

# City of Albuquerque

## Office of the City Clerk

Timothy M. Keller, Mayor

Ethan Watson, City Clerk

### Interoffice Memorandum

April 19, 2023

To: CITY COUNCIL

From: Camille Chavez, Assistant City Clerk

Subject: BILL NO. O-23-73; ENACTMENT NO. O-2023-013

I hereby certify that on April 18, 2023, the Office of the City Clerk received Bill No. O-23-73 as signed by the president of the City Council, Pat Davis. Enactment No. O-2023-013 was passed at the April 3, 2023 City Council meeting. Mayor Keller did not sign the approved Ordinance 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 Ordinance is in full effect upon the sooner of the effective date of the 2022 IDO Annual Update or January 31<sup>st</sup>, 2024 without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-23-73.

Sincerely,

Ethan Watson  
City Clerk



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1        WHEREAS, the pattern of lots suitable for commercial development in and  
2 around the VPO-2 bounded area contains parcels that are large, some of  
3 which are 60+ acres; and

4        WHEREAS, the definition of “Small Area” in the IDO applies the 15-foot  
5 height restriction to the entirety of these parcels where the VPO-2 height  
6 restriction sub-area only crosses a portion of the lot; and

7        WHEREAS, desirable commercial uses such as restaurants, grocery stores,  
8 or gyms, are not feasible to build within a 15-foot building envelope; and

9        WHEREAS, extending the 15-foot height restriction beyond the actual VPO-  
10 2 height restriction sub-area extends the applicability of the VPO-2 far beyond  
11 its legal boundary; and

12        WHEREAS, commercial development is needed in this area due to the vast  
13 number of dwelling units with a lack of commercial goods and services in near  
14 proximity; and

15        WHEREAS, amending VPO-2 to specify that where the height restriction  
16 sub-area crosses a lot is the only portion of the lot that will be subject to the  
17 height restrictions may help facilitate commercial development in the area;  
18 and

19        WHEREAS, the proposed language change for VPO-2 will not change  
20 entitlements within the VPO-2 boundary itself – this change will only impact  
21 development outside of the adopted boundary; and

22        WHEREAS, the Environmental Planning Commission considered this  
23 request on December 8<sup>th</sup>, 2022 and forwarded to the City Council a  
24 recommendation of denial subject to the findings in the record; and

25        WHEREAS, the Environmental Planning Commission is only a  
26 recommending body in this matter and it is within the City Council’s legislative  
27 authority to take action that varies from that of the Environmental Planning  
28 Commission recommendation if the action is adequately justified.

29 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**  
30 **ALBUQUERQUE:**

31        SECTION 1. Amend the 3-6(D)(1) and 3-6(E)(3) in the VPO-2 in the IDO as  
32 follows:

33        3-6(D)(1) Applicability

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1 The VPO-2 standards apply to all development in the following mapped area.  
2 Where the VPO-2 boundary crosses a lot line, the entire lot is subject to these  
3 standards unless otherwise specified.

4 **3-6(E)(3) Building and Structure Height**

5 The following standards apply in the Height Restrictions Sub-area shown in  
6 the map above. In mixed-use and non-residential zone districts, where the  
7 height-restriction sub-area crosses a lot line, only the portion of the lot within  
8 the sub-area boundary is subject to these standards.

9 SECTION 2. Exhibit A to this ordinance provides justification for approval  
10 of the changes in Section 1 pursuant to IDO requirements.

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

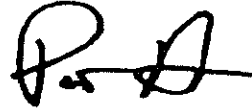
18 SECTION 4. COMPILATION. Sections 1 of this ordinance shall be  
19 incorporated in and made part of the Revised Ordinances of Albuquerque,  
20 New Mexico, 1994.

21 SECTION 5. EFFECTIVE DATE. This ordinance shall take effect after  
22 publication by title and general summary upon the sooner of the effective date  
23 of the 2022 IDO Annual Update or January 31st, 2024.

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1 PASSED AND ADOPTED THIS 3rd DAY OF April, 2023  
2 BY A VOTE OF: 6 FOR 2 AGAINST.

3  
4 For: Bassan, Benton, Grout, Jones, Lewis, and Peña  
5 Against: Fiebelkorn, and Davis  
6 Recused: Sanchez

7  
8  
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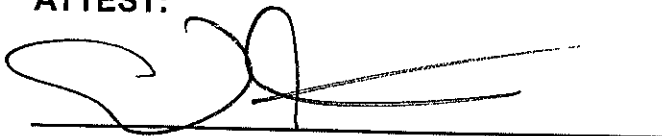
10 \_\_\_\_\_  
11 Pat Davis, President  
12 City Council

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14  
15 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023

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19 Bill No. O-23-73

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23 \_\_\_\_\_  
24 Timothy M. Keller, Mayor  
25 City of Albuquerque

26  
27 ATTEST:

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29 \_\_\_\_\_

30 Ethan Watson, City Clerk  
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