

City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

Interoffice Memorandum

March 29, 2021

To: CITY COUNCIL

From: Camille Cordova, Assistant City Clerk

Subject: BILL NO. R-21-140; ENACTMENT NO. R-2021-017

I hereby certify that on March 24, 2021, the Office of the City Clerk received Bill R-21-140 as signed by the president of the City Council, Cynthia D. Borrego. Enactment No. R-2021-017 was passed at the March 15, 2021 City Council meeting. Mayor Keller did not sign the approved Resolution within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Resolution is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. R-21-140.

Sincerely,

Ethan Watson
City Clerk

CITY of ALBUQUERQUE

TWENTY FOURTH COUNCIL

COUNCIL BILL NO. R-21-140 ENACTMENT NO. R-2021-017

SPONSORED BY: Brook Bassan

1 RESOLUTION

2 DECLARING A STAY OF ENFORCEMENT ON SECTION 6-4(L)(2) OF THE
3 INTEGRATED DEVELOPMENT ORDINANCE RELATED TO THE DELAY OF A
4 FINAL DECISION BY THE PLANNING DEPARTMENT ON APPLICATIONS FOR
5 ADMINISTRATIVE DECISIONS.

6 WHEREAS, the ability to request a post-application facilitated meeting was
7 adopted during the 2019 Integrated Development Ordinance (IDO) update; and

8 WHEREAS, the purpose of this amendment to the IDO was to allow for
9 more neighborhood participation in certain administrative decisions if
10 requested; and

11 WHEREAS, the IDO today requires that after an application has been
12 submitted for a Site Plan – Administrative decision that there is a 15-day
13 period in which property owners within 330 feet of the subject site or
14 Neighborhood Associations within 660 feet of the subject site may request a
15 post-application facilitated meeting; and

16 WHEREAS, a Site Plan – Administrative is the “zoning check” for
17 applications that don’t meet the threshold for an approval by the Development
18 Review Board or Environmental Planning Commission where the request is
19 determined to be in compliance with the IDO or not and an application can’t
20 move on to other relevant reviewers until the Site Plan – Admin has been
21 approved by the Planning Department; and

22 WHEREAS, Site Plan – Administrative is applicable to small-scale
23 development that may not have as big of an impact on the surrounding
24 community as applications that are required to go before the Development
25 Review Board or the Environmental Planning Commission; and

1 **WHEREAS, the requirements of Section 6-4(L)(2) of the IDO require that no**
2 **final decision be made until the 15-day period in which an eligible party may**
3 **request a post-application facilitated meeting; and**

4 **WHEREAS, this unintended consequence of this addition to the IDO results**
5 **in all Site Plan – Administrative applications being left without a final decision**
6 **for at least 15 days; and**

7 **WHEREAS, in some instances the Planning Department is able to provide a**
8 **final decision on Site Plan – Administrative requests in a day for low-density**
9 **residential development or a matter of days for other Site Plan –**
10 **Administrative applications; and**

11 **WHEREAS, the Planning Department’s review and approval software does**
12 **not have the ability for the Department to review an application when it first**
13 **enters the system but not issue an immediate “approval” or “denial” of the**
14 **application; and**

15 **WHEREAS, over the last several years the Planning Department has**
16 **worked diligently to reduce the time in which an applicant will receive**
17 **approval to continue with their development project for the purposes of**
18 **promoting economic development in the city; and**

19 **WHEREAS, a stay of enforcement is appropriate to issue for Section 6-**
20 **4(L)(2) until the 2020 IDO Annual update is adopted; and**

21 **WHEREAS, Council Staff in coordination with the Planning Department will**
22 **prepare an amendment for the 2020 IDO Annual Update to allow for post-**
23 **application facilitated meetings for Site Plan – Administrative decisions in a**
24 **manner that will not disrupt the Planning Departments review and approval**
25 **process and economic development within the City.**

26 **BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
27 **ALBUQUERQUE:**

28 **SECTION 1. That upon the effective date of this Resolution and until the**
29 **2020 Integrated Development Ordinance Annual Update is finally acted upon**
30 **by the City Council, the City shall not act upon Section 6-4(L)(2) of the**
31 **Integrated Development Ordinance, which prohibits the Planning Department**
32 **from issuing a final decision on all Site Plan – Administrative Decisions for a**
33 **period of 15 days.**

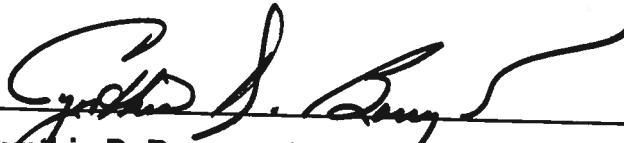
1 **SECTION 2. Council Staff in coordination with the Planning Department**
2 **shall propose an amendment to the IDO to be included in the 2020 IDO Annual**
3 **Update that will retain the ability to request a post-application facilitated**
4 **meeting for most Site Plan – Administrative decisions in a manner that will not**
5 **disrupt the Planning Department’s review and approval process and economic**
6 **development in the city.**

7 **SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence,**
8 **clause, word or phrase of this resolution is for any reason held to be invalid or**
9 **unenforceable by any court of competent jurisdiction, such decision shall not**
10 **affect the validity of the remaining provisions of this resolution. The Council**
11 **hereby declares that it would have passed this resolution and each section,**
12 **paragraph, sentence, clause, word or phrase thereof irrespective of any**
13 **provision being declared unconstitutional or otherwise invalid.**

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1 PASSED AND ADOPTED THIS 15th DAY OF March, 2021
2 BY A VOTE OF: 8 FOR 1 AGAINST.

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6 Against: Sena

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10 Cynthia D. Borrego, President
11 City Council
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15 APPROVED THIS _____ DAY OF _____, 2021
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18 Bill No. R-21-140
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24 Timothy M. Keller, Mayor
25 City of Albuquerque
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27 ATTEST:

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30 Ethan Watson, City Clerk
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