

MR. YNTEMA
(FIRST SPEAKER)

PRESENTATION TO DRB
August 14, 2019

Madame Chair and Members of the DRB:

My name is Hess Yntema. I am a lawyer. My address is 215 Gold Avenue SW, Suite 201, Albuquerque, New Mexico, 87102. I represent 13 individuals and the Hope in the Desert Episcopal Church in this matter, who I will refer to as the Neighbors, who object to this project as currently designed. I submitted a letter dated August 7, 2019 to the DRB which I request be placed in the case record if it's not there already. The Neighbors whom I represent also include Steve Wray, an affected landowner whose address is 8505 Tierra Morena Place NE (south of the site), whose name was not in my August 7, 2019 letter. I would like to submit for the record a copy of a letter sent to the DRB by Mr. Wray, and a list of names and addresses of the persons and one entity I represent in opposition to the proposed site plan. A number of these Neighbors I represent own and reside at their homes adjacent to the subject site, on the north side of Tierra Morena Place NE. Please send me notice of filings and the DRB decision in this matter.

Briefly I want to run through the objections to the proposed site plan set out in my August 7 letter (although in a different order than set out in my letter).

1. The DRB should hold a quasi-judicial hearing, which means with an adequate record, cross-examination, and an impartial decision-maker with no ex parte contacts. Please disclose if there have been any ex parte contacts by

members of the DRB with the developer or its agents or representatives concerning this application. We request the opportunity to cross-examine witnesses.

This DRB site plan hearing is “quasi-judicial” under the IDO and state law generally because the approval of a site plan is an “entitlement” on “particular property” under IDO Section 6-4(M)(3) (p. 348) as it grants the developer a particular approval for development of a particular site from which certain rights are established. IDO Table 6-1 (p. 328) indicates that the DRB decision is to be in a “public meeting”, however this is incongruous with the definition of “quasi-judicial” hearing, what is actually to be decided by the DRB (for example, if the proposed site plan conforms with the parcel’s zoning, or if IDO limitations on development apply to the parcel), and when the appeals from the DRB are to be “public hearings” (IDO Table 6-1, p. 328).

2. The DRB should keep a full, on-line record, including all documents submitted, e-mails relating to the developer’s application, and records of any meetings held with the developer or its agents or representatives. It is difficult to learn what documents are being processed and considered without an available record. Staff is attentive and polite, and responds fairly quickly, but a person concerned about a site plan approval should be able to review the applicable documents without having to request documents continually from staff.

3. The time for the public to review submissions is unfairly abbreviated. This objection is related to the lack of an on-line record available to the public. Quasi-judicial hearings should not be conducted by surprise. In this case only a few days run between the developer's submissions and the hearing. From our side, without an available record, it is not clear if any of the materials submitted by opponents will be presented to the DRB, and it is difficult to cite to documents which may or should be before the DRB, without page references to a record.

4. The proposed site plan exceeds the allowed density for the MX-L zone. The MX-L zone (p. 25 of the IDO) explicitly is for "low density". By comparison, the MX-M zone (p. 27) explicitly is for "medium density". The subject apartments are "medium density" according to the applicant's letter dated June 17, 2019 to the DRB to submit the proposed site plan. The project density appears to be over 32 units per acre (93 units on 2.9 acres), which is not "low density". The density of this development does not correspond to its zoning and should be substantially reduced.

5. The DRB should apply the "Neighborhood Edges" provisions of IDO Section 5-9 (pp. 286-287). I request that the DRB consider then Planning Director Mr. Campbell's letter dated November 29, 2018, which submitted the first of two batches of rezoning to the EPC in connection with passage of the IDO. Page 3 of Mr. Campbell's letter starts the "Voluntary Downzone" section and reviews

numerous policies which support and justify many rezonings even as the IDO became effective. It is clear that the developer was aware the voluntary rezonings were in process before its application was submitted, from p. 11 of the Project Meeting Report of the meeting with neighbors held May 21, 2019 (before the June 17 submission of the site plan).

Last week, on August 5, 2019, the City Council zoned 8419 Tierra Morena Place NE, which is adjacent to the subject site, to R-1B, pursuant to Batch 1 of the voluntary rezonings. 8419 Tierra Morena Place NE is thus a “Protected Lot” under IDO Section 5-9. Under the case of Brazos Land, Inc. v. Bd. of County Comm’rs of Rio Arriba County, 1993-NMCA-013, this rezoning is effective as to the developer’s pending application, and the “Neighborhood Edges” provisions of the IDO, particularly the building height stepdown and the buffering and parking provisions which are designed to protect adjoining low density residential neighbors, apply to this project. Several of the Neighbors I represent have requested the voluntary rezoning to R-1B for their Tierra Morena Place residences in the second round of IDO corrective rezoning. The buffer requirements in IDO Section 5-6(E)(2) (p. 260) also appear to apply to this proposed development next to a low density residential zone district.

The rushed approval sought for this project suggests that the developer seeks to avoid providing adjacent residences the protections contemplated by the IDO,

when the IDO is considered in full including the IDO's immediately known corrections. The DRB should apply the IDO's "Neighborhood Edges" provisions and similar adjacent property protections to this project.

6. The Neighbors request a traffic study for the project, particularly in relation to drop off and pickups for the area's schools, which already backs up substantially at Barstow and Alameda. I understand that at least one letter has been submitted explaining this issue, from Meifen Zhao, and there may be others.

7. I understand that several of the Neighbors I represent, and other opponents of the project as currently designed, will speak.

Thank you.

Development review board of the City of Albuquerque

Sirs,

These are written comments concerning PR-2019-002496/SI-2019-00181. My house is directly south of the proposed development. There are approximately 19 houses in the Tierra Morena subdivision. I have applied for a voluntary zone conversion to R-1B. I have been notified that R-1B is an appropriate zone conversion because the subdivision consists of all detached single-family dwellings and the lot sizes are consistent with R-1B development pattern. Any proposed development bordering this subdivision should be treated as if it is bordering R-1B zoning and not MX-T zoning. I don't know why the city has delayed these zone conversions, but it is appropriate that the protections that exist for R-1B zoning are consider and honored.

I have several objections to the development. The most pressing objections are the parking, parking structures, lighting and dumpsters that will be adjacent to my house. The wall that separates the development from my house measures 5'9" tall at the location of my house. There is no way that a parking structure of 8 to 10 feet high or more with lighting adjacent to a 5'9" wall will not spill light into my space. In addition placing dumpster adjacent to the wall bordering my back yard is obtrusive. They smell, attract insects and rodents and are unsanitary. Additional objections that I have are the density of the project which does not fit with the overall character of the neighborhood. Commercial buildings just to the East of the proposed development include a pediatrician's office, dental office, church, school and light office space. The proposed 93 unit, 3 story apartment complex is too dense!

I have not received information from the developer regarding an elevation or detail of the parking structure, the layout of the parking, barrier, landscaping, and boundary wall. I have not received information about drainage except the statement it is complicated.

This project should not be approved. A development with less density would be a better fit for the neighborhood. Townhomes or light office space would be better choices, or a church. Something where the density of people isn't so high.

Sincerely

Stephen M Wray

NEIGHBORS REPRESENTED BY YNTEMA FOR DRB HEARING ON AUGUST 14, 2019

Joe O'Neill and Karen Baehr
8805 Pico La Cueva
Albuquerque, NM 87122-1315

Stephen M. Wray
8505 Tierra Morena NE
Albuquerque, NM 87122

Paul and Jennifer Wever
8409 Tierra Morena Pl NE
Albuquerque, NM 87122

Erin E J Caswell
8516 Tierra Morena Pl NE
Albuquerque, NM 87122

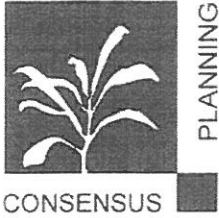
Maria and Paul Scarpa
8427 Tierra Morena Pl NE
Albuquerque, NM 87122

Mary Louise and Joseph Valdez
8515 Tierra Morena Pl NE
Albuquerque, NM 87122

Hope In The Desert Episcopal
Church
8700 Alameda Blvd., NE
Albuquerque, NM 87122

Shannon and Randolph Baca
8501 Alameda Blvd NE
Albuquerque, NM 87122

Nancy Jones
8504 Tierra Morena Pl. SE
Albuquerque, NM 87122



June 17, 2019

Ms. Kym Dicome, Chair
Development Review Board
600 N. 2nd Street NW
Albuquerque, New Mexico 87102

Re: Site Plan – DRB

Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102

(505) 764-9801
Fax 842-5495
cp@consensusplanning.com
www.consensusplanning.com

Dear Ms. Dicome:

The purpose of this letter is to transmit our Site Plan application to the Development Review Board (DRB), provide a description of the project, and identify policy support for a Site Plan – DRB as defined by the IDO in Section 14-16-6(G) on page 395.

The project is located at the southeast corner of Alameda Boulevard and Barstow Road NE and consists of 93 luxury apartments developed within 3 buildings. The buildings are three stories tall and have been sited along the northern boundary adjacent to Alameda Boulevard with parking located to the south of the buildings with a landscape buffer along the southern property line adjacent to the existing single-family homes to the south. In addition to the residential buildings, there are two buildings that include community amenities including a community room, fitness center, dog washing station, bicycle storage, and bicycle work area. There are also outdoor amenities including a pool, putting green, sitting/meditation area, and a dog park.

The development of moderate density multi-family development helps to further a number of Comprehensive Goals and Policies related to infill development, adding to the range of land use and residential housing options in the area, and locating moderate density housing adjacent to bicycle and transit facilities encouraging multi-modal transportation options.

The site plan is required to be reviewed by the DRB since it is over 50 dwelling units and is not required to go before the Environmental Planning Commission (EPC).

14-16-6(G)(3) An application for a Site Plan – DRB shall be approved if it meets all of the following criteria (Our responses are provided in italics following each of the criteria below):

6-6(G)(3)(a) The Site Plan 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.

PRINCIPALS

James K. Strozier, AICP
Christopher J. Green, P.L.A.
ASLA, LEED AP
Jacqueline Fishman, AICP

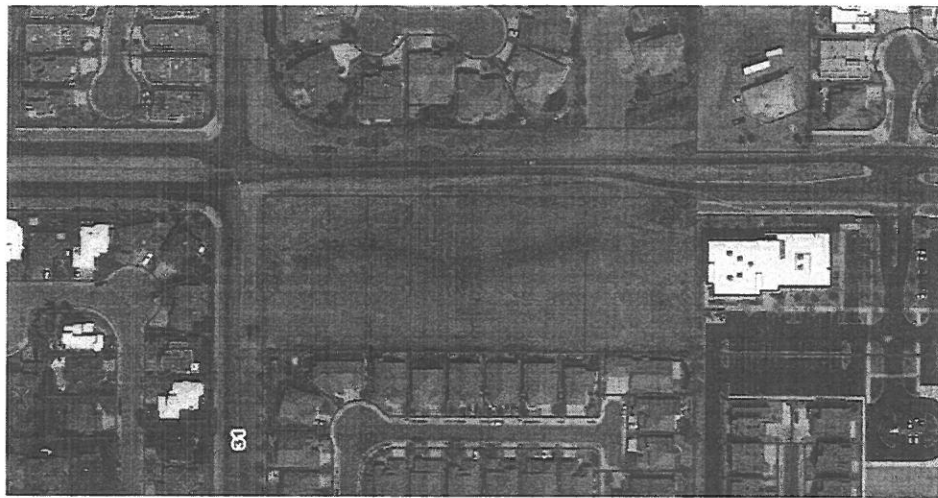
The project has been designed in compliance with the IDO and the MX-L zone's Specific Development Standards. These standards include setbacks, height, usable open space, landscaping, and parking.

6-6(G)(3)(b) The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.

The attached application includes the following support documents:

1. *Approved Fire 1 Plan;*
2. *Water and Sewer Availability Statement #180916;*
3. *Grading and Drainage Plan (Hydrology Submittal 6/10/2019);*
4. *Site Plan Drawing Set – Site Plan, Landscape Plan, Grading and Drainage Plan, Utility Plan, and Building Elevations; and*
5. *Infrastructure List*

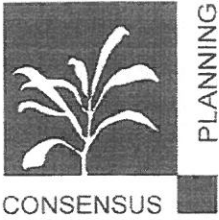
These attachments clearly demonstrate compliance with this criterion. The Site Plan provides for the necessary improvement to the adjacent streets, sidewalk systems, and utilities. The project will construct critical improvements to fill in the current gap between existing development to the east and west of the subject property. This is an infill site surrounded by existing development.



Site Vicinity – Existing Conditions

6-6(G)(3)(c) The Site Plan mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.

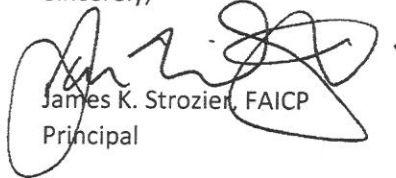
The applicant provided all required neighborhood outreach and participated in a facilitated meeting on May 21, 2019 (see attached report and addendum). The applicant also provided flyers for the meeting to all of the homes located to the south of the subject property. The meeting was productive with a number of specific concerns being raised for the development team's consideration. The following modifications to the Site Plan were made in response to these specific concerns:



1. **Security** – *The common areas within the site have been secured with an attractive black wrought iron fence that will require key card access;*
2. **Solid Waste** – *Following a meeting with City Solid Waste staff the dumpster locations along the southern landscape buffer will be restricted to recycling only;*
3. **Landscape Buffer** – *Four evergreen trees have been added to the southern boundary and specifically located to provide additional screening for the recycling locations (these trees are in addition to the trees required to meet the minimum standard);*
4. **Lighting** – *A note has been added limiting the lighting under the proposed parking shade canopies to the northern edge of the canopies and that they be night sky compliant down lighting fixtures to prevent light pollution to the neighbors to the south; and*
5. **Pedestrian Safety** – *Provided enhanced pedestrian crosswalks and signage at the site entries.*

Based upon the information provided above and supporting documents, we respectfully request the DRB's review and approval of the Site Plan. Please don't hesitate to contact me if you have any questions or need any additional information.

Sincerely,



James K. Strozier, FAICP
Principal

c: Project Team

CITY OF ALBUQUERQUE



November 29, 2018

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

Dear Chair Bohannon,

The Planning Department is pleased to submit the first of two batches of proposed zoning conversions for the Environmental Planning Commission's (EPC) review and recommendation to the City Council. These Phase 2 zoning conversions are intended to resolve issues not addressed by the adoption of the Integrated Development Ordinance (IDO) in November 2017 via Ordinance 17-49 (Enactment No. O-2017-025).

The City Council's adoption of the IDO established new zone districts and converted approximately 1,200 individual zones into one of the 20 new zone districts via a set of conversion rules. This Phase 1 zoning conversion matched permissive uses as closely as possible from the pre-existing zoning districts to the new IDO zone districts. These Phase 1 zoning conversions went into effect on May 17, 2018, following 6-month amendments adopted via Ordinance 18-11 (Enactment No. O-2018-009) (Exhibit 1).

There were five issues known at the time of the IDO adoption and the 6-month amendments that were not addressed through the Phase 1 conversion but that were included as criteria in Resolution 18-29, adopted by the City Council at the same time as the IDO 6-month amendments. Resolution 18-29 (Enactment No. R-2018-019) directed the Planning Department to create a voluntary process for property owners to resolve the following five zoning issues on properties throughout the city. These five issues are described briefly here and in more detail in a separate section below.

1. **Nonconforming Use:** The zoning conversion would remedy a nonconforming use of the property.
2. **Voluntary Downzone:** The zoning conversion would result in a less intense or less dense IDO zone district in an Area of Consistency that is compatible in scale and intensity with the existing land use at the site and surrounding development patterns.
3. **Floating Zone Line:** The zoning conversion would remedy a boundary that does not correspond to a lot line in either the Bernalillo County Assessor's data or Albuquerque Geographic Information Systems (AGIS) City parcel data (i.e. a "floating zone line").
4. **Prior Special Use or R-D Zoning:** The zoning conversion is for undeveloped property previously regulated by the Residential and Related Uses Zone, Developing Area (R-D), or by special use zoning (SU-1, SU-2, or SU-3), and an IDO zone designation other than what was assigned through the Phase 1 conversion process would be more appropriate for the site.
5. **Size Thresholds:** The zoning conversion is for property converted to Planned Development (PD) or Non-residential Business Park (NR-BP) zone districts that does not meet size thresholds set by the IDO for those zone districts.

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NM 87103

www.cabq.gov

This batch includes 122 properties whose owners have opted into this process. City staff has analyzed these requests to confirm eligibility via at least one of the criteria above. In some cases, staff has recommended a different zoning conversion than the property owner requested, based on context, the compatibility of the zone district with surrounding zones and uses, and consistency with other zoning conversions.

The EPC is a recommending body for this legislative process to review the requests per the Phase 2 zoning conversion rules for these properties. The EPC is to review the proposed zoning conversions and make a recommendation to the City Council for final decision. The criteria for decision are based on whether the proposed Phase 2 zoning conversion rules are consistent with the ABC Comprehensive Plan and the IDO implementation goals, city-wide, for properties that fall within at least one of the five categories outlined in Resolution 18-29.

Please see the attached list of properties for consideration by the EPC for conversion to a different IDO zone district (Exhibit 2). The list of properties includes the eligibility criteria, former zone, IDO zone, the zoning conversion requested by the property owner, and the zoning conversion recommended by staff. The list has been sorted according to the eligibility criterion to be applied. Within all categories other than Voluntary Downzone (which includes properties in Areas of Consistency exclusively), properties are grouped according to their Development Area – into either Areas of Consistency or Areas of Change.

Justification of Phase 2 Zoning Conversions (Batch 1) under the Criteria in R-18-29

1. Nonconforming Use

“Nonconforming uses” are uses that were legal when they were established on a property, but became nonconforming when the City changed zoning rules to prohibit the use in that zone district.

As the first comprehensive overhaul of the City’s zoning code since 1975, the IDO changed the allowances of uses in each zone district, which made some existing uses on some properties nonconforming.

Additionally, some properties had uses that were nonconforming as of the first Zoning Code or zoning established by a Sector Development Plan. As a 300-year old city, Albuquerque has numerous properties where the land use on the property has never matched the zoning established on the property, from the first zoning established in 1959 to subsequent zoning codes in 1965, 1975, or the hundreds of amendments since, nor in zoning established by Sector Development Plans that covered approximately half the city.

This voluntary zoning conversion process provides the opportunity to convert the zoning on these properties to a zone district that allows the existing use on the property, either conditionally or permissively. Staff looked at the surrounding land uses and zoning to recommend the most compatible and appropriate zone district.

ABC Comprehensive Plan policies that support this criterion for new zoning conversion rules and action that the Phase 2 conversion helps implement include the following:

Goal 5.6 City Development Areas

Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

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

- b) Encourage development that expands employment opportunities.
- d) Encourage higher-density housing and mixed-use development as appropriate land uses that support transit and commercial and retail uses.
- e) Encourage job creation in business and industrial parks, near freight routes, and where adequate transitions and buffers can be provided to protect abutting residential uses.
- g) Encourage development where adequate infrastructure and community services exist.

Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

- b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.
- e) In areas with predominantly non-residential uses, carefully consider zone changes from non-residential to mixed-use or residential zones for potential impact on land use compatibility with abutting properties, employment opportunities, and historic development patterns.

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

Action 5.7.2.16 Work with property owners to identify mismatches between existing land uses, zoning, and the Comp Plan vision and recommend City-sponsored zone changes for the future.

2. Voluntary Downzone

Zone districts allow residential uses that range in density from multi-family (i.e. higher density) to single-family (i.e. lower density) dwellings. The IDO establishes protections in residential zone districts for low-density residential development, which includes single-family detached houses, duplexes, manufactured home communities, and townhouses. Many properties throughout Albuquerque developed with low-density residential uses, even though the zone district allowed high-density uses. For example, some property owners with single-family land uses and R-T zoning (which may allow townhouses and

duplexes as well as single-family detached homes) want the R-1 zone district, which more closely matches their land use.

The ABC Comprehensive Plan establishes Areas of Consistency, where the character, scale, and pattern of the built environment is to be protected and reinforced over time.

This voluntary zoning conversion process provides the opportunity to convert the zoning on properties in Areas of Consistency from a higher-density to a lower-density zone district that still allows the existing use on the property.

ABC Comprehensive Plan policies that support this criterion for new zoning conversion rules and action that the Phase 2 zoning conversion helps implement include the following:

Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

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

- c) Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long-established residential development patterns.

Goal 5.6 City Development Areas

Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

- b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.
- d) In areas with predominantly single-family residential uses, support zone changes that help align the appropriate zone with existing land uses.

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

Action 5.7.2.16 Work with property owners to identify mismatches between existing land uses, zoning, and the Comp Plan vision and recommend City-sponsored zone changes for the future.

3. Former SU and R-D

Many of the City's previous zone districts established allowable uses and development standards for each property through a site plan and/or sector development plan. As of June 2017, there were approximately 23,525 properties zoned SU-1 or R-D. There were approximately 400 unique SU-2 zones established by an adopted sector development plan. Together, almost 40% of the acreage in the City was controlled by one-off regulations outside of the Zoning Code.

The Phase 1 conversion looked at the title/descriptor of the SU-1, SU-2, or SU-3 zone district and matched the bundle of uses as closely as possible to a new IDO zone district that allowed the same uses in a set of conversion rules adopted by the City Council. Where the development entitlements were unclear in the zone district title/descriptor, the property was converted to Planned Development (PD) – the IDO zone district that is site-plan controlled – to maintain the existing entitlements. This Phase 2 conversion allows more detailed contextual and site-specific research to determine the most appropriate conversion.

Some SU zone districts established allowable uses by referencing a base zone from the Zoning Code and identifying additional uses. The Phase 1 zoning conversion matched the base zone to the closest corresponding IDO zone district, potentially eliminating the additional allowable uses. For example, "SU-1 for C-1 and drive-through restaurant" converted to MX-L, which is the corresponding base zone for C-1 throughout the city.

Some SU zone districts established unique ranges of uses. The Phase 1 zoning conversion matched the uses as closely as possible, but some individual uses were not allowed in the IDO zone district that was assigned for the conversion. This Phase 2 conversion allows property owners intending to use one of the allowable uses from an SU zone to convert to an IDO zone district that allows that use.

Properties zoned R-D or SU-1 for PRD that were developed at the time of the Phase 1 zoning conversion were converted to the IDO zone district that matched the single-family land use (R-1) or townhouse land use (R-T). Properties with any other land use were converted to PD to maintain the existing entitlements. Undeveloped properties were converted to PD to ensure that the future development would still be subject to an approved site plan.

For undeveloped properties formerly zoned SU or R-D that have never had a site plan approved to further define allowable uses, this Phase 2 conversion allows a zoning conversion to a different IDO zone district than was assigned in the Phase 1 zoning conversion that is appropriate in that location and that reflects the intentions of the property owner for future development.

This voluntary zoning conversion process provides the opportunity to convert the zoning on these properties to an IDO zone district that better matches the intended future development on the property and that is compatible with the surrounding land uses and zone districts.

ABC Comprehensive Plan policies that support this criterion for new zoning conversion rules and actions that the Phase 2 zoning conversion helps implement include the following:

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

- c) Avoid the use of SU-1 as a tool to negotiate design or use standards between stakeholders and limit its application to uses specified in the SU-1 zone.

Action 5.7.2.5 Minimize the use of Planned Developments and Special Use Permits by establishing by-right zoning for uses that implement the Centers and Corridors vision, with clear design standards for high-quality development and adequate transitions and buffers between uses of different intensity and scale.

Action 5.7.2.17 Minimize the use of Planned Development zones by encouraging an appropriate mix of permissive land uses in residential, mixed-use, and non-residential zones.

Action 5.7.2.18 Limit the list of uses allowed in the SU-1 zone to those that are unique, infrequently occurring, and not adequately addressed by other zones.

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

- b) Encourage development that expands employment opportunities.
- d) Encourage higher-density housing and mixed-use development as appropriate land uses that support transit and commercial and retail uses.
- e) Encourage job creation in business and industrial parks, near freight routes, and where adequate transitions and buffers can be provided to protect abutting residential uses.
- g) Encourage development where adequate infrastructure and community services exist.

Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

- b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.
- c) Carefully consider zone changes from residential to non-residential zones in terms of scale, impact on land use compatibility with abutting properties, and context.
- e) In areas with predominantly non-residential uses, carefully consider zone changes from non-residential to mixed-use or residential zones for

potential impact on land use compatibility with abutting properties, employment opportunities, and historic development patterns.

4. Floating Zone Line

Throughout Albuquerque, for a variety of historical reasons, there are many properties with two zone districts on one parcel (i.e. a “floating” zone line). In the Phase 1 zoning conversion, each zone on the parcel converted to an IDO zone district, but the floating zone line was not resolved.

This Phase 2 zoning conversion process provides the opportunity to convert the zoning on these properties to one IDO zone district that matches the existing uses on the property and is compatible with the surrounding land uses and zoning.

ABC Comprehensive Plan policies that support this criterion for new zoning conversion rules include the following:

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

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

- b) Encourage development that expands employment opportunities.
- d) Encourage higher-density housing and mixed-use development as appropriate land uses that support transit and commercial and retail uses.
- e) Encourage job creation in business and industrial parks, near freight routes, and where adequate transitions and buffers can be provided to protect abutting residential uses.
- g) Encourage development where adequate infrastructure and community services exist.

Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

- b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.
- c) Carefully consider zone changes from residential to non-residential zones in terms of scale, impact on land use compatibility with abutting properties, and context.
- e) In areas with predominantly non-residential uses, carefully consider zone changes from non-residential to mixed-use or residential zones for potential impact on land use compatibility with abutting properties, employment opportunities, and historic development patterns.

5. Size Thresholds

The IDO establishes size thresholds for the Planned Development (PD) and Non-residential Business Park (NR-BP) zone districts. PD properties are required to be a minimum of 2 acres and a maximum of 20 acres. NR-BP properties are to be a minimum of 20 acres. Many properties that converted to either of these zone districts during the Phase 1 zoning conversion do not meet these size thresholds.

In the case of NR-BP properties, many are properties that once were part of a larger piece of land that was subsequently subdivided. These NR-BP properties less than 20 acres but controlled by a Master Development Plan were not deemed eligible for the Phase 2 zoning conversion process, as they need to remain NR-BP to make clear that they are subject to design controls in the approved Master Development Plan.

For PD properties less than 2 acres or greater than 20 acres and NR-BP properties less than 20 acres that were never subject to a Master Development Plan, this Phase 2 zoning conversion process provides the opportunity to convert to a different IDO zone district that matches the existing uses or previous entitlements on the property and is compatible with the surrounding land uses and zoning.

ABC Comprehensive Plan policies that support this criterion for new zoning conversion rules and actions that the Phase 2 zoning conversion helps implement include the following:

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

- c) Avoid the use of SU-1 as a tool to negotiate design or use standards between stakeholders and limit its application to uses specified in the SU-1 zone.

Action 5.7.2.5 Minimize the use of Planned Developments and Special Use Permits by establishing by-right zoning for uses that implement the Centers and Corridors vision, with clear design standards for high-quality development and adequate transitions and buffers between uses of different intensity and scale.

Action 5.7.2.17 Minimize the use of Planned Development zones by encouraging an appropriate mix of permissive land uses in residential, mixed-use, and non-residential zones.

Action 5.7.2.18 Limit the list of uses allowed in the SU-1 zone to those that are unique, infrequently occurring, and not adequately addressed by other zones.

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

- b) Encourage development that expands employment opportunities.

- d) Encourage higher-density housing and mixed-use development as appropriate land uses that support transit and commercial and retail uses.
- e) Encourage job creation in business and industrial parks, near freight routes, and where adequate transitions and buffers can be provided to protect abutting residential uses.
- g) Encourage development where adequate infrastructure and community services exist.
- i) Discourage zone changes from industrial uses to either mixed-use or residential zones.

Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

- b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.
- c) Carefully consider zone changes from residential to non-residential zones in terms of scale, impact on land use compatibility with abutting properties, and context.
- e) In areas with predominantly non-residential uses, carefully consider zone changes from non-residential to mixed-use or residential zones for potential impact on land use compatibility with abutting properties, employment opportunities, and historic development patterns.

Public Outreach

The Planning Department has done substantial advertising and outreach for this process as required by the language in R-18-29. Free advertising included Constant Contact emails sent to a distribution list of more than 10,000 people, including all Neighborhood Association representatives. Monthly articles appeared in the City's *Neighborhood News*. A slider with information appeared at the top of the ABC Libraries webpage from early September through early November.

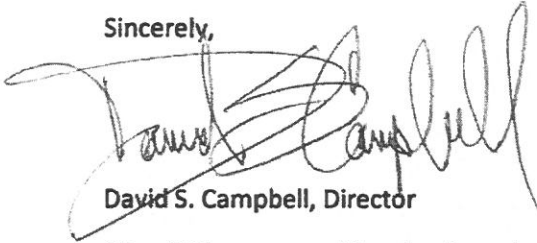
Paid advertising in September and October included ads in the *Albuquerque Journal* and the *Weekly Alibi*, radio ads on several I Heart Radio stations, and bus ads on City buses. Every property owner in Albuquerque received information about this process in English and Spanish via an insert in their tax bill from the Bernalillo County Treasurer in early November 2018.

Outreach included presenting to several neighborhood groups by request, as well as to the Apartment Association of New Mexico. Between August and October, staff distributed information at the Downtown Growers' Market, the Rail Yards Market, the Mile-Hi Market, and the International Festival. Staff offered weekly office hours for property owners and small groups.

Conclusion

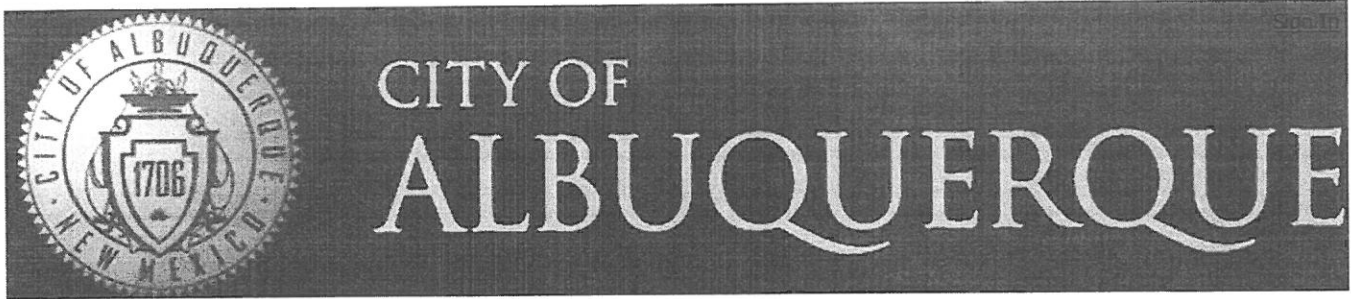
These proposed zoning conversions support existing uses, allow new uses compatible with surrounding development, and encourage desirable development in appropriate locations in Albuquerque. The Planning Department is proud to submit the first batch of properties for Phase 2 IDO zoning conversions to the Environmental Planning Commission for consideration, as the first step of the review and approval process.

Sincerely,

A handwritten signature in black ink, appearing to read "David S. Campbell". The signature is stylized with large, sweeping loops and is positioned above the printed name.

David S. Campbell, Director

City of Albuquerque Planning Department



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Details Reports

File #: O-19-65
 Type: Ordinance Status: Adopted
 File created: 5/29/2019 In control: [City Council](#)
 Final action: 8/5/2019
 Enactment date: Enactment #:

Title: Adopting Zoning Conversion Rules For Properties In Batch 1 Of The Phase 2 Zoning Conversion Effort As Directed By City Council Resolution 18-29 And Updating The Official Zoning Map (Jones and Benton, by request)

Attachments: 1. [O-65](#), 2. [O-65 Exhibit X.pdf](#), 3. [O-65 EPC Record](#)

History (8) Text

8 records Group Export

Date ▼	Action By	Action	Result	Action Details
8/5/2019	City Council	Passed as Amended	Pass	Action details
8/5/2019	City Council	Amended	Pass	Action details
8/5/2019	City Council	Amended	Pass	Action details
6/17/2019	City Council	Accepted Without Recommendation, as Amended		Action details
6/12/2019	Land Use, Planning, and Zoning Committee	Sent to Council Without Recommendation, as Amended	Pass	Action details
6/12/2019	Land Use, Planning, and Zoning Committee	Amended	Pass	Action details
5/29/2019	City Council	Introduced and Referred		Action details
5/29/2019	President	Referred		Action details