

PLANNING DEPARTMENT  
URBAN DESIGN & DEVELOPMENT DIVISION  
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860 Fax (505) 924-3339



## OFFICIAL NOTIFICATION OF DECISION

February 15, 2024

City of Albuquerque,  
City Council  
1 Civic Plaza NW  
Albuquerque, NM 87102

**Project# 2018-001843**

RZ-2023-00044 – Text Amendment to Integrated Development Ordinance (IDO) – Small Area – Volcano Heights Urban Center (VHUC)

**LEGAL DESCRIPTION:**

The City of Albuquerque Council Services Department requests to amend the text of the Integrated Development Ordinance (IDO) affecting a small area. This update includes requested changes to remove a prohibition on drive-through facilities in the mixed-use zone districts within the Volcano Heights Urban Center (VHUC).  
Staff Planner: Mikaela Renz-Whitmore

On February 15, 2024, the Environmental Planning Commission (EPC) voted to forward a recommendation of DENIAL to City Council of Project # 2018-001843, RZ-2023-00044 – Text Amendments to Integrated Development Ordinance (IDO) – Small Area – Volcano Heights Urban Center based on the following Findings:

1. The request is for a text amendment to the Integrated Development Ordinance (IDO) for a small area as part of the Annual Update required by IDO Subsection 14-16-6-3(E). The proposed Small-area amendment, when combined with the proposed City-wide amendments, are collectively known as the 2023 IDO Annual Update.
2. The text amendment to this small area in the city is accompanied by proposed Citywide text amendments, which were submitted separately pursuant to IDO Subsection 14-16-6-7(D) and are the subject of another Staff report (RZ-2023-00040).
3. The small area text amendment is a proposed change requested by Council Services that affects the Volcano Heights Urban Center, as designated in the Comprehensive Plan.
4. The IDO applies 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, or lands in unincorporated Bernalillo County or in other municipalities.
5. The EPC's role is to make a recommendation to the City Council regarding the proposed amendment to IDO text for this small area. 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. Because the proposed change affects properties only in a small area, this is a quasi-judicial matter.

6. The Albuquerque City Charter, 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. The request does not further the following relevant City Charter articles:
  - A. Article I, Incorporation and Powers. Amending the IDO via text amendments is inconsistent with the purpose of the City Charter to provide for maximum local self-government. The revised regulatory language and process in the IDO will not help implement a preponderance of relevant goals and policies within the Comprehensive Plan and therefore cannot help guide future legislation.
  - B. Article IX, Environmental Protection. The IDO is an instrument to help promote and maintain an aesthetic and humane urban environment for Albuquerque’s citizens, and thereby promote improved quality of life. The proposed Small Area text amendment to the IDO would not ensure that land is developed and used properly. The Volcano Heights Urban Center was established in the Comprehensive Plan to guide the most urban, walkable, mixed-use development to this area and suburban, auto-oriented development to areas outside of Urban Centers; therefore, Commissions, Boards, and Committees would not be able to facilitate effective administration of City policy in this area with the approval of this amendment.
8. The request generally furthers the following relevant City Charter articles:
  - A. Article XVII, Planning. In general, 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.
  - B. Section 2. In general, amending the IDO through the annual update process will help the Mayor and his designees to administer the City’s land use plan – the Comprehensive Plan – to achieve its vision for future growth and development through development that is regulated by the IDO.
9. The request conflicts with and therefore does not further the following Comprehensive Plan Goal and Policies from Chapter 4: Community Identity:
  - A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.
  - B. Policy 4.1.1 Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

- C. 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.
- D. Policy 4.1.3 Placemaking: Protect and enhance special places in the built environment that contribute to distinct identity and sense of place.

Community Identity policies work in tandem and rely on goals and policies related to Centers and Corridors to result in special places and distinct communities that provide a range of development patterns in the built environment with a mix of uses. To the extent that the request undermines the intent of creating walkable Urban Centers with mixed-use development pattern, the request also conflicts with the Community Identity policies encouraging distinct communities, mix of uses, and placemaking.

Further, Community Identity policies work in tandem and rely on goals and policies related to Heritage Conservation to protect the natural and cultural features that help make communities distinct. To the extent that the request allows an intense auto-oriented use close to the Petroglyph National Monument, particularly an auto-oriented use that does so much to set the pattern and demand for auto-oriented development in surrounding areas, the request also conflicts with the Community Identity policies encouraging distinct communities and placemaking.

10. The request conflicts with and therefore does not further the following Comprehensive Plan Goal and Policies from Chapter 5: Land Use:

- A. Policy 5.1.4 Urban Centers: Create highly accessible and walkable Urban Centers that provide a range of employment opportunities and higher-density housing options.
- B. Policy 5.1.4.a: Encourage mixed-use development.
- C. Policy 5.1.4.b: Encourage pedestrian-oriented design, transit-oriented development, and infrastructure improvements that make Urban Centers more walkable over time.
- D. Policy 5.1.8 Premium Transit Corridors: Foster corridors that prioritize high-capacity, high-frequency transit service, with mixed-use, transit-oriented development within walking distance of transit stations.
- E. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.
- F. 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.
- G. 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 request, if approved, would allow an exclusively auto-oriented use into the Urban Center areas where it is currently prohibited. The request would also allow drive-throughs in the mixed-use zone districts lining Paseo del Norte and Unser Boulevard where these streets have a dual designation in the Comprehensive Plan, including Premium Transit. Any land developed as drive-through facilities is unlikely to include residential development, mixed-use development, or transit-oriented development. The infrastructure that goes in to support this auto-oriented development is unlikely to support mixed-use and transit-oriented development, so inefficient retrofits would be necessary to support new development that does meet the intent of the Comp Plan goals and policies.

The annual update of the IDO is intended to help implement the Comp Plan by aligning regulations with Comp Plan goals and policies. The proposed text amendment conflicts with applicable Comprehensive Plan goals and policies encouraging walkable, mixed-use, and transit-oriented development within Urban Centers and along Premium Transit Corridors; therefore, the request conflicts with the Comp Plan policy on regulatory alignment and does not support desired growth or quality of life priorities.

11. The request conflicts with and therefore does not further the following Comprehensive Plan Policies from Chapter 6: Transportation:

- A. Policy 6.1.2 Transit-oriented Development: Prioritize transit-supportive density, uses, and building design along Transit Corridors.
- B. Policy 6.1.3 Auto Demand: Reduce the need for automobile travel by increasing mixed-use development, infill development within Centers, and travel demand management (TDM) programs.

The request allows auto-oriented development where drive-throughs are not currently allowed. This proposed change would de-prioritize transit-supportive density and uses along a Premium Transit Corridor.

Drive-through facilities in a mixed-use zone district will not reduce the need for automobile travel because it will decrease opportunities for mixed-use development.

12. The request conflicts with and therefore does not further the following Comprehensive Plan Goal and Policies from Chapter 7: Urban Design:

- A. Goal 7.2 Pedestrian-accessible Design: Increase walkability in all environments, promote pedestrian-oriented development in urban contexts, and increase pedestrian safety in auto-oriented contexts.
- B. Policy 7.2.1 Walkability: Ensure convenient and comfortable pedestrian travel.
- C. Policy 7.2.2 Walkable Places: Promote high-quality pedestrian-oriented neighborhoods and districts as the essential building blocks of a sustainable region.

The request directly conflicts with Comprehensive Plan goals and policies related to walkability because it allows an exclusively auto-oriented use in an area that is currently prioritized for high-quality, pedestrian-oriented neighborhoods and districts as part of the essential building blocks of a sustainable region.

13. The request conflicts with and therefore does not further the following Comprehensive Plan Policy from Chapter 8: Economic Development:

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.

The request conflicts with the Comprehensive Plan policy to foster diverse places because it undermines the intent of creating the one walkable Urban Center on the West Side, where pedestrians are the priority. If drive-through facilities are developed in the Volcano Heights Urban Center, there would be no remaining option on the West Side for people wanting to live, work, and play in a walkable, urban area.

14. The request conflicts with and therefore does not further the following Comprehensive Plan Policies from Chapter 11: Heritage Conservation:

A. 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.

B. 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...

C. Policy 11.3.4 Petroglyph National Monument: Regulate adjacent development to protect and preserve the Petroglyph National Monument – its volcanoes, petroglyphs, and Northwest Mesa Escarpment – as a priceless cultural landscape and community resource that provides physical, cultural, and economic benefits.

D. Policy 11.3.4.c: Conserve and protect the Monument and surrounding lands through regulations associated with the Volcano Mesa and Northwest Mesa Escarpment Areas.

The request would allow an intense auto-oriented use closer to the Petroglyph National Monument. This intense auto-oriented development pattern is incompatible with the cultural and natural features of this area, still used by Pueblo people as a sacred site and part of a larger cultural landscape. While the IDO makes drive-through facilities conditional within 330 feet of Major Public Open Space, which includes the Monument, and establishes design requirements for drive-throughs in general and in Urban Centers in particular, the signage, sound, and automobile fumes would all pose the potential for negative impacts on the Monument.

The request would not minimize negative impacts or maximize enhancements and design that complement this unique natural environment.

15. The request does not meet the Review and Decision Criteria (a), (c), or (e) in Subsection 14-16-6-7(E) of the IDO, as follows:

A. Criterion A: The proposed small area amendment is consistent with the health, safety, and general welfare of the city as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

The proposed IDO text amendment for a small area is inconsistent with the health, safety, and general welfare of the City because it is in conflict with a preponderance of applicable goals and policies in the Comprehensive Plan to establish walkable Urban Centers, encourage transit-oriented development along Premium Transit corridors, create distinct communities through placemaking, and conserve natural and cultural landscapes as part of the unique heritage related to the Petroglyph National Monument.

B. Criterion B: If the proposed small area amendment is located partially or completely in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant must demonstrate that the proposed amendment would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not allow development that is significantly different from that character. The applicant must also demonstrate that the existing zoning regulations are inappropriate because they meet any of the following criteria:

1. There has been a significant change in neighborhood or community conditions affecting the small area.

2. The proposed zoning regulations are more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Criterion 14-16-6-7(E)(3)(b) does not apply because the small area is not located partially or completely in an Area of Consistency.

C. Criterion C: If the proposed small area amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended), the applicant must demonstrate that the existing zoning regulations are inappropriate because they meet at least one of the following criteria:

1. There has been a significant change in neighborhood or community conditions affecting the small area that justifies this request.

2. The proposed zoning regulations are more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

The proposed IDO text amendment for a small area is not more advantageous to the community because it is in conflict with a preponderance of applicable goals and policies in the Comprehensive Plan encouraging walkable Urban Centers, transit-oriented development along Premium Transit corridors, distinct communities through placemaking, and conserving natural and cultural landscapes as part of the unique heritage related to the Petroglyph National Monument.

- D. Criterion D: If the proposed amendment changes allowable uses, the proposed amendment does not allow permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

The proposed IDO text amendment for a small area generally meets Criterion 14-16-6-7(E)(3)(d) because the Integrated Development Ordinance includes use-specific standards for drive-throughs and development standards for drive-throughs in Urban Centers that adequately mitigate harmful impacts on pedestrians due to traffic conflicts.

- E. Criterion E: The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

The small area amendment does not meet Criterion 14-16-6-7(E)(3)(e) because the request is only justified based on the cost of land or economic considerations.

16. For a Text Amendment to IDO – Small Area, the required notice must be emailed, mailed, published, and posted on the web. (See Table 6-1-1.) Email 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). On October 25, mailed notice was sent to 143 property owners within 100 feet of the Volcano Heights Urban Center (VHUC), but not to property owners within the boundary, which was an error. To correct this error and complete the required mailed notice, a new letter was mailed on December 19 to 236 property owners within the VHUC boundary and within 100 feet of the VHUC boundary. The City published notice of the EPC hearing as a legal ad in the ABQ Journal newspaper. Notice was posted on the Planning Department website and on the project website.
17. For a Text Amendment to IDO – Small Area, a pre-submittal neighborhood meeting must be offered to Neighborhood Associations that include or are adjacent to the small area. A neighborhood meeting was held on October 17, 2023 via Zoom.
18. City staff held public review meetings about the IDO Annual Update, including small area amendments, on October 12-13 and November 17, 2023 via Zoom.
19. The EPC held a study session regarding the proposed 2023 IDO amendments on December 7, 2023. This was a publicly-noticed meeting, but public comments were not taken.
20. As of this writing, 4 public comments have been received about the proposed changes, 2 property owners within VHUC in support, a nearby resident in support of more drive-through services, and a representative of a West Side neighborhood association in opposition.

21. Concerns raised by the public during the pre-submittal neighborhood meeting included the negative impact that drive-throughs could have on traffic, noise, light pollution, and the Petroglyph National Monument

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/MRW/MJ

cc: City of Albuquerque, City Council, Shanna Schultz, [smschultz@cabq.gov](mailto:smschultz@cabq.gov)  
Piedras Marcadas NA, Robin Lawlor [rlawlor619@gmail.com](mailto:rlawlor619@gmail.com)  
Piedras Marcadas NA, Debbie Koranyi [debbie.a.koranyi@gmail.com](mailto:debbie.a.koranyi@gmail.com)  
Westside Coalition of NA's, Rene Horvath [aboard111@gmail.com](mailto:aboard111@gmail.com)  
Westside Coalition of NA's, Elizabeth Haley [elizabethkayhaley@gmail.com](mailto:elizabethkayhaley@gmail.com)  
Paradise Hills Civic Assoc. Tom Anderson [phcassoc@gmail.com](mailto:phcassoc@gmail.com)  
Paradise Hills Civic Assoc. Larry Romero [lrromero@comcast.net](mailto:lrromero@comcast.net)  
Legal, [dking@cabq.gov](mailto:dking@cabq.gov)  
EPC File