



December 6, 2022

Ms. Jolene Wolfley, Chair  
Development Review Board  
600 North 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102

Re: Prior Approval Status of the Atrisco Business Park and Sidewalk Width Requirements

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. Wolfley:

The purpose of this letter is to respond to email correspondence related the City's determination that the Public Right of Way Accessibility Guidelines (PROWAG) requirements as incorporated into the DPM take precedence over the Prior Approval status of the Atrisco Business Park Master Plan. We disagree with that determination based on the rational and regulatory compliance with the IDO provided below. This letter addresses the points that were raised in the emails (which are attached) along with highlighted sections from the IDO.

*"I have been looking this over and it is my opinion that the City's current sidewalk standards would override the sidewalk requirements called out in the Master Plan."*

**Response:**

We do not believe that this conclusion is supported by the IDO and specifically provisions in Section 1 as outlined below, nor are they supported by the guidelines expressed in the PROWAG.

1. *"The Master Plan was approved 30 years ago and was done using the best practices of the time, but since then standards and ADA requirements have changed. The City has adopted the Federal guidelines of PROWAG which has a minimum 5' sidewalks."*

**Response:**

Per the IDO Section 1-10(A) PRE-IDO APPROVALS:

"1-10(A)(1) Any approvals granted prior to the effective date of this IDO shall remain valid, subject to expiration pursuant to Subsection 14-16-6-4(X) (Expiration of Approvals) and to amendment pursuant to Subsection 14-16-6-4(Y) (Amendments of Approvals) or 14-16-6-4(Z) (Amendments of Pre-IDO Approvals), as applicable, until they are replaced with an approval subject to allowable uses and development standards in this IDO pursuant to the procedures in Part 14-16-6 (Administration and Enforcement)."

I believe that the Planning and Code Enforcement comments, and our review of the IDO, confirms that the Atrisco Business Park is still valid in accordance with these sections and IDO standards. There is no time period for expiration provided in this section of the IDO.

2. *"The City has adopted the Federal guidelines of PROWAG which has a minimum 5' sidewalks."*

PRINCIPALS

James K. Strozier, FAICP  
Christopher J. Green, PLA,  
ASLA, LEED AP  
Jacqueline Fishman, AICP



**Response:**

Our understanding, based on emails from the Ernest Armijo, City Transportation representative to the DRB, is that the PROWAG guidelines have been added to the Development Process Manual (DPM). This is addressed in IDO section 1-7(A)(4): “The Mayor is responsible for the promulgation of rules and technical standards necessary to fulfill the intent of this IDO. Additional rules and technical standards shall be published in the DPM. **The terms and provisions of the DPM, as amended, shall be enforceable to the same extent as if incorporated into the text of this IDO.**”

Per this provision, the DPM is a part of the IDO and would be subject to the provisions of IDO section 1-10(A)(2):

**“Any use standards or development standards associated with any pre-IDO approval or zoning designation establish rights and limitations and are exclusive of and prevail over any other provision of this IDO.** Where those approvals are silent, provisions in this IDO shall apply, including but not limited to the following:

1-10(A)(2)(a) Subsection 14-16-4-1(E) (Previously Allowed Uses) for the continuity of conditional uses.

1-10(A)(2)(b) Subsection 14-16-6-4(Z) (Amendments of Pre-IDO Approvals) for amending pre-IDO approvals.

1-10(A)(2)(c) Section 14-16-6-8 (Nonconformities) for information about expansions when the use or structure is nonconforming under this IDO.”

It is clear in the approved Atrisco Business Park Master Plan that sidewalk widths, other than along Unser Boulevard, are to be 4 feet in width, so it is not silent.

3. *“The legal department said that federal standards would override the Master Plan standards.”*

It is our understanding the PROWAG are established as “guidelines” and that their adoption by the City is not mandatory and they are not regulatory in nature, without the City’s incorporation of them into your rules. Once again, the way the City has adopted the PROWAG is by incorporating these guidelines (as determined to be appropriate) into the DPM, which means that they are then “enforceable to the same extent as if incorporated into the text of this IDO.”

In addition, I think it is important to use the actual language in the PROWAG (with supplement), specifically:

*“R302.3 Continuous Width. Except as provided in R302.3.1 and R302.3.2, the continuous clear width of pedestrian access routes shall be 1.2 m (4.0 ft) minimum, exclusive of the width of the curb.”*

*“R302.4 Passing Spaces, Where the clear width of pedestrian access routes is less than 1.5 m (5.0 ft, passing spaces shall be provided at intervals of 61 m (200 ft) maximum. Passing spaces are permitted to overlap pedestrian access routes.”*

We acknowledge and agree with Mr. Armijo’s suggestion that if the 5-foot sidewalk is not enforceable, that we provide passing areas that widen the sidewalk to 5 feet every 200 feet along the sidewalks. Consistent with PROWAG as cited above. This is a fair compromise to ensure that the guidelines for pedestrian access routes are being followed without placing an undue burden on the applicant.



Based on the DRB's comments on November 30<sup>th</sup>, we have also checked the existing sidewalks that have been built throughout the Atrisco Business Park and confirmed that they are all 4 feet in width. We can provide photos and their mapped location if desired.

Thank you for your review and consideration of our concerns.

Sincerely,

James K. Strozier, FAICP  
Principal

- c: DRB Members  
Alan Varela, J.D., Planning Director  
Shahab Biazar, P.E., City Engineer  
Brunacini Development  
Amber Cash, Esq., The Cash Law Firm