

November 10, 2016

TO: mrenz-whitmore@cabq.gov

FROM: UHA Board of Directors

RE: Comments on draft IDO

Thanks for meeting with Don Hancock on Thursday, October 27 to discuss the draft Integrated Development Ordinance (IDO). At its meeting on November 1, 2016, the UHA Board of Directors approved the following comments and changes in the IDO.

The University Heights Association (UHA) Board of Directors has followed the development of the new Comprehensive Plan and IDO with interest, because of our experience with dealing with zoning and related issues for more than 40 years. UHA was very involved in the University Neighborhoods Sector Development Plan in 1978 and the update in 1986. We feel that many provisions of that Sector Plan are still important to the City and promote neighborhood quality of life. Therefore, we appreciate the provisions of the IDO that carry forward some specific requirements of the Sector Plan, including prohibitions on drive-through windows.

The UHA Board has six specific concerns and suggestions for changes in the draft IDO.

1. The UHA board continues to strongly support the prohibition on drive-through windows, which is very important to pedestrian-orientation and public safety. The Sector Plan prohibition on drive-through windows has been effective. Drive-through windows undermine quality of life and public safety, and allowing them in the IDO would provide a competitive business advantage to new establishments. We appreciate that the IDO includes a drive-through window prohibition on those parcels along Central and the 100 block of Yale (4-5.9.A.4, page 211). However, given the current proposal to allow drive-through windows in other areas with commercial zoning within our boundaries, the UHA board supports the prohibition being explicit throughout the neighborhood. The most straight-forward way to ensure that the prohibition remains in effect is to revise 4-5.9.A.4 to add those parcels on Yale, Lead, Coal, Harvard, Cornell, and Vassar that would be in the new MX-L and MX-M zoning.

2. The UHA board strongly opposes the exclusion of blood plasma center (or blood service centers) in the IDO. The Yale Blood Plasma Center at 122 Yale, SE has been controversial and a detriment to the neighborhood for more than 35 years. Because of the existence of that and other blood plasma centers, it is unacceptable to exclude them in the IDO or presume that they would fall under office or some other similar use. The Yale Center has been determined to be injurious to the neighborhood (ZA-97-326, 1997). It has been determined to be non-conforming (Code Enforcement Officer, July 2, 2010). Blood Plasma Centers have been conditional uses in the C-2 zone for decades, so UHA objects to them having any lesser zoning restrictions in the IDO. The UHA board supports including blood plasma centers in the IDO and their being allowed only in non-residential zones.

3. The UHA board understands the difficulty of liquor sales issues in the IDO. We have generally not opposed beer-and-wine licenses, while supporting the Sector Plan prohibition on full service liquor

licenses on Central between University and Girard. The IDO would do away with that prohibition with the new designation of bars on pages 101 and 121-122, by allowing bars as Conditional Accessory use in the MX-L zone and permissive use in the MX-M zone. The use seems inconsistent with the purpose of the MX-L zone to "...provide for neighborhood scale convenience shopping needs primarily in at the corners of collector intersections. Primary land uses include non-destination retail and commercial uses...." (Page 22.) The UHA board believes that bars should not be allowed in the MX-L zone and should be Conditional Accessory in the MX-M zone and supports changing the IDO in those zones.

4. The IDO zoning for taproom/tasting rooms (page 102) also is not consistent with the Sector Plan full-service liquor prohibition. The use also seems inconsistent with the purpose of the MX-L zone to "...provide for neighborhood scale convenience shopping needs primarily in at the corners of collector intersections. Primary land uses include non-destination retail and commercial uses...." (Page 22.) Thus, the UHA board supports taproom/tasting rooms not being allowed in the MX-L zone.

5. The IDO zoning for restaurants with full-service liquor licenses (page 102) also is not consistent with the Sector Plan full-service liquor prohibition. While restaurants are generally not objectionable in the MX-L zone, the full-service liquor sales is a problem. Among the possible solutions would be to add an additional line (category) on Table 3-2 for restaurants with full-service liquor licenses, which would be CA in the MX-M zone and permissive in the MX-H and MX-FB zones. The UHA board supports such changes in the IDO.

6. The UHA board objects to the requirement in 5-5.2.B.1.c (Page 322) that a discontinued Conditional Use can persistent for 18 months before it must be re-established through a new Conditional Use request. The existing requirement is limited to 12 months. 14-16-4-2(D)(2). UHA knows of no reason to change that requirement. There are approved conditional uses in the UHA area and other neighborhoods that are highly specific, so if they are discontinued for a year, the requirement should be for a new conditional use request.

Thank you for your consideration of these comments.

If you have any questions, please contact Don Hancock at 262-1862 or sricdon@earthlink.net.