

City of Albuquerque

Office of the City Clerk

Timothy M. Keller, Mayor

Trina Gurule, Acting City Clerk

Interoffice Memorandum

May 9, 2018

To: CITY COUNCIL
From: TRINA GURULE, ACTING CITY CLERK
Subject: BILL NO. R-18-29 ENACTMENT NO. R-2018-019

I hereby certify that on May 9, 2018, the Office of the City Clerk received Bill R-18-29 as signed by the president of the City Council, Ken Sanchez. Enactment No. R-2018-019 was passed at the May 7, 2018 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-18-29.

Sincerely,

Trina Gurule
Acting City Clerk

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. F/S R-18-29

ENACTMENT NO. R-2018-019

SPONSORED BY: Trudy E. Jones and Isaac Benton

1

RESOLUTION

2 REPEALING AND REPLACING C/S R-17-240; ESTABLISHING A PROCESS FOR
3 IDO-RELATED ZONING CONVERSIONS THAT ARE TO BE PROCESSED BY
4 THE CITY PLANNING DEPARTMENT COMMENCING ON THE EFFECTIVE DATE
5 OF THE IDO, AND CONCLUDING WITHIN ONE YEAR THEREFROM.

6 WHEREAS, the City Council, the governing body of the City of
7 Albuquerque, has the authority to adopt and amend plans for the physical
8 development of areas within the planning and platting jurisdiction of the City
9 authorized by statute, Section 3-19-3, NMSA 1978, and by its home rule
10 powers; and

11 WHEREAS, the City's zoning powers are established by the City Charter, in
12 which Article I, Incorporation and Powers, allows the City to adopt new
13 regulatory structures and processes to implement the Albuquerque-Bernalillo
14 County Comprehensive Plan ("Comp Plan") and help guide future legislation;
15 Article IX, Environmental Protection, empowers the City to adopt regulations
16 and procedures to provide for orderly and coordinated development patterns
17 and encourage conservation and efficient use of water and other natural
18 resources; and Article XVII, Planning, establishes the City Council as the
19 City's ultimate planning and zoning authority; and

20 WHEREAS, the City amended the Comp Plan in 2001 via R-01-343
21 (Enactment No. 171-2001) to identify Community Planning Areas and provide
22 goals and policies to protect and enhance distinct community identity in each
23 area; and

24 WHEREAS, the City Council adopted an updated Comp Plan on March 20,
25 2017 via R-16-108 (Enactment No. R-2017-026), including an updated
26 community vision based on a Centers and Corridors approach to growth,
27 including an updated Centers and Corridors map with boundaries for Centers

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 and distances from the centerline for Corridors; priority designations for
2 transportation modes on each Corridor; and

3 WHEREAS, the Comp Plan establishes a hierarchy of Centers and
4 Corridors from the most to the least walkable, mixed-use, and dense, with
5 Downtown, Urban Centers, Premium Transit Corridors, and Main Street
6 Corridors all intended to be highly walkable, with a mix of residential and non-
7 residential land uses, and with higher-density and higher-intensity uses; and

8 WHEREAS, the Comp Plan includes goals and policies to protect
9 community health and maintain safe and healthy environments where people
10 can thrive; and

11 WHEREAS, the Comp Plan establishes a complementary set of
12 Development Areas – Areas of Change, where growth is encouraged and
13 higher-density and intensity uses are the most appropriate – and Areas of
14 Consistency, where the existing pattern of uses, density, and intensity is to be
15 maintained and reinforced over time; and

16 WHEREAS, the Integrated Development Ordinance (IDO) was drafted as
17 part of a citywide effort to update and replace the City's 40-year-old, 1970's-era
18 Comprehensive Zoning Code, and as the primary regulatory tool to implement
19 the Comp Plan for land within the municipal boundaries of the City of
20 Albuquerque; and

21 WHEREAS, the IDO's stated purpose is to implement the Comp Plan;
22 ensure that all development in the City is consistent with the intent of other
23 plans and policies adopted by City Council; ensure provision of adequate
24 public facilities and services for new development; protect quality and
25 character of residential neighborhoods; promote economic development and
26 fiscal sustainability of the City; provide efficient administration of City land
27 use and development regulations; protect health, safety, and general welfare
28 of the public; provide for orderly and coordinated development patterns;
29 encourage conservation and efficient use of water and other natural
30 resources; implement a connected system of parks, trails, and open spaces to
31 promote improved outdoor activity and public health; provide reasonable
32 protection from possible nuisances and hazards and to otherwise protect and

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 improve public health; and encourage efficient and connected transportation
2 and circulation systems for motor vehicles, bicycles, and pedestrians; and
3 WHEREAS, the IDO was drafted to be consistent with and implement Comp
4 Plan goals and policies; and

5 WHEREAS, the IDO helps to implement these goals and policies by
6 providing a set of zones (§14-16-2) that range from low intensity to high
7 intensity and designating the appropriate mix of land uses in each zone; and
8 WHEREAS, the City Council adopted an Official Zoning Map (§14-16-1-6)
9 that converted pre-existing zone districts from the City Comprehensive Zoning
10 Code to base zone districts in the IDO according to a set of zoning conversion
11 rules for base zones and Special Use zones (SU-1, SU-2, and SU-3) that
12 matched as closely as possible the permissive uses in each zone; and
13 WHEREAS, this conversion from approximately 1,200 zones to a set of 19
14 zones necessarily involved changes to individual allowable uses in many
15 zones; and

16 WHEREAS, as a result of the conversions some uses that were allowed in
17 the prior zone designations were changed to correspond with the Use Table in
18 the IDO (§14-16-4-2) that indicates land uses as permissive, conditional,
19 accessory, conditional accessory, conditional vacant, or temporary in each
20 zone district of the IDO; and

21 WHEREAS, the Community Planning Area assessment process is intended
22 to provide opportunities on a 5-year cycle to analyze and recommend zone
23 map amendments in specific geographic areas to better implement the Comp
24 Plan, particularly encouraging walkable, higher-density and higher-intensity
25 development in Centers and Corridors; and

26 WHEREAS, the intent of the IDO was to update the City's land use and
27 zoning framework for future development without eliminating or limiting the
28 ability of lawful, existing land uses to continue after the IDO's adoption; 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

[Bracketed/Uncrossed Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 WHEREAS, the Planning Department has committed to a phase II of the
2 City's comprehensive zoning conversion process, where such amendments
3 fall within the criteria outlined by this resolution, are accompanied by written
4 participation requests and agreement from property owners, and satisfy
5 conversion rules consistent with the Comprehensive Plan and the IDO
6 implementation goals; and

7 WHEREAS, C/S R-17-240 was adopted by the City Council on November 13,
8 2017 and established the process for zoning conversions related to the phase
9 II IDO conversion; and

10 WHEREAS, C/S R-17-240 erroneously designated the EPC as the final
11 decision maker on zoning conversions under the phase II process where the
12 City Council is required to be the final decision maker in this process, and
13 thus needs to be repealed and replaced to make this correction and related
14 changes.

15 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
16 ALBUQUERQUE:

17 SECTION I. C/S R-17-240 is hereby repealed in its entirety, and replaced
18 with this resolution.

19 SECTION II. The City Planning Department shall administer a zoning
20 conversion process beginning on the effective date of the IDO pursuant to the
21 following:

22 **Section 1. Outreach.** The City Planning Department shall do outreach and
23 advertising citywide to alert property owners of the opportunity to participate
24 in the zone map amendment process pursuant to this resolution. Outreach
25 efforts shall include coordination with Neighborhood Associations and other
26 relevant organizations to share information about the potential opportunities
27 and implications of zone changes.

28 **Section 2. Eligible Properties.** The City Planning Department shall evaluate,
29 analyze, process and recommend a phase II zoning conversion per zoning
30 conversion rules consistent with the Comprehensive Plan and the IDO
31 implementation goals, city-wide, for properties that fall within at least one of
32 the following categories:

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 **A. Nonconforming Use.** The zoning conversion could remedy a
2 nonconforming use of the property;

3 **B. Voluntary Downzone.** The zoning conversion would result in a less
4 intense or less dense IDO zone district in an Area of Consistency that is
5 compatible in scale and intensity with the existing land use at the site and
6 surrounding development patterns;

7 **C. Floating Zone Line.** The zoning conversion could remedy a boundary
8 that does not correspond to a lot line in either the Bernalillo County
9 Assessor's data or Albuquerque Geographic Information Systems (AGIS) City
10 parcel data (i.e. a "floating zone line");

11 **D. Prior Special Use Zoning.** The zoning conversion is for undeveloped
12 property previously regulated by the Residential and Related Uses Zone,
13 Developing Area (R-D), or by special use zoning (SU-1, SU-2 or SU-3), and an
14 IDO zone designation other than what was assigned through the Phase 1
15 conversion process would be more appropriate for the site; or

16 **E. Size Thresholds.** The zoning conversion is for property converted to
17 PD or NR-BP zone districts that does not meet size thresholds set by the IDO
18 for those zone districts.

19 **Section 3. Process.**

20 **A. Request Form; Participation Agreement.** The Planning Department shall
21 create a participation request and agreement form that must be completed by
22 the owner(s) or agent representing the owners of any premises that may be
23 eligible for inclusion in this phase II zoning conversion process;

24 **B. Acceptance.** Such form must be submitted to and accepted as complete
25 by the Planning Department within one year of the IDO becoming effective, but
26 will not be accepted prior to the IDO effective date. For purposes of this
27 section, participation forms will be deemed complete upon submittal of a
28 signed and fully completed participation request and agreement form together
29 with any supplemental material required by the Planning Department. Any
30 professional services costs associated with the preparation of materials
31 required for this submittal shall be borne by the individual property owners;

32 **C. Determination of Eligibility.** The Planning Department shall evaluate
33 each participation request to determine whether it reasonably falls within the

1 criteria established by Section 2 of this Resolution. In the event that it does
2 not, the Planning Department shall decline to process the associated zoning
3 conversion. However, nothing shall prevent an owner so situated from
4 appealing this administrative determination by the Planning Department
5 through the appeal process established by the IDO, or from otherwise
6 pursuing a zone map amendment request for the subject premise through the
7 regular zone map amendment process established by the IDO;

8 **D. Final Decision Making Authority.** The Phase II zoning conversion called
9 for by this resolution is part of the comprehensive, City-wide rezoning
10 associated with the IDO, and becomes effective only upon a final legislative
11 action by the City Council. Property owners that are not eligible for the
12 process outlined by this resolution, or that are otherwise unsatisfied with the
13 zoning on their respective properties notwithstanding the results of this phase
14 II process, may seek an individual zone map amendment through the relevant
15 IDO zone map amendment process outlined in Section 14-16-6-7.

16 **Section 4. Stay of Enforcement Pending Completion.** The Planning
17 Department shall not enforce the provisions related to nonconforming uses in
18 Subsection 14-16-6-8 of the IDO for premises that are eligible for and
19 participating in the zoning conversion process established by this resolution
20 unless and until the final action on the relevant zoning conversion fails to cure
21 the nonconformity.

22 **Section 5. Use of Consultants.** The City shall engage consultants as
23 necessary to complete this project.

24 **Section 6. Cooperation with Departments.** All relevant City Departments
25 and Divisions, including but not limited to the Legal Department, Municipal
26 Development Department, Parks and Recreation Department, Cultural Services
27 Department, Senior Affairs Department, and the Office of Neighborhood
28 Coordination, shall work with the Planning Department as necessary to
29 coordinate and implement this project.

30

31

32

33 X:\CITY COUNCIL\SHARE\CL-Staff_Legislative Staff\Legislation\23 Council\R-29fsfinal.docx

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1 PASSED AND ADOPTED THIS 7th DAY OF May, 2018
2 BY A VOTE OF: 8 FOR 0 AGAINST.

3

4 Excused: Harris

5

6

7



8 Ken Sanchez, President

9 City Council

10

11

12

13 APPROVED THIS _____ DAY OF _____, 2018

14

15 Bill No. F/S R-18-29

16

17

18

19

20 _____ Timothy M. Keller, Mayor

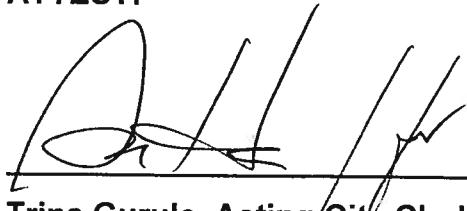
21 City of Albuquerque

22

23

24

25 ATTEST:



26 _____
27 Trina Gurule, Acting City Clerk
28

29

30

31

32