

December 30, 2020

Dan Serrano, Chair  
Environmental Planning Commission  
c/o City of Albuquerque  
600 Second Street NW  
Albuquerque, NM 87102



Dear Chair Serrano,

Please accept this **REVISED** letter of justification, required by IDO Subsection 14-16-6-7(D)(3)(a), of the request for a Text Amendment to the Integrated Development Ordinance (IDO), submitted for the Environmental Planning Commission’s review and recommendation to the City Council as part of the annual update required by IDO Subsection 14-16-6-3(D).

The IDO is the regulatory tool to realize and implement the “Centers and Corridors” community vision set out in the Albuquerque-Bernalillo County Comprehensive Plan (“Comp Plan”) in a coordinated, citywide context where existing communities can benefit from appropriate new development, while being protected from potential adverse effects. The IDO regulations coordinate with the City’s Development Areas – Areas of Change and Consistency – that work together to direct growth to appropriate locations and ensure protections for low-density residential neighborhoods, parks, and Major Public Open Space. The IDO implements the Comp Plan through regulations tailored to each of the City’s designated Centers and Corridors. The IDO regulations are also coordinated with transportation and urban design policies in the updated Comp Plan, as well as updated technical standards for infrastructure in the Development Process Manual (DPM).

In order for the City’s land use, zoning, and development regulations to stay up-to-date, the IDO built in an annual update process into the regulatory framework. This process was established to provide a regular cycle for discussion among residents, City staff, and decision-makers to consider any needed changes that were identified over the course of the year. Over the course of the two-and-a-half years since the IDO has become effective, staff collected approximately 100 adjustments to language needed to improve the clarity and intended implementation of the adopted regulations. These clarifications and adjustments were requested by neighbors, developers, and staff and are compiled into a table of “Citywide Proposed Text Amendments.” Each proposed change provides the page and section of the adopted IDO that would be modified, the text that is proposed to change, along with an explanation of the purpose or intent of the change. This document is the main body of the application for Amendments to IDO Text - Citywide.

### **Background**

Unlike the 2019 IDO annual update, the 2020 IDO Annual Update is purposefully broken down into two cases instead of one. This is because the City-wide text amendments to the IDO are legislative in nature and the Small Area amendments are quasi-judicial in nature. There are two different application types for text amendments to the IDO, and this request is reviewed and decided according to IDO Subsection 14-16-6-7(D), Amendment to IDO Text - Citywide.

## Justification for an Amendment to IDO Text – Citywide under the Criteria in 6-7(D)(3)

### Overview

These proposed amendments to the IDO text are consistent with the required Annual Update process described in IDO Subsection 14-16-6-3(D). The Planning Department has compiled the recommendations, performed analyses of the proposed changes, and is now submitting the proposed amendments for EPC's review and recommendation in September. These proposed amendments to the IDO text meet the Review and Decision Criteria in IDO Subsection 14-16-6-7(D)(3).

- 1) These proposed amendments to the IDO text are consistent with the spirit and intent of the ABC Comp Plan and other policies and plans adopted by the City Council.
- 2) None of the proposed text amendments to the IDO text apply to a single lot or development project. They would affect property citywide.
- 3) These proposed amendments to the IDO text are required because of changed conditions or circumstances in all or a significant portion of the city, and the changes are required in order to promote economic growth and investment in the City as a whole that will not create material risks to the public health, safety, and general welfare.

### Review and Decision Criterion 14-16-6-7(D)(3)(a)

6-7(D)(3)(a) The proposed amendment is consistent with the spirit and intent of the ABC Comp Plan, as amended (including the distinction between Areas of Consistency and Areas of Change), and with other policies and plans adopted by the City Council.

**Response:** These proposed amendments to the IDO text are consistent with Comp Plan policies that direct the City to adopt and maintain an effective regulatory system for land use, zoning, and development review. Changes proposed via the memo from City Council, in particular, are consistent with adopted policies to protect and enhance the quality of the City's unique neighborhoods and commercial districts. These amendments further the following applicable goals and policies of the ABC Comprehensive Plan and protect the public health, safety, and welfare.

#### Chapter 4: Community Identity

**Goal 4.1 - Character:** Enhance, protect, and preserve distinct communities.

**Policy 4.1.2 Identity and Design:** Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

**Policy 4.1.4 Neighborhoods:** Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

**Response:** If approved, the request would further the Community Identity Character Goal (4.1) and the Neighborhoods policy (4.1.4). The IDO is intended to make zoning and land use entitlements in our community more transparent, accurate, and contextually compatible in order to enhance, protect, and preserve distinct communities, neighborhoods, and traditional communities. The IDO provides protections for residential neighborhoods through dimensional standards specific to residential zone districts in Part

2, tailored regulations in Overlay zones in Part 3, use-specific standards that require distance separations between non-residential and residential uses and zone districts in Part 4, and development standards that apply adjacent to residential uses or zone district, especially edge buffers and Neighborhood Edges in Part 5. A proposed change in IDO Subsection 5-6(E)(4) would require multi-family development to provide a buffer from existing industrial development.

## **Chapter 5: Land Use**

**Goal 5.1 - Centers & Corridors:** Grow as a community of strong Centers connected by a multi-modal network of Corridors.

**Policy 5.1.1 Desired Growth:** Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern.

**Policy 5.1.2 Development Areas:** Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

Response: If approved, the request would further the Land Use Centers & Corridors Goal (5.1) along with the Desired Growth and Development Areas policies (5.1.1 and 5.1.2). The IDO is the regulatory tool to realize and implement the “Centers and Corridors” community vision set out in the Comprehensive Plan in a coordinated, citywide context so that existing communities can benefit from appropriate new development, while being protected from potential adverse effects. The IDO regulations operationalize the City’s Development Areas – Areas of Change and Consistency – that work together to direct growth to appropriate locations and ensure protections for low-density residential neighborhoods, parks, and Major Public Open Space. The IDO implements the Comprehensive Plan through regulations tailored to the City’s designated Centers and Corridors. The IDO regulations are also coordinated with transportation and urban design policies in the updated Comprehensive Plan, as well as updated technical standards for infrastructure in the Development Process Manual.

There are changes proposed for the following IDO subsections that would specifically apply in designated Centers & Corridor locations and implement this goal and these policies.

- 4-3(B)(3)(b) Cottage Development in UC-MS-PT areas
- 4-3(B)(7)(a) Multi-family Development in DT-UC-MS-PT areas
- 4-3(D)(17)(l) Fueling Stations in UC-AC-MS-PT-MS areas
- 4-3(D)(19) Light Vehicle Sales and Rental in UC-MS-PT areas
- Table 5-1-4 Porches in UC-MS-PT areas
- Table 5-5-1 Parking requirement for hotels or motels in UC-MS-PT areas

In addition, a change proposed to the definition of “Infill Development” in Section 14-16-7-1 provides a further distinction from what might be called “greenfield development” of undeveloped sites, typically at the edge of the city versus infill, which is tied to the Centers and Corridors vision and policy intent.

**Goal 5.3 Efficient Development Patterns:** Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

**Policy 5.3.1 - Infill Development:** Support additional growth in areas with existing infrastructure and public facilities.

**Policy 5.3.3 - Compact Development:** Encourage development that clusters buildings and uses in order to provide landscaped open space and/or plazas and courtyards.

Response: If approved, the request would further the Efficient Development Patterns Goal (5.3) and the Infill Development policy (5.3.1). The intent of many of the proposed changes is to clarify how to read and apply provisions in the IDO, which will result in more predictable development outcomes and consistent decision-making. Changes proposed for the IDO Purpose (IDO Section 14-16-1-3) and use-specific standards for cottage development (Subsection 14-16-4-3(B)(3)) include new regulations intended to promote efficient development patterns, maximize the utility of existing infrastructure and public facilities, and encourage compact development.

**Policy 5.3.4 - Conservation Development:** Encourage conservation development to promote private open space and preserve natural landscape, agricultural lands, and other features of the natural environment to encourage development that is sensitive to the open, natural character of the area and the geological and cultural conditions.

Response: If approved, the request would further the Conservation Development policy (5.3.4). The IDO implements this Comp Plan policy by establishing land uses that encourage conservation, development standards that preserve sensitive lands and require transitions between development and Major Public Open Space. Changes proposed for the IDO Purpose (IDO Section 14-16-1-3), Contextual Standards for residential development (IDO Subsection 5-1(C)(2)(b)3), Sensitive Lands standards (IDO Section 14-16-5-2), and definition of Common Open Space associated with cluster development (IDO Section 14-16-7-1) are all intended to limit development next to sensitive lands and encourage the preservation of open space.

**Policy 5.3.7 - Locally Unwanted Land Uses:** Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

Response: If approved, the request would further the Locally Unwanted Land Uses policy (5.3.7). The IDO implements this Comp Plan policy through distance separations between uses that are often unwanted locally, such as pawn shops and group homes, and through the allowance of these uses in appropriate zone districts as either permissive or conditional coupled with development standards that set the bar for high-quality development regardless of where they get built. The proposed changes for the use-specific standards for community residential facilities and cannabis-related uses and building design standards for multi-family development are intended to ensure that these

uses are evenly distributed across the Albuquerque area with appropriate standards to ensure high-quality development.

**Goal 5.7 Implementation Processes:** Employ procedures and processes to effectively and equitably implement the Comp Plan.

**Policy 5.7.2 Regulatory Alignment:** Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.

Response: If approved, the request would further the Land Use Implementation Processes Goal (5.7) and the Regulatory Alignment policy (5.7.2). The IDO's procedures and processes in Part 6 have been developed to effectively and equitably implement the Comprehensive Plan. In order for the City's land use, zoning, and development regulations to stay up-to-date, the IDO established an annual update requirement into the regulatory framework. Proposed changes are intended to continually improve how the IDO implements the comp Plan by aligning regulations with Comp Plan goals and policies.

**Policy 5.7.5 - Public Engagement:** Provide regular opportunities for residents and stakeholders to better understand and engage in the planning and development process.

Response: If approved, the request would further the Implementation Goal (5.7) and the Public Engagement policy (5.7.5). The IDO Annual Update process was established to provide a regular cycle for discussion among residents, City staff, and decision makers to consider any needed changes that were identified over the course of the year. Changes proposed for Part 6 of the IDO are intended to improve public engagement opportunities in the planning and development process.

**Policy 5.7.6 - Development Services:** Provide high-quality customer service with transparent approval and permitting processes.

Response: If approved, the request would further the Implementation Goal (5.7) and the Development Services policy (5.7.6). The intent of many of the proposed changes is to clarify how to read and apply provisions in the IDO, which will result in a more predictable development outcomes and consistent decision-making.

## **Chapter 7: Urban Design**

**Goal 7.1 Streetscapes & Development Form:** Design streetscapes and development form to create a range of environments and experiences for residents and visitors.

Response: If approved, the request would further the Streetscapes & Development Form Goal (7.1). The IDO implements this Comp Plan goal through zoning standards that are appropriate in each zone district (Part 14-16-2); in specific small areas (Part 14-16-3); and in different contexts, such as next to residential neighborhoods, next to Major Public Open Space, in Centers/Corridors, or in Areas of Change/Consistency in use-specific standards (Part 14-16-4) and development standards in Part 5. Proposed changes for drive-through stacking requirements in IDO Table 5-5-8, building design standards in IDO Section 14-16-

5-11 and joint sign premises standard in Subsection 5-12(F)(2)(b) are intended to establish high-quality standards in the appropriate context.

**Goal 7.3 - Sense of Place:** Reinforce sense of place through context-sensitive design of development and streetscapes.

**Policy 7.3.1 Natural and Cultural Features:** Preserve, enhance, and leverage natural features and views of cultural landscapes.

Response: If approved, the request would further the Sense of Place Goal (7.3) and the Natural and Cultural Features policy (7.3.1). The IDO establishes regulations that apply in particular contexts (Centers/Corridors, next to residential development, next to Major Public Open space, on sensitive lands, etc.). A proposed IDO Purpose (IDO Section 14-16-1-3) would name this policy intent as a purpose of the IDO, and changes proposed for Sensitive Lands standards (IDO Section 14-16-5-2) are intended to preserve, enhance, and leverage natural features and views toward geographical features that figure prominently in our cultural landscapes.

**Goal 7.4 - Context-Sensitive Parking:** Design parking facilities to match the development context and complement the surrounding built environment.

**Policy 7.4.2 - Parking Requirements:** Establish off-street parking requirements based on development context.

Response: If approved, the request would further the Context-Sensitive Parking Goal (7.4) and Parking Requirements policy (7.4.2). The IDO regulates parking in Section 14-15-5-5 based on uses and context, including requirements tailored for Centers/Corridors versus elsewhere in the city. Proposed changes would provide an incentive for outdoor dining by reducing the parking requirement.

**Goal 7.5 - Context-Sensitive Site Design:** Design sites, buildings, and landscape elements to respond to the high desert environment.

**Policy 7.5.1 - Landscape Design:** Encourage landscape treatments that are consistent with the high desert climate to enhance our sense of place.

Response: If approved, the request would further the Context-Sensitive Site Design Goal (7.5) and Landscape Design Policy (7.5.1). The IDO implements this Comp Plan goal and policy by regulating site design in Section 14-16-5-2 and landscaping in Section 14-16-5-6. Proposed changes in these sections would further this Comp Plan goal and policy.

## **Chapter 8: Economic Development**

**Goal 8.1 - Placemaking:** Create places where business and talent will stay and thrive.

**Policy 8.1.1 - Diverse Places:** Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

Response: If approved, the request would further the Placemaking Goal (8.1) and Diverse Places Policy (8.1.1). The IDO implements the Comp Plan by establishing zoning standards

tailored to different zone districts and different contexts. Proposed changes in Part 14-16-4 and Part 14-16-5 generally further this Comp Plan goal and policy.

**Policy 8.1.2 - Resilient Economy:** Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.

Response: If approved, the request would further the Placemaking Goal (8.1) and Resilient Economy Policy (8.1.1). The IDO implements the Comp Plan by establishing zoning standards that set the bar for high-quality development while still allowing a range of uses in appropriate contexts. The proposed change to parking requirements associated with outdoor dining in IDO Table 5-5-8 is intended to provide an incentive for development that responds to the new COVID-19 conditions for restaurants.

## **Chapter 9: Housing**

**Goal 9.2 - Sustainable Design:** Promote housing design that is sustainable and compatible with the natural and built environments.

**Policy 9.2.2 - High Quality:** Encourage quality and innovation in new housing design and construction, materials, and energy and water conservation.

Response: If approved, the request would further the Sustainable Design Goal (9.2) and High Quality Policy (9.2.2). The IDO implements the Comp Plan through development standards that set the bar for high-quality development. The proposed change for a new IDO Subsection 14-16-5-2(D) would add a site design requirement to analyze multi-family development for responsiveness to climate, including building and window placement and living landscape elements.

**Policy 9.2.1 - Compatibility:** Encourage housing development that enhances neighborhood character, maintains compatibility with surrounding land uses, and responds to its development context – i.e. urban, suburban, or rural – with appropriate densities, site design, and relationship to the street.

Response: If approved, the request would further the Compatibility Policy (9.2.1). The proposed change to building design standards for multi-family development in IDO Section 14-16-5-11 is intended to help enhance neighborhood character wherever these developments occur outside of Center/Corridor areas.

**Policy 9.2.3 - Cluster Housing:** Encourage housing developments that cluster residential units in order to provide community gathering spaces and/or open space.

Response: If approved, the request would further the Cluster Housing Policy (9.2.3). The IDO implements the Comp Plan through the cluster development and cottage development residential uses. The proposed changes to use-specific standards for cottage development in IDO Subsection 14-16-4-3(B)(3)(b) and the definition of Common Open Space associated with cluster development in IDO Section 14-16-7-1 are intended to incentivize these housing options.

## **Chapter 11: Heritage Conservation**

**Policy 11.3.1 - Natural and Cultural Features:** Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes.

**Policy 11.3.1.a:** Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment

Response: If approved, the request would further the Natural and Cultural Features Policy (11.3.1) and sub-policy (11.3.1.b). The IDO includes many protections for Major Public Open Space and Sensitive Lands in Part 14-16-4 and Part 14-16-5. The proposed amendments for IDO Purpose (IDO Section 14-16-1-3) would name this policy intent as a purpose of the IDO. Changes proposed for Sensitive Lands standards (IDO Section 14-16-5-2) for landscaping next to arroyos, adding riparian areas as sensitive lands, and requiring an additional buffer for development next to Major Public Open Space with sensitive lands would all further this policy by adding regulatory protections for sensitive lands.

### **Review and Decision Criterion 14-16-6-7(D)(3)(b)**

6-7(D)(3)(b) The proposed amendment does not apply to only one lot or development project.

**Response:** These proposed amendments to the IDO text include changes to regulations that apply citywide and generally clarify how to read and apply provisions in the IDO. None of the proposed text amendments to the IDO text apply to a single lot or development project. Where there are changes that apply to a narrower portion of the city, such as in select Centers and Corridors, the change is supported by Comprehensive Plan policies cited above. These are noted in the “Citywide Proposed Text Amendments,” where relevant. In other instances, there are changes that would apply across a particular zone district or for all approvals of a certain type. Because of this, the proposed amendments are legislative in nature.

### **Review and Decision Criterion 14-16-6-7(D)(3)(c)**

6-7(D)(3)(c) The proposed amendment promotes public health, safety, and welfare.

**Response:** This request promotes public health, safety, and welfare by improving the quality and the enforceability of the existing land use and zoning regulations.

These proposed amendments to the IDO text are also required to promote economic growth and investment in the City as a whole. The proposed changes respond to challenges in implementing new regulations and neighborhood protections in a real-world context with real-world projects. Changes in market demands for housing and business needs, coupled with the imperative of protecting existing neighborhoods, are addressed in the proposed text amendments.



## Notification

Table 6-1-1 indicates that mailed and e-mail notification is required. For a citywide Policy Decision, all Neighborhood Associations are required to be noticed, pursuant to 6-4(D)(3)(b). Electronic mailed notice is required, and mailed notice to Neighborhood Association representatives is only required if there is no e-mail address on file for that representative. Letters were mailed to any Neighborhood Representative who does not have an e-mail address on file with the Office of Neighborhood Coordination.

The project memo asked if subject line of the mailed affidavit was not updated. This is correct, a template from a prior request is shown in the subject line, but the number of letters mailed and the signed date of 11-25-2020 confirm that this was prepared this year for this 2020 Annual Update.

The notification letter included links to the project website - <https://abc-zone.com/ido-annual-update-2020> - where complete information on the application, the proposed amendments, the review and decision process, and scheduled meetings are posted. The letter also included information about a public Open House meeting held on December 17, 2020. That meeting reviewed the majority of the proposed changes that apply citywide; for brevity, some minor changes were omitted and some proposed changes consolidated onto one slide (i.e. definitions amendments). There was an approximately hour-long presentation followed by an hour-long question and answer session broken out into multiple break out rooms. The recording of the presentation is posted on the project website at:

- [Presentation \(PDF\)](#)
- [YouTube video](#)

A pre-application offer of facilitated meeting is not required for the City-wide text amendments (IDO Table 6-1-1). Long Range staff have not received a request for a post-application facilitated meeting. If one is requested, Long Range staff will be happy to work with ADR to respond. Please note, however, that Citywide Policy Decisions are not listed in the section that would require a delay in the decision on the application to allow a post-submittal facilitated meeting (IDO 14-16-6-4(L)(2)). This is because the EPC is a review and recommending body, and continued opportunity for discussion and commenting is provided through the City Council review and decision process.

Sincerely,



Mikaela Renz-Whitmore, Long Range Planning Manager  
City Planning Department