

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

December 9, 2022

City of Albuquerque
Council Services
1 Civic Plaza NW, Suite 9085
Albuquerque, NM 87102

Project # PR-2018-001843
RZ-2022-00056– IDO Small Area Text Amendment – Northwest
Mesa Escarpment VPO-2

LEGAL DESCRIPTION:

The City of Albuquerque Planning Department requests to amend the text of the Integrated Development Ordinance (IDO). This update includes changes requested regarding the standards applicable to one Small Area- the NW Mesa Escarpment View Protection Overlay Zone (VPO)- 2.
Staff Planner: Megan Jones

On December 8, 2022, the Environmental Planning Commission (EPC) voted to forward a recommendation of DENIAL to the City Council of Project # PR-2018-001843, RZ-2022-00056, IDO Text Amendments – Small Areas VPO-2, based on the following Findings:

1. The request is for Small Area amendments to the text of the Integrated Development Ordinance (IDO) for the Annual Update required by IDO Subsection 14-16-6-3(E). The proposed Small-area amendments, when combined with the proposed City-wide amendments, are collectively known as the 2022 IDO Annual Update.
2. These text amendments to specific Small Areas in the City are accompanied by proposed City-wide text amendments, which were submitted separately pursuant to Subsection 14-16-6-7(D) and are the subject of another Staff report (RZ-2022-00054).
3. The Small Area text amendments include proposed changes requested by City Council Services that affect the following Small Area: Northwest Mesa Escarpment VPO-2.
4. The IDO applies City-wide 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 quasi-judicial 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. The request meets the Review and Decision Criteria 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 amendments-Small Areas are inconsistent with the health, safety, and general welfare of the City and are incompatible with a preponderance of applicable goals and policies in the Comprehensive Plan, and other policies and plans adopted by the City.

The proposed amendments to the Height Restriction Sub-area in VPO-2, are inconsistent with adopted goals and policies that were established to protect the identity and design of distinct communities and the views and cultural landscape of the Northwest Mesa. Changes proposed via the memo and exhibit from City Council are mostly inconsistent with adopted policies to protect and enhance the quality of the City's neighborhoods and quality of life. The request is not consistent with adopted goals and policies to protect the City's unique Views and Open Space, Community Character, heritage Conservation, or Placemaking.

- 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).

The proposed IDO text amendments-Small Areas consist of changes that would result in development that is not more advantageous to the surrounding Northwest Mesa Escarpment community.

The Northwest Mesa Escarpment (VPO-2) is a part of the Petroglyph National Monument. This preservation area was recognized by the City in 1988 as an important cultural property within the Comprehensive Plan. The VPO-2 was created to protect views of the Petroglyph National Monument. The proposed text amendments single out properties designated with non-residential

zoning and would implement development patterns within those zone districts that may cause higher density in an established community. The proposed changes to specific areas (non-residential zone districts and mixed-use zones and subzones) would apply equally in all areas with the same designation. The proposed text amendments are quasi-judicial in nature.

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).

Criterion 14-16-6-7(E)(3)(c) does not apply because the proposed amendments are not located wholly in an Area of Change.

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.

Criterion 14-16-6-7(E)(3)(d) does not apply because the proposed amendments do not propose to change any allowable uses. The request would affect height restrictions in mixed-use and non-residential zone districts.

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

The small area amendments are not based completely or predominantly on the cost of land or economic considerations. The request furthers Criterion 14-16-6-7(E)(3)(e).

8. 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 goals and policies within the Comprehensive Plan or 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 amendments to the IDO would not ensure that land is developed and used properly. The VPO-2 Small Area was established to protect and preserve the Northwest Mesa Escarpment features; 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.

9. The request generally furthers the following relevant City Charter articles:

- A. Article XVII, Planning. 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. The Mayor or his designee shall formulate and submit to the Council the Capital Improvement Plans and shall oversee the implementation, enforcement, and administration of land use plans:

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 with the enforcement and administration of land use plans.

10. The request conflicts significantly with the following, applicable Goal and Policies from Chapter 4: Community Identity:

- A. 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.

The request would not facilitate appropriate scale and location of development and the character of building design on non-residential and mixed-use tracts that are partially outside of the VPO-2 Sub Area. If approved, building height restrictions would continue to apply on portions of the lots within the view protection overlay zone and building height restrictions would be subject to IDO requirements outside of the VPO-2 area. This would allow for less stringent development standards than what is currently required on non-residential and mixed-use tracts that are partially outside of the VPO-2 area. The requested change may cause inconsistencies in development with the adjacent residentially zoned tracts and within the surrounding VPO-2 area. The Northwest Mesa Escarpment Plan of 1986 originally protected the views within 650 feet of the escarpment, but this has been extended to the entire boundary of the VPO-2. The request would allow development outside of the VPO-2 boundary to follow IDO standards, therefore creating an inconsistency in the scale of development and character of building design with adjacent tracts within the VPO-2 boundary. The request does not protect the identity and cohesiveness of the Northwest Mesa neighborhood.

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

The request to raise the allowable height on non-residential and mixed-use lots where the VPO-2 boundary crosses a lot line, would not protect or enhance the distinct identity or sense of place of the Northwest Mesa Escarpment. The purpose of the VPO-2 Small Area is to protect the views of the Petroglyph National Monument and the Northwest Mesa Escarpment and if approved, the request would not protect the views within this distinct community. Since the request is to remove the height restriction on portions of lots outside of the VPO-2 boundary,

development on those tracts outside of the Sub-area would be subject to IDO standards which would create an inconsistency in development standards.

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

The request would not enhance, protect, and preserve the surrounding neighborhood within the Northwest Mesa Escarpment (VPO-2). VPO-2 is a designated view protection overlay zone established to enhance and protect the views and preservation of the Northwest Mesa Escarpment/Petroglyph National Monument. The request to remove the height restriction on portions of a lot partially outside the VPO-2 boundary may cause a disruption in development patterns on lots adjacent to the VPO-2 area and on portions of lots within the Sub-area. The request would allow development on large mixed-use and non-residential lots outside of the VPO-2 to occur pursuant to the IDO standards; therefore, causing an inconsistency with development on adjacent lots within the VPO-2 Sub-area and surrounding residential neighborhoods, which could be adversely impacted. The request would not protect the views within Northwest Mesa Escarpment neighborhood or preserve their long-term health and vitality.

- D. Policy 4.1.5 Natural Resources: Encourage high-quality development and redevelopment that responds appropriately to the natural setting and ecosystem functions.

The Northwest Mesa Escarpment View Protection overlay zone was created to protect the views looking to and from the Petroglyph National Monument. The requested text amendments would not change any height restriction standards within the VPO-2 Small Area, although it would allow development and redevelopment on lots that are partially outside of the overlay zone to be developed subject to IDO development standards, which may disrupt development patterns between non-residential and mixed-use lots and adjacent tracts. The request would facilitate development and redevelopment that would disrupt the views of the Northwest Mesa Escarpment as intended within the VPO-2 boundary.

11. The request conflicts significantly with the following, applicable Goal and Policies from Chapter 5: Land Use:

- A. Goal 5.4 Jobs-Housing Balance: Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing job growth west of the Rio Grande.

The request would remove height restrictions on mixed-use, non-residential lots that are partially outside of the VPO-2 Small Area overlay zone. Approval of this request would facilitate mixed-use, non-residential development subject to IDO standards, but does not guarantee job growth nor does it encourage residential growth near employment across the region.

- B. Policy 5.4.2 West Side Jobs: Foster employment opportunities on the West Side.

The request would remove height restrictions on mixed-use, non-residential lots that are partially outside of the VPO-2 Small Area overlay zone. Although approval of this request could facilitate mixed-use, non-residential development subject to IDO standards, it does not foster employment opportunities.

- C. 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'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. Changes proposed are intended to continually improve how the IDO implements the comp Plan by aligning regulations with Comp Plan goals and policies.

12. The request conflicts significantly with the following Goal and Policies regarding city development areas in chapter 5-Land Use.

Policy 7.3.2 Community Character: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

Sub-policy a) Design development to reflect the character of the surrounding area and protect and enhance views.

The request would facilitate development on mixed-use and non-residential lots within and partially outside of the VPO-2 height restrictions sub-area that would create inconsistencies with the height limitations that are required within the VPO-2 area. The VPO-2 was created to protect and enhance the views to and from the Petroglyph National Monument within the Northwest Mesa Escarpment. The request would change the IDO to allow development standards, specifically related to height provisions, to be pursuant to the IDO on non-residential and mixed-use tracts where the VPO-2 boundary crosses a lot line. The request would not continue to protect the views of the Northwest Mesa Escarpment and it would affect lots adjacent to the VPO-2 boundary. The height limitations were created as a design strategy to protect the distinct identity of the Northwest Mesa escarpment and make it an attractive place.

13. The request partially furthers the following, applicable 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 proposed text amendments include changes that would facilitate development of different development intensities and densities that would not continue to preserve the Northwest Mesa Escarpment (VPO-2). VPO-2 was originally created in the 1980s to protect the views of the Petroglyph National Monument and placed height limitations within 660 feet of the escarpment. The VPO-2 Small Area has a provision that places height restrictions on all lots that the VPO-2 boundary passes through. The request would foster different building scale and intensities that would be inconsistent with the surrounding community, but may encourage economic development opportunities on mixed-use and non-residential lots partially within and adjacent to the Northwest Mesa Escarpment VPO-2.

14. The request partially furthers, but is mostly inconsistent with, the following, policies and subpolicies from 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.

Subpolicy a) Minimize negative impacts and maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque, in development and redevelopment in light of the relationship to and effect upon the following:

v. Scenic views from the public right-of-way

Subpolicy b) Minimize the visibility of structures in highly scenic areas and on the western horizon as seen throughout the city through building design and materials that blend with the natural colors of the landscape and limit reflectivity.

Subpolicy c) Protect important views from public rights-of-way through regulations on street orientation, site layout, building height, and signs.

Subpolicy d) Encourage site design that enhances and leverages views to cultural landscapes.

Subpolicy e) Encourage appropriate edge treatments, transitions, and buffers through site design and development standards for development adjacent to Open Space.

The proposed text amendments would partially preserve the views of the Petroglyph National Monument within the Northwest Mesa Escarpment because the changes would only affect mixed-use or non-residential parcels within the VPO-2 Small area. Development on parcels that are partially outside of the overlay zone would not be subject to the height restrictions that protect the Northwest Mesa Escarpment, but would be subject to height standards pursuant to the IDO. The IDO has development standards in place to protect the public right of way and encourages appropriate edge treatments, transitions, and buffers through site design and development standards for development adjacent to Open Space.

The request would not minimize negative impacts or maximize enhancements and design that complement the natural environment, particularly features unique to Albuquerque. The request would create inconsistencies in development standards on portions of mixed-use and non-residential tracts that are within the VPO-2 boundary and subject to height limitations, as well as residential tracts that are adjacent to the zone district subject to this amendment. Additionally, the request would not complement the Northwest Mesa Escarpment, which has had view protections since 1986, which the surrounding community has relied on for site design that enhances and leverages views to the Petroglyph National Monument.

15. The request conflicts significantly with the following Policies and Subpolicies regarding the Petroglyph National Monument and Volcano Mesa, from Chapter 11, Heritage Conservation:

A. 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.

Subpolicy b) Preserve and protect the Monument from growth and development pressures on the West Side.

Subpolicy c) Conserve and protect the Monument and surrounding lands through regulations associated with the Volcano Mesa and Northwest Mesa Escarpment Areas.

The requested text amendments would facilitate development of mixed-use and non-residential lots partially within the VPO-2 Sub-area to be developed subject to IDO standards. The request would not affect development within the VPO-2 Small Area, which was created to preserve and protect the Petroglyph National Monument. Height limitations would remain unaffected within the VPO-2, but height limits on lots adjacent to the VPO-2 would be lifted. The request does not regulate adjacent building heights on development to near the Petroglyph National Monument nor does it protect or preserve the Monument from growth or development. The request, in fact, would facilitate development on mixed-use and non-residential tracts within the VPO-2.

B. Policy 11.3.6 Volcano Mesa: Preserve open space, natural and cultural landscapes, and other features of the natural environment within Volcano Mesa.

Subpolicy a) Respect Albuquerque's culture and history, including Hispanic and Native American, through context-sensitive development.

Subpolicy b) Encourage development that is sensitive to the open, natural character of the area and geological and cultural conditions.

Subpolicy c) Protect important views, vistas, and view corridors from within Volcano Mesa to the Rio Grande basin, across the city of Albuquerque, and to the Sandia Mountains.

The request would remove height restrictions on mixed-use, non-residential lots that are partially outside of the VPO-2 Small Area overlay zone. Approval of this request could facilitate mixed-use, non-residential development subject to IDO standards, which would not protect views of the Volcano Mesa or regulate development near it. The proposed text amendments would not protect and enhance cultural landscapes by proposing changes to the Northwest Mesa Escarpment Protection Overlay zone (VPO-2).

16. For an Amendment to IDO Text, the required notice must be published, mailed, and posted on the web (see Table 6-1-1). A neighborhood meeting was required and held on October 17, 2022 and October 19, 2022 via Zoom. The City published notice of the EPC hearing as a legal ad in the ABQ Journal newspaper. First class mailed 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). Notice was posted on the Planning Department website and on the project website.
17. In addition to the required notice, on October 27, 2022, notification letters, were mailed 13,360 property owners within or adjacent to the Northwest mesa Escarpment VPO-2.
18. On November 18, 2022, the Planning Department hosted a public meeting via Zoom to review the proposed Citywide Amendments and the Small Area Amendments including the Northwest Mesa Escarpment VPO-2.

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19. PNM would like the applicant to make it clear that the VPO-2 height restrictions do not apply to any existing or proposed electric utility uses or facilities.
20. The EPC held a study session regarding the proposed 2021 IDO amendments on December 1, 2022. This was a publically-noticed meeting.
21. As of this writing, Council Staff has received approximately 12 inquiries about the proposed changes. Generally, property owners were unsure about if their particular property would be impacted and had questions about ongoing development in the area. After confirming addresses with callers and describing the proposed change in detail, all property owners that council staff spoke to were not concerned about the proposed change.
22. City Staff has received various public comments in opposition of the request due to the impact that it could have on views of the Northwest Mesa Escarpment
23. The request would only apply to mixed-use and non-residential lots where the VPO-2 boundary crosses a lot line. The portion of the lot outside of the VPO-2 boundary, would be subject to specific zone district development standards within the IDO.
24. A representative from the Petroglyph National Monument, managed by the National Park Service (NPS), spoke at the December 8, 2022 in opposition to the proposed amendment. The NPS is concerned that the existing zoning regulations allow high structures that could dramatically change the views of the monument and detract from the cultural significance of the area.
25. The Petroglyph National Monument, which is managed by the NPS recommends that the City Council revisit the zoning in the West Mesa area, particularly the area north of Paseo del Norte adjacent to Petroglyph National Monument, to allow for the long-term protection of Monument resources and values.

APPEAL: 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. It is not possible to appeal an EPC Recommendation to the City Council since this is not a final decision.

Sincerely,

for Alan M. Varela,
Planning Director

AV/MJ/CL

cc: City of Albuquerque, City Council, Attn: Shanna Shultz, smschultz@cabq.gov
City of Albuquerque, Legal Department, attn.: DKing@cabq.gov
Jane Baechle, Jane.Baechle@gmail.com
Mike Voorhees, mike@cyonic.com
Chanteil Walter, 601 Unser Blvd SW, Albuquerque, NM 87121

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Rene Horvath, aboard111@gmail.com
EPC File