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1 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
2 options for all types of households at all income levels, discourage
3 discrimination and segregation by race or class, and provide for multi-family
4 housing close to investments in public services, transit, and shopping; and
5 Policy 9.1.2 Affordability, including Sub-policies 9.1.2.a, 9.1.2.b, 9.1.2.c, 9.1.2.d,
6 and 9.1.2.e to prioritize affordable housing for populations with the lowest
7 income levels; encourage a diversity of housing types, including townhouses
8 and accessory dwelling units that are at a similar scale to existing
9 neighborhoods; encourage higher-density housing near job centers and along
10 transit corridors; and encourage mixed-use development; and

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

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

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

21 WHEREAS, the City has the responsibility to establish land use and zoning
22 regulations that respond to changes in the supply and demand for housing;
23 and

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

29 WHEREAS, the City's point-in-time count identified over 1300 people
30 experiencing homelessness in 2022; and

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

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

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

8 WHEREAS, this upward shift in prices disproportionately impacts lower
9 income households, because the supply of rental units affordable to
10 households with incomes of less than \$25,000 per year decreased by over 50
11 percent between 2010 and 2019 compared to a 9 percent decrease in the
12 number of renters with incomes less than \$25,000 statewide, according to the
13 Mortgage Finance Authority’s New Mexico Housing Strategy from September
14 2022; and

15 WHEREAS, typical Albuquerque home value increased nearly 20 percent in
16 2021 compared to just 0.2 percent in 2015, according to data from the Harvard
17 Joint Center for Housing Studies; and

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

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

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

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

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

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

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

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

9 WHEREAS, the history of R-1 zoning includes efforts to exclude people
10 outside the dominant race and lower-income households; and

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

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

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

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

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

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

4 WHEREAS, removing limits on building heights and reducing off-street
5 parking requirements for multi-family dwellings would be an incentive that
6 could lower the construction cost per dwelling unit, help projects be more
7 feasible, and increase the supply of multi-family dwellings; and

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

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

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

16 SECTION 1. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO
17 ALLOW TWO-FAMILY DWELLINGS PERMISSIVELY IN THE R-1 ZONE
18 DISTRICT CITYWIDE.

19 (A) Revise §14-16-2-3(B)(1) Purpose as follows:

20 “The purpose of the R-1 zone district is to provide for neighborhoods of
21 single-family and two-family homes on lots with a variety of lot sizes and
22 dimensions, with limited civic and institutional uses to serve the surrounding
23 residential area. When applied in developed areas, an additional purpose is to
24 require that redevelopment reinforce the established character of the existing
25 neighborhood. ~~Primary land uses include single-family detached homes on~~
26 ~~individual lots, with limited civic and institutional uses to serve the~~
27 ~~surrounding residential area. Allowable uses are shown in Table 4-2-1.”~~

28 (B) Delete §14-16-4-3(B)(5)(b) to allow two-family detached dwellings in all
29 R-1 subzones.

30 SECTION 2. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO
31 ALLOW DETACHED ACCESSORY DWELLING UNITS WITH KITCHENS
32 PERMISSIVELY IN THE R-1 AND R-A ZONE DISTRICTS CITYWIDE, EXCEPT IN
33 SMALL AREAS WHERE SPECIAL REGULATIONS APPLY.

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- 1 (A) Revise Table 4-2-1 to remove “A” from Dwelling Unit, Accessory without
2 Kitchen in the following zone districts: R-MH, MX-L, MX-M, NR-C, NR-BP,
3 NR-LM, NR-GM, and NR-PO-B.
- 4 (B) Revise Table 4-2-1 to remove “A” from Dwelling Unit, Accessory with
5 Kitchen for the R-MH zone district.
- 6 (C) Revise Table 4-2-1 to change “CA” to “A” for Dwelling Unit, Accessory
7 with Kitchen for the R-A zone district.
- 8 (D) Revise §14-16-4-3(F)(5)(a) as follows:
9 "Where this use is allowed, only 1 accessory dwelling unit is
10 allowed per lot and shall be limited to 750 square feet of gross floor
11 area. A garage attached to the accessory dwelling unit shall not count
12 toward this size limit. [See Table 4-2-1 for the zone districts where this
13 use is allowed and Subsection 14-16-4-3(F)(5)(e) for the small areas
14 where accessory dwelling units with kitchens are only allowed
15 conditionally in the R-1 zone district or have special regulations.
16 1. Where added as accessory to a single-family or two-family detached
17 dwelling, this use must be provided as an accessory building and may
18 be provided without a kitchen.
19 a. A renovation to create a second unit with a kitchen, a separate
20 entrance, and no shared spaces in a single-family dwelling is
21 regulated separately as a two-family detached dwelling in Table 4-2-
22 1.
23 b. A second kitchen within a single-family or two-family detached
24 dwelling is regulated separately as an allowable accessory use in
25 Table 4-2-1.
26 ~~1. If accessory to residential development in any zone district,~~
27 ~~the accessory dwelling unit can be attached or detached.~~
28 2. In a Mixed-use or Non-residential zone district, an accessory dwelling
29 unit may be added for the caretaker of a primary non-residential use,
30 either attached or detached to the building with a primary use, and must
31 include a kitchen."
32 ~~2. If accessory to a non-residential use in any Mixed-use zone~~
33 ~~district, the accessory dwelling unit shall be attached to the~~

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1 building with the non-residential use.
2 3. In a Non-residential zone district, the accessory dwelling unit
3 is allowed for the caretaker of the primary non-residential use
4 and may be attached or detached.

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

7 “When an accessory dwelling unit is attached to a primary dwelling,
8 only 1 dwelling unit entrance may face the front lot line.”

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

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

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

19 “Near Premium Transit and Main Street Areas
20 Accessory dwelling units with a kitchen are a permissive
21 accessory use within 1,320 feet (¼ mile) of PT and MS areas.
22 An accessory dwelling unit shall not exceed 750 square feet of
23 gross floor area.”

24 (H) Revise §14-16-4-3(F)(5)(g) as follows:

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

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

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1 "A dwelling unit that is accessory to a primary single-family or two-
2 family detached dwelling or a non-residential primary use. ~~Accessory~~
3 ~~dwelling units may be attached to the primary dwelling, contained within~~
4 ~~the primary dwelling, or built as a detached building.~~ This IDO
5 distinguishes between accessory dwelling units with and without a
6 kitchen. A detached accessory dwelling unit is also considered an
7 accessory building. See also Dwelling Definitions for Dwelling,
8 Live/Work; Dwelling, Single-family Detached; and Dwelling, Two-family
9 Detached (Duplex); Kitchen; and Measurement Definitions for
10 Accessory Dwelling Unit."

11 SECTION 3. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO
12 EXEMPT ALL CONVERSIONS FROM NON-RESIDENTIAL DEVELOPMENT TO
13 MULTI-FAMILY DWELLINGS FROM THE DEFINITION OF KITCHEN AND
14 ALLOW SUCH CONVERSIONS AS A CONDITIONAL VACANT USE IN THE NR-
15 BP ZONE DISTRICT.

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

18 "4-3(B)(8)(e) In Mixed-use zone districts, ~~[a maximum of 100 dwelling~~
19 ~~units resulting from]~~ a conversion of existing non-residential
20 development to a residential use shall be exempt from the definition of
21 kitchen in IDO Section 14-16-7-1 ~~[in multi-family residential dwellings~~
22 ~~that receive funding through the City of Albuquerque Department of~~
23 ~~Family and Community Services as affordable housing as defined by~~
24 ~~Article 14-21 of ROA 1994 (Affordable Housing Implementation~~
25 ~~Ordinance),]~~ if all of the following requirements are met.

- 26 1. A separate kitchen and bathroom shall be provided in each dwelling
27 unit.
- 28 2. The kitchen shall include all of the following requirements:
 - 29 a. A sink of adequate size and shape for washing dishes and food
30 items (as opposed to washing hands).
 - 31 b. A refrigerator that includes a separate freezer compartment.
 - 32 c. A countertop surface, an appliance for warming food (such as a
33 [microwave[~~-or hotplate~~]], an induction cooktop, and [at least 2][an]

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- 1 electrical outlet[s] that allow[s the] appliance[s] to be plugged in
- 2 safely.
- 3 ~~[3. An accessory or primary use for office or personal services shall be~~
- 4 ~~provided on the same premises for service coordination.~~
- 5 ~~4. An agreement shall be provided with application materials to prove~~
- 6 ~~that a minimum of 40 hours of support services a week will be provided~~
- 7 ~~to residents.]~~
- 8 5. Units shall have a maximum of 2 bedrooms, and occupancy shall be
- 9 limited as follows:
- 10 a. 2 people per efficiency unit.
- 11 b. 2 people per 1-bedroom unit.
- 12 c. 4 people per 2-bedroom unit.”

- 13 (B) In Table 4-2-1, add “CV” to allow multi-family dwellings in the NR-BP
- 14 zone district.
- 15 (C) In IDO Subsection 14-16-4-3(B)(8), add a new subsection with text as
- 16 follows: [In the NR-BP zone district, this use is allowed as conversions
- 17 from an existing non-residential development, pursuant to Use-specific
- 18 Standards in 14-16-4-3(B)(8)(e), and shall require a Conditional Use
- 19 Approval pursuant to Subsection 14-16-6-6(A).]

20 SECTION 4. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO

21 PROVIDE ADDITIONAL WORKFORCE HOUSING BONUSES, NEW BUILDING

22 HEIGHT BONUSES FOR MULTI-FAMILY DWELLINGS, AND NEW

23 NEIGHBORHOOD EDGE BUILDING STEPDOWNS.

- 24 A. Add a new subsection to the use-specific standard for Dwelling, Multi-
- 25 family in Subsection 14-16-4-3(B)(8) on page 157 with text as follows:
- 26 [4-3(B)(8)(x) A building height bonus for multi-family dwellings is
- 27 allowed above the maximum in Table 5-1-1 or Table 5-1-2 for the
- 28 relevant zone district as follows:
- 29 1. In the R-MH, MX-L, MX-M, and MX-H zone districts:
- 30 a. Areas of Change: 24 feet
- 31 b. Areas of Consistency: 12 feet
- 32 2. In the MX-T zone district in Areas of Change: 12 feet]

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- 1 B. Revise the Workforce Housing bonus in Table 5-1-1 on page 223 and
2 Table 5-1-2 on page 228 as follows:
- 3 1. Revise Table 5-1-1 to add a Workforce Housing Bonus of 24 ft. in the
4 R-MH zone district in UC-MS-PT-MT areas.
- 5 2. In Table 5-1-2, revise the Workforce Housing Bonus in the MX-L, MX-
6 M, and MX-H zone districts to allow 12 ft. citywide and 24 ft. in UC-MS-
7 PT-MT areas but keep 12 ft. in UC-MS-PT-MT areas in the MX-T zone
8 district.
- 9 C. Revise Neighborhood Edges in Section 14-16-5-9 as follows:
- 10 i. Edit Subsection 14-16-5-9(B)(1) Protected Lots as follows:
- 11 [a.]~~[The]~~ Neighborhood Edges provisions in this Section 14-16-5-
12 9 are intended to protect lots in any R-A, R-1, R-MC, or R-T zone
13 district that contains low-density residential development~~[, except~~
14 as specified in Subsection (b) below].
- 15 [b. Neighborhood Edge provisions in Subsection 14-16-5-9(C)(3)
16 are intended to protect lots in any R-ML or MX-T zone district that
17 contain any allowable land use from the Residential category in
18 Table 4-2-1.]
- 19 ii. Edit Subsection 14-16-5-9(B)(2) Regulated Lots as follows:
- 20 [a.] Lots regulated by this Section 14-16-5-9 include all those in
21 any R-ML, R-MH, Mixed-use, or Non-residential zone district that
22 are adjacent to a Protected Lot [pursuant to 14-16-5-9(B)(1)(a),
23 except as specified in Subsection (b) below].
- 24 [b. Lots regulated by Subsection 14-16-5-9(C)(3) include all those
25 in any R-MH, MX-L, MX-M, or MX-H zone district that is adjacent to
26 a Protected Lot pursuant to 14-16-5-9(B)(1)(b).]
- 27 iii. Revise Subsection 14-16-5-9(C) Building Height Stepdown as
28 follows:
29 [5-9(C)(3) R-ML or MX-T next to MX-L, MX-M, or MX-H Zone
30 Districts
31 On Regulated lots pursuant to Subsection 14-16-5-9(B)(2)(b), any
32 portion of a primary or accessory building within 50 feet of the

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1 nearest property line of a Protected Lot pursuant to Subsection
2 14-16-5-9(B)(1)(b) shall step down to a maximum of 48 feet.]

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

5 [5-2(J)(1)(x) Building Height Bonuses
6 Building height bonuses are prohibited.]

7 E. Add a new definition to Section 14-16-7-1 in the Building Height Bonus
8 definitions with text as follows:

9 [Multi-family Dwellings Bonus
10 Bonus height for buildings that include multi-family dwellings, whether
11 provided in a residential development or mixed-use development (i.e.
12 vertical mixed-use).]

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

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

21 SECTION 7. EFFECTIVE DATE AND PUBLICATION OF SECTIONS 1
22 THROUGH 4. Sections 1 through 4 of this ordinance shall take effect after
23 publication by title and general summary upon the sooner of the effective date
24 of the 2022 IDO Annual Update or January 31st, 2024.