

---

**From:** Dicome, Kym  
**Sent:** Wednesday, May 01, 2019 4:38 PM  
**To:** Morris, Petra; Renz-Whitmore, Mikaela J.; Campbell, David S.; Brito, Russell D.; Melendrez, Chris P.; Schultz, Shanna M.; Morrow, Kevin A.; Ahghar, Kathleen T.  
**Cc:** Biazar, Shahab  
**Subject:** RE: DRB Decisions Requiring Public Meeting

Absolutely as a matter of fact, it would be great to move the three sections of technical standards (originally from the Subdivision Ordinance) to the DPM but that may be more than we should do at this time.

Kym

---

**From:** Morris, Petra  
**Sent:** Wednesday, May 01, 2019 4:33 PM  
**To:** Dicome, Kym; Renz-Whitmore, Mikaela J.; Campbell, David S.; Brito, Russell D.; Melendrez, Chris P.; Schultz, Shanna M.; Morrow, Kevin A.; Ahghar, Kathleen T.  
**Cc:** Biazar, Shahab  
**Subject:** RE: DRB Decisions Requiring Public Meeting

Could the sidewalk widths move the DPM, so that everything on the sidewalks is in the DPM and there is no overlap?  
Kind regards,

**Petra Morris, AICP**  
Council Planning Manager  
Albuquerque City Council  
505.768.3161  
[pmorris@cabq.gov](mailto:pmorris@cabq.gov)

---

**From:** Dicome, Kym  
**Sent:** Wednesday, May 01, 2019 4:31 PM  
**To:** Renz-Whitmore, Mikaela J.; Morris, Petra; Campbell, David S.; Brito, Russell D.; Melendrez, Chris P.; Schultz, Shanna M.; Morrow, Kevin A.; Ahghar, Kathleen T.  
**Cc:** Biazar, Shahab  
**Subject:** RE: DRB Decisions Requiring Public Meeting

Widths are listed in the IDQ but s/w waiver is in the DPM which is different.

In my opinion, the IDO should leave the DPM separate. Do not mix/overlap the two.

Kym

---

**From:** Renz-Whitmore, Mikaela J.  
**Sent:** Wednesday, May 01, 2019 4:28 PM



**To:** Dicome, Kym; Morris, Petra; Campbell, David S.; Brito, Russell D.; Melendrez, Chris P.; Schultz, Shanna M.; Morrow, Kevin A.; Ahghar, Kathleen T.

**Cc:** Biazar, Shahab

**Subject:** RE: DRB Decisions Requiring Public Meeting

Kym – I'm not sure what to do about the sidewalk-variance language in the IDO per your comment below. The IDO also sets sidewalk widths. Would we want there to be 2 different processes related to sidewalk standards?

In general, I'm still unclear about how and whether the IDO needs to set how variances/exceptions to DPM standards are processed.

Thanks,

<< OLE Object: Picture (Device Independent Bitmap) >>

**MIKAELA RENZ-WHITMORE**

long range manager

urban design & development division

o 505.924.3932

m 505.924.3860

e [mrenz@cabq.gov](mailto:mrenz@cabq.gov)

[cabq.gov/planning](http://cabq.gov/planning)

---

**From:** Dicome, Kym <[kdicome@cabq.gov](mailto:kdicome@cabq.gov)>

**Sent:** Wednesday, May 1, 2019 4:21 PM

**To:** Morris, Petra <[pmorris@cabq.gov](mailto:pmorris@cabq.gov)>; Renz-Whitmore, Mikaela J. <[mrenz-whitmore@cabq.gov](mailto:mrenz-whitmore@cabq.gov)>; Campbell, David S. <[dscampbell@cabq.gov](mailto:dscampbell@cabq.gov)>; Brito, Russell D. <[RBrito@cabq.gov](mailto:RBrito@cabq.gov)>; Melendrez, Chris P. <[cmelendrez@cabq.gov](mailto:cmelendrez@cabq.gov)>; Schultz, Shanna M. <[smschultz@cabq.gov](mailto:smschultz@cabq.gov)>; Morrow, Kevin A. <[kmorrow@cabq.gov](mailto:kmorrow@cabq.gov)>; Ahghar, Kathleen T. <[kahghar@cabq.gov](mailto:kahghar@cabq.gov)>

**Cc:** Biazar, Shahab <[sbiazar@cabq.gov](mailto:sbiazar@cabq.gov)>

**Subject:** RE: DRB Decisions Requiring Public Meeting

Petra;

Minor comments below in red.

Thanks,

Kym

---

**From:** Morris, Petra

**Sent:** Wednesday, May 01, 2019 3:01 PM

**To:** Renz-Whitmore, Mikaela J.; Campbell, David S.; Brito, Russell D.; Melendrez, Chris P.; Schultz, Shanna M.; Morrow, Kevin A.; Ahghar, Kathleen T.; Dicome, Kym

**Cc:** Biazar, Shahab

**Subject:** RE: DRB Decisions Requiring Public Meeting

Hello,

I had a look through and my thoughts are:

- Variance for Sidewalks – should this be renamed Waiver? What was the process pre IDO, did they go to DRB and what were the criteria before? *These are variances to the DPM, not the IDO.*
- Variance for Front Yard Parking – this should still be called a variance but should move back to ZHE and should reference the ZHE Variance criteria, per the adopting Council amendment (see attached) *I agree*
- << File: Exhibit 5 FYP.pdf >>
- Variance for Carport, this should also move back to the ZHE (plus the reference in Procedure 1-1(A)(2)(a)1. on historic areas) but should be renamed a Carport Permit *I agree*
- In the ZHE section, I think the airport variance is fine as the criteria are in addition to the regular variance criteria, but the Walls and Fences Variance should be renamed Permit- Major as the regular variance criteria are not relevant to this, it has its own set of criteria.

I think this helps to address the concern about variances that don't actually follow the variance criteria. This way all items termed "variance" include the variance criteria, plus any additional extra criteria, and items that don't refer to the variance criteria at all are given a more accurate title.

I know we had previously tried to have access related matters handled by the DRB but I think it makes more sense for Front Yard Parking and Carport to be at the ZHE as these are about the consideration given to an individual's property that is already developed.

In terms of the EPC variances, for the variance for Coors VPO and the NW Mesa VPO, shouldn't they also need to meet the other variance criteria in 6-6(M)(3)(a) in order to be called a Variance? As it reads currently, they only need to meet the specific criteria for those VPOs and not the general Variance criteria.

I know we are currently focused on DRB and their process, but I am concerned that once we discuss this aspect of variances, all variances will come under scrutiny.

Kind regards,

**Petra Morris, AICP**  
 Council Planning Manager  
 Albuquerque City Council  
 505.768.3161  
[pmorris@cabq.gov](mailto:pmorris@cabq.gov)

---

**From:** Renz-Whitmore, Mikaela J.  
**Sent:** Wednesday, May 01, 2019 1:04 PM  
**To:** Campbell, David S.; Brito, Russell D.; Melendrez, Chris P.; Morris, Petra; Schultz, Shanna M.; Morrow, Kevin A.; Ahghar, Kathleen T.; Dicome, Kym  
**Cc:** Biazar, Shahab  
**Subject:** DRB Decisions Requiring Public Meeting  
**Importance:** High

Attached please find an itemized list of edits to make to the IDO to make all DRB decisions happen at Public Meetings, not Public Hearings. There are some decisions left to make. Please see the CABQ Notes column.

<< File: CityLegal-DRBvariances-2019-05-01.xlsx >>

I also mocked up the revised edits to DRB – Variance that would turn this decision into DRB – Waiver. We talked this morning about moving it all into the deviations section, but that is highly unworkable. I think this works nicely to parallel how WTF deviations beyond the thresholds in Table 6-4-2 work. And it saves lots of reorganizing. It also makes 3 distinct

categories – deviations, waivers, and variances. Please carefully review the criteria for DRB – Waiver and see the questions I've asked about them.

<< File: Exhibit-Waiver-DRB-2019-05-01.docx >>

This has to get to Council by Friday morning, so please get me any edits by **tomorrow at noon** at the latest. If we need to discuss anything, please try to call or come by today or Thursday. I've got public meetings all day Friday.

Best,

<< OLE Object: Picture (Device Independent Bitmap) >>

**MIKAELA RENZ-WHITMORE**

long range manager  
urban design & development division  
o 505.924.3932  
m 505.924.3860  
e [mrenz@cabq.gov](mailto:mrenz@cabq.gov)  
[cabq.gov/planning](http://cabq.gov/planning)

-----Original Appointment-----

**From:** Montoya, Lucinda **On Behalf Of** Campbell, David S.

**Sent:** Wednesday, May 1, 2019 7:44 AM

**To:** Campbell, David S.; Brito, Russell D.; Renz-Whitmore, Mikaela J.; Melendrez, Chris P.; Morris, Petra; Schultz, Shanna M.; Morrow, Kevin A.; Ahghar, Kathleen T.; Dicome, Kym

**Cc:** [mjrenz@gmail.com](mailto:mjrenz@gmail.com)

**Subject:** IDO Variances

**When:** Wednesday, May 1, 2019 8:00 AM-9:00 AM (UTC-07:00) Mountain Time (US & Canada).

**Where:** Planning Department Large Conference Room

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**From:** Morris, Petra  
**Sent:** Monday, May 06, 2019 9:53 AM  
**To:** Renz-Whitmore, Mikaela J.  
**Subject:** RE: Resolution for Introduction on Monday

Ha! No problem!

---

**From:** Renz-Whitmore, Mikaela J.  
**Sent:** Monday, May 06, 2019 8:18 AM  
**To:** Morris, Petra  
**Cc:** Schultz, Shanna M.; Campbell, David S.; Morrow, Kevin A.; Brito, Russell D.; Biazar, Shahab; Dicome, Kym; Melendrez, Chris P.; Ahghar, Kathleen T.  
**Subject:** RE: Resolution for Introduction on Monday

Duh. They are there. Sorry for the fire drill!

**ONE**  
**ALBUQUE** planning  
**RQUE**

MIKAELA RENZ-WHITMORE  
long range manager  
urban design & development division  
o 505.924.3932  
m 505.924.3860  
e [mrenz@cabq.gov](mailto:mrenz@cabq.gov)  
[cabq.gov/planning](http://cabq.gov/planning)

---

**From:** Morris, Petra  
**Sent:** Saturday, May 4, 2019 8:51 AM  
**To:** Renz-Whitmore, Mikaela J.  
**Cc:** Schultz, Shanna M. ; Campbell, David S. ; Morrow, Kevin A. ; Brito, Russell D. ; Biazar, Shahab ; Dicome, Kym ; Melendrez, Chris P. ; Ahghar, Kathleen T.  
**Subject:** Re: Resolution for Introduction on Monday

I think they are still in their, on the last page? Did the PDF miss off the last page?

Sent from my iPhone

On May 3, 2019, at 5:15 PM, Renz-Whitmore, Mikaela J. <[mrenz-whitmore@cabq.gov](mailto:mrenz-whitmore@cabq.gov)> wrote:

I think some of the additional criteria that got struck are important, particularly this one:

**1-1(A)(1)(a)** The Waiver approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.



You need something that talks about minimum waiver as a backstop. I thought the others were also important.

- 1-1(A)(1)(b)** The Waiver will not be materially contrary to the public safety, health, or welfare.
- 1-1(A)(1)(c)** The Waiver does not cause significant material adverse impacts on surrounding properties.
- 1-1(A)(1)(d)** The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.
- 1-1(A)(1)(e)** The Waiver will not conflict significantly with the goals and provisions of any city, county, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.
- 1-1(A)(1)(f)** The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.
- 1-1(A)(1)(g)** The Waiver will not materially undermine the intent and purpose of this IDO or the applicable zone district.
- 1-1(A)(1)(h)** The Waiver does not allow a lot or type of development that does not meet the applicable size, area, and development standards applicable in the zone district where the lot is located, unless a Deviation to such standards is within the thresholds established by Subsection 14-16-6-4(O) (Deviations) and is granted by the DRB as part of this approval.
- 1-1(A)(1)(i)** The Waiver approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

Thanks for getting this out with such a quick turnaround!

Best,

**MIKAELA RENZ-WHITMORE**  
long range manager  
urban design & development division  
o 505.924.3932  
m 505.924.3860  
e [mrenz@cabq.gov](mailto:mrenz@cabq.gov)  
[cabq.gov/planning](http://cabq.gov/planning)

---

**From:** Schultz, Shanna M. <[smschultz@cabq.gov](mailto:smschultz@cabq.gov)>

**Sent:** Friday, May 3, 2019 1:02 PM

**To:** Campbell, David S. <[dscampbell@cabq.gov](mailto:dscampbell@cabq.gov)>; Morrow, Kevin A. <[kmorrow@cabq.gov](mailto:kmorrow@cabq.gov)>; Renz-Whitmore, Mikaela J. <[mrenz-whitmore@cabq.gov](mailto:mrenz-whitmore@cabq.gov)>; Brito, Russell D. <[RBrito@cabq.gov](mailto:RBrito@cabq.gov)>; Biazar, Shahab <[sbiazar@cabq.gov](mailto:sbiazar@cabq.gov)>; Dicome, Kym <[kdicome@cabq.gov](mailto:kdicome@cabq.gov)>; Melendrez, Chris P. <[cmelendrez@cabq.gov](mailto:cmelendrez@cabq.gov)>; Morris, Petra <[pmorris@cabq.gov](mailto:pmorris@cabq.gov)>; Ahghar, Kathleen T. <[kahghar@cabq.gov](mailto:kahghar@cabq.gov)>

**Subject:** Resolution for Introduction on Monday

**Importance:** High

Good afternoon,

Attached is a packet including: 1) A resolution for introduction, 2) Exhibit A, as referenced by the resolution, 3) Exhibit A-1, as referenced in Exhibit A.

The Council Clerk requires legislation for introduction to be on her desk by 3:00 p.m. If you have any edits, questions, or recommendations, **please have those to us by 2:00 p.m.** to allow us time to review and incorporate.

We will be requesting that this resolution be on the agenda for "holdover" on Monday, meaning that it would be up for final consideration at the Full Council meeting on May 20<sup>th</sup>.

Thank you,  
Shanna

**Shanna Schultz, MPA, MCRP**  
Policy Analyst - Planning  
Albuquerque City Council  
505.768.3185  
[smschultz@cabq.gov](mailto:smschultz@cabq.gov)

---

**From:** Morris, Petra  
**Sent:** Tuesday, May 21, 2019 4:31 PM  
**To:** Dicome, Kym; Schultz, Shanna M.; Melendrez, Chris P.; Renz-Whitmore, Mikaela J.  
**Subject:** RE: R-19-150

No problem at all! We appreciate everyone at Planning explaining the issues and Mikaela's through understanding of what needed changing and where.

Kind regards,

**Petra Morris, AICP**  
Council Planning Manager  
Albuquerque City Council  
505.768.3161  
[pmorris@cabq.gov](mailto:pmorris@cabq.gov)

---

**From:** Dicome, Kym  
**Sent:** Tuesday, May 21, 2019 4:28 PM  
**To:** Morris, Petra; Schultz, Shanna M.; Melendrez, Chris P.  
**Subject:** R-19-150

Thanks for all your help on drafting this and getting it done sooo quickly.



KYM E DICOME  
development review board chair  
o 505.924.3880  
e [kdicome@cabq.gov](mailto:kdicome@cabq.gov)  
[cabq.gov/planning](http://cabq.gov/planning)

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---

**From:** Morris, Petra  
**Sent:** Wednesday, May 22, 2019 4:09 PM  
**To:** Renz-Whitmore, Mikaela J.  
**Cc:** Schultz, Shanna M.  
**Subject:** RE: R-19-150

Yes, I think one or the other or both of us can make most of the meetings next week. The only one that may be hard is the Friday lunch meeting as it is a Council Friday. We will chat with Chris in anticipation about what the process would be for any potential changes.

Kind regards,

**Petra Morris, AICP**  
Council Planning Manager  
Albuquerque City Council  
505.768.3161  
[pmorris@cabq.gov](mailto:pmorris@cabq.gov)

---

**From:** Renz-Whitmore, Mikaela J.  
**Sent:** Wednesday, May 22, 2019 3:59 PM  
**To:** Morris, Petra  
**Cc:** Schultz, Shanna M.  
**Subject:** RE: R-19-150

That sounds good. Will you all be there at meetings next week? Could be raucous and would be good for you to hear the comments, as I suspect we'll get lots of requests for changes!

Thanks,



**MIKAELA RENZ-WHITMORE**  
long range manager  
urban design & development division  
o 505.924.3932  
m 505.924.3860  
e [mrenz@cabq.gov](mailto:mrenz@cabq.gov)  
[cabq.gov/planning](http://cabq.gov/planning)

---

**From:** Morris, Petra  
**Sent:** Wednesday, May 22, 2019 3:45 PM  
**To:** Renz-Whitmore, Mikaela J.

**Cc:** Schultz, Shanna M.  
**Subject:** RE: R-19-150

ello,

Yes, good point, especially as next week is procedures. I think as it is already formatted as a Resolution, and adopted, we should just have it as an attachment to the application materials. The resolution directs it to be incorporated into the IDO. I think if we had it as an amendment it would make people think it wasn't yet in effect (which the others aren't, though some have an associated Administrative instruction).

Kind regards,

**Petra Morris, AICP**  
Council Planning Manager  
Albuquerque City Council  
505.768.3161  
[pmorris@cabq.gov](mailto:pmorris@cabq.gov)

---

**From:** Renz-Whitmore, Mikaela J.  
**Sent:** Wednesday, May 22, 2019 3:27 PM  
**To:** Morris, Petra  
**Cc:** Schultz, Shanna M.  
**Subject:** RE: R-19-150

Now that this is passed, I think we need to show all of this next week at the public meetings. How do we want to do that?

This would all be a new Amendment for the annual update, right?



**MIKAELA RENZ-WHITMORE**  
long range manager  
urban design & development division  
o 505.924.3932  
m 505.924.3860  
e [mrenz@cabq.gov](mailto:mrenz@cabq.gov)  
[cabq.gov/planning](http://cabq.gov/planning)

---

**From:** Morris, Petra <[pmorris@cabq.gov](mailto:pmorris@cabq.gov)>  
**Sent:** Tuesday, May 21, 2019 4:31 PM  
**To:** Dicome, Kym <[kdicome@cabq.gov](mailto:kdicome@cabq.gov)>; Schultz, Shanna M. <[smschultz@cabq.gov](mailto:smschultz@cabq.gov)>; Melendrez, Chris P. <[cmelendrez@cabq.gov](mailto:cmelendrez@cabq.gov)>; Renz-Whitmore, Mikaela J. <[mrenz-whitmore@cabq.gov](mailto:mrenz-whitmore@cabq.gov)>  
**Subject:** RE: R-19-150

No problem at all! We appreciate everyone at Planning explaining the issues and Mikaela's through understanding of what needed changing and where.

Kind regards,

**Petra Morris, AICP**  
Council Planning Manager  
Albuquerque City Council  
505.768.3161  
[pmorris@cabq.gov](mailto:pmorris@cabq.gov)

---

**From:** Dicome, Kym  
**Sent:** Tuesday, May 21, 2019 4:28 PM  
**To:** Morris, Petra; Schultz, Shanna M.; Melendrez, Chris P.  
**Subject:** R-19-150

Thanks for all your help on drafting this and getting it done sooo quickly.



**KYM E DICOME**  
development review board chair  
o 505.924.3880  
e [kdicome@cabq.gov](mailto:kdicome@cabq.gov)  
[cabq.gov/planning](http://cabq.gov/planning)

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**From:** Campbell, David S.  
**Sent:** Monday, April 08, 2019 4:42 PM  
**To:** Morris, Petra; Montoya, Lucinda  
**Cc:** Melendrez, Chris P.  
**Subject:** RE: DRB Variances

Petra: glad to get together with you; Lucinda will help schedule this. BTW, here is our position on the DRB amendment:

I suggest strongly removing all variances-DRB since that moves the DRB into the quasi-judicial realm which we are not. The DRB is a technical board who should not be acting on discretionary items. I am not sure how we get there except to remove the process through DRB and move to ZHE or EPC. The DRB members can supply comments to the ZHE or EPC as commenting agency(s) vs. being the decision making body. Also as a sidebar, I would suggest removing Public Hearing items from the DRB and make all actions Public Meeting items.

Thanks!

David



DAVID S. CAMPBELL  
planning director  
o 505.924.3352  
m 505.238.3852  
e [dscampbell@cabq.gov](mailto:dscampbell@cabq.gov)  
[cabq.gov/planning](http://cabq.gov/planning)

**From:** Morris, Petra  
**Sent:** Monday, April 08, 2019 4:23 PM  
**To:** Montoya, Lucinda ; Campbell, David S.  
**Subject:** FW: DRB Variances

Hello,  
I sent this meeting about setting up a meeting with David and a few others and forgot to include you!  
Sorry!  
Kind regards,

**Petra Morris, AICP**  
Council Planning Manager



Albuquerque City Council  
505.768.3161  
[morris@caba.gov](mailto:morris@caba.gov)

---

**From:** Morris, Petra  
**Sent:** Monday, April 08, 2019 1:43 PM  
**To:** Schultz, Shanna M.; Melendrez, Chris P.; Campbell, David S.; Morrow, Kevin A.  
**Subject:** DRB Variances

Hello,  
Can you send me your availability for a 30 minute meeting on DRB Variances? It can be via phone or in person, or a combination, whatever is easiest. I want to make sure that we are all on the same page on the next steps associated with this.  
Kind regards,

**Petra Morris, AICP**  
Council Planning Manager  
Albuquerque City Council  
505.768.3161  
[pmorris@caba.gov](mailto:pmorris@caba.gov)

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO

RECORDED MEETING OF ALBUQUERQUE CITY COUNCIL  
[Transcript of Requested Portion of Meeting]  
[Re: R-19-150]

May 20, 2019  
5:00 p.m.  
1 Civic Plaza, Northwest  
Albuquerque, New Mexico 87102

This CITY COUNCIL MEETING was:

TAKEN BY: CITY OF ALBUQUERQUE

TRANSCRIBED BY: RENEE M. SNYDER  
Kendra Tellez Court Reporting, Inc.  
302 Silver Avenue, Southeast  
Albuquerque, New Mexico 87102



1 (Requested portion of meeting.)

2 PRESIDENT PENA: Next item is 14,  
3 Final Actions. Councilor Jones.

4 COUNCILOR JONES: Thank you, Madam  
5 President. This is R-150, adopting interim  
6 procedures for the development review board until  
7 the first annual update to the integrated  
8 development ordinance has been completed. I move a  
9 do-pass.

10 UNIDENTIFIED MALE: Second.

11 PRESIDENT PENA: There's a motion and  
12 second for a do-pass for R-150.

13 UNIDENTIFIED FEMALE: Councilor  
14 Jones.

15 PRESIDENT PENA: Any questions?

16 COUNCILOR JONES: If there are any  
17 questions, Mr. Melendrez has every answer we could  
18 ever want. If not, I'm . . .

19 PRESIDENT PENA: Seeing none, and we  
20 don't have anyone signed up to speak, there's a  
21 motion and a second for R-150. All those in favor,  
22 say, "Yes."

23 COUNCILORS: Yes.

24 PRESIDENT PENA: Those opposed --

25 COUNCILOR SANCHEZ: Yes.

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PRESIDENT PENA: -- opposed, "No."

Motion passes.

(End of requested portion of meeting.)



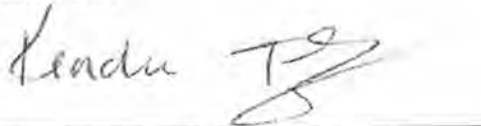
1 STATE OF NEW MEXICO

2 COUNTY OF BERNALILLO

3 C E R T I F I C A T E

4 I, Kendra D. Tellez, New Mexico #205 CSR,  
5 RMR, CRR, within and for the State of New Mexico, DO  
6 HEREBY CERTIFY that the foregoing audio  
7 transcription was prepared from provided audio, that  
8 the audio was reduced to typewritten transcript by  
9 Kendra Tellez Court Reporting, Inc., and that the  
10 testimony contained herein is a true and correct  
11 transcript of the recorded proceedings, to the best  
12 of my knowledge and hearing ability. The audio was  
13 of good quality recording.

14 I FURTHER CERTIFY that I am neither  
15 employed by nor related to any of the parties or  
16 attorneys recorded in this matter, and that I have  
17 no interest in this matter.

18   
19 \_\_\_\_\_

20 Kendra D. Tellez, CCR #205  
21 License Expires: 12/31/20  
22  
23  
24  
25

R-2019-035

---

**CITY OF ALBUQUERQUE  
CITY COUNCIL**

---

**INTEROFFICE MEMORANDUM**

**TO:** Timothy M. Keller, Mayor

**FROM:** Stephanie M. Yara, Director of Council Services *SMY 5/23/19*

**SUBJECT:** Transmittal of Legislation

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Transmitted herewith is Bill No. R-19-150 Adopting Interim Procedures For The Development Review Board Until The First Annual Update To The Integrated Development Ordinance Has Been Completed (Jones), which was passed at the Council meeting of May 20, 2019 by a vote of 9 FOR AND 0 AGAINST.

In accordance with the provisions of the City Charter, your action is respectfully requested.

SMY:mh  
Attachment



**CITY of ALBUQUERQUE  
TWENTY THIRD COUNCIL**

COUNCIL BILL NO. R-19-150 ENACTMENT NO. R-2019-035

SPONSORED BY: Trudy E. Jones

1 RESOLUTION  
2 ADOPTING INTERIM PROCEDURES FOR THE DEVELOPMENT REVIEW  
3 BOARD UNTIL THE FIRST ANNUAL UPDATE TO THE INTEGRATED  
4 DEVELOPMENT ORDINANCE HAS BEEN COMPLETED.

5 WHEREAS, the Development Review Board (DRB) is comprised of City  
6 Staff with expertise in Planning, Engineering, Transportation, Zoning, Parks  
7 and Recreation, and Water Utilities; and

8 WHEREAS, the DRB was created to offer efficient considerations of  
9 technical standards, which would have otherwise required an applicant to  
10 meet individually with the experts listed above; and

11 WHEREAS, the DRB's role is to consider if applications meet technical  
12 standards set forth by adopted City documents; and

13 WHEREAS, the Integrated Development Ordinance (IDO) sets forth the DRB  
14 as a discretionary board responsible for making some discretionary  
15 approvals; and

16 WHEREAS, it is not practical for technical City Staff members to operate in  
17 such a manner that prohibits them from communicating with members of the  
18 public outside of a public hearing; and

19 WHEREAS, the interim procedures set forth in this resolution, which shall  
20 be adopted into the IDO during the document's first annual update, clarify the  
21 roles and responsibilities of the DRB.

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

24 Section 1. The interim guidelines for various processes and definitions in  
25 the Integrated Development Ordinance as outlined in Exhibit A to this  
26 resolution are hereby effective.

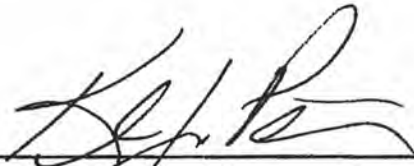
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1 Section 2. The Planning Department shall formally incorporate the changes  
2 in Exhibit A as a part of the 2019 Integrated Development Ordinance annual  
3 update process.

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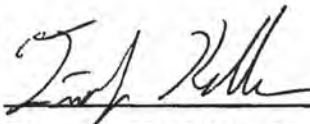
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1 PASSED AND ADOPTED THIS 20<sup>th</sup> DAY OF May, 2019  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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9 Klarissa J. Peña, President  
10 City Council

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13 APPROVED THIS 24 DAY OF May, 2019  
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18 Bill No. R-19-150

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23 Timothy M. Keller, Mayor  
24 City of Albuquerque

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27 ATTEST:

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30 Katy Duhigg, City Clerk

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Exhibit A to R-19-150

Page	Section	Proposed Change	Explanation
219	5-4(F)(2)(a)	Replace "Variance" with "Waiver" and update cross reference to specific procedure.	Editorial change to track with proposed change to DRB - Variance.
221	5-4(I)(2)	Replace "Variance" with "Waiver" and update cross reference to specific procedure.	Editorial change to track with proposed change to DRB - Variance.
242	5-5(F)(2)(a) 2.b	Replace "Variance" with "Permit" and update the cross reference to the specific procedure accordingly.	All exceptions to standards in Section 5-5 are currently reviewed/decided by DRB as a Variance - DRB. This is proposed to change to be Waivers reviewed/decided by DRB at a public meeting. Carports have had additional review at public hearings prior to the IDO. This would return that review/decision to be closer to the pre-IDO process. See related item for changes to Table 6-1-1 and Subsection 6-6(L).
327	Table 6-1-1	Change requirement to hold public hearings to public meetings for the following DRB decisions: Subdivision of Land - Major, Preliminary Plat; Vacation of Easement or Right-of-way - DRB; and DRB - Variance. Update any references to public hearings related to DRB throughout the IDO accordingly.	DRB is a staff board for technical reviews and does not make discretionary decisions or hold quasi-judicial hearings. This change would return DRB processes closer to pre-IDO processes.
328	Table 6-1-1	Change the title of "Variance - DRB" to "Waiver - DRB" and realphabetize. Renumber related Specific Procedure accordingly. Replace all other references to Variance - DRB throughout the IDO accordingly. Rename "Wireless Telecommunications Facility Waiver" to "Waiver - Wireless Telecommunications Facility" for consistency. Replace all references to this procedure throughout the IDO accordingly.	DRB is a staff board for technical reviews and does not make discretionary decisions or hold quasi-judicial hearings. Exceptions to Sections 5-3 (Access and Connectivity), 5-4 (Subdivision of Land), and 5-5 (Parking and Loading) would be decided by DRB as a waiver, not as a variance, which is limited to exceptional lots per State statute. See related item for edits to Subsection 6-6(N). See related items for exceptions: Front yard parking and carports.
347	6-4(M)(1)	Remove DRB from list of decision-makers that have public hearings.	DRB is a staff board for technical reviews and does not make discretionary decisions or hold quasi-judicial hearings. See related item for proposed changes to Table 6-1-1.
349	6-4(M)(5)(e)	Remove reference to DRB in this list of decision-making bodies that hold public hearings.	DRB is a staff board for technical reviews and does not make discretionary decisions or hold quasi-judicial hearings. See related item for proposed changes to Table 6-1-1.

Exhibit A to R-19-150

age	Section	Proposed Change	Explanation
350	6-4(O)(1)	<p>Replace text as follows:                      "For all other IDO standards, requests for exceptions beyond these thresholds will be reviewed and decided as Variances pursuant to the following:                      6-4(O)(1)(b) Subsection 14-16-6-6(M) (Variance – EPC) for exceptions to all other IDO standards associated with a Site Plan – EPC or requiring a Variance - EPC.                      6-4(O)(1)(c) Subsection 14-16-6-6(N) (Variance – ZHE) for exceptions to all other IDO standards associated with a Site Plan – Administrative or Site Plan – DRB."</p>	<p>Editorial change to track with proposed change to DRB - Variance.</p>
351	6-4(O)(1) [new]	<p>Add a new subsection as follows:                      "For standards in the following subsections, requests for deviations beyond these thresholds or to standards not included in Table 6-4-2 will be reviewed and decided as Waivers pursuant to the following:                      6-4(O)(1)(a) Subsection 14-16-6-6(new) (Waiver – DRB) for deviations from standards in Section 14-16-5-3 (Access and Connectivity), Section 14-16-5-4 (Subdivision of Land), Section 14-16-5-5 (Parking and Loading) except for the following standards:                      1. Standards in Subsection 5-5(F)(2)(a)2, which require a Permit - Carport in Front or Side Setbacks pursuant to Subsection 6-6[new].                      2. Standards related to front yard parking in Subsection 5-5(F)(2)(a), Subsection 5-5(F)(1)(a)6, and Table 5-5-6, which require a Variance - ZHE pursuant to Subsection 14-16-6-6(N).                      6-4(O)(1)(b) Subsection 14-16-6-6(O) (Wireless Telecommunications Facility Waiver) for deviations from standards applicable to the erection or installation of a Wireless Telecommunications Facility (WTF) under this IDO."</p>	<p>Adjusts the language for the proposed change that exceptions to Sections 5-3 (Access and Connectivity), 5-4 (Subdivision of Land), and 5-5 (Parking and Loading) would be decided by DRB as a waiver, similar to the way deviations to WTF standards are reviewed and decided by EPC instead of ZHE. Explains that carports in front/side setbacks need a Permit decided by ZHE. Adds reference to WTF Waivers. See related items for changes to carports and front yard parking.</p>
356	Table 6-4-3	<p>Change Variance - DRB to Waiver - DRB and realphabetize accordingly.</p>	<p>Editorial change to track with proposed change to DRB - Variance.</p>
362	Table 6-4-4	<p>Replace "Variance" with "Waiver" and realphabetize accordingly.</p>	<p>Editorial change based on edits to DRB - Variance.</p>

Exhibit A to R-19-150

age	Section	Proposed Change	Explanation
365	6-4(X)(1)a	<p>Revise as follows and renumber subsequent subsections accordingly:                      "...If the applicant is requesting an amendment that would require a <u>Waiver or Variance</u> from any of these standards, a separate <u>request must be submitted</u> <del>Variance must be requested</del> per the relevant procedure, as follows:                      1. Section 14-16-6-6(new) (<del>Variance Waiver</del> – DRB) for exceptions to any standards in Section 14-16-5-4 (Subdivision of Land), Section 14-16-5-3 (Access and Connectivity), Section 14-16-5-5 (Parking and Loading) <u>except the following:</u>                      a. <u>Standards in Subsection 5-5(F)(2)(a)2, which require a Permit - Carport in Front or Side Setback pursuant to Subsection 6-6[new].</u>                      b. <u>Standards related to front yard parking in Subsection 5-5(F)(2)(a), Subsection 5-5(F)(1)(a)6, and Table 5-5-6 , which require a Variance - ZHE pursuant to Subsection 14-16-6-6(N).</u>                      2. <u>Section 14-16-6-6(O) (Waiver - Wireless Telecommunications Facility (WTF) for deviations from standards applicable to the erection or installation of a under this IDO.</u></p>	Editorial change to track with proposed change to DRB - Variance.
380	6-5(G)(2)(e)	Replace "Variance" with "Waiver" and update cross reference to specific procedure and remove reference to the DPM.	
396	6-6(G)(2)(e)	<p>Replace text as follows:                      "The DRB may grant a Waiver pursuant to Subsection 6-6(new) as part of this approval."                      And remove reference to the DPM.</p>	Editorial change to track with proposed changes to DRB - Variance.
399	6-6(I)(2)(b)	Delete this section in its entirety as it relates to the DPM.	Editorial change to track with proposed changes to DRB - Variance.
401	6-6(J)(2)(a)2	Replace "Variance" with "Waiver" and update cross reference to specific procedure and remove reference to the DPM.	Editorial change to track with proposed changes to DRB - Variance.
402	6-6(J)(2)(c)2	Replace "Variance" with "Waiver" and update cross reference to specific procedure and remove reference to the DPM.	Editorial change to track with proposed changes to DRB - Variance.



Exhibit A to R-19-150

Page	Section	Proposed Change	Explanation
404	6-6(J)(3)(a)	Revise as follows: "An application for a Preliminary Plat shall be approved if it meets all of the following criteria: <del>1. Is consistent with the ABC Comp Plan, as amended.</del> <del>2. Complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property."</del>	DRB is a staff board for technical reviews and cannot hold quasi-judicial hearings. Given the definition of public hearings, the DRB does not make decisions based on policy, since it is not a discretionary decision-making body. See related item for edits to Subsection 6-6(N) and Table 6-1-1.
405	6-6(K)(2)(c)	Replace "public hearing" with "public meeting."	Editorial change to track with proposed changes to Table 6-1-1.
406	6-6(L)	Change the name of Variance - DRB to Waiver - DRB throughout this subsection and the IDO and move and renumber this subsection accordingly. Replace "variance" with "deviation" or "waiver" as appropriate throughout this subsection. Replace "hearing" with "meeting" throughout this subsection. Delete subsection 6-6(L)(3)(a)(1), which is a hardship or exceptionality criterion only applicable to variances. Delete subsection 6-6(L)(3)(b) Sidewalk Variance, as this procedure is covered by the DPM. Move subsection 6-6(L)(3)(c) Front Yard Parking to subsection 6-6(N) so that ZHE reviews/decides. See Exhibit A-1 for mock-up of these changes.	DRB is a staff board for technical reviews and does not make discretionary decisions or hold quasi-judicial hearings. Deviations from standards in Sections 5-3 (Access and Connectivity), 5-4 (Subdivision of Land), and 5-5 (Parking and Loading) would be decided by DRB as a waiver, not as a variance, which is limited to exceptional lots (i.e. hardship criteria) per State statute. See related item for edits to Table 6-1-1 and Subsection 6-6(N). See related item for edits to Subsection 6-6(L)(3)(d).
406	6-6(L)(3)(d)	Move subsection 6-6(L)(2)(a)1 to the ZHE with the following sections Move subsection 6-6(L)(3)(d) Variance for a Carport in a Required Front or Side Setback to be a new decision in Table 6-1-1 with its own specific procedure so that ZHE reviews/decides. Change the name to "Permit - Carport in a Required Front or Side Setback." Notice = Mailed, Sign, Email, Web Replace reference to this procedure throughout the IDO accordingly.	All exceptions to standards in Section 5-5 are currently reviewed/decided by DRB as a Variance - DRB. This is proposed to change to be Waivers reviewed/decided by DRB at a public meeting. Carports have had additional review at public hearings prior to the IDO. This would return that review/decision to be closer to the pre-IDO process. See related change for Subsection 5-5(F)(2)(a)2.b.
411	6-6(M)(3)(a)	Revise so that VPO variances in Subsections b and c also have to meet general variance criteria.	State statutes define hardship/exceptionality criterion for variances. These VPO variances therefore need to meet that criterion in addition to specific criteria for each VPO.

Exhibit A to R-19-150

Page	Section	Proposed Change	Explanation
412	6-6(N)(1)(a) 1	Delete this subsection and renumber subsequent subsection accordingly.	Editorial change to reflect edits proposed for DRB - Variance.
414	6-6(N)(3)(c)	Move this subsection to be a new decision in Table 6-1-1, still decided by ZHE. Revise name to "Permit - Wall or Fence - Major." Notice = Mailed, Sign, Email, Web Change name of "Wall or Fence Permit - Minor" to "Permit - Wall or Fence - Minor" for consistency. Replace references to these procedures throughout the IDO accordingly.	State statutes define hardship/exceptionality criterion for variances. Because these criteria are different, this must be a different type of decision, still decided by the ZHE following the same notice as is required for Expansions of a Nonconforming Use or Structure.
457	7-1	Deviation Replace text as follows: "An exception to <u>IDO</u> standards that can be granted by the relevant decision-making body within thresholds established by Table 6-4-2 or based on criteria for a waiver for standards related to wireless telecommunications facilities or standards in Section 14-16-5-3 (Access and Connectivity), 14-16-5-4 (Subdivision of Land), or 14-16-5-5 (Parking and Loading) pursuant to Subsection 6-6(new) (Waiver - DRB). See also Waiver."	Broadens the definition to include deviations that are reviewed and decided as waivers (standards related to Wireless Telecommunication Facilities, Access & Connectivity, Subdivisions, and Parking).
499	7-1	Variance Revise as follows: "Exceptions to dimensional standards or variations from the strict, literal application of standards in this IDO <del>or the DPM</del> . Variances from zoning standards are reviewed and decided by the ZHE or EPC, while Variances from technical standards in <del>Section 14-16-5-3 (Access and Connectivity), Section 14-16-5-4 (Subdivision of Land), Section 14-16-5-5 (Parking and Loading), or any standard in the DPM or related to projects in public rights-of-way</del> are decided by the DRB. The allowable use of premises may never be changed via a Variance."	Editorial change based on edits to DRB - Variance.
500	7-1	Waiver Add a new definition as follows: "A deviation beyond the thresholds established in Table 6-4-2 or from standards not included in Table 6-4-2. See also Deviation."	Waiver is a term used in the IDO for deviations from WTF standards beyond those allowed as an administrative deviation. The IDO does not define the term. This would add a definition that covers both Waiver - WTF as well as Waiver - DRB.

## Exhibit A-1 to R-19-150

### 6-6(L) WAIVER – DRB

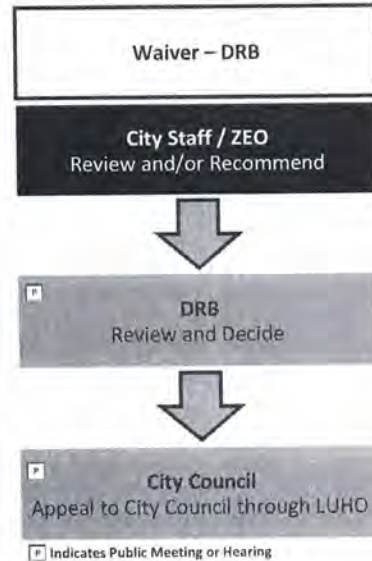
All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-6(L).

#### 6-6(L)(1) Applicability

This Subsection 14-16-6-6(L) applies to application for a deviation from standards in Sections 14-16-5-3 (Access and Connectivity), 14-16-5-4 (Subdivision of Land), or 14-16-5-5 (Parking and Loading) beyond the thresholds established by Table 6-4-2 in Subsection 14-16-6-4(O), except the following:

6-6(L)(1)(a) Standards in Subsection 5-5(F)(2)(a)2, which require a Permit - Carport in Front or Side Setbacks pursuant to Subsection 6-6[new].

6-6(L)(1)(b) Standards related to front yard parking in Subsection 5-5(F)(2)(a), Subsection 5-5(F)(1)(a)6, and Table 5-5-6, which require a Variance - ZHE pursuant to Subsection 14-16-6-6(N).



#### 6-6(L)(2) Procedure

##### 6-6(L)(2)(a) General

1. The City Planning Department staff shall review the application and forward a recommendation to the DRB pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
2. The DRB shall conduct a public meeting and make a decision on the application pursuant to all applicable provisions of Section 14-16-6-4 (General Procedures).
3. A Waiver – DRB may not be granted until after any necessary Conditional Use Approvals are obtained pursuant to Subsection 14-16-6-6(A).
4. A notice of any Variances, Waivers, or Deviations granted associated with a subdivision shall be placed on the final plat and on a separately recorded document, and any Variances, Waivers, or Deviations granted associated with a Site Plan shall be noted on the approved Site Plan.

##### 6-6(L)(2)(b) Bulk Land Subdivision

Where a Waiver is requested based on a bulk land subdivision, all of the following procedures shall be followed in addition to the procedures in Subsection (a) above:

## Exhibit A-1 to R-19-150

1. The use of the land for development and/or building purposes shall require review during the Subdivision or Site Plan approval process. Approval of a Waiver for a bulk land transfer does not indicate that land within that transfer complies with applicable Subdivision or Site Plan standards.
2. The plat shall reflect the applicant's agreement that building permits shall not be issued for any area where the Waivers apply before further subdivision and that recording of a final subdivision plat for the subject area has been completed.

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

An application for a Waiver – DRB shall be approved if it complies with the following criteria:

**6-6(L)(3)(a)** Any of the following applies:

1. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.
2. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, state, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance.
3. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.
4. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.

## Exhibit A-1 to R-19-150

- 6-6(L)(3)(b)** The Waiver will not be materially contrary to the public safety, health, or welfare.
- 6-6(L)(3)(c)** The Waiver does not cause significant material adverse impacts on surrounding properties.
- 6-6(L)(3)(d)** The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.
- 6-6(L)(3)(e)** The Waiver will not conflict significantly with provisions of any city, county, or AMAFCA adopted plan, this IDO, or any other City code or ordinance.
- 6-6(L)(3)(f)** The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.
- 6-6(L)(3)(g)** The Waiver will not materially undermine the intent and purpose of this IDO or the applicable zone district.
- 6-6(L)(3)(h)** The Waiver does not allow a lot or type of development that does not meet the applicable size, area, and development standards applicable in the zone district where the lot is located, unless a Deviation to such standards is within the thresholds established by Subsection 14-16-6-4(O) (Deviations) and is granted by the DRB as part of this approval.
- 6-6(L)(3)(i)** The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Section.

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**From:** Schultz, Shanna M.  
**Sent:** Monday, July 01, 2019 3:05 PM  
**To:** 'steven@stevenchavezlawfirm.com'  
**Cc:** Morris, Petra; Melendrez, Chris P.  
**Subject:** R-19-150: Setting Interim Procedures for the Development Review Board  
**Attachments:** R-150.pdf

Good afternoon Mr. Chavez,

I've attached to this message the resolution that we spoke about this morning that Councilor Trudy Jones recently sponsored related to the duties of the Development Review Board (DRB). These procedures in this resolution are interim, with the final duties of the DRB to be finalized during the IDO Annual Update process. The IDO Annual Update is just about to enter the adoption process (to be heard by the EPC, then the Council's LUPZ committee, then the full City Council), so we suspect the document won't officially be updated until later this winter, if not early next year.

Please take a read through these interim procedures – we would welcome any feedback on what is proposed here. If you have questions or comments on these procedures, we would be happy to schedule a meeting to sit down and discuss it. Given the complexity of the topic, a meeting or phone call may be preferable to e-mail correspondence if you have specific questions. I'm copying my colleagues at the Council offices who have also worked on this bill.

Thank you,  
Shanna

**Shanna Schultz, MPA, MCRP**  
Policy Analyst - Planning  
Albuquerque City Council  
505.768.3185  
[smschultz@cabq.gov](mailto:smschultz@cabq.gov)

