroglyph National Monument: Regulate adjacent development to protect and preserve the Petroglyph National Monument – its volcanoes, petroglyphs, and Northwest Mesa Escarpment – as a priceless cultural landscape and community resource that provides physical, cultural, and economic benefits.
- D. Policy 11.3.4.c: Conserve and protect the Monument and surrounding lands through regulations associated with the Volcano Mesa and Northwest Mesa Escarpment Areas.

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

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

15. The request does not meet the Review and Decision Criteria (a), (c), or (e) in Subsection 14-16-6-7(E) of the IDO, as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

21. Concerns raised by the public during the pre-submittal neighborhood meeting included the negative impact that drive-throughs could have on traffic, noise, light pollution, and the Petroglyph National Monument

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/MRW/MJ

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EPC File



**Environmental
Planning
Commission**

Staff Report

Agenda Number: 1
Project #: 2018-001843
Case #: RZ-2023-00044
Hearing Date: February 15, 2024

Applicant City of Albuquerque Counsel Services

Agent City of Albuquerque Planning
Department

Request Amendment to the Integrated
Development Ordinance (IDO) Text –
Small Area for the 2023 Annual
Update

Location Volcano Heights Urban Center

Staff Recommendation

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

Staff Planner
Mikaela Renz-Whitmore, Division Manager

Summary of Analysis

The request was deferred for a month at the December 14, 2023 IDO special hearing and for another month at the January 11, 2024 IDO special hearing. The request is for a text amendment to the Integrated Development Ordinance (IDO) for a Small Area designated as the Volcano Heights Urban Center (VHUC) in the Comp Plan. The proposed change was submitted in tandem with the Annual Update process and would remove the prohibition on drive-throughs in Mixed-use zone districts within the VHUC, pursuant to IDO §14-16-4-3(F)(5)(f)10. The VHUC is within the Volcano Mesa Character Protection Overlay zone (CPO-13) and the Northwest Mesa Escarpment View Protection Overlay zone (VPO-2).

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

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



Comments received before January 30th at 9 AM are attached to and addressed in this Staff Report. Comments received before January 6th at 9 AM are attached, but not addressed. Clarifying materials received before January 13th at 9 AM (after publication of this report and more than 48 hours before the hearing) will be forwarded to the EPC for consideration at the hearing and are not attached to this report.



Figure 1: Volcano Heights Urban Center Boundary

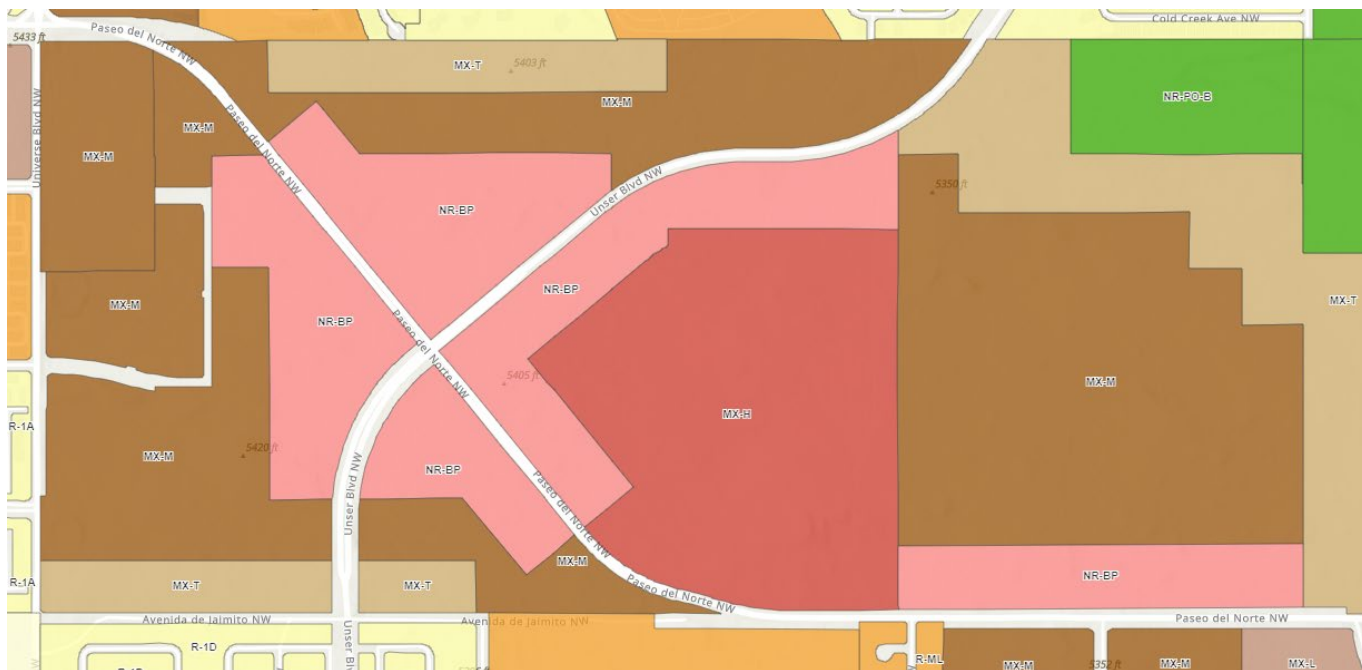


Figure 2: Volcano Heights Zoning Districts

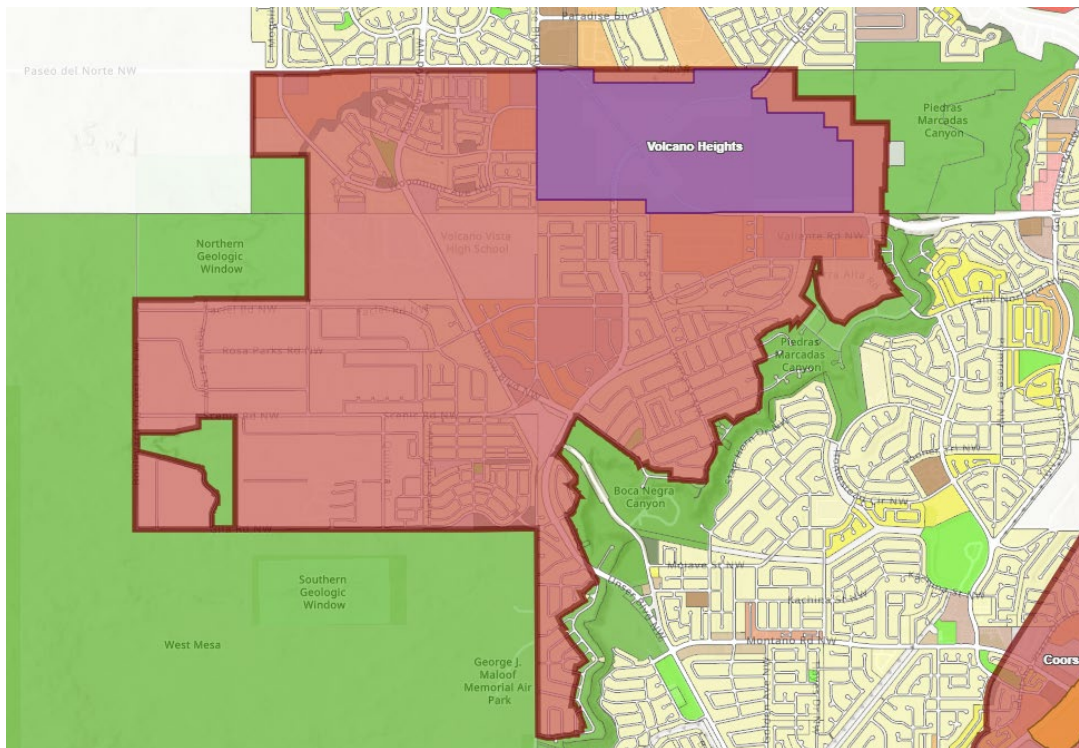


Figure 3: Volcano Mesa Character Protection Overlay Zone (CPO-13) and Volcano Heights Urban Center

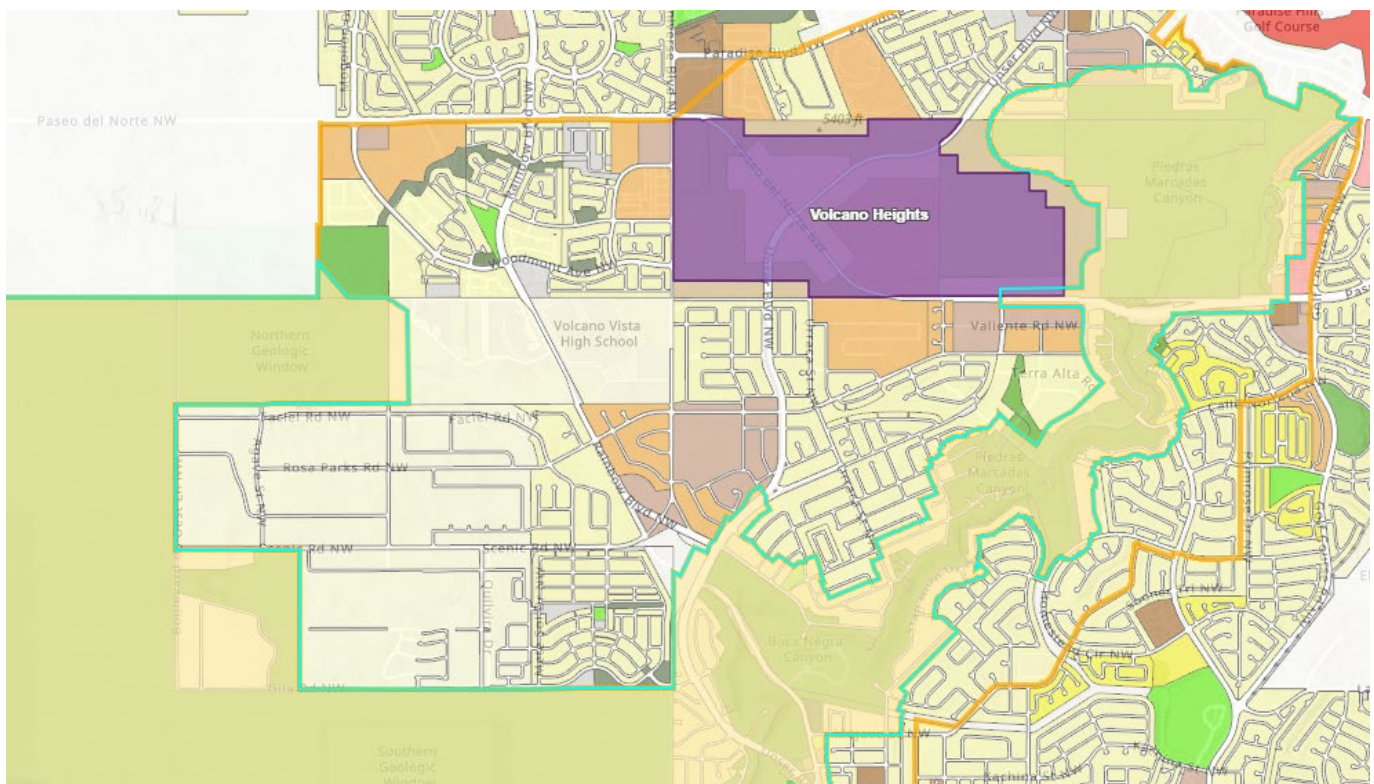


Figure 4: Northwest Mesa View Protection Overlay Zone (VPO-2) Height Restriction Sub-area and Volcano Heights Urban Center

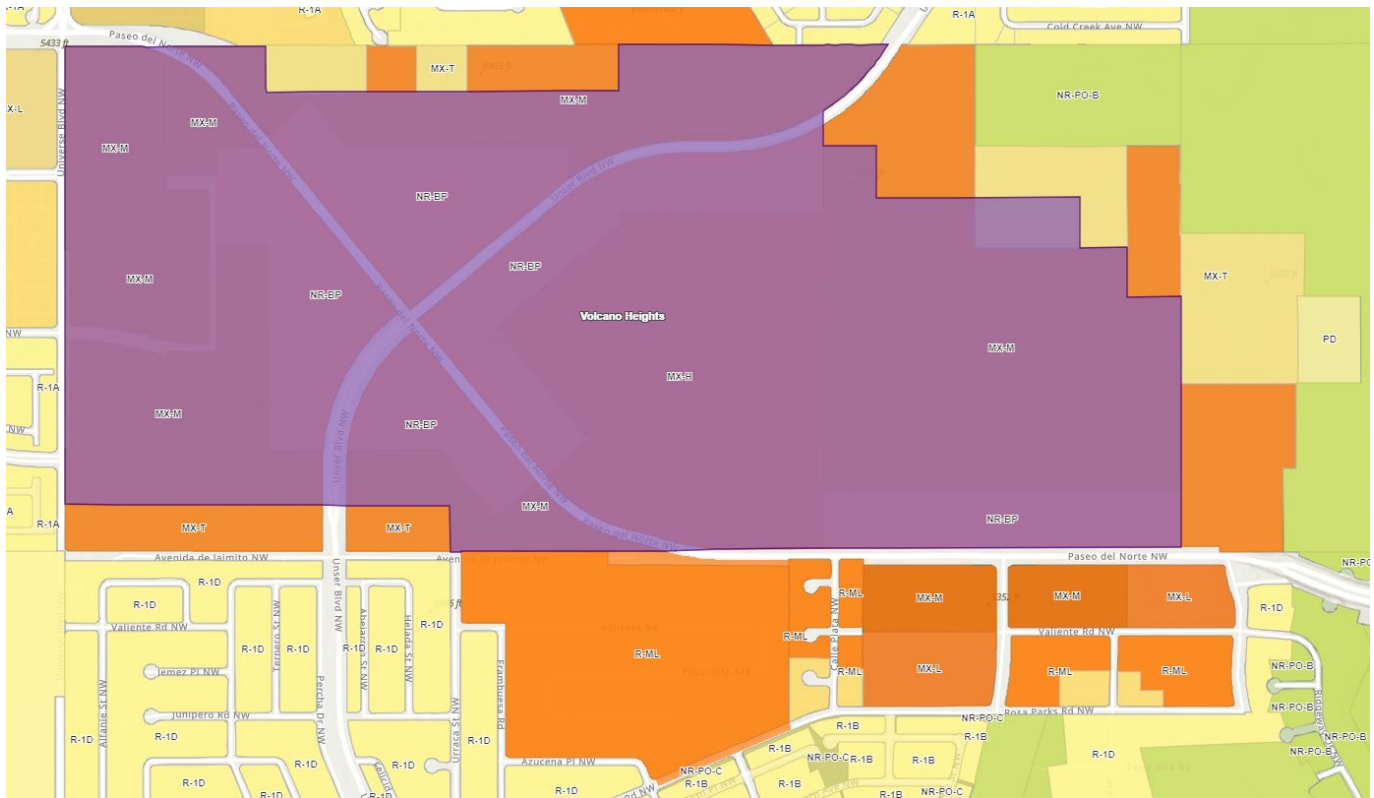


Figure 5: Volcano Heights Urban Center (purple) and Areas of Change (orange) / Areas of Consistency (yellow)

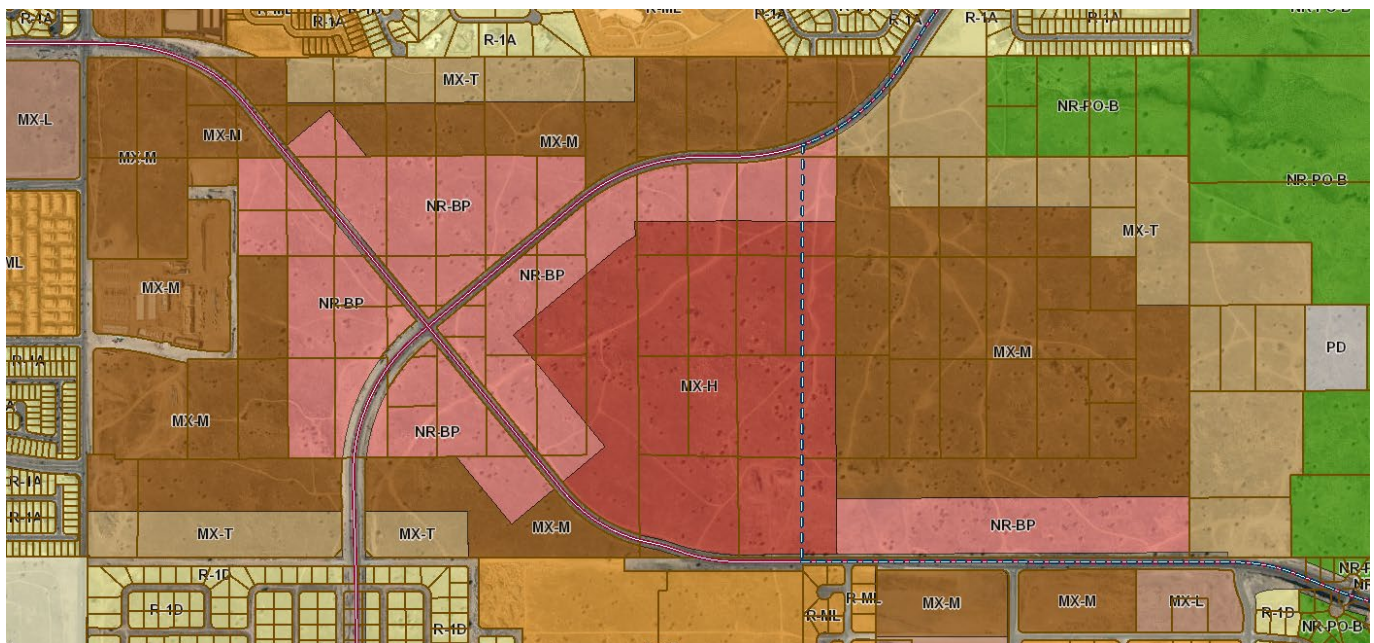


Figure 6: Commuter Corridors (red) and Premium Transit Corridors (dotted blue) in Volcano Heights

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Public Comments/Letters	pgs 117-207

I. INTRODUCTION

Request

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

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

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

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

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

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

Background

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

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

History & Purpose

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

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

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

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

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

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

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

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

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

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

Applicability

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

Environmental Planning Commission (EPC) Role

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

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

II. ANALYSIS OF ORDINANCES, PLANS, AND POLICIES

Charter of the City of Albuquerque

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

Article I, Incorporation and Powers

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

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

Article IX, Environmental Protection

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

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

Article XVII, Planning

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

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

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

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

Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)

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

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

The amendment furthers the following Comprehensive Plan goal and policies:

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.

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

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.

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

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

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

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

If approved, the Development Standards in IDO Subsection 14-16-5-5(I)(2) and Use Regulations in IDO Subsection 14-16-4-3(F)(4) for Drive-Through or Drive-Up Facility would still apply. These standards ensure that the design of the facility minimizes the potential conflicts between pedestrians and vehicles. The Development Standards include specific requirements for drive-throughs in Urban Centers intended to minimize conflicts between vehicles and pedestrians. In Urban Centers, drive-through lanes are generally not allowed between the street and the building to minimize impact on pedestrians. In the places where drive through lanes are allowed next to the street, a screening wall is required to help maintain a consistent street wall. The minimum required stacking spaces for restaurants in IDO Subsection 14-16-5-5(I)(1) will also help establish requirements for the design of these facilities as to minimize impacts to the surrounding areas. Therefore, one type of economic development is encouraged by this amendment allowing drive-through and drive-up facilities as long as they adhere to the Development Standards and Use Regulations.

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

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

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

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

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

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

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

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 4.1.3 Placemaking: Protect and enhance special places in the built environment that contribute to distinct identity and sense of place.

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 5.1.4 Urban Centers: Create highly accessible and walkable Urban Centers that provide a range of employment opportunities and higher-density housing options.

Policy 5.1.4.a: Encourage mixed-use development.

Policy 5.1.4.b.: Encourage pedestrian-oriented design, transit-oriented development, and infrastructure improvements that make Urban Centers more walkable over time.

Policy 5.1.8 Premium Transit Corridors: Foster corridors that prioritize high-capacity, high-frequency transit service, with mixed-use, transit-oriented development within walking distance of transit stations.

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 5.7.2 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 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.

Goal 7.2 Pedestrian-Accessible Design: Increase walkability in all environments, promote pedestrian-oriented development in urban contexts, and increase pedestrian safety in auto-oriented contexts.

Policy 7.2.1 Walkability: Ensure convenient and comfortable pedestrian travel.

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

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 11.3.1.a: Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment.

Policy 11.3.4 Petroglyph National Monument: Regulate adjacent development to protect and preserve the Petroglyph National Monument – its volcanoes, petroglyphs, and Northwest Mesa Escarpment – as a priceless cultural landscape and community resource that provides physical, cultural, and economic benefits.

Policy 11.3.4.c: Conserve and protect the Monument and surrounding lands through regulations associated with the Volcano Mesa and Northwest Mesa Escarpment Areas.

If approved, this amendment would conflict with the Character Goal (4.1), Distinct Communities Policy (4.1.1), Identity and Design Policy (4.1.2), Placemaking (4.1.3), Centers & Corridors Goal (5.1), Desired Growth Policy (5.1.1) Urban Centers Policy (5.1.4, 5.1.4.a, and 5.1.4.b), Premium Transit Corridors Policy (5.1.8), Efficient Development Patterns Goal (5.3), Regulatory Alignment (5.7.2), Transit-oriented Development (6.1.2), Auto Demand Policy (6.1.3), Pedestrian-Accessible Design Policy (7.2), Walkability Policy (7.2.1), Walkable

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Policy 5.4.2 West Side Jobs
- Policy 8.1.2 Resilient Economy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Applicant Response (summarized by Planning Staff):

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

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

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

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

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

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

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

III. KEY ISSUES & DISCUSSION

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

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

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

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

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

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

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

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

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

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

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

IV. PUBLIC OUTREACH

Meetings and Presentations

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

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

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

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

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

No post-application facilitated meeting request has been received.

V. NOTICE

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

Published Notice

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

Posted Notice

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

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

Mailed Notice to Property Owners

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

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

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

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

One property owner within the VHUC boundary reported not receiving the mailed notice, and the proof of mailing on December 26, 2023 did not include a mailing label for the property owner. Council Services requested a deferral at the January 11th hearing to re-do the mailed notice.

Planning staff generated a new list of affected property owners and owners within 300 feet of the small area. (Paseo del Norte right-of-way is 200 feet, and an additional 100 feet was added to ensure notice to property owners adjacent to the VHUC.) Council Services staff mailed notice to 230 property owners on January 25, 2024 for the February EPC hearing.

Neighborhood Association Notice

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

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

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

VI. AGENCY & NEIGHBORHOOD COMMENTS

Reviewing Agencies

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

Neighborhood/Public

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

Summary of Public Comments

Pre-submittal Neighborhood Meeting

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

Written Comments

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

VII. CONCLUSION

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

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

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

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

RECOMMENDED FINDINGS – RZ-2023-00044, February 15, 2024 – Text Amendment to the IDO – Small Area – Volcano Heights Urban Center (VHUC)

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

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

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

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

10. The request conflicts with and therefore does not further the following Comprehensive Plan Goal and Policies from Chapter 5: Land Use:
- A. Policy 5.1.4 Urban Centers: Create highly accessible and walkable Urban Centers that provide a range of employment opportunities and higher-density housing options.
 - B. Policy 5.1.4.a: Encourage mixed-use development.
 - C. Policy 5.1.4.b: Encourage pedestrian-oriented design, transit-oriented development, and infrastructure improvements that make Urban Centers more walkable over time.
 - D. Policy 5.1.8 Premium Transit Corridors: Foster corridors that prioritize high-capacity, high-frequency transit service, with mixed-use, transit-oriented development within walking distance of transit stations.
 - E. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.
 - F. 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.
 - G. 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 request, if approved, would allow an exclusively auto-oriented use into the Urban Center areas where it is currently prohibited. The request would also allow drive-throughs in the mixed-use zone districts lining Paseo del Norte and Unser Boulevard where these streets have a dual designation in the Comprehensive Plan, including Premium Transit. Any land developed as drive-through facilities is unlikely to include residential development, mixed-use development, or transit-oriented development. The infrastructure that goes in to support this auto-oriented development is unlikely to support mixed-use and transit-oriented development, so inefficient retrofits would be necessary to support new development that does meet the intent of the Comp Plan goals and policies.

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

11. The request conflicts with and therefore does not further the following Comprehensive Plan Policies from Chapter 6: Transportation:

- A. Policy 6.1.2 Transit-oriented Development: Prioritize transit-supportive density, uses, and building design along Transit Corridors.
- B. 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.

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

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

12. The request conflicts with and therefore does not further the following Comprehensive Plan Goal and Policies from Chapter 7: Urban Design:

- A. 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.
- B. Policy 7.2.1 Walkability: Ensure convenient and comfortable pedestrian travel.
- C. Policy 7.2.2 Walkable Places: Promote high-quality pedestrian-oriented neighborhoods and districts as the essential building blocks of a sustainable region.

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

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

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

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

14. The request conflicts with and therefore does not further the following Comprehensive Plan Policies from Chapter 11: Heritage Conservation:

- A. 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.
- B. Policy 11.3.1.a: Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment...
- C. Policy 11.3.4 Petroglyph National Monument: Regulate adjacent development to protect and preserve the Petroglyph National Monument – its volcanoes, petroglyphs, and Northwest Mesa Escarpment – as a priceless cultural landscape and community resource that provides physical, cultural, and economic benefits.
- D. Policy 11.3.4.c: Conserve and protect the Monument and surrounding lands through regulations associated with the Volcano Mesa and Northwest Mesa Escarpment Areas.

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

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

15. The request does not meet the Review and Decision Criteria (a), (c), or (e) in Subsection 14-16-6-7(E) of the IDO, as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RECOMMENDATION – RZ-2023-00044, February 15, 2024 – Text Amendment to the IDO – Small Area – Volcano Heights Urban Center (VHUC)

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



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

Notice of Decision cc list:

List will be finalized subsequent to the February 15, 2024 EPC hearing

Agency Comments

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

No comment received.

Long Range Planning

No comment received.

CITY ENGINEER

Transportation Development

No comment received.

Hydrology Development

No comment received.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

No comment received.

Traffic Engineering Operations

No comment received.

Street Maintenance

No comment received.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

No comment received.

Environmental Services Division

No comment received.

PARKS AND RECREATION

Planning and Design

No comment received.

Open Space Division

No comment received.

City Forester

No comment received.

POLICE DEPARTMENT/Planning
No comment received.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division
No comment at this time.

FIRE DEPARTMENT/Planning
No comment received.

TRANSIT DEPARTMENT
No comment received.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

No comment received.

ALBUQUERQUE-BERNALILLO COUNTY WATER UTILITY AUTHORITY

Utility Services

No Adverse Comments

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY (AMAFCA)

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

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

ALBUQUERQUE PUBLIC SCHOOLS

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

MID-REGION COUNCIL OF GOVERNMENTS

MRMPO has no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

No comment received.

NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)

No comment received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

No comment received.

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"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> Alternative Landscaping Plan (Form P3)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		Appeals
		<input type="checkbox"/> Decision by EPC, DHO, LC, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant: Shanna Schultz, Council Planning Manager on behalf of City Councilor Dan Lewis		Phone: 505-768-3185
Address: 1 Civic Plaza NW		Email: smschultz@cabq.gov
City: Albuquerque	State: New Mexico	Zip: 87102
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site: N/A	List <u>all</u> owners: N/A	

BRIEF DESCRIPTION OF REQUEST

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.: Various - see attached zone atlas	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: Various - see attached zone atlas	Between:	and:
--	----------	------

CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

Signature:	Date: October 26, 2023
Printed Name: Shanna Schultz	<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 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)**

N/A Interpreter Needed for Hearing? _____ if yes, indicate language: _____

N/A Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)

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)

☒ 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

☒ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

☐ **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: Shanna Schultz

☒ Applicant or ☐ Agent

FOR OFFICIAL USE ONLY

Project Number:

Case Numbers

-

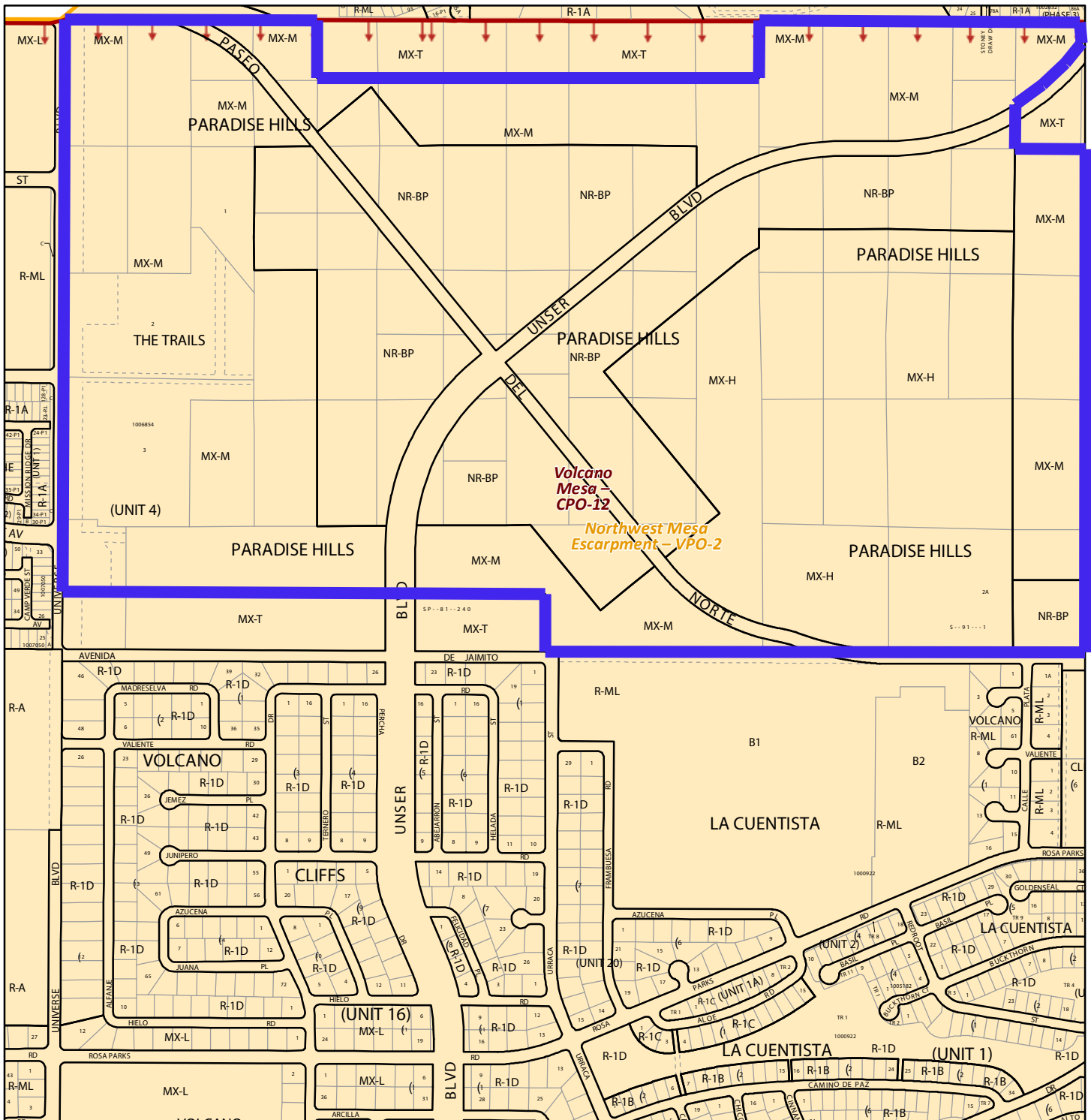
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Staff Signature:


Date:



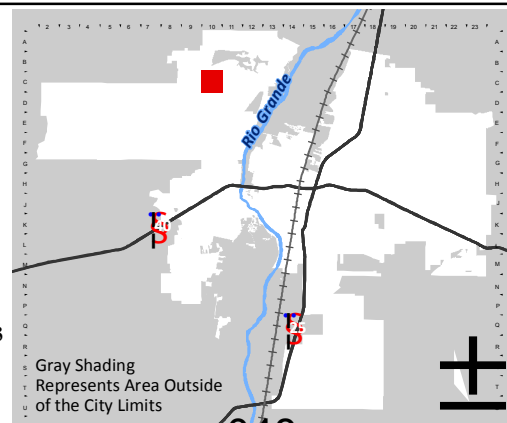


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018



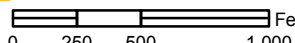
IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).



Gray Shading
Represents Area Outside
of the City Limits

Zone Atlas Page:
C-10-Z

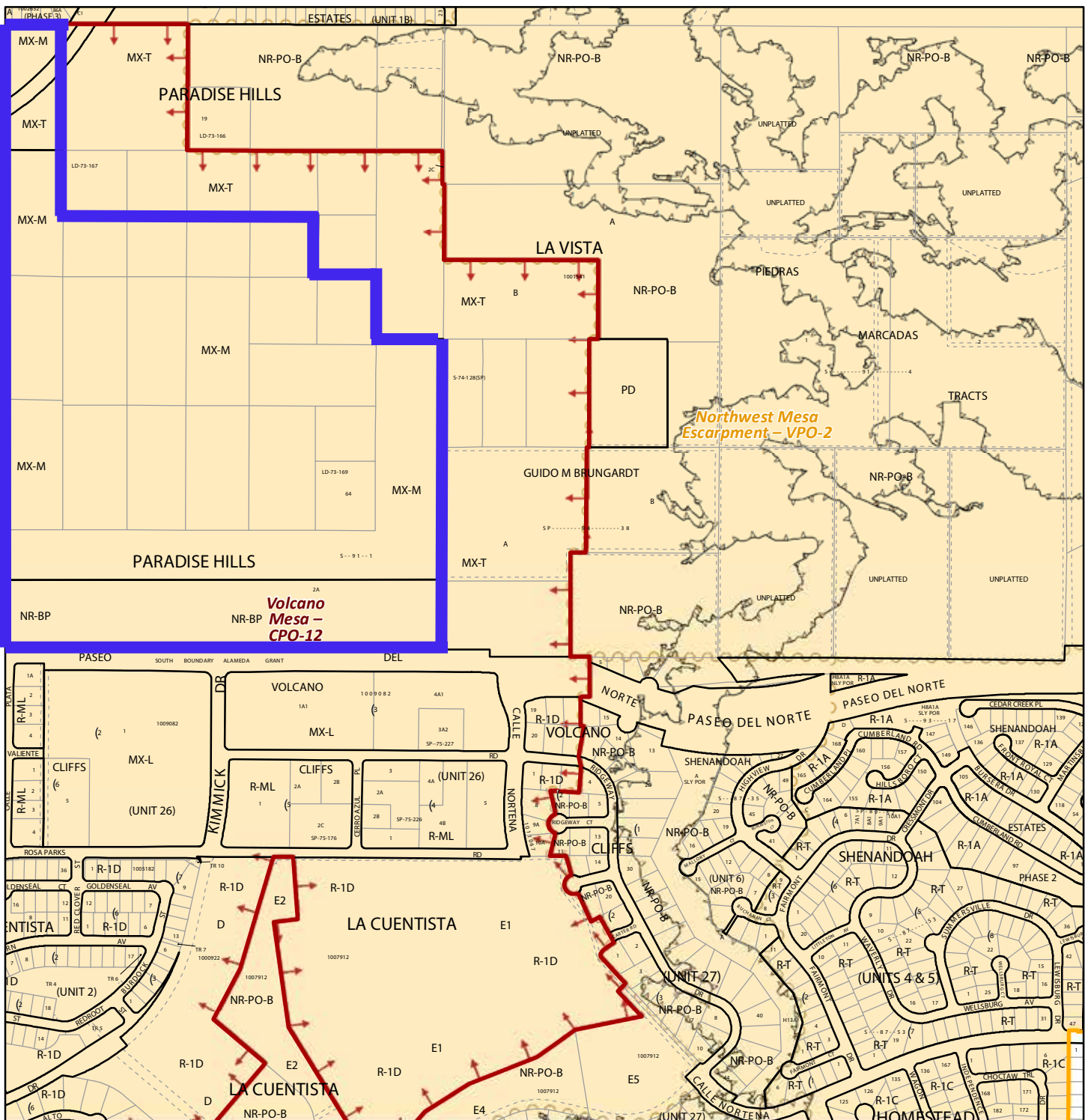
- Easement
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone
- Escarpment



Feet

048

36

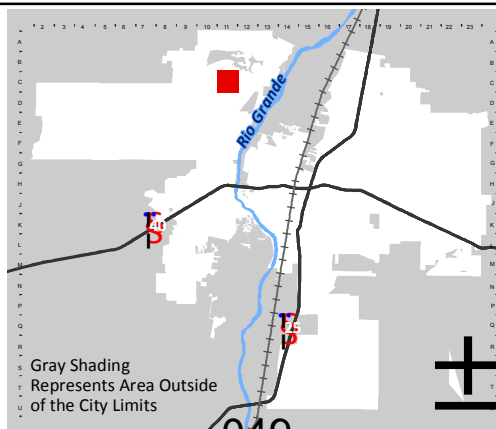


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018



IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).



Zone Atlas Page: C-11-Z

- Easement
- Escarpment
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone

0 250 500 1,000 Feet

October 26, 2023

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



Dear Chair MacEachen,

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

The Volcano Heights Urban Center (VHUC)



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

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

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

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

6-7(E)(3)(A) THE PROPOSED SMALL AREA AMENDMENT IS CONSISTENT WITH THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE CITY AS SHOWN BY FURTHERING (AND NOT BEING IN CONFLICT WITH) A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. THERE HAS BEEN A SIGNIFICANT CHANGE IN NEIGHBORHOOD OR COMMUNITY CONDITIONS AFFECTING THE SMALL AREA.
2. THE PROPOSED ZONING REGULATIONS ARE MORE ADVANTAGEOUS TO THE COMMUNITY AS ARTICULATED BY THE ABC COMP PLAN, AS AMENDED (INCLUDING IMPLEMENTATION OF PATTERNS OF LAND USE, DEVELOPMENT DENSITY AND INTENSITY, AND CONNECTIVITY), AND OTHER APPLICABLE ADOPTED CITY PLAN(S).

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

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

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

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

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

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

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

Use-Specific Standards 4-3(F)(5)

- Order board areas are limited to 50 square feet
- Order boards shall be oriented away from public streets
 - If they are unable to be oriented away from public streets, additional landscaping (including evergreen trees) is required
- Drive-throughs are prohibited as an accessory use to Cannabis Retail
- A Conditional Use Approval is required if located within 330 feet of Major Public Open Space
- Drive-throughs are prohibited adjacent to Major Public Open Space

Design Standards 5-5(I)

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

Table 5-5-8: Required Stacking Spaces			
Activity	Minimum Required Stacking Spaces, per Establishment ^[1]		Measured from End of Queuing Lane To:
	General	UC-MS	
Bank or Automated Teller Machine (ATM)	4	3	Teller window / ATM
Light Vehicle Fueling Station	1	1	End of fuel pump island
Car Wash, Conveyor-operated	12	6	Outside of washing bay
Car Wash, Self-service	3	2	Outside of washing bay
Restaurant	12	6	Pick-up window
Retail Store	4	3	Pick-up window
Other	Determined by the City Engineer based on anticipated demand		
[1] Each stacking space shall be 20 ft. long unless specified otherwise in the DPM or by the City Engineer.			

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

Neighborhood Edge 5-9(D)

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

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

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

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

Public Outreach

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

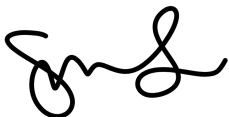
At the pre-submittal Neighborhood Meeting, neighbors objected to the request citing concerns that removing the prohibition would create and exacerbate negative community impacts. Community members referenced other drive-through facilities within Albuquerque which they consider to be a nuisance and described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

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

Conclusion

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

Sincerely,



Shanna Schultz, Council Planning Manager
Albuquerque Council Services

NOTIFICATION

NOTICE – OCTOBER 2023

Subject: Volcano Heights Urban Center_Public Notice Inquiry Sheet Submission_EPC
Date: Wednesday, September 27, 2023 at 1:46:42 PM Mountain Daylight Time
From: Office of Neighborhood Coordination
To: Schultz, Shanna M.

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

PLEASE NOTE:

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

Dear Applicant:

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

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

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

Please note the following:

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

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

<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.



Vanessa Baca
Manager

Office of Neighborhood Coordination (ONC) | City Council Department | City of Albuquerque

(505) 768-3331 Office

E-mail: vanessabaca@cabq.gov

Website: www.cabq.gov/neighborhoods



PROOF OF NOTICE







MAIL ROUTING SLIP

Department:

City Council

Date:

10/25/23

Division:

17180000

Activity: #

010

ALL MAIL MUST HAVE A RETURN ADDRESS W/ DEPARTMENT NAME

NUMBER OF PIECES*	CLASS/PRICE*
143	Reg.

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

REVISED 02/17

Subject: Notification of EPC Hearing
Date: Wednesday, October 25, 2023 at 4:53:19 PM Mountain Daylight Time
From: Schultz, Shanna M.
BCC: pmnaabq@gmail.com, rlawlor619@gmail.com, pmnaabq@gmail.com, debbie.a.koranyi@gmail.com, wscona0@gmail.com, aboard111@gmail.com, wscona0@gmail.com, elizabethkayhaley@gmail.com, phcassoc@gmail.com, phcassoc@gmail.com, lrromero@comcast.net

Attachments: image001.png, Notice_NAEmail.pdf

Dear Neighborhood Association Representative,

Please see attached notice.

Thank you,
Shanna



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



CITY OF ALBUQUERQUE

City Council

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

President Pat Davis
District 6

Vice President Renée Grout
District 9

Isaac Padilla
Council Director

Louie Sanchez
District 1

Isaac Benton
District 2

Klarissa J. Peña
District 3

Brook Bassan
District 4

Dan Lewis
District 5

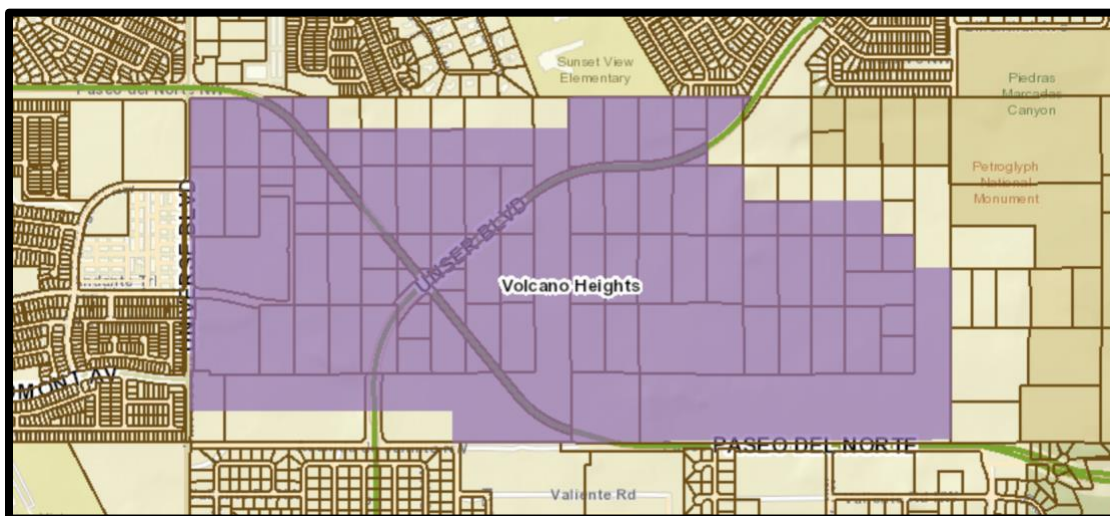
Tammy Fiebelkorn
District 7

Trudy E. Jones
District 8

Dear Neighborhood Association Representative,

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

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



History

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

Proposed changes

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

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

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

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

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

Meeting Information

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

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

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

Please provide written comment to:

abcto@cabq.gov

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

Thank you,



Shanna Schultz
Council Planning Manager
Albuquerque Council Services
505-768-3185
smschultz@cabq.gov

NOTICE – DECEMBER 2023

From: [PLNBufferMaps](#)
To: [Schultz, Shanna M.](#)
Subject: RE: Volcano Heights Urban Center / EPC Hearing - Address request
Date: Monday, October 23, 2023 2:10:10 PM
Attachments: [image002.png](#)
[Volcano Heights Urban Center - Labels-1.docx](#)
[Volcano Heights Urban Center - Labels-1.csv](#)

October 23, 2023

Shanna:

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

Thank you and have a wonderful day.

Respectfully submitted,



Planning Buffer Maps
email plnbuffermaps@cabq.gov

From: Schultz, Shanna M. <smschultz@cabq.gov>
Sent: Monday, October 23, 2023 12:13 PM
To: PLNBufferMaps <plnbuffermaps@cabq.gov>
Subject: Re: Volcano Heights Urban Center / EPC Hearing - Address request

Hi there,

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

Thank you,
Shanna



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

From: PLNBufferMaps <plnbuffermaps@cabq.gov>

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

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

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

October 13, 2023

Shanna:

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

Thank you and have a wonderful day.

Respectfully submitted,



Planning Buffer Maps

email plnbuffermaps@cabq.gov

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

Sent: Wednesday, October 11, 2023 11:22 AM

To: PLNBufferMaps <plnbuffermaps@cabq.gov>

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

Hello,

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

Thank you,
Shanna



Shanna Schultz, AICP | Council Planning Manager

Albuquerque City Council Services

Office: (505) 768-3185

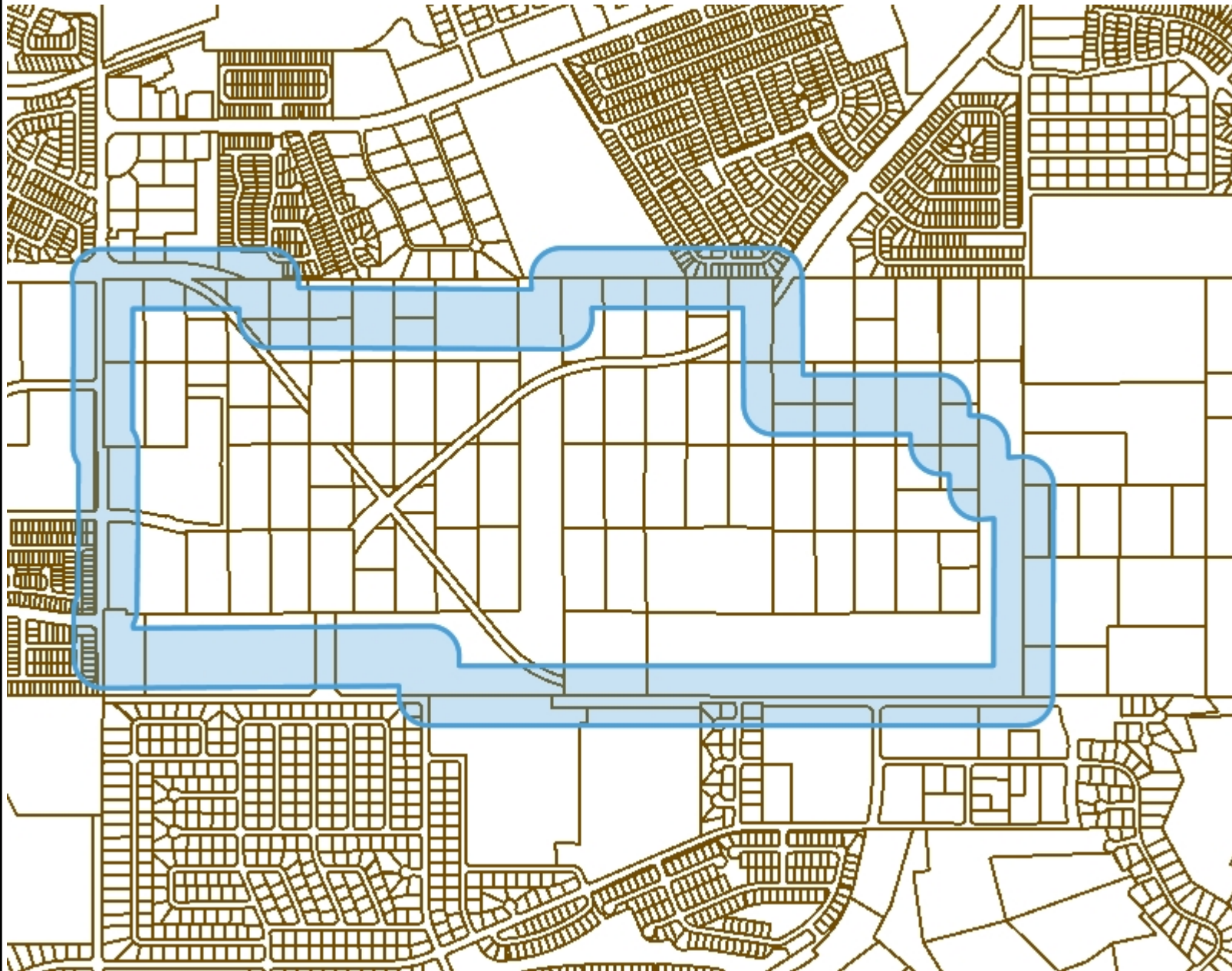


Volcano Heights Urban Center



Legend

■ Bernalillo County Parcels



Notes

Buffer: 235 Ft.
ROW: Paseo Del Norte NW: 135 Ft.

2,330 0 1,165 2,330 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
10/13/2023 © City of Albuquerque

1: 13,982

The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit <http://www.cabq.gov/abq-data/abq-data-disclaimer-1> for more information.

070

THIS MAP IS NOT TO BE USED FOR NAVIGATION

WILMANN LIV
HOLMASSEN TERRASSE 1
1440 NORWAY

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248

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

BEDROCK GENERAL PTNS ATTN: GERALD
GOLD
1509 HARVARD CT NE
ALBUQUERQUE NM 87106-3712

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BEDROCK GENERAL PARTNERSHIP ATTN:
GERALD GOLD
1509 HARVARD CT NE
ALBUQUERQUE NM 87106-3712

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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GERALD GOLD
1509 HARVARD CT NE
ALBUQUERQUE NM 87106-3712

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CENTERFIRE PROPERTY CO
1509 HARVARD CT NE
ALBUQUERQUE NM 87106-3712

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

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

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

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

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

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

MYSTIC LLC
5715 CENTRAL AVE NE
ALBUQUERQUE NM 87108-1605

MYSTIC LLC
5715 CENTRAL AVE NE
ALBUQUERQUE NM 87108-1605

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

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

PULTE HOMES
7601 JEFFERSON ST NE SUITE 320
ALBUQUERQUE NM 87109

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

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

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

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

NGUYEN CHI QUYEN & THI TUYET ETAL
8405 CALLE SOQUELLE NE
ALBUQUERQUE NM 87113-2803

WOWK VICTOR & ROSE
10117 TREVINO LP NW
ALBUQUERQUE NM 87114

ARMIJO ZARA
6323 ORFEO TRL NW
ALBUQUERQUE NM 87114

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

WOWK VICTOR & ROSE
10117 TREVINO LP NW
ALBUQUERQUE NM 87114

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GROS DAVID
6319 ORFEO TRL NW
ALBUQUERQUE NM 87114-5266

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

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

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

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

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

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

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

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

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

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

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

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

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

WOODFORD SARAH ANNE
8940 MISSION RIDGE DR NW
ALBUQUERQUE NM 87120

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

AJAMCH LLC ATTN: ANDERSON -
SANCHEZ CHRISTINE
4312 RABBITBRUSH AVE NW
ALBUQUERQUE NM 87120-2573

AJAMCH LLC ATTN: ANDERSON -
SANCHEZ CHRISTINE
4312 RABBITBRUSH AVE NW
ALBUQUERQUE NM 87120-2573

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

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

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

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

J & A CRUZ HOLDINGS LLC
3616 SAN YGNACIO RD SW
ALBUQUERQUE NM 87121-3400

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

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

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

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

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

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

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

BRIGGS ALLAN D & JUANITA M
TRUSTEES BRIGGS FAMILY TRUST
12301 CORONADO AVE NE
ALBUQUERQUE NM 87122-1067

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

BOARD OF EDUCATION
PO BOX 25704
ALBUQUERQUE NM 87125-0704

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

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

WEST SEVENTY LLC
PO BOX 7457
ALBUQUERQUE NM 87194-7457

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

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

WEST SEVENTY LLC
PO BOX 7457
ALBUQUERQUE NM 87194-7457

WEST SEVENTY LLC
PO BOX 7457
ALBUQUERQUE NM 87194-7457

TECUMSEH PROFESSIONAL ASSOC INC
1717 QUAIL RUN CT NE
ALBUQUERQUE NM 87122-1139

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

BOARD OF EDUCATION
PO BOX 25704
ALBUQUERQUE NM 87125-0704

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

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

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

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

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

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

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

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

MERKEL DANIEL L & SUE J TRUSTEES
MERKEL RVT
9928 CIELITO OESTE WAY NE
ALBUQUERQUE NM 87122-3223

BOARD OF EDUCATION
PO BOX 25704
ALBUQUERQUE NM 87125-0704

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

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

WEST SEVENTY LLC
PO BOX 7457
ALBUQUERQUE NM 87194-7457

WEST SEVENTY LLC
PO BOX 7457
ALBUQUERQUE NM 87194-7457

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

WEST SEVENTY LLC
PO BOX 7457
ALBUQUERQUE NM 87194-7457

RANSOM RICHARD E TRUSTEES RICHARD
& CECILIA RANSOM RVT
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WEST SEVENTY LLC
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& CECILIA RANSOM RVT
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ALBUQUERQUE NM 87194-7457

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PO BOX 7457
ALBUQUERQUE NM 87194-7457

WEST SEVENTY LLC
PO BOX 7457
ALBUQUERQUE NM 87194-7457

CAPITAL ADVANTAGE LLC
PO BOX 92558
ALBUQUERQUE NM 87199-2558

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

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

KINLEN CHRISTOPHER & HENGER LESLIE
1908 GROVSENR LN
COLLEYVILLE TX 76034-0000

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

HOFFMAN JA III FAMILY LIMITED
PARTNERSHIP
4606 FIREWHEEL DR
GARLAND TX 75044-5105

HOFFMAN J A III FAMILY LIMITED
PARTNERSHIP
4606 FIREWHEEL DR
GARLAND TX 75044-5105

HOFFMAN J A III FAMILY LIMITED
PARTNERSHIP
4606 FIREWHEEL DR
GARLAND TX 75044-5105

HOFFMAN JA III FAMILY LIMITED
PARTNERSHIP
4606 FIREWHEEL DR
GARLAND TX 75044-5105

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

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

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

SONATA GREEN OWNER LLC ATTN:
MULTIGREEN PROPERTIES LLC
170 S GREEN VALLEY PKWY SUITE 300
HENDERSON NV 89012-3111

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

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

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

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

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

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

BRUNSON PAMELA R & BRUNSON TODD
A TRUSTEES BRUNSON IRVT
8852 RAINBOW RIDGE DR
LAS VEGAS NV 89117

E & B INVESTORS LLC
2710 HARBOR HILLS LN
LAS VEGAS NV 89117

E & B INVESTORS LLC
2710 HARBOR HILLS LN
LAS VEGAS NV 89117

E & B INVESTORS LLC
2710 HARBOR HILLS LN
LAS VEGAS NV 89117

E & B INVESTORS LLC
2710 HARBOR HILLS LN
LAS VEGAS NV 89117

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

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

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

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

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

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

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

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

CHACON GENE
1508 GOLF COURSE RD
RIO RANCHO NM 87124

CHACON GENE
1508 GOLF COURSE RD
RIO RANCHO NM 87124

CORDOVA FABIAN M
8932 MISSION RIDGE DR NW
RIO RANCHO NM 87144

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

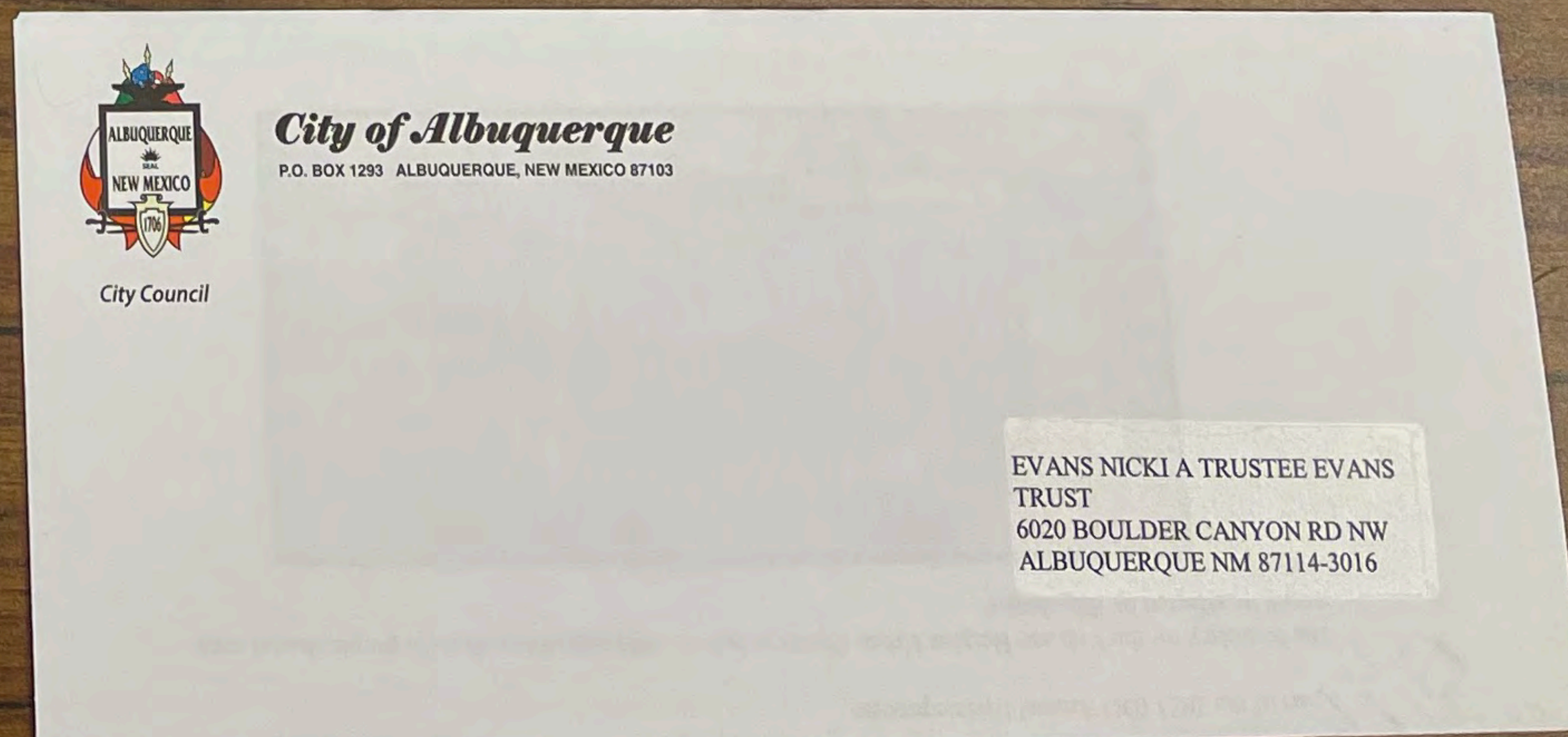
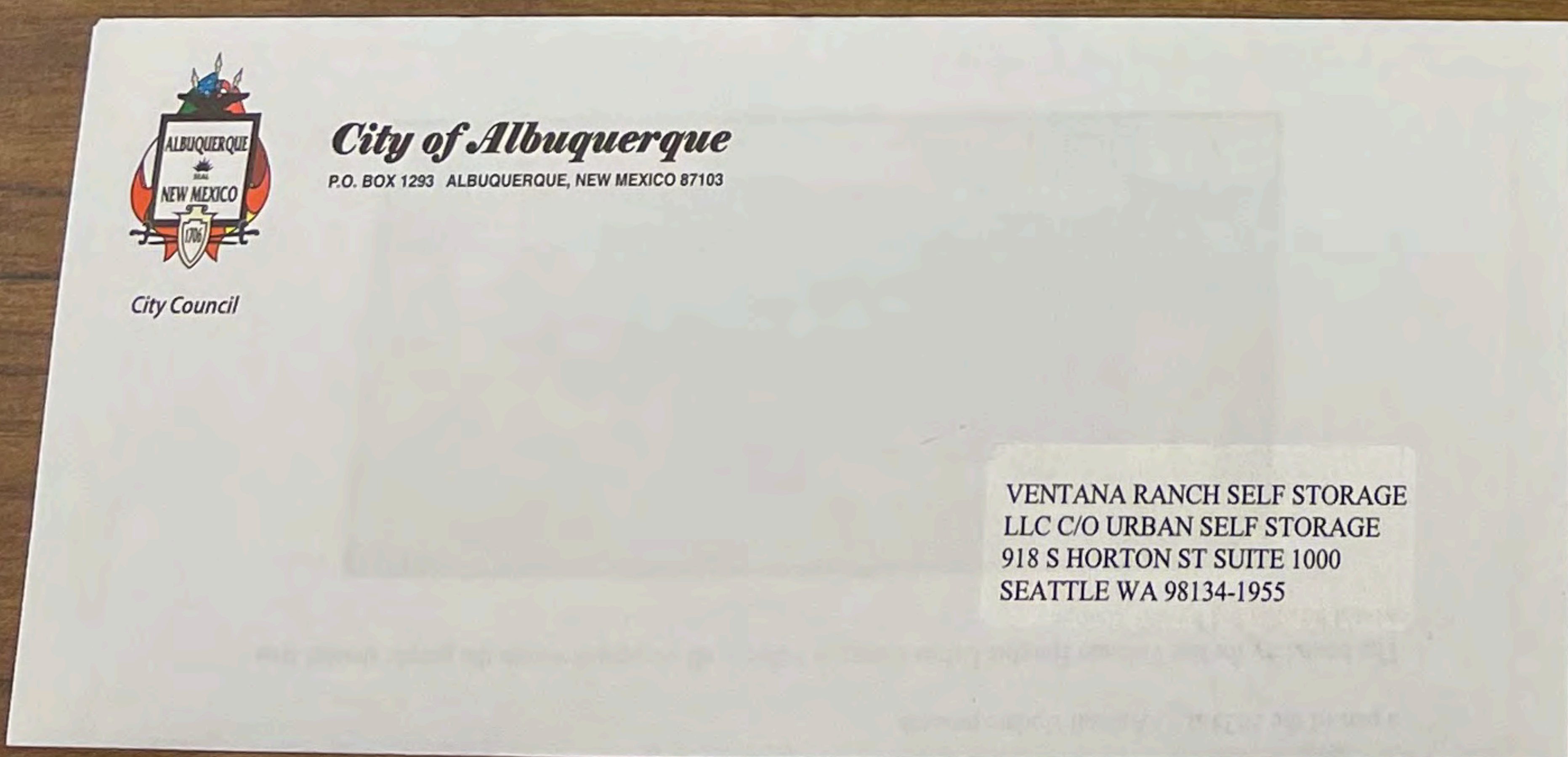
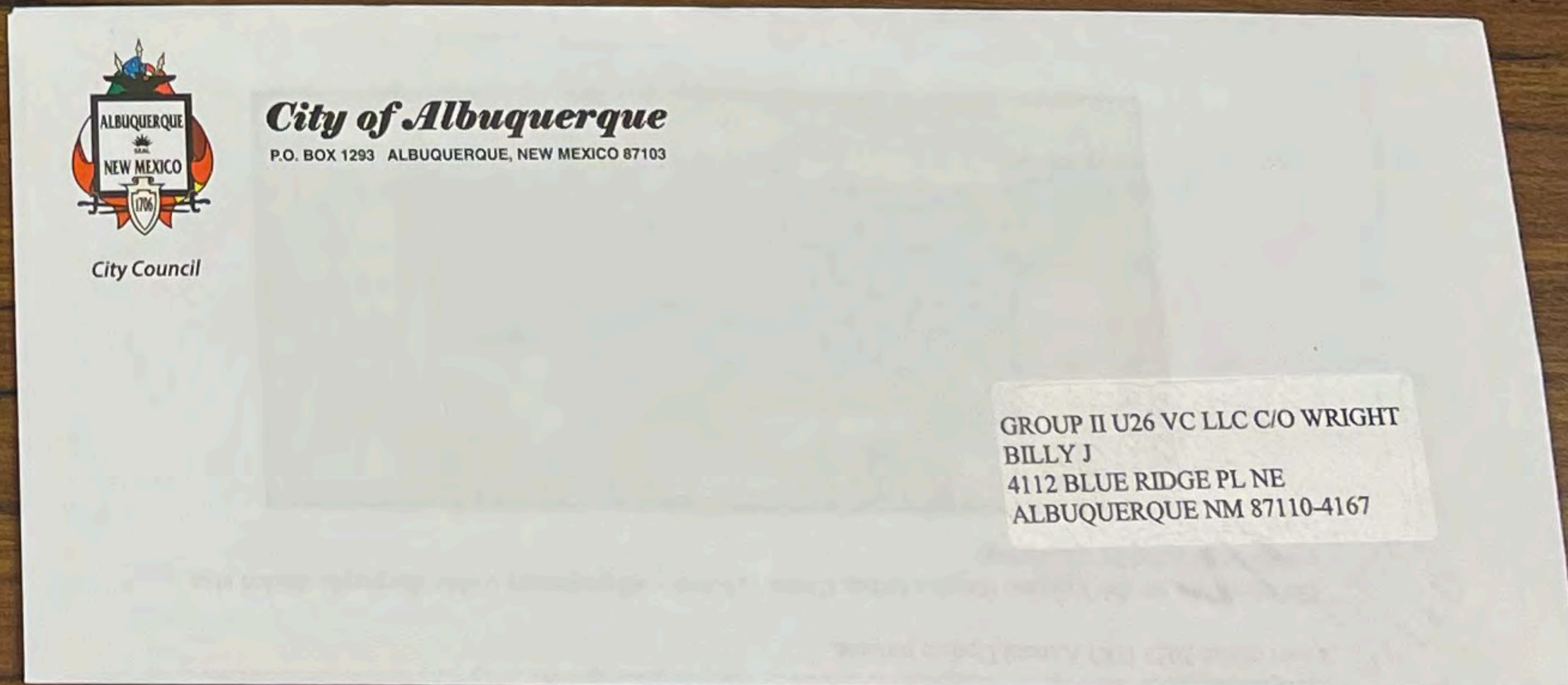
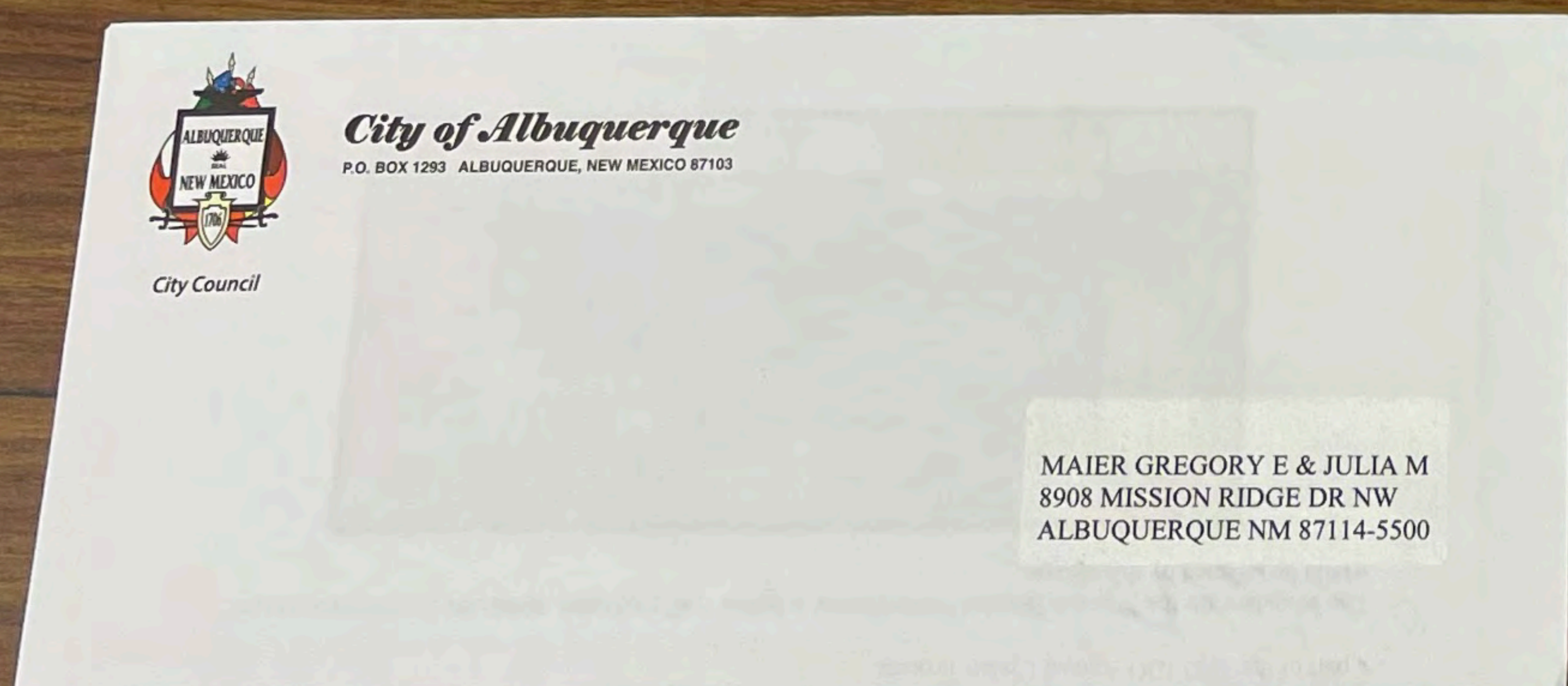
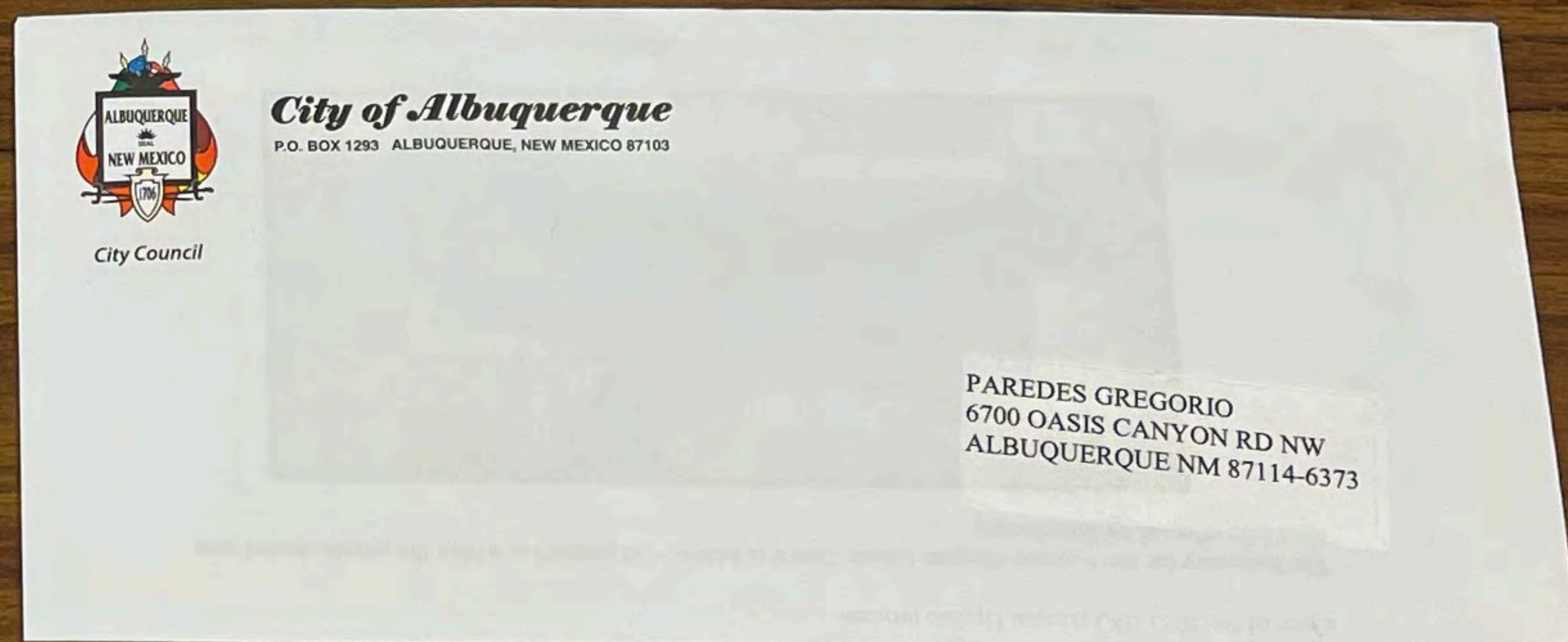
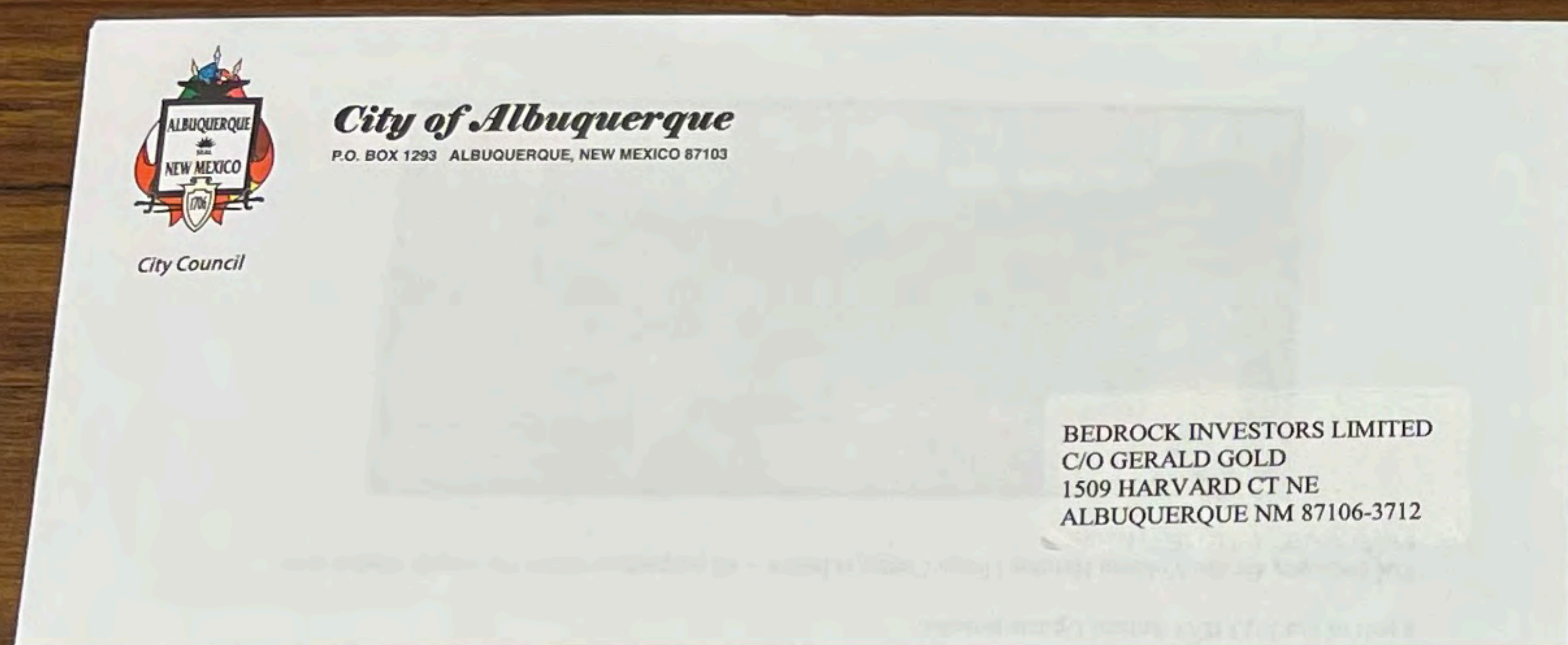
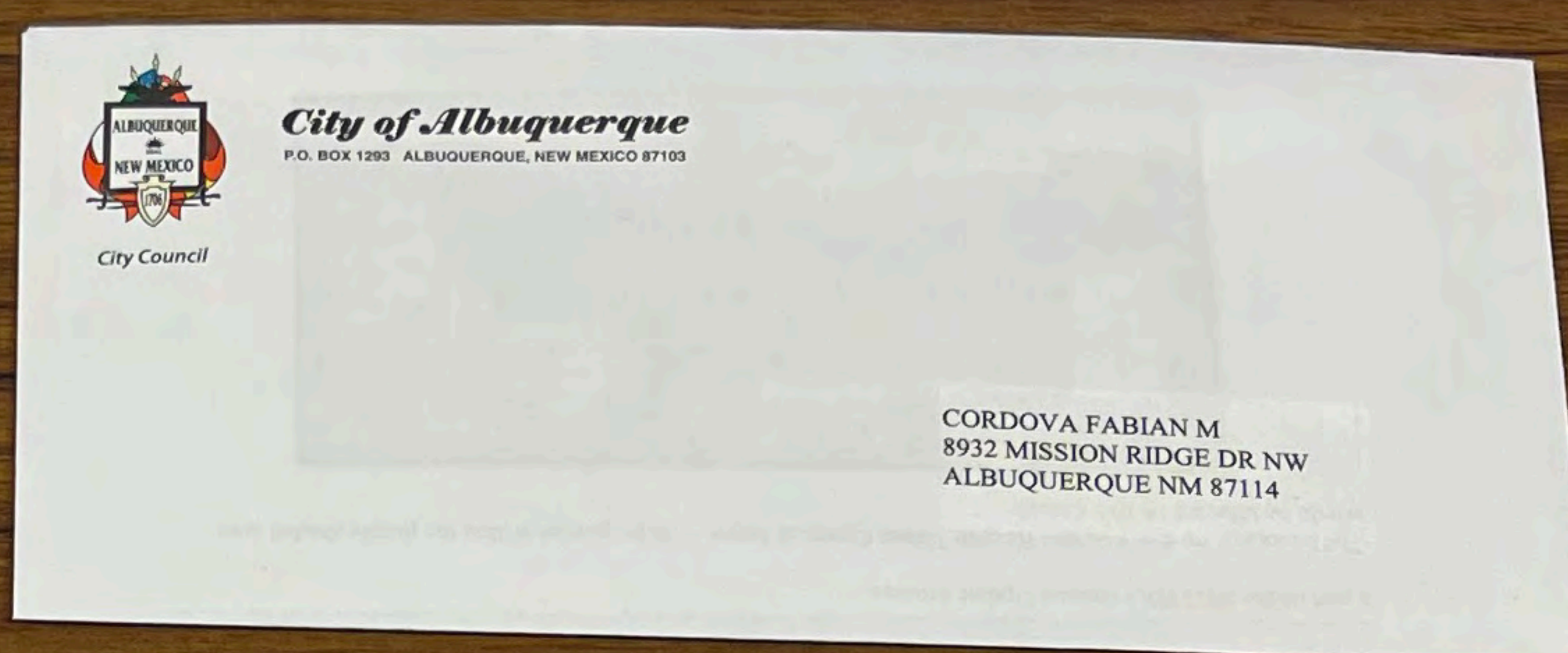
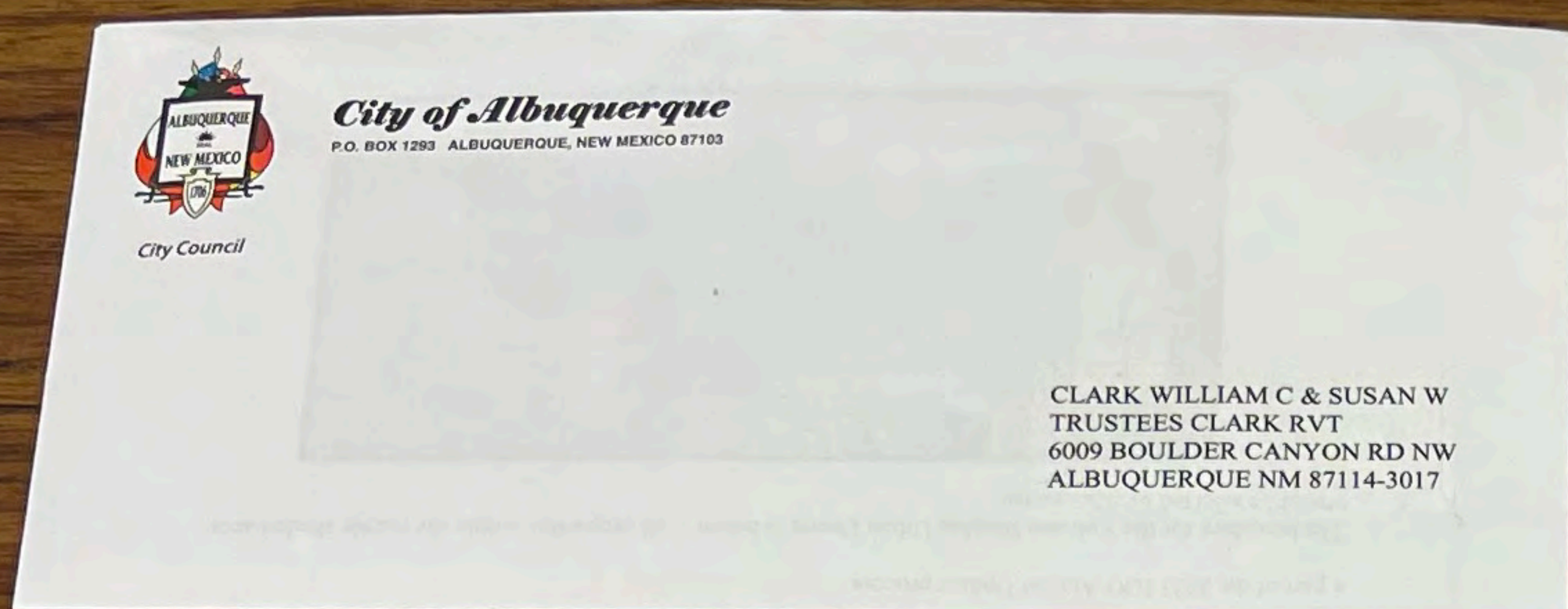
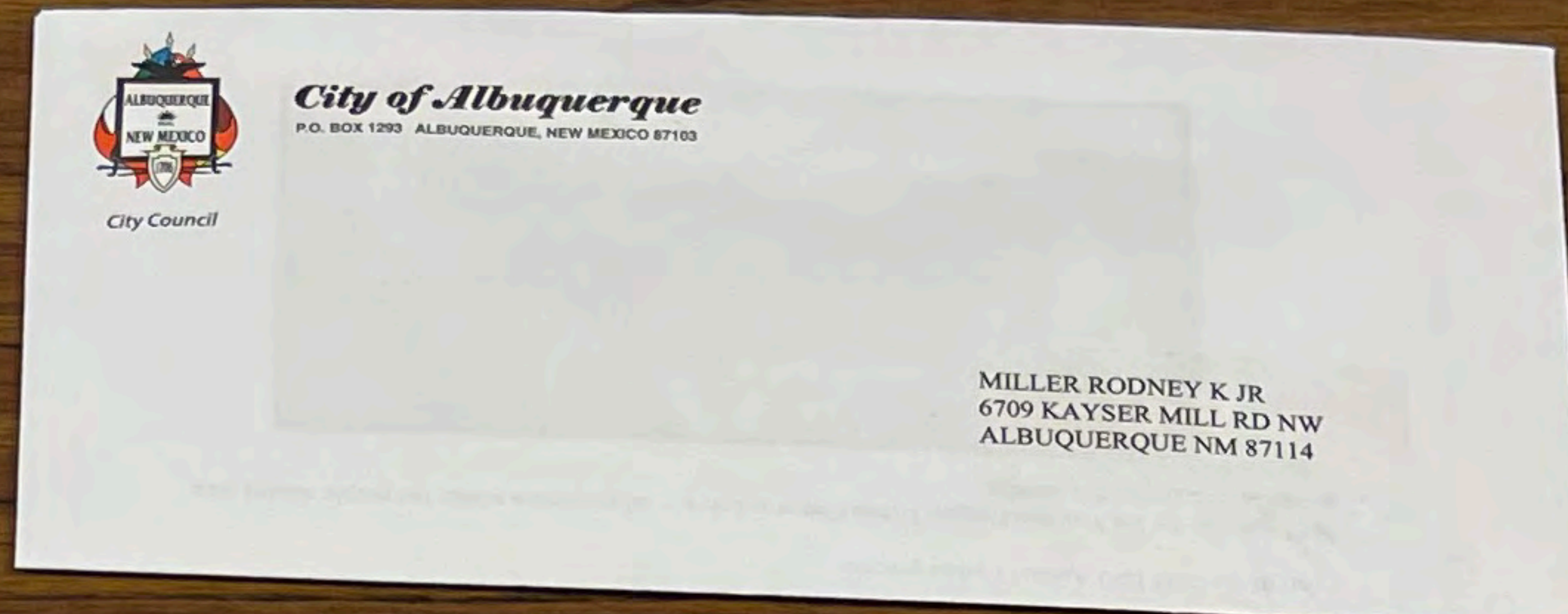
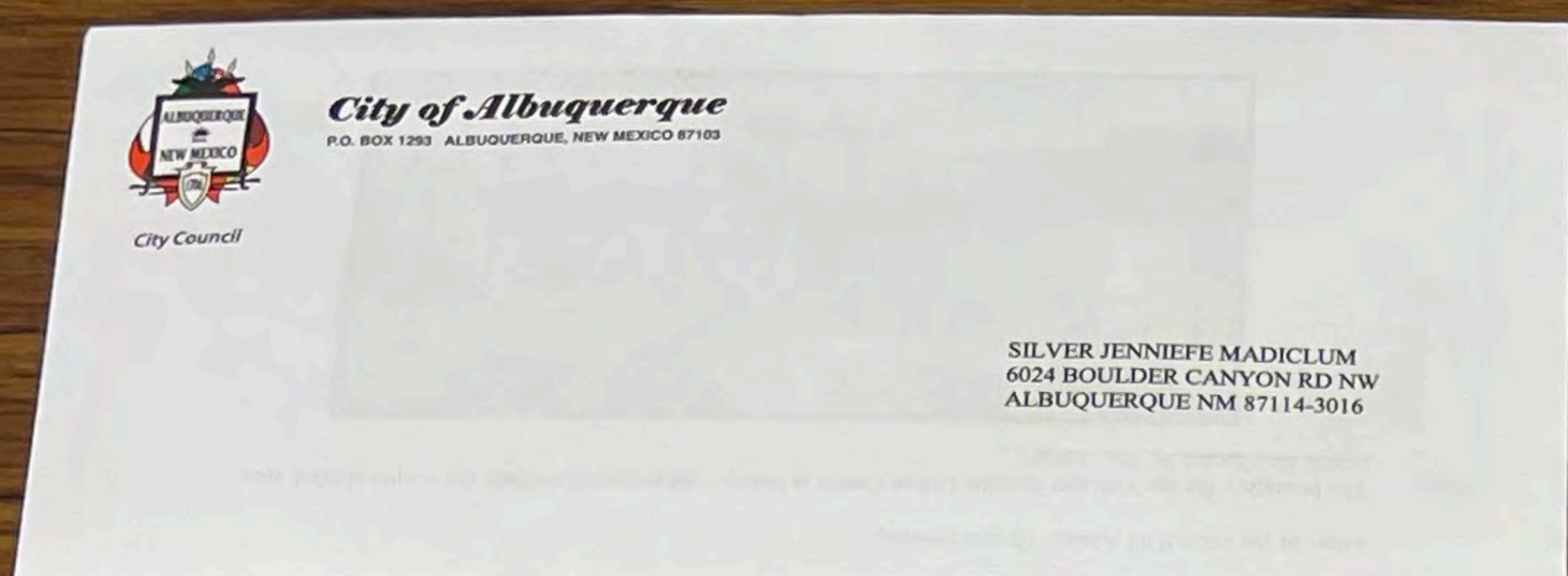
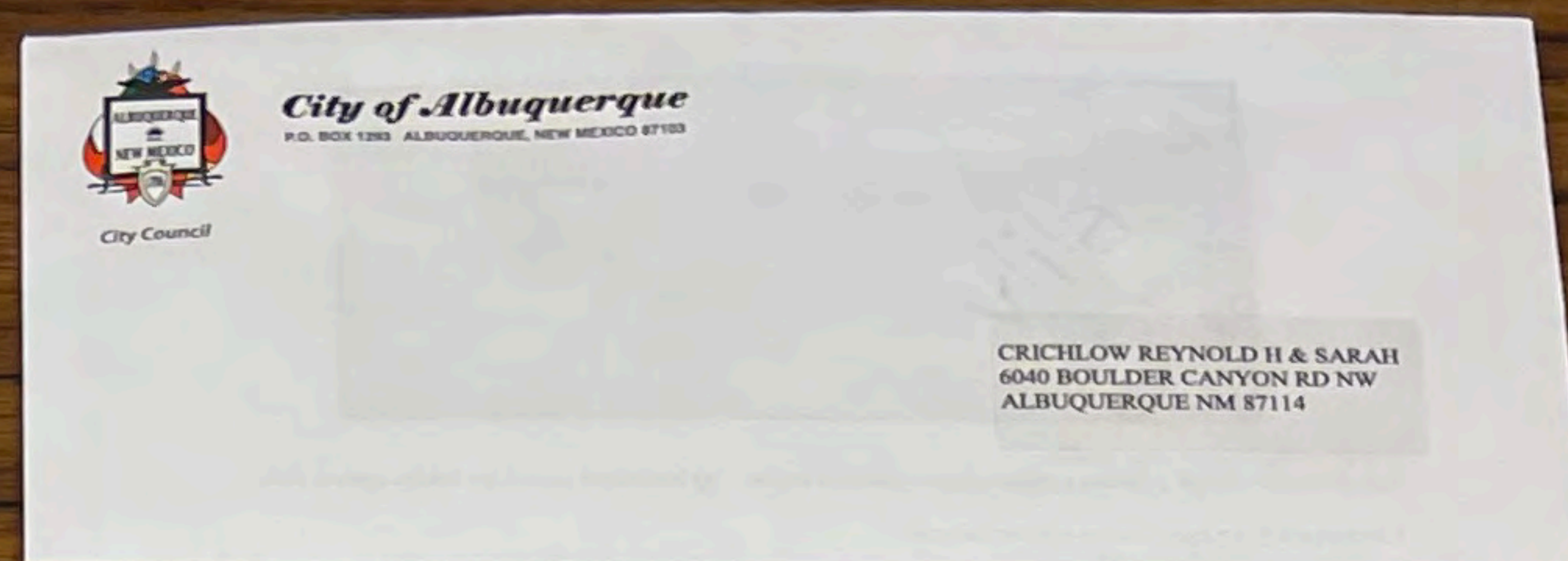
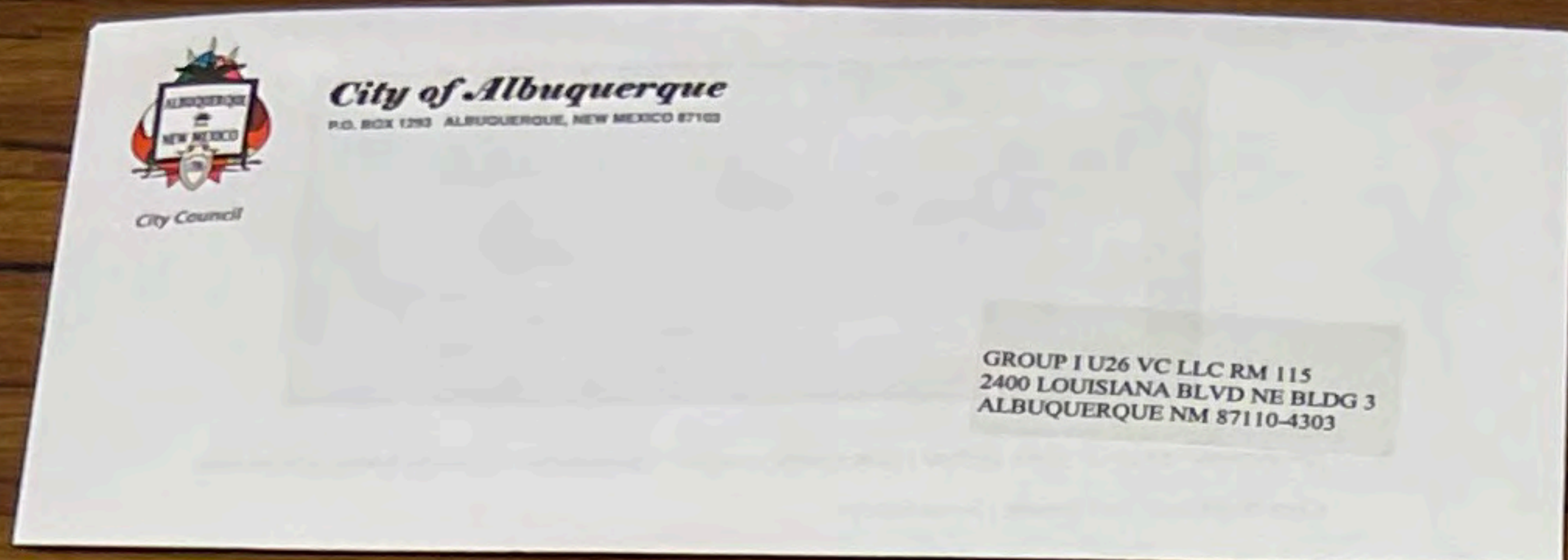
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C/O URBAN SELF STORAGE
918 S HORTON ST SUITE 1000
SEATTLE WA 98134-1955

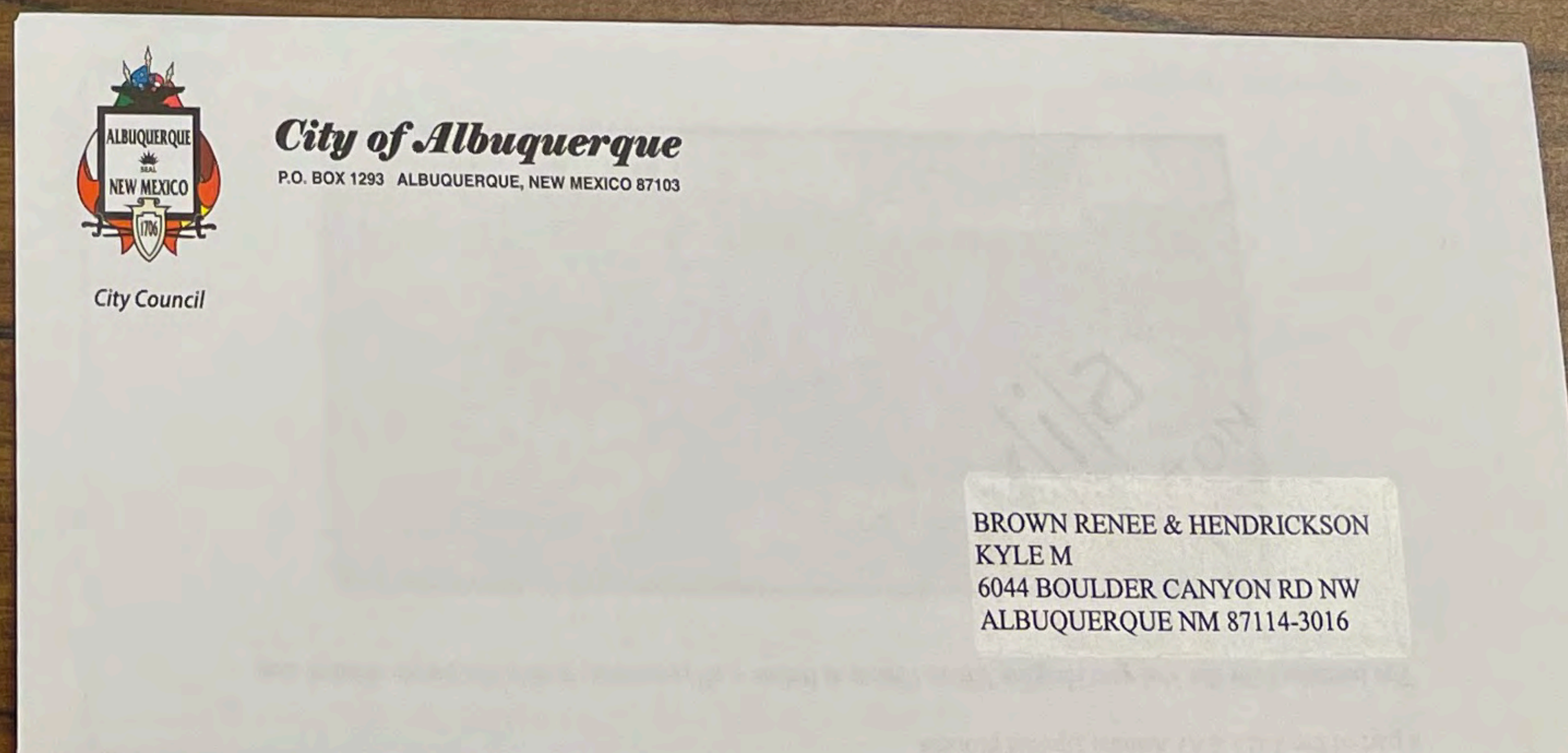
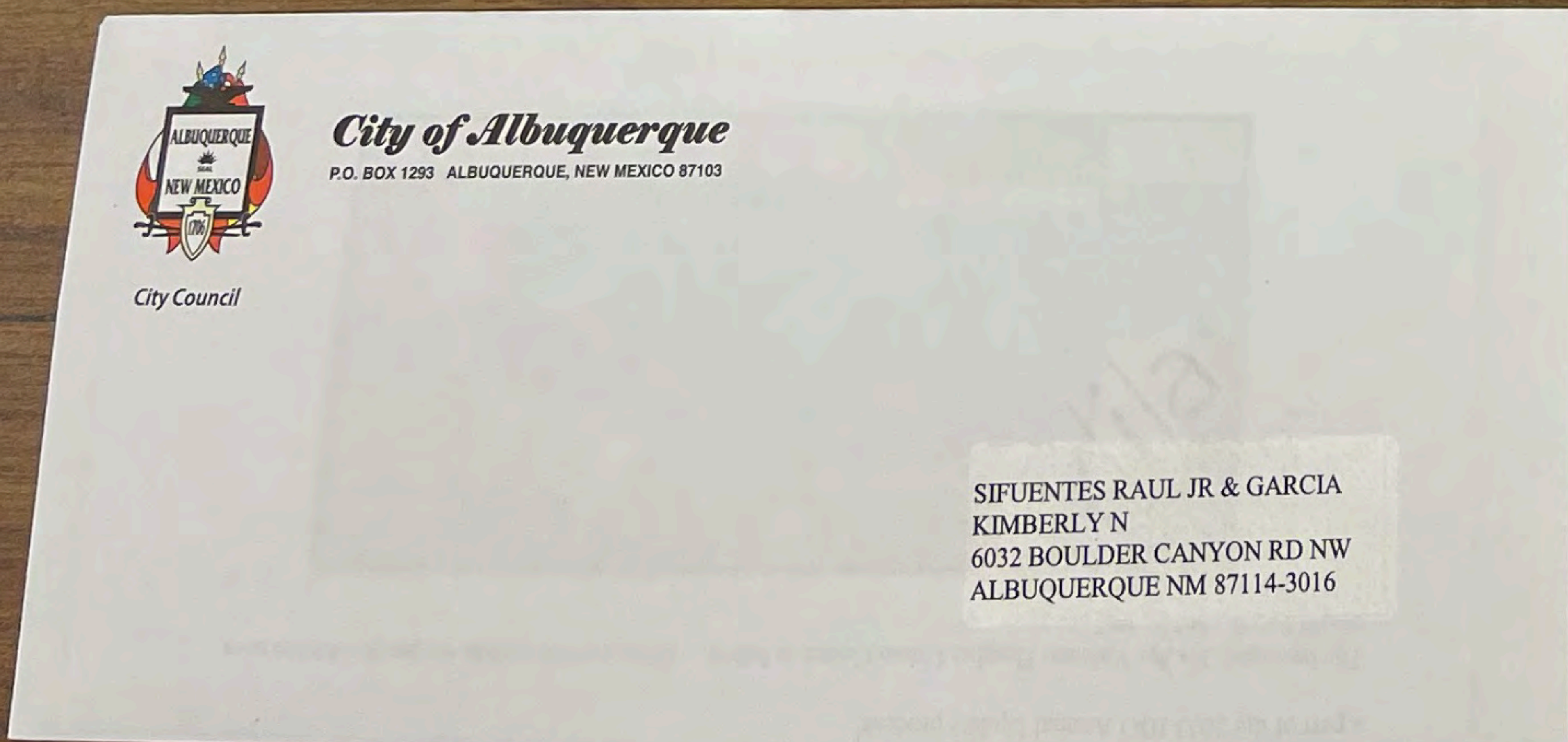
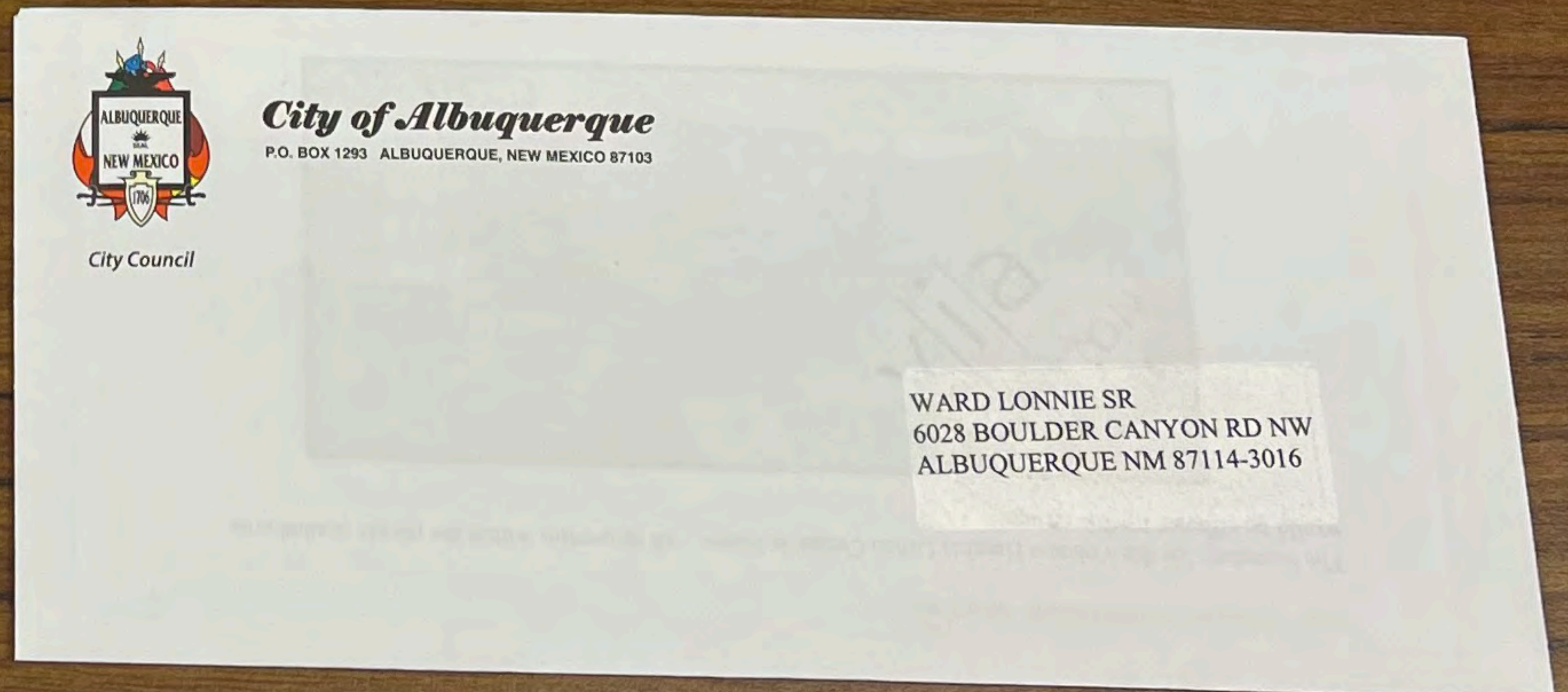
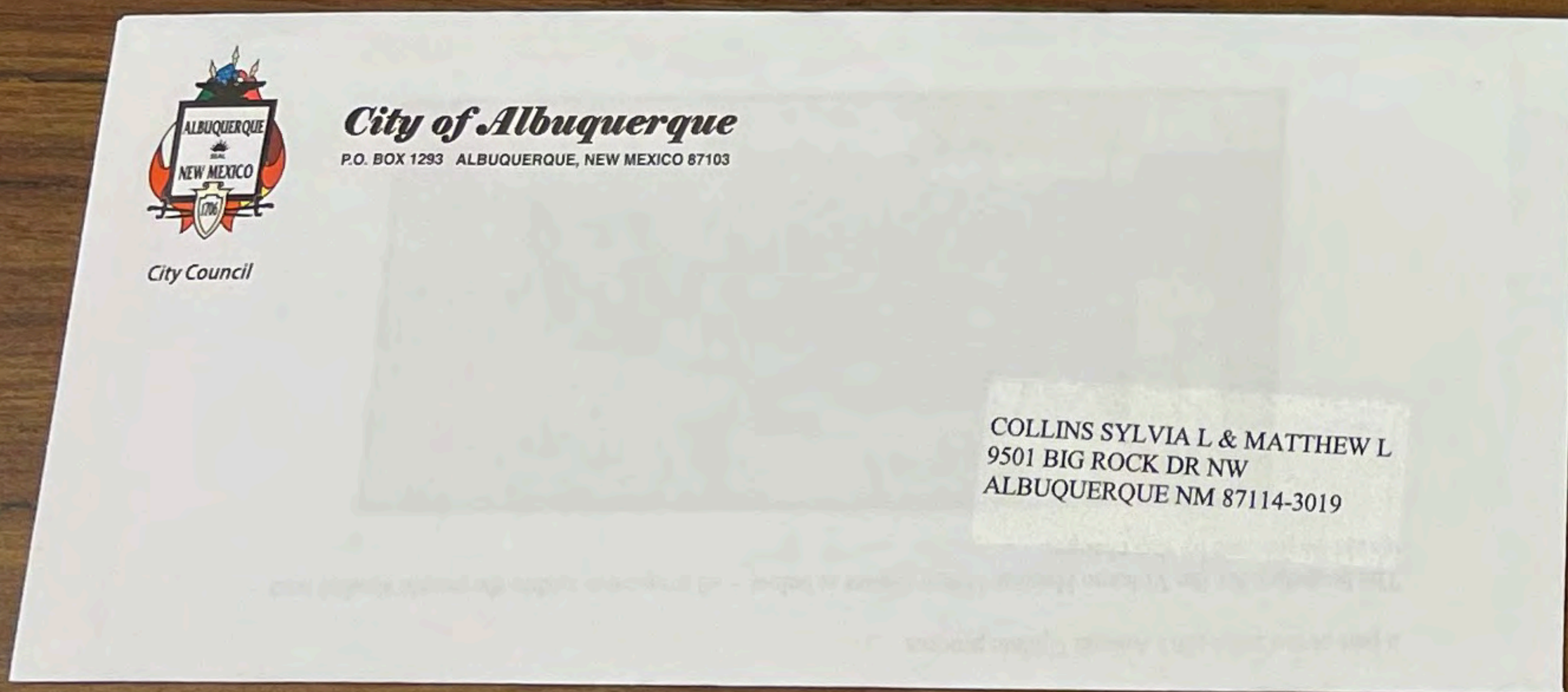
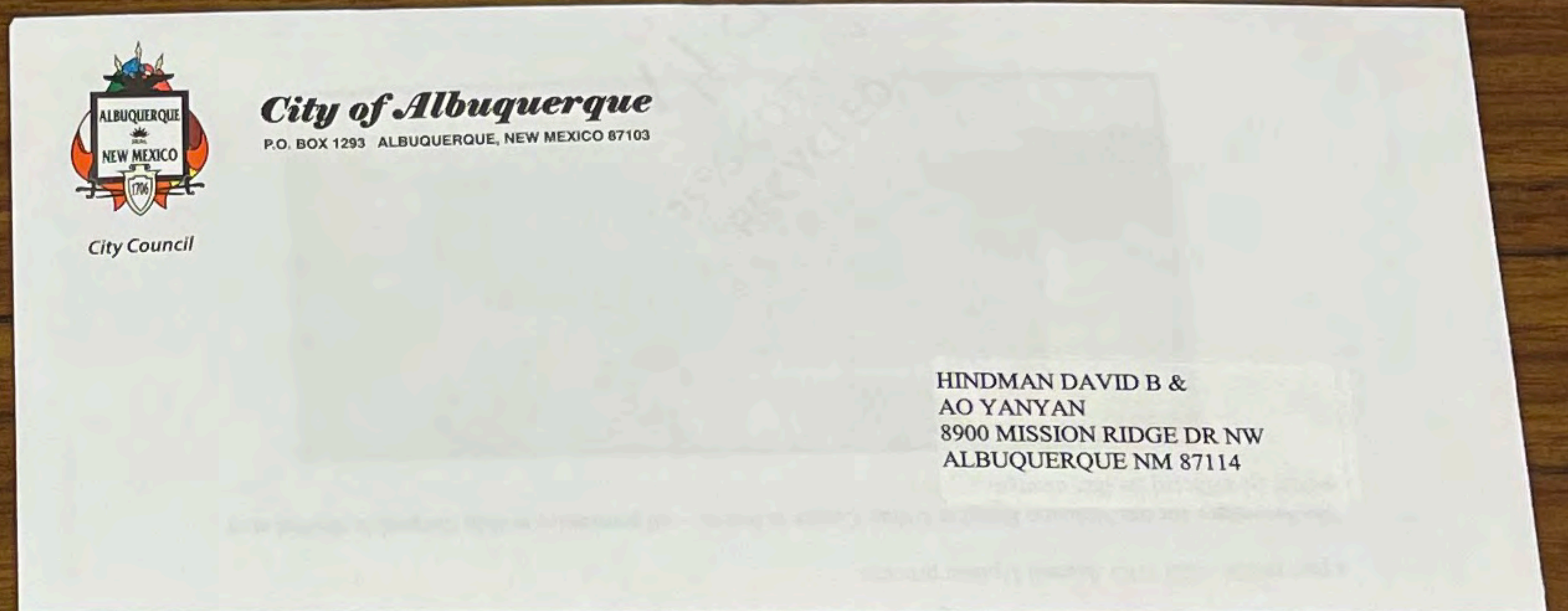
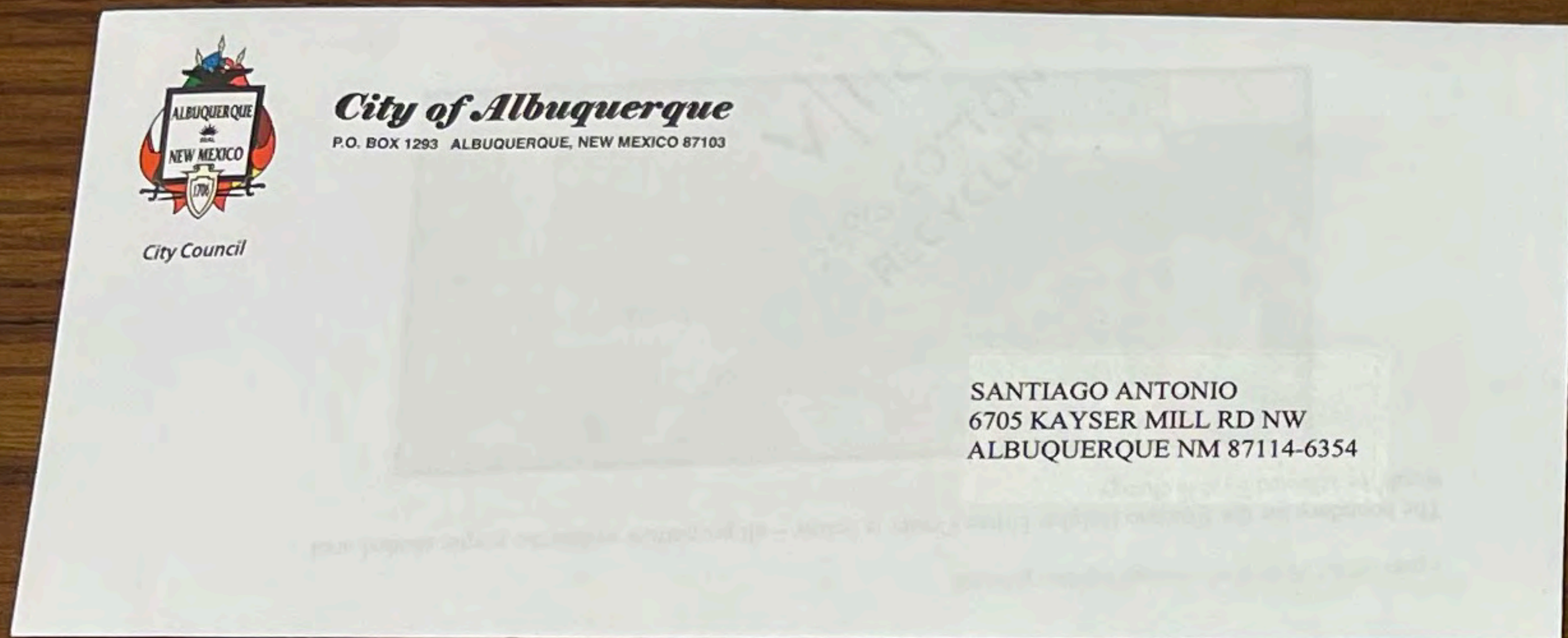
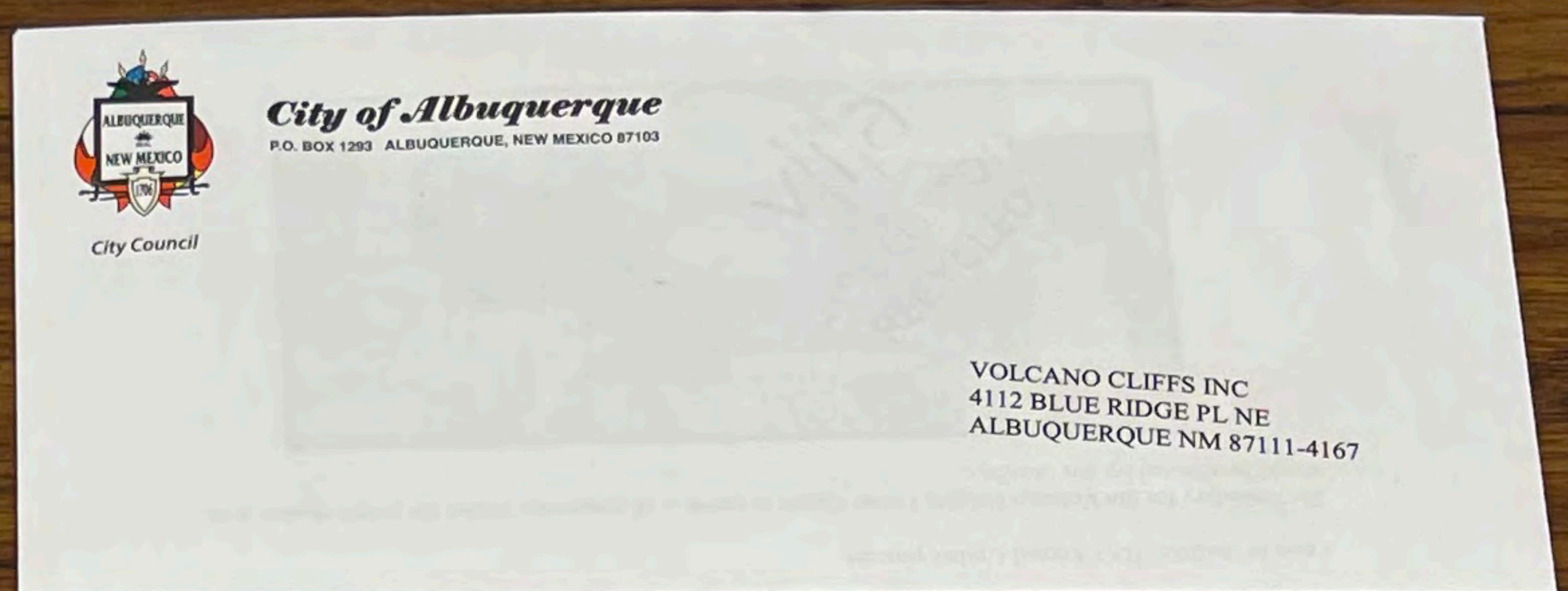
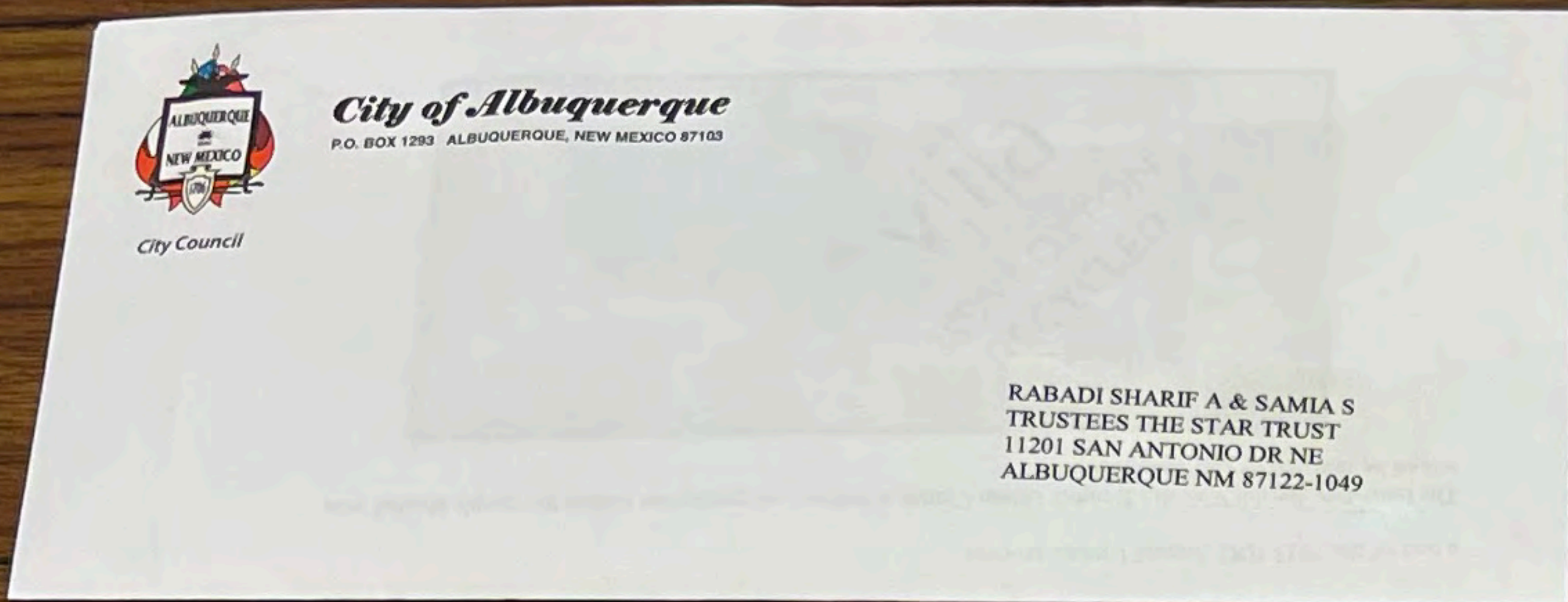
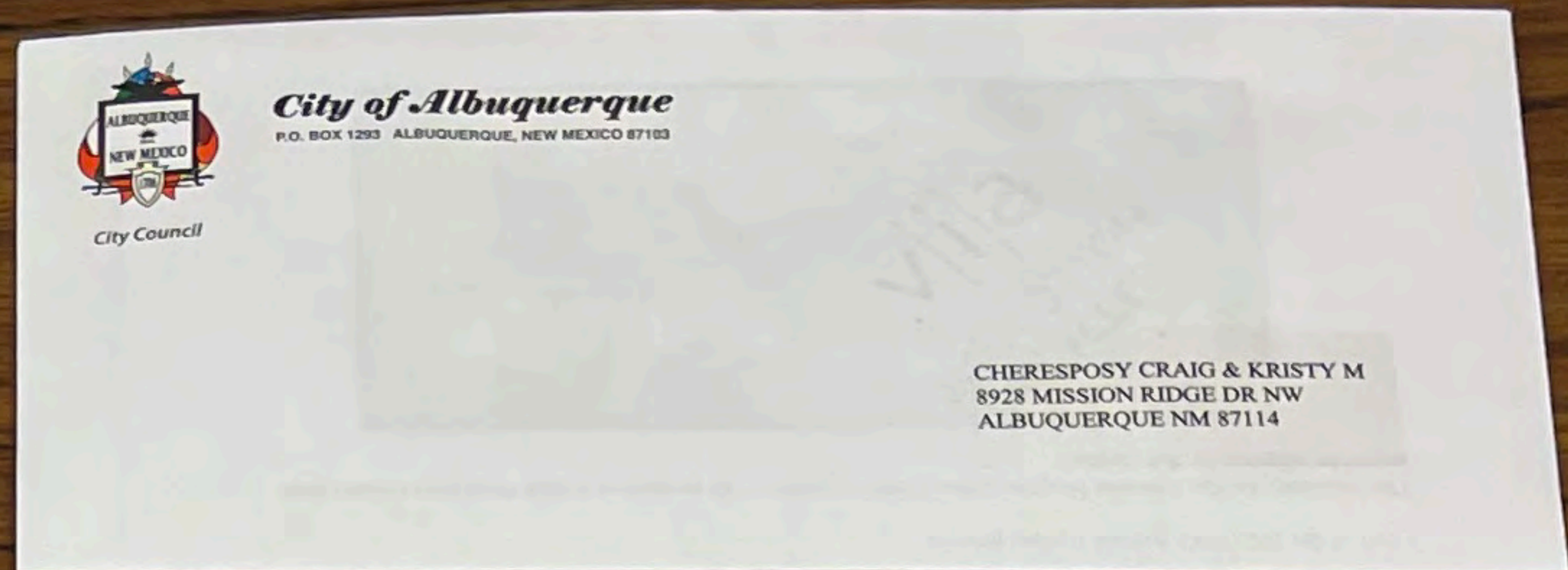
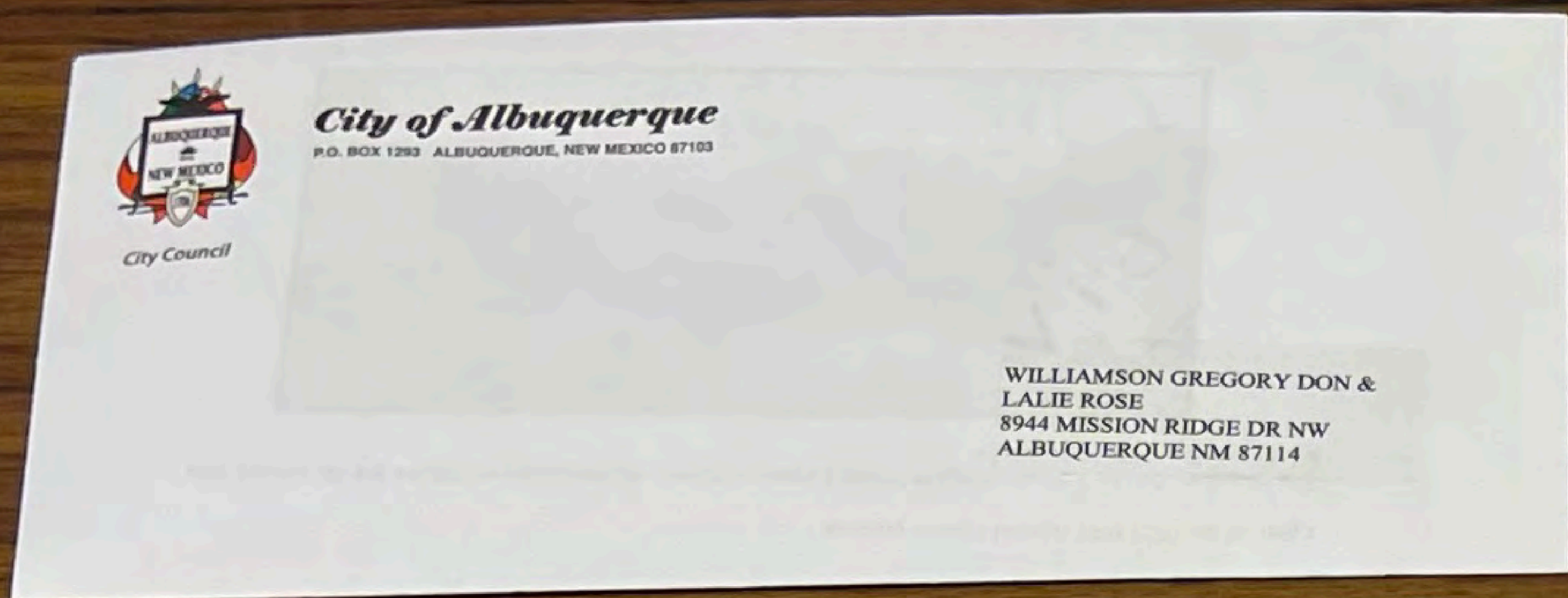
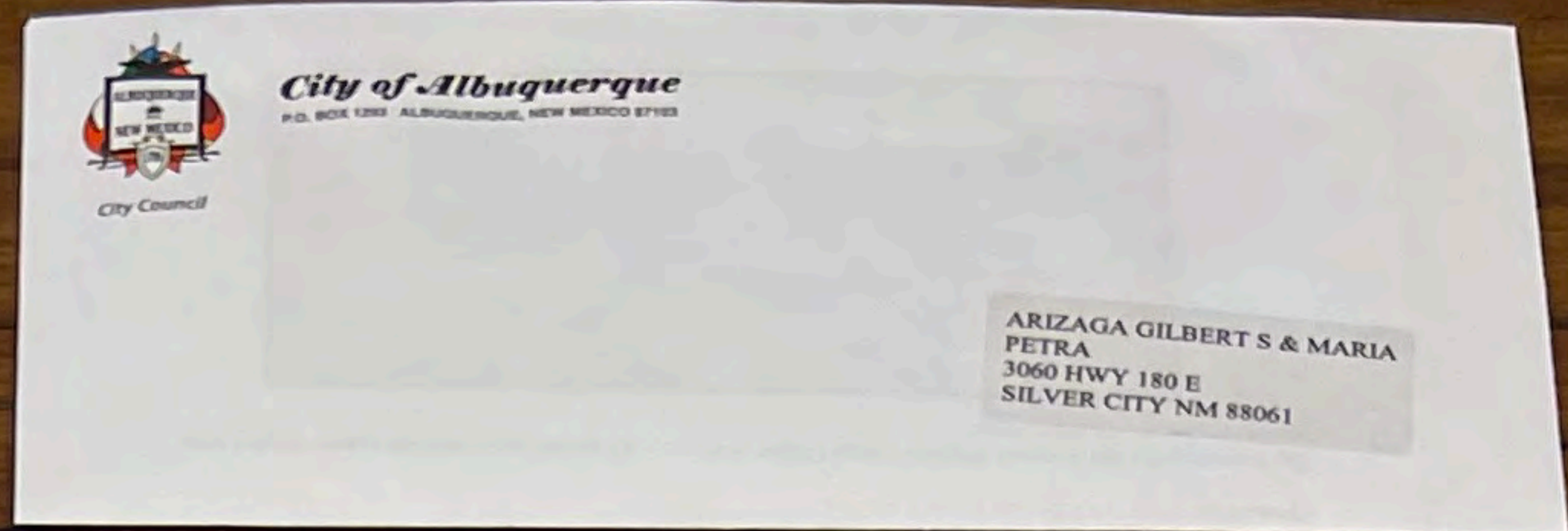
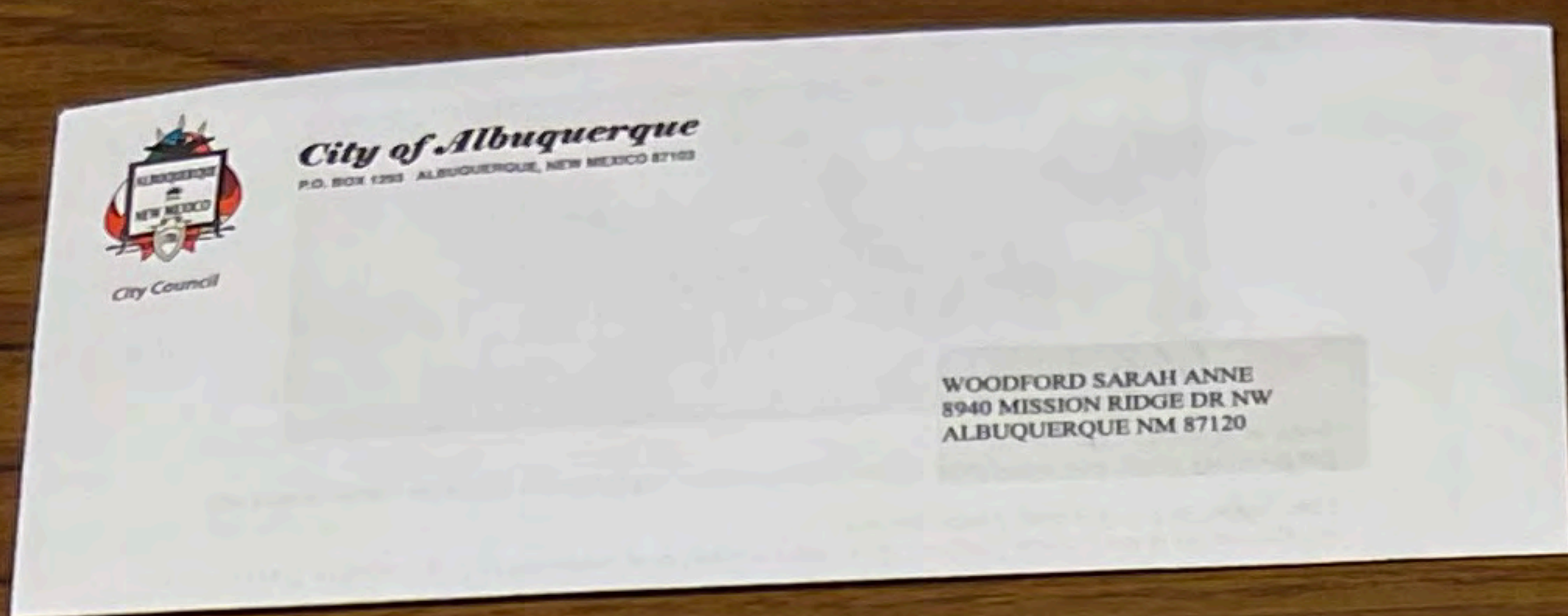
ARIZAGA GILBERT S & MARIA PETRA
3060 HWY 180 E
SILVER CITY NM 88061

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

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

CROWLEY PAUL J ETUX
15 OLD WESTON RD
WAYLAND MA 01778-2123







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

City Council

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



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

City Council

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



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

City Council

RCS-TAOS LLC
371 CENTENNIAL PK WY SUITE 200
LOUISVILLE CO 80027



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

City Council

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



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

City Council

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



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

City Council

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



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

City Council

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



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

City Council

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



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

City Council

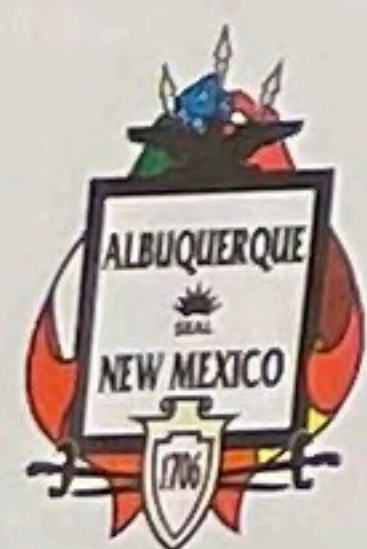
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6036 BOULDER CANYON RD NW
ALBUQUERQUE NM 87114-3016



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

City Council

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



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

City Council

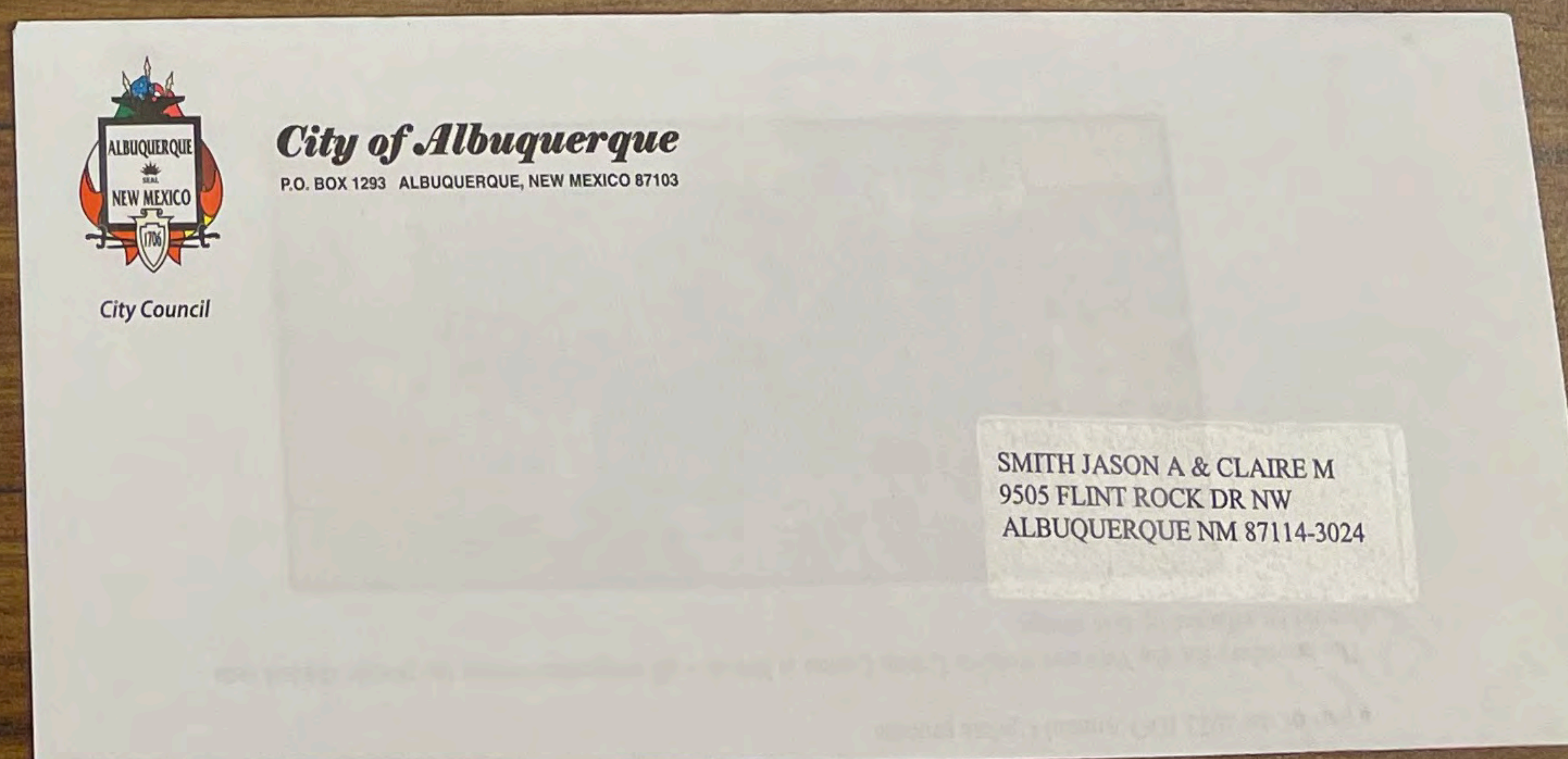
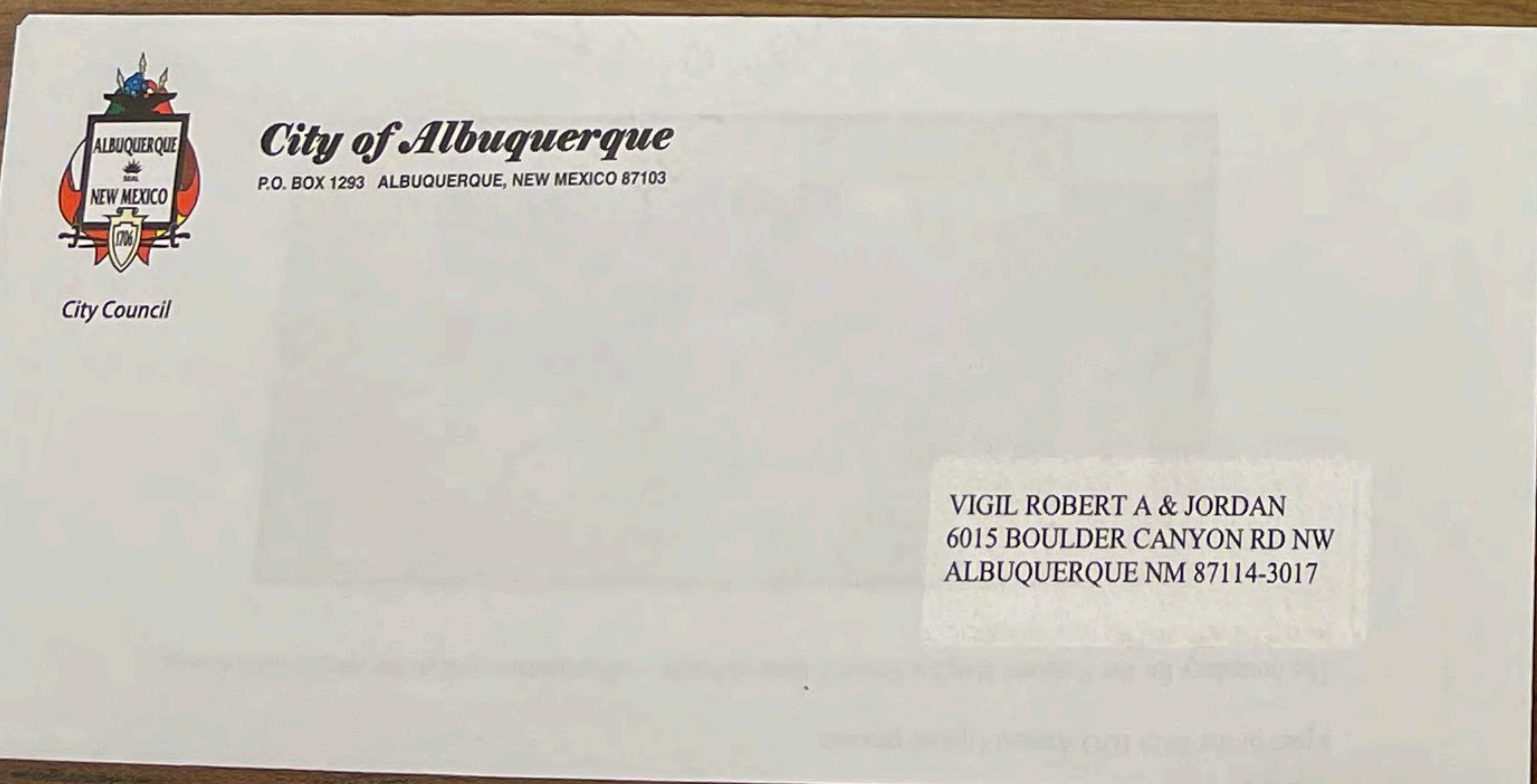
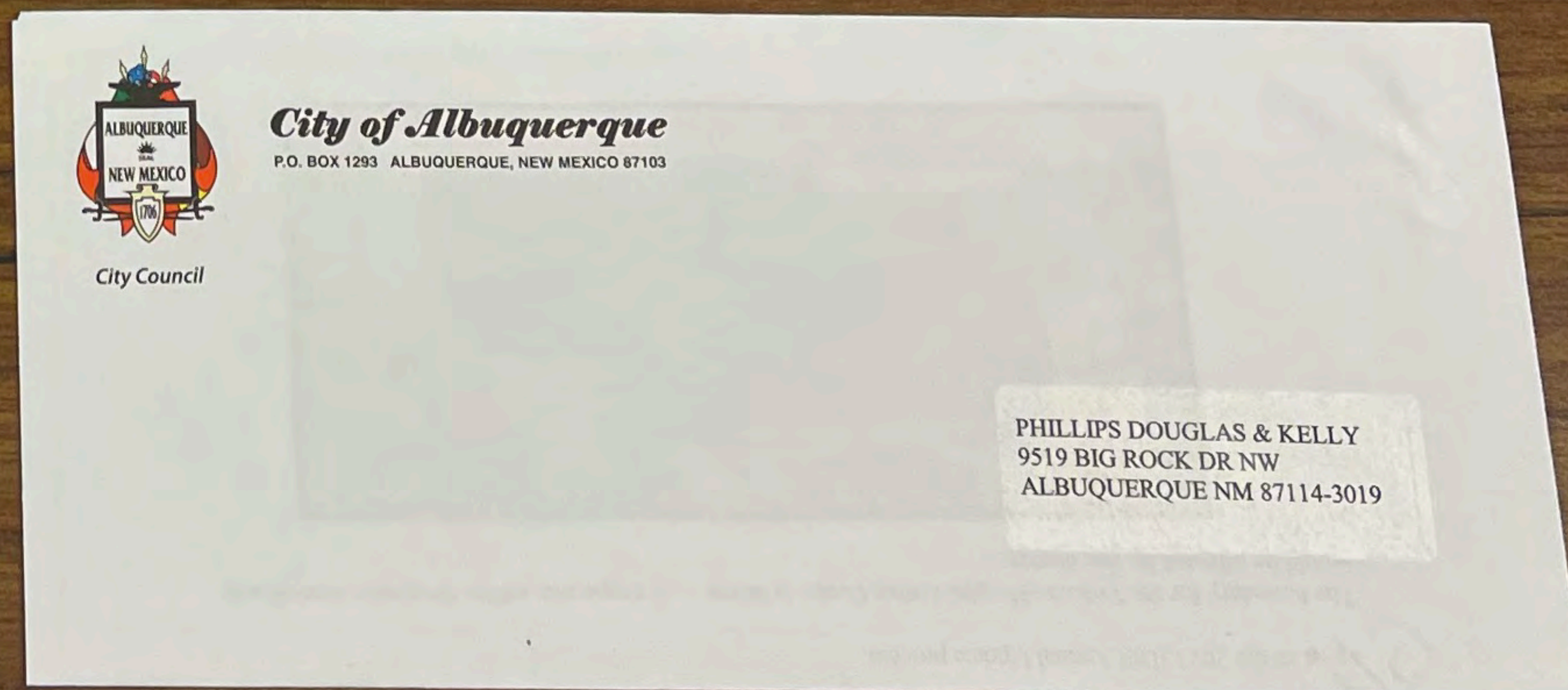
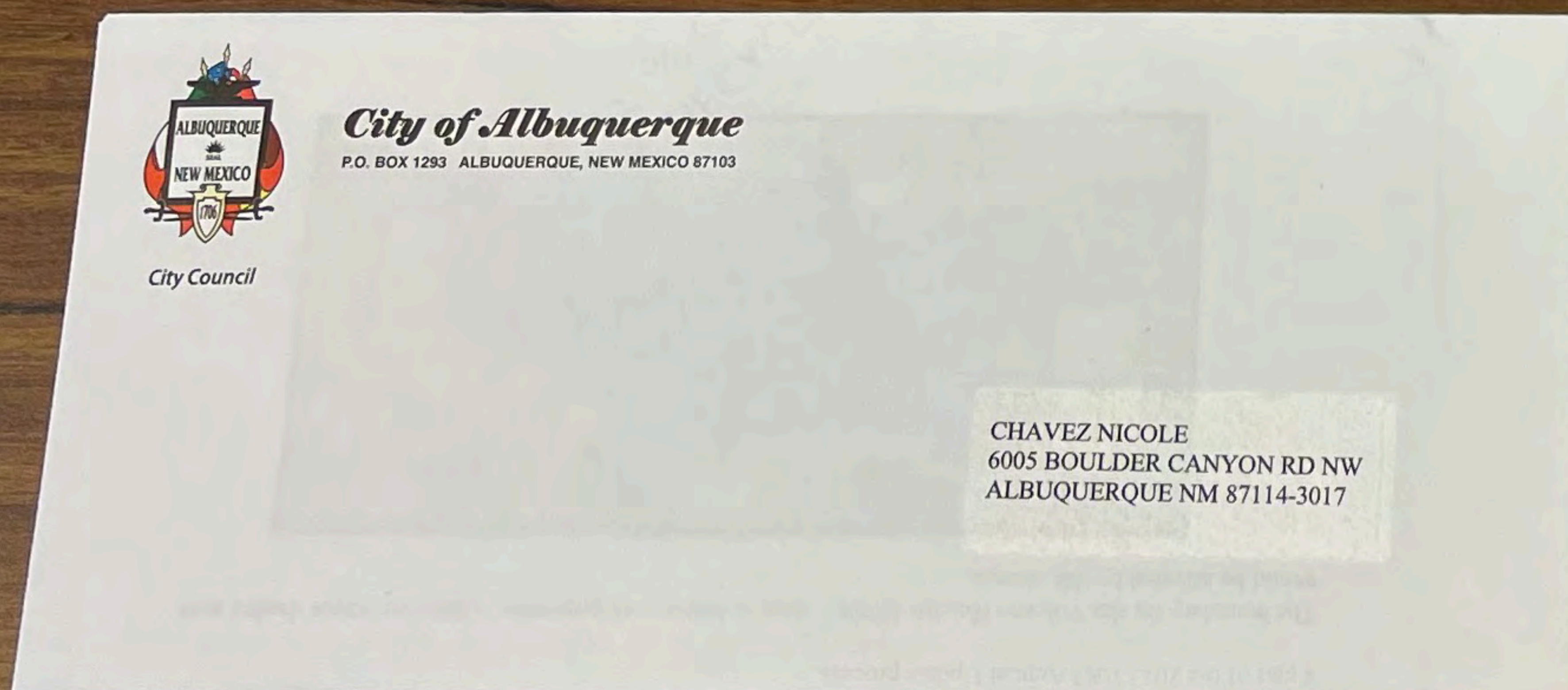
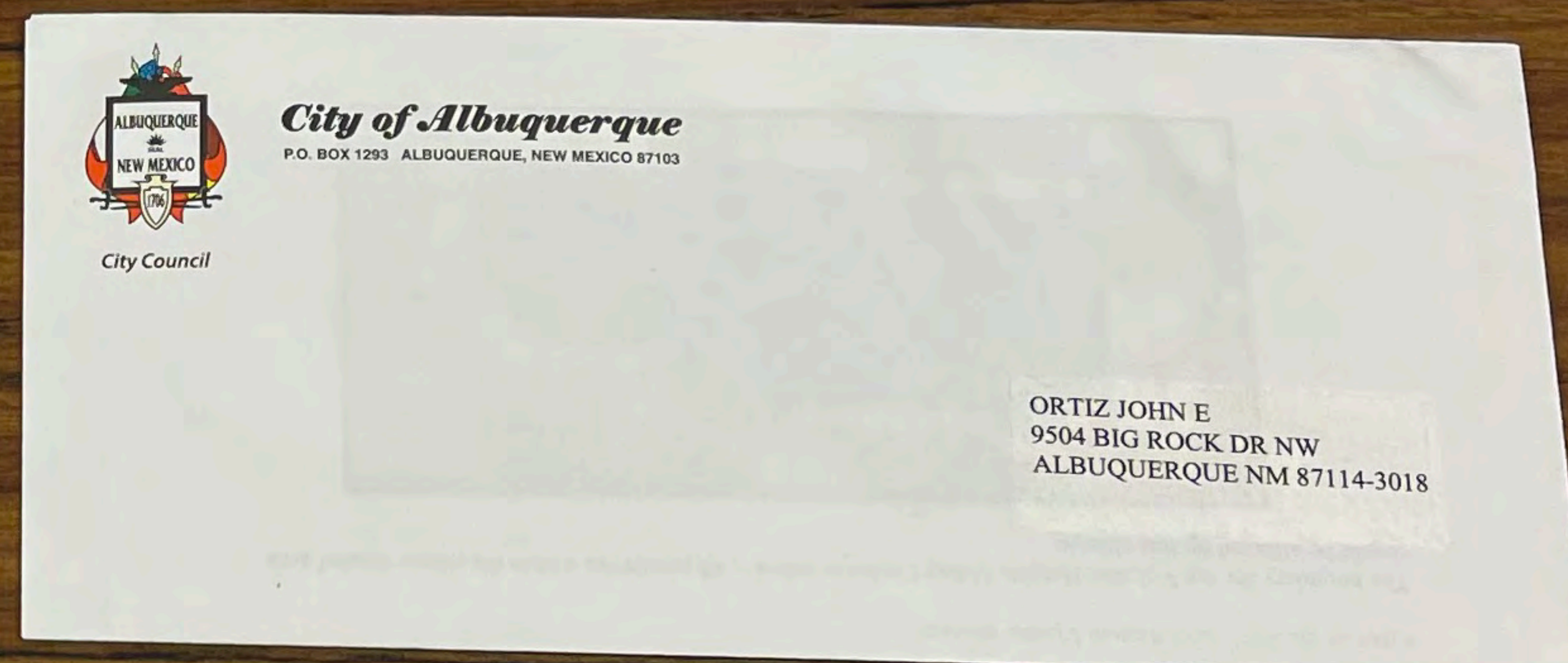
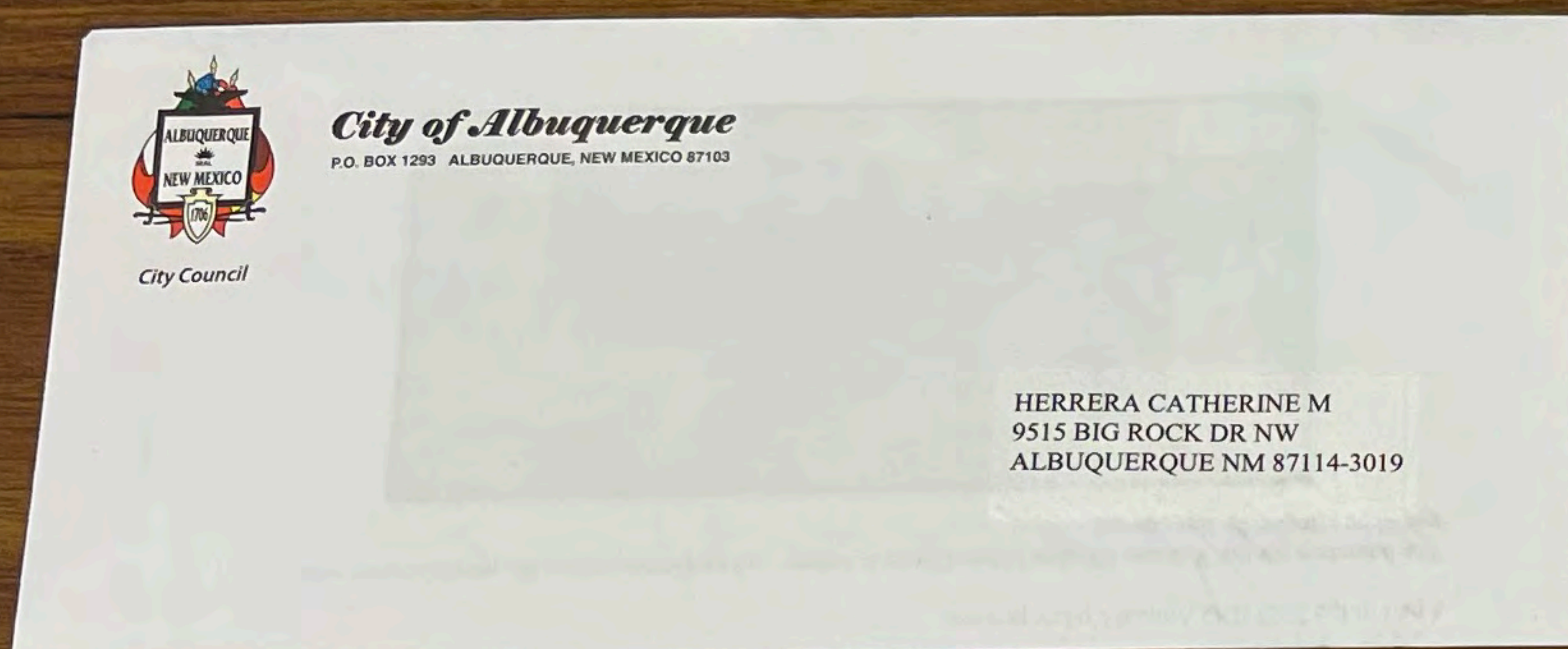
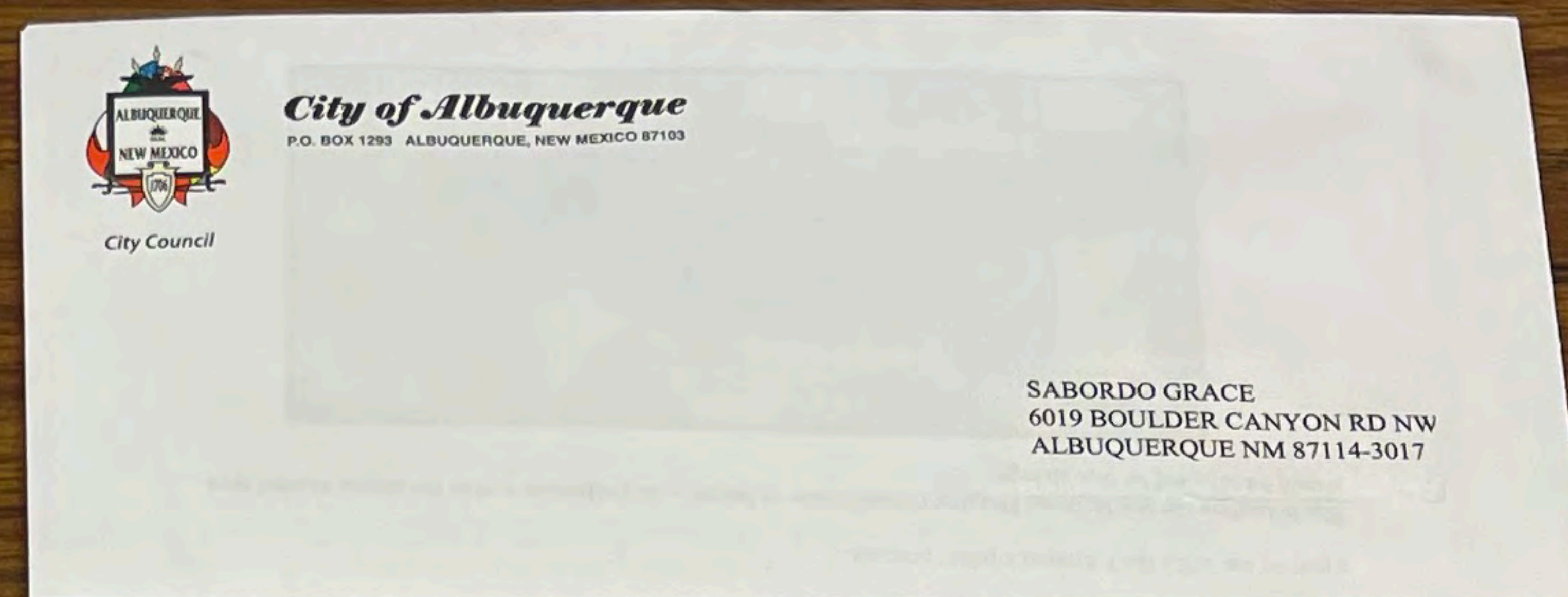
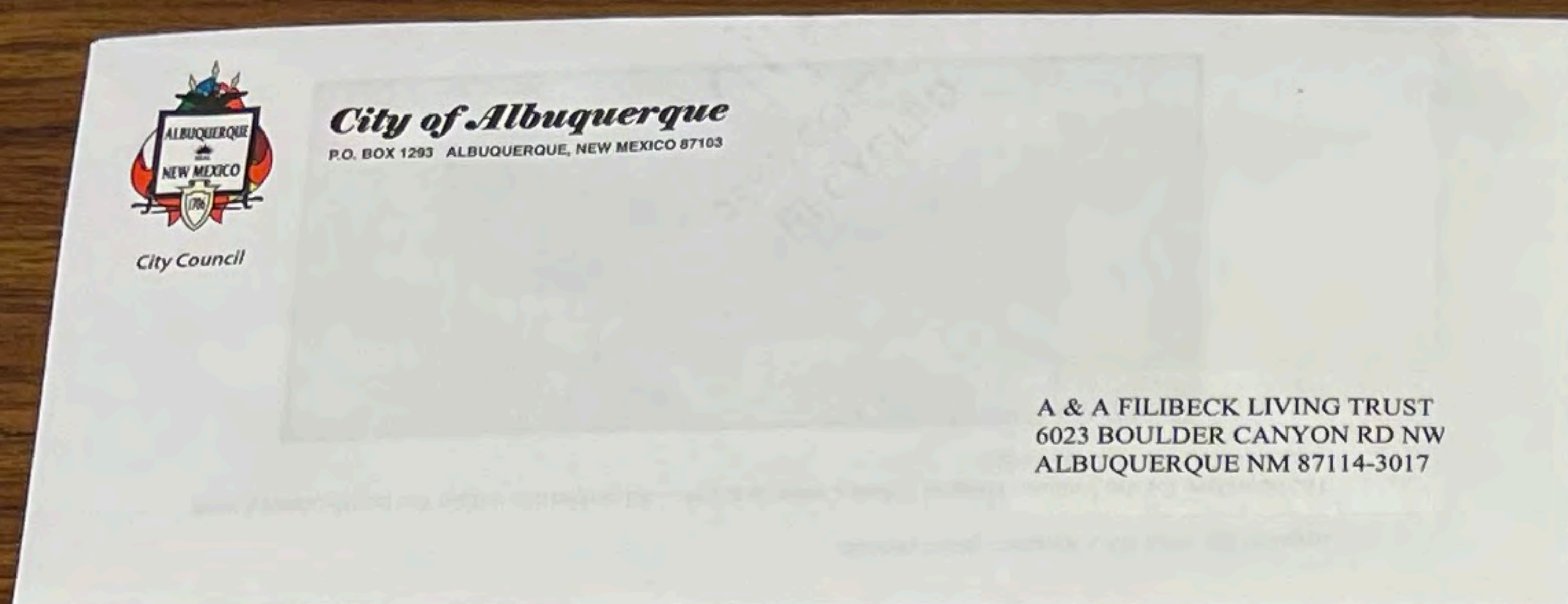
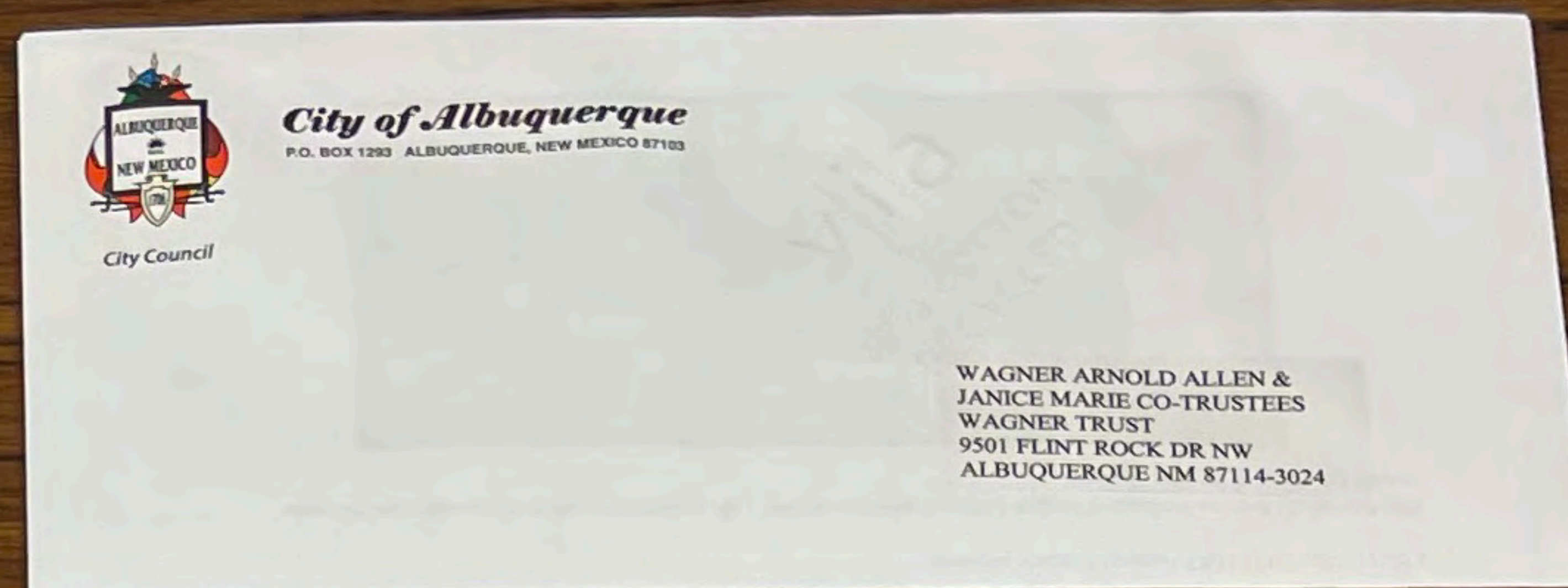
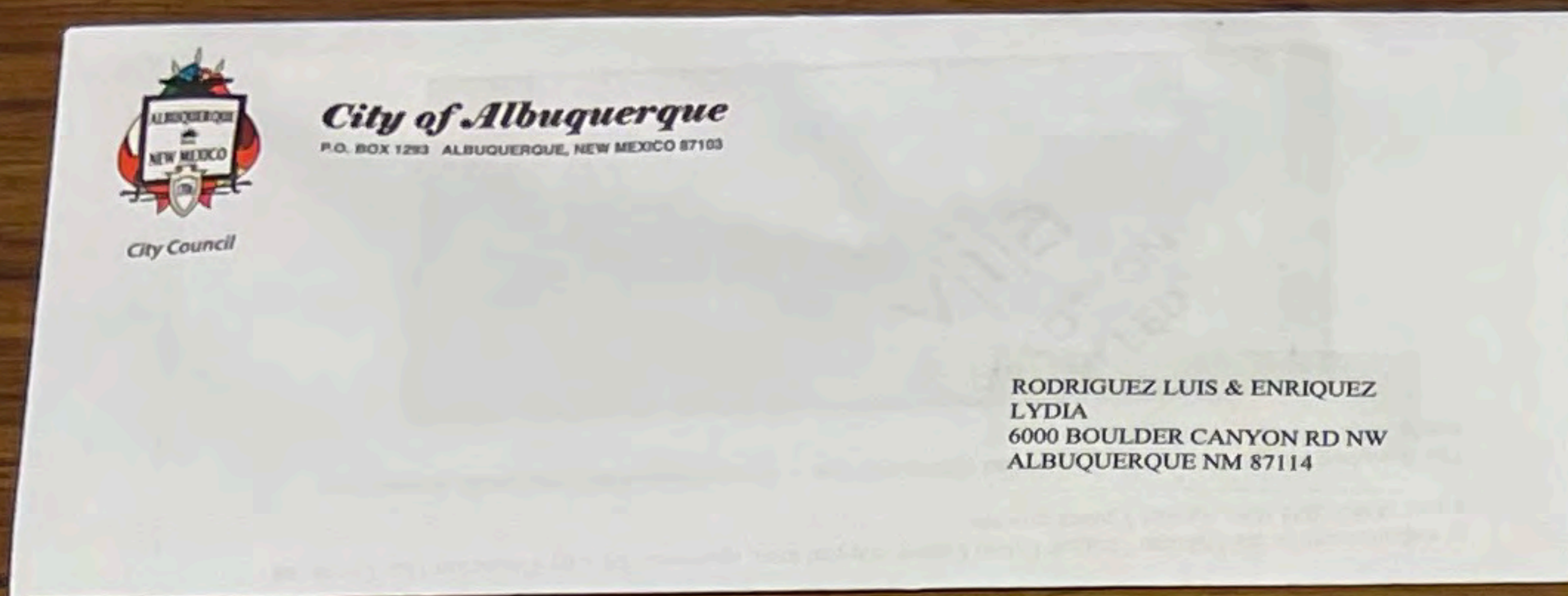
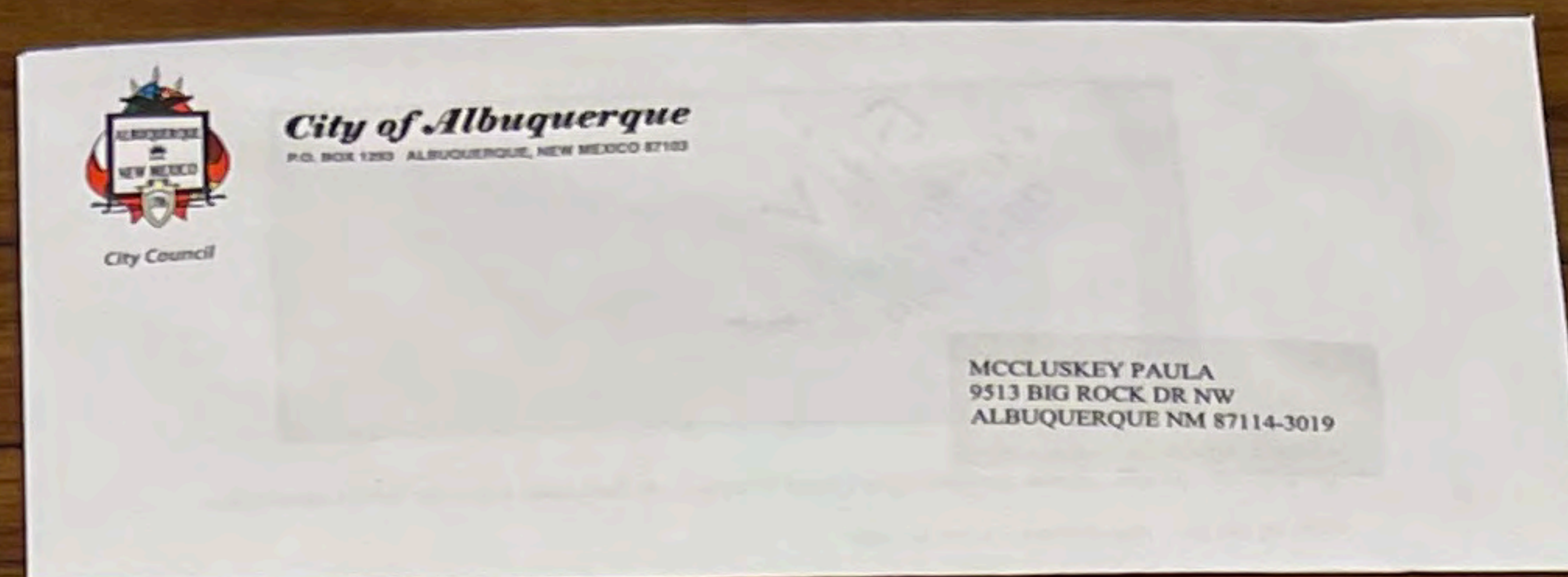
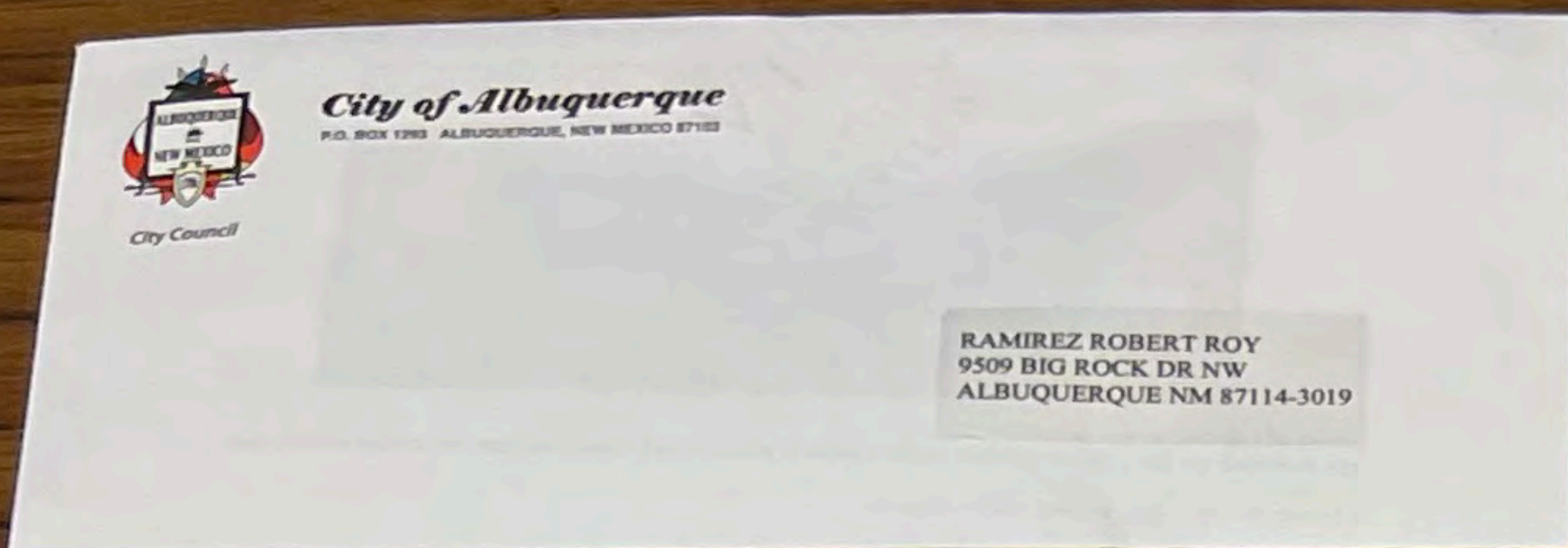
POTTER SHELLEY A
6008 BOULDER CANYON RD NW
ALBUQUERQUE NM 87114-3016

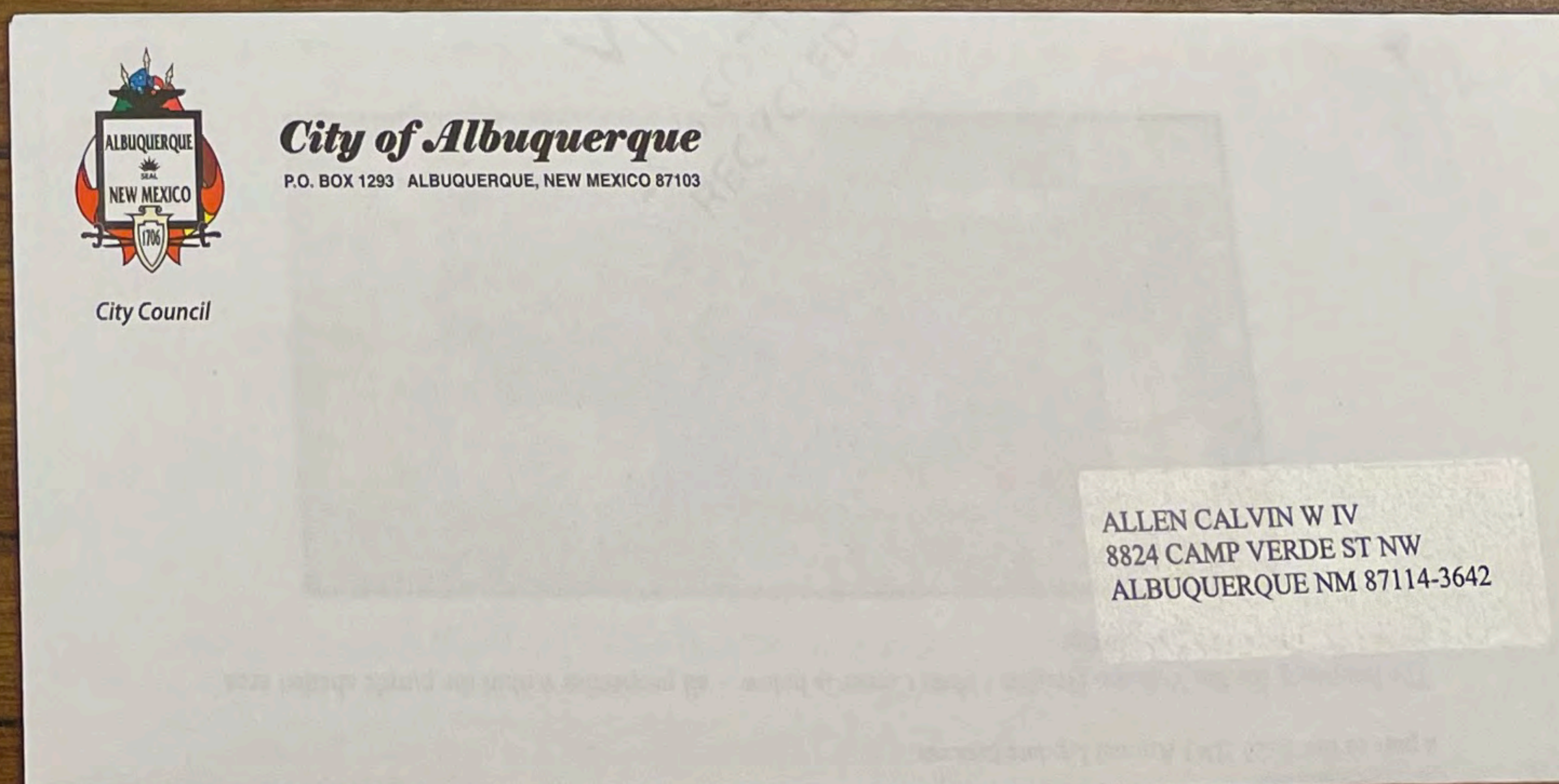
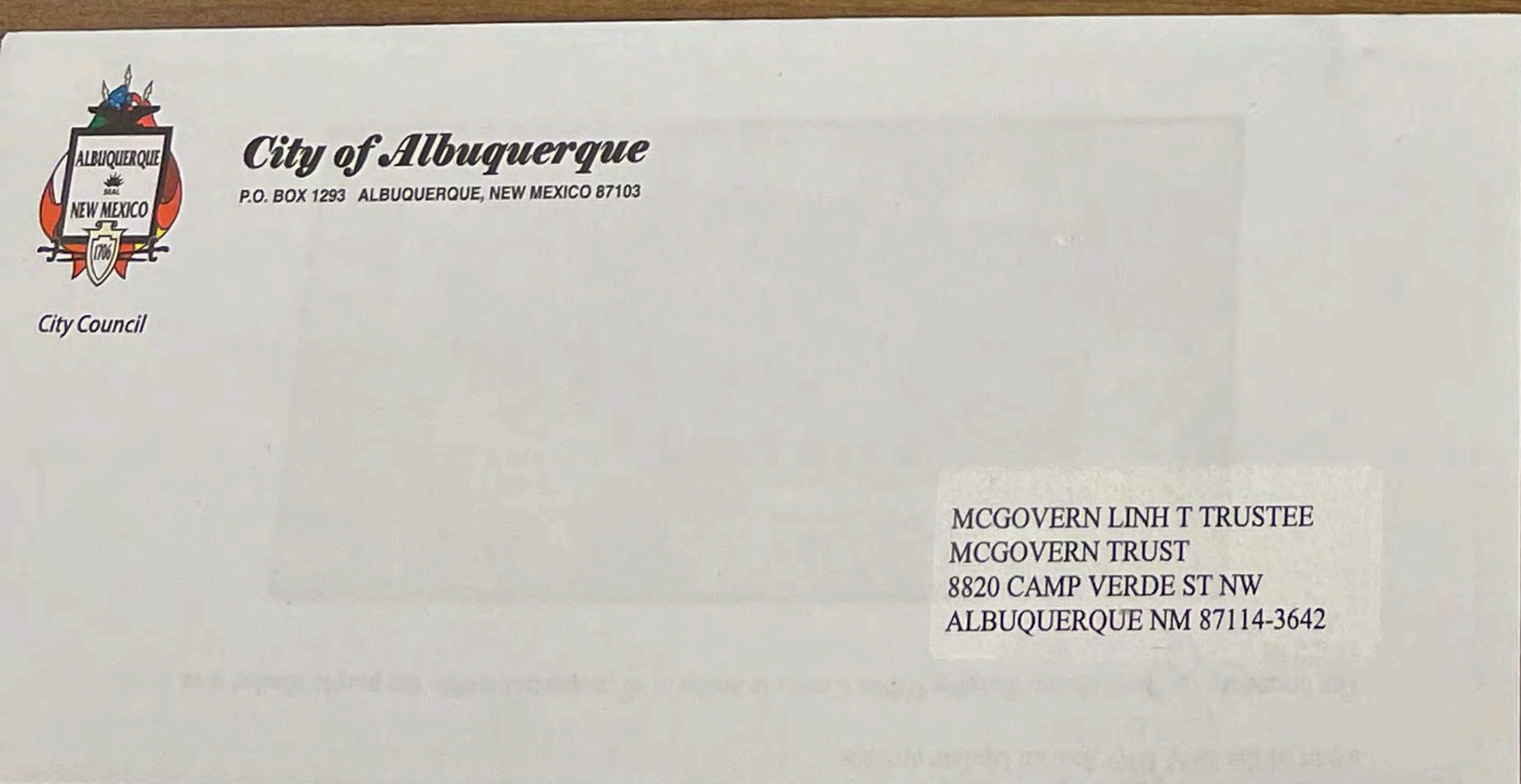
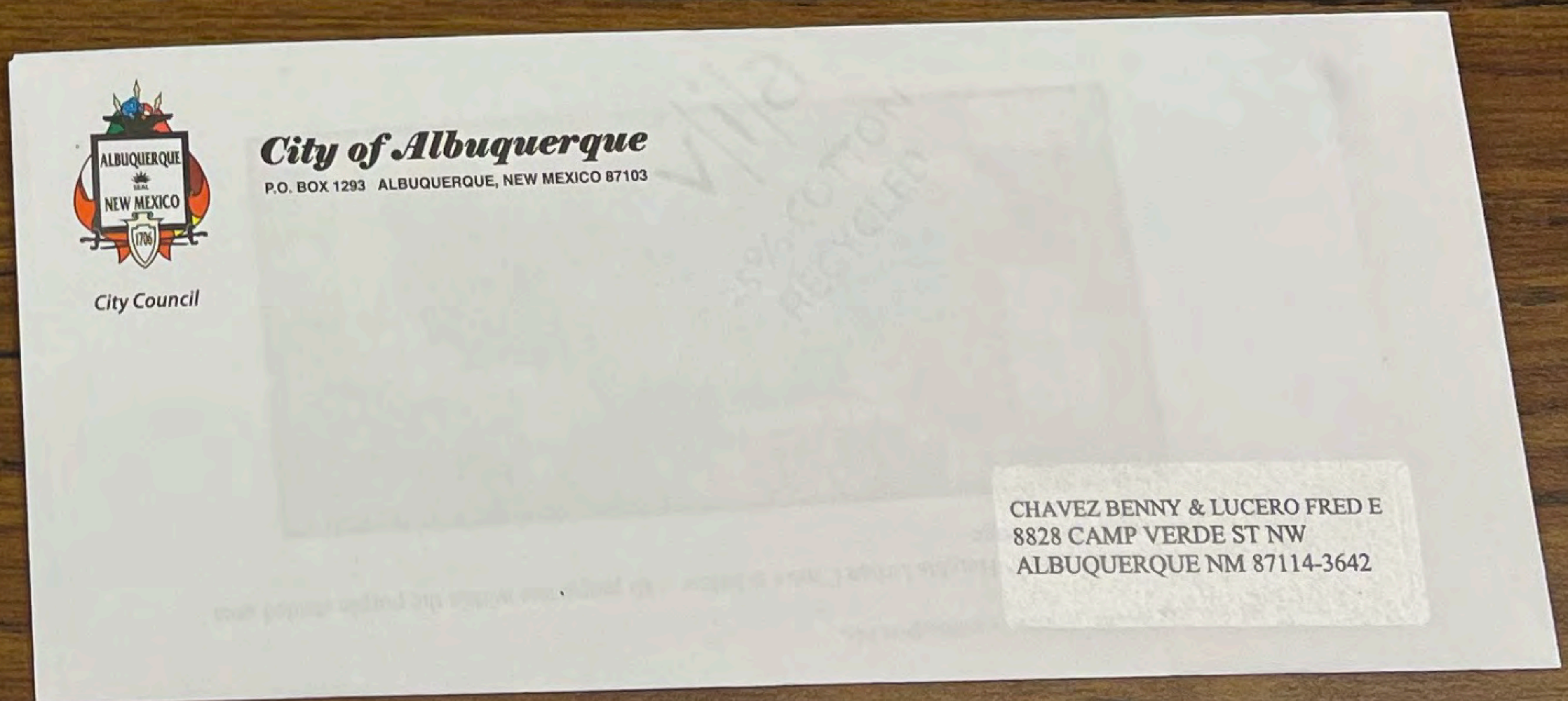
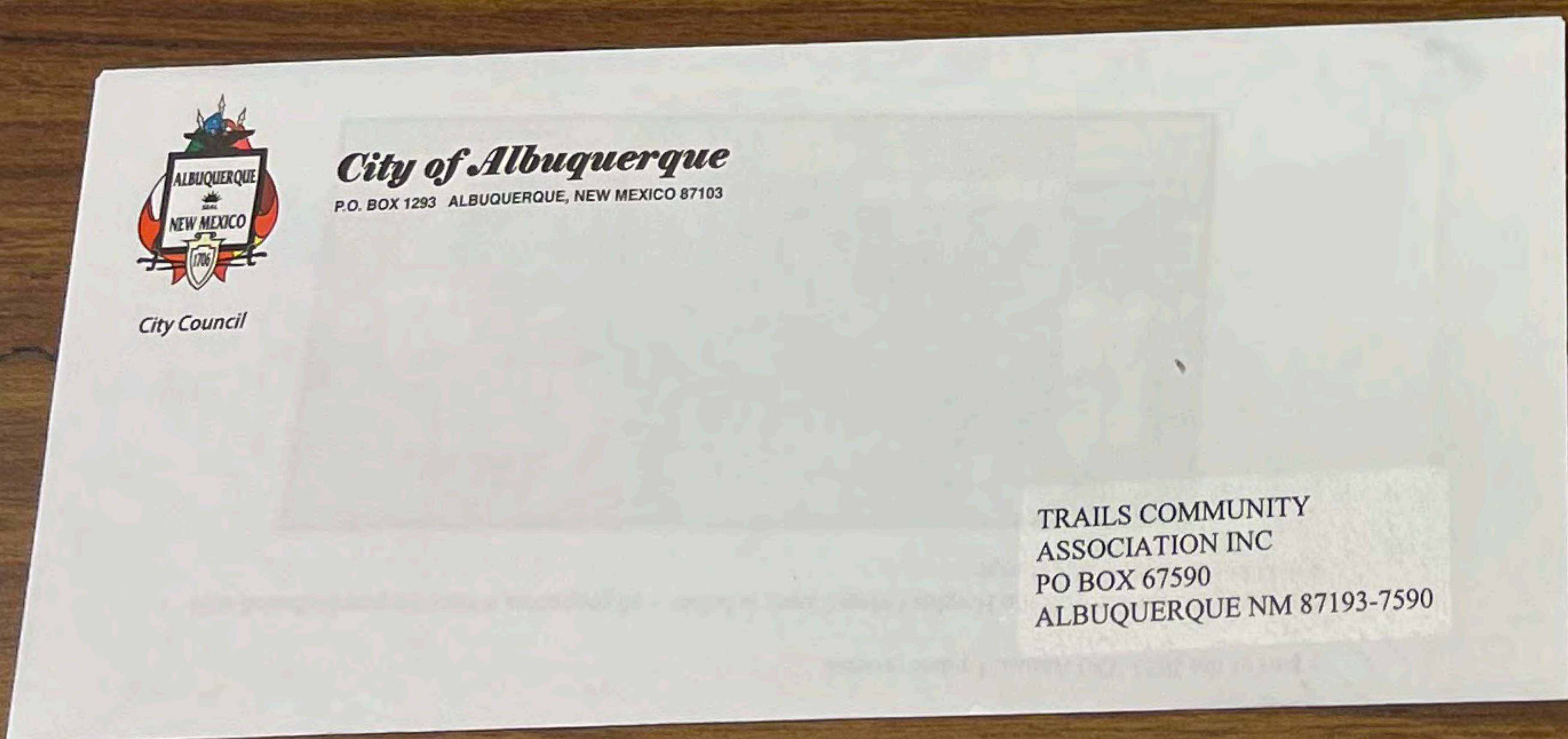
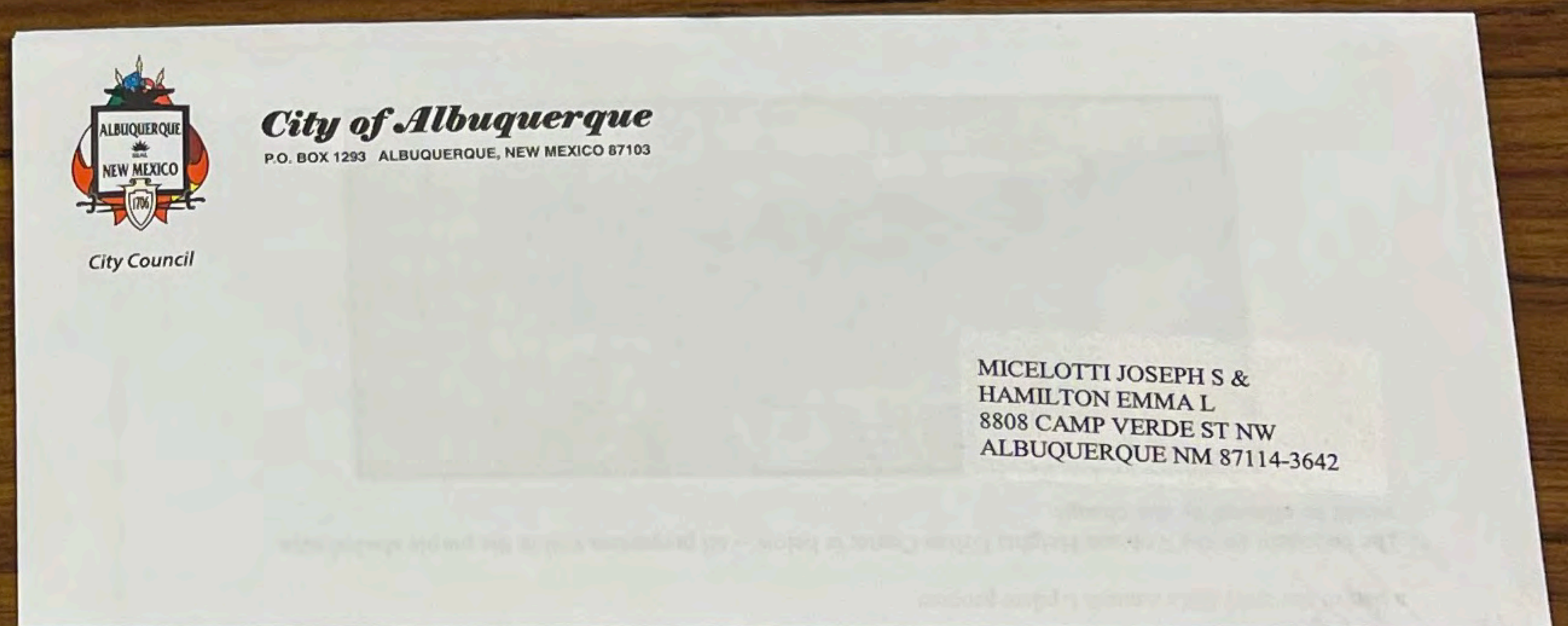
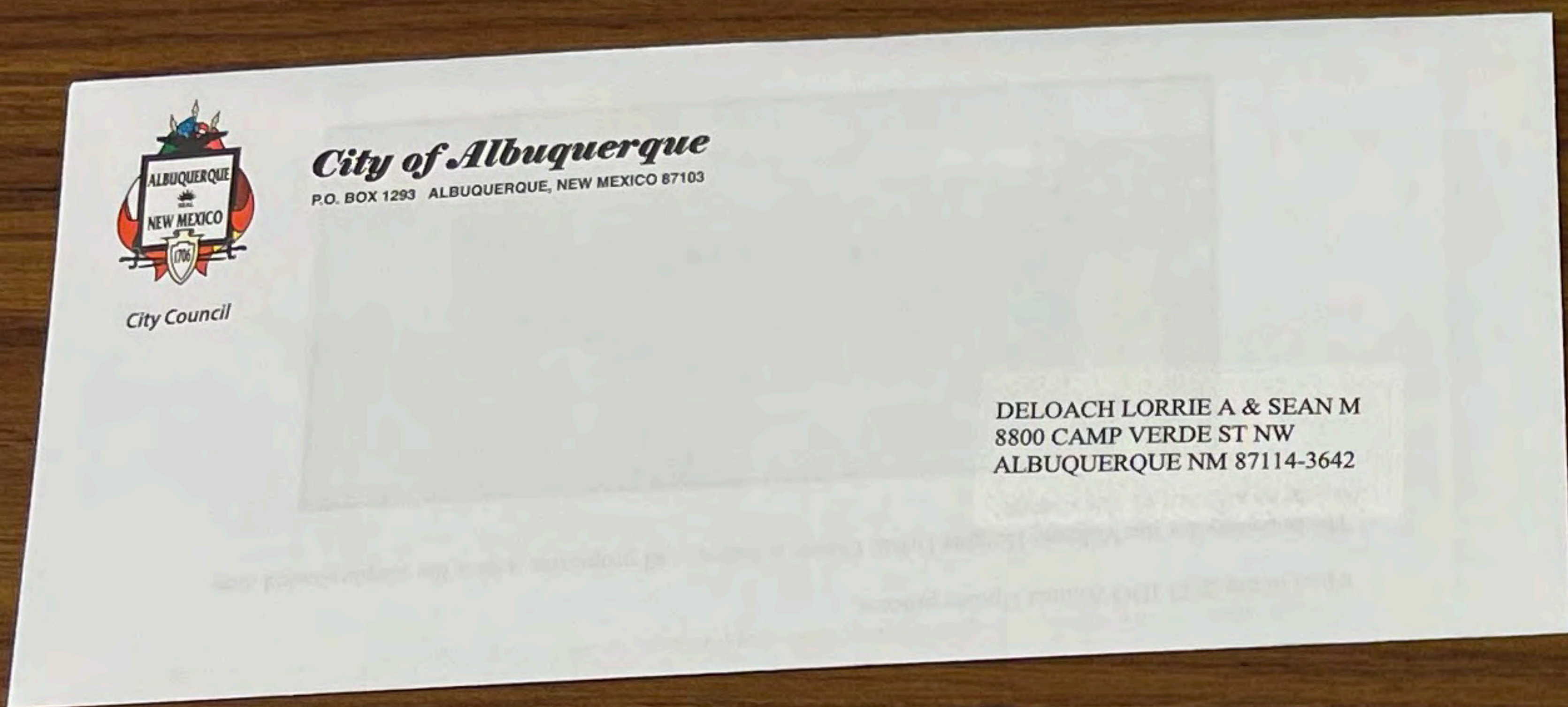
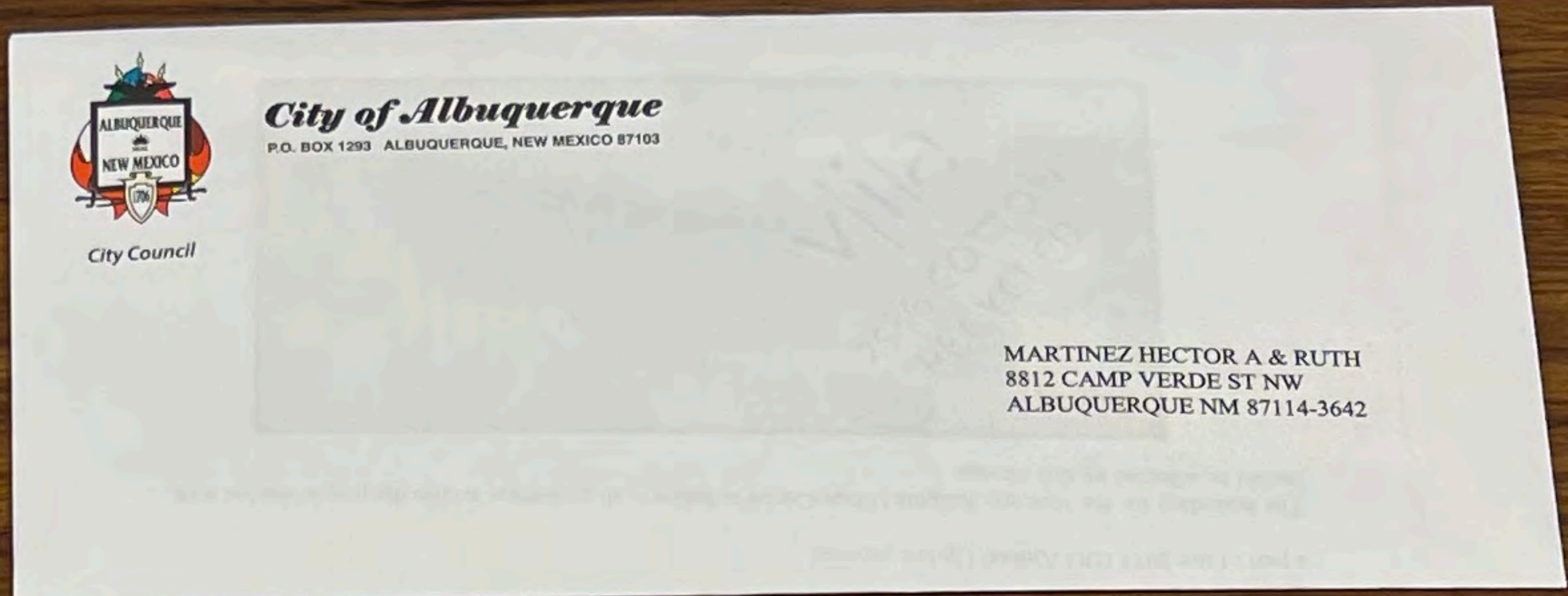
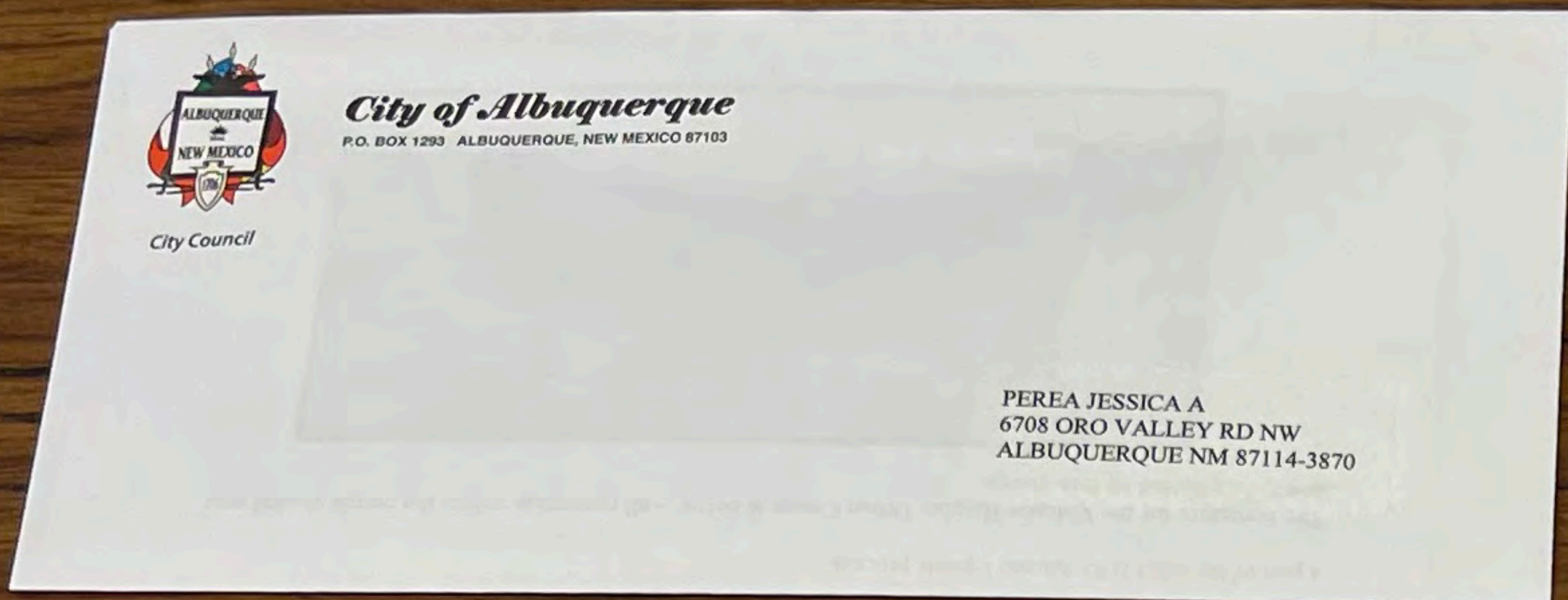
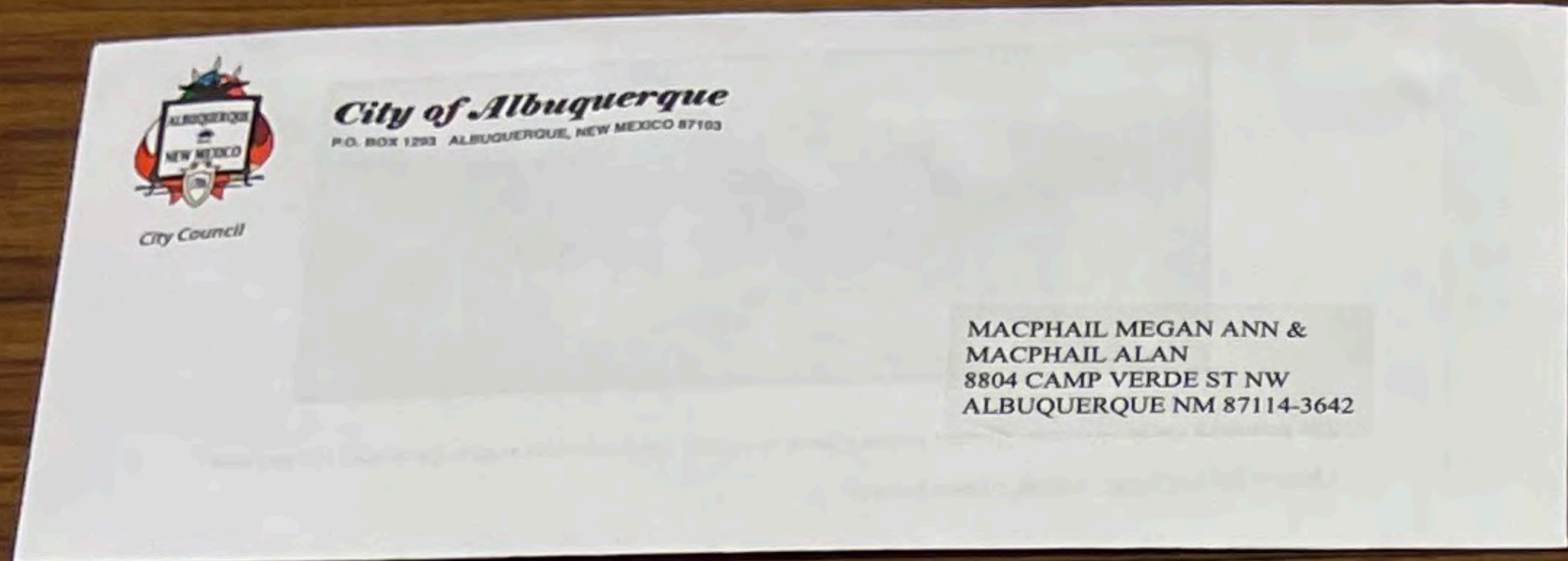
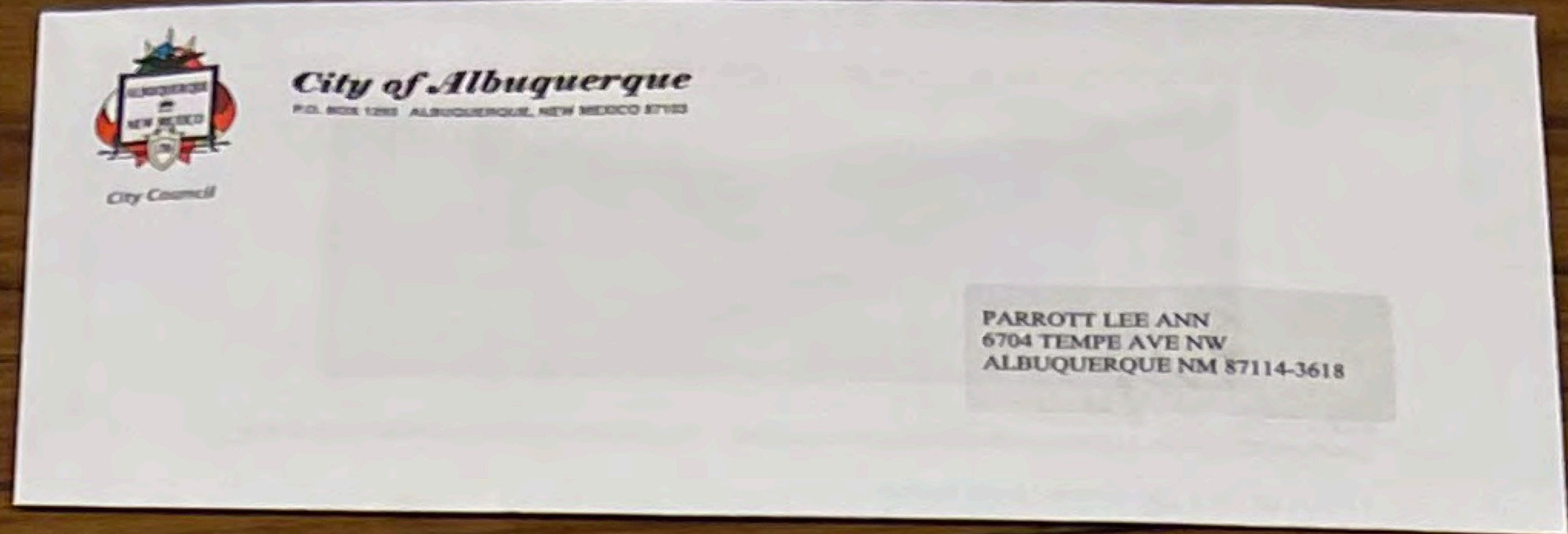
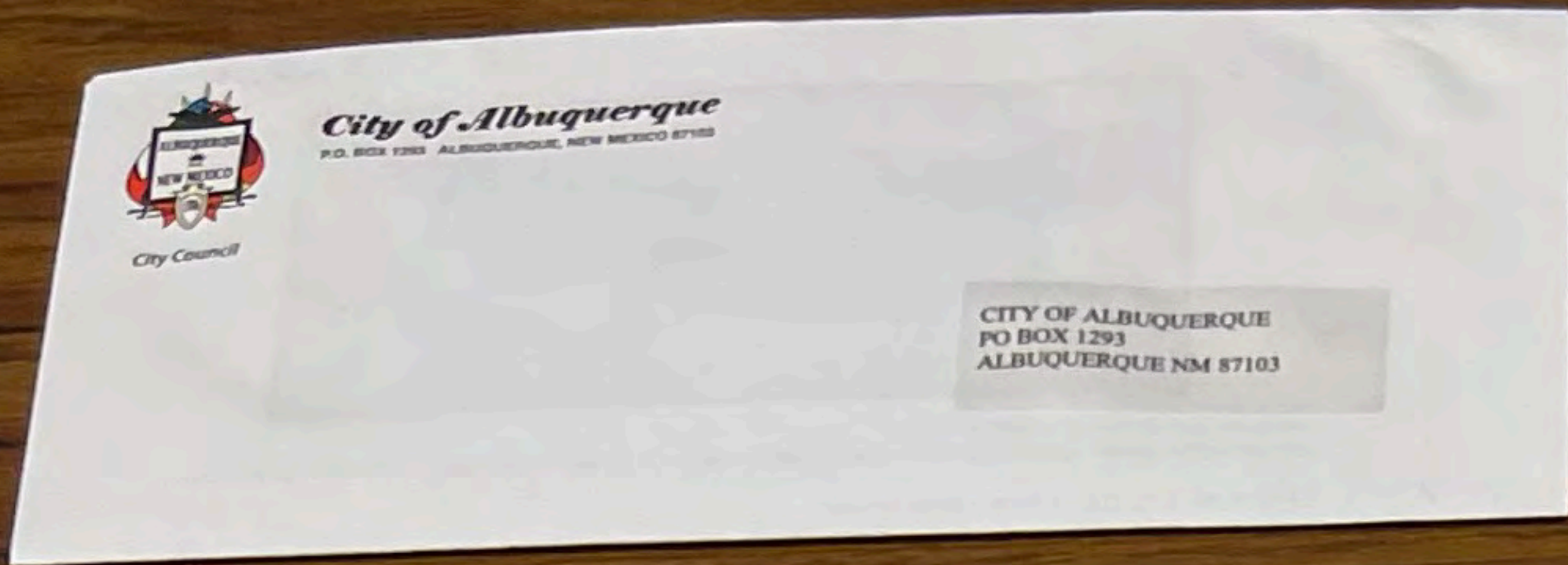


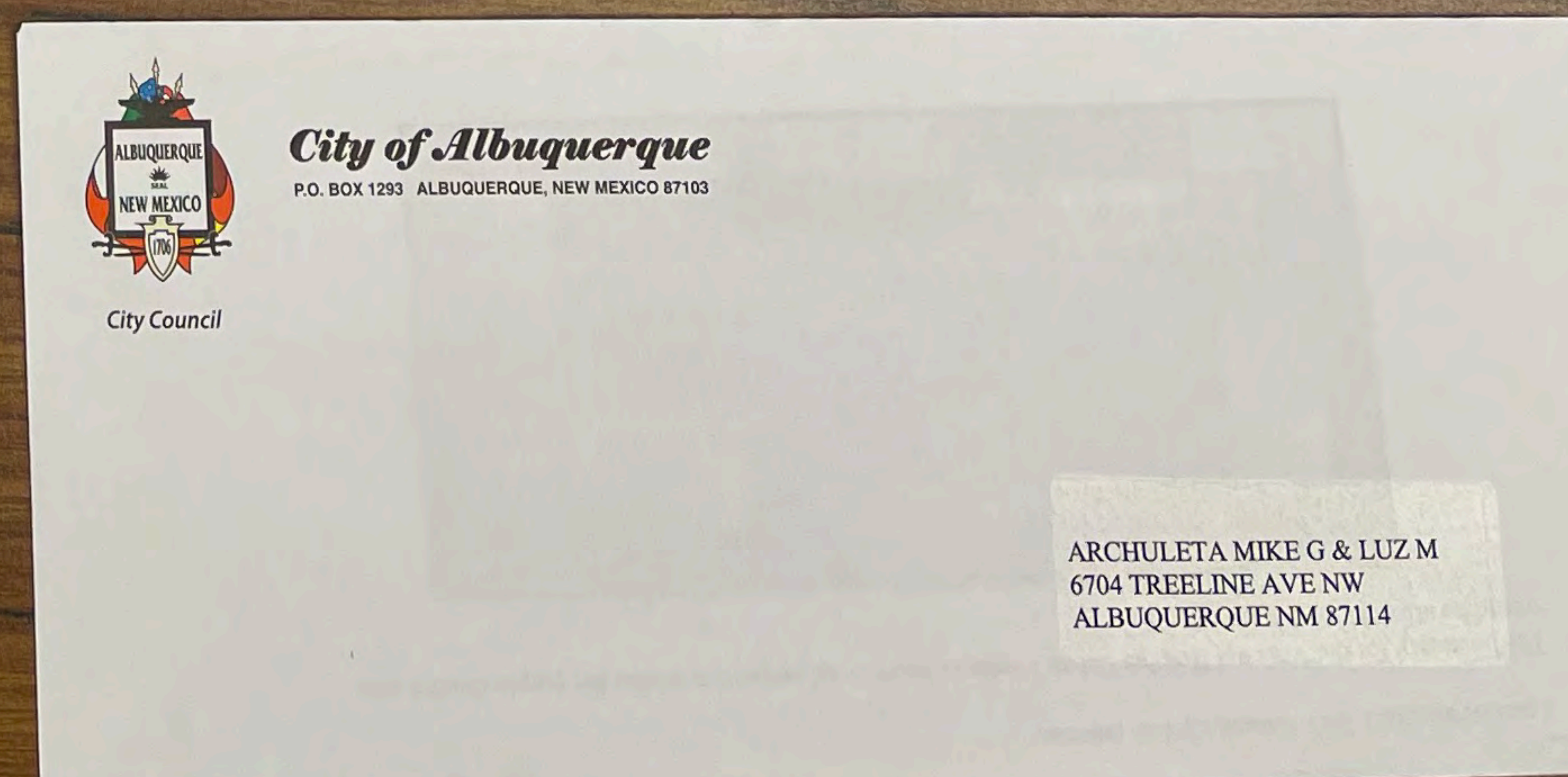
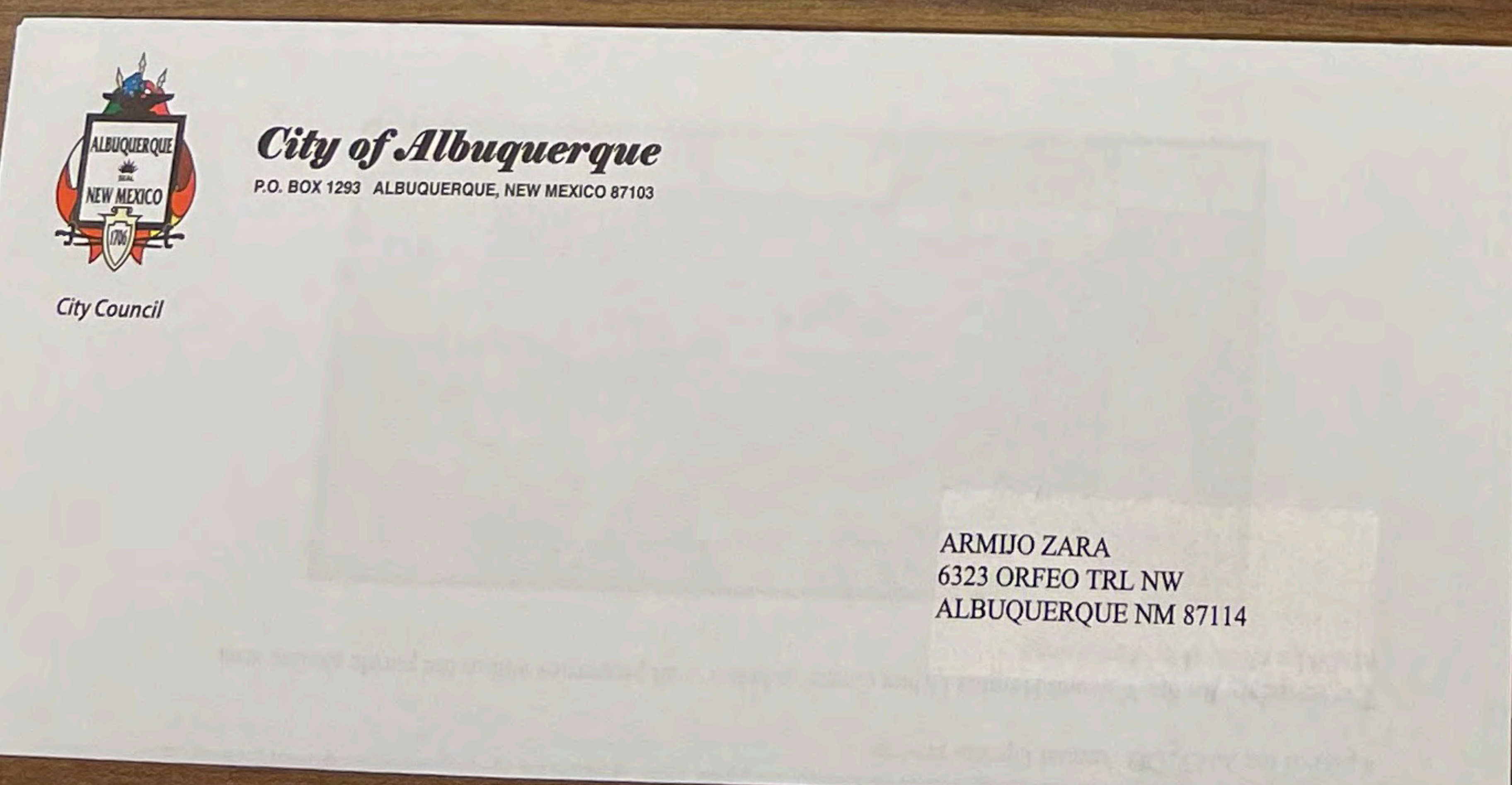
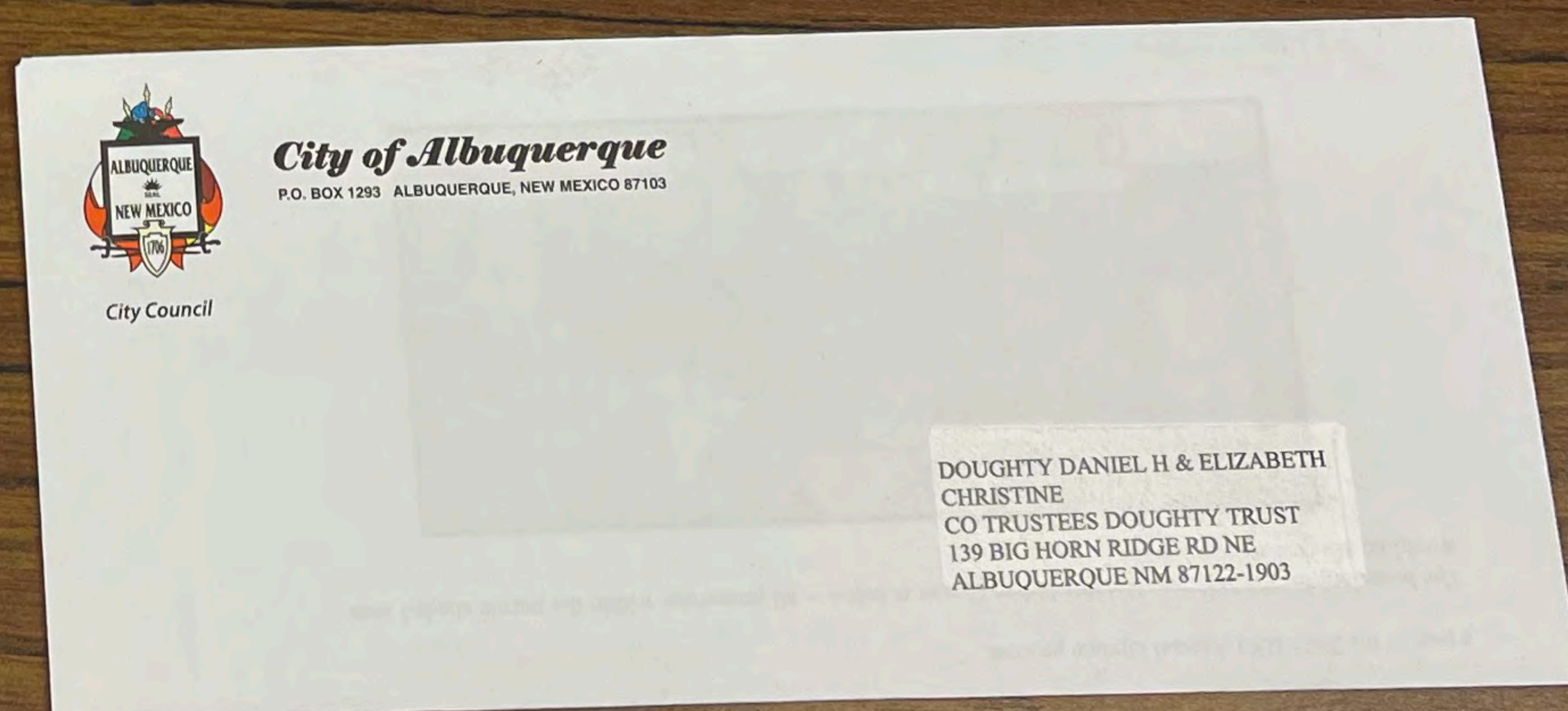
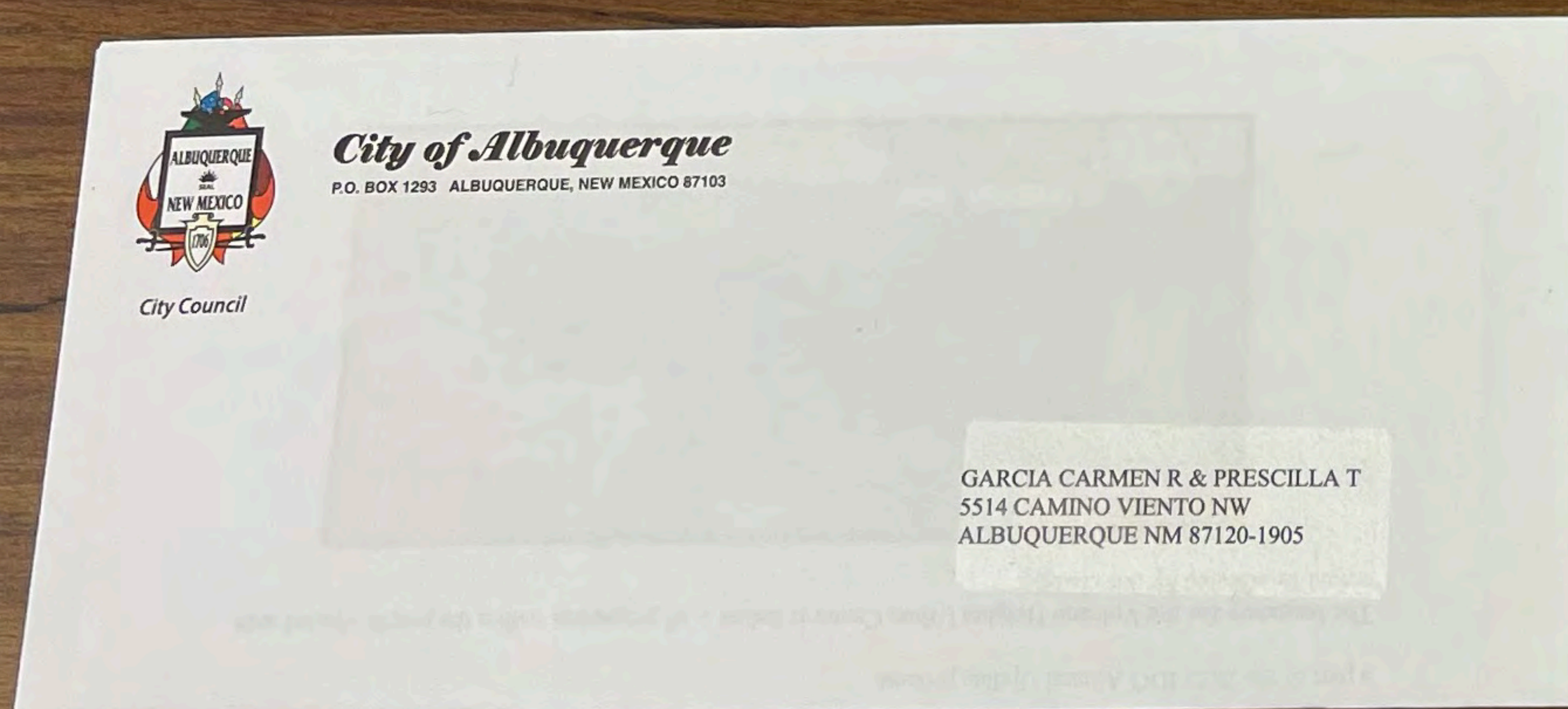
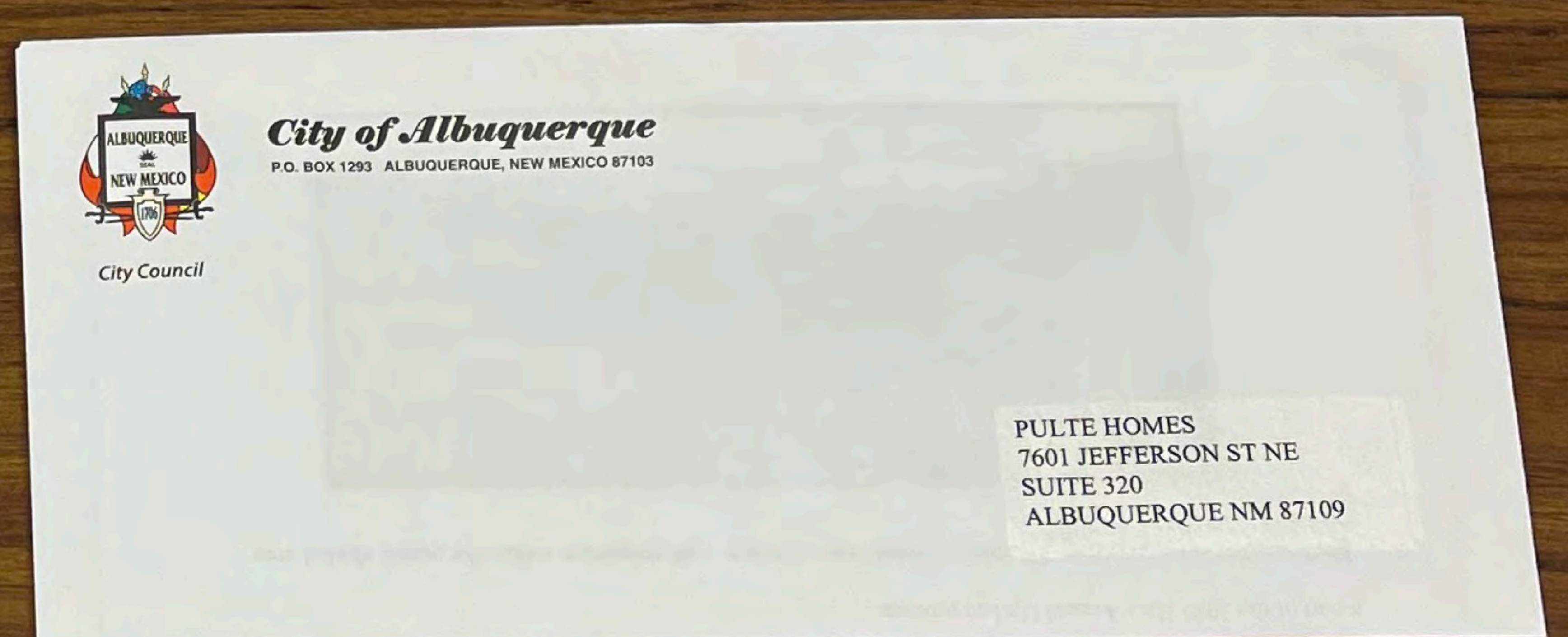
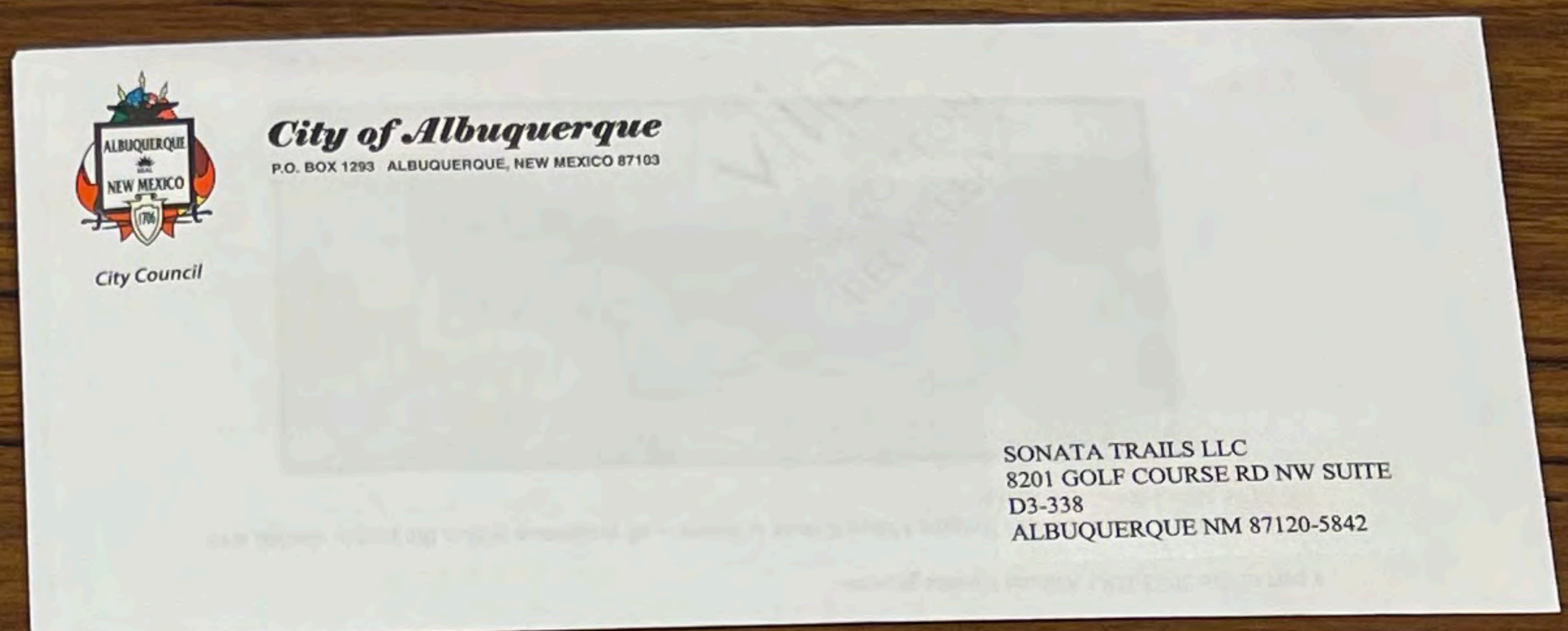
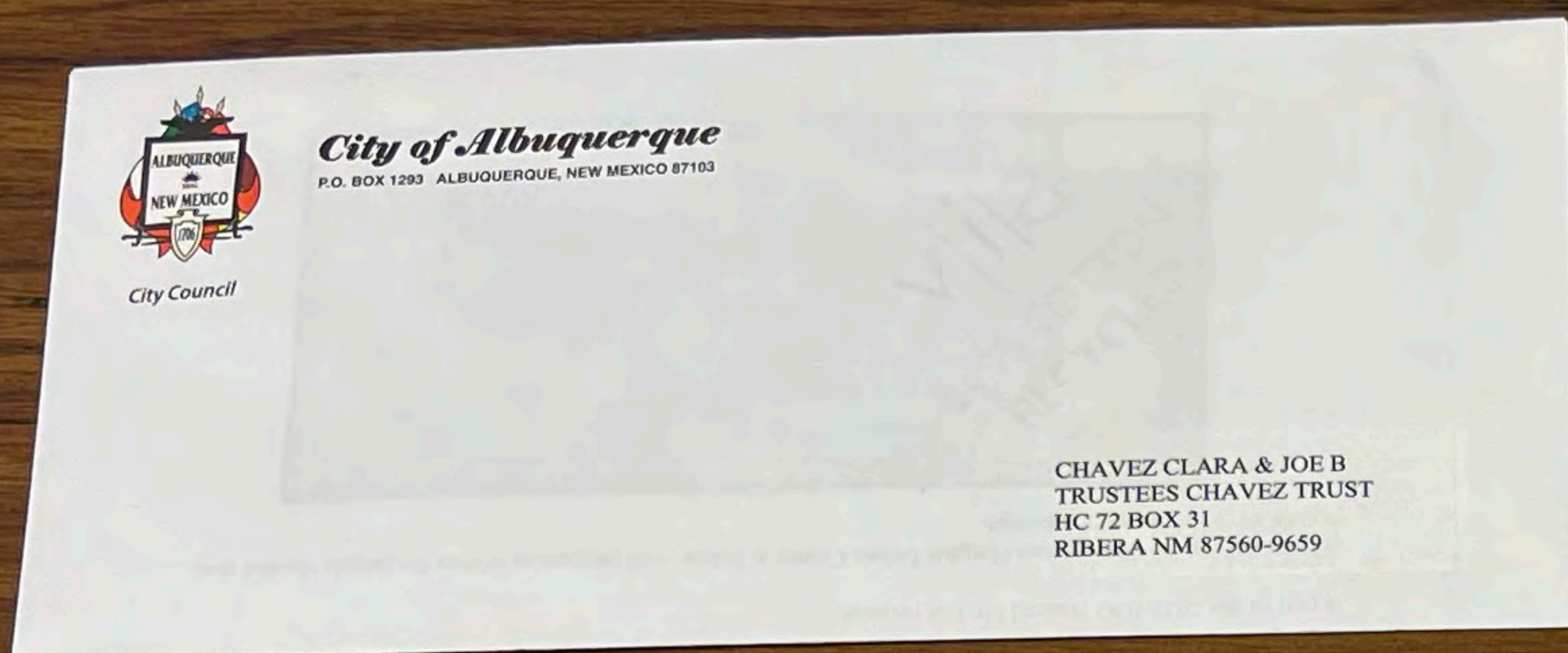
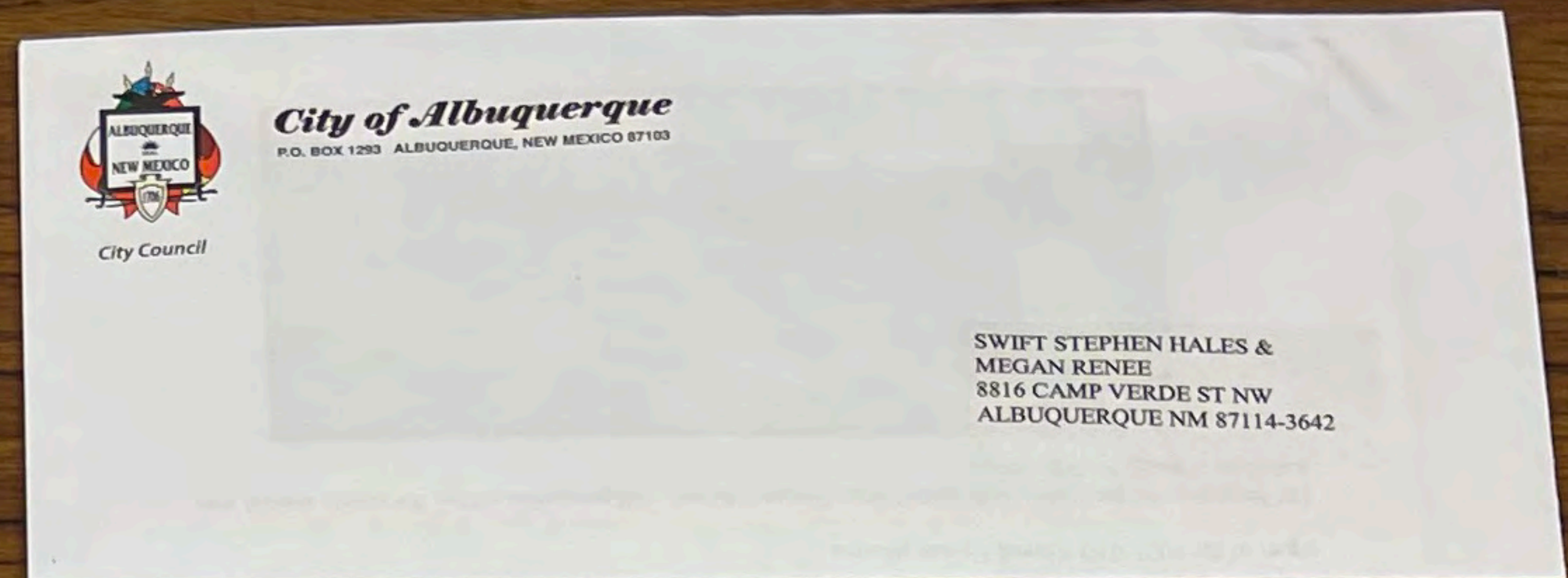
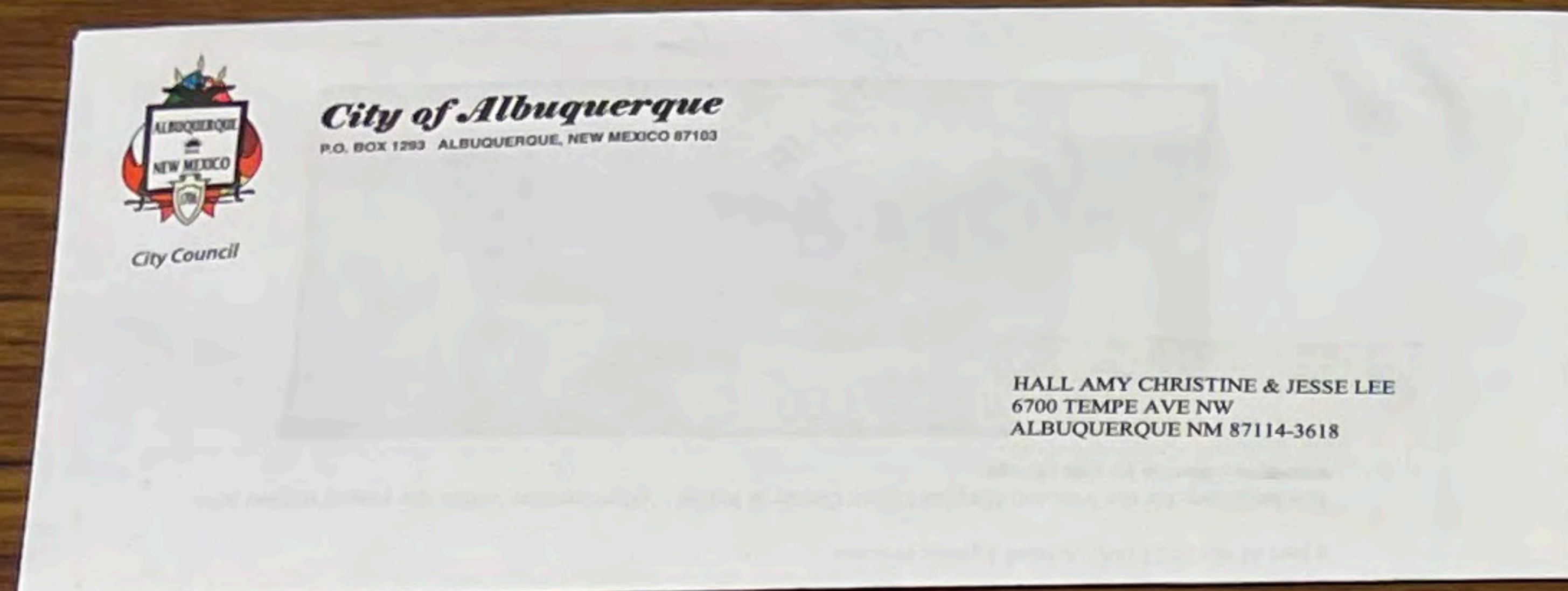
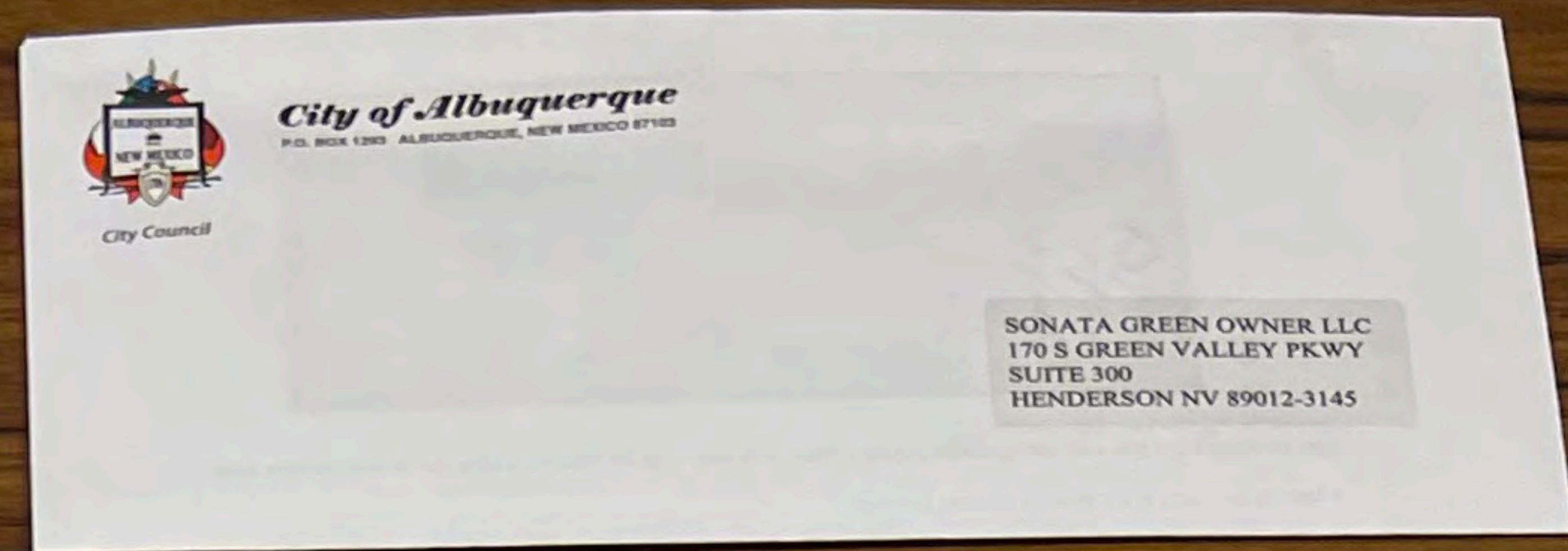
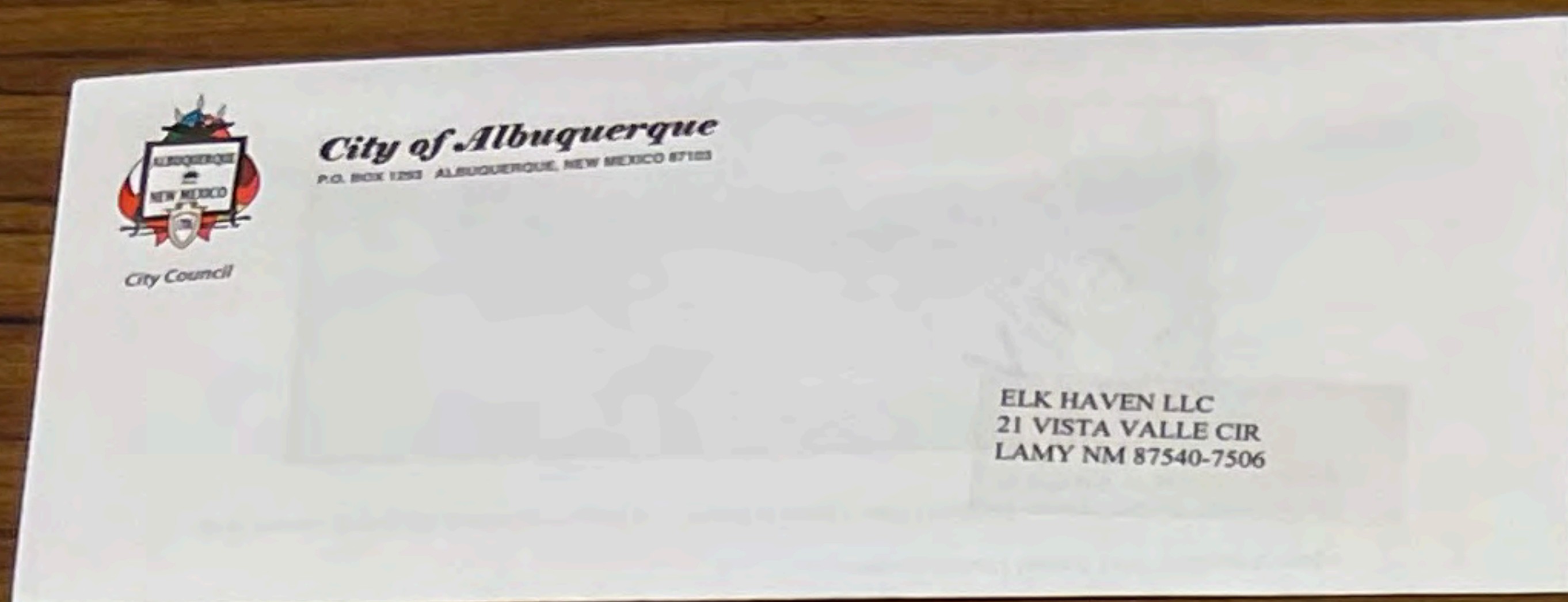
City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

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









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

City Council

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



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

City Council

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



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

City Council

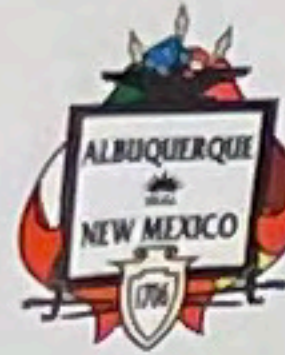
WEST SEVENTY LLC
PO BOX 7457
ALBUQUERQUE NM 87194-7457



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

City Council

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



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

City Council

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



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

City Council

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



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

City Council

CAPITAL ADVANTAGE LLC
PO BOX 92558
ALBUQUERQUE NM 87199-2558



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

City Council

WOWK VICTOR & ROSE
10117 TREVINO LP NW
ALBUQUERQUE NM 87114



City of Albuquerque
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City Council

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



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

City Council

GROS DAVID
6319 ORFEO TRL NW
ALBUQUERQUE NM 87114-5266



City of Albuquerque
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City Council

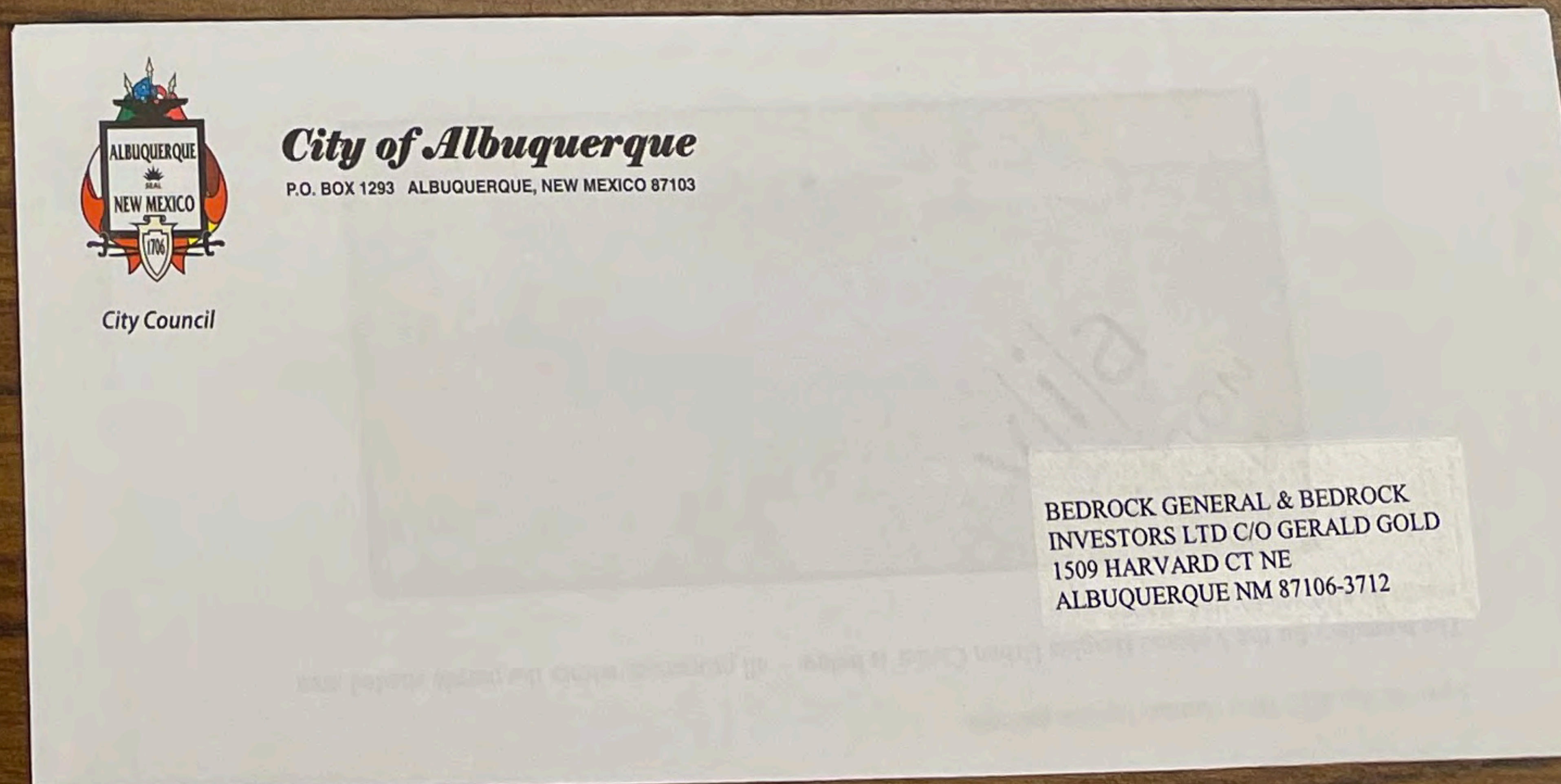
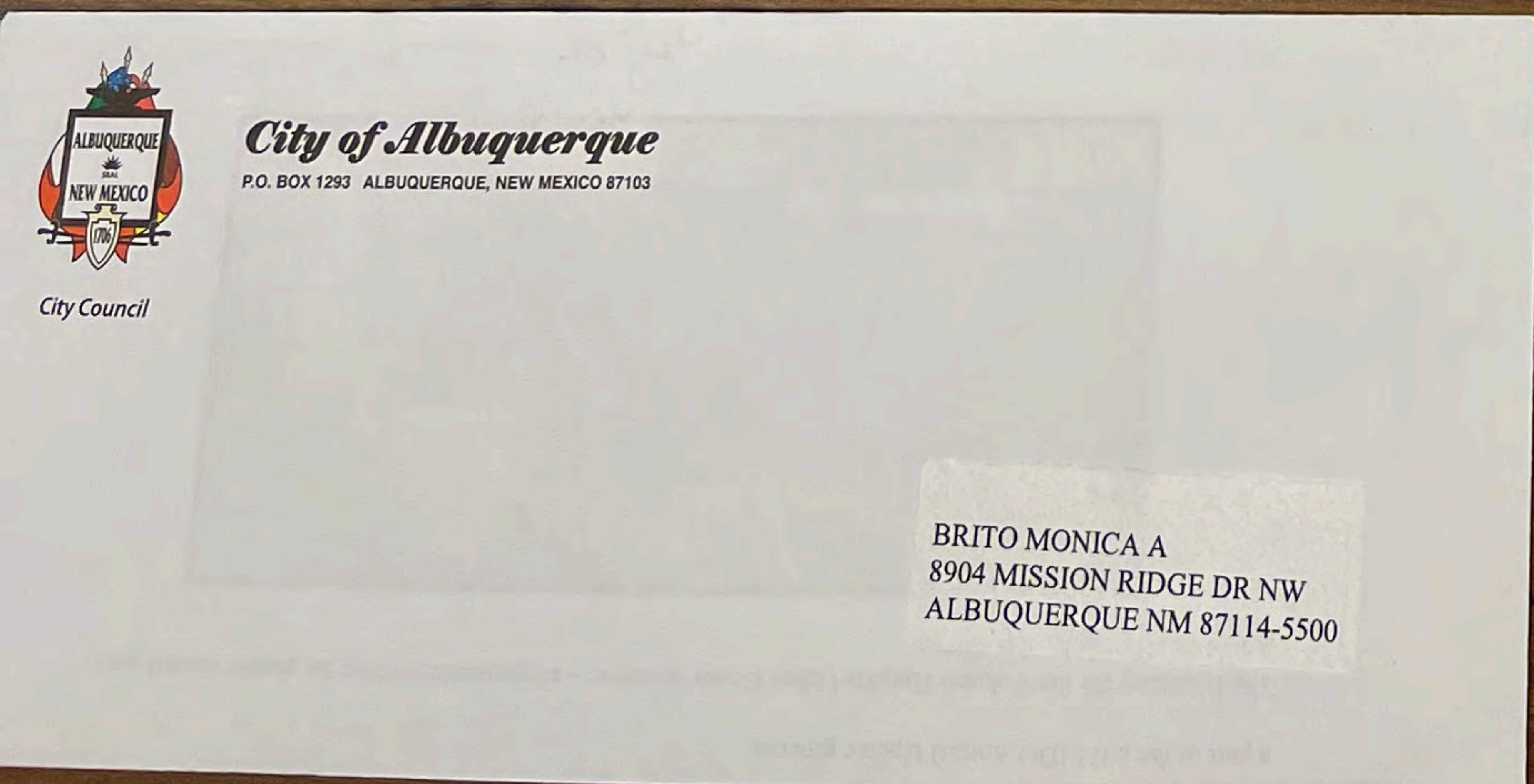
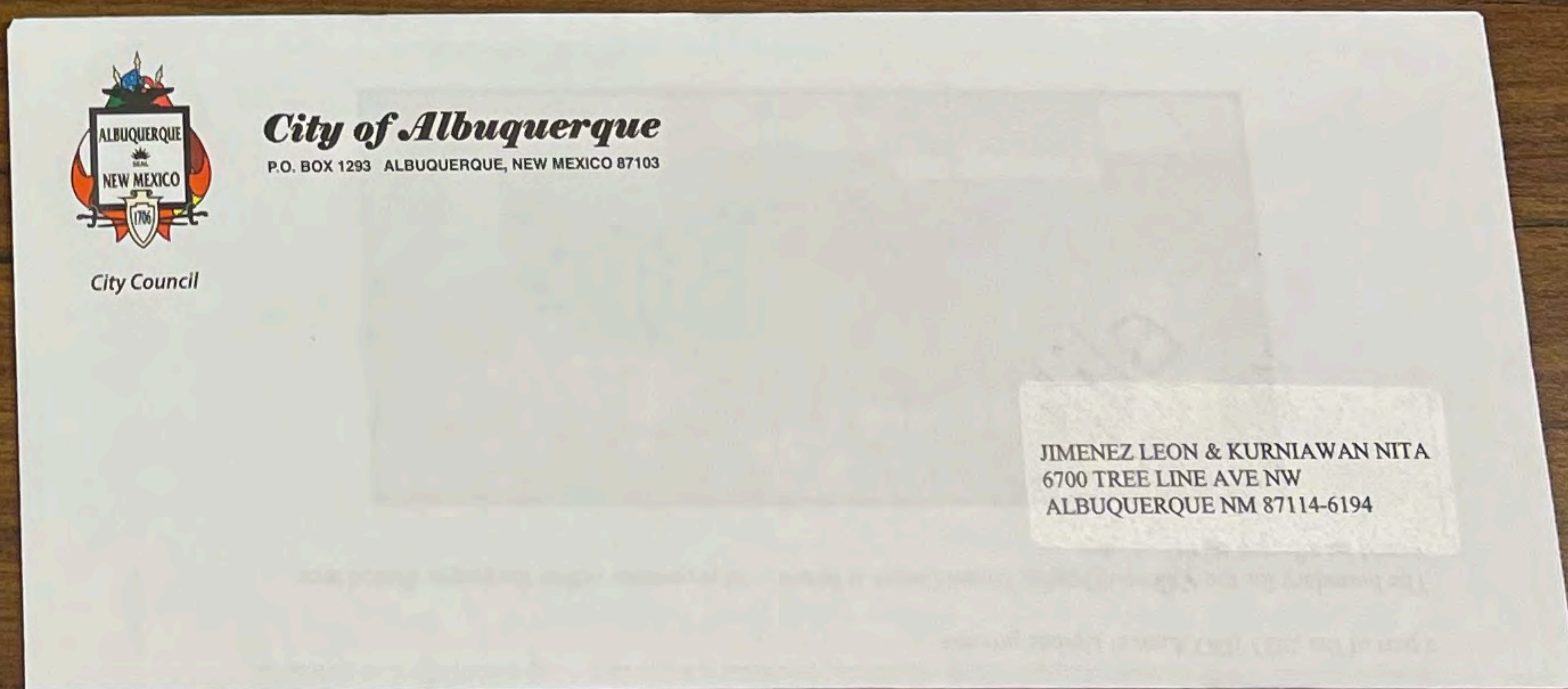
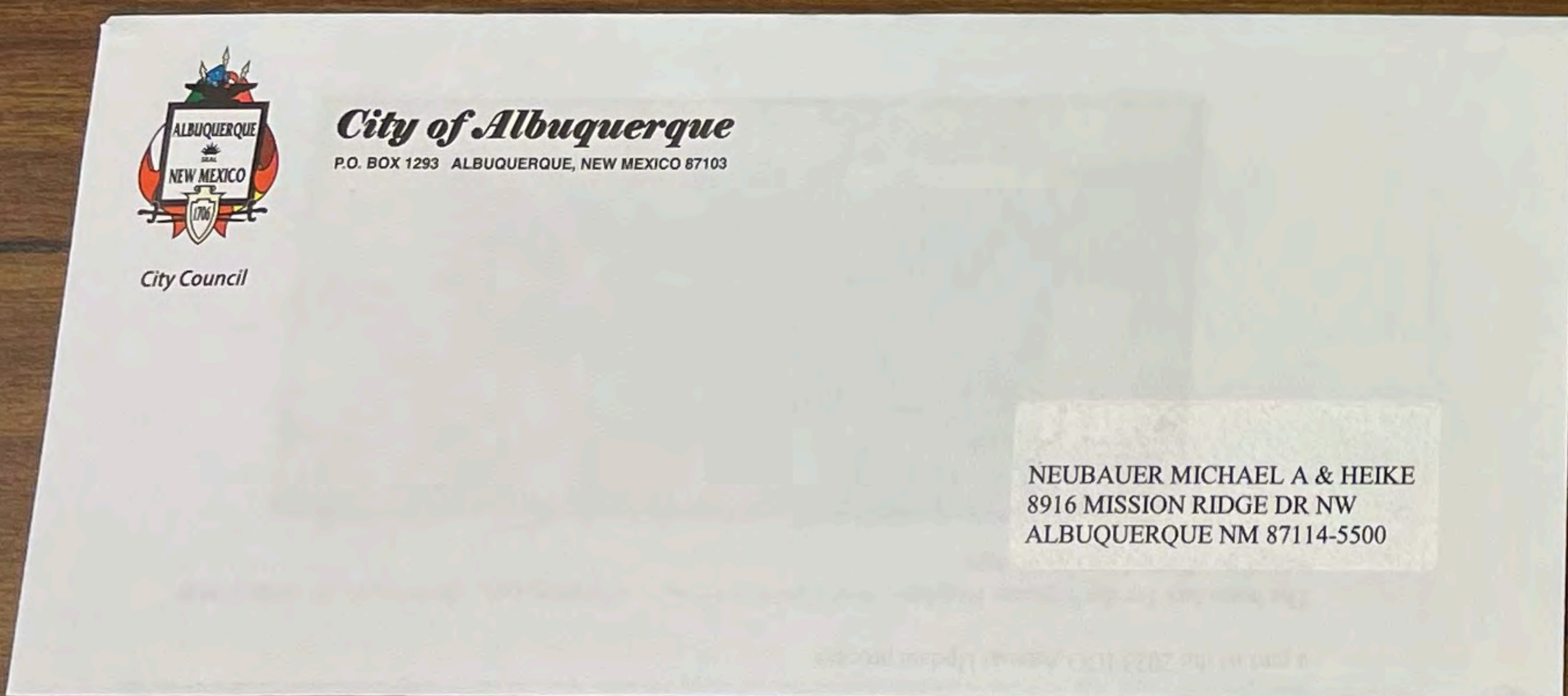
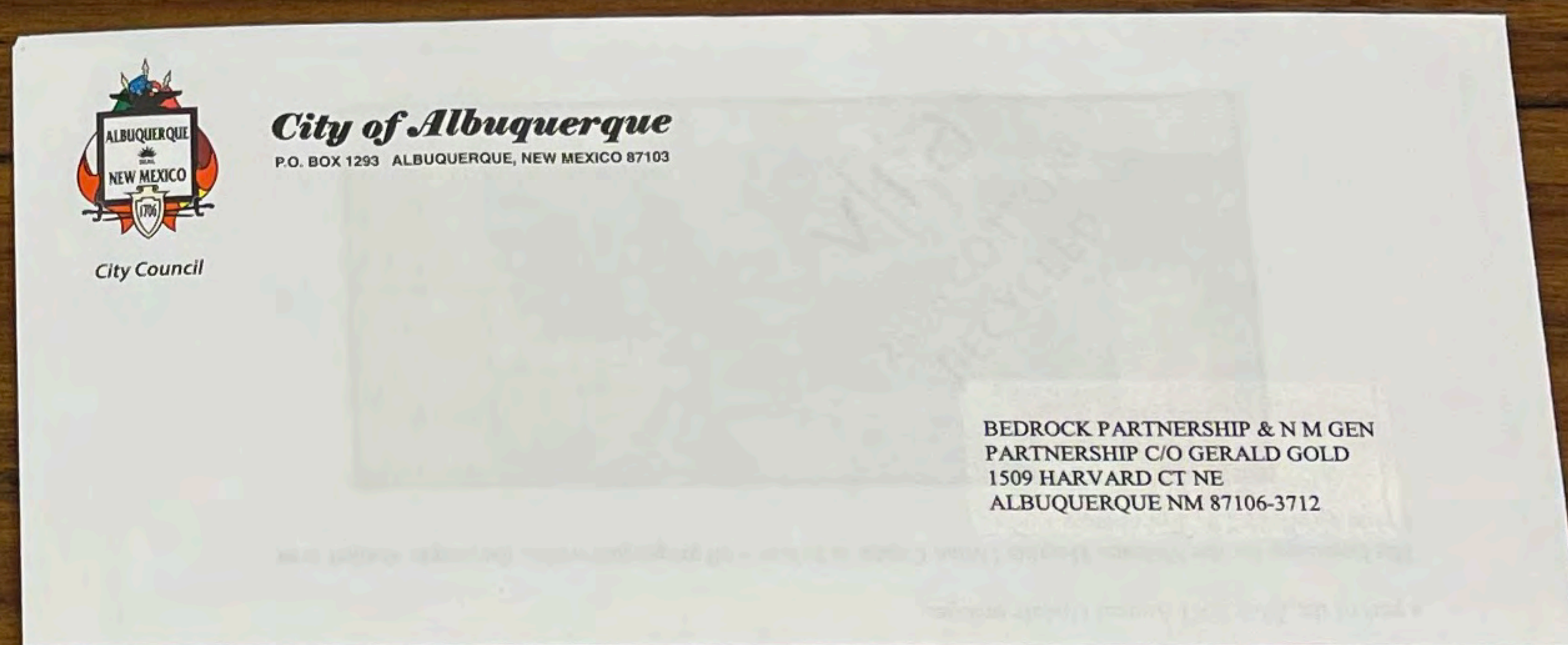
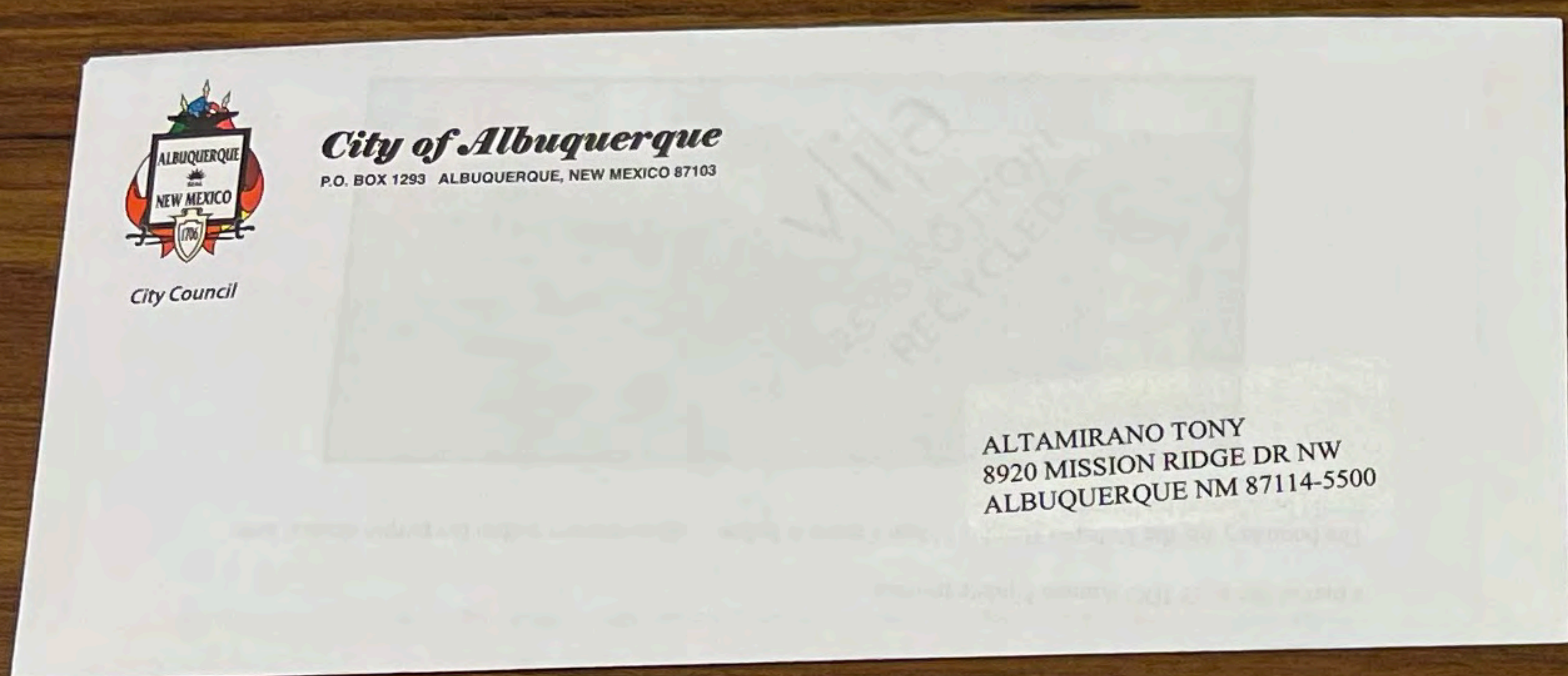
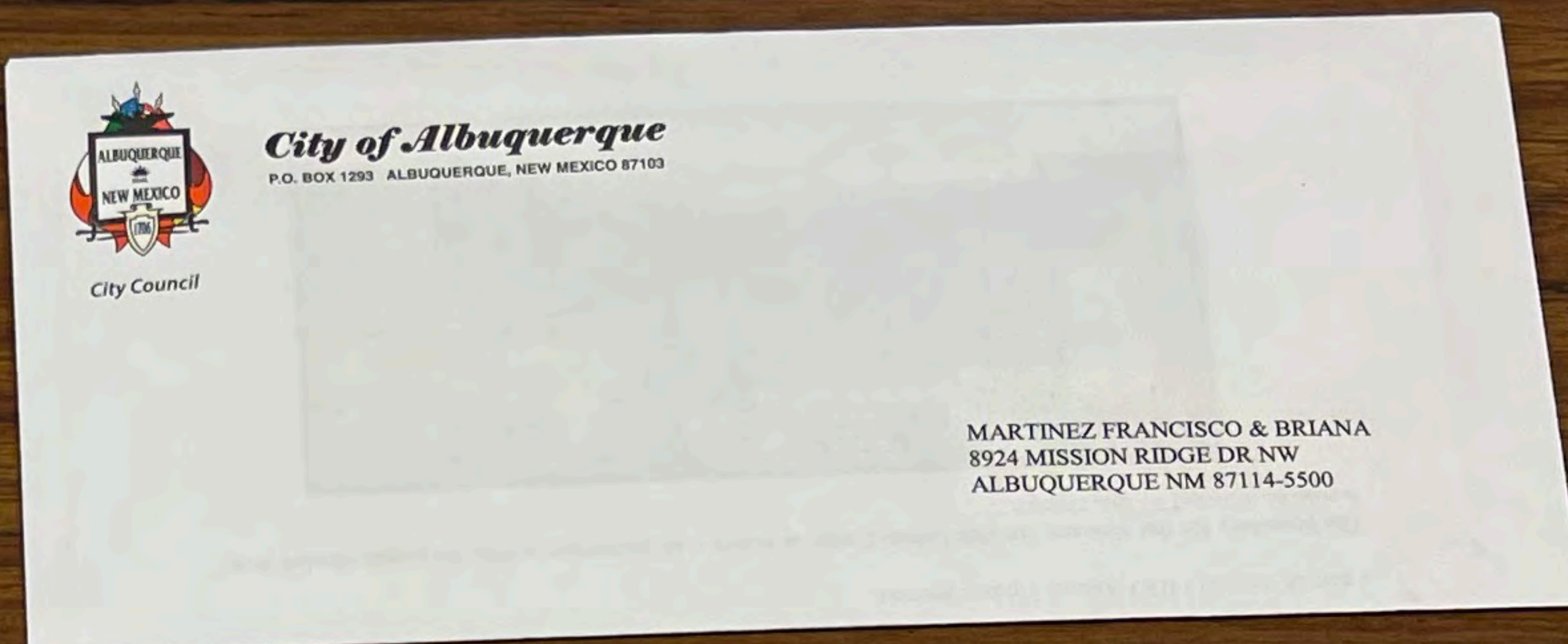
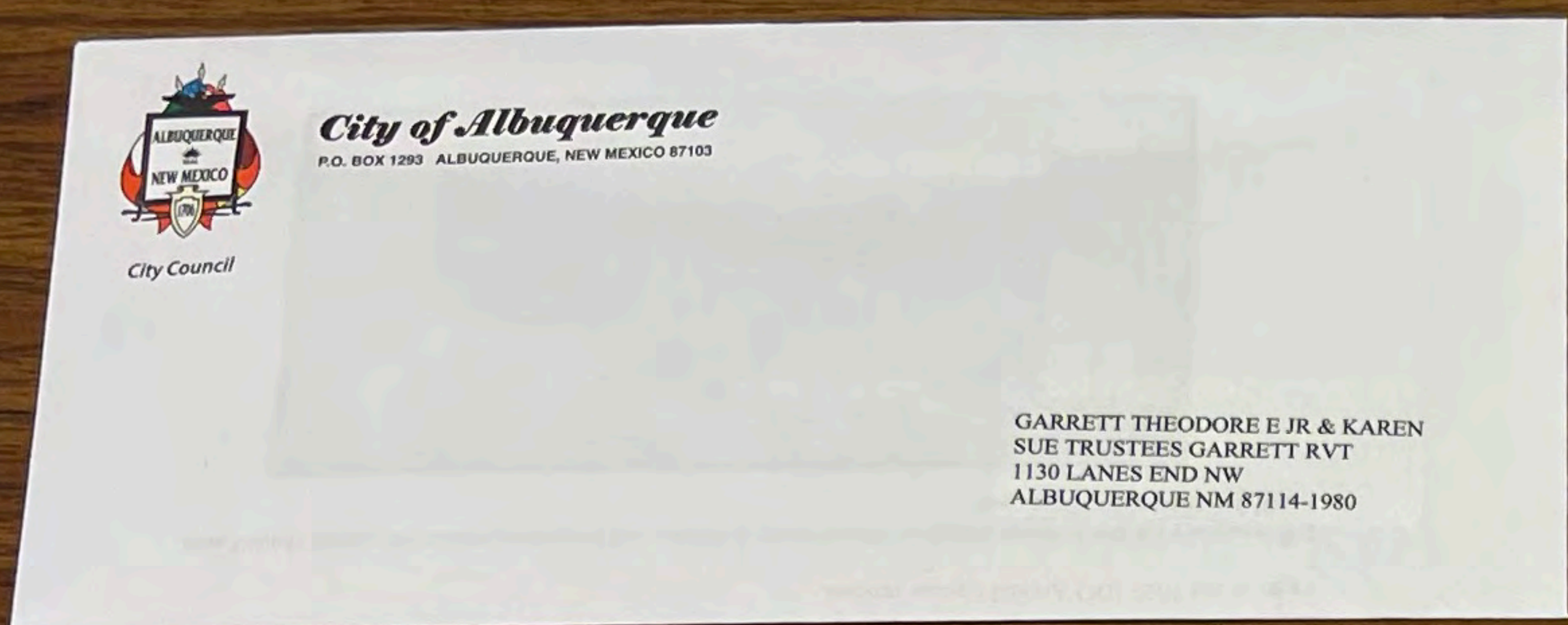
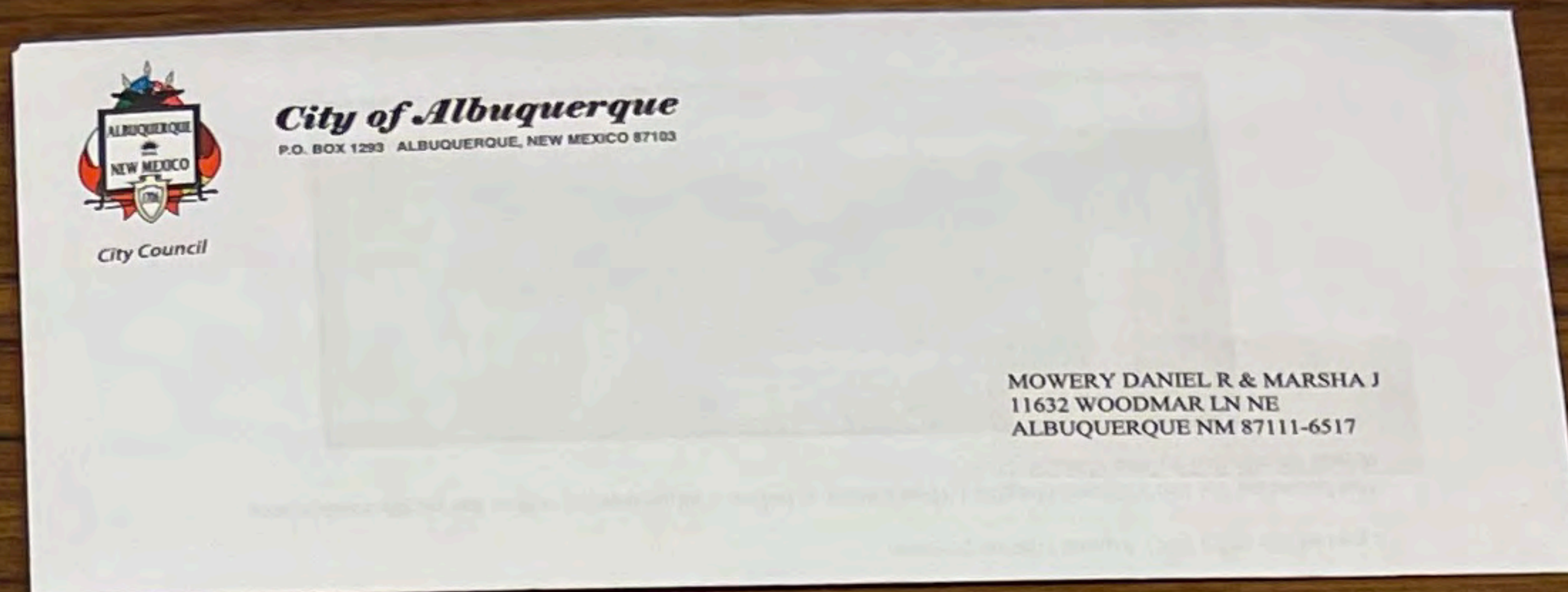
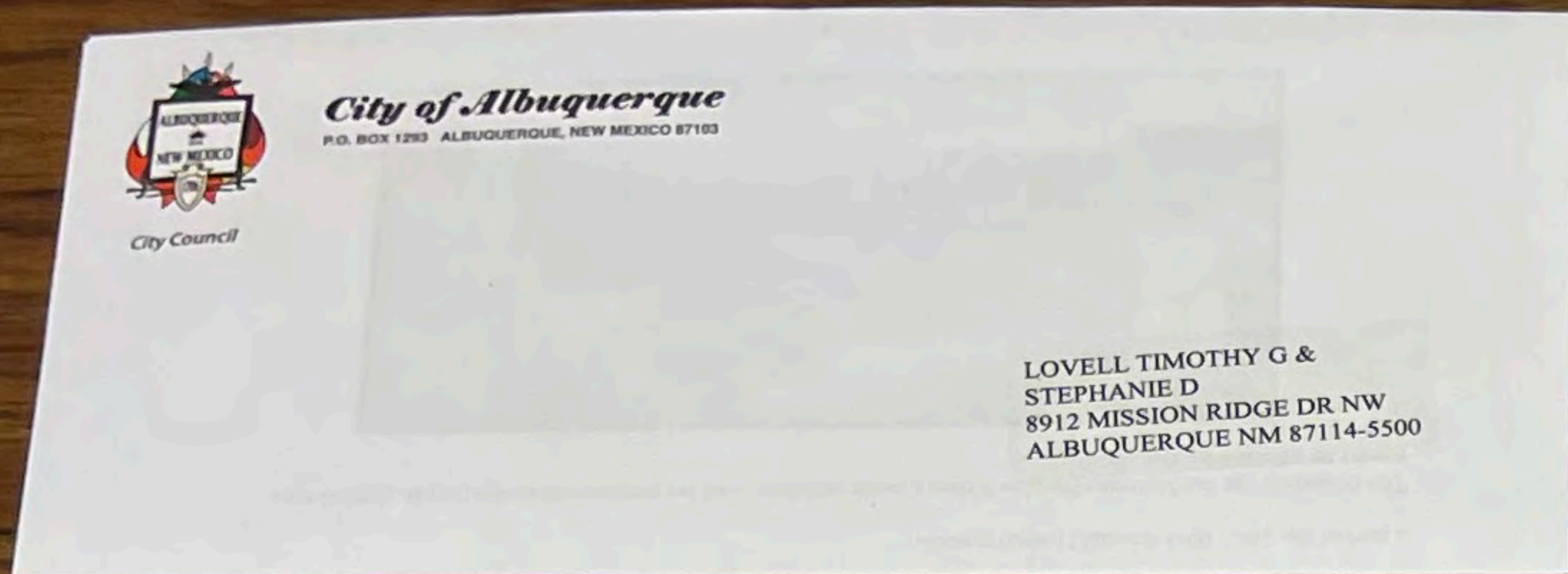
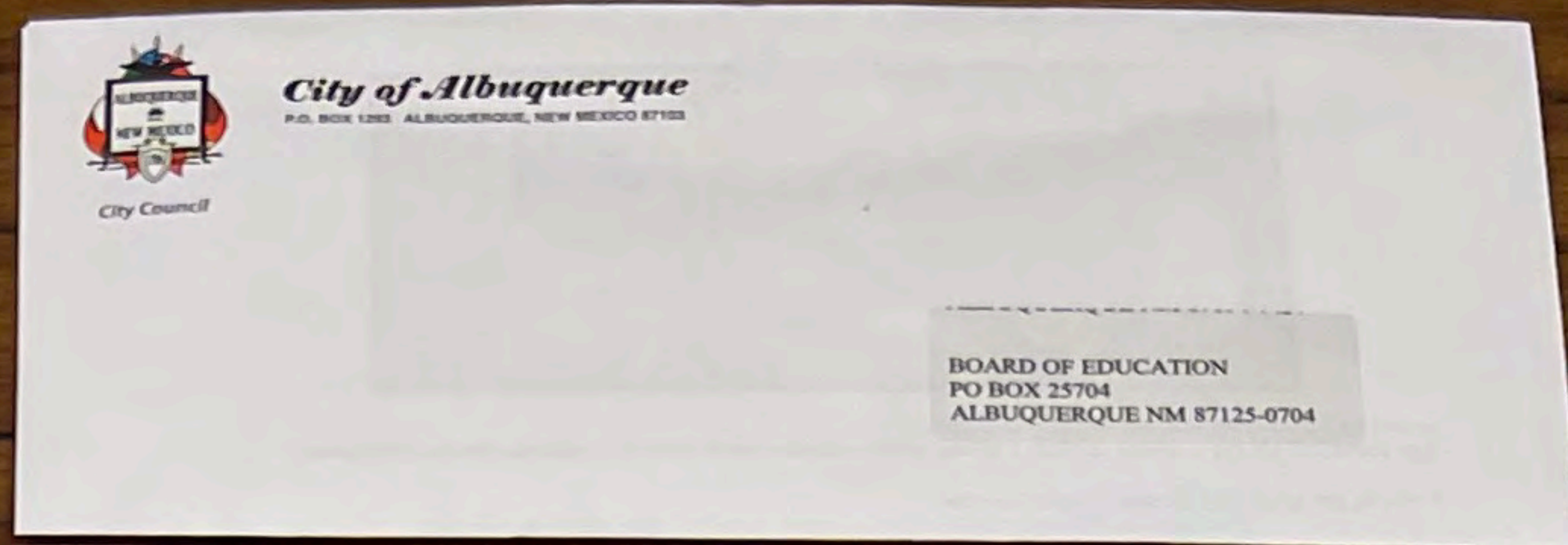
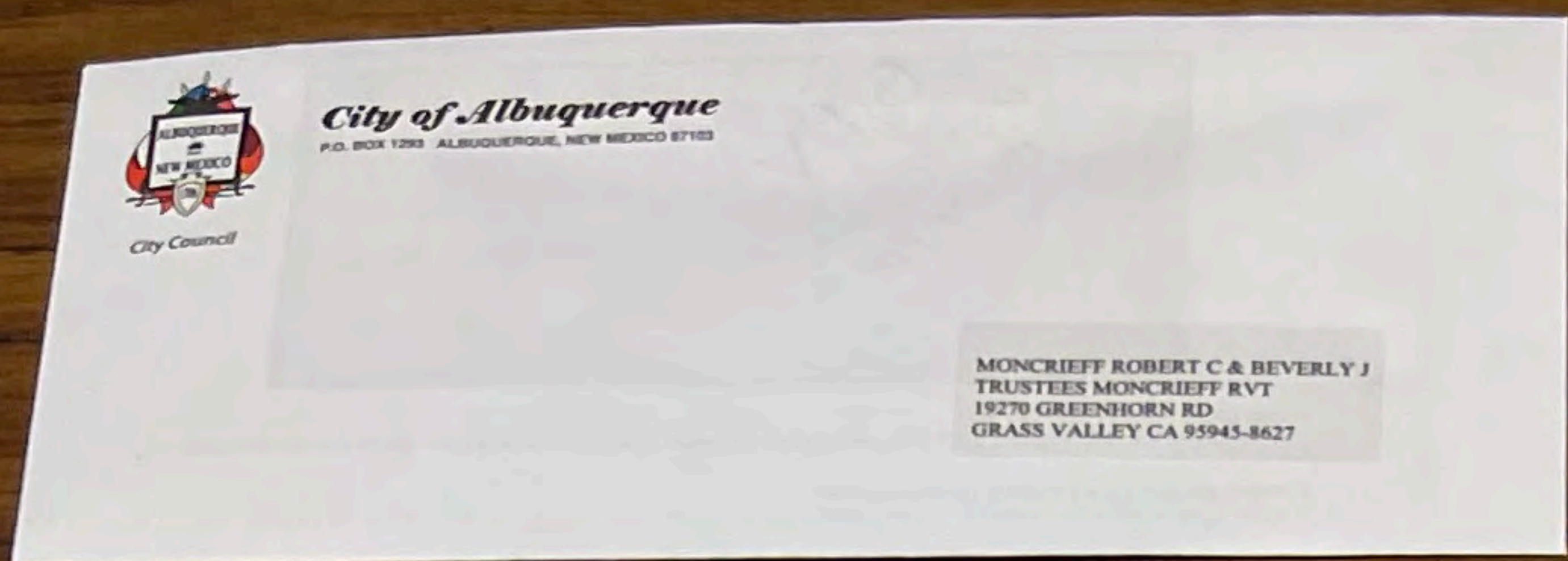
SAVAGE JAMES P
2080 PASEO DEL ORO
COLORADO SPRINGS CO 80904-1682

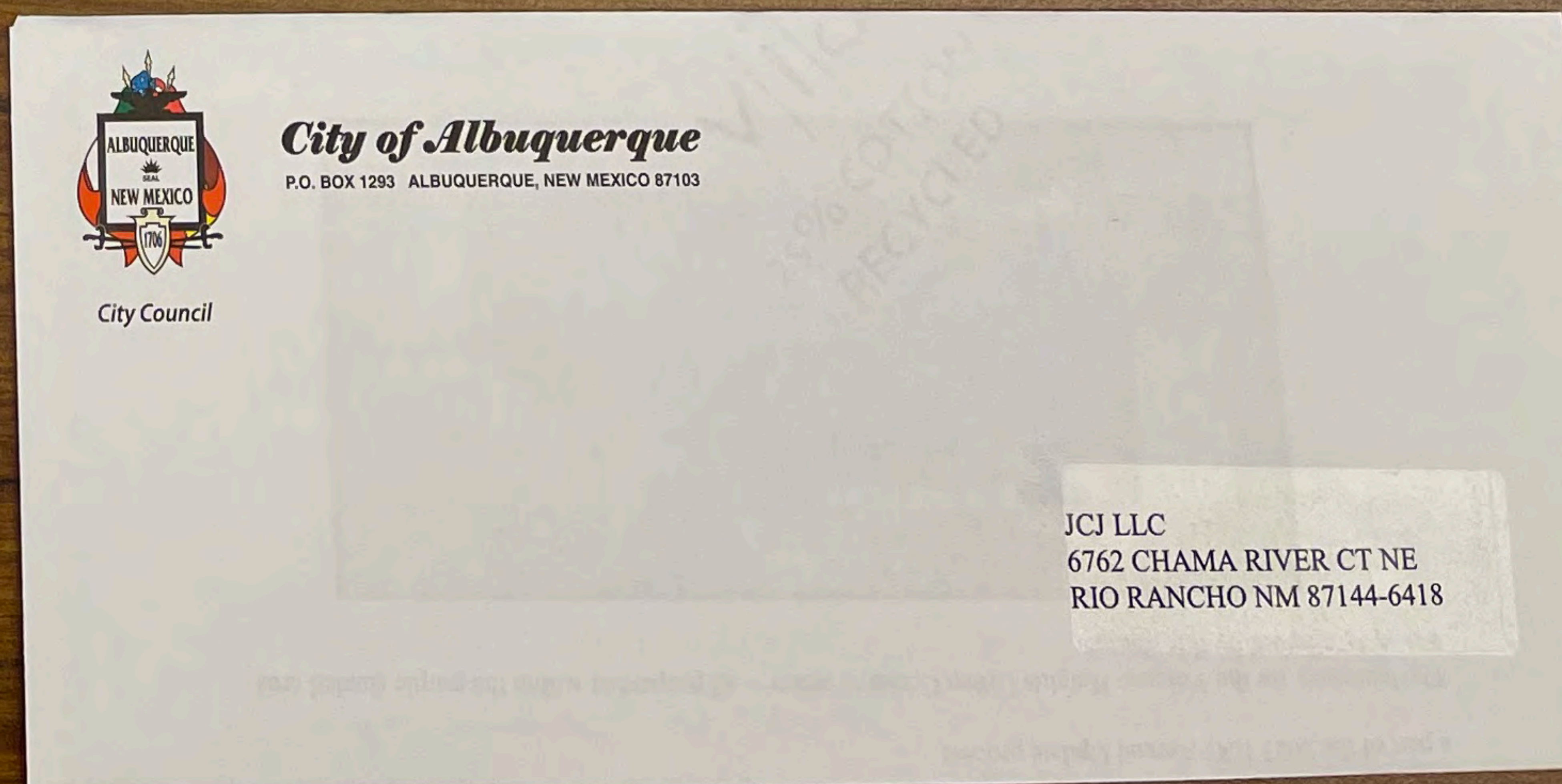
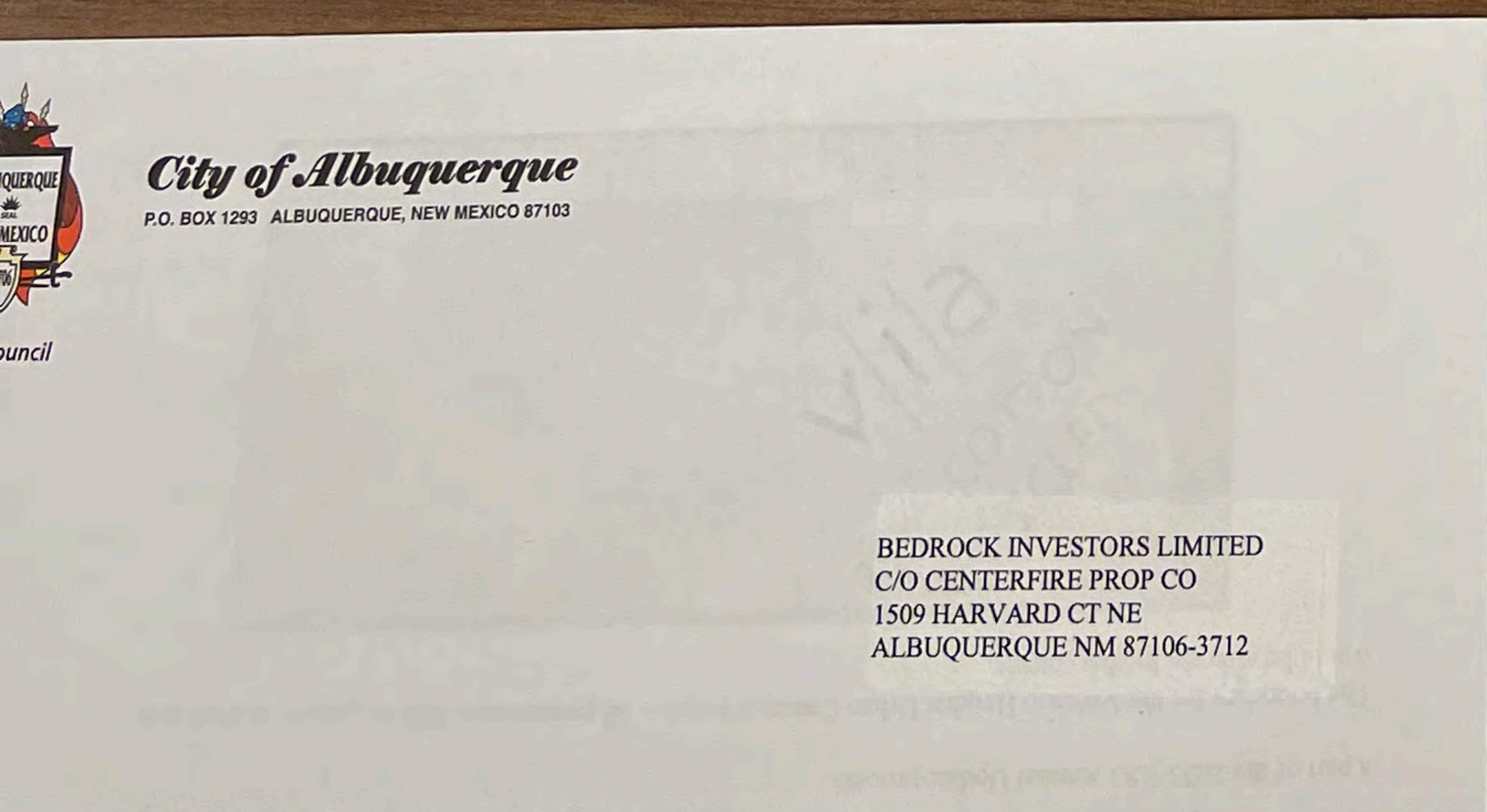
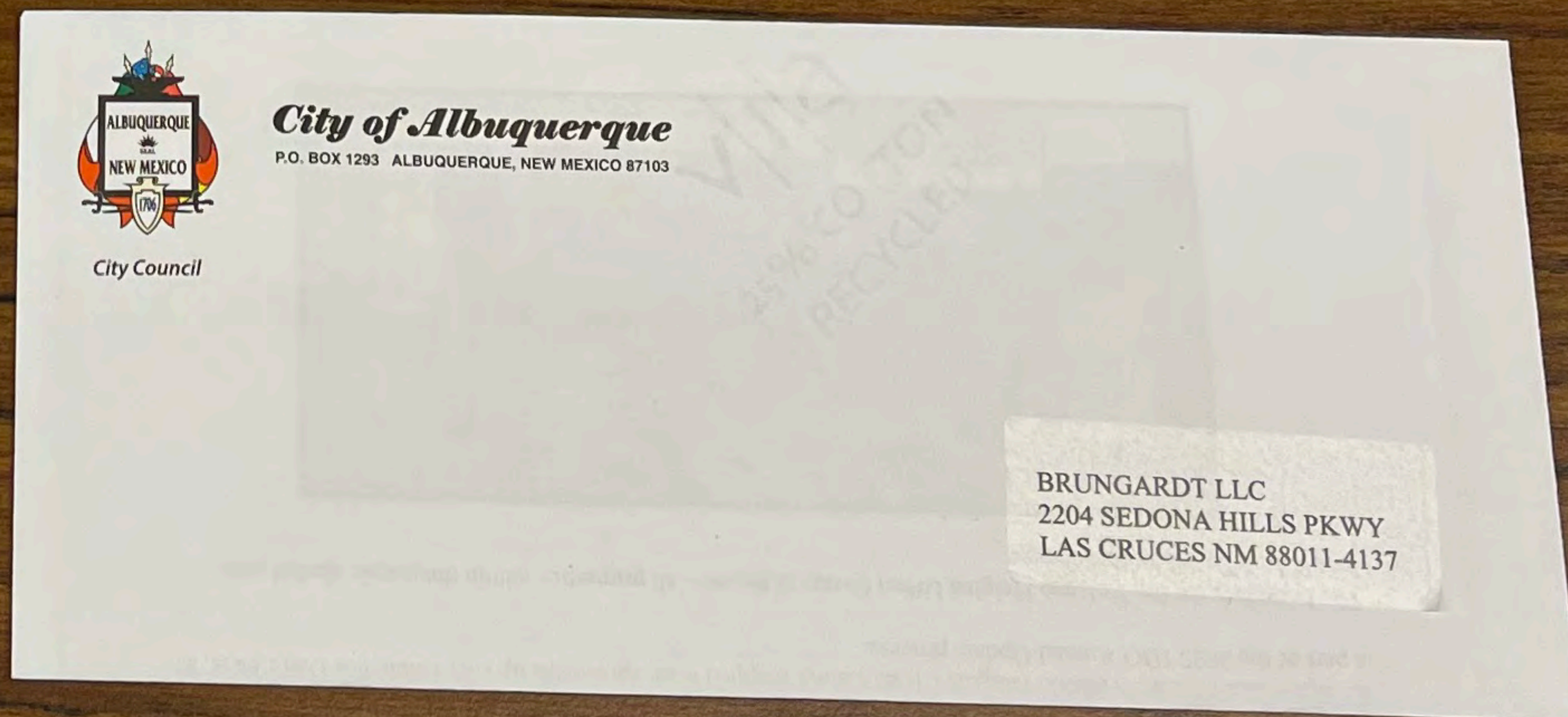
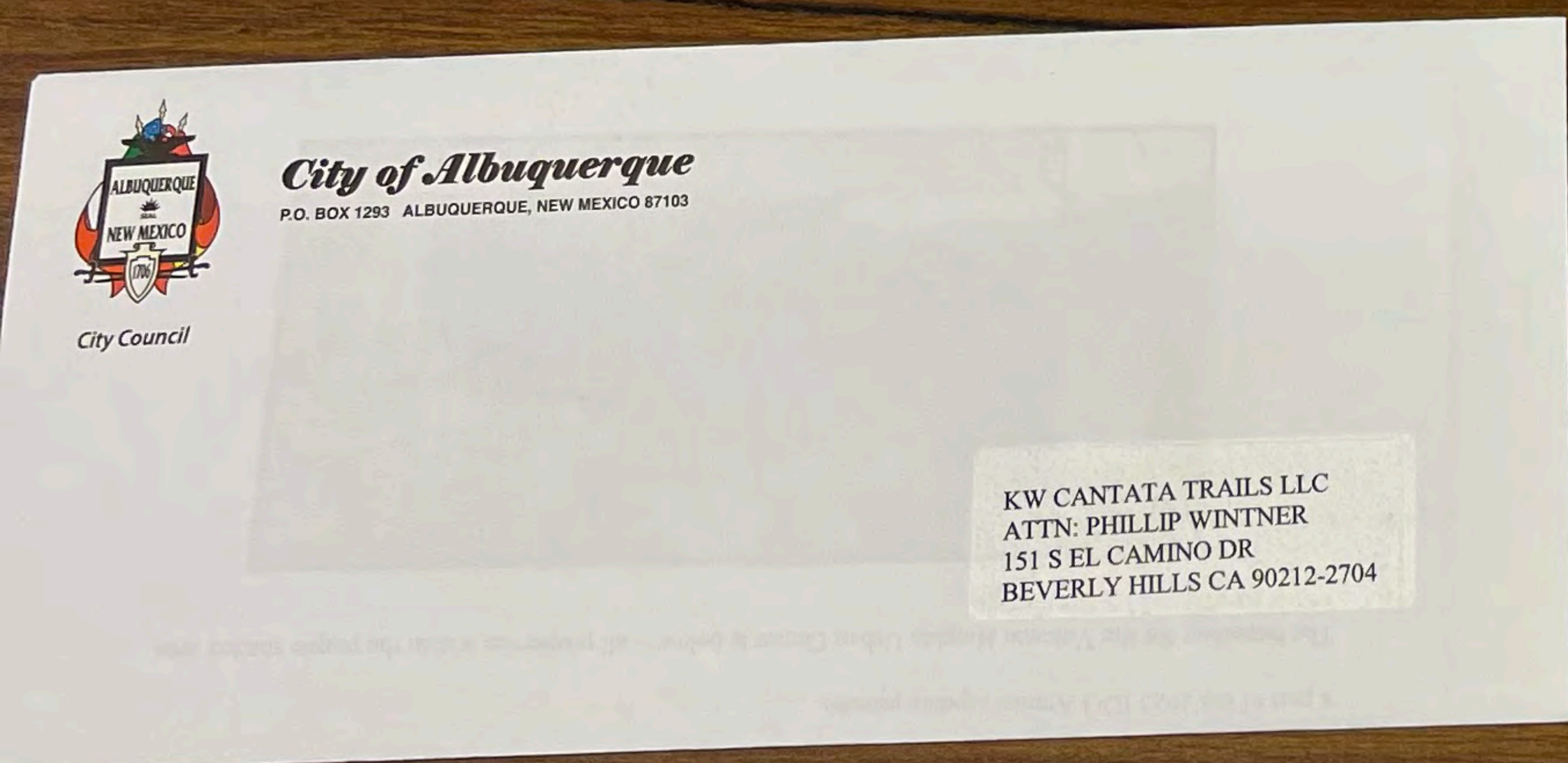
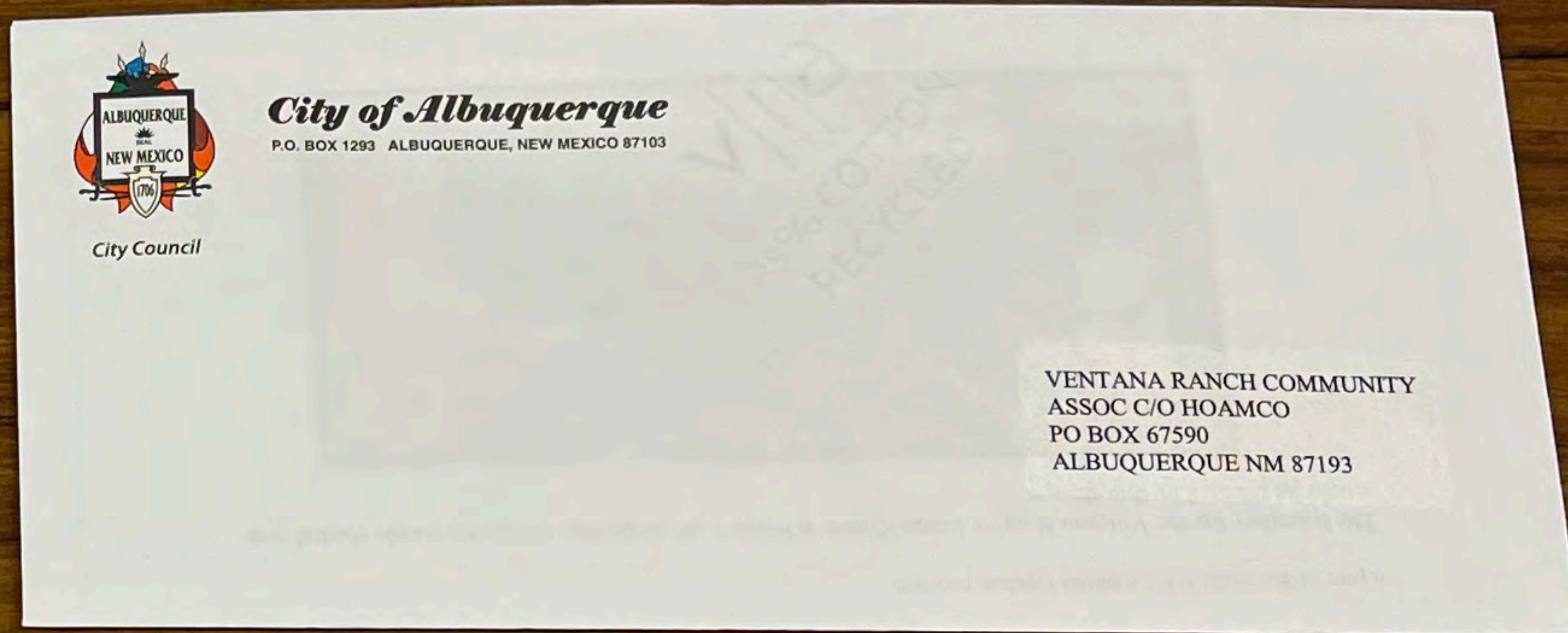
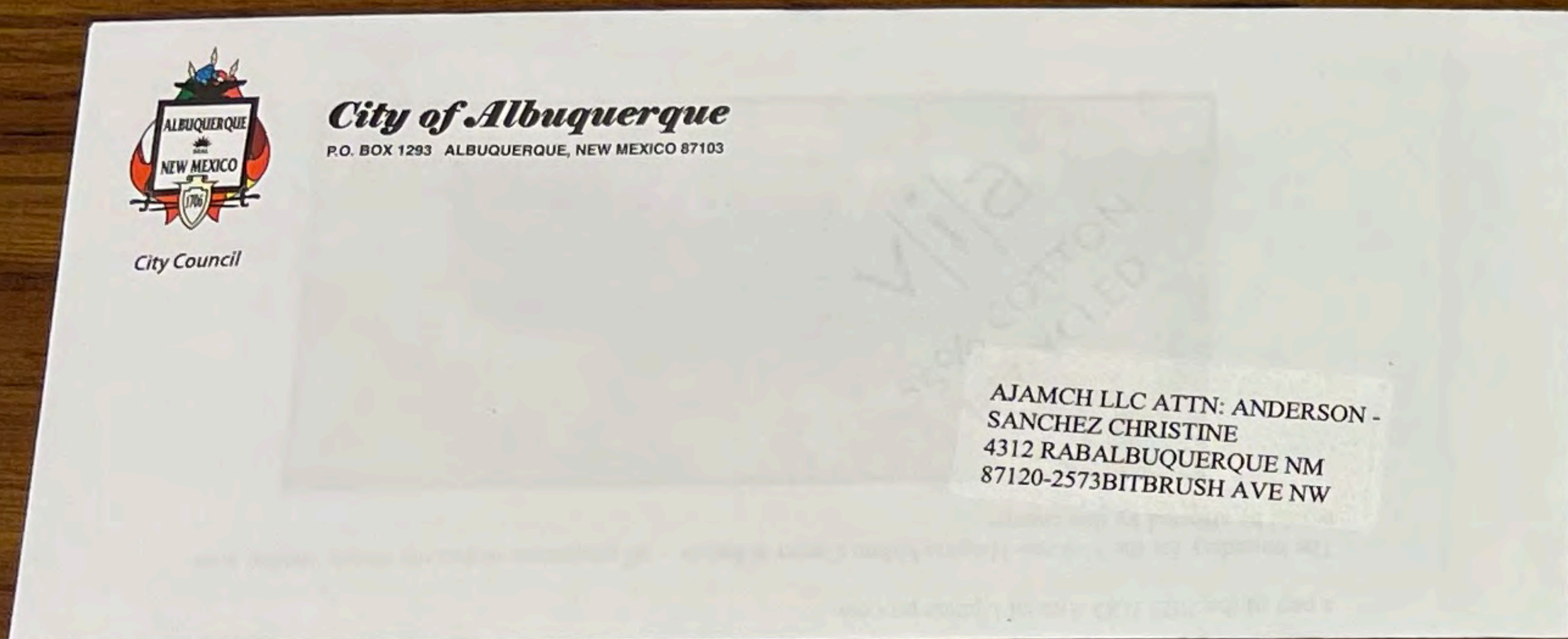
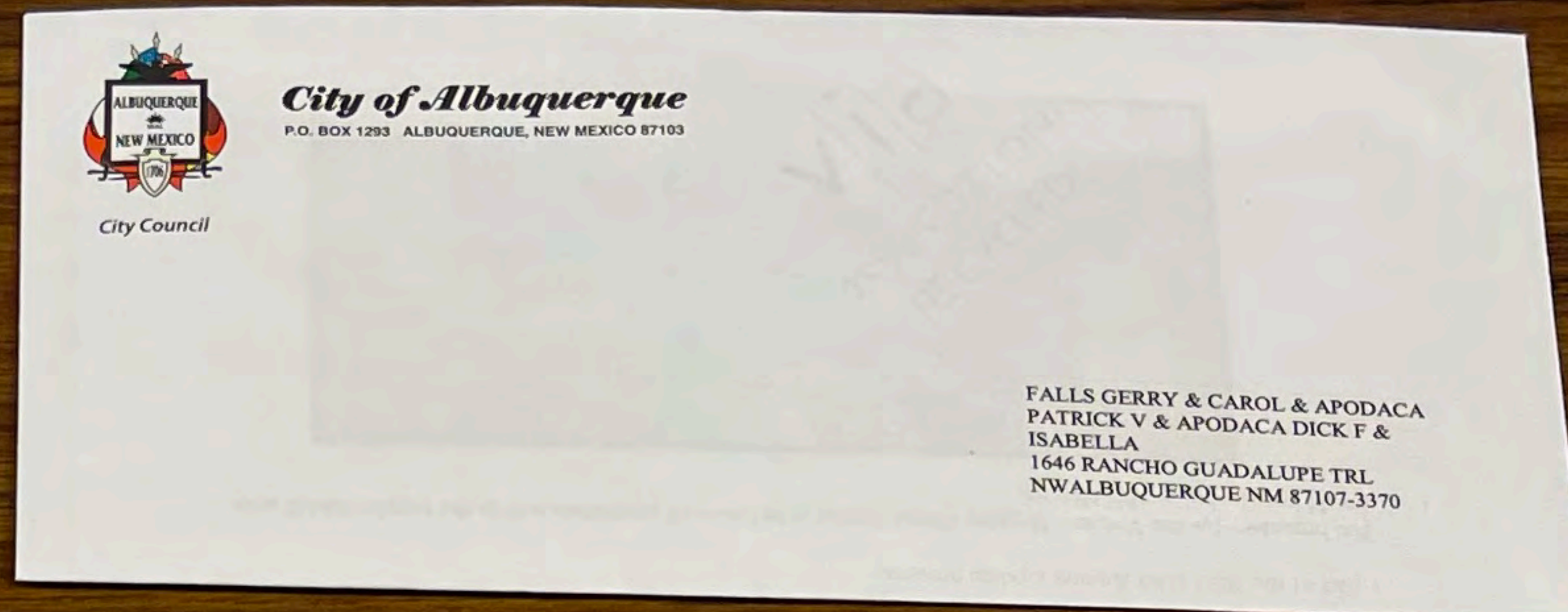
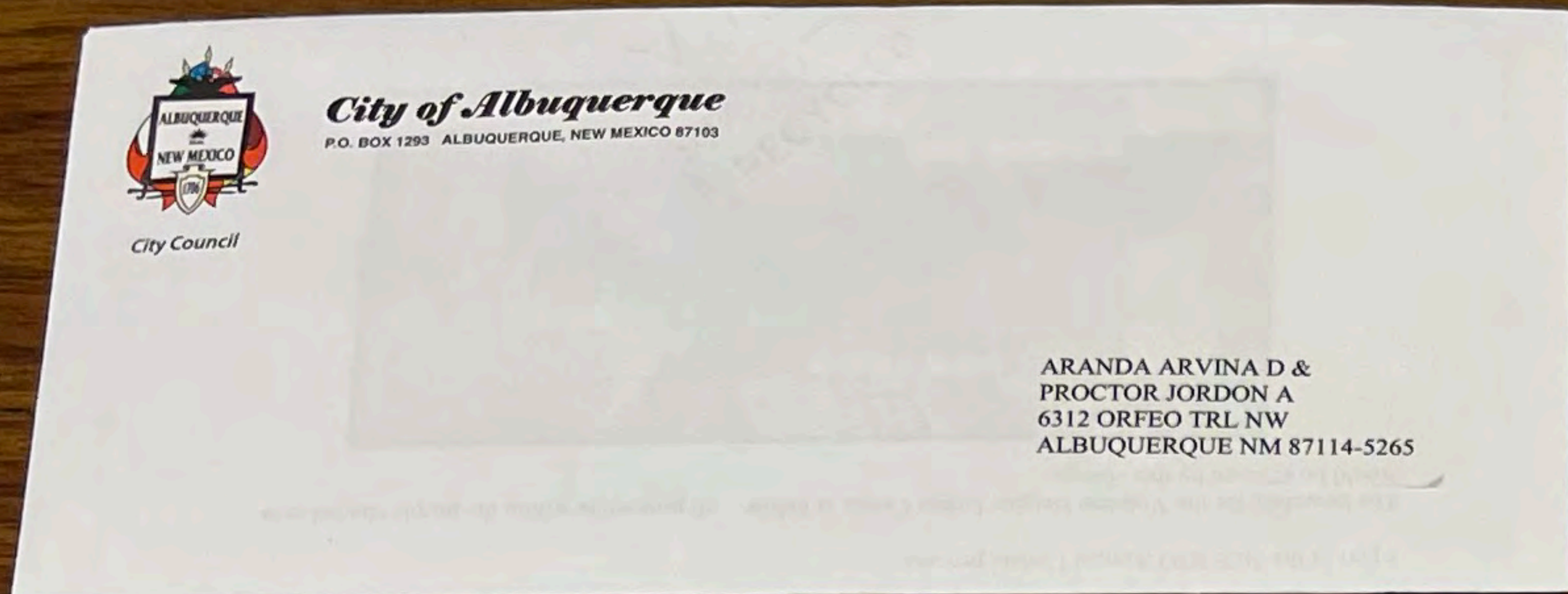
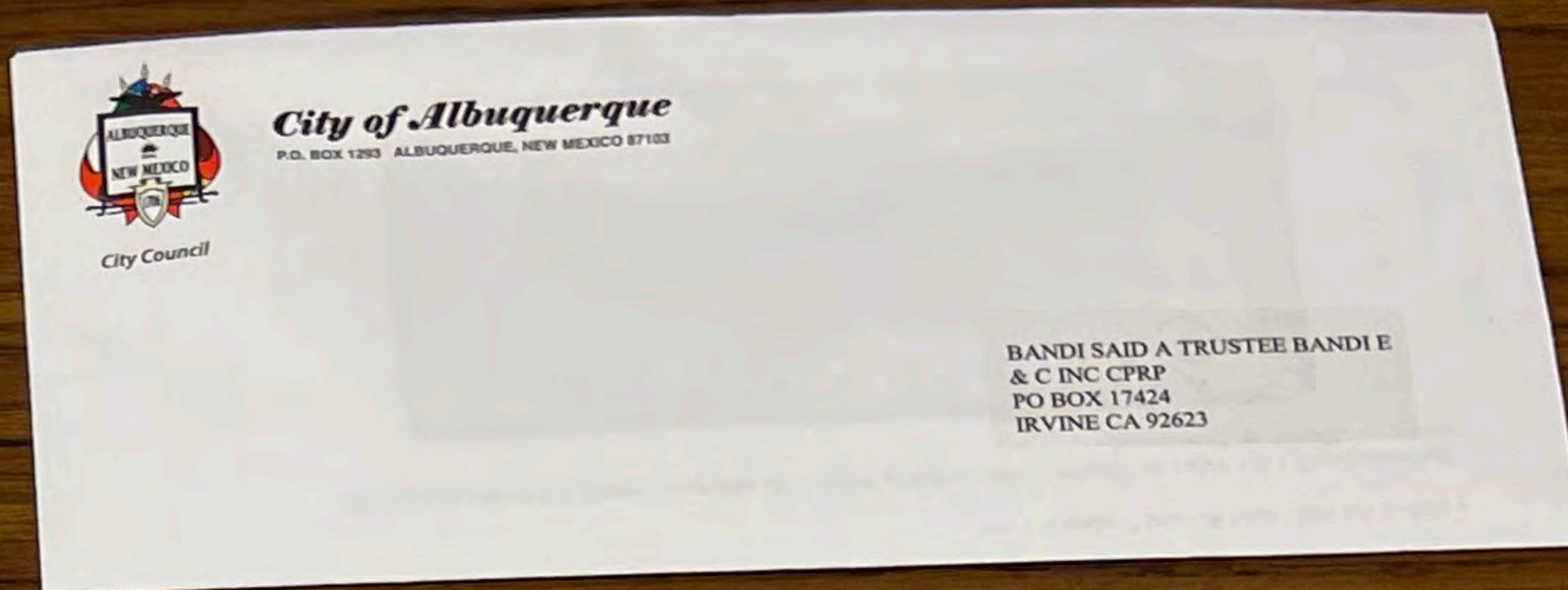
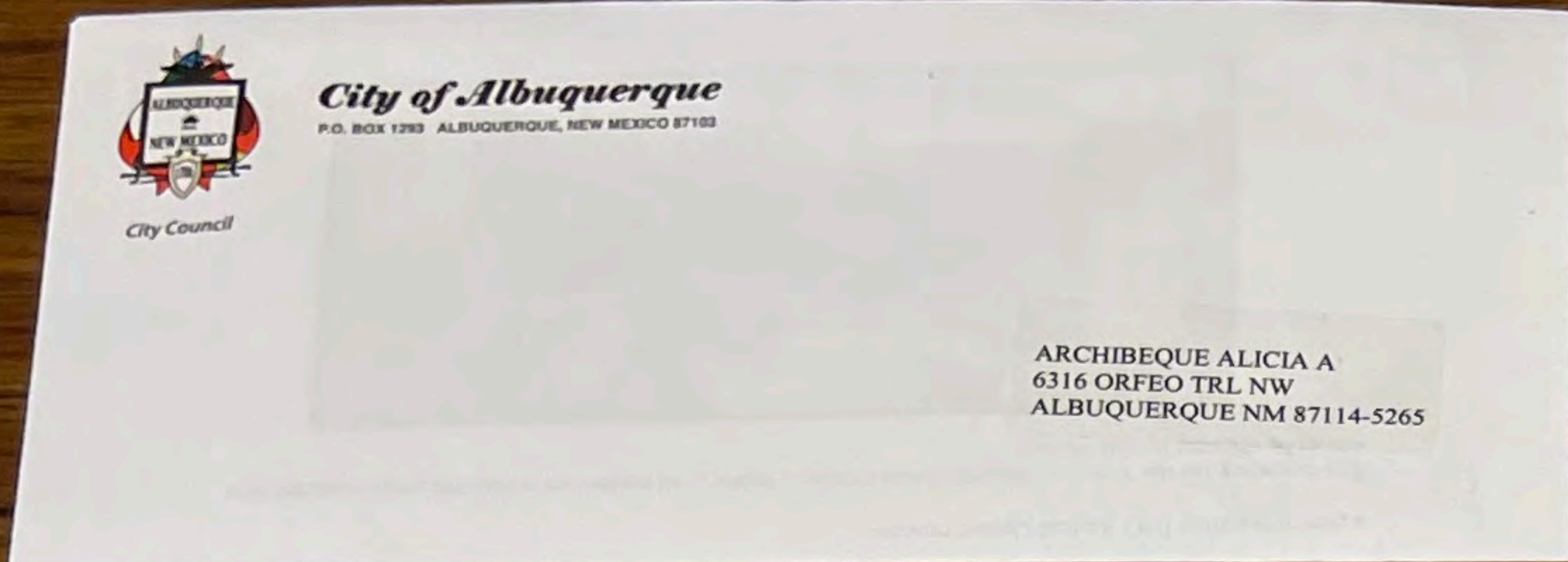
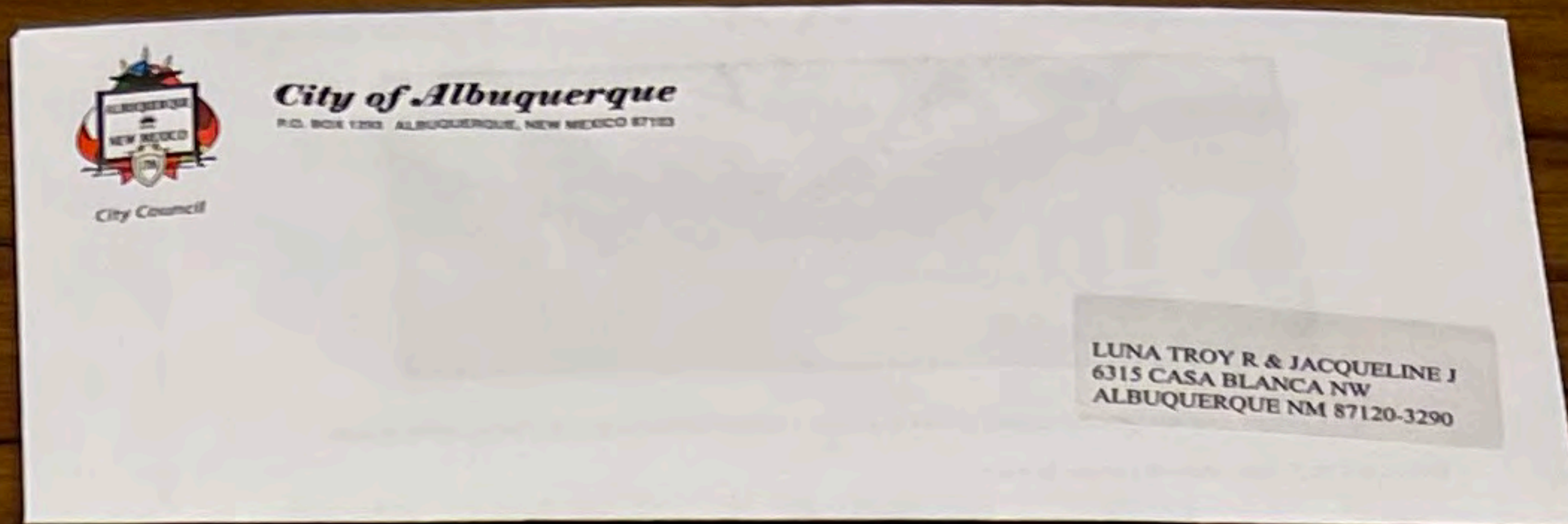
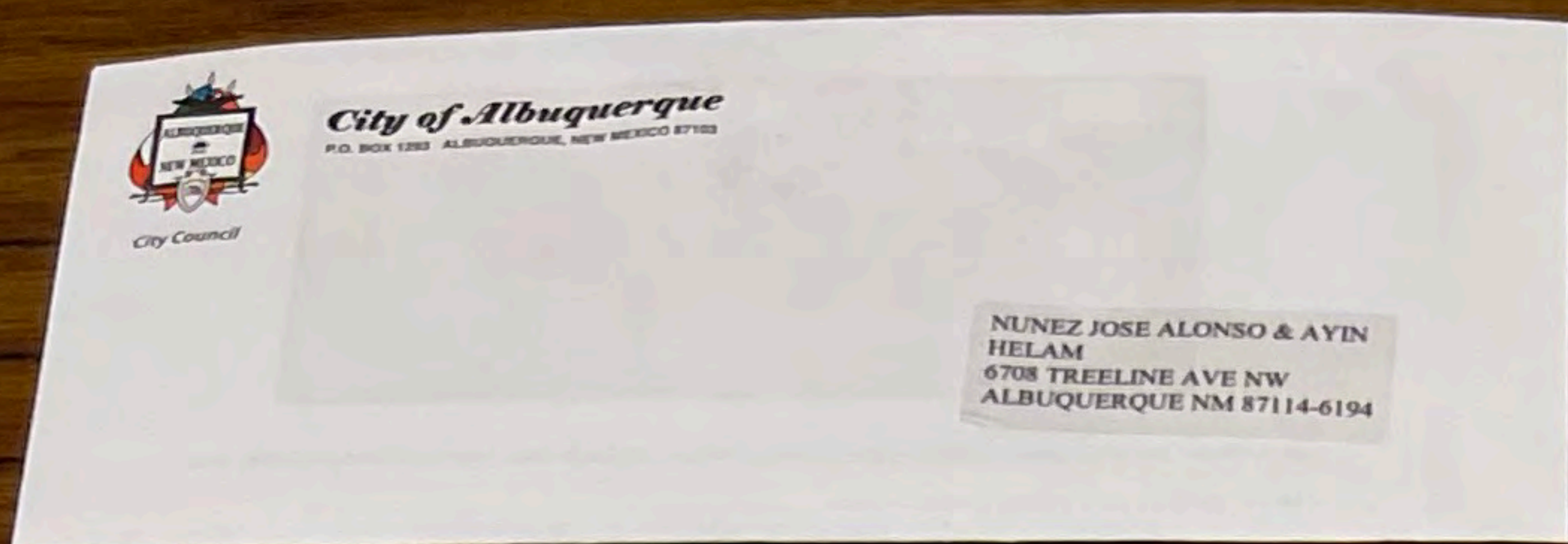


City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

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







City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

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



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

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



City of Albuquerque

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City Council

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



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

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



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

CHACON GENE
1508 GOLF COURSE RD
RIO RANCHO NM 87124



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

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



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

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

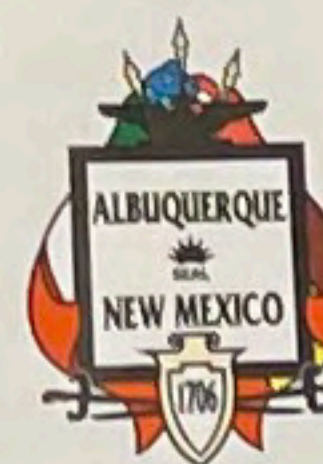


City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

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

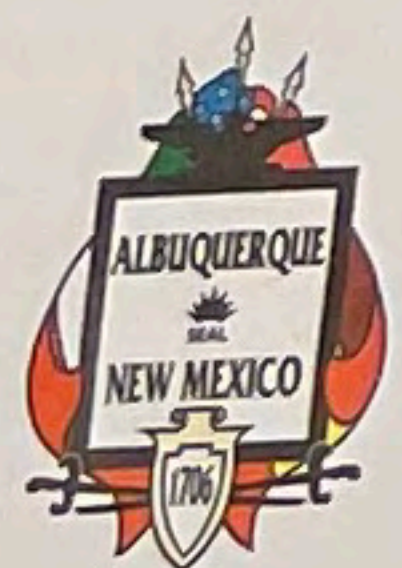


City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

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



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

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



City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

City Council

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



City Council

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

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

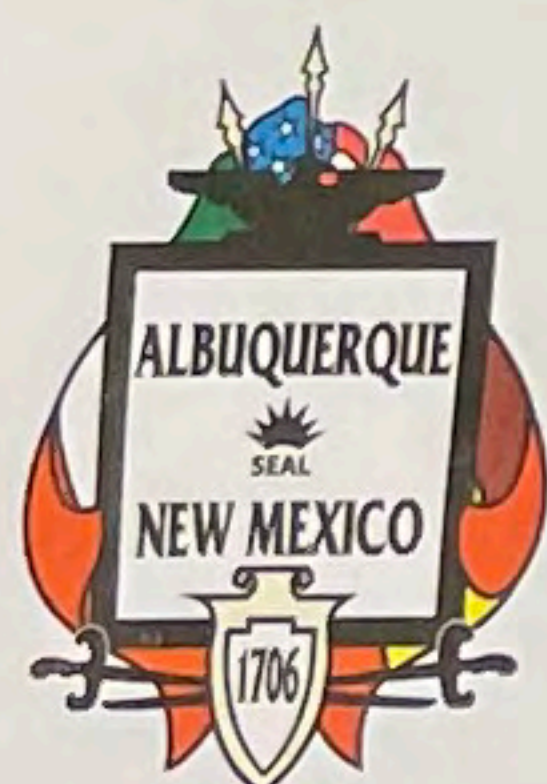


City Council

City of Albuquerque

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



City Council

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

MYSTIC LLC
5715 CENTRAL AVE NE
ALBUQUERQUE NM 87108-1605



CITY OF ALBUQUERQUE

City Council

P.O. Box 1293
Albuquerque, NM 87103
Tel: (505) 768-3100
Fax: (505) 768-3227
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District 6

Vice President Renée Grout
District 9

Isaac Padilla
Council Director

Louie Sanchez
District 1

Isaac Benton
District 2

Klarissa J. Peña
District 3

Brook Bassan
District 4

Dan Lewis
District 5

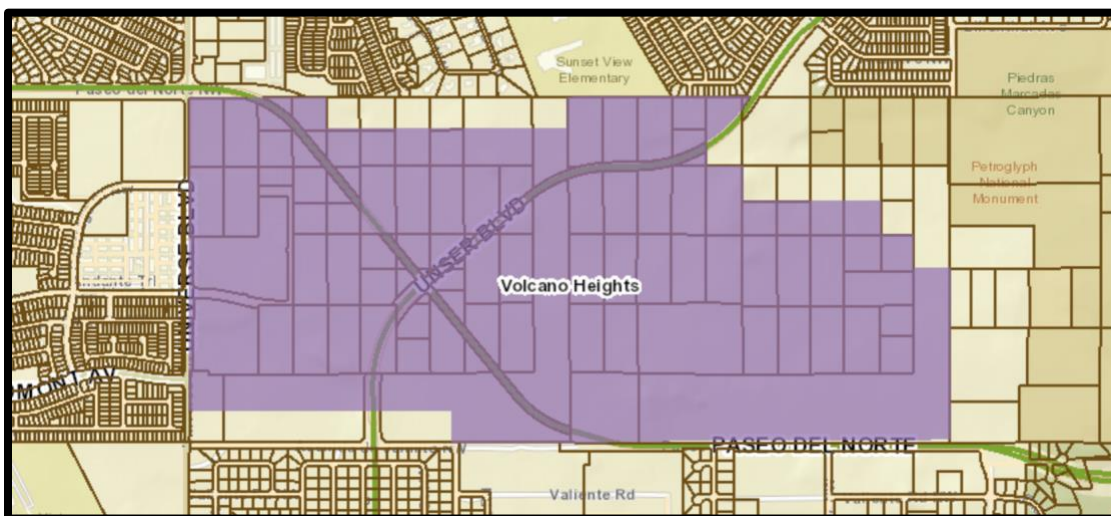
Tammy Fiebelkorn
District 7

Trudy E. Jones
District 8

Dear Property Owner,

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

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



History

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

Proposed changes

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

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

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

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

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

Meeting Information

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

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

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

Please provide written comment to:

abcto@cabq.gov

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

Thank you,



Shanna Schultz
Council Planning Manager
Albuquerque Council Services
505-768-3185
smschultz@cabq.gov

NOTICE – JANUARY 2024

**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: IDO Text Amendment Small Mapped Area

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: Volcano Heights Urban Center

Name of property owner: Multiple

Name of applicant: City Council Services

Date, time, and place of public meeting or hearing, if applicable:

February 15, 2024

Address, phone number, or website for additional information:

Petra Morris 505 768 3161 pmorris@cabq.gov

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.

Petra Morris (Applicant signature) _____ January 25 2024 (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.

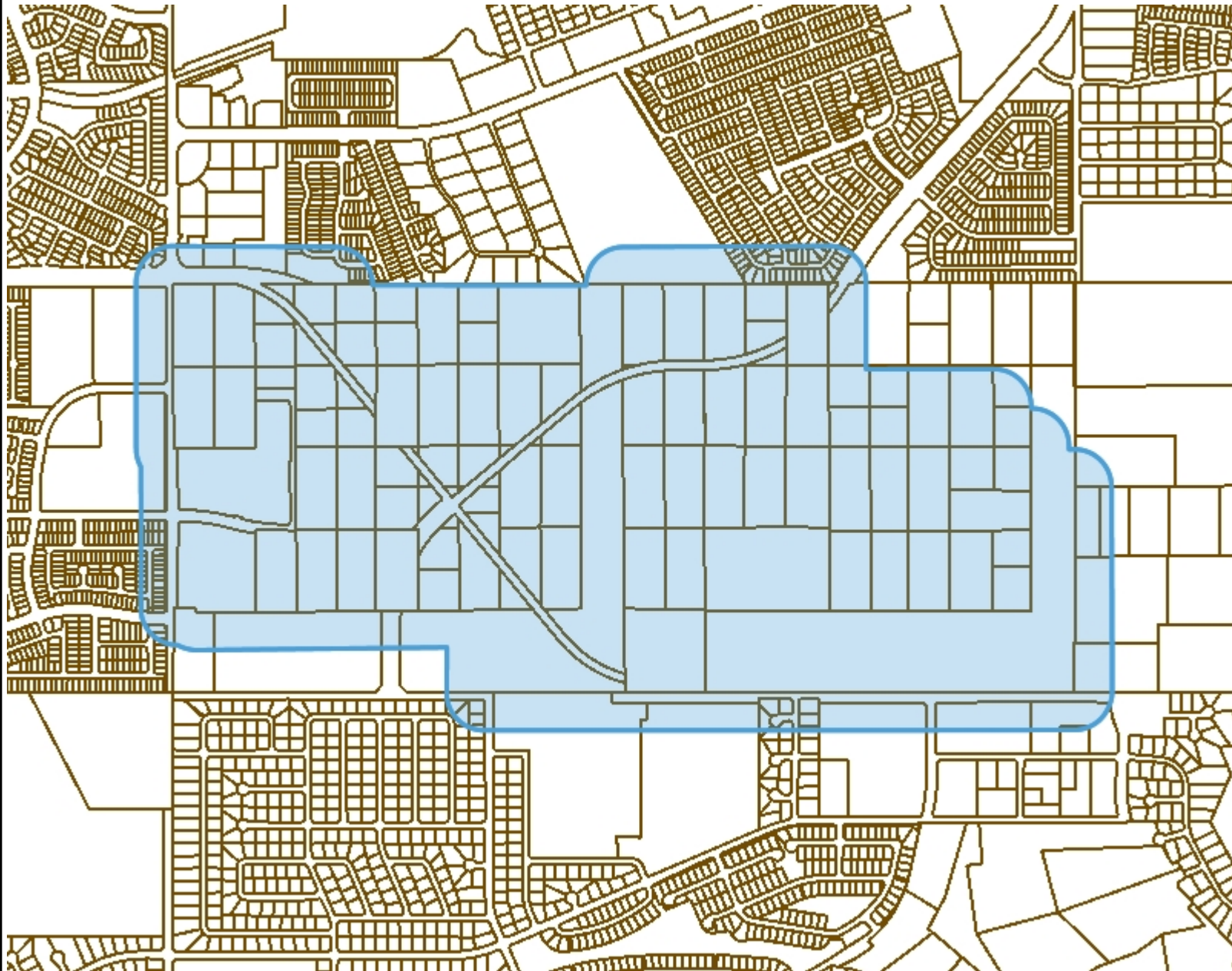


Volcano Heights Urban Center



Legend

■ Bernalillo County Parcels



Notes

Buffer: 300 Ft.
ROW: Paseo Del Norte NW; 200 Ft.

2,380 0 1,190 2,380 Feet

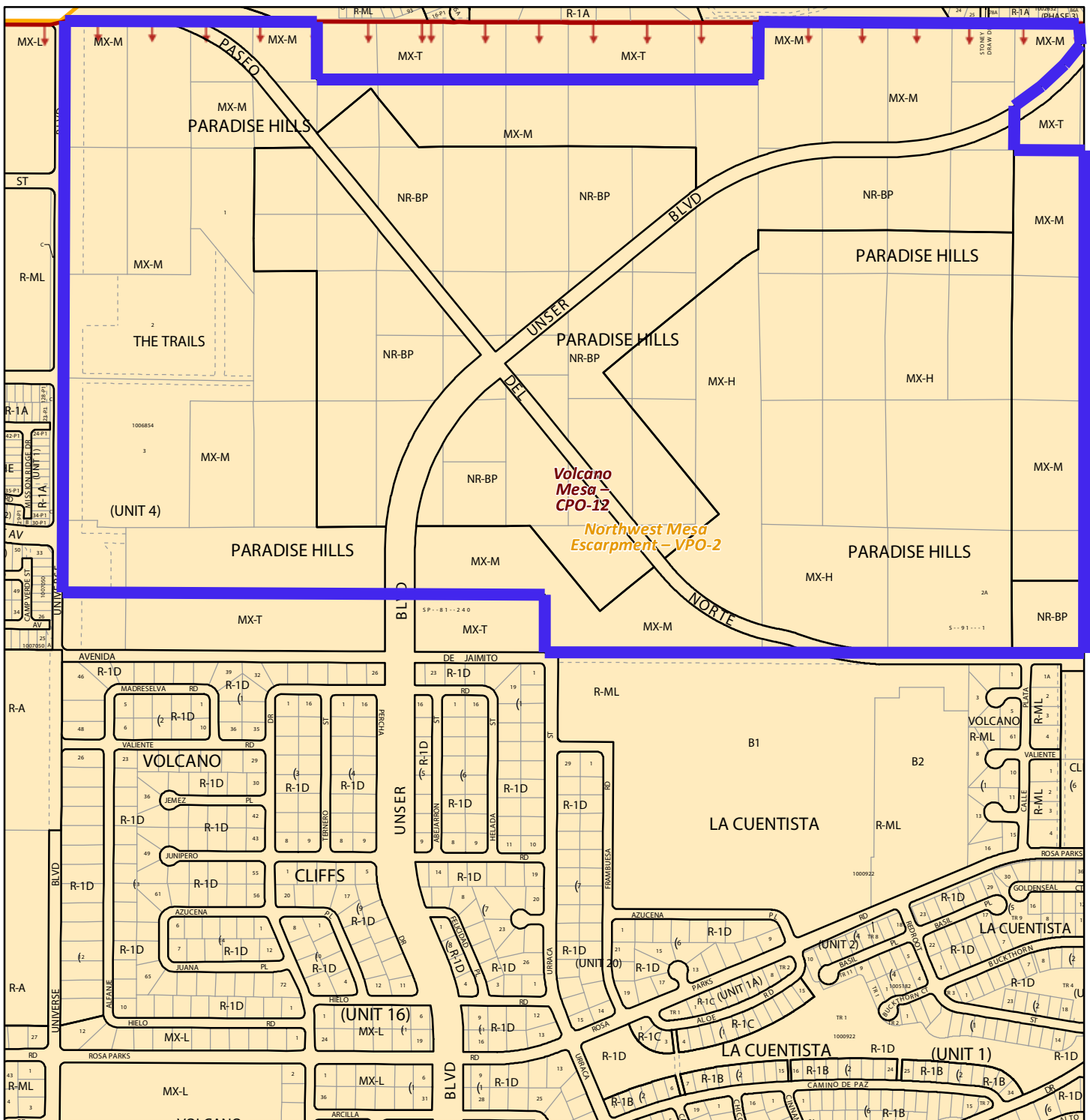
WGS_1984_Web_Mercator_Auxiliary_Sphere
1/19/2024 © City of Albuquerque

1: 14,280

The City of Albuquerque ("City") provides the data on this website as a service to the public. The City makes no warranty, representation, or guaranty as to the content, accuracy, timeliness, or completeness of any of the data provided at this website. Please visit <http://www.cabq.gov/abq-data/abq-data-disclaimer-1> for more information.

095

THIS MAP IS NOT TO BE USED FOR NAVIGATION

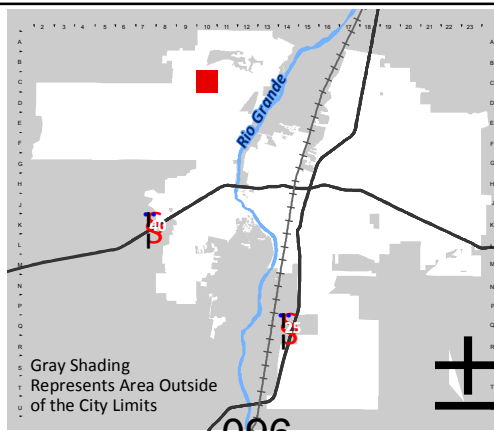


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

IDO Zone Atlas May 2018



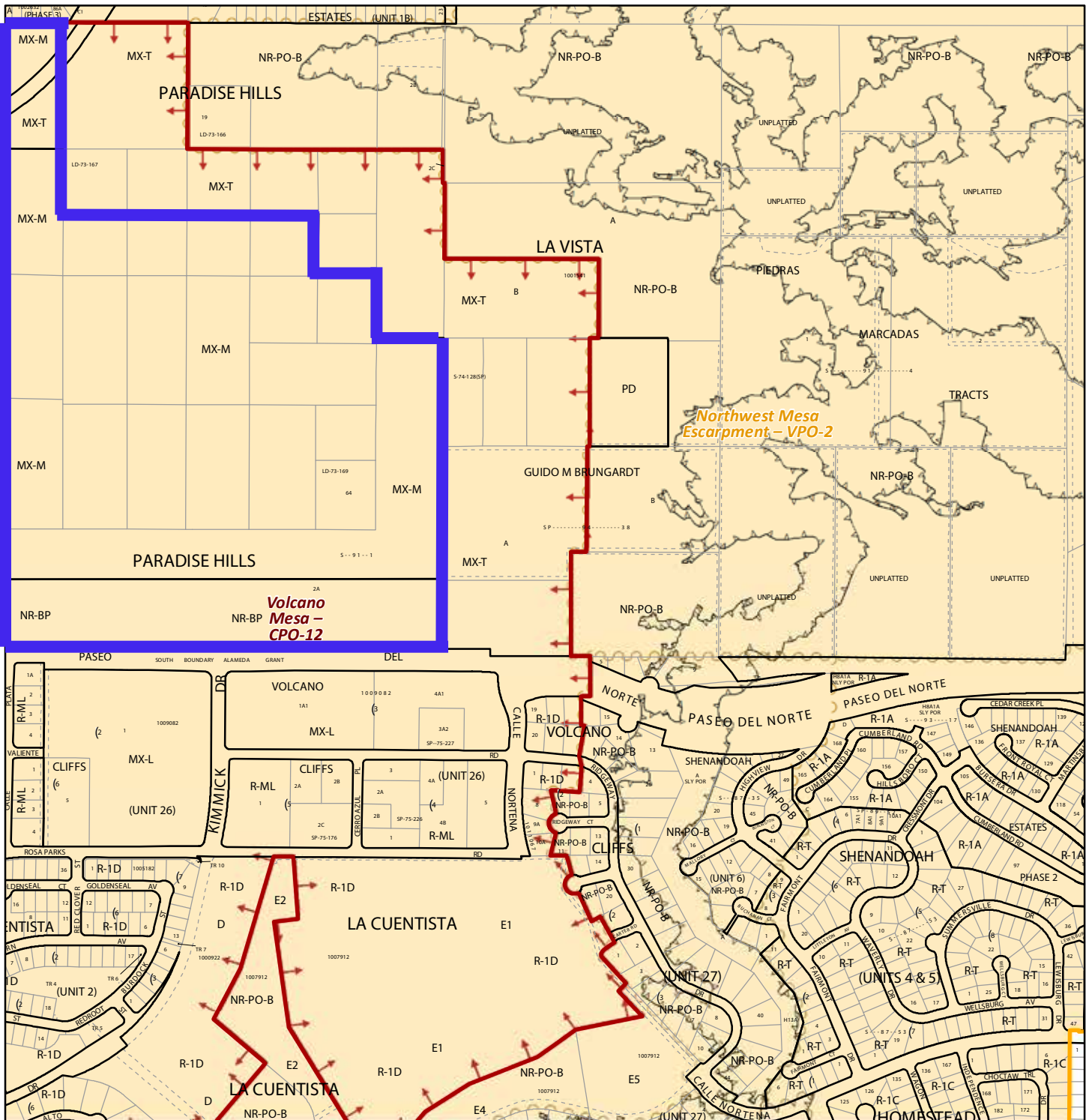
IDO Zoning information as of May 17, 2018
The Zone Districts and Overlay Zones
are established by the
Integrated Development Ordinance (IDO).



Zone Atlas Page:
C-10-Z

- Easement
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone
- Escarpment

0 250 500 1,000 Feet

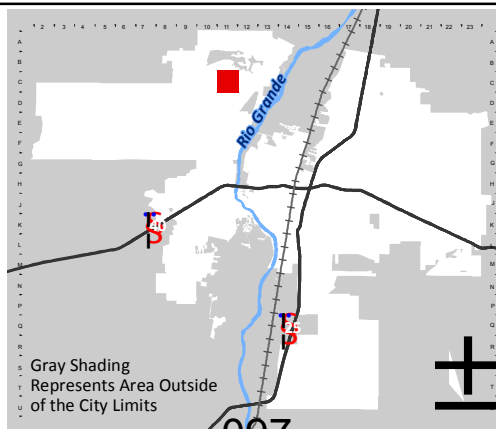


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IDO Zone Atlas May 2018



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Zone Atlas Page: C-11-Z

- Easement
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- Character Protection Overlay (CPO) Zone
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- View Protection Overlay (VPO) Zone

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CITY OF ALBUQUERQUE

City Council

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District 5

Vice President Renée Grout
District 9

Isaac Padilla
Council Director

Louie Sanchez
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Joaquín Baca
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Nichole Rogers
District 6

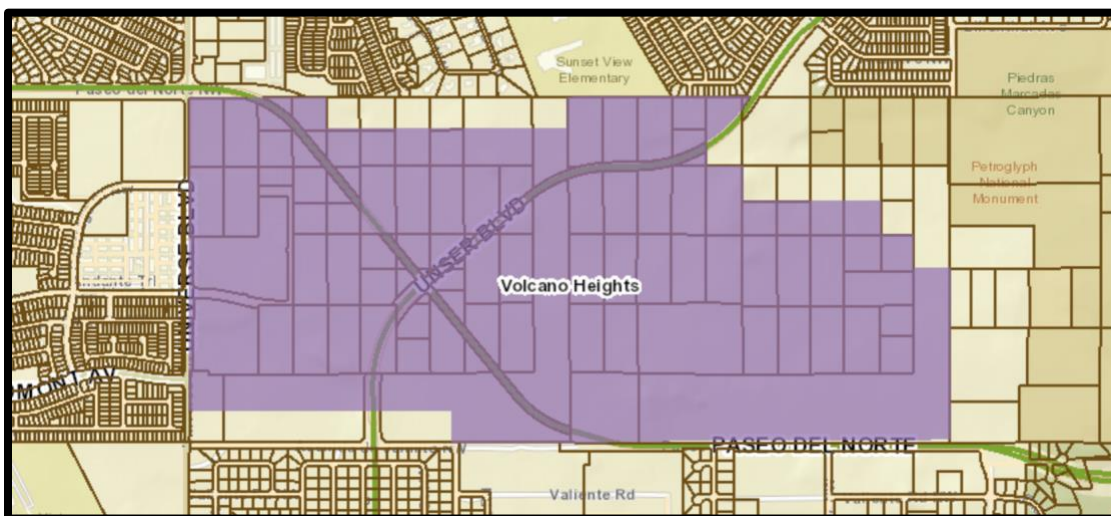
Tammy Fiebelkorn
District 7

Dan Champine
District 8

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Meeting Information

This request will be considered by the Environmental Planning Commission on February 15th 2024. This will be a remote meeting. You may listen and/or participate in this meeting through the following Zoom link. The agenda will be posted on the EPC website on Friday, February 9th.

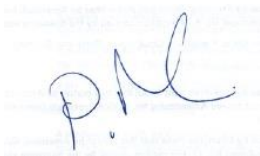
- Website where agenda will be posted on February 9th:
<https://tinyurl.com/CABQEPC2023>
- Zoom link for February 15th EPC meeting:
<https://cabq.zoom.us/j/2269592859>

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Thank you,



Petra Morris, AICP

Associate Director of Planning & Policy Development

Albuquerque City Council

505.768.3161

pmorris@cabq.gov

[Note: Items with an asterisk (*) are required.]

**Public Notice of a Proposed Project in the City of Albuquerque
for Policy Decisions Mailed to a Property Owner**

Date of Notice*: January 25, 2024

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:

Property Owner within 100 feet*: Volcano Heights Urban Center

Mailing Address*: N/A

Project Information Required by IDO Subsection 14-16-6-4(K)(1)(a)

1. Subject Property Address* N/A
Location Description Volcano Heights Urban Center (VHUC)
2. Property Owner* multiple
3. Agent/Applicant* [if applicable] N/A
4. Application(s) Type* per IDO Table 6-1-1 [mark all that apply]

☐ Zoning Map Amendment

☒ Other: Text amendment 100 - Small mapped area

Summary of project/request¹:

This application proposes to remove the prohibition on drive-thrus in MX zones within VHUC.

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)

Date/Time*: February 15th 2024

Location*: Zoom: <https://cabq.zoom.us/j/2269592859>

¹ Attach additional information, as needed to explain the project/request.

² Physical address or Zoom link

[Note: Items with an asterisk (*) are required.]

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found*³:

<https://cabq-zone.com/ido-annual-update-2023>

Project Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)*⁴ C-10 + C-11
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
3. The following exceptions to IDO standards have been requested for this project*:

☐ Deviation(s)

☐ Variance(s)

☐ Waiver(s)

Explanation*:

No deviations, variances or waivers requested

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:

A pre-submittal neighborhood meeting was held on October 17th, 2023. At this meeting members of the public asked questions about: the origin + impacts of the proposed change, concerns about walkability, pedestrian accessibility, and negative impacts on historical and cultural elements.

³ Address (mailing or email), phone number, or website to be provided by the applicant

⁴ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

Additional Information:

From the IDO Zoning Map⁵:

1. Area of Property [typically in acres] all of the VHUC
 2. IDO Zone District multiple
 3. Overlay Zone(s) [if applicable] Northwest Mesa VPO, Volcano Mesa CPO
 4. Center or Corridor Area [if applicable] Urban Center
- Current Land Use(s) [vacant, if none] undeveloped.

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 or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

⁵ Available here: <https://tinyurl.com/idozoningmap>

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

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

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

SEGURA JOSEPH
6451 MILNE RD NW
ALBUQUERQUE NM 87120-1668

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

KINLEN CHRISTOPHER & HENGER LESLIE
1908 GROVSENOR LN
COLLEYVILLE TX 76034-0000

BRUNSON PAMELA R & BRUNSON TODD
A TRUSTEES BRUNSON IRVT
8852 RAINBOW RIDGE DR
LAS VEGAS NV 89117

E & B INVESTORS LLC
2710 HARBOR HILLS LN
LAS VEGAS NV 89117

BEDROCK GENERAL PTNS ATTN: GERALD
GOLD
1509 HARVARD CT NE
ALBUQUERQUE NM 87106-3712

ARMIJO ZARA
6323 ORFEO TRL NW
ALBUQUERQUE NM 87114

AMERICAN HOMES 4 RENT PROPERTIES
NINE LLC ATTN: PROPERTY TAX
DEPARTMENT
23975 PARK SORRENTO SUITE 300
CALABASAS CA 91302-4012

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

HINDI SAMIA TRUSTEE HINDI RVT
213 CARLISLE BLVD SE
ALBUQUERQUE NM 87106

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

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

E & B INVESTORS LLC
2710 HARBOR HILLS LN
LAS VEGAS NV 89117

JONES JOHN & JONES NICHOLAS
9601 VIVALDI TRL NW
ALBUQUERQUE NM 87114-5267

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

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

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

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

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

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

TRAN OLIVER L
6309 ORFEO TRL NW
ALBUQUERQUE NM 87114-5266

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

WEST SEVENTY LLC
PO BOX 7457
ALBUQUERQUE NM 87194-7457

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

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

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248

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

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

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

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

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

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

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

MERKEL DANIEL L & SUE J TRUSTEES
MERKEL RVT
9928 CIELITO OESTE WAY NE
ALBUQUERQUE NM 87122-3223

NGUYEN CHI QUYEN & THI TUYET ETAL
8405 CALLE SOQUELLE NE
ALBUQUERQUE NM 87113-2803

HOFFMAN JA III FAMILY LIMITED
PARTNERSHIP
4606 FIREWHEEL DR
GARLAND TX 75044-5105

WILMANN LIV
HOLMASEN TERRASSE 1
1440 NORWAY

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

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

CHACON GENE
1508 GOLF COURSE RD
RIO RANCHO NM 87124

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

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

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

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

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

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

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

AJAMCH LLC ATTN: ANDERSON -
SANCHEZ CHRISTINE
4312 RABBITBRUSH AVE NW
ALBUQUERQUE NM 87120-2573

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

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

WEST SEVENTY LLC
PO BOX 7457
ALBUQUERQUE NM 87194-7457

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248

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

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

WEST SEVENTY LLC
PO BOX 7457
ALBUQUERQUE NM 87194-7457

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

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

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

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

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

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248

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

EDWARDS THERESA & TREVOR RAINER
ERNEST
9635 ADINA LN NW
ALBUQUERQUE NM 87114-5264

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

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

BRADY RONALD L
6801 E 10TH AVE
DENVER CO 80220-4805

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

GROS DAVID
6319 ORFEO TRL NW
ALBUQUERQUE NM 87114-5266

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

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

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

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

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

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

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

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

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

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

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

WEST SEVENTY LLC
PO BOX 7457
ALBUQUERQUE NM 87194-7457

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

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

MYSTIC LLC
5715 CENTRAL AVE NE
ALBUQUERQUE NM 87108-1605

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

ORTIZ DIEGO
9501 LA ROCCA CT NW
ALBUQUERQUE NM 87114-3448

LUNA CRYSTAL M
6716 TREE LINE AVE NW
ALBUQUERQUE NM 87114-6194

WEST SEVENTY LLC
PO BOX 7457
ALBUQUERQUE NM 87194-7457

ROMANDIA FRANCISCO & ESQUISELA
9508 LA ROCCA CT NW
ALBUQUERQUE NM 87114-3449

WEST SEVENTY LLC
PO BOX 7457
ALBUQUERQUE NM 87194-7457

J & A CRUZ HOLDINGS LLC
3616 SAN YGNACIO RD SW
ALBUQUERQUE NM 87121-3400

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

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

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

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

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

BOARD OF EDUCATION
PO BOX 25704
ALBUQUERQUE NM 87125-0704

ARMENDARIZ MIGUEL & VALERIE
9601 PUCCINI TRL NW
ALBUQUERQUE NM 87114

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

WOWK VICTOR & ROSE
10117 TREVINO LP NW
ALBUQUERQUE NM 87114

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

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

MARTINEZ CASIMIRO LLOYD &
MARTINEZ CRYSTAL CATHERINE CO-
TRUSTEES MARTINEZ TRUST
10405 AVENTURA CT NW
ALBUQUERQUE NM 87114-3837

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

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

HOFFMAN J A III FAMILY LIMITED
PARTNERSHIP
4606 FIREWHEEL DR
GARLAND TX 75044-5105

MOE AMANDA L
6712 TREELINE AVE NE
ALBUQUERQUE NM 87114-6194

HOFFMAN J A III FAMILY LIMITED
PARTNERSHIP
4606 FIREWHEEL DR
GARLAND TX 75044-5105

CAPITAL ADVANTAGE LLC
PO BOX 92558
ALBUQUERQUE NM 87199-2558

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

WEST SEVENTY LLC
PO BOX 7457
ALBUQUERQUE NM 87194-7457

BEDROCK GENERAL PARTNERSHIP ATTN:
GERALD GOLD
1509 HARVARD CT NE
ALBUQUERQUE NM 87106-3712

CROWLEY PAUL J ETUX
15 OLD WESTON RD
WAYLAND MA 01778-2123

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

BRIGGS ALLAN D & JUANITA M
TRUSTEES BRIGGS FAMILY TRUST
12301 CORONADO AVE NE
ALBUQUERQUE NM 87122-1067

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

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

ESCHENBRENNER APRIL
6305 ORFEO TRL NW
ALBUQUERQUE NM 87114

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

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

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

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

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

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

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

CAVENEY CRYSTAL & PEREZ FRANCIS
9600 PUCCINI TRL NW
ALBUQUERQUE NM 87114-4698

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

BOARD OF EDUCATION
PO BOX 25704
ALBUQUERQUE NM 87125-0704

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

TECUMSEH PROFESSIONAL ASSOC INC
1717 QUAIL RUN CT NE
ALBUQUERQUE NM 87122-1139

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

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

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

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

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

PITTS KAREN D
8915 MISSION RIDGE DR NW
ALBUQUERQUE NM 87114

GOLDTOOTH DOROTHY M & PHILBERT
8919 MISSION RIDGE DR NW
ALBUQUERQUE NM 87114

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

GONZALEZ ISAIAS & MELISSA
8923 MISSION RIDGE DR NW
ALBUQUERQUE NM 87114

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

DAVIS DAVID J TRUSTEE DAVIS TRUST
5127 HIGH DESERT PL NE
ALBUQUERQUE NM 87111-9204

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

SANCHEZ DERIC & ARROYO DESIREE
6301 ALAMEDA BLVD NE UNIT 2076
ALBUQUERQUE NM 87113-2593

CORDOVA FABIAN M
8932 MISSION RIDGE DR NW
RIO RANCHO NM 87144

BURGOYNE ROBERT C
8935 MISSION RIDGE DR NW
ALBUQUERQUE NM 87120-5525

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

JORDAN HEIDILIZA
8939 MISSION RIDGE DR NW
ALBUQUERQUE NM 87114

WOODFORD SARAH ANNE
8940 MISSION RIDGE DR NW
ALBUQUERQUE NM 87120

MICHALSKI MICHAEL & MITSUKO
FUJIMOTO
8943 MISSION RIDGE DR NW
ALBUQUERQUE NM 87114

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

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

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

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

TENORIO JAMI
6711 KAYSER MILL RD NW
ALBUQUERQUE NM 87114-6354

DELONG CHRISTOPHER J & JENNIFER
6715 KAYSER MILL RD NW
ALBUQUERQUE NM 87114-6354

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

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

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

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

GARCIA MELISSA R
6704 OASIS CANYON RD NW
ALBUQUERQUE NM 87114-6373

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

HOFFMAN JA III FAMILY LIMITED
PARTNERSHIP
4606 FIREWHEEL DR
GARLAND TX 75044-5105

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

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

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

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

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

MUFFETT WINFIELD F JR & HJORDIS J
9501 ANDESITE DR NW
ALBUQUERQUE NM 87114-3011

MULLER NANCY B & MICHAEL J
9505 ANDESITE DR NW
ALBUQUERQUE NM 87114

BOULDERS COMMUNITY ASSOC INC
ATTN: AAM LLC
1600 W BROADWAY RD SUITE 200
TEMPE AZ 85282-1136

APODACA SAMUEL L
9500 STONE RIDGE DR NW
ALBUQUERQUE NM 87114

FLASH RESOURCES LLC
4461 IRVING RD NW
ALBUQUERQUE NM 87114

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GARCIA NATHAN
9508 BIG ROCK DR NW
ALBUQUERQUE NM 87114-3018

LOPEZ ERIC & ELIZABETH
9509 FLINT ROCK DR NW
ALBUQUERQUE NM 87114-3024

SANCHEZ DIEGO & DELEON JAZZIE
6001 BOULDER CANYON RD NW
ALBUQUERQUE NM 87114-3017

ZELLNER RANDAL WADE
9500 FLINT ROCK DR NW
ALBUQUERQUE NM 87114-3023

GARCIA JESSICA D & JOSHUA T
9523 BIG ROCK DR NW
ALBUQUERQUE NM 87114-3019

WALTER CHARLES B & RANDI
9512 BIG ROCK DR NW
ALBUQUERQUE NM 87114-3018

JOHNSON TORRENCE
9513 FLINT ROCK DR NW
ALBUQUERQUE NM 87114-3024

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LAS VEGAS NV 89117

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ALBUQUERQUE NM 87114-3642

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

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

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

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

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

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

SONATA GREEN OWNER LLC ATTN:
MULTIGREEN PROPERTIES LLC
170 S GREEN VALLEY PKWY SUITE 300
HENDERSON NV 89012-3111

PULTE HOMES
7601 JEFFERSON ST NE SUITE 320
ALBUQUERQUE NM 87109

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

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PO BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

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

SEGURA JOSEPH
6451 MILNE RD NW
ALBUQUERQUE NM 87120-1668

BRUNSON PAMELA R & BRUNSON TODD
A TRUSTEES BRUNSON IRVT
8852 RAINBOW RIDGE DR
LAS VEGAS NV 89117

ARMUO ZARA
6323 ORFEO TRL NW
ALBUQUERQUE NM 87114

HINDI SAMIA TRUSTEE HINDI RVT
213 CARLISLE BLVD SE
ALBUQUERQUE NM 87106

E & B INVESTORS LLC
2710 HARBOR HILLS LN
LAS VEGAS NV 89117

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

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

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

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

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

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

E & B INVESTORS LLC
2710 HARBOR HILLS LN
LAS VEGAS NV 89117

AMERICAN HOMES 4 RENT PROPERTIES
NINE LLC ATTN: PROPERTY TAX
DEPARTMENT
23975 PARK SORRENTO SUITE 300
CALABASAS CA 91302-4012

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

JONES JOHN & JONES NICHOLAS
9601 VIVALDI TRL NW
ALBUQUERQUE NM 87114-5267

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

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

WEST SEVENTY LLC
PO BOX 7457
ALBUQUERQUE NM 87194-7457

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248

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

KINLEN CHRISTOPHER & HENGER LESLIE
1908 GROVSENOB LN
COLLEYVILLE TX 76034-0000

BEDROCK GENERAL PTNS ATTN: GERALD
GOLD
1509 HARVARD CT NE
ALBUQUERQUE NM 87106-3712

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

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

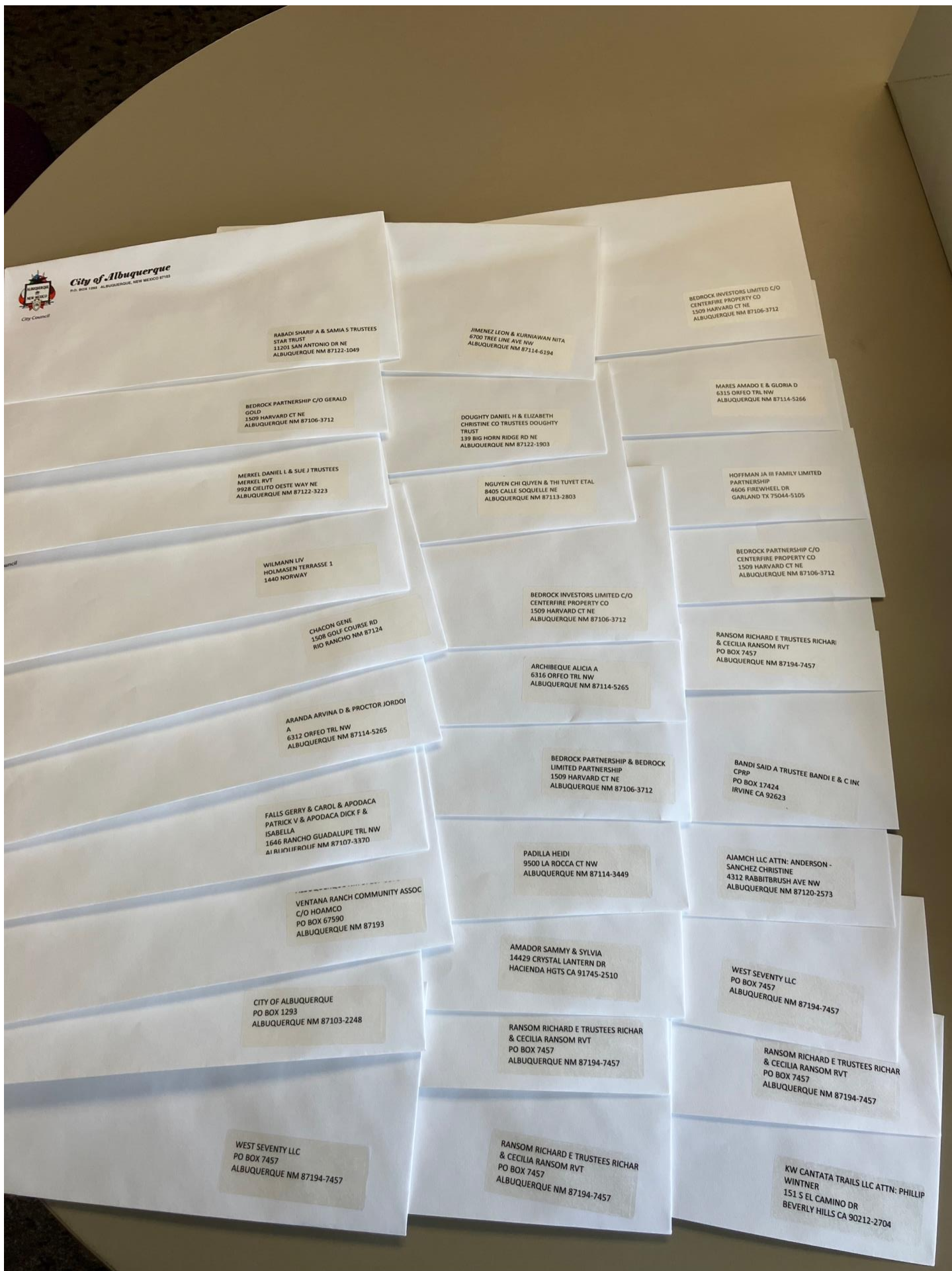
DOUGHTY DANIEL H & ELIZABETH
CHRISTINE CO TRUSTEES DOUGHTY
TRUST
139 BIG HORN RIDGE RD NE
ALBUQUERQUE NM 87122-1903

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

TRAN OLIVER L
6309 ORFEO TRL NW
ALBUQUERQUE NM 87114-5266

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

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





City of Albuquerque
P.O. BOX 1285 ALBUQUERQUE, NEW MEXICO 87103

City Council

VENTANA RANCH COMMUNITY ASSOC
C/O HOAMCO
PO BOX 47590
ALBUQUERQUE NM 87193

CITY OF ALBUQUERQUE
PO BOX 1293
ALBUQUERQUE NM 87103-2248

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

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

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

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& CECILIA RANSOM RVT
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ALBUQUERQUE NM 87194-7457

ORTIZ DIEGO
9501 LA ROCCA CT NW
ALBUQUERQUE NM 87114-3448

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

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

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

GROS DAVID
6319 ORFEO TRL NW
ALBUQUERQUE NM 87114-5266

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

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

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MONTAÑA ERNEST P TRUSTEE
MONTAÑA RVT
606 S OLIVE ST SUITE 1950
LOS ANGELES CA 90014-1623

WEST SEVENTY LLC
PO BOX 7457
ALBUQUERQUE NM 87194-7457

MYSTIC LLC
5715 CENTRAL AVE NE
ALBUQUERQUE NM 87108-1605

LUNA CRYSTAL M
6716 TREE LINE AVE NW
ALBUQUERQUE NM 87114-6194

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

EDWARDS THERESA & TREVOR RAINER
ERNEST
9635 ADINA LN NW
ALBUQUERQUE NM 87114-5264

BRADY RONALD L
6801 E 10TH AVE
DENVER CO 80220-4805

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

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

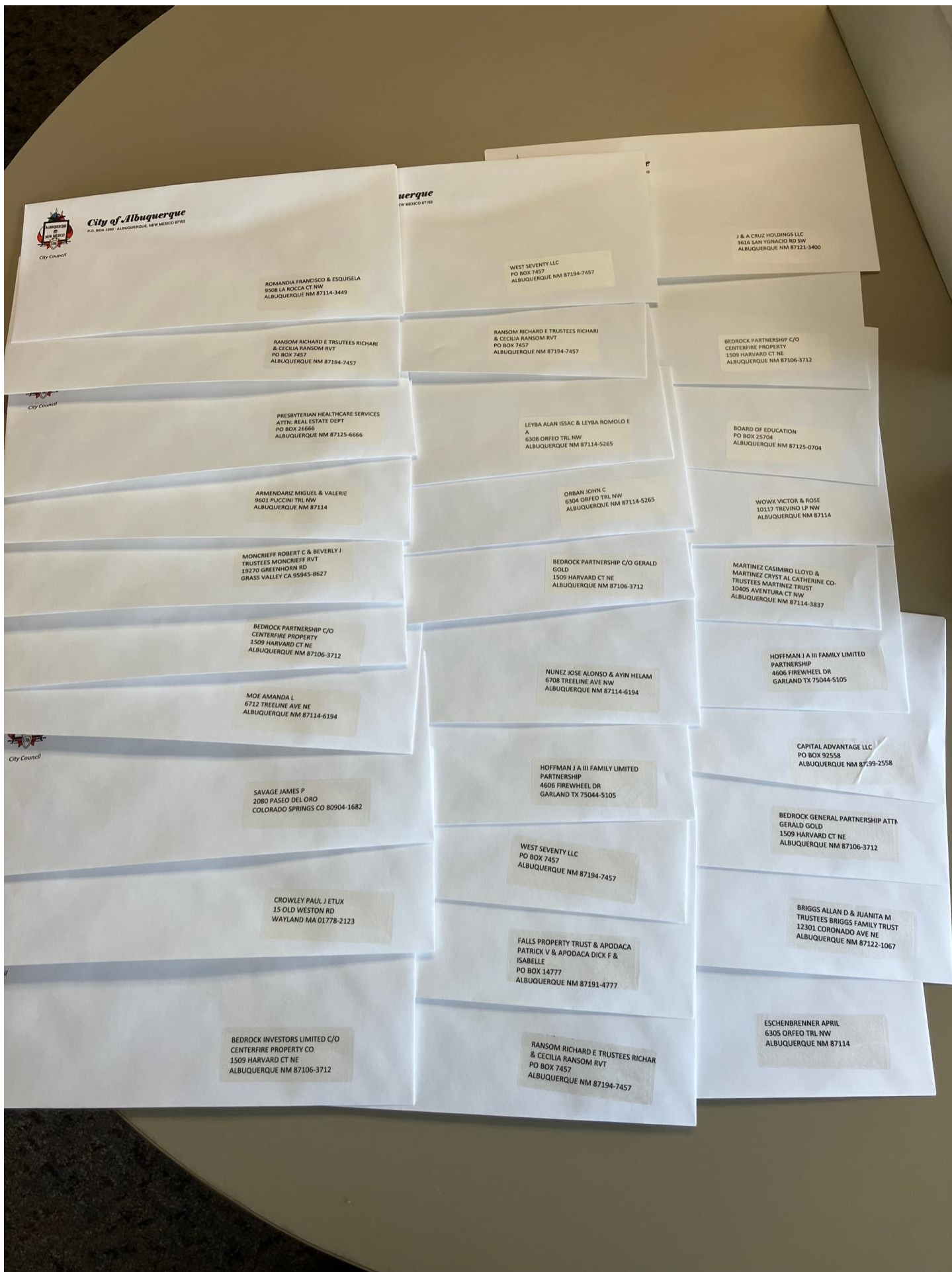
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ALBUQUERQUE NM 87106-3712

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

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

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

WEST SEVENTY LLC
PO BOX 7457
ALBUQUERQUE NM 87194-7457





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

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

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& CECILIA RANSOM RVT
PO BOX 7457
ALBUQUERQUE NM 87194-7457

BOARD OF EDUCATION
PO BOX 25704
ALBUQUERQUE NM 87125-0704

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

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

GOLDTOOTH DOROTHY M & PHILBERT
8919 MISSION RIDGE DR NW
ALBUQUERQUE NM 87114

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

SANCHEZ DERIC & ARROYO DESIREE
6301 ALAMEDA BLVD NE UNIT 2076
ALBUQUERQUE NM 87113-2593

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

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

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

CAVENEY CRYSTAL & PEREZ FRANCIS
9600 PUCCINI TRL NW
ALBUQUERQUE NM 87114-4698

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

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

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

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

DAVIS DAVID J TRUSTEE DAVIS TRUST
5127 HIGH DESERT PL NE
ALBUQUERQUE NM 87111-9204

CORDOVA FABIAN M
8932 MISSION RIDGE DR NW
RIO RANCHO NM 87144

JORDAN HEIDILIZA
8939 MISSION RIDGE DR NW
ALBUQUERQUE NM 87114

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

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

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

TECUMSEH PROFESSIONAL ASSOC INC
1717 QUAIL RUN CT NE
ALBUQUERQUE NM 87122-1139

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

PITTS KAREN D
8915 MISSION RIDGE DR NW
ALBUQUERQUE NM 87114

GONZALEZ ISAIAS & MELISSA
8923 MISSION RIDGE DR NW
ALBUQUERQUE NM 87114

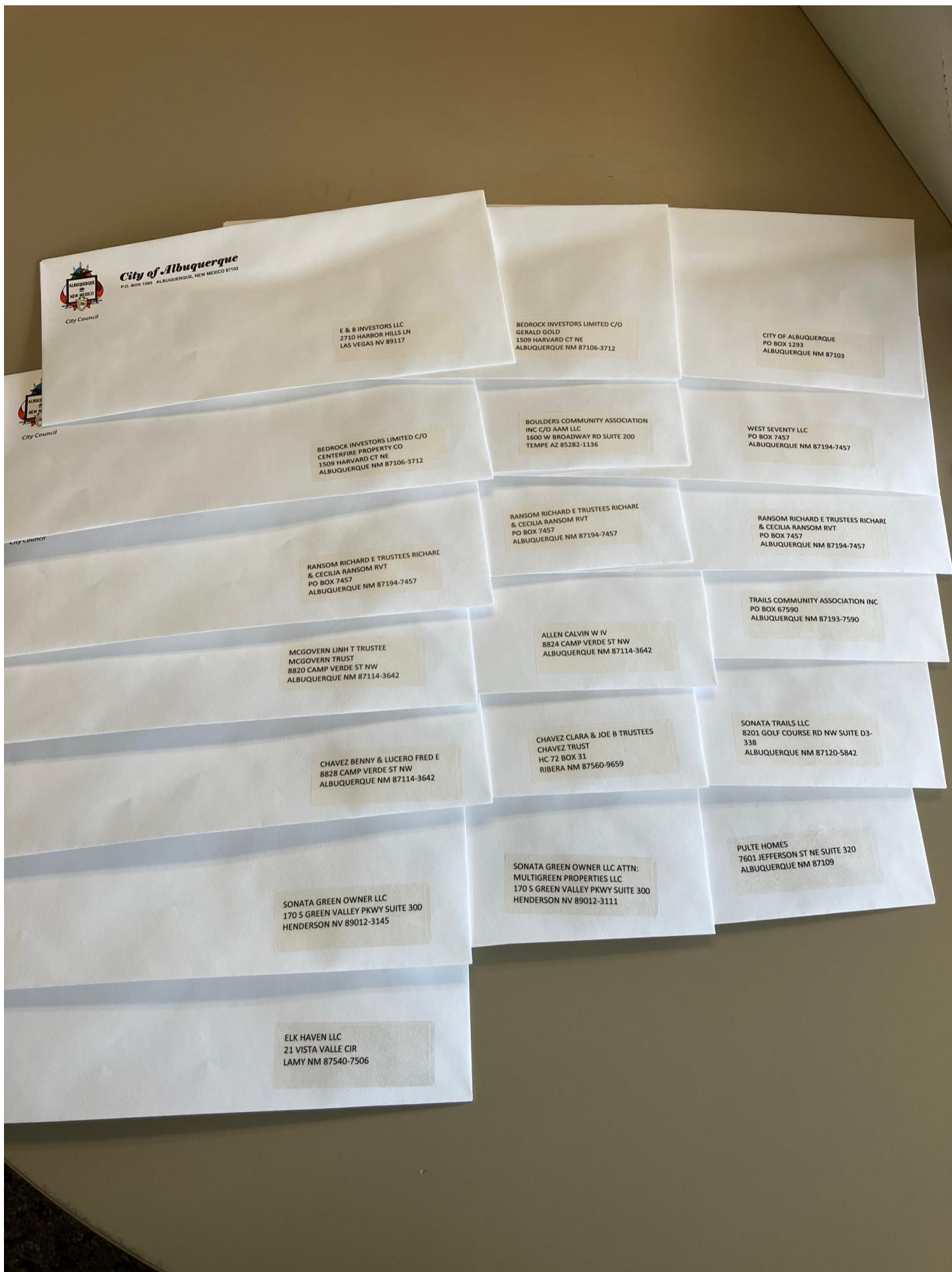
CHERESPOSY CRAIG & KRISTY M
8928 MISSION RIDGE DR NW
ALBUQUERQUE NM 87114

BURGOYNE ROBERT C
8935 MISSION RIDGE DR NW
ALBUQUERQUE NM 87120-5525

WOODFORD SARAH ANNE
8940 MISSION RIDGE DR NW
ALBUQUERQUE NM 87120







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CHAVEZ TRUST
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PULTE HOMES
7601 JEFFERSON ST NE SUITE 320
ALBUQUERQUE NM 87109

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

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 Division: 0110 Activity: # 1710000

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Volcano Heights	
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REVISED 02/17

Nyvia Baraza nbaraza@ouba.gov

Mr. Shahab Biazar
City Engineer
Planning Department
City of Albuquerque
600 2nd St. NW Albuquerque, NM 87102

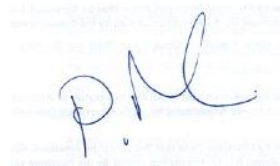
January 25, 2024

RE: Volcano Heights Urban Center - Public Mailed Notice Certification – Amendment to the IDO Text
– Small Area – RZ-2023-00044

Dear Mr. Biazar,

Please accept this letter as certification of Mailed Notice as required by the IDO. I, Petra Morris, do hereby certify and attest that Council Services has mailed 229 letters. The list of property owners and their addresses was provided by the Planning Department on January 19th, 2024. The letters went to property owners within the Volcano Heights Urban Center, in addition to those within 300 feet of the Volcano Heights Urban Center. All property owners within the regulated area were properly notified. The letters were provided to the City of Albuquerque Mail Room on January 25th, 2024 and were mailed out within 24 hours of receipt. The full list of property owners who received a letter can be found within this EPC application.

Kind regards,

A handwritten signature in blue ink, appearing to read 'p.m.', is centered on a light blue grid background.

Petra Morris, AICP
Associate Director of Planning and Policy Development
Albuquerque City Council Services
Office: 505-768-3161
pmorris@cabq.gov



FACILITATED MEETING REPORT

Facilitated Meeting Report CABQ ADR Office

Project #: tbd

Property Description: Volcano Heights Urban Center (VHUC)

Date Submitted: October 18, 2023

Submitted By: Tyson Hummell

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

Meeting Location: ZOOM (online)

Facilitator: Tyson Hummell

Applicants / Agent: Albuquerque City Council Planning Division

Background/Meeting Summary:

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

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

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

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

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

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

1) Community Concerns Regarding Relevant and Applicable EPC Approval Criteria (Please See Applicant's PowerPoint Presentation, Slide 6.)

- i) *[Approval if] The proposed zone change is within an Area of Change and the existing zoning regulations are inappropriate because of at least one of the following:*

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

2) Other Community Concerns

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

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

Community Stakeholders	All required notice recipients pursuant to IDO / ONC registry
	All other known, interested Community Stakeholders
Nancy Hendricks	Superintendent, Petroglyph National Monument
Shanna Schultz	CABQ Council Planning Manager
Michael Vos	CABQ Regulatory Planning Team Lead
Tyson Hummell	CABQ ADR Office / Facilitator

PUBLIC COMMENT

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](#)

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

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

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

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

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

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

Thank you for your time and attention.

Jane Baechle

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

Date: November 22, 2023

To: David Shaffer
Chair, EPC

From: Jane Baechle

Re: 2023 Annual Review of the IDO

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

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

2023 Amendment Proposals, Position and Rationale

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

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

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](#)

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

Good afternoon,

I hope you all have enjoyed a lovely Thanksgiving holiday.

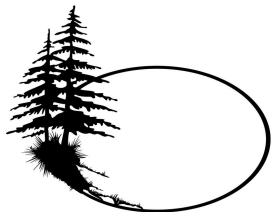
I am attaching the Written Public comments from the Santa Fe Village Neighborhood Association Board to be included in the Planning Staff Report to the Environmental Planning Commission for their consideration and yours in advance of the 12/14/2023 meeting to consider the 2023 proposals.

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

I would also appreciate confirmation you have received these.

Thank you very much,

Jane Baechle



Santa Fe Village Neighborhood Association

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

Date: November 26, 2023

To: David Shaffer
Chair, EPC

From: Jane Baechle, Representative
Santa Fe Village Neighborhood Association

Re: 2023 Annual Review of the IDO

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

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

2023 Amendment Proposals, SfVNA Position and Rationale

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

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

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

SFVNA position: *Oppose*

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

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

SFVNA Position-*Oppose*

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

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

Good morning,

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

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

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

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

Thank you,

Jane Baechle

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

Date: January 1, 2024

To: David Shaffer, Chair
EPC

From: Jane Baechle
Member, SFVNA

Re: IDO 2023 Agenda Items
Meeting of 1/11/2024

Commissioners,

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

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

- **Item 29, 6-4(B), Pre-submittal Neigh Meeting, Item 32, 6-4(K) Public Notice to Neighborhood Associations, Item 36, 6-4(L)(3)(a), Post-submittal Facilitated Meeting and Item 37, 6-4(V)(2)(a), Appeals - Standing Based on Proximity for Neighborhood Associations**-these fundamentally redefine the standing of individuals and neighborhoods and their right to notice and appeal of proposed developments which may significantly impact neighborhood character, quality of life and property values. Replacing “adjacent,” a term clearly defined in the IDO, with a set distance from a proposed development as a matter of expediency for applicants and the Planning Department is indefensible. It is simply not adequate to capture “almost everyone” or approximate the boundaries of those entitled to notice of zoning and development matters. Item 37 effectively disenfranchises neighborhood associations by reducing the required notice to those neighborhood associations within 660’ of certain developments and zoning changes to those within 330’. Among the issues where notice would be removed from neighborhood associations by virtue of reducing the area where notice is required are multiple, highly consequential matters including conditional use applications, variances, small area amendments and zoning map amendments. This represents a fundamental taking from neighborhood associations and the residents they serve, serve at the behest of the NARO charged to “engage with community and land use planning, protect the environment, and promote the community welfare” and “foster communication between the recognized neighborhood association ... and city government on plans, proposals, and activities affecting their area.” Any limitations of the software the City plans to use are not a justification for disenfranchising individuals or neighborhood associations.
- **Small Area Amendment, IDO 14-16-4-3(F)(5)(f)10, Volcano Heights Urban Center**-this change is inconsistent with the intended design of an urban center which is to create and support a walkable neighborhood. Nothing could conflict more profoundly with a walkable neighborhood than drive throughs. They exist solely to accommodate motor vehicles and the occupants unwilling to leave their vehicles. The ABC Comp Plan calls for Centers to have or strive for a high degree 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
Subject: Comments for EPC Meeting of 1/11/2024
Date: Monday, January 8, 2024 2:13:06 PM
Attachments: [EPC 48 hr 1112024.pdf](#)

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

Good afternoon,

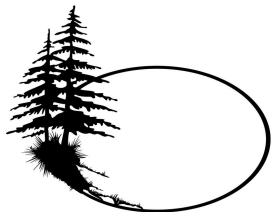
I am attaching written comments for both Citywide amendments and the proposed amendment to the VHUC. They are included in the same document. Please forward them to the Commissioners on both matters.

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.

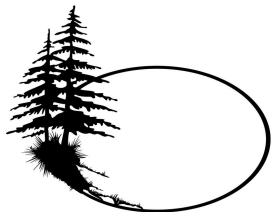
Thank you for your time and thoughtful attention.

Sincerely,

Jane Baechle
IDO Representative, SFVNA







Santa Fe Village Neighborhood Association

5601 Bogart St. NW Albuquerque, NM 87120

SFVNA2014@gmail.com

Date: February 7, 2024

To: Jonathan Hollinger
Chair, EPC

From: Jane Baechle
Representative, SFVNA

Re: Volcano Heights Urban Center
Small Area Amendment, IDO 14-16-4-3(F)(5)(f)10

Dear Mr. Hollinger and Commissioners,

I am writing again on behalf of the Santa Fe Village Neighborhood Association (SFVNA) to reaffirm our strong *opposition* to the proposed small area amendment to the Volcano Heights Urban Center (VHUC) which would remove the prohibition on drive throughs in the VHUC. There has been no change in our position as outlined in our original written comments in our letter of 11/26/2023 and in every subsequent document from the SFVNA providing written comments regarding proposed changes as part of the 2023 IDO Annual Review. Those letters are now a matter of public record, included in every previous staff report on this matter. In our view, this proposal conflicts with ABC Comp Plan Goals and Policies that outline both the intent of an urban center to be designed as a walkable neighborhood and those that call for context sensitive development on the NW mesa escarpment and in the VHUC.

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 about the VHUC 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.

We respectfully request that the EPC support the ABC Comp Plan Goals and Policies outlined here and assure that the IDO continues to serve its purpose to “Implement the adopted Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.” The IDO Annual Review should not be used as a mechanism to rewrite and undermine the Comp Plan as this proposal is clearly intended to do and at the expense of the character and sense of place of this area. The Planning Department staff report recommends *denial* and we ask the EPC to make the same recommendation.

Sincerely,

Jane Baechle
SFVNA

From: [Daniel Doughty](#)
To: [City of Albuquerque Planning Department](#)
Subject: Comments for EPC Meeting Jan 11, 2024
Date: Tuesday, January 2, 2024 3:41:46 PM

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

Dear Sir/Madam,

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

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

I support the removal of the prohibition of drive-through facilities within the VHUC.

Here are my reasons:

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

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

Thank you for your time in taking my comment.

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

505-514-1717
dhdoughty@gmail.com

From: [Gngold](#)
To: [City of Albuquerque Planning Department](#)
Cc: [John Edward](#); [Jennifer Ades](#)
Subject: IDO update 4 3(F)(5)(10)
Date: Thursday, December 28, 2023 2:16:42 PM

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

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

Gerald Gold
Bedrock Investors

From: [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](#)

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



January 9, 2024 Via email:

Re:

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,

The West Side Coalition of Neighborhood Associations (WSCONA) represented 28 neighborhood and homeowners' associations in the northwest quadrant of Bernalillo County located west of the Rio Grande River and a few miles south of I-40 to the Sandoval County Line. WSCONA has existed as a formal organization with bylaws since 1996 and is currently recognized by the City of Albuquerque and Bernalillo County. The Coalition aims to provide a venue for neighborhood and homeowners associations within its boundaries to achieve and maintain communications on civic and neighborhood matters. It endeavors to provide a means to preserve, protect, and enhance the residents' quality of life within its boundaries and to provide a unified voice on important issues. (WSCONA website: <https://www.wsconanm.org/>)

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^[1]_{SEP}

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.

The LUHO conducted an extended quasi-judicial administrative appeal hearing on October 4, 2023. During the LUHO Administrative Hearing concerning the Quasi- judicial changes to the View overlay, it became clear that the City of Albuquerque Planning staff, under new abbreviated land review processes (DRB and DH0), changed IDO definitions and regulations

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. "

However, testimony in the appeal hearing (AC-23-14) indicates that the DRB knew of the MPOS rezoning. On October 26, 2022, the DRB held its first hearing on the application. After deferring a decision, the DRB approved the application request. 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)."

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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"Then, on July 12, 2023, the DHO held a public hearing on the application and subsequently approved and essentially replaced the design regulations that were adopted into the site plan from the Volcano Cliffs Sector Development Plan.

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

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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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.

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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**
8

9 VA-2023-00196; PR 2022-007712 and SD-2023-00127
10

11 Michael Voorhees, and
12 The Westside Coalition of Neighborhood Associations,
13

14 Appellants,
15

16 and,
17

18 Jubilee Development, LLC and Group II U26 VC, LLC,
19

20 Appellees-Applicants.
21

22 **PROPOSED DECISION**
23

24 INTRODUCTION
25 RELEVANT BACKGROUND
26 ISSUES PRESENTED
27 STANDARD OF REVIEW
28 DISCUSSION
29 PROPOSED FINDINGS
30
31

32 **I. INTRODUCTION**
33

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.¹

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)

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]**.²

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]**.³

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

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].⁴ 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.⁵ The Appellants appealed the City Council's decision to the Bernalillo County District Court on April 3, 2023.⁶ 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

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.⁷ 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

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.⁸ 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.

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.

B. The DRB's review of the preliminary plat was flawed.

The record of the DRB's review of the amended site plan and the preliminary plat shows that the DRB and the Applicants did not *publicly* disclose or otherwise overtly acknowledge in as late as November 9, 2022, that Consensus Planning submitted with their application inaccurate zone maps of the area. The area zone maps that the Applicants did submit with their application did not show the rezoned 35-acres of new NR-PO-B (MPOS) zoned lands. Consensus Planning was the city's agent for the MPOS rezoning and is the agent in the platting and site plan application in this matter. Despite this fact, Consensus Planning Principal, Jackie Fishman testified that until the DRB brought it up at the hearing on the Applicants' application, she was unaware of the June 2022 rezoning that created 35-acres of new MPOS land near the application site [R. 885-887]. Ms. Fishman explained that she was unaware because the rezoning was not personally handled by her but by another employee of her firm, Consensus Planning [R. 884-885].

Associate Planning Director Jolene Wolfley testified in the administrative appeal hearing that she knew there was a newly created MPOS caddy-corner to the application site [R. 927-928].⁹ Since it was determined informally (prior to the hearings) that the MPOS was not pertinent to the issue of whether it was adjacent to the application site, the matter was not substantively discussed at the preliminary plat hearings [R. 929].

The Appellants take the position that Ms. Fishman should have known or did know of the June 2022 rezoning and that the inaccurate submission is more than a mistake. Specifically,

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.¹⁰ 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).

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.

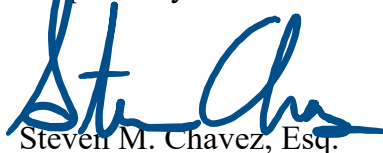
574 25. Contrary to Appellant Voorhees' claim in this appeal, the record of the DHO hearing
575 on the final plat demonstrates that the DHO held no animosity for Mr. Voorhees.

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

Wednesday, November 8, 2023

5:00 PM

Vincent E. Griego Chambers
One Civic Plaza NW

City of Albuquerque Government Center

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: [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](#)

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

Chair Shaffer,

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

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

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

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

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

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

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.

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.*

S

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.

#11: Exempt city facilities from conditional use process: Agree with EPC to maintain the conditional use process for city facilities. Don't support!

#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.

#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!

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.

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.*

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.*

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: My apologies for wrong neighborhood
Date: Friday, January 5, 2024 6:08:45 PM

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

Dear David Shaffer,

I just sent you my precious email regarding the upcoming January 11 meeting. I oppose the drive-thru cafe in the VHUC, not the Santa Fe Village. Thank you.

Kathryn McSorley

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

[EXTERNAL] Forward to 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: [Dan Regan](#)
To: [City of Albuquerque Planning Department](#)
Cc: ["P. Davis Willson"; reynolds@unm.edu; anvanews@aol.com; lxbaca@gmail.com; "Mildred Griffiee"; 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](#)

[EXTERNAL] Forward to 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

From: 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>
Cc: Michael Brasher <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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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.

To view this discussion on the web visit <https://groups.google.com/d/msgid/icc-working-group/AE16E43A-F445-445E-BA2F-955449A096E3%40willsonstudio.com>.

For more options, visit <https://groups.google.com/d/optout>.

ICC Inter-Coalition Council

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January 8, 2024

Via email: 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

From: [Mike T. Voorhees](#)
To: [City of Albuquerque Planning Department](#)
Cc: [René Horvath](#)
Subject: PR-2018-001843 / RZ-2023-00044– Small Area VHUC 48 Hour Comments
Date: Tuesday, January 9, 2024 3:09:17 PM

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

Attn: EPC Chairman Shaffer

EPC Chair Shaffer and Commissioners,

I write in support of the Planning Department's recommendation for denial of the proposed Small Area Amendment IDO 14-16-4-3(F)(5)(f)10 Volcano Heights Urban Center. While such a change would be bad policy and contrary to the goals and vision expressed the Comprehensive Plan, the process that has brought it before you is flawed and highly unethical.

Thus, to ensure the details are placed in the record, this proposal is being sponsored by Councilor Dan Lewis, after he admittedly was contacted in ex parte communication by real estate developer Mark Edwards. This was testified to by Shanna M. Shultz in the facilitated meeting. While Councilor Lewis allegedly informed Mr. Edwards that he couldn't discuss it, due to ex parte rules, he then instructed Mr. Edwards on how to skirt those provisions by submitting the request via Council Services, whereupon Councilor Lewis would then sponsor the proposal. This is highly unethical, and follows the same pattern of behavior exhibited by Councilor Lewis in his sponsored small area amendment for the VPO-2 View Protection Overlay. In that amendment, Councilor Lewis not only refused to recuse himself, he put forward the motions in LUPZ and before the Council to override the recommendation to deny by the EPC and voted for the amendment he sponsored, despite the requirement to be an impartial arbiter in a quasi-judicial proceeding. That action is being review in District Court.

Please recommend denial once again for this improperly introduced proposal.

Respectfully,

Michael T. Voorhees

6320 Camino Alto NW

Albuquerque, NM 87120

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](#)

[EXTERNAL] Forward to 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> 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

cabq.gov/planning

From: P. Davis Willson <info@willsonstudio.com>
Sent: Monday, January 8, 2024 4:22 PM
To: City of Albuquerque Planning Department <abcto@cabq.gov>
Cc: Michael Brasher <eastgatewaycoalition@gmail.com>
Subject: EPC IDO Hearing #2; 48 hour comments

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Thank you,

Patricia Willson

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January 8, 2024

Via email: 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

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Sincerely,

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Michael Brasher
Inter-Coalition Council President

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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](#)

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

Attn: EPC Chair Shaffer

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Thank you,

Patricia Willson

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January 8, 2024

Via email: 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

From: [Jane Baechle](#)
To: [City of Albuquerque Planning Department](#)
Cc: [Renz-Whitmore, Mikaela J.](#); [Vos, Michael J.](#); [Morris, Petra](#)
Subject: Comments on the VHUC
Date: Wednesday, February 7, 2024 9:58:24 AM
Attachments: [VHUC 2152024.pdf](#)

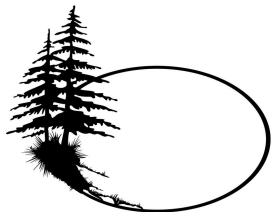
[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Please append the following written comments on the proposed small area amendment to the VHUC to the Staff Report to the EPC for the meeting of 2/15/2024.

I appreciate your assistance and your confirmation that these will be included.

Thank you for your time and assistance.

Jane Baechle
SfVNA



Santa Fe Village Neighborhood Association

5601 Bogart St. NW Albuquerque, NM 87120

SFVNA2014@gmail.com

Date: February 7, 2024

To: Jonathan Hollinger
Chair, EPC

From: Jane Baechle
Representative, SFVNA

Re: Volcano Heights Urban Center
Small Area Amendment, IDO 14-16-4-3(F)(5)(f)10

Dear Mr. Hollinger and Commissioners,

I am writing again on behalf of the Santa Fe Village Neighborhood Association (SFVNA) to reaffirm our strong *opposition* to the proposed small area amendment to the Volcano Heights Urban Center (VHUC) which would remove the prohibition on drive throughs in the VHUC. There has been no change in our position as outlined in our original written comments in our letter of 11/26/2023 and in every subsequent document from the SFVNA providing written comments regarding proposed changes as part of the 2023 IDO Annual Review. Those letters are now a matter of public record, included in every previous staff report on this matter. In our view, this proposal conflicts with ABC Comp Plan Goals and Policies that outline both the intent of an urban center to be designed as a walkable neighborhood and those that call for context sensitive development on the NW mesa escarpment and in the VHUC.

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 about the VHUC 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

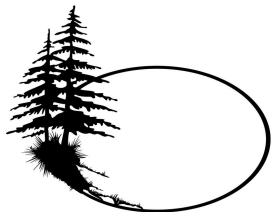
degree of walkability. There is no adequate justification for removing from the IDO the protections against the development of drive throughs in the VHUC.

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.

We respectfully request that the EPC support the ABC Comp Plan Goals and Policies outlined here and assure that the IDO continues to serve its purpose to “Implement the adopted Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.” The IDO Annual Review should not be used as a mechanism to rewrite and undermine the Comp Plan as this proposal is clearly intended to do and at the expense of the character and sense of place of this area. The Planning Department staff report recommends *denial* and we ask the EPC to make the same recommendation.

Sincerely,

Jane Baechle
SFVNA



Santa Fe Village Neighborhood Association

5601 Bogart St. NW Albuquerque, NM 87120

SFVNA2014@gmail.com

Date: February 12, 2024

To: Jonathan Hollinger
Chair, EPC

From: Jane Baechle
Representative, SFVNA

Re: Proposed Small Area Amendment VHUC
IDO 14-16-4-3(F)(5)(f)10

Given the salience of comments submitted to the Commission under the 48 hour rule, I am writing to reaffirm the Santa Fe Village Neighborhood Association (SFVNA) *opposition* to the proposed change to the IDO which would remove from the Volcano Heights Urban Center (VHUC) the prohibition on drive throughs, thus allowing drive through businesses in the urban center. The basis of our opposition, outlined in all prior written comments, includes all of the following points:

- ❖ The ABC Comp Plan establishes the purpose of the VHUC 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) Nothing is more damaging to a walkable district or context sensitive development than drive throughs.
- ❖ In establishing standards for Urban Design, Comp Plan Goal 7.2 states “Increase walkability in all environments, *promote pedestrian-oriented development in urban contexts*, and increase pedestrian safety in auto-oriented contexts.” Drive throughs do not represent pedestrian-oriented development and, in a pedestrian-oriented development, would jeopardize pedestrian safety.
- ❖ “By ordinance, other adopted City and County plans are subordinate to and must be consistent with this Comp Plan.” (Pg 1-8)
- ❖ “The purpose of this IDO is to: 1-3(A) Implement the adopted Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended”. This proposal attempts to use the IDO Annual Review to rewrite the ABC Comp Plan and to respond to the specific interests of some property owners over those of the surrounding area, the goals and policies

of the Comp Plan and the current and future residents of the entire City. It is entirely inconsistent with this statement from the Comp Plan (pg 3-2), “As stewards of this place, we must work together to plan our streets and trails, water and energy resources, economy, parks, cultural attractions, neighborhoods, and all other elements that make up the fabric of our community.”

We again respectfully request that the Commission uphold the recommendation of *DENIAL* by the City Planning staff and send a further recommendation of *DENIAL* to the City Council. I look forward to addressing this issue further on behalf of the SFVNA Board in Thursday’s meeting.

Thank you for your time and attention.

Sincerely,

Jane Baechle
Representative, SFVNA

From: [BRENDA EDWARDS](#)
To: [City of Albuquerque Planning Department](#)
Subject: Small Area Volcano Heights Urban Center
Date: Tuesday, February 13, 2024 7:25:47 AM

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

To EPC Chair Staffer:

My name is Mark Edwards, and our family have been residents of Ventana Ranch for 25 years. As longtime residents in this Volcano Heights area, our family has desired more options than what we have in the area to eat, bank and pick up prescriptions. With the elimination of this drive-thru prohibition, it would increase the number of options to eat, bank, and pick up prescriptions, all of which would require drive-thru operations. This would create additional convenience for basic services and further enhance our underserved community and likely would bring other needed services such as a grocery store. This overlay restriction of drive-thrus affecting Volcano Heights Urban Center (VHUC) area looks to be outdated and somewhat out of touch with what is actually needed to serve the numerous residential communities abutting the VHUC.

The facts of the matter are that current areas within the VHUC (on or near the Unser & Paseo Del Norte interchange) where drive-thrus are allowed lack basic infrastructure (utilities, bikeways, walkways) that will likely take years for that infrastructure to get built, which will delay development of these specific areas to ultimately serve the growing residential population. I don't understand how this drive-thru restriction for portions of the VHUC coincides with how this general area continues to grow. The residential communities within and immediately surrounding the VHUC have long been underserved with basic services and deserve to have more options for basic services, including operations with drive-thrus, which will help spur economic development within the VHUC.

In summary, our family is in strongly in favor of eliminating the drive-thru prohibition for the following reasons:

1. Lack of restaurant and bank options within walking and short driving distance to serve our continually growing residential communities which have long been severely underserved
2. Reduce or eliminate vehicular trip times by having more options to eat closer to residential areas that have the necessary infrastructure in place to be developed
3. Creation of more employment opportunities closer to residential areas,

- thereby creating a balanced job to residential ratio within and surrounding the VHUC area
4. Encouraging economic growth for these growing areas as a grocery store operation should be easier to attract with influx of more essential services to the area

It is my hope that EPC will consider these comments as sufficient justification to approve lifting this drive-thru prohibition within VHUC.

Mark Edwards

Ventana Ranch resident for 25 years

From: [Elizabeth Haley](#)
To: [Renz-Whitmore, Mikaela J.](#); [Salas, Alfredo E.](#); [Aaron Neito](#); [Aranda, James M.](#)
Subject: Proposed Small Area Amendment Volcano Heights Urban Center
Date: Tuesday, February 13, 2024 8:58:59 AM

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

Feb. 13, 2024

Jonathan Hollinger, Chair
City of Albuquerque
Environmental Planning Commission

Re: Proposed Small Area Amendment Volcano Heights Urban Center

Dear Chairman Hollinger,

I am a resident of Paradise Hills and an active member of the Executive Committee of the Paradise Hills Civic Association, a Neighborhood Association serving the City of Albuquerque and Bernalillo County residents.

I live in the vicinity of Paradise Blvd and Unser. I have been following the IDO since 2017 and the various proposals to change the IDO pertaining to the VPO-2, including the prohibition of drive-throughs in the Volcano Heights Urban Center area.

I speak for many neighbors who have waited for amenities, including walkable, upscale commercial development. This amendment contradicts our area's long-term development plans and amenities and attempts to spot zones by changing the VPO-2 protections. Many of our members participated in the long-term planning for this area. Many are volunteers with the National Park Service and the City of Albuquerque Open Space, and we understand the environmental sensitivity of the landscape. I have also taught field classes there as an Adjunct Professor at UNM.

The proposed Volcano Heights Urban Center is not just a fascinating geological landscape but also a cultural landscape with unique views, landscapes, and cultural assets valuable to the public, tribal nations, and property owners. I have a Master of Architecture and Planning, have been an adjunct professor in the Graduate School of Architecture at UNM, and served as a national consultant for the Department of Interior and BIA, serving at the request of the BIA on Federal Reserve Policy Boards. I have also co-authored Congressional Testimony on Land Review and Planning for the US House of Representative Resources Committee.

I am also the current President of WSCONA and have participated as a representative in the EPC IDO small area amendments. Three impressions struck me. Some are not original to me.

(1) Very few cities in the United States have the cultural and geological landscapes Albuquerque was blessed with. Urban communities offer many advantages that rural communities lack. But by their Nature, cities can be very stressful places. Those of us who live on the Westside confront challenges every day. One challenge is simply crossing the Rio Grande. We need walkable commercial amenities that become hubs to live, work, and play. Let's keep the landscape jewels we have intact. We should have done that some years ago

when we lost many historic buildings. For those of us who live adjacent to the lands in question, please minimize the impact of development and be sure to support Tribal Engagement on such issues as well

(2) City officials overseeing development are obligated to consider people first. In this case, the City should assess the impact of the proposed changes in the IDO on the people in the vicinity of the land in question. (Excerpted from a letter by Larry Larrichio)

(3) The testimony before the EPC often breaks down to changing VPO-2 protections from out-of-state landowners and lobbyists - opposition from residents. It is in the economic interests of the out-of-state property owners to refrain from making the changes they support. They need to be more informed. The only local support is from lobby groups whose financial interests may differ from theirs. Commercial real estate is in a death spiral in Albuquerque post-pandemic. Only commercial real estate with a destination value has been able to survive. The commercial real estate doing well in Albuquerque is in the walkable Uptown Urban Center, the Volcano Heights Urban Center companion. Please keep property owners and citizens from losing. Please vote to reject this Small Area Amendment.

I appreciate your consideration.

Sincerely,

Elizabeth Haley Tel: 505-908 5376 Email: elizabethkayhaley@gmail.com

From: [Hendricks, Nancy E](#)
To: [City of Albuquerque Planning Department](#); [Renz-Whitmore, Mikaela J.](#)
Cc: [Jane Baechle](#); [Rene" Horvath](#)
Subject: Petroglyph National Monument Comments: Proposed Small Area Amendment Volcano Heights Urban Center; IDO 14-16-4-3(F)(5)(f)10
Date: Monday, February 12, 2024 8:24:45 AM
Attachments: [20240212_PETR_Drive Thru Variance Comments.pdf](#)

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IN REPLY REFER TO:
I.A.1.

February 12, 2024

City of Albuquerque
Jonathan Hollinger, Chair
Environmental Planning Commission
Through: Albuquerque Planning Department
Via email at: abcto@cabq.gov and mrenz-whitmore@cabq.gov

Re: Proposed Small Area Amendment Volcano Heights Urban Center; IDO 14-16-4-3(F)(5)(f)10

Dear Chairman Hollinger,

I am writing on behalf of the National Park Service (NPS) concerning the proposed change to the IDO which would remove from the Volcano Heights Urban Center (VHUC) the prohibition on drive throughs, allowing drive through businesses in the urban center.

This is a unique area in Albuquerque. Situated on the West Mesa, the VHUC is located adjacent to Petroglyph National Monument (Monument). It is a place of great importance to the residents of the West Mesa and the City of Albuquerque, and to visitors from the United States and around the world. Our data show that more than 60% of our visitors are from the neighborhoods adjacent to the Monument – residents of Albuquerque who appreciate the pedestrian linkages from their communities to our trailheads. We consistently work with the neighboring developers to link external trails to Monument trailheads. The allowance for drive throughs in the subject proposal would reduce the walkability of the neighborhood, affect access to the Monument, and degrade the cultural heritage of the West Mesa.

Retain the character of the VHUC in consideration of its proximity to the Monument, and in accordance with the standards developed in the ABC Comp Plan by denying the proposed small area amendment. The ABC Comp Plan established the purpose of the VHUC (11.3.6(d)) to “Protect the area’s natural and archaeological resources, including the [Petroglyph National] Monument and significant rock outcroppings, while encourage 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.”

The preservation of the cultural landscape of Petroglyph National Monument is the primary concern of the NPS, and by law and policy, is an important concern of the City of Albuquerque (ABC Comp. Plan 10.3.5 and 11.1.2.3). On June 27, 1990, Congress passed the Petroglyph National Monument Establishment Act of 1990 creating the Monument as a unit of the NPS, co-managed by the City of Albuquerque, “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). Petroglyph National Monument (Monument) is a cultural landscape, and in particular, the escarpment area, including Piedras Marcadas Canyon both north and south of Paseo del Norte Boulevard, is listed on the National Register of Historic Places (NRHP) as the Las Imagines Archeological District. The area contains significant and numerous cultural resources, including a large concentration of petroglyphs and numerous archaeological sites. The entire Monument area is considered sacred to all 19 Pueblos and 10 additional tribes across the Southwest.

Please uphold the recommendation of Denial by the City Planning staff and send a further recommendation of denial to the City Council.

Thank you for your consideration. Please contact me by email at nancy_hendricks@nps.gov if you have questions or would like to discuss further.

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 \(U.S. National Park Service\)](#)



United States Department of the Interior

NATIONAL PARK SERVICE
Petroglyph National Monument
6001 Unser Blvd NW
Albuquerque, New Mexico 87120



IN REPLY REFER TO:
I.A.I.

February 12, 2024

City of Albuquerque
Jonathan Hollinger, Chair
Environmental Planning Commission
Through: Albuquerque Planning Department
Via email at: abcto@cabq.gov and mrenz-whitmore@cabq.gov

Re: Proposed Small Area Amendment Volcano Heights Urban Center; IDO 14-16-4-3(F)(5)(f)10

Dear Chairman Hollinger,

I am writing on behalf of the National Park Service (NPS) concerning the proposed change to the IDO which would remove from the Volcano Heights Urban Center (VHUC) the prohibition on drive throughs, allowing drive through businesses in the urban center.

This is a unique area in Albuquerque. Situated on the West Mesa, the VHUC is located adjacent to Petroglyph National Monument (Monument). It is a place of great importance to the residents of the West Mesa and the City of Albuquerque, and to visitors from the United States and around the world. Our data show that more than 60% of our visitors are from the neighborhoods adjacent to the Monument – residents of Albuquerque who appreciate the pedestrian linkages from their communities to our trailheads. We consistently work with the neighboring developers to link external trails to Monument trailheads. The allowance for drive throughs in the subject proposal would reduce the walkability of the neighborhood, affect access to the Monument, and degrade the cultural heritage of the West Mesa.

Retain the character of the VHUC in consideration of its proximity to the Monument, and in accordance with the standards developed in the ABC Comp Plan by denying the proposed small area amendment. The ABC Comp Plan established the purpose of the VHUC (11.3.6(d)) to “Protect the area’s natural and archaeological resources, including the [Petroglyph National] Monument and significant rock outcroppings, while encourage 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.”

The preservation of the cultural landscape of Petroglyph National Monument is the primary concern of the NPS, and by law and policy, is an important concern of the City of Albuquerque (ABC Comp. Plan 10.3.5 and 11.1.2.3). On June 27, 1990, Congress passed the Petroglyph National Monument Establishment Act of 1990 creating the Monument as a unit of the NPS, co-managed by the City of Albuquerque, “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). Petroglyph National Monument (Monument) is a cultural landscape, and in particular, the escarpment area, including Piedras Marcadas Canyon both north and south of Paseo del Norte Boulevard, is listed on the National Register of Historic Places (NRHP) as the Las Imagines

Archeological District. The area contains significant and numerous cultural resources, including a large concentration of petroglyphs and numerous archaeological sites. The entire Monument area is considered sacred to all 19 Pueblos and 10 additional tribes across the Southwest.

Please uphold the recommendation of Denial by the City Planning staff and send a further recommendation of denial to the City Council.

Thank you for your consideration. Please contact me by email at nancy_hendricks@nps.gov if you have questions or would like to discuss further.

Sincerely,

Nancy Hendricks
Superintendent

February 12, 2024

City of Albuquerque
Jonathan Hollinger, Chair
Environmental Planning Commission
Through: Albuquerque Planning Department
Via email at: abcto@cabq.gov and mrenz-whitmore@cabq.gov

Re: Proposed Small Area Amendment Volcano Heights Urban Center; IDO 14-16-4-3(F)(5)(f)10

Dear Chairman Hollinger,

I represent the Westside Coalition as their Land Use Director. The Westside Coalition discussed the small area amendment to remove the Volcano Heights Urban Center prohibition on Drive-through facilities at their Feb. 7th Coalition meeting. The Coalition voted to oppose the small area amendment which would remove the prohibition on Drive-throughs. It was a 20 to 0 vote in opposition to this amendment.

The mesa top is a very sensitive geological and cultural landscape, adjacent to Petroglyph National Monument, making it a significant landmark of Albuquerque that deserves special consideration. It should not be treated like any area of the city with generalized IDO rules. It needs special customized treatment.

There are only 2 Urban Centers in Albuquerque; the Uptown Urban Center on Louisiana across from Coronado Shopping Mall, and the Volcano Heights Urban Center on the mesa top. The vision of the Urban Centers is to make these developments more walk-able. Uptown is designed as an open and walk-able shopping center customized for that area of town. There are no Drive-through establishments at the Uptown Urban Center.

The intent of the Volcano Heights Urban Center is to be walk-able as well. It also needs to be customized to incorporate the unique landscape features and fantastic views into a walk-able customized design for the mesa top. Therefore, the Drive-through prohibition needs to be maintained. The Vision and the Values for a walk-able Urban Center are consistent with the Comprehensive Plan goals and policies. This proposal violates those policies and undermines the vision and the values of the Comprehensive Plan.

A facilitated meeting was held on October 16th 2023, to explain the Drive-through proposal. It was explained that a property owner requested this amendment. Removal of this protective requirement, at the request of one property owner, undermines that vision. There was no community support in removing the Drive-through prohibition at that meeting.

Members of the Westside Coalition have also witnessed over the years that drive-through facilities have become troublesome with long lines of cars blocking access into shopping centers and business entrances. It should be noted that Paseo and Unser are both limited access roadways, which have restrictions on the number of driveways that are allowed onto these roadways. Traffic backed up onto roadways is a public safety issue that needs to be avoided.

We urge the EPC to deny this request.

Thank you,
Rene' Horvath
Land Use Director WSCONA

Feb. 12, 2024

Jonathan Hollinger, Chair
City of Albuquerque
Environmental Planning Commission

Re: Proposed Small Area Amendment Volcano Heights Urban Center

Dear Chairman Hollinger,

I am a resident of the Taylor Ranch community, and an active member of the Taylor Ranch Neighborhood Association. I live in the vicinity of Calle Norteña and Taylor Ranch Rd. I have been following the issue of the proposal to change the IDO, pertaining to the prohibition on drive throughs in the area of the Volcano Heights Urban Center. I speak on behalf of many of my neighbors who spend hours each week, hiking, birding, photographing, and jogging in this area. A number of us are volunteers with the National Park Service and City of Albuquerque Open Space. So we know the area well and we understand the environmental sensitivity of the landscape. I have also taught field classes there as an Adjunct Professor at UNM.

This is not just a fascinating geological landscape, but a cultural landscape as well. I have reviewed a number of archaeological studies that have been conducted in this area and have been aware of the fact that ceramic, lithic and petroglyph sites are not just found on the premises of the Petroglyph National Monument, but permeate the entire area, including City Open Space lands and adjacent areas as well. There is excellent access to the area via trailheads that contribute to the quality of life for local residents, just as the Bosque does for its adjacent neighborhoods, and the Sandia Foothills provide for residents in the Northeast Heights.

Very few cities in the United States have the cultural and geological landscapes that Albuquerque has been blessed with. Urban communities offer many advantages that rural communities lack. But by their nature, cities can be very stressful places as we know all too well in Albuquerque. Those of us who live on the Westside know that we face challenges everyday, one of which is simply crossing the Rio Grande. We also know that we live in a great part of town. This evening, just before dark, I took a short walk up to the Mesa to take a peak from one of my favorite spots. Five minutes from my front door, I can see the Jemez Mountains, the Truchas Peaks, Santa Fe Baldy, the Manzanos, the mountains above Socorro, and the majestic Sandias. Why mess with Nature? Let's keep the landscape jewels we have intact. We failed to do that some years ago when we lost many of our historic buildings, such as the Alvarado Hotel, among others. For those of us who live adjacent to the lands in question, please minimize the impact of development, and be sure to support Tribal Engagement on such issues as well

Years ago a book, entitled *Putting People First: Sociological Variables in Development*, was published that spoke to this very issue. In my opinion, city officials who oversee development have an obligation to consider people first. In this particular case, the City should consider the impact that the proposed changes in the IDO would have on the people in the vicinity of the land in question.

Thank you for your consideration.

Sincerely,

Larry Larrichio Tel: 505-730-6847 Email: lvlarrichio@gmail.com

From: [mb422](#)
To: [City of Albuquerque Planning Department](#); [Renz-Whitmore, Mikaela J.](#)
Subject: Deny--Proposed Small Area Amendment Volcano Heights Urban Center; IDO 14-16-4-3(F)(5)(f)10
Date: Monday, February 12, 2024 4:29:24 PM

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

EPC and city planners,

I urge you to deny this change that would allow drive thru activities. The concept for the area was to have a more livable and walkable area for commerce. This concept has proven beneficial and profitable for many cities throughout the world and in the USA. I for one, and I'm sure many trusted the city to keep this community vision as we invested our time and funds into the area.

Do not let the desires of one property developer and one city counselor destroy this vision for whatever short term benefit they see.

Thank you for your consideration on this matter,
Baxter Sosebee
Petroglyphs Estates property owner=

ATTN: EPC Chair Jonathan Hollinger

Date: February 12, 2024

Re: Project #: 2018-001843 Case #: RZ—2023-00044 IDO Small Area Amendment; Volcano Heights Urban Center (VHUC)

Going forward, after 450 amendments to our zone code in less than 4 years, please take a turn now to consider the objectives of the neighbors a higher priority than commercial developers and franchise owners. I stand opposed to the proposed change that would remove the prohibition on drive-throughs in the Volcano Heights Urban Center. I stand opposed to making drive thru's permissive across the city and will stand up with anyone who is in an accident based on this ill-considered, poorly enforced and quite likely illegal, IDO amendment made in 2019.

I will not repeat the numerous, specific points outlined by Ms. Baechle and Ms. Willson. Instead, I will focus on another detail of the big picture.; where are resident's rights of notification? How can you agree to this when you are aware that notifications to all who will be affected has not occurred?

Notifications are the primary most important part of the development process. The city, placing the responsibility on a third party, Neighborhood Associations, will suffer the risk associated with this maneuver, this manipulation of good order, this the ends justifies the means mentality, this expediting of process.

Who are the residents of this city who don't qualify for notifications – way more than those who do. Why are they marginalized by not being in an NA? I think it is a shame that you all allowed for the creating this inequity, for agreeing to this process, for not reading and seeing the detail in the NARO that destroyed proper notification processes. Removing notification is equivalent to denying civic engagement.

In regard to Civic Engagement, in Dr. S. Mark Pancer's blog: The Participation Phenomenon: Getting Involved in Your Community Might Just Save Your Life, he says, "...civic engagement does other things that promote health and well-being. It gives us a sense of identity and purpose. It helps us learn skills, such as how to organize our time, work with others, and resolve conflicts. It makes us more knowledgeable about the communities in which we live, and the institutions and organizations that help those communities become safer and healthier. In all these ways, participation in community not only prolongs our lives; it makes them worth living."

I believe notification about changes to residential rights is directly aligned with Public Health. The IDO calls for you to disapprove of an amendment that affects Public Health. Extrapolated, Yes, I am calling on you to disapprove of the entire IDO amendment process until the public notification process is fixed.

Although I serve on my neighborhood association and District Coalition boards, and am active on the Inter-Coalition Council, these comments are my own.

I respectfully request that the Environmental Planning Commission uphold the Planning Staff Report's recommendation of DENIAL and send a further recommendation of DENIAL to the City Council.

Thank you, Peggy Neff, Albuquerque resident



United States Department of the Interior

NATIONAL PARK SERVICE
Petroglyph National Monument
6001 Unser Blvd NW
Albuquerque, New Mexico 87120



IN REPLY REFER TO:
I.A.I.

February 12, 2024

City of Albuquerque
Jonathan Hollinger, Chair
Environmental Planning Commission
Through: Albuquerque Planning Department
Via email at: abcto@cabq.gov and mrenz-whitmore@cabq.gov

Re: Proposed Small Area Amendment Volcano Heights Urban Center; IDO 14-16-4-3(F)(5)(f)10

Dear Chairman Hollinger,

I am writing on behalf of the National Park Service (NPS) concerning the proposed change to the IDO which would remove from the Volcano Heights Urban Center (VHUC) the prohibition on drive throughs, allowing drive through businesses in the urban center.

This is a unique area in Albuquerque. Situated on the West Mesa, the VHUC is located adjacent to Petroglyph National Monument (Monument). It is a place of great importance to the residents of the West Mesa and the City of Albuquerque, and to visitors from the United States and around the world. Our data show that more than 60% of our visitors are from the neighborhoods adjacent to the Monument – residents of Albuquerque who appreciate the pedestrian linkages from their communities to our trailheads. We consistently work with the neighboring developers to link external trails to Monument trailheads. The allowance for drive throughs in the subject proposal would reduce the walkability of the neighborhood, affect access to the Monument, and degrade the cultural heritage of the West Mesa.

Retain the character of the VHUC in consideration of its proximity to the Monument, and in accordance with the standards developed in the ABC Comp Plan by denying the proposed small area amendment. The ABC Comp Plan established the purpose of the VHUC (11.3.6(d)) to “Protect the area’s natural and archaeological resources, including the [Petroglyph National] Monument and significant rock outcroppings, while encourage 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.”

The preservation of the cultural landscape of Petroglyph National Monument is the primary concern of the NPS, and by law and policy, is an important concern of the City of Albuquerque (ABC Comp. Plan 10.3.5 and 11.1.2.3). On June 27, 1990, Congress passed the Petroglyph National Monument Establishment Act of 1990 creating the Monument as a unit of the NPS, co-managed by the City of Albuquerque, “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). Petroglyph National Monument (Monument) is a cultural landscape, and in particular, the escarpment area, including Piedras Marcadas Canyon both north and south of Paseo del Norte Boulevard, is listed on the National Register of Historic Places (NRHP) as the Las Imagines

Archeological District. The area contains significant and numerous cultural resources, including a large concentration of petroglyphs and numerous archaeological sites. The entire Monument area is considered sacred to all 19 Pueblos and 10 additional tribes across the Southwest.

Please uphold the recommendation of Denial by the City Planning staff and send a further recommendation of denial to the City Council.

Thank you for your consideration. Please contact me by email at nancy_hendricks@nps.gov if you have questions or would like to discuss further.

Sincerely,

Nancy Hendricks
Superintendent

Date: February 12, 2024

To: EPC Chair Jonathan Hollinger

CC: Mikaela Renz-Whitmore

From: Merideth Paxton

Re: Project #: 2018-001843

Case #: RZ—2023-00044 IDO Small Area Amendment; Volcano Heights Urban Center (VHUC)

I ask you to deny this Small Area Amendment, which would allow drive-through windows in the Volcano Heights Urban Center. As we all increasingly face the consequences of climate change, it is important to encourage walking and other modes of transportation that decrease reliance on automobiles. Please uphold the Staff Report finding that “The request would be harmful to the health and general welfare of the surrounding community; presents significant conflicts with several applicable goals and policies in the Comprehensive Plan; and is not more advantageous to the community.”

Thank you for your contributions toward making Albuquerque a better city.

Sincerely,

Merideth Paxton
Albuquerque resident

From: [Mary Worthen](#)
To: [Jill Yeagley](#)
Cc: [City of Albuquerque Planning Department](#); [mary Ann Wolf-Lyerla](#); [James Price](#); [Michael J. Vigil](#); [Thomas Reecer](#); [William Monthan](#)
Subject: Re: Letter from the Molten Rock NA Regarding the Proposal to Allow Drive Through Establishments in the VHUC
Date: Monday, February 12, 2024 4:35:05 PM

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

Looks great! You presented specifics that should have already been known. If we don't speak up, they hope developments like this will just go through. Just as the people on 4th and Osuna are learning.

Thank you
Mary Lou

On Mon, Feb 12, 2024 at 12:36 PM Jill Yeagley <jillyeagley@swcp.com> wrote:

Attached is the letter from the Molten Rock NA opposing the allowance of drive through establishments in the projected Volcano Heights Urban Center. We request that this letter be formally submitted to the EPC.

Thank you for your assistance.

Jill Anne Yeagley
MRNA Board President

From: [Evelyn J Rivera](#)
To: [City of Albuquerque Planning Department](#)
Subject: EPC Meeting 2/15/2024 Comments
Date: Monday, February 12, 2024 12:38:36 PM
Attachments: [EPC VHUC.docx](#)

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

Attached are 48 hour comments for submittal to the EPC for the meeting on February 15, 2024.

Date: February 12, 2024

To: Environmental Planning Commission: Chair Jonathan R Hollinger, Vice Chair Gary Eyster, and Committee members

From: Evelyn J Rivera

Re: Volcano Heights Urban Center, Project #2018-001843

Please vote no on the proposed text amendment to the IDO allowing drive-through facilities in the Volcano Heights Urban Center. Drive-through facilities include banks, fueling stations, car washes, restaurants, retail stores, and dry cleaners. These uses would result in traffic congestion/noise, loudspeaker noise, litter, light pollution, and odors that would be detrimental to the fragile ecosystem of the Petroglyph National Monument.

Respectfully submitted,

Evelyn Rivera

From: [Richard Schaefer](#)
To: [City of Albuquerque Planning Department](#); [Renz-Whitmore, Mikaela J.](#)
Cc: [Richard Schaefer](#)
Subject: Re: Proposed Small Area Amendment Volcano Heights Urban Center; IDO 14-16-4-3(F)(5)(f)10
Date: Tuesday, February 13, 2024 7:41:36 AM

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

Attn.: Jonathan Hollinger, Chair, and Environmental Planning Commissioners

Re: Proposed Small Area Amendment Volcano Heights Urban Center; IDO 14-16-4-3(F)(5)(f)10

I represent the Vista Grande Neighborhood Association (VGNA) to the Westside Coalition of Neighborhood Associations (WSCONA). In that capacity I have had access to considerable discussion regarding the proposed IDO “Small Area Amendment Volcano Heights Urban Center.” It seems to me that there are both procedural and substantive issues with this amendment to the IDO. For the reasons cited at recent WSCONA meetings, I ask the EPC and all CABQ entities to reject this amendment.

Please forward this email to the appropriate deliberative entities.

Sincerely,

Richard J. Schaefer

From: [eltenor](#)
To: [City of Albuquerque Planning Department](#)
Subject: PR-2018-001843 / RZ-2023-00044– Small Area VHUC
Date: Tuesday, February 13, 2024 6:50:42 AM

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

To EPC Chair Staffer:

My name is **Eugene Tenorio** and I live in the **Montecito Estates** subdivision near Volcano Heights. Our area lacks many options for basic services like eateries and banks and a grocer. In addition, there is only one drug store with a drive thru pharmacy to serve to serve the Ventana Ranch area and neighboring communities. Needless to say, this creates inconveniences for many of us and our families. Round trip travel times to access basic services beyond the limited options in the area are anywhere from 30 minutes to an hour. Having more accessible options would serve the community better and would like spur more interest from a grocery store operator.

Thank you,

Eugene

Sent from my Verizon, Samsung Galaxy smartphone

Date: February 12, 2024

To: EPC Chair Jonathan Hollinger

From: Michael T. Voorhees, Albuquerque resident

Re: Project #: 2018-001843

Case #: RZ—2023-00044

IDO Small Area Amendment; Volcano Heights Urban Center (VHUC)

Chair Hollinger,

This proposed IDO Small Area Amendment, which is being sponsored by Council President Dan Lewis, is highly improper. The IDO allows for individuals to submit applications to the City for proposed Small Area Amendments, provided they pay the requisite application fee to the City. However in this case, Mark Edwards, a real estate developer, approached Council President Dan Lewis individually to discuss such a proposal in one-on-one ex parte communication. This ex parte communication was confirmed by Shanna M. Shultz during her testimony in the facilitated meeting with neighborhoods and interested parties. According to this testimony, Councilor Lewis allegedly informed Mr. Edwards that he couldn't discuss it, due to ex parte rules, but he then instructed Mr. Edwards on how to skirt those provisions by submitting the request via Council Services, whereupon Councilor Lewis would sponsor the proposal.

In the Development Review Application, the Applicant is not listed as Mark Edwards, but instead is listed as "Shana Schultz, Council Planning Manager of behalf of City Councilor Dan Lewis". No fees were submitted as the City doesn't pay fees to itself. However, had the actual requestor, Mark Edwards, been required to submit the application under the IDO rules, he would have been required to pay fees totaling \$790, including the Published Notice Fee (\$75), the Pre-application Meeting Fee (\$50), the Facilitated Meeting Fee (\$100), and the Application Fee (\$565) (See: <https://documents.cabq.gov/planning/online-forms/Planning-General-FEE%20Schedule.pdf>.)

The waiver of such fees constitutes a violation of the State's Anti-Donation clause in the New Mexico Constitution under Article IX, § 14. Aid to private enterprise.

“Neither the state, nor any county, school district, or municipality shall directly or indirectly lend or pledge its credit, or make any donation to or in aid of any person, association, or public or private corporation...”

Moreover, by tasking Council Services to prepare the documents, briefings, and advocate for the passage of this Amendment of IDO text at meetings, including at the hearing before the EPC, Dan Lewis has in effect caused the donation of thousands of dollars worth of City personnel time to be donated in furtherance of Mr. Edward’s request.

Regardless of whether Council President Lewis is able to convince the other Councilors to approved such an amendment, the donation of required fees (through waiver) and staff time in aid of Mr. Edward’s request is simply not permitted, and this unlawful behavior must be investigated by the Albuquerque Office of Inspector General.

On the merits, I concur with the Planning Department’s recommendation for denial of the proposed Small Area Amendment to the Volcano Heights Urban Center. Such a change would be bad policy and contrary to the goals and vision expressed the Comprehensive Plan.

But the process itself that has brought this proposal before you is flawed, highly unethical, and unconstitutional. It also follows the same pattern of behavior exhibited by Councilor Lewis in his sponsored small area amendment for the VPO-2 View Protection Overlay, which was done on behalf of Consensus Planning. In that amendment, Councilor Lewis not only refused to recuse himself, he put forward the motions in LUPZ and before the Council to override the recommendation to deny by the EPC and voted for the amendment he sponsored, despite the requirement to be an impartial arbiter in a quasi-judicial proceeding. That action is being review in District Court in case D-202-CV-2023-03961.

Please recommend denial once again for this improperly introduced proposal.

Respectfully,

A handwritten signature in black ink, appearing to read "Mike Voorhees", with a stylized, flowing script.

Michael T. Voorhees
6320 Camino Alto NW
Albuquerque, NM 87120

Date: February 12, 2024

To: EPC Chair Jonathan Hollinger

From: Patricia Willson, Albuquerque resident

Re: Project #: 2018-001843
Case #: RZ—2023-00044
IDO Small Area Amendment; Volcano Heights Urban Center (VHUC)

Chair Hollinger,

I am opposed to the proposed change that would remove the prohibition on drive-throughs in the Volcano Heights Urban Center. I will not repeat the numerous, specific points outlined so well by Ms. Baechle of the Santa Fe Village NA. Instead, I will focus on the big picture.; what is the Comprehensive Plan and what is its purpose? From the City's website:

"A comprehensive plan is a document that contains a shared community vision for where to grow and what to protect in the future. The ABC Comp Plan is primarily a land-use plan, providing policy guidance about where growth is appropriate and what form it should take."

"One purpose of a comprehensive plan is to inform the zoning code; the zoning code is the regulatory tool used to implement the goals and concepts from the comprehensive plan that apply to land use and development. In other words, a comprehensive plan contains the vision, goals and policies for growth and development, and the zoning code contains the regulations to implement that vision."

Twenty-three years ago, the Comp Plan adopted the Vision of Centers and Corridors. The 2017 update confirmed widespread support for the Centers and Corridors vision and identified—in addition to Downtown—two Urban Centers: Uptown on the east side and Volcano Heights on the west side, planned to be the next most urban, walkable, and intense of the Centers.

Drive-throughs are the antithesis of walkability. As mentioned above, *"...the zoning code contains the regulations to implement that vision."* Using the IDO Annual Update process to respond to the specific interests of individual property owners to remove a ban that favors vehicular traffic and jeopardizes pedestrian safety is the exact opposite using zoning to implement the vision. The Staff Report sums it up brilliantly: ***"The request would be harmful to the health and general welfare of the surrounding community; presents significant conflicts with several applicable goals and policies in the Comprehensive Plan; and is not more advantageous to the community."***

The Comp Plan guides growth to 2040; it undergoes regular updates but is not expected to undergo a major rewrite for twenty years. I hope the Commissioners can take a moment to review Chapter 3, THE VISION. It's short (only 10 pages) but serves as an important touchstone reminding us of our shared responsibility to the fabric of this community that we all call home.

<https://documents.cabq.gov/planning/UDD/CompPlan2017/CompPlan-Chapter3.pdf>

Although I serve on my neighborhood association and District Coalition boards, and am a representative to the Inter-Coalition Council, these comments are my own. I respectfully request that the Environmental Planning Commission uphold the Planning Staff Report's recommendation of DENIAL and send a further recommendation of DENIAL to the City Council.

Thank you for your time and attention,

Patricia Willson, Albuquerque resident

From: [P. Davis Willson](#)
To: [Renz-Whitmore, Mikaela J.](#)
Subject: one more 48 hour comment
Date: Tuesday, February 13, 2024 7:59:43 AM

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

Mikaela, please forward this one last comment to EPC Chair Hollinger. Thanks so much.

Patricia Willson

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

Date: February 13, 2024

To: EPC Chair Jonathan Hollinger

From: Patricia Willson, Albuquerque resident

Re: IDO Small Area Amendment; Volcano Heights Urban Center (VHUC)

Chair Hollinger,

Please note that of the three supporting comments noted in the Staff Report, **“two proponents were property owners who wanted more options to sell land to prospective developers.”**

Major land use policy should not be decided on financial advantage for two property owners—decisions should be made in accordance with the Comprehensive Plan that guides the Vision of Albuquerque for generations.

Thank you for your time and attention to this critical domino.

Respectfully,

Patricia Willson

From: [Jill Yeagley](#)
To: [City of Albuquerque Planning Department](#)
Cc: [mary Ann Wolf-Lyerla](#); [James Price](#); [Mary Lou Worthen](#); [Michael J. Vigil](#); [Thomas Reecer](#); [William Monthan](#)
Subject: Letter from the Molten Rock NA Regarding the Proposal to Allow Drive Through Establishments in the VHUC
Date: Monday, February 12, 2024 12:36:34 PM
Attachments: [EPC Letter Opposing Drive Thru Establishments in the VHUC.docx](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.
Attached is the letter from the Molten Rock NA opposing the allowance of
drive through establishments in the projected Volcano Heights Urban
Center. We request that this letter be formally submitted to the EPC.

Thank you for your assistance.

Jill Anne Yeagley
MRNA Board President

Molten Rock Neighborhood Association (MRNA)

7936 Victoria Dr. NW Albuquerque, NM 87120

moltenrockna@gmail.com

Date: February 12, 2024

To: Jonathan Hollinger
Chair, City of Albuquerque EPC

From: Jill Anne Yeagley
MRNA Board President

Re: Volcano Heights Urban Center
Small Area Amendment, IDO 14-16-4-3(F)(5)(f)10

Dear Mr. Hollinger and Commissioners:

On behalf of the Molten Rock Neighborhood Association (MRNA), this document expresses our strong opposition to the proposed small area amendment to the Volcano Heights Urban Center (VHUC) which would remove the prohibition on drive-through establishments. This proposal directly contradicts the intention of the Albuquerque/Bernalillo County (ABC) Comprehensive Plan Goals and Policies for this urban center to be developed as a walkable neighborhood. Further, this proposed change conflicts with the design standards mandated for the NW Mesa Escarpment, within which the VHUC will be located.

Policy 11.3.6 of the ABC Comprehensive Plan clearly states the overarching goal is to “Preserve open space, natural and cultural landscapes, and other features of the natural environment within Volcano Mesa.” Sub-policy “d” of this same section delineates the objective, “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.” The VHUC, when developed as intended, will allow residents to access nearby services and entertainment in a manner that contributes to a greater sense of community, reduces the “carbon footprint,” and complements the natural landscape; the proposal to allow drive-throughs does exactly the opposite.

We respectfully implore the EPC to support the ABC Comprehensive Plan Goals and Policies discussed herein, and to take the necessary steps to ensure that the IDO meets its purpose and directive to implement the adopted ABC Comprehensive Plan as amended.

Sincerely,

Jill Anne Yeagley

Board President, MRNA

CHAIR HOLLINGER: We'll move to our first agenda items is agenda. Item number one, project 2018-001843, case number RZ-2023-00044, City staff would you like to begin your presentation?

MS RENZ-WHITMORE: Yes, please, Mr. Chair. Thank you, Commissioners. So, my name is Mikaela Renz-Whitmore. I'm here with my colleague, Petra Morris, who will be the applicant for this particular case. So, let's dive in. This particular change is a small area text amendment associated with this year's annual update of the Integrated Development Ordinance or IDO. The proposed amendments would change language in the use specific standard for drive throughs which are an accessory use in Table 4-2-1. Right now, the language in the use specific standard prohibits drive throughs in the mixed-use zone districts within the Urban Center, as designated in the Albuquerque, Bernalillo County Comprehensive plan, which is shown in purple in the map at the top. The mixed-use zone districts now are MX-M, and MX-H. Within that boundary. The drive-through use is permissive in the mixed-use zone district. So, this change would allow, drive throughs permissively. In all of these MX-M zone districts. The change would also allow, sorry MX-H, is, drive-throughs are conditional within the MX-H. Zone district. So, they would continue to be conditional in MX-H. So, the review and decision criteria that you will be using today to make your recommendation to the City Council, City Council is the final decision maker for this change to the Integrated Development Ordinance. The first thing is that you need to be thinking about whether this change is consistent with health, safety, and general, welfare, as shown by furthering and not being in conflict with comprehensive goals and policies. The second criterion is if this area is partly in an area of consistency, and there are, there is one small square of area of consistency within the Volcano Heights, Urban Center boundary. You also need to find that this change clearly reinforces and strengthens this area and that it does not allow development significantly different from that character, also that change needs to be made in response to a significant change. Or because it's more advantageous per the goals and policies of the Comprehensive plan. Because there is that small square of area of consistency criterion C does not apply in this case. The last decision criteria before you today is if this change makes a change to the allowable uses which it does, you need to find that it does not allow permissive uses harmful to adjacent property, the neighborhood or the community. Unless a use specific standard in the Integrated Development Ordinance would help mitigate that harm. And lastly, the change must not be justified completely or predominantly on the cost of land or any economic considerations. So, in this case, Staff found in its analysis that policies within the Urban Center, which is supposed to be a highly accessible and walkable place that provides a range of employment, opportunities and higher density housing options. particularly policy. 5.1.4.A, explicitly says, to encourage mixed use development in this area, and 5.1.4.B says, to encourage pedestrian oriented design transit, oriented development and infrastructure improvements that make Urban Centers more walkable over time. This area also has 2 major roadways, Unser Boulevard and Paseo del Norte, that cross here, toward the left Center of the Volcano Heights Urban Center. Unser boulevard and Paseo have dual designations per the Comprehensive plan. So here to the to the west, you've got this red designation, which is the commuter corridor which does prioritize automobile traffic. On the east side the dual designation is this blue dotted line, which is for premium transit at issue. Here is the policy 5.1.8 for premium transit corridors the policy there is to foster corridors that prioritize high-capacity high frequency, transit service with mixed use transit-oriented development within walking distance of transit stations. Policy 6.1.2 for transit-oriented development says, to prioritize transit, supportive density

uses and building design along these transit corridors and lastly, for auto demand policy, 6.1.3. The policy is to reduce the need for automobile travel by increasing mixed use development, infill development within Centers and travel demand management programs. So, it goes on, there are more conflicts related to the dual designation of the premium transit corridor. So, goal 7.2 for pedestrian accessible design. The policy is to increase walkability in all environments, promote pedestrian oriented development in urban contexts such as the Urban Center and increase pedestrian safety in auto oriented contexts. Policy 7.2.1 for walkability ensure convenient and comfortable pedestrian travel. Policy 7.2.2 walkable places promote high quality, pedestrian oriented neighborhoods and districts as the essential building blocks of an Urban Center. So, staff finds that there are significant conflicts with this proposed change with existing goals and policies in the Comprehensive plan, including goals and policies within the community, identity chapter for character, distinct communities, identity and design place making and Centers and in the land use chapter for Centers and corridors desired growth, and particularly those policies on Urban Centers. The community identity policies. Bring in the fact that this area is so close to the Petroglyph National Monument an area that really sets the placemaking potential and opportunities and importance going forward of protecting and enhancing the character of that unique landscape. In addition, the Centers and corridors policies that go on in the land use chapter in the Comprehensive plan. The policies that I mentioned in the transportation chapter. Those are chapter 6. In the Comprehensive plan, and in the Urban design chapter for pedestrian accessible design, walkability, and walkable places. And lastly, in the chapter on Heritage Conservation, again related to the Petroglyph National Monument there are policies on natural and cultural features. In that specifically mention the Petroglyph National Monument, protecting both the landscape, the natural environment, the cultural importance of this land that is, used continually by pueblos, Indian nations in and around New Mexico. In terms of public comments this case has gotten 5 comments that support drive throughs, mostly talking about enhanced services that are needed in the area. Considering that this is an undeveloped part of the West Side, and as we know, the West Side has a lot of residential land use, but not a proportional amount of services and employment opportunities. The opposition is largely about which of which we received 16 people commenting, there were multiple comments from several of those individuals and neighborhood associations. The opposition is mostly about protecting the Petroglyph National Monument, and having development that complements both the cultural and natural landscape, as well as the walkability and the priority for pedestrian walkable places within the Urban Center. The only Urban Center designated on the West Side, staff, made a recommendation of denial for project 2018-001843, case number RZ-2023-00044, this text amendment to the IDO, for the Volcano Heights, Urban Center, small area and put forward findings 1- 21. That is all I'm presenting now, and I turn it over back to you Chair.

CHAIR HOLLINGER: Thank you Ms. Renz-Whitmore, for your presentation. Commissioners do you have any questions for the staff? Commissioner Eyster, Vice Chair Eyster.

COMMISSIONER EYSTER: Thank you Chair. Good morning, Ms. Renz-Whitmore, it's always great to see you. I heard the term pedestrian, oriented and walkable several times as you refer to the Comp plan, and we know I heard very clearly that Comp plan aims to make Urban Centers highly walkable. So, what I'd like to ask you is what is it about drive-throughs that diminish or harm walkability.

MS RENZ-WHITMORE: Thanks, Mr. Chair. So, drive throughs are explicitly oriented to the automobile, and they make it easy for people to get services from their cars. Which is highly convenient. I think everyone recognizes that, and that kind of convenience is entirely appropriate in suburban and auto oriented places in Albuquerque. The Comprehensive plan is really trying to designate the few places in Albuquerque where an urban and walkable environment is more appropriate than that auto oriented development. And so, drive throughs tend to be a single use. So, the idea of mixed use on a particular property helps make things Urban and help make things walkable because it keeps us within a close proximity. As soon as you have drive-throughs, things start to spread out because uses tend not to congregate on the same lot as a drive through and even if there are, let's say, in a shopping Center type location where you have a drive-through. It starts being hard for cars and people to be in the same environment. Drive throughs really are signaling that the automobile is the priority in that location. In terms of residential drive throughs and residential uses don't mix well at all. And certainly, in this location the idea, and one of the policies and the Comprehensive plan about Urban Centers is that higher density residential is the most appropriate in an Urban Center leaving the lower density development to be more appropriate outside of that Center. And so, for all of these uses, or for all of these reasons, a drive through, staff is recommending that a drive through is not appropriate within the Urban Center.

COMMISSIONER EYSTER: Thank you. That answers my question.

CHAIR HOLLINGER: Thank you, other Commissioners any questions for staff?

COMMISSIONER HALSTEAD: Halstead.

CHAIR HOLLINGER: Yes, Commissioner Halstead.

COMMISSIONER HALSTEAD: Yeah, thank you Chair. My question would be something that that I don't think you touched on in the presentation today. But that I saw in the full report was that there's a good amount of NR-B, zoning in this same area, and those uses would be currently allowed, Is that correct?

MS RENZ-WHITMORE: Mr. Chair, Commissioner Halstead, welcome. Yes, that is true. So, within the non-residential business park zone district, drive-throughs are allowed, and that non-residential business park zone district surrounds the intersection of Unser and Paseo. So, drive throughs would absolutely be allowed in that location. What we're talking about today is whether they should also be allowed in the mixed-use zone districts within the Urban Center. So, to further answer the question that you didn't ask, could someone get a zone change to NR-B, in an area that currently is mixed use, if they could justify that zone change, could they have a drive-through? Yes, they could.

COMMISSIONER HALSTEAD: Thank you. Ms. Whitmore.

CHAIR HOLLINGER: Thank you, any other Commissioners? Hearing none, let's move to the applicant who will be doing the presentation?

MS MORRIS: Good morning, Chair Hollinger, and Commissioners. I'm Petra Morris, I'm the applicant on this case. I have a short presentation to share with everyone. So, I'll just share my screen.

CHAIR HOLLINGER: Ms. Morris, did we swear you in already?

MS MORRIS: Yes, but I can, I can do it again.

CHAIR HOLLINGER: State your name for the record.

MS MORRIS: Yes, my name is Petra Morris, address One Civic Plaza. And I swear to tell truth.

CHAIR HOLLINGER: Thank you, please proceed.

MS MORRIS: Okay. So good morning, Commissioners, this is amendments to the IDO small area for the 2023 annual update. I am, Council services are the applicant on this proposal. This is a small map to area text amendments to the IDO. This proposal comes from Council services, on behalf of Councilor Lewis. This was in response to concerns from limitations about potential impacts to developments in this area, and limitations that that could restrict those development opportunities. Council staff have worked with the counselor on his policy concerns on this and with the public on their more specific concerns to this area. As Mikaela's presentation had mentioned this is a proposal for the Volcano Heights Urban Center, on the screen you can see the area highlighted. It's covered by the purple and if we go to the next slide, you can see the purple overlaid over the zoning. The purple areas that are within the areas that are within the Volcano Heights area that are covered by the purple are currently zoned MX-M, MX-H, and BR-B. It does not include any of the lighter tan color, which is the MX-T zone district. And you can see that the purple there is a distance between the Urban Center boundary and the monument. At its closest point the Urban Center is 325 feet away from the monuments. At the furthest point that purple edge is 827 feet away from monuments. So that Urban Center line is close to the monument, but not adjacent, and in is some distance away. This proposal, is to strike the use specific standard, specific to drive throughs in the Volcano Heights Urban Center. On the screen, you can see the text that's proposed to be stricken. So, this reads, this uses prohibited in the mixed-use zone districts in the center as mapped in the ABC Comp Plan as amended. The zone districts that are currently mapped in the Volcano Height Urban Center, are the MX-M, MX-H, and NR-BP, zone districts. Drive through facilities that permissive both generally in the IDO, but also in the Volcano Heights Urban Center. Currently they are permissive in the MX-M zone district in the IDO, in general, but prohibited in the Volcano Heights. Urban Center. They are conditional in the IDO, in general in the MX-H zone district and prohibited in the Volcano Heights Urban Center. This proposal, if approved would shift that prohibition to being what the underlying zoning is. So, the areas that are that were in the brown on the map that I showed previously, those areas it's the use would be proposed to be permissive. The red areas, and I'll just go back a slide so that you can see this, the red, the MX-H, this use would be conditional. The major roadways that that Mikaela had highlighted, we have Paseo Del Norte, and Unser that kind of cross through the area. These are both designated as commuter corridors and the comprehensive plan, and there is a portion of each of these roadways that are

designated as proposed premium transit. There is no active premium transit on these corridors at present, and the way that the IDO is structured is that the premium transit designations for IDO regulations, do not apply unless there's active premium transit on that. Universe is the other major roadway in this area. It's the western boundary of the Urban Center. And that does not have a corridor designation. These are the policies that we listed in a justification less up with the policy analysis. These are some policies that are furthered by this proposal. Broadly speaking, this proposal seeks to make drive throughs more available in this area of Albuquerque. The existing drive throughs on the west side are very heavily used, and by making this change to the Urban Center, this would provide an opportunity for new services to be provided to the area. Currently residents in the growing Volcano Mesa area have to drive out of the area for most of their services, often going through the escarpments on either Paso del Norte or Unser. This area also has a very large growing population, and there's a large school complex with a lot of students, parents and staff. The closest area with services to this this part of the of the West Side, other services provided at Paradise and Universe. These services are heavily used, but there is also a need for additional services. Given the proximity to Rio Rancho in this area, many residents go to Rio Rancho for their services, and from a city of Albuquerque perspective this means that they're taking the gross receipts tax with them. Making this change, would facilitate the economic development of the Urban Center. It would create additional jobs. The west side of Albuquerque has a pretty significant imbalance between jobs provided and residents, with many residents traveling long, commute distances for work and for services. And finally, this, this proposal would help direct the more intense use of drive throughs to an activity area where this use may be more appropriate. If approved there are a large number of regulations in the IDO, that regulates drive throughs. Drive throughs are a very heavily regulated use. There are 3 sections of the IDO, that apply to drive throughs. There are regulations in the use specific standard section, which this does, that this amendment proposes to in one portion of them. There are regulations in the design standards, portion, and the neighborhood edge. There are no proposed changes associated with this proposal, to any of the design standards and the neighborhood edge, and the only change to the use specific standards is specific to the Volcano Heights Urban Center. In the use specific standards, there are limitations on the size of order boards, and where the order boards are located. Drive throughs are prohibited as an accessory use to cannabis retail, and drive throughs remain a conditional use if located within 330 feet of major public open space that would include the Petroglyph National Monument, and then drive throughs are also prohibited adjacent to major public open space. This proposal wouldn't make any changes to any of these use specific standards, so these would all remain applicable to this proposal. The bulk of the regulations on drive throughs are focused on design. This is because, the design of a drive through can have a pretty significant impact on how compatible it is with the surrounding uses. There are regulations about vehicle stacking, and as you can see on screen, I've got table 5-5-8, this table was recently updated to extend the length of the vehicle stacking areas. To address concerns about some existing sites where there's a great deal of demand, and the vehicle stacking that's currently provided on those properties have not been adequate. So, this was actually updated to improve that recently. There are landscape buffers. There are regulations on the audible components of the drive-through so that the loudspeakers and the audible electronics, their regulations on the order boards proximity to residential zone districts. And then there are some regulations specific to Urban Centers, main streets, premium transit, and MX-H zones. These would all continue to be applicable. These requirements are the other sense of specific design. Standards are intended to ensure

when drive throughs do go into some of our more urban areas, such as Urban Centers. That they are designed as such to address some of those pedestrian concerns that were talked about a few minutes ago. This includes where the drive through lane is located, and making sure that crosswalks and pedestrian connections are clearly demarcated. In addition to the design standards, there are also the neighborhood edge requirements. Neighborhood edge is about protecting less intense uses when they are adjacent to a more intense use. So, the regulated lot is the more intense use protected lots are the less intense use. And this talks about where the circulation areas can be located, and fencing requirements. These combinations of use specific standards, design standards and neighborhood edge requirements are intended to address many of the best practices in drive through regulations, and to ensure that when drive throughs do occur which there is a pretty strong demand for drive throughs in Albuquerque. That they are designed in a manner that have the least impact for the surrounding area. So, some context for you. We do have some drive through regulations in Uptown, Uptown is the other Urban Center. They are generally prohibited in Uptown, with the exception that they are a conditional use. Within 330 feet of Louisiana Boulevard the prohibition in Uptown applies only when the drive through is accessory to a restaurant drive throughs in uptown for other uses, so a pharmacy, or a bank are permissive in all instances. In the Volcano Mesa CPO, there are 3 areas where drive throughs for restaurants are also prohibited, but drive throughs for other uses are permissive. And then just some background context here, pre the IDO and the Volcano Heights sector plan, this was the regulatory framework prior to the adoption of the IDO. The areas that are now zoned NR-BP, these were previously the regional Center. In these, in these areas, drive throughs were permissive for all types of drive throughs. The MX-M and MX-H, zones were previously zoned town center, and in those zone districts they were a conditional use. And my final slide, we have had some public outreach on this. On October 16, there was a pre application facilitated meeting with the Neighborhood Associations per the requirements of the IDO. Mailed notice was provided to all property owners within the Volcano Heights Urban Center, and then emailed notice was provided to the recognized Neighborhood Associations within this area. The notice went to the P.O. address, Piedras Marcadas Neighborhood Association, the West Side Coalition of Neighborhood Associations, and Paradise Hills Civic Association. Just some, some background on kind of the next steps on this, today is review and re recommendation by the EPC. After we receive your recommendation, that recommendation will be transmitted to City Council. It will begin the Council process at the Land, Use Planning and Zoning subcommittee. We're assuming sometime this spring of 2024, and then review and decision on this will be by the full Council later in the spring/early summer of 2024, and with that I'm available for any questions.

CHAIR HOLLINGER: Thank you, Ms. Morris, for your presentation, very professional. It's always nice to see you. Commissioners do we have any questions for the applicant? Very well, hearing none, we'll move to public comment. Mr. Salas, has anyone signed up to speak?

MR SALAS: Yes, Chair and Commissioners, the first speaker is going to be John Edward.

CHAIR HOLLINGER: Mr. Edward, are you here? Mr. Salas, you might want to remind people how to mute and unmute.

MR SALAS: Mr. Edward, you could unmute yourself now. Chair, we've been having issues with zoom bombing. So anytime somebody is called upon. I have to click a button for them to be unmuted.

MR EDWARD: Hello.

CHAIR HOLLINGER: Hello, Mr. Edward.

MR EDWARD: Thank you for letting me speak. What are the time limits on speaking real quick?

CHAIR HOLLINGER: So, we do the little procedure, first if you'll state your name and address for the record.

MR EDWARD: John Edward, PO. Box 26506, Albuquerque, New Mexico, 87125.

CHAIR HOLLINGER: Thank you. Will you raise your right hand, and do you swear to tell the truth, under penalty of perjury?

MR EDWARD: I do.

CHAIR HOLLINGER: Very well. You'll have 2 min, sir.

MR EDWARD: Okay, I'm gonna make my points real briefly and the best I can. We have to think about cities and communities as a living organism. And there's an evolution. And in every downtown, there was a drive through. They don't always remain, because maybe the profitability of that drive through doesn't persist, and something else is put in its place. But it's an evolution. And I think this provision needs to be in there to allow the evolution of this area to develop. Because some of the things that have happened with the city have been very difficult in getting the area to develop for some of the lack of willingness and participation of the city. My best example in our efforts as a landowner in there, owning over 200 acres is, we tried to give the city on 2 different occasions 2 acres of land for a transit facility to be on Transit Boulevard to serve a transit, oriented and walkable development for which we would not get a response from the city, nor did they offer an acceptance of the land to help facilitate a walkable neighborhood. It flies in the face of the argument, saying that they don't want it. But we've tried to help facilitate that the city has refused. And so, I think that a provision like this is necessary and essential. Another element that I think would be important to note. Is that there's a condemnation of taking of a property along those major thoroughfares where the NR-BP zoning is, for which the width and distance of those eats up so much of the NR-BP, type zoning with the setback requirements of that type zoning. It might not be possible to develop that land within that zoning area. Therefore, they're taking away something that they say they're offering us, but they're not really providing us a backup mechanism, and this would allow the backup mechanism by allowing that used to be made available in those MX zones. I think when it comes to some things. Life is not all black and white. There's a shade of gray, and I think to some degrees we should think dynamically about this, the conditional use and things like that, I think, are important considerations. But one of the things, too, is that from an economic standpoint, and this can spur

development. Maybe a limited number of drive throughs are allowed in the area for which you can transfer those.

CHAIR HOLLINGER: Mr. Edward, you're a little bit over. So, if we could just wrap it up to move to the next speaker.

MR EDWARD: An idea would be is to allow them, but to assuage people. Maybe there's unlimited number, and they're transferable. And as a use is out of date, they can sell that transfer that to another property owner in that area that they can use to help develop their property and move that evolution of the Urban Center into its reality.

CHAIR HOLLINGER: Very well, sir, we appreciate your comments Commissioners any questions for Mr. Edward? Seeing none, we'll move to the next Speaker, Mr. Salas.

MR SALAS: Yes, Chair and Commissioner is the next speaker is going to be Patricia Wilson.

CHAIR HOLLINGER: Morning, Ms. Wilson, state your name and address for the record, please.

MS WILLSON: Sure, Patricia Wilson, 505 Dartmouth Dr. southeast. 87106.

CHAIR HOLLINGER Are you speak on behalf of yourself or a neighborhood organization this morning?

MS WILLSON: Speaking on behalf of myself this morning, sir.

CHAIR HOLLINGER: Very well. Will you raise your right hand? You swear to tell the truth, under penalty of perjury? Very well, you'll have 2 min.

MS WILLSON: Thank you. Chair Hollinger and Commissioners, I don't want to repeat the comments in my 48-hour letter, but one sentence does bear repeating. Drive-throughs are the antithesis of walkability. The EPC, needs to either follow the vision or follow the money either stand up for decades of visionary planning in place, or acquiesce to property owners who are looking for the highest ROI. I believe the highest and best return on investment would be the protection of this place. For this and future generations, I urge the EPC, to uphold the recommendation of denial, and send a further recommendation of denial to LUPZ, and then to full council. Thank you very much.

CHAIR HOLLINGER: Thank you for your testimony, Commissioners any questions? Mr. Salas, next speaker, please.

MR SALAS: Yes, Chair and Commissioners. The next speaker is going to be Nancy Hendrick.

CHAIR HOLLINGER: Hello Ms. Hendrik, state your name and address for the record, please.

MS HENDRICKS: Nancy Hendrick, superintendent at Petroglyph National Monument, 6001 Unser Blvd. northwest Albuquerque, 87120.

CHAIR HOLLINGER: Thank you. Will you raise your right hand, and you swear to tell the truth, under penalty of perjury?

MS HENDRICKS: I do.

CHAIR HOLLINGER: Very well. You have 2 min.

MS HENDRICKS: Thank you Chair Hollinger, I'm really sorry to hear about your father. I'm speaking on behalf of the National Park Service at Petroglyph National Monument. First, I want to thank Mikaela, for providing a great summary of all the conflicts present with this proposal, and for recognizing the significance and point and importance of the monument. I have been superintendent here for almost 5 years now, and in my time here I've seen numerous requests for variances that benefit single individuals, propose and approve changes in zoning several request crests to change the stipulations in the IDO that benefit individuals and businesses while chipping away at the protection of petroglyph. While some of the changes in the IDO, have served to better protect the monument. Others have reduced the protection for this important place. I believe this proposed change will again reduce another level of protection for the monument, and is in conflict with the Comprehensive plan goals. The standards developed in the ABC. Comp. Plan, reiterated the goal to protect the West Mesa and Petroglyph National Monument, linking the external development and standards to the identity, character, and sense of place to petroglyph and the volcanic landscape of the West mesa. Do we really want the West Mesa, an incredibly unique area of Albuquerque, to be the same as every other urban area in Albuquerque? The West mesa is unique for many reasons. One being petroglyph. It's a recognized cultural site with over 20,000 petroglyphs, more than 350 archaeological sites. It was protected as a national monument in 1990. We have importance to the 29 Pueblos and Tribes who are here before and are still here, and consider these lands sacred were important to the community, our neighbors, the nation and the world. We welcome more than 350,000 visitors a year. About 60% of those are from the local communities. I'm out of time, but I just want to say, connecting with the local communities, allowing them to explore and experience the wonderful resources of the monument is critically important to us. The proposed amendment would detract from the cultural landscape of the West Mesa and Petroglyph National Monument. It's in conflict with the Comprehensive plan goals. It would detract from the walkability of the area. Please deny this request.

CHAIR HOLLINGER: Thank you for your input this morning. Commissioner's any questions for Ms. Hendricks?

COMMISSIONER EYSTER: Eyster.

CHAIR HOLLINGER: Vice chair, Eyster.

COMMISSIONER EYSTER: Thank you. Chair. Thank you for appearing today. Ms. Hendricks, 5 years at the Monument, congratulations, I bet it's a fun job. Thank you for what you do there. Thank you for your remarks today. The situation today with the zoning as it is, and the prohibition, as it is versus a situation where the prohibition on drive ups would be removed in the mixed-use zones. You talked about sense of place, and I think I get that a neighborhood or, and community area that is different than just every other area. I think I can get that. Are there other ways in which drive ups injure or detract from the value of the monument?

MS HENDRICKS: Interesting question Chair Eyster. The value of the monument is intrinsic to many people, and from the Tribes and Pueblos that we talk with on a regular basis. When we visit Piedras Marcadas Canyon, the landscape beyond the monument is critically important to them as well. Those views between the monument and the Volcano areas is a of cultural significance to them. It's very much a connectivity between place for them. And that's my understanding that view shed is very important. The zoning that's proposed in that area, or the zoning that's approved in that area now is already going to detract from those use. If those high buildings are allowed to be built, or even able to be built on the volcanic escarpment up to, my understanding, is up to 48 feet high, and it just seems like we're layering cumulative effects on the views. Seeing cars lined up, seeing drive throughs from the perspective of the native people would detract from that cultural landscape and the significance of the place.

COMMISSIONER EYSTER: Thank you. That answers my question.

CHAIR HOLLINGER: Thank you, Vice chair. Thank you, Ms. Hendricks. Mr. Salas, who's next?

MR SALAS: Yes, Chair the next speaker is going to be Jane Baechle.

CHAIR HOLLINGER: Morning, Ms. Baechle, are you with us? There you are, name and address for the record, please.

MS BAECHLE: Jane Baechle, I reside at 7021 Lamar Ave., northwest, and that is 87120.

CHAIR HOLLINGER: Thank you. Do you swear to tell the truth, under penalty of perjury?

MS BAECHLE: I do.

CHAIR HOLLINGER: And are you speaking on behalf of yourself this morning?

MS BAECHLE: No. I am speaking as a representative of Santa Fe Village Neighborhood Association, which is an ONC, recognized Neighborhood Association.

CHAIR HOLLINGER: Was a meeting held in a vote cast authorizing you to speak on their behalf?

So, I'm happy to reconstruct our original comments from November were, in fact, explicitly endorsed and approved by 6 of our 7 Board members. We've had 2 subsequent meetings of the Neighborhood Association Board, in which this, among other IDO issues, have been discussed and there has been 0 change in any of the endorsed positions on the part of the SFVNA.

CHAIR HOLLINGER: Okay, do you need more than 2 min this morning?

MS BAECHLE: I hope to not need very many more, but I would like to complete my comments in their entirety.

CHAIR HOLLINGER: Very well, you have up to 5. Thank you.

MS BAECHLE: Okay, thank you. And Mr. Chair, I also extend my condolences on the loss of your father.

CHAIR HOLLINGER: Thank you.

MS BAECHLE: I'm not certain. I'll be quite as diligent about Ms. Wilson in refraining from repeating some things, but what I'm repeating, I think, is critically important. As I indicated, the SFVNA, has opposed this proposal since its introduction. It conflicts with both applicable ABC Comp plan. goals and policies, and also uses the IDO annual review as essentially a mechanism to rewrite the Comp plan. So, the ABC Comp Plan specifically defines this area. The Volcano Heights Urban Center in a policy statement which calls for a quote "walkable district with an identity, character, and sense of place in (inaudible) linked to the volcanic landscape". The agency Comp plan, are very precise, drive-throughs are wholly and completely in conflict with both a walkable district and the identity, character, and sense of place linked to this landscape, and therefore it is harmful to both the community and the neighborhoods. The staff recommendation, recommendation of denial cites extensive evidence of conflicts as do multiple other public comments. So, this is not a view unique to Santa Fe Village. There is also no language in the IDO which defines the annual review process as intended to amend the Comp plan, and no language in the IDO, which subordinates land use decisions, to the desire of property owners to make their individual parcels more marketable. Yet that is exactly what this proposed change attempts to do, and, in fact, the staff report documents that if residents or property owners of the Northwest Mesa believe that the Comp plan no longer represents their vision or values. They need to participate in the upcoming CPA process. Land use decision should not be determined by a majority of comments, but by the substance and merits of the views, and by their adherence to the goals and policies of the Comp plan. Every Planning department meeting, I have attended going back about 5 years, begins by outlining the basis for land use planning which is to balance the health, safety, and welfare of the community with individual property rights. I believe Ms. Renz-Whitmore's report is very clear about what that balance looks like vis-a-vis this request, and I respectfully ask that you support the planning staff recommendation and deny this request.

CHAIR HOLLINGER: Thank you for your testimony this morning, Ms. Baechle, Commissioners any questions? Well, thank you. So, seeing none. Mr. Salas, who's next?

MR SALAS: Yes, Chair and Commissioners. The next speaker is going to be Mr. Rafael Moncada.

CHAIR HOLLINGER: Mr. Moncada, are you with us?

MR MONCADA: Yes, I am.

CHAIR HOLLINGER: Good morning. You state your name and address for the record, please.

MR MONCADA: Rafael Moncada, I'm in 7516, Ramona Ave. Albuquerque New Mexico 87114.

CHAIR HOLLINGER: Thank you. Will you raise your right hand, and do you swear to tell the truth, under penalty of perjury?

MR MONCADA: I do

CHAIR HOLLINGER: Very well. If you'd like, you can turn your video on, you have 2 minutes.

MR MONCADA: So just as a young homeowner being in the Ventana Ranch area. I will say that it's something that me and my roommates just discuss on a regular basis. We are constantly spending money on fees to get groceries delivered. Just with the hassle of having to drive 10 to 15 minutes, just to a local Walmart, and it's just a neighborhood Walmart to get the things that we need. Whether it's toilet paper, plates, napkins, milk, and eggs. It's just a very hassle. It's a big hassle to have to do so. As far as speaking to what everyone else is spoken about the lack of restaurants and drive through is also a headache to have to navigate around. When we did purchase the house out here. We were sold on the fact that there were accessible. There's gonna be a new developing area in the area to go along with living here. So walkable distance is gonna be great. But also having those drive throughs to access would be a better thing as far as the decades of vision that a lot of people have been talking about. I'm not too sure whether that vision is to see land be developed or land preserved. But I do believe, with land being developed here in this new day and age, that it would help the economy move forward as well as creating jobs for the younger generation that is going to carry this state forward and the city forward. If we do need that going, I yield my time.

CHAIR HOLLINGER: Thank you for your statement. It's nice to see some of the younger crowd jumping in and attending these meetings. So, thank you for being here. Commissioners, any questions for him? Very well, Mr. Salas.

MR SALAS: Yes, Chair Commissioners, the next Speaker is going to be Elizabeth Haley.

MS HALEY: Morning, Ms. Haley.

CHAIR HOLLINGER: Can you state your name and address the record, please?

MS HALEY: Good morning. My name is Elizabeth Haley. I'm I live at 6005 Chaparral circle Northwest, Albuquerque.

CHAIR HOLLINGER: And you swear to tell you the penalty of perjury?

MS HALEY: Yes, I do, sir. Alright I'm actually the President of the West Side Coalition of Neighborhood Associations, and an executive member Committee, member of the Paradise Hill Civic Association and the chair of the Paradise Hill Special Zoning district. So, all that aside, I won't repeat the very substantial comments that have already been addressed, but I must say that we are the most adjacent neighbors to this to this development. And we actually are concerned about the number of lifting of restrictions in this in this Urban Center. The second thing that I would like to say is a because I have. I'm retired Planner and I have a masters in architecture, in planning, and have been a consultant nationwide on this kind of development, and one of the concerns that I have is that we do have commercial centers that are in sort of a death spiral, but the ones that are most sustainable are those that that present a destination. The third thing is that at our, at our recent meeting, when a WSCONA resolution was unanimously passed with the 20 member associations present, Mayor Keller was also there, and he brought up comments that he is in the process of acquiring right of way along this very sector, and in that would be impacted by just lifting this particular, this particular requirement, and I think, having been involved in land acquisition in the past, in my professional life. I must say that it is a complication that I don't understand why city councilors would even propose when the city is actively engaged in land acquisition for right of way. It just simply complicates the, the issue in a way that should just be left to negotiations between the city and the land holders. Thank you.

CHAIR HOLLINGER: Thank you, Ms. Hayley, so I have a question for you. Yes, based on your comment. I just want to make sure I grasp it as a whole. You're in opposition to this. Correct?

MS HALEY: I am absolutely in opposition to it, as were 2020 other neighborhood associations that voted at the last WSCONA meeting.

CHAIR HOLLINGER: Okay, I just want to make sure I get that right in my notes. Thank you for your comments. Commissioners, any questions? No, Mr. Salas.

MR SALAS: Yes, Chair and Commissioners. The next Speaker is going to be Larry Tillotson.

MR TILLOTSON: Good morning, Mr. Chair Hollander, and members of the Council. My name is Larry Tillotson, and I'm of 6600 Hood Road, northwest in Albuquerque.

CHAIR HOLLINGER: Thank you, you raise your right hand, do you swear to tell the truth, under the penalty of perjury?

MR TILLOTSON: I swear. Yes, sir, Counsel, I'm speaking on behalf of my household, my wife, my 3 kids in the in the home, and a few community members through conversation outside the garage. You know, I

want to thank everybody first for inputs and opinions. I've learned a lot this morning. I'm really happy for the continued growth in many respects of our local communities, it's been a long time coming. Hope we can continue to create a good balance of protecting our environments as we build them, you know, and serving our local communities. I'm a long-term member of the trail's community taken up harbor in 2 homes in this area in the last 15 years. I'm a tax paying citizen working in state government today. My wife and I have 2 daughters that attended the APS cluster Antigo, Tony Hilleman, and now gonna be migrating to Volcano vista. And they're gonna get some cars twin daughters, you know. I'm right across the street from the Volcano Heights Urban Center, and I routinely use the drive through services more so than I would the walking an aspect of the environments, the new car wash, the gas fuel services, Walgreens and Dion's has been a great addition. I can't tell you how much we love that place, that definitely beneficial to our communities for convenience, livelihood, and if I'm not mistaken, we now build our world for convenience and, for convenience in our local communities, as we continue develop, I'm in great support. The eliminating the drive through prohibition. I think it supports enhanced services in our local communities' quick conveniences which we haven't had in that area for quite some time. I think it builds character in our communities. I know you all have a lot of work ahead of you, and I appreciate your time, and I appreciate you allowing me to speak this morning and yield my comments

CHAIR HOLLINGER: Absolutely, sir. Thank you, for your presentation. It's nice to hear both sides of the story. Any questions. Mr. Salas, who's next.

MR SALAS: Yes, Chair and Commissioners. The next speaker is going to be Mark Edwards.

CHAIR HOLLINGER: Mr. Edwards? If you're saying something, Mr. Salas, you're muted.

MR SALAS: I apologize. I'm trying to find him on my screen. Let's go ahead and go to the next speaker real quick. It is going to be Kyle Tapaha.

CHAIR HOLLINGER: Morning! Are you with us? I think we can hear you. Can you state your name? Address for the record?

MR TAPAHA: Kyle Tapaha, my property is located at 8106 Crimson, Albuquerque NW.

CHAIR HOLLINGER: Thank you. Will you raise your right hand? Do you swear to tell the truth, on a penalty of perjury?

MR TAPAHA: I do.

CHAIR HOLLINGER: Well, you have 2 min.

MR TAPAHA: Good morning. Thank you. Thank you, honorable Chair. Hello, honorable members of the Commission. My name is Kyle Tapaha, and I am a Navajo Navy veteran that we, that 2 years ago today

is my second anniversary of buying my house in the Northwest side. I am on the commission on American Indian Alaska native affairs. I just like to introduce myself. We've been getting a few requests from the city to listen in on presentations, and last night was a commission meeting where Ms. Caleb gave us a presentation and I just wanted to let you know about us the mission of the Commission is support, strength, and improved understanding and recognition and respect. Native American culture and contributions to the work of the city of Albuquerque, office of Native American affairs. We serve to provide a forum to government relations, and as envy advocates on American and Alaska, native affairs, including, but not limited to matters of employment, education, economy, health, environment, homelessness, government access to city services. We did have several conversations. We have Terry Sloan, who may have provided some information at earlier meetings, but I just want to stand and say that I would like to be a part of if you see meetings just listening in it would be my honor to really information back to native communities not just my own with the Denim nation, also the nineteenth Pueblos, the all-public council of governors as well. And then, yeah, just being here to provide some input and possibly gather more information for decisions that EPC, makes. I moved here as a homeless veteran. So, I did make a lot of connections using a lot of organizations. And this is another opportunity to be a good citizen to the city of Albuquerque. I know my time is up. I just wanted to let the board know. Please, I'll pull the recommendation of denial from the city planning stuff and for the recommendation of denial to city Council. I really appreciate your time, and also sending our condolences to you Chair Hollinger.

CHAIR HOLLINGER: Thank you for that. I certainly appreciate it. On your note congratulations on the anniversary of your home and you're always welcome to EPC. So, thank you for being here, and I'm sure we'll maintain contact.

CHAIR HOLLINGER: Mr. Salas.

MR SALAS: Yes, chair. The next speaker is going to be Mark Edwards.

MR EDWARDS: Hey, guys. Morning, how are you? I'm happy. Swear to tell the truth and the whole truth. Nothing but the truth.

Oh, hold on 1 s. Let's so. Let's start with your name and address for the record. Oh, yeah. So, Mark Edwards. 9900 Shalom Place, Northwest. Which is in Montana Ranch, which abuts the Volcano Heights Urban Center.

CHAIR HOLLINGER: Very well, will you raise your right hand under penalty of perjury? Very well, sir, you have 2 min.

MR EDWARDS: Yup, everybody can hear me? Okay good. So, thank you for having this meeting. That's the great thing about democracy, right. So, I've been a resident of Ventana ranch for 25 years and raised my family there, have seen neighbors come and go, and whatnot. And so, we've had to bear the burden of not having very many services out in our area. And it's unfortunate because Ventana Ranch was really well planned in terms of the walkability, paths and whatnot. But one thing that lacks or has lack for this

last 2 and a half decades are services to support all of the residences in the area. Unfortunately, I don't know who came up with the boundary lines for the Volcano Heights Urban Center, but it seems like that area could encompass quite a bit all the way from universe to the Petroglyphs on the East Side, and it would seem like we could figure out a way to bring more services to the neighborhoods in the immediate area. This area that is characterized as the area where drive-throughs are allowed is the Unser and the Paseo Del Norte. That's kind of the epi Center of that area. But that area lacks infrastructure. I don't know how much longer it's going to take to get infrastructure over there in terms of utilities. The road extensions that they're talking about. There are road wide means but in terms of walkability and pedestrian friendly development. You're not gonna be able to capitalize that in that area at this juncture without a lot of infrastructure being put in. And so, like, I said, we've been there for 25 years. Nothing has happened in terms of bringing infrastructure into that area. So, my, my thought is, you know, mixed use you know, drive queues whether they're pickup windows or drive-up windows for banks or eateries, or whatnot. I mean those are great amenities to have, and I think every resident would like to have something. You know those services close by, and so I think the compromise I would think I know there's a page 22 of the of the staff, of the staff report indicated a possible compromise of putting drive throughs within 330 feet, of a commuter corridor, but not a premium transit corridor could make a lot of sense. Drive-throughs are not going to be going to areas where you're out in the boondocks. They're going to be going to intersections. And so, the areas around the petroglyphs, I think it's very doubtful, highly doubtful, given how things haven't developed in that area and that no plans for major roads is gonna ever happen. So, I hope that's given some major consideration, as you guys deliberate on this as well. So, thank you.

CHAIR HOLLINGER: Thank you, sir. Commissioners, any questions for Mr. Edwards? Thank you for your statement this morning.

MR EDWARDS: Yeah. And I apologize and condolences for your loss of your dad. I lost my dad in September. So, thoughts and prayers to you.

CHAIR HOLLINGER: I sure appreciate you. Thank you very much. Yeah. It's challenging information to take. But this is an important role. And I didn't want to miss this. So, thank you for understanding.

MR EDWARDS: Yeah.

CHAIR HOLLINGER: Mr. Salas.

MR SALAS: Yes, Chair and Commissioners. The next speaker is going to be number telephone number 917-9556.

CHAIR HOLLINGER: Hello! Telephone number, are you with us? And you might want to remind them how to unmute.

MR SALAS: To unmute yourself on a phone, it's star 6.

MR BAILEY: Hello! I'm Thomas Bailey. I live at 6835, Old Mesa drive, 87120.

CHAIR HOLLINGER: Thank you. Since we can't see, we'll believe that you're gonna raise your right hand. You swear to tell the truth, under penalty of perjury.

MR BAILEY: Yes, I do.

CHAIR HOLLINGER: Thank you, sir. You have 2 minutes.

MR BAILEY: So, this one kind of, I don't want to take too much time out of your guy's day. But I live right off of just south of Volcano Vista. And I've heard someone else talk about how it's just that they have trouble getting groceries or just getting food around. It takes a lot of time takes like a 10-minute drive if I want to go get anywhere else besides Blake, Lotta Burger. So, it's kind of more just a convenience factor for me. It feels like it's an under developed area for a lot of homes that are near. So, I think it would benefit the community, and it'd be a real nice addition to the area. So that's kind of only my only concern. other than that, I feel like everybody's kind of touched the same type of topic. So, I think I yield my comments.

CHAIR HOLLINGER: Well, thank you for your input this morning. That's certainly noted. Mr. Salas, it doesn't seem like there are any questions that could be had unless in theirs any Commissioners. No, it doesn't seem like Mr. Mr. Salas. Who's next?

MR SALAS: The next speaker, yes, chair the next speaker is going to be Brenm's iPhone.

MS ARCHULETA: Yes. Can you hear me

CHAIR HOLLINGER: weekend? Good morning rest of the record, please.

MS ARCHULETA: 6405, Michelangelo, Northwest. and my name is Brenda Archuleta.

CHAIR HOLLINGER: Thank you, Ms. Archuleta. Will you raise your right hand? Do you swear to tell the truth under penalty of perjury?

CHAIR HOLLINGER: Thank you. You have 2 min for your presentation.

MS ARCHULETA: Okay, so I am. I take care of my mom in this area. She has been here for close to 20 years. She is at this point she is 92. She's doing well. She can still drive, and she's out and about. So, when she we looked at this area, it did have a great plan for you know, becoming a great center for her to live. Lots of, there should be lots of amenities and lots of things. Within this area. It's been a kind of a slow process. It's been interesting to see it within the past 20 years, how everything has moved forward. We do feel. And I'm speaking, helping, speaking for my mom as well. Is that there's a lack of

of restaurants, banking, grocery store, something, you know, ways for her to get her things. She still wants to stay very active. And be able to go to places that are close. And she feels comfortable driving. And you know, she's not gonna go off into the big part of the city. It's there's too much too many areas that are just too busy for her. But I, we really feel that the drive throughs would be a great amenity. There's also, you know, it's nice to be able to have the walkways and all of that as well in this area. But we do feel that the amenities banking, restaurants would be great for the area. Also, economic growth. It'll help. It'll help with the younger kids in the area to be able to get high school jobs. There's a lot of families here. You know, a lot of things to be closer and to be easier to access is basically what I guess I'm trying to say today. So, I appreciate you listening to me. I do give my condolences to you, Chair Hollinger, and that should summarize what I wanted to say today.

CHAIR HOLLINGER: Thank you for that, I certainly appreciate it. So, it sounds like you, your kind of on both sides of the fence. But I think you're in support of this. Is that correct?

MS ARCHULETA: Definitely in support, yeah, when I was talking about the walkways and walking around. I mean, I think Ventana already has a lot it was made that way. And there's, so there's you know, there's a lot of trails. There's walkways walk past through in the community. But I think, and having the access to those restaurants and banking areas so close would be nice as well, because you can walk to those areas as well.

CHAIR HOLLINGER: Appreciate it. Thank you for being here. Mr. Salas.

MR SALAS: Yes, Chair, Commissioners, the next speaker is going to be James Hoffman.

CHAIR HOLLINGER: Hello, James, are you with us?

MR HOFFMAN: Yes, can you hear me?

CHAIR HOLLINGER: Good morning. Yes, James Hoffman. 4606 firewall drive, in Garland, Texas.

MR HOFFMAN: I'm a property owner, both in Volcano Heights Urban Center, as well as northeast Albuquerque

CHAIR HOLLINGER: Congrats on that. Are you? Raise your right hand, do you swear to tell truth under penalty of perjury?

MR HOFFMAN: Yes.

CHAIR HOLLINGER: Thank you. You have 2 minutes.

MR HOFFMAN: Alright. So, we've heard comments about amenities and infrastructure echoing that what Mr. Edwards said on infrastructure, you know, and but on amenities, you know, I've been involved in

Volcano Heights for probably about 20 years, and it's been very frustrating, because, you know, we can't get the area to develop in the vision of an Urban Center with a Comprehensive plan largely to do to infrastructure, and I manage it. I've had 2 meetings in the last 5 years with former Council, representative Borrego, Cynthia Borrego, and with current State representative Joy Garrett, and I asked him, where do you want to meet? They say Starbucks Golf Course and Paseo. Why, that's the best place it's on below the escarpment they have to drive there. Everybody has to drive off the escarpment to get to those type of amenities they should be available on top of the mesa and integrated into the Urban Center concept. Yeah, so I'm definitely in favor of this modification. And I would hope that there were comments about, you know, expanding to Paseo, and Unser, and that I don't know if EPC, can have find us, or comments of, you know that these issues keep coming up because of the infrastructure issues. The expansion doesn't have any collaboration with the water authority, even though they condemned New Mexico utilities in the Volcano Heights Urban Center area back in 2008, developments are contributing money towards a sewer interceptor, but nothing's actually going in. AMAFCA made comments that everything has to abide with their Piedras Marcadas drainage plan. It shows ponds, regional ponds, but the city and AMAFCA are not collaborating, and the city has cut funding over the last 2 CIP cycles. My time's up. But thank you very much.

CHAIR HOLLINGER: Thank you for your input this morning, we appreciate you. Commissioners any questions about his statement? Hearing none we will move to the next speaker, Mr. Salas.

MR SALAS: Yes Chair, the next speaker is going to be Ashley's iPhone.

CHAIR HOLLINGER: Ashley's iPhone. Are you with us?

MS WALKER: Hi, I am.

CHAIR HOLLINGER: Good morning, will you say your name for the record please?

MS WALKER: My name is Ashley Walker, and I'm at 7120 Tree Line Avenue 87114.

CHAIR HOLLINGER: Will you raise your right hand. You swear to tell the truth, under penalty of perjury?

MS WALKER: I do

CHAIR HOLLINGER: Thank you for that. You have 2 minutes.

MS WALKER: So, I purchased my home about 4 years ago. I just really like the area. And it was mainly for the schools. I have 3 younger kids. So, the area looked like it was more going to be developing, and it was safe. And so, I wanted my kids to go to those schools. So, we've been here for about 4 years. My oldest is about to be. He's in middle school now. He's gonna be going to the high school here, and then I have 2 younger children that are gonna start the elementary school and I'm a single mom. So, I work all day, and then I come home and have the kids with me. And sometimes it's like I'm exhausted by the end

of the day, and it's hard to make dinner, and it would just be. It's really hard when I have to get them all in the car and take them like pretty far to go, to get like quick meals or go take them to dinner, and so it would just be like really convenient if we had more options to, for drive throughs or food services around here. You can only eat Dion's so many times a week before you know, the kids are like, we're done with the Dion's thing. So, it would just be like really more beneficial and convenient to a lot of families that are like mine, that have to work all day and then come home and take care of their kids, and even to go to the grocery store like I have to go to like a real Walmart, because I have to feed 3 boys, and I drive all the way to real rancho just to like go shopping. But yeah, so it'd be nice. I don't have any intention of leaving here. This is my home, like this is where I want to raise my kids. It'd be nice that my oldest son, when he starts driving, he can drive here. He could get a job closer to home because he's in football. So, it just everything right here. Just be a lot more convenient for families like ours.

CHAIR HOLLINGER: Thank you for your time and your input this morning.

MS WALKER: Thank you.

CHAIR HOLLINGER: Mr. Salas.

MR SALAS: Yes, Chair and Commissioners. The next speaker is going to be Meredith Paxton.

CHAIR HOLLINGER: Morning, Ms. Paxton, are you with us?

MS PAXTON: I had trouble trying to unmute, unmute, and it says the host is not allowing participants to unmute themselves.

MR SALAS: Yes, ma'am, that's a security reason.

CHAIR HOLLINGER: We can hear you name and address for the record.

MS PAXTON: Meredith Paxton, Post Office, Box 48, 31, here in Albuquerque, and I would first of all like to express my condolences to you. Chair Hollinger, on the loss of your father. I'm so sorry. I would just draw your attention to my 48-hour letter submission, in which I basically said that I think that

CHAIR HOLLINGER: Ms. Paxton.

MS PAXTON: Oh, I swear to tell the truth under penalty of perjury, I do.

CHAIR HOLLINGER: And are you speaking on behalf of yourself?

MS PAXTON: Yes, 2 minutes is all I get.

CHAIR HOLLINGER: Okay, very well. You can proceed.

MS PAXTON: Okay. I would draw your attention to my 48-hour letter, in which I basically commented that I see drive through windows as a reflection of the antiquated concept that cars rule supreme in Albuquerque. I fundamentally don't understand why drive-up windows are necessary for community development. How hard is it to walk from a parking place to a business and even in the case of people who have mobility issues with cell phones, it seems reasonable to think that items could be delivered to the parking place. Beyond that I would say that I support particularly 2 previous statements that you heard today, and so I would support the protection of the Petroglyph Park, and I could not state my opposition to this request for a drive-up window, more articulately, then what Jane Beckley said, so please reconsider her comments on my behalf. She did a great job. Thank you.

CHAIR HOLLINGER: Absolutely. Thank you for your input this morning. So, it's nice to see you Commissioners any questions? Well, thank you. Mr. Salas, who's next?

MR SALAS: Yes, Chair, Commissioners, the next Speaker is going to be Mariah Edwards. If anybody wishes to speak after Ms. Edwards, please raise your hand.

CHAIR HOLLINGER: Morning, Ms. Edwards, can you hear us? Can you state your name and address for the record please?

MS EDWARDS: Awesome, my name is Mariah Edwards. I don't live in Ventana, at the moment, I live in Eagle Ranch apartments, but I am looking for a home in the Ventana Ranch area. So, this is important to me moving forward.

CHAIR HOLLINGER: before raise your right hand, you swear to tell truth, under penalty, perjury?

MS EDWARDS: Yes.

CHAIR HOLLINGER: Very well, okay. You have 2 minutes, please proceed.

MS EDWARDS: So, I grew up in that area across the street from the Walgreens, and I remember there being a little bit of like pushback and gossip when they were building the Walgreens, and then everybody enjoyed just how convenient and great all of those services were being closer. With that being said, you can only do so much at Walgreens, and I worked across the street as well at Little Anita's for 5 or 6 years, when I was in high school as well. So having jobs close, I can see that being good for young families like as I think her name was Ashley spoke about that, and just having more things available to you. And I feel like, obviously grocery stores would be great. But having that convenience and having, everything just easily accessible. And I don't really see. I know you guys mentioned that this was supposed to be kind of a similar area to Uptown. But I feel like this is more of a homey, like residential area, and those things kind of fit more, is what I'm envisioning, or what I see as making the most sense for the people in the surrounding area.

CHAIR HOLLINGER: Very well, thank you for taking the time to be here. We appreciate your input. Mr. Salas, who's next?

MR SALAS: Yes Chair, the next Speaker is going to be Sabrina C.

MS CORDOVA: Hello! Good morning.

CHAIR HOLLINGER: Good morning, can you state your name and address for the record, please?

MS CORDOVA: Yes, sir, it's Sabrina Cordova addresses 10444, Calle Leon, northwest Albuquerque, 87114,

CHAIR HOLLINGER: And will you raise your right hand. Do you swear to tell truth, under penalty, perjury?

MS CORDOVA: I do.

CHAIR HOLLINGER: If you'd like, you can turn your camera on. If not, you have 2 minutes.

MS CORDOVA: I apologize. I'm trying to turn it on, and it's not coming on. So, I'll go ahead and continue anyway. Thank you. Yeah, I'd like to add my input. I've been a resident, in SW Albuquerque, Paradise Hills, Montana ranch area since honestly, as a kid, I moved here from Santa Fe in 89, and have really watched the community grow. And from my perspective, it's always been a very good thing. I am at the intersection now of Universe and McMahon. So yeah, I would like to see a lot more growth in this area, from what's been added, has been very beneficial to me and my family. We we're actually on this area. I now live actually about 5 minutes away from my childhood home. So, I definitely am attached to this area and could definitely see it benefiting. Having these extra amenities to the area, not just for me and my family, but our elderly, disabled young neighbors in the area. Having that ease of access to very basic essential needs, I think would be very beneficial, and especially a growth free store. So that that is my input. Thank you for listening.

CHAIR HOLLINGER: Thank you for your time this morning. We appreciate you. Mr. Salas.

MR SALAS: Yes, Chair, and Commissioners, the next speaker is going to be Rene Horvath. If anybody wishes to speak after Ms. Horvath, please raise your hand.

CHAIR HOLLINGER: Morning, Ms. Horvath.

MS HORVATH: Good morning.

CHAIR HOLLINGER: How are you? Thank you.

MS HORVATH: Fine! How are you? And I'm sorry about your loss. I also lost my dad in October, and I know it's a painful event. So, my condolences to you

CHAIR HOLLINGER: Thank you for being here. So, I probably have your name and address memorized by now. But let's just do it for the record.

MS HORVATH: Okay, my name is Renee Horvath. I live at 5515 Palomino Dr. Taylor Ranch, and I swear to tell the truth.

CHAIR HOLLINGER: Under penalty of perjury.

MS HORVATH: Yes.

CHAIR HOLLINGER: And are you speaking on this behalf of yourself or a neighborhood organization this morning?

MS HORVATH: I'm with the West Side Coalition under land use director. And we did have a meeting last week a week ago, and we did take a vote and it was 20 to 0 in opposition to this request

CHAIR HOLLINGER: Was a vote held, allowing you to speak on their behalf?

MS HORVATH: Oh, yeah, I've been at, I'm their land use director. They asked me to represent them. Yes.

CHAIR HOLLINGER: Understood, we just got to go through the protocol. Being said, if you'd like, you have 5 min.

MS HORVATH: Okay, thank you. Thank you. Well, like, I said, we took a vote last week. We discussed this small area amendment, and it was overwhelmingly in opposition to it. These residents do hold the mesa in high regard. And this is because this is Petroglyphs National Monument area in a very sensitive area. So, there are some restrictions associated with that because it is a sensitive area. And so, you know if you look across the city, even on the other side of town, in the foothills of the mountains, you know, there are some restrictions, and people live on the foothills, but they have to drive down to tramway to get services. But it doesn't mean that there won't be any services up here. If you look at the zoning, there's a lot of opportunity and for growth to happen in terms of services, and so on top of the mesa. But even right now we it does take time to develop this area. You know I've lived here in Taylor Ranch, and since 1982, had to drive down to Alameda or to the towards I-40, to get any groceries or any services at all. It does take time. but right now, we do have lots of services along cores now. And so, it does take time to do so. But in this area what I want to emphasize is because it's such a unique geological area and a cultural area for Albuquerque. It does have restrictions, and we don't want to chip away at these restrictions. It's important to maintain appropriate complementary design. So, if you look at what Michaela was showing you, the mixed-use zones has those restrictions for drive throughs, but other locations do allow them and they will come. And then, as far as infrastructure like, I said, it takes time. I'm always

asking for things, and the city always tells me we don't have the money to do that right now, or it's going to take time. So yes, it's so it's frustrating. But because this is Petroglyph Monument, and just like Nancy Hendricks says, thousands of visitors come to see this. So, it's really important that we design this, that we honor this area, and when you do so, you get the best design developments in honoring it and complementing it. It says, we care about this area. You can't treat it like just any area of the city. This needs more complementary designs, and then we can be proud of it. And people will say you did a good job because I've been confronted as a volunteer for Petroglyphs Monument years ago by somebody on the trail. Getting after, says, what is out. What's wrong with you guys, I'm never coming back here. And you know it's embarrassing. I was like, Oh. So, we stand here today to push and communicate what a sensitive area is, and let's design it sensitively. And yes, this is an Urban Center. and in my letter, I mentioned that we already have an Urban Center on Louisiana the uptown, which is really a popular place economically, because of its walkability. It's customized to be walkable. And so, you do have an area on top of the mesa near adjacent to the Petroglyphs that can be more customized to do more walkable, and I would encourage more sensitive design that complements the landscape and preserves some of those unique geological features and the views just like Nancy Hendricks mentioned. That is a that's a big amenity, a big plus that attracts people is the views so they should design it to complement. And it shouldn't be a busy, you know, coming and going, coming and going. Type of activity near it. So, I would. uphold the prohibition. It's not to say they're not gonna get any drive throughs up there because they are cause you look around, there's a lot of zoning that already allows it. It's just that some of the property owners, I guess, have some areas that would restrict it so they would like to remove that restriction to help their property. But it's not a good idea, and it's so I just want to encourage you to think along those lines that Albuquerque is unique because we have certain areas...

CHAIR HOLLINGER: Ms. Horvath, we hear you, we hear your opposition. I'll take a moment to say thank you, I know how much effort you put into all these things. We just want to make sure everyone has a chance to speak. Thank you.

MS HORVATH: Okay, thank you.

CHAIR HOLLINGER: Commissioners, any questions for Ms. Horvath.

COMMISSIONER EYSTER: Eyster.

CHAIR HOLLINGER: Commissioner Eyster.

COMMISSIONER EYSTER: Thank you. Chair. Good morning. Thank you for being here, Ms. Horvath. You, your mic kind of broke up. Your audio broke up when you were talking about an experience you had and somebody said we were doing something wrong?

MS HORVATH: Oh, I was, I always remember when I was volunteering for Petroglyphs Monument years ago on the trail. And one of the visitors from out of state came to question, why is development allowed to come so close. Don't you guys care about this area? And if and if you don't, I'm never coming here again.

And so, you know, this is why you see me a lot because we do have unique areas. And I'm trying to get the design to be more complementary to our unique areas.

COMMISSIONER EYSTER: Beautiful. Thank you for sharing that story. Thanks for answering my question.

MS HORVATH: Yeah, thank you for asking.

CHAIR HOLLINGER: Thank you, Vice chair. Mr. Salas, it doesn't look like anyone else's signed up to speak, oh maybe....

MR SALAS: Yes, Ms. Neff, Peggy Neff.

CHAIR HOLLINGER: Morning, Ms. Neff, are you with us? I'm sorry, we see you now we just need to hear you.

MS NEFF: Yeah, okay, good. Alright! Good morning, and thank you all for being here, and I appreciate the work that you all do, and I just want to echo Ms. Horvath's comments and I recognize the need for being able to drive.

CHAIR HOLLINGER: Can you state your name and address for the record?

MS NEFF: Peggy Neff, 3025 Marble drive, Marble Ave, northeast Albuquerque. I swear to tell the truth. under penalty, perjury. Yes, sir.

CHAIR HOLLINGER: Very well, thank you. Alright. You have 2 minutes.

MS NEFF: I want to echo everything that Ms. Herman said. Renee has been watching over our open spaces for a long time, and the IDO being the way it is with these amendments annually, and the oversight for them of challenge. I really believe that go slower is a better idea. There is this concept of developing slums when you enhance urban areas and they develop at a faster rate than the areas between them. I'm sorry I'm not familiar with the development terminology of it, but you can foresee that if you build on that area more aggressively than you do leading up to it. You will see what we have on the East Side. And we don't want to do that. We really need to take some time and look at what we're developing. And look at how we're developing. I heard that the mayor spoke to John Bolton recently on the East Side about developing a CPO. He instructed them to go to the mayor. The IDO is so confusing in regard to how these CPOs are managed and developed that you could actually go to your counselor to develop the CPO. But you can't go to your counselor to amend the CPO. So, I'm not real sure what we're doing with this IDO. I'm terribly (inaudible) in regard to asking for data, asking for maps, asking for impact studies, asking for analysis of risk. And there's nothing here that you're giving us in regard to this particular amendment in that regard, so I would rather vote against it, and ask you all to vote against

liberalizing drive throughs in this area at this point. Thank you.

CHAIR HOLLINGER: Thanks for your input, we hear you. Commissioners any questions for Ms. Neff? Doesn't look like it. Mr. Salas, maybe another speaker who wishes to speak?

MR SALAS: Yes, chair. That is Larry Tillerman, he has spoken before.

CHAIR HOLLINGER: Very well.

MR SALAS: Did you want to let him speak?

CHAIR HOLLINGER: Sure, why not.

CHAIR HOLLINGER: You can speak, sir. Are you with us, sir?

CHAIR HOLLINGER: We can't hear you.

MR LAURICIO: Are you trying to connect with me? Did you have further input for us this morning? I have not spoken before, but I'm having trouble with Zoom.

MR SALAS: Oh, I apologize, sir.

MR LAURICIO: Can you hear me? Okay, so I just wanted to throw a little address for the record before my name is Larry Lauricio. I live at 7528 Staunton Pl. northwest.

CHAIR HOLLINGER: You swear to tell the truth when it comes to perjury?

MR LAURICIO: Yes, I do.

CHAIR HOLLINGER: Okay. Very well, you have 2 min

MR LAURICIO. Okay, so I'll make it quick. I'll make it fast. I just wanted to throw a little historical color onto this issue. And just for your information over 60 years ago. Kurt Douglas filmed a movie in the vicinity of this the land in question. It was a title, Lonely Are the Brave. And in a subsequent interview many years later. He just commented that it was his favorite movie. and he was very inspired. especially by the, during the opening scene with his horse whiskey. And I'm not sure if the fact that Kurt Douglas was inspired during the filming of that movie with the volcanic landscape. But it certainly inspires many of us that live in my neighborhood. A number of us are volunteers with the Open space department and with a petrol. and that area, even the lands outside of the national monument and outside of open space. Has a number of archeological sites, lynthx sites, ceramic sites even petroglyphs that are not within the premises of the national monument. And we just find that it's just such a sacred landscape. And perhaps we can, as Rene Horvath, just mentioned, come up with some ideas for something that might be a good

compromise, or something that might preserve a lot of lands that are not necessarily preserved now. So, I'm in opposition to any change in the existing zoning there. Thank you.

CHAIR HOLLINGER: Thank you for your input and the interesting story. I'll have to go watch that movie. Mr. Salas, is anyone else signed up?

MR SALAS: Yes, chair the next speaker is going to be Mike G.

CHAIR HOLLINGER: Morning, Mike. G.

MR MEDINA Hello! Could you hear me?

MR SALAS: We can hear you.

MR MEDINA: Sorry about that I just created my zoom account now. How's all? How's everybody doing toda?. We're doing well. Alright! Yes, I'm sorry. Say that one more time

CHAIR HOLLINGER: Will you state your name and address for the record, please?

MR MEDINA: My name is Michael Medina. I live at 7120 Tree line Ave. Near Volcano Visa.

CHAIR HOLLINGER: Okay? And will you raise your right hand? Do you swear to tell the truth, under penalty of perjury?

MR MEDINA: Yes, I do.

CHAIR HOLLINGER: Very well, well, thank you for being here this morning. You have 2 min.

MR MEDINA: Alrighty. So yeah. My name is Michael Medina. I'm owner and operator of a local company, MR Mechanical. You know. I'm not quite sure what points were made today. But I think it's you know, I am for new developments and new construction. You know, I'm looking at it as an economic, you know, economic growth. Essentially. So not only, you know, for the construction companies such as myself, but you got to think, you know, for the shop owners, the restaurants the boutiques, the coffee shops. This could potentially create new jobs for our community. I think job growth economic growth in our community is very important. I think with these new developments we could support our community and to support the young on entrepreneur with these creations. You know, and I'm for you know, you know, supporting my community, opposed to driving 20-30 min out to, you know. go, have lunch, or go to a coffee shop or go to petite. You know I'm I would rather support my neighbor in something like that. So, you know, I do like the idea of developments. I think it helps our community helps us grow helps become more sustainable as a community. I think that's very, very important. I think it. You know it. It boosts. It pushes the entrepreneur to, hey? You know, we got a new development over here. I want to open up a restaurant. I want to open up you know that coffee shop. And you know I'm definitely all for that. I think it

would be beneficial for us. I think in the long run it benefits. You know our children benefits. Everybody, you know, in this community. And that's that was essentially the point that I wanted to make here today.

CHAIR HOLLINGER: Well, thank you for that. Welcome to Zoom, and thank you for being here. We hear you support. Mr. Salas. Is anyone else signed up?

MR SALAS: Chair, and Commissioner's, no, that was the final Speaker.

CHAIR HOLLINGER: And Commissioners, were there any questions for? I forgot your last name, Mr. Mike? Nope. Well, if no one else is signed up, we'll close the floor to public comments and move to the applicant, closing.

MS MORRIS: Good morning, Commissioners. Thank you for this opportunity to provide some closing. I don't envy you your position. You've had a lot of varied perspectives presented to you today. I would like to emphasize the importance that we heard from residents in the public comment of the area, the need for increased services. And that, this is an area that already has zoning entitlements for a pretty intense level of development. And that the Urban Center Is an area where intense development is intended the uptown is a good example to think of. This is an of our other Urban Center in Albuquerque. This is an area that is built out. Drive throughs are permissive in uptown. We do have existing drive throughs. There are limitations in uptown, on drive throughs, in relation to restaurants, but drive throughs for other uses like banks. Pharmacies are permissive and do exist in uptown. There is also a provision in uptown to allow drive throughs for restaurants as a conditional use in proximity to Louisiana. So, I think this is an area where we need to revisit our regulations and to think about some more nuance. I think one of the speakers talked about possible compromise about that. It was in the staff report. The staff report talked about treating commuter corridors a little bit differently. Another potential way of thinking about things is now a lot of concerns are about proximity to the monument. Unser is a if you, if you look at it on a map is a pretty clear line. If you think about areas that are to the west of Unser, as it runs through the Volcano Heights Urban Center. Those areas are some distance away from the monuments. They are adjacent to where infrastructure is already developed. There are less rock outcroppings in that area. And so, the challenges for the infrastructure construction where you have to do a lot of blasting to get these very large rock outcroppings out of the way, or we have to work around them. Neither, which are e easy options. There are less. And so that's another area to consider. And with that I stand for any questions.

CHAIR HOLLINGER: Thank you for your closing, Ms. Morris. I have a question. But I'll hold that Commissioners. You have any questions for Ms. Morris closing? Not all at once.

COMMISSIONER HALSTEAD: Halstead.

CHAIR HOLLINGER: Yes, Commissioner Halstead.

COMMISSIONER HALSTEAD: Yes, thank you Chair. Ms. Morris, you mentioned at the end there? Potentially having more favorable development opportunities along. Answer. Can you expand on that a little bit?

MS MORRIS Yes, let me share my screen, and then I can kind of graphically show it a little bit more easily. So, if we go to this page. I think you can see my arrow. So here is Unser Boulevard. It runs through the Volcano Heights Urban Center. If we were to consider allowing drive throughs west of Unser. This would keep the drive through provision away from the monuments as you can see on this one here. The monument is this area that's kind of in bright green. And actually, also this this gray one here. Is also in by the, by the National Park Service. That would allow for some drive throughs, but would keep the use away from the monument, which is a lot of the concerns we had.

CHAIR HOLLINGER: Thank you. Does that answer your question, Commissioner Halstead?

COMMISSIONER HALSTEAD: I think so. I guess the only other component would be if the infrastructure is already in place, and if the construction. I guess the feasibility of getting construction sooner rather than later. If that's one of the main pieces of that whole West of Unser discussion.

MS MORRIS Mr. Chair, Commissioner Halstead, it's most of the infrastructure or lots that have easier access to infrastructure are around the Universe and Unser area. Broadly speaking infrastructure challenges are common throughout the Volcano Heights Urban Center. When, if you know, look at an aerial, you can see that a lot of the development in the area runs along Universe. And so, if you think about development being able to build upon development, that that area between Universe and Unser is where that's incrementally more likely to happen.

COMMISSIONER HALSTEAD: Thank you.

CHAIR HOLLINGER: Thank you, Commissioner Halstead. I'll ask a question to you, Ms. Morris, there, believe during your opening, you stated that there was an opportunity for restaurants being accessory. Is that similar to this request? Or banking potentially would be excluded? Or is it strictly in terms of restaurant use?

MS MORRIS So right now the prohibition is on all drive throughs within the Volcano Heights Urban Center. In the Volcano Mesa CPO, which also includes some of this area. There are 3 areas, and then they're not within the Urban Center, where there are prohibitions on restaurants with drive throughs. But other drive through uses are allowed. And so, drive through restaurants are probably the most common drive through uses, but they're not the only uses that have drive-throughs as an accessory use the proposal as submitted, would be to allow drive throughs as accessory to any use other than cannabis retail, which is already prohibited and any use that the IDO or State laws allow. State law also does not allow liquor retail to have drive-through. So, we wouldn't be looking at that.

CHAIR HOLLINGER: Understood. Okay, thank you for that clarification, Commissioners, anyone else? Very well, hearing none, we'll move to staff closing.

MS RENZ-WHITMORE: Thank you, Mr. Chair, Commissioners, I think the good news is that what exists today meets the vision and the comments that you've heard today. Where drive throughs are allowed in the NR-BP zone district surrounding Paso and Unser. These 2 commuter corridors where people expect and want easy access to drive through restaurants, drive through banks, drive through pharmacies. So that exists today. What we're talking about is and the mixed-use zone districts allow a really wide range of commercial uses permissively. So, grocery stores absolutely allowed, restaurants absolutely allowed permissively coffee shops, banks, auto repair, boutiques. All of the services that people talked about today wanting are allowed in the mixed-use zone district. All we're talking about here is whether we need to add the component of a drive through in the mixed-use zone districts. Again, they are already allowed in NR-BP. Should they be allowed in the mixed-use zone district. I'll just point out that the result really is similar to what Uptown already has, with a little bit more allowance here, because uptown still makes drive through restaurants conditional here they would be permissive in the NR-BP Zone district. So, the Integrated Development Ordinance is to implement the vision goals and policies of the Comprehensive plan, and not conflict even in the short term. So, while the Urban Center, and the mixed-use zone districts allow a wide range of intense uses. Not all intense uses are appropriate in a center that per goal and policy in the Comprehensive plan, many goals and policies in the Comprehensive plan. This is to be an area that's pedestrian oriented that encourages mixed use, development that supports and is supported by transit. Drive throughs just don't make good neighbors, for though, for mixed use, for pedestrian, oriented or for transit, supportive and transit supported development. So, drive-throughs are a good neighbor to business parks and shopping Centers which are both allowed and envisioned for the NR-BP Zone district, and it's true that use specific standards for drive-throughs would help protect the safety of individuals choosing to walk around, but it might still kill the opportunity for an Urban Center that is mixed. use walkable transit, oriented and transit supportive. And you've heard testimony today about the importance of the place making aspect of the Petroglyph National Monument, and having development like grocery stores, like restaurants, like all of these services that people want that is complementary and sensitive to the unique landscape and cultural use of the Petroglyph National Monument. For all of these reasons I urge your support for the finding of denial. Thank you.

CHAIR HOLLINGER: Thank you for your closing. Commissioners, questions for city staff?

COMMISSIONER EYSTER: Eyster.

CHAIR HOLLINGER: Commissioner Eyster.

COMMISSIONER EYSTER: Thank you. Chair, Ms. Renz-Whitmore. I reviewed the portion of the IDO, which prohibits drive throughs in certain areas. I note that there are 11 small areas or mapped areas in Albuquerque. Is the reasoning behind that pretty uniform as we've heard today. And as you've just closed, or are there any others, ideas or concepts or situations around any of those other mapped areas?

MS RENZ-WHITMORE: Thank you for that question, Mr. Chair, Commissioner Eyster. I can't speak for all of them specifically, but I can say that in general there are 2 built environments that we're really talking about today. One is an auto oriented environment, that is I would say most of the city of Albuquerque, or commercial areas are suburban and auto oriented and provide great access to very convenient services. The other type of area which doesn't exist much in the city of Albuquerque, where we're choosing our battles. We're choosing the place where we want to invest in more dense, more urban kind of place making. Are the areas where we want to be walkable. Drive throughs just aren't allowed. So, it's really there is a lot of demand for auto oriented and drive throughs. There is demand for that across the city. The point here is where we keep a few areas where that isn't allowed to make sure that we have the situation, the foundation, the building blocks, and a little bit of seating and patience for something different from auto oriented to develop. So, that would be a more walkable and transit-oriented transit supportive kind of place.

COMMISSIONER EYSTER: Thank you. That helps me.

CHAIR HOLLINGER: Thank you, Vice chair. Any other Commissioners?

COMMISSIONER HALSTEAD: Halstead.

CHAIR HOLLINGER: Commissioner Halstead.

COMMISSIONER HALSTEAD: Yes, thank you Chair. Ms. Renz-Whitmore, I just wanted to touch back on one of the points I believe you made earlier and reinforce it as the IDO, currently stands in these MX-M or mixed-use zones, we would be able to, or a new owner would be able to pursue this sort of development via a zone change, is that correct?

MS RENZ-WHITMORE: Mr. Chair, Commissioner Halstead. Yes, that is correct. A zone-change to anything other than mixed use where drive throughs. So, a zone district where drive throughs are allowed would allow a drive through.

COMMISSIONER HALSTEAD: Thank you.

CHAIR HOLLINGER: Thank you, Commissioner Halstead. Any other Commissioners? Hearing none. I believe we'll close the staff closing and move to Commissioner deliberation. So, floor is closed. This will be an opportunity for us to deliberate everything we've heard. My surprise there were, of the 20 people you heard, 11 people supported this, and 9 were opposed. That's not inclusive of everything that we've seen in the 48-hour material. But that was unique. So, I'll open the floor to the Commissioners. What are your thoughts?

COMMISSIONER EYSTER: Eyster. I'd be happy to wait for Commissioner Stetson. I prefer to wait. Thank you.

CHAIR HOLLINGER: We'll yield to you Commissioner Stetson.

COMMISSIONER STETSON: Thank you, Vice chair, and Chair, I'll just make it very simple. I think it's very clear that staff has this right. That tribal interests have this right. Petroglyph National Monument folks have this right? So, I very strongly support staff's recommendation for denial. Thank you.

CHAIR HOLLINGER: Thank you for your input.

COMMISSIONER EYSTER: Thank you Chair. Thanks for your remarks, Commissioner Stetson. As I say often there are multiple decision factors here, and I would just note a couple to stand out for me. I understand now better than ever after this, hearing that drive-ups diminish walkability. I understand that they diminish the possibility of mixed-use development and those are 2 of the keystones that the community has expressed in its Comprehensive plan for this limited area. And that's the other thing. This is a very limited area. This one and the other Urban Center are the only ones that are especially stipulated and conceived as walkable communities. And what we have in in this Urban Center, we have a large block of mixed-use zone districts on the East side and a somewhat smaller block on the West side. and the rest is just smaller areas. But those blocks impress me as the kinds of places that would development in a in an attractive, walkable way, in a more high-density way. And just the last thing on my mind is that of these other small areas around town. One of those is my area, Nob Hill and the prohibition against drive throughs really does create an attractive situation and a situation that is pedestrian friendly, and is prone to use by people on foot. It doesn't mean you can't drive through there. It doesn't mean you can't park in there, but it is more walkable, and it and it is a more of a particular sense of place rather than just the same as every other part of the city, or really every other part of the country. So, I can certainly see a strong argument to recommend denial to the counsel. Thanks Chair.

CHAIR HOLLINGER: Thank you, Vice chair. It's always wonderful to hear your input. Commissioner MacEachen, haven't heard much for you on this. What are your thoughts?

COMMISSIONER MACEACHEN: I guess, because they're torn. I I'm torn between some people that live in an area that want something, and we are sitting on our chair saying, well, that's good for your neighborhood. That's not that we can prohibit stuff in your neighborhood, but I live over here where I can drive up to a bank. I have a problem with that. I have a problem with people calling in and saying we'd like to have a neighborhood that caters to us and works for us. And then all the Neighborhood Associations in America show up and say, well, let's not do that. That's the wrong thing to do. Well, the people that live there think it's the right thing to do. So, I I'm tremendously inflicted on this, and I don't like over reaching government. I don't like overreaching regulations, and I would like, I like to drive the go to the drive-up bank. I think it's safer. I think it's faster. I think it's a better use of my time, and I don't like somebody living in an area that we say, no, you can't have a drive-up window, so I do not like that. I would have to say that I would be in up opposition to the denial. It's just wrong in so many ways

CHAIR HOLLINGER: Understood, we hear it. Thank you. We don't have Commissioner Cruz here, or Coppola. Commissioner Halstead.

MR SALAS: Chair, Commissioner Coppola has joined us. Oh, welcome,

CHAIR HOLLINGER: Commissioner Coppola.

COMMISSIONER COPPOLA: Thank you. Chair.

CHAIR HOLLINGER: Have you been present for the majority of this hearing?

COMMISSIONER COPPOLA: I've, I popped in about 10, 15 minutes ago. I've read some of the material and the staff recommendations. So, I'm trying to get caught up to speed here. So, I'll, you know it, from what I've read and studied on the issue. The staff recommendation for denial seems well founded, but I'm trying to get a feel for the how the other Commissioners are feeling right now about it.

CHAIR HOLLINGER: Understood, we may defer to Mr. Myers, if you need to recuse or not. Commissioner Halstead, do you have a strong opinion one way or another in this matter?

COMMISSIONER HALSTEAD: Yeah, thank you Chair, I think I do. And I think I can respond a little bit to Commissioner MacEachen, as well. I think some of this comes down to, and I've heard, read the letters that were submitted, and heard all of the community that are speaking up in the clear need of more services in this area. And I think there's a bit of a disconnect. When we're actually looking at this overall plan, there is extensive areas where these services with drive-throughs are allowed. And realistically, they're very likely in the most appropriate locations along Unser and Paseo, two of the main commuter corridors. Now, when we start looking at the mixed-use zones, they are, they are tucked back from those main collector or arterial streets. So, to me, this we we're sort of talking about 2 different things. And another item that I think is worth mentioning is, I heard over and over again, grocery is a really critical thing that needs to be added. Now the thing that brings grocery stores. Interest to a location is density. It's units. So, the way we do that is, by maintaining I guess these zones that we can have some more density, have more residential uses and mixed uses. That's gonna be that's going to be favorable for more grocery use. So, I think overall, I'm in favor of a denial for this.

CHAIR HOLLINGER: Thank you for your input. As chair. I'll voice my opinion as well. Bear in mind this is a recommendation to City Council. This is ultimately their decision. I lean heavily on the staff report and the IDO, to base my decisions. Staff has recommended denial. And I think, based on Commissioner Eyster's input that the uniqueness of this area and the protection that's needed to preserve the area is necessary, and I'm also leaning towards a recommendation of denial. So, that being said, we could continue our deliberation, or if a commissioner feels compelled to make a motion. We can move that direction.

MR MYERS: Alright. Excuse me. Chair Hollinger, you referenced, you know my name in regards to Commissioner Coppola, and I think I think it would probably be the safe thing to do to have Mr. Coppola, Commissioner Coppola, refrain from voting on the issue if he was not present for the entire agenda item.

Okay, I think it's important, you know, for the public to be heard, and if he wasn't here for the public to be heard, and all the presentations, you know the presentation by the applicant and staff, even though he read the staff report. I understand I think it would probably make sense for him to refrain from voting on this matter.

CHAIR HOLLINGER: Always appreciate your input, I was hoping you would chime in at some point.

COMMISSIONER HALSTEAD: Halsted.

CHAIR HOLLINGER: I'm sorry, was someone else chiming in?

COMMISSIONER HALSTEAD: Yeah, can I speak Chair?

CHAIR HOLLINGER: Yeah, of course, Commissioner Halstead.

COMMISSIONER HALSTEAD: Thank you. I think there was one other point that I just wanted to make before we vote. What is being proposed is a carte blanche amendment, for this whole area when there's already a mechanism that we have to make these changes, and that would be by changing the zone in any of these areas, and I think a more tactical case by case approach where not only the EPC, but also, the community, can voice their opinions on each case by case, matter is a more appropriate way to approach this.

CHAIR HOLLINGER: Thank you for that. So, as we move forward. This is like, I said, a recommendation to City Council. If we choose to deny we had discussion about how to do this, I think we would all vote as an example, in favor of denying so whoever decides to make a motion, just bear in mind, and we have findings 1 - 21 as I understand.

COMMISSIONER EYSTER: Eyster

CHAIR HOLLINGER: Commissioner Eyster.

COMMISSIONER EYSTER: Thank you Chair, I really appreciate this discussion and I really respect the positions I've heard, including Commissioner MacEachen, very much. As he stated, well, I shouldn't say what he stated that's his business. I agree with him in my in my own mind that there are arguments on both sides. I appreciate Commissioner Halstead noting, and Ms. Renz-Whitmore noted that there's a large swath of NR-BP, is it BP? It's NR, anyway that's not addressed by the prohibition. There's a lot a big X shaped sloth through the middle of the Urban Center, where there is no prohibition today. And so there will be plenty of opportunity for that kind of development in that big area, Commissioner Halstead, also talks about the possibility of Zone Map amendment in in, you know, one on one, one by one, and those can be looked at if this is denied by Council. I do have it in in in my neighborhood, and it has been good for the nature of our commercial district. So, all that being said, I don't have a problem in supporting the denial.

CHAIR HOLLINGER: Vice chair, are you prepared to make a motion?

COMMISSIONER EYSTER: If the Commission is completely happy with the amount of discussion, then I will. Yes.

CHAIR HOLLINGER: Based on our straw poll. It seems like that's the direction we're heading. Certainly, opportunities for more communication at this point. If anyone else would like to chime in?

COMMISSIONER STETSON: Commissioner Stetson, I'm in support of denial as well, that's already said.

CHAIR HOLLINGER: Thank you, Commissioner Stetson, any other Commissioners before we move to a motion? Vice chair.

COMMISSIONER EYSTER: Thank you. Chair you noted 1 - 21 findings, 1 - 21, and I have not looked back at the end of the report. Are there any conditions?

CHAIR HOLLINGER: Not that I saw, Staff, did you see otherwise?

MS RENZ-WHITMORE: No, Mr. Chair, Commissioner's, no conditions.

COMMISSIONER EYSTER: Thank you. Then, in that case, in the matter of agenda Item number one. project 2018-001843, case RZ-2023-00044. I move that a recommendation of denial be forwarded to City Council based on findings, 1 - 21.

CHAIR HOLLINGER: Thank you. Is there a second?

COMMISSIONER STETSON: Stetson, second.

CHAIR HOLLINGER: Second, second by Commissioner Stetson. That's a mouthful. We'll move to a roll call vote. Vice chair Eyster.

COMMISSIONER EYSTER: Eyster, I.

CHAIR HOLLINGER: Mr. Cruz is not present. Commissioner Stetson.

COMMISSIONER STETSON: Stetson, I.

CHAIR HOLLINGER: Commissioner Coppola, I assume you're going to recuse yourself, are you?

COMMISSIONER COPPOLA: Commissioner Coppola, Staying or recuse myself. Yes.

CHAIR HOLLINGER: Well, thank you, Commissioner Halstead.

COMMISSIONER HALSTEAD: Halstead, I.

CHAIR HOLLINGER: Commissioner MacEachen.

COMMISSIONER MACEACHEN: Commissioner MacEachen, No.

CHAIR HOLLINGER: Well, thank you, Commissioner Hollander is an I. Motion will pass 5 – 1, with one abstention. Thank you. Everyone for your time and presentation. We appreciate all the public input. That recommendation will be forwarded to City Council.

MR MYERS: Chair Hollinger, I'm sorry to interrupt Matt Myers. It was 4 – 1, or maybe I'm confused, was it, I think it was 4 - 1? Yeah.

CHAIR HOLLINGER: 4 -1, always keeping us on track, yes.



ENVIRONMENTAL PLANNING COMMISSION AGENDA

Thursday, February 15, 2024
8:40 a.m.

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

Jonathan R. Hollinger, Chair
Gary L. Eyster P.E. (Ret.), Vice Chair

Giovanni Coppola
Joseph Cruz
Renn Halstead

Tim MacEachen
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 to the Staff Planner assigned to each case, ensuring presentation at the EPC hearing. 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

mrenz-whitmore@cabq.gov

(Deferred at the January 11, 2024 EPC Hearing)

2. Project # PR-2024-009765

RZ-2024-00001– Zoning Map Amendment (Zone Change)

Tierra West, LLC, Inc., agent for Cross Development, a zoning map amendment from MX-M to MX-H, for all or a portion of Tract A Plat of Gateway Subdivision, located at 1100 Woodward Pl NE, between Mountain Rd, and Lomas Blvd, approximately 2.7845 acres (J-15-Z)

Staff Planner: Seth Tinkle sethtinke@cabq.gov

3. Project # PR-2024-009768

RZ-2024-00003– Zoning Map Amendment (Zone Change)

Consensus Planning, Inc., agent for Sun Lasso Energy Center LLC, a zoning map amendment from NR-C to NR-LM, for all or a portion of Tract 3 & 4, Lands of Town of Atrisco, located at 10100 Central Avenue SW, between 102nd Street SW, and 98th Street SW, approximately 8.8 acres (L-8-Z & L-9-Z)

Staff Planner: William Steele wsteele@cabq.gov

4. OTHER MATTERS

- A. Approval of the January 18, 2024 Action Summary Minutes
- B. Discuss November Special EPC hearing - GO Bond

5. ADJOURNMENT