



**Environmental  
Planning  
Commission**

*Agenda Number: 2  
Project Number: 1001620  
Case #'s: 08EPC 40032  
May 15, 2008*

**Staff Report**

<b>Agent</b>	City of Albuquerque Planning Dept.
<b>Applicant</b>	City of Albuquerque City Council
<b>Request(s)</b>	<b>Text Amendment to the Zoning Code</b> , amending Section 14-16-2-15 (B)(4) ROA 1994 to limit dwelling units as a conditional use in O-1 zones
<b>Location</b>	City-wide
<b>Existing Zoning</b>	N/A
<b>Proposed Zoning</b>	N/A

**Staff Recommendation**

*Recommendation of APPROVAL to the City Council of 08EPC 40032, based on the findings on page 9, and subject to the condition of approval on page 10.*

**Staff Planner**  
*Randall Falkner, Planner*

**Summary of Analysis**

The proposed text amendment is to Sec. 14-16-2-15 (B)(4) of the Zoning Code, the Conditional Use section of the O-1 (Office and Institution zone). The purpose of the amendment is to limit the gross floor area of dwelling units in an O-1 zone from 100% to 60% pursuant to a conditional use. The proposed text amendment furthers the intent of the City Charter, applicable Comprehensive Plan Goals and Policies, and the Zoning Code. The proposed text amendment specifies the exact percentage of gross floor area (60%) of dwelling units allowed in an O-1 zone pursuant to a conditional use, and helps to clear up any confusion about how much gross floor area is allowed. The proposal protects property owners, the neighborhood, and the community from 100% residential uses in an office zone, and helps to maintain the basis of the O-1 zone as a predominantly office zone.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 4/7/2008 to 4/23/2008. Agency comments were used in the preparation of this report and begin on page 12.

### ***Purpose of Request***

The proposal is a request from the City Council to amend the text in Zoning Code Section 14-16-12-15 (B)(4), Conditional Uses in the O-1 Zone, which states “Dwelling units constituting more than 25% of the gross floor area on a premises, open space provided as specified for permissive dwelling units in this zone.” City Council proposes the following (with the changes underlined): “Dwelling units constituting more than 25% of the gross floor area on premises, provided: (a) No more than 60% of the gross floor area of the structures on the site shall be developed as dwelling units, and (b) Open space is provided as specified for permissive dwelling units in this zone.” The purpose of the amendment is to limit the gross floor area of dwelling units in an O-1 zone from 100% to 60% pursuant to a conditional use. Bill No. O-08-20, which requested the amendment to the zoning code, was introduced by the City Council on March 17, 2008.

### ***History***

The history of this case involves a number of decisions and appeals going back to 2006. A timeline of events that are related to Project # 1001620 has been included as an attachment (Attachment 1) to simplify the many proceedings that have taken place. The relevant notifications of decisions and appeals have also been included as Attachment 2. On July 10, 2006 the applicant submitted an application for a conditional use permit to develop 19 residential units (town homes) at 8120 La Mirada Place, NE in an O-1 zone. The applicant requested a conditional use to allow dwelling units constituting more than 25% of the gross floor area on the premises. The applicant originally requested the conditional use for the purpose of developing 19 upscale individually owned single-family town homes ranging from 1799 square feet to 2500 square feet within a gated community. The height of the units were to be approximately 34 feet and six inches, and were within the 45 degree angle plane test for height/distance from the nearest property. The setback was to be 54 feet to the nearest residential zone. The application was heard by the Zoning Hearing Examiner (ZHE) in a scheduled public hearing on August 15, 2006. The ZHE denied the application in a written decision dated September 22, 2006. The ZHE found that the request did not comply with Section 14-16-4-2 (C) of the Zoning Code and would cause injury to the neighborhood, adjacent property, and the community. The application was aggressively opposed by adjacent neighbors who believed that residential development of 100% of the gross floor area should be a zone change rather than a conditional use of the O-1 zone category. It was the view of the ZHE that the O-1 zone category would be undermined by allowing 100% residential development, and that a request of this type should be sent to the EPC to check compliance with R-270-1980.

On October 9, 2006 the applicant appealed the decision of the ZHE to the Board of Appeals (BOA). On November 28, 2006 the BOA remanded the matter to the ZHE to allow the applicant to resubmit a site plan in accordance with the requirements of the Zoning Code relative to setbacks and buffering in the O-1 zone. The appellant (adjacent property owner) appealed the decision of the BOA to the Land Use Hearing Officer (LUHO) on December 13, 2006. The appeal was based on the belief that the O-1 zone is to be used predominantly for offices, and an application for a 100% residential use is a zone change, not a conditional use. The appellant also argued that the BOA failed to apply adopted city plans, policies, and ordinances, and that even if

a rezoning were permissible the proposed use would be injurious to adjacent property, the neighborhood, and the community. On January 30, 2007 an appeal hearing before the LUHO was held. In a written decision dated February 7, 2007 the LUHO recommended that the City Council remand the matter back to the BOA to make findings on the factual questions of injury. On March 8, 2007, the City Council voted (9 FOR and 0 AGAINST) to accept the LUHO's recommendation to remand; however, the Council remanded the matter back to the ZHE rather than the BOA. On May 15, 2007, the application was again heard by the ZHE in a scheduled public hearing. The hearing was held to address the proposed new modified site plan. There were 30 attendees at this hearing that were in opposition to this request. In a written decision on May 25, 2007, the ZHE found that although the applicant had made considerable adjustments (such as reducing the number of proposed units from 19 to 16), the conditional use was inappropriate at the specified location, and the application was again denied. The ZHE stated that the proposed use would have a negative impact with the enjoyment of land, would cause injury to the neighborhood, adjacent property or community, and would be damaged by surrounding structures. On June 11, 2007, the applicant appealed the decision of the ZHE to the BOA. On July 24, 2007, the BOA voted to defer the appeal to August 28, 2007.

On August 28, 2007, the BOA reversed the ZHE decision, set several conditions on development, and approved the applicant's proposal. Some of the findings in the BOA decision stated the following: "The applicant provided considerable evidence of how the proposal will not harm each of the adjacent neighbors, and will, in fact be an asset to the neighborhood and the community. The project also meets the City's goal of infill development. . . Clearly 100% residential use is anticipated under the conditional use provisions of the zone. This view is supported by the LUHO in this decision. . . The opponents failed to provide any evidence, other than opinion, which would support a finding that the proposed use would be any more injurious to the adjacent properties, the neighborhood or the community than the permissive uses of the O-1 zone. . . The decision of the ZHE is not supported by the record and by controlling provisions of the Zoning Code. . . The ZHE incorrectly applied City Plans, policies, and ordinance. . . The ZHE acted arbitrarily and capriciously in denying this application, in that he has approved several requests for 100% residential use in O-1." The following four conditions were added: 1) The maximum height of the buildings is limited to 36 feet 6 inches. 2) The maximum number of dwellings allowed is 16. They must be on individual lots. 3) Balconies shall not face the R-1 zoning and shall be shielded from the R-1 to the greatest extent possible. 4) All units will conform to the height, setback and other requirements of the Zoning Code.

The appellant (adjacent property owner) appealed the decision of the BOA on September 12, 2007. On November 1, 2007, the LUHO held a hearing on the appeal. In a written decision dated November 10, 2007, the LUHO recommended that the City Council uphold the decision of the BOA, approving the conditional use permit with all the conditions. In his report, the LUHO stated that "In this case the BOA did not approve a zone district change. It approved a conditional use permit to lawfully place residential uses in an O-1 zone district pursuant to Section 14-16-2-5 and Section 14-16-4-2 (C)." The LUHO also found that "the record of the BOA is impressive, well supported, and its reversal of the ZHE is based on the facts." Finally, on March 3, 2008, by a vote of 8 FOR and 1 AGAINST, the City Council voted to deny the

appeal and affirm the decision of the BOA with the additional condition that the buildings shall be constructed in conformity with the submitted sketch plat. The findings of the LUHO were adopted.

## ***ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES***

### **Charter of the City of Albuquerque**

The Citizens of Albuquerque adopted the City Charter in 1971. Applicable articles include:

Article 4, Section 8, Council Powers

The Council shall have the power to adopt all ordinances, resolutions or other legislation conducive to the welfare of the people of the city and not inconsistent with this Charter, and the Council shall not perform any executive functions except those functions assigned to the Council by this Charter.

***The City Charter gives the Council the authority to adopt all ordinances, including an amendment to the Zoning Code, and the proposed amendment to 14-16-2-15(B)(4) is not inconsistent with the City Charter.***

Article IX, Environmental Protection

“The Council (City Commission) in the interest of the public in general shall protect and preserve environmental features such as water, air and other natural endowments, insure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment. To affect these ends the Council shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority and staff sufficient to effectively administer city policy in this area.”

***The City Charter allows the City Council to establish appropriate commissions, such as the EPC to effectively administer policy that promotes and maintains an aesthetic environment and ensures the proper use and development of land. The proposed amendment to the Zoning Code is included in this “proper use.”***

### **Albuquerque Comprehensive Zoning Code**

Zoning Code Section 14-16-1-3, Intent states:

(A) This article is intended to help achieve Article IX of the Charter of the City of Albuquerque and the city's master plan; in particular the master plan documents which comprise the Albuquerque/Bernalillo County Comprehensive Plan. This article is intended to create orderly, harmonious, and economically sound development in order to promote the health, safety, convenience, and general welfare of the citizens of the city. These regulations are necessary to

provide adequate open spaces for light and air including solar access; to avoid undue concentration of population, to secure safety from fire, panic, and other dangers; to help control congestion in the streets and public ways; to control and abate unsightly use of buildings or land; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewer, schools, and parks; to encourage the most appropriate use of land; to properly channel flood water runoff; to conserve and stabilize the value of property; and to enhance the appearance of the landscape.

**The proposed text amendment meets the intent of the Zoning Code (Section 14-16-1-3) and promotes the health, safety, and welfare of the citizens by encouraging the most appropriate use of land. The most appropriate use of land in this case is allowing dwelling units up to 60% of the gross floor area in an O-1 zone. This reduction from 100% to 60% still allows for mixed use development, while maintaining the O-1 zone as a predominantly office zone.**

City Council proposes to amend Zoning Code Section 14-16-12-15 (B)(4), Conditional Uses in the O-1 Zone, which states “Dwelling units constituting more than 25% of the gross floor area on a premises, open space provided as specified for permissive dwelling units in this zone.” The definitions for the terms “dwelling unit,” “gross floor area,” and “usable open space” can be found in Attachment 3. A legislative precedent has been set with a cap of 60% of the gross floor area being developed with residential uses in both the C-1 and C-2 zones.

**The proposed text amendment is an attempt to specify the exact percentage of gross floor area of dwelling units allowed in an O-1 zone pursuant to a conditional use. Currently, dwelling units that constitute up to 25% of the gross floor area on the premises (provided usable open space is provided) qualifies as a permissive use in the O-1 zone. Dwelling units that constitute more than 25% of the gross floor area on the premises constitutes a conditional use. If a residential use exceeds 25% of the gross floor area in the O-1 zone, then the applicant must demonstrate that the residential uses proposed will not cause injury to adjacent property owners. The O-1 zone allows a variety of uses, including, office, service, institutional, and dwelling units. At this time, there is no limit on the percentage of gross floor area of dwelling units allowed in an O-1 zone. The proposal would put a cap of 60% of gross floor area allowed in an O-1 zone pursuant to a conditional use. This would help to clear up any confusion about how much gross floor area is allowed in an O-1 zone for dwelling units pursuant to a conditional use. Anything at or below 25% would be a permissive use, anything more than 25% and up to 60% would be a conditional use.**

**This proposal would also help to eliminate what were perceived as *de facto*, spot zone changes that have been allowed in the past. Currently, the Zoning Code lawfully allows residential uses on a parcel in an O-1 zone at the exclusion of other uses traditionally allowed in the O-1 zone. The proposal would still lawfully allow residential uses on a parcel in an O-1 zone at the exclusion of other uses, but only up to a point of 60% of the gross floor area. The proposal would protect property owners, the neighborhood, and the**

community from 100% residential uses in an office zone, which has the potential to destabilize surrounding property values. In addition, the proposal will help to maintain the basis of the O-1 zone as a predominantly office zone.

### Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in Regular Text; *Staff Analysis is in Bold Italics*

The Comprehensive Plan is the Rank 1 planning document for the City, containing goals and policies that provide a framework for development and service provision.

- *Land Use*

#### Section II.B.5 Developing and Established Urban Area

The Goal is to “create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.”

Applicable policies include:

Policy 5a: The Established and Developing Urban areas as shown by the plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

Policy 5d: The location, intensity and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, or recreational concern.

Policy 5i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

***Policies a, d, and i are furthered because the proposal will allow a full range of urban land uses, will respect neighborhood values, and will assist in minimizing adverse effects of noise, lighting, and pollution on residential environments. The proposal will encourage mixed use developments in the O-1 zone by limiting the percentage of gross floor area for dwelling units. A development could consist of up to 60% residential and 40% office, or various other mixed use combinations. Neighborhood values would be protected by not allowing 100% residential in an office zone. The adverse effects of noise, lighting, pollution, and traffic on residential environments would be minimized by having neighboring complementary uses such as office and residential uses. These uses are complementary in that office use is primarily during the day and residential use is primarily during the evening and night. Although there are exceptions with these uses and service and institutional uses, residential and office uses are typically complementary to each other.***

#### Section II.B.7 Activity Centers

The Goal is to “expand and strengthen concentrations of moderate and high-density mixed land use and social/economic activities which reduce urban sprawl, auto travel needs, and service costs, and which enhance the identity of Albuquerque and its community.”

***The Activity Centers Goal is furthered because the request would expand and strengthen moderate and high-density mixed land use and reduce urban sprawl. Permitting dwelling units a maximum of 60% gross floor area in an O-1 zone would allow for moderate and high-density mixed land use, which would help to reduce sprawl, auto travel needs, service costs and enhance the City. Those dwelling units in the O-1 zone could be part of a mixed use development, with office, service, or institutional, and would place pedestrians in close proximity to their places of work.***

- *Environmental Protection and Heritage Conservation*

#### Section II.C.9 Community Identity and Urban Design

The Goal is “to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.”

Policy 9d: Development projects within Community Activity Centers should contribute the following:

1. Related land uses that effectively encourage walking trips from one destination to another within the center, including shopping, schools, parks or plazas, employment, entertainment, and civic uses such as public libraries, recreation or senior centers, post office or fire station.
2. Pedestrian linkages among uses in the Activity Center and connecting to surrounding neighborhoods.
3. Buildings designed and arranged to reflect local architectural traditions, scale, height, massing and setbacks appropriate to the community served by the Activity Center and that support public transit and pedestrian activity.
4. Landscaping, street furniture, public art, colored or textured paving and other improvements to the public realm that reinforce the cultural, social and design traditions of the community served by the Activity Center.

***The request would contribute to pedestrian and transit activity as a result of mixed uses in close proximity to one another. The request offers a significant opportunity for mixed use developments in the O-1 zone. Policy 9d is furthered by the request.***

- *Community Resource Management*

#### Section II.D.6 Economic Development

The Goal is “to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.”

***The request would help to achieve steady and diversified economic development by putting a cap on the percentage of gross floor area for dwelling units in the O-1 zone. This would allow for more office uses in the O-1 zone, which would potentially improve economic development. The Economic Development Goal is furthered by the request.***

#### ***ANALYSIS OF BILL NO. O-08-20, Limiting Dwelling Units as a Conditional Use in O-1 Zone***

The proposed text amendment is to Section 14-16-2-15(B)(4). The following is an analysis of Section 1, page 1 of the Bill. The language was written by Council Services Staff. Zoning Code Services offered some minor suggestions. City Council proposes the following (with the changes underlined): “(4) Dwelling units constituting more than 25% of the gross floor area on premises, provided: (a) No more than 60% of the gross floor area of the structures on the site shall be developed as dwelling units, and (b) Open space is provided as specified for permissive dwelling units in this zone.” Zoning Code Services suggested adding the following language: “Conditional Uses which were approved prior to this amendment would remain approved Conditional Uses unless the structure becomes vacant and remains vacant or is not used for a continuous period of one year or more. Existing approved conditional uses that allow dwelling units for more than 60% of the gross floor area should remain approved for the life of the property pursuant to Sec. 14-16-3-4(A)(9).”

***Staff concurs with the language added by Council Services Staff. The additional language suggested by Zoning Code Services is needed to address existing conditional uses allowing dwelling units for more than 60% of the gross floor area that were approved prior to this amendment. This language would ensure that those uses would remain approved conditional uses for the life of the property.***

#### ***CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION***

City Departments and other interested agencies reviewed this application from 4/7/2008 to 4/23/2008. No adverse comments were received. Agency comments begin on page 12.

#### ***NEIGHBORHOOD/PUBLIC CONCERNS***

No comments have been received concerning this request and there is no known neighborhood or other opposition to the proposed text amendment.

#### ***CONCLUSIONS***

The proposed text amendment is to Sec. 14-16-2-15 (B)(4) ROA 1994, the Conditional Use section of the O-1 (Office and Institution zone). The purpose of the amendment is to limit the



gross floor area of dwelling units in an O-1 zone from 100% to 60% pursuant to a conditional use. The proposed text amendment furthers the intent of the City Charter, applicable Comprehensive Plan Goals and Policies, and the Zoning Code. The proposed text amendment puts a cap on the percentage of gross floor area (60%) of dwelling units allowed in an O-1 zone pursuant to a conditional use, and helps to clear up any confusion about how much gross floor area is allowed. The proposal protects property owners, the neighborhood, and the community from 100% residential uses in an office zone, and helps to maintain the basis of the O-1 zone as a predominantly office zone.

***FINDINGS - 08EPC 40032, 5/15/2008, Text Amendment to the Zoning Code***

1. This is a request from City Council to amend Sec. 14-16-2-15 (B)(4) ROA 1994 to limit dwelling units as a conditional use in an O-1 zone. The purpose of the amendment is to limit the gross floor area of dwelling units in an O-1 zone from 100% to 60% pursuant to a conditional use.
2. The proposed regulations were introduced to the City Council on March 18, 2008 as Bill O-08-20. The text amendment request affects Section 14-16-2-15 (B)(4) ROA 1994 of the Zoning Code which currently states:

Dwelling units constituting more than 25% of the gross floor area on a premises, open space provided as specified for permissive dwelling units in this zone.

The request will amend this sentence as follows:

Dwelling units constituting more than 25% of the gross floor area on premises, [+provided:+] [(a) No more than 60% of the gross floor area of the structures on the site shall be developed as dwelling units, and+] [(b)+][-o-][+Q+]pen space [+is+] provided as specified for permissive dwelling units in this zone. [+Conditional Uses which were approved prior to this amendment would remain approved Conditional Uses unless the structure becomes vacant and remains vacant or is not used for a continuous period of one year or more. Existing approved conditional uses that allow dwelling units for more than 60% of the gross floor area should remain approved for the life of the property pursuant to Sec. 14-16-3-4(A)(9)+].

3. The EPC's task is to make a recommendation to the City Council regarding the proposed changes to Sec. 14-16-2-15 (B)(4) of the Zoning Code *only*. The City Council is the City's Zoning Authority and the EPC is a recommending body.
4. The City Charter (Article 4, Section 8, Council Powers) gives the Council the authority to adopt all ordinances, including an amendment to the Zoning Code. The proposed amendment to 14-16-2-15 (B)(4) is consistent with the City Charter. The City Charter (Article IX, Environmental Protection) also allows the City Council to effectively administer policy that promotes and maintains an aesthetic environment and ensures the proper use and development of land.
5. The text amendment meets the intent of the Zoning Code (Section 14-16-1-3) and promotes the health, safety, and welfare of the citizens by maintaining the O-1 zone as a predominantly office zone, which helps conserve and stabilize surrounding property values.

6. The request furthers the Developing and Established Urban Areas policies II.B.5 a, d, and i of the Comprehensive Plan by allowing a full range of urban land uses, respecting neighborhood values, and by minimizing the adverse effects of noise, lighting, and pollution on residential environments.
7. Activity Centers Goal II.B.7 of the Comprehensive Plan is furthered by the request which would help to expand and strengthen moderate and high-density mixed land use and reduce urban sprawl.
8. The request furthers Community Identity and Urban Design policy II.C.9d of the Comprehensive Plan by contributing to pedestrian and transit activity as a result of mixed uses in close proximity to one another. The request offers a significant opportunity for mixed use development in the O-1 zone.
9. Economic Development Goal II.D.6 of the Comprehensive Plan is furthered by the request. The request would help to achieve steady and diversified economic development by putting a cap (60%) on the percentage of gross floor area for dwelling units in the O-1 zone. This would allow for more office uses in the O-1 zone, which would potentially improve economic development.
10. There is no known neighborhood or other opposition to the proposed text amendment. The City Planning Department provided notification of the proposed amendment through the Neighborhood Newsletter and the City's website.

***RECOMMENDATION – 08EPC 40032, 5/15/2008, Text Amendment to the Zoning Code***

**Recommendation of APPROVAL to the City Council of 1001620, a text amendment to the Zoning Code, Section 14-16-2-15 (B)(4) ROA 1994, based on the preceding Findings, and subject to the following Condition of Approval.**

***CONDITION OF APPROVAL – 08EPC 40032, 5/15/2008, Text Amendment to the Zoning Code***

1. Incorporate additional language, as recommended by the Zoning Enforcement Office and as specified in Finding #2.
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***Randall Falkner  
Planner***

cc: City of Albuquerque/City Council, P.O. Box 1293, Albuquerque, NM 87103  
City of Albuquerque/Planning Department, 600 2<sup>nd</sup> St. NW, 3<sup>rd</sup> Floor, Albuquerque, NM 87102

***Attachment 1: Timeline of Events***

***Attachment 2: Notifications of Decisions and Appeals***

***Attachment 3: Definitions***

## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### ***Zoning Code Services***

Reviewed: If approved, the proposed language in the text amendment to the O-1 Office and Institution Zone is enforceable. Conditional Uses which were approved prior to this amendment would remain approved Conditional Uses unless the structure becomes vacant and remains vacant or is not used for a continuous period of one year or more- Per Sec. 14-16-3-4(A)(9). A note should be made that existing approved conditional uses that allow dwelling units for more than 60% of the gross floor area should remain approved for the life of the property pursuant to Sec. 14-16-3-4 (A)(9) of the Comprehensive Zoning Code.

#### ***Office of Neighborhood Coordination***

**4/7/08 – An article will be in the April/May issue of the “Neighborhood News” newsletter - siw**

#### ***Advanced Planning***

The proposed amendment will still allow the mixed projects in the O-1 zone and as it is a conditional use there will still be a public review process. Staff has no objection to this revision.

### ***CITY ENGINEER***

#### **Transportation Development (City Engineer/Planning Department):**

- Reviewed, no comments.

#### **Hydrology Development (City Engineer/Planning Department):**

- The Hydrology Section has no objection to the zone code amendment.

#### **Transportation Planning (Department of Municipal Development):**

- Reviewed, and no comments regarding on-street bikeways, off-street trails or roadway system facilities.

#### **Traffic Engineering Operations (Department of Municipal Development):**

- No comments received.

#### **Street Maintenance (Department of Municipal Development):**

- No comments received.

**New Mexico Department of Transportation (NMDOT):**

- No comments received.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT  
and NMDOT:**

Conditions of approval for the proposed Zoning Code Amendment shall include:

- a. None.

**DEPARTMENT of MUNICIPAL DEVELOPMENT  
Transportation Planning**

**WATER UTILITY AUTHORITY  
Utility Services**

**ENVIRONMENTAL HEALTH DEPARTMENT  
Air Quality Division**

**Environmental Services Division**

**PARKS AND RECREATION  
Planning and Design**

**Comments will be provided to the case planner. Further review is needed.**

**Open Space Division**

Open Space has no adverse comments

**City Forester**

***POLICE DEPARTMENT/Planning***

***SOLID WASTE MANAGEMENT DEPARTMENT***

**Refuse Division**

No adverse comments.

***FIRE DEPARTMENT/Planning***

***TRANSIT DEPARTMENT***

## ***COMMENTS FROM OTHER AGENCIES***

***BERNALILLO COUNTY***

***ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY***

Reviewed, no comment.

***ALBUQUERQUE PUBLIC SCHOOLS***

The City of Albuquerque is proposing a **City-Wide** amendment to

Section 14-16-2-15 (B) ROA 1994 to limit dwelling units as a conditional use in O-1 zones. This amendment would reduce the maximum gross floor area in an O-1 zone from 100% to 60% that can be dwelling units pursuant to a conditional use. This proposal will have no adverse impacts to the APS district.

***MID-REGION COUNCIL OF GOVERNMENTS***

***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

***PUBLIC SERVICE COMPANY OF NEW MEXICO***

No comment based on the information provided to date.