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OFFICIAL NOTIFICATION OF DECISION

January 11, 2024

City of Albuquerque,
Planning Department
PO Box 1293
Albuquerque, NM 87102

Project# 2018-001843
RZ-2023-00040 – Text Amendments to Integrated Development
Ordinance (IDO) – Citywide

LEGAL DESCRIPTION:

The City of Albuquerque Planning Department requests to amend the text of the Integrated Development Ordinance (IDO) affecting properties citywide. This fifth annual update includes changes requested by neighbors, developers, staff, and Council Services. Staff Planners: Michael Vos, China Osborn

On January 11, 2024, the Environmental Planning Commission (EPC) voted to forward a recommendation of APPROVAL to the City Council of Project# 2018-001843, RZ-2023-00040 – Text Amendments to Integrated Development Ordinance (IDO) – Citywide, based on the following Findings and subject to the following Conditions for recommendation of Approval:

FINDINGS:

1. The request is for various Citywide, legislative amendments to the text of the Integrated Development Ordinance (IDO) for the Annual Update required by IDO Subsection 14-16-6-3(D). The proposed Citywide amendments, when combined with the proposed Small-area amendments, are collectively known as the 2023 IDO Annual Update.
2. These Citywide text amendments are accompanied by proposed text amendments to Small Areas in the City, which were submitted separately pursuant to IDO Subsection 14-16-6-7(E) and are the subject of separate staff reports and actions: The Rail Trail small area, the Volcano Heights Urban Center, and the Northwest Mesa Escarpment VPO-2.
3. The request was heard at the December 14, 2023 EPC hearing and was continued for a month to the January 11, 2024 hearing to allow for additional review, development of conditions, and input from members of the public.
4. The IDO applies Citywide to land within the City of Albuquerque municipal boundaries. The IDO does not apply to properties controlled by another jurisdiction, such as the State of New Mexico, Federal lands, and lands in unincorporated Bernalillo County or other municipalities.

5. The EPC's task is to make a recommendation to the City Council regarding the proposed amendments to IDO text. As the City's Planning and Zoning Authority, the City Council will make the final decision. The EPC is a recommending body to the Council and has important review authority. This is a legislative matter.
6. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
7. Staff has collected approximately 60 proposed text amendments to the IDO requested by neighbors, developers, Staff, Council, and the Administration. The proposed changes would improve the effectiveness and implementation of adopted regulations, address community-wide issues, clarify regulatory procedures, and balance these needs with the Comprehensive Plan vision of protecting and enhancing existing neighborhoods.
8. The request generally meets IDO Subsection 14-16-6-7(D)(3)(a-c), Review and Decision criteria for Amendment to IDO Text-Citywide, as follows:

- A. Criterion 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.

The proposed citywide text amendments are generally consistent with the spirit and intent of the Comprehensive Plan, and other policies and plans adopted by the City Council, because they would generally help guide growth and development and identify and address significant issues in a holistic way (Comprehensive Plan, p. 1-5). The proposed changes are consistent with Comprehensive Plan Goals and policies that direct the City to adopt and maintain an effective regulatory system for land use and zoning.

- B. Criterion b: The proposed amendment does not apply to only one lot or development project.

The proposed citywide text amendments would apply throughout the city and not to only one lot or development project. The changes would apply across a particular zone district or for all approvals of a designated type; therefore, the proposed citywide amendments are broad and legislative in nature. Proposed changes to specific zones (ex. mixed-use and non-residential zone districts) would apply equally in all areas with the same designation and are not directed toward any specific lot or project. Procedural changes would apply to all approvals of a certain type.

- C. Criterion c: The proposed amendment promotes public health, safety, and welfare.

The request generally promotes the public health, safety, and welfare of the City because overall the proposed text amendments are consistent with a preponderance of applicable Comprehensive Plan Goals and Policies as further described in these findings. The proposed amendments are intended to address community-wide issues and clarify regulatory procedures, while balancing the Comprehensive Plan vision of protecting and enhancing existing neighborhoods.

9. The request is generally consistent with the following, relevant Articles of the City Charter:

- A. Article I, Incorporation and Powers. Amending the IDO via text amendments is consistent with the purpose of the City Charter to provide for maximum local self-government. The revised regulatory language and processes in the IDO would generally help implement the Comprehensive Plan and help guide future legislation.
- B. Article IX, Environmental Protection. The proposed citywide text amendments would help ensure that land is developed and used properly and that an aesthetic and humane urban environment is maintained. The IDO is the implementation instrument for the City's Comprehensive Plan, which protects and promotes health, safety, and welfare in the interest of the public. Commissions, Boards, and Committees would have updated and clarified regulations to help facilitate effective administration of City policy in this area.
- C. Article XVII, Planning.
- i. Section 1. Amending the IDO through the annual update process is an instance of the Council exercising its role as the City's ultimate planning and zoning authority. The IDO will help implement the Comprehensive Plan and ensure that development in the city is consistent with the intent of any other plans and ordinances that the Council adopts.
 - ii. Section 2. Amending the IDO through the annual update process will help the Administration to implement the Comprehensive Plan vision for future growth and development and will help enforce and administer land use plans.
10. The request is generally consistent with the following, applicable Goal and Policies in Chapter 4: Community Identity:

Goal 4.1 Character: Enhance, protect, and preserve distinct communities and Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The proposed amendments would generally help enhance, protect, and preserve distinct communities and neighborhoods because they include additional protections to neighborhoods, such as distance separations, noise protections, and parking standards. Additional amendments would provide greater opportunities for development and economic activities that contribute to vital communities, while protecting their distinct character, such as allowance for duplexes, cottage developments and live-work opportunities.

11. The request is generally consistent with the following, applicable Goal and Policies in Chapter 5: Land Use:
- A. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

The request would create a complete, healthy, and sustainable community because the proposed amendments include changes that could foster greater housing opportunities and housing types, preserve historic character in neighborhoods, strengthen local and small businesses, protect open space, create landscaped areas, and contribute to safer communities through lighting standards.

- B. 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.

The proposed text amendments promote efficient development patterns and use of land because they help support development and re-development in established neighborhoods throughout the city by encouraging infill projects and small businesses.

- C. Policy 5.6.4 - Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing. Sub-policy b): Minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, air pollution, and traffic.

The proposed amendments seek to minimize development's negative effects on individuals and neighborhoods with respect to noise, lighting, pollution, and traffic, through updated lighting standards for all developments, noise restrictions for outdoor amplified music, parking standards, and landscaping mitigations.

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

The IDO annual update is a process that supports continued efforts to effectively and equitably implement the Comprehensive Plan. The proposed amendments seek to improve procedures, notification, transparency, and implementation of the IDO in order to further this Goal.

- E. 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.

The IDO annual update process results in an updated regulatory framework that helps align priorities and create consistent outcomes. The request includes amendments that address land use and development standards, such as lighting, landscaping, sensitive lands, parking, distance separations for uses, and procedural clarifications that help support desired growth, high-quality development, economic development, and housing.

- F. Policy 5.7.4 Streamlined Development: Encourage efficiencies in the development review process.

The IDO annual update process provides a regular opportunity for residents and stakeholders to better understand and engage in the planning and development process. The proposed amendments include numerous changes that will contribute to more consistency regarding mailed and emailed notice, posted signs, and appeal procedures that provide opportunities for improved public engagement and more efficient processes.

12. The request is generally consistent with the following, applicable Goal and policies in Chapter 7: Urban Design:

- A. Goal 7.3 Sense of Place: Reinforce sense of place through context-sensitive design of development and streetscapes and Policy 7.3.4 Infill: Promote infill that enhances the built environment or blends

in style and building materials with surrounding structures and the streetscape of the block in which it is located.

The request includes proposed amendments that seek to enhance the built environment and urban landscape through updated façade requirements for non-residential developments, lighting improvements, and landscape requirements. The amendments would contribute to context-sensitive design that enhances surrounding neighborhoods.

- B. Goal 7.4 Context-Sensitive Parking: Design parking facilities to match the development context and complement the surrounding built environment and Policy 7.4.2 Parking Requirements: Establish off-street parking requirements based on development context.

The proposed text amendments include changes to off-street parking requirements for mixed-use and multi-family developments requiring parking facilities that match the development context and complement the surrounding built environment. Other amendments would limit the parking options available to single-family residences, possibly creating additional parking burdens for some property owners, especially those who park recreational vehicles on their properties. These changes do not consider contextual parking standards in existing single-family homes.

13. The request is generally consistent with the following, applicable policy in Chapter 8: Economic Development:

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.

The proposed text amendments would generally foster a more robust, resilient, and diverse economy because they include changes that would allow more diverse economic activities throughout the city and provide an opportunity for entrepreneurs with home businesses.

14. The request is generally consistent with the following, applicable Goal and policies in Chapter 9: Housing:

- A. Goal 9.1 Supply: Ensure a sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.

The proposed amendments would allow a greater supply of housing by allowing two-family residences on lots with existing single-family residences and in cottage developments, thereby allowing for a greater variety of housing within existing neighborhoods and creating the opportunity to expand the city's existing housing supply.

- B. Goal 9.4 Homelessness: Make homelessness rare, short-term, and non-recurring and Goal 9.5 Vulnerable Populations: Expand capacity to provide quality housing and services to vulnerable populations.

The proposed text amendments would change overnight shelters to a permissive use in the zones where they are currently a conditional use, with use-specific standards that establish thresholds under which they require a conditional use approval, including proximity to residential uses. Therefore, the

request would expand the ability to provide more services to the unhoused, while at the same time protecting surrounding neighborhoods.

15. The request is generally consistent with the following Goal in Chapter 11: Heritage Conservation:

Goal 11.2 Historic Assets: Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity.

The proposal includes a text amendment that would allow contextual setback standards to apply to properties in Historic Protection Overlay zones, which would preserve and enhance significant historic districts. This change would also help those seeking to maintain and improve historic properties or build in historic neighborhoods by allowing more flexibility in their site design, while maximizing consistency with the historic character of these distinct districts.

16. For cases in which a proposed text amendment would conflict with applicable Comprehensive Plan Goals and/or policies, conditions for recommendation of approval are provided, which address conflicts and provide clarification.
17. For an Amendment to IDO Text-Citywide, the required notice must be published, mailed, and posted on the web (see Table 6-1-1). A neighborhood meeting is not required. The City published notice of the EPC hearing as a legal ad in the ABQ Journal newspaper. Emailed notice was sent to the two representatives of each Neighborhood Association and Coalition registered with the Office of Neighborhood Coordination (ONC) as required by IDO Subsection 14-16-6-4(K)(2)(a) and 14-16-6-4(K)(3)(b). Mailed notice was sent via First Class mail to those representatives without an email address on file with the City. Notice was posted on the Planning Department website and on the project website.
18. In addition to the required notice, on October 27, November 3, and November 29, 2023 e-mail notice was sent to the approximately 9,500 people who subscribe to the ABC-Z project update e-mail list. Additional notice for the January 11, 2024 EPC hearing was sent to the ABC-Z project update email list on January 5, 2024.
19. The proposed 2023 IDO Annual Updates were reviewed at two online public study sessions on October 12 and 13, 2023 via Zoom, prior to application submittal for the EPC process, and at a public meeting held on November 17, 2023. Planning Staff presented the proposed text amendments and answered questions. The presentations, in .pdf format and in video format, are posted on the project webpage at: <https://abq-zone.com/ido-annual-update-2023>.
20. The EPC held a study session regarding the proposed 2023 IDO Annual Update on December 7, 2023. This meeting was publicly noticed, although no public input is received during Study Sessions (see EPC Rules of Practice and Procedure, Article II, Section V).
21. As of this writing, Staff has received approximately 65 written comments from neighborhood groups, individuals, and organizations. Comments were generally submitted as letters and emails with attachments. Other comments (approximately 216) were submitted online and pinned to the spreadsheet of proposed text amendments on the ABC-Z project website.

22. In general, public comments express strong opposition to the proposed walls and fences text amendments and ask why taller front yard walls are being considered again. Comments express concerns about duplexes, RV parking, overnight shelters, and outdoor lighting. Some commenters support duplexes. Two letters expressing concern about the exemption of landfills closed for more than 30 years from gas mitigation requirements. Some individuals expressed concern about the IDO annual update process in general, noting that the yearly update process is burdensome
23. Though some comments oppose individual proposed amendments, and others recommend changes, there is general support for the request as a whole. The Conditions for Recommendation of Approval address many issues raised in the comments.
24. Regarding Item #58, Tribal Engagement: Tribal representatives on the City’s Commission on American Indian and Alaskan Native Affairs commented that the 15-day comment period for proposed development was insufficient to respond meaningfully in order to either negotiate how to avoid development or sufficiently mitigate the negative impacts of development on land with cultural importance to Indian Nations, Tribes, and Pueblos. City Council should consider adding a procedure that allows tribal governments to request a 120-day review period, similar to the procedure for Demolition Outside of an HPO, to delay a decision on the first application for undeveloped land within 660 feet of Major Public Open Space or tribal land.
25. Regarding Item #23 Front Yard Walls: EPC advises decision-makers not to pursue taller front yard walls in future IDO updates, as the amendments, in all their variations, have been overwhelmingly opposed by the public. The commission notes overwhelming public testimony for three years in a row that this proposal would damage neighborhoods; that permissive tall walls in front yards degrade welcoming character, diminish walkability, restrict contact and cooperation among neighbors, make communities less safe by impeding eyes on the street, restrict visibility for police patrols, and restrict access for emergency services.

CONDITIONS FOR RECOMMENDATION OF APPROVAL:

1. The proposed amendments in the spreadsheet “IDO Annual Update 2023 – EPC Submittal - Citywide” (see attachment) shall be adopted, except as modified by the following conditions.
2. Items #2, #7, and #50 – Outdoor Amplified Sound: Delete the proposed amendments in their entirety.
3. Item #3 – Cottage Development: Adopt the proposed amendment to Section 4-3(B)(4), with the following additional change to subsection (a): 4-3(B)(4)(a) The maximum project size for a cottage development is 2 5 acres.
4. Items #4 and #5 – Walls/fences for General Retail and Light Vehicle Fueling Stations: Delete the proposed amendments that would require a wall or fence around General retail and Light vehicle fueling uses, leaving walls and fences at the discretion of the property owner.

5. Item #9 – Overnight Shelters – Table 4-2-1; Subsection 14-16-4-3(C)(6): Delete the proposed amendment, which would result in no change to the “Overnight Shelter” use row of the current allowable use Table 4-2-1 and the retention of the current use-specific standards for overnight shelters, IDO Subsection 14-16-4-3(C)(6).
6. Item #10 – Duplex – IDO Subsection 14-16-4-3(B)(5)(b): Delete the proposed amendment, which would result in no change to “Dwelling, Two-family Detached (Duplex)” in Table 4-2-1: Allowable Uses or to the use-specific standards for duplex dwellings, IDO Subsection 14-16-4-3.
7. Item #13 – Duplex – IDO Subsections 14-16-4-3(B)(5) and 14-16-4-3(F)(6): Delete the proposed amendment, which would result in no change to “Dwelling, Two-family Detached (Duplex)” in Table 4-2-1: Allowable Uses or to the use-specific standards for duplex dwellings, IDO Subsection 14-16-4-3.
8. Item #11 – City Facilities – IDO Subsection 14-16-2-5(E)(2): Delete the proposed amendment, which would result in no change to Table 4-2-1: Allowable Uses and would retain the requirements and procedures for all conditional use approvals, even for City Facilities.
9. Item #12 – Dwelling, Live-Work: Revise proposed new Subsection 14-16-4-3(B)(7)(e), as follows: Delete the proposed amendments, thus continuing to regulate live-work as it is currently allowed and regulated.
10. Item #15 – Landfill Gas Mitigation: Delete the proposed amendment, to continue requiring landfill gas mitigation studies reviewed by the Environmental Health Department for projects located within landfill buffer areas.
11. Item #17 – RV, Boat, and Trailer Parking:
 - A. Revise the proposed language in subsection 5-5(B)(4)(d)3, as follows:
 3. The vehicle must be parked in 1 of the following areas:
 - a. Inside an enclosed structure.
 - b. Outside in a side or rear yard.
 - [c. In any Residential zone district or MX-T zone district with a primary residential use, the vehicle shall not be parked in any portion of a front yard, whether that portion has been improved as a driveway or not.](#)
 - [d. In any MX or NR zone district with a primary non-residential use, the vehicle may be parked](#) outside in a front yard, with the unit perpendicular to the front curb and the body of the recreational vehicle at least 11 feet from the face of the curb.
12. Items #18, Parking Maximums:
 - A. Adopt the amendment with the following edits requested by City Council staff and the Transit Department:

[5-5(C)(7)(XX) Within 330 feet of a transit facility, ~~excluding park-and-ride lots and depots~~, the maximum number of off-street parking spaces provided shall be no more than 100 percent of the off-street parking spaces required by Table 2-4-13 or Table 5-5-1, as applicable.]

13. Item #20, #21, and #57 – Landscaping: Delete proposed amendment Items #20 and #21, and adopt the proposed amendment Item #57 with the following changes: Delete proposed Subsection 5-6(C)(4)(e) [new] and renumber subsequent sections.
14. Items #23 and #24 Walls & Fences, Front Yard Wall: Delete the proposed amendments, leaving maximum wall heights as currently regulated.
15. Item #25, Building Design – Facades for NR-LM, NR-GM, and Industrial Development in Any Zone District: Amend 5-11(G)(2) as shown in the Council Memo as follows:

5-11(G)(2) Each street-facing façade shall incorporate at least 1 of the following features along at least 10 percent of the length of the façade, distributed along the façade so that at least 1 of the incorporated features occurs every ~~[75-feet]~~ [150 feet]:

 - a) Transparent windows
 - b) Wall plane projections or recesses of at least 1 foot in depth at least every ~~[75-feet]~~ [150 feet] of façade length and extending at least 10 percent of the length of the façade ~~[or 20 percent of the height of the façade]~~.
 - c) A change in color, texture, or material at least every ~~[75-feet]~~ [150 feet] of façade length and extending at least 20 percent of the length of the façade.
 - d) Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.
 - e) Portals, arcades, canopies, trellises, awnings over windows, or other elements that provide shade or protection from the weather.
16. Items #29, #32, and #36 – Neighborhood Association notification distances for Pre-submittal Neighborhood Meetings, Public Notice, and Post-submittal Facilitated Meetings: Adopt the amendment and revise it to change the requirement from “includes or is adjacent” to a set 660 feet to help simplify and automate these processes.
17. Items #33 and #34, Mailed Notice to Property Owners and for Amendments to IDO Text – Small Area: Delete the proposed amendments to keep individual property owner notification as-is.
18. Item #37 – Appeals – Standing for Neighborhood Associations:
 - A. Adopt the amendment and amend it to change the requirement from “includes or is adjacent” to a set 660 feet to match all notice distances.
19. Item #42 Front Yard Parking – Angular Stone: Delete the proposed amendment.
20. Item #46 – Definition for Community Residential Facilities, IDO Subsection – 14-16-7-1

For further clarity and consistency, add additional language to the end of the proposed definition for a Community Residential Facility as follows:

~~"For purposes of this definition, the term handicapped does not include persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program. This use~~ does not include facilities for persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program, facilities for persons individuals in the criminal justice system, or residential facilities to divert persons from the criminal justice system, which are all regulated as group home for the purposes of this IDO. This use does not include 24-hour skilled nursing care, which is regulated as either hospital or nursing home for the purposes of this IDO. See also Family, Family Care Facility, and Group Home, and Nursing Home."

21. Item #52 – Sensitive Lands: Adopt Item #52 with the following change to the definition in Section 7-1 Sensitive Lands – Large Stand of Mature Trees:

"At least 3 trees ~~that are each at least 10 years old~~ with ~~a~~ trunks at least 8 inches in diameter at breast height (DBH), as measured by the City Forester, on a subject property."

22. Item #55 and Item #6, Battery Energy Storage Systems and Electric Utility: Remove both amendments from consideration at this time to allow Planning Staff, Council Staff, PNM, and other stakeholders to continue conversations and collaboration to bring forward an amendment for energy storage at a later time.

23. Item #56 – Outdoor and Site Lighting: In the 2023 Annual Update Exhibit for Lighting, revise proposed subsection 5-2(J)(1)(a) as follows:

"Regardless of zone district, the lighting designation shall be no higher than Lz0 or Lz1 ~~Lz0 or Lz1~~ and shall be subject to outdoor lighting curfew to protect natural ecosystems and their biodiversity."

24. Item #56 – Outdoor and Site Lighting: In the Exhibit on Lighting for the 2023 Annual Update, 5-8(C)(3)(c), remove the prohibition on aerial lasers, as follows:

5-8(C)(3)(c) ~~Aerial lasers, b~~ Beacons, and searchlights are prohibited at night, except for emergency use by authorized first responders.

25. Item #56 – Outdoor and Site Lighting: In the Exhibit on Lighting for the 2023 Annual Update, 5-8(D)(2)(a), unbind the minimum CCT by deleting the language "a minimum CCT of 2700K and" from this subsection.

26. Item #56 – Outdoor and Site Lighting: In the Exhibit on Lighting for the 2023 Annual Update, 7-1 Definitions, revise this section with the following modifications:

- Add the following definition for *Curfew*: "See Outdoor Lighting Curfew"
- Delete the definition for *Candela* because it is not used the body of the ordinance.
- Change the new definition for *Footcandle (fc)* to: "A unit of illumination measurement equal to one lumen per square foot (lm/s.f.) of surface."

27. Item #56 – Outdoor and Site Lighting: In the Exhibit on Lighting for the 2023 Annual Update, 5-12(E)(5)(a), delete the proposed Subsection 3 as unnecessary.

~~"3. — [New] No other portion of an illuminated sign shall have a luminance greater than 200 foot lamberts or 685 nits during the hours of darkness at night."~~

28. Item #58 Tribal Engagement – Revise the proposed definition for “Indian Nations, Tribes, or Pueblos” as follows:

For the purposes of this IDO, the designated chief executives (or their designees) of a federally recognized Indian Nation, Tribe, or Pueblo located wholly or partially in New Mexico. The Tribal Liaison with the City’s Office of Native American Affairs shall maintain an updated list of the names and contact information ~~for the chief executives of the Indian Nations, Tribes, or Pueblos.~~

29. Item #58 Tribal Engagement – Update Table 6-1-1 to add a column for Tribal Pre-submittal meetings for the following applications:

- i. Archaeological Certificate
- ii. Master Development Plan
- iii. Subdivision of Land – Minor
- iv. Subdivision of Land – Major
- v. Subdivision of Land – Bulk Land
- vi. Zoning Map Amendment – EPC
- vii. Zoning Map Amendment – Council

Add a new Subsection for Pre-submittal Tribal Meeting in Section in 14-16-6-4 General Procedures as follows:

14-16-6-4(X) [new] Pre-submittal Tribal Meeting

6-4(X)(1) For applications meeting all of the following criteria, the applicant shall offer at least 1 meeting to all Indian Nations, Tribes, and Pueblos as defined by this IDO no more than 1 calendar year before filing the application. In such cases, project applications will not be accepted until a pre-submittal tribal meeting has been held, or the requirements for a reasonable attempt in Subsection (3) below have been met.

6-4(X)(1)(a) Table 6-1-1 requires pre-submittal tribal meeting to be offered for that type of application.

6-4(X)(1)(b) The subject property is within 660 feet of Major Public Open Space or tribal land.

6-4(X)(1)(c) A pre-submittal tribal meeting was not offered for the same subject property at a prior stage in the development process for the same proposed project.

6-4(X)(2) A meeting request shall be sent via email, if one is listed in the contacts maintained by the Tribal Liaison with the City's Office of Native American Affairs, or by Certified Mail, return receipt requested if no email is listed, to both of the following:

6-4(X)(2)(a) Indian Nations, Tribes, or Pueblos.

6-4(X)(2)(b) Tribal Representatives.

Either method constitutes a reasonable attempt to notify a Neighborhood Association of a meeting request. The requirements of Subsection 14-16-6-4(K)(7) (Documentation of Good Faith Effort Required) also apply.

6-4(X)(3) If any recipient of the request chooses to meet, he/she must respond within 15 calendar days of the request (email or Certified Mail) being sent. The meeting must be scheduled for a date within 30 calendar days but no fewer than 15 calendar days after the recipient accepts the meeting request, unless an earlier date is agreed upon. If no recipient responds within 15 calendar days of the request, the applicant may proceed pursuant to Subsection (9) below.

6-4(X)(4) The pre-submittal tribal meeting shall be facilitated by the City's Alternative Dispute Resolution (ADR) Office. If an ADR facilitator is not available within the required timeframe, the applicant can facilitate the meeting or arrange for another facilitator. All other requirements in this Subsection 14-16-6-4(X) shall be met.

6-4(X)(5) The ADR facilitator shall email all recipients the scheduled meeting date, time, and location.

6-4(X)(6) At the pre-submittal tribal meeting, the applicant shall provide information about the proposed project, including but not limited to the scope of uses, approximate square footages for different uses, general site layout, design guidelines, architectural style, conceptual elevations, and conceptual landscaping plans.

6-4(X)(7) The ADR facilitator shall prepare and email a summary of the meeting to the applicant, recipients who requested the meeting, and any other meeting participants who signed in and provided an email address.

6-4(X)(8) Where Table 6-1-1 requires that a pre-submittal tribal meeting be offered, and a meeting was held, the applicant shall provide all of the following as part of the project application:

6-4(X)(8)(a) proof that a meeting was offered.

6-4(X)(8)(b) proof that the meeting occurred, including a sign-in sheet of attendance.

6-4(X)(8)(c) meeting location, date, and time.

6-4(X)(8)(d) summary of discussion, including concerns raised, areas of agreement and disagreement, and next steps identified, if any.

6-4(X)(8)(e) identification of any design accommodations that may have been made as a result of the meeting. If the concerns raised at the meeting have not been accommodated, the applicant must identify the site or project constraints that limit the ability to address those concerns.

6-4(X)(9) Where Table 6-1-1 requires that a pre-submittal tribal meeting be held, and a meeting was not held, the requirement for a pre-submittal tribal meeting shall be waived if the applicant can demonstrate that reasonable attempts were made to notify tribal governments as required by Subsection (2) above, and no response was received within 15 calendar days of the notice being sent.

30. Item #58 Tribal Engagement: Delete proposed Subsection 6-4(J)(9) The Albuquerque Indian School Area from the Exhibit and renumber subsequent subsections accordingly.
31. Item #58 Tribal Engagement: Delete proposed change for Subsection 6-4(J)(6) and revise proposed Subsection 6-4(J)(7) as follows: Development within 660 feet of Major Public Open Space, including the Petroglyph National Monument.
32. New Amendment: Revise the definition in Section 7-1 for “Adjacent,” as follows: "Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private. Properties that are on opposite corners of an intersection diagonally (e.g. "kitty corner" or "catty corner" or "caddy corner") are not considered adjacent."
33. New Amendment: Revise the definition in Section 7-1 for “Street-facing Façade,” as follows:

Any façade that faces and ~~is within 30 feet of a property line~~ is visible from an abutting a-street, not including alleys, unless specified otherwise in this IDO. A building may have more than one street-facing façade. The phrase “façade facing a” that refers to a specific street or to alleys is included in this definition as well.
34. New Amendment: Change the update cycle for the IDO from an annual process to a bi-annual process and modify the submittal and hearing dates to avoid the end of year holidays. Revise IDO Subsection 6-3(D) and corresponding subsections as follows:

6-3(D) **BI-ANNUAL UPDATES TO THE IDO**
The Planning Department shall prepare amendments to the text of this IDO to be submitted ~~once~~ every other calendar year for an EPC hearing in ~~December~~ October. These amendments shall be reviewed and decided pursuant to Subsection 14-16-6-7(D) (Amendment to IDO Text – Citywide) or Subsection 14-16-6-7(E) (Amendment to IDO Text – Small Area), as applicable. Submittals shall occur in odd-numbered years.

6-3(D)(1) Anyone may submit recommended changes to the Planning Department throughout the year cycle, particularly during the CPA assessment process, as set out in Subsection 14-16-6-3(E)(1) (Community Planning Area Assessments).

6-3(D)(4) Notwithstanding the schedule for ~~annual~~ updates to the IDO in this Subsection 14-16-6-3(D), the Planning Director may determine that an interim amendment to the text of this IDO shall be submitted for review and decision to prevent a significant threat to public health or safety.

6-3(D)(5) Within 90 days of the effective date of each ~~annual~~ update, the Planning Department shall provide presentations and/or trainings for relevant City boards and commissions.

APPEAL: It is not possible to appeal an EPC Recommendation to the City Council, since this is not a final decision. For more information regarding the appeal process, please refer to Section 14-16-6-4(V) of the Integrated Development Ordinance (IDO), Administration and Enforcement.

Sincerely,



for Alan M. Varela,
Planning Director

AV/MV/MJ

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OFFICIAL NOTICE OF DECISION

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January 11, 2024

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EPC File