

# CITY of ALBUQUERQUE

## TWENTY FOURTH COUNCIL

COUNCIL BILL NO.     O-21-60     ENACTMENT NO. \_\_\_\_\_

SPONSORED BY:     Isaac Benton and Trudy E. Jones

1                                **ORDINANCE**  
2    **ADOPTING TEXT AMENDMENTS TO THE INTEGRATED DEVELOPMENT**  
3    **ORDINANCE §14-16 FOR THE 2020 IDO ANNUAL UPDATE; INCLUDING TEXT**  
4    **AMENDMENTS FOR SMALL MAPPED AREAS.**

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

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

19       **WHEREAS, the City Council adopted an updated Albuquerque-Bernalillo**  
20   **County Comprehensive Plan (“ABC Comp Plan”) in 2017 via R-16-108**  
21   **(Enactment No. R-2017-026), including an updated community vision that is**  
22   **based on a Centers and Corridors approach to growth; and**

23       **WHEREAS, the 2017 ABC Comp Plan adopted an updated Centers and**  
24   **Corridors map that establishes boundaries for the Centers; designates priority**  
25   **for transportation modes on certain Corridors; and identifies Downtown,**  
26   **Urban Centers, Activity Centers, Premium Transit Corridors, Major Transit**

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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 new regulations and neighborhood protections in real-world contexts  
25 with real-world projects; and

26 WHEREAS, other proposed amendments to IDO text would establish a new  
27 regulatory intent responding to changes in market demands for housing and  
28 business 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

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

5 WHEREAS, the Planning Department submitted two applications for  
6 Amendment to IDO Text – for citywide and small areas – that met all the  
7 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)); and

11 WHEREAS, the City provided all required notice for an Amendment to IDO  
12 Text, including publishing a legal ad in the Albuquerque Journal, mailing two  
13 representatives of each neighborhood organization registered with the Office  
14 of Neighborhood Coordination (ONC), and posting notice on the Planning  
15 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 December 9, 2020 and  
19 January 29, 2021; and

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

22 WHEREAS, though a neighborhood meeting is not required for an  
23 Amendment to IDO Text - Citywide, Planning staff held two open houses on  
24 the proposed IDO Annual Update text amendments in 2020 to present  
25 proposed changes, respond to questions, and gather feedback; and

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

28 WHEREAS, offer of a neighborhood meeting is required for an Amendment  
29 to IDO Text – Small Area, and Planning staff held 2 neighborhood meetings in  
30 2020 and also held a series of 12 public meetings and 4 open houses on the  
31 proposed small area IDO text amendments in 2019 to present proposed  
32 changes, respond to questions, and gather feedback; and

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1 WHEREAS, the EPC found that the proposed amendments would further a  
2 preponderance of adopted City policies; and

3 WHEREAS, the EPC voted to send a recommendation of APPROVAL to the  
4 City Council with findings and recommended conditions that are in the official  
5 record; and

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

9 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
10 ALBUQUERQUE:

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

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

18 SECTION 3. EFFECTIVE DATE AND PUBLICATION. This ordinance shall  
19 take 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**

March 19, 2021

**TO:** Cynthia Borrego, President, City Council

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

**SUBJECT: Project# 2018-001843 – RZ-2020-00046 and RZ-2020-00048:** Text Amendments to the Integrated Development Ordinance (IDO) for the 2020 Annual Update

The attached recommended legislation would enact various text amendments to the Integrated Development Ordinance (IDO). Several of the proposed amendments would apply City-wide and others would apply to specific Small Areas in the City.

**BACKGROUND**

IDO Subsection 14-16-6-3(D), which requires Annual Updates, established a set 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 publicly heard using a legislative process. Text amendments to Small Areas apply only to particular areas within the City (14 total) and require public hearing using a quasi-judicial process.

**REQUEST**

The proposed City-wide amendments and the proposed Small-Area amendments are collectively known as the 2020 IDO Annual Update. Staff has gathered approximately 100 proposed City-wide amendments and approximately 33 proposed Small-Area amendments and placed them in a City-wide spreadsheet and a Small Areas spreadsheet. The package of proposed IDO amendments consist of clarifications and adjustments requested by neighbors, developers, and Staff, and a few technical edits.

The requested 2020 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 must be published, mailed, and posted on the web. The City published the required notice in the newspaper, the mailed notice was sent to two representatives of each neighborhood organization registered with the Office of Neighborhood Coordination (ONC) as required, and web notice was posted on the Planning Department website and on the IDO update project website.

In addition to required notice, e-mail notice was sent to the approximately 10,000 subscribers on the ABC-Z project email list. On December 17, 2020, the Planning Department hosted a public open house via Zoom. 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 January 21, 2021 hearing, the EPC discussed the proposed changes, heard public testimony, and voted to continue the City-wide request and the Small-Areas request to its February 18, 2021 hearing. At the February hearing, the EPC voted to forward a recommendation of Approval of the Small Area amendments, subject to conditions, to the City Council, and to continue the City-wide request to a special hearing on March 4, 2021.

At its March 4, 2021 hearing, the EPC voted 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-2019-00046 and RZ-2020-00048—Text Amendments to the IDO for the 2020 Annual Update, the EPC is forwarding a recommendation of Approval of both requests, subject to conditions, for the Council's consideration.

Planning Staff produced a redline draft of the IDO that incorporates the EPC's conditions regarding the proposed text amendments, and is including it with this transmittal of the record to the City Council.



## **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 update process for 2020.

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

The legislation would amend zoning regulations, some of which apply City-wide and others that apply to specific Small Areas.

### **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 were 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 2020 Annual Update R: O:  
 FUND:  
 DEPT:

- 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			
	2021	2022	2023	Total
Base Salary/Wages				-
Fringe Benefits at	-	-	-	-
Subtotal Personnel	-	-	-	-
Operating Expenses				-
Property			-	-
Indirect Costs	-			-
<b>Total Expenses</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<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	-			-
<b>Total Revenue</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>



These estimates do not include any adjustment for inflation.

\* Range if not easily quantifiable.

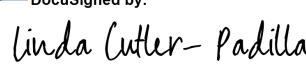
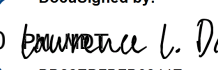
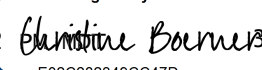
Number of Positions created 0

**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 2020 annual update. These amendments will make land development and redevelopment more understandable and transparent and ensure projects go through the appropriate review body.

<p><b>PREPARED BY:</b></p> <p>DocuSigned by:                    3/23/2021   10:13 AM PDT                  _____                  FISCAL MANAGER (date)</p>	<p><b>APPROVED:</b></p> <p>DocuSigned by:                    3/23/2021   12:50 PM MDT                  _____                  DIRECTOR (date)</p>
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**REVIEWED BY:**

<p>DocuSigned by:                    3/23/2021   2:30 PM MDT                  _____                  EXECUTIVE BUDGET ANALYST (date)</p>	<p>DocuSigned by:                    3/23/2021   2:42 PM MDT                  _____                  BUDGET OFFICER (date)</p>	<p>DocuSigned by:                    3/23/2021   3:11 PM MDT                  _____                  CITY ECONOMIST (date)</p>
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