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1 Corridors, and Main Street Corridors as the Centers and Corridors that are  
2 intended to be walkable, with a mix of residential and non-residential land  
3 uses, and with higher-density and higher-intensity uses; and

4 WHEREAS, the 2017 ABC Comp Plan established a hierarchy of Centers  
5 and Corridors from the most to the least walkable, mixed-use, and dense, with  
6 Downtown, Urban Centers, Premium Transit Corridors, and Main Street  
7 Corridors all intended to be highly walkable, mixed-use, and dense; and

8 WHEREAS, the City Council adopted the Integrated Development  
9 Ordinance (IDO) to implement Comp Plan Goals and policies; and

10 WHEREAS, the IDO implements the ABC Comp Plan by establishing  
11 building design standards specific to Urban Centers (UC), Main Streets (MS),  
12 and Premium Transit (PT) areas; and

13 WHEREAS, the IDO establishes zone districts, overlay zones, allowable  
14 uses, use-specific standards, and general regulations in Parts 1 through 5 that  
15 set the bar for high-quality development that is compatible with surrounding  
16 land uses and provides appropriate transitions and buffers to lower-intensity  
17 uses nearby; procedures for review and decision of applications related to  
18 land use and development in Part 6; and definitions and acronyms in Part 7;  
19 and

20 WHEREAS, the IDO requires the City to submit proposed changes on an  
21 annual basis to further the implementation of the Comp Plan (§14-16-6-3); and

22 WHEREAS, Planning staff compiled proposed amendments that would  
23 improve the clarity and implementation of the IDO based on challenges in  
24 applying regulations and neighborhood protections in real-world contexts with  
25 real-world projects; and

26 WHEREAS, other proposed amendments to IDO text would establish a new  
27 regulatory intent responding to changes in demands for housing and business  
28 needs as well as other current trends; and

29 WHEREAS, the City understands that predictability of zoning and  
30 compatibility of land use and zoning are essential in order to maintain and  
31 strengthen economic value and viability for property owners and businesses,  
32 and to ensure appropriate and adequate protections for neighboring  
33 properties; and

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1 WHEREAS, the IDO establishes procedures for adopting and amending  
2 small area regulations in areas where different regulations are needed to  
3 support and achieve a character of development that differs from results  
4 intended from general regulations that apply citywide; and

5 WHEREAS, the Planning Department submitted two applications for  
6 Amendment to IDO Text – one for citywide amendments and one for small area  
7 amendments – that met all application requirements; and

8 WHEREAS, the IDO requires Amendments to IDO Text to be reviewed by  
9 the Environmental Planning Commission (EPC) and decided by City Council  
10 as the City’s zoning authority [§14-16-6-7(D)(2)(c) and (E)(2)(c)]; and

11 WHEREAS, the City provided all required notice for an Amendment to IDO  
12 Text - Citywide, including publishing a legal ad in the Albuquerque Journal,  
13 emailing two representatives of each neighborhood organization registered  
14 with the Office of Neighborhood Coordination (ONC), and posting notice on  
15 the Planning Department website and on the project website; and

16 WHEREAS, the City provided additional notice with announcements on the  
17 Planning Department webpage, and email notice sent to approximately 10,000  
18 subscribers to the ABC-Z project update email list on October 29, 2021; and

19 WHEREAS, the Amendment to IDO Text – Citywide is to be reviewed and  
20 decided as a legislative action; and

21 WHEREAS, though a neighborhood meeting is not required for an  
22 Amendment to IDO Text - Citywide, Planning staff held two public study  
23 sessions and three open houses on the proposed IDO Annual Update text  
24 amendments in 2021 to present and discuss the proposed changes, respond  
25 to questions, and gather feedback; and

26 WHEREAS, the EPC found that the proposed amendments would further a  
27 preponderance of adopted City goals and policies, particularly those that  
28 pertain to land use and implementation processes; and

29 WHEREAS, the City provided all required notice for an Amendment to IDO  
30 Text – Small Area, including publishing a legal ad in the Albuquerque Journal,  
31 emailing two representatives of each affected neighborhood organization  
32 registered with the Office of Neighborhood Coordination (ONC), posting notice

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1 on the Planning Department website and on the project website, and mailing  
2 individual property owners within the small mapped area; and

3 WHEREAS, the Amendment to IDO Text – Small Area is to be reviewed and  
4 decided as a quasi-judicial action; and

5 WHEREAS, offer of a neighborhood meeting is required for an Amendment  
6 to IDO Text – Small Area, and Planning staff held a neighborhood meeting on  
7 October 6, 2021 on the proposed IDO text amendments to the Old Town  
8 Historic Protection Overlay Zone (HPO-5) to present proposed changes,  
9 respond to questions, and gather feedback; and

10 WHEREAS, the EPC voted to forward a recommendation of APPROVAL for  
11 both the Text Amendment – Citywide and Text Amendment – Small Area  
12 applications to the City Council with findings and recommended conditions  
13 that are in the official record; and

14 WHEREAS, Planning staff has incorporated the proposed amendments  
15 along with the EPC recommended conditions of approval for both applications  
16 into a single redline draft for review by City Council.

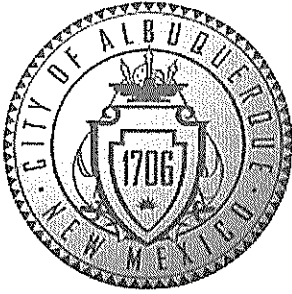
17 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
18 ALBUQUERQUE:

19 SECTION 1. The IDO text is amended as shown in Exhibit 1 (Redline Draft).

20 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
21 clause, word or phrase of this ordinance is for any reason held to be invalid or  
22 unenforceable by any court of competent jurisdiction, such decision shall not  
23 affect the validity of the remaining provisions of this ordinance and each  
24 section, paragraph, sentence, clause, word, or phrase thereof irrespective of  
25 any provision being declared unconstitutional or otherwise invalid.

26 SECTION 3. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take  
27 effect one month after publication by title and general summary

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**CITY OF ALBUQUERQUE**  
**Albuquerque, New Mexico**  
**Office of the Mayor**

Mayor Timothy M. Keller

**INTER-OFFICE MEMORANDUM**

January 27, 2022

**TO:** Isaac Benton, President, City Council

**FROM:** Timothy M. Keller, Mayor 

**SUBJECT: Project# 2018-001843 – RZ-2021-00048 and RZ-2021-00049:** Text Amendments to the Integrated Development Ordinance (IDO) for the 2021 Annual Update

The attached, recommended legislation would enact various text amendments to the Integrated Development Ordinance (IDO). Several proposed amendments would apply city-wide and others would apply only to Old Town Historic Protection Overlay zone (HPO-5).

**BACKGROUND**

IDO Subsection 14-16-6-3(D), which requires Annual Updates, established a regular cycle for discussion among residents, businesses, City Staff, and decision-makers to consider any suggested changes to the IDO identified over the course of the preceding year.

There are two types of required annual IDO updates: Amendments to IDO Text – Citywide [Subsection 14-16-6-7(D)] and Amendments to IDO Text – Small Areas [Subsection 14-16-6-7(E)]. City-wide text amendments apply generally throughout the City and are publically heard using a legislative process. Text amendments to Small Areas apply only to particular areas within the City and must be publically heard using a quasi-judicial process.

**REQUEST**

The proposed City-wide amendments and the proposed Small-Area amendments are collectively known as the 2021 IDO Annual Update. Staff has gathered approximately 65 proposed City-wide amendments and one Small-Area amendment. The package of proposed IDO amendments consists of clarifications and adjustments requested by neighbors, developers, and staff.

The requested 2021 IDO Annual Update generally furthers applicable Comprehensive Plan Goals and policies that pertain to land use, urban design, and economic development as

elaborated in the Official Notifications of Decision.

#### **NOTIFICATION**

Pursuant to the IDO, the required notice for city-wide and small area text amendments must be published, emailed, and posted on the web. The City published the required notice in the newspaper and sent email notice to two representatives of each neighborhood organization registered with the Office of Neighborhood Coordination (ONC). Mailed notice was sent to neighborhood representatives without email addresses, as required, and web notice was posted on the Planning Department website and on the IDO update project website. The City also mailed notice to all property owners in the Old Town HPO-5 small area and within 100 feet of its boundaries, as required for small area text amendments.

In addition to the required notice, e-mail notice was sent to the approximately 10,000 subscribers on the ABC-Z project email list. On September 30; October 1, 7, 8, and 12; November 12 and 19, 2021, the Planning Department hosted public open houses via Zoom. On October 6, the Planning Department hosted a Neighborhood Meeting about the small area changes in HPO-5. Presentations (PDF and video) are posted on the project webpage at <https://abc-zone.com/ido-annual-update-2021>.

Though Staff received multiple comments expressing support, opposition, and recommended changes, there is general support for the request as a whole.

#### **EPC PROCESS**

The Environmental Planning Commission (EPC) reviewed the proposed amendments during three properly-noticed public hearings. At its December 19, 2021 hearing, the EPC discussed the proposed changes, heard public testimony, and voted to forward a recommendation of Approval of the small area amendments to the City Council and to forward a recommendation of Approval, subject to conditions, to the City Council regarding the city-wide amendments. The Official Notification of Decision for each request contains the EPC's findings and recommended conditions.

#### **CONCLUSION**

Regarding Project# 2018-001843 – RZ-2021-00048 and RZ-2021-00049—Text Amendments to the IDO for the 2021 Annual Update, the EPC is forwarding a recommendation of Approval of both requests, subject to conditions.

A redline draft of the IDO that incorporates the EPC's conditions is included with this transmittal of the record for the Council's consideration.



## **Cover Analysis**

### **1. What is it?**

This legislation would amend the Integrated Development Ordinance (IDO) with amendments and technical edits vetted through the annual IDO annual update process for 2021.

### **2. What will this piece of legislation do?**

The legislation would amend zoning regulations, most of which apply City-wide, and the Use-Specific Standards for one Small Area – Old Town HPO-5.

### **3. Why is this project needed?**

The amendments would help clarify intent, improve implementation of adopted regulations, and establish new regulations that reflect new intent. These adjustments were requested by neighbors, developers, and Staff.

### **4. How much will it cost and what is the funding source?**

There is no cost to the City.

### **5. Is there a revenue source associated with this contract? If so, what level of income is projected?**

There is no revenue expected from this legislation.

### **6. What will happen if the project is not approved?**

The IDO would remain as is and not be amended. Without the amendments, additional Staff time would be needed to develop processes and/or guidance materials to explain how Staff would administer and/or interpret regulations that are not clarified.

### **7. Is this service already provided by another entity?**

Not applicable.



**FISCAL IMPACT ANALYSIS**

TITLE: Adopting Text Amendments to the IDO for the 2021 Annual Update R: O:  
 FUND: 110  
 DEPT: 4926000

- No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	Fiscal Years			
	2022	2023	2024	Total
Base Salary/Wages				-
Fringe Benefits at	-	-	-	-
Subtotal Personnel	-	-	-	-
Operating Expenses				-
Property			-	-
Indirect Costs	-			-
Total Expenses	\$ -	\$ -	\$ -	\$ -
<input checked="" type="checkbox"/> Estimated revenues not affected				
<input type="checkbox"/> Estimated revenue impact				
Amount of Grant	-			-
City Cash Match	-	-	-	-
City Inkind Match		-	-	-
City IDOH *15.30	-			-
Total Revenue	\$ -	\$ -	\$ -	\$ -

These estimates do not include any adjustment for inflation.

\* Range if not easily quantifiable.

Number of Positions created 0

**COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:**

This legislation would amend the IDO text with citywide and small area changes vetted during the 2021 annual update process. These amendments would generally make land development and redevelopment more transparent and ensure that projects are reviewed using the most appropriate process.

PREPARED BY: Debbie Dombroski 1.3.2022 FISCAL MANAGER (date)  
 APPROVED BY: Alan Lavelle 1/31/2022 | 9:22 AM MST DIRECTOR (date)

REVIEWED BY: Linda Cutler 1/31/2022 | 11:51 AM MST EXECUTIVE BUDGET ANALYST (date)  
 DocuSigned by: Laura Davis 1/31/2022 | 9:43 AM MST BUDGET OFFICER (date)  
 DocuSigned by: Christina Bernier 1/31/2022 | 9:44 AM MST CITY ECONOMIST (date)

PLANNING DEPARTMENT  
URBAN DESIGN & DEVELOPMENT DIVISION  
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860 Fax (505) 924-3339



## OFFICIAL NOTIFICATION OF DECISION

December 16, 2021

City of Albuquerque  
Planning Department  
Urban Design & Development  
600 2nd Street NW, 3rd Floor  
Albuquerque, NM 87102

Project #2018-001843  
RZ-2021-00048 – Amendment to the Integrated Development Ordinance (IDO) Text – City-Wide for the 2021 Annual Update

### LEGAL DESCRIPTION:

To amend the text of the Integrated Development Ordinance (IDO). This third annual update includes approximately 73 changes requested by neighbors, developers, staff, and Council Services. City-wide.

Staff Planners: Catalina Lehner and Sergio Lozoya

On December 16, 2021, the Environmental Planning Commission (EPC) voted to forward a recommendation of APPROVAL of Project 2018-001843/RZ-2021-00048 Amendment to the Integrated Development Ordinance (IDO) Text – City-Wide, based on the following Findings and subject to the following Conditions for Recommendation of Approval:

### FINDINGS:

1. The request is for various City-wide, legislative amendments to the text of the Integrated Development Ordinance (IDO) for the Annual Update required by IDO Subsection 14-16-6-3(D). The proposed City-wide amendments, when combined with the proposed Small-area amendments, are collectively known as the 2020 IDO Annual Update.
2. These City-wide text amendments are accompanied by proposed text amendments to Small Areas within the City, which were submitted separately pursuant to Subsection 14-16-6-7(E) and are the subject of another Staff report (RZ-2021-00049).
3. The IDO applies City-wide to land within the City of Albuquerque municipal boundaries. The IDO does not apply to properties controlled by another jurisdiction, such as the State of New Mexico, Federal lands, and lands in unincorporated Bernalillo County or other municipalities.
4. The EPC's task is to make a recommendation to the City Council regarding the proposed amendments to IDO text. As the City's Planning and Zoning Authority, the City Council will make the final decision. The EPC is a recommending body to the Council and has important review authority. This is a legislative matter.

OFFICIAL NOTICE OF DECISION

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December 16, 2021

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5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
6. Since November 2020, Staff has collected approximately 65 proposed amendments to language in the IDO requested by neighbors, developers, Staff, and the Administration. The proposed changes, which would improve the effectiveness and implementation of adopted regulations, are intended to address community-wide issues, foster economic development, and clarify regulatory procedures, while balancing these needs with the Comprehensive Plan vision of protecting and enhancing existing neighborhoods.
7. The request meets the review and decision criteria for Amendment to IDO Text-Citywide in IDO Subsection 14-16-6-7(D)(3)(a-c), as follows:
  - A. Criterion a: The proposed City-wide text amendments are generally consistent with the spirit and intent of the Comprehensive Plan, and other policies and plans adopted by the City Council, because they would generally help guide growth and development and identify and address significant issues in a holistic way (Comprehensive Plan, p. 1-5). The proposed changes are consistent with Comprehensive Plan Goals and policies that direct the City to adopt and maintain an effective regulatory system for land use and zoning.
  - B. Criterion b: The proposed amendment does not apply to only one lot or development project. Rather, the proposed IDO text amendments-City-wide would apply throughout the City (and not to only one lot or development project) and, therefore, are legislative in nature.
  - C. Criterion c: The request generally promotes the public health, safety, and welfare of the City because, overall, it is generally consistent with a preponderance of applicable Goals and policies in the Comprehensive Plan. The proposed changes are intended to address community-wide issues, foster economic development, and clarify regulatory procedures, while balancing these needs with the Comprehensive Plan vision of protecting and enhancing existing neighborhoods.
8. The request generally furthers the following, relevant Articles of the City Charter:
  - A. Article I, Incorporation and Powers. Amending the IDO via text amendments is consistent with the purpose of the City Charter to provide for maximum local self-government. The revised regulatory language and processes in the IDO would generally help implement the Comprehensive Plan and help guide future legislation.
  - B. Article IX, Environmental Protection. The proposed City-wide text amendments would help ensure that land is developed and used properly and that an aesthetic and humane urban environment is maintained. The IDO is the implementation instrument for the City's Comprehensive Plan, which protects and promotes health, safety, and welfare in the interest of the public. Commissions, Boards, and Committees would have updated and clarified regulations to help facilitate effective administration of City policy in this area.

C. Article XVII, Planning.

- i. Section 1. Amending the IDO through the annual update process is an instance of the Council exercising its role as the City's ultimate planning and zoning authority. The IDO will help implement the Comprehensive Plan and ensure that development in the City is consistent with the intent of any other plans and ordinances that the Council adopts.
- ii. Section 2. Amending the IDO through the annual update process will help the Administration to implement the Comprehensive Plan vision for future growth and development, and will help with the enforcement and administration of land use plans.

9. The request generally furthers the following, applicable Goal and Policy pair in Chapter 5- Land Use, pertaining to efficient development:

Goal 5.3 - Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

Policy 5.3.1 - Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The proposed text amendments would generally help promote development patterns that maximize the utility of existing infrastructure and public facilities. For example, allowing overnight shelters in the MX zones and campgrounds on existing religious institutions could encourage and promote infill development, which by definition uses existing infrastructure and public facilities. Some proposed changes (site plans, definitions) would clarify provisions in the IDO, which would generally help support the efficient use of land.

10. The request generally furthers the following, applicable Goal and policies in Chapter 5- Land Use, pertaining to implementation and process:

- A. Goal 5.7 - Implementation Processes: Employ procedures and processes to effectively and equitably implement the Comprehensive Plan.

The IDO annual update is a procedure to support continued efforts to effectively and equitably implement the Comprehensive Plan; an updated regulatory framework is the result. The proposed text amendments would also improve the connection between applicable Comprehensive Plan Goals and policies and the IDO.

- B. 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.

The proposed text amendments include changes to clarify how to apply provisions in the IDO (site plans, transitions from previous regulations, definitions), which would generally help align the regulatory framework to support desired growth, economic development, housing, and more consistent outcomes.

- C. Policy 5.7.6 - Development Services: Provide high-quality customer service with transparent approval and permitting processes.

The IDO annual update results in an updated and clarified regulatory framework, which is part of the foundation for a transparent approval and permitting process. The proposed text amendments include changes to clarify how to apply provisions in the IDO (site plans, transitions from previous regulations, definitions), which would generally contribute to a more consistent process and support providing high-quality customer service.

11. The request generally furthers the following, applicable policy in Chapter 5- Land Use, pertaining to Locally Unwanted Land Uses (LULUs):

Policy 5.3.7 - Locally Unwanted Land Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

The proposed text amendments address overnight shelters and campgrounds, which can be considered LULUs. The changes would help facilitate a more equitable distribution of these uses, which are useful to society but often objectionable to immediate neighbors, and help ensure that they are distributed more evenly. The proposed amendment would allow these uses permissively, at existing religious institutions and in the MX-M and MX-H zones. Since religious institutions are often located in residential areas, some established neighborhoods could be affected more than other locations. However, the use-specific standards would be clarified and would continue to apply to protect neighborhoods.

12. The request generally furthers the following, applicable Goals and policy in Chapter 7- Urban Design, pertaining to streetscapes and parking:

- A. Goal 7.1 Streetscapes & Development Form: Design streetscapes and development form to create a range of environments and experiences for residents and visitors.

The proposed text amendments would generally help create a range of environments and experiences through designed streetscapes and development forms. The IDO implements this goal through zoning standards appropriate for each zone district and in different contexts (ex. next to residential neighborhoods or Major Public Open Space). Proposed changes regarding parking requirements, parking structure design, and street frontage landscaping would establish and/or clarify applicable standards in the appropriate context. The request generally furthers Goal 7.1- Streetscapes & Development Form.

- B. Goal 7.4 - Context-Sensitive Parking: Design parking facilities to match the development context and complement the surrounding built environment.

The proposed text amendments include changes that would generally enable parking to be more context-sensitive and appropriate for the built environment surrounding it.

- C. Policy 7.4.2 - Parking Requirements: Establish off-street parking requirements based on development context.

The proposed text amendments include changes to clarify parking requirements (ex. for pre-1965 buildings, artesian manufacturing, and accessible parking) and parking structure design (when loading docks are involved) so that they would better match the applicable development context and complement the surrounding built environment.

13. The request generally furthers the following, applicable policy in Chapter 8- Economic Development:

Policy 8.1.2 - Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

The proposed text amendments would generally encourage economic development, which would foster a more robust, resilient, and diverse economy, because they include changes to clarify requirements (ex. parking, site plans), definitions, and development processes. These changes would contribute to improved predictability and consistency in the development process that would generally help support economic development efforts.

14. The request generally furthers the following, applicable Goals and policy in Chapter 9- Housing, pertaining to vulnerable populations and services:

A. Goal 9.4- Homelessness: Make homelessness rare, short-term, and non-recurring.

The proposed text amendments would help the community work toward making homelessness more rare, short-term, and non-recurring by providing additional options for shelter.

B. Policy 9.4.2- Services: Provide expanded options for shelters and services for people experiencing temporary homelessness.

The proposed text amendments would create additional ways to provide expanded shelter and service options for people experiencing temporary homelessness.

C. Goal 9.5-Vulnerable Populations: Expand capacity to provide quality housing and services to vulnerable populations.

The proposed text amendments would help the most vulnerable populations, which includes under-housed persons, by expanding the City's capacity to provide housing and services.

15. The proposed text amendments to make overnight shelter a permissive use in the MX-M zone (size limit 25,000 sf), a permissive (from conditional) use in the MX-H zone, and specify the use as an indoor use generally further applicable Comprehensive Plan Goals and Policies regarding homelessness and housing. However, comments received indicate opposition and express concern about the potential proliferation of such shelters and proximity to established residential uses. See proposed Condition 2.

16. The proposed text amendments to make campground an incidental activity for religious institutions (no conditional use permit required) and state that all applicable campground regulations would apply both further and conflict with applicable Comprehensive Goals and policies regarding development patterns, infill and housing (furthers) and character, neighborhoods, and LULUs (conflicts). Comments received indicate opposition. A primary concern is that a more comprehensive approach than zoning and land use regulations is needed to address homelessness. See proposed Condition 3.

17. The proposed text amendments to make the maximum wall height 4 feet (instead of 3 feet) for front or street side yards, allow this to be decided by Staff rather than through the ZHE process, and add standards applicable in MX zone districts both further and conflict with applicable Comprehensive Goals and policies regarding identity and design, neighborhoods, and community character (furthers) and identity and design, distinct built environments, and natural and cultural features. Comments

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- received, in opposition, express concern that the request is not adequately justified and that it could impact the character of existing neighborhoods in which walls were built under current regulations. See proposed Condition 4.
18. The proposed text amendments to raise the threshold for Staff/administrative review of residential conversions to 200 units (from 100 units) both further and conflict with Comprehensive Plan Goals and policies regarding implementation process, streamlined development, and housing (furthers) and process and public engagement (conflicts). Comments received, in opposition, express concern that the request would remove a vehicle for public participation in the development process. See proposed Condition 5.
  19. For cases in which a proposed text amendment would conflict with applicable Comprehensive Plan Goals and/or policies, Staff has provided conditions for recommendation of approval that address the conflicts.
  20. For an Amendment to IDO Text-City-wide, the required notice must be published, mailed, and posted on the web (see Table 6-1-1). A neighborhood meeting is not required. The City published notice of the EPC hearing as a legal ad in the ABQ Journal newspaper. First class mailed notice was sent to the two representatives of each Neighborhood Association and Coalition registered with the Office of Neighborhood Coordination (ONC) as required by IDO Subsection 14-16-6-4(K)(2)(a). Notice was posted on the Planning Department website and on the project website.
  21. In addition to the required notice, on October 29, 2021 e-mail notice was sent to the approximately 10,000 people who subscribe to the ABC-Z project update e-mail list.
  22. The IDO Annual Updates were reviewed at online public study sessions on September 30 and October 1, 2021 via Zoom. Planning Staff presented the proposed amendments and answered questions from participants. Staff also hosted four open houses on October 7, October 8, October 12, and November 12, 2021. The presentations, in .pdf format and in video format, are posted on the project webpage at: <https://abc-zone.com>.
  23. The EPC held a study session regarding the proposed 2021 IDO text amendments on December 9, 2021. This meeting was publicly noticed.
  24. As of this writing, Staff has received approximately 45 written comments from neighborhood groups, individuals, and organizations. Comments were submitted as letters; some with a spreadsheet attached. Other comments (approximately 50) were submitted online and pinned to the spreadsheet of proposed text amendments on the ABC-Z project website.
  25. In sum, most neighborhood groups tend to oppose the proposed amendments regarding overnight shelter, religious institution, and walls and fences and have several questions about these. Most neighborhood groups tend to support the proposed amendments regarding adding and/or clarifying use-specific standards, remedying internal conflicts within the IDO, and expanding qualifications to serve on the EPC.
  26. Though some comments oppose individual proposed amendments, and others recommend changes, there is general support for the request as a whole. The recommended Conditions of Approval address many issues raised in the comments.

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27. The EPC suggests that the Council further consider the item below, as follows:

- A. Regarding the Use Specific Standard(s) for Overnight Shelter in 14-16-4-3(C)(6): gather information including, but not limited to, the current locations of the use, its occurrence throughout the City, and population density when considering the idea of distance separation between overnight shelters and a potential limitation on building size.

This suggestion is based on consideration of the following:

- i. Option A- revise the current USS:

4-3(D)(6): "This use is prohibited within 3,000 feet in any direction of any other overnight shelter:

- ii. Option B- add a new USS

"In the MX-M zone district, this use shall not exceed 10,000 square feet".

- B. Regarding outdoor lighting in 14-16-5-8(D), consider the public comments from Mr. Griffiee that address measuring lighting in lumens and other technical suggestions.

#### CONDITIONS:

1. The proposed amendments in the spreadsheet "IDO Annual Update 2021 – EPC Review - Citywide" (see attachment) shall be adopted, except as modified by the following conditions:

- A. Spreadsheet p. 15, multiple pages, Subdivisions and Floating Zone Lines:

In Section 6, Subsection 14-16-6-6(K)(2) and 14-16-6-6(L)(2)(d), revise text as follows: "If the subdivision will result in a lot line that does not coincide with a zone district boundary (i.e. create a "floating zone line"), the applicant shall obtain a Zoning Map Amendment - EPC or Zoning Map Amendment - City Council , as applicable, to establish zone boundaries that coincide with the lot line before a final plat ~~shall~~ can be approved.

- B. Spreadsheet p. 20, IDO p. 579: Delete proposed definition- Site Layout Plan.

2. Overnight Shelter Use Table (see Finding 15). Spreadsheet p. 3, IDO p. 145.

In the MX-M zone district, this use shall require a Conditional Use approval pursuant to Subsection 14-16-6-6(A)- add C to the allowable use table. In the MX-H zone district, the use would remain Conditional.

3. Wall and Fences, Maximum height (see Finding 17). Spreadsheet p. 8, IDO p. 310.

Delete the proposed amendment. Maximum permissive wall height (Wall Permit-Minor) would continue to be 3 feet in residential, mixed-use, and non-residential zones.

4. Condition from PNM: Revise IDO Subsection 14-16-6-6(M)(2)(f)2 to make the last sentence a new subsection a and add the following text as a new b:

Where existing public and/or private utilities (e.g. water/sewer lines, electric lines, drainage facilities, etc.) are located in vacated public right-of-way, the purchasing property owner shall



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contact the affected utility provider(s) and grant easement(s) for the existing utilities as acceptable to the utility provider(s) or relocate the affected utilities as acceptable to the utility provider(s) at the property owner's expense.

5. The following amendment to 14-16-6-2(E)(1), IDO p. 381, shall be revised as follows:

"The EPC shall include a resident of each City Council District, with experience in community, urban, or natural resource planning; ~~community organizing~~; architecture; landscape architecture; urban design; real estate development and/or finance; transportation; ~~civil~~ engineering; and/or ~~land use or environmental law~~".

Sincerely,



Digitally signed by James M. Aranda  
DN: cn=James M. Aranda, o=City of  
Albuquerque, ou=Planning  
Department,  
email=jmaranda@cabq.gov, c=US  
Date: 2021.12.20 14:44:18 -07'00'

for Alan M. Varela,  
Planning Director

AV/CL/SL

CC:

Patricia Wilson, 505 Dartmouth Dr SE, Albuquerque NM 87106  
Greg Weirs, 328 Sierra Pl NE, Albuquerque NM, 87108  
peter kalitsis, 921 Pampas Dr SE Albuquerque NM, 87108  
John Cochran, 1300 Las Lomas Rd NE, Albuquerque, NM 87106  
Rachel Baca, Odlum Dr SE, Albuquerque NM, 87108  
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Ricardo Guillermo, 1108 11th St NW Albuquerque NM, 87102  
Lia Armstrong, 7620 American Heritage Dr NE Albuquerque NM, 87111  
Peggy Neff, 8305 Calle Soquelle NE, Albuquerque NM, 87113  
Michael Brasher, 216 Zena Lona St NE, Albuquerque NM, 87123  
Jane Baechle, Jane.Baechle@gmail.com  
Russell Britto, Russell.Britto@pnm.com  
Rene Horvath, aboard111@gmail.com

See attachment for a list of Neighborhood Association representatives who will receive this notice via mail or email.

PLANNING DEPARTMENT  
URBAN DESIGN & DEVELOPMENT DIVISION  
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860 Fax (505) 924-3339



## AMENDED OFFICIAL NOTIFICATION OF DECISION

December 16, 2021

City of Albuquerque  
Planning Department  
Urban Design & Development  
600 2nd Street NW, 3rd Floor  
Albuquerque, NM 87102

**Project #2018-001843**

RZ-2021-00049 – Amendment to the Integrated Development Ordinance (IDO) Text – Small Areas for the 2021 Annual Update

**LEGAL DESCRIPTION:**

To amend the text of the Integrated Development Ordinance (IDO). This third annual update includes changes requested by neighbors, developers, Staff, and Council Services to the standards applicable to the following small area: Old Town HPO-5.

Staff Planner: Silvia Bolivar

On December 16, 2021, the Environmental Planning Commission (EPC) voted to forward a recommendation of APPROVAL of Project 2018-001843/RZ-2021-00049, Amendment to the Integrated Development Ordinance (IDO) Text – Small Area, based on the following Findings:

1. The request is for Small Area amendments to the text of the Integrated Development Ordinance (IDO) for the Annual Update required by IDO Subsection 14-16-6-3(E). The proposed Small-area amendments, when combined with the proposed City-wide amendments, are collectively known as the 2021 IDO Annual Update.
2. These text amendments to specific Small Areas in the City are accompanied by proposed City-wide text amendments, which were submitted separately pursuant to Subsection 14-16-6-7(D) and are the subject of another Staff report (RZ-2020-00048).
3. The Small Area text amendments include proposed changes requested by neighbors, developers, staff, and Council Services that affect the following Small Area: Old Town HPO-5.
4. The IDO applies City-wide to land within the City of Albuquerque municipal boundaries. The IDO does not apply to properties controlled by another jurisdiction, such as the State of New Mexico, Federal lands, and lands in unincorporated Bernalillo County or other municipalities.
5. The EPC's task is to make a recommendation to the City Council regarding the proposed amendments to IDO text. As the City's Planning and Zoning Authority, the City Council will make the final

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decision. The EPC is a recommending body to the Council and has important review authority. This is a quasi-judicial matter.

6. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
7. The request meets the Review and Decision Criteria in Subsection 14-16-6-7(E) of the IDO, as follows:
  - A. Criterion A: The proposed small area amendment is consistent with the health, safety, and general welfare of the city as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

The City Council moratorium (Bill R-21-165) prohibited permissive and conditional uses for cannabis and cannabis products outlined in the IDO in the Old Town HPO-5 zone. The proposed IDO text amendments-Small Areas are generally consistent with the health, safety, and general welfare of the City by showing a preponderance of applicable goals and policies in the Comprehensive Plan, and other policies and plans adopted by the City.

The proposed amendments to prohibit cannabis uses in the Old Town HPO-5, are consistent with adopted policies that would protect the identity and existing character of the area. Old Town HPO-5 is designated primarily as an Area of Consistency and the proposed amendments would enhance the unique qualities of the neighborhood and commercial district found in the area. The City is not involved in regulation of personal uses; these are addressed in State regulation and statute. Overall, the request meets Criterion 14-16-6-7(a).

- B. Criterion B: If the proposed small area amendment is located partially or completely in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant must demonstrate that the proposed amendment would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not allow development that is significantly different from that character. The applicant must also demonstrate that the existing zoning regulations are inappropriate because they meet any of the following criteria:
  1. There has been a significant change in neighborhood or community conditions affecting the small area.
  2. The proposed zoning regulations are more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

The Old Town HPO-5 is an extension of the NRHP Old Albuquerque Historic District. Old Town has been seen as an important feature of the City since 1959 when it was made its own zoning category H-1 (Historic-1).

The Old Albuquerque Historic District is important for its' long history, for its' historic sites, for its' ancient pattern of church, plaza, and streets, and for its' collection of important historic buildings. The district has historic buildings mainly erected between 1870 and 1915, with a few

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major earlier structures' its street patterns and church buildings are vivid reminders of the much earlier history of the Village of Albuquerque.

The proposed amendments would clearly reinforce and strengthen the established character of the surrounding Areas of Consistency and would result in continued development that is consistent with the established character of the area. Over the years, the character of the area and surrounding areas has been consistent and continued to be residential and commercial. The proposed text amendments are quasi-judicial in nature. The request meets Criterion 14-16-6-7(E)(3)(b).

C. Criterion C: If the proposed small area amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended), the applicant must demonstrate that the existing zoning regulations are inappropriate because they meet at least one of the following criteria:

1. There has been a significant change in neighborhood or community conditions affecting the small area that justifies this request.
2. The proposed zoning regulations are more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Criterion 14-16-6-7(E)(3)(c) does not apply because the proposed amendments are not located wholly in an Area of Change.

D. Criterion D: If the proposed amendment changes allowable uses, the proposed amendment does not allow permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

The proposed amendments include three changes to the IDO that would result in changes affecting uses. The proposed changes would prohibit cannabis uses in the Old Town Historic Protection Overlay (HPO-5) zone.

Although associated use specific standards for cannabis retail include a provision that makes the use conditional within 600 feet of another cannabis retail, some neighbors have noted that this could push the use onto the edges of Old Town.

E. Criterion E: The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

The small area amendments are not based completely or predominantly on the cost of land or economic considerations. The request furthers Criterion 14-16-6-7(E)(3)(e).

8. These proposed Integrated Development Ordinance (IDO) Text Amendments– Small Areas would generally protect public health, safety, and welfare and promote economic growth and investment in the City as a whole as required pursuant to 14-16-6-7(E)(3).

9. The request generally furthers the following relevant City Charter articles:

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- A. Article I, Incorporation and Powers. Amending the IDO via text amendments is consistent with the purpose of the City Charter to provide for maximum local self-government. The revised regulatory language and processes in the IDO will generally help implement the Comprehensive Plan and help guide future legislation.
  - B. Article IX, Environmental Protection. The proposed Small Area text amendments to the IDO will help ensure that land is developed and used properly. The IDO is an instrument to help promote and maintain an aesthetic and humane urban environment for Albuquerque’s citizens, and thereby promote improved quality of life. Commissions, Boards, and Committees will have updated and clarified regulations to help facilitate effective administration of City policy in this area.
  - C. Article XVII, Planning. Amending the IDO through the annual update process is an instance of the Council exercising its role as the City’s ultimate planning and zoning authority. The IDO will help implement the Comprehensive Plan and ensure that development in the City is consistent with the intent of any other plans and ordinances that the Council adopts (Section I). Amending the IDO through the annual update process will help the Administration to implement the Comprehensive Plan vision for future growth and development, and will help with the enforcement and administration of land use plans (Section II).
10. The request generally furthers the following, applicable Goal and policies in Chapter 4: Community Identity:

- A. Goal 4.1 – Character: Enhance, protect, and preserve distinct communities.

As a whole, the proposed text amendments would generally enhance, protect, and preserve Old Town – HPO-5, a distinct community because provisions would be included that would strengthen the use-specific standards.

The IDO is intended to make zoning and land use entitlements in our community more transparent, accurate, and contextually compatible in order to enhance, protect, and preserve distinct communities, neighborhoods, and traditional communities. The IDO provides protections for residential neighborhoods through dimensional standards specific to residential zone districts in Part 2, tailored regulations in Overlay Zones in Part 3, use-specific standars that require distance separations between non-residential and residential uses and zone districts in Part 4, and development standards that apply to adjacent residential uses or zone district, especially edge buffers and neighborhood edges in Part 5.

- B. 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.

If approved, the request would further the Identity and Design Policy (4.1.2). The request protects the identity of neighborhoods and commercial districts by clarifying standards and regulations that are unclear. This will better ensure appropriate scale, design, and location of development.

- C. Subpolicy 4.1.2(a): Maintain and preserve the unique qualities of historic areas.

The request would allow for the maintenance and preservation of the unique qualities of the historic area by prohibiting cannabis uses in the Old Town HPO-5. The Old Albuquerque Historic District is important for its’ long history, for its’ historic sites, for its’ ancient pattern of church, plaza, and streets, and for its’ collection of important historic buildings. The district has historic buildings mainly erected between 1870 and 1915, with a few major earlier structures’ its street

patterns and church buildings are vivid reminders of the much earlier history of the Village of Albuquerque.

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

The request enhances, protects, and preserves neighborhoods and traditional communities by clarifying standards and regulations that are unclear. This will improve the implementation of the original goals and intent of the regulations as adopted through Sector Development Plans and the IDO. The proposed new regulations, including expanding the height restriction area and adding new use restrictions in the Northwest Mesa VPO, are intended to protect and enhance the existing character of those areas.

- E. Subpolicy 4.1.4(a): Respect existing neighborhood values and social, cultural, recreational uses.

The Old Town HPO-5 encompasses an area roughly between Mountain Road and Central Avenue on the north and south, Rio Grande Boulevard, and 19<sup>th</sup> Street on the west and east. It contains a mix of residential, institutional, and commercial properties. The historic zone was created with the adoption of the City's first Zoning Code in 1959 to preserve and promote the educational, cultural, and general welfare of the public through the preservation and protection of the traditional architectural character of historic Old Albuquerque. At that time, decades before there would be such things as the National Register of Historic Places or Registered Historic Districts, Albuquerque created its own historic H-1 zone that regulated architectural styles, permissive uses, alcohol consumption restrictions along with specific development guidelines.

Albuquerque is recognized for its collection of distinctive historic resources that are enjoyed by residents, business owners, and visitors as links to the city's heritage, and that set the stage for a vibrant future. Preserving these historic assets is essential to Albuquerque's well-being, identity, and character. The proposed text amendments would further this subpolicy by respecting the existing neighborhood values and social, cultural, and recreational sources.

11. The request generally furthers the following, applicable Goals and policies in Chapter 5- Land Use pertaining to Areas of Consistency and procedures and processes:

- A. 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 the development reinforces the scale, intensity and setbacks of the immediately surrounding context.

The proposed amendments would apply to the Old Town HPO-5 and would generally protect and enhance the existing character of the area while clarifying how to apply the regulations.

- B. Goal 5.7 Implementation Process: Employ procedures and processes to effectively and equitably implement the Comprehensive Plan.

The request would further the Implementation Process Goal (5.7). The intent of many of the proposed changes is to clarify how to read and apply provisions in the IDO, which would result in a more predictable development outcomes and consistent decision-making.

- C. 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.

The IDO's procedures and processes in Part 6 have been developed to effectively and equitably implement the Comprehensive Plan. In order for the City's land use, zoning, and development regulations to stay up-to-date, the IDO established an annual update requirement into the regulatory framework. Changes proposed are intended to continually improve how the IDO implements the comp Plan by aligning regulations with Comp Plan goals and policies.

The annual amendment process for the IDO – small areas is a procedure to continue to effectively and equitably implement the Comprehensive Plan that results in an updated regulatory framework. The proposed text amendments would better link applicable Comprehensive Plan Goals and policies and the IDO, the implementation mechanism.

- D. Policy 5.7.5 – Public Engagement: Provide regular opportunities for residents and stakeholders to better understand and engage in the planning and development process.

The annual update process for the IDO – small areas provides residents and stakeholders with an opportunity to better understand and engage with the planning and development process.

- E. Policy 5.7.6 – Development Services: Provide high-quality customer service with transparent approval and permitting processes.

The annual amendment process to the IDO-small areas is a procedure that implements the Comprehensive Plan. The proposed text amendments will provide clarification on how to read and apply provisions to the IDO, resulting in a more predictable development outcome.

12. The request generally furthers the following Goals and policies in Chapter 7- Urban Design:

- A. Policy 7.3.3 – Placemaking: Encourage efforts to establish and strengthen district identity within Centers, business districts, and neighborhoods.

The proposed text amendments would include changes that would establish and strengthen the Old Town HPO-5 district identity by prohibiting cannabis uses and would help to continue to reinforce the experiences for residents and visitors in the historic district. The zoning standards for small areas (Part 14-16-3), residential neighborhoods, and within Centers within the IDO implement the Comprehensive Plan.

- B. Subpolicy Placemaking 7.3.3(a): Identify, celebrate, and leverage special places

Albuquerque is recognized for its collection of distinctive historic resources that are enjoyed by residents, business owners, and visitors as links to the city's heritage, and that set the stage for a vibrant future. Preserving these historic assets is essential to Albuquerque's well-being, identity, and character. The proposed text amendments would further this subpolicy by celebrating and leveraging special places such as Old Town HPO-5.

- C. Policy 7.3.2 – Community Character: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

Subpolicy Community Character 7.3.2(a): Design development to reflect the character of the surrounding area and protect and enhance views.

The proposed text amendments would make communities and their distinct identities safe and attractive places by encouraging design strategies that recognize the character differences in communities.

13. The request furthers and partially furthers the following, applicable policies from Chapter 8- Economic Development:

A. Policy 8.1.1 – Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

The proposed text amendments include changes that would contribute to creating interesting places with different development intensities and densities and would help preserve interesting places. The Old Albuquerque Historic District is important for its' long history, for its' historic sites, for its' ancient pattern of church, plaza, and streets, and for its' collection of important historic buildings. The district has historic buildings mainly erected between 1870 and 1915, with a few major earlier structures; its street patterns and church buildings are vivid reminders of the much earlier history of the Village of Albuquerque. The changes to prohibit the retail, cultivation, and manufacturing of cannabis products in Old Town HPO-5 would continue to protect this historic district.

14. The request furthers the following, applicable Goal and policy from Chapter 11- Heritage Conservation:

A. Goal 11.1 – Traditional, Rural & Agricultural Heritage: Preserve and enhance farmland, the acequia system, and traditional communities.

The proposed amendments would further Goal 11.1 – Traditional, Rural & Agricultural Heritage by preserving and enhancing a traditional community such as Old Town HPO-5. The proposed amendment to prohibit cannabis uses in Old Town HPO-5 would add protections that would facilitate the preservation and enhancement of traditional communities such as Old Town HPO-5 and would be consistent with the Comprehensive Plan policies that aim to protect and contribute to reinforce traditional communities.

B. Goal 11.2 – Historic Assets: Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity.

The proposed text amendments fulfill this goal by requiring the preservation and enhancement of significant historic districts such as Old Town HPO-5 that reflect our past as we move into the future and to strengthen our sense of identity.

C. Policy 11.2.2 – Historic Registration: Promote the preservation of historic buildings and districts determined to be of significant local, State, and/or National historic interest.

The preservation of historic districts is crucial to cities, specifically to Albuquerque because historic preservation districts provide benefits to people, whether or not they own a home or business in them. Old Town HPO-5 serves as a living history lesson, and tangible reminders of the city's past as it helps tell the story of the community.

D. Subpolicy 11.2.2(b): Recognize historic buildings and districts as vital elements of the community.



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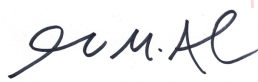
The proposed text amendments would help recognize historic buildings and districts as vital elements of the community. The IDO has a role in this process as subpolicy 11.2.2(b) would help preserve the character of the area through conservation of buildings and sites.

- E. Goal 11.3 – Cultural Landscapes: Protect, reuse, and/or enhance significant cultural landscapes as important contributors to our heritage and rich and complex identities.

The proposed text amendment would protect and enhance cultural landscapes by proposing changes to the Old Town Historic Protection Overlay (HPO-5) zones.

15. For an Amendment to IDO Text, the required notice must be published, mailed, and posted on the web (see Table 6-1-1). A neighborhood meeting was required and held on October 6, 2021 via Zoom. The City published notice of the EPC hearing as a legal ad in the ABQ Journal newspaper. First class mailed notice was sent to the two representatives of each Neighborhood Association and Coalition registered with the Office of Neighborhood Coordination (ONC) as required by IDO Subsection 14-16-6-4(K)(2)(a). Notice was posted on the Planning Department website and on the project website.
16. In addition to the required notice, on October 25, 2021, notification letters were mailed to 246 property owners within or adjacent to the Old Town HPO-5.
17. On October 25, 2021, the Planning Department hosted a public open house meeting via Zoom to review the proposed 2021 Annual Update to the Old Town HPO-5. The email notice and the required neighborhood association notification letter included information about the public open house.
18. The EPC held a study session regarding the proposed 2021 IDO amendments on December 9, 2021. This was a publicly-noticed meeting.
19. As of this writing, Staff has received two comments expressing support for the recommend change.

Sincerely,



Digitally signed by James M. Aranda  
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Albuquerque, ou=Planning Department,  
email=jmaranda@cabq.gov, c=US  
Date: 2021.12.21 16:11:56 -07'00'

for Alan M. Varela,  
Planning Director

AV/SB

cc: Jesse Ehrenberg, [jdehrenberg@outlook.com](mailto:jdehrenberg@outlook.com)  
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