



**Environmental
Planning
Commission**

**Agenda Number: 1
Project #: PR-2018-001843
Case #: RZ-2022-00059
Hearing Date: January 19, 2023**

Staff Report

Applicant City of Albuquerque Planning Department

Request Amendments to the Integrated Development Ordinance (IDO) Text regarding the Housing Forward Initiative (Council Bill No. O-22-54)

Location Citywide

Staff Recommendation

That a recommendation of APPROVAL of PR-2018-001843/RZ-2022-00059 be forwarded to the City Council based on the Findings beginning on p. 15 and subject to the Conditions for Recommendation of Approval beginning on page 23.

***Staff Planners
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Summary of Analysis

The request is for various legislative amendments to the text of the Integrated Development Ordinance (IDO) to address the need citywide for more housing opportunities in conjunction with the 2022 IDO Annual Update. The proposed text amendments, which are part of the Mayor's Housing Forward Initiative, are contained in Council Bill No. O-22-54. The other citywide proposed text amendments constitute the IDO annual update, which is required by Subsection 14-16-6-3(D) and is the subject of another Staff report.

Council bill O-22-54 introduces regulatory revisions intended to respond to changes in the supply and demand for housing, improve access to affordable housing, and remove regulatory barriers. The intent is to facilitate provision of additional housing options in order to address homelessness, prevent displacement, and increase housing options for families at all income levels, but especially for lower-income households.

The proposed text amendments are found in Council bill O-22-54. Staff has also summarized the proposed changes in a spreadsheet for easy review, attached to this report. For each proposed change, the following information is provided: relevant page and section of the IDO, the text proposed to change, and an explanation. The bill and the spreadsheet are the main components of the request.

The request is generally consistent with applicable Comprehensive Plan goals and policies that pertain to land use and housing. The proposed changes are intended to address a community-wide housing shortage.

As of this writing, Staff has received many comments from the public. Some include suggested revisions. Staff recommends that EPC forward a recommendation of Approval, based upon Conditions, to the City Council.

Comments received before January 9th at 9 AM are attached to and addressed in this Staff Report. Comments received before January 12th at 12 PM are attached, but not addressed. Clarifying materials received before January 17th at 9 AM (after publication of this report and more than 48 hours before the hearing) will be forwarded to the EPC for consideration at the hearing and are not attached to this report.

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I. INTRODUCTION

At the December 8, 2022 hearing, EPC took public comment, discussed possible conditions of approval proposed by staff, and voted to continue the hearing to the January 19, 2023 regular EPC hearing.

Request

This request is for various citywide amendments to the text of the Integrated Development Ordinance (IDO) in conjunction with the Annual Update required by IDO Subsection 14-16-6-3(D).

Council bill O-22-54 proposes six (6) changes. For easy review, a spreadsheet (see attachment) of these changes has been prepared that provides the following information: item number for tracking purposes, the page and section of the IDO that would be modified, the text proposed to change, an explanation of the purpose and/or intent of the change, and a cross reference to the relevant section of the bill.

→ For subsections regarding Background, Applicability and Environmental Planning Commission (EPC) Role, please refer to p. 5 of the original December 8, 2022 Staff report.

II. ANALYSIS OF ORDINANCES, PLANS, AND POLICIES

Integrated Development Ordinance (IDO)

→ Please refer to p. 10 of the December 8, 2022 Staff report for Staff’s analysis of the IDO review and decision criteria for Amendment to IDO Text – Citywide.

Charter of the City of Albuquerque & the Comprehensive Plan (Rank 1)

→ Please refer to p. 11-14 of the December 8, 2022 Staff report for Staff’s analysis of the City Charter and Comprehensive Plan as applied to the request.

III. KEY ISSUES & DISCUSSION

The proposed citywide text amendments pertaining to housing are presented and explained in the spreadsheet “IDO Housing Amendments – EPC Review.” (See attachment.) This section focuses on key substantive changes and offers further discussion.

These changes refer to page numbers in the IDO effective as of December 25, 2022. The December IDO document is available here: <https://tinyurl.com/CABQ-IDO-12-2022>. Please refer to pgs. 14-45 of the December 8, 2022 Staff report for Staff’s analysis of the proposed amendments.

Section 1: Allowing Two-Family Dwellings (Duplexes) in the R-1 Zone District

The proposed amendment would allow two-family detached dwellings (duplexes) in the R-1 zone district to encourage another housing option throughout the city, to promote homeownership for families who would benefit from living in one unit and renting the other to help cover the cost of a mortgage, to increase housing supply by allowing conversions of existing single-family houses into two-family houses, and to incentivize more “naturally affordable” housing units.

In combination with the proposed change to the definition and use-specific standard for ADUs described in Section 2 below, this proposed amendment helps clarify the difference between attached and detached ADUs, second kitchens in a dwelling, and a duplex.

Adding residential units helps support nearby businesses and services, and because duplexes are similar in scale and character to single-family, they are often referred to as a “gentle infill” option. Adding duplexes to existing residential neighborhoods can expand housing options for families at multiple income levels and life stages.

Policy Analysis: As noted in the December 8, 2022 staff report, this amendment is consistent with Comprehensive Plan goals and policies in Community Identity, Land Use, and Housing.

Proposed Condition #1: Staff recommends that the proposed amendment be edited to keep the illustration, since it would still apply, given the use-specific standard 14-16-4-3(B)(5)(a) that allows duplex units to span a property line (i.e. have a zero lot line for an interior side setback). See proposed Condition #1 below.

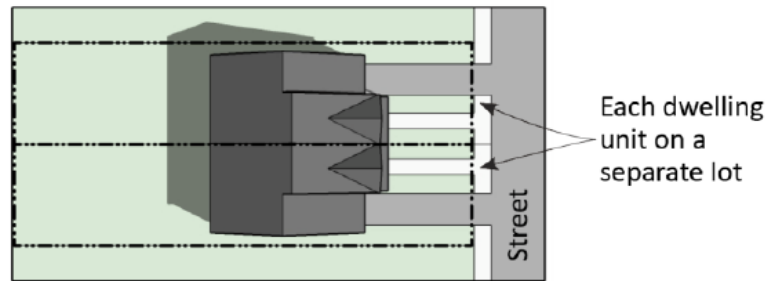


Figure 1: Illustration in Use-specific Standard for Two-family Dwelling (Duplex)

Section 2: Allowing ADUs with Kitchens in the R-1 zone district

The proposed amendment would allow accessory dwelling units (ADUs) with kitchens permissively in the R-1 zone district citywide and add a size limit of 750 square feet. ADUs without kitchens are currently a conditional use in R-1, so the proposed amendment would also make ADUs without kitchens permissive.

The use-specific standard would note that ADUs accessory to single-family or two-family detached dwellings must be provided as an accessory building, i.e. not added to the existing structure. This proposed amendment eliminates a conflict between a second kitchen allowed in an existing dwelling unit, which is currently permissive, and an attached ADU, which is not allowed. The proposed amendment provides a cross reference to the second kitchen accessory use (i.e. allowing two units in a structure with shared spaces) and two-family detached dwelling (duplex) (i.e. allowing two units in a structure with no shared spaces within the building).

The proposed changes would also change the definition of an ADU to remove reference to attached and detached ADUs and add a reference to accessory buildings, which also have regulations in IDO Subsection 14-16-5-11(C)(4) that would limit the size, placement, and building height of ADUs accessory to single-family dwellings.

From the perspective of increasing housing supply, allowing ADUs in R-1 for those households that can afford to construct them, the additional housing provides flexibility to support multi-generational households and help to those who would benefit from rental income. This amendment would broaden housing options in R-1 for families with a variety of income levels and generally allowing additional housing supply on 49 percent of the developable land with straight zoning in the city.

Where extended families are currently living in one dwelling unit, adding an accessory dwelling unit would help ameliorate overcrowding. Where a family lives in one dwelling unit and rents the other dwelling unit, the rent can help to cover mortgage and living expenses, which is an anti-poverty and anti-displacement strategy for low-income residents.

ADUs also provide flexibility to accommodate multi-generational families, seniors, and people with disabilities who want to live independently without having to maintain an entire single-family house.

Policy Analysis: As noted in the December 8, 2022 staff report, this amendment is consistent with Comprehensive Plan goals and policies in Community Identity, Land Use, and Housing.

Proposed Condition #2: Staff recommends that the proposed amendment be edited to allow ADUs with kitchens in R-A, where they are currently allowed as an accessory conditional use. See proposed Condition #2 below.

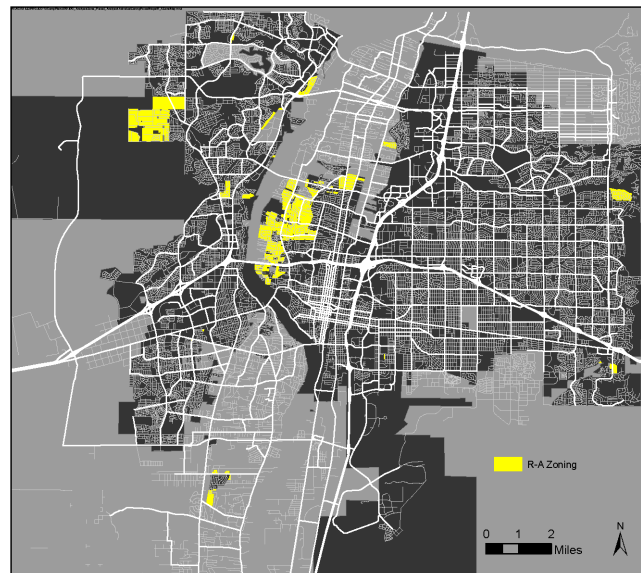


Figure 2: R-A Zoning Where ADUs with Kitchens Would be Allowed Permissively

Section 3: Kitchen Exemption for Conversions from Non-residential Development to Multi-family

The proposed amendment would require alternative standards for a kitchen in conversions from non-residential development to multi-family dwellings in Mixed-use zone districts. The amendment would remove the requirement for conversions to be for affordable housing, eliminate the limit of

100 units, and remove the requirement for “wraparound” services for tenants that would be enforced through developer agreements with the Department of Family and Community Services (DFCS).

The proposed amendment is intended to incentivize more conversions to multi-family units. More housing supply generally helps keep rents down, and avoiding the cost of construction is expected to result in units with lower rents. Re-using buildings saves on demolition and construction costs as well as the need for construction materials, which are resource-intensive. The resulting dwelling units can be “naturally affordable,” since rents do not have to be as high to cover construction costs.

Given the severe housing shortage, allowing this option for households at all income levels provides an additional source to increase housing supply.

Policy Analysis: As noted in the December 8, 2022 staff report, this amendment is consistent with many Comprehensive Plan Goals and policies in Land Use and Housing but conflicts with many goals and policies related to Centers & Corridors and Areas of Change and Consistency.

*Proposed Condition #3: To make the proposed amendment consistent with these Comprehensive Plan goals and policies, Staff recommends changes to differentiate between Areas of Change and Areas of Consistency, limiting the incentives in Areas of Consistency. By policy, Areas of Change include the most appropriate locations to absorb intense development and higher densities: Urban Centers (UC), Main Street areas (MS), Premium Transit areas (PT), Major Transit Corridors (MT), Activity Centers (AC), some Metropolitan Redevelopment Areas, and existing business parks. (See **Figure 4** below.)*

Staff recommends keeping a limit on the number of units that can be converted in Areas of Consistency, while adding an incentive for providing affordable housing units. Any units provided as affordable to households at or below 80 percent of the Area Median Income (AMI) would not count against the limit, and each affordable unit could allow an additional market-rate unit above the 50-unit maximum. (See example below.)

The advantage of this approach would be to maintain an incentive for providing affordable units and an incentive for creating mixed-rate multi-family development projects. Each market-rate unit can help supplement the discounted rent from the affordable unit. See proposed Condition #3 below.

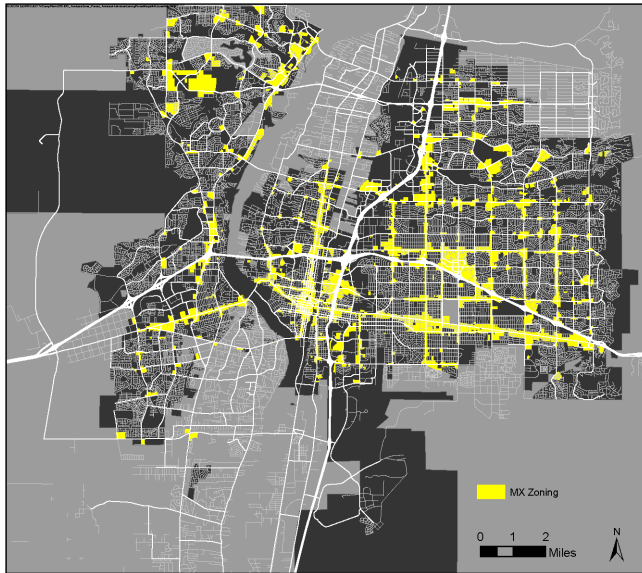


Figure 3: Mixed-use Zone Districts

Proposed amendment would apply in all Mixed-use zones with no limit on the number of units

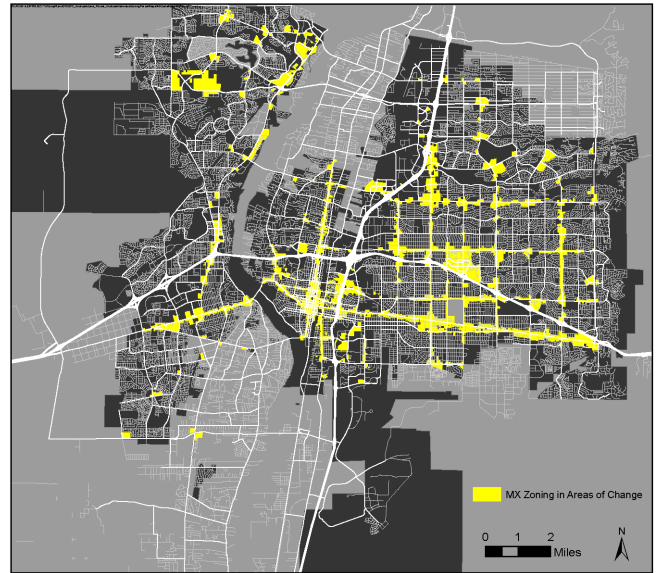


Figure 4: Mixed-use Zone Districts in Areas of Change

Staff recommendation would apply the exemption in Areas of Change with no limit on the number of units

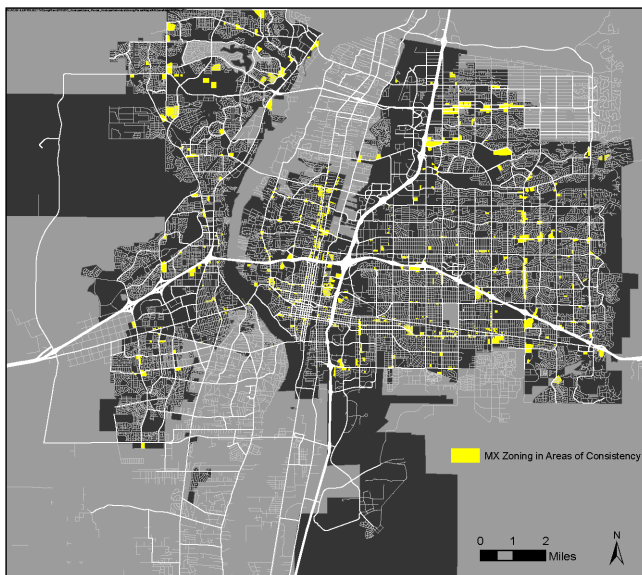


Figure 5: Mixed-use Zone Districts in Areas of Consistency

Staff recommendation would be to limit the number of units in Areas of Consistency

Limit: 50 dwelling units (market rate)

Dwelling units affordable to households at or below 50 percent of Area Median Income (AMI) would not count against the limit

Each affordable unit would allow another market-rate unit above the limit

Example:

*50 market rate units
 + 25 affordable units
 + 25 additional market-rate units
 100 mixed-income units in the conversion*

Proposed Condition #4: Some commenters raised the safety issue of hot plates, while noting the relative safety of induction hot plates. Staff recommends revising the example listed to change “hot plate” to “induction cooktop.”

Proposed Condition #5: Staff recommends allowing conversions to multi-family in the NR-BP zone district as a Conditional Vacant use (CV) in Table 4-2-1. This allowance would further Policy 5.2.1.n Land Uses by incentivizing the re-use of vacant buildings without undermining the purpose of NR-BP, which is to allocate land that keeps business and employment as the top priorities, since this allowance would only apply after a building was vacant for 5 years.

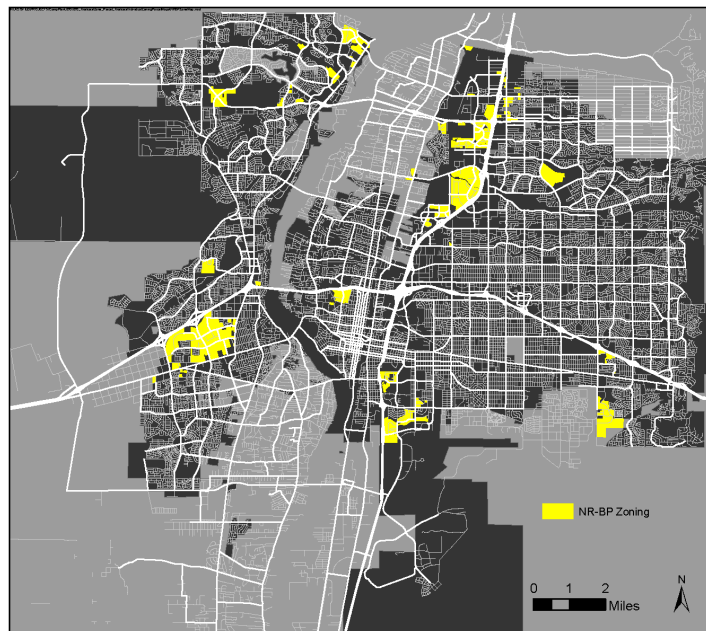


Figure 6: NR-BP Where Conversions to Multi-family Would Be Allowed as a Conditional Vacant (CV) Use

Section 4: Eliminating Building Height Maximums for Multi-family and Mixed-use Development in Mixed-use Zone Districts

The request proposes to eliminate building height maximums in Mixed-use zones (e.g. MX-T, MX-L, MX-M, and MX-H) for multi-family and mixed-use development. (See Figure 3 for map.)

Multi-family development is generally the most cost-effective housing type per dwelling unit because of shared walls and roof. Allowing additional height could result in additional multi-family units, although the proposed change would not *require* additional units or taller projects. Each additional dwelling unit typically helps the project cover the cost of construction and maintenance, so it is possible that allowing taller buildings would be an incentive to add dwelling units in additional stories.

Staff is recommending a significant change in how to achieve the intended incentive for multi-family development without eliminating the difference in building heights across zone districts, which is a key factor in establishing different development densities; the incentive to do taller buildings in Centers and Corridors, which are the locations established by policy as the most appropriate for the most dense development; or the Workforce Housing Bonus, which is specifically intended to incentivize affordable housing. The Comprehensive Plan vision of Centers & Corridors establishes these areas so that private development, City regulations, and City services, such as transit, can all prepare for expected development in a coordinated manner.

Staff is also recommending a new change to require a new Neighborhood Edge transition in building heights between lots zoned R-ML or MX-T (which generally have lower maximum building heights) and the zones where building height bonuses will be allowed.

Policy Analysis: As noted in the December 8, 2022 staff report, this amendment is consistent with many Comprehensive Plan Goals and policies in Land Use and Housing but conflicts with many goals and policies in Community Identity, Land Use, and Housing related to Centers & Corridors, Areas of Change and Consistency, Transit-oriented Development, Regulatory Alignment, Affordability, Vulnerable Populations, Neighborhoods, and Appropriate Transitions.

Proposed Condition #6.a: To make the proposed amendment consistent with these Comprehensive Plan goals and policies, but still incentivize multi-family development, Staff recommends keeping the maximum building height in Table 5-1-2 but adding a new building height bonus in the use-specific standard for multi-family dwellings with additional height allowed as follows:

- *R-MH, MX-L, MX-M, and MX-H zone districts*
 - *24 additional feet of building height (i.e. 2 extra stories) in Areas of Change*
 - *12 feet of building height (i.e. 1 extra story) in Areas of Consistency*
- *MX-T zone district (intended to have lower densities than the other Mixed-use zone districts)*
 - *12 feet of building height (i.e. 1 extra story) in Areas of Change*

Staff does not recommend this bonus in R-ML, as this zone district is intended to have lower densities than R-MH. See Condition 6.a below.

This approach would also eliminate one complication of the proposed amendment. As written, the amendment would allow unlimited building height for “mixed-use development,” which the IDO defines as a mix of non-residential and residential uses on a lot. If the recommendation above does not move forward, the language in the proposed amendment should be edited to read “vertical mixed-use development (i.e. mixed-use building).” In addition, the definition of Mixed-use Development in IDO Section 14-16-7-1 should be edited to add, “unless specified otherwise in this IDO.”

Staff recommends keeping the workforce housing bonus in Table 5-1-1 and Table 5-1-2, which currently applies in R-MH and all the MX zone districts but only in UC-MS-PT-MT areas, with the following adjustments to add additional incentives for affordable housing throughout the City.

- *R-MH zone district*
 - *12 ft. citywide*
 - *24 ft. in UC-MS-PT-MT areas*
- *MX-T zone district (i.e. no change from current IDO)*
 - *12 ft. in UC-MS-PT-MT areas*
- *MX-L, MX-M, and MX-H zone districts*
 - *12 ft. citywide*
 - *24 ft. in UC-MS-PT-MT areas*

Proposed Condition #6.b.: To remove conflicts with goals and policies related to protecting Major Public Open Space and enhance Regulatory Alignment, Staff recommends adding a new Sensitive Lands provision in IDO Subsection 14-16-5-2 to prohibit building height to 48 feet within 50 feet of protected lots zoned R-ML or MX-T with any allowable residential use.

Both R-MH and MX-M have a maximum height citywide of 48 feet. Adding this Neighborhood Edge would allow this by-right building height within 50 feet of the protected lot and then allow the building to go up to the bonus height on the remainder of the property. Within 50 feet of protected lots, the new Neighborhood Edge would limit maximum building height in MX-H citywide and in R-MH, MX-L, MX-M, and MX-H in UC-MS-PT areas, but the additional building height allowed through the bonus is intended to incentivize additional units on portions of the property farther from the protected lots.

Proposed Condition #6.c: To remove conflicts with goals and policies related to protecting Major Public Open Space and enhancing Regulatory Alignment, Staff recommends adding a new Sensitive Lands provision in IDO Subsection 14-16-5-2 to prohibit building height bonuses (and associated incentives for additional density) within 330 feet of Major Public Open Space.

Proposed Condition #6.d: Related to the proposed language in the above Conditions, Staff recommends adding a new definition in IDO Section 14-16-7-1 Building Height Bonus Definitions for Multi-Family Dwelling Bonus that clarifies that the bonus applies in residential and mixed-use development. Adding this definition also makes clear that those bonuses are among the building height bonuses that are prohibited near Major Public Open Space, as proposed in Condition #6.c above.

Section 5: Exempting Affordable Housing from Off-Street Parking Requirements

The proposed amendment would exempt any development that includes affordable housing from off-street parking requirements, including any non-residential uses in a mixed-use project. The rationale for this change is that eliminating the off-street parking requirement could reduce housing costs, providing an incentive to construct more affordable housing. Providing parking is a significant cost for a development project, and the City's off-street parking requirements may be higher than the amount of parking needed for a particular development project based on market demand and

anticipated tenants. Eliminating the City requirement would leave the amount of parking to be determined for each project based on the market and requirements of funders.

The proposed amendment applies the exemption regardless of location in a Center or Corridor or Area of Change / Consistency. The proposed amendment also applies the exemption regardless of the proximity to existing transit service, even though many households that would benefit from affordable housing are also transit-dependent and could help support, and be supported by, public transit. As noted above, the Comprehensive Plan establishes Centers & Corridors so that private development, City regulations, and City services, such as transit, can all prepare for expected development in a coordinated and predictable manner.

Policy Analysis: As noted in the December 8, 2022 staff report, this amendment is consistent with the Comprehensive Plan goals and policies in Land Use and Housing related to Housing Options, Supply, and Development Cost. The proposed amendment conflicts with Comprehensive Plan goals and policies in Community Identity, Land Use, Urban Design, and Housing related to Neighborhoods, Parking Strategies, Centers & Corridors, Desired Growth, Transit-oriented Development, and Areas of Change and Consistency.

Proposed Condition #7: In order to eliminate conflicts with goals and policies related to Areas of Change and Consistency, Staff proposes to limit the exemption for affordable housing to Areas of Change, which include Centers and Corridors. In addition, staff recommends removing R-ML from the exemption, as R-ML is more likely to be located within or closest to existing residential neighborhoods.

Section 6: Reducing Parking Requirements for Multi-Family Dwellings

The proposed amendment would provide a reduction of 75 percent for multi-family and mixed-use development in Mixed-use zone districts. The rationale for this change is that reducing the off-street parking requirement could reduce housing costs, providing an incentive to construct more multi-family housing. Providing parking is a significant cost for a development project, and the City's off-street parking requirements may be higher than the amount of parking needed for a particular development project based on market demand and anticipated tenants. Reducing parking requirements only in Mixed-use zones, as opposed to including Residential zone districts that also allow multi-family development (i.e. R-ML and R-MH), avoids the potential of impacting residents in established neighborhoods.

Staff recommends deleting this proposed change as unnecessary, because the IDO already establishes parking reductions for all of the following:

- Projects in Centers and Corridors.
- Projects near transit.
- Projects that contribute to public parking districts.
- Projects that do a parking study showing that less parking is needed.

Policy Analysis: As noted in the December 8, 2022 staff report, this amendment is consistent with Comprehensive Plan goals and policies for Land Use and Housing related to Desired Growth, Supply, Housing Options, Affordability, and Development Cost. The proposed amendment conflicts with Comprehensive Plan goals and policies for Community Identity, Land Use, Urban Design, and Housing

related to Neighborhoods, Parking Strategies, Centers & Corridors, Development Areas, Areas of Change, Regulatory Alignment, Transit-oriented Development, and Auto Demand.

Proposed Condition #8: In order to keep incentives for reduced parking in Centers and Corridors, development near transit, and projects that include public parking that benefit the city and its residents, Staff recommends denying the request for this change.

IV. PUBLIC OUTREACH

In addition to the meetings and presentations described in the December 8, 2022 staff report on page 45, Planning staff participated in meetings about hotel/motel conversions proposed by the Department of Family and Community Services on December 6 in-person and December 13 on Zoom. Planning staff also participated in an online meeting about proposed zoning changes related to Housing Forward/O-22-54 on January 10, 2023.

V. NOTICE

Required Notice for the EPC Hearing

In addition to notice described in the December 8, 2022 staff report on page 45, Planning staff sent emails to the City's distribution list with over 9,300 email addresses on January 4, 2023, January 6, 2023, and January 12, 2023.

The City posted notice of the EPC hearing on the Planning Department website here: <http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>.

The City also posted notice of the EPC hearing on the project website here: <https://abc-zone.com/ido-annual-update-2022>

The City posted bill O-22-54 on Legistar as of November 4, 2022: <https://cabq.legistar.com/LegislationDetail.aspx?ID=5924773&GUID=9075460C-9E36-4425-A250-E15FA865BC1E>

VI. AGENCY & PUBLIC COMMENTS

Agency Comments

→ Please refer to p. 46 of the December 8, 2022 Staff report for comments from agencies.

Public and Neighborhood Comments

Since December 8, 2022, Staff has received comments about the proposed text amendments from approximately 35 stakeholders, including neighborhood organizations, individuals, and other organizations. Some comments referred to the annual update, which will also be heard on January 19. Those comments are analyzed in the staff report for that case.

Neighborhood associations that commented include, but are not limited to, Embudo Canyon NA, Knapp Heights NA, Pat Hurley NA, Santa Fe Village NA, Singing Arrow NA, Spruce Park NA, Victory Hills NA, and the Inter-Coalition Council of Neighborhood Associations.

Neighborhood associations provided detailed feedback on the proposed amendments with some alternative solutions on what was proposed. Most comments opposed the proposed changes. Similar to comments from the December EPC meeting, commenters were concerned with the short timeframe to review and study the proposed impacts of each amendment.

In general, while most neighborhood associations remain opposed to the Housing Forward amendments, many individuals and organizations supported allowing Accessory Dwelling Units (ADU) and two-family detached dwellings (duplexes) in the R-1 zone. Comments from the NAIOP Commercial Real Estate Development Association expressed support for the proposed changes. Non-residential conversions, unlimited building height, and parking reductions for multi-family development received general support from several individuals, although some advocated for ensuring protections to minimize negative impacts on neighborhoods.

Comments by Topic

Section 1: Allowing Two-Family Dwellings (Duplexes) in the R-1 Zone District

Most comments supported the amendment, while some opponents expressed concerns about the potential for harm to their neighborhood. Neighborhood associations opposed this amendment, citing concerns that existing infrastructure and resources would be overburdened. Proponents supported this change to help address the city's housing crisis.

Section 2: Allowing Accessory Dwelling Units (ADUs) in R-1

Most of the comments received since December 8, 2022 were about this proposed amendment. A majority of comments were opposed. Proponents supported this change to increase housing supply in the city by allowing casitas on their property. Opponents expressed concerns about overburdening existing infrastructure and resources (utilities, parking, etc.). Spruce Park NA expressed concerns about increasing the market for student rental units near UNM. Some commenters recommended only allowing an ADU as a conditional use.

Section 3: Kitchen Exemption for Conversions from Non-residential Development to Multi-family

A majority of comments supported the amendment. No specific details were provided by proponents or opponents.

Section 4: Eliminating Building Height Maximums for Multi-family and Mixed-use Development in Mixed-use Zone Districts

A majority of comments supported eliminating building height maximums as part of general support for the package of Housing Forward amendments. Neighborhood associations and individuals opposed this amendment, expressing concerns about the negative impact of developments adjacent to low-density residential neighborhoods.

Section 5: Exempting Affordable Housing from Off-Street Parking Requirements

Comments about this amendment were mixed. Opponents expressed concern about putting additional strain on existing parking and potentially hindering future development because of

parking shortages. Proponents expressed support for this amendment as a part of general support for the package of Housing Forward amendments.

Section 6: Reducing Parking Requirements for Multi-Family Dwellings

Most comments did not address this amendment specifically. Comments generally showed support from those supporting the package of Housing Forward amendments or opposition from neighborhood associations concerned about the proposed affordable housing parking exemption. Some neighborhood associations expressed that the 2021 IDO annual amendment already reduced parking requirements for multi-family dwellings.

VII. CONCLUSION

The request is for Amendments to IDO Text – Citywide. Council bill O-22-54 proposes six (6) changes related to housing intended to increase housing options and housing supply, and thereby reduce rents and home prices. The Planning Department has analyzed them for the EPC’s review and recommendation to the City Council.

The request meets the review and decision criteria for citywide text amendments in IDO Subsection 14-16-6-7(D)(3). The proposed changes are generally consistent with a preponderance of applicable Comprehensive Plan goals and policies from Chapter 5 Land Use and Chapter 9 Housing.

Planning Staff held public study sessions on the proposed changes. The request was announced in the Albuquerque Journal, on the ABC-Z project webpage, and by e-mail to a distribution list of over 9,300 addresses. The Planning Department provided notice to neighborhood representatives via e-mail as required and sent mail for those without an e-mail address on file.

Interested parties including various neighborhood groups, individuals, and organizations provided comments that cover a variety of topics. Topics generating the most interest and/or concern allowing duplexes and accessory dwelling units in the R-1 zone district. Some neighborhood organizations expressed concern about the speed of the process.

As of this writing, Staff has received many comments and some suggestions for revisions from the public. Staff recommends that EPC forward a recommendation of Approval, subject to conditions, to the City Council.

RECOMMENDED FINDINGS – RZ-2021-00059, January 19, 2023

1. The request is for various citywide, legislative amendments to the text of the Integrated Development Ordinance (IDO) in conjunction with the Annual Update required by IDO Subsection 14-16-6-3(D).
2. 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.
3. 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.
4. 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.
5. Council bill O-22-54 proposes six (6) amendments to language in the IDO related to housing. The proposed changes are intended to increase housing supply and thereby decrease rents, while balancing these needs with the Comprehensive Plan vision of protecting and enhancing existing neighborhoods.
6. The request meets the review and decision criteria for Amendment to IDO Text-Citywide in IDO Subsection 14-16-6-7(D)(3)(a-c), as follows:
 - A. Criterion a: 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 help guide growth and development and identify and address significant housing 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 changes related to housing proposed by O-22-54 would apply throughout the city (and not to only one lot or development project); therefore, this request is legislative in nature.
 - C. Criterion c: The request generally promotes the public health, safety, and welfare of the City because, overall, it is generally consistent with a preponderance of applicable Goals and policies in the Comprehensive Plan. The proposed changes are intended to address housing issues community-wide, foster economic development, and clarify regulatory procedures, while balancing these needs with the Comprehensive Plan vision of protecting and enhancing existing neighborhoods.

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7. 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 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 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 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.
8. The request is generally consistent with the following, applicable Goal and Policies in Chapter 4 Community Identity, pertaining to character, distinct communities, identity and design, and neighborhoods:
- 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 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The proposed text amendments related to adding two-family dwellings and accessory dwelling units to the R-1 zone district add housing options that are similar in scale and character to existing communities. These additional uses are the most similar in character, scale, and design to development allowed in the R-1 zone district, so R-1 is the most appropriate zone to add them. Allowing this type of “gentle infill” in these neighborhoods helps to relieve development pressure that is generally caused by adding multi-family development near or within lower-density neighborhoods.

9. With the changes proposed in the recommended conditions of approval, this request would be generally consistent with the following, applicable Goal and Policies in Chapter 5 Land Use, pertaining to Centers & Corridors, desired growth, and development areas:

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

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

5.1.1.g: Encourage residential infill in neighborhoods adjacent to Centers and Corridors to support transit ridership.

C. 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.

The proposed text amendments related to non-residential conversions, building height bonuses for multi-family dwellings, and parking exemptions for affordable housing in Areas of Change would provide regulatory incentives for more dense development in Centers and Corridors and Areas of Change, where additional density is the most appropriate. The proposed amendments would promote residential infill near Centers and Corridors to support transit ridership and be supported by existing transit service.

10. The request is generally consistent with the following applicable Goal and Policy in Chapter 5 Land Use, pertaining to complete communities and land uses:

A. Goal 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

B. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

5.2.1.d: Encourage development that broadens housing options to meet a range of incomes and lifestyles.

5.2.1.f.i: Encourage higher density housing as an appropriate use within designated Centers and Corridors

5.2.1.f.ii: Encourage higher density housing as an appropriate use in areas with good street connectivity and convenient access to transit

5.2.1.h: Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

5.2.1.n: Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The proposed text amendments promote residential infill development in areas with existing services, which helps support existing businesses and services, strengthens the sustainability of existing communities, and encourages re-development over time.

11. The request is generally consistent with the following, applicable Goal and Policy in Chapter 5 Land Use, pertaining to efficient development, infill, and locally unwanted land uses:

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

5.3.7.a: Minimize the impacts of locally unwanted land uses on surrounding areas through policies, regulations, and enforcement.

The proposed text amendments would generally help promote development patterns that maximize the utility of existing infrastructure and public facilities. Allowing two-family dwellings (duplexes) and accessory dwelling units in the R-1 zone district would promote gentle infill development, which by definition uses existing infrastructure and public facilities.

Opening up more non-residential development to conversion to multi-family development will help add a much-needed use to existing mixed-use zone districts, which can provide quality of life for new residents who will be close to services and amenities and help support local businesses through additional nearby residents who could be customers.

Allowing additional housing in existing areas throughout the city will help all neighborhoods to help address the housing shortage. Multi-family development (commonly referred to as apartments) is often unwanted by immediate neighbors, even though it provides necessary rental housing for families that cannot afford to own a home, cannot access capital, or choose a different housing style. Absorbing growth in existing neighborhoods with additional ownership and rental options at a scale and character that is most compatible with single-family development in R-1 will help reduce the need for additional multi-family development in desirable neighborhoods. Allowing this gentle infill will minimize negative impacts that sometimes arise from the conflicts between low-density and multi-family development. Conversely, incentivizing multi-family development in Areas of Consistency is intended to absorb more growth where it is most appropriate throughout the city.

12. With the changes proposed in the recommended conditions of approval, the request is generally consistent with the following, applicable Goal and Policies in Chapter 5 Land Use, pertaining to City Development Areas, Areas of Change, Areas of Consistency, and appropriate transitions:

- A. Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

- B. Policy 5.6.2 Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.
- C. Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.
- D. 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.

The proposed text amendment related to non-residential conversions, building heights, and parking exemptions for affordable housing would generally help promote development in Areas of Change. The proposed new Neighborhood Edge would ensure an appropriate transition of building heights in zone districts where bonuses will apply and R-ML and MX-T zone districts, which are intended to serve as transitions between lower-density development in neighborhoods and higher-density development in Centers and Corridors. The proposed new prohibition on building height bonuses near Major Public Open Space ensures a transition between higher-density development and development that should step down in density near Major Public Open Space.

13. The request is generally consistent with the following, applicable policies in Chapter 5 Land Use, pertaining to regulatory alignment and public engagement:

- A. 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 proposed amendments help to implement goals and policies in the Comprehensive Plan, thereby updating the regulatory framework to support desired growth, housing, and quality of life. Where proposed text amendments do not further Comprehensive Plan goals and policies, conditions for recommendation of approval can be applied.

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

The purpose of the Annual Update process for the IDO is to provide a regular opportunity for residents and stakeholders to better understand and engage in the planning and development process. The proposed amendments pertaining to housing have been submitted as a separate bill but referred to EPC to be heard at the same hearing to allow those participating in the Annual Update to also weigh in about the proposed housing changes.

14. The request generally is consistent with the following, applicable Goal and Policies in Chapter 6 Transportation, pertaining to transit-oriented development and auto demand:

- A. Goal 6.1 Land Use - Transportation Integration: Plan, develop, operate, and maintain a transportation system to support the planned character of existing and future land uses.
- B. Policy 6.1.2 Transit-Oriented Development: Prioritize transit-supportive density, uses, and building design along Transit Corridors.

- C. 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.

Proposed text amendments related to non-residential conversions, building height bonuses, and exemptions for affordable housing incentivize transit-supportive density and uses along transit corridors and promote mixed-use development by adding residents near existing services.

15. The request generally is consistent with the following, applicable policy in Chapter 8 Economic Development, pertaining to resilient economy:

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 encourage economic development because they would result in increased housing construction. Incentivizing infill near existing businesses and services also helps support the resilience of the economy and improves quality of life for residents and workers.

16. The request is generally consistent with the following, applicable Goals and policy in Chapter 9 Housing, pertaining to supply, housing options, affordability, compatibility, density, homelessness, development process, and development cost:

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.

B. Policy 9.1.1 Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households.

9.1.1.a: Increase the supply of housing that is affordable for all income levels.

9.1.1.c: Assure the availability of a wide distribution of quality housing for all persons regardless of race, color, religion, sex, national origin, ancestry, age, or disabled status.

9.1.1.e: Provide for the development of quality housing for elderly residents.

9.1.1.f: Encourage community compounds to support multi-generational housing where such traditional development patterns exist.

9.1.1.g: Ameliorate the problems of homelessness, overcrowding, and displacement of low-income residents.

9.1.1.h: Maintain an affordable housing supply in neighborhoods, in addition to creating market-rate housing, as part of revitalization efforts.

9.1.1.i: Provide for the development of multi-family housing close to public services, transit, and shopping.

9.1.1.j: Work on conservation, improvement, and expansion of the housing available to low- and moderate-income families until all housing in the area meets City Housing Code standards.

C. Policy 9.1.2 Affordability: Provide for mixed-income neighborhoods by encouraging high-quality, affordable and mixed income housing options throughout the area.

9.1.2.b: Encourage a diversity of housing types, such as live/work spaces, stacked flats, townhouses, urban apartments, lofts, accessory dwelling units, and condominiums.

9.1.2.c: Encourage housing types that maintain the scale of existing single-family neighborhoods while expanding housing options.

9.1.2.d: Encourage the development of higher-density affordable and mixed-income housing in Downtown, near job centers, and along transit corridors.

D. 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.

E. Goal 9.3 Density: Support increased housing density in appropriate places with adequate services and amenities.

F. Goal 9.4 Homelessness: Make homelessness rare, short-term, and non-recurring.

G. Goal 9.6 Development Process: Promote cost-effective housing redevelopment and construction that meets community needs.

H. Policy 9.6.1 Development Cost: Reduce development costs and balance short-term benefits of delivering less costly housing with long-term benefits of preserving investment in homes and protecting quality of life.

The proposed text amendments would promote additional housing at all income levels and housing options for a wide range of residents and households. In particular, allowing two-family dwellings (duplexes) and accessory dwelling units where only single-family dwellings are allowed currently would expand both housing options and availability in areas with existing services and amenities. The proposed expansion of the existing kitchen exemption for conversions of non-residential development to affordable housing to all conversions would allow a new housing option for households at all income levels. Because conversions do not require new construction, the housing created is expected to be “naturally affordable,” since rents do not have to cover the high cost of construction. Where these conversions are done specifically to provide affordable housing, especially when paired with supportive services, this proposed change would help to make homelessness rare, short-term, and non-recurring.

17. The proposed text amendments to allow two-family detached dwellings (duplexes) in R-1 are generally consistent with applicable Comprehensive Plan Goals and Policies regarding community identity, land use, and housing. Comments received indicate both support and opposition.

18. The proposed text amendments to allow accessory dwelling units (ADUs) in R-1 are generally consistent with applicable Comprehensive Goals and policies regarding community identity, land use, and housing. Comments received indicate both support and opposition.

19. The proposed text amendments to exempt conversions of non-residential development to multi-family dwellings are generally consistent with applicable Comprehensive Plan goals and policies regarding land use and housing. The proposed text amendments conflict with Comprehensive Plan goals and policies related to Centers and Corridors, Areas of Change, desired growth, and Transit-oriented Development. Comments received primarily indicate support. See proposed Condition 3 for ways that the proposed amendments can be made consistent with conflicting Comprehensive Plan goals and policies.
20. The proposed text amendments to eliminate building height maximum for multi-family and mixed-use development are generally consistent with applicable Comprehensive Plan goals and policies regarding efficient development patterns, infill development, locally unwanted land uses, and housing. The proposed text amendments conflict with Comprehensive Plan goals and policies related to Centers and Corridors, Areas of Change, desired growth, and Transit-oriented Development. Comments received primarily indicate support. See proposed Condition 6 for ways that the proposed amendments can be made consistent with conflicting Comprehensive Plan goals and policies.
21. The proposed text amendments to exempt affordable housing from off-street parking requirements are generally consistent with applicable Comprehensive Plan goals and policies regarding desired growth, regulatory alignment, and housing. The proposed text amendments conflict with Comprehensive Plan goals and policies related to neighborhoods, parking strategies, Centers and Corridors, Areas of Change, regulatory alignment, and Transit-oriented Development. See proposed Condition 7 for ways that the proposed amendments can be made consistent with conflicting Comprehensive Plan goals and policies.
22. The proposed text amendment to reduce parking requirements for multi-family dwellings are generally consistent with applicable Comprehensive Plan goals and policies regarding desired growth; housing supply, options, and affordability. The proposed text amendments conflict with Comprehensive Plan goals and policies related to neighborhoods, parking strategies, Centers and Corridors, Areas of Change, regulatory alignment, Transit-oriented Development, and housing options and affordability. See proposed Condition 8 for staff's recommendation not to adopt these amendments, since the IDO has adequate options for parking reductions already.
23. For cases in which a proposed text amendment would conflict with applicable Comprehensive Plan Goals and/or policies, Staff has provided conditions for recommendation of approval that address the conflicts.
24. 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. First class 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)(5). Notice was posted on the Planning Department website and on the project website.
25. In addition to the required notice, on October 11, 2021 e-mail notice was sent to the approximately 9,300 people on the ABC-Z project update e-mail list.

26. The proposed text amendments were reviewed at an online public study session on November 18, 2022 via Zoom. Planning Staff presented the proposed amendments and answered questions from participants. The presentation, in PDF format and in video format, are posted on the project webpage here: <https://abc-zone.com>.
27. The EPC held a study session regarding the proposed text amendments and 2022 IDO text amendments on December 1, 2022. This meeting was publicly noticed.
28. The EPC held a hearing on the proposed text amendments on December 8, 2022. This meeting was publicly noticed. Approximately 35 people attended and gave verbal testimony, both in favor and in opposition to components of the request.
29. As of this writing, Staff has received approximately 160 written comments from neighborhood groups, individuals, and organizations. Comments were submitted as emails.
30. In sum, most neighborhood groups tended to oppose the proposed amendments regarding allowing two-family detached dwellings (duplexes) and accessory dwelling units (ADUs) in R-1.
31. In sum, most individuals and organizations tended to support proposed amendments.
32. Though some comments oppose individual proposed amendments, and others recommend changes, there is general support for the request as a whole. The recommended Conditions of Approval address some issues raised in the comments.

CONDITIONS FOR RECOMMENDATION OF APPROVAL– RZ-2022-00059

The proposed amendments in O-22-54 shall be adopted, except as modified by the following conditions:

1. Section 1(B), page 5, Line 28, Spreadsheet Item 4, revise the language as follows:
“Delete §14-16-4-3(B)(5)(b) [~~and the illustration~~] to allow two-family detached dwellings in all R-1 subzones.”
2. Section 2, page 6, Line 6, add a new (C), renumbering subsequent sections accordingly, with text as follows:
“[Revise Table 4-2-1 to change “CA” to “A” for Dwelling Unit, Accessory with Kitchen for the R-A zone district.]”
3. Section 3, page 8, Line 13, Spreadsheet Item 5, revise to add a new Subsection 14-16-4-3(B)(8)(e)6 with text as follows:
“[In Areas of Consistency, conversions are allowed to create a maximum of 50 dwelling units except as follows:
 - i. Dwelling units provided as affordable for households at or below 50 percent of Area Median Income (AMI) for the City of Albuquerque as calculated by U.S. Department of

-
- Housing and Urban Development (HUD) for a minimum of 20 years do not count against the 50-unit maximum.
- ii. Each affordable dwelling unit provided allows an additional market-rate dwelling unit above the 50-unit maximum.
 - iii. Example:
 - a. 50 dwelling units are created.
 - b. An additional 25 affordable units are created, which allow another 25 dwelling units to be created.
 - c. A total of 100 dwelling units would be allowed (75 market-rate and 25 affordable).]”
4. Section 3, page 8, Line 27, Spreadsheet Item 5, revise Subsection 14-16-4-3(B)(8)(e)2.c as follows:
- “A countertop surface, an appliance for warming food (such as [a] microwave [~~or hotplate~~]) [an induction cooktop], and [at least 2] [~~an~~] electrical outlet[s] that allow[s]~~the~~ appliance[s] to be plugged in safely.”
5. Section 3, page 8, Line 11, make existing language a new subsection (A) and add a new subsection (B) with text as follows:
- i. “In Table 4-2-1, add “CV” to allow multi-family dwellings in the NR-BP zone district.
 - ii. In IDO Subsection 4-3(B)(8), add a new subsection with text as follows: ‘In the NR-BP zone district, this use is allowed as conversions from an existing non-residential development, pursuant to use-specific standards in 14-16-4-3(B)(8)(e), and shall require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A).’”
6. Section 4, page 9, Line 9, Spreadsheet Items 18 and 19:
- A. Revise A and B as follows:
- ~~“[A. Revise Table 5-1-1 by replacing the Workforce Housing Bonus in the R-MH zone district with the following text:
“No maximum building height for multi-family residential development”
B. Revise Table 5-1-2 by replacing the Workforce Housing Bonus in Mixed-use zone districts with the following text:
“No maximum building height for multi-family residential development or mixed-use development”]~~
- [(A) Add a new subsection to the use-specific standard for Dwelling, Multi-family in Subsection 14-16-4-3(B)(8) on page 157 to read as follows:
- “4-3(B)(8)(x) A building height bonus for multi-family dwellings is allowed above the maximum in Table 5-1-1 or Table 5-1-2 for the relevant zone district as follows:
1. In the R-MH, MX-L, MX-M, and MX-H zone districts:
 - a. Areas of Change: 24 feet
 - b. Areas of Consistency: 12 feet

2. In the MX-T zone district in Areas of Change: 12 feet
(B) Revise the Workforce Housing bonus in Table 5-1-1 on page 223 and Table 5-1-2 on
page 228 as follows:

(1) Revise Table 5-1-1 to add a Workforce Housing Bonus of 24 ft. in the R-MH
zone district in UC-MS-PT-MT areas.

(2) In Table 5-1-2, revise the Workforce Housing Bonus in the MX-L, MX-M, and
MX-H zone districts to allow 12 ft. citywide and 24 ft. in UC-MS-PT-MT areas but
keep 12 ft. in UC-MS-PT-MT areas in the MX-T zone district.]”

B. Add a new C with text as follows:

[(C) Revise Neighborhood Edges in Section 14-16-5-9 as follows:

i. Edit Subsection 14-16-5-9(B)(1) Protected Lots as follows:

“a. [~~The~~] Neighborhood Edges provisions in this Section 14-16-5-9 are intended to protect
lots in any R-A, R-1, R-MC, or R-T zone district that contains low-density residential
development[, unless specified otherwise].

[b. Neighborhood Edge provisions in Subsection 14-16-5-9(C)(3) and (4) are intended to
protect lots in any R-ML or MX-T zone district that contain any allowable land use from the
Residential category in Table 4-2-1.]

ii. Edit Subsection 14-16-5-9(B)(2) Regulated Lots as follows:

“[a.] Lots regulated by this Section 14-16-5-9 include all those in any R-ML, R-MH, Mixed-
use, or Non-residential zone district that are adjacent to a Protected Lot [pursuant to 14-16-
5-9(B)(1)(a), unless specified otherwise].

[b. Lots regulated by Subsection 14-16-5-9(C)(2) include all those in any R-MH, MX-L,
MX-M, or MX-H zone district that is adjacent to a Protected Lot pursuant to 14-16-5-
9(B)(1)(b).]

iii. Revise Subsection 14-16-5-9(C) Building Height Stepdown as follows:

“[5-9(C)(3) R-ML next to MX-L, MX-M, or MX-H Zone Districts
On Regulated lots pursuant to Subsection 14-16-5-9(B)(2)(b), any portion of a primary or
accessory building within 50 feet of the nearest property line of a Protected Lot pursuant to
Subsection 14-16-5-9(C)(1)(b) shall step down to a maximum of 48 feet.]”

C. Add a new D with text as follows:

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

“5-2(J)(1)(x) Building Height Bonuses

Building height bonuses are prohibited.]”

D. Add a new E with text as follows:

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

Multi-family Dwellings Bonus

Bonus height for buildings that include multi-family dwellings, whether provided in a residential development or mixed-use development (i.e. vertical mixed-use).]

7. Section 5, page 9, Line 20, Spreadsheet Item 20: Revise the proposed language for Subsection 14-16-5-5(B)(2)(a)1 as follows:

“[In the R-MH or MX zone districts] [~~Where allowed~~], multi-family [dwellings] [~~or mixed-use development~~] [in Areas of Change] that [~~provide~~] [~~provides~~] at least 20 percent of dwelling units as affordable to households at or below 50 percent of Area Median Income (AMI) as calculated by the U.S. Department of Housing and Urban Development (HUD) for the City of Albuquerque.”

8. Section 6, page 9, Line 24, Spreadsheet Item 21: Delete Section 6 in its entirety as un-necessary given existing parking reductions available for multi-family development.

9. Section 9, page 10, Line 7: Revise text as follows: “Sections [1 through 6] [~~3 through 8~~] of this ordinance shall take effect after publication by title and general summary upon the sooner of the effective date of the 2022 IDO Annual Update or January 31st, 2024.”



Mikaela Renz-Whitmore, AICP
UDD Division Manager

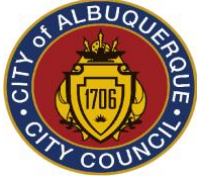


Michael Vos, AICP
Principal Planner

Notice of Decision cc list:

List will be finalized subsequent to the EPC hearing on January 19, 2023.

COUNCIL BILL O-22-54



CITY OF ALBUQUERQUE CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Alan Varela, Director – Planning Department

FROM: Chris Melendrez, Director – Council Services

A handwritten signature in black ink, appearing to read "Chris Melendrez".

SUBJECT: Bill No. O-22-54 - Adopting Citywide Text Amendments To The Integrated Development Ordinance §14-16 In Conjunction With The 2022 IDO Annual Update Process To Address The Need For More Housing Opportunities (Benton and Jones, by request)

DATE: November 8th, 2022

The attached ordinance was introduced by the City Council on November 7th, 2022. The intent of this ordinance is to propose amendments to regulations within the Integrated Development Ordinance related to housing development. This ordinance was sponsored by request of the Administration.

I understand that the sponsors intend for this matter be considered contemporaneously with the 2022 IDO Annual Update which is slated to make its first appearance at Environmental Planning Commission (EPC) on December 8th, 2022. For this reason, we request that you submit this ordinance to the EPC for a hearing at its December 8th meeting.

After the EPC has concluded their review, please submit the EPC comments and recommendations, including the transcripts from the meeting, back to the City Council as soon as possible.

cc: James Aranda, Deputy Director / ZEO
Mikaela Renz-Whitmore, Planning Manager, Urban Design + Development Division
Catalina Lehner, Principal Planner

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

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

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

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

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

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

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

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

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[Bracketed/Strikethrough Material] - Deletion

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

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

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

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

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

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

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

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

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1 WHEREAS, only 36 percent of the total area of the city has Residential or
2 Mixed-use zoning that allows residential development; and
3 WHEREAS, the R-1 zone district makes up 23 percent of the total
4 geographic area of the city; and
5 WHEREAS, the R-1 zone district only allows one single-family dwelling per
6 lot; and
7 WHEREAS, there are 135,894 properties zoned R-1, which accounts for 68
8 percent of all zoned properties in the city; and
9 WHEREAS, the history of R-1 zoning includes efforts to exclude people
10 outside the dominant race and lower-income households; and
11 WHEREAS, low-density residential development includes many housing
12 options that can meet the needs of seniors to age in place; multi-generational
13 households to provide spaces for college students, aging parents, and
14 extended family members; and households that would benefit from additional
15 rental income from dwelling units on their properties; and
16 WHEREAS, adding an additional dwelling unit for rental or for family
17 members either as an accessory dwelling unit on a lot with an existing house
18 or renovating an existing house into a two-family dwelling can be an anti-
19 displacement strategy to help families stay in their homes, support extended
20 families and multigenerational households, and build generational wealth
21 through homeownership for many families who have been marginalized
22 historically; and
23 WHEREAS, most of the regulatory protections for neighborhoods and
24 Areas of Consistency in the IDO are tied to low-density residential
25 development; and
26 WHEREAS, allowing two-family dwellings (duplexes) and accessory
27 dwelling units in the R-1 zone district would immediately remove exclusionary
28 effects, allow triple the number of dwellings on 68 percent of the city’s zoned
29 properties (38% of the city’s total land area), and maintain the existing
30 protections for neighborhoods and Areas of Consistency; and
31 WHEREAS, only 9 percent of the city’s total land area is zoned R-MH or one
32 of the Mixed-use zone districts, which allow multi-family at the highest
33 densities through higher maximum building height; and

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

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

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

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

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

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

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

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

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

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

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1 (A) Revise Table 4-2-1 to remove “A” from Dwelling Unit, Accessory without
2 Kitchen in the following zone districts: R-MH, MX-L, MX-M, NR-C, NR-BP,
3 NR-LM, NR-GM, and NR-PO-B.

4 (B) Revise Table 4-2-1 to remove “A” from Dwelling Unit, Accessory with
5 Kitchen for the R-MH zone district.

6 (C) Revise §14-16-4-3(F)(5)(a) as follows:

7 "Where this use is allowed, only 1 accessory dwelling unit is
8 allowed per lot and shall be limited to 750 square feet of gross floor
9 area. A garage attached to the accessory dwelling unit shall not count
10 toward this size limit. See Table 4-2-1 for the zone districts where this
11 use is allowed and Subsection 14-16-4-3(F)(5)(e) for the small areas
12 where accessory dwelling units with kitchens are only allowed
13 conditionally in the R-1 zone district or have special regulations.

14 1. Where added as accessory to a single-family or two-family detached
15 dwelling, this use must be provided as an accessory building and may
16 be provided without a kitchen.

17 a. A renovation to create a second unit with a kitchen, a separate
18 entrance, and no shared spaces in a single-family dwelling is
19 regulated separately as a two-family detached dwelling in Table 4-2-

20 1.
21 b. A second kitchen within a single-family or two-family detached
22 dwelling is regulated separately as an allowable accessory use in
23 Table 4-2-1.

24 ~~1. If accessory to residential development in any zone district,~~
25 ~~the accessory dwelling unit can be attached or detached.~~

26 2. In a Mixed-use or Non-residential zone district, an accessory dwelling
27 unit may be added for the caretaker of a primary non-residential use,
28 either attached or detached to the building with a primary use, and must
29 include a kitchen."

30 ~~2. If accessory to a non-residential use in any Mixed-use zone~~
31 ~~district, the accessory dwelling unit shall be attached to the~~
32 ~~building with the non-residential use.~~

33 ~~3. In a Non-residential zone district, the accessory dwelling unit~~

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1 is allowed for the caretaker of the primary non-residential use
2 and may be attached or detached.

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

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

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

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

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

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

22 (G) Revise §14-16-4-3(F)(5)(g) as follows:

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

30 (H) Revise the definition of Dwelling Unit, Accessory in §14-16-7-1 as
31 follows:

32 "A dwelling unit that is accessory to a primary single-family or two-
33 family detached dwelling or a non-residential primary use. Accessory

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

9 SECTION 3. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO
10 EXEMPT ALL CONVERSIONS FROM NON-RESIDENTIAL DEVELOPMENT
11 TO MULTI-FAMILY DWELLINGS FROM THE DEFINITION OF KITCHEN. Amend
12 existing text in the use-specific standard in §14-16-4-3(B)(8)(e) as follows:

13 “4-3(B)(8)(e) In Mixed-use zone districts, ~~[a maximum of 100 dwelling units~~
14 ~~resulting from]~~ a conversion of existing non-residential development to a
15 residential use shall be exempt from the definition of kitchen in IDO Section
16 14-16-7-1 ~~[in multi-family residential dwellings that receive funding through the~~
17 ~~City of Albuquerque Department of Family and Community Services as~~
18 ~~affordable housing as defined by Article 14-21 of ROA 1994 (Affordable~~
19 ~~Housing Implementation Ordinance),]~~ if all of the following requirements are
20 met.

- 21 1. A separate kitchen and bathroom shall be provided in each dwelling unit.
- 22 2. The kitchen shall include all of the following requirements:
 - 23 a. A sink of adequate size and shape for washing dishes and food items (as
 - 24 opposed to washing hands).
 - 25 b. A refrigerator that inclu[d]es a separate freezer compartment.
 - 26 c. A countertop surface, an appliance for warming food (such as
 - 27 microwave or hotplate), and an electrical outlet that allows the appliance to
 - 28 be plugged in safely.
- 29 ~~{3. An accessory or primary use for office or personal services shall be~~
30 ~~provided on the same premises for service coordination.~~
- 31 4. ~~An agreement shall be provided with application materials to prove that a~~
32 ~~minimum of 40 hours of support services a week will be provided to residents.]~~

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1 5. Units shall have a maximum of 2 bedrooms, and occupancy shall be limited
2 as follows:

- 3 a. 2 people per efficiency unit.
- 4 b. 2 people per 1-bedroom unit.
- 5 c. 4 people per 2-bedroom unit.”

6 SECTION 4. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO
7 ELIMINATE BUILDING HEIGHT MAXIMUMS FOR MULTI-FAMILY RESIDENTIAL
8 DEVELOPMENT AND MIXED-USE DEVELOPMENT.

9 A. Revise Table 5-1-1 by replacing the Workforce Housing Bonus in the R-
10 MH zone district with the following text:

11 “No maximum building height for multi-family residential development”

12 B. Revise Table 5-1-2 by replacing the Workforce Housing Bonus in Mixed-
13 use zone districts with the following text:

14 “No maximum building height for multi-family residential development
15 or mixed-use development”

16 SECTION 5. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO
17 EXEMPT AFFORDABLE HOUSING FROM OFF-STREET PARKING
18 REQUIREMENTS. Add a new §14-16-5-5(B)(2)(a)1, renumbering subsequent
19 subsections accordingly, with text as follows:

20 “Where allowed, multi-family or mixed-use development that provides at
21 least 20 percent of dwelling units as affordable to households at or below 50
22 percent of Area Median Income (AMI) as calculated by the U.S. Department of
23 Housing and Urban Development (HUD) for the City of Albuquerque.”

24 SECTION 6. ADD A PARKING REDUCTION FOR MULTI-FAMILY
25 DWELLINGS IN MIXED-USE ZONE DISTRICTS. Add a new subsection in §14-
26 16-5-5(C)(5) with text as follows:

27 “Reduction for Multi-family Dwellings in Mixed-use Zone Districts
28 The minimum number of off-street parking spaces required by Table 5-1-1
29 may be reduced by 75 percent if a proposed multi-family dwelling is located in
30 any Mixed-use zone district.”

31 SECTION 7. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
32 clause, word or phrase of this ordinance is for any reason held to be invalid or
33 unenforceable by any court of competent jurisdiction, such decision shall not

1 affect the validity of the remaining provisions of this ordinance and each
2 section, paragraph, sentence, clause, word, or phrase thereof irrespective of
3 any provision being declared unconstitutional or otherwise invalid.

4 SECTION 8. This ordinance shall be incorporated in and made part of the
5 Revised Ordinances of Albuquerque, New Mexico, 1994.

6 SECTION 9. EFFECTIVE DATE AND PUBLICATION OF SECTIONS 1
7 THROUGH 6. Sections 3 through 8 of this ordinance shall take effect after
8 publication by title and general summary upon the sooner of the effective date
9 of the 2022 IDO Annual Update or January 31st, 2024.

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IDO Text Amendment 2022 - O-22-54 Table

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
1	15	2-3(B)(1)	<p>R-1 Purpose Revise text as follows: “The purpose of the R-1 zone district is to provide for neighborhoods of single-family <u>and two-family homes on lots</u> with a variety of lot sizes and dimensions, <u>with limited civic and institutional uses to serve the surrounding residential area</u>. When applied in developed areas, an additional purpose is to require that redevelopment reinforce the established character of the existing neighborhood. Primary land uses include single-family detached homes on individual lots, with limited civic and institutional uses to serve the surrounding residential area. Allowable uses are shown in Table 4-2-1.”</p>	Reflects changes proposed in 14-16-4-3(B)(5)(b) to allow duplexes in all R-1 sub-zones.	O-22-54 Section 1(A)
2	149	Table 4-2-1	<p>Accessory Uses Dwelling Unit, Accessory without Kitchen Remove "A" from R-MH, MX-L, MX-M, NR-C, NR-BP, NR-LM, NR-GM, and NR-PO-B.</p>	Revised as a ripple of the proposed change to the definition of an Accessory Dwelling Unit (ADU) as a detached building associated with a single house or duplex, which are not allowed uses in R-MH, and required to have a kitchen if accessory to a non-residential use in the MX or NR zone districts. See associated proposed changes in Subsection 14-16-4-3(F)(5) and Section 14-16-7-1.	O-22-54 Section 2(A)
3	149	Table 4-2-1	<p>Accessory Uses Dwelling Unit, Accessory with Kitchen Remove "A" from R-MH.</p>	Revised as a ripple of the proposed change to the definition of an Accessory Dwelling Unit (ADU) as a detached building associated with a single house or duplex, which are not allowed uses in R-MH. In R-MH, an additional unit can be added to townhouse or multi-family without being an ADU. See associated proposed changes in Subsection 14-16-4-3(F)(5) and Section 14-16-7-1.	O-22-54 Section 2(B)
4	156	4-3(B)(5)(b)	<p>Dwelling, Two-family Detached (Duplex) Delete text and illustration to allow two-family detached dwellings in all R-1 subzones.</p>	Allows duplexes permissively in all R-1 subzones. Removes the requirement for duplexes to be built with each dwelling unit on a separate lot.	O-22-54 Section 1(B)

IDO Text Amendment 2022 - O-22-54 Table

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
5	158	4-3(B)(8)(e)	<p>Dwelling, Multi-family - Kitchen Exemption Revise text as follows: "In Mixed-use zone districts, a maximum of 100 dwelling units resulting from a conversion of existing non-residential development to a residential use shall be exempt from the definition of kitchen in IDO Section 14-16-7-1 in multi-family dwellings that receive funding through the City of Albuquerque Department of Family and Community Services as affordable housing as defined by Article 14-21 of ROA 1994 (Affordable Housing Implementation Ordinance), if all of the following requirements are met."</p>	<p>Removes requirement for Family and Community Services funds for conversions from non-residential to multi-family to be exempted from the definition of kitchen. Exempts all conversions of any size from the definition of kitchen (i.e. requirement to provide a stove). See definition of kitchen in Section 14-16-7-1.</p>	<p>O-22-54 Section 3</p>
6	158	4-3(B)(8)(e) (cont'd)	<p>Dwelling, Multi-family - Kitchen Exemption Revise text as follows: "1. A separate kitchen and bathroom shall be provided in each dwelling unit. 2. The kitchen shall include all of the following requirements: a. A sink of adequate size and shape for washing dishes and food items (as opposed to washing hands). b. A refrigerator that includes a separate freezer compartment. c. A countertop surface, an appliance for warming food (such as microwave or hotplate), and an electrical outlet that allows the appliance to be plugged in safely."</p>	<p>Keeps minimum standards for kitchens in multi-family created through converting non-residential development. Fixes a typo in 2.a.</p>	<p>O-22-54 Section 3</p>
7	158	4-3(B)(8)(e) (cont'd)	<p>Dwelling, Multi-family - Kitchen Exemption Revise text as follows: "3. An accessory or primary use for office or personal services shall be provided on the same premises for service coordination. 4. An agreement shall be provided with application materials to prove that a minimum of 40 hours of support services a week will be provided to residents."</p>	<p>Removes items related to FCS funding for affordable housing.</p>	<p>O-22-54 Section 3</p>

IDO Text Amendment 2022 - O-22-54 Table

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
8	158	4-3(B)(8)(e) (cont'd)	<p>Dwelling, Multi-family - Kitchen Exemption Revise text as follows: "5. Units shall have a maximum of 2 bedrooms, and occupancy shall be limited as follows: a. 2 people per efficiency unit. b. 2 people per 1-bedroom unit. c. 4 people per 2-bedroom unit."</p>	Removes items related to FCS funding for affordable housing.	O-22-54 Section 3
9	158	4-3(B)(8)(e) (cont'd)	<p>Dwelling, Multi-family - Kitchen Exemption Revise text as follows: "5. Units shall have a maximum of 2 bedrooms, and occupancy shall be limited as follows: a. 2 people per efficiency unit. b. 2 people per 1-bedroom unit. c. 4 people per 2-bedroom unit."</p>	Removes items related to FCS funding for affordable housing.	O-22-54 Section 3
10	205	4-3(F)(5)(a)	<p>Dwelling Unit, Accessory (With or Without Kitchen) Revise text as follows: "Where this use is allowed, only 1 accessory dwelling unit is allowed per lot <u>and shall be limited to 750 square feet of gross floor area. A garage attached to the accessory dwelling unit shall not count toward this size limit.</u> See Table 4-2-1 for the zone districts where this use is allowed and Subsection 14-16-4-3(F)(5)(e) for the small areas where accessory dwelling units with kitchens are <u>only allowed conditionally</u> in the R-1 zone district <u>or have special regulations.</u></p>	Allows ADUs permissively citywide in R-1 except in small areas where ADUs are conditional. Limits ADUs in size. See associated proposed changes in Subsection 14-16-4-3(F)(5) and Section 14-16-7-1.	O-22-54 Section 2(C)
11	205	4-3(F)(5)(a) (cont'd)	<p>Dwelling Unit, Accessory (With or Without Kitchen) (cont'd) Replace existing text as follows: 1. Where added as accessory to a single-family or two-family detached dwelling, this use must be provided as an accessory building and may be provided without a kitchen. 1. If accessory to residential development in any zone district, the accessory dwelling unit can be attached or detached.</p>	<p>Requires ADUs to be detached. Allows ADUs without kitchens. Adds reference to accessory building standards in Subsection 14-16-5-11(C)(4), which might also limit the size and placement of an ADU.</p> <p>Removes unnecessary regulation, since ADUs are proposed to be required to be detached when accessory to a dwelling.</p>	O-22-54 Section 2(C)

IDO Text Amendment 2022 - O-22-54 Table

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
12	205	4-3(F)(5)(a) (cont'd)	<p>Dwelling Unit, Accessory (With or Without Kitchen) (cont'd) 2. In a Mixed-use or Non-residential zone district, an accessory dwelling unit may be added for the caretaker of a primary non-residential use, either attached or detached to the building with a primary use, and must include a kitchen. 2. If accessory to a non residential use in any Mixed use zone district, the accessory dwelling unit shall be attached to the building with the non residential use. 3. In a Non-residential zone district, the accessory dwelling unit is allowed for the caretaker of the primary non-residential use and may be attached or detached.</p>	Allows ADUs in MX or NR to be attached or detached but requires kitchens.	O-22-54 Section 2(C)
13	205	4-3(F)(5)(a)1	<p>Dwelling Unit, Accessory (With or Without Kitchen) (cont'd) Add new subsections with text as follows: <u>a. A renovation to create a second unit with a kitchen, a separate entrance, and no shared spaces in a single-family dwelling is regulated separately as a two-family detached dwelling (duplex) in Table 4-2-1.</u> <u>b. A second kitchen within a single-family or two-family detached dwelling is regulated separately as an allowable accessory use in Table 4-2-1.</u></p>	Clarifies that attached ADUs with no shared spaces are regulated as duplexes. Clarifies that attached ADUs with shared spaces are regulated as a second kitchen in a house.	O-22-54 Section 2(C)
14	206	4-3(F)(5)(b)	<p>Dwelling Unit, Accessory (With or Without Kitchen) Delete this subsection and renumber subsequent subsections accordingly. "When an accessory dwelling unit is attached to a primary dwelling, only 1 dwelling unit entrance may face the front lot line."</p>	Eliminates the requirement that only 1 dwelling unit entrance can face the front lot line. See associated proposed change in Table 4-2-1 allowing two-family detached dwellings (duplexes) in R-1.	O-22-54 Section 2(D)

IDO Text Amendment 2022 - O-22-54 Table

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
15	206	4-3(F)(5)(e)	<p>Dwelling Unit, Accessory (With or Without Kitchen) Revise text as follows: "Accessory dwelling units with <u>or without</u> a kitchen are <u>allowed as a permissive accessory use</u> prohibited in the R-1 zone district, with exceptions where they are allowed as permissive or conditional accessory uses in certain Center and Corridor areas and in certain small areas as specified below and as allowed pursuant to Subsection (f) below. Where allowed as a conditional accessory use, a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) is required." Delete subsection 1 and renumber subsequent subsections accordingly.</p>	Allows accessory dwelling units permissively in R-1 except in small areas where a Conditional Use Approval is required.	O-22-54 Section 2(E)
16	206	4-3(F)(5)(e)	<p>Dwelling Unit, Accessory (With or Without Kitchen) Delete subsection 1 and renumber subsequent subsections accordingly. "Near Premium Transit and Main Street Areas Accessory dwelling units with a kitchen are a permissive accessory use within 1,320 feet (¼ mile) of PT and MS areas. An accessory dwelling unit shall not exceed 750 square feet of gross floor area."</p>	Removes un-necessary allowance, given the proposal to make ADUs permissive citywide.	O-22-54 Section 2(F)
17	208	4-3(F)(5)(g)	<p>Dwelling Unit, Accessory (With or Without Kitchen) Revise the text as follows: "In the <u>small areas in Subsection (e) above that require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) for accessory dwelling units with kitchens</u> R-1 zone district, accessory dwelling units without kitchens require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A), except in areas where accessory dwelling units with kitchens are allowed permissively pursuant to Subsection (e) above."</p>	Keeps the existing allowances for accessory dwelling units in the small areas that require Conditional Use Approval.	O-22-54 Section 2(G)
18	221	Table 5-1-1	<p>Building Height in R-MH Zone District Replace the Workforce Housing Bonus with the following text: "No maximum building height for multi-family residential development"</p>	Removes building height limits in R-MH for multi-family development. Neighborhood Edges in Subsection 14-16-5-9 would still apply to require a building height transition between Protected Lots and Regulated Lots.	O-22-54 Section 4(A)

IDO Text Amendment 2022 - O-22-54 Table

Item #	IDO Page	IDO Section	Change / Discussion	Explanation	Source
19	226	Table 5-1-2	<p>Building Height in MX Zone Districts / Workforce Housing Bonus Replace the Workforce Housing Bonus with the following text: "No maximum building height for multi-family development or mixed-use development"</p>	Removes building height limits in MX zones for multi-family development. Neighborhood Edges in Subsection 14-16-5-9 would still apply to require a building height transition between Protected Lots and Regulated Lots.	O-22-54 Section 4(B)
20	262	5-5(B)(2)(a)	<p>Off-street Parking Exemption - Affordable Housing Add a new subsection (1) and renumber subsequent subsections accordingly: <u>"Where allowed, multi-family or mixed-use development that provides at least 20 percent of dwelling units as affordable to households at or below 50 percent of Area Median Income (AMI) as calculated by the U.S. Department of Housing and Urban Development (HUD) for the City of Albuquerque."</u></p>	Exempts affordable housing from parking requirements.	O-22-54 Section 5
21	272	5-5(C)(5)	<p>Parking Reduction - Multi-family Dwellings in MX Zone Districts Add a new subsection with text as follows: <u>"Reduction for Multi-family Dwellings in Mixed-use Zone Districts</u> <u>The minimum number of off-street parking spaces required by Table 5-1-1 may be reduced by 75 percent if the proposed development is located in any Mixed-use zone district."</u></p>	Reduces parking requirements for multi-family development in MX zones.	O-22-54 Section 6
22	555	7-1	<p>Dwelling Definitions Dwelling Unit, Accessory Revise text as follows: "A dwelling unit that is accessory to a primary single-family or two-family detached dwelling or <u>a non-residential primary use. Accessory dwelling units may be attached to the primary dwelling, contained within the primary dwelling, or built as a detached building.</u> This IDO distinguishes between accessory dwelling units with and without a kitchen. <u>A detached accessory dwelling unit is also considered an accessory building.</u> See also <u>Dwelling Definitions for Dwelling, Live/Work; Dwelling, Single-family Detached; and Dwelling, Two-family Detached (Duplex); Kitchen; and Measurement Definitions for Accessory Dwelling Unit."</u></p>	Distinguishes a detached accessory dwelling unit (ADU) from a secondary kitchen in an existing primary residence, which is regulated as a separate allowable use in Table 4-2-1. Adds "accessory building" to the definition to clarify that regulations in Subsection 14-16-5-11(C)(4) apply. See associated proposed changes in Table 4-2-1 and Subsection 14-16-4-3(F)(5).	O-22-54 Section 2(H)

PUBLIC COMMENTS

From: [Colleen Aycock](#)
To: [City of Albuquerque Planning Department](#)
Cc: reneegrout@gmail.com; [Davis, Pat](#); [Jones, Trudy](#); [Pena, Klarissa J.](#); [Bassan, Brook](#); louiesanchez@allstate.com; [Lewis, Dan P.](#); [Fiebelkorn, Tammy](#)
Subject: NO IDO Amendment to allow single-family residences to become multi-family residences
Date: Sunday, January 8, 2023 3:39:22 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

To: Timothy MacEachen, Chair, EPC
CC: ABQ City Councilors

RE: City-wide Amendment to allow R-1 single family residences to add rental casitas or other dwellings to increase housing capacity; IDO Annual Review.

Please note that if you pass/endorse this IDO amendment that allows all R-1 zoned single family property to add rental or other residences, you will be in **Violation of NM Statue 3-21-6 (Municipalities, Zoning Regulations, Mode of operating**

You have not properly notified residential property owners in Albuquerque affected by this state law which requires:

"Whenever a change in **zoning is proposed for an area of more than one block**, notice of the public hearing shall be mailed by first class mail to the owners, as shown by the records of the county treasurer, of lots or [of] land within the area proposed to be changed by a zoning regulation and within one hundred feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation."

Please know that the consequences of this zoning change would bring all manors of complications regarding inadequate parking, utilities, sewer, trash and it would change the character of established neighborhoods and the value of property. Citizens are tired of half-baked ideas with no thought given to the consequences of poor bureaucratic policy imposed upon them without adequate citizen notice or input.

Colleen Aycock

WTBON

From: [Colleen Aycock](#)
To: [City of Albuquerque Planning Department](#)
Cc: [reneegrout@gmail.com](#); [Davis, Pat](#); [Jones, Trudy](#); [Pena, Klarissa J.](#); [Bassan, Brook](#); [louiesanchez@allstate.com](#); [Lewis, Dan P.](#); [Fiebelkorn, Tammy](#)
Subject: Clarification: Re: NO IDO Amendment to allow single-family residences to become multi-family residences
Date: Sunday, January 8, 2023 4:05:09 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

There are already on the books, **adequate zoning requirements for the building of a casita on single family property.**
No reason to change.

Colleen Aycock

-----Original Message-----

From: Colleen Aycock <cka13705@aol.com>
To: abcto@cabq.gov <abcto@cabq.gov>
Cc: reneegrout@gmail.com <reneegrout@gmail.com>; patdavis@cabq.gov <patdavis@cabq.gov>; trudyjones@cabq.gov <trudyjones@cabq.gov>; kpena@cabq.gov <kpena@cabq.gov>; bbassan@cabq.gov <bbassan@cabq.gov>; louiesanchez@allstate.com <louiesanchez@allstate.com>; danlewis@cabq.gov <danlewis@cabq.gov>; tfiebelkorn@cabq.gov <tfiebelkorn@cabq.gov>
Sent: Sun, Jan 8, 2023 3:39 pm
Subject: NO IDO Amendment to allow single-family residences to become multi-family residences

To: Timothy MacEachen, Chair, EPC
CC: ABQ City Councilors

RE: City-wide Amendment to allow R-1 single family residences to add rental casitas or other dwellings to increase housing capacity; IDO Annual Review.

Please note that if you pass/endorse this IDO amendment that allows all R-1 zoned single family property to add rental or other residences, you will be in **Violation of NM Statute 3-21-6 (Municipalities, Zoning Regulations, Mode of operating**

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without adequate citizen notice or input.

Colleen Aycok

WTBON

From: [Jude Baca-Miller](#)
To: [City of Albuquerque Planning Department](#)
Subject: I support the Housing Forward Ordinance (O-22-54)
Date: Monday, January 9, 2023 8:53:37 AM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Chair MacEachen and Commissioners,

I am very enthusiastic and supportive of the proposed Housing Forward Initiative (Ordinance O-22-54). I believe that easing restrictions on land zoned R-1 to allow for casitas (ADUs) and duplex housing will be transformative for our city. Allowing for more housing in zone R-1 will unlock the possibility of significantly increasing the amount of housing within our city while also increasing the utility of public infrastructure that already exists. This means that we can increase the number of housing units without incurring more public debt by way of needing to expand streets and infrastructure further into our undeveloped lands. Furthermore, easing R-1 will increase wealth for existing property owners by allowing them to provide a place for a growing family, parents who are aging in-place, or provide supplemental income through renting to a fellow Albuquerque citizen.

I am also pleased to see a provision to reduce parking requirements for affordable housing developments. While many recent studies indicate that we should be following in the footsteps of Minneapolis, MN and Hartford, CT in eliminating parking requirements altogether, this part of the ordinance is a step in the right direction. Removing parking requirements allows valuable land to be used for housing for people instead of housing for cars.

I hope that this forward-thinking ordinance passes without controversy and leads the way to more land use and housing decisions that will further strengthen our city.

Sincerely,

Jude Baca-Miller
1202 Las Lomas Rd NE
Albuquerque NM, 87106

P- 505.943.3217

From: [Jude Baca-Miller](#)
To: [City of Albuquerque Planning Department](#)
Subject: Re: I support the Housing Forward Ordinance (O-22-54)
Date: Monday, January 9, 2023 8:58:57 AM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

-- Edit: I apologize for the inconvenience. I accidentally mis-typed my phone number in the original email. My contact phone number is actually 505.934.3217. I am copying and pasting the revised letter below:

Chair MacEachen and Commissioners,

I am very enthusiastic and supportive of the proposed Housing Forward Initiative (Ordinance O-22-54). I believe that easing restrictions on land zoned R-1 to allow for casitas (ADUs) and duplex housing will be transformative for our city. Allowing for more housing in zone R-1 will unlock the possibility of significantly increasing the amount of housing within our city while also increasing the utility of public infrastructure that already exists. This means that we can increase the number of housing units without incurring more public debt by way of needing to expand streets and infrastructure further into our undeveloped lands. Furthermore, easing R-1 will increase wealth for existing property owners by allowing them to provide a place for a growing family, parents who are aging in-place, or provide supplemental income through renting to a fellow Albuquerque citizen.

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Sincerely,

Jude Baca-Miller
1202 Las Lomas Rd NE
Albuquerque NM, 87106

P- 505.934.3217

On Mon, Jan 9, 2023 at 8:53 AM Jude Baca-Miller <judeamiller@gmail.com> wrote:
Chair MacEachen and Commissioners,

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Sincerely,

Jude Baca-Miller
1202 Las Lomas Rd NE
Albuquerque NM, 87106

P- 505.943.3217

From: [Jane Baechle](#)
To: [City of Albuquerque Planning Department](#); [Renz-Whitmore, Mikaela J.](#)
Subject: Comments re: IDO for Staff Report
Date: Monday, January 2, 2023 2:28:48 PM
Attachments: [IDO Comments 142023.pdf](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

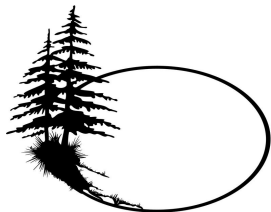
I am attaching a letter from the Santa Fe Village Neighborhood Association Board re: proposed amendments to the IDO to be heard at the January 19, 2023 meeting of the EPC.

We respectfully request that they be included in the Staff Report.

I would also appreciate confirmation that the Planning Department has received our communication.

Thank you all very much.

Jane Baechle
SfVNA Board



Santa Fe Village Neighborhood Association

5601 Bogart Ave. NW Albuquerque, NM 87120
SFVNA2014@gmail.com

Date: January 2, 2023

To: Timothy MacEachen
Chair, EPC

From: Jane Baechle
Member, SFVNA Board

Re: O-22-54 and Citywide Amendments
2022 IDO Annual Review

The following comments were submitted to the Santa Fe Village Neighborhood Association (SFVNA) Board regarding O-22-54 and selected Citywide Amendments being considered at the January 19, 2023 meeting of the EPC. They are supported by the SFVNA Board.

These comments address three areas of concern for the SFVNA Board and our positions as a recognized neighborhood association charged with interacting “with their members, residents, and the city, strive to engage with community and land use planning, protect the environment, and promote the community welfare;” and “to foster communication between the recognized neighborhood association . . . and city government on plans, proposals, and activities affecting their area.” Nothing could be more consequential for the residents and homeowners of Santa Fe Village than the amendments proposed for consideration as part of the 2022 IDO Annual Review. We have identified the following significant concerns: the Annual IDO process itself which is truly unavailable to all but a few individuals and effectively removes genuine public engagement, the deleterious effects of proposals in O-22-54 on SFV and selected proposals included in the Citywide amendments which also present potential harms to SFV.

The IDO Annual Review Process

The City makes multiple references to their statutory authority to enact and amend zoning laws in the introduction to O-22-54. Notably, there is no reference to NM Stat § 3-21-6 (2020) which calls for all parties and citizens to be heard. “No zoning regulation, restriction or boundary shall become effective, amended, supplemented or repealed until after a public hearing at which all parties in interest and citizens shall have an opportunity to be heard...” In Policy 4.2.2, sub policy (e), the ABC Comp Plan calls on the City to “Create robust and meaningful public

involvement processes to help build long-term consensus about growth and development in the Albuquerque area.” No doubt, the City considers the IDO Amendment process and Council meetings to meet this standard despite the limited number of individuals who have the time and resources to review lengthy and technical documents, to participate in daytime or hours long evening meetings or navigate the requirements of providing comments. Neighborhood association and coalition representatives and the Inter-Coalition Council have repeatedly opposed the use of the annual amendment process to implement sweeping, durable and highly consequential zoning law changes. Nonetheless, the City administration and Council continue to do so in direct conflict with NM State standards and ABC Comp Plan policies.

PR-2018-001843-RZ-2022-00059_Housing_Citywide

The SFVNA continues to *oppose* most provisions of this proposed ordinance. Specifically, Sections 1 and 2 represent significant potential harm to Santa Fe Village, a compact neighborhood of greater than 1000 homes. In the introduction to O-22-54, the City makes clear that the intention is to triple the number of dwelling units in areas zoned R-1. “WHEREAS, allowing two-family dwellings (duplexes) *and* accessory dwelling units in the R-1 zone district would immediately remove exclusionary effects, allow *triple* the number of dwellings on 68 percent of the city’s zoned properties (38% of the city’s total land area), ...” (Italics mine). Clearly, this statement disputes assurances of Planning Department staff and EPC Commissioners that existing zoning requirements related to setbacks, parking requirements and permitting requirements would effectively prevent the construction of dwelling units which fail to meet current IDO requirements and would turn SFV and similar modest neighborhoods into multiple lots with three dwelling units, front yards paved over for vehicles and narrow streets crowded with parked cars. Clearly, this scenario does not represent redevelopment that “reinforces the existing character of the neighborhood” or is consistent with a “low density” residential neighborhood.

If the City is sincere about providing options for multi-generation housing and avenues for increasing home ownership by allowing individual property owners to create a rental unit consistent with IDO standards, the City should be willing to do all of the following:

- Make both duplexes (or vertical second housing units) and accessory dwelling units *conditional* uses
- Limit each lot to one additional dwelling unit only
- Increase funding to the ZHE and that office to adequately hear and adjudicate all conditional use requests
- Provide adequate funding and require accountability of Code Enforcement to assure that non-conforming structures are promptly identified and removal required
- Provide a robust and well publicized educational effort to assure that all property owners understand that permits are required, that IDO requirements apply and that they will be required to remove non-conforming structures. At the December 20, 2022 meeting of the ZHE, four applicants explicitly stated they were unaware that a permit was required to build a wall.

The SFVNA also opposes Section 4, amending the IDO to eliminate building height maximums for multi-family residential development and mixed-use development. The text of O-22-54

would remove building height limits for any mixed use development. We appreciate the Planning Department analysis of the impact of this proposal, alternatives and clarifying language to indicate that any provisions removing height restrictions in mixed-use development would only apply to residential structures. The sweeping impact of the proposal as written would profoundly impact residential neighborhoods which are often in close proximity to both multi-family and mixed-use property, particularly, MX-T, MX-L and MX-M properties. While limiting additional heights to Areas of Change would somewhat decrease the impact city-wide, it would not protect low-density residential neighborhoods which may be in close proximity to Areas of Change particularly on the westside. Both the Planning Department analysis and public comments at the December 8, 2022 EPC meeting indicate that building height maximums play an insignificant role in the development of multi-family housing. Eliminating building height maximums as proposed in O-22-54 or as suggested by Planning staff offers little potential incentive to develop housing units in the identified zones and poses significant risks to nearby neighborhoods.

Finally, the SFVNA opposes Sections 5 and 6 of O-22-54 which would eliminate parking requirements for affordable housing and virtually eliminate parking requirements for multi-family development in mixed-uses zones by reducing the required parking to 75% of current requirements. Again, we appreciate the analysis of Planning Department staff. We agree with their recommendation to oppose the multi-family reduction in mixed-use development as outlined in Section 6. As they note, amended parking requirements passed in the 2021 IDO Annual Review were justified as right-sizing requirements across all types of development. It is not, then, reasonable to propose a further 75% reduction in requirements for housing and also claim that such a change is reasonable or sustainable.

The removal of parking requirements for low income housing remains problematic, even with the conditions proposed by Planning Staff. There is no evidence that people needing affordable housing will neither own a vehicle nor need one to get to work or other activities of daily living. In fact, the likelihood is that, if employed, it will be in jobs which require unusual or unpredictable hours and are located in scattered areas of the city. The Planning Staff Report plainly states, “ABQ Ride is struggling to maintain service on many routes that connect residential areas farthest from Downtown and major corridors.” Since that report was written, ABQ Ride has announced further route closures in an effort to prevent cancelled runs or significant delays on remaining routes. The argument that housing projects which provide less parking would incentivize residents to use public transit is provided with no evidence that such a response is a reasonable expectation. In all likelihood, the following statement is more accurate, “Reduced off street parking could result in spillover parking in nearby neighborhoods.”

Absent some clear parameters which assure true access to reliable and functional public transit, adequate employment options paying a reasonable wage and the availability of decent grocery stores in reasonable proximity to these properties, this proposal serves only to allow development of additional units in housing that serves the needs of neither low income nor market rate tenants or creates housing units designed to penalize the low income tenant by failing to provide off street parking for a personal vehicle. As with the parking reduction proposal of Section 5, the City cannot both claim that the 2021 IDO amendments to parking requirements were justified

because they brought off street parking requirements into line with true needs and also claim that this proposal will be workable, sustainable or “enhance, protect and preserve neighborhoods...”

The proposals in O-22-54 represent Exhibit A in the case against the use of the Annual IDO Review process to enact sweeping, durable and potentially costly (to ABQ residents and neighborhoods) changes to City zoning law. At the December 8, 2022, EPC hearing, the City reported these proposals were developed out of meetings with multiple stakeholders. Those “stakeholders” did not include any recognized neighborhood associations, neighborhood coalitions or the Inter-coalition Council despite NARO language which states,

“ WHEREAS, neighborhood associations can serve an important role in engaging community members at a grassroots level in local social justice and community issues, and in promoting collaborative community planning; and

WHEREAS, neighborhood associations are a source of important input from the community as they bridge the gap between residents and the government by providing information and engagement opportunities, and offer citizens a stronger role in organizing social change efforts in their neighborhoods.”

The housing shortage in ABQ is not a recent development. Planners and proponents of these proposals have acknowledged that many of these proposals will require years to impact housing supply, fail to address barriers of supply of construction materials and construction workers and argue that their impacts will be virtually unnoticeable because changes will happen “organically.” O-22-54 represents an effort by the City to bypass public engagement, avoid the work of accepting public input and crafting truly workable approaches and “promoting collaborative community planning.”

PR-2018-001843-RZ-2022-00054 Citywide General Amend: Walls and Fences-IDO Subsection 14-16-5-7(D)(3)(a) and (b), Table 5-7-2, p. 320, 321 and 322

The SFVNA continues to *oppose* increasing front yard wall heights, both as outlined in the proposed amendment and in the alternatives provided in the Planning Staff analysis for either a larger setback or 4’ wall. Both this amendment as originally proposed and the stated alternatives represent a jarring contrast with the streetscape and sense of place in Santa Fe Village (SFV). SFV is a very compact neighborhood, approximately one mile at its eastern boundary and approximately one-half mile deep at its widest point. It is surrounded on three sides by the escarpment and bisected by the middle branch of the San Antonio arroyo. The streets slope and curve to follow the natural terrain. When walking or driving into and around the neighborhood, the escarpment and natural features can be seen behind the homes. Coyote are regularly seen in the open spaces and have been seen on neighborhood streets. Quail and roadrunner enjoy front yards. The Petroglyph National Monument provides several access points to the monument land and three designated crossings from the canyon floor to the mesa above. Some SFV residents have 3’ or shorter walls at their property line; some have a taller wall, designed to blend in with the style of the home and well setback from the street without imposing on the streetscape. Clearly, it is possible to create a private front yard space under the existing IDO. The proposed changes are unnecessary and conflict with the IDO’s stated purpose to protect and enhance established neighborhoods and “reinforce an established sense of place.” The proposed

amendment would detract from the walkability of SFV and the perception of the neighborhood and the surrounding natural landscape. We respectfully ask the EPC to oppose this amendment and proposed alternatives.

**PR-2018-001843-RZ-2022-00054 Citywide General Amend: Demolition Outside of an HPO
- Citywide**

As an individual, I believe there is merit to this proposed amendment. There are properties on ABQ's westside which are clearly outside of a historic district and still have a significant history in this city which should either be considered for preservation or documented prior to being demolished. The property which includes St. Pius High School and the Catholic Center and once housed the University of Albuquerque is one example. Should it be sold at some point (and that was a consideration recently for the Archdiocese), it is likely that existing buildings would be demolished to allow for high-end homes like those nearby or other more profitable development. While the existing structures may not have sufficient value or character to preserve them, they surely have a history worth documenting prior to demolition. I appreciate the concern that the process of evaluation and documentation may be burdensome in some cases and fail to serve the interest of city residents. I respectfully ask the EPC to consider and recommend a middle path which would provide a reasonable and workable mechanism to protect or document structures which are part of the history of this city and do not meet the existing criteria for notification prior to demolition.

Thank you for your time and consideration.

From: [Rebekah Bellum](#)
To: [City of Albuquerque Planning Department](#); [Benton, Isaac](#); [Molina, Nathan A.](#)
Subject: HOUSING FORWARD ABQ Proposal
Date: Tuesday, January 10, 2023 11:15:55 AM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Good morning,

I wanted to write to express my full support of the Housing Forward ABQ proposal. I believe this proposal to be a good step in addressing some of the issues of density, affordability, and urbanism that we have within our city, while honoring the methods of gentle urban growth and community making historically used in this region.

Thank you for your consideration,
Rebekah Bellum

Rebekah Bellum |aia | ncarb
Associate Principal

CSR architects
505-842-1278

From: [Michael Brasher](#)
To: [City of Albuquerque Planning Department](#)
Subject: Amendments to the IDO re: Housing Forward Initiative
Date: Monday, January 9, 2023 8:31:42 AM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

January 9, 2023

Via email: abcto2@cabq.gov
EPC Chair Timothy MacEachen

Re: Project #: PR-2018-001843
Case #: RZ-2022-00059 – Amendments to the IDO re: Housing Forward Initiative (Council Bill No. O-22-54)

Chairman MacEachen,

I oppose the inclusion of the above-referenced Ordinance in the 2022 IDO Annual Update. These six substantive changes do not belong in the annual update process.

The tone of Mayor Keller's October 28, 2022 Inter-Office Memo to Council President Benton about this legislation is one of panic and emergency:

"...emergency text amendments...rapidly worsening housing shortage...alarming and growing gap...promptly remove regulatory barriers...proposed changes are intended to be transformative, which is fitting for the crisis facing our local government...severity and urgency of the present housing crisis..."

The Albuquerque / Bernalillo County Comprehensive Plan guides decisions on zone changes and new plans and regulations. According to *Section 2.3.1 Population Growth*, the area population is predicted to increase by ≈46% by the year 2040, adding around 311,000 new residents

"...growth is expected and must be planned for, particularly to grow in sustainable ways and protect our quality of life and the character of our vibrant communities."

I share with others concern on the lack of agency comments. While the Staff Report notes ≈70 written comments from individuals and neighborhood organizations, of the 25 Agencies listed, five responded with "no comment" or "none" and only two agencies—the Mid-Region Council of Governments and the Public Service Company of NM—provided responses. MRCOG's Mid-Region Metropolitan Planning Organization's (MRMPO) thoughtful 3-page letter lists several relevant strategies relating to both the O-22-54 case and the Citywide IDO Annual Update amendments.

However, PNM's response expresses concern regarding increased load demand:

"The PNM electric grid can support infill development and redevelopment that utilizes existing electric infrastructure. But the resulting increased electric load demands may require the installation of upgraded equipment...that can safely accommodate the resulting load growth."

Others have noted the fact that 18 out of 25 Agencies did not comment on this Legislation does not seem to support the tone of panic and emergency expressed in its introduction. I believe each section should be a separate bill and be given the community input and thoughtful discussion that each Section warrants.

Let's not ignore the Comprehensive Plan and the long-range Planning Assessment Area Reports in lieu of this crisis mode legislation attached to the IDO Annual Update..

Respectfully,

Michael Brasher

From: [Michael Brasher](#)
To: [Rene" Horvath](#); [kathleen adams](#); [Jerry Worrall](#); [elizabethkayhaley@gmail.com](#); [swent999@aol.com](#); [PeggyD](#); [Loretta Naranjo Lopez](#); [Peggy Norton](#); [wood_cpa@msn.com](#); **cc:** [David Haughawout](#); [Marcia Fernandez](#); [Patricio Dominguez](#); [Harrison Alley](#); [Mark Reynolds](#); [Michael Pridham](#); [Dan Regan](#); [Jim Griffee](#); [lxbaca@gmail.com](#); [P. Davis Willson](#); [peter belletto](#); [D Conger](#); [dmc793@gmail.com](#); [Lynne Martin](#); [tyler.Richter@gmail.com](#); [mikekious@aol.com](#); [Donald Couchman](#); [Donald H. Couchman](#); [Michael Brasher](#); [JULIE DREIKE](#); [Roger Hartman](#); [johnnyepena@comcast.net](#); [jearnoldjones@aol.com](#); [t0m2pat@yahoo.com](#); [aludi415@gmail.com](#); [City of Albuquerque Planning Department](#)
Subject: ICC Comments Kitchen
Date: Thursday, January 5, 2023 2:36:46 PM
Attachments: [Kitchen Exemption Letter.pdf](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Attached please find ICC comments on the IDO update, O-22-54, section 2. Amend the Integrated Development Ordinance to 31 allow detached accessory dwelling units with kitchens 32 permissively in the R-1 zone district citywide, except in small 33 areas where special regulations apply.

ICC Inter-Coalition Council

The ICC is a Council of Coalitions of Albuquerque and Bernalillo County Neighborhood Associations that has been meeting since May 2014 to reach consensus on broad, common concerns. Its purpose is to promote stronger, better neighborhoods and communities through group action and interfacing with the governmental, social, environmental, cultural and historic needs and interests of all residents.

January 5, 2023

Via email: abcto@cabq.gov
EPC Chair Timothy MacEachen

RE: O-22-54

SECTION 3. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO 10 EXEMPT ALL CONVERSIONS FROM NON-RESIDENTIAL DEVELOPMENT TO MULTI-FAMILY DWELLINGS FROM THE DEFINITION OF KITCHEN.

Chairman MacEachen,

The Inter-Coalition Council (ICC) supports expanded housing based upon research, analysis and public input. According to Census data, New Mexico's population has decreased by 3,333 from July 2021 to July 2022. Information on the Housing Forward ABQ website contains conflicting information on counts of homelessness with prior information released by the City. Some data is based upon a very small survey.

In the IDO update of 2021 the ICC opposed the change to the definition of a kitchen for dwellings that receive funding through the City of Albuquerque Department of Family and Community Services as affordable housing as defined by Article 14-21 of ROA 1994 (Affordable Housing Implementation Ordinance). The ICC continues to oppose this definition and supports the IDO update of 2022 amendment to delete subsection 4-3(B)(8)(e).

The ICC opposes the IDO update of 2022, section 3 to exempt all conversions from non-residential development to multi-family dwellings from the definition of kitchen.

The reasons for our opposition include:

- The staff report states the "modern living" housing may result in affordable housing (page 27). No analysis is provided that would indicate that developers would provide affordable housing based upon the change in the ordinance. Consideration should be given to requiring a percentage of affordable housing in these conversions.
- Providing substandard kitchens conflicts with the USDA Food and Nutrition Service which works to end hunger and obesity through the administration of 15 federal nutrition programs including WIC and Supplemental Nutrition Assistance Program.
- Provides lower-income households with substandard kitchens. Affluent households have full kitchens with a cooking stove, range or oven and a refrigerator with a freezer area.
- The proposed definition kitchen does not support healthy meal preparation. New Mexico has a higher rate of obesity and diabetes than surrounding states. Prepared, boxed food is higher in fat, sodium and sugar.

- Conflicting information is being provided to the public. Director Carol Pierce stated at the public meetings on converting Hotel/Motels to Housing that these units will be long term rentals. In the slide presentation accompanying the meetings the following statement appears: “Not only for people experiencing homelessness.” (Slide 6 of 15). This statement indicates that this is housing for the homeless.
- Overall Housing Forward plan lacks data or contains conflicting data. The range of housing need from 13,000-30,000 is a red flag. We know of no other organization that could make a plan for millions of dollars of expenditures based upon a variance of this amount.
- Lack of enforcement of current ordinances regarding rental property. This lack of enforcement has created doubt that vacant hotels that do not currently meet building codes for apartments will be adequately inspected and held to standards to provide safe and affordable apartments.

If the City of Albuquerque plans on allowing substandard kitchens in the conversion of non-residential property, the following should be considered:

- Location(s) should not negatively affect the character of the neighborhood. Consideration must be given to the history of the property regarding safety and crime. Consideration of location to create balance in the community for housing mix.
- Within the 40 hours of support services a week, require the service provider offer residences with nutrition and cooking classes free of charge at the apartment building.
- Require a refrigerator that supports storage of food received from USDA Food and Nutrition Service or food items bought on sale. (WIC provides fruits and vegetables that will spoil if not stored properly.) This storage will allow low-income households to stretch their dollars.
- Require a refrigerator that includes freezer space to accommodate freezing of left overs and the ability of households to freeze food received from USDA Food and Nutrition Service or food items bought on sale. This storage will allow low-income households to stretch their dollars.
- Amend to state microwave AND induction cooktop with built in safety controls.
- Amend to state multiple electric outlets. (This would support additional common kitchen appliances such as a toaster, crockpot, or coffee maker to be used in a safe manner.)

Sincerely,



Michael Brasher

Inter-Coalition Council President

From: [Michael Brasher](#)
To: [City of Albuquerque Planning Department](#)
Subject: Comments on O-22-54 and City-wide Comments
Date: Wednesday, January 4, 2023 2:34:12 PM
Attachments: [O-22-54 And City Wide Amendments.pdf](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Attached please find comments on 0-22-54 and City-wide Amendments; IDO Annual Review.

Michael Brasher
216 Zena Lona Drive NE
Albuquerque, NM 87123

December 29, 2022

Environmental Planning Commission
Timothy MacEachen, Chairman

Albuquerque City Council
Isaac Benton, President

Re: O-22-54 and City-wide Amendments; 2022 IDO Annual Review

Dear EPC Commissioners and Albuquerque City Councilors

Like many other Albuquerque homeowners with whom I have spoken, I strongly oppose O-22-54 and City-wide Amendments for consideration at the January 19, 2023, meeting of the Environmental Planning Commission.

Too often legislative and regulatory proposals of governmental officials, while motivated by a desire to address a significant concern, lack rigorous analysis of the potential adverse consequences of such proposals and lack true stakeholder input in the development of the proposals. O-22-54 is such a case. Where is the professional study and disclosure to the public of the potential adverse consequences? Where was the stakeholder input in the development of the proposed policy? Has there been compliance with NM Statute Section 3-21-6? Has every residential property owner affected by the proposed changes been afforded the notice required by this statute, a notice that fully discloses all material information a resident could reasonably be expected to want to know about the proposed changes and their consequences?

It appears that a policy has been developed without rigorous analysis of consequences and without much stakeholder input, that a decision for practical purposes already has been made about the new rules, and that the January meeting will be for the purposes of homeowners and community associations expressing their grievances and then disregarded.

I agree with the comments of the Santa Fe Village Neighborhood Association and believe they should be widely disseminated and followed. While the relaxed rules enabled by O-22-54 might be to the delight of residential property developers, Airbnb landlords and non-owner-occupied residential home investors, the rules have the capacity to destroy the character of city residential streets and neighborhoods and the personal and economic investments residents have made in their homes. Do owners of owner-occupied homes want to see a tripling of the number of dwellings on their block or in their neighborhood, a tripling of water and sewer lines and telecommunications cables draped across the sky, streets clogged with on-street parking, front

yards turned into parking lots, multi-story homes casting long shadows blocking the sun and the City's iconic views, or triple Airbnb rentals as neighbors?

Not all neighborhoods, of course, will be affected by relaxed zoning rules. Neighborhoods, typically those that are in affluent areas, already have private restrictive covenants in place prohibiting the very kinds of changes the relaxed rules permit. So, like many governmental policies, the negative impact of these relaxed rules will tend to fall disproportionately on those who must rely on government-afforded protections (those who, on the whole, are likely to be less affluent) and don't have the benefit private restrictive covenants afford as exist in gated communities and more affluent neighborhoods.

Zoning rules are intended, among other things, to protect the lifestyle and investments of residents. I object to the relaxation of the rules that afford that protection. Perhaps those EPC Commissioners and Albuquerque City Councilors (and the Mayor) who reside in neighborhoods that benefit from the protection of private restrictive covenants and do not need to rely on the protection afforded by the zoning regulations should recuse themselves from voting or otherwise acting on the proposed O-22-54 and City-wide Amendments.

Very sincerely,


Michael Brasher

From: emailbrowns@aol.com
To: [City of Albuquerque Planning Department](#)
Cc: [Davis, Pat](#)
Subject: Comments on proposed zoning changes
Date: Monday, January 9, 2023 6:19:56 AM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Timothy MacEachen,

I oppose the zoning changes proposed by Mayor Tim Keller. I live in the Spruce Park Neighborhood and as a Historic District with both the State and National Register it brings added value to Albuquerque.

There are plenty of areas in the city to build additional housing units without destroying the beautiful historic districts of our city.

Therefore, I like many citizens of Albuquerque I totally oppose O-22-54 City Wide Amendments. It is my understanding this will be discussed at the January 19, 2023 meeting at the environmental planning commission.

Please do not destroy the history and beauty of single family neighborhoods in Albuquerque!

Sincerely,
Heidi Brown

From: [John Cochran](#)
To: [City of Albuquerque Planning Department](#)
Cc: gail@gailchasey.com; jortizyp@msn.com; seanforan@cabq.go; [Peter Swift](#); [peter belletto](#); [Patricia Willson](#)
Subject: Spruce Park Neighborhood Association comments; re: IDO Annual Update 2022; City can not meet ABC Comp goals and also allow unbridled construction of ADUs & duplexes
Date: Sunday, January 8, 2023 9:05:34 PM
Attachments: [Spruce Park NA O 22 54 must be constrained to meet Comp Plan.pdf](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Dear Chairman MacEachen,

The Spruce Park Neighborhood Association is writing to the EPC because the City cannot allow the unbridled construction of ADUs and the conversion of single-family homes to duplexes in R-1 zones (i.e., 0-22-54), while still honoring the ABC Comprehensive Plan goal to: “Protect and enhance the character of existing single-family neighborhoods ...” (5.6.3).

We hope that you will find our comments to be constructive.

With My Best Regards,

John Cochran
President
Spruce Park Neighborhood Association



Spruce Park Neighborhood Association
1300 Las Lomas Rd NE
Albuquerque NM 87106

January 8, 2023

Timothy MacEachen, Chairman
Environmental Planning Commission
City of Albuquerque

Dear Chairman MacEachen,

The Spruce Park Neighborhood Association (SPNA) *requests that quantitative bounds be placed* on the City's proposal to allow duplexes and backyard apartments in all single-family zones, so that the City can meet its commitment to the Albuquerque/Bernalillo County (ABC) Comprehensive Plan.

The ABC Comprehensive Plan is the "... Rank 1 Master Plan for both Albuquerque and Bernalillo County" (Section 1.3) and the Plan is a vision of the future where "Areas of Consistency . . . will experience limited new development. Change that does occur will reinforce or enhance the existing character of those neighborhoods" (page 5-4). Additionally there are two policy goals that are important to the Spruce Park Neighborhood: (1) Policy 5.6.3 "Areas of Consistency: *Protect and enhance the character of existing single-family neighborhoods ...*" and (2) Goal 11.2 Historic Assets "Preserve and enhance significant historic districts and buildings to reflect our past ..."

The majority of the Spruce Park Neighborhood is a Historic District that is listed on the State and National Register. In addition to its historic significance, our neighborhood is located across the street from UNM's main campus – and parking has long been an important issue in our neighborhood. Additionally, investors have already purchased a significant number of our homes and converted them to student rentals, exacerbating the parking issues.

The SPNA supports the broad goals of the City's Housing Forward initiative to increase the density of dwelling units; though two of the proposed changes to the Integrated Development Ordinance (IDO) are of concern. The first is allowing single-family dwellings to be converted to two-family dwellings (duplexes) in R-1 zones and the second is allowing the construction of backyard apartments (accessory dwelling units or ADUs) in R-1 zones.

If these two proposed changes to the IDO are instituted, then investors can purchase single-family homes, modify the homes to become duplexes, and then rent 2 dwelling units. Build an ADU in the backyard and the investor could legally rent 3 dwelling units on a single lot. Based on our experiences, two dwelling units will bring five to six vehicles, and three dwelling units will bring six to nine vehicles to a single lot.

The two photographs at the end of this letter speak clearly to the existing parking issues. There is not enough parking for the increased densities that the proposed changes will bring. To allow so many parked cars will destroy the character of existing single-family neighborhoods.

Simply put - *the City cannot allow the unbridled construction of ADUs and the conversion of single family homes to duplexes, while honoring the ABC Comprehensive Plan goal to: "Protect and enhance the character of existing single-family neighborhoods ..."* (5.6.3).

That said, *with boundaries*, the City could increase the density of dwelling units through changes to the IDO and still meet the goals of the ABC Comprehensive Plan. Let us propose two boundaries to be implemented through conditional approvals: first, the applicant must demonstrate that adequate parking can be provided for the anticipated number of residents and second, that no more than 25% of the homes on a block can have an ADU or be a duplex conversion. So that there are eyes on the process (and so we don't have to rely on after-the-fact zoning enforcement), we request that these limits be implemented through conditional approvals. Importantly, we believe that these proposed boundaries will protect older neighborhoods while rarely constraining city-wide increases in the density of dwelling units in R-1 zones.

On behalf of the Board,



John Cochran

President

Spruce Park Neighborhood Association

Cc: Representative Pat Davis, District 6, CABQ
Representative Gail Chasey gail@gailchasey.com
Senator Ortiz y Pino jortizyp@msn.com
District 6 Coalition



Many of the lots in older neighborhoods are too narrow for a driveway, a 3 ft. free sight triangle and 2 vehicles at the curb



There is inadequate parking for even 4 vehicles per lot in much of the Spruce Park Neighborhood

From: [Debbie-South Los Altos](#)
To: [City of Albuquerque Planning Department](#)
Subject: EPC Jan. 19 hearing - comments for staff report for O-22-54 regarding definition of kitchen
Date: Sunday, January 8, 2023 12:41:36 PM
Attachments: [Kitchen Exemption Letter.pdf](#)
[ATT00001.htm](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Attn: EPC Chair Timothy MacEachen

Re: O-22-54 "SECTION 3. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO 10 EXEMPT ALL CONVERSIONS FROM NON-RESIDENTIAL DEVELOPMENT TO MULTI-FAMILY DWELLINGS FROM THE DEFINITION OF KITCHEN"

Chairman MacEachen:

Attached is a copy of the letter submitted by the Inter-Coalition Council on January 5, 2023 ("Kitchen Exemption Letter.pdf"), regarding the proposed IDO amendment to the definition of kitchen. I read that letter thoroughly and am in full support of everything in it.

In regard to this amendment, I am particularly concerned about freezer and refrigerator storage space. This is important not just for families, but also for couples and single people. I regularly freeze and refrigerate items in order that they not spoil before they are able to be consumed. As an example, a loaf of bread may not be consumed for 2-3 weeks. In order that it not spoil, it needs to be frozen. And vegetables such as chard, lettuce, spinach, and broccoli take up quite a bit of space in the refrigerator. Another example is ground meat. Even a one pound package will need to be divided up into several smaller packages and frozen in order for it to last. All of this takes up quite a bit of room in both the refrigerator and freezer.

Respectfully,

Debbie Conger
Albuquerque, NM

ICC Inter-Coalition Council

The ICC is a Council of Coalitions of Albuquerque and Bernalillo County Neighborhood Associations that has been meeting since May 2014 to reach consensus on broad, common concerns. Its purpose is to promote stronger, better neighborhoods and communities through group action and interfacing with the governmental, social, environmental, cultural and historic needs and interests of all residents.

January 5, 2023

Via email: abcto@cabq.gov
EPC Chair Timothy MacEachen

RE: O-22-54

SECTION 3. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO 10 EXEMPT ALL CONVERSIONS FROM NON-RESIDENTIAL DEVELOPMENT TO MULTI-FAMILY DWELLINGS FROM THE DEFINITION OF KITCHEN.

Chairman MacEachen,

The Inter-Coalition Council (ICC) supports expanded housing based upon research, analysis and public input. According to Census data, New Mexico's population has decreased by 3,333 from July 2021 to July 2022. Information on the Housing Forward ABQ website contains conflicting information on counts of homelessness with prior information released by the City. Some data is based upon a very small survey.

In the IDO update of 2021 the ICC opposed the change to the definition of a kitchen for dwellings that receive funding through the City of Albuquerque Department of Family and Community Services as affordable housing as defined by Article 14-21 of ROA 1994 (Affordable Housing Implementation Ordinance). The ICC continues to oppose this definition and supports the IDO update of 2022 amendment to delete subsection 4-3(B)(8)(e).

The ICC opposes the IDO update of 2022, section 3 to exempt all conversions from non-residential development to multi-family dwellings from the definition of kitchen.

The reasons for our opposition include:

- The staff report states the "modern living" housing may result in affordable housing (page 27). No analysis is provided that would indicate that developers would provide affordable housing based upon the change in the ordinance. Consideration should be given to requiring a percentage of affordable housing in these conversions.
- Providing substandard kitchens conflicts with the USDA Food and Nutrition Service which works to end hunger and obesity through the administration of 15 federal nutrition programs including WIC and Supplemental Nutrition Assistance Program.
- Provides lower-income households with substandard kitchens. Affluent households have full kitchens with a cooking stove, range or oven and a refrigerator with a freezer area.
- The proposed definition kitchen does not support healthy meal preparation. New Mexico has a higher rate of obesity and diabetes than surrounding states. Prepared, boxed food is higher in fat, sodium and sugar.

- Conflicting information is being provided to the public. Director Carol Pierce stated at the public meetings on converting Hotel/Motels to Housing that these units will be long term rentals. In the slide presentation accompanying the meetings the following statement appears: “Not only for people experiencing homelessness.” (Slide 6 of 15). This statement indicates that this is housing for the homeless.
- Overall Housing Forward plan lacks data or contains conflicting data. The range of housing need from 13,000-30,000 is a red flag. We know of no other organization that could make a plan for millions of dollars of expenditures based upon a variance of this amount.
- Lack of enforcement of current ordinances regarding rental property. This lack of enforcement has created doubt that vacant hotels that do not currently meet building codes for apartments will be adequately inspected and held to standards to provide safe and affordable apartments.

If the City of Albuquerque plans on allowing substandard kitchens in the conversion of non-residential property, the following should be considered:

- Location(s) should not negatively affect the character of the neighborhood. Consideration must be given to the history of the property regarding safety and crime. Consideration of location to create balance in the community for housing mix.
- Within the 40 hours of support services a week, require the service provider offer residences with nutrition and cooking classes free of charge at the apartment building.
- Require a refrigerator that supports storage of food received from USDA Food and Nutrition Service or food items bought on sale. (WIC provides fruits and vegetables that will spoil if not stored properly.) This storage will allow low-income households to stretch their dollars.
- Require a refrigerator that includes freezer space to accommodate freezing of left overs and the ability of households to freeze food received from USDA Food and Nutrition Service or food items bought on sale. This storage will allow low-income households to stretch their dollars.
- Amend to state microwave AND induction cooktop with built in safety controls.
- Amend to state multiple electric outlets. (This would support additional common kitchen appliances such as a toaster, crockpot, or coffee maker to be used in a safe manner.)

Sincerely,



Michael Brasher

Inter-Coalition Council President

From: [Debbie-South Los Altos](#)
To: [City of Albuquerque Planning Department](#)
Subject: Comments for staff report for EPC Jan. 19 meeting regarding O-22-54
Date: Monday, January 9, 2023 8:27:00 AM
Attachments: [LTR reO-22-54 frVHNA.pdf](#)
[ATT00001.htm](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Attn: EPC Chair Timothy MacEachen

Attached is a copy of a letter that was submitted this morning by Patricia Wilson on behalf of The VHNA Board of Directors. I live in the South Los Altos Neighborhood, also in Council District 6, and am in full agreement with what is in this letter.

The last sentence of the attached letter sums things up nicely: *“Let’s not ignore the Comprehensive Plan and the long-range Planning Assessment Area Reports in lieu of this crisis mode legislation attached to the IDO Annual Update.”*

Respectfully,

Debbie Conger
South Los Altos Neighborhood resident

January 8, 2023

Via email: abcto@cabq.gov
EPC Chair Timothy MacEachen

Re: Project #: PR-2018-001843
Case #: RZ-2022-00059 – Amendments to the IDO re: Housing Forward Initiative
(Council Bill No. O-22-54)

Chairman MacEachen,

The Victory Hills Neighborhood Association (VHNA), located in Council District 6, is opposed to the inclusion of the above-referenced Ordinance in the 2022 IDO Annual Update. These six substantive changes do not belong in the annual update process.

The tone of Mayor Keller's October 28, 2022, Inter-Office Memo to Council President Benton about this legislation is one of panic and emergency:

"...emergency text amendments...rapidly worsening housing shortage...alarming and growing gap...promptly remove regulatory barriers...the proposed changes are intended to be transformative, which is fitting for the crisis facing our local government...severity and urgency of the present housing crisis..."

The Albuquerque / Bernalillo County Comprehensive Plan guides decisions on zone changes and new plans and regulations. According to *Section 2.3.1 Population Growth*, the area population is predicted to increase by ≈46% by the year 2040, adding around 311,000 new residents:

"...growth is expected and must be planned for, particularly to grow in sustainable ways and protect our quality of life and the character of our vibrant communities."

Another concern we have is the lack of Agency comments. The Staff Report notes ≈70 written comments from individuals and neighborhood organizations, but of the 25 Agencies listed, five responded with "no comment" or "none" and only two agencies—the Mid-Region Council of Governments and the Public Service Company of NM—provided comments. MRCOG's Mid-Region Metropolitan Planning Organization's (MRMPO) thoughtful 3-page letter lists several relevant strategies relating to both the O-22-54 case and the Citywide IDO Annual Update amendments.

However, PNM's response expresses concern regarding increased load demand:

"The PNM electric grid can support infill development and redevelopment that utilizes existing electric infrastructure. But the resulting increased electric load demands may require the installation of upgraded equipment...that can safely accommodate the resulting load growth."

The fact that 18 out of 25 Agencies did not comment on this Legislation does not seem to support the tone of panic and emergency expressed in its introduction. There are many valid concepts contained in this legislation; perhaps each Section should be a separate bill and be given the community input and thoughtful discussion that each Section warrants. For example, in the Near Heights CPA Assessment Report, of the more than 100 community members submitting feedback on the topic of ADUs, about 65% support them permissively, and about 25% support them as a conditional use.

Let's not ignore the Comprehensive Plan and the long-range Planning Assessment Area Reports in lieu of this crisis mode legislation attached to the IDO Annual Update.

Respectfully,

The VHNA Board of Directors
Patricia Willson, President

From: [C. David Day](#)
To: [City of Albuquerque Planning Department](#)
Cc: [Benton, Isaac](#); [Molina, Nathan A.](#)
Subject: Housing Forward proposal
Date: Saturday, January 7, 2023 4:22:54 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.
Honorable Chair MacEachen, Councilor Benton, and Nathan,

I am in full SUPPORT of the Housing Forward legislation.
Councilor Ike Benton was central in creating the EDo MasterPlan back in 2004/5.
It had many of the same proposals proposed in Housing Forward and made good inroads in the district concerning attitudes and construction.

The Housing Forward will correct zoning issues that stifled a some developments in EDo the past 18 years.

C. David Day

terra designs l.l.c.
cdavidday@terradesigns.org
505.515.1333

From: [JULIE DREIKE](#)
To: [City of Albuquerque Planning Department](#)
Cc: [Sanchez, Louie E.](#); [MacEachen, Brandon](#); [Benton, Isaac](#); [Molina, Nathan A.](#); [Pena, Klarissa J.](#); [Hernandez, Rachael M.](#); [Bassan, Brook](#); [Emillio, Dawn Marie](#); [Lewis, Dan P.](#); [Alvarez, Giselle M.](#); [Davis, Pat](#); [Foran, Sean M.](#); [Fiebelkorn, Tammy](#); [Rummler, Laura W.](#); [Jones, Trudy](#); [Chavez, Aziza](#); [Grout, Renee](#); [Miller, Rachel R.](#); [East Gateway Coalition of Associations](#) [East Gateway Coalition of Associations](#)
Subject: Attached letter for EPC--ADUs
Date: Sunday, January 8, 2023 2:18:10 PM
Attachments: [ADUs2 final.pdf](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Attached letter sent on behalf of Michael Brasher, President of ICC

ICC Inter-Coalition Council

The ICC is a Council of Coalitions of Albuquerque and Bernalillo County Neighborhood Associations that has been meeting since May 2014 to reach consensus on broad, common concerns. Its purpose is to promote stronger, better neighborhoods and communities through group action and interfacing with the governmental, social, environmental, cultural, and historic needs and interests of all residents.

January 8, 2023

Via email: abcto@cabq.gov
EPC Chair Timothy MacEachen

cc City Council

RE: O-22-54, SECTION 2. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO ALLOW DETACHED ACCESSORY DWELLING UNITS WITH KITCHENS PERMISSIVELY IN THE R-1 ZONE DISTRICT CITYWIDE, EXCEPT IN SMALL AREAS WHERE SPECIAL REGULATIONS APPLY.

Chairman MacEachen,

The Inter-Coalition Council (ICC) opposes the inclusion of O-22-54 in the IDO Annual Update 2022. The six substantive changes proposed in this Ordinance do not belong in the annual IDO text amendment process. This letter addresses our opposition to Section 2 specifically.

The Mayor has said we need to use every tool in the toolbox—we do not disagree—but we need to be using the right tools for the job. Major changes to zone districts could be rife with unintended consequences. The evidence of a housing shortage has been developing for years, yet the city is attempting to address the housing shortage in crisis mode. O-22-54 was sent to City Council on October 31, 2022 and introduced on November 7, 2022 shortly before the busy holiday season. If the City leadership believes there is a housing crisis needing community involvement to solve, then the question must be asked where is the comprehensive outreach plan to receive input, rather than telling the citizens what the plan is?

The ICC supports expanded housing based upon research, analysis, and public input. According to Census data, New Mexico's population has decreased by 3,333 from July 2021 to July 2022. Information on the Housing Forward ABQ website contains conflicting information on counts of homelessness with prior information released by the city. Some data is based upon a very small survey. The range of housing need from 13,000-30,000 is a concern; the number used by the administration has varied. We know of no other organization that could plan for millions of dollars of expenditures based upon a variance of this amount.

The Housing Forward plan refers to potential short term rental impact on rental property, yet data and analysis is missing. The ordinance addressing short term rental has been in effect for over a year, and enforcement is lacking. A quick review of advertised short term rentals shows a lack of required registration data.

From the Staff Report (page 20 of 301): *“This citywide allowance and size limit would not apply in small areas that already allow ADUs either permissively or conditionally with their own special regulations in use-specific standards.”*

There is no analysis of the number of ADUs, how many are used for family members, how many are rental units, how many are affordable rental units, and how many are short term rental units.

From the Staff Report (page 24 of 301): “...multi-family dwellings bordering single-family neighborhoods are often objectionable to residents”

There is an implication that rental properties are objectionable to residents in R-1. We are not aware of objections to the many single-family homes rented in R-1. There are single-family homes rented throughout R-1.

From the staff report (page 26 of 301) “While some public comments have expressed opposition to allowing additional rental opportunities in existing single-family neighborhoods, zoning is an ineffective tool to regulate ownership.”

We agree that zoning is not a tool to regulate ownership. Zoning is a tool used to design and develop a community. Homes bought in R-1; single-family homes have an implied contact with the city zoning. In many cases, the largest investment in an individual’s life.

Within the O-22-54 Whereas Statements: “WHEREAS, there are 135,894 properties zoned R-1, which accounts for 68 percent of all zoned properties in the city;”

There is no analysis of areas of R-1 where covenants exist to prohibit ADUs, nor analysis of how many rental homes currently exist in R-1.

Based upon our review of O-22-54 we request the following:

- **Elimination of Section 2 from the IDO Annual Update 2022 and consideration of the following issues/questions, including vigorous public engagement for consideration at a later date**
 - Is there data on numbers of existing ADUs/casitas and if they are occupied by family, long-term or short-term rental? What data does the city have on ADUs/casitas being used for long-term rental regarding affordability?
 - In the Housing Forward plan, the estimated ADU/casitas goal is 1,000. What is this number based on and should a major change to the largest Zone in the City be done to accommodate 1,000 housing units?
 - At the December 8, 2022 EPC meeting, staff reported that many areas of the city will not be able to accommodate an ADU. Then why have an ordinance allowing ADUs city wide?
 - Study effects of additional parking in R-1 zoned neighborhoods?
 - Study effects on narrow streets concerning: mail delivery, solid waste and recycle pickup, first responder and police access
 - Study effects on utilities (water, gas, electric, infrastructure). Have the utility companies been consulted?
 - Zoning ordinances are not currently being monitored, inspected, and enforced adequately. Will departments be fully staffed to complete inspections, process complaints and issue compliance remedies in a timely manner? Will city administration certify full staffing for compliance measures?
 - What is the plan for review of current zoning violations and complaint backlog?
 - With many zoning violations not being enforced, what review has/is being done of current casitas within the allowed areas for compliance with zoning and what is being done to correct violations?
 - Given the current construction costs, what subsidies would be available to provide “affordable” housing?
- **If Section 2 is not eliminated, consider the following amendments**
 - The current IDO allows for ADUs permissively within 1,320 feet (¼ mile) from Premium Transit (PT) and Main Street (MS) areas. Consider expansion to 2,640 feet (1/2 mile) conditionally rather than permissively.
 - Conditionally allowed within 1,320 feet from employment centers (for example the film industry sited in the Housing Forward plan documents)
 - Establish traffic analysis standards that limit additional housing in a neighborhood
 - Make ADUs conditional rather than permissive in all newly allowed zones.
 - Consider Deed Restrictions for conditional ADUs for use by family members only. Include enforcement and violation requirements. (Those making comments at the December 8, 2022 EPC hearing in favor of ADUs indicated that they wanted ADUs for family members.) This would require additional rule

making for definitions and enforcement. Other communities have included deed restrictions. Their approach could be helpful for options.

- Recommend solar panels ADUs.
- Recommend EV capacity for each ADU bedroom added, either in the primary residence or ADUs.
- Separate metering for all utilities of the ADU (water, electric, gas).
- No trees removed for ADU construction and/or two tree replacement for each removed.
- Before permitting an ADU, inspection of primary residence for code violations and remedied--fences, utility easement, setbacks etc. Violations must be remedied before ADU construction.
- No waivers for ADU construction.
- Violations result in suspension of ADU permit for X period time.

Regarding public input and comments, it is important to note that the majority of those speaking in favor of ADUs were able to participate as part of their jobs—realtors and developers. The ICC represents Coalitions of Albuquerque and Bernalillo County Neighborhood Associations. Neighborhood Associations (NA) function with citizen volunteers giving their time to represent hundreds of neighbors by providing constructive input. Based upon NA representatives' discussion with neighbors, the vast majority disagree with ADUs in R-1.

Sincerely,

S

Michael Brasher
Inter-Coalition Council President

From: [JULIE DREIKE](#)
To: [City of Albuquerque Planning Department](#)
Cc: [Sanchez, Louie E.](#); [MacEachen, Brandon](#); [Benton, Isaac](#); [Molina, Nathan A.](#); [Pena, Klarissa J.](#); [Hernandez, Rachael M.](#); [Bassan, Brook](#); [Emillio, Dawn Marie](#); [Lewis, Dan P.](#); [Alvarez, Giselle M.](#); [Davis, Pat](#); [Foran, Sean M.](#); [Fiebelkorn, Tammy](#); [Rummler, Laura W.](#); [Jones, Trudy](#); [Chavez, Aziza](#); [Grout, Renee](#); [Miller, Rachel R.](#)
Subject: Attached letter for EPC--ADUs
Date: Sunday, January 8, 2023 2:58:25 PM
Attachments: [ADUs2 final.pdf](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

The letter from the ICC was sent to the EPC as well as from Embudo Canyon NA, of which I am President. (Because I am referencing that letter I am attaching it again.)

This email is from me personally.

We have lived in our home almost 30 years. My husband bought the lot in 1985. All with the understanding this neighborhood is zoned R-1, single-family housing. We made our home here based upon many factors, including an implied contract with the city regarding zoning. Like others in our community, a home is one of the largest investments we will ever make.

Based upon my understanding of the proposal in O-22-54, Section 2, I believe we could put an ADU in our backyard. Our backyard neighbor likely could not because of their lot size. However, I believe placing an ADU in our backyard would have a negative effect on the value of their property. I believe that is unfair and the city should not be the facilitator of the "taking of value."

We are near the Embudo Canyon open space trailhead. We believe ADUs in this area would have a negative affect on parking and access. I clearly remember the parking challenge people faced at the start of the pandemic when many were accessing the wonderful outdoor spaces our community has. While parking was a challenge, I was happy to see people discovering the treasure of open space. I would not want our neighborhood (nor any neighborhood) to face the traffic and parking challenges this zoning change could inflict on them.

This type of massive change does not belong in the IDO annual update. We do support analysis, evaluation and engagement of neighborhoods in looking at solutions to housing needs. We support development, job creation, and growth and do not think those actions require the taking of value from existing neighborhoods. As wise people have said, this is not about slicing the pie into smaller pieces, it is about growing the pie. Even with the "land locked" situation, other options are available.

I do not believe this proposal has received adequate review and input. I urge you to remove Section 2. Encourage the administration to develop a plan for outreach and listening sessions for smart approaches to housing.

Respectfully

Julie Dreike

ICC Inter-Coalition Council

The ICC is a Council of Coalitions of Albuquerque and Bernalillo County Neighborhood Associations that has been meeting since May 2014 to reach consensus on broad, common concerns. Its purpose is to promote stronger, better neighborhoods and communities through group action and interfacing with the governmental, social, environmental, cultural, and historic needs and interests of all residents.

January 8, 2023

Via email: abcto@cabq.gov
EPC Chair Timothy MacEachen

cc City Council

RE: O-22-54, SECTION 2. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO ALLOW DETACHED ACCESSORY DWELLING UNITS WITH KITCHENS PERMISSIVELY IN THE R-1 ZONE DISTRICT CITYWIDE, EXCEPT IN SMALL AREAS WHERE SPECIAL REGULATIONS APPLY.

Chairman MacEachen,

The Inter-Coalition Council (ICC) opposes the inclusion of O-22-54 in the IDO Annual Update 2022. The six substantive changes proposed in this Ordinance do not belong in the annual IDO text amendment process. This letter addresses our opposition to Section 2 specifically.

The Mayor has said we need to use every tool in the toolbox—we do not disagree—but we need to be using the right tools for the job. Major changes to zone districts could be rife with unintended consequences. The evidence of a housing shortage has been developing for years, yet the city is attempting to address the housing shortage in crisis mode. O-22-54 was sent to City Council on October 31, 2022 and introduced on November 7, 2022 shortly before the busy holiday season. If the City leadership believes there is a housing crisis needing community involvement to solve, then the question must be asked where is the comprehensive outreach plan to receive input, rather than telling the citizens what the plan is?

The ICC supports expanded housing based upon research, analysis, and public input. According to Census data, New Mexico's population has decreased by 3,333 from July 2021 to July 2022. Information on the Housing Forward ABQ website contains conflicting information on counts of homelessness with prior information released by the city. Some data is based upon a very small survey. The range of housing need from 13,000-30,000 is a concern; the number used by the administration has varied. We know of no other organization that could plan for millions of dollars of expenditures based upon a variance of this amount.

The Housing Forward plan refers to potential short term rental impact on rental property, yet data and analysis is missing. The ordinance addressing short term rental has been in effect for over a year, and enforcement is lacking. A quick review of advertised short term rentals shows a lack of required registration data.

From the Staff Report (page 20 of 301): *“This citywide allowance and size limit would not apply in small areas that already allow ADUs either permissively or conditionally with their own special regulations in use-specific standards.”*

There is no analysis of the number of ADUs, how many are used for family members, how many are rental units, how many are affordable rental units, and how many are short term rental units.

From the Staff Report (page 24 of 301): “...multi-family dwellings bordering single-family neighborhoods are often objectionable to residents”

There is an implication that rental properties are objectionable to residents in R-1. We are not aware of objections to the many single-family homes rented in R-1. There are single-family homes rented throughout R-1.

From the staff report (page 26 of 301) “While some public comments have expressed opposition to allowing additional rental opportunities in existing single-family neighborhoods, zoning is an ineffective tool to regulate ownership.”

We agree that zoning is not a tool to regulate ownership. Zoning is a tool used to design and develop a community. Homes bought in R-1; single-family homes have an implied contact with the city zoning. In many cases, the largest investment in an individual’s life.

Within the O-22-54 Whereas Statements: “WHEREAS, there are 135,894 properties zoned R-1, which accounts for 68 percent of all zoned properties in the city;”

There is no analysis of areas of R-1 where covenants exist to prohibit ADUs, nor analysis of how many rental homes currently exist in R-1.

Based upon our review of O-22-54 we request the following:

- **Elimination of Section 2 from the IDO Annual Update 2022 and consideration of the following issues/questions, including vigorous public engagement for consideration at a later date**
 - Is there data on numbers of existing ADUs/casitas and if they are occupied by family, long-term or short-term rental? What data does the city have on ADUs/casitas being used for long-term rental regarding affordability?
 - In the Housing Forward plan, the estimated ADU/casitas goal is 1,000. What is this number based on and should a major change to the largest Zone in the City be done to accommodate 1,000 housing units?
 - At the December 8, 2022 EPC meeting, staff reported that many areas of the city will not be able to accommodate an ADU. Then why have an ordinance allowing ADUs city wide?
 - Study effects of additional parking in R-1 zoned neighborhoods?
 - Study effects on narrow streets concerning: mail delivery, solid waste and recycle pickup, first responder and police access
 - Study effects on utilities (water, gas, electric, infrastructure). Have the utility companies been consulted?
 - Zoning ordinances are not currently being monitored, inspected, and enforced adequately. Will departments be fully staffed to complete inspections, process complaints and issue compliance remedies in a timely manner? Will city administration certify full staffing for compliance measures?
 - What is the plan for review of current zoning violations and complaint backlog?
 - With many zoning violations not being enforced, what review has/is being done of current casitas within the allowed areas for compliance with zoning and what is being done to correct violations?
 - Given the current construction costs, what subsidies would be available to provide “affordable” housing?
- **If Section 2 is not eliminated, consider the following amendments**
 - The current IDO allows for ADUs permissively within 1,320 feet (¼ mile) from Premium Transit (PT) and Main Street (MS) areas. Consider expansion to 2,640 feet (1/2 mile) conditionally rather than permissively.
 - Conditionally allowed within 1,320 feet from employment centers (for example the film industry sited in the Housing Forward plan documents)
 - Establish traffic analysis standards that limit additional housing in a neighborhood
 - Make ADUs conditional rather than permissive in all newly allowed zones.
 - Consider Deed Restrictions for conditional ADUs for use by family members only. Include enforcement and violation requirements. (Those making comments at the December 8, 2022 EPC hearing in favor of ADUs indicated that they wanted ADUs for family members.) This would require additional rule

making for definitions and enforcement. Other communities have included deed restrictions. Their approach could be helpful for options.

- Recommend solar panels ADUs.
- Recommend EV capacity for each ADU bedroom added, either in the primary residence or ADUs.
- Separate metering for all utilities of the ADU (water, electric, gas).
- No trees removed for ADU construction and/or two tree replacement for each removed.
- Before permitting an ADU, inspection of primary residence for code violations and remedied--fences, utility easement, setbacks etc. Violations must be remedied before ADU construction.
- No waivers for ADU construction.
- Violations result in suspension of ADU permit for X period time.

Regarding public input and comments, it is important to note that the majority of those speaking in favor of ADUs were able to participate as part of their jobs—realtors and developers. The ICC represents Coalitions of Albuquerque and Bernalillo County Neighborhood Associations. Neighborhood Associations (NA) function with citizen volunteers giving their time to represent hundreds of neighbors by providing constructive input. Based upon NA representatives' discussion with neighbors, the vast majority disagree with ADUs in R-1.

Sincerely,

S

Michael Brasher
Inter-Coalition Council President

From: [JULIE DREIKE](#)
To: [City of Albuquerque Planning Department](#)
Cc: [Sanchez, Louie E.](#); [MacEachen, Brandon](#); [Benton, Isaac](#); [Molina, Nathan A.](#); [Pena, Klarissa J.](#); [Hernandez, Rachael M.](#); [Bassan, Brook](#); [Emillio, Dawn Marie](#); [Lewis, Dan P.](#); [Alvarez, Giselle M.](#); [Davis, Pat](#); [Foran, Sean M.](#); [Fiebelkorn, Tammy](#); [Rummler, Laura W.](#); [Jones, Trudy](#); [Chavez, Aziza](#); [Grout, Renee](#); [Miller, Rachel R.](#)
Subject: Attached letter for EPC (Definition of Kitchen)
Date: Wednesday, January 4, 2023 4:37:48 PM
Attachments: [Kitchen exemption 2 ECNA.pdf](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Please include in the staff report for the meeting on January 19, 2023

Respectfully,
Julie Dreike
President, Embudo Canyon NA

Embudo Canyon Neighborhood Association (ECNA)

Bounded on the West by Tramway, bounded on the North by Rover, bounded on the East by Camino De La Sierra and Open Space and bounded on the South by Lomas.

January 4, 2023

Via email: abcto@cabq.gov
EPC Chair Timothy MacEachen
cc City Council

RE: O-22-54

SECTION 3. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO 10 EXEMPT ALL CONVERSIONS FROM NON-RESIDENTIAL DEVELOPMENT TO MULTI-FAMILY DWELLINGS FROM THE DEFINITION OF KITCHEN.

Chairman MacEachen,

The Embudo Canyon Neighborhood Association (ECNA) supports expanded housing based upon research, analysis and public input. According to Census data, New Mexico's population has decreased by 3,333 from July 2021 to July 2022. Information on the Housing Forward ABQ website contains conflicting information on counts of homelessness with prior information released by the City. Some data is based upon a very small survey.

In the IDO update of 2021 the ECNA Board supported the ICC opposed the change to the definition of a kitchen for dwellings that receive funding through the City of Albuquerque Department of Family and Community Services as affordable housing as defined by Article 14-21 of ROA 1994 (Affordable Housing Implementation Ordinance). The ECNA Board continues to oppose this definition and supports the IDO update of 2022 amendment to delete subsection 4-3(B)(8)(e).

ECNA Board opposes the IDO update of 2022, section 3 to exempt all conversions from non-residential development to multi-family dwellings from the definition of kitchen.

The reasons for our opposition include:

- The staff report states the "modern living" housing may result in affordable housing (page 27). No analysis is provided that would indicate that developers would provide affordable housing based upon the change in the ordinance. Consideration should be given to requiring a percentage of affordable housing in these conversions.
- Providing substandard kitchens conflicts with the USDA Food and Nutrition Service which works to end hunger and obesity through the administration of 15 federal nutrition programs including WIC and Supplemental Nutrition Assistance Program.
- Provides lower-income households with substandard kitchens. Affluent households have full kitchens with a cooking stove, range or oven and a refrigerator with a freezer area.
- The proposed definition kitchen does not support healthy meal preparation. New Mexico has a higher rate of obesity and diabetes than surrounding states. Prepared, boxed food is higher in fat, sodium and sugar.
- Conflicting information is being provided to the public. Director Carol Pierce stated at the public meetings on converting Hotel/Motels to Housing that these units will be long term

rentals. In the slide presentation accompanying the meetings the following statement appears: “Not only for people experiencing homelessness.” (Slide 6 of 15). This statement indicates that this is housing for the homeless.

- Overall Housing Forward plan lacks data or contains conflicting data. The range of housing need from 13,000-30,000 is a red flag. We know of no other organization that could make a plan for millions of dollars of expenditures based upon a variance of this amount.
- Lack of enforcement of current ordinances regarding rental property. This lack of enforcement has created doubt that vacant hotels that do not currently meet building codes for apartments will be adequately inspected and held to standards to provide safe and affordable apartments.

If the City of Albuquerque plans on allowing substandard kitchens in the conversion of non-residential property, the following should be considered:

- Location(s) should not negatively affect the character of the neighborhood. Consideration must be given to the history of the property regarding safety and crime. Consideration of location to create balance in the community for housing mix.
- Within the 40 hours of support services a week, require the service provider offer residences with nutrition and cooking classes free of charge at the apartment building.
- Require a refrigerator that supports storage of food received from USDA Food and Nutrition Service or food items bought on sale. (WIC provides fruits and vegetables that will spoil if not stored properly.) This storage will allow low-income households to stretch their dollars.
- Require a refrigerator that includes freezer space to accommodate freezing of left overs and the ability of households to freeze food received from USDA Food and Nutrition Service or food items bought on sale. This storage will allow low-income households to stretch their dollars.
- Amend to state microwave AND electric cook plate with built in safety controls.
- Amend to state multiple electric outlets. (This would support additional common kitchen appliances such as a toaster, crockpot, or coffee maker to be used in a safe manner.)

Sincerely,

Julie Dreike

President, Embudo Canyon Neighborhood Association

From: [Richard Eager](#)
To: [Police Near North Valley](#); [City of Albuquerque Planning Department](#)
Subject: Amendments to Zoning Code
Date: Monday, January 9, 2023 9:28:38 AM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

To Whom It May Concern;

We are **strongly in favor of amendments to the Zoning Code**, to allow for Accessory Dwelling Units to be built in the Near North Valley.

Richard & Alana Eager
1409 Los Arboles Ave NW
Albuq. NM 87107
505-280-6658

From: [Evelyn Feltner](#)
To: [City of Albuquerque Planning Department](#)
Subject: To Chair MacEachen
Date: Sunday, January 8, 2023 10:06:02 AM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Hello Commission Chair MacEachen,
Reiterating what my earlier e mail said about the R-1 changes proposed—becoming "affordable" rentals impractical given construction costs for backyard houses and rent needed to recoup; permissive use denies neighbors of the house-builders right to have any say in neighbors' decisions that will affect both of them; making changes applicable to current R-1 properties rather than to those built in future betrays the implied contract with homebuyers who thought they were buying R-1 properties..

Remedies for these problems: put city efforts and money behind the initiative to convert hotels and commercial buildings to apartment dwellings; make any R-1 changes conditional rather than permissive uses so neighbors can comment and the zoning hearing officer can decide on requests for backyard mini-dwellings; limit any R-1 changes to future builds or designate a lot size ($\frac{3}{4}$ acre and above obvious choice) for conditional use requests.

This whole proposal is very reminiscent of one in 2007-2008, when Councilor Benton held a series of meetings aimed to convince residents the "form based code" throughout the city would benefit R-1 zones by allowing corner groceries, duplexes etc. amid single-family homes and taller apartment complexes to densify the area near foothills even if some residents' views were blocked. And the 2015-2016 Benton proposal which said the mini-dwellings in backyards would not be rentals but used by relatives or friends of the main houses' owners. Those didn't get anywhere after residents analyzed them. As Secretary of the District 7 Coalition of Neighborhood Associations. I had to go to meetings for all those; now that I'm again D7 Coalition Secretary, I don't need deja vu.

Evelyn Feltner

Date: January 8, 2023

To: Timothy MacEachen Chair, EPC

From: Rene' Horvath, Land Use director for TRNA and WSCONA

Re: O-22-54 Housing Forward Citywide Amendments 2022 IDO Annual Review

Dear Mr. MacEachen and fellow Commissioners,

The Housing Forward amendments are significant zone changes to the City which can adversely impact the quality of life for Albuquerque community. Most of the community is not aware of these proposed zone changes. Introducing these amendments just before the holidays with the expectation that this gives adequate time for public review and provide input before the EPC hearings is absurd. This is an abuse of the public process. This is not the correct way to deal with zoning. Zoning is suppose to set standards to protect and maintain the quality of life for its citizens, who relied on the zoning rules when they invested in their homes and businesses. Zoning should not be changed so easily. Zone changes are to be carefully evaluated to prevent negative impacts. They should not be used for economic gain for a select few.

It appears that the a City has sat down with the Industry to come up with the proposed zone changes.-They justify it by declaring a housing emergency, and that we need affordable housing options to solve the homeless problem. They say that the IDO is outdated and a barrier to solving these problems. But there has been no studies, no analysis, no guarantee that the proposed zone changes will solve these issues.

The IDO had already up-zoned the zoning in 2017, by increasing the density and building heights. Numerous apartments have been built or are being constructed as a result. These taller apartments have angered the community, by towering over homes, blocking views and sunlight, invading their privacy. Removing the height limits will make things worse. Please do not approve.

The lack of parking has also been issue for many existing apartments, creating conflicts for the managers, the tenants, and their guests. Apartments should not have to rely on residential streets, or shopping centers for parking areas, as this negatively impacts the whole community. Council already reduced parking requirements last year. The proposed Parking reduction is not necessary and will make things worse. Please do not approve.

Hotel/ Office conversions are becoming a trend in the US, and it appears they include full kitchens. Albuquerque does not need to provide incentives to do conversions with scaled back kitchens, especially if other cities require full kitchens. Albuquerque should require full kitchens too.

Duplexes: This is a significant change to the R-1 zone, with no discussion and will create conflicts. Do not approve. Please maintain the current IDO language.

Casitas/ADUs: This should not be a permissive use. Casitas would need a large lot, is one story, does not block neighbor's views or sunlight, and has enough space to park on the lot and not in the street, it does not impact the neighbors or change the character of the community and is supported by the neighbors and the community. This needs more discussion, and is not ready to be approved.

These amendments are zone changes that will change the character of Albuquerque and negatively impact sensitive areas. The West Side has a lot of sensitive open space areas that need sensitive development. The West Side also has spectacular views which is a community asset.

Coors is considered a view corridor. The volcano mesa area with its views is considered sacred to the pueblo Indians. Much of the West Side is an "Area of change". These zoning amendments will affect these areas negatively if approved. Overall, some of the amendments need adjustment, some should not be approved at all.

Thank you,
Rene' Horvath
Land Use director
For the West side Coalition and Taylor Ranch NA

P.S. The Housing Forward zone changes do not meet the following Comprehensive Plan polices nor the State statute. See below:

I) The ABC-Z Comp Plan goals and policies are to guide development to fit with the surrounding area:

ABC-Z Comp Plan: Pg. 5-23 5.1.2.5 CITY OF ALBUQUERQUE DEVELOPMENT

AREAS: Directing growth to Areas of Change is intended to help preserve and protect established neighborhoods in Areas of Consistency. ***Areas of Change and Consistency are designed to be complementary to protect the scale and character of distinctive neighborhoods while accommodating new residents and jobs in areas already well served by infrastructure and transit.***

Areas of Consistency: Pg. 5-23 (City only) *Neighborhoods designated as Areas of Consistency will be protected by policies to limit densities, new uses, and negative impacts from nearby development. While these areas may see some infill development and new uses, new development or redevelopment will need to be compatible in scale and character with the surrounding area.*

II) 2019 New Mexico Statutes

Chapter 3 - Municipalities

Article 21 - Zoning Regulations

Section 3-21-5 - Zoning; conformance to comprehensive plan.

Universal Citation: [NM Stat § 3-21-5 \(2019\)](#)

A. The regulations and restrictions of the county or municipal zoning authority are to be in accordance with a comprehensive plan and be designed to:

- (1) lessen congestion in the streets and public ways;
- (2) secure safety from fire, flood waters, panic and other dangers;
- (3) promote health and the general welfare;
- (4) provide adequate light and air;
- (5) prevent the overcrowding of land;
- (6) avoid undue concentration of population;
- (7) facilitate adequate provision for transportation, water, sewerage, schools, parks and other public requirements; and
- (8) control and abate the unsightly use of buildings or land.

B. The zoning authority in adopting regulations and restrictions shall give reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and to conserving the value of buildings and land and encouraging the most appropriate use of land throughout its jurisdiction.

From: [Kristi Houde](#)
To: [City of Albuquerque Planning Department](#)
Cc: [Renee Martinez](#); [Roslyn Kloeppe](#); [Sergio Viscoli](#); [Meghan Martinez](#); [jessmartinez](#)
Subject: IDO Annual Update 2022 - EPC Comments
Date: Friday, December 30, 2022 2:13:40 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.
Mr Timothy MacEachen,

I thank you for the opportunity to publicly comment on behalf of the Citizens Information Committee of Martineztown the duly recognized neighborhood association representing South Martineztown. We support the Planning IDO Annual Update 2022 and the IDO Housing (O-22-54) amendment. The CICM believes redevelopment must reinforce the established character of the existing neighborhood. South Martineztown has long established and protected our neighborhood with its former Sector Plan that was folded into the current IDO. We have successfully opposed two recent variance requests for 6 feet high fences without setbacks in our neighborhood. We will continue to oppose high fence variance requests without setbacks from the property line.

Please contact me with any questions.
Kristi Houde,
CICM Board Member

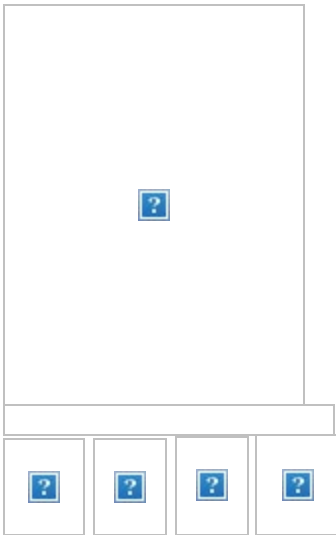
From: [Owen Kramme](#)
To: [City of Albuquerque Planning Department](#); [Benton, Isaac](#); [Molina, Nathan A.](#)
Subject: Housing Forward IDO - Support
Date: Monday, January 9, 2023 10:24:29 AM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Honorable Chair MacEachen, Councilor Benton, and Nathan,

I am in full SUPPORT of the HOUSING FORWARD ABQ proposal and hope that you all will help approve this change to the IDO.

Best,



From: [Kutz, Julie](#)
To: [City of Albuquerque Planning Department](#)
Subject: 2021 IDO Annual Update
Date: Monday, January 9, 2023 8:58:23 AM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

In general I don't have too many objections to ADUs and the change in zoning. However, I would hope that extreme caution is used when increasing density as it relates to utility pressures, especially to increased use of sanitary sewer lines, parking and traffic in neighborhoods that were originally designed for a certain capacity. In my neighborhood, an older neighborhood built in the 1950s, we have issues with the sanitary sewer lines already and the ABCWUA has to come out and clean out the lines to keep them flowing. What would higher density ADUs do to the capacity of the sewer lines? Would it start backing up into our homes? The City needs to consider this and be ready to upgrade the infrastructure if they allow this higher density development. The same holds true for parking and traffic, these neighborhoods were not designed for higher densities.

Thank you for considering my comments

Julie Kutz
2317 Krogh Ct., NW
87104

From: [John Lavolpa](#)
To: [City of Albuquerque Planning Department](#)
Subject: Tiny houses
Date: Monday, January 9, 2023 5:29:51 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.
I would be in favor of tiny homes in R1 zoning. Rents are so high Albuquerque needs more low rent houses
Thank you
John Lavolpa

Sent from my iPhone=

From: [Michael Leach](#)
To: [City of Albuquerque Planning Department](#)
Subject: IDO Annual Update 2023 Comments
Date: Monday, January 9, 2023 8:23:06 AM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Chairman MacEachen, I would like to make the following comments regarding the IDO:

Reducing parking requirements for increase housing I'm against. My concern is a safety issue for fire, ambulance and police services in cases of an emergency. Reducing parking requirements will only result in making parking in streets more prevalent by residents and when an emergency service is required I'm very concerned about emergency vehicles be able to get access to a property. The argument that people will use mass transit to these areas is not valid. Our mass transit presently is not being used.

My other concern is the historic preservation requirement on any building 50 years old or older will need to be approved by a Historic committee prior to being demolished. I would like this language removed from the IDO and have limited as it presently written to Historic districts of Albuquerque. If the language is not going to be removed, then the process of getting approval needs to be reduced from 120 days down to 30 days.

Thank you for your consideration of these points.

Sincerely,

Mike Leach, SIOR

SYCAMORE ASSOCIATES LLC

Industrial & Commercial Real Estate

Michael D. Leach, Licensed NM Real Estate Broker, License 7070

Mailing address:

PO Box 90608

Albuquerque, NM 87199-0608

Physical address:

8300-D Jefferson NE

Albuquerque NM 87113-1734

Phone - 505.345-5075 Fax - 505.345-5059

E-mail - mdl@sycamore-associates.com



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From: [Irene Libretto](#)
To: [City of Albuquerque Planning Department](#)
Subject: Comments regarding O-22-54 and selected Citywide amendments
Date: Monday, January 2, 2023 11:46:02 AM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Attn; Timothy Mac Eachen
Chair, EPC

I live at 6917 Sweetbrier Ave NW, in the Santa Fe Village Neighborhood.

I am fully in support of the positions stated in the letter submitted by the Board of the Santa Fe Village Neighborhood Association, regarding O-22-54 and selected Citywide amendments being considered at the January 19, 2023 meeting of the EPC.

Sincerely,
Irene J Libretto

From: [Janita Luddeke](#)
To: [City of Albuquerque Planning Department](#)
Subject: IDO Amendment
Date: Monday, January 9, 2023 8:00:05 AM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Not sure why this is being pushed? There are already [adequate zoning requirements for the building of a casita on single family property.](#)

Please note that if you pass/endorse this IDO amendment that allows all R-1 zoned single family property to add rental or other residencies, you will be in ***Violation of NM Statue 3-21-6!***

You have not properly notified residential property owners in Albuquerque affected by this state law which requires:

"Whenever a change in *zoning is proposed for an area of more than one block*, notice of the public hearing shall be mailed by first class mail to the owners, as shown by the records of the county treasurer, of lots or [of] land within the area proposed to be changed by a zoning regulation and within one hundred feet, excluding public right-of-way, of the area proposed to be changed by zoning regulation."

Citizens who pay taxes, volunteer time & money (donations) into making our community a better place are tired of the poor bureaucratic policies imposed upon us. It appears the various ill thought out policies imposed upon the citizens are only making things worse in our state! Please think about the consequences of this zoning proposal!

Thank you for your time.

Sincerely,
Janita & Tim Luddeke

From: [Brenda Marks](#)
To: [City of Albuquerque Planning Department](#)
Subject: 2021 IDO Annual Update
Date: Monday, January 9, 2023 2:09:28 PM

Our comments to the proposed IDO Amendments and Update:

We oppose the proposals to (1) allow ADU development in all R-1 neighborhoods as currently proposed. The change from conditional to permissive is egregious. The specifics have incomplete requirements as to how setbacks are addressed; how access is addressed; no restrictions based on lot size; no requirements as to construction access (all of our neighborhood has NO alleys; and no restrictions as to use. Your proposed “Good Neighbor” agreement is vague, ambiguous and toothless, rendering it worthless.

As to (2) lifting height restrictions, this will not result in more affordable housing. Quite the opposite. Construction requirements are completely different and require far more expensive specifications as to concrete construction; elevators and ADA access. High rise construction will result in only market-rate development, unless the City and State throw in incentives and requires a specific number of affordable (as defined by HUD) units. And nowhere in your information can I find any such incentives or requirements in this proposal.

As to the (3) development of duplexes by dropping the requirement of individual ownership plats, this too will fail to meet your policy objectives. In our neighborhood, this will result in loss of single-family ownership and will turn certain areas of Huning Castle into rental only.

MOST IMPORTANTLY, this proposal as currently shown to the public is far too vague, ambiguous and rushed for any citizen of Albuquerque to have time to properly evaluate it and weigh its strengths and weaknesses. As it’s currently stated, it will not meet your pages-long policy goals. This process, to us, looks a bit like ART all over again.

We urge denial.

Paul Howes and Brenda Marks
1726 Chacoma Place SW
Albuquerque, NM 87104
gphowes12@gmail.com
brenda.marks648@gmail.com
619.571.3953 PH cell
469.235.6598 BM cell

From: [Rita Nofsinger](#)
To: [City of Albuquerque Planning Department](#)
Subject: Zoning change
Date: Saturday, January 7, 2023 5:12:54 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

I am an Inez neighborhood resident and I am for the change to allow “guest homes” and duplex type changes. We have to start seeing how our world is changing and change our attitudes toward property.
Sent from my iPhone=

From: [paxtonm](#)
To: [City of Albuquerque Planning Department](#)
Subject: O-22-54 would be highly detrimental to some neighborhoods
Date: Friday, January 6, 2023 4:18:12 PM
Attachments: [2023 I 06 opposition to O-22-54 to McEachen.pdf](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Dear Chairman McEachen and EPC Members:

During the December 8, 2022 EPC meeting concerning O-22-54, which would allow the conversion of every single-family home in Albuquerque with R-1 zoning into a duplex with an Accessory Dwelling Unit, support came largely from representatives of industries that would profit financially. For families who just want a pleasant place to live, R-1 zoning has for decades provided stability and protection of a major financial investment. If O-22-54 were to be implemented, the consequences would effectively destroy some neighborhoods. Unfortunately, the detrimental impacts in those areas have largely been ignored. The measure is a major violation of the Comprehensive Plan, the Rank 1 document that provides direction for zoning. My attached comments provide further discussion of that aspect and other arguments against a change that would be highly detrimental to many residents.

Thank you for your attention to this very serious matter.

Sincerely,
Merideth Paxton, PhD

Opposition to Increased Residential Zoning Density Created by O-22-54

Environmental Planning Commission meeting, January 19, 2023

Overview: Zoning modifications should not create any sacrifice areas in Albuquerque that are destined to become loci of short-term occupancy because drastic reductions in the quality of life brought by the increased residential density of O-22-54 make them undesirable and/or unsafe.

The Rationale Supporting O-22-54

Support for O-22-54, which would allow houses in all R-1 neighborhoods to be converted to duplexes with an additional accessory dwelling unit (ADU), has recently been summarized succinctly by a city councilor. Accordingly, her statement is a convenient basis for comments regarding complexities within the city that necessitate special measures to prevent the disastrous outcome mentioned above.

Response to “Input from your constituent objecting to proposed zoning change that will allow the construction of casitas in R-1 zoned neighborhoods”

Zoning evolves over time and I believe this evolution is necessary to provide much-needed housing without encouraging sprawl. As you probably know, a recent analysis shows a housing gap of many, many dwelling units in Albuquerque. In particular, there is a shortage of affordable housing which is contributing to our homeless crisis.

The solution is either to place additional dwelling units in the city or to continue the environmentally devastating sprawl on the west side of the city. I will always support infill over sprawl.

I understand your position and believe there is a manageable solution. Not every home will have an accessory dwelling unit, nor will every street see an increase in vehicle use.

*Tammy Fiebelkorn
District 7 City Councilor
December 15, 2022*

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A History of Failed Density Increase: The South Campus Area, aka “The Student Ghetto”

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apartment or two at the rear of the lot. The proximity to UNM encouraged rentals to students, and as the holdings of older property owners—some of whom remembered when Central was not paved east of Girard—came on the market, that trend accelerated. After my husband and I bought a house there in 1970, we realized that the neighborhood crime rates were high on account of the density and the frequent changes of tenants. The circumstance was antithetical to the Neighborhood Watch concept because no one knew whether a stranger at a nearby residence was a new occupant or a burglar. Without long-term connections to a social community, some people there didn't respect the needs of others to function productively during mornings; they habitually hosted loud, late-night parties. Upkeep of buildings did not appear to be a high priority to landlords, who were primarily interested in maximizing profits.

Then, matters became even worse as the effects of a pre-1970 zoning change came into view. The neighborhood, which primarily pre-dated the introduction of zoning in 1959, had been re-zoned as R-3. The change permitted the replacement of any single-family home by twelve apartments; such constructions can still be seen in the 300 block of Princeton, SE. To meet requirements for off-street parking, the spaces were placed below the building. That solution caused serious car-noise issues and, by blocking solar access, brought very high heating costs to the adjacent property to the north. The consequences of the increased zoning density were so detrimental that a building permit moratorium was put in place and a sector development plan was created to encourage neighborhood stability. Besides lower density, the plan brought such improvements as the requirement that open space be provided at ground level (not on rooftops, as had previously occurred) and one of the earliest regulatory protections in the country for solar access. Nevertheless, the prejudice against the “student ghetto” appears to be indelible. While I was member of the city-sponsored committee to create the sector development plan, I was told by planners that I belonged in Spruce Park, which is where we eventually moved. That happened partly because friends were reluctant to visit us in a neighborhood known for high crime. Decades later, when I mention the south campus neighborhood, I am always scornfully told that I must be referring to the “student ghetto.”

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The south campus problems, including heightened crime and excessive noise, that are outlined at the beginning of this document are related to density at the same level now proposed in O-22-54. Under the new ordinance, Spruce Park would not even have the basic quality-of-life protections found there, and the resulting damage would be irreparable. For example, there would be no requirement to provide open space. Although off-street parking requirements were specified for

the south campus area during the 1970s, because of drivers commuting to UNM, it became the first neighborhood in the city to enact parking permits. Without the assurance of parking availability, tradesmen would not accept work there. The expectation of O-22-54 is that the increased residential parking would be found on the streets. The need for three spaces, with one in the driveway and two on the street, cannot realistically be met in Spruce Park. The 50-foot lot widths here are significantly narrower than the current standard of 60 feet. A recent sample measurement of lot curbs in the 1600 block of Roma NE established that some are not even fifty feet wide (48 ft. 9 in.; 49 ft.; 49 ft. 9 in.), and curb cuts for driveways are thirteen feet wide. Two vehicles simply will not fit on the street sections in front of some houses.



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I watched this scenario play out before my very eyes. It is extremely sad. If the mayor thinks this new zoning will open up more housing for families, he is wrong. It will do the opposite.

As someone who voted in favor of infill in preference to urban sprawl many years ago, I can say that the notion was not defined at the time. A common assumption then was that it meant building on vacant lots. To overburden neighborhoods like Spruce Park by the policies of O-22-54 would surely surpass any reasonable interpretation of the practical limits of infill.

Conclusion

Mayor Keller's plan is commendable for its rapidity in response to the urgent need for affordable housing in Albuquerque. Nevertheless, the comments presented here have shown that, while some neighborhoods might not be negatively impacted, the destruction of Spruce Park and similar areas near UNM and elsewhere could easily be brought by O-22-54. I would respectfully request that neighborhoods with standard lot widths of less than sixty feet be exempted from the ordinance, at least for the present.

Since the November 11, 2022 announcement of the mayor's "transformative zoning," additional information has become available, which indicates that other factors should be considered in the discussion of how to solve the problem of homelessness. To mention a few points, not all people are homeless because of a lack of housing availability. It is not yet known how many housing units will be gained from the conversions of failed strip malls, hotels, and other buildings, and possibly from the rehabilitation of abandoned apartment complexes. Several new programs to help the homeless and potentially homeless (e.g., women recently released from prison) have been publicized. While homelessness is very important, it is not the only problem facing the city. The New Mexico State Climatologist has expressed concern that Albuquerque is becoming a heat island, and removing yard trees and other landscape elements to create space for more buildings would contribute to climate change.

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While the best ways to help people in need of housing are being identified, I would cogently request that Spruce Park and neighborhoods like it not be strained beyond their carrying capacity.

Opposition to Increased Residential Zoning Density Created by O-22-54

Environmental Planning Commission meeting, January 19, 2023

Overview: Zoning modifications should not create any sacrifice areas in Albuquerque that are destined to become loci of short-term occupancy because drastic reductions in the quality of life brought by the increased residential density of O-22-54 make them undesirable and/or unsafe.

The Rationale Supporting O-22-54

Support for O-22-54, which would allow houses in all R-1 neighborhoods to be converted to duplexes with an additional accessory dwelling unit (ADU), has recently been summarized succinctly by a city councilor. Accordingly, her statement is a convenient basis for comments regarding complexities within the city that necessitate special measures to prevent the disastrous outcome mentioned above.

Response to “Input from your constituent objecting to proposed zoning change that will allow the construction of casitas in R-1 zoned neighborhoods”

Zoning evolves over time and I believe this evolution is necessary to provide much-needed housing without encouraging sprawl. As you probably know, a recent analysis shows a housing gap of many, many dwelling units in Albuquerque. In particular, there is a shortage of affordable housing which is contributing to our homeless crisis.

The solution is either to place additional dwelling units in the city or to continue the environmentally devastating sprawl on the west side of the city. I will always support infill over sprawl.

I understand your position and believe there is a manageable solution. Not every home will have an accessory dwelling unit, nor will every street see an increase in vehicle use.

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From: [paxtonm](#)
To: [Renz-Whitmore, Mikaela J.](#)
Subject: living the O-22-54 experience
Date: Monday, January 9, 2023 3:37:36 PM
Attachments: [2023 I 06 opposition to O-22-54 to McEachen.pdf](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.
Dear Mikaela Renz-Whitmore:

The thought occurs that the proposal and discussion of O-22-54 are being framed entirely in abstract, philosophical terms. I strongly oppose the "transformative" change to residential zoning because I have actually lived in a neighborhood where the density now being considered, which would legalize the conversion of single-family homes to duplexes with an additional ADU, is prevalent. As the attached statement shows, serious quality of life problems result from this density. You will notice that the issues are especially detrimental to neighborhoods around university campuses. The current proposal would unequivocally exceed the carrying capacity of my neighborhood, Spruce Park, and others like it around UNM, in part because lot sizes here are below modern standards.

I would respectfully request that the proposed changes to R-1 zoning be studied further for practicality before implementation is pursued. At present, the details underlying the projected need for additional affordable housing have not been presented to the public. How can we know if the estimate is accurate? Nor is there an estimate of how many units can be obtained through conversions of office buildings, hotels, and failed strip malls. Moreover, a number of new programs to provide housing to homeless people have been publicized since Mayor Keller's announcement of his "transformative zoning" plan on November 11, 2022. As you may have noticed, the Albuquerque Journal subsequently published a letter from someone who "manages and develops permanent supportive housing for the most vulnerable members of the community" ("A journey from squatter to landlord," by John Bloomfield, Executive Director, New Life Homes, December 15, 2022, p. A11). As someone with experience creating housing in various countries, Mr. Bloomfield asserts that there are 1,300 blighted buildings in Albuquerque that could become housing. Shouldn't his expertise and ideas be investigated? From my perspective, there is a rush to overturn major aspects of the Comprehensive Plan without consideration of the irreparable problems that will almost certainly result.

Sincerely,
Merideth Paxton, PhD

From: [judphil](#)
To: [City of Albuquerque Planning Department](#); [Benton, Isaac](#); [Molina, Nathan A.](#)
Subject: Supporting Housing Forward ABQ
Date: Monday, January 9, 2023 12:21:43 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.
A happy and productive 2023 to all~~

I am voicing support for the Housing Forward ABQ proposal as a genuine step toward balancing suburban sprawl with culturally apt infill. A cobenefit of a move toward well-planned density, affordability and urbanism is more efficient water use, rainwater harvesting and other LID GSI strategies for a more livable city.

Thank you for your progressive thinking,
Judith Phillips

From: [Julie Radoslovich](#)
To: [City of Albuquerque Planning Department](#)
Subject: Comments: IDO Annual Update
Date: Sunday, January 8, 2023 7:38:01 PM
Attachments: [IDO Comments PHNA 1 9 2023 FINAL .pdf](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Chair MacEachen:

Please consider these comments in the staff report for the upcoming EPC meeting. See email and attachment.

Date: January 9, 2023

To: Timothy MacEachen Chair, EPC

From: Julie A. Radoslovich, President, Pat Hurley Neighborhood Association

Re: O-22-54 and Citywide Amendments 2022 IDO Annual Review

Our community reactivated the Pat Hurley Neighborhood Associations this past fall, after several years of dormancy. We realized that if we were to have a voice within the city, we needed to establish recognition. Today, I bring our neighborhood voices to the table. I share some background information on our *vecino* for your reference.

“Pat Hurley neighborhood lies north of Central and just below the steep bluffs which line the west bank of the Rio Grande for several miles to the north. Though just across the river from Old Town and a short bus ride from downtown, the Pat Hurley neighborhood sometimes seems a world away, with its fields, gardens, irrigation ditches, and narrow winding roads. The upper park offers spectacular views of the city, with the Rio Grande in the foreground, against the backdrop of the Sandia Mountains” (*Albuquerque Neighborhood Walking Tour Series*, No. 3, 2006).

As a recently activated association, this was our first-time reviewing amendments in the Integrated Development Ordinance, and honestly, reviewing hundreds of pages along with comments from interested parties, has been a daunting task. In this revision, there are 49 amendments. **We are concerned the many amendments pushed forward through this IDO amendment process benefit the development community while removing protections set aside for neighborhoods.** There are far too many amendments without significant explanation or justification. I would ask that as amendments are developed within the IDO, readability be a priority. Brief impact statement should be provided for each amendment. At a minimum a brief description of what it is and why the city felt compelled to propose the amendment,

and the potential impact to neighborhoods, including benefits and risks.

Some concerns our association raises:

PR-2018-001843-RZ-2022-00059_Housing_Citywide

Building Heights Maximums: Section 4, amends the IDO to eliminate building height maximums for multi-family residential development and mixed-use development. This removes building height limits for any mixed-use development. As written, this would impact residential neighborhoods (like Pat Hurley) which are often in close proximity to both multi-family and mixed-use property, particularly, MX-T, MX-L and MX-M properties. While limiting additional heights to Areas of Change would somewhat decrease the impact city-wide, it would not protect low-density residential neighborhoods which may be in close proximity to Areas of Change particularly on the westside.

Parking: Sections 5 and 6 of O-22-54 would eliminate parking requirements for affordable housing and virtually eliminate parking requirements for multi-family development in mixed-uses zones by reducing the required parking to 75% of current requirements. Amended parking requirements passed in the 2021 IDO Annual Review were justified as right-sizing requirements across all types of development. It is not appropriate to propose a further 75% reduction in requirements for housing and also claim that such a change is reasonable or sustainable.

The removal of parking requirements for low-income housing remains problematic, even with the conditions proposed by Planning Staff. Is there evidence that shows people needing affordable housing will neither own a vehicle nor need one to get to work or other activities of daily living. Just this past month, ABQ Ride announced further route closures in an effort to prevent cancelled runs or significant delays on remaining routes. This proposal serves only to allow development of additional units in housing that creates housing units designed to penalize the low-income tenant by failing to provide off street parking for a personal vehicle. As with the parking reduction proposal of Section 5, the City cannot both claim that the 2021 IDO amendments to parking requirements were justified.

--

Julie A. Radoslovich (*she/her/ona*)
Pat Hurley Neighborhood Association
President

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Some concerns our association raises:

PR-2018-001843-RZ-2022-00059_Housing_Citywide

Building Heights Maximums: Section 4, amends the IDO to eliminate building height maximums for multi-family residential development and mixed-use development. This removes building height limits for any mixed-use development. As written, this would impact residential neighborhoods (like Pat Hurley) which are often in close proximity to both multi-family and mixed-use property, particularly, MX-T, MX-L and MX-M properties. While limiting additional heights to Areas of Change would somewhat decrease the impact city-wide, it would not protect low-density residential neighborhoods which may be in close proximity to Areas of Change particularly on the westside.

Parking: Sections 5 and 6 of O-22-54 would eliminate parking requirements for affordable housing and virtually eliminate parking requirements for multi-family development in mixed-uses zones by reducing the required parking to 75% of current requirements. Amended parking requirements passed in the 2021 IDO Annual Review were justified as right-sizing requirements across all types of development. It is not, appropriate to propose a further 75% reduction in requirements for housing and also claim that such a change is reasonable or sustainable.

The removal of parking requirements for low-income housing remains problematic, even with the conditions proposed by Planning Staff. Is there evidence that shows people needing affordable housing will neither own a vehicle nor need one to get to work or other activities of daily living. Just this past month, ABQ Ride announced further route closures in an effort to prevent cancelled runs or significant delays on remaining routes. This proposal serves only to allow development of additional units in housing that creates housing units designed to penalize the low-income tenant by failing to provide off street parking for a personal vehicle. As with the parking reduction proposal of Section 5, the City cannot both claim that the 2021 IDO amendments to parking requirements were justified

**PR-2018-001843-RZ-2022-00054 Citywide General Amend: Walls and Fences-IDO
Subsection 14-16-5-7(D)(3)(a) and (b), Table 5-7-2, p. 320, 321 and 322**

Wall Heights:

We are also concerned with increasing front yard wall heights, both as outlined in the proposed amendment and in the alternatives provided in the Planning Staff analysis for either a larger setback or 4' wall. It is possible to create a private front yard space under the existing IDO. The proposed changes are unnecessary and conflict with the IDO's stated purpose to protect and enhance established neighborhoods and "reinforce an established sense of place."

Thank you for listening to our concerns.

From: [Miriam Rand](#)
To: [City of Albuquerque Planning Department](#)
Subject: Housing Forward
Date: Saturday, January 7, 2023 9:16:43 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Honorable Chair MacEachen, Councilor Benton, and Nathan,

I am in full SUPPORT of the HOUSING FORWARD ABQ proposal. Councilor Ike Benton was central in creating the EDo MasterPlan back in 2004/5i have lived and worked in the NW valley for over 40 years and it is the atmosphere of families with small casitas and other valley styles that keep me here. It had many of the same proposals proposed in Housing Forward and made good inroads in the district concerning attitudes and construction. The Housing Forward will correct zoning issues that stifled gentle and logical density developments throughout ABQ.
Miriam Rand

Sent from my iPhone

From: [Dan Regan](#)
To: [Lehner, Catalina L.](#); [Jones, Megan D.](#); [Hinojos, Mandi M.](#); [City of Albuquerque Planning Department](#)
Cc: ["Mark Reynolds"](#); ["Jim Griffee"](#); ["Dan Regan"](#); ["net"](#); ["Susan Timmerman"](#); ["Mildred Griffee"](#)
Subject: COMMENTS FOR NEXT EPC MEETING
Date: Friday, January 6, 2023 11:42:21 AM
Attachments: [IDO Comments 1 4 2023.pdf](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Please share this email and the attached document with the EPC Chair and Members and with the City Council Members. Please let me know when this has been done. Thank you for your assistance with this REQUEST. Dan R.

Dear EPC and City Council Members,

I write this as the President of the Knapp Heights Neighborhood Association, a Zoning / Development representative of the District 4 Coalition and as a D4C Alternate Representative on the Inter-Coalition Council.

First, I wholeheartedly support the thinking, observations and conclusions reached by Ms. Jane Baechle (Santa Fe Village NA) in the attached document from her Neighborhood Association. Ms. Baechle has been actively involved with the IDO machinations for multiple years and presents some very valid problems with the proposed O-22-54 and other proposed changes.

Second, the speed & process with which O-22-54 is being proposed for approval may be determined to be a violation of state law at some future date. BUT, what I know at this moment is that the rush job being put on by the City Administration and the City Council is NOT in the best interest of the residents of our city. There is no evidence of in-depth research on where the proposed changes could take us. Santa Fe tried the same thing with "casitas" back in 2019 and has pulled back from it because it did not accomplish the desire results.....it did not alleviate their homeless problems.....they just got more Airbnb units built!

Third, it feels like NIAOP's "seat at the table" is taking up as much room as it did when the ART project was rammed through & down the city's throats AGAINST the wishes of the city's residents and most of the merchants on Central. How many more fiascos can one city stand? When will THE PEOPLE of this city be listened to?

Fourth, California is currently experiencing an uncontrollable series of Rivers of Moisture and just hoping to survive. Albuquerque could be creating it very own "Perfect Storm" with all of the proposals being put forth, all at the same time.....but **we** could control what we do to ourselves.

To wit:

- we will remove height restrictions for apartment buildings;
- we will remove the 100 apartment limit from public consideration;
- we will seriously reduce parking slot requirements (by 75%) in cramped

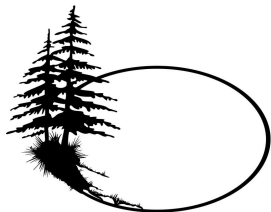
areas....relying, of course, on public transportation;

- which just so happens to be forced to reduce routes & frequencies due to low staffing;
- we will not require full fridges & stoves in what may end up being permanent housing for the poor.....which means they will not be able to eat healthy meals and save when buying food;
- without understanding property tax changes for multiple dwellings on previously zoned single family residences, we will open up EVERY single family lot to up to 3 residences on it;
- without adequate staffing in the Planning/Zoning compliance of the City to take care of current problems and without regulations/specifications on the building of 2nd or 3rd residential units;
- without any evidence of awareness (on the part of any city employee that I know of...and I've asked) of how many Abq. R-1 properties have been purchased by out of state or country investment corporations in the last 2-3 years.....and you know that they will not have the best interest of our citizens or city in mind!

I hope I am wrong, but Albuquerque, unlike California, has the ability to make some choices to not damage itself with unvetted and rushed multiple (6 major ones) zoning changes which could radically change the lived experience of being an Albuquerqueian. If all of these elements create a PERFECT STORM, the City will have broken the social, legal and financial contracts that every homeowner operated under when they purchased their home.

Thank you for your careful consideration of the above and the attached.

Daniel Regan
KHNA, President
D4C, Zoning / Development Rep.
ICC, Alternate Rep. for D4C



Santa Fe Village Neighborhood Association

5601 Bogart Ave. NW Albuquerque, NM 87120
SFVNA2014@gmail.com

Date: January 2, 2023

To: Timothy MacEachen
Chair, EPC

From: Jane Baechle
Member, SFVNA Board

Re: O-22-54 and Citywide Amemndments
2022 IDO Annual Review

The following comments were submitted to the Santa Fe Village Neighborhood Association (SFVNA) Board regarding O-22-54 and selected Citywide Amendments being considered at the January 19, 2023 meeting of the EPC.

These comments address three areas of concern for the SFVNA Board and our positions as a recognized neighborhood association charged with interacting “with their members, residents, and the city, strive to engage with community and land use planning, protect the environment, and promote the community welfare;” and “to foster communication between the recognized neighborhood association . . . and city government on plans, proposals, and activities affecting their area.” Nothing could be more consequential for the residents and homeowners of Santa Fe Village than the amendments proposed for consideration as part of the 2022 IDO Annual Review. We have identified the following significant concerns: the Annual IDO process itself which is truly unavailable to all but a few individuals and effectively removes genuine public engagement, the deleterious effects of proposals in O-22-54 on SFV and selected proposals included in the Citywide amendments which also present potential harms to SFV.

The IDO Annual Review Process

The City makes multiple references to their statutory authority to enact and amend zoning laws in the introduction to O-22-54. Notably, there is no reference to NM Stat § 3-21-6 (2020) which calls for all parties and citizens to be heard. “No zoning regulation, restriction or boundary shall become effective, amended, supplemented or repealed until after a public hearing at which all parties in interest and citizens shall have an opportunity to be heard...” In Policy 4.2.2, sub policy (e), the ABC Comp Plan calls on the City to “Create robust and meaningful public

involvement processes to help build long-term consensus about growth and development in the Albuquerque area.” No doubt, the City considers the IDO Amendment process and Council meetings to meet this standard despite the limited number of individuals who have the time and resources to review lengthy and technical documents, to participate in daytime or hours long evening meetings or navigate the requirements of providing comments. Neighborhood association and coalition representatives and the Inter-Coalition Council have repeatedly opposed the use of the annual amendment process to implement sweeping, durable and highly consequential zoning law changes. Nonetheless, the City administration and Council continue to do so in direct conflict with NM State standards and ABC Comp Plan policies.

PR-2018-001843-RZ-2022-00059_Housing_Citywide

The SFVNA continues to *oppose* most provisions of this proposed ordinance. Specifically, Sections 1 and 2 represent significant potential harm to Santa Fe Village, a compact neighborhood of greater than 1000 homes. In the introduction to O-22-54, the City makes clear that the intention is to triple the number of dwelling units in areas zoned R-1. “WHEREAS, allowing two-family dwellings (duplexes) *and* accessory dwelling units in the R-1 zone district would immediately remove exclusionary effects, allow *triple* the number of dwellings on 68 percent of the city’s zoned properties (38% of the city’s total land area), ...” (Italics mine). Clearly, this statement disputes assurances of Planning Department staff and EPC Commissioners that existing zoning requirements related to setbacks, parking requirements and permitting requirements would effectively prevent the construction of dwelling units which fail to meet current IDO requirements and would turn SFV and similar modest neighborhoods into multiple lots with three dwelling units, front yards paved over for vehicles and narrow streets crowded with parked cars. Clearly, this scenario does not represent redevelopment that “reinforces the existing character of the neighborhood” or is consistent with a “low density” residential neighborhood.

If the City is sincere about providing options for multi-generation housing and avenues for increasing home ownership by allowing individual property owners to create a rental unit consistent with IDO standards, the City should be willing to do all of the following:

- Make both duplexes (or vertical second housing units) and accessory dwelling units *conditional* uses
- Limit each lot to one additional dwelling unit only
- Increase funding to the ZHE and that office to adequately hear and adjudicate all conditional use requests
- Provide adequate funding and require accountability of Code Enforcement to assure that non-conforming structures are promptly identified and removal required
- Provide a robust and well publicized educational effort to assure that all property owners understand that permits are required, that IDO requirements apply and that they will be required to remove non-conforming structures. At the December 20, 2022 meeting of the ZHE, four applicants explicitly stated they were unaware that a permit was required to build a wall.

The SFVNA also opposes Section 4, amending the IDO to eliminate building height maximums for multi-family residential development and mixed-use development. The text of O-22-54

would remove building height limits for any mixed use development. We appreciate the Planning Department analysis of the impact of this proposal, alternatives and clarifying language to indicate that any provisions removing height restrictions in mixed-use development would only apply to residential structures. The sweeping impact of the proposal as written would profoundly impact residential neighborhoods which are often in close proximity to both multi-family and mixed-use property, particularly, MX-T, MX-L and MX-M properties. While limiting additional heights to Areas of Change would somewhat decrease the impact city-wide, it would not protect low-density residential neighborhoods which may be in close proximity to Areas of Change particularly on the westside. Both the Planning Department analysis and public comments at the December 8, 2022 EPC meeting indicate that building height maximums play an insignificant role in the development of multi-family housing. Eliminating building height maximums as proposed in O-22-54 or as suggested by Planning staff offers little potential incentive to develop housing units in the identified zones and poses significant risks to nearby neighborhoods.

Finally, the SFVNA opposes Sections 5 and 6 of O-22-54 which would eliminate parking requirements for affordable housing and virtually eliminate parking requirements for multi-family development in mixed-uses zones by reducing the required parking to 75% of current requirements. Again, we appreciate the analysis of Planning Department staff. We agree with their recommendation to oppose the multi-family reduction in mixed-use development as outlined in Section 6. As they note, amended parking requirements passed in the 2021 IDO Annual Review were justified as right-sizing requirements across all types of development. It is not, then, reasonable to propose a further 75% reduction in requirements for housing and also claim that such a change is reasonable or sustainable.

The removal of parking requirements for low income housing remains problematic, even with the conditions proposed by Planning Staff. There is no evidence that people needing affordable housing will neither own a vehicle nor need one to get to work or other activities of daily living. In fact, the likelihood is that, if employed, it will be in jobs which require unusual or unpredictable hours and are located in scattered areas of the city. The Planning Staff Report plainly states, "ABQ Ride is struggling to maintain service on many routes that connect residential areas farthest from Downtown and major corridors." Since that report was written, ABQ Ride has announced further route closures in an effort to prevent cancelled runs or significant delays on remaining routes. The argument that housing projects which provide less parking would incentivize residents to use public transit is provided with no evidence that such a response is a reasonable expectation. In all likelihood, the following statement is more accurate, "Reduced off street parking could result in spillover parking in nearby neighborhoods."

Absent some clear parameters which assure true access to reliable and functional public transit, adequate employment options paying a reasonable wage and the availability of decent grocery stores in reasonable proximity to these properties, this proposal serves only to allow development of additional units in housing that serves the needs of neither low income nor market rate tenants or creates housing units designed to penalize the low income tenant by failing to provide off street parking for a personal vehicle. As with the parking reduction proposal of Section 5, the City cannot both claim that the 2021 IDO amendments to parking requirements were justified

because they brought off street parking requirements into line with true needs and also claim that this proposal will be workable, sustainable or “enhance, protect and preserve neighborhoods...”

The proposals in O-22-54 represent Exhibit A in the case against the use of the Annual IDO Review process to enact sweeping, durable and potentially costly (to ABQ residents and neighborhoods) changes to City zoning law. At the December 8, 2022, EPC hearing, the City reported these proposals were developed out of meetings with multiple stakeholders. Those “stakeholders” did not include any recognized neighborhood associations, neighborhood coalitions or the Inter-coalition Council despite NARO language which states,

“ WHEREAS, neighborhood associations can serve an important role in engaging community members at a grassroots level in local social justice and community issues, and in promoting collaborative community planning; and

WHEREAS, neighborhood associations are a source of important input from the community as they bridge the gap between residents and the government by providing information and engagement opportunities, and offer citizens a stronger role in organizing social change efforts in their neighborhoods.”

The housing shortage in ABQ is not a recent development. Planners and proponents of these proposals have acknowledged that many of these proposals will require years to impact housing supply, fail to address barriers of supply of construction materials and construction workers and argue that their impacts will be virtually unnoticeable because changes will happen “organically.” O-22-54 represents an effort by the City to bypass public engagement, avoid the work of accepting public input and crafting truly workable approaches and “promoting collaborative community planning.”

PR-2018-001843-RZ-2022-00054 Citywide General Amend: Walls and Fences-IDO Subsection 14-16-5-7(D)(3)(a) and (b), Table 5-7-2, p. 320, 321 and 322

The SFVNA continues to *oppose* increasing front yard wall heights, both as outlined in the proposed amendment and in the alternatives provided in the Planning Staff analysis for either a larger setback or 4’ wall. Both this amendment as originally proposed and the stated alternatives represent a jarring contrast with the streetscape and sense of place in Santa Fe Village (SFV). SFV is a very compact neighborhood, approximately one mile at its eastern boundary and approximately one-half mile deep at its widest point. It is surrounded on three sides by the escarpment and bisected by the middle branch of the San Antonio arroyo. The streets slope and curve to follow the natural terrain. When walking or driving into and around the neighborhood, the escarpment and natural features can be seen behind the homes. Coyote are regularly seen in the open spaces and have been seen on neighborhood streets. Quail and roadrunner enjoy front yards. The Petroglyph National Monument provides several access points to the monument land and three designated crossings from the canyon floor to the mesa above. Some SFV residents have 3’ or shorter walls at their property line; some have a taller wall, designed to blend in with the style of the home and well setback from the street without imposing on the streetscape. Clearly, it is possible to create a private front yard space under the existing IDO. The proposed changes are unnecessary and conflict with the IDO’s stated purpose to protect and enhance established neighborhoods and “reinforce an established sense of place.” The proposed

amendment would detract from the walkability of SFV and the perception of the neighborhood and the surrounding natural landscape. We respectfully ask the EPC to oppose this amendment and proposed alternatives.

**PR-2018-001843-RZ-2022-00054 Citywide General Amend: Demolition Outside of an HPO
- Citywide**

As an individual, I believe there is merit to this proposed amendment. There are properties on ABQ's westside which are clearly outside of a historic district and still have a significant history in this city which should either be considered for preservation or documented prior to being demolished. The property which includes St. Pius High School and the Catholic Center and once housed the University of Albuquerque is one example. Should it be sold at some point (and that was a consideration recently for the Archdiocese), it is likely that existing buildings would be demolished to allow for high-end homes like those nearby or other more profitable development. While the existing structures may not have sufficient value or character to preserve them, they surely have a history worth documenting prior to demolition. I appreciate the concern that the process of evaluation and documentation may be burdensome in some cases and fail to serve the interest of city residents. I respectfully ask the EPC to consider and recommend a middle path which would provide a reasonable and workable mechanism to protect or document structures which are part of the history of this city and do not meet the existing criteria for notification prior to demolition.

Thank you for your time and consideration.

ICC Inter-Coalition Council

The ICC is a Council of Coalitions of Albuquerque and Bernalillo County Neighborhood Associations that has been meeting since May 2014 to reach consensus on broad, common concerns. Its purpose is to promote stronger, better neighborhoods and communities through group action and interfacing with the governmental, social, environmental, cultural, and historic needs and interests of all residents.

January 8, 2023

Via email: abcto@cabq.gov
EPC Chair Timothy MacEachen

cc City Council

RE: O-22-54, SECTION 2. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO ALLOW DETACHED ACCESSORY DWELLING UNITS WITH KITCHENS PERMISSIVELY IN THE R-1 ZONE DISTRICT CITYWIDE, EXCEPT IN SMALL AREAS WHERE SPECIAL REGULATIONS APPLY.

Chairman MacEachen,

The Inter-Coalition Council (ICC) opposes the inclusion of O-22-54 in the IDO Annual Update 2022. The six substantive changes proposed in this Ordinance do not belong in the annual IDO text amendment process. This letter addresses our opposition to Section 2 specifically.

The Mayor has said we need to use every tool in the toolbox—we do not disagree—but we need to be using the right tools for the job. Major changes to zone districts could be rife with unintended consequences. The evidence of a housing shortage has been developing for years, yet the city is attempting to address the housing shortage in crisis mode. O-22-54 was sent to City Council on October 31, 2022 and introduced on November 7, 2022 shortly before the busy holiday season. If the City leadership believes there is a housing crisis needing community involvement to solve, then the question must be asked where is the comprehensive outreach plan to receive input, rather than telling the citizens what the plan is?

The ICC supports expanded housing based upon research, analysis, and public input. According to Census data, New Mexico's population has decreased by 3,333 from July 2021 to July 2022. Information on the Housing Forward ABQ website contains conflicting information on counts of homelessness with prior information released by the city. Some data is based upon a very small survey. The range of housing need from 13,000-30,000 is a concern; the number used by the administration has varied. We know of no other organization that could plan for millions of dollars of expenditures based upon a variance of this amount.

The Housing Forward plan refers to potential short term rental impact on rental property, yet data and analysis is missing. The ordinance addressing short term rental has been in effect for over a year, and enforcement is lacking. A quick review of advertised short term rentals shows a lack of required registration data.

From the Staff Report (page 20 of 301): *“This citywide allowance and size limit would not apply in small areas that already allow ADUs either permissively or conditionally with their own special regulations in use-specific standards.”*

There is no analysis of the number of ADUs, how many are used for family members, how many are rental units, how many are affordable rental units, and how many are short term rental units.

From the Staff Report (page 24 of 301): “...multi-family dwellings bordering single-family neighborhoods are often objectionable to residents”

There is an implication that rental properties are objectionable to residents in R-1. We are not aware of objections to the many single-family homes rented in R-1. There are single-family homes rented throughout R-1.

From the staff report (page 26 of 301) “While some public comments have expressed opposition to allowing additional rental opportunities in existing single-family neighborhoods, zoning is an ineffective tool to regulate ownership.”

We agree that zoning is not a tool to regulate ownership. Zoning is a tool used to design and develop a community. Homes bought in R-1; single-family homes have an implied contact with the city zoning. In many cases, the largest investment in an individual’s life.

Within the O-22-54 Whereas Statements: “WHEREAS, there are 135,894 properties zoned R-1, which accounts for 68 percent of all zoned properties in the city;”

There is no analysis of areas of R-1 where covenants exist to prohibit ADUs, nor analysis of how many rental homes currently exist in R-1.

Based upon our review of O-22-54 we request the following:

- **Elimination of Section 2 from the IDO Annual Update 2022 and consideration of the following issues/questions, including vigorous public engagement for consideration at a later date**
 - Is there data on numbers of existing ADUs/casitas and if they are occupied by family, long-term or short-term rental? What data does the city have on ADUs/casitas being used for long-term rental regarding affordability?
 - In the Housing Forward plan, the estimated ADU/casitas goal is 1,000. What is this number based on and should a major change to the largest Zone in the City be done to accommodate 1,000 housing units?
 - At the December 8, 2022 EPC meeting, staff reported that many areas of the city will not be able to accommodate an ADU. Then why have an ordinance allowing ADUs city wide?
 - Study effects of additional parking in R-1 zoned neighborhoods?
 - Study effects on narrow streets concerning: mail delivery, solid waste and recycle pickup, first responder and police access
 - Study effects on utilities (water, gas, electric, infrastructure). Have the utility companies been consulted?
 - Zoning ordinances are not currently being monitored, inspected, and enforced adequately. Will departments be fully staffed to complete inspections, process complaints and issue compliance remedies in a timely manner? Will city administration certify full staffing for compliance measures?
 - What is the plan for review of current zoning violations and complaint backlog?
 - With many zoning violations not being enforced, what review has/is being done of current casitas within the allowed areas for compliance with zoning and what is being done to correct violations?
 - Given the current construction costs, what subsidies would be available to provide “affordable” housing?
- **If Section 2 is not eliminated, consider the following amendments**
 - The current IDO allows for ADUs permissively within 1,320 feet (¼ mile) from Premium Transit (PT) and Main Street (MS) areas. Consider expansion to 2,640 feet (1/2 mile) conditionally rather than permissively.
 - Conditionally allowed within 1,320 feet from employment centers (for example the film industry sited in the Housing Forward plan documents)
 - Establish traffic analysis standards that limit additional housing in a neighborhood
 - Make ADUs conditional rather than permissive in all newly allowed zones.
 - Consider Deed Restrictions for conditional ADUs for use by family members only. Include enforcement and violation requirements. (Those making comments at the December 8, 2022 EPC hearing in favor of ADUs indicated that they wanted ADUs for family members.) This would require additional rule

making for definitions and enforcement. Other communities have included deed restrictions. Their approach could be helpful for options.

- Recommend solar panels ADUs.
- Recommend EV capacity for each ADU bedroom added, either in the primary residence or ADUs.
- Separate metering for all utilities of the ADU (water, electric, gas).
- No trees removed for ADU construction and/or two tree replacement for each removed.
- Before permitting an ADU, inspection of primary residence for code violations and remedied--fences, utility easement, setbacks etc. Violations must be remedied before ADU construction.
- No waivers for ADU construction.
- Violations result in suspension of ADU permit for X period time.

Regarding public input and comments, it is important to note that the majority of those speaking in favor of ADUs were able to participate as part of their jobs—realtors and developers. The ICC represents Coalitions of Albuquerque and Bernalillo County Neighborhood Associations. Neighborhood Associations (NA) function with citizen volunteers giving their time to represent hundreds of neighbors by providing constructive input. Based upon NA representatives' discussion with neighbors, the vast majority disagree with ADUs in R-1.

Sincerely,

S

Michael Brasher
Inter-Coalition Council President

From: [Dan Regan](#)
To: [Lehner, Catalina L.](#); [Jones, Megan D.](#); [Hinojos, Mandi M.](#)
Cc: "Dan Regan"
Subject: RE: Comments Submitted To EPC & City Council RE: O-22-54
Date: Wednesday, January 4, 2023 11:40:59 AM
Importance: High

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Ms. Lehner, Ms. Jones and Ms. Hinojos,

There is nothing in the Staff Report RE O-22-54 prepared for the EPC's Jan. 19th meeting that changes any of the comments below. O-22-54 is still not good legislated zoning change for the City of Albuquerque.

So I am requesting that you share the comments below with all of the EPC Members and all City Councilors.

Thank you for your assistance with my request.

Dan Regan
Knapp Heights Neighborhood Association, President
District 4 Coalition, Zoning / Development Rep.

TO All EPC Members and to all CABQ City Councilors:

O-22-54 is not ready for serious consideration by the EPC or the City Council for, at least, all of the following reasons:

- The IDO in its own language states that its purpose is to IMPLEMENT the city's Comprehensive Plan. That Comprehensive Plan spends substantive language and ink talking about the City's need to "enhance, protect, and preserve neighborhoods". The Planning Dept. used 13 mentions of this language of the Comp. Plan to justify the 2000 or so Voluntary Conversions in the first year of the IDO's existence. It is **impossible** for the City to accomplish this promise of the Comp. Plan when it wants to radically alter the rights of every R-1 owner by changing zoning parameters from a single family home status to multiple dwellings on any R-1 lot and to do so with a process that will be largely outside the awareness of the majority of CABQ. homeowners!
- The Comp Plan spends an entire chapter dealing with ABQ's "unique geography" and the ability of its residents to maintain sight lines to the environmental beauty that is our blessing to have. NOTHING in O-22-54 addresses these goals of the Comp. Plan. Instead we get the amendment to REMOVE HEIGHT MAXIMUMS from apartment/townhouse developments. WHERE IS THE BALANCE AND ACKNOWLEDGEMENT THAT THE COMP. PLAN EVEN EXISTS????
- One of the ways I have stated the impact of O-22-54 to my Neighborhood Association & Coalition members is:
 - "THE LARGEST INVESTMENT IN YOUR LIFE, MADE WITH THE BEST CONSIDERATIONS POSSIBLE AT THE TIME, TO LIVE AS YOU MOST WANT TO LIVE, IS NOW AT RISK OF ANY PROPERTIES NEAR YOU DOUBLING THE BUILDINGS & OCCUPANTS ON THEIR PROPERTY AND ANY OF CAN BE PUT UP FOR RENTAL PURPOSES, EVEN AirBnb USES!"
- To this taxpayer's understanding, O-22-54 is a complete sell-out by CABQ of the financial, legal and social contract that was made when residential property owners over the last 40 or more years purchased their R-1 properties &/or their homes. **This should not be able to be done mostly out of sight of the public and in a hasty manner!**
- The 11/21/22 letter from the Inter-Coalition Council (which I support & participated in) contains many issues that the City would rather not deal with at this moment, but in its haste to pass O-22-54, these issues may be left to rot, to the detriment of the whole city.
- O-22-54 notes in its WHEREASes, the low income, the homeless and the historically discriminated

against (for housing)and this is appropriate. However, NOTHING in O-22-54 addresses how these three groups could even be assisted by all of the “accessory dwellings”.....there is NO FUNDING in O-22-54 to facilitate any of these 3 groups in obtaining even minimalistic housing. As another resident has noted: newly constructed “accessory dwellings” at today’s costs would be well beyond the reach of low income and homeless folks.

- CABQ has NOT seriously pursued adequate affordable housing development for more than a decade. I have not been able to get public figures on numbers of affordable housing units built in the last 7 years after a month of requests to city departments.
 - As attested to in City Council several months ago, CABQ may have to SEND BACK to the federal government \$1.2+ million dollars because a NIMBY stance on the West Side has kept a planned Affordable Housing project from occurring.
 - In a seven block area near San Pedro & Alameda, close to 780 apartments were approved & built in the last 7 years.....ALL of them in GATED COMMUNITIES and NONE of them with Affordable Housing units.
 - As one respondent has questioned: **why can’t CABQ require all multi-family / apartment developers to create 15% of their built units to be Affordable Housing.** Surely these builders can figure out how to do that.....they are smart people. As one of them explained, their \$60 million, 282 apartment gated community (inside an arroyo, no less) would never “really” be paid off by them.....they would simply keep getting federal housing loans until they got their money back and then they would sell the complex. Sounded like some form of public funding to me.
- What research has been done so that anyone involved in O-22-54’s creation and passage KNOWS and WILL SHARE the number of single family residences that have been purchased by (or in the name of) out of state / national investment corporations? In case you are not aware, major national investment houses have been buying up homes across the nation to use for **their** purposes, not the needs of the cities and towns!! And at least some of you should be aware of what these investment houses have done in the purchase, fiscal raping and diminishment or closing of many regional hospitals! Housing ain’t that different. **And if nobody knows this information or is willing to share it, then what is CABQ risking for its very own taxpayers??????**
- The City of Santa Fe, in June 2019 passed a similar zoning change in hopes of helping the low income, unhoused and those searching for housing obtain decent shelter. Over the past year or more, Santa Fe has stepped back from this effort because rather than reducing their own housing-challenged populations, the City of Santa Fe found that almost all “accessory buildings” were being used for AirBnb type uses. Can CABQ learn from our neighbors not that far to the north?

A brief Conclusion:

- O-22-54 is attempting to address some real problems. BUT, the speed with which it is using, the lack of real engagement with the city’s residential taxpayers, and the attempts to sidestep the historical causes for these real problems will not be helpful in creating real solutions to these real problems.
- The fact that almost every “real estate investor” who has commented on EPC consideration of O-22-54 using a ‘form letter’ repetition of O-22-54 being “good for the city and the state” gives this taxpayer **SERIOUS PAUSE**. We (property owners & taxpayers) have had rights to know & participate in decisions taken away from us before and **this feels like a repeat performance by CABQ**.
- I STRONGLY recommend that the EPC move O-22-54 back to the City Council with a “delayed until further study and meaningful consultation with CABQ residents & their representative bodies” recommendation. There is simply too much at stake in moving forward without more input from the folks who help pay for this city to operate.
- If “Accessible Dwellings” were initially limited to families providing for extended family members, such an effort might be effective and palatable to CABQ residential owners. From this modest start, a more carefully constructed expansion plan could be crafted that would meet the real housing needs of CABQ.

Respectfully submitted by

Daniel Regan

Daniel Regan
4109 Chama St. NE 87109
Knapp Heights NA, President
District 4 Coalition, Zoning / Development Committee, Representative.

From: [Josh Rogers](#)
To: [City of Albuquerque Planning Department](#)
Subject: IDO Annual Update 2022 - EPC Comments
Date: Tuesday, January 3, 2023 12:30:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[IDO Letter to EPC - 2022 Amendments \(IDO\) 2023-01-03.pdf](#)

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Please find the attached comments to the IDO Update.



JOSH ROGERS

Senior Vice President

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January 3, 2022

Dear Members of the Environmental Planning Commission,

Titan Development has reviewed the 2022 Proposed Amendments to the IDO. The purpose of this letter is to state Titan's support or opposition to the various Proposed Amendments. We appreciate Staff, Council, and EPC's continued support and effort to bring forward Amendments every year. We truly believe these updates make a positive impact on the community.

Support

1. Citywide – Housing Amendments: We are in full support. Promoting favorable regulations for housing will increase the supply of housing units and further the goals of the Housing Forward Initiative to combat the current housing crisis. We believe the updates related to ADU's, Conversions from Non-Residential Development, Building Heights, and Parking are all acceptable ways to achieve greater housing and will have a profound impact on the housing supply in Albuquerque.
 - a. **Recommendation**: Support all amendments

Oppose

1. Item 2 – NR-BP – Deviations, Variances, Waivers: We oppose this Amendment. Most framework plans adopted prior to the establishment of the IDO contain procedures and processes for deviations and variations that include significant community input. These procedures should be retained.
 - a. **Recommendation**: Remove proposed amendment completely.
2. Item 6 – Dwelling, Multi-Family – Kitchen Exemption for Affordable Housing: We oppose this Amendment. We have analyzed several hotel conversion projects and many do not allow for a full kitchen with a stove due to the smaller size of the converted unit. In these scenarios, a hot plate, microwave, and sink is the only possible solution for the kitchen area. Overall, converting old hotels is an extremely viable solution to bringing affordable housing to a community, while also reducing the transient nature of hotels. Apartments typically will require background and credit checks that will further enhance the quality of renters in the area. Four Hills Studios along east Central Ave is a great example of how an old hotel can be converted into a quality affordable housing project that requires background checks.
 - a. **Recommendation**: Remove proposed amendment completely.
3. Item 11 - Sensitive Lands – Trees: We oppose this Amendment. This Amendment is not fully vetted and is not a great solution to offer additional protections to Sensitive Lands. This provision gives too much unilateral power to one individual and would have unintended consequences for development. Other markets have similar protections for "Heritage Trees" and offer additional solutions if a protected tree absolutely needs to be demolished or relocated. We believe this

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TITAN DEVELOPMENT

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amendment should not be considered until it has been fully vetted and all angles have been considered. For example, our Journal Center project required the demolition of a few establish trees to provide safe and appropriate access to the site and was necessary for the site functionality, it wasn't an ideal scenario, but it was necessary unfortunately.

- a. **Recommendation:** Remove proposed amendment completely and bring it forward next year after best practices have been researched.
4. **Item 15 - Parking Maximums in UC-MS-PT Areas:** We oppose this Amendment. Subsection B states that in UC-MS-PT areas that the maximum number of off-street parking spaces shall be no more than 125% of the off-street parking spaces required, calculated after all applicable parking reductions have been applied. This is a major problem and could dissuade all development in these areas that are supposed to promote investment and development. This would force any development to include structured parking, which is not financially feasible. For example, our proposed Highlands East multi-family project along Central Ave includes a full parking structure and is currently on hold because the project is not financially feasible. This is a direct example of how this provision would have a direct negative impact on delivering housing to the community. By way of another example, our Highlands North and Broadstone Nob Hill multi-family projects along Central provided a parking ratio of 1.1 spaces per unit. This ratio is extremely tight and barely offers our residents enough parking. We have had to turn away many prospective tenants due to not having enough parking to satisfy their needs.
 - a. **Recommendation:** Remove this completely and let the market decide how best to park developments.
5. **Item 16 through 18 - EV Charging Stations:** We oppose this Amendment as written. Titan provides more than 5% EV Charging Stations at all of our multi-family properties. The issue with this amendment is requiring a 240 volt or higher charging station. Residents living at multi-family communities don't need a 240 volt or higher charging station – they only need a 110V outlet to provide a trickle charge. This amendment should be updated to remove the 240 volt or higher requirement and simply provide a 110V outlet that residents can plug into.
 - a. **Recommendation:** Remove the requirement for a 240v or higher for all residential and multi-family development. Replace this requirement with a 110V outlet.
6. **Item 20 through 24 – Edge Landscape Buffers:** We oppose this Amendment and support Item 25 proposed by Councilor Jones. Table 5-6-4 already sets forth landscaping buffer requirements based on development type and therefore Table 5-6-5 should be removed as it is an unnecessary and duplicative regulation.
 - a. **Recommendation:** Move forward with Item 25 to remove Table 5-6-5 and the requirement for Edge Landscape Buffers between Areas of Change and Consistency.
7. **Item 40 - Specific Procedure – Demolition Outside of an HPO:** We oppose this Amendment. Albuquerque has a serious problem with dilapidated buildings around the City. These buildings promote crime and make the City look old and unkept. Creating another layer of approvals to



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+ DEVELOPMENT EXPERTISE**

demolish old buildings will enhance crime and negatively promote a poor image for the City. This Amendment should absolutely be removed from consideration.

- a. **Recommendation:** Remove proposed amendment completely.
- b. **Recommendation:** Reduce the 120-day review period to 30 days (as outlined in Section 6.6 (B) (2)).

Thank you for allowing us the opportunity to state our positions on these Amendments and we look forward to working with you to bring this forward. Please reach out if you have any questions or need any clarifications on our positions. I can be reached at jrogers@titan-development.com or (505) 998-0163.

Thank you,

A handwritten signature in black ink, appearing to read 'JR Rogers', with a long horizontal flourish extending to the right.

Josh Rogers
Senior Vice President
Titan Development

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TITAN DEVELOPMENT

www.titan-development.com

From: [Rhiannon Samuel](#)
To: [City of Albuquerque Planning Department](#)
Cc: [Renz-Whitmore, Mikaela J.](#)
Subject: NAIOP Comments on 2022 IDO Amendments
Date: Monday, January 9, 2023 8:49:39 AM
Attachments: [image001.png](#)
[EPC Memo from NAIOP New Mexico.pdf](#)
Importance: High

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Hello,

Please find NAIOP New Mexico's comments on the 2022 IDO Amendments for the EPC's consideration.

Could you please confirm you are in receipt of this email?

Respectfully,

Rhiannon Samuel

Executive Director

(m) 505.980.8892 (o) 505.345.6976

RSamuel@NAIOPNM.org

Mailing: PO Box 27324 Albuquerque, NM 87125

Physical: 435 Montano Road NE Albuquerque, NM 87107



To: City of Albuquerque Environmental Planning Commission (EPC)
From: NAIOP Commercial Real Estate Development Association, New Mexico Chapter
Date: January 9, 2023
Subject: Review of 2022 Integrated Development Ordinance (IDO) Amendments

This memo outlines NAIOP New Mexico’s review of the proposed 2022 IDO Amendments for both the annual update and the special focus on housing.

Proposed Amendment	Page & Section Explanation	Comments	Position
Ordinance O-22-54- Housing Forward Plan	Expands permissions for ADUs and duplexes, expands conversions of non-residential developments, reduces parking requirements	These changes would expand housing options and support the City’s goal of adding at least 5,000 additional housing units. As stated in the 2022 City of Albuquerque Housing and Entrepreneurship Needs Assessment Report, these housing units are needed to fill a major deficit in affordable housing. This proposed amendment provides creative tools to address the current housing crisis.	Support
Item #2	Page 47 Section 2-5(B)(3) NR-BP - Deviations, Variances, Waivers Establishes how to request a special exception from a Master Development Plan standard	Most framework plans adopted prior to the establishment of the IDO contain procedures and processes for deviations and variations that include significant community input. These procedures should be retained.	Oppose
Item #6	Page 158 Section 8 4-3(B)(8)(e) Removes the use-specific standard for multi-family dwellings that allows for conversions of non-residential uses into multi-family residential uses to provide a	This provision is important tool to provide affordable housing for people experiencing homelessness and other vulnerable members of our community in a cost-effective manner. A dwelling unit without a full kitchen can provide safe, adequate shelter for individuals that might otherwise not have access to a dwelling unit. The ability to provide	Oppose

Proposed Amendment	Page & Section Explanation	Comments	Position
	<p>lesser kitchen when these conversions are associated with funding provided by the City's Family and Community Services Department in conjunction with an affordable housing project.</p>	<p>limited kitchen facilities reduces the cost of providing affordable housing, allowing more units to be constructed. The current provision supports ABC Comp Plan Goal 9.5 "Vulnerable Populations: Expand capacity to provide quality housing and services to vulnerable populations" and Policy 9.1.1 "Housing Options: Support the development, improvement, and conservation of housing for a variety of income levels and types of residents and households"</p>	
<p>Item #11</p>	<p>Page 233 5-2(C) Sensitive Lands / Mature Trees Revised to shift from multiple trees to a large tree. Provides an alternative replacement for the tree if the City Forester determines the tree is not healthy, etc. See related proposal to change the definition of this type of Sensitive Land.</p>	<p>The proposed language would significantly expand the existing requirements and does not include any criteria the City Forester might use to determine whether a large mature tree should be preserved. The process of evaluation by the City Forester would be onerous and add significant time to the design and development process. Site planning could not occur until the City Forester made their determination.</p>	<p>Oppose</p>

Proposed Amendment	Page & Section Explanation	Comments	Position
Item #13	Page 268 Section Table 5-5-1 Off-street Parking - Parking Maximums Together with associated change for a new Subsection 14-16-5-5(C)(2), adds parking maximums for all uses in UC-MS-PT areas.	This proposal would prohibit surface parking for any use in the Downtown center, McClellan Park, and the Old Town HPO-5. This prohibition on surface parking would require any parking provided on site to be structured. This adds significant cost to any development project. This would be particularly impactful for market-rate housing developments where market demands require parking spaces be provided for dwelling units. The cost of providing structured parking is prohibitive for many developments to the extent that requiring structured parking would prevent certain development from being feasible. The approval of this Item #13 would create a barrier for housing developments within the Downtown center, in conflict with ABC Comp Plan Policy 5.1.1(d) "Encourage the development of multi-unit, multi-story apartments and mixed-use residential buildings in Downtown, Urban Centers, and Activity Centers to increase housing density and expand housing options and affordability".	Oppose
Item #15	Page 279 Section 5-5(C)(7) Off-street Parking - Parking Maximums Together with associated change with Table 5-5-1, adds parking maximums for all uses in UC-MS-PT areas. Prohibits surface parking for any use in Downtown Center, McClellan Park, and Old Town HPO-5.	Parking min is 1 space per unit, if the 75% reduction passes, then you have a minimum of 0.25, then apply the maximum of 125% of that, and the most you can do is 0.3125 spaces per unit. This is not feasible and will hurt multifamily developments in this corridor	Oppose
Item #16	Page 279 Section 5-5(C)(9) Electric Vehicle Parking Increases the existing requirement for Electric Vehicle (EV) charging stations in large parking lots.	Item #16 proposes to increase the existing requirement for Electric Vehicle (EV) charging stations in large parking lots from 2 to 5 percent of the total vehicle parking spaces. The proposed increased requirements would accommodate the increasing number of electric vehicles in our community	Support

Proposed Amendment	Page & Section Explanation	Comments	Position
Items #17-18	<p>Page 279 Section 5-5(C)(9)</p> <p>Adds a new requirement for Electric Vehicle (EV) charging stations in large townhouse developments. See related proposed change in Section 7-1 for a definition of EV capable in the Parking Definitions</p> <p>Adds a new requirement for Electric Vehicle (EV) charging stations in large townhouse developments. See related proposed change in Section 7-1 for a definition of EV capable in the Parking Definitions</p>	<p>Items #17 and #18 proposes a new requirement for EV capable spaces to be provided in large townhouse developments and in large multi-family developments and for EV charging stations to be provided within large multifamily.</p> <p>In these projects 120V is sufficient, the fast charge of 240V at these residential properties is not needed or recommended for regular use by Electric Car makers.</p> <p>PROPOSED AMENDMENT: 240V to 120V</p>	Support- but amendment needed
Items #20-24	<p>Pages 305- 308</p> <p>Edge Landscape Buffers</p> <p>Apply a consistent buffer width of 15 ft for all Areas of Change next to Areas of consistency to the entire premise rather than separate lots</p>	<p>Items #20, #21, and #22 would remove the buffer width requirements from the narrative text of Section 5-6(E)(2)(a) to rely solely on the buffer width requirement of Table 5-6-5, the buffer requirements in Areas of Change next to Areas of Consistency. Item #23 proposes to apply buffer requirements to the whole premises of project sites rather than separate lots. Item #24 proposes to apply a consistent buffer width of 15 ft for all Areas of Change next to Areas of Consistency. Larger edge buffers would still apply based on development types.</p> <p>Buffering based on development type provides adequate shielded for protected lots. The boundaries of the Areas of Change and Areas of Consistency are not always consistent with parcel boundaries which makes administering the buffering requirements challenging</p>	Oppose
Item #25	Page 308 Section 5-6(E)(5) / Table 5-6-5	Item #25 proposes a different option for the edge buffer requirements by eliminating Section 5- 6(E)(5) and Table 5-	Support

Proposed Amendment	Page & Section Explanation	Comments	Position
	<p>Edge Landscape Buffers - Areas of Change and Consistency</p> <p>Removes this requirement as unnecessary and duplicative regulation. This section sets forth landscaping requirements based on if the subject lot is within an Area of Change and is located next to an Area of consistency. However, table 5-6-4 already sets forth landscaping requirements but instead bases the requirement on development types. It is not necessary to regulate landscaping based on Areas of Change or Consistency when there are other provisions (Table 5-6- 4) that adequately regulate landscaping requirements. Note that this change conflicts with proposed change from the public for the same subsection.</p>	<p>6-5, the sections that require buffering for Areas of Change next to Areas of Consistency.</p>	
<p>Item #36</p>	<p>Page 441 Section 6-4(Y)(1)(a)3</p> <p>Minor Amendments - Circulation Allows amendments that include changes to circulation contained within the site to be processed as minor amendments reviewed by the City Traffic Engineer if they meet other requirements and thresholds.</p>	<p>This proposed amendment would simplify the review process for minor site plan amendments. The City Traffic Engineer is a subject matter expert on site circulation and provides adequate and thorough review of such revisions. Removing the requirement for original decision-making body review of these modifications would streamline the development process and reduce the case load for decision-making bodies</p>	<p>Support</p>
<p>Item #40</p>	<p>Page 464 Section 6-6(B)(2) Demolition Outside of an HPO</p> <p>Clarifies that all applications involving demolition (e.g. demolition permit or site plan for redevelopment) of a structure 50+</p>	<p>The existing mechanisms for protecting historic structures, including the State and national historic registers, the City landmark designations, and HPO zone district, provide adequate protections for the historically significant sites and structures within our community. This revision would create an</p>	<p>Oppose</p>

Proposed Amendment	Page & Section Explanation	Comments	Position
	years old are subject to review by Historic Preservation staff.	onerous process for demolition of structures by adding a 120-day review period to obtain a demolition permit. This extended process would provide little benefit in terms of protecting historic resources and would add significant time to developments requiring demolition	
Item #43	Page 561 D Section 7-1 Definitions, Flood Definitions Floodplain Ties the definition of floodplain to FEMA definitions and to other defined terms for Flood in the IDO.	This proposed amendment would provide consistency with other appeal procedures.	Support
Non-residential Business Park Zone District (NRBP) and Planned Community Zone District (PC) Amendments	The proposed amendment to the NR-BP and PC Zone Districts would create a new section for deviations, variances, and waivers from framework plan standards	These established procedures within framework plans were vetted through community processes and approved by Council. These procedures should be retained.	Oppose
Northwest Mesa View Protection Overlay Zone (VPO-2) Amendments	Revise building and structure height to make those standards applicable only to the portion of the lot that falls within the VPO-2 boundary	These clarifications contain the height standards of the VPO-2 district to the sensitive areas identified within the district boundary while providing more flexibility for the portion of the lot outside the boundary	Support

Items NAIOP would like to see included in the 2022 IDO amendments:

Section & Page in IDO	Issue	Solution
<p><u>6-4(Z)</u></p>	<p><u>6-4(Z) AMENDMENTS OF PRE-IDO APPROVALS</u></p>	<p>Proposed Change: deleting the “circulation patterns’ in section 6-4(Z)(1)(a) 3. from this section. As long as circulation patterns meet the DPM requirements and all IDO standards, a change in circulation particularly within an existing parcel on a larger shopping center site does not constitute a need for a Major Amendment.</p>
<p><u>5-9(D)(1)</u></p>	<p>Having to go through an original approving body to get approval for a new drive through to be put in.</p> <p>The issue with 5-9(D)(1)b that regulates circulation and stacking is that this is already addressed by limiting order boards and service windows which have to be located at least 50 feet in any direction from any abutting residential zone district or residential use in a mixed use zone. This is a tremendous amount of real estate</p>	<p>Proposed solution: the required edge buffer requirement be sufficient to meet this requirement and that we get rid of this requirement altogether since the standard limiting order boards and service windows would remain.</p>
	<p>Non-city, commenting agencies taking months to respond.</p>	<p>Drop requirement for non-City agencies to approve studies prior to submittal to DRB. Allow studies to be completed prior to final approval of site plan.</p>
	<p>Repetitive and unnecessary notification</p>	<p>Remove requirement for notifying neighborhoods again if submitting for permit less than a year after having received DRB approval.</p>

From: [Gregory Sandoval](#)
To: [City of Albuquerque Planning Department](#); [Molina, Nathan A.](#); [Benton, Isaac](#)
Subject: Proposed IDO Changes and Housing Forward ABQ Proposal
Date: Monday, January 9, 2023 9:18:08 AM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Honorable Chair MacEachen, Councilor Benton, and Nathan,

I am in full SUPPORT of the HOUSING FORWARD ABQ proposal. We have seen in recent decades and more acutely in recent years, the devastating effects of high rental costs and high housing costs that have led to many citizens being unable to purchase or rent a home without hardships and sometimes leading to homelessness. We are a State and City with very low income yet high cost of living and cost of housing/rentals. The proposed modifications to the City's IDO will help alleviate some of these problems above. In addition, its proposal is in line with our community's history of residential family homes that can house additional family on a single property. Casitas, "mother-in-law" quarters, duplexes can also alleviate the very real need to house elderly parents in need of family care and avoid the need to send them to nursing homes.

I was born and live in the Los Griego neighborhood and many of the older homes from 100 years ago had casitas for extended family to live on the same property.

Councilor Ike Benton was central in creating the EDo MasterPlan back in 2004/5. It had many of the same proposals proposed in Housing Forward and made good inroads in the district concerning attitudes and construction. The Housing Forward will correct zoning issues that stifled gentle and logical density developments throughout ABQ.

Sincerely,

--

Gregory G. Sandoval
Architect
c: 505 200.1219

From: [Richard Schaefer](#)
To: [City of Albuquerque Planning Department](#)
Cc: [Richard Schaefer](#); aboard111@gmail.com
Subject: "Move fast and break things" is not a good model for Albuquerque and Bernalillo County strategic planning
Date: Monday, January 9, 2023 7:23:43 AM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

“Move fast and break things” is not a good model for Albuquerque and Bernalillo County strategic planning

As an officer in the Vista Grande Neighborhood Association and WSCONA I wish to express my concerns regarding some of the most potentially transformative zoning changes that are being proposed for the City of Albuquerque’s longstanding strategic growth plans. Those changes come in the form of dozens of proposed amendments and the mayor’s broad legislative proposals to dramatically change the City of Albuquerque’s Integrated Development Ordinance (IDO), which controls the types of developments that are permitted throughout the city and Bernalillo County.

The strategic growth plans that would be broken were developed over decades to ensure that neighborhoods could maintain their character and that small business and other commercial stakeholders would not have their investments undermined by large-scale businesses and developers who could use their lobbying clout to manipulate the political system to get tax, infrastructure and zoning breaks.

Mayor Tim Keller and City Councilors Isaac Benton and Trudy Jones are proposing allowing R-1 zoning—neighborhoods that zoning restricts to “single-family houses”—to allow duplexes, triplexes and accessory dwelling units (aka “in-law cottages” or “casitas”) on lots that are now zoned for a single house. There are also proposals to allow for much taller apartment structures, and decreased zoning provisions for parking, in mixed-use zones that now have height restrictions and parking space-per-unit requirements. The proponents of the legislation maintain that this will help increase the amount of affordable housing, and thereby help solve the “affordable housing crisis” that the proponents claim prevents low income people from having access to inexpensive housing.

OK, that might work in a few instances, but the zoning free-for-all will not work in most below-median value housing lots and not in most areas that are zoned for mixed use multi-unit housing. Nor is the so-called “affordable housing crisis” a product of misguided zoning regulations. Housing prices indeed are high by historic standards. But why is that? Is that because of zoning, or is that because after the financial meltdown in 2008, the Federal Reserve initiated a policy of quantitative easing and holding interest rates inordinately low to bail out the unscrupulous unregulated lenders who had created an unsustainable housing bubble that was about to burst with potentially terrible social consequences. Those low interest rates did see us through, but the rates should have returned to normal within a few years. They did not. Indeed rates remained artificially low until mid-2022. This aberration produced a housing valuation bubble because private equity firms and real estate investment trusts, as well as upper-income individuals, utilized the available low-interest tax-incentivized loans to buy up housing for their rental portfolios and second and third homes. Even a new vacation rental model—think BRBO and VRBO—encouraged what would have otherwise been lower priced housing units to go off the “affordable housing” market, as many small-scale investors got in on the real estate speculation game.

Well, now that the Fed is raising rates back toward historically sustainable levels, real estate valuations are beginning to drop because housing speculators are being forced to either pay higher

interest rates or sell off much of the inventory they gobbled up. This revaluation is just beginning to occur, but it will get more obvious in the next year or two. Therefore, now is not the time to break the zoning to solve what is essentially a real estate valuation bubble problem that the Fed is in the process of fixing anyway.

Another problem that politicians are considering addressing through zoning changes is “homelessness.” There is a perceived need to get people out of their shopping carts, park tents and cars and into more desirable temporary housing solutions. Clearly, the City of Albuquerque has a homeless problem. The talk is to renovate run-down motels and other vacant structures that are currently not zoned for ongoing housing and turning them into long-term temporary dwellings for homeless. Desert Hills, in our neighborhood, is one facility that has recently been mentioned as a facility that could be adapted for this purpose with some minor renovation and zoning changes.

Again, will this solve Albuquerque’s “homeless problem.” Most people who are financially strapped already find temporary shelter in one of the City’s shelters, which collectively can house thousands of people a night, and already have spare capacity on a routine basis. But people who go to these shelters have to abide by the shelter rules, and that is the rub. Historically, people and families who were temporarily “down on their luck” could find shelter with relatives. But those needing the shelter had to abide by the rules of the family.

Who are Albuquerque’s chronic homeless, and what makes family or existing shelters unable to meet their needs? The overwhelming majority of temporarily homeless people can find shelter with family members or in one of the many shelters that exist in Albuquerque. Unless you visit a shelter, these homeless are relatively invisible. In fact, the most visible homeless are just a small fraction of the overall temporarily homeless population. Often the chronically visible homeless have severe behavioral and alcohol, opioid and fentanyl dependency problems that make them unwelcome in shelters or even among their own relatives. Is this a zoning problem that can be solved by breaking longstanding zoning regulations? Except in a few rare instances, probably not.

Society changes and so will strategic growth plans. Some change is necessary and clearly desirable. In the post-pandemic internet age, office space is not as necessary as it used to be. There may also be a place for casitas on a few very select R-1 lots. But when individuals, families and small businesses invest in property in a neighborhood or a commercial center, they do so with the expectation of a social contract that suggests the rules of the game—the longstanding zoning, infrastructure, development, and strategic growth plans—will not be radically undone at the behest of those politicians and speculators who are attempting to “move fast and break things.” Instead of dozens of IDO amendments and radical rezoning legislation, I assert that “moving at the speed of trust” would be much better for the residents of Albuquerque than “moving fast and breaking things.”

###

Richard Schaefer
Phone: 505-917-9909
schaefer@unm.edu

From: [CATHERINE SLEGL](#)
To: [City of Albuquerque Planning Department](#)
Subject: Zoning, multi-family, height restrictions, etc.
Date: Tuesday, January 3, 2023 6:44:00 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Hello,

Our neighborhood association has sent our thoughts on these upcoming matters.

My hope is that you realize we care deeply about our city and that you take your constituents' emails into careful consideration.

We aren't always convinced that anyone in planning and zoning care what we want.

Please understand that the multiple family dwelling issue has certain places that may not be greatly affected yet has many places that cannot support this idea.

Let's help Albuquerque reach its potential as a desirable place to live. Please give great thought to your decisions and please listen to us. The law abiding, tax payers are the lifeblood of this city, please keep our wishes in the forefront.

Thank you for your consideration.

Catherine Slegl
Santa Fe Village, Albuquerque.

Sent from my iPhone

From: [Terry and Jack](#)
To: [City of Albuquerque Planning Department](#)
Subject: 2021 IDO Annual Update
Date: Tuesday, January 10, 2023 2:44:50 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

To Whom It May Concern,

We fully support amendments to the IDO that would allow the building of Accessory Dwelling Units (ADU) on R-1 properties. The need for additional housing in Albuquerque, that is more affordable, is well-documented. Allowing ADUs may go some distance in making a dent in our housing deficit.

We have owned our home in the near North Valley since 1980. Many of the older homes in our area already have "casitas" on the property, and none of the problems identified by opponents of the measure: inadequate parking; crowding, to name a few--are problems in our area. There is no reason to think they would be a problem elsewhere. Neighborhoods tend to be fairly cohesive, and if, for example, residents in an upscale neighborhood are concerned about and opposed to ADUs, it is highly likely that few if any neighbors would be building an ADU in that neighborhood.

Allowing the building of ADUs is a step in the right direction that we support.

Respectfully,

Terry Storch
Jack Cargill
26 Garden Park Cir. NW
ABQ 87107

From: [Singing Arrow](#)
To: [City of Albuquerque Planning Department](#)
Cc: [East Gateway Coalition](#)
Subject: Singing Arrow Neighborhood Association Opposition Responses to 0-22-54 & ISO Annual Update
Date: Thursday, January 5, 2023 8:39:13 PM
Attachments: [Endorsements to ICC Letters.pdf](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

At a Singing Arrow Neighborhood Association Meeting on 1/5/2023, members present endorsed the ICC's letters opposing:

- Amendment to 0-22-54 Section 3. Amend the Integrated Development Ordinance to Exempt All Conversions from Non-Residential Development to Multi-Family Dwellings from the Definition of Kitchen. (See attached with signatures)
- IDO Annual Update 2022, Section: 5-7(D)(3)(a), Walls & Fences - Front Yard Wall Section 5-7(D)(3)(b), Walls & Fences, Multi-family Development in R-ML or R-MH Zone Districts (See attached with signatures)

We appreciate your registering our opposition to these proposed changes.

Sincerely,

Wanda Umber
Secretary
Singing Arrow Neighborhood Association

ICC Inter-Coalition Council

The ICC is a Council of Coalitions of Albuquerque and Bernalillo County Neighborhood Associations that has been meeting since May 2014 to reach consensus on broad, common concerns. Its purpose is to promote stronger, better neighborhoods and communities through group action and interfacing with the governmental, social, environmental, cultural and historic needs and interests of all residents.

January 5, 2023

Via email: timoteo@iccc.org
EPC Chair Timothy MacEachen

RE: O-22-54

SECTION 3. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO 10 EXEMPT ALL CONVERSIONS FROM NON-RESIDENTIAL DEVELOPMENT TO MULTI-FAMILY DWELLINGS FROM THE DEFINITION OF KITCHEN.

Chairman MacEachen,

The Inter-Coalition Council (ICC) supports expanded housing based upon research, analysis and public input. According to Census data, New Mexico's population has decreased by 3,333 from July 2021 to July 2022. Information on the Housing Forward ABQ website contains conflicting information on counts of homelessness with prior information released by the City. Some data is based upon a very small survey.

In the IDO update of 2021 the ICC opposed the change to the definition of a kitchen for dwellings that receive funding through the City of Albuquerque Department of Family and Community Services as affordable housing as defined by Article 14-21 of ROA 1994 (Affordable Housing Implementation Ordinance). The ICC continues to oppose this definition and supports the IDO update of 2022 amendment to delete subsection 4-3(B)(8)(e).

The ICC opposes the IDO update of 2022, section 3 to exempt all conversions from non-residential development to multi-family dwellings from the definition of kitchen.

The reasons for our opposition include:

- The staff report states the “modern living” housing may result in affordable housing (page 27). No analysis is provided that would indicate that developers would provide affordable housing based upon the change in the ordinance. Consideration should be given to requiring a percentage of affordable housing in these conversions.
- Providing substandard kitchens conflicts with the USDA Food and Nutrition Service which works to end hunger and obesity through the administration of 15 federal nutrition programs including WIC and Supplemental Nutrition Assistance Program.
- Provides lower-income households with substandard kitchens. Affluent households have full kitchens with a cooking stove, range or oven and a refrigerator with a freezer area.
- The proposed definition kitchen does not support healthy meal preparation. New Mexico has a higher rate of obesity and diabetes than surrounding states. Prepared, boxed food is higher in fat, sodium and sugar.

- Conflicting information is being provided to the public. Director Carol Pierce stated at the public meetings on converting Hotel/Motels to Housing that these units will be long term rentals. In the slide presentation accompanying the meetings the following statement appears: "Not only for people experiencing homelessness." (Slide 6 of 15). This statement indicates that this is housing for the homeless.
- Overall Housing Forward plan lacks data or contains conflicting data. The range of housing need from 13,000-30,000 is a red flag. We know of no other organization that could make a plan for millions of dollars of expenditures based upon a variance of this amount.
- Lack of enforcement of current ordinances regarding rental property. This lack of enforcement has created doubt that vacant hotels that do not currently meet building codes for apartments will be adequately inspected and held to standards to provide safe and affordable apartments.

If the City of Albuquerque plans on allowing substandard kitchens in the conversion of non-residential property, the following should be considered:

- Location(s) should not negatively affect the character of the neighborhood. Consideration must be given to the history of the property regarding safety and crime. Consideration of location to create balance in the community for housing mix.
- Within the 40 hours of support services a week, require the service provider offer residences with nutrition and cooking classes free of charge at the apartment building.
- Require a refrigerator that supports storage of food received from USDA Food and Nutrition Service or food items bought on sale. (WIC provides fruits and vegetables that will spoil if not stored properly.) This storage will allow low-income households to stretch their dollars.
- Require a refrigerator that includes freezer space to accommodate freezing of left overs and the ability of households to freeze food received from USDA Food and Nutrition Service or food items bought on sale. This storage will allow low-income households to stretch their dollars.
- Amend to state microwave AND induction cooktop with built in safety controls.
- Amend to state multiple electric outlets. (This would support additional common kitchen appliances such as a toaster, crockpot, or coffee maker to be used in a safe manner.)

Sincerely,

Michael Brasher

Inter-Coalition Council President

Debra Wilson

Pat Han

Susan Roman

Ilma Estrella

Shirley (Lindsey)

ICC Inter-Coalition Council

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January 5, 2023

Via email: timothy@epc.org
EPC Chair Timothy MacEachen

RE: IDO Annual Update 2022, Section: 5-7(D)(3)(a), Walls & Fences - Front Yard Wall
Section 5-7(D)(3)(b), Walls & Fences, Multi-family Development in R-ML or R-MH Zone Districts

Chairman MacEachen,

Last year similar amendments were submitted to increase the height of walls and fences. The ICC opposed the increase in the IDO Annual Update 2021. The EPC heard from the community and helped defeat the amendments.

The ICC again opposes the amendment to increase the height of walls and fences for the many reasons noted in public comment on the IDO interactive website. No comments were entered in support of increased heights of walls and fences.

We agree with the comments in the staff report:

Many older, established residential areas have a distinct character and were developed without walled yards. Walls could create a sense of enclosure that takes away from the connectivity of neighborhoods and the sense of safety that comes from having "eyes on the street." The proposed change would not enhance, protect, and preserve these distinct communities or protect the identity or cohesiveness of such neighborhoods (Goal 4.1, Policy 4.1.2, Policy 4.1.4).

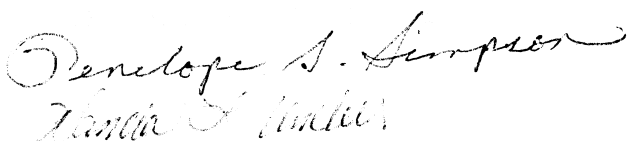
...The proposed changes would result in changes to streetscapes and development, and could contribute to creating a range of environments and experiences (Goal 7.1)...

The ICC urges the EPC to defeat the amendments to increase the height of wall and fences. We hope that a defeat in the IDO Annual Update 2022 will put an end to proposals to increase height of walls and fences.

Sincerely,

Michael Brasher

Inter-Coalition Council President



Denelope S. Simpson
Timothy MacEachen

ICC Inter-Coalition Council

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January 5, 2023

Via email: timothy@epcouncil.org
EPC Chair Timothy MacEachen

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Sincerely,

Michael Brasher

Inter-Coalition Council President

*Laura Anderson Susan Rowland
Jana Stuller*

From: [Mike Voorhees](#)
To: [City of Albuquerque Planning Department](#)
Cc: [René Horvath](#); dreikeja@comcast.net
Subject: Comments for Jan 19 Staff Report to EPC
Date: Sunday, January 8, 2023 8:03:03 PM
Attachments: [EPC Jan 8.pdf](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.
Please include the following comments in the Staff Report to the EPC for the Jan 19 hearing.

Thank you,
Michael T. Voorhees

Michael T. Voorhees
6320 Camino Alto NW
Albuquerque, NM 87120

January 8, 2023

Via email: abcto@cabq.gov
EPC Chair Timothy MacEachen
cc City Council

RE: O-22-54, SECTION 4. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO ELIMINATE BUILDING HEIGHT MAXIMUMS FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENT AND MIXED-USE DEVELOPMENT.

Chairman MacEachen,

I am writing specifically to oppose the indiscriminate removal of building height restrictions as part of the effort supposedly directed at easing the housing shortage. Such a move would be in direct contradiction to numerous Policies contained in and adopted through the Albuquerque/Bernalillo County Comprehensive Plan, including Policies 11.3.1, 11.3.4, 11.3.5, and 11.3.6. Numerous developers and planners testified to the EPC that removing height restrictions really isn't necessary to achieve greater housing densities, and their recorded testimony nullifies the rationale to adopt such a drastic approach.

Under New Mexico Law, specifically **3-21-5. Zoning; conformance to comprehensive plan**, it clearly states "The regulations and restrictions of the county or municipal zoning authority **are to be in accordance with a comprehensive plan...**" Do to the failure of the currently in-force version of the IDO to adequately and explicitly incorporate the policies of the Volcano Mesa Sector Development Plan, most of multi-family residential zones and mixed-use zones within CPO-13 would have no other applicable protections against the wholesale degradation and desecration of the Western skyline, as VPO-2 (even without recently proposed weakening) does not apply to these areas.

To unnecessarily eliminate building height maximums in nonconformance to the Comprehensive Plan is not only illogical, it is arbitrary and capricious and will open the City to significant legal liability. Moreover, such action could not take place without first consulting with the 29 Pueblos and Tribes which consider the Volcanoes and Escarpment as sacred. Such prior consultation is MANDATORY under the City's own ordinance in § 2-6-6-4.

As such I urge the EPC to recommend against adoption of SECTION 4. The above referenced policies are included verbatim below for your ease of reference.

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. [ABC]

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

POLICY 11.3.5

Sandia Mountains: Protect views of the Sandia Mountains from key vantages within public rights-of-way, along corridors, and from strategic locations as an important cultural feature of the region. [ABC]

POLICY 11.3.6

Volcano Mesa: Preserve open space, natural and cultural landscapes, and other features of the natural environment within Volcano Mesa. [A]

- a) Respect Albuquerque's culture and history, including Hispanic and Native American, through context-sensitive development.
- b) Encourage development that is sensitive to the open, natural character of the area and geological and cultural conditions.
- 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.

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. [A]

- b) Preserve and protect the Monument from growth and development pressures on the West Side.
- c) Conserve and protect the Monument and surrounding lands through regulations associated with the Volcano Mesa and Northwest Mesa Escarpment Areas.

11.1.2.3 CULTURAL LANDSCAPES

"The volcanoes, escarpment, and volcanic rock outcroppings on the Northwest Mesa have been used for thousands of years – and continue to be used – for sacred pilgrimages by Native American pueblos. Arroyo corridors through this area provide the historic spine of trails connecting sacred sites from the Rio Grande, up the escarpment, past petroglyphs and other shrines, to the volcanic cones."

"Cultural landscapes can also ***include views to important natural or built features.*** Along many corridors, views to the Sandia Mountains, the Bosque, the volcanoes, and the valley become cultural corridors to those walking, driving, or biking. ***Views into and from Open Space can also become cultural landscapes.*** Open Space inherently operates as a cultural landscape, since it includes natural areas used by humans, while also serving as a home to wildlife and plants."

"Preserving, enhancing, and leveraging these cultural landscapes can be accomplished through zoning and regulatory standards for development within or adjacent to these areas. Controls related to the built environment often regulate access; sensitive edge treatments; materials; ***building height***, massing, and placement; walls and fences; signs; and utilities."

—Comp Plan 11-14 & 15

Again, due to the direct conflict with and nonconformance to the above Comprehensive Plan Policies, I urge the EPC to recommend against adoption of SECTION 4 of O-22-54.

Respectfully,



Michael T. Voorhees

From: [P. Davis Willson](#)
To: [City of Albuquerque Planning Department](#)
Subject: Comments regarding O-22-54
Date: Sunday, January 8, 2023 8:52:12 PM
Attachments: [LTR reO-22-54 frVHNA.pdf](#)
[ATT00001.htm](#)

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

EPC Chair MacEachen and Commissioners,

You have received letters from the Inter-Coalition Council (ICC) regarding O-22-54; Sections 2-ADUs and Section 3-Kitchen Exemptions—I fully support the ICC’s position on these letters (in addition to their letter regarding the IDO Annual Update Section 5-7 Walls & Fences). I have also personally submitted a letter regarding Walls & Fences.

The attached letter was approved by the Victory Hills NA Board of Directors. VHNA is located in District 6; the Victory Addition—platted in 1942—was the first subdivision developed in Albuquerque during WWII. Our neighborhood association was formed 40 years ago. While many neighbors support some of the sections of O-22-54, in general we are opposed to allowing this legislation to be considered contemporaneously with the 2022 IDO Annual Update.

Respectfully,

Patricia Willson

Victory Hills NA: President
District 6 Coalition: Treasurer
Inter-Coalition Council Representative

January 8, 2023

Via email: abcto@cabq.gov
EPC Chair Timothy MacEachen

Re: Project #: PR-2018-001843
Case #: RZ-2022-00059 – Amendments to the IDO re: Housing Forward Initiative
(Council Bill No. O-22-54)

Chairman MacEachen,

The Victory Hills Neighborhood Association (VHNA), located in Council District 6, is opposed to the inclusion of the above-referenced Ordinance in the 2022 IDO Annual Update. These six substantive changes do not belong in the annual update process.

The tone of Mayor Keller's October 28, 2022, Inter-Office Memo to Council President Benton about this legislation is one of panic and emergency:

"...emergency text amendments...rapidly worsening housing shortage...alarming and growing gap...promptly remove regulatory barriers...the proposed changes are intended to be transformative, which is fitting for the crisis facing our local government...severity and urgency of the present housing crisis..."

The Albuquerque / Bernalillo County Comprehensive Plan guides decisions on zone changes and new plans and regulations. According to *Section 2.3.1 Population Growth*, the area population is predicted to increase by ≈46% by the year 2040, adding around 311,000 new residents:

"...growth is expected and must be planned for, particularly to grow in sustainable ways and protect our quality of life and the character of our vibrant communities."

Another concern we have is the lack of Agency comments. The Staff Report notes ≈70 written comments from individuals and neighborhood organizations, but of the 25 Agencies listed, five responded with "no comment" or "none" and only two agencies—the Mid-Region Council of Governments and the Public Service Company of NM—provided comments. MRCOG's Mid-Region Metropolitan Planning Organization's (MRMPO) thoughtful 3-page letter lists several relevant strategies relating to both the O-22-54 case and the Citywide IDO Annual Update amendments.

However, PNM's response expresses concern regarding increased load demand:

"The PNM electric grid can support infill development and redevelopment that utilizes existing electric infrastructure. But the resulting increased electric load demands may require the installation of upgraded equipment...that can safely accommodate the resulting load growth."

The fact that 18 out of 25 Agencies did not comment on this Legislation does not seem to support the tone of panic and emergency expressed in its introduction. There are many valid concepts contained in this legislation; perhaps each Section should be a separate bill and be given the community input and thoughtful discussion that each Section warrants. For example, in the Near Heights CPA Assessment Report, of the more than 100 community members submitting feedback on the topic of ADUs, about 65% support them permissively, and about 25% support them as a conditional use.

Let's not ignore the Comprehensive Plan and the long-range Planning Assessment Area Reports in lieu of this crisis mode legislation attached to the IDO Annual Update.

Respectfully,

The VHNA Board of Directors
Patricia Willson, President

From: [Judy Young](#)
To: [City of Albuquerque Planning Department](#)
Subject: IDO amendment to allow single family residencies to multi
Date: Monday, January 9, 2023 3:03:43 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.
IDO amendment to allow single family residencies to become multi-family residencies is contrary to the overall public good and contrary to individual's well being. This amendment will only serve to negatively impact neighborhoods and quality of life for all.

Judy Young
505.350.3108
youngjudy@ymail.com

Sent from my iPhone