

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. F/S M-20-2 ENACTMENT NO. _____

SPONSORED BY: Cynthia Borrego

1 MEMORIAL

2 URGING THE CITY OF ALBUQUERQUE TO CONSIDER ALTERNATIVE AND
3 SAFE METHODS TO RE-OPEN NON-ESSENTIAL BUSINESSES

4 WHEREAS, The City of Albuquerque Code of Ordinances Chapter 11
5 Morals and Conduct, Article 3 Human Rights, Section 2 DECLARATION OF
6 POLICY § 11-3-2 states that in order to assure the public safety, public health
7 and general welfare, Pursuant to Article VIII of the Albuquerque City Charter,
8 the City policy is (C) to protect and promote equality of access to public goods
9 and services; and

10 WHEREAS, on March 19, March 23, and April 6, 2020 The New Mexico
11 Department of Health issued progressively restrictive public health orders
12 restraining public interactions and narrowing definitions of essential
13 businesses and business activities to culminate in requirements that all non-
14 essential businesses reduce in-place workforces by 100%, and reduce the
15 maximum number of customers allowed in essential retail business spaces to
16 20% of the maximum occupancy of that space as determined by the fire
17 marshal or fire department; and

18 WHEREAS, on March 18, March 30, April 10, and April 17, 2020
19 Albuquerque's Mayor Timothy Keller, recognizing the New Mexico Department
20 of Health's prioritization of public safety, issued progressively restrictive
21 Declaration's on the Local State Emergency aimed at increasing social
22 distancing practices and increasing protective equipment and sanitation
23 requirements for essential businesses through May 15, 2020; and

24 WHEREAS, the April 20, 2020 New Mexico Legislative Finance Committee
25 white paper recommended, as a pre-requisite to non-essential businesses re-
26 opening, increased surveillance testing of asymptomatic people and contact

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

1 tracing, tactics taken into account by Mayor Keller’s preliminary
2 considerations to re-open Albuquerque non-essential businesses; and

3 WHEREAS, on April 30th Governor Michelle Lujan Grisham reaffirmed
4 Executive Order 2020-004 with allowances for the re-opening of Golf Courses
5 and non-essential curb side delivery under certain conditions; and

6 WHEREAS, though the New Mexico Public Health Department mandates
7 offer effective boundaries to the spread of COVID-19 cases and the
8 maintenance of manageable levels of infection, their significant adverse
9 effects on non-essential businesses is resulting in severe consequences to
10 the local economy; and

11 WHEREAS, other municipalities in states across the country have
12 reopened non-essential business to allow operation in outdoor environments,
13 under certain conditions and restrictions, as identified in Exhibit 1:
14 ‘Reopening Policies by State’ a number of other states across the country are
15 enabling non-essential businesses to reopen under varying conditions; and

16 WHEREAS, many municipalities are waiving permit requirements and fees
17 for conducting business in an outdoor environment, including renting
18 barricades, cones, and other street-level equipment and/or storing this
19 equipment in community centers and other public facilities for easier, more
20 cost-effective access; and

21 WHEREAS, businesses will require and should be considered for additional
22 flexibility and facilitation in their operations by Zoning Enforcement and by
23 City licensing bodies in order to operate in non-traditional ways and outdoor
24 markets as there is no one standard that fits all business needs and types;
25 and

26 WHEREAS, The City of Albuquerque Economic Department, The
27 Albuquerque Chamber of Commerce, The Hispano Chamber of Commerce,
28 ABQ Westside Chamber of Commerce, The Small Business Administration
29 and many other local business advocacy groups offer e-commerce coaching
30 services, enabling on-line marketing and order fulfillment’s ready facilitation;
31 and

32 WHEREAS, under current state and city mandated social distancing
33 practices, capacity limits, protective equipment and sanitation requirements,

1 alternative approaches to conducting business such as in outdoor
2 environments, e-commerce capabilities, establishing parklets outside of
3 businesses to support curbside pickups, establishing temporary outdoor
4 restaurant operations, coordinating outdoor markets that are similar to
5 farmers markets in structure but include non-essential businesses, and
6 establishing slow streets pilot programs where selected streets within narrow
7 area boundaries with minimal volumes of traffic could be blocked off (Exhibit
8 2: Outdoor Environment Operation Methods for Non-Essential Businesses), as
9 well as re-opening measures undertaken in other states can and should be
10 considered; and

11 WHEREAS, the additional gross receipts income from re-opening will more
12 than cover the additional costs to the City of administering and monitoring
13 alternative nonessential businesses re-openings.

14 BE IT MEMORIALIZED BY THE COUNCIL, THE GOVERNING BODY OF THE
15 CITY OF ALBUQUERQUE: The City Council of Albuquerque expresses
16 support for the businesses of the City of Albuquerque and urges City Boards
17 and Committees currently convened to address the COVID-19 Health Crisis to
18 consider alternative means of re-opening non-essential business as
19 demonstrated by other states (Exhibit 1: Reopening Policies by State) as well
20 as unique ways of conducting sales such as in outdoor markets, block and
21 neighborhood temporary openings, curb-side pick-up, and encouraging and
22 enabling e-commerce sales (Exhibit 2: Outdoor Environment Operation
23 Methods for Non-Essential Businesses), while following all appropriate public
24 health and safety considerations of the public welfare as mandated by the
25 State of New Mexico Public Health Department.

26
27
28
29
30
31
32

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

Which States have relaxed restrictions? **NOTE:** California, Oregon, Washington, Nevada
Find out what your state is doing , USA Aligned Reopening Plans-
Today, April 29, 2020. **Western States Pact**
*NM Essential
Business

		Elective Surgery, Diagnostic, Lab, PT, Chiropractic	Routine Care(Dental, Clinics, Veterinary, Optometric)	Retail (flowers, furniture, jewelry, sporting, clothing etc.)	Dine In Service	Bars/Breweries	Religious Service	Cosmetology	Gyms	Large Venues (Theatres, Casinos, Malls, Museums, Flea Mrks.)	Sporting Events	Golf/Shooting Ranges	Dog Groomers	Tattoo Parlors	Green Houses/Garden Center	Repair Shops	Office Based	Manufacturing/Construction
States Alaska	Comment			X	X		X Max Capacity with Social Distancing											
Restrictions Arizona		X		20-25% Capacity	20-25% Capacity													
Arkansas	Conducting 2 Day Surge Testing Event	X			X			X	X	X								
California		X																
Restrictions Colorado				X	X	X		X					X		X			
	60-65% Social distancing; Work remotely, *Strict Guidelines, ^Phased in-person, CS Curbside CS, ~Not-Immediate																	
Restrictions Delaware				Curbside/Phased	Not -Immediate X Social Distancing, Work remotely	Not-Immediate	X Social Distancing, Work remotely	Strict Guidelines		Phased in-Person			Strict Guidelines	Strict Guidelines				
									X Social Distancing, Work remotely	X Social Distancing, Work remotely								
Restrictions Hawaii		X																
Idaho	4 Phase Plan			X			X											
Restrictions Illinois				Social Distancing			Social Distancing											
Restrictions Indiana	Social Distancing & Protective measures																	
Iowa	*NM Essential	X	X*				X		X	X	X							
				X	X													
Restrictions Kentucky	*NM Essential	X	X*	50% capacity	50% capacity		10 people limit		50% capacity	play, food courts closed	X 10 people limit							
	Reopening Schedule: Requiring Stabilize Trajectory, Hospitalization cases and symptoms stabilize																	
Louisiana																		
	Protect Public Health, maintain health readiness, Build reliable testing and public/private partnerships																	
Maine																		
	~Phased: 1. Low Risk Community Activities/Small Business; 2. Reopen w/safety precautions; 3. Permit Larger Events																	
Maryland																		
Michigan				X	X	X				X Only parts of stores		X	X		X	X*		
Restrictions Minnesota				Curbside	Curbside	Curbside		Curbside	Curbside			No Golf Carts X	Curbside		Curbside	X* Social Distancing	X	X
																	Non-Customer Facing	Non-Customer Facing
Restrictions Mississippi				X								Social Distancing				Social Distancing		

[illegible]

Exhibit B: Outdoor Environment Non-Essential Operations Methods

Approach	Goal	Models	Source(s)	Location	Physical/Social Distance Standards	Permitting Requirements	Costs	Benefits to Businesses	Benefits to City*
Parklets	Expanding curbside pickups and pop up vending	Tactical Urbanist's Guide to Material and Design	http://tacticalurbanismguide.com/	On-street parking spaces (most appropriate on streets with speed limits of 25 mph or less)	6 feet apart between pickup table and customers; developing parklets on 2 or more contiguous parking spaces would provide for better social distancing	While the City currently does not have a definition of a "parklet" in the Integrated Development Ordinance, there is a reference to it in the previous Development Process Manual (which is currently being revised). Among other requirements, parklets require approval by the City Engineer and a revocable permit or other agreement to convert a public parking space for commercial use. http://documents.cabq.gov/planning/development-process-manual/DPM-Chapter23-Sec3-8-Proposed.pdf	Usually, this would cost the applicant the amount for renting out a single or multiple parking spaces for a full day, but because this parking is not currently not being utilized, this could be offered at a reduced rate or for no charge	Provides businesses with more of a street presence and ability to conduct curbside sales in a way that accommodates social distancing	Provides the City with revenue for renting out parking spaces that are currently not being used
Outside Dining	Enabling restaurants to extend dining outside into their parking lots	City of Brookhaven, Georgia	https://www.brookhavenga.gov/sites/default/files/fileattachments/mayor/pa/ge/19651/temporary_outdoor_restaurant_operations_permit_application.pdf	Individual businesses parking lots	Tables situated more than 6 feet apart and no more than 5 people per party	Acquiring a Temporary Outdoor Restaurant Operations Permit - this includes developing a site plan detailing layout of proposed outdoor operations including, but not limited to, location of tables, seating, tents, portable toilets, parking areas, waste disposal areas, fencing, exits and entrances into temporary area, etc. Under the permit, restaurants can utilize 10-foot by 10-foot tents in their parking lots to meet the spacing requirements for up to 90 days.	No cost in Brookhaven, but some costs in other cities	Allows restaurants and other types of businesses to expand upon curbside sales while establishing a stronger street/outdoor presence and ensuring compliance with social distance standards.	Provides the City with revenue for renting out parking spaces that are currently not being used
Farmers Markets	Enabling essential (and potentially non-essential) small businesses to conduct sales in a farmers market configuration as pop up vendors	City of Seattle and King County, Washington	https://publichealthinsider.com/2020/04/29/farmers-market-season-is-back-but-physical-distance-is-still-required/	Parks/Large Parking Lots	Physical Distance Plans (similar to farmers markets)	Farmers market managers are required to register and go through the permitting process with the Environmental Health Department; individual vendors are also required to go through a separate permitting process with the Environmental Health Department (along with other registering their businesses with the Business Registration Division)	While the current cost associated with permitting and implementing a farmers market in the City of Albuquerque depends on the location and size, the cost of holding farmers markets in other cities is reported as being increased due to extra security/monitoring services needed on-site in order to facilitate social distancing	While farmers markets are currently being substituted with "Farm to Car" models (ex. Downtown Growers Market and Rail Yards Market), these markets could go back to their normal configuration given that social distance measures are in place.	Provides the City with revenue from permitting and barricading
Stay Healthy/Slow Streets Pilot Programs	Enabling residents to access essential services and recreate near their homes and potentially enabling non-essential small businesses to conduct sales in a farmers market configuration as pop up vendors	City of Seattle, Washington and San Diego, California	https://sdothblog.seattle.gov/2020/04/23/stay-healthy-streets-continue-this-week-and-will-add-3-new-neighborhoods-this-weekend/	One or a series of blocks	Physical Distance Plans (similar to farmers markets)	The City has a wide variety of reasons for barricading streets - construction purposes, excavating, events, etc. The City has an event barricading permit process that depends on the size and type of street being blocked off, the type of event taking place, and the number of departments needing to get involved in the permitting process. There are two types of barricade permitting types: 1) block parties and 2) special events. https://www.caba.gov/municipaldevelopment/architects-engineers-contractors/construction-services/barricading-excavation-permitting-process	This varies broadly depending on the size of the street being blocked off, the number of City departments needing to get involved, the type of event being held, etc. This can range from \$150 (for an event on a single event) to multiple thousands of dollars (for events like SummerFest).	While the primary benefit to Slow Streets in other cities has been to enable residents to access essential services and recreate near their homes, these pilot programs do have the potential of supporting pop up non-essential businesses if events were to take place in commercial districts	While coordinating this in residential districts would initially create a significant cost for the City without receiving generating revenue, if it were to be coordinated in commercial districts supporting non-essential businesses, then it could generate GRT for the City.
Flexible Zoning and Other Policies (General)	Providing non-essential businesses with temporary loading zones for carryout pickups, allowing to-go alcohol sales, and keeping permitting and inspection processes streamlined	American Planning Association Blog - Applied in cities around the country	https://www.planning.org/blog/9199330/six-ways-planners-can-help-local-business-in-a-crisis/	Curbside, On-Street Parking	Aligning zoning and permitting processes to comply with physical and social distance standards	Please refer to the guidelines in the APA link listed for more information.	Varies depending on the municipality	Allows non-essential businesses to start reopening their businesses in a time-efficient manner.	Even though this will require administrative staff extra time to start developing new steps for processing applications, this will support the City over time.

**For all of these alternatives to conducting business in outdoor environments, there would be a significant increase in GRT from non-essential businesses who are currently not conducting business*

Additional Resources	
Adopting a Social Distance and Economic Development Plan (Accompanying Legislation)	https://www.strongtowns.org/journal/2020/3/18/pandemics-take-advantage-of-everything-good-in-cities
A Practical, Field-Tested Methodology to Assess Your Jurisdiction's Legal Preparedness	https://www.cdc.gov/phlp/docs/social_distancing_law_template_072010.pdf
San Diego "Slow Streets" Pilot Program	https://www.kpbs.org/news/2020/apr/29/coronavirus-san-diego-live-updates-covid-19/
Slate Street Article about Reopening Businesses in Parking Lots for Dining	https://slate.com/business/2020/04/restaurants-reopen-outside-coronavirus.html?fbclid=IwAR17WtpPeg4BeNozye4mS6QVTb1fPHLU6pAz2Cuf8kQSaFdsDRMSZ8wtLWE