

List of amendments voted on by the
City Council on September 16th, 2020

Action	Amendment	Topic
P 9/0	C1	Civic or Environmental Benefit
P 9/0	C2	Cumulative Impacts Updated
P 9/0	C3	Multi-family Useable Open Space
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P 8/1	C7	Revised Barbed Wire
P 9/0	C8	Tech Edits - Council
P 9/0	C9	Transit Parking Reduction Revised
P 9/0	C10	Purpose of IDO* As revised on the floor
P 8/1	C11	Conditional Uses & Variances
F 2/7	C12	Repeal A5 Contractor Yard
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Council Amendment C1 Civic or Environmental Benefit Defintion

CITY COUNCIL of the CITY OF ALBUQUERQUE

September 16th, 2020

FLOOR AMENDMENT NO. _____ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

In Section 7-1, add a new definition as follows in the appropriate alphabetical location:

[Civic or Environmental Benefit

A tangible or measurable benefit resulting from or provided in association with a development project, either onsite or offsite, that serves the surrounding community or environment, including, but not limited to: improved public transportation facilities; community facilities, services, and amenities; affordable housing; open space or sensitive land preservation and/or restoration; support for community cultural programs; or environmental monitoring stations.]

Explanation: This amendment proposes to add a definition of Civic or Environmental Benefit to the IDO. This is a term that already exists in the IDO but is currently undefined. The addition of this definition will aid decision makers who are required to consider this term as a part of their review for applicable applications in the IDO. Additionally, it will aid applicants as they justify their requests for the application types where this term appears.

Any applicant wishing to identify a civic or environmental benefit as a means to justify their project will need to adequately rationalize the benefit as it applies to their project and the surrounding community.

This term appears in the following places of the IDO:

1. Conditional Use Permit Review and Decision Criteria
2. Expansion of a Non-Conforming Use Review and Decision Criteria
3. Definition of Height Bonus
4. Proposed Cumulative Impacts Review and Decision Criteria

Council Amendment C2 Cumulative Impacts Updated

CITY COUNCIL of the CITY OF ALBUQUERQUE

September 16th, 2020

FLOOR AMENDMENT NO. _____ TO Exhibit 1 O-20-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

This amendment proposes to revise Committee Amendment B21 to Exhibit 1 to O-20-10 as approved by the Land Use, Planning and Zoning Committee as follows, with changes noted in GREEN:

1. In Section 7-1[Part 7], Definitions, of the IDO add the following definition in proper alphabetical order:

[Cumulative Impacts: The environmental and community health impacts that result from the incremental effects of industrial and certain commercial developments when considered in conjunction with other past and present development]

2. In Section 5-2, add a new subsection (D) and renumber subsequent sections:
[5-2(D) CUMULATIVE IMPACTS]

5-2(D)(1) Applicability

This section applies to development or redevelopment that meets all of the following criteria:

5-2(D)(1)(a) Any portion of the subject property is within the following small area. [Insert map of area that is within ½ mile of the BNSF railway and within ¼ mile of the Sawmill spur.]

5-2(D)(1)(b) The subject property is within 1,320 feet (¼ mile) of a Residential zone district or a lot containing a residential use in any Mixed-use zone district.

5-2(D)(1)(c) Any of the following uses identified in Table 4-2-1 are proposed:

- | | |
|--|---|
| 1. <u>Car Wash</u> | 4. <u>Light vehicle repair</u> |
| 2. <u>Heavy Vehicle and equipment sales, rental, fueling, and repair</u> | 5. <u>Light vehicle sales and rental</u> |
| 3. <u>Light vehicle fueling station</u> | 6. <u>Airport</u> |
| | 7. <u>Freight terminal or dispatch center</u> |

Council Amendment C2 Cumulative Impacts Updated

- | | |
|--------------------------------|---|
| 8. <u>Helipad</u> | <u>extraction</u> |
| 9. <u>Railroad yard</u> | 14. <u>Special manufacturing</u> |
| 10. <u>Transit facility</u> | 15. <u>All uses in the Waste and Recycling category</u> |
| 11. <u>Light Manufacturing</u> | 16. <u>All uses in the Wholesaling and Storage category</u> |
| 12. <u>Heavy Manufacturing</u> | |
| 13. <u>Natural resource</u> | |

5-2(D)(1)(d) The subject property is within 660 feet of another use described in 2(c), above.

5-2(D)(2) Development or redevelopment meeting the criteria of 5-2(D)(1) shall:

- a. Mitigate any material negative cumulative impacts on the surrounding residential development through adequate and effective measures, including but not limited to the following:
 - i. Locating and designing vehicle access, circulation, parking, and loading to minimize impacts on residential uses within 660 feet of the site.
 - ii. Locating, designing, and orienting site lighting to be compatible with residential uses within 660 feet of the subject site.
 - iii. Locating the storage of hazardous materials, as defined by federal regulation, to minimize impact on surrounding residential uses.
 - iv. Locating outdoor storage of materials or equipment to minimize impact on surrounding residential uses.
 - v. Locating activities on the site that generate noise to minimize impacts on residential uses within 660 feet of the site.
 - b. Provide a Cumulative Impact Analysis to the EPC that addresses, at a minimum, the items required in (6)(4)** and mitigation of Cumulative Impacts may be required
 - c. Notwithstanding the thresholds in Article 7-5(C) of the Development Process Manual, a Traffic Impact Study pursuant to Article 7-5(D) of the Development Process Manual is required, and mitigations of traffic generated by the use may be required.
 - d. Be reviewed by the Environmental Planning Commission (EPC), pursuant to Subsection 14-16-6-6(J).
 - e. Have an approved Site Plan – EPC that meets conditions deemed necessary by the EPC to further compliance with the above standards to minimize impact on the surrounding residential uses and maximize compatibility of the proposed development prior to the submittal of any request for platting on the property.
3. In ~~part~~ [Section] 6-4, General Procedures, of the IDO add the following text to the most appropriate section and renumber subsequent sections, if necessary:
[Cumulative Impacts Analysis Study Requirements

Council Amendment C2 Cumulative Impacts Updated

1. A Cumulative Impact Analysis (CIA) is required prior to approval of any Site Plan for any development that meets the criteria in 14-16-5-2(D)(2). The CIA shall include the following:
 - a. A list of other uses within 660 feet that are outlined in 5-2(D)(2)(c)
 - b. A Traffic Impact Study, pursuant to 14-16-5-2(D)(2)b.
 - c. A list, estimated amount, and storage location of hazardous materials, as defined by federal regulation, to be used for operations, including, but not limited to, fuels.
 - d. A summary of sewer and storm water discharge, including volumes.
 - e. Letter of Availability from the ABCWUA, including estimate of volume of water to be used annually for operations.
 - f. The operating hours of the facility, including but not limited to times at which delivery or movement of freight vehicles to and from the property and activities that generate noise and occur outdoors.
 - g. A list of and copies of all permits required for the use.
 2. The CIA shall identify any efforts to avoid, minimize, or mitigate any impacts outlined in 14-16-5-2(D)(2) and 14-16-6-4(**) and/or propose civic or environmental benefits that outweigh the expected impacts.
-
1. ~~A Cumulative Impacts Study is required prior to approval of any Site Plan for any development that meets all of the following criteria:~~
 - a. ~~The subject property is within the following mapped area [Insert map of area that is within ½ mile of the BNSF railway and within ¼ mile of the Sawmill spur.]~~
 - b. ~~The subject property is within ¼ mile of a Residential zone district or a lot containing a residential use in any Mixed use zone district.~~
 - c. ~~Any of the following uses identified in Table 4-2-1 are proposed:~~
 - i. ~~Car Wash~~
 - ii. ~~Heavy Vehicle and equipment sales, rental, fueling, and repair~~
 - iii. ~~Light vehicle fueling station~~
 - iv. ~~Light vehicle repair~~
 - v. ~~Light vehicle sales and rental~~
 - vi. ~~Airport~~
 - vii. ~~Freight terminal or dispatch center~~
 - viii. ~~Helipad~~
 - ix. ~~Railroad yard~~
 - x. ~~Transit facility~~
 - xi. ~~Light Manufacturing~~
 - xii. ~~Heavy Manufacturing~~
 - xiii. ~~Natural resource extraction~~
 - xiv. ~~Special manufacturing~~
 - xv. ~~All uses in the Waste and Recycling category~~
 - xvi. ~~All uses in the Wholesaling and Storage category~~
 - d. ~~The subject property is within 660 feet of another use described in 1(c), above.~~

Council Amendment C2 Cumulative Impacts Updated

3. [In Subsection 4-3.] Add a new use-specific standard to all applicable uses as outlined in section 2 of this amendment that reads:

[A Cumulative Impact ~~Analysis Study~~ may be required at the time of application submittal, pursuant to Subsection 14-16-6-4(X).]

4. [In section 6-5(H) – Site Plan – Admin, add a new Subsection 6-5(H)(1)(b) under the Applicability section as follows:] In Subsection 6-4(J)(1) revise as follows: “A traffic impact study may be required pursuant to standards in the DPM or Subsection 14-16-6-4(**)”

5. In Subsection 14-16-6-5(H) – Site Plan – Admin, add a new Subsection 14-16-5(H)(1)(b) under the Applicability section as follows:

[Development that requires a Cumulative Impact ~~Analysis Study~~ pursuant to Subsection 14-16-6-4(**) requires a Site Plan – EPC pursuant to Subsection 14-16-6-6(J).]

5. In [Sub]section 6-6(J) – Site Plan EPC, add the following text under the Applicability section:

[7. Any application requiring a Cumulative Impact ~~Study Analysis~~ pursuant to Subsection 14-16-6-4(**).]

6. In Section 6-6(J)(3) Review and Decision Criteria, add the following text:

[6-6(J)(3)(f) If ~~applicable~~ a Cumulative Impact Analysis is required, the Site Plan incorporates mitigation for all cumulative impacts identified in the Cumulative Impact Analysis Study. ~~adequately identifies mitigation efforts to be incorporated into the Site Plan for all environmental impacts outlined in the report.~~ The proposed development will not create material adverse impacts on water ~~or air~~ quality or other land in the surrounding area through increases in traffic congestion, parking congestion, noise, vibration, ~~light spillover,~~ or other nuisances, ~~including but not limited to dust, lighting, and odors~~ without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.]

Explanation: The purpose of this amendment is to insert a new procedure related to Cumulative Impacts. The concept of Cumulative Impacts is that there should be consideration for incremental effects created by development types of the same category in a similar area. Over time, these effects (such as pollution, traffic, stormwater runoff, etc.) can be burdensome on nearby communities when stacked on top of each other.

Some communities in Albuquerque bear the burden of being in proximity to uses like

Council Amendment C2 Cumulative Impacts Updated

large factories, processing plants, and junkyards more than others. This new procedure will help these communities by requiring the property owner to identify when their proposed use will be adding to a variety of other uses who may provide unsafe conditions. This requirement will only be required for new uses in the Motor Vehicle, Transportation, or Industrial use categories. Uses in those categories are:

- Car Wash
- Heavy Vehicle and Equipment Sales, Rental, Fueling, and Repair
- Light Vehicle Fueling Station
- Light Vehicle Repair
- Light Vehicle Sales and Rental
- ~~Outdoor Vehicle Storage~~
- ~~Paid Parking Lot~~
- ~~Parking Structure~~
- Airport
- Freight Terminal or Dispatch Center
- Helipad
- ~~Park and Ride Lot~~
- Railroad Yard
- Transit Facility
- ~~Artisan Manufacturing~~
- Light Manufacturing
- Heavy Manufacturing
- Natural Resource Extraction
- Special Manufacturing
- Drainage Facility
- Recycling drop-off bin facility
- Solid waste convenience center
- Salvage yard
- Waste and/or recycling transfer station
- Above-ground storage of fuels or feed
- Outdoor storage
- Warehousing
- Wholesaling and distribution center

For many of these uses, an Air Quality Permit is required from the Environmental Health Department. This effort to assess cumulative impacts isn't duplicative of what Environmental Health's processes are as the criteria and reviewing body will be different. The Environmental Health Department is only required to assess what the federal government, through the Environmental Protection Agency, tells them to assess. Approaching this issue from a land use perspective and inserting it into the land use approval process allows the City to contemplate impacts beyond what the Environmental Health Department is responsible for.

Overall, this amendment will do the following:

1. Create a definition of "Cumulative Impacts" in the IDO
2. Identify certain land uses that, when combined with other certain land uses, can create hazards to nearby residential development.
 - a. New land uses under the identified categories in proximity to other uses in the identified categories and in proximity to residential development will be required to complete a Cumulative Impact Study (see details below).
3. Any development requiring a Cumulative Impact Study will be required to be review and approved by the Environmental Planning Commission (EPC).
4. The EPC will have a new review and decision criteria related to the Cumulative Impact Study.

Council Amendment C2 Cumulative Impacts Updated

~~The Planning Department and the Environmental Health Department are hereby directed to create a Cumulative Impact Study form for applicants. This form shall, at a minimum, include the following information along with planned mitigation strategies to identify how negative impacts will be avoided:~~

- ~~• Location of the proposed project~~
- ~~• Summary of the proposed project~~
- ~~• List of other uses within 660 feet that fall within the Motor Vehicle, Transportation, or Industrial use categories of Table 4-2 Allowable Uses~~
- ~~• Existing land use at the project site~~
- ~~• Estimated number of truck trips per day~~
- ~~• A list of fuel types to be used for operations~~
- ~~• The name and estimated quantity of any hazardous or toxic materials~~
- ~~• Summary of sewer and stormwater discharge, including volumes~~
- ~~• Estimate of volume of water to be used annually for operations~~
- ~~• List of tons per year of air pollutants~~
- ~~• Description of other nuisances, including anticipated dust creation, noise, and lighting, and odors.~~

REVISION 08/12/2020: Updated Amendment In response to public comment, this amendment has been updated for the August 12th LUPZ hearing. The updated amendment makes the following changes:

1. Reduces the geographic applicability of the amendment. The original amendment proposed the cumulative impacts process be applicable city-wide if certain criteria were met. An analysis of the most impacted areas of the City resulted in a map that is associated with the BNSF railway line and the Sawmill Spur. The amendment will now only be applicable to development that meets the other criteria outlined above if the development is occurring within ½ mile of the BNSF railroad or ¼ mile of the Sawmill Spur, which runs west of the BSNF railroad just south of Haines Ave NW to 12th Street. This map can be accessed here:

<https://cabq.maps.arcgis.com/apps/View/index.html?appid=8e98f25bfdec4927ab1fe27d148c6d88>

2. Removes some uses the cumulative impacts process would be applicable to. Staff conducted an analysis of all uses originally proposed in the amendment and has refined the list based on the potential impact of the use with consideration of existing use-specific standards and other prohibitions already in the IDO. Removed uses from the applicability section are: Outdoor Vehicle Storage, Paid Parking Lot, Parking Garage, Park-and-Ride Lot, and Artisan Manufacturing.

Additional Revision 8/12/20: This amendment has been changed since it's initial release last week to remove references to air quality to ensure that the proposed Cumulative Impacts process does not interfere with the City's existing efforts towards air quality monitoring, namely the process through Environmental Health related to the issuance of Air Quality permits.

Council Amendment C2 Cumulative Impacts Updated

9/9/2020 Update: This amendment has been updated to reflect structural changes to how the Cumulative Impacts process is organized, including moving a major part of the applicability and mitigation criteria to the Site Design & Sensitive Lands chapter of the IDO. The Sensitive Lands chapter contains other sensitive use standards such as Landfill Buffers, Major Arroyo Standards, and Major Public Open Space edges all of which need more careful review and heightened mitigation efforts than other types of development. Similar to those other sensitive lands, it's appropriate for the Cumulative Impacts process to live in this chapter.

Additionally, the original amendment called for the Planning Department and the Environmental Health Department to craft the requirements of the Cumulative Impacts Statement that applicants will be required to submit if applicable. This draft instead crafts those requirements but leaves room for the Planning Department and the Environmental Health Department to collect additional information if necessary.

Council Amendment C3 Multi-family Development Useable Open Space

CITY COUNCIL of the CITY OF ALBUQUERQUE

September 16th, 2020

FLOOR AMENDMENT NO. _____ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Cynthia Borrego

- On Page 205, in Table 5-1-1, revise the row labeled “Usable Open Space, minimum” in the R-ML and R-MH zone district category as follows:

Table 5-1-1: Residential Zone District Dimensional Standards						
UC-MS-PT = Urban Centers, Main Street areas, and Premium Transit areas as identified in the ABC Comp Plan						
BR = bedroom DU = dwelling units.						
Note: Any different dimensional standards in Part 14-16-3 (Overlay Zones) and Section 14-16-5-9 (Neighborhood Edges) applicable to the property shall prevail over the standards in this table.						
Zone District	R-A ^[1]	R-1 ^[1]	R-MC ^[2]	R-T ^[1]	R-ML	R-MH
Site Standards						
Usable open space, minimum ^[5]	N/A	N/A	400 sq. ft. / manufactured home space	N/A	Efficiency or 1 BR: [200] <u>[225]</u> sq. ft. / unit 2 BR: [250] <u>[285]</u> sq. ft. / unit ≥3 BR: [300] <u>[350]</u> sq. ft. / unit UC-MS-PT: 50% reduction	Efficiency or 1 BR: [200] <u>[225]</u> sq. ft. / unit 2 BR: [250] <u>[285]</u> sq. ft. / unit ≥3 BR: [300] <u>[350]</u> sq. ft. / unit UC-MS-PT: 50% reduction

- On Page 209, in Table 5-1-2, revise the row labeled “Usable Open Space, minimum” as follows:

Council Amendment C3 Multi-family Development Useable Open Space

Table 5-1-2: Mixed-use Zone District Dimensional Standards				
UC-MS-PT = Urban Centers, Main Streets, and Premium Transit areas as identified in the ABC Comp Plan				
BR = bedroom DU = dwelling units.				
Note: Any different dimensional standards in Part 14-16-3 (Overlay Zones) and Section 14-16-5-9 (Neighborhood Edges) applicable to the property shall supersede the standards in this table.				
Zone District	MX-T	MX-L	MX-M	MX-H
Site Standards				
Usable open space, minimum ⁽¹⁾	Efficiency or 1 BR: [200] [225] sq. ft./unit 2 BR: [250] [285] sq. ft./unit ≥3 BR: [300] [350] sq. ft./unit UC-MS-PT: 50% reduction			

Explanation: This amendment proposes to increase the required amount of usable open space for multi-family development in all multi-family zone districts city wide by 25 square feet per unit for Efficiencies and 1 bedrooms, 35 square feet per unit for 2 bedrooms, and 50 square feet per unit for 3 bedrooms or more. Currently, the IDO requires a certain amount of square feet of usable open space based on the number of bedrooms in each unit. This amendment continues that and proposes a graduated increase in the amount added, based on the number of bedrooms. As the number of bedrooms increases, the required amount of open space also increases. The purpose of increasing the amount of required usable open space is to ensure that multi-family development provide ample useable open space for tenants. The recent COVID-19 public health emergency has shown the importance of having on site outdoor spaces available to residents. The IDO defines usable open space as:

“Outdoor space to be preserved on-site and managed privately to help ensure livable conditions on each site by providing light and air and meeting visual, psychological, and recreational needs. These areas can be used for a variety of purposes and are not required to be at ground level. Usable open space may include, but is not limited to, lawns; community gardens; decorative and native plantings; open balconies; rooftop decks; plazas; courtyards; covered patios open on at least 2 sides; walkways; landscaped medians, buffers, or setbacks; active and passive recreational areas; fountains; swimming pools; wooded areas; and water courses. Such space shall be available for entry and use by users of the development. Required drainage facilities or land within an easement for overhead utilities that are not landscaped shall not count toward required usable open space. Usable open space does not include public right-of-way, private ways, parking lots, off-street parking, driveways, other private vehicular surfaces, or buildings other than swimming pool rooms.”

Council Amendment C4 Liquor Retail in the MX-M Zone

CITY COUNCIL of the CITY OF ALBUQUERQUE

September 16th, 2020

FLOOR AMENDMENT NO. _____ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Pat Davis

1. On page 142, Table 4-2-1 revise as follows: Replace the P for Liquor retail in the MX-M zone with C.
2. On page 174, Section 4-3(D)(37)(f), revise as follows: In the MX-M zone district, this use [requires a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) unless accessory to a Grocery store] [~~is permissive~~], except in the following mapped areas, where it is prohibited unless accessory to a Grocery store as noted.

Explanation: This amendment proposes to revise Table 4-2-1 Allowable Uses to make “Liquor Retail” a Conditional Use in the MX-M zone, unless accessory to a Grocery Store. Liquor Retail is a use that is often incompatible with adjacent land uses. The MX-M zone is mapped on many major corridors within the city, and often in close proximity to sensitive uses such as residential uses. By making Liquor Retail a Conditional Use this would allow for more consideration of whether a liquor retail use is appropriate in each location. A Grocery Store is defined in the IDO as:

An establishment that sells a wide variety of goods organized in departments, including but not limited to fresh produce, meat and dairy, canned and packaged food items, small household goods, and similar items, with more than 50 percent of the gross floor area devoted to the sale of food products for home preparation and consumption. See also *General Retail*.

Council Amendment C5 Primary Building Frontage Revised

CITY COUNCIL of the CITY OF ALBUQUERQUE

September 16th, 2020

FLOOR AMENDMENT NO. _____ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

1. Add a footnote to Table 5-1-2 to correspond with the Front, Minimum Setback requirements in UC-MS-PT areas in Mixed-Use zones as follows. Renumber subsequent footnotes as necessary.:
[Where an outdoor seating and gathering area or outdoor dining area is located between the sidewalk and a parking or loading area, a 3-foot wall and trees spaced 20 feet on center between the outdoor seating and gathering area or outdoor dining area and any parking or loading area shall be required.]

Explanation:

This amendment adds design requirements for when the development intends to count a patio towards the following requirement in Table 5-1-2:

A minimum of 50% of front property line width must be occupied by the primary building or outdoor seating and gathering area, or outdoor dining area constructed within 15 ft. of the property line. On a corner lot, the required minimum 50% must begin at the corner.

In the instance that such a patio is adjacent to a parking or loading area, this amendment will require a 3-foot wall and trees be provided between the patio and the parking or loading area. This will ensure that when a patio is intended to count towards this street frontage requirement that any parking or loading area will not be visible from the street. This is to maintain the original intention of the requirement – that in urban areas (UC-MS-PT areas) what you first encounter at the sidewalk is built environment and not a parking lot or drive-through area.

Council Amendment C6 Notification + Post-Submittal Facilitated Meeting Procedures

CITY COUNCIL of the CITY OF ALBUQUERQUE

September 16th, 2020

FLOOR AMENDMENT NO. _____ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Brook Bassan

Action: 1. On page 373, amend section 6-4(K)(1) as follows:

6-4(K)(1)(b) Content of the Notice

For mailed or electronic mail notice, the following additional information, at a minimum, shall be included [using a notification form provided by the Planning Department. Notification forms may be accessed on the City's website].

Information included as an attachment or as a link to a website where such information is available is acceptable.

Explanation: Action 1 requires the Planning Department create notification form templates to be available for applicants on the City's website. The purpose of making this process more explicit is to ensure that neighborhood associations and property owners receive notice that contains ample information to understand the request. Currently, the city's website contains examples of what a good notification letter looks like, however these "templates" are not required to be used by any one applicant. This action would direct the Planning Department to create notification forms for the application types found in Table 6-1-1. These forms shall contain fields for an applicant to fill in and shall be as detailed as possible, including but not limited to the requirement to provide any available site plans or renderings, building and/or structure heights, building size, applicable public hearing dates, and other line items listed in 6-4(K)(1). These forms shall be maintained and accessible from the Planning Department's website.

Action: 2. On page 367, amend section 6-4(D)(1)(a) as follows:

6-4(D)(1)(a) Once an application for any decision listed in Table 6-1-1 is accepted as complete by the City Planning Department, ~~[any party who would have standing to appeal a final decision pursuant to Subsection 14-16-6-4(U)(2)(a) (Standing)]~~ [property owners within 330 feet and Neighborhood Associations within 660 feet of the subject property] may request a post-submittal facilitated meeting.

Council Amendment C6 Notification + Post-Submittal Facilitated Meeting Procedures

Explanation: Action 2 deletes the requirement that the only people who can request a facilitated meeting are those who would have appeal standing for an application. Only the Land Use Hearing Officer has the authority to review and recommend if a party has standing to an appeal, therefore it's too early in the process to know who has standing. This language is replaced with property owners within 330 feet and Neighborhood Associations within 660 feet of the subject property.

Action: 3. On page 367, amend section 6-4(D)(2)(a) as follows:

6-4(D)(2)(a) Administrative Decisions

1. If the request is associated with an Administrative Decision as shown in Table 6-1-1 ~~[and the applicant agrees to the postsubmittal facilitated meeting,]~~ a final decision by City staff will not be made until after the post-submittal facilitated meeting has taken place and the meeting summary has been received and reviewed by City staff pursuant to the following:

[a. The facilitated meeting shall be requested no more than 15 days after notice of the request has been published, pursuant to notice requirements shown in Table 6-1-1.

b. One post-submittal facilitated meeting can be requested and required.]

Explanation: Action 3 removes the requirement that the applicant consent to the facilitated meeting request for an Administrative Decision, adds a timeframe and limits the number of facilitated meetings that can be requested. Administrative decisions do not require a pre-submittal meeting, and do not require a public meeting or hearing.

Action: 4. On page 368, amend Section 6-4(D)(2)(b) as follows:

6-4(D)(2)(b) Decision Requiring a Public Meeting or Hearing [and Zoning Map Amendment – EPC]

The following apply to all requests for a post-submittal facilitated meeting associated with a Decision Requiring a Public Meeting or Hearing as shown in Table 6-1-1 [, and for Zoning Map Amendment – EPC].

1. If the request is made at least 15 calendar days prior to the scheduled meeting or hearing, the post-submittal facilitated meeting shall be required and completed before the application can be heard by the decision-making body. The decision-making body shall defer the case at the public meeting or hearing until the post-submittal facilitated meeting has taken place and the meeting summary has been received and reviewed by the decision-making body. [One post-submittal facilitated meeting can be requested and required.] No deferral fee is required.

[a. If an application requires a hearing before multiple decision-making bodies, one post-submittal facilitated meeting can be requested and required per decision making body.]

~~[2. If the request is made less than 15 calendar days before the scheduled meeting or hearing, or at such a meeting or hearing, the decision-making body shall decide whether to require the post-submittal facilitated meeting.~~

Council Amendment C6 Notification + Post-Submittal Facilitated Meeting Procedures

- ~~a. The decision-making body shall consider the following criteria in whether to require the post-submittal facilitated meeting:~~
- ~~i. Whether the complexity and potential impacts of a proposed project warrant facilitation.~~
 - ~~ii. Whether the decision-making body has the authority to implement the results of a negotiated agreement about the issue or opportunity described in writing by the requestor of the post-submittal facilitated meeting.~~
 - ~~iii. Whether there are changed conditions, new information, or new points of discussion not covered in a pre-submittal neighborhood meeting or previous public meeting or hearing that indicate that a postsubmittal facilitated meeting may be useful or lead to productive negotiation.~~
- ~~b. If a post-submittal facilitated meeting is required, the decision-making body shall defer or continue the case until the post-submittal facilitated meeting takes place and the meeting summary has been received and reviewed by the decision-making body. No deferral fee is required.]~~

~~[3.] If a request for a post-submittal facilitated meeting is made after a required post-submittal facilitated meeting has taken place, the decision-making body shall decide whether to require an additional post-submittal facilitated meeting. If a post-submittal facilitated meeting is required, the decision-making body shall defer or continue the case until the postsubmittal facilitated meeting takes place and the meeting summary has been received and reviewed by the decision-making body. No deferral fee is required.~~

~~[2.][4.]~~ [If the request is made less than 15 calendar days before the scheduled meeting or hearing, or at such a meeting or hearing, or if an additional post-submittal meeting is requested,] the applicant can agree to a post-submittal facilitated meeting and ask for a deferral or continuance of the case at any time. A deferral fee will be charged.

Explanation: Action 4 establishes that Facilitated Meetings must be requested 15 days prior to a public meeting or hearing. If a facilitated meeting is requested after the 15 day window has passed, or if an additional facilitated meeting is requested, the meeting is at the discretion of the applicant. As originally written, this provision allowed for decision-making boards (EPC, DRB, ZHE, LC) to grant a facilitated meeting in certain circumstances. This discretionary authority has proven problematic in the past. This also clarifies that if an applicant has to be heard by multiple decision-making bodies, a facilitated meeting can be requested at each decision-making point. This section applies to decisions at a public meeting or hearing in Table 6-1-1- and Zone Map Amendment – EPC as all such decisions could occur in one meeting or hearing, while policy decisions require multiple public hearings or meetings.

Action: 5. Amend Section 6-4(D)(2)(c) as follows:

~~[6-4(D)(2)(c) Policy Decisions~~

~~If the request for a post-submittal facilitated meeting is associated with a Policy Decision shown in Table 6-1-1, the City shall require a post-submittal facilitated~~

Council Amendment C6 Notification + Post-Submittal Facilitated Meeting Procedures

~~meeting pursuant to Subsection 2 above, with the exception that if a decision requires a hearing before 2 decision-making bodies (e.g. the Landmarks Commission and City Council or the Environmental Planning Commission and City Council), a post-submittal facilitated meeting can be requested and required for the each of the hearings.]~~

Explanation: Action 5 removes the ability to request a Facilitated Meeting for a Policy Decision as these decisions all have extensive public review and approval processes that go all the way to the City Council. All applications begin with a review by either the EPC or the Landmarks Commission and then proceed on for approval by the City Council. City Council approval involves review at both the Land Use, Planning and Zoning Committee and the Full Council. Zone Map Amendment – EPC is the exception to this where a Zoning Map Amendment – EPC could be decided in one meeting. See the action above where Zone Map Amendment – EPC is added to the section on Public Meetings and Hearings.

Overall Explanation: The purpose of this proposed amendment is to make various changes to the procedures chapter of the IDO. These changes are intended to make for a more transparent, accessible development process.

Note: This amendment has been revised since the time it was originally submitted to the EPC. Some actions called for in the original memo are reflected in the Red Line draft of the IDO and are therefore not necessary to include in this amendment. The amendment has also been reorganized for clarity and revised since it was proposed at LUPZ. Changes to the amendment since it was presented at LUPZ are shown in **RED**.

Council Amendment C7 Revised Barbed Wire

CITY COUNCIL of the CITY OF ALBUQUERQUE

September 16th, 2020

FLOOR AMENDMENT NO. _____ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

1. On Page 294, in Section 5-7(E)(1)(c), amend the text as follows and add a new subsection (d) and (e):

5-7(E)(1)(c) Barbed tape, razor wire, barbed wire, or similar materials are prohibited in and ~~[abutting]~~ [adjacent to] any Residential zone district. ~~[or lot containing a residential use in any]~~ [Mixed-use zone district.] ~~[Where allowed, such materials shall not be visible from a public street, City park or trail, or Major Public Open Space.]~~ [Critical Infrastructure facilities are exempt from this regulation.] ~~[Public utility structures and Albuquerque Police Department or Transit Department facilities are exempt from this regulation.]~~

[5-7(E)(1)(d) Barbed tape, razor wire, barbed wire, or similar materials are prohibited in and adjacent to any Mixed-use zone district. Critical Infrastructure facilities are exempt from this regulation.]

[5-7 (E)(1)(e) In Non-residential zone districts, barbed tape, razor wire, barbed wire, or similar materials are allowed on street-facing walls that are at least 6 feet in height and that are set back at least 5 feet but shall not be visible from a City park or trail or Major Public Open Space.]

2. On Page 473, in section 6-8(D)(8)(b), amend the section as follows:

6-8(D)(8)(b) [Walls or fences partially or completely constructed of barbed tape, barbed wire, razor wire, or similar materials where these materials are not allowed pursuant to Subsection 14-16-5-7(E)(1)(c) are considered illegal and must be removed within the timeframe specified by the Code Enforcement Division of the City Planning Department in notice provided to the property owner.] Walls or fences partially or wholly constructed of barbed tape, barbed wire, razor wire, or similar materials where these materials are not allowed pursuant to Subsection 14-16-5-7(E)(1)(d) are considered illegal and must be

Council Amendment C7 Revised Barbed Wire

removed [by January 1st, 2023.] [~~within the timeframe specified by the Code Enforcement Division of the City Planning Department in notice provided to the property owner~~]

3. In Section 7, add a new definition for “Critical Infrastructure” as follows in the appropriate alphabetical location:

[Critical Infrastructure: The physical or cyber assets that are so vital to the City that their incapacity or destruction would have a debilitating impact on our physical or economic security or public health or safety. For the purposes of this IDO this includes electric, water, and gas services.]

Explanation: This amendment revises Amendment A1, which passed at LUPZ on August 12th 2020. This revised amendment separates out Residential Zone Districts from Mixed Use Zone Districts and the 2023 sunset is applied only to the new Mixed-Use Zone District subsection. The changes in the amendment are noted in **RED**. This amendment is intended to continue the regulations from the 2012 Barbed Wire Bill (O-12-25) as they apply to Residential Zone Districts, but allow for more flexibility for mixed use and non residential areas. As passed at LUPZ Amendment A1 does not protect the aesthetics of residential areas. This revised amendment does not impact commercial property owners. The 2012 Barbed Wire Bill prohibited barbed and razor wire from residential zones and gave a six month window in which to allow properties to come into compliance. By removing the sunset from applying to Residential Zone Districts, it will ensure that the existing prohibition on barbed and razor wire for residential zone districts continues without interruption.

Background: The intent of Amendment A1, is to address safety issues expressed by commercial property owners. Amendment A1 does the following items (which are unaffected by this revised amendment):

- Allows a sunset period for existing barbed wire in Mixed Use zones to come into compliance;
- In Non-Residential zones allows barbed wire or similar materials in all of the Non-Residential zones under two conditions. The first condition is that the barbed wire in these zones can't be visible from a City park or trail or Major Public Open Space. The second condition is that the wall or fence with barbed wire will be required to be set back 5 feet and be a minimum of 6 feet tall when the wall or fence faces a street.
- Adds a new definition for “Critical Infrastructure”, which is adapted from the federal government's definition, and allows an exemption in the barbed wire regulations for them. These facilities may require additional security measures, to include barbed or razor wire, to maintain the health, safety, and welfare of the City.

Council Amendment C8 Tech Edits -Council

CITY COUNCIL of the CITY OF ALBUQUERQUE

September 16th, 2020

FLOOR AMENDMENT NO. _____ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Trudy Jones

Action: 1. On page 289, revise Section 5-7(C)(2) Wall Location, as follows:

Walls may be constructed without any setback from a property line, unless otherwise prohibited by this IDO; by Articles 14-1, 14-2, or 14-3 of ROA 1994 (Uniform Administrative Code and Technical Codes, Fire Code, and Uniform Housing Code); or by ~~[clear sight triangle requirements.]~~ [the DPM, including, but not limited to, clear sight triangle requirements or standards for alignments and easements.] Walls may not encroach into any public right-of-way without the prior written approval from the City Engineer and may not encroach onto any adjacent property without prior written approval of that property owner. ~~[Walls shall not encroach into public waterline or sanitary sewer easements.]~~

Action 1 Explanation: Language was added at the request of ABCWUA prohibiting walls in easements. Per discussion with ABCWUA staff, exceptions to this rule are allowed per the DPM. This language is revised to refer to the DPM for wall placement in easements. Staff received confirmation on this matter subsequent to the August 12th LUPZ hearing.

Action: 2. On page 517, in Section 7-1, add the following new definition to the Measurements Definitions:

[Small Area

Where any small area boundary crosses a lot line, the entire lot is subject to applicable small area standards, unless specified otherwise in this IDO. See also *Small Area*.]

Action 2 Explanation: Planning staff has noted that an accompanying definition related to “Small Areas” was inadvertently left out when the Small Area regulations were added to the IDO Red Line. This definition clarifies how to apply small area regulations, and is consistent with existing language about Overlay zones in the IDO.

Council Amendment C8 Tech Edits -Council

Action: 3. On page 394, in Section 6-4(U)(3)(e) add a new number 5 and renumber accordingly:

[5. If the City Council fails to accept or reject the LUHO's recommendation and no other motions are made or approved, it will result in the appeal being scheduled for a full hearing on the matter at the next regular meeting of the Council.]

Action 3 Explanation: This additional language on appeals clarifies voting procedures on an appeal and ensures that a hearing results in the event that no motion succeeds at the "Accept or Reject" hearing.

Council Amendment C9 10% Transit Parking Reduction

CITY COUNCIL of the CITY OF ALBUQUERQUE

September 16th, 2020

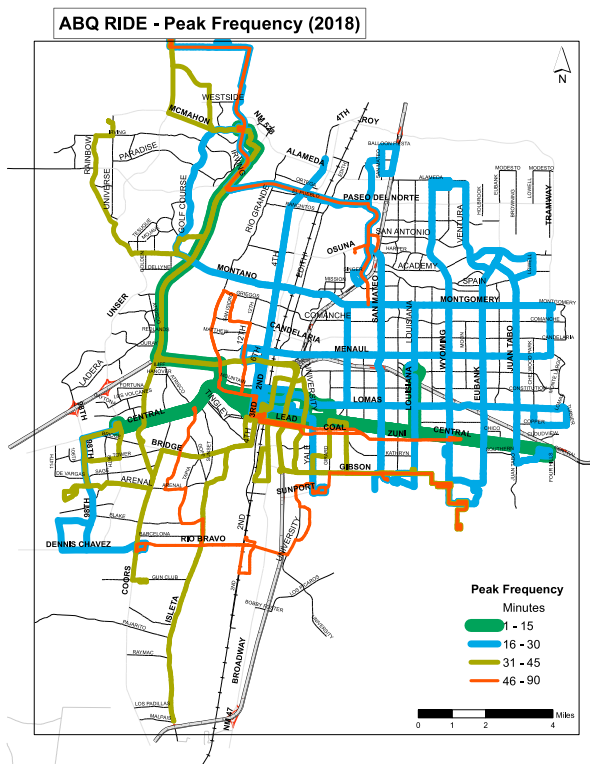
FLOOR AMENDMENT NO. _____ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Isaac Benton

1. On page 250, add a new Section 5-5(C)(5)(c)(2) and renumber accordingly:

[2. The minimum number of off-street parking spaces required may be reduced by 10 percent if the proposed development is located within 330 feet in any direction of any transit stop or transit station with a peak service frequency of 45 minutes or better.]

Explanation: This amendment proposes to revise the parking reductions as they apply to Transit. Prior to the IDO there was a reduction of 10% available to development within 300 feet of any transit route within the city. This was not carried over. The transit parking reductions in the IDO, while increasing the reductions when applied, limited where transit reductions could be applied significantly. This amendment would broaden the applicability of transit parking reductions to those with a peak service frequency of 45 minutes or better, and would allow for a 10% reduction in parking. This would not be as extensive as the applicability under the previous code which applied a 10% reduction to any transit route. In the image below it would apply to all routes except the orange lines:



Council Amendment C10 – Purpose of IDO

CITY COUNCIL of the CITY OF ALBUQUERQUE

September 16th, 2020

FLOOR AMENDMENT NO. _____ TO Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Klarissa Peña

Amend Page 1, Section 1-3 of the IDO as follows:

The purpose of this IDO is to:

- 1-3(A) Implement the adopted Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.
- 1-3(B) Ensure that all development in the City is consistent with the spirit and intent of any other plans and policies adopted by City Council.
- 1-3(C) Ensure the provision of adequate public facilities and services for new development.
- 1-3(D) Protect the quality and character of residential neighborhoods.
- 1-3(E) Promote the economic development and fiscal sustainability of the City.
- 1-3(F) Provide for the efficient administration of City land use and development regulations.
- 1-3(G) Protect the health, safety, and general welfare of the public. 1-3(H) Provide for orderly and coordinated development patterns.
- 1-3(I) Encourage the conservation and efficient use of water and other natural resources.
- 1-3(J) Implement a connected system of parks, trails, and open spaces to promote improved outdoor activity and public health.
- 1-3(K) Provide reasonable protection from possible nuisances and hazards and to otherwise protect and improve public health.
- 1-3(L) Encourage efficient and connected transportation and circulation systems for motor vehicles, bicycles, and pedestrians.
- 1-3(M) Protect all communities especially those that have been historically underserved
- 1-3(N) Promote small-scale, neighborhood serving economic development opportunities

Explanation:

Amendment on the floor at City Council 9/16/2020: The amendment is revised to add “all communities”, in addition to those that have been historically underserved. The new text is in **Blue**. The revision to the text came from Clr. Bassan. Both the text in **Red** and **Blue** were approved on 9/16/2020.

The original amendment adds language to the “Purpose” section of the IDO related to

Council Amendment C10 – Purpose of IDO

historically underserved communities and neighborhood-serving economic development opportunities. There is a concern that the IDO promotes development that isn't consistent with Albuquerque's historic development patterns and that it will continue to push out long-established communities and make entrepreneurship for certain communities not attainable. The addition of these sections reinforces existing ideas in the IDO such as Neighborhood Edges, distance separation and requirements for particular uses, for example. As future IDO annual updates are contemplated, these new additions can be used to consider how the IDO can further help protect and promote the vulnerable communities in the city.

Council Amendment C11 – Conditional Uses & Variances

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

September 16th, 2020

FLOOR AMENDMENT NO. _____ **TO** Exhibit 1 to O-20-10

AMENDMENT SPONSORED BY COUNCILOR Diane Gibson

1. Remove the lines from the Technical Edit spreadsheet B20 as it was approved by the Land Use, Planning and Zoning Committee that relate to the following pages in the Redline draft:
 - 419 R (2 lines in B20 spreadsheet)
 - 444 R (2 lines in B20 spreadsheet)
 - 447 R (2 lines in B20 spreadsheet)
 - 449 R (2 lines in B20 spreadsheet)

Explanation: This amendment reverses the action taken on the identified lines associated with the B20 amendment as it was approved by the LUPZ committee. Removal of these lines will continue to allow property owners to seek a variance on properties that have an approved conditional use.