



City of Albuquerque

PLANNING DEPARTMENT

Richard J. Berry, Mayor

Interoffice Memorandum

December 5, 2014

To: Ken Sanchez, President, City Council

From: Suzanne Lubar, Director

Subject: O-14-22 - Project# 1001620/14EPC-40070. The Environmental Planning Commission (EPC) forwards a recommendation of APPROVAL to the City Council regarding text amendments to the Zoning Code to regulate small lending businesses by requiring a horizontal separation distance of at least 1,500 feet between them, as measured from property line to property line; and to add a definition for small lending businesses. City-wide. Staff Planner: Catalina Lehner

Request & Scope

The request is regarding the addition of a new section to Zoning Code §14-16-3-24 ROA 1994, and a text amendment to §14-16-1-5(B) ROA 1994, Definitions, to regulate Small Loan Businesses (SLBs). Bill No. O-14-22 was introduced at City Council on September 3, 2014. The proposed text amendments would apply City-wide.

Purpose

The purpose of the proposed legislation (O-14-22) is to begin to mitigate the negative effects SLBs can have on communities over time. Resolution R-14-102, which recommends that the State cap interest rates that SLBs charge, is related. The proposed text amendments would regulate SLBs by establishing a required horizontal separation distance of at least 1,500 linear feet between them, as measured from property line to property line of the parcels that the SLBs are located on. (Note: one-quarter mile is 1,320 feet and a half-mile is 2,640 feet).

The term "Small Loan Business" would be defined to mean lending businesses required to be licensed under the New Mexico Small Loan Business Act of 1955 [58-15-31 NMSA 1978]. Such businesses, sometimes known as payday/title loans or "predatory lending", due to the very high interest rates they charge consumers (typically over 175%), are not identified with FDIC-insured banking institutions such as banks and credit unions.

Background & Importance

The presence of SLBs, and public awareness of them, continues to increase. SLBs tend to cluster in areas of the City where low-income people reside, such as near the intersections of Central Ave./San Mateo Blvd., San Mateo and Menaul Blvds., and Coors Blvd. just north of I-40.

Because some SLBs routinely charge between 300% to 600% interest, and borrowers are not screened for ability to repay, borrowers are extremely likely to become trapped in an unending cycle of debt (high interest rates are considered to be 175% or above). Many of these people are single-parents, veterans and military personnel (Ref: R-14-102).

Though other states have enacted interest rate caps, the State of New Mexico has not. One way to address SLBs at the municipal level is to enact a separation distance, since clustering of SLBs actually a marketing technique that helps keep interest rates high. For instance, the same entity typically owns SLBs in close proximity and each offers a different product. Consumers are channeled to a particular product (ex. title loan, payday loan) and can conveniently walk next door to access it. A separation distance requirement is a step in addressing the problem.

But it's not just a personal problem. It's a larger, social problem because low-income areas of the City are targeted and many lower-income residents get caught up in a cycle of poverty they can't break out of. Also, many of the City's lower-income areas are designated Metropolitan Redevelopment Areas (MRAs) where improvement is desired, and perpetuating poverty will not help to bring about positive changes.

Enforcement & Unintended Consequences

The proposed legislation could result in two unintended consequences. First, it would create an expectation for the Code Enforcement Division to administer and enforce the new regulations, but without additional funding or Staff. Staff recommends the addition of a Fees section and a Review section in order to implement the proposed legislation. Second, the horizontal separation distance between SLBs could result in a spreading out of such businesses throughout the City over time, with the unintended effect of new SLBs in neighborhoods where they were not a presence before.

EPC Decision

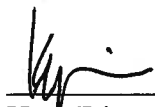
At its November 13, 2014 hearing, the EPC voted 7-0 to forward a recommendation of Approval to the City Council with the following change to the original language: a separation distance of 5,280 feet (instead of 1,500 feet) between SLBs. The EPC heard testimony regarding the scope and seriousness of the high-interest lending issue, which is a problem at the state and local levels. Additional, recommended language changes are found in the Official Notice of Decision.

Conclusion

The proposed text amendments would add a new section to Zoning Code §14-16-3-24 ROA 1994, and amend §14-16-1-5(B) ROA 1994, Definitions, in order to regulate Small Loan Businesses (SLBs). Bill No. O-14-22 was introduced at City Council on September 3, 2014. The proposed text amendments would apply City-wide.

As reflected in the Official Notice of Decision, Conditions for Recommendation of Approval are needed to add language to improve enforceability and administration, and to create internal consistency in the Zoning Code, thereby making the legislation less ambiguous and more possible to implement.

Recommended:



Kym Dicome, Manager
Current Planning Section
Planning Department

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**Environmental
Planning
Commission**

**Agenda Number: 8
Project Number: 1001620
Case Number: 14EPC-40070
November 13, 2014**

Staff Report

Agent City of Albuquerque Planning Department
Applicant City of Albuquerque Planning City Council Services
Adding a new §14-16-3-24 to the Zoning Code, and associated text amendments to: §14-16-1-5, Definitions; §14-16-2-15, the O-1 Office and Institution Zone; §14-16-2-16, the C-1 Neighborhood Commercial Zone; §14-16-2-17, the C-2 Community Commercial Zone, and §14-16-2-19, the IP Industrial Park Zone to regulate Small Loan Businesses (SLBs).
Location City-wide

Staff Recommendation

That a recommendation of CONDITIONAL APPROVAL of 14EPC-40064 be forwarded to the City Council based on the Findings beginning on Page 15, and subject to the Conditions for Recommendation of Approval beginning on Page 17.

Staff Planner

Catalina Lehner, AICP-Senior Planner

Summary of Analysis

This request is for a recommendation to City Council regarding the addition of a new section to the Zoning Code §14-16-3-24 ROA 1994, and a text amendment to §14-16-1-5(B) ROA 1994, Definitions, to regulate Small Loan Businesses (SLBs). Bill No. O-14-22 was introduced at City Council on September 3, 2014 and referred to the Planning Department. The EPC is a recommending body; the City Council will make the final decision.

The proposed text amendments would regulate SLBs, also sometimes known as payday or title loans (or predatory lending), by establishing a required horizontal separation distance of at least 1,500 feet between them as measured from property lines. The term "Small Loan Business" would be defined to mean those businesses licensed under the New Mexico Small Loan Business Act of 1955 [58-15-31 NMSA 1978]. Such businesses are not identified with FDIC-insured banking institutions.

The overarching intent of the proposed legislation is to try to mitigate the negative effects that SLBs can have on communities over time. Spatial analysis shows that SLBs are clustered in low to moderate income areas. Some payday lenders and title loan lenders charge up to 1000% interest. Though 175% (and higher) interest is more common, consumers in New Mexico were charged \$99 million dollars in interest and fees on small loans- the majority of which was collected by out-of-state companies (see also Bill No. R-14-102).

Staff finds that the proposed text amendments, as written, raise concerns about enforcement in the field and administration at the office (see Section V of this report). Revisions are needed to improve enforceability and administration, create internal consistency in the Zoning Code and clarify certain items. This can be done while supporting the overall legislative intent. Staff recommends that a recommendation of conditional approval be forwarded to the City Council.

City Departments and other interested agencies reviewed this application from 9/29/2014 to 10/10/2014. Agency comments used in the preparation of this report begin on Page 21.

I. INTRODUCTION

Request

This request is for a recommendation to City Council regarding the following text amendments to the City's Comprehensive Zoning Code: adding a new section, §14-16-3-24 ROA 1994, and amending §14-16-1-5(B) ROA 1994, Definitions, to regulate Small Loan Businesses (SLBs). Staff recommends that certain individual zones be correspondingly amended (see Sections III and VI of this report).

The proposed text amendments are found in draft legislation authored by Council Services, known as Bill No. O-14-22 (see attachment). O-14-22 was introduced at City Council on September 3, 2014 and subsequently referred to the Planning Department for review.

Intent & Purpose

The intent of the proposed text amendments is to regulate Small Loan Businesses (SLBs) by establishing a required horizontal separation distance of at least 1,500 linear feet between them, as measured from property line to property line of the parcels that the SLBs are located on. (Note: one-quarter mile is 1,320 feet and a half-mile is 2,640 feet).

The term "Small Loan Business (SLB)" would be defined to mean lending businesses licensed (or should be licensed) under the New Mexico Small Loan Business Act of 1955 [58-15-31 NMSA 1978]. Such businesses, sometimes known as payday/title loans or "predatory lending" due to the very high (over 175%) interest rates they charge consumers, are not identified with FDIC-insured banking institutions such as banks and credit unions.

The purpose of the proposed legislation (O-14-22) is to begin to mitigate the negative effects that Small Loan Businesses can have on communities over time. Resolution R-14-102, which addresses interest rates, is related (see Section II of this report).

Scope

The proposed text amendments would create a new section of the Zoning Code, amend certain zones and amend the Definitions section of the Zoning Code, which are ordinances of general application. The proposed text amendments would apply City-wide. This request is considered legislative in nature.

Environmental Planning Commission (EPC) Role

The task of the Environmental Planning Commission (EPC) is to make a recommendation to the City Council regarding the proposed text amendments. The City Council is the City's Zoning Authority and will make the final decision. The EPC is a recommending body with review authority.

II. OVERVIEW

Background & Importance

Over time, the presence of high-interest lending made available by small lending businesses has increased. So has public awareness of such businesses. It's become apparent that small lending

businesses tend to cluster in areas of the City where low-income people reside, such as near the intersections of Central Ave./San Mateo Blvd., San Mateo and Menaul Blvds., and Coors Blvd. just north of I-40 (see attachments).

High interest rates are considered to be 175% or above. Because several small loan businesses routinely charge between 300% to 600% interest and borrowers are not screened for ability to repay, borrowers are extremely likely to become trapped in an unending cycle of debt that they can't get out of- especially since they were poor to begin with. Many of these people are single-parents, veterans and military personnel (Ref: Bill No. R-14-102, see below).

But it's not just a personal problem. It's a larger, social problem because low-income areas of the City are targeted and many lower-income residents get caught up in a cycle of poverty they can't break out of. Also, many of the City's lower-income areas are designated Metropolitan Redevelopment Areas (MRAs) where improvement is desired, and perpetuating poverty will not help to bring about positive changes.

(Note: Research conducted by Council Services Staff).

Local Efforts

The proposed text amendments (Bill No. O-14-22) can be considered a companion bill to Bill No. R-14-102 (see attachment). R-14-102 urges the New Mexico Legislature and the Governor to stop the high-cost lending epidemic by enacting inflation-indexed interest and fee caps of 36% or less across all small loan products. This resolution has gone through the legislative process and, as of this writing, is in the Mayor's office awaiting signature.

Between 2011 and 2013, the number of high-interest small loan businesses has grown from 582 to 656 (ref: R-14-102). This is an increase of $\approx 13\%$ in two years. It may not seem like a lot. However, cumulatively the amount of small lending businesses is steadily increasing and continues to be concentrated in lower-income areas of the City. If an interest cap is enacted, over time and when combined with the separation distance requirement proposed here, it could make a positive difference in the community.

State Regulation

Small Loan Businesses are regulated at the State level by the Small Loan Act of 1955 (ref: 58-15-31 NMSA 1978). Article 15, Sections 1-39, explains the Act, licensing and other requirements, recordkeeping and penalties (see attachment, Table of Contents). Definitions are found in 58-15-2 (see attachment). The Act, enacted nearly 50 years ago, has several purposes, as elaborated in 58-15-1:

- ensure public regulation of businesses making small loans
- allow licensees to meet their expenses of servicing small loans
- provide loan credit to a large class of borrowers who cannot otherwise obtain it
- eliminate charges that are exorbitant in relation to the cost of running a loan business
- lessen abuse of borrowers

It appears that 58-15-1, Object & Purposes of Act, has not been updated since then. However, the 2007 revision date at the end of the Definitions Section indicates that some changes have occurred (though it is unclear what they were). "Payday Loan" and "Payday Loan Product" are defined terms, and Small Loan Business is the title of the Article though it is not defined.

Among the most important things the Act does are to establish requirements that small loan businesses be licensed annually (a \$500 fee) and that their records/books are inspected annually (a \$200 fee). The Act also establishes that no small loan can exceed 25% of the borrower's monthly gross income (58-15-32) and that the loans range from 14 to 35 day terms. Also, there is no penalty for pre-paying a small loan (58-15-15.1). Permitted charges for payday loan products (ex. max \$15.50 administrative fee for each \$100 borrowed) are found in 58-15-33. Prohibitions (ex. making another loan to someone who has a payment plan already) are found in 58-15-35 (see attachment).

Staff was not able to find any regulations pertaining to interest rates. Since small business loans are regulated by the State as described above, it appears that regulation of interest rates would need to occur at the State level. However, Albuquerque is a home-rule municipality and it's not clear to Staff if regulating interest rates (see Council Bill No. R-14-102) could be done independently. Regardless, perhaps the first step is establishing a separation distance requirement, as proposed in the text amendments considered here.

III. ZONING

Definitions

The term "Small Loan Business (SLB)" does not exist in the Zoning Code and needs to be defined for the sake of clarity and consistency, as well as for enforcement purposes. The following definitions in §14-16-1-5 are relevant to the subject matter of the proposed text amendments:

BUSINESS. A legal entity operating an enterprise in a space separate from any other enterprise.

LOT.

- (1) A tract or parcel of land platted and placed on the County Clerk's record in accordance with laws and ordinances; or
- (2) A tract or parcel of land described by metes and bounds held in separate ownership, as shown on the records of the County Assessor, prior to June 20, 1950, date of passage of Commission Ordinance No. 686, or October 2, 1950, effective date of passage of a County Resolution (both covering Subdivision); or
- (3) A portion of one or more platted lots, which portion was placed on the records of the County Assessor prior to November 16, 1973, effective date of Commission Ordinance No. 97-1973, the city's Subdivision Regulations, provided such portion met all requirements of area and dimension of the zone in which it was located when created.

MEASUREMENT. In all instances where the Zoning Code requires a separation of uses, use districts, lots, or buildings, such distance shall be measured in a geometrically straight line using a scaled map, or a survey if necessary, unless otherwise specifically provided for in the Zoning

Code. This line shall be measured to run from the nearest point on the nearest lot line or the lot or lots upon which the regulated use is located to either the nearest point on the nearest lot line of the lot or lots upon which a use is located from which the regulated use is required to be separated or the nearest point on the nearest boundary of the zoning district from which the regulated use is required to be separated, whichever terminal point is applicable. Such measurement shall be made without regard to any intervening structures, objects, uses, the street grid, landforms, waterways, or any other topographical features.

Zones

Small Loan Businesses (SLBs) are a type of office use and are allowed in most non-residential zones, including the O-1 Office & Institution Zone (§14-16-2-15), C-1 Neighborhood Commercial Zone (§14-16-2-16), C-2 Community Commercial Zone (§14-16-2-17), C-3 Heavy Commercial Zone (§14-16-2-18), IP Industrial Park Zone (§14-16-2-19), M-1 Light Manufacturing Zone (§14-16-2-20), and M-2 Heavy Manufacturing Zone (§14-16-2-21).

The C-2 zone, which the C-3, M-1 and M-2 zones reference, calls out “banking, loaning money, including pawn” as a use. Office uses could be allowed in an SU-1 zone (§14-16-2-22) as part of a site development plan reviewed by the EPC or administratively (if thresholds for administrative approval are met- see §14-16-2-22(A)(6). Offices are allowed permissively in the RC Residential/Commercial Zone (§14-16-2-13).

Office uses are not allowed in most residential zones, including the RO-1 Rural and Open Zone (§14-16-2-2), R-1 Residential Zone (§14-16-2-6), R-LT Residential Zone (§14-16-2-28), R-T Residential Zone (§14-16-2-9), R-G Residential Zone (§14-16-2-22), R-2 Residential Zone (§14-16-2-22) and R-3 Residential Zone (§14-16-2-22) zones. Offices are allowed conditionally in the MH Residential Zone (§14-16-2-22), if they serve the residents of the contiguous MH area.

Organization

The Zoning Enforcement Officer pointed out that Small Loan Businesses (SLBs) are a use, and that regulating them pertains to the General Regulations portion of the Zoning Code. The General Regulations include, for example, Community Residential Program (CRP) Regulations, which are applied City-wide and also contain a separation distance requirement. A CRP is also a defined use.

Therefore, Staff suggests that Small Loan Businesses (SLBs) be added as a use to sections of the Zoning Code where they are already allowed and grouped loosely under “banking, loaning money, including pawn”. Calling SLBs out as a distinct use would differentiate them from banking that is FDIC insured (see also definition).

IV. ANALYSIS OF APPLICABLE LAWS, ORDINANCES & PLANS

Applicable ordinances, plans, and policies are in regular text followed by Staff analysis in ***bold italics***.

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.” (emphasis added)

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.”

Adding provisions to the ROA 1994 to establish a definition for Small Lending Businesses (SLBs) and a required separation distance between them is an exercise in local self government (City Charter, Article I). Amending the Comprehensive Zoning Code to define and separate new SLBs generally expresses the Council’s desire to ensure the proper use and development of land, and to generally promote and maintain a humane urban environment (City Charter, Article IX).

Comprehensive City Zoning Code

Authority and Purpose (summarized): The Zoning Code is Article 16 within Chapter 14 of the Revised Code of Ordinances of Albuquerque, New Mexico, 1994 (often cited as ROA 1994). The administration and enforcement of the Zoning Code is within the City’s general police power authority for the purposes of promoting the health, safety, and general welfare of the public. As such, the Zoning Code is a regulatory instrument for controlling land use activities for general public benefit.

Role of Land Use Boards (aka Amendment Procedure, summarized): The City Council is the zoning authority for the City of Albuquerque and has sole authority to amend the Zoning Code. Through the City Charter, the City Council has delegated broad planning and zoning authorities to the Environmental Planning Commission (EPC). The EPC is advisory to the City Council regarding proposed text amendments to the Zoning Code.

The application for proposed text amendments to Zoning Code §14-16-1-5 ROA 1994, Definitions and addition of a new section, §14-16-3-24, and correspondingly amending certain associated zones, was filed in accordance with Zoning Code requirements. The proposed text amendments generally further the Zoning Code goal of promoting the health, safety and welfare of the citizens. Defining Small Lending Businesses (SLBs) and establishing a separation distance would positively impact the built environment and the

overall health and welfare of the City. However, as the zoning authority for the City of Albuquerque, the City Council will make the final determination.

Albuquerque/Bernalillo County Comprehensive Plan

The Comprehensive Plan, the Rank I planning document for the City, contains goals and policies that provide a framework for development and service provision. The Plan's goals and policies serve as a means to evaluate development proposals and text amendments requests. Applicable goals and policies include:

B. Land Use Policies-Developing & Established Urban Areas

Section II.B.5- Developing and Established Urban Areas Goal: The Goal is "to create a quality urban environment, which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment."

The proposed text amendments would establish a separation distance between Small Loan Businesses (SLBs) and an administrative process to address them. Doing so would generally help create a quality urban environment in which such business are not as clustered as they could be otherwise, thereby allowing communities within the metropolitan area to be defined by a greater variety of services and choices and to not be disproportionately affected by SLB lending practices. The request generally furthers the Developing and Established Urban Areas Goal.

Policy II.B.5d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

To the extent that a SLB is a new development (rather than occupying an existing building), the proposed separation distance between SLBs would help so they are not all located together and not adversely impacting any one neighborhood. Staff has not received any comments from the public. Environmental and recreational resources aren't really a factor here. The request partially furthers Policy II.B.5d-neighborhood/ environmental conditions/resources.

D. Community Resource Management-

D.6. Economic Development Goal: The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

In general, the proposed text amendments would not adversely affect economic development because SLBs would continue to be allowed permissively in many zones. The distance requirement would help balance the development of such businesses with the important

social goals of improving low-income neighborhoods working towards disaggregating poverty. The request generally furthers the Economic Development Goal.

Human Services Policy II.D.8c: Development's negative effects upon individuals and neighborhoods shall be minimized.

The proposed text amendments would help to minimize development's negative effects upon individuals because they would require a separation distance between SLBs, which presumably may make high-interest lending less readily available. Though arguably SLBs could still be located throughout the City, they would not be concentrated in lower income neighborhoods to the degree that they are near Central Ave./San Mateo Blvd. and San Mateo/Menaul Blvds. The request generally furthers Human Services Policy II.D.8c-negative effects of development.

V. IMPLEMENTATION

Implementation issues warrant further discussion and can be divided into Enforcement Concerns and Unintended Consequences. When Staff met with the Code Compliance Manager (CCM, often also referred to as the Zoning Enforcement Official or ZEO), several practical concerns became apparent. So that the proposed legislation does not create lack of enforceability and/or misaligned expectations by the public, it is critical to explore these concerns at this juncture. The legislation needs to be manageable for it to be effective.

Enforcement Concerns

As written, the proposed text amendments would create difficulty for Code Enforcement Staff both in the field and in the office.

In the field, it may be difficult to determine which businesses are actually the Small Loan Businesses (SLBs) the proposed legislation intends to address. When applying for a business license, the licensee may not be forthcoming about the type of lending business they want to operate. Therefore, it could be difficult for Code Enforcement field Staff to prove that the business is engaging in this type of lending in cases when the business registration, a City document, states otherwise.

In the office, the proposed text amendments do not establish an administrative review process for SLBs, which means they could be difficult to track. The CRP regulations (Zoning Code §14-16-3-12, see attachment), which also have a separation distance requirement of 1,500 feet between CRPs, include subsections E) Review Process and G) Fees. The review process requires that CRP operators submit a report annually to the Zoning Enforcement Officer (ZEO). If a CRP has been problematic, the ZEO may refer consideration of the program's renewal to the Zoning Hearing Examiner (ZHE) for a public hearing. In addition, an internal system would need to be established to track SLBs and actions related to them.

Fees: The proposed text amendments are an unfunded mandate for which the Code Enforcement Division of the Planning Department would be solely responsible. As written, the proposed text

amendments would create additional work load without establishing any fees to off-set administrative costs. Uses such as Community Residential Programs (CRPs) and sex-oriented businesses are required, in addition to the business registration, to pay an initial fee and an annual operating fee.

The fees for CRPs are \$55 for an initial review and \$35 for an annual review. Though minimal, any fees would be better than none. Sexually oriented businesses pay \$2,000 for initial review and \$1,000 for annual review. Perhaps the fees for SLBs could be somewhere in between. Further consultation with the ZEO is needed.

Review: Code Enforcement Staff will need to review the application for any new SLBs, in addition to what's required by the State (which State Staff will review). The CRP regulations establish a review process that can also be applied to SLBs, and would establish a review procedure so that Staff can review pertinent documentation such as the SLB's license and business information to determine if it complies with the new SLB regulations.

Also, Code Enforcement Staff can consult with those who want to open a new SLB to determine if the zoning allows the use and if the separation distance requirement can be met. If it's found that the business violates the original terms of its approval, enforcement action may be taken.

Unintended Consequences

Internal: The proposed legislation would create an expectation that the Code Enforcement Division would administer and enforce the new regulations, but without any additional funding or Staff to do so. As mentioned, the new SLB regulations would be another unfunded mandate- and in addition to other unfunded mandates resulting from other recent text amendments (ex. secondary dwelling units). A potential, unfortunate outcome is that enforcement could become inconsistent and reactive, though Staff would do the best they can with limited resources.

External: The idea of a horizontal separation distance between SLBs could result in, over time, a spreading out of such businesses throughout the City. If a new SLB is established, the next one would have to be at least 1,500 feet from it (as measured from the property lines), and so on. Though certainly other factors are involved, such as product demand, trends in banking/lending practices and the overall state of the economy, the proposed text amendments may not contribute to unclustering SLBs in low income neighborhoods where they exist already, but could have the unintended effect of encouraging new SLBs in neighborhoods where they were not a presence before.

VI. ANALYSIS- PROPOSED TEXT AMENDMENTS & DISCUSSION

The proposed legislation would add a new section, §14-16-3-24 ROA 1994 and amend §14-16-1-5(B), Definitions, of the Zoning Code. The following zones will need to be correspondingly amended for internal consistency: the O-1 Office and Institution Zone (§14-16-2-15); the C-1 Neighborhood Commercial Zone (§14-16-2-16); the C-2 Community Commercial Zone (§14-16-2-17), and the IP Industrial Park Zone (§14-16-2-19).

New language is [underlined and bracketed]. Deleted language is [~~underlined, bracketed and struck through~~]. Planning Staff's suggested additions to the originally drafted legislation are in **grey highlighting** (deletions and re-wording are not greyed). Explanations are in *bold italics*. Page references are to the proposed legislation (see attachment).

A) Definitions:

Albuquerque Code of Ordinances, Chapter 14- Zoning, Planning & Building, Article 16- Zoning Code, Section 1-5(B), DEFINITIONS

1. Insert on Page 2, at Line 10:

[Section 1. Section 14-16-1-5(B), the Definitions section of the Zoning Code, is amended to add the following definition:]

SMALL LOAN BUSINESS. A loan in which the licensee accepts a personal check or debit authorization tendered by the consumer and agrees in writing to defer presentment of that check or use of the debit authorization until the consumer's next payday or another date agreed to by the licensee and the consumer, and

- 1) Includes any advance of money or arrangement or extension of credit whereby the licensee, for a fee, finance charge or other consideration:

- A) Accepts a dated personal check or debit authorization from a consumer for the specific purpose of repaying a payday loan;

- B) Agrees to hold a dated personal check or debit authorization from a consumer for a period of time prior to negotiating or depositing the personal check or debit authorization; or

- C) Pays to the consumer, credits to the consumer's account or pays another person on behalf of the consumer the amount of an instrument actually paid or to be paid pursuant to the New Mexico Small Loan Act of 1955; but

- 2) Does not include:

- A) An overdraft product or service offered by a banking corporation, savings and loan association or credit union; and

- B) Installment loans.]

It is important to make "Small Loan Business" a defined term in the Zoning Code, just as it is a defined term in the State statutes though the definitions don't have to be exactly the same. The greyed and/or struck out language is Staff's suggested differences from the State's definition of "payday loan."

Having defined terms at the front of the Zoning Code is important for enforcement purposes and for clarity, especially in the event of an appeal.

B) Zoning Code Cross-Referencing:

Albuquerque Code of Ordinances, Chapter 14- Zoning, Planning & Building, Article 16- Zoning Code:

Section 2-15(A)(17), the O-1 Office and Institution Zone

Section 2-16(A)(10)(q), the C-1 Neighborhood Commercial Zone

Section 2-17(A)(13)(r), the C-2 Community Commercial Zone, and

Section 2-19(A)(24)(k), the IP Industrial Park Zone.

C-3 Heavy Commercial Zone (§14-16-2-18)- refers to C-2 zone (so no need to specify in C-3).
M-1 Light Manufacturing Zone (§14-16-2-20)- refers to C-3 zone (so no need to specify in M-1).
M-2 Heavy Manufacturing Zone (§14-16-2-21)-refers to M-1 zone (so no need to specify in M-2).

Note: The same proposed language applies to all four zones listed and is intended to be inserted in the locations in the Zoning Code as specified above. Subsequent re-lettering of the sections will be needed.

2. Insert in the Zoning Code at the locations specified above in B:

[Small Loan Businesses, provided they are licensed under the New Mexico Small Loan Business Act.]

The C-2 zone, which the C-3, M-1 and M-2 zones reference, calls out "banking, loaning money, including pawn" as a use. Small Loan Businesses (SLBs) are different from standard, insured banking institutions and should be recognized as a separate use. This is important for internal consistency in the Zoning Code and for enforcement purposes, and especially since (like Community Residential Programs, or CRPs) SLBs will have their own Section in the General Regulations.

C) Text Changes to the Proposed Legislation:

3. Insert at Page 1, Line 23:

[WHEREAS, the City Council passed Resolution R-14-102, which supports interest and fee caps on non-banking lending institutions (small loan businesses) in New Mexico; and]

Staff believes it's a good idea, for awareness of the topic and tracking purposes, to refer to this resolution.

4. Page 1, Line 21:

WHEREAS, the clustering of [~~small loan establishments~~] [Small Loan Businesses] tend[s] to not only serve

For consistency, Staff recommends use of the term "Small Loan Businesses" and capitalization since it will be a defined term.

5. Page 2, Line 12:

“[§14-16-3-24 SMALL ~~LENDERS~~] ~~[LOAN BUSINESSES]~~”

For consistency, Staff recommends use of the term “Small Loan Businesses”.

6. Page 2, Line 13:

(A) In addition to any other requirements of the zoning code ~~[Zoning Code]~~,

The term Zoning Code is usually capitalized and should be here.

7. Page 2, Line 14:

Where they are permitted, ~~[small lending businesses]~~ ~~[Small Loan Businesses]~~

For consistency, Staff recommends use of the term “Small Loan Businesses”.

8. Page 2, Lines 15 & 16:

one another by at least 1,500 feet ~~[,]~~ as measured from property line to property line ~~[,]~~ for the ~~[parcels]~~ ~~[lots]~~ on which the ~~[small lending business is]~~ ~~[Small Loan Businesses are]~~ located.

The suggested revisions are for clarification and consistency.

9. Page 2, Line 17:

(B) For purposes of this section, a ~~[small lending business]~~ ~~[Small Loan Businesses]~~ is

For consistency, Staff recommends use of the term “Small Loan Businesses”.

D) New Text Additions to the Proposed Legislation:

10. Page 2, insert new text at Line 20 (renumber subsequent lines):

[(C) Review Process.

(1) Operators of Small Loan Businesses (SLBs) shall annually submit to the Zoning Enforcement Officer (ZEO) copies of complaints received, efforts to resolve complaints, and the result of such efforts; their current license; updated program description; updated listing of board members and/or proprietors; and up-dated neighborhood relations plan if determined applicable by the ZEO. When there are no changes since the previously filed documents, a statement to this effect is sufficient.

The ZEO shall review this documentation, along with records of any complaints, to ensure that the SLB continues to function in accordance with City regulations and the original terms of the City's approval. This review will occur at the time of application to the State of New Mexico for license renewal.

(2) If evidence indicates changes in the program that result in violation of the original terms of approval and/or major unresolved complaints from neighbors or neighborhood organizations, the ZEO may refer the matter to the Zoning Hearing Examiner (ZHE) for a

public hearing to determine if the approval should be terminated or its terms amended. The decision of the ZHE is subject to appeal to the Environmental Planning Commission (EPC) within 15 days of decision.]

The suggested language is very similar to the language regarding Review Process in the Community Residential Program (CRP) regulations (Zoning Code §14-16-3-12). It's important to establish a process so that expectations are clear and SLB owners know what is expected.

11. Page 2, insert after new text in C, above (renumber subsequent lines):

[(D) Notwithstanding division (C) above, if the ZEO finds clear and convincing evidence that the SLB is violating the original terms of its approval, he may take action to enforce the terms of approval at any time; normally after written warning, the ZEO will initiate criminal enforcement action or seek an injunction.]

This language is also from the CRP regulations and is needed to ensure enforcement of the proposed text amendments.

12. Page 2, insert after new text in D, above (renumber subsequent lines):

[(E) Fees,

(1) The ZEO shall charge a fee of \$200 for review of standards specified in this section for a SLB hereafter established, which has not been approved for the previous year]

(2) The above fee shall reserve the location as to distance and separation criteria for 90 days, to the degree that the site met the location requirements of this section when the fee and application were tendered. After the expiration of 90 days, upon showing of significant improvements since the previous extension or application, up to three 90-day extensions shall be granted, which will maintain the location as to distance and separation. No application can be extended beyond 360 days from the date of original application. This provision does not exclude the applicant from reapplying for the same location and meeting all other appropriate requirements; however, other applications which have been filed shall take priority over the reapplication as to distance and separation.]

(3) The ZEO shall charge a fee of \$150 for the annual review specified in division (E) of this section.]

The suggested language is very similar to the language regarding Fees in the CRP regulations. A fee is needed to cover (or partially cover) the administrative costs (ex. tracking and enforcement) of implementing the new regulations.

VII. COMMENTS

CONCERNS OF REVIEWING AGENCIES

Long Range Planning Staff points out that other jurisdictions have adopted similar legislation with stricter permitting and location criteria, requiring up to one mile of separation between such businesses and over 200 feet separation distance from residential uses. This text amendment should consider also amending §14-16-1-5, Definitions, to define the title “Small Lenders” and/or “Small lending business.”

Code Enforcement Staff expressed concern about how they will be able to enforce on such uses, and note that there is no tracking system proposed for existing and new small loan facilities. How would this information get into the AGIS system? What about a new form for Zoning counter Staff to review? Small loan facilities are an office use and are allowed in almost all zone categories.

Staff also interviewed the Code Compliance Manager about the proposed text amendments. His concerns are primarily that this would be another unfunded mandate and that a tracking system would be needed. A fee for administrative review should be charged, like it is for Community Residential Programs (CRPs) (see also Section V of this report).

Office of Neighborhood Coordination (ONC) Staff stated that an article regarding the proposed text amendments was published in the October/November 2014 issue of the Neighborhood News.

The pre-hearing discussion meeting was held on October 15, 2014. Agency comments begin on p. 21 of this report.

NEIGHBORHOOD & OTHER CONCERNS

The proposed text amendments were posted on the Planning Department’s main web page and announced in the October/November 2014 issue of the Neighborhood News (NN) (see attachments). Staff sent a brief article to Office of Neighborhood Coordination (ONC) Staff for inclusion in the NN. As of this writing, Staff has not received any comments.

VIII. CONCLUSION

The request is for a recommendation to City Council regarding text amendments to the City’s Comprehensive Zoning Code to regulate Small Loan Businesses (SLBs) by establishing a required horizontal separation distance of at least 1,500 feet between them, as measured from the property lines. The overarching intent is to begin to mitigate the negative effects that SLBs can have on communities over time. Bill No. O-14-22 was introduced at City Council on September 3, 2014 and subsequently referred to the Planning Department for review.

The proposed text amendments would add a new section, §14-16-3-24 ROA 1994, and to amend §14-16-1-5(B), Definitions. The following zones should be correspondingly amended for internal consistency: the O-1 Office and Institution Zone (§14-16-2-15); the C-1 Neighborhood Commercial Zone (§14-16-2-16); the C-2 Community Commercial Zone (§14-16-2-17), and the IP Industrial Park Zone (§14-16-2-19). “Small Loan Business” would be defined to mean those

businesses licensed under the New Mexico Small Loan Business Act that are not identified with FDIC-insured banking institutions.

The proposed text amendments were announced in the Neighborhood News and posted to the Planning Department's web page. Staff has not received any comments as of this writing.

Staff finds that the proposed text amendments generally further applicable Goals and policies. However, as written, the legislation is likely to be problematic to enforce and could create unintended consequences. Revisions are needed to add language to improve enforceability and administration, and to create internal consistency in the Zoning Code. Staff recommends that an approval recommendation, with conditions, be forwarded to the City Council.

RECOMMENDED FINDINGS- 14EPC-40070, November 13, 2014- Zoning Code Text Amendments

1. The request is for a recommendation to City Council regarding text amendments to the City's Comprehensive Zoning Code to add a new section, §14-16-3-24 ROA 1994, and to amend §14-16-1-5(B), Definitions. The following zones should be correspondingly amended for internal consistency: the O-1 Office and Institution Zone (§14-16-2-15); the C-1 Neighborhood Commercial Zone (§14-16-2-16); the C-2 Community Commercial Zone (§14-16-2-17), and the IP Industrial Park Zone (§14-16-2-19).
2. The overarching intent of the proposed text amendments is to begin to mitigate the negative effects that Small Loan Businesses (SLBs) can have on communities over time. The purpose of the proposed text amendments is to regulate SLBs by establishing a required horizontal separation distance of at least 1,500 feet between them, as measured from the property lines. The term "Small Loan Business" would be defined to mean those businesses licensed under the New Mexico Small Loan Business Act that are not identified with FDIC-insured banking institutions.
3. The proposed text amendments are found in legislation authored by Council Services Staff and known as Bill No. O-14-22. O-14-22 was introduced at City Council on September 3, 2014 and subsequently referred to the Planning Department for review. The EPC's task is to make a recommendation to the City Council regarding the proposed text amendments. The City Council is the City's Zoning Authority and will make the final decision.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Comprehensive Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. Intent of the City Charter:

Adding provisions to the ROA 1994 to allow and define secondary dwelling units is an exercise in local self-government (City Charter, Article 1). Amending the Comprehensive Zoning Code to allow secondary dwelling units and associated regulations generally expresses the Council's desire to ensure the proper use and development of land, and to generally promote and maintain an aesthetic and humane urban environment (City Charter, Article IX).
6. Intent of the Zoning Code (§14-16-1-3):

The application for text amendments to the Zoning Code (the RO-1 Rural and Open Zone, R-1 Residential Zone, R-G Residential Garden Apartment Zone, R-2 Residential Zone, and Definitions), was filed in accordance with Zoning Code requirements. The text amendments generally further the Zoning Code goal of promoting the health, safety and welfare of the citizens. Allowing and defining secondary dwelling units would positively impact the built and

natural environment and the overall health and welfare of the City. However, as the zoning authority for the City of Albuquerque, the City Council will make the final determination.

7. The request generally furthers the following, applicable Comprehensive Plan Goals and policy:
 - A. Developing & Established Urban Goal: The proposed text amendments would establish a separation distance between Small Loan Businesses (SLBs) and an administrative process to address them. Doing so would generally help create a quality urban environment in which such business are not as clustered as they could be otherwise, thereby allowing communities within the metropolitan area to be defined by a greater variety of services and choices and to not be disproportionately affected by SLB lending practices.
 - B. Economic Development Goal: With the proposed text amendments, SLBs would continue to be allowed permissively in many zones. The distance requirement would help balance the development of such businesses with the important social goals of improving low-income neighborhoods working towards disaggregating poverty.
 - C. Human Services Policy II.D.8c- negative effects of development: The proposed text amendments would help minimize development's negative effects upon individuals because they would require a separation distance between SLBs, which would presumably make high-interest lending less readily available. Though SLBs could still be located throughout the City, they would not be as concentrated in lower income neighborhoods.
8. The request partially furthers Policy II.B.5d- neighborhood/environmental conditions/resources. To the extent that a SLB is a new development (rather than occupying an existing building), the proposed separation distance between SLBs would help so they are not all located together and not adversely impacting any one neighborhood. Staff has not received any comments from the public.
9. Small Loan Businesses (SLBs) are regulated at the State level by the Small Loan Act of 1955 (ref: 58-15-31 NMSA 1978). The Act establishes requirements that SLBs are licensed annually (a \$500 fee) and that their records/books are inspected annually (a \$200 fee). The Act also establishes that no small loan can exceed 25% of the borrower's monthly gross income and that the loans range from 14 to 35 day terms.
10. As written, the legislation is likely to be problematic to enforce in the field and administer in the office. Code Enforcement Staff has expressed concern about this and recommends the addition of a Fees section and a Review section in order to implement the proposed legislation.
11. The proposed legislation could result in two unintended consequences. It would create an expectation for the Code Enforcement Division to administer and enforce the new regulations, but without additional funding or Staff. Inconsistent and reactive enforcement could result. The

horizontal separation distance between SLBs could result in a spreading out of such businesses throughout the City over time, with the unintended effect of new SLBs in neighborhoods where they were not a presence before.

12. Conditions for Recommendation of Approval are needed to add language to improve enforceability and administration, and to create internal consistency in the Zoning Code, thereby making the legislation less ambiguous and more possible to implement.
13. The proposed text amendments were posted on the Planning Department's main web page and were announced in the October/November 2014 issue of the Neighborhood News, published by the Office of Neighborhood Coordination (ONC). As of this writing, Staff has not received any comments.

RECOMMENDATION

That a recommendation of APPROVAL of Text Amendments to add a new section to the Zoning Code, §14-16-3-24 ROA 1994; amend §14-16-1-5(B), Definitions; and correspondingly amend the O-1 Office and Institution Zone (§14-16-2-15); the C-1 Neighborhood Commercial Zone (§14-16-2-16); the C-2 Community Commercial Zone (§14-16-2-17), and the IP Industrial Park Zone (§14-16-2-19), be forwarded to the City Council based on the preceding Findings and subject to the following Conditions for Recommendation of Approval.

CONDITIONS FOR RECOMMENDATION OF APPROVAL- 14EPC-40070, November 13, 2014- Zoning Code Text Amendments

Note: New language is [+underlined and bracketed+]. Deleted language is [~~underlined, bracketed and struck through~~]. Planning Staff's suggested additions and deletions are indicated by **grey highlighting**.

Albuquerque Code of Ordinances, Chapter 14- Zoning, Planning & Building, Article 16- Zoning Code, Section 1-5(B), DEFINITIONS

1. Insert on Page 2, at Line 10:

[Section 1. Section 14-16-1-5(B), the Definitions section of the Zoning Code, is amended to add the following definition:]

SMALL LOAN BUSINESS. A loan in which the licensee accepts a personal check or debit authorization tendered by the consumer and agrees in writing to defer presentment of that check or use of the debit authorization until the consumer's next payday or another date agreed to by the licensee and the consumer, and

3) Includes any advance of money or arrangement or extension of credit whereby the licensee, for a fee, finance charge or other consideration;

D) Accepts a dated personal check or debit authorization from a consumer for the specific purpose of repaying a payday loan;

- E) Agrees to hold a dated personal check or debit authorization from a consumer for a period of time prior to negotiating or depositing the personal check or debit authorization; or
- F) Pays to the consumer, credits to the consumer's account or pays another person on behalf of the consumer the amount of an instrument actually paid or to be paid pursuant to the New Mexico Small Loan Act of 1955; but
- 4) Does not include:
 - C) An overdraft product or service offered by a banking corporation, savings and loan association or credit union; and
 - D) Installment loans.]

Albuquerque Code of Ordinances, Chapter 14- Zoning, Planning & Building, Article 16- Zoning Code, Section 2-15(A)(17) of the O-1 Office and Institution Zone; Section 2-16(A)(10)(q) of the C-1 Neighborhood Commercial Zone; Section 2-17(A)(13)(r) of the C-2 Community Commercial Zone, and Section 2-19(A)(24)(k) of the IP Industrial Park Zone.

Note: The same language applies to all four zones listed and is intended to be inserted in the locations in the Zoning Code as specified above. Subsequent re-lettering of the sections will be needed.

2. Insert in the Zoning Code at the locations specified above:

[Small Loan Businesses, provided they are licensed under the New Mexico Small Loan Business Act.]

Text Changes to the Proposed Legislation:

3. Insert at Page 1, Line 23:

[WHEREAS, the City Council passed Resolution R-14-102, which supports interest and fee caps on non-banking lending institutions (small loan businesses) in New Mexico; and]

4. Page 1, Line 21:

WHEREAS, the clustering of [~~small loan establishments~~] [Small Loan Businesses] tend[s] to not only serve

5. Page 2, Line 12:

“[§14-16-3-24 SMALL [LENDERS] [LOAN BUSINESSES]]

6. Page 2, Line 13:

(A) In addition to any other requirements of the zoning code [Zoning Code],

7. Page 2, Line 14:

Where they are permitted, ~~[small lending businesses]~~ [Small Loan Businesses]

8. Page 2, Lines 15 & 16:

one another by at least 1,500 feet [,] as measured from property line to property line [,] for the ~~[parcels]~~ [lots] on which the ~~[small lending business is]~~ [Small Loan Businesses are] located.

9. Page 2, Line 17:

(B) For purposes of this section, a ~~[small lending business]~~ [Small Loan Businesses] is

New Text Additions to the Proposed Legislation:

10. Page 2, insert new text at Line 20 (renumber subsequent lines):

[(C) Review Process:

(1) Operators of Small Loan Businesses (SLBs) shall annually submit to the Zoning Enforcement Officer (ZEO) copies of complaints received, efforts to resolve complaints, and the result of such efforts; their current license; updated program description; updated listing of board members and/or proprietors; and up-dated neighborhood relations plan if determined applicable by the ZEO. When there are no changes since the previously filed documents, a statement to this effect is sufficient.

The ZEO shall review this documentation, along with records of any complaints, to ensure that the SLB continues to function in accordance with City regulations and the original terms of the City's approval. This review will occur at the time of application to the State of New Mexico for license renewal.

(2) If evidence indicates changes in the program that result in violation of the original terms of approval and/or major unresolved complaints from neighbors or neighborhood organizations, the ZEO may refer the matter to the Zoning Hearing Examiner (ZHE) for a public hearing to determine if the approval should be terminated or its terms amended. The decision of the ZHE is subject to appeal to the Environmental Planning Commission (EPC) within 15 days of decision.]

11. Page 2, insert after new text in C, above (renumber subsequent lines):

[(D) Notwithstanding division (C) above, if the ZEO finds clear and convincing evidence that the SLB is violating the original terms of its approval, he may take action to enforce the terms of approval at any time; normally after written warning, the ZEO will initiate criminal enforcement action or seek an injunction.]

12. Page 2, insert after new text in D, above (renumber subsequent lines):

[(E) Fees]

(1) The ZEO shall charge a fee of \$200 for review of standards specified in this section for a SLB hereafter established, which has not been approved for the previous year.

(2) The above fee shall reserve the location as to distance and separation criteria for 90 days, to the degree that the site met the location requirements of this section when the fee and application were tendered. After the expiration of 90 days, upon showing of significant improvements since the previous extension or application, up to three 90-day extensions shall be granted, which will maintain the location as to distance and separation. No application can be extended beyond 360 days from the date of original application. This provision does not exclude the applicant from reapplying for the same location and meeting all other appropriate requirements; however, other applications which have been filed shall take priority over the reapplication as to distance and separation.

(3) The ZEO shall charge a fee of \$150 for the annual review specified in division (E) of this section.

Catalina Lehner

**Catalina Lehner, AICP
Senior Planner**

cc: City of Albuquerque, City Council, Attn: Andrew Webb, P.O. Box 1293, Abq. NM 87102
City of Albuquerque, Planning Department, P.O. Box 1293, Abq. NM 87102

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Code Enforcement

My concerns are only with the amendment to the zoning code to impose distance separation requirements upon small loan business.

1. Concerns on how Code Enforcement will be able to enforce on such uses.
2. Concerns with how to track existing and proposed new small loan facilities. (AGIS map overlay/layer?) (requirement of new form for zoning counter to review?)
3. Concerns on legalities on use of land (is this a state regulation/small loans...) this is an office use and is allowed in almost all zone categories.

Office of Neighborhood Coordination (ONC)

Citywide. 9/30/14 – Newsletter article in the October/November 2014 issue of the “Neighborhood News” newsletter - siw

Long Range Planning

The request is to amend the general zoning regulations to add a new section to regulate “small lending businesses.” Other local jurisdictions have adopted similar legislation that also had more strict permitting and location criteria, and require up to one mile of separation between other and over 200 feet separation distance from residential uses. Other jurisdictions have defined this business class as “payday or title loan businesses” or “installment loan businesses.”

This text amendment should consider also amending §14-16-1-5, Definitions, to define the title “Small Lenders” and/or “Small lending business.”

CITY ENGINEER

Transportation Development Services

- No objection to the request.

Hydrology

- No adverse comments.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

- No objection to the request.

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- The NMDOT has no objections to the building permit.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT
and NMDOT:**

Conditions of approval for the proposed Text Amendments shall include: None.

WATER UTILITY AUTHORITY

Utility Services- No comment or objection.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division- No comments received.

Environmental Services Division- No comments received.

PARKS AND RECREATION

Planning and Design- No Comment.

Open Space Division- Reviewed, no comment.

City Forester- No comments received.

POLICE DEPARTMENT/Planning-

This is a City-wide issue. No Crime Prevention or CPTED comments concerning the proposed Amendment to Comprehensive Zoning Code request at this time.

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved. Must comply with SWMD Ordinance.

FIRE DEPARTMENT/Planning- No comments received.

TRANSIT DEPARTMENT

Project # 1001620 14EPC-40070 AMEND TO ZONING CODE	Adjacent and nearby routes	None
	Adjacent bus stops	None
	Site plan requirements	None

CITYWIDE	Large site TDM suggestions	None.
	Other information	None.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY- No comments received.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY-

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS-

Project #1001620 14EPC-40070 AMEND ZONING CODE	The City of Albuquerque proposes an amendment to the comprehensive zoning code to regulate small loan businesses with the Albuquerque metro area. APS does not oppose this proposal.
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MID-REGION COUNCIL OF GOVERNMENTS- MRMPPO has no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT- No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO- No comments received.

PROPOSED LEGISLATION

Council Bill No. O-14-22

CITY of ALBUQUERQUE

TWENTY-FIRST COUNCIL

COUNCIL BILL NO. O-14-22 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton

1 **ORDINANCE**

2 **AMENDING THE ZONING CODE TO REGULATE SMALL LOAN BUSINESSES**

3 **WHEREAS, the prevalence of small loan businesses, including but not**
4 **limited to payday lenders and title loans, some of which routinely charge up to**
5 **1,000% interest, has risen within the Albuquerque Metro Area over the past**
6 **several years – there are approximately 116 locations in the City, with 58 new**
7 **locations having been established since just 2009; and**

8 **WHEREAS, according to the New Mexico Regulation and Licensing**
9 **Department, in 2012, consumers in New Mexico were charged \$99 million in**
10 **interest and fees on small loans with an annual percentage rate of 175% and**
11 **higher – the majority of which was collected by out of state companies; and**

12 **WHEREAS, spatial analysis of small loan businesses shows that they tend**
13 **to cluster in low to moderate income communities, and near military**
14 **installations; and**

15 **WHEREAS, a study by the Southwest Center for Economic Integrity out of**
16 **Tucson, Arizona, found that approximately \$20 million dollars in fees were**
17 **being extracted annually by payday lending businesses from residents in**
18 **Pima County, Arizona – largely in the same redevelopment neighborhoods**
19 **where local governments had invested approximately \$8 million in**
20 **redevelopment funds; and**

21 **WHEREAS, clustering of small loan establishments tend to not only serve**
22 **as an indicator of economic distress within a community, but also as an**
23 **exacerbating factor in that distress; and**

24 **WHEREAS, the prevalence of small lending businesses in low to moderate**
25 **income areas, and specifically within the center city and Central Avenue**

[+ Bracketed/Underscored Material+] - New
[- Bracketed/Strikethrough Material-] - Deletion

1 Corridor, corresponds with much of the City's redevelopment investment
2 areas and is contradictory to the intent of those investments; and

3 WHEREAS, the City Council finds that imposing land use restrictions on
4 small lending businesses to help prevent clustering will help reduce their
5 prevalence and expansion in low to moderate income communities and will
6 help promote the health, safety, and welfare of those communities and the
7 City's redevelopment objectives for those areas.

8 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
9 ALBUQUERQUE:

10 SECTION 1. Section 14-16-3-24 is hereby added to the Zoning Code as
11 follows:

12 "[§ 14-16-3-24 SMALL LENDERS.

13 (A) In addition to any other requirements of the zoning code, in any zone
14 where they are permitted, small lending businesses shall be separated from
15 one another by at least 1,500 feet as measured from property line to property
16 line for the parcels on which the small lending business is located.

17 (B) For purposes of this section, a small lending business is any
18 business licensed under the New Mexico Small Loan Business Act, NMSA
19 1978 § 58-15-1 through 58-15-39.]"

20 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
21 clause, word or phrase of this Ordinance is for any reason held to be invalid or
22 unenforceable by any court of competent jurisdiction, such decision shall not
23 affect the validity of the remaining provisions of this Ordinance. The Council
24 hereby declares that it would have passed this Ordinance and each section,
25 paragraph, sentence, clause, word or phrase thereof irrespective of any
26 provision being declared unconstitutional or otherwise invalid.

27 SECTION 3. COMPILATION. This Ordinance shall amend, be incorporated
28 in and made part of the Revised Ordinances of Albuquerque, New Mexico,
29 1994.

30 SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect five days
31 after publication by title and general summary.

ZONING INFORMATION

§ 14-16-3-12 COMMUNITY RESIDENTIAL PROGRAM REGULATIONS.

- (A) Applicants for permissive Community residential programs shall satisfy the Zoning Enforcement Officer and applicants for conditional Community residential programs shall satisfy the Zoning Hearing Examiner that they will meet the following standards:
- (1) Prior to occupancy of the facility, the program will obtain any applicable license from the State of New Mexico; any city approval is conditional upon the Zoning Enforcement Officer receiving state confirmation that an appropriate license has been issued or certification that a license is not required by the state.
 - (2) The program will provide a planned program of care consisting of full-time programmatic supervision, counseling and/or therapy, and assistance in the development of daily living skills.
 - (3) The program will be operated under the authority of a reputable governing board, proprietor, or government official to whom staff are responsible and who will be available to city officials, if necessary, to resolve complaints pertaining to the facility. To afford accessibility, a governing board shall include one or more residents of the Albuquerque metropolitan area.
 - (4) The design of the facility will be compatible with the neighborhood within which it is located, including its landscaping and architecture. The Zoning Enforcement Officer or the Zoning Hearing Examiner, whichever is applicable, shall consider lawful covenants and/or should consider elements and characteristics of the neighborhood including but not limited to:
 - (a) roof types;
 - (b) setbacks;
 - (c) percentage of impervious surface coverage;
 - (d) garage style and design;
 - (e) major facade elements;
 - (f) landscaping type and design; and
 - (g) architectural stylethat apply to the facility and are in effect at the time of review in the determination of whether the design of the facility will be compatible with the neighborhood.
 - (5) The health and safety of the residents will be protected by the physical structure which will be used. Programs which are not licensed by the state shall satisfy the Zoning Enforcement Officer that they meet all city ordinances and regulations; in doing so, he shall seek the review of the Fire Marshal [i.e., the Chief of the Fire Prevention Bureau] and the Director of the Department of Environmental Health.
 - (6) The operators will have a workable, written plan for facilitating good relationships with neighboring residents and businesses, including a method for recording and resolving complaints by neighbors pertaining to the operations of the program. Complaints, efforts to resolve complaints, and the result of such efforts shall be recorded.

- (7) In order to better allow integration of the clients of Community residential programs into their neighborhoods, Community residential programs shall be located a minimum of 1,500 feet from any other Community residential program or Emergency shelter.
- (8) (a) The total combined number of Emergency shelters and Community residential programs located in any City Council District shall not exceed one for each 1,000 dwelling units within that Council District.

(b) If the periodic realignment of the boundaries of a Council District causes the number of Emergency shelters and Community residential programs to exceed one for each 1,000 dwelling units, those shelters and programs legally established prior to the time of the realignment shall be allowed to continue to operate, however, no new shelters or programs shall be approved until the requirements of subsection (8)(a) can be met.
- (9) Notice to neighbors of proposed permissive community residential programs is not required; however, it is highly recommended that applicants notify leaders of affected neighborhood associations, nearby businesses, and neighbors.
- (10) The above regulations shall not apply to Community residential programs legally established prior to the effective date of this section, September 2, 1987, except:
 - (a) Existing community residential programs shall be counted in respect to decisions on the location of new programs; and
 - (b) By September 2, 1988, existing Community residential programs shall comply with the procedures for complaints (division (6) above) and annual review (division (E)(1) below).
- (11) Distance from premises selling or dispensing alcoholic beverages.
 - (a) In order to better integrate into the community the clients of community residential programs and the patients of hospitals for treatment of substance abusers, any licensee that sells or dispenses alcoholic beverages, including but not limited to beer and wine, for on or off-premises consumption, pursuant to Chapter 13, Article 2 ROA 1994, shall not locate within 500 feet of a community residential program, including but not limited to, community residential programs for substance abusers and community residential corrections programs or hospitals for treatment of substance abusers.
 - (b) In each zone in the Zoning Code that allows for a licensee to sell alcoholic beverages within the city, all licensees' establishments must meet this separation requirement from the effective date of Ord. 4-2005, or March 1, 2005, whichever is later.
 - (c) This separation requirement applies prospectively to all licensees, selling alcoholic beverages, locating their establishments within the city. Licensees' establishments currently existing pursuant to paragraph (b) will be considered nonconforming uses pursuant to § 14-16-3-4 ROA 1994.
 - (d) Nothing in this requirement for separation between liquor establishments and community residential programs or hospitals for treatment of substance abusers shall prohibit a community residential program or a hospital for treatment of substance abusers from choosing to locate within 500 feet of an existing licensees' establishment dispensing alcohol.

- (B) (1) The applicant shall take all necessary steps to comply with all city ordinances and state licensing. When appropriate, the applicant shall obtain a letter that no state license is required from the State Health and Environment Department.
- (2) The Zoning Enforcement Officer shall not deny an application for a permissive Residential care facility unless he concludes there is clear and convincing evidence that such use will be injurious to adjacent property, the neighborhood, or the community in ways specified in division (A) of this section. Any such denial may be appealed to the Planning Commission.
- (C) Community residential programs must evaluate and exclude any client who is a threat to others, based on the specific history of the individual, the current behavior of the individual, and/or current illegal use of a controlled substance by the individual, if said threat cannot be eliminated by reasonable accommodation.
- (D) Every provider shall send complaint procedures to each property owner within a 100 feet of the property within 45 days subsequent to city approval, to facilitate good neighbor relations. Neighboring residents and businesses may, if written complaints are not resolved within 30 days after bringing them to the attention of the program operators, file such complaints with the Zoning Enforcement Officer for review, investigation, and possible mediation.
- (E) **Review Process.**
- (1) Operators of community residential programs shall annually submit to the Zoning Enforcement Officer copies of complaints received, efforts to resolve complaints, and the result of such efforts; their current license; up-dated program description; up-dated listing of board members, proprietors, or responsible government officials; and up-dated neighborhood relations plan; when there are no changes since the previously filed documents, a statement to this effect is sufficient. The Zoning Enforcement Officer shall review this documentation, along with records of any complaints filed with the city to assure that the program continues to function in accord with city regulations and the original terms of the city's approval. For programs licensed by the State of New Mexico, this review will occur at the time of application for license renewal. For other programs it will occur at the anniversary of the date upon which approval was originally granted.
- (2) If evidence indicates changes in the program materially in violation of the original terms of approval or major unresolved complaints attendant upon the use of the facility as a community residential program, the Zoning Enforcement Officer may refer the matter to the Zoning Hearing Examiner for a public hearing to determine if the approval should be terminated or its terms amended. This process shall apply whether the use is permissive or conditional. The decision of the Zoning Hearing Examiner is subject to appeal to the Planning Commission within 15 days of decision.
- (F) Notwithstanding division (E) above, if the Zoning Enforcement Officer finds clear and convincing evidence that the program is violating the original terms of its approval, he may take action to enforce the terms of approval at any time; normally after written warning, the Zoning Enforcement Officer will initiate criminal enforcement action or seek an injunction.
- (G) **Fees; Approval of Applications.**
- (1) The Zoning Enforcement Officer shall charge a fee of \$55 for review of standards specified in division (A) of this section as to a community residential program hereafter established which has not been approved for the previous year. The fee and review applies to both permissive and conditional uses.

- (2) The above fee shall reserve the location as to distance and separation criteria for 90 days, to the degree that the site met the location requirements of this section when the fee and application were tendered. After the expiration of 90 days, upon showing of significant improvements since the previous extension or application, up to three 90-day extensions shall be granted, which will maintain the location as to distance and separation. No application can be extended beyond 360 days from the date of original application. This provision does not exclude the applicant from reapplying for the same location, meeting all of the other appropriate requirements; however, other applications which have been filed shall take priority over the reapplication as to distance and separation.
- (3) The Zoning Enforcement Officer shall charge a fee of \$35 for the annual review specified in division (E) of this section.
- (H) A dwelling occupied by a group meeting the definition of a family is allowed, as is any family, regardless of whether it also meets the definition of a community residential program. Dwellings occupied in this manner shall not be counted or controlled as community residential programs as provided in this section, but this does not relieve them of applicable state licensing requirements.
- (I) The Planning Director and the Zoning Enforcement Officer may form advisory citizen committees to advise them in administering the provisions of this division (I); particularly appropriate would be a committee to advise the Zoning Enforcement Officer and Zoning Hearing Examiner concerning community residential program quality and a committee to assist in the formation of training programs for citizens and neighborhood associations regarding community residential programs.

('74 Code, § 7-14-40L) (Am. Ord. 23-2001; Am. Ord. 30-2002; Am. Ord. 4-2005; Am. Ord. 12-2005; Am. Ord. 23-2006)

APPLICATION



SUBDIVISION

- ☐ Major subdivision action
☐ Minor subdivision action
☐ Vacation
☐ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- ☐ for Subdivision
☐ for Building Permit
☐ Administrative Amendment/Approval (AA)
☐ IP Master Development Plan
☐ Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- ☐ Storm Drainage Cost Allocation Plan

Supplemental Form (SF)

S Z ZONING & PLANNING

- ☐ Annexation
☐ Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
☒ Adoption of Rank 2 or 3 Plan or similar Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
☐ Street Name Change (Local & Collector)
☐ APPEAL / PROTEST of...
☐ Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): COA PLANNING DEPT. PHONE: (505) 924-3860
 ADDRESS: 600 2ND ST NW FAX: (505) 924-3339
 CITY: ALBU STATE NM ZIP 87102 E-MAIL: _____

APPLICANT: COUNCIL SERVICES PHONE: (505) 768-3100
 ADDRESS: CITY / COUNTY BLDG. FAX: _____
 CITY: ALBU STATE NM ZIP 87102 E-MAIL: _____

Proprietary interest in site: _____ List all owners: _____

DESCRIPTION OF REQUEST: AMEND COMPREHENSIVE ZONING CODE TO: IMPROVE DISTANCE SEPARATION REQUIREMENTS UPON SMALL LOAN BUSINESSES SUCH AS

Is the applicant seeking incentives pursuant to the Family Housing Development Program? ☐ Yes. ☐ No. PAYDAY LENDERS, TITLE LOANS AND THE LIKE.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. _____ Block: _____ Unit: _____

Subdiv/Addn/TBKA: _____

Existing Zoning: _____ Proposed zoning: _____ MRGCD Map No. _____

Zone Atlas page(s): CITY WIDE UPC Code: _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_V_S_, etc.): _____

CASE INFORMATION:

Within city limits? ☒ Yes Within 1000FT of a landfill? _____

No. of existing lots: _____ No. of proposed lots: _____ Total site area (acres): _____

LOCATION OF PROPERTY BY STREETS: On or Near: _____

Between: _____ and _____

Check if project was previously reviewed by: Sketch Plat/Plan ☐ or Pre-application Review Team(PRT) ☐ Review Date: _____

SIGNATURE Catalina Lehner DATE 9-25-14

(Print Name) Catalina Lehner Applicant: ☐ Agent: ☒

FOR OFFICIAL USE ONLY

Revised: 4/2012

INTERNAL ROUTING

- ☒ All checklists are complete
☒ All fees have been collected
☒ All case #s are assigned
☒ AGIS copy has been sent
☒ Case history #s are listed
☐ Site is within 1000ft of a landfill
☐ F.H.D.P. density bonus
☐ F.H.D.P. fee rebate

Application case numbers

14EPC - 40070

Action

S.F.

Fees

\$ 0

\$ _____

\$ _____

\$ _____

\$ _____

Total

\$ 0

Hearing date Nov. 13, 2014

9-26-14 **34**

Project #

1001620

Staff signature & Date

☐ **ANNEXATION (EPC08)**

- Application for zone map amendment including those submittal requirements (see below).
 - *Annexation and establishment of zoning must be applied for simultaneously.*
 - Petition for Annexation Form and necessary attachments
 - Zone Atlas map with the entire property(ies) clearly outlined and indicated
 - NOTE: The Zone Atlas must show that the site is in County jurisdiction, but is contiguous to City limits.
 - Letter describing, explaining, and justifying the request
 - NOTE: Justifications must adhere to the policies contained in "Resolution 54-1990"
 - Letter of authorization from the property owner if application is submitted by an agent
 - Board of County Commissioners (BCC) Notice of Decision
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
 - Sign Posting Agreement form
 - Traffic Impact Study (TIS) form
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

- ☐ **SDP PHASE I – DRB CONCEPTUAL PLAN REVIEW (DRBPH1)** (Unadvertised)
- ☐ **SDP PHASE II - EPC FINAL REVIEW & APPROVAL (EPC14)** (Public Hearing)
- ☐ **SDP PHASE II - DRB FINAL SIGN-OFF (DRBPH2)** (Unadvertised)

- Copy of findings from required pre-application meeting (needed for the DRB conceptual plan review only)
 - Proposed Sector Plan (30 copies for EPC, 6 copies for DRB)
 - Zone Atlas map with the entire plan area clearly outlined and indicated
 - Letter describing, explaining, and justifying the request
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
 - (for EPC public hearing only)
 - Traffic Impact Study (TIS) form (for EPC public hearing only)
 - Fee for EPC final approval only (see schedule)
 - List any original and/or related file numbers on the cover application
- Refer to the schedules for the dates, times and places of DRB and EPC hearings.* Your attendance is required.

☐ **AMENDMENT TO ZONE MAP - ESTABLISHMENT OF ZONING OR ZONE CHANGE (EPC05)**

- Zone Atlas map with the entire property clearly outlined and indicated
 - Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980.
 - Letter of authorization from the property owner if application is submitted by an agent
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
 - Sign Posting Agreement form
 - Traffic Impact Study (TIS) form
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

☐ **AMENDED TO SECTOR DEVELOPMENT MAP (EPC03)**

☐ **AMENDMENT SECTOR DEVELOPMENT, AREA, FACILITY, OR COMPREHENSIVE PLAN (EPC04)**

- Proposed Amendment referenced to the materials in the Plan being amended (text and/or map)
 - Plan to be amended with materials to be changed noted and marked
 - Zone Atlas map with the entire plan/amendment area clearly outlined
 - Letter of authorization from the property owner if application is submitted by an agent (map change only)
 - Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980 (Sector Plan map change only)
 - Letter briefly describing, explaining, and justifying the request
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
 - (for sector plans only)
 - Traffic Impact Study (TIS) form
 - Sign Posting Agreement
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

☒ **AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATORY TEXT (EPC07)**

- Amendment referenced to the sections of the Zone Code/Subdivision Regulations being amended
 - Sections of the Zone Code/Subdivision Regulations to be amended with text to be changed noted and marked
 - Letter describing, explaining, and justifying the request
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Catalina Lehner

Applicant name (print)

Catalina Lehner 9-2544

Applicant signature & Date

Revised: June 2011

- ☒ Checklists complete
- ☒ Fees collected
- ☒ Case #s assigned
- ☒ Related #s listed

Application case numbers

14 EPC - 40070

Project #

1001620

Staff signature & Date

35

CITY OF ALBUQUERQUE CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Suzanne Lubar, Director, Planning Department
FROM: Jon K. Zaman, Director, Council Services
SUBJECT: Bill No. O-14-22
DATE: September 4, 2014

Jon 9/4/14

The attached ordinance was introduced by the City Council on September 3, 2014. We request what you submit this amendment to the Zoning Code to the Environmental Planning Commission for a hearing as soon as possible.

The intent of this ordinance is to amend the Comprehensive Zoning Code to impose distance separation requirements upon small loan businesses such as payday lenders, title loans and the like.

Please submit the Environmental Planning Commission's comments and recommendations, including the transcript from the meeting, back to the City Council as soon as possible. Thank you.

cc: Russell Brito, Planning Department
Kym Dicome, Planning Department
File O-14-22

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Details Reports

File #: O-14-22

Type: Ordinance

File created: 9/3/2014

Status: In Committee

In control: [Environmental Planning Commission](#)

Final action:

Enactment #:

Enactment date:

Title: Amending The Zoning Code To Regulate Small Loan Businesses (Benton)

Attachments: 1. [O-22](#)

History (2) Text

2 records Group Export

Date	Action By	Action	Result	Action Details
9/3/2014	City Council	Introduced and Referred		Action details
9/3/2014	President	Referred		Action details

CITY of ALBUQUERQUE

TWENTY-FIRST COUNCIL

COUNCIL BILL NO. R-14-102 ENACTMENT NO. _____

SPONSORED BY: Diane Gibson, Isaac Benton, Rey Garduño, Klarissa Peña

1 **RESOLUTION**

2 **SUPPORTING INTEREST AND FEE CAPS ON NON-BANK LENDING**
3 **INSTITUTIONS IN NEW MEXICO.**

4 **WHEREAS, Albuquerque has about 140 licensed small loan companies that**
5 **routinely charge 300% to 600% interest on loans lasting five months to**
6 **unlimited duration; and**

7 **WHEREAS, Albuquerque small loan companies issued about 78,000 loans**
8 **with interest rates over 175% during 2012 according to New Mexico's**
9 **Department of Regulation and Licensing statistics; and**

10 **WHEREAS, Consumer Finance Protection Bureau, Center for Responsible**
11 **Lending and Pew Charitable Trust studies have all shown high interest lending**
12 **traps borrowers and their families in crippling cycles of debt; and**

13 **WHEREAS, studies conducted by the Consumer Financial Protection**
14 **Bureau, the Pew Charitable Trust and others show high cost loans take money**
15 **out of consumer's pockets damaging local businesses and reducing jobs in**
16 **local economies; and**

17 **WHEREAS, the City of Albuquerque desires that consumers utilize credit**
18 **that does not result in permanent financial damage to borrowers, their families**
19 **and the community, and wishes to accomplish this in a manner that simplifies**
20 **regulation and allows businesses that benefit our community to have the**
21 **maximum flexibility to conduct business as they choose; and**

22 **WHEREAS, the victims of high interest loans are primarily the poor, single**
23 **moms, and veterans and these borrowers are seldom adequately vetted for**
24 **ability to repay; and**

25 **WHEREAS, the US Department of Defense has determined that high cost**
26 **lending puts dangerous stresses on the families of active military personnel**

[+Bracketed/Underscored Material+] - New
[-Bracketed/Strikethrough Material] - Deletion

[+Bracketed/Underscored Material+] - New
[-Bracketed/Strikethrough Material-] - Deletion

1 and harms military readiness, and is in the process of expanding its 36% rate
2 cap on short term loans to cover all categories of loans; and

3 WHEREAS, 18 states have implemented interest rate caps ranging from
4 17% to 36% and have not reported any decreases in available credit; and

5 WHEREAS, Pew Charitable Trust surveys indicate that borrowers who lose
6 access to expensive credit as a result of interest rate caps are more than able
7 to compensate through reduced debt costs and cutting back on expenses;
8 and

9 WHEREAS, measures other than across the board interest rate caps have
10 proven ineffective at limiting lending abuses because lenders modify their
11 products to circumvent the law; and

12 WHEREAS, two recent polls show 86% of New Mexicans support interest
13 rate caps of 36% or less; and

14 WHEREAS, New Mexico Department of Regulation and Licensing statistics
15 show consumers were charged \$99 million in interest and fees on 175% APR
16 and higher small loans in 2012, and the amount of additional fees charged for
17 loans between 40% and 175% APR is unknown; and

18 WHEREAS, the number of high interest small loan licensees in New Mexico
19 has grown from 582 at the end of 2011 to 656 at the end of 2013; and

20 WHEREAS, the federal Consumer Financial Protection Bureau has no
21 authority to regulate interest rates.

22 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
23 ALBUQUERQUE:

24 Section 1. That the City of Albuquerque urges the New Mexico Legislature
25 and the Governor to stop the high cost lending epidemic by enacting inflation
26 indexed interest and fee caps of 36% or less across all loan products offered
27 by small loan companies and non-chartered lenders.

28 Section 2. That the City of Albuquerque urges the Director of the New
29 Mexico Department of Regulation and Licensing to exercise his full rule
30 making powers under the Unfair Trade Practices Act and the Small Loan Act to
31 end high cost lending abuses.

32

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Details Reports

File #: R-14-102
Type: Resolution
File created: 9/3/2014
Status: Adopted
In control: [City Council](#)
Final action: 10/6/2014
Enactment date:
Enactment #:

Title: Supporting Interest And Fee Caps On Non-Bank Lending Institutions In New Mexico (Gibson, Benton, Gardu?o, Pe?a)

Attachments: 1. [R-102](#), 2. [R-102final](#)

History (6) Text

6 records Group Export

Date	Action By	Action	Result	Action Details
10/14/2014	City Council	Sent to Mayor for Signature		Action details
10/6/2014	City Council	Passed	Pass	Action details
9/15/2014	City Council	Accepted Without Recommendation		Action details
9/8/2014	Finance & Government Operations Committee	Sent to Council Without Recommendation	Pass	Action details
9/3/2014	City Council	Introduced and Referred		Action details
9/3/2014	President	Referred		Action details

ARTICLE 15

Small Loan Business

Section

- 58-15-1 Objects and purposes of act.
- 58-15-2 Definitions.
- 58-15-3 Applicability of act; exemptions; evasions; penalty.
- 58-15-4 Application, investigation and fee; agent for service of process.
- 58-15-5 Licenses; investigation of application; issuance; denial; issuance of renewal license; denial of renewal license; fitness and character of applicant; license fees; licensee bound by act.
- 58-15-6 Contents and posting of license; limitation of authority granted by license; effective date of license; minimum assets.
- 58-15-7 Place of business; change; residence of borrower.
- 58-15-8 Revocation, suspension and reinstatement of licenses.
- 58-15-9 Examination of licensee's books and records; witnesses.
- 58-15-10 Books and records; annual reports; additional information.
- 58-15-10.1 Licensee reporting requirements; penalties.
- 58-15-11 Regulations and orders; certified copies.
- 58-15-12 Advertising.
- 58-15-13 Licensed offices; other business.
- 58-15-14 Repealed.
- 58-15-14.1 Charges; method of computation.
- 58-15-15 Repealed.
- 58-15-15.1 No prepayment penalty on small loans.
- 58-15-16 Loan insurance allowable; financing certain premiums prohibited.
- 58-15-17 Requirements for making and paying of loans; incomplete instruments; limitations on charges after judgment and interest.
- 58-15-18 Lenders' exchange.
- 58-15-19 Loans under other laws.
- 58-15-20 Fees and costs.
- 58-15-21 What constitutes loan of money; wage purchases.
- 58-15-22 [Assignments; validity; amount collectible.]
- 58-15-23 Violation of general usury laws.
- 58-15-24 Loans made elsewhere.
- 58-15-25 Review.
- 58-15-26 Status of preexisting licensees.
- 58-15-27 Amendment.
- 58-15-28 Status of preexisting obligations.
- 58-15-29 Director to keep record of fees, expenses and disposition of money.
- 58-15-30 Penalties; general.
- 58-15-31 Short title.
- 58-15-32 Requirements for payday loans.
- 58-15-33 Payday loan products; permitted charges.
- 58-15-34 Payday loan products; prohibited acts.
- 58-15-35 Payday loans; payment plans.
- 58-15-36 Payday loans; waiting period.
- 58-15-37 Payday loans; verification.
- 58-15-38 Required disclosures when making payday loans; required signage.
- 58-15-39 Duties of division.

58-15-1. Objects and purposes of act.

The following are hereby declared to be the objects and purposes of this act:

A. there exists among citizens of this state a widespread demand for small loans. The scope and intensity of this demand have been increased progressively by many social and economic forces;

B. the expense of making and collecting small loans, which are usually made on comparatively unsubstantial security to wage earners, salaried employees and other persons of relatively low incomes is necessarily high in relation to the amounts lent;

C. experience has proven that such loans cannot be made profitably except under special permissive laws and that without such laws many legitimate enterprises are excluded from the small loan field; that without laws regulating the making of small loans interest charges are often disguised by the use of complicated and technical subterfuge to evade the usury law; that without regulations, borrowers of small sums are often exploited by charges generally exorbitant in relation to those necessary to conduct a small loan business;

D. it is intent of the legislature in enacting this statute to bring up to date the law pertaining to small loans; to insure more rigid public regulation and supervision of those engaging in the business of making small loans, and selling insurance in connection therewith; to facilitate the elimination of abuse of borrowers; and to establish a system which will more adequately provide honest and efficient small loan service and stimulate competitive reductions in charges.

The legislature expressly declares: that the charges which licensee [licensees] may collect under the provisions of this act, while inclusive of pure interest, are recognized as inclusive also of adequate service fees to the licensees.

The legislature further declares: that the charges established by this act are limiting maximums, fixed after careful study of modernized, adequate and efficiently functioning small loan statutes of other states, which will permit licensees hereunder to meet the expense and loss hazard incident to the making and servicing of small loans, to the end that licensees may be encouraged to establish and maintain supervised and regulated loan agencies, whose competitive operations, while stimulating reductions from maximum allowable charges, will provide legitimate sources of loan credit to a large class of borrowers throughout the state, who cannot otherwise obtain honest and lawful loan accommodations under the general laws of New Mexico governing money, interest and usury.

History: 1953 Comp., § 48-17-30, enacted by Laws 1955, ch. 128, § 1.

58-15-2. Definitions.

The following words and terms when used in the New Mexico Small Loan Act of 1955 [58-15-31 NMSA 1978] have the following meanings unless the context clearly requires a different meaning. The meaning ascribed to the singular form applies also to the plural:

- A. "consumer" means a person who enters into a loan agreement and receives the loan proceeds in New Mexico;
- B. "debit authorization" means an authorization signed by a consumer to electronically transfer or withdraw funds from the consumer's account for the specific purpose of repaying a loan;
- C. "department" or "division" means the financial institutions division of the regulation and licensing department;
- D. "director" means the director of the division;
- E. "installment loan" means a loan that is to be repaid in a minimum of four successive substantially equal payment amounts to pay off a loan in its entirety with a period of no less than one hundred twenty days to maturity. "Installment loan" does not mean a loan in which a licensee requires, as a condition of making the loan, the use of post-dated checks or debit authorizations for repayment of that loan;
- F. "license" means a permit issued under the authority of the New Mexico Small Loan Act of 1955 to make loans and collect charges therefor strictly in accordance with the provisions of that act at a single place of business. It shall constitute and shall be construed as a grant of a revocable privilege only to be held and enjoyed subject to all the conditions, restrictions and limitations contained in the New Mexico Small Loan Act of 1955 and lawful regulations promulgated by the director and not otherwise;
- G. "licensee" means a person to whom one or more licenses have been issued pursuant to the New Mexico Small Loan Act of 1955 upon the person's written application electing to become a licensee and consenting to exercise the privilege of a licensee solely in conformity with the New Mexico Small Loan Act of 1955 and the lawful regulations promulgated by the director under that act and whose name appears on the face of the license;
- H. "payday loan" means a loan in which the licensee accepts a personal check or debit authorization tendered by the consumer and agrees in writing to defer presentment of that check or use of the debit authorization until the consumer's next payday or another date agreed to by the licensee and the consumer and:
 - (1) includes any advance of money or arrangement or extension of credit whereby the licensee, for a fee, finance charge or other consideration:
 - (a) accepts a dated personal check or debit authorization from a consumer for the specific purpose of repaying a payday loan;
 - (b) agrees to hold a dated personal check or debit authorization from a consumer for a period of time prior to negotiating or depositing the personal check or debit authorization; or
 - (c) pays to the consumer, credits to the consumer's account or pays another person on behalf of the consumer the amount of an instrument actually paid or to be paid pursuant to the New Mexico Small Loan Act of 1955; but
 - (2) does not include:
 - (a) an overdraft product or service offered by a banking corporation, savings and loan association or credit union; and
 - (b) installment loans;
- I. "payday loan product" means a payday loan or a payment plan pursuant to Section 58-15-35 NMSA 1978;
- J. "person" includes an individual, copartner, association, trust, corporation and any other legal entity;
- K. "renewed payday loan" means a loan in which a consumer pays in cash the administrative fee payable under a payday loan agreement and refinances all or part of the unpaid principal balance of an existing payday loan with a new payday loan from the same licensee. A "renewed

58-15-34. Payday loan products; prohibited acts.

A licensee shall not:

- A. enter into an agreement for a renewed payday loan or otherwise refinance or extend the term of a payday loan;
- B. enter into an agreement for a payday loan with a consumer who is participating in a payment plan pursuant to Section 58-15-35 NMSA 1978;
- C. threaten or intimidate a consumer or threaten to use or request the use of criminal process in this or another state to collect on a payday loan product;
- D. use a device or agreement that would have the effect of charging or collecting more fees, charges or interest than that allowed by law by entering into a different type of transaction with the consumer that has that effect;
- E. require a consumer to enter into a new payday loan to pay an existing payday loan in whole or in part when the existing loan is eligible for a payment plan pursuant to Section 58-15-35 NMSA 1978;
- F. charge a fee to cash a check representing the proceeds of a payday loan product;
- G. charge a late fee or delinquency charge if a consumer fails to repay a payday loan product on time;
- H. assign or attempt to assign a consumer's personal check to a third party unless for collection purposes;
- I. use or attempt to use the check written by the consumer for a payday loan product as collateral for purposes other than repaying that payday loan product;
- J. require a consumer to provide multiple checks or multiple debt authorizations;
- K. accept collateral for a payday loan product other than the consumer's check or debit authorization or require a consumer to provide a guaranty from another person for a payday loan product;
- L. include any of the following provisions in a payday loan product agreement:
 - (1) a hold harmless clause;
 - (2) a confession of judgment clause or power of attorney;
 - (3) an assignment of or order for payment of wages or other compensation for services;
 - (4) a waiver of claims for punitive damages;
 - (5) a provision in which the consumer agrees not to assert a claim or defense arising out of the contract;
 - (6) a waiver of a provision of the New Mexico Small Loan Act of 1955 [58-15-31 NMSA 1978];
 - (7) a waiver of the right to enter into a payment plan pursuant to Section 58-15-35 NMSA 1978; or
 - (8) a waiver of any rights secured by New Mexico law;
- M. make a payday loan product contingent on the purchase of insurance or other goods or services;
- N. take a check, instrument or form in which blanks are left to be filled in after execution of the check, instrument or form;
- O. offer, arrange, act as an agent for or assist a third party in any way in the making of a payday loan product unless the third party complies with all applicable federal and state laws and regulations;
- P. knowingly enter into a payday loan product with a consumer who lacks the capacity to consent; or
- Q. use an agency agreement or partnership agreement as a scheme or contrivance to circumvent the application of the provisions of the New Mexico Small Loan Act of 1955 to a consumer's payday loan product. For the purposes of this subsection:
 - (1) "agency agreement" means any agreement between in-state entities and a banking corporation, savings and loan association or credit union operating under the laws of the United

States or of any state whereby the in-state agent holds a predominant economic interest in the revenues generated by a payday loan made to New Mexico residents; and

(2) "partnership agreement" means any agreement between in-state entities and a banking corporation, savings and loan association or credit union operating under the laws of the United States or of any state whereby the in-state partner holds a predominant economic interest in the revenues generated by a payday loan made to New Mexico residents.

History: Laws 2007, ch. 86, § 16.

Small Loan Business Exhibit Summary

(provided by Council Services Staff)

Small Loan Business (SLB) Locations – near Central and San Mateo

Near this intersection featured a high concentration of SLBs. From center of mass, referenced from kernel densities, twelve (12) FFIs were located within 2500' of center. Fourteen (14) locations are located along Central within a mile of San Mateo.

A majority of the census blocks located near the highest concentrations of SLBs have a household median income of less than \$24,000 /year (2012 Census, American Factfinder, ESRI 2013).

SLB Locations – San Mateo and Menaul , Candelaria, and Montgomery

These sections of San Mateo feature three (3) clusters located near the above intersections. The intersection near Menaul and San Mateo have thirteen (13) locations within 2500'. Likewise, another cluster of eight (8) are located within 2500' near Candelaria. Finally, another cluster of four (4) are located within 2500' of Montgomery. Each cluster is located within 2500' of each other. As a continuous string, there are over twenty-five (25) FFI locations within a 1 ½ mile stretch of San Mateo.

These locations are situated in census blocks that are under the average median income of the US. Many of the block's average household income are less than \$39,000/year. No SLB buffer intersects an income block that is greater than the US average household income (2012 Census, American Factfinder, ESRI 2013).

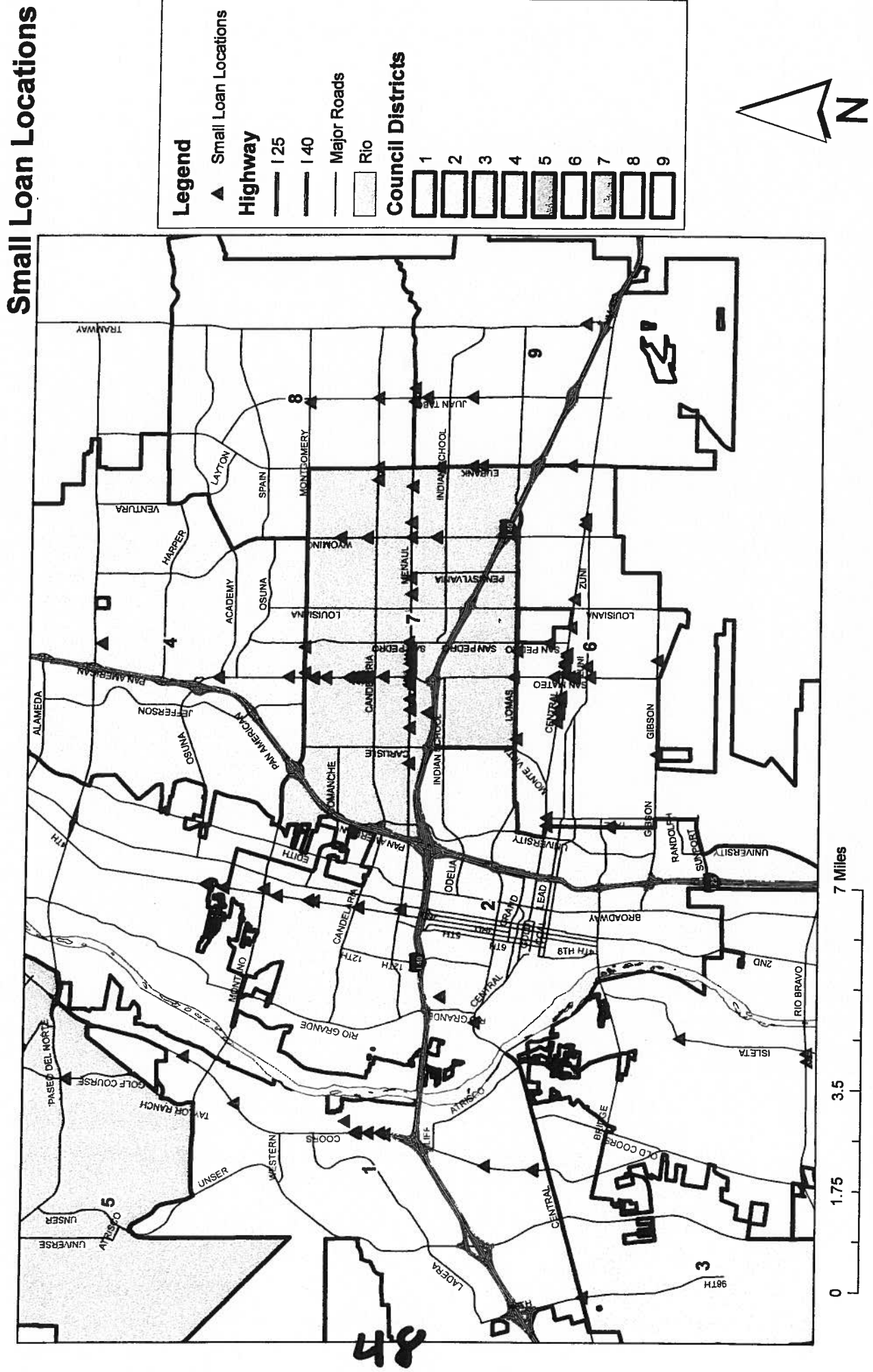
SLB Locations – Westside

Westside locations are concentrated on Coors near I40. There are six (6) locations within 2500' of center mass. Unlike the other two locations, this area features a more diverse income profile with one location found in an income block above the median household income. All other locations are located within an at or below the US average (2012 Census, American Factfinder, ESRI 2013).

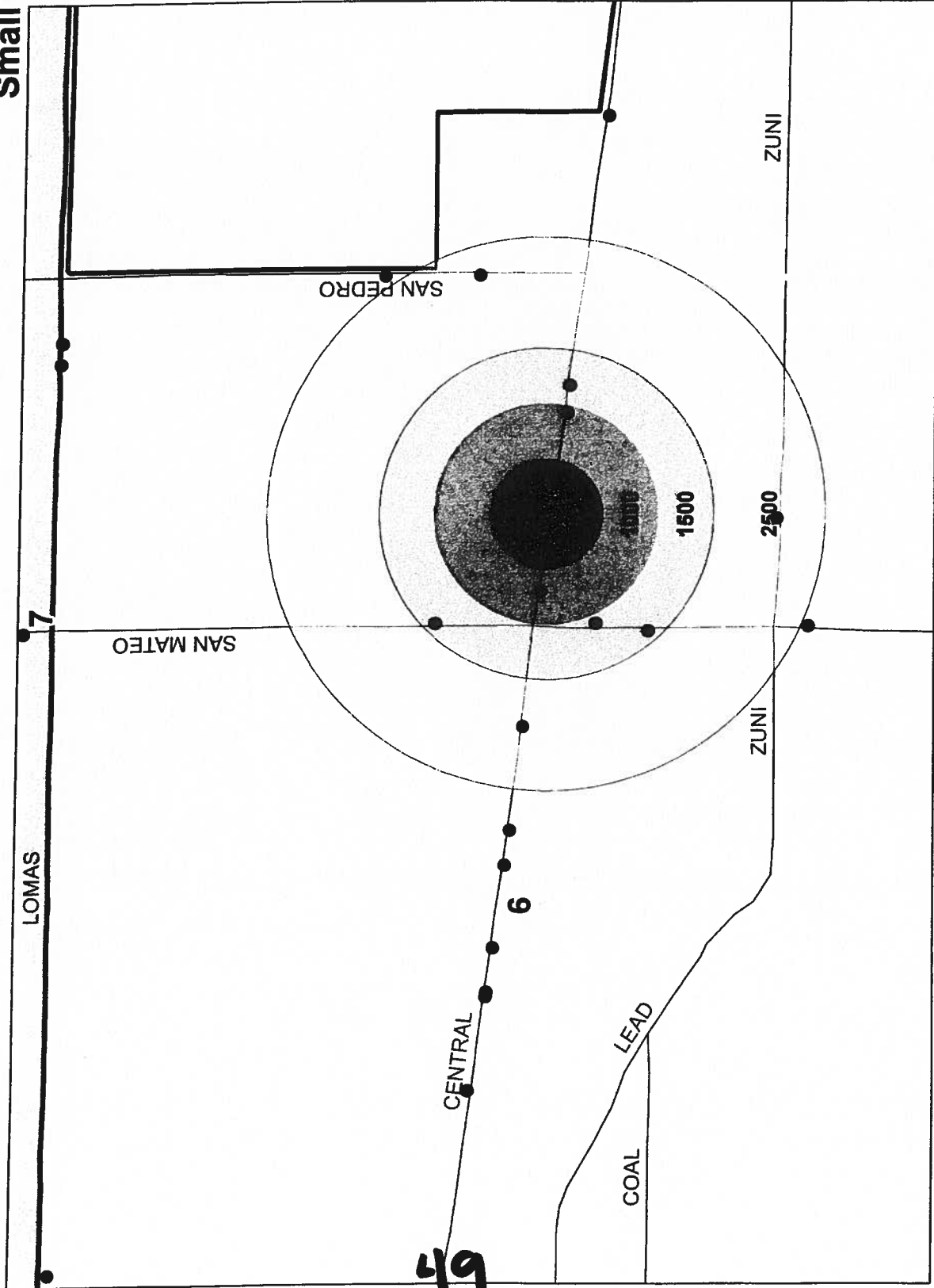
Context Map

This map is an overall presentation of all existing SLB locations which were rectified by both the list provide by the state and an existing list provided by the city.

Small Loan Business (SLB) Locations in the City of Albuquerque, October 2014
(map by Council Services Staff)



Small Loan Locations



Legend

(Separation Distance in Feet)

- Small Loan Locations
- 500
- 1000
- 1500
- 2500

Highway

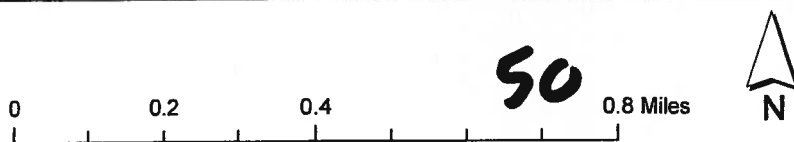
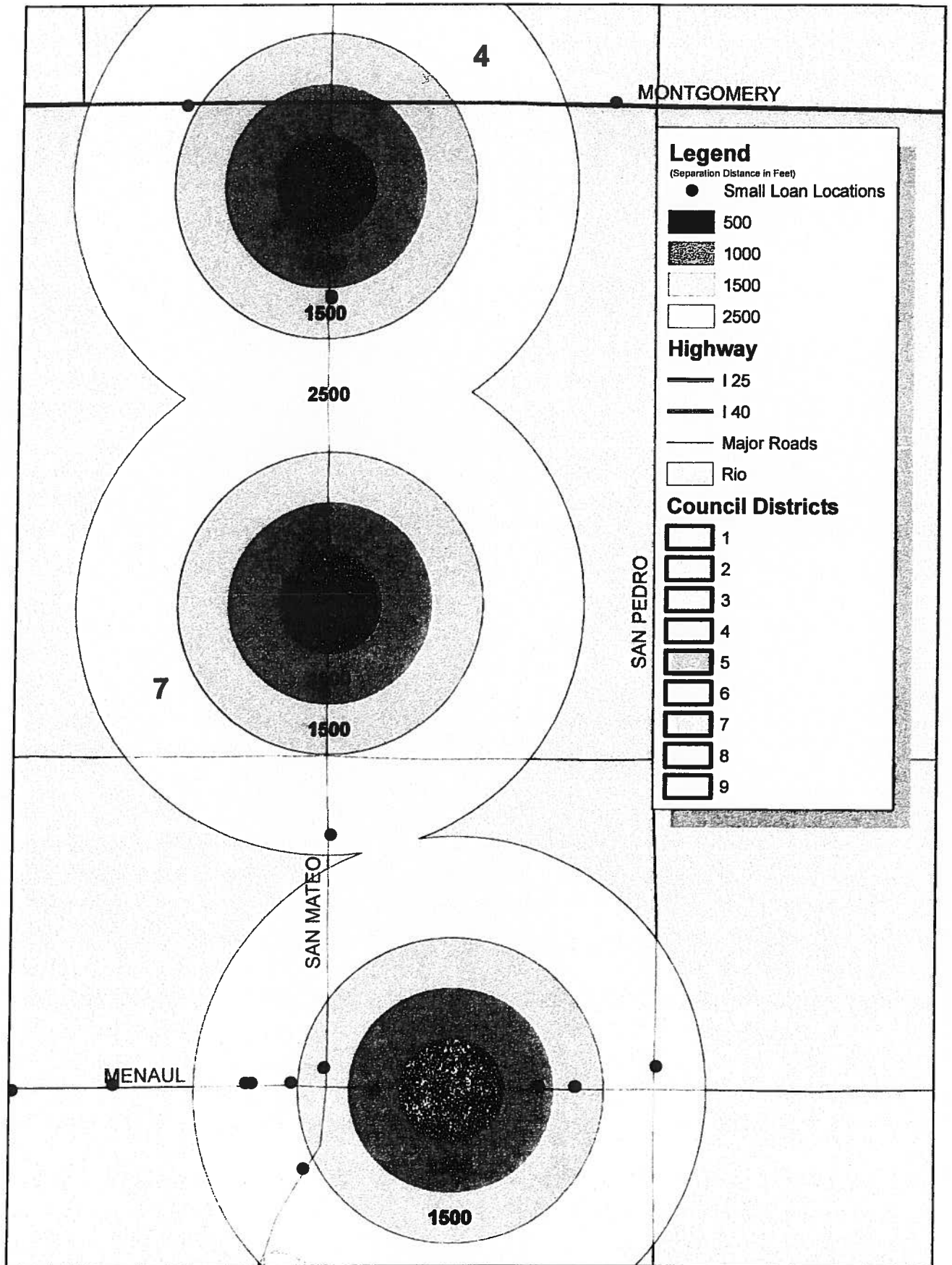
- 125
- 140
- Major Roads
- Rio

Council Districts

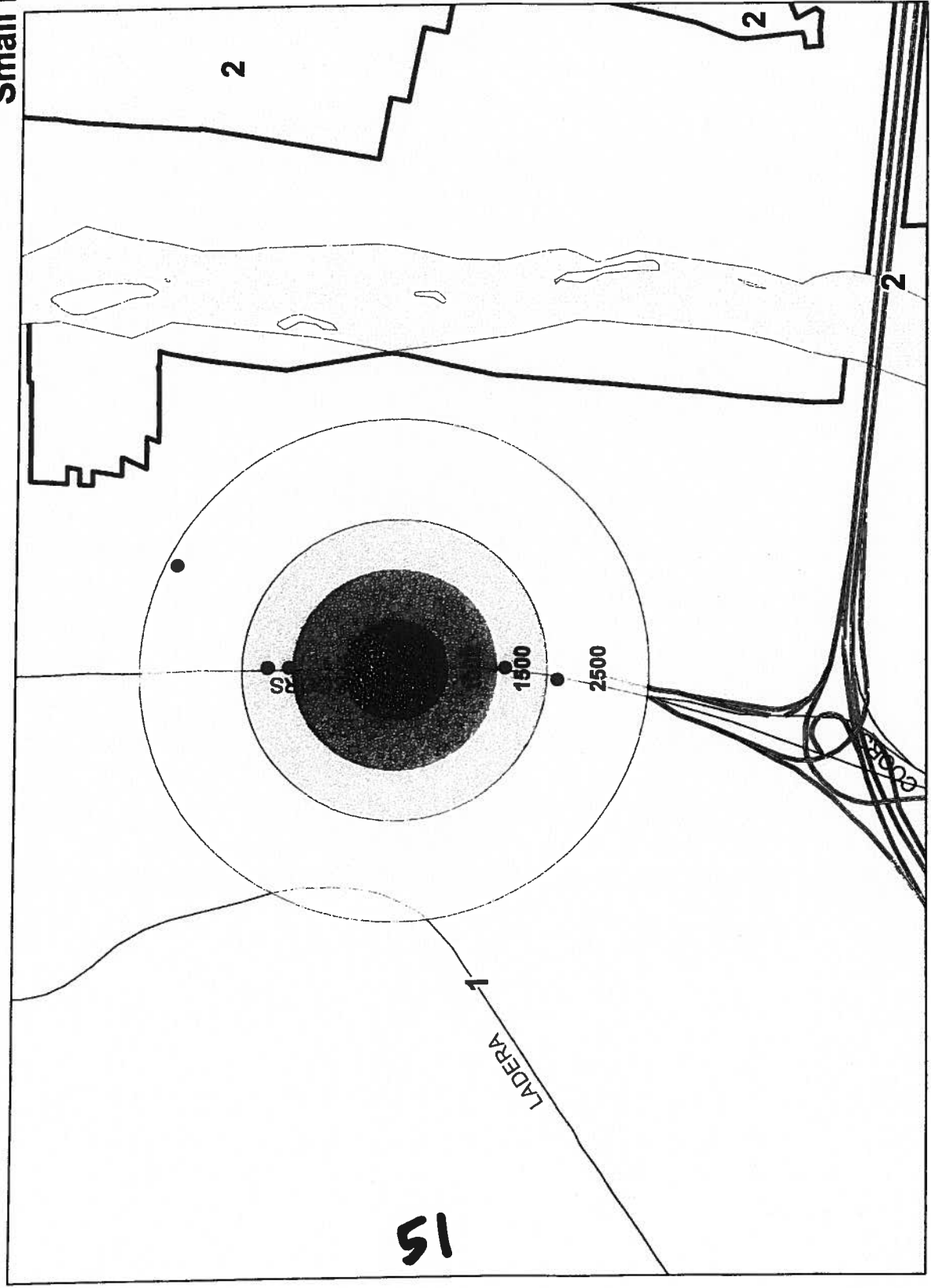
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9



Small Loan Locations



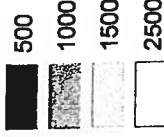
Small Loan Locations



Legend

(Separation Distance in Feet)

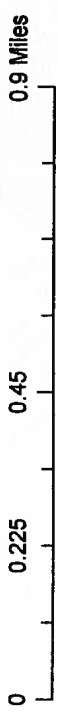
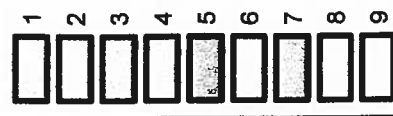
● Small Loan Locations



Highway



Council Districts



NEIGHBORHOOD NOTIFICATION

Department of Family and Community Services

Submitted By Marie Chavez



Home Owner Rehabilitation Program
 700 4th Street SW, Suite 'A'
 Albuquerque, New Mexico 87102
 505-767-5825

If you are a homeowner and your home is in need of repair, the City of Albuquerque may be able to help. With autumn upon us and winter just around the corner, it's time to check our homes for any needed repairs that the summer sun and rains may have caused. As you prepare for the cooler weather it is a good time to take a look at the condition of your heaters, roofs, plumbing, etc. Many homeowners are struggling to make necessary repairs to their homes that can result in serious structural damage or health and safety hazards in the future. Most repairs if not addressed immediately end up costing us more money and require additional repairs that could have been avoided.

The Home Owner Rehabilitation Program provides 0% interest loans to qualified homeowners. These loans allow homeowners to address code violations that make homes unsafe, unhealthy and sometimes unlivable. Some of these loans are forgivable and some may need to be paid back depending on the homeowner's level of income.

What Home Improvements are Eligible?

Repairs include, but are not limited to:

- Electrical, heating or plumbing installations
- Hot water heaters
- Roofs
- Replacement windows
- Structural damage
- Insulation
- Handicap accessible bathrooms

Who is Eligible?

Generally, you may qualify for a housing rehabilitation loan if:

- You own and occupy a home within the municipal boundaries of the City of Albuquerque and you have lived in the house as your primary residence for at least one year prior to application.

- Your home has code violation(s).
- Your property taxes are paid up-to-date.
- Your household income does not exceed the federal guidelines.

If your income falls within these limits, you may qualify for the City of Albuquerque's Home Owner Rehabilitation Program!



Family Size	2014 Income
1.....	\$33,500
2.....	\$38,300
3.....	\$43,100
4.....	\$47,850
5.....	\$51,700
6.....	\$55,550
7.....	\$59,350
8.....	\$63,200

The Office of Neighborhood Revitalization staff will examine your income and property to determine if you and your house qualify for housing rehabilitation loan assistance.

Funds are currently available however, they are limited. In order to obtain an application you must attend an Orientation Meeting. Orientations are normally held four times a year. Please contact our office for dates and times of upcoming meetings. Orientations are held at the Office of Neighborhood Revitalization. We can be reached at 505-767-5825.

Planning Department

Submitted By Catalina Lehner

Project #1001620, 14EPC-40070: Proposed Text Amendments to the Zoning Code

At its regularly scheduled public hearing on November 13, 2014, the Environmental Planning Commission (EPC) will consider the addition of a new Section 14-16-3-24 to the Zoning Code, and an associated text amendment to Section 14-16-1-5, Definitions. The proposed text amendments would apply Citywide.

The proposed text amendments would: 1) regulate small lending businesses by requiring a horizontal separation distance of at least 1,500 feet between them as measured from property line to property line; and 2) add a definition for small lending businesses.

The proposed bill (O-14-22) is available by searching for it at <<https://cabq.legistar.com/Legislation.aspx>>.

Please contact Catalina Lehner-AICP, Senior Planner, at 505-924-3935 or <clehner@cabq.gov> for more information. Please submit any comments to her no later than November 5, 2014.



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ALBUQUERQUE

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Information about the Planning Department.

The Albuquerque Planning Department provides a full range of services from processing building permits to developing long range, regional plans and policies. The department also houses several quasi-judicial boards and commissions.

Planning Department Location

Plaza del Sol, 600 Second NW, Albuquerque, NM 87102

Mailing address: P.O. Box 1293, Albuquerque, N.M. 87103

Telephone: (505) 924-3860

Business hours: Monday - Friday, 8:00 a.m. to 5:00 p.m.

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Notices

- As of September 5, 2014, The Office of Neighborhood Coordination has moved from the basement of Plaza del Sol to the 4th floor, Room 440, east side of the building, behind the elevators. Staff and phone numbers remain the same.
- [Bikeways & Trails Facility Plan](#) - Posted September 11, 2014
 - On October 9, 2014, the Environmental Planning Commission unanimously voted to recommend approval of the Bikeways & Trails Facility Plan to City Council. For more information go to the [Bikeways & Trails Facility Plan](#) or contact Carrie Barkhurst at 505-924-3879.
- **Project #1001620, 14EPC-40070: Proposed Text Amendments to the Zoning Code** – At its regularly scheduled public hearing on **November 13, 2014**, the Environmental Planning Commission (EPC) will consider the addition of a new Section 14-16-3-24 to the Zoning Code, and an associated text amendment to Section 14-16-1-5, Definitions.
 - The proposed text amendments would apply City-wide.
 - Please contact Catalina Lehner-AICP, Senior Planner, at 505-924-3935 or clehner@cabq.gov for more information. Please submit any comments no later than **November 5, 2014**.
- **Proposed Text Amendment to the East Gateway Sector Development Plan Project** - at EPC Thursday, October 9, 2014. **Project #1009415, 14EPC-40052:** At its regularly scheduled public hearing on October 9, 2014, the Environmental Planning Commission (EPC) will consider a text amendment to the East Gateway Sector Development Plan to clarify the regulation regarding lighted signage near residential areas. The intent of the regulation was to protect residential areas from excess lighting, while allowing reasonable lighting on commercial properties. The amendment clarifies the language so that lighting is allowed on commercial property, but will not face solely residential uses. Please contact [Maggie Gould](#) at 505-924-3910 for more information.

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CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

November 14, 2014

City of Albuquerque
Council Services
Attn. Andrew Webb
P.O. Box 1293
Albuquerque, NM 87103

Project# 1001620
14EPC-40070 Text Amendments to the Zoning
Code

LEGAL DESCRIPTION:

City of Albuquerque Planning Department, agent for City of Albuquerque Council Services, requests the above action to regulate small lending businesses by requiring a horizontal separation distance of at least 1,500 feet between them, as measured from property line to property line; and to add a definition for small lending businesses. City-wide. Staff Planner: Catalina Lehner

PO Box 1293

Albuquerque

On November 13, 2014, the Environmental Planning Commission (EPC) voted to forward a recommendation of APPROVAL to the City Council regarding Project#1001620/14EPC-40070, text amendments to the Zoning Code, based on the following findings and subject to the followings conditions of recommendation:

FINDINGS:

www.cabq.gov

1. The request is for a recommendation to City Council regarding text amendments to the City's Comprehensive Zoning Code to add a new section, §14-16-3-24 ROA 1994, and to amend §14-16-1-5(B), Definitions. The following zones should be correspondingly amended for internal consistency: the O-1 Office and Institution Zone (§14-16-2-15); the C-1 Neighborhood Commercial Zone (§14-16-2-16); the C-2 Community Commercial Zone (§14-16-2-17), and the IP Industrial Park Zone (§14-16-2-19).
2. The overarching intent of the proposed text amendments is to begin to mitigate the negative effects that Small Loan Businesses (SLBs) can have on communities over time. The purpose of the proposed text amendments is to regulate SLBs by establishing a required horizontal separation distance of at least 5,280 feet between them, as measured from the property lines. The term "Small Loan Business" would be defined to mean those businesses licensed under the New Mexico Small Loan Business Act that are not identified with FDIC-insured banking institutions.

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OFFICIAL NOTICE OF DECISION

Project #1001620/14EPC-40070

November 14, 2014

Page 2 of 7

3. The proposed text amendments are found in legislation authored by Council Services Staff and known as Bill No. O-14-22. O-14-22 was introduced at City Council on September 3, 2014 and subsequently referred to the Planning Department for review. The EPC's task is to make a recommendation to the City Council regarding the proposed text amendments. The City Council is the City's Zoning Authority and will make the final decision.

4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Comprehensive Zoning Code are incorporated herein by reference and made part of the record for all purposes.

5. Intent of the City Charter:

Adding provisions to the ROA 1994 to allow and define secondary dwelling units is an exercise in local self-government (City Charter, Article 1). Amending the Comprehensive Zoning Code to allow secondary dwelling units and associated regulations generally expresses the Council's desire to ensure the proper use and development of land, and to generally promote and maintain an aesthetic and humane urban environment (City Charter, Article IX).

6. Intent of the Zoning Code (§14-16-1-3):

The application for text amendments to the Zoning Code (the RO-1 Rural and Open Zone, R-1 Residential Zone, R-G Residential Garden Apartment Zone, R-2 Residential Zone, and Definitions), was filed in accordance with Zoning Code requirements. The text amendments generally further the Zoning Code goal of promoting the health, safety and welfare of the citizens. Allowing and defining secondary dwelling units would positively impact the built and natural environment and the overall health and welfare of the City. However, as the zoning authority for the City of Albuquerque, the City Council will make the final determination.

7. The request generally furthers the following, applicable Comprehensive Plan Goals and policy:

- A. **Developing & Established Urban Goal:** The proposed text amendments would establish a separation distance between Small Loan Businesses (SLBs) and an administrative process to address them. Doing so would generally help create a quality urban environment in which such business are not as clustered as they could be otherwise, thereby allowing communities within the metropolitan area to be defined by a greater variety of services and choices and to not be disproportionately affected by SLB lending practices.
- B. **Economic Development Goal:** With the proposed text amendments, SLBs would continue to be allowed permissively in many zones. The distance requirement would help balance the development of such businesses with the important social goals of improving low-income neighborhoods working towards disaggregating poverty.
- C. **Human Services Policy II.D.8c- negative effects of development:** The proposed text amendments would help minimize development's negative effects upon individuals because they would require a separation distance between SLBs, which would presumably make high-interest lending less readily available. Though SLBs could still be located throughout the City, they would not be as concentrated in lower income neighborhoods.

8. The request partially furthers Policy II.B.5d- neighborhood/environmental conditions/ resources. To the extent that a SLB is a new development (rather than occupying an existing building), the proposed separation distance between SLBs would help so they are not all located together and not adversely impacting any one neighborhood. Staff has not received any comments from the public.
9. Small Loan Businesses (SLBs) are regulated at the State level by the Small Loan Act of 1955 (ref: 58-15-31 NMSA 1978). The Act establishes requirements that SLBs are licensed annually (a \$500 fee) and that their records/books are inspected annually (a \$200 fee). The Act also establishes that no small loan can exceed 25% of the borrower's monthly gross income and that the loans range from 14 to 35 day terms.
10. As written, the legislation is likely to be problematic to enforce in the field and administer in the office. Code Enforcement Staff has expressed concern about this and recommends the addition of a Fees section and a Review section in order to implement the proposed legislation.
11. The proposed legislation could result in two unintended consequences. It would create an expectation for the Code Enforcement Division to administer and enforce the new regulations, but without additional funding or Staff. Inconsistent and reactive enforcement could result. The horizontal separation distance between SLBs could result in a spreading out of such businesses throughout the City over time, with the unintended effect of new SLBs in neighborhoods where they were not a presence before.
12. Conditions for Recommendation of Approval are needed to add language to improve enforceability and administration, and to create internal consistency in the Zoning Code, thereby making the legislation less ambiguous and more possible to implement.
13. The proposed text amendments were posted on the Planning Department's main web page and were announced in the October/November 2014 issue of the Neighborhood News, published by the Office of Neighborhood Coordination (ONC). As of this writing, Staff has not received any comments.
14. The EPC is concerned about the effects of these types of businesses on the neighborhoods, developed landscape, and environment of the City of Albuquerque because they destabilize neighborhoods and impede economic development and growth.

CONDITIONS:

Note: New language is [+underlined and bracketed+]. Deleted language is [underlined, bracketed and struck through]. Planning Staff's suggested additions and deletions are indicated by grey highlighting.

Albuquerque Code of Ordinances, Chapter 14- Zoning, Planning & Building, Article 16- Zoning Code, Section 1-5(B), DEFINITIONS

1. Insert on Page 2, at Line 10:

[Section 1. Section 14-16-1-5(B), the Definitions section of the Zoning Code, is amended to add the following definition:

SMALL LOAN BUSINESS. A loan in which the licensee accepts a personal check or debit authorization tendered by the consumer and agrees in writing to defer presentment of that check or use of the debit authorization until the consumer's next payday or another date agreed to by the licensee and the consumer, and

1) **Includes any advance of money or arrangement or extension of credit whereby the licensee, for a fee, finance charge or other consideration**

A) **Accepts a dated personal check or debit authorization from a consumer for the specific purpose of repaying a payday loan;**

B) **Agrees to hold a dated personal check or debit authorization from a consumer for a period of time prior to negotiating or depositing the personal check or debit authorization; or**

C) **Pays to the consumer, credits to the consumer's account or pays another person on behalf of the consumer the amount of an instrument actually paid or to be paid pursuant to the New Mexico Small Loan Act of 1955; but**

2) **Does not include:**

A) **An overdraft product or service offered by a banking corporation, savings and loan association or credit union; and**

B) **Installment loans;**

2. Insert in the Zoning Code at the locations specified herein, below:

[Small Loan Businesses, provided they are licensed under the New Mexico Small Loan Business Act.]

Albuquerque Code of Ordinances, Chapter 14- Zoning, Planning & Building, Article 16- Zoning Code, Section 2-15(A)(17) of the O-1 Office and Institution Zone; Section 2-16(A)(10)(q) of the C-1 Neighborhood Commercial Zone; Section 2-17(A)(13)(r) of the C-2 Community Commercial Zone, and Section 2-19(A)(24)(k) of the IP Industrial Park Zone.

Text Changes to the Proposed Legislation:

3. Insert at Page 1, Line 23:

[WHEREAS, the City Council passed Resolution R-14-102, which supports interest and fee caps on non-banking lending institutions (small loan businesses) in New Mexico; and]

4. Page 1, Line 21:

WHEREAS, the clustering of [small loan establishments] **[Small Loan Businesses]** tend[s] to not only serve

5. Page 2, Line 12:

"[§14-16-3-24 SMALL [LENDERS] [LOAN BUSINESSES]

6. Page 2, Line 13:

(A) In addition to any other requirements of the zoning code **[Zoning Code]**,

7. Page 2, Line 14:

Where they are permitted, ~~[small lending businesses]~~ **[Small Loan Businesses]**

8. Page 2, Lines 15 & 16:

one another by at least 5,280 feet ~~[]~~ as measured from property line to property line ~~[]~~ for the ~~[parcels]~~ **[lots]** on which the ~~[small lending business is]~~ **[Small Loan Businesses are]** located.

9. Page 2, Line 17:

(B) For purposes of this section, a ~~[small lending business]~~ **[Small Loan Businesses]** is

New Text Additions to the Proposed Legislation:

10. Page 2, insert new text at Line 20 (renumber subsequent lines):

[(C) Review Process]

(1) Operators of Small Loan Businesses (SLBs) shall annually submit to the Zoning Enforcement Officer (ZEO) copies of complaints received, efforts to resolve complaints, and the result of such efforts; their current license; updated program description; updated listing of board members and/or proprietors; and up-dated neighborhood relations plan if determined applicable by the ZEO. When there are no changes since the previously filed documents, a statement to this effect is sufficient.

The ZEO shall review this documentation, along with records of any complaints, to ensure that the SLB continues to function in accordance with City regulations and the original terms of the City's approval. This review will occur at the time of application to the State of New Mexico for license renewal.

(2) If evidence indicates changes in the program that result in violation of the original terms of approval and/or major unresolved complaints from neighbors or neighborhood organizations, the ZEO may refer the matter to the Zoning Hearing Examiner (ZHE) for a public hearing to determine if the approval should be terminated or its terms amended. The decision of the ZHE is subject to appeal to the Environmental Planning Commission (EPC) within 15 days of decision.

11. Page 2, insert after new text in C, above (renumber subsequent lines):

[(D) Notwithstanding division (C) above, if the ZEO finds clear and convincing evidence that the SLB is violating the original terms of its approval, he may take action to enforce the terms of approval at any time; normally after written warning, the ZEO will initiate criminal enforcement action or seek an injunction.]

12. Page 2, insert after new text in D, above (renumber subsequent lines):

[(E) Fees]

(1) The ZEO shall charge a fee of \$250 for review of standards specified in this section for a SLB hereafter established, which has not been approved for the previous year.

(2) The above fee shall reserve the location as to distance and separation criteria for 90 days, to the degree that the site met the location requirements of this section when the fee and application were tendered. After the expiration of 90 days, upon showing of significant improvements since the previous extension or application, up to three 90-day extensions shall be granted, which will maintain the location as to distance and separation. No application can be extended beyond 360 days from the date of original application. This provision does not exclude the applicant from reapplying for the same location and meeting all other appropriate requirements; however, other applications which have been filed shall take priority over the reapplication as to distance and separation.
(3) The ZEO shall charge a fee of \$200 for the annual review specified in division (E) of this section.

13. The City Council should go beyond the Zoning Code to aggressively address these businesses and the adverse effects they have on our citizens and community, including lobbying the State of New Mexico for appropriate legislation on interest rate caps.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **December 1, 2014**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's decision.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction.

OFFICIAL NOTICE OF DECISION

Project #1001620/14EPC-40070

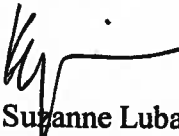
November 14, 2014

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Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,


for Suzanne Lubar
Planning Director

SL/CLL

cc: City of Albuquerque, City Council, Attn: Andrew Webb, P.O. Box 1293, Abq. NM 87102
City of Albuquerque, Planning Department, P.O. Box 1293, Abq. NM 87102
Steve Fischmann, 4848 Deadwood Camp Ct., Las Cruces, NM 88011
Jessa Bunker, 318 Isleta Blvd., Albuquerque, NM 87105
Chris Garcia, 301 Gold Ave. SW, Albuquerque, NM 87102

7. No facilitated meeting was recommended or held. There is no known neighborhood opposition to this request.

MOVED BY COMMISSIONER GONZALEZ
SECONDED BY COMMISSIONER BOHANNAN

MOTION PASSED

8. Project #1001620
14EPC-40070 Amendment to the Zoning
Code

COA/ Planning Department, agent for COA Council
Services, request the above action City Wide to
section 14-16-3-24, to impose distance separation
requirements upon small loan businesses such as; Pay
Day Lenders, Title Loans and the like. CITY WIDE
Staff Planner: Catalina Lehner

STAFF PRESENTING CASE:

Catalina Lehner

PERSONS PRESENT TO SPEAK IN REFERENCE TO THIS REQUEST:

Steve Fischmann, 4848 Deadwood Camp Ct., Las Cruces, NM 88011
Jessa Bunker, 318 Isleta Blvd., Albuquerque, NM 87105
Chris Garcia, 301 Gold Ave. SW, Albuquerque, NM 87102

CHAIR NICHOLLS: Ms. Lehner, are we ready for agenda item #8?

MS. LEHNER: Yes, Mr. Chair, I believe we are. Last but not least this is project #1001620, 14EPD -40070. This request is for a recommendation to the City Council regarding Text Amendments to the Zoning Code to regulate small loan businesses or SLB's. The proposed amendments would add a new section 14-16-3-24 and amend 14-16-1-5-(B) Definitions. Staff found that the following sections of the Zoning Code also need to be amended, since small loan businesses are a use; the O-1 Zone, C-1 Zone, C-2 Zone and the IP Zone. Bill No. O-14-22 was introduced at City Council on September 3rd. The EPC's role is to make a recommendation to the Council and the Council will make the final decision. The proposed text amendments would apply City Wide, so this is a legislative matter.

Text amendments would regulate small loan businesses; also known as payday or title loans (sometimes predatory lending) by establishing a required horizontal separation distance of at least 1500 feet between them as measured from property line to property line. The term "Small Loan Business" would be defined to mean those businesses licensed under the New Mexico Small Loan Business Act of 1955. Such businesses are not identified with FDIC Insured Banking Institutions.

The overarching intent of the proposed legislation is to try to mitigate the negative effects that SLB's can have on communities' overtime. Text amendments are related to Bill No. R-14-102, which urges the New Mexico Legislator and the Governor to stop the high cost lending epidemic by enacting interest and fee caps of 36% percent or less. This resolution is in the Mayor's office awaiting signature.

Staff finds that the proposed text amendments to generally further applicable goals and policies. However, as written they could be problematic to enforce and could create unintended consequences. Revisions are needed to add language and improvement forcibility and administration and to create internal consistency in the Zoning Code. This can be done while supporting the overall legislative intent. Pages 8 through 12, of your staff report contain an explanation of staff's recommended revisions to the Bill. These are also found in the conditions for recommendation of approval. The proposed text amendments were posted in the Planning Departments main web page and announced in the October and November issue of the Neighborhood News. Staff has not received any inquiries or comments as of the writing of the staff report.

Regarding project #1001620, 14EPC-40070 staff recommends that a recommendation of approval, subject to conditions, be forwarded to the City Council. With that I stand for questions.

CHAIR NICHOLLS: And just a point of clarification - - I guess it is. This would apply to new bus...new businesses. Correct? This does not apply to current businesses, because current businesses may be squashed together and unless they have to relocate, if you see what I'm asking?

MS. LEHNER: Yes, Mr. Chair, commissioners that is correct. The requirement would apply to new small loan businesses that are seeking to be established, and the reason for it is because they are clumped, as you had just mentioned.

CHAIR NICHOLLS: Good. Do you foresee as your unintended consequences, and I think you may have mentioned this, that this push...potentially can push them further and further out. Currently we see them clustered on certain streets, shall we say and is this gonna push them further out, more into neighborhoods, which may be an undesirable consequence?

MS. LEHNER: Mr. Chair, commissioners that's something that I had thought about and that is what I believe - I believe there are two types of unintended consequences; one that being external and that certainly it could have the unintended effect of again, if you're acquiring 1500 feet is really not that much, but if you are requiring that there's one, and then another and then another with the effect overtime of perhaps pushing them to places where they would not have been otherwise.

And the other unintended consequence is, in my opinion, because this would be another unfunded mandate. And the exclusive responsibility of the Code Enforcement Division is perhaps, enforcement could be a little difficult. I'm sure they'll do the best they can with the resources they have, but again yet another unfunded mandate and that's a concern.

CHAIR NICHOLLS: I'm sorry to keep going on, but just to - - one other thought. These are licensed by the state. Is that correct?

MS. LEHNER: Mr. Chair, commissioners that is correct. Small loan businesses are required to be licensed under the state. They have to pay an annual licensing fee, they have their book inspected annually and there's also some other stipulations. I did include portions of - - relevant portions of the state legislation in the packet kind of explain what I thought was the most important elements.

CHAIR NICHOLLS: And I guess what I'm trying to get at is that since there licensed by the state. How does this apply or do we have the jurisdiction over our own ones? I'm not sure I'm asking the right question, but...

MS. LEHNER: Mr. Chair I think I can disentangle what you mean, because I had a lot of questions when I was trying to analyze this myself. I would say, of course there located in the city, but they are subject to all of the state's regulations. So, that you know of course is the first here and they have to comply with that. Such as, the licensing, the records, inspection, stipulations that require terms on the loans can only be certain amount of days, etcetera, etcetera. In my opinion, and I hadn't investigated it further, that I would say that, because Albuquerque is a home room municipality that they probably could do something more in addition to that. However, I'm not certain that there's a desire to or that they would, because in my research on this bill, I didn't conduct the research, it was done at City Council it just kind of bounced over here. But I did look into the state requirements and I also looked into another bill, which is a Resolution, the one that's pending before the Mayor, right now, and that is encouraging the state to adopt interest caps. And I was a bit confused as to why, why would we encourage the state to do that if we could do it ourselves, is my question. So, I'm not exactly sure what the - - there might be some maneuvering that I don't completely understand in there, so I don't think I can quite answer that question.

CHAIR NICHOLLS: I guess it boils down to this. Someone can go before the state to get a license. They get a license even though they are a hundred feet from another small business loan establishment. However, then they come back to Albuquerque with their new - - newly minted license and the city says, "Well no you can't go there". Do you see what I'm trying to get at?

MS. LEHNER: Yes. Mr. Chair, yes I do. I think that is concern and I think it was brought up when I spent a great amount of time with our Zoning Enforcement Official or Code Compliance Manager who would have the most amount of concerns about this, because of course it would be dropped in Code Enforcement lap. One of his concerns was with the small business registration; they would have to register as a business in the City of Albuquerque and I suppose that would be the trigger at that time that it would be discovered. We'll you don't make these separation distance and therefore, they would realize it at that time.

CHAIR NICHOLLS: I'm sorry to have taken up so much time, but - - commissioner's any further questions? Commissioner Bohannan.

COMMISSIONER BOHANNAN: In the research that was presented to you. Was there any comments on the negative effects of these facilities being grouped together? It seems like it would almost benefit the consumers, even though I believe these predatory in nature, in my personal opinion, but at least they would have an option to find the least predatory of the options. Whereas, you know the main people that use these, the demographic makeup for people who don't have access to transportation, facilities, may not be the most educated in terms of financial responsibility and interest rates. So, by giving them less options does it just increase the likely hood of increased predatory lending? Was that something that was discuss - - I know it's way out of what you're talking about, but was that even considered?

MS. LEHNER: Mr. Chair, Commissioner Bohannan. I really - - I appreciate that type of a question. I - - Council Services Staff is not here, unfortunately, although they were invited. I would say that there is some - - what they told me and the research that they provided me, is listed in pages 2 and 3, or pages 1 and 2 of the staff report, and those talking about the clustering of these businesses in low income areas, and pretty much targeting people in those areas. Of course the flipside of the coin is that, we'll ya there - - if they have to walk to another one, they could, because it's close. But, I think what they're saying is that it's a larger social problem and that perhaps just aggregating them might somehow

contribute to fewer people being caught up in that cycle and fewer blighted areas. Because there concentrated in a lot of the MR areas to maybe spread that out, for a lack of a better term, although I understand what you're saying, again I think it's the flip side of the coin and I think that's quite interesting. It's also my opinion that an interest rate cap would be more...probably more beneficial than a separation distance, because that would actually - - that would actually address a lot of these social problems and concerns, and then you know if your interest rate capped and you just walk to another one. Ok, well you're exploited at 36 percent or 34 percent; ok it's not a hundred and seventy five. So, I - - but that's not the legislation before us.

CHAIR NICHOLLS: Commissioner Gonzalez.

COMMISSIONER GONZALEZ: I guess I don't know if we're going to have anybody from the public speak, I'd be interested to hear if there are other opinions, but I think that I agree with Commissioner Bohannon, I mean, for one thing - - I would need to hear how that is going to solve the problem I'm not sure that it solves any problem. The problem is obviously, the predatory lending. I mean we're just saying, "Ok we're gonna have loan shark's, but now we want the loan shark's to be farther apart." If we believe in capitalism, if we have them all together than maybe there's a chance that they'll get, you know seventy seven percent, instead of seventy eight percent borrowing a cap or even more. I mean it seems to me a poor way to approach a very serious problem that is impacting people of limited means and I don't know that just, as Commissioner Bohannon said, "If there's just one there then I just go to that one." And it seems that they have more over a barrel then if there two of them. So I don't really see the...I don't see the point, let's deal with the problem.

CHAIR NICHOLLS: I guess, let me, I'm sorry, let me just dive in...

COMMISSIONER GONZALEZ: We haven't closed the floor, by the way Chair...

CHAIR NICHOLLS: No, no. Staff is still up before us, so...In a way this almost begs the same sort of question if we we're discussing gold and silver and jewelry buyer's, you know some streets are inundated with them. Perhaps the same could apply to Bail Bonds establishments. You see what I'm saying, so I guess what I'm asking again or thinking is which problem are we trying to solve? Is that a problem? So, and that was just a commentary rather than a question. Did you have anything further for us, Ms. Lehner, at this time?

MS. LEHNER: No Mr. Chair, not at this time thank you.

CHAIR NICHOLLS: And do we have anyone from the City, Council Services?

MS. LEHNER: Mr. Chair, no one from Council Services is here.

CHAIR NICHOLLS: Ok. How many do we have signed up from the public?

MS. HENRY: Three.

CHAIR NICHOLLS: Three. Would you call the first two, please?

MS. HENRY: Steve Fischmann followed by Jessa Bunker.

Mr. FISCHMANN: It's like church, isn't it?

CHAIR NICHOLLS: Not quite, (Inaudible)

MR. FISCHMANN: Well I respect you as much as I respect...

CHAIR NICHOLLS: (Inaudible) do not give you communion. So, if you'd state your name and address for the record, please sir?

MR. FISCHMANN: Steve Fischmann, 4848 Deadwood Camp, Las Cruces, NM. And I'm here representing the New Mexico Fair Lending Coalition.

CHAIR NICHOLLS: Ok and you swear to tell the truth under penalty of perjury?

MR. FISCHMANN: I do.

CHAIR NICHOLLS: Ok. I'm going to give you 5 minutes, sir.

MR. FISCHMANN: Ok. Thank you very much. The main thing I can do is just kind of give you an outline of the problem and I think I can answer a couple of the questions that commissioner's raised, which I think are very good ones.

I think you're all aware from the comments I hear that we've got problems with predatory industry. The core problem, as I think everyone correctly pointed out, really is happening at the state level with interest rates and interest rate caps. The average loan coming out of these places is three hundred and fifty percent. A lot of times they will claim these are short term loans, but the statistics tell us seventy five percent of the customers renew the loans and the average number of renewals ranges, depending on the loan product, from six to twelve renewals, so, these loans go for a long time. It's very typical to borrow five hundred dollars and spend fifteen hundred dollars to pay it back within a year. And the customers are low income customers.

I've posed as a customer personally and gone into many of these stores, basically telling them I'm a construction worker on government disability and that's my only source of income. And they just go right ahead, knowing that they're basically taking a safety net payment out of my pocket, and when you do that to consumers you're putting them in really dire straits. And that obviously has huge impacts on neighborhoods. I have - - I was not participating at all in the - - in putting together this particular proposal. I think it does have some merit; it will not solve the core problem, which is having an interest rate cap, I mean that clearly is it.

My best understanding in talking to lawyers around the state is that you cannot do that at the municipal level, but you can do zoning restrictions, largely is the way to just make it a little more difficult for the industry.

As to the stores being clustered together; that actually is an intentional marketing technic by the industry. Different stores have very different loan products; some are title loans on cars, others are short term payday loans, others are short term, what they call, installment loans, where they attach your bank account directly, similar to a payday loan, but it kind of gets around some of the payday loan legal restrictions. In my experience when I went into some of these stores; if I told them the story that didn't

fit their product category they'd refer me to the store next door. "We can't handle you with an installment loan, so go next door and do the title loan" and vice versa. So, actually the clustering is intended to omit more predatory practices, rather than competition. So, I think that the greatest strength in this proposal is that it does try to battle that dynamic that goes on in the industry.

In terms of what the staff put together with the recommendations, I was reading through it as I was sitting at the back, I think they were all very reasonable recommendations and staff pretty much identified the circumstances and the pluses and minuses very accurately. One thing that I'm not quite clear on, (coughs) excuse me, I've got a little bit of a cold here, one of the things I'm not very clear on is where it stands in the Mayor's Office. I understood from Councilor Gibson, because I did get involved in the Resolution for the thirty six percent caps, that it has been signed in the Mayor's Office, so we may want to double check, because we've got different information. And I guess I'll leave my comments at that and if you have any questions I'd be happy to answer them.

UNRECOGNIZED: Have you seen - - , oh, I'm sorry.

CHAIR NICHOLLS: Commissioner Bohannan.

COMMISSIONER BOHANNAN: Have you seen any similar cases, possibly around the country in your involvement and research where they're trying to space these facilities and services out? And what affect that has had?

MR. FISCHMANN: It's been done in many locale and the information on its impact has been scant. In many cases I feel it's been done as sort of a message to the industry that "Gee we really don't approve of these practices," and it's been done as a way try (inaudible) State Legislature is to take action. Any by the way action, in my opinion, at the legislative level is not imminent. There's twenty two lobbyist that work for this industry and are - - we're talking to the state legis...legislators day in to day out. I use to be in the State Senate myself, and the pressures on them are tremendous. And I think it's going to be a number of years before the states ready to act. On the other hand eighteen states around the country have put in place interest rate caps of thirty six percent or less, some as low as seventeen percent and the US Military is now in the process of implementing thirty six percent caps across the board on all loans to active military personnel. So, it's something around the nation that's starting to get some momentum to address the problem.

COMMISSIONER BOHANNAN: Thank you.

CHAIR NICHOLLS: Any other questions? Thank you for coming in, sir, appreciate it. Who else was signed up?

MS. HENRY: Jessa Bunker followed by Chris Garcia

CHAIR NICHOLLS: Good afternoon ma'am if you'd state your name and address for the record please.

MS. BUNKER: My name is Jessa Bunker and I'm at 318 Isleta Boulevard, 87...

CHAIR NICHOLLS: And you swear to tell the truth under penalty of perjury?

MS. BUNKER: Yes, I swear to tell the truth.

CHAIR NICHOLLS: And who are you representing?

MS. BUNKER: Well, as I said, my name is Jessa Bunker and I'm representing the Partnership for Community Action, located in the South Valley, here in Albuquerque. I stand in support of this proposal. Our mission as a non-profit in Albuquerque is to build strong healthy communities throughout New Mexico by investing in our people and our families to helping them to become strong leaders in their community and in our state. We are working with communities so that they can gain assets and not get stuck in a cycle of poverty that many of our fellow New Mexicans are dealing with. And for example; we're helping a group of twelve women and one gentleman to start a cooperative, so they can become self-employed. While we're working hard to create jobs it is depressing to see many of these small loan businesses coming up around our community on the Central Corridor and the Bridge Corridor and many of our members live in this place and it's dear to our heart. There's at least 116 of these org...of these businesses already and so there are virtually no land use regulations and I'm sorry I didn't get my time allotment. Should I pause?

CHAIR NICHOLLS: No, no we've just taken care of that.

MS. BUNKER: I'm almost...

CHAIR NICHOLLS: You're fine.

MS. BUNKER: Ok. So, there are virtually no land use regulations currently. So, it's very easy for folks to set-up shop they just need to be in an area that has commercial zoning, and they can really just go in and set-up shop pretty quickly.

So, what is the impact? Millions of dollars drained from our community. There was a study done in Tucson Arizona that's referred to in the Bill, where they show that twenty million dollars annually was taken out of Tucson Arizona. While that very same municipality was trying to put eight million dollars in re-investment and re-development within that area, and so, similarly in New Mexico there's initiatives; main street initiatives, bridge street, main street, as well as work along Central to invest in our communities and so, we don't want to see our tax dollars that we've been investing then siphoned out too a lot of companies that have their headquarters out of state.

As these businesses set up on locally depressed communities it exasperates the problem and don't think it's too much to ask that these small loan business be required to be within 15...no closer than 1500 feet close together. And so, with that I thank you for your time, and I think it was already mentioned, but if it isn't retroactive, so the current businesses can stay and will be grandfathered in. Thank you so much.

CHAIR NICHOLLS: Commissioners any questions? Thank you for coming in, ma'am.

COMMISSIONER BESERRA: I have a question. I had one question.

CHAIR NICHOLLS: Commissioner Beserra.

COMMISSIONER BESERRA: Thank you Mr. Chair. We're you involved with the Mayor's initiative on reducing the percentage or capping the - - these loans?

MS. BUNKER: The...

COMMISSIONER BESERRA: The resolution.

MS. BUNKER: The resolution.

COMMISSIONER BESERRA: Yes.

MS. BUNKER: I don't have the answer to the question.

COMMISSIONER BESERRA: That's alright. Thank you.

MS. BUNKER: That's ok.

CHAIR NICHOLLS: Anything else commissioner's? Thank you for coming in, ma'am.

MS. BUNKER: Thank you.

CHAIR NICHOLLS: And the last speaker?

MS. HENRY: Chris Garcia.

CHAIR NICHOLLS: Good afternoon sir, if you'd state your name and address for the record, please.

MR. GARCIA: My names Chris Garcia. My address is - - my working address is 301 Gold SW, here in Albuquerque.

CHAIR NICHOLLS: And you swear to tell the truth under penalty of perjury.

MR. GARCIA: Sure.

CHAIR NICHOLLS: And who are you representing today?

MR. GARCIA: Actually I'm - - I work with New Mexico Legal Aid. I'm a Staff Attorney with New Mexico Legal Aid. I'm representing New Mexico Legal Aid.

CHAIR NICHOLLS: Five minutes.

MR. GARCIA: Thank you. What I want to start off is suggesting some of the questions that were or some of the concerns that were raised earlier; the clustering problem, the negative impact issue. Somebody questioned whether or not this would cause an expansion. Well the truth of the matter is its taking place. It started off along Central Avenue, clustered around low income neighborhoods; southeast area, the international zone, and it's moving; moving east, moving west, it's all over the Metro. But the cluster seems to be along the Central Corridor, now it's moving down toward Bridge. Now it's also, if you notice, if you go down to the South valley, down Isleta, and these are low income, moderate income neighborhoods. So the clustering is taking place, the expansion is taking place. Expansion is taking place along Coors, north of Coors, north of the Walmart West Bluff area. It's

headed every which direction and the reason it's head every which direction is because it's so profitable for these folks to be out there doing this kind of business. As far as the clustering; it is a marketing scheme, it's no question. What I have found, because I represent low to moderate income clients who are being sued, when you talk about the negative impact it has on a community. What I want to talk about too the commission today is the negative impact on citizens of Albuquerque, the citizens of Bernalillo County. Where their being sued, because they were driving down Central and they see a business with a very catchy name; Cash Cow, Fast Bucks, Quick Bucks, Fast Bucks, Fast Cash, everything that is so enticing for these folks who are having, usually an emergency of some type that's requiring them to borrow money, make them stop and they do. So, they walk into this cash cow business and they're told "We'll you may not qualify, maybe you're on supplemental security income you don't qualify for payday; go down next door and go to Fast Bucks." One of the things that nobody discloses is that many times these clustering is, because they're owned by the same entity and usually you're not a state entity. So, when there was mention about the cash flow of money leaving the state that's exactly what's going on.

So, the negative impact is on the citizens, when they're unable to make their rent payment, they're unable to make the car payment, because they're trying to make a payment on the loan that they borrow for five hundred and they have to pay fifteen hundred over the course of a short period of time. They're unable to pay utilities; they're unable to buy school supplies. It adds to the possibility of homelessness. And we walk around downtown, I walk around downtown every afternoon during my lunch hour, you know the homeless population is such a big percentage down here in this area that this contributes to that. So, the clustering is a marketing scheme, it's for that purpose. I'm not here, I can't say I am here to support it, because or oppose it, because I'm - - we're funded by the Federal Government, we have some prohibitions against doing this kind of actual - - but I can present facts and what I'm trying to do today is present to the commission the facts that there is a negative impact on the citizens of Albuquerque, citizens of Bernalillo County. And until the usury rates are lowered and there's a cap; this will continue, but I think at some point and time there - - until that happens there can be some major fact lead to folks not becoming susceptible to this predatory lending.

CHAIR NICHOLLS: Commissioner's any questions? Commissioner Hudson, please.

COMMISSIONER HUDSON: Thank you Mr. Chair. So, I'd like to know, based on what you just said and thanks for sharing all that with us. Is having a division of fifteen hundred feet between the units going to make a difference?

MR. GARCIA: Mr. Chairman and commissioner. My answer's going to be based on what my clients tell me. I think it does. Because they find it more difficult to go down there; they don't see the sign right above them, they're not being directed to go - - next door. If they're told to go down the street, they probably will think twice about it. So, I think it does have an impact. My clients tell me the fact that they were next to each other with these catchy names lead them to go in there without even thinking twice. Without thinking about, "Oh, I have to walk down there, oh I have to get in my car and drive down there, oh I don't have time right now to go down there." Whereas, if they're clustered there gonna make the time, cause it's just right next door. So, the answer is I believe so it would have an impact, yes.

CHAIR NICHOLLS: Anything else? Thank you for coming in sir.

MR. GARCIA: Thanks for your time.

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CHAIR NICHOLLS: And I believe now we can go back to staff. Do you have anything for us in closing, before I totally lose my voice and my mind? (inaudible)

MS. LEHNER: Thank you Mr. Chair, commissioners. I have a couple of items in closing. First, I wanted to point out that regarding the Resolution R-14-102. It simply say's, at the top, "Supporting interest in fee caps on non-bank lending institutions in New Mexico." So, it doesn't actually cap interest rates, it just supports - - it's just sending something to the Legislator and the Governor saying, "Please support this", so it's just a Resolution. In terms of whether that can be done at the municipal level, I'm hearing no, but again I don't really know. I think that would be probably the most effective thing.

And as for whether or not it's signed; as of the writing of the Staff report, which is one week prior to this hearing, it wasn't so, it certainly could be by now. And I don't think I have anything further, unless there's any questions.

CHAIR NICHOLLS: Commissioners?

MS. LEHNER: Oh, one thing, I'm sorry. There's a minor organizational issue on page 17 & 18 of your Staff Reports. The numbering on condition 1 was a little bit - - it was inaccurate. So, condition 1, it should say, where it say's 3 Paren it should be 1 and then A, B, C and then 2 A, B so, I'll just do that re-numbering.

CHAIR NICHOLLS: Go through that again, I'm sorry.

MS. LEHNER: Sure, no problem. It is at the bottom of page 17, under condition 1; 1, 2, 3, 4, 5, 6, 7, the seventh line where it says, "3 paren that should be a 1, it's some auto feature that made that a 3 it should be a 1, 1 and then A, B and then 2, A, B, well A, B, C and then 2 A, B.

CHAIR NICHOLLS: Ok. So we're changing D, E & F. Is that correct or not?

MS. LEHNER: Yes, so it should be A, B, C.

CHAIR NICHOLLS: B & C and then the 4, becomes 2?

MS. LEHNER: Yes.

CHAIR NICHOLLS: And then A and B.

MS. LEHNER: Yes, Mr. Chair that is correct.

CHAIR NICHOLLS: Thank you for bearing with me.

MS. LEHNER: Thank you.

CHAIR NICHOLLS: Anything else? Commissioner Bohannon.

COMMISSIONER BOHANNAN: I was just wondering. Do you know how the 1500 foot range was established? Why 1500 feet and if diluting these centers from proximity to each other why can't we recommend 5,280? (Inaudible)

MS. LEHNER: Mr. Chair, Commissioner Bohannon. I think that's an excellent question, because to me, again when analyzing something like this that's just handed over; it does appear to be arbitrary. My guess is that it would be something that was established in other communities. That be my guess, again I didn't do any of the background research it was just sort of handed over. But I know...(Inaudible)

CHAIR NICHOLLS: Sir, hold on. Let Ms. Lehner finish then will call you up.

MS. LEHNER: So, anyways, a quarter mile is 1320, a half mile is 2640, so I was kind of considering, well maybe I should recommend something else, it certainly did cross my mind, but I think it's within the EPC's authority as a recommending body to come up with something else if they see fit and to support it with findings and we can do that if you would like.

CHAIR NICHOLLS: I think also it's worth mentioning, Ms. Lehner and also for Commissioner Bohannon that the 1500 foot separation has been used in other instances. For example; the Community Residential Programs there also separated by a 1500 foot, as we well know, but - - so there is some history behind the 1500 foot and I think it's appropriate, that's quite a reasonable distance. If you made it 3000 foot, now we're looking at a mile, and that puts it way into other neigh...if you see what I'm trying to get at. So, I think...

UNRECOGNIZED: A little over half a mile. Thank you.

CHAIR NICHOLLS: Say what?

UNRECOGNIZED: A little over half a mile

CHAIR NICHOLLS: But, I think that's a reasonable thing, based on the fact that there is some history behind it in other issues within the zoning code. Commissioner Gonzalez.

COMMISSIONER GONZALEZ: I was just going to ask if we could call up this man, I'm sorry I forgot your name. Steve.

CHAIR NICHOLLS: Yes, anything else for us, Ms. Lehner?

MS. LEHNER: No Mr. Chair, I have nothing further, but just the quarter mile is 1320, so the 1500 would be slightly over a quarter mile.

CHAIR NICHOLLS: Ok. Thank you so much. And if you'd just state your name again, for the record just so...

MR. FISHMANN: Steve Fishmann.

CHAIR NICHOLLS: And your comment, sir.

MR. FISHMANN: 1500 feet is what's been used in Fresno, California and in many jurisdictions in Arizona. I can probably add just a couple other facts around the industry in New Mexico, because I just compiled the data from 2013 that was pulled together by the Department...New Mexico Department of Regulation. Over a hundred and seventy five percent, there were two hundred seventy six million - - two hundred forty two million dollars in loans and a hundred and six million dollars in interest and fees charged, in the State of New Mexico. We don't have any data for loans under a hundred and seventy five percent, but those tend to be larger loan companies and my rough guess would be that we got another fifty million dollars - - between forty and a hundred and seventy five percent of interest and fees, and of course this is to all to low income people, because they're the ones who don't have access to banks. So...

CHAIR NICHOLLS: Commissioner Hudson.

COMMISSIONER HUDSON: Thank you Mr. Chair. Mr. Fishmann on the city's that you're using as an example and we'll use Fresno California, as an example, who did impose this 1500 foot rule. Is there any data or statistics as how it affected the lending?

MR. FISHMANN: I have not seen that. And that's why I said to a large degree I can't give you any definitive data, on at least from my limited research on this particular piece of the puzzle. And again, to me the main reason to do this is exactly, as this gentleman described, there set up close to each other as a very specific marketing technique and the idea behind this is to break up the marketing technique. So, my personal opinion if you decide to go forward with this, and I understand the arguments on both side, is you're making a bet that you're gonna help discourage some of the business by breaking up and interfering with that marketing technique.

CHAIR NICHOLLS: Commissioner Bohannon.

COMMISSIONER BOHANNAN: Is there any regulation in place that limits each specific location from offering multiple instruments i.e. title, mortgage is that why they have multiple facilities? Is there some kind of regulation that prohibits that?

MR. FISHMANN: There's not. There's a few stores do offer multiple, sometimes you'll see a Pawn Store, which by the way has fifty four percent interest rate caps and for some reason the store front lenders do not have caps, but - - sometimes you'll see a Pawn Shop that offers some of these products. Sometimes you'll see Title Loan and Installment Loans in the same place, often times they just carry one product, so there's as many permutations as you can imagine.

CHAIR NICHOLLS: Commissioner Mullen.

COMMISSIONER MULLEN: With all due respect to everyone here and I think we're all kind of on the same page. I don't see how this - - if we pass this would harm the situation. If anything it seems to, whether symbolically put a word out there that we're kind of on too you, not you (Inaudible) watch out Steve...

MR. FISCHMANN: I'm getting really nervous.

COMMISSIONER MULLEN: At the very least for future developments it breaks it up, so maybe another healthier business can come in next door and there can be, you know kind of self-monitoring. I

mean it does loosen the zoning some, so that you know other businesses have a chance to come into communities and not be kind of hedged out by what could be considered a blight, because there is a cluster of loan.sh, I almost said sharks, but you know essentially the same, but these loan shops set-up together, so even by kind of loosening the fabrics, so other healthier businesses could maybe take hold. If that was the only outcome, I think that would be a positive outcome. And I worried that we're maybe thinking it through on a level that's outside of our purview today, and at the very least I don't see the harm in us, you know passing this along.

MR. FISCHMANN: In response to what you said, Commissioner Mullen. As an advocate I think it's really important for local legislator's to see that their communities not want this happening, and that is a huge force in us eventually succeeding in getting interest rate caps, which is the ultimate solution at the state level, so, as an advocate that's one of the main reasons why I support this. I don't think there's a lot to lose, if there's maybe something to loose, and I think the staff pointed out there could be some costs. You might want to look into a little more about whether you can charge some kind of local fee attached to your Zoning Ordinance to help cover that cost and I really don't know what the ends and outs of that are, but it might be something you want to look at.

CHAIR NICHOLLS: Any other questions, commissioners? Thank you again sir.

MR. FISCHMANN: Thank you very much.

CHAIR NICHOLLS: Yes, Ms. Lehner?

MS. LEHNER: Thank you, Mr. Chair, commissioners. I just wanted to point out; in my conversation with the Zoning Enforcement Official, we did talk about CRP's and of course that distance requirements, thank you for reminding me of that, but I believe it's in the report somewhere. There also, was talk of the unfunded mandate and as there is in the CRP Regulations; there is a review process and fees charge in the CRP Regulations. So, I basically made an analysis of those and took the language from the CRP Regulations, altered it slightly and my proposal is too add that into the Bill. So, CRP Regulations, I think, \$35.00 is a review fee or something and is seeking consultation with the Zoning Enforcement Official, we came up with a fee of \$200.00 for review of standards specified in the section for Small Loan Business hereafter established, and the \$150.00 for annual review. So, we would be establishing some sort of...some sort of fee structure just like they have for CRP's, this again is a use, same distance, let's get some fees, let's try to offset the cost to Code Enforcement and the city.

CHAIR NICHOLLS: I hate to do this. Then don't. (Inaudible) The unintended consequences of that, is that then going to drive up these folks too push for a higher percentage to cover that cost? I'm just opening the can of worms? Sorry to do that, but...

MS. LEHNER: Mr. Chair, commissioners. Every time we get legislation it seems like a can of worms, so...it's yeah. I think that there needs to be some...you know it probably will, because them as their predatory nature would only tack that on as a cost to their consumers, so, however, I think we do need some sort of fee to be able to offset to Code Enforcement of an unfunded mandate. So, we came up with \$200 and \$150 if you want to change that that's perfectly fine, but it was just, but again it'll all be considered at council - - re-considered at council .

CHAIR NICHOLLS: And that's the only reason I'm doing this is to make sure it's on the record, so that council does get to see what it is we've deliberated on and possibly then, because they're the

legislative body of the city; then may be able to take some actions that we can't. So, that's the only reason I'm sort of pushing this. So, Commissioner Hudson?

COMMISSIONER HUDSON: Thank you, Mr. Chair. Ms. Lehner, is it required that if someone were to open a new location, even if they have an existing business in town, they have to get an additional license, or is one license in town sufficient? And let's just say, "Holy Cow is operating on Central and San Mateo and they want to open another location somewhere else." Do they have to get another license to do so? And the reason I ask is because I heard you say that what will trigger the city to know that there is a new one of these places opening, is when they apply for a license.

MS LEHNER: Mr. Chair, Commissioner Hudson. I think that's a very good point, and my knowledge of applying for Business License is very thin, so any help you can give me I would appreciate. But again in speaking with the Zoning Enforcement Official that there has to be some point in time if there doing a new business that they come in. I don't know how business license are structured so that if you have one location another location is considered—I guess the question is. Does that need a new license or not? I don't know, I'm not a...

CHAIR NICHOLLS: I believe Commissioner McCoy, may have...

COMMISSIONER MCCOY: Each location requires a different license. Then I'll wait for comments.

MS LEHNER: Thank you. Commissioner McCoy.

CHAIR NICHOLLS: Then the floor is closed, discussion Commissioners? Commissioner McCoy.

COMMISSIONER MCCOY: First, thank you to all the public who came in to address what I believe is an absolute egregious situation. However, equally egregious to me is an attempt for the City Council to regulate a business through the zoning code that is otherwise regulated, the 1500 feet, the 150.00\$ the 250. I already written down the 1320 quarter mile since I'm a mapping nut, while I would agree Commissioner Mullen's thought that anything we do symbolically would say wrong to them. The universe of our intended consequences to me is just way too big to support this at all. Because it's being talked about as just Payday Lenders, Title Lenders, etcetera, choosing my words carefully. Other lenders are also licensed under this small loan company act of 1955. I think if the City Council would like to control these businesses in some fashion, they would determine whether or not they could pass an interest rate cap. If they couldn't, they can go to the state legislator and ask the state legislator to do that. But I'm aware of other parts of our real-estate world where attempting to control the location if legal businesses through the zoning code, by distance between each other have been overturned. Rather than by distances from other Uses like our liquor control act has, you could have as many liquor stores next to each other as you would like, they just can't be any closer than X, to Churches, Schools etcetera, the same for Adult Entertainment establishments. I just find this to be beyond what we ought to be looking at.

I am so sorry to disagree with anybody who is attempting to correct an egregious problem; I don't believe this is the tool.

CHAIR NICHOLLS: Commissioner Gonzalez.

COMMISSIONER GONZALEZ: So from what I hear you saying if we were to say, 1500 feet from an R1, 2 and 3 that would be a—to try to keep it away from the people who are victimized by this. I hear what the Commissioner is saying and I share a little bit of his concern. I really don't feel like this begins to take care of the problem, and generally speaking I'm not in agreement with actions that you know, you have a festering wound and you put a Band-Aid on it and say alright well let's see how it goes.

I'm still a little bit up in the air. I agree with Commissioner Mullen, maybe it's just worth it to just kind of send a shot over the bowel, and say there are people thinking about it. But this is very plain and simply wrong in my mind what's being done and it needs to be corrected. And I'm not sure if anybody can sway me either way. Commissioner McCoy's arguments are I think intelligent, so I'll see if anybody else has anything intelligent to say.

COMMISSIONER BOHANNAN: It's hard to sit and reflect on Commissioner McCoy's, comments as they were very informative and very persuasive. But at the end of the day I have the means to be involved at the community level with this Commission, and make an impact where I could. It's not in our purview to approach this right now from a legislative position. But I can't in good continence vote for denial when I think that voting for this, tries to help the problem. Even if it goes and gets overturned which is outside our purview, my continence tell me that this is something that needs to happen to stop—to try to battle at some point the predatorily lending that's going on in this community. So as the only action that I could take in this position, I cannot in good continence vote against recommendation, and I will vote for recommendation to City Council.

CHAIR NICHOLLS: Commissioner Hudson.

COMMISSIONER HUDSON: Thank you, Mr. Chair. That was very intelligent by the way. So I believe there are loop holes that we haven't addressed, and one of the loopholes that I see happening potentially. Unfortunately these predators as we call them are—their fairly sharp. And this is not set up so that one that can preclude someone from leasing a building that let's say that 4000 square feet. And putting a demising wall down the middle, and having right next to one another where it's the same business, but maybe they have two different demised premises that are right next to each other, I don't know if that would entail another license or not. I don't know.

I'm really concerned about the enforcement and the lack of enforcement; it was real clear in the staff report that the Zoning Enforcement Officer was concerned about having the time and the resources to enforce this. We could try to do this; we can become a laughing stock because of it. Because they could find so many loopholes and we don't enforce it. And I think unless we have good enforcement rules in place so that we make sure that if we did approve to do this that the enforcement rules took place and it just flat didn't happen. And I'm not hearing that and I'm not seeing that in this staff report. So as much as I don't like what they do to consumers, I tend to lean with Commissioner McCoy that I'm not sure this is the right thing for us to be doing and just separating them by just 1500 feet, a quarter mile is going to change the way that they do business.

COMMISSIONER GONZALEZ: And we actually don't have to have it be quarter mile either, as Ms. Lehner said, we can make it a half mile or a mile.

CHAIR NICHOLLS: Anyone else? Commissioner Beserra.

COMMISSIONER BESERRA: Okay, I'm not sure this is going to be intelligent enough for Commissioner Gonzalez. But I guess what I think about is the victims that get affected by these types of predatory lending. And I guess unless you've had a family member and you experience it yourself, you can't understand the impact it has on a family and that person individually.

So I agree with the Commissioner, that this is the right thing to do. The City has a number of regulations and enforcers of those regulations that we don't do, a lot of business get by with a lot of things. This is a message that were sending to predatory lending or lenders that in this City we are concerned that you operate in a fair honest and truthful manner with these individuals, and you don't reap them from all their finances. And so, with that I'm just in favor of the voting for it.

COMMISSIONER MULLEN: I prepared to make a Motion, unless there are other comments.

CHAIR NICHOLLS: I'd like to chip in on this. First of all, Commissioner Beserra, you brought up a point that I think no one else really other than the public has brought up today in this matter, and that is the victim's. That's the tragedy of this case that's before us today. I feel that if we do not make a start however small or however symbolic then when ruling stuff. I mean, I have not had to be in that position, probably none of us in this room have had to be in that position. But that does not mean that one day in the very near future one of us might be in that position, and that's a very, very scary thing. And I believe the gentleman from Las Cruces said and so did the other gentleman, this leads to other things, to other consequences. If you can't pay your bills now and you take on this loan for 500 dollars but have to pay back 1500 dollars your much worse in the hole then you were before. I don't want to see another person on the street. Is this bill going to make a difference? Probably not in the immediate term, will it however start the ball rolling, that's the bit that I'm interested in. So from that perspective I am prepared to support this project only because I believe that we have to make a first step. Remember the City Charter involves the moles and welfare of the citizens, and that's part of our mission as a Environmental Planning Commission to uphold that, and I think by supporting this particular project we actually are doing what we are supposed to do.

And I'm not in any way legating what some of my fellow Commissioners have said, I understand exactly what their saying, but I would like to estimate a start. Commissioner McCoy.

COMMISSIONER GONZALEZ: I would actually like...

CHAIR NICHOLLS: Oh, I'm sorry. Go head.

COMMISSIONER GONZALEZ: Now that I've heard all of those intelligent statements. So I have been swayed that there's good reason to pass this through, for all the reasons that have been given. However, I would like to see there are also apart from the record that we are sending to City Council which I think makes our feelings about it fairly clear. I would also like to see something in writing that sets the record straight about the fact that this that we find this type of usurious lending in and in itself reprehensible, and the damage to our City. Underneath the City needs to take positive action whether it be at the State Legislator or through whatever other means to bring these business into line with accepted norms of lending.

I mean what we're talking about here is nothing short of a crime, and we danced around the word loan shark and we were using predatory lending which has a negative connotation. But I don't see that there's anywhere in the record that actually says, this is just plain wrong there needs to be a cap. If there were other crimes that we-- you know what we were talking about. And we were saying that you

can steal cars, but you can't steal a car except for every 1500 feet. It wouldn't be morally tenable. So I think we need to have a statement, or I would like to put in a statement in writing that says that this practice is reprehensible and the City needs to take positive action to put an end to it, and to put a cap that brings these lending agencies into or into line with accepted norms. I mean it's not anything new this is usurious, I mean there's so many words for it, it's like snow in the vineyards.

CHAIR NICHOLLS: Commissioner McCoy.

COMMISSIONER MCCOY: Thank you, Mr. Chairman. We're in a semi now negative. I don't want anything in the record to reflect that I would support consumers being victimized by this type of lending. I'm also very well aware of New Mexico having had a usury statute in the past that was repealed in 1979 because of national interest rates. And Commissioner Bohannon, your thought process is very hard to argue with, and so here's the somewhat positive thought. I would be prepared not to oppose this if in a symbolic fashion it was meaningful. So I'm going to propose that instead of 1500 feet we go to 5280, that we go to initial review fee of 250\$ an annual review fee of 200\$, to moderate the end fronted mandate that this is going to create. As Commissioner Husdon, two businesses would require two licenses. But now were down to three City Departments being involved and something that can be handled by the State Legislator with one stroke of the pen, and probably by our City Council, but the same 22 lobbyists are in our Councilors ears. I'm done.

COMMISSIONER GONZALEZ: So does that mean we can't put the standard in it?

CHAIR NICHOLLS: Why did you have to do that at the end of the day? That's okay. I think legal is trying to make sure we don't a...

MS JACOBI: Mr. Chair, Commissioners.

CHAIR NICHOLLS: Yes, mam.

MS JACOBI: If we're interested in considering additional findings or conditions, my recommendation because were opening the zoning code today and not other regulations, would be to focus on the effect that it has on the environment, the neighborhoods rather than the individuals. We certainly understand the natural consequences of these sorts of businesses, but in regulating them through the business code, what we're trying to do is stop a section of town from deteriorating because of the presence the cluster of those businesses. And so if were interested in additional findings, I can't say I disagree with the finding, but I want to make sure that the legislation would be as defensible as possible, and so I want the findings to focus on the effect it has on the neighborhood, the landscape, apparent safety, etcetera. Rather than the dilatory effects it might have on the families that patronize the business.

CHAIR NICHOLLS: Commissioner Bohannon.

COMMISSIONER BOHANNAN: I believe that those comments actually bring into better focus of our purview in terms of Environmental Planning. Everybody wants to--normally they associate the word environment with nature, but were talking about economic environment stability, family stability, housing stability, and our ability to guide the City from a Planning sense. If these industries are popping up throughout the City and causing instability throughout these communities it really, that instability really hinders our ability to steer smart growth in planning and the community.

CHAIR NICHOLLS: Commissioner Gonzalez.

COMMISSIONER GONZALEZ: Yes. My recommendation would be that a description of its harmful effects on the environment be a finding, but that we also have a condition of approval that directs the City Council to take action beyond this resolution or beyond this—I can't talk anymore either. Beyond this recommendation that they also take concrete action to try to...

CHAIR NICHOLLS: I'm think I'm hearing you say...

COMMISSIONER GONZALEZ: If you write it just like that it would be perfect.

CHAIR NICHOLLS: I do agree with the one as a finding, but it does affect the moles and welfare of the City. I certainly agree because one of the things we kept stressing this afternoon is this is only the very minutest tip of the iceberg. By putting that in as a condition to instruct the City Council after all they're remanding something back to us with instructions. I see nothing wrong with us sending them some instructions how we as a Planning Commission feel that they need to move ahead. Not just with what's immediately before, but something more meaty that takes care of more of the problem than just this, because this is just the smallest piece of that problem.

So I hate to do this to you folks down there, but if you could craft a finding based on the discussion we had, and then perhaps a condition number 13, that would make a direction to Council. Because I think that's important to split that up from a finding to make that a condition (inaudible) to say this is what we want to happen. Rather than we think this is what we like, we love to have. Now were saying this is what we want to have. Right. Sorry to put the cat among the many pigeons there. Commissioner Hudson.

COMMISSIOER HUDSON: While they're doing that I'd like to also go on record that I am not in favor of the practice that is being taking place out there, at all. I am just stating that I think this is something that should be controlled by the State with a Cap on the interest rates. And even if we move it a mile or—these are just new locations so keep in mind all the existing locations are still going to be out there doing their thing. So this is just new locations that were talking about that now have to be that were discussing to be one mile away from any of the others. Which potentially could stop any new ones opening, because as many as there are out there, trying to get a mile away from one another more than likely there won't be any more opened up.

So yay, that's great, we won't open any more up. It will not stop what's already going on here, and the only thing that's going to stop what's going on here is for the State to put a cap on the interest. So maybe we could just stop no more opening up and I am in total agreement with doing that, but the problem is still there and we can't make that change that can only be changed with usury laws, that's the State of New Mexico. So I would be willing to change my comment earlier only stating that I don't think it's going—it's not going to solve the problem it could maybe keep it from growing a little bit more.

CHAIR NICHOLLS: As I think we all know recognize the real root of the problem here is the lobbyist. They're very powerful they have a big ear in government whether it's with Council whether it be the States Government or even national. Lobbyists are a problem in that sense, so were not going to solve that piece of the puzzle, not at all. Ms. Lehner, are you ready to take a deep breath and help us out here? Carry in mind that we don't actually have a formal motion before us at this point.

MS LEHNER: Yes, Mr. Chair, Commissioners. I could certainly take a stab at what we have been discussing based on what you told us, and starting at the top that would be on Page 15, of your staff report with the recommended findings.

And the first change would be to finding number 2, that would be line 4, where it says separation distance of at least 1500 feet, would change to 5280. And then on Page 17, of your staff report the new finding 14, which I will let Ms. Dicome read into the record.

MS DICOME: Alright, I hope this sounds intelligent. Finding number 14, the Environmental Planning Commission has voiced their concerns of the effects of these businesses on the neighborhoods, developed landscape and environment on the City of Albuquerque because they destabilize the neighborhood and aped economic development and growth.

CHAIR NICOHLLS: Mr. Gonzalez, Comment?

COMMISSIONER GONZALEZ: Thank you. The only problem, I mean and I just don't like the EPC has voiced its concern. I would like to have something that just makes it a statement of fact. Predatory lending has these negative impacts on our community.

MS DICOME: Let's see. The effects of these businesses, negatively affect neighborhoods, developed landscape and environment on the City of Albuquerque, because they destabilize the neighborhood and impede on economic development and growth.

COMMISSIONER GONZALEZ: It's not the prettiest language I ever heard, but... I couldn't even say it a second ago, so I'm not really sure that i...

CHAIR NICOHLLS: I think that pretty much covers it.

COMMISSIOER BOHANNAN: I agree it's intelligent or maybe not eloquent.

CHAIR NICOHLLS: That was probably the unkindest cut of all, but that's okay. I believe that at least sums that up, and then I believe we wanted to go a new condition 13, is that correct? Who's going to have a go at that one?

MS LEHNER: Before we go there Mr. Chair, Commissioners. On Page 19, there's another change that (inaudible) to take care of that's on condition 8, where it says 1500 to substitute 5280. And so with that we will—Oh and 12. The fees on 12, which is Page 20, of your staff report, I had heard a \$250 for review of standards and then a \$200 for annual review. And then with the new condition 13, I will let Ms. Dicome take care of that.

MS DICOME: I believe this would be condition 13. City Council should go beyond the zoning code to address these businesses and the effects they have on our City.

COMMISSIONER GONZALEZ: I don't think that's quite strong enough.

CHAIR NICHOLLS: Yes, it says what I think we want, but it doesn't direct them specifically.

COMMISSIONER GONZALEZ: Just tell them what the hell to do.

CHAIR NICHOLLS: That's the language...

COMMISSIONER GONZALEZ: We need to go out and fix this problem, or at least attempt too. Just shuffling stuff around on the Board isn't going to solve the problem. The City needs to take positive action to try to bring this, what's the word. This unethical practice, there you go.

COMMISSIONER BOHANNAN: I think legal shut it at that statement.

MS DICOME: Okay, let me try this again. Condition 13, City Council should go beyond the zoning code to address these types of businesses. No to aggressively address these types of businesses and the effect they have on our City, adverse effects. Let me read that again.

COMMISSIONER MCCOY: Citizens and Community.

CHAIR NICHOLLS: I think what Commissioner McCoy just suggested, I think really evokes the spirit of what we're trying to achieve here, so Commissioner McCoy, Thank you, so much.

MS DICOME: Want me to read it again?

CHAIR NICHOLLS: Please.

MS DICOME: I hope I can do this. Okay. Again, condition 13, City Council should go beyond the zoning code to address... Okay, I'm going to let her read it because I'm like, I can't do it.

MS JACOBI: 13, City Council should go beyond the zoning code to aggressively address these businesses and the adverse effect they have on our citizens and community.

CHAIR NICHOLLS: Thank you. I believe that encompasses...

COMMISSIONER GONZALEZ: There's just one other little matter that I'd like to address there. Which is what Commissioner Hudson brought up a second ago, which is that we note that the only real solution to this is legislator, State legislator since that's what's going to make, where they make those decisions. So if we could just have a little something in there that says that addresses the fact that, in order for the City to actually address this problem, they are going to have to find a way to get to this State and make it. I mean...

MS JACOBI: The EPC endorses the other resolution and recommends the City continue to pursue that. We referenced the other resolution where that endorsed fee caps. I think already from the...

COMMISSIONER GONZALEZ: I mean I just, I'm not sure what the mechanism would be for how the City would articulate how to you know, work with the State to make a legislative change of that sort and maybe. I just want to make sure that we, the correction of our discussion is all been about the fact the root of the problem isn't that there's not a state statute that Caps. And so to kind of say well were just going to leave it at the City level, the City somehow needs to get, needs to take action to push the State to pass. In other words, you know. Hey, were Albuquerque this thing is hurting us; you guys need to do something to help us. Can you just put it in those words?

MS JACOBI: Do you want to add to the end of this condition 13, something that says, include lobbying the State of New Mexico for...

COMMISSIONER GONZALEZ: Absolutely...

CHAIR NICHOLLS: That would be perfectly appropriate.

COMMISSIONER GONZALEZ: That's exactly what I'm looking for. And after this I'd like to back to the valediction if we could...

CHAIR NICHOLLS: That's what will happen if we do.

MS JACOBI: So the new condition 13 would read. The City Council should go beyond the zoning code to aggressively address these businesses and the adverse effects they have on our citizens and community including lobbying the State of New Mexico for appropriate legislation.

COMMISSIONER GONZALEZ: Can we go for appropriate legislation capping the interest rates?

MS JACOBI: Sure.

COMMISSIONER GONZALEZ: 36 percent, do I hear 17?

MS JACOBI: For appropriate legislation on income, or interest rate caps?

COMMISSIONER GONZALEZ: Yes.

CHAIR NICHOLLS: Becomes more like war and peace every time.

COMMISSIONER GONZALEZ: And thank you for your patience, Staff.

CHAIR NICHOLLS: I believe...

COMMISSIONER BOHANNAN: Baptism by fire for my first motion, I guess.

CHAIR NICHOLLS: We will support you all the way.

COMMISSIONER BOHANNAN: Well thank you very much. In the matter of Project number 1001620 case number 14EPC-40070, I make a vote for recommendation of Conditional Approval based on Findings 1 through 13, with changes to number 2 as read into the record by staff and Finding number 14 as read into the record by staff, and subject to Conditions 1 through 12 with corrections to number and lettering as read into the record, including changes to number 8, and Condition number 12 as read into the record, with the additional Condition number 13 as read into the record by staff.

CHAIR NICHOLLS: Second. I have a Motion and second. Are there any further discussions? No. Those in favor say Aye.

ALL COMMISSINOERS: AYE.

CHAIR NICHOLLS: Those against say, No. Thank you.

FINAL ACTION TAKEN:

NOW, THEREFORE, BE IT RESOLVED THAT the Environmental Planning Commission (EPC), voted to forward a recommendation of APPROVAL to the City Council regarding Project#1001620/14EPC-40070, text amendments to the Zoning Code, based on the following findings and subject to the followings conditions of recommendation:

FINDINGS:

1. The request is for a recommendation to City Council regarding text amendments to the City's Comprehensive Zoning Code to add a new section, §14-16-3-24 ROA 1994, and to amend §14-16-1-5(B), Definitions. The following zones should be correspondingly amended for internal consistency: the O-1 Office and Institution Zone (§14-16-2-15); the C-1 Neighborhood Commercial Zone (§14-16-2-16); the C-2 Community Commercial Zone (§14-16-2-17), and the IP Industrial Park Zone (§14-16-2-19).
2. The overarching intent of the proposed text amendments is to begin to mitigate the negative effects that Small Loan Businesses (SLBs) can have on communities over time. The purpose of the proposed text amendments is to regulate SLBs by establishing a required horizontal separation distance of at least 5,280 feet between them, as measured from the property lines. The term "Small Loan Business" would be defined to mean those businesses licensed under the New Mexico Small Loan Business Act that are not identified with FDIC-insured banking institutions.
3. The proposed text amendments are found in legislation authored by Council Services Staff and known as Bill No. O-14-22. O-14-22 was introduced at City Council on September 3, 2014 and subsequently referred to the Planning Department for review. The EPC's task is to make a recommendation to the City Council regarding the proposed text amendments. The City Council is the City's Zoning Authority and will make the final decision.
4. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Comprehensive Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. Intent of the City Charter:

Adding provisions to the ROA 1994 to allow and define secondary dwelling units is an exercise in local self-government (City Charter, Article 1). Amending the Comprehensive Zoning Code to allow secondary dwelling units and associated regulations generally expresses the Council's desire to ensure the proper use and development of land, and to generally promote and maintain an aesthetic and humane urban environment (City Charter, Article IX).
6. Intent of the Zoning Code (§14-16-1-3):

The application for text amendments to the Zoning Code (the RO-1 Rural and Open Zone, R-1 Residential Zone, R-G Residential Garden Apartment Zone, R-2 Residential Zone, and Definitions), was filed in accordance with Zoning Code requirements. The text amendments generally further the Zoning Code goal of promoting the health, safety and welfare of the citizens. Allowing and defining

secondary dwelling units would positively impact the built and natural environment and the overall health and welfare of the City. However, as the zoning authority for the City of Albuquerque, the City Council will make the final determination.

7. The request generally furthers the following, applicable Comprehensive Plan Goals and policy:

- A. Developing & Established Urban Goal: The proposed text amendments would establish a separation distance between Small Loan Businesses (SLBs) and an administrative process to address them. Doing so would generally help create a quality urban environment in which such business are not as clustered as they could be otherwise, thereby allowing communities within the metropolitan area to be defined by a greater variety of services and choices and to not be disproportionately affected by SLB lending practices.
- B. Economic Development Goal: With the proposed text amendments, SLBs would continue to be allowed permissively in many zones. The distance requirement would help balance the development of such businesses with the important social goals of improving low-income neighborhoods working towards disaggregating poverty.
- C. Human Services Policy II.D.8c- negative effects of development: The proposed text amendments would help minimize development's negative effects upon individuals because they would require a separation distance between SLBs, which would presumably make high-interest lending less readily available. Though SLBs could still be located throughout the City, they would not be as concentrated in lower income neighborhoods.

8. The request partially furthers Policy II.B.5d- neighborhood/environmental conditions/ resources. To the extent that a SLB is a new development (rather than occupying an existing building), the proposed separation distance between SLBs would help so they are not all located together and not adversely impacting any one neighborhood. Staff has not received any comments from the public.

9. Small Loan Businesses (SLBs) are regulated at the State level by the Small Loan Act of 1955 (ref: 58-15-31 NMSA 1978). The Act establishes requirements that SLBs are licensed annually (a \$500 fee) and that their records/books are inspected annually (a \$200 fee). The Act also establishes that no small loan can exceed 25% of the borrower's monthly gross income and that the loans range from 14 to 35 day terms.

10. As written, the legislation is likely to be problematic to enforce in the field and administer in the office. Code Enforcement Staff has expressed concern about this and recommends the addition of a Fees section and a Review section in order to implement the proposed legislation.

11. The proposed legislation could result in two unintended consequences. It would create an expectation for the Code Enforcement Division to administer and enforce the new regulations, but without additional funding or Staff. Inconsistent and reactive enforcement could result. The horizontal separation distance between SLBs could result in a spreading out of such businesses throughout the City over time, with the unintended effect of new SLBs in neighborhoods where they were not a presence before.

12. Conditions for Recommendation of Approval are needed to add language to improve enforceability and administration, and to create internal consistency in the Zoning Code, thereby making the legislation less ambiguous and more possible to implement.

13. The proposed text amendments were posted on the Planning Department's main web page and were announced in the October/November 2014 issue of the Neighborhood News, published by the Office of Neighborhood Coordination (ONC). As of this writing, Staff has not received any comments.

14. The EPC is concerned about the effects of these types of businesses on the neighborhoods, developed landscape, and environment of the City of Albuquerque because they destabilize neighborhoods and impede economic development and growth.

CONDITIONS:

Note: New language is [+underlined and bracketed+]. Deleted language is [~~underlined, bracketed and struck through~~]. Planning Staff's suggested additions and deletions are indicated by grey highlighting. Albuquerque Code of Ordinances, Chapter 14- Zoning, Planning & Building, Article 16- Zoning Code, Section 1-5(B), DEFINITIONS

1. Insert on Page 2, at Line 10:

~~[Section 1. Section 14-16-1-5(B), the Definitions section of the Zoning Code, is amended to add the following definition:~~

~~SMALL LOAN BUSINESS. A loan in which the licensee accepts a personal check or debit authorization tendered by the consumer and agrees in writing to defer presentment of that check or use of the debit authorization until the consumer's next payday or another date agreed to by the licensee and the consumer, and~~

~~1) Includes any advance of money or arrangement or extension of credit whereby the licensee, for a fee, finance charge or other consideration:~~

~~A) Accepts a dated personal check or debit authorization from a consumer for the specific purpose of repaying a payday loan;~~

~~B) Agrees to hold a dated personal check or debit authorization from a consumer for a period of time prior to negotiating or depositing the personal check or debit authorization; or~~

~~C) Pays to the consumer, credits to the consumer's account or pays another person on behalf of the consumer the amount of an instrument actually paid or to be paid pursuant to the New Mexico Small Loan Act of 1955; but~~

~~2) Does not include:~~

~~A) An overdraft product or service offered by a banking corporation, savings and loan association or credit union; and~~

~~B) Installment loans.]~~

2. Insert in the Zoning Code at the locations specified herein, below:

~~[Small Loan Businesses, provided they are licensed under the New Mexico Small Loan Business Act.]~~

Albuquerque Code of Ordinances, Chapter 14- Zoning, Planning & Building, Article 16- Zoning Code, Section 2-15(A)(17) of the O-1 Office and Institution Zone; Section 2-16(A)(10)(q) of the C-1 Neighborhood Commercial Zone; Section 2-17(A)(13)(r) of the C-2 Community Commercial Zone, and Section 2-19(A)(24)(k) of the IP Industrial Park Zone.

3. Insert at Page 1, Line 23:

WHEREAS, the City Council passed Resolution R-14-102, which supports interest and fee caps on non-banking lending institutions (small loan businesses) in New Mexico; and

4. Page 1, Line 21:

WHEREAS, the clustering of ~~[small loan establishments]~~ [Small Loan Businesses] tend[s] to not only serve

5. Page 2, Line 12:

"[§14-16-3-24 SMALL ~~LENDERS~~ LOAN BUSINESSES]

6. Page 2, Line 13:

(A) In addition to any other requirements of the ~~zoning code~~ [Zoning Code],

7. Page 2, Line 14:

Where they are permitted, ~~[small lending businesses]~~ [Small Loan Businesses]

8. Page 2, Lines 15 & 16:

one another by at least 5,280 feet ~~[,]~~ as measured from property line to property line ~~[,]~~ for the ~~[parcels]~~ [lots] on which the ~~[small lending business is]~~ [Small Loan Businesses are] located.

9. Page 2, Line 17:

(B) For purposes of this section, a ~~[small lending business]~~ [Small Loan Businesses] is

New Text Additions to the Proposed Legislation:

10. Page 2, insert new text at Line 20 (renumber subsequent lines):

[(C) Review Process]

(1) Operators of Small Loan Businesses (SLBs) shall annually submit to the Zoning Enforcement Officer (ZEO) copies of complaints received, efforts to resolve complaints, and the result of such efforts; their current license; updated program description; updated listing of board members and/or proprietors; and up-dated neighborhood relations plan if determined applicable by the ZEO. When there are no changes since the previously filed documents, a statement to this effect is sufficient.

The ZEO shall review this documentation, along with records of any complaints, to ensure that the SLB continues to function in accordance with City regulations and the original terms of the City's approval. This review will occur at the time of application to the State of New Mexico for license renewal.

(2) If evidence indicates changes in the program that result in violation of the original terms of approval and/or major unresolved complaints from neighbors or neighborhood organizations, the ZEO may refer the matter to the Zoning Hearing Examiner (ZHE) for a public hearing to determine if the

approval should be terminated or its terms amended. The decision of the ZHE is subject to appeal to the Environmental Planning Commission (EPC) within 15 days of decision.]

11. Page 2, insert after new text in C, above (renumber subsequent lines):

[(D) Notwithstanding division (C) above, if the ZEO finds clear and convincing evidence that the SLB is violating the original terms of its approval, he may take action to enforce the terms of approval at any time, normally after written warning, the ZEO will initiate criminal enforcement action or seek an injunction.]

12. Page 2, insert after new text in D, above (renumber subsequent lines):

[(E) Fees]

(1) The ZEO shall charge a fee of \$250 for review of standards specified in this section for a SLB hereafter established, which has not been approved for the previous year.

(2) The above fee shall reserve the location as to distance and separation criteria for 90 days, to the degree that the site met the location requirements of this section when the fee and application were tendered. After the expiration of 90 days, upon showing of significant improvements since the previous extension or application, up to three 90-day extensions shall be granted which will maintain the location as to distance and separation. No application can be extended beyond 360 days from the date of original application. This provision does not exclude the applicant from reapplying for the same location and meeting all other appropriate requirements; however, other applications which have been filed shall take priority over the reapplication as to distance and separation.

(3) The ZEO shall charge a fee of \$200 for the annual review specified in division (E) of this section.]

13. The City Council should go beyond the Zoning Code to aggressively address these businesses and the adverse effects they have on our citizens and community, including lobbying the State of New Mexico for appropriate legislation on interest rate caps.

;
MOVED BY COMMISSIONER BOHANNAN
SECONDED BY CHAIR NICHOLLS

MOTION PASSED

9. OTHER MATTERS:

A. Approval of August 14, 2014 Revised Minutes
MOVED BY COMMISSIONER GONZALEZ
SECONDED BY COMMISSIONER HUDSON

MOTION PASSED

B. Approval of September 11, 2014 Revised Minutes
MOVED BY COMMISSIONER GONZALEZ
SECONDED BY COMMISSIONER HUDSON

MOTION PASSED

C. Approval of October 2, 2014 Minutes
MOVED BY COMMISSIONER BOHANNAN
SECONDED BY COMMISSIONER HUDSON

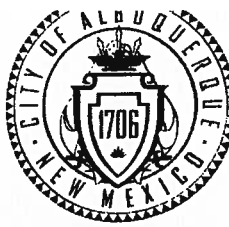
MOTION PASSED 6 TO 0

COMMISSIONER GONZALEZ
ABSTAINS

D. Approval of October 9, 2014 Minutes
MOVED BY COMMISSIONER HUDSON
SECONDED BY COMMISSIONER MCCOY

MOTION PASSED

10. MEETING ADJOURNED AT 4:55 P.M.



ENVIRONMENTAL PLANNING COMMISSION ACTION SHEET

Thursday, November 13, 2014
8:30 a.m.

Plaza Del Sol Hearing Room, Lower Level
600 2nd Street NW

MEMBERS

Peter Nicholls, Chair
James Peck, Vice-Chair

Maia Mullen
Bill McCoy
Karen Hudson
Victor Beserra

Moises Gonzalez
Derek Bohannon

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 with no known opposition that are supported by the Planning Department are scheduled at the beginning of the agenda; these cases are noted with an asterisk (*). 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. However, interested parties can monitor the progress of the hearing by calling the Planning Department at 924-3860. All parties wishing to address the Commission must sign-in with the Commission Secretary at the front table prior to the case being 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 per Rule B.12 of the EPC Rules of Conduct.

All written materials – including petitions, legal analysis and other documents – should ordinarily be submitted at least 10 days prior to the public hearing, ensuring presentation at the EPC Study Session. The EPC strongly discourages submission of written material at the public hearing. Except in extraordinary circumstances, the EPC will not consider written materials submitted at the hearing. In the event the EPC believes that newly submitted material may influence its final decision, the application may be deferred to a subsequent hearing.

NOTE: ANY AGENDA ITEMS NOT HEARD BY 8:30 P.M. MAY BE DEFERRED TO ANOTHER HEARING DATE AS DETERMINED BY THE PLANNING COMMISSION.

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1. Call to Order: 8:30 a.m.

- A. Pledge of Allegiance
- B. Announcement of Changes and/or Additions to the Agenda
- C. Approval of Amended Agenda
- D. Swearing in of City Staff

2. Project# 1002358

14EPC-40065 Special Project Request to Review Mayor's Proposed 2015 General Obligation Bond Program and 2015-2024 Decade Plan

COA/DMD/CIP DIV. agent for COA/DMD/CIP DIV. request the above actions for CITY WIDE, located on CITY WIDE

Staff Planner: Mark Motsko, Capital and Infrastructure Development Manager, DMD **(RECOMMEND APPROVAL TO THE MAYOR)**

3. Project# 1010096

14EPC-40037 Zone Map Amendment (Zone Change)

Tierra West LLC, agent for Southwest Regional Council of Carpenters, request the above actions for all or a portion of lot(s) A-4A Corrected Plat OF Tracts A-1A, A-2A, A-3A and A-4A, Lueking Park Complex, zoned SU-1 located on Vassar between I-25 AND Pathway Av., containing approximately 2.3928 acre(s). (G-16)

Staff Planner: Lorena Patten-Quintana **(APPROVED)**

4. Project# 1010182

14EPC-40053 Amendment to Zone Map (Zone Change)
14EPC-40055 Site Development Plan for Building Permit

Garcia/Kramer & Assoc., agent for Hogares Inc., request the above actions for all or a portion of Lots 3 & 4, Block 2, Sandia Plaza, zoned C-1 to SU-1 for R-T (maximum 6 units), located on Griegos Rd. NW between 12th St. NW and Grande Ave NW, containing approximately 0.35 acre. (F-14)
Staff Planner: Maggie Gould **(APPROVED)**

5. Project# 1001580

14EPC-40030 Zone Map Amendment (Zone Change)
14EPC-40031 Site Development Plan for Building Permit

Robert Lucero, Rodey Law Firm, agent for Roybal-Mac Law PC, requests the above actions for Lot 1-A, Block 6, Plat of Lot 1-A, Block 6-Albright Moore Addition, zoned SU-2 for SR to "SU-2 for SU-1 for Residential, Law Office, Court Reporter, Accountant, Architect, Engineer and/or Doctor Office", located on the southeast corner of 6th Street and Kinley Avenue NW, containing approximately 0.08 acres. (J-14)
Staff Planner: Catalina Lehner **(DEFERRED TO THE DECEMBER 11, 2014 HEARING)**
(Remanded by City Council)

6. Project# 1003478

14EPC-40067 Site Development Plan for Subdivision
14EPC-40068 Zone Map Amendment (Zone Change)

Consensus Planning agent for CURB, INC. request the above action for all or a portion of tract 8 (Previously Tract A), Avalon Subdivision Unit 5 (Previously Uunit 4), zoned SU-1 for IP to SU-1 for R-2 Uses, located on 90th Street between Bluewater and Los Volcanes, containing approximately 10 acres. (K-9)
Staff Planner: Maggie Gould **(CONTINUED TO THE DECEMBER 11, 2014 HEARING)**

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7. Project# 1001078
14EPC-40069 Zone Map Amendment (Zone Change)

COA/Metropolitan Redevelopment Agency requests the above action for all or a portion of Lot A-1, Block 20, Virginia Place Addition, zoned O-1 to C-1, located on 5401 Eastern Avenue SE, containing approximately 3.7 acres. (L-18)
Staff Planner: Vicente M. Quevedo
(APPROVED)

8. Project #1001620
14EPC-40070 Amendment to the Zoning Code

COA/ Planning Department, agent for COA Council Services, request the above action City Wide to section 14-16-3-24, to impose distance separation requirements upon small loan businesses such as; Pay Day Lenders, Title Loans and the like. CITY WIDE
Staff Planner: Catalina Lehner **(RECOMMEND APPROVAL TO CITY COUNCIL)**

9. OTHER MATTERS:

- A. Approval of August 14, 2014 Revised Minutes
- B. Approval of September 11, 2014 Revised Minutes.
- C. Approval of October 2, 2014 Minutes
- D. Approval of October 9, 2014 Minutes

10. ADJOURNED: 5:10 p.m.



ENVIRONMENTAL PLANNING COMMISSION AGENDA

Thursday, November 13, 2014
8:30 a.m.

Plaza Del Sol Hearing Room, Lower Level
600 2nd Street NW

MEMBERS

Peter Nicholls, Chair
James Peck, Vice-Chair

Maia Mullen
Bill McCoy
Karen Hudson
Victor Beserra

Moises Gonzalez
Patrick Griebel
Derek Bohannon

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 with no known opposition that are supported by the Planning Department are scheduled at the beginning of the agenda; these cases are noted with an asterisk (*). 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. However, interested parties can monitor the progress of the hearing by calling the Planning Department at 924-3860. All parties wishing to address the Commission must sign with the Commission Secretary at the front table prior to the case being 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 in accordance with Rule B.12 of the EPC Rules of Conduct.

All written materials – including petitions, legal analysis and other documents – should ordinarily be submitted at least 10 days prior to the public hearing, ensuring presentation at the EPC Study Session. The EPC strongly discourages submission of written material at the public hearing. Except in extraordinary circumstances, the EPC will not consider written materials submitted at the hearing. In the event the EPC believes that newly submitted material may influence its final decision, the application may be deferred to a subsequent hearing.

NOTE: ANY AGENDA ITEMS NOT HEARD BY 8:30 P.M. MAY BE DEFERRED TO ANOTHER HEARING DATE AS DETERMINED BY THE PLANNING COMMISSION.

1. Call to Order:

- A. Pledge of Allegiance
- B. Announcement of Changes and/or Additions to the Agenda
- C. Approval of Amended Agenda
- D. Swearing in of City Staff

2. Project# 1002358

14EPC-40065 Special Project Request to Review Mayor's Proposed 2015 General Obligation Bond Program and 2015-2024 Decade Plan

COA/DMD/CIP DIV. agent for COA/DMD/CIP I request the above actions for CITY WIDE, located on C WIDE

Staff Planner: Mark Motsko, Capital and Infrastructure Development Manager, DMD

3. Project# 1010096

14EPC-40037 Zone Map Amendment (Zone Change)

Tierra West LLC, agent for Southwest Regional Council of Carpenters, request the above actions for all or a portion of lot(s) A-4A Corrected Plat OF Tracts A-1A, A-2A, A-3A A-4A, Lueking Park Complex, zoned SU-1 located Vassar between I-25 AND Pathway Av., contain approximately 2.3928 acre(s). (G-16)

Staff Planner: Lorena Patten-Quintana

(DEFERRED FROM THE OCTOBER 9, 2014 HEARING)

4. Project# 1010182

14EPC-40053 Amendment to Zone Map (Zone Change)
14EPC-40055 Site Development Plan for Building Permit

Garcia/Kramer & Assoc., agent for Hogares Inc., request the above actions for all or a portion of Lots 3 & 4, Block 2, Sandia Plaza, zoned C-1 to SU-1 for R-T (maximum 6 units) located on Griegos Rd. NW between 12th St. NW and Grande Ave NW, containing approximately 0.35 acre. (F-16)

Staff Planner: Maggie Gould

(CONTINUED FROM THE SEPTEMBER 11, 2014 HEARING)

5. Project# 1001580

14EPC-40030 Zone Map Amendment (Zone Change)
14EPC-40031 Site Development Plan for Building Permit

Robert Lucero, Rodey Law Firm, agent for Roybal-Mac L PC, requests the above actions for Lot 1-A, Block 6, Plat of 1-A, Block 6-Albright Moore Addition, zoned SU-2 for SR "SU-2 for SU-1 for Residential, Law Office, Court Reporter, Accountant, Architect, Engineer and/or Doctor Office located on the southeast corner of 6th Street and Kin Avenue NW, containing approximately 0.08 acres. (J-14)

Staff Planner: Catalina Lehner

(Remanded by City Council)

6. Project# 1003478

14EPC-40067 Site Development Plan for Subdivision
14EPC-40068 Zone Map Amendment (Zone Change)

Consensus Planning agent for CURB, INC. request the above action for all or a portion of tract 8 (Previously Tract 8, Avalon Subdivision Unit 5 (Previously Unit 4), zoned SU-1 for IP to SU-1 for R-2 Uses, located on 90th Street between Bluewater and Los Volcanes, containing approximately 1.0 acre. (K-9)

Staff Planner: Maggie Gould

7. Project# 1001078
14EPC-40069 Zone Map Amendment (Zone Change)

COA/Metropolitan Redevelopment Agency requests the above action for all or a portion of Lot A-1, Block 20, Virginia Place Addition, zoned O-1 to C-1, located on 540 Eastern Avenue SE, containing approximately 3.7 acres.
(L-18)
Staff Planner: Vicente M. Quevedo

8. Project #1001620
14EPC-40070 Amendment to the Zoning Code

COA/ Planning Department, agent for COA Council Services, request the above action City Wide to section 14 16-3-24, to impose distance separation requirements upon small loan businesses such as; Pay Day Lenders, Title Loan and the like. CITY WIDE
Staff Planner: Catalina Lehner

9. OTHER MATTERS:

- A. Approval of August 14, 2014 Revised Minutes
- B. Approval of September 11, 2014 Revised Minutes.
- C. Approval of October 2, 2014 Minutes
- D. Approval of October 9, 2014 Minutes

10. ADJOURNED:



**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT**

INTER-OFFICE MEMORANDUM

TO: ENVIRONMENTAL HEALTH – Paul Olson
LEGAL DEPARTMENT – Tyson Hummell
PARKS & RECREATION:
PARK DESIGN – Carol Dumont
OPEN SPACE DIVISION – Kent Swanson
CITY FORRESTER – Joran Viers
PLANNING:
LONG RANGE PLANNING – Carrie Barkhurst
METROPOLITAN REDEVELOPMENT – John G. Rivera
HYDROLOGY – Curtis Cherne
NEIGHBORHOOD COORDINATION – Stephani Winklepleck
TRANSPORTATION DEV. SERVICES – Raquel Michel
ZONING – Ben McIntosh
ABC WATER UTILITY AUTHORITY – Allan Porter
POLICE DEPARTMENT – Steve Sink
FIRE DEPARTMENT – Richard C. Suazo
SOLID WASTE MANAGEMENT DEPARTMENT – Ramona J. Torres-Ford
TRANSPORTATION PLANNING – John MacKenzie
TRANSIT DEPARTMENT – Shabih Rizvi
ALBUQUERQUE PUBLIC SCHOOLS – April Winters
AMAFCA – Lynn Mazur
COUNTY OF BERNALILLO – Nano Chavez
MID-REGION COUNCIL OF GOVERNMENTS – Maida Rubin
MIDDLE RIO GRANDE CONSERVANCY DISTRICT – Subhas Shah
NM DEPARTMENT OF TRANSPORTATION – Nancy Perea
NM GAS COMPANY –
PETROGLYPH NATIONAL MONUMENT – Diane Souder
PUBLIC SERVICE COMPANY OF NEW MEXICO – Laurie Moye

FROM: Russell Brito, Urban Design and Development Division, Planning Department

SUBJECT: ENVIRONMENTAL PLANNING COMMISSION CASE DISTRIBUTION

Attached are the legal descriptions, applications, and related materials for the cases scheduled for public hearing before the Environmental Planning Commission on **November 13, 2014**.

Please remember that all agency comments are due NO LATER THAN October 10 , 2014.

COMMENTS TO: Maggie Gould (mgould@cabq.gov)
Vicente Quevedo (vquevedo@cabq.gov)
Catalina Lehner (clehner@cabq.gov)

as

Project# 1001078

14EPC-40069 Amendment to zone map
(Establish zoning/zone change)

COA/DMD agents for COA/MRA request the above actions for all or a portion of lot A-1, block 20, VIRGINIA PLACE ADDITION zoned O-1 located on 5401 EASTERN AVE NE containing approximately 3.7 acres. (L-18)
Staff Planner: Vicente M. Quevedo

Project# 1002358

14EPC-40065 Amendment to Sector Development, AREA, FAC, OR COMP

COA/DMD/CIP DIV. agent for COA/DMD/CIP DIV. request the above actions for CITY WIDE, located on CITY WIDE
Staff Planner: Mark Motsko

Project# 1003478

14EPC-40067 Site Development - SUBDIVISION
14EPC-40068 Amendment to Zone Map
(Establish zoning/zone change)

CONSENSUS PLANNING agent for CURB, INC. request the above action for all or a portion of tract 8 (Previously Tract A), AVALON SUBDIVISION Unit 5 (Previously Unit 4) zoned SU-1 for IP located on 90TH ST BETWEEN BLUEWATER AND LOS VOLCANES containing approximately 10 acres. (K-9)
Staff Planner: Maggie Gould

CONSENSUS PLANNING agent for CURB, INC. request the above action for all or a portion of Tract 8 (Previously Tract A), AVALON SUBDIVISION Unit 5 (Previously Unit 4) zoned SU-1 for IP located on 90TH ST BETWEEN BLUEWATER AND LOS VOLCANES containing approximately 10 acres. (K-9)
Staff Planner: Maggie Gould

Project #1001620

14EPC-40070 Amend zoning code

COA/ PLANNING DEPARTMENT, agent for COUNCIL SERVICES, request the above action City Wide to section 14-16-3-24, to impose distance separation requirements upon small loan businesses such as; Pay Day Lenders, Title Loans and the like.
Staff Planner: Catalina Lehner



NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a public hearing on **Thursday, November 13, 2014 @ 8:30 a.m.**, in the Plaza del Sol Hearing Room, Lower Level Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following items described below.

Distribution of the Planning Department's staff reports regarding the following items will occur at a **Case Distribution Session on Thursday, November 6, 2014 at 3:00 p.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol Building, 600 2nd St. NW, Albuquerque, NM.

Project# 1001078

14EPC-40069 Amendment to Zone Map
(Zone change)

City of Albuquerque Metropolitan Redevelopment Agency, requests the above action for all or a portion of Lot A-1, block 20, Virginia Place Addition, zoned O-1 to C-1, located at 5401 Eastern Ave. NE, containing approximately 3.7 acres. (L-18)

Staff Planner: Vicente M. Quevedo

Project# 1002358

14EPC-40065 Special Project Review

COA/DMD/CIP Division, agent for the City of Albuquerque, requests the above action, an EPC recommendation regarding the 2015-2024 Decade Plan and the 2015 G.O. Bond Program.

Staff Planner: Mark Motsko

Project# 1003478

14EPC-40067 Site Development for
Subdivision
14EPC-40068 Amendment to zone map (zone
change)

Consensus Planning agent for Curb, Inc. requests the above actions for all or a portion of Tract 8 (previously Tract A), Avalon Subd. Unit 5 (previously Unit 4), zoned SU-1 for IP Uses to SU-1 for R-2 Uses, located on 90th Street Between Bluewater and Los Volcanes containing approximately 10 acres. (K-9)

Staff Planner: Maggie Gould

Project# 1001620

14EPC-40064 Text amendments to the
Zoning Code

City of Albuquerque Planning Department, agent for City of Albuquerque Council Services, requests the above action to regulate small lending businesses by requiring a horizontal separation distance of at least 1,500 feet between them, as measured from property line to property line; and to add definition for small lending businesses. City-wide.

Staff Planner: Catalina Lehner

Project# 1001580*

14EPC-40030 Zone Map Amendment
(Zone Change)
14EPC-40031 Site Development Plan for
Building Permit

***AC-14-7 Remanded by the City Council**

Robert Lucero, Rodey Law Firm, agent for Roybal-Mac Law PC, requests the above actions for Lot 1-A, Block 6, Plat of Lot 1-A, Block 6-Albright Moore Addition, zoned SU-2 for SR to "SU-2 for SU-1 for Residential, Law Office, Court Reporter, Accountant, Architect, Engineer and/or Doctor's Office", located on the southeast corner of 6th Street and Kinley Avenue NW, containing approximately 0.08 acres. (J-14)

Staff Planner: Catalina Lehner

Details of these applications may be examined at the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street NW, between 8:00 a.m. and 5:00 p.m., Monday through Friday, or you may call 924-3860. INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public hearing should call 924-3860.

Peter Nicholls, Chair
Environmental Planning Commission

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL OCTOBER 22, 2014.

APPROVED



Kym Dicome
Urban Design & Development
Planning Department

Albuquerque Publishing Company
 7777 Jefferson N.E. Albuquerque, New Mexico 87109
 P.O. Drawer J-T Albuquerque, New Mexico 87103
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Account Number
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Ad Order Number
 0001181084

Ad Proof / Order Confirmation

CITY OF ALB-PLANNING DEPT
 ATTN VANESSA LUJAN
 PO BOX 1293
 ALBUQUERQUE NM 87103

<u>Ordered By</u>	Dora Henry	<u>Customer Phone</u>	505-924-3358	<u>Pickup #</u>
<u>Customer EMail</u>		<u>PO Number</u>	C-18244	<u>Joint Ad #</u>
<u>Ad Cost</u>	\$84.42	<u>Sales Rep</u>	cwhite	
<u>Tax Amount</u>	\$5.91	<u>Order Taken by:</u>	cwhite	
<u>Total Amount</u>	\$90.33	<u>Payment Method</u>		
<u>Amount Due</u>	\$90.33	<u>Payment Amount</u>	\$0.00	

Product Albuquerque Journal
Ad Number 0001181084-01
Ad Type APC-Legals
Ad Size : 1.0 X 134 Li
Color <NONE>
Run Dates 10/22/2014

Placement Legal Notices
Classification Government-0000
Sort Text NOTICE OF PUBLIC HEARING NOTICE IS
 HEREBY GIVEN THAT THE CITY OF ALBU

Affidavits
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NOTICE OF PUBLIC HEARING

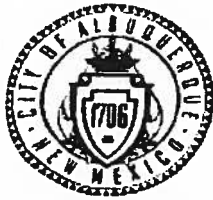
Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a public hearing on Thursday, November 13, 2014 at 8:30 A.M. in the Plaza del Sol Hearing Room, Lower Level Plaza del Sol Building, 300 2nd St. NW, Albuquerque, NM to consider the following items described below:

Distribution of the Planning Department's staff records regarding the following items will occur at a Case Distribution Session on Thursday, November 6, 2014 at 3:00 p.m. in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol Building, 300 2nd St. NW, Albuquerque, NM.

Project 1001073
 11-EPG-10059 Amendment to Zone Map
 (Zone change)
 City of Albuquerque Metropolitan Redevelopment Agency, requests the above action for all or a portion

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Albuquerque Publishing Company
7777 Jefferson N.E. Albuquerque, New Mexico 87109
P.O. Drawer J-T Albuquerque, New Mexico 87103
(505) 823-7777



NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a public hearing on Thursday, November 13, 2014 @ 8:30 a.m., in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following items described below.

Distribution of the Planning Department's staff reports regarding the following items will occur at a Case Distribution Session on Thursday, November 6, 2014 at 3:00 p.m., in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol Building, 600 2nd St. NW, Albuquerque, NM.

Project# 1001078
14EPC-40069 Amendment to Zone Map
(Zone change)
City of Albuquerque Metropolitan Redevelopment Agency, requests the above action for all or a portion of Lot A-1, block 20, Virginia Place Addition, zoned O-1 to C-1, located at 5401 Eastern Ave. NE, containing approximately 3.7 acres.
(L-18)
Staff Planner: Vicenta M. Quevedo

Project# 1002358
14EPC-40065 Special Project Review
COA/DMD/CIP Division, agent for the City of Albuquerque, requests the above action, an EPC recommendation regarding the 2015-2024 Decade Plan and the 2015 GO Road Program.
Staff Planner: Mark Moteke
Project# 1003478
14EPC-40067 Site Development for Subdivision
14EPC 40068 Amendment to zone map
(Zone change)
Consensus Planning agent for Curb, Inc. requests the above action for all or a portion of Tract 8 (previously Tract 4), Acre 5 (previously Unit 4), zoned SU-1 for IP Use to SU-1 for R-2 Use, located on 90th Street between Bluewater and Los Volcanes containing approximately 10 acres. (K-7)
Staff Planner: Maggie Gould

Project# 1001420
14EPC-40064 Text amendments to the Zoning Code City of Albuquerque Planning Department agent for City of Albuquerque Council Services, requests the above action to regulate small vending businesses by requiring a horizontal separation distance of at least 1,000 feet between them, as measured from property line to property line, and to add a definition for small vending businesses.
Citywide
Staff Planner: Catalina Lehrer

Project# 1001580

Ad Proof / Order Confirmation

Account Number

1007583

Ad Order Number

0001181084

CITY OF ALB-PLANNING DEPT

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14EPC-40030 Zone Map Amendment
Zone Change)
14EPC-40031 Site Development
Plan for Building Permit
AC-14-7 Remanded by the City
Council Robert Lucero,
Rodey Law Firm, agent for
Rodey-Mac Law PC, requests the
above actions for Lot 1-A, Block 8,
Plat of Lot 1-A, Block 8-Abright
Moore Addition, zoned SU-2 for
SR to SU-2 for SU-1 for Residen-
tial, Law Office, Court Reporter,
Accountant, Architect, Engineer
and/or Doctor Office, located on
the southeast corner of 6th Street
and Kinley Avenue NW, containing
approximately 0.08 acres. (J-14)
Staff Planner: Catalina Lehrer

Details of these applications may
be examined at the Planning De-
partment, 3rd Level, Plaza Del Sol
Building, 600 Second Street NW,
between 8:00 a.m. and 5:00 p.m.,
Monday through Friday, or you
may call 324-3860. INDIVIDUALS
WITH DISABILITIES who need
special assistance to participate at
the public hearing should call 324-
3860.

Peter Nicholas, Chair
Environmental Planning Commis-
sion
Journal: October 22, 2014

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