



Legislation Text

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CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-22-54 ENACTMENT NO. _____

SPONSORED BY: Isaac Benton and Trudy Jones, by request

ORDINANCE

Adopting Citywide Text Amendments To The Integrated Development Ordinance §14-16 In
Conjunction With The 2022 IDO Annual Update Process To Address The Need For More Housing
Opportunities (Benton and Jones, by request)

ADOPTING CITYWIDE TEXT AMENDMENTS TO THE INTEGRATED DEVELOPMENT
ORDINANCE §14-16 IN CONJUNCTION WITH THE 2022 IDO ANNUAL UPDATE PROCESS TO
ADDRESS THE NEED FOR MORE HOUSING OPPORTUNITIES.

WHEREAS, the City Council, the Governing Body of the City of Albuquerque, has the authority
to adopt and amend plans for the physical development of areas within the planning, platting, and
zoning jurisdiction of the City authorized by statute, Sections 3-19-5 and 3-21-1, NMSA 1978, and
by its home rule powers; and

WHEREAS, the City's zoning powers are established by the City Charter, in which: Article I,
Incorporation and Powers, allows the City to adopt new regulatory structures and processes to
implement the Albuquerque-Bernalillo County Comprehensive Plan ("Comp Plan") and help guide
future legislation; Article IX, Environmental Protection, empowers the City to adopt regulations
and procedures to protect and preserve environmental features such as water, air and other
natural endowments, ensure the proper use and development of land, and promote and maintain
an aesthetic and humane urban environment; and Article XVII, Planning, establishes the City
Council as the City's ultimate planning and zoning authority; and

WHEREAS, the City Council adopted an updated Albuquerque-Bernalillo County

Comprehensive Plan (“ABC Comp Plan”) in 2017 via R-16-108 (Enactment No. R-2017-026); and

WHEREAS, the 2017 ABC Comp Plan adopted housing goals and policies, including Goal 9.1 Supply; Policy 9.1.1 Housing Options, including Sub-policies 9.1.1.a, 9.1.1.b, 9.1.1.c, 9.1.1.h, and 9.1.1.i to encourage housing options for all types of households at all income levels, discourage discrimination and segregation by race or class, and provide for multi-family housing close to investments in public services, transit, and shopping; and Policy 9.1.2 Affordability, including Sub-policies 9.1.2.a, 9.1.2.b, 9.1.2.c, 9.1.2.d, and 9.1.2.e to prioritize affordable housing for populations with the lowest income levels; encourage a diversity of housing types, including townhouses and accessory dwelling units that are at a similar scale to existing neighborhoods; encourage higher-density housing near job centers and along transit corridors; and encourage mixed-use development; and

WHEREAS, the City Council adopted the Integrated Development Ordinance (IDO) to implement Comp Plan Goals and policies; and

WHEREAS, the IDO establishes zone districts, allowable uses, use-specific standards, and general regulations in Parts 1 through 5 that set the bar for high-quality development that is compatible with surrounding land uses and provides appropriate transitions and buffers to lower-intensity uses nearby; procedures for review and decision of applications related to land use and development in Part 6; and definitions and acronyms in Part 7; and

WHEREAS, any amendment of the IDO text that applies citywide is to be reviewed and decided as a legislative action; and

WHEREAS, the Department of Family and Community Services’ Consolidated Housing Plan for 2018-2022 calculated the city’s Area Median Income (AMI) to be \$47,989, with over 20 percent of the city’s 222,491 households making less than 50 percent of that AMI and 11 percent of households at or below 30 percent of that AMI; and

WHEREAS, an Urban Institute study found that over 15,000 affordable housing units were needed for households at or below 30 percent of Area Median Income (AMI); and

WHEREAS, the Harvard Joint Center for Housing Studies reported that Albuquerque rents increased nearly 20 percent year-over-year in 2021 compared to 2.6 percent in 2015; and

WHEREAS, rents in the city have increased more than 11 percent in the last year alone, according to ApartmentList.com, and the vacancy rate for multi-family development fell below 3 percent for the Albuquerque market in the first quarter of 2022, according to Northmarq Real Estate Investment/REIS; and

WHEREAS, this upward shift in prices disproportionately impacts lower income households, because the supply of rental units affordable to households with incomes of less than \$25,000 per year decreased by over 50 percent between 2010 and 2019 compared to a 9 percent decrease in the number of renters with incomes less than \$25,000 statewide, according to the Mortgage Finance Authority's New Mexico Housing Strategy from September 2022; and

WHEREAS, typical Albuquerque home value increased nearly 20 percent in 2021 compared to just 0.2 percent in 2015, according to data from the Harvard Joint Center for Housing Studies; and

WHEREAS, housing prices have increased more than 17 percent in the first quarter of 2022, according to data from the Harvard Joint Center for Housing Studies; and

WHEREAS, over 5,000 housing units of all types need to be added every year statewide, on average, to accommodate growth expected by 2025, while over the past 10 years, only 3,300 housing units were constructed, on average, and the trend of more households moving to urban areas continues, according to the Mortgage Finance Authority's New Mexico Housing Strategy from September 2022; and

WHEREAS, recent commitments from Amazon, Netflix, Facebook, and Intel for expansions are estimated to bring over 40,000 new jobs and households to the region, necessitating over 14,000 new rental units and 26,000 single-family dwellings, according to ULI and the Ventana Fund; and

WHEREAS, increasing the supply of all types of housing generally keeps housing prices and rents more affordable; and

WHEREAS, while the Integrated Development Ordinance focuses on infill development, there is great opportunity for development that contributes to the existing built environment in areas that are not considered infill areas, especially in regions where there is an imbalance of housing to services; and

WHEREAS, City Staff should rereview Sector Development Plans that were rescinded when the Integrated Development Ordinance was adopted to identify any new small mapped areas that should be created if it's determined that regulations in any of those plans are significantly different than what was adopted in the IDO; and

WHEREAS, proposed zoning provisions such as those included in this bill are not guaranteed to increase the amount or availability of affordable housing; and

WHEREAS, the City Administration should create a plan to present to the City Council on strategies beyond land use entitlements that can measurably increase the amount of affordable

housing in the city; and

WHEREAS, only 36 percent of the total area of the city has Residential or Mixed-use zoning that allows residential development; and

WHEREAS, the R-1 zone district makes up 23 percent of the total geographic area of the city; and

WHEREAS, the R-1 zone district only allows one single-family dwelling per lot; and

WHEREAS, there are 135,894 properties zoned R-1, which accounts for 68 percent of all zoned properties in the city; and

WHEREAS, the history of R-1 zoning includes efforts to exclude people of color and lower-income households; and

WHEREAS, low-density residential development includes many housing options that can meet the needs of seniors to age in place; multi-generational households to provide spaces for college students, aging parents, and extended family members; and households that would benefit from additional rental income from dwelling units on their properties; and

WHEREAS, adding an additional dwelling unit for rental or for family members either as an accessory dwelling unit on a lot with an existing house or renovating an existing house into a two-family dwelling can be an anti-displacement strategy to help families stay in their homes, support extended families and multigenerational households, and build generational wealth through homeownership for many families who have been marginalized historically; and

WHEREAS, most of the regulatory protections for neighborhoods and Areas of Consistency in the IDO are tied to low-density residential development; and

WHEREAS, allowing two-family dwellings (duplexes) and accessory dwelling units in the R-1 zone district would immediately remove exclusionary effects, allow triple the number of dwellings on 68 percent of the city's zoned properties (38% of the city's total land area), and maintain the existing protections for neighborhoods and Areas of Consistency; and

WHEREAS, only 9 percent of the city's total land area is zoned R-MH or one of the Mixed-use zone districts, which allow multi-family at the highest densities through higher maximum building height; and

WHEREAS, maximum building heights and required off-street parking can be regulatory barriers to development projects that could increase the availability of multi-family dwellings; and

WHEREAS, removing limits on building heights and reducing off-street parking requirements for multi-family dwellings would be an incentive that could lower the construction cost per dwelling

unit, help projects be more feasible, and increase the supply of multi-family dwellings; and

WHEREAS, affordable housing is often the most feasible when provided as multi-family dwellings; and

WHEREAS, exempting affordable housing provided as multi-family dwellings from the off-street parking requirement would be an incentive that could reduce development costs, help projects be more feasible, and increase the supply of affordable multi-family dwelling units.

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

SECTION 1. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO ALLOW DETACHED ACCESSORY DWELLING UNITS WITH KITCHENS PERMISSIVELY IN THE R-1 AND R-A ZONE DISTRICTS CITYWIDE, EXCEPT IN SMALL AREAS WHERE SPECIAL REGULATIONS APPLY.

(A) Revise Table 4-2-1 to remove “A” from Dwelling Unit, Accessory without Kitchen in the following zone districts: R-MH, MX-L, MX-M, NR-C, NR-BP, NR-LM, NR-GM, and NR-PO-B.

(B) Revise Table 4-2-1 to remove “A” from Dwelling Unit, Accessory with Kitchen for the R-MH zone district.

(C) Revise §14-16-4-3(F)(5)(a) as follows:

“Where this use is allowed, only 1 accessory dwelling unit is allowed per lot and shall be limited to 750 square feet of gross floor area. A garage attached to the accessory dwelling unit shall not count toward this size limit. See Table 4-2-1 for the zone districts where this use is allowed and Subsection 14-16-4-3(F)(5)(e) for the small areas where accessory dwelling units with kitchens are only allowed conditionally in the R-1 zone district or have special regulations.

1. Where added as accessory to a single-family or two-family detached dwelling, this use must be provided as an accessory building and may be provided without a kitchen.

a. A renovation to create a second unit with a kitchen, a separate entrance, and no shared spaces in a single-family dwelling is regulated separately as a two-family detached dwelling in Table 4-2-1.

b. A second kitchen within a single-family or two-family detached dwelling is regulated separately as an allowable accessory use in Table 4-2-1.

2. In a Mixed-use or Non-residential zone district, an accessory dwelling unit may be

added for the caretaker of a primary non-residential use, either attached or detached to the building with a primary use, and must include a kitchen."

(D) Delete §14-16-4-3(F)(5)(b) and renumber subsequent subsections accordingly.

(E) Revise §14-16-4-3(F)(5)(e) as follows:

"Accessory dwelling units with or without a kitchen are allowed as a permissive accessory use in the R-1 zone district, with exceptions where they are allowed as permissive accessory uses in certain small areas as specified below and as allowed pursuant to Subsection (f) below. Where allowed as a conditional accessory use, a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) is required."

(F) Delete §14-16-4-3(F)(5)(e)1 and renumber subsequent subsections accordingly.

~~"Near Premium Transit and Main Street Areas Accessory dwelling units with a kitchen are a permissive accessory use within 1,320 feet (1/4 mile) of PT and MS areas. An accessory dwelling unit shall not exceed 750 square feet of gross floor area."~~

(G) Delete §14-16-4-3(F)(5)(g) as follows:

~~"In the small areas in Subsection (e) above that require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) for accessory dwelling units with kitchens R-1 zone district, accessory dwelling units without kitchens require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), except in areas where accessory dwelling units with kitchens are allowed permissively pursuant to Subsection (e) above."~~

(H) Revise the definition of Dwelling Unit, Accessory in §14-16-7-1 as follows:

"A dwelling unit that is accessory to a primary single-family or two-family detached dwelling or a non-residential primary use. This IDO distinguishes between accessory dwelling units with and without a kitchen. A detached accessory dwelling unit is also considered an accessory building. See also Dwelling Definitions for Dwelling, Live/Work; Dwelling, Single-family Detached; and Dwelling, Two-family Detached (Duplex); Kitchen; and Measurement Definitions for Accessory Dwelling Unit."

(I) Add a new use-specific standard to Dwelling Unit, Accessory as follows and renumber subsequent sections as necessary:

4-3(F)(5)(b) Building facades of an Accessory Dwelling Unit shall be the same or similar in color to that of the primary building on the lot.

(J) Add a new use-specific standard to Dwelling Unit, Accessory as follows and

renumber subsequent sections as required:

4-3(F)(5)(c) A 5-foot side yard or rear yard setback is required.

(K) Amend Small Area provisions in 4-3(F)(5)(e) in which Accessory Dwelling Units require a Conditional Use to remove the Conditional Use requirement.

(L) Revise §14-16-4-3(F)(5) to add a new subsection as follows:

§14-16-4-3(F)(5) An Accessory Dwelling Unit shall be no taller than the primary structure on the property.

SECTION 2. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO EXEMPT ALL CONVERSIONS FROM NON-RESIDENTIAL DEVELOPMENT TO MULTI-FAMILY DWELLINGS FROM THE DEFINITION OF KITCHEN.

(A) Amend existing text in the use-specific standard in §14-16-4-3(B)(8)(e) as follows:

“4-3(B)(8)(e) In Mixed-use zone districts, a conversion of existing non-residential development to a residential use shall be exempt from the definition of kitchen in IDO Section 14-16-7-1 if all of the following requirements are met.

1. A separate kitchen and bathroom shall be provided in each dwelling unit.

2. The kitchen shall include all of the following requirements:

a. A sink of adequate size and shape for washing dishes and food items (as opposed to washing hands).

b. A refrigerator that includes a separate freezer compartment.

c. A countertop surface, a microwave, an additional appliance for warming food (such as an induction cooktop), and at least 2 electrical outlets that allow appliances to be plugged in safely.

3. Units shall have a maximum of 2 bedrooms, and occupancy shall be limited as follows:

a. 2 people per efficiency unit.

b. 2 people per 1-bedroom unit.

c. 4 people per 2-bedroom unit.”

(B) i. “In Table 4-2-1, add “CV” to allow multi-family dwellings in the NR-BP zone district.

ii. In IDO Subsection 4-3(B)(8), add a new subsection with text as follows: In the NR-BP zone district, this use is allowed as conversions from an existing non-residential development, pursuant to use-specific standards in 14-16-4-3(B)(8)(e), and shall require a

Conditional Use Approval pursuant to Subsection 14-16-6-6(A).”

SECTION 3. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE RELATED TO BUILDING HEIGHT PROVISIONS.

(A) Add the following text to every Character Protection Overlay Zone, View Protection Overlay Zone, and Historic Protection Overlay Zone by creating a new subsection on building height or adding to an existing subsection regarding building height and renumber subsequent sections as follows, if necessary:

(B) Add a new subsection in Subsection 14-16-5-2(J)(1) Lots within 330 feet of Major Public Open Space with text as follows:

5-2(J)(1)(x) Building Height Bonuses.

Building height bonuses are prohibited.

SECTION 4. PURPOSE STATEMENT.

Amend page 1 of the IDO to add a new purpose statement as follows:

1-3(P) Encourage development in all areas of the city, especially where there is an imbalance of housing to services.

1-3(Q) Promote development in regions of the City that are not considered infill areas.

SECTION 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance and each section, paragraph, sentence, clause, word, or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 6. This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 7. EFFECTIVE DATE AND PUBLICATION OF SECTIONS 1 THROUGH 4.

Sections 1 through 4 of this ordinance shall take effect after publication by title and general summary upon the sooner of the effective date of the 2022 IDO Annual Update or January 31st, 2024.

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