

**CITY COUNCIL
OF THE
CITY OF ALBUQUERQUE**

March 28, 2012

FLOOR AMENDMENT NO. _____ TO C/S R-11-225

AMENDMENT SPONSORED BY COUNCILLOR _____

1. On page 110, in the SU-2/DNA-MUL zone, amend section C.3.c as follows:
“c. Site on which Bail Bond Office is located, or at least a portion thereof, shall not be located further than ~~4,000~~ 500 feet from the Metropolitan Courthouse, Bernalillo County Courthouse, or Federal Courthouse buildings (*see map, Appendix D*).”
2. On page 115, in the SU-2/DNA-MUM zone, amend section A.6.c as follows:
“c. Site on which Bail Bond Office is located, or at least a portion thereof, shall not be located further than ~~4,000~~ 500 feet from the Metropolitan Courthouse, Bernalillo County Courthouse, or Federal Courthouse buildings (*see map, Appendix D*).”
3. On page 120, in the SU-2/DNA-NC zone, amend section A.4.c as follows:
“c. Site on which Bail Bond Office is located, or at least a portion thereof, shall not be located further than ~~4,000~~ 500 feet from the Metropolitan Courthouse, Bernalillo County Courthouse, or Federal Courthouse buildings (*see map, Appendix D*).”
4. On pages 123-124, in the SU-2/DNA-CC zone, amend section B.1.c as follows:
“c. Site on which Bail Bond Office is located, or at least a portion thereof, shall not be located further than ~~4,000~~ 500 feet from the Metropolitan Courthouse, Bernalillo County Courthouse, or Federal Courthouse buildings (*see map, Appendix D*).”

Explanation: This amendment would limit the location of bail bonds offices to within 500 feet, rather than 1,000 feet, of the courthouse buildings in downtown (see map below).

The original draft of the DNASDP that was submitted to the EPC (EPC Draft 10.28.2010) proposed to allow bail bond offices as a conditional use in certain zones (SU-2/MUL, SU-2/MUM, SU-2/NC, and SU-2/CC), subject to the following criteria: (1) must be located on a street classified as collector or higher, (2) not permitted on a block face with more than 30% residential uses, (3) not located within 500’ of another bail bond office, (4) the number of employees is limited to 5, and (5) the hours of operation are limited to 7 AM to 10 PM. During

the EPC review process, criterion (3) was changed to “Shall not be located further than 1,000 feet from the Metropolitan Courthouse, Bernalillo County Courthouse, or Federal Courthouse buildings” and criterion (5) was removed entirely. Also, “bail bond” was moved from being a conditional use to being allowed as a permissive use in the SU-2/MUM and SU-2/NC zones but would remain a conditional use in the SU-2/MUL and SU-2/CC zones.

Numerous people have requested, both in writing and at the August 10, 2011, LUPZ hearing, that criterion (3) be amended to restrict bail bond offices to within 500’ of the courthouses, citing concerns that the 1000’ radius would allow an incompatible use to expand too far into residential areas.

Council legal staff provided a separate memo in response to the latter concern dealing with state law and preemption; that memo concludes “The city is not preempted from regulating the location and hours of operations of bail bond businesses.” From the perspective of land-use planning, the City’s Rank 1 Comprehensive Plan appears to support limiting the location of bail bond offices to within 500’ of the courthouses. Specifically, Section II.B.5 Policy i provides the following: “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.” Clearly, this policy establishes the need for appropriate separation between residential and non-residential uses and deters the intrusion of non-residential uses that create negative impacts into residential environments. Including a regulation in the 2011 DNASDP to limit bail bond offices to within 500’ of the courthouses is consistent with the applicable, above-cited policy of the Comprehensive Plan.

