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OFFICIAL NOTIFICATION OF DECISION

January 19, 2023

City of Albuquerque Planning Dept.
Urban Design & Development Div.
Attn: Michael Vos
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Project #2021-001843
RZ-2022-00054– Text Amendments to the Integrated
Development Ordinance (IDO)- Citywide

LEGAL DESCRIPTION:

The City of Albuquerque Planning Department requests to amend the text of the Integrated Development Ordinance (IDO). This fourth annual update includes changes requested by neighbors, developers, staff, and Council Services. City-wide.

Staff Planners: Catalina Lehner, Michael Vos

On January 19, 2023, the Environmental Planning Commission (EPC) voted to forward a recommendation of APPROVAL to the City Council of Project #PR-2021-001843/RZ-2022-00054, City-wide text amendments to the Integrated Development Ordinance (IDO), based on the following Findings and subject to the following Conditions for recommendation of Approval:

FINDINGS:

1. The request is for various Citywide, legislative amendments to the text of the Integrated Development Ordinance (IDO) for the Annual Update required by IDO Subsection 14-16-6-3(D). The proposed Citywide amendments, when combined with the proposed Small-area amendments, are collectively known as the 2022 IDO Annual Update.
2. These Citywide text amendments are accompanied by proposed text amendments to Small Areas in the City, which were submitted separately pursuant to IDO Subsection 14-16-6-7(E) and are the subject of separate Staff reports and actions: North Fourth Street, CPO-9 (RZ-2022-00055) and Northwest Mesa Escarpment, VPO-2 (RZ-2022-00056).
3. The request was heard at the December 8, 2022 EPC hearing and was continued for a month to the January 19, 2023 hearing to allow for additional review, development of conditions, and input from members of the public.
4. The IDO applies Citywide to land within the City of Albuquerque municipal boundaries. The IDO does not apply to properties controlled by another jurisdiction, such as the State of New Mexico, Federal lands, and lands in unincorporated Bernalillo County or other municipalities.

5. The EPC's task is to make a recommendation to the City Council regarding the proposed amendments to IDO text. As the City's Planning and Zoning Authority, the City Council will make the final decision. The EPC is a recommending body to the Council and has important review authority. This is a legislative matter.
6. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
7. Staff has collected approximately 49 proposed text amendments to the IDO requested by neighbors, developers, Staff, Council, and the Administration. The proposed changes would improve the effectiveness and implementation of adopted regulations, address community-wide issues, clarify regulatory procedures, and balance these needs with the Comprehensive Plan vision of protecting and enhancing existing neighborhoods.
8. The request generally meets IDO Subsection 14-16-6-7(D)(3)(a-c), Review and Decision criteria for Amendment to IDO Text-Citywide, as follows:

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

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

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

The proposed Citywide text amendments would apply throughout the City and not to only one lot or development project and, therefore, are legislative in nature. The changes would apply equally across a particular zone district or for all approvals of a certain type and are not directed toward any specific lot or project.

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

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

9. The request is generally consistent with the following, relevant Articles of the City Charter:
 - A. Article I, Incorporation and Powers. Amending the IDO via text amendments is consistent with the purpose of the City Charter to provide for maximum local self-government. The revised regulatory language and processes in the IDO would generally help implement the Comprehensive Plan and help guide future legislation.
 - B. Article IX, Environmental Protection. The proposed Citywide text amendments would help ensure that land is developed and used properly and that an aesthetic and humane urban environment is maintained. The IDO is the implementation instrument for the City's Comprehensive Plan, which protects and promotes health, safety, and welfare in the interest of the public. Commissions, Boards, and Committees would have updated and clarified regulations to help facilitate effective administration of City policy in this area.
 - C. Article XVII, Planning.
 - i. Section 1. Amending the IDO through the annual update process is an instance of the Council exercising its role as the City's ultimate planning and zoning authority. The IDO will help implement the Comprehensive Plan and ensure that development in the City is consistent with the intent of any other plans and ordinances that the Council adopts.
 - ii. Section 2. Amending the IDO through the annual update process will help the Administration to implement the Comprehensive Plan vision for future growth and development, and will help with the enforcement and administration of land use plans.
10. The request is generally consistent with the following, applicable Goal and Policies in Chapter 5- Land Use and Chapter 7- Urban Design:
 - 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.

In a broad sense, the proposed text amendments promote efficient development patterns and use of land. They help support development and re-development in older, established areas, UC-MS-PT areas, and include conversions to residential dwellings and historic building preservation.
 - B. 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.

The proposed text amendments address affordable housing (kitchen exemption) and methadone clinics (separation distance), which can be considered Locally Unwanted Land Uses (LULUs) because immediate neighbors often find them objectionable. The proposed changes would help facilitate careful location of such uses by supporting conversion of existing buildings to housing and clarifying separation distances between clinics. Relevant use-specific standards would be clearer and would continue to apply to protect neighborhoods.

- C. Policy 5.6.4 - Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering, and limits on building height and massing.

The proposed amendments address edge landscape buffering, which provides transitions in Areas of Change for development abutting Areas of Consistency. The changes would clarify edge buffering requirement on premises and between project sites; some proposed amendments would help ensure adequate buffering but another would remove the requirement as duplicative.

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

The proposed text amendments include changes to off-street parking requirements based on development contexts where higher density is allowed; the resulting parking facilities would match the development context and complement the built environment. New provisions to address electric vehicle parking requirements also facilitate parking that better matches development context.

11. The request is generally consistent with the following, applicable Goal and policies in Chapter 5- Land Use, pertaining to implementation and processes:

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

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

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

The IDO annual update process results in an updated regulatory framework that helps align priorities and create consistent outcomes. The request includes amendments that address affordable housing (kitchens), landscape buffering, mature trees, parking, and procedural clarifications that help support desired growth, high-quality development, economic development, and housing. Where they do not, conditions for recommendation of approval can be applied.

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

The IDO annual update results in an updated and clarified regulatory framework, which is part of the foundation for a transparent approval and permitting process. The proposed text amendments include changes to clarify how to apply provisions in the IDO (deviations, variances, waivers, site plan-admin), which would generally contribute to a more consistent process and support providing high-quality customer service.

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

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

The proposed text amendments would generally foster a more robust, resilient, and diverse economy because they include changes to clarify requirements (ex. edge buffering, notification), definitions, and processes, as well as support alternative energy technology (electric vehicles). These changes would contribute to predictability and consistency in the development process that would generally help support economic development efforts.

13. The request is generally consistent with the following Goal and policy pair in Chapter 11: Heritage Conservation:

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

Policy 11.2.2- Historic Registration: Promote the preservation of historic buildings and districts determined to be of significant local, State, and/or National historical interest.

The proposed text amendments would allow staff review of historic buildings Citywide, which would help to preserve historic assets moving into the future, as well as promote the preservation of historic buildings that are determined to be significant at a local, state, and/or national level.

14. The request is generally consistent with the following Goal and policy pair in Chapter 13- Resilience and Sustainability:

Goal 13.1- Climate Change: Promote resource-efficient growth and development to help mitigate global climate change and adapt to its local impacts.

Policy 13.1.2- Greenhouse Gas Mitigation: Mitigate greenhouse gas emissions in developments and streetscapes.

The proposed text amendments include new requirements regarding electric vehicles and a definition. Supporting and encouraging alternative energy would generally help encourage resource-efficient growth and is one way to mitigate climate change and greenhouse gas emissions, as future developments could accommodate more electric vehicles.

15. 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 conflicts and provide clarification.
16. 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 mailed notice was sent to the two representatives of each Neighborhood Association and Coalition registered with the Office of Neighborhood Coordination (ONC) as required by IDO Subsection 14-16-6-4(K)(2)(a). Notice was posted on the Planning Department website and on the project website.
17. In addition to the required notice, on October 11, 2022 and December 2, 2022 e-mail notice was sent to the approximately 9,300 people who subscribe to the ABC-Z project update e-mail list. Additional notice for the January 19, 2023 EPC hearing was sent to the ABC-Z project update e-mail list on January 4, 2023 and January 6, 2023.
18. The proposed 2022 IDO Annual Updates were reviewed at two online public study sessions on October 21 and 22, 2022 via Zoom, prior to application submittal for the EPC process, and at a public meeting held on November 18, 2022. Planning Staff presented the proposed text amendments and answered questions. The presentations, in .pdf format and in video format, are posted on the project webpage at: <https://abc-zone.com>.
19. The EPC held a study session regarding the proposed 2022 IDO Annual Update on December 1, 2022. This meeting was publicly noticed, although no public input is received during Study Sessions (see EPC Rules of Practice and Procedure, Article II, Section V).
20. As of this writing, Staff has received approximately 45 written comments from neighborhood groups, individuals, and organizations. Comments were generally submitted as letters and emails with attachments. Other comments (approximately 86) were submitted online and pinned to the spreadsheet of proposed text amendments on the ABC-Z project website.
21. In sum, most neighborhood groups tend to oppose the proposed amendments regarding walls and fences and edge landscape buffers. Most neighborhood groups tend to support the proposed amendments regarding encroachments in setback areas and the removal of an exception to kitchen requirements for non-residential to residential conversions.
22. Though some comments oppose individual proposed amendments, and others recommend changes, there is general support for the request as a whole. The Conditions for Recommendation of Approval address many issues raised in the comments.

23. Item #11, Sensitive Lands/Mature Trees: This amendment needs further development and research to meet the intent of the proposal, which should be done and included in the 2023 IDO Annual Update.

CONDITIONS FOR RECOMMENDATION OF APPROVAL:

1. The proposed amendments in the spreadsheet “IDO Annual Update 2022 – EPC Submittal - Citywide” (see attachment) shall be adopted, except as modified by the following conditions.
2. Item #6 – Multi-Family, Kitchen Exemption for Multi-Family Housing:

Delete the proposed amendment, which would result in retention of the use-specific standard for multi-family dwellings that allows for conversions of non-residential uses into multi-family dwellings with alternative kitchen standards, and defers any specific changes to this standard to the Housing Forward initiative.

3. Items #7 and #19 – Car Washes:
 - A. As conveyor-operated facilities operate much like drive-through facilities, the following additional Use-specific standard shall be added to Subsection 14-16-4-3(D)(16): [Queuing lanes associated with this use shall comply with the requirements of Subsection 14-16-5-5(I)(2) (Drive-through or Drive-up Facility Design).]
 - B. The following Use-specific standard shall be added to Subsection 14-16-4-3(D)(16): [Vacuum stations shall be located away from public streets, any Residential zone district, or any lot containing a residential use in any Mixed-use zone district to the maximum extent practicable. If not practicable, at least 1 tree at least 8 feet high at the time of planting shall be provided for every 25 feet along the lot line in locations that would best screen the vacuum stations from the public right-of-way or the adjacent properties, in addition to all applicable standards in Section 14-16-5-6 (Landscaping, Buffering, and Screening).]
4. Item #10 – Encroachment: Relocate “bay window” from Architectural feature to the new row with “balcony” and revise the amendment text as follows: "May encroach any amount into a required front [or street side] yard setback; encroachments into the public right-of-way require an approved revocable permit."
5. Item #11 – Sensitive Lands/Mature Trees: Delete the proposed amendment (see Finding 23).
6. Items #13 and #15, Off-street Parking – Parking Maximums:

Adopt the proposed amendments, with the following changes to item #15:

 - i. Make existing text Subsection (a) and add new subsections with text as follows:

"(b) In UC-MS-PT areas the maximum number of off-street parking spaces provided shall be no more than 125% of the off-street parking spaces required [by Table 2-4-13 or Table 5-5-1, as applicable], ~~calculated after all applicable parking reductions have been applied.~~

(c) In areas exempt from minimum required off-street parking spaces pursuant to Subsection 14-16-5-5(B)(2)(a), the maximum number of off-street parking spaces provided shall be ~~zero~~ [no more than 100% of the off-street parking spaces otherwise required by Table 2-4-13 or Table 5-5-1 for the proposed development, as applicable]."

7. Item #15: Revise the existing language in subsection 14-16-5-5(C)(7) as follows: "Parking maximums shown in Table 5-5-1 apply to parking lots, not to spaces provided in parking structures [, wrapped parking, or parking provided underground]."
8. Item #17, Electric Vehicle Parking – Townhouses: revise the proposed language as follows in order to expand this requirement to townhouse subdivisions where there may be more than 6 dwelling units but they are not all within a single structure: "All new townhouse ~~dwelling~~s [developments] containing more than 6 dwelling units shall provide all required off-street parking spaces as EV capable."
9. For Edge Landscape Buffers for Low-density Residential, revise the language in Subsection 14-16-5-6(E)(2) as follows:

"Where multi-family, mixed-use, or non-residential development other than industrial development occurs on a lot abutting or across an alley from a lot containing low-density residential development in an R-A, R-1, R-MC, ~~or~~ R-T [, or R-ML] zone district, a buffer shall be provided along the lot line, as specified for the relevant area below."

10. For Edge Landscape Buffers for Multi-family Residential Zone Districts, revise the language in Subsection 14-16-5-6(E)(3) as follows:

"Where mixed-use or non-residential development other than industrial development occurs on any lot abutting or across an alley from a lot in the R-ML or R-MH zone districts with [townhouse or] multi-family residential development, a buffer shall be provided along the lot line, as specified for the relevant area below."

11. Items #20 to #25 – Edge Landscape Buffers – Areas of Change and Consistency:

A. Adopt the proposed changes in Items #20-24 with following revision to the proposed language in Item #23:

- i. Where a ~~lot~~ premises partially or completely in an Area of Change is abutting or across an alley from a ~~lot~~ premises wholly [partially or completely] in an Area of Consistency (per City Development Areas in the ABC Comp Plan, as amended), the following standards shall apply on the lot(s) adjacent to the premises wholly [partially or completely] in the Area of ~~Change~~ Consistency, regardless of the proposed land use on that lot or premises unless specified otherwise in this IDO.

B. Delete the proposed amendment #25, which would delete all of Subsection 14-16-5-6(E)(5) and Table 5-6-5, in order to keep Edge Landscape Buffers for Areas of Change and Consistency, as proposed to be amended.

12. Items #26 and #27 Wall and Fences, Maximum height: Delete the proposed amendments, leaving maximum wall heights as currently regulated.
13. Item #34 – Appeals – Remand Hearings: Clarify language in the new Subsection 7 as follows:
 - A. “Planning Department staff shall notify the parties of the date and time of the remand hearing. Public notice pursuant to Table 6-1-1 for the original decision is not required. The decision by the original decision-making body at the remand hearing is considered final unless one of the parties [files a new appeal] appeals the decision to the LUHO.”
14. Item #36 – Minor Amendments – Circulation:
 - A. Replace the deleted circulation language with the requirement for a traffic impact study, which is a more objective standard, as follows:
 - i. “The requested change does not require major public infrastructure, ~~or~~ significant changes to access ~~or circulation patterns on to~~ the site, [or a traffic impact study,] which would warrant additional review by the original decision-making body.”
15. Related to Item #36 – Minor Amendments – Circulation: Apply the approved language from Item #36 and Subsection 14-16-6-4(Y)(1)(a)3, as amended, to Subsection 14-16-6-4(Z)(1)(a)(3).
16. Items #40 and #41, Demolition Outside of an HPO:
 - A. Adopt the proposed amendment as written, and make the following procedural changes in Subsection 14-16-6-6(B)(2):
 - i. 14-16-6-6(B)(2)(a) The Historic Preservation Planner shall review the demolition permit application within ~~15~~[5] days after receipt of the application in order to determine whether to recommend review and decision by the Landmarks Commission (LC).
 - ii. 14-16-6-6(B)(2)(b) If the Historic Preservation Planner recommends demolition review by the LC, the LC shall notify the applicant and the Chief Building Official in writing within ~~15~~[5] days and conduct a public hearing ~~within 60 days of receipt of the application~~ [at the next possible hearing date] to decide whether a 120-day review period shall be invoked.
 - iii. 14-16-6-6(B)(2)(d) No demolition permit may be issued prior to an LC hearing following a staff determination that the structure is subject to demolition review. If the Historic Preservation Planner does not notify the Chief Building Official within ~~15~~[5] calendar days of receipt of the application that the structure is subject to demolition review, the City may proceed to issue the demolition permit.
17. New Amendment- Clean Room Accessory Use:
 - A. Create a new accessory use “Clean Room” in Table 4-2-1 allowing the use as Conditional Accessory (CA) in NR-BP and Permissive Accessory (A) in NR-LM and NR-GM zone districts.

- B. Define Clean Room in Section 14-16-7-1 as follows: “A facility to manufacture delicate and fragile components where processes and components are protected from any outside environmental factors. Cleanrooms include working with chemicals, volatile materials, and sensitive instruments. Other clean rooms that do not meet this definition are regulated as incidental activities associated with primary uses in the Industrial or Commercial categories.”
- C. Add a new Use-specific Standard for Clean Room with text as follows within Subsection 14-16-4-3(F) Accessory Uses:
 - i. This use is only allowed when accessory to a use in the Industrial Uses Category pursuant to Table 4-2-1.
 - ii. This use must obtain all applicable State and federal permits or approvals for the activity and comply with the terms of those permits and approvals throughout the duration of the use.
 - iii. This use must comply with air quality permitting requirements found in Part 9-5 of ROA 1994 (Air Quality and Environmental Health Control).
 - iv. This use shall also comply with the distance separations in the Use-specific Standard for Heavy Manufacturing in Subsection 14-16-4-3(E)(5)(e).
- D. Add the following exception to the definition of Special Manufacturing: “This use does not include any use that meets the definition of Clean Room accessory to another use in the Industrial Uses Category pursuant to Table 4-2-1.”

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

Sincerely,

Catalina Lehner

for Alan M. Varela,
Planning Director

AV/CL/MV

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OFFICIAL NOTICE OF DECISION

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EPC File