

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 31st, 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

CITY of ALBUQUERQUE TWENTY FIFTH COUNCIL

COUNCI		L BILL NO	O-23-73	ENACTMENT NO.	0-2023-013			
SP	ONSC	RED BY: Dai	n Lewis by reque	est				
	1			ORDINANCE				
	2	ADOPTING A TEXT AMENDMENT TO THE INTEGRATED DEVELOPMENT						
	3	ORDINANCE FOR THE NORTHWEST MESA ESCARPMENT VIEW						
	4	PROTECTION OVERLAY ZONE (VPO-2) SMALL MAPPED AREA RELATED TO						
	5	THE APPLICABILITY OF HEIGHT RESTRICTIONS APPLIED TO STRUCTURES						
	6	THAT EXIST OUTSIDE OF THE VPO-2 BOUNDARY.						
	7	WHEREAS, in 2017 all of the City's sector development plans were						
	8	rescinded w	ith the adoption	of the Integrated Develo	opment Ordinance (IDO);			
	9	and		ļ				
_	10	WHEREAS, the regulations from the Northwest Mesa Escarpment Plan						
³w etio	11 12	(NWMEP) were incorporated into the IDO as the Northwest Mesa Escarpment						
- New Deleti	12	View Protection Overlay Zone (VPO-2); and						
	13	WHEREAS, one purpose of VPO-2 is to protect views looking to and from						
d Materia Material]	14	the Petroglyph National Monument; and						
Underscored Material rikethrough Material	15	WHEREAS, the NWMEP established a "Conservation Area" boundary that						
ore.	16	represented the area of the monument to be protected; and						
ersc hret	17	WHEREAS, the NWMEP established an "Impact Area" boundary in which a						
ke#	18	15-foot height restriction was imposed. That boundary extended 350 feet out						
1/5/2/ 1/2/2/1	19	from the Conservation Area; and						
Ž 2	20	WHEREAS, VPO-2 contains the height restriction of 15 feet applicable to all						
	21	properties within a sub-area of VPO-2 known as the "height restrictions sub-						
	22	area", which was derived from the "Impact Area" boundary; and						
	23	WHEREAS, the definition of "Small Area" in the IDO specifies that "where						
	24	any small area boundary crosses a lot line, the entire lot is subject to						
	25	applicable small area standards unless specified otherwise in this IDO"; and						

New	Deletion	
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33 3-6(D)(1) Applicability

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 th , 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:

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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 standards unless otherwise specified. 3 4 3-6(E)(3) Building and Structure Height The following standards apply in the Height Restrictions Sub-area shown in 5 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. SECTION 3. SEVERABILITY CLAUSE. If any section, paragraph, sentence, 11 clause, word or phrase of this ordinance is for any reason held to be invalid 12 or unenforceable by any court of competent jurisdiction, such decision shall 13 not affect the validity of the remaining provisions of this ordinance. The 14 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. 24 25 26 27 28 29 30 31 32

	1	PASSED AND ADOPTED 1	THIS3rd		DAY OF April . 2023				
	2	BY A VOTE OF: 6	FOR	2	AGAINST.				
	3								
	4	For: Bassan, Benton, Grout, Jones, Lewis, and Peña							
	5								
	6	Recused: Sanche	Z						
	7 8								
	9) 1				
	10			Ha					
	11		Pat Davis, I	Propide					
	12		City Counc		nt				
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	14								
	15	APPROVED THIS	DAY OF		. 2023				
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	30	Ethan Watson, City Clerk							
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