



***Environmental
Planning
Commission***

***Agenda Number: 06
Project #: 2018-001843
Case #: RZ-2019-00035
Hearing Date: July 11, 2019***

Staff Report (Amended/updated July 5, 2019)

<i>Agent</i>	City of Albuquerque
<i>Applicant</i>	City of Albuquerque
<i>Request</i>	Text Amendments to the Integrated Development Ordinance (IDO) to adopt zoning conversion rules for 1,226 properties submitted to the Phase 2 zoning conversion process
<i>Location</i>	City-wide

Staff Recommendation

That a recommendation of APPROVAL of case #RZ-2019-00035, based on the Findings beginning on p. 35, be forwarded to the City Council.

Staff Planners

***Catalina Lehner, Senior Planner
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Summary of Analysis

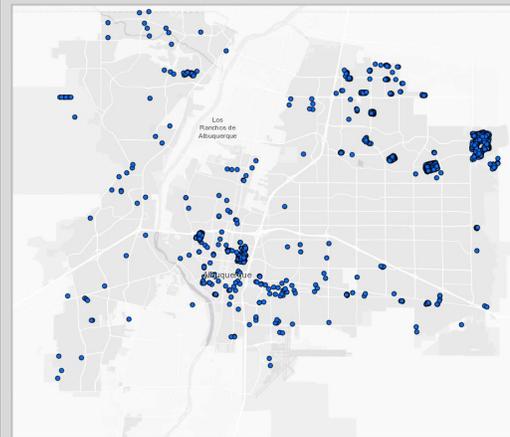
The request is for a legislative amendment to the text of the IDO to adopt zoning conversion rules for 1,226 properties that were submitted to the Phase 2 zoning conversion process. These properties, known collectively as Batch 2, meet at least 1 of 5 criteria for a voluntary zoning conversion that the City Council established for property owners via Resolution 18-29. Details regarding each property are found in the summary tables attached to this Staff report.

The request furthers several applicable goals and policies in the Comprehensive Plan that pertain to community identity and land use.

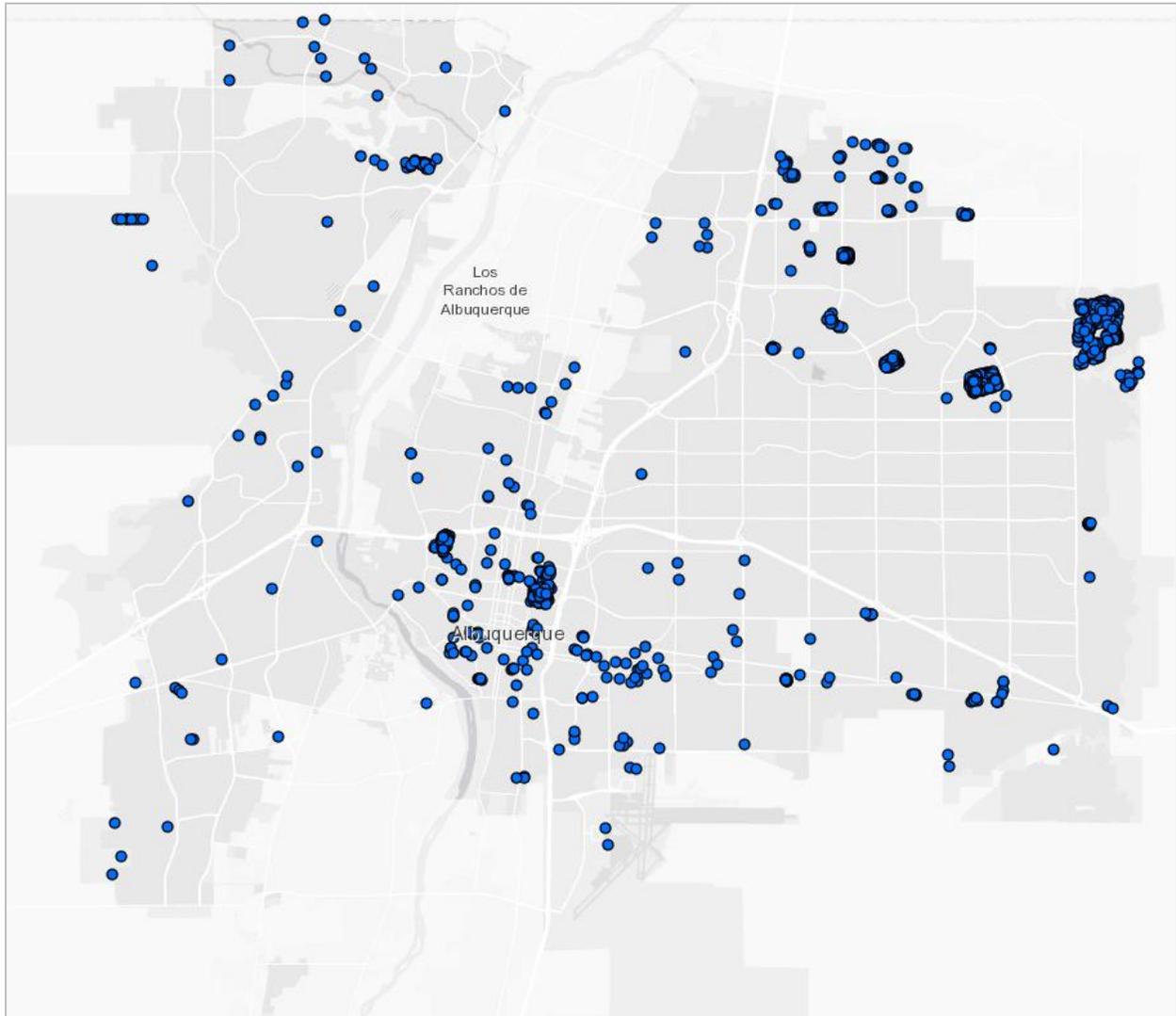
As directed by Resolution 18-29, Staff developed an extensive outreach strategy to let the public know about the voluntary zoning conversion process, including advertisements, meetings, presentations, mailed inserts, and direct mailing to property owners of properties likely to be eligible for the process.

As of this writing, Staff has not received any substantive comments and is not aware of any opposition. Staff recommends that a recommendation of approval be forwarded to the City Council.

Map – City-wide



Interactive map available online:
<https://tinyurl.com/batch2zc-map>



This is a legislative action to adopt IDO Zoning Conversion Rules for the properties identified in the map above and described in detail in tables included in the attachments.

The map above is available online here: <https://tinyurl.com/batch2zc-map>.

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I. INTRODUCTION

Request

This is a request for a legislative amendment to the Integrated Development Ordinance (IDO) text to adopt zoning conversion rules for 1,226 properties that have been submitted to the Phase 2 zoning conversion process and that meet the criteria for a voluntary zoning conversion, as directed by City Council via Resolution 18-29 (Enactment No. R-018-019). (See attachment.)

If the City Council ultimately adopts the legislation (i.e. the zoning conversion rules for the 1,226 properties), the properties will be converted to the recommended zone districts, and the Official Zoning Map will be revised accordingly. This is a city-wide action.

The request is being processed according to the procedural requirements in IDO Section 14-16-6-7(D) – Amendment to IDO Text. The review and decision criteria will be those identified in Council Resolution 18-29. (See attachment – PRT Meeting Notes.)

These Phase 2 zoning conversions are intended to resolve issues not addressed by the adoption of the IDO in November 2017 via Ordinance 17-49 (Enactment No. O-2017-025) and amended via Ordinance 18-11 (Enactment No. O-2018-009).

Since submittal of this request on May 30, some properties have been removed either because further analysis showed the properties to be ineligible or, in the case of City-owned properties, by request of the owner department. In addition, some zoning conversion recommendations and some eligibility criteria for properties have changed based on further analysis.

As of this writing, Batch 2 includes 1,226 properties whose owners have opted into this process. Staff has analyzed these zoning conversion requests to confirm eligibility based on at least one of the five conversion criteria identified in R-18-29.

(Note: This staff report was updated on July 5 to correct the total number of properties due to double-counting of some data points, which rippled to counts and summary bullets throughout the report.)

Organization

The attached document “Rules for Zoning Conversion – Batch 2 Properties” is an itemized list of properties for consideration for conversion to a different IDO zone district. The list of properties includes the pre-IDO zoning, IDO zone district, the zoning conversion requested by the property owner, the zoning conversion recommended by Staff, and the applicable eligibility criteria. The list also includes a brief description of Staff’s recommendation.

The first table is organized according to the Form ID number, which is a unique identifying number for each property for which the City received a Request and Agreement Form from a property owner. (See attachments.)

The 1,226 properties in Batch 2 are also organized into tables based on each eligibility criterion. (See attachments.) Since properties can be eligible under multiple criteria, some properties appear on more than one criterion table. Within all categories other than Voluntary Downzone (which includes properties in Areas of Consistency exclusively), properties are grouped according to City Development Area (i.e. into Areas of Consistency or Areas of Change).

EPC Role

The EPC is hearing this case pursuant to IDO Subsection 14-16-6-7(D), Amendment to IDO Text.

As a recommending body for this legislative process, the EPC is tasked with reviewing the proposed zoning conversions and making a recommendation to the City Council, which will make the final decision.

The EPC should base its recommendation on whether the proposed Phase 2 zoning conversion rules are consistent with the ABC Comprehensive Plan (Comp Plan) and the IDO implementation goals, city-wide, for properties that meet at least 1 of the 5 eligibility criteria outlined in Resolution 18-29.

History/Background

The City Council adopted the IDO via Ordinance 17-49 (Enactment No. O-2017-025), and the IDO became effective May 17, 2018. The IDO was enacted as part of a city-wide effort to update and replace the City's 40-year-old, 1970s-era Comprehensive Zoning Code with a new regulatory tool to implement the Comprehensive Plan for land within the municipal boundaries of the City of Albuquerque. The intent of the IDO was to update the City's land use and zoning framework for future development without eliminating the ability for lawful, existing land uses to continue after the IDO's adoption.

The IDO established new zone districts and converted approximately 1,200 individual zones into one of the 20 new zone districts through the application of zoning conversion rules. This Phase 1 zoning conversion matched permissive uses as closely as possible from the pre-existing zoning districts to the new IDO zone districts. The Phase 1 zoning conversions went into effect on May 17, 2018, following 6-month amendments adopted via Ordinance 18-11 (Enactment No. O-2018-009).

Five issues known at the time of IDO adoption were not addressed through the Phase 1 conversion effort, but were included as criteria in Resolution 18-29 (Enactment No. R-2018-019), adopted by the City Council at the same time as the IDO 6-month amendments. Resolution 18-29 directed the Planning Department to create a voluntary process for property owners to resolve these five issues on properties throughout the City. (See attachment.) The five issues are described briefly here and in more detail in Section IV of this report.

1. **Nonconforming Use:** The zoning conversion will remedy a nonconforming use of the property.

2. **Voluntary Downzone:** The zoning conversion will result in a less intense or less dense IDO zone district in an Area of Consistency that is compatible in scale and intensity with the existing land use at the site and surrounding development patterns.
3. **Floating Zone Line:** The zoning conversion will remedy a boundary that does not correspond to a lot line in either the Bernalillo County Assessor's data or in Albuquerque Geographic Information Systems (AGIS) City parcel data (i.e. a "floating zone line").
4. **Prior Special Use or R-D Zoning:** The zoning conversion is for undeveloped property previously regulated by the Residential and Related Uses Zone, Developing Area (R-D), or by special use zoning (SU-1, SU-2, or SU-3), and an IDO zone designation other than what was assigned through the Phase 1 conversion process will be more appropriate for the site.
5. **Size Thresholds:** The zoning conversion is for property converted to Planned Development (PD) or Non-residential Business Park (NR-BP) zone districts, but the property does not meet size thresholds IDO established for those zone districts.

Process

Property owners opted into the zoning conversion process by signing a Phase 2 Zoning Conversion Request and Agreement Form. (See attachment.) If there were multiple owners, each owner submitted a signed form for the same property. Staff confirmed the eligibility of the property pursuant to the five criteria in R-18-29 and recommended a zone conversion based on the owner's request, appropriate resolution of the issue identified in R-18-29, and compatibility with the surrounding land use and zoning patterns.

In most cases, Staff recommends the same zoning conversion that the property owner requested. Where they differ, Staff recommends a different zoning conversion because that zone district allows existing uses on the property, resolves any issues identified in R-18-29, and is more compatible with surrounding land use and zoning patterns than what the property owner requested.

In a number of cases, the person who submitted the Request and Agreement Form was not the property owner of record. The person was either an agent for the owner, the owner of a company that owns the property, or a trustee of a trust that owns the property. In order to ensure notice to the property owners of record, a confirmation of the signed form, Staff recommendation, and inclusion of the property in the Phase 2 zoning conversion process was sent to the person who submitted the form and all owners of record with the Bernalillo County Assessor.

60 properties that qualified for the zoning conversion process require more information about where the zoning boundary should be established for the zoning conversion.

- In some of these cases, platted lot lines (i.e. those approved by the City, filed with the Bernalillo County Clerk, and mapped in the City’s AGIS layer as “platted parcels”) did not match ownership or deeded lot lines (i.e. those maintained and mapped by the Bernalillo County Assessor), so more information was needed to determine the accuracy of the platted lot lines to be used as the zoning conversion boundary.
- In other cases, the land was never platted, and more information was needed to establish an accurate zoning boundary for the zoning conversion.

In both cases, the City contracted with a local surveyor to obtain the relevant additional information. The Planning Department is in the process of obtaining this survey information for low-density residential properties that were eligible for the zoning conversion process, since homeowners, unlike rental property owners or business owners, have no way to absorb the cost of a survey. This use of funds was appropriate because the impetus for the zoning conversion is action taken by the City to establish zoning regulations, not action taken by the property owner, and because the intended result of the zoning conversion is an Official Zoning Map that more accurately matches land use and zoning.

During its review of Batch 1 in June 2019, the Land Use, Planning, and Zoning committee directed Council staff and Planning staff to work together to provide additional documentation of properties eligible for the zoning conversion process via the nonconforming and/or floating zone line criteria. Staff is working on confirming an approach to providing this additional documentation for such properties in both Batch 1 and Batch 2. In order to keep the process for Batch 1 and 2 consistent, this documentation for Batch 2 will be added to the record when Batch 2 is transmitted to Council for review and decision.

Property owners can remove their properties from the zoning conversion process at any time before the City Council takes final action on this legislation.

If City Council approves the zoning conversion rules, the Official Zoning Map will be updated as soon as possible once the Ordinance adopting the zoning conversion rules becomes effective.

II. ANALYSIS OF APPLICABLE PLANS, POLICIES, AND ORDINANCES

Integrated Development Ordinance (IDO)

The request was submitted subsequent to the IDO’s effective date of May 17, 2018, and therefore is subject to its applicable standards and processes.

Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)

The request for an amendment to IDO text to adopt zoning conversion rules for 1,226 properties that will be reflected on the Official Zoning Map furthers the following, applicable Comprehensive Plan Goals and Policies:

Chapter 4: Community Identity

Goal 4.1-Character: Enhance, protect, and preserve distinct communities.

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

If approved, the request would make zoning and land use patterns in communities more transparent, accurate, and contextually compatible, which would help to enhance, protect, and preserve distinct communities, neighborhoods, and established, traditional communities. The request furthers Goal 4.1-Character and Policy 4.1.4-Neighborhoods.

Policy 4.1.1-Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

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.

If approved, the request would promote the protection and enhancement of neighborhood character by establishing zoning conversions that allow appropriate and contextual land uses. The proposed zoning conversions are compatible with surrounding land uses and zoning patterns, which would act to reinforce established character and protect identity and cohesiveness in developed neighborhoods (Policy 4.1.2). Regarding vacant land, the request would encourage development that is consistent with the distinct character of communities (Policy 4.1.1). The request furthers Policy 4.1.1-Distinct Communities, Policy 4.1.2-Identity and Design, and Policy 4.1.4-Neighborhoods.

Regarding each criterion in R-18-29:

- **Nonconforming Uses**: For the 250 properties that qualify based on nonconforming uses, these zoning conversions will establish a zone district that is appropriate for the context and that allows existing nonconforming uses.
- **Voluntary Downzones**: For the 905 properties that qualify as voluntary downzones, these zoning conversions will establish zone districts that better match existing land uses and lot sizes.
- **Floating Zone Lines**: For the 37 properties that qualify based on floating zone lines, these zoning conversions will clean up the Official Zoning Map by adjusting floating zone lines to match existing platted lot lines.
- **Undeveloped Prior SU-1 & RD**: For the 103 properties that qualify based on undeveloped prior SU-1 or RD zoning, these zoning conversions will establish a zone district appropriate for the context for undeveloped properties where the IDO zone does not match prior entitlements.
- **Size Thresholds in PD & NR-BP**: For the 85 properties that qualify based on size thresholds in PD & NR-BP, these zoning conversions will establish a zone district that is appropriate for the context and that matches existing uses.

Goal 4.2-Process: Engage communities to identify and plan for their distinct character and needs.

Policy 4.2.2- Community Engagement: Facilitate meaningful engagement opportunities and respectful interactions in order to identify and address the needs of all residents.

An extensive public outreach effort to engage communities is part of the request. (See also Section III of this report.) The outreach focused on helping residents learn what their IDO zoning designation is and determine if the existing use is allowed. This effort engaged communities and individuals to better understand zoning and land use, and thereby identify and plan for the distinct character and needs of their property and area (Goal 4.2). Staff worked with individuals and neighborhoods to facilitate meaningful engagement opportunities to address residents' needs (Policy 4.2.2). The request furthers Goal 4.2-Process and Policy 4.2.2-Community Engagement.

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

If approved, the request would generally foster communities where residents can live, work, learn, shop, and play because it would convert mismatched zoning to zone districts that serve as transitions between zones of different intensities and that allow a mix of uses, including uses that provide services for residential areas. The request furthers Goal 5.2-Complete Communities.

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

- c) Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long-established residential development patterns.
- h) Encourage infill development that adds complementary uses and is compatible in form and scale to the immediately surrounding development.

If approved, the request would contribute to creating healthy, sustainable, and distinct communities with a mix of uses because the proposed zoning conversions are compatible with surrounding development patterns, which would support the community while facilitating a contextually-appropriate mix of uses. In addition, the request would maintain the characteristics of distinct communities through establishing zoning that is consistent with established residential development patterns. Infill development would be encouraged because prior zoning entitlements would be more accurately reflected in zoning that is more contextually appropriate and subject to standards that create high-quality development. The request furthers Policy 5.2.1-Land Uses.

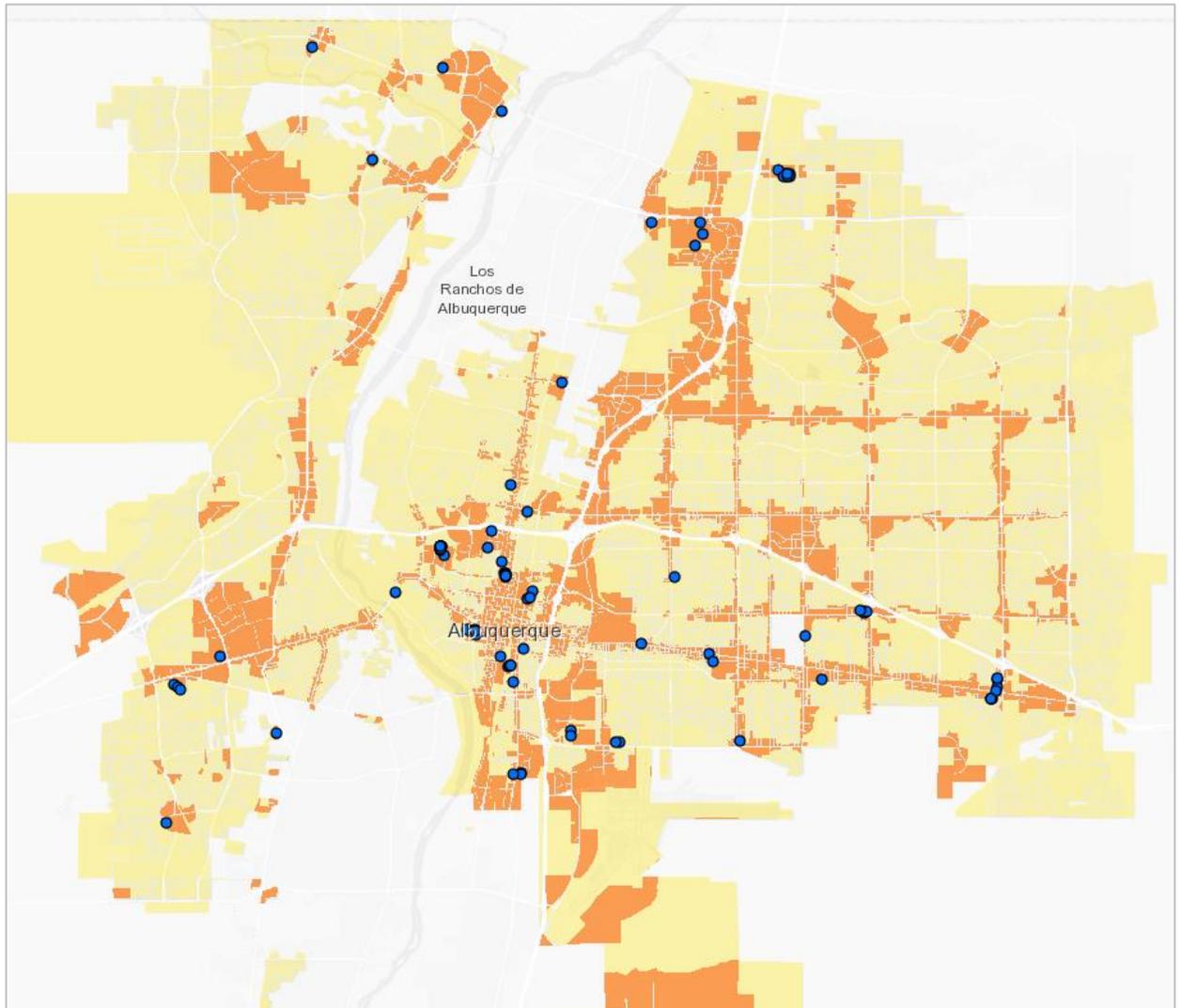
Goal 5.6-City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

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.

Batch 2 of the Phase 2 Zoning Conversion process contains 67 properties in an Area of Change, as shown in the map below. (Note: Some of these properties are eligible via multiple R-18-29 criteria.) If approved, the proposed zoning conversions would result in zoning and land uses that are compatible with surrounding development and therefore would reinforce the character of the area in Areas of Consistency and allow for growth and compatibility in Areas of Change (Goal 5.6). Specifically, the request would direct more intense development and redevelopment to occur where existing infrastructure and community services exist, where change is encouraged. The request furthers Goal 5.6-City Development Areas and Policy 5.6.2-Areas of Change.

Regarding each criterion in R-18-29:

- **Nonconforming Use:** For the 34 properties in Areas of Change that qualify based on nonconforming uses, the zoning conversions allow existing uses to continue and expansions or redevelopment to occur over time.
- **Floating Zone Lines:** For the 15 properties that qualify based on floating zone lines, these zoning conversions will clean up the Official Zoning Map, allow the existing use(s) on the premises to continue, and allow the development of non-residential and mixed uses in zone districts compatible with surrounding development.
- **Undeveloped Prior SU or RD:** For the 17 properties in Areas of Change that qualify based on prior special use zoning, the zoning conversions allow the development of non-residential and mixed uses in zone districts compatible with surrounding development.
- **Size Threshold in PD & NR-BP:** For the 11 properties in an Area of Change that qualify based on the size thresholds for the NR-BP or PD zone districts, the zoning conversions allow the existing use(s) on the premises to continue and expansions or redevelopment to occur over time.



Batch 2 Properties in Areas of Change (67 of 1,226 properties) Note: Some properties are eligible via multiple R-18-29 criteria.

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.

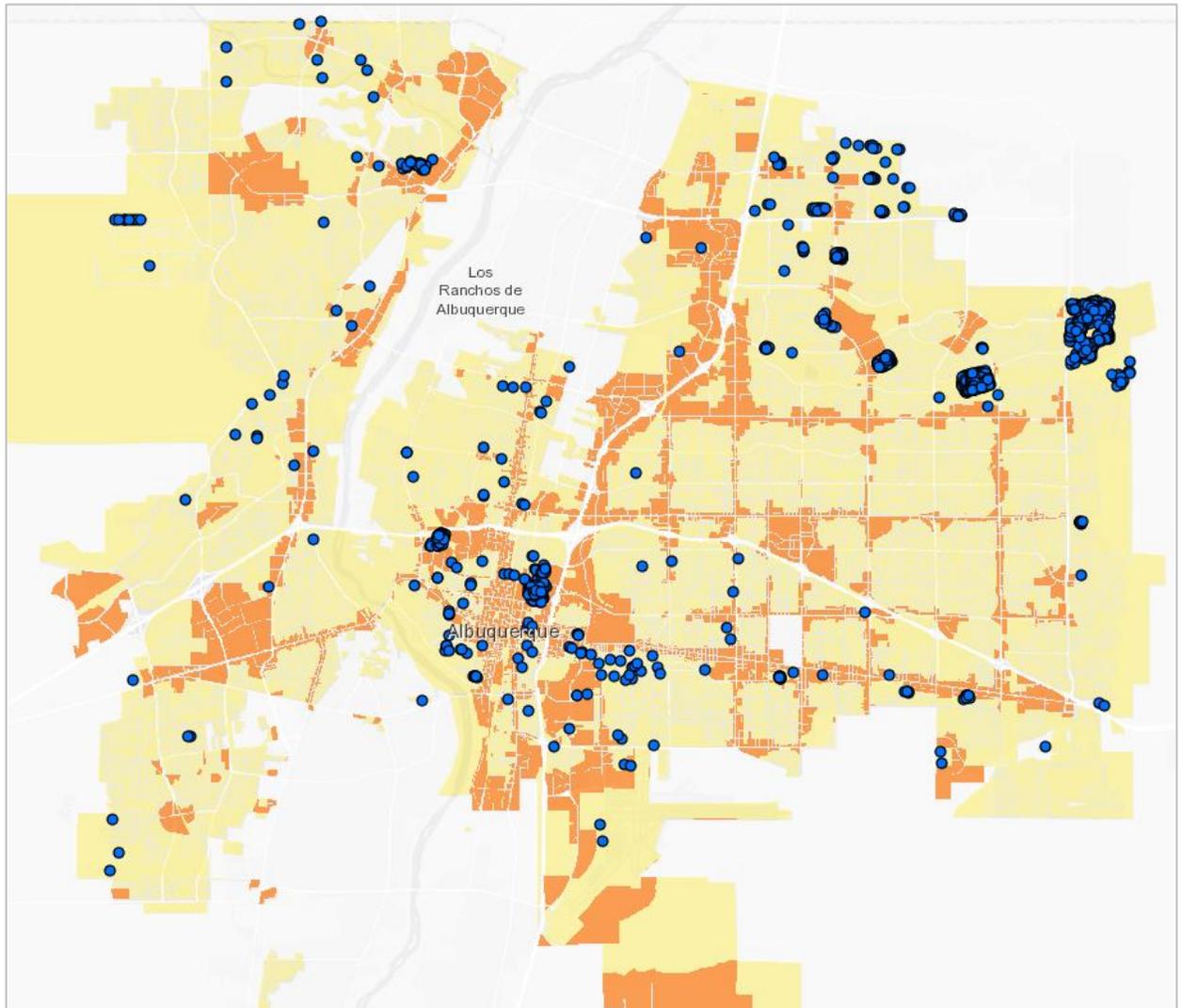
Batch 2 of the Phase 2 Zoning Conversion process contains 1162 properties in an Area of Consistency, as shown in the map below. (Note: Some of these properties are eligible via multiple R-18-29 criteria.) If approved, the proposed zoning conversions would establish appropriate zone districts that protect and enhance the character of existing single-family neighborhoods and areas outside of Centers and Corridors. The request furthers Policy 5.6.3-Areas of Consistency.

Regarding each criterion in R-18-29:

- **Nonconforming Uses:** For the 216 properties in Areas of Consistency that qualify

based on nonconforming uses, these zoning conversions will establish a zone district that allows existing nonconforming uses and that is appropriate for the context.

- **Voluntary Downzones:** For the 905 properties in Areas of Consistency that qualify based on the voluntary downzone criterion, these zoning conversions will establish zone districts that align with existing land uses and match surrounding lot sizes, particularly in areas with predominantly single-family residential uses.
- **Floating Zone Lines:** For the 22 properties in Areas of Consistency that qualify based on floating lot lines, these zoning conversions will clean up the Official Zoning Map by adjusting floating zone lines to match existing platted lot lines.
- **Undeveloped Prior SU-1 & RD:** For the 86 properties in Areas of Consistency that qualify based on prior special use zoning, these zoning conversions will establish a zone district appropriate for the context for undeveloped properties where the IDO zone does not match prior entitlements.
- **Size Thresholds in PD & NR-BP:** For the 74 properties in Areas of Consistency that qualify based on the lot size in the NR-BP or PD zone districts, these zoning conversions will establish a zone district that is appropriate for the context and that matches existing uses.



Batch 2 Properties in Areas of Consistency (1,159 of 1,226 properties) Note: Some properties are eligible via multiple R-18-29 criteria.

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

The IDO's procedures and processes work to effectively and equitably implement the Comprehensive Plan. The proposed zoning conversions are a necessary follow-up procedure to address mismatches of land use and zoning and create greater zoning and land use compatibility between properties in neighborhoods. If adopted, the zoning conversions would support efforts to effectively and equitably implement the Comprehensive Plan. The request furthers Goal 5.7-Implementation Processes.

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.

- c) Avoid the use of SU-1 as a tool to negotiate design or use standards between stakeholders and limit its application to uses specified in the SU-1 zone.

If approved, the request would serve to update a regulatory framework by establishing legislative conversion rules that apply zoning districts that are appropriate for existing uses and contextually compatible with the area surrounding them. In addition to supporting desired growth and economic development, this request would move the City's zoning system away from one-off approaches for individual properties to a regulatory code that includes appropriate mixes of land uses in base zones and predictable standards to facilitate high-quality development. The request furthers Policy 5.7.2-Regulatory Alignment.

Action 5.7.2.16: Work with property owners to identify mismatches between existing land uses, zoning, and the Comp Plan vision and recommend City-sponsored zone changes for the future.

Action 5.7.2.17: Minimize the use of Planned Development zones by encouraging an appropriate mix of permissive land uses in residential, mixed-use, and non-residential zones.

The above actions were specifically added to the 2017 Comprehensive Plan to recognize existing issues regarding mismatches of land use and zoning and the intended regulatory updates needed to address them. From the outset, the Phase 2 zoning conversion process established by R-18-29 was explicitly intended to accomplish regulatory alignment beyond what was accomplished in Phase I. The request implements Actions 5.7.2.16 and 5.7.2.17.

Regarding each criterion in R-18-29:

- **Nonconforming Uses:** For the 250 properties that qualify based on nonconforming uses, these zoning conversions will match existing nonconforming uses to an appropriate zone district that allows the use and is compatible with the surrounding context.
- **Voluntary Downzones:** For the 905 properties that qualify as voluntary downzones, these zoning conversions will establish zone districts that match existing land uses.
- **Floating Zone Lines:** For the 37 properties that qualify based on floating zone lines, these zoning conversions will clean up the Official Zoning Map by adjusting floating zone lines to match existing platted lot lines.
- **Undeveloped Prior SU-1 & RD:** For the 103 properties that qualify based on undeveloped Prior SU-1 or RD zoning, these zoning conversions will convert zoning from PD to base zone districts with established standards for high-quality development that allow an appropriate mix of permissive land uses.
- **Size Thresholds in PD & NR-BP:** For the 85 properties that qualify based on size

thresholds in PD & NR-BP, these zoning conversions will convert zoning from PD or NR-BP to base zone districts with established standards for high-quality development that match existing uses and allow an appropriate mix of permissive land uses for future development.

II. Public Outreach

City Council Resolution 18-29 directed the Planning Department to do outreach and advertising city-wide to alert property owners of the opportunity to participate in the Phase 2 zoning conversion process. (See attachments.) Consequently, the Planning Department developed an extensive and robust public outreach strategy.

Free Advertising

Free advertising included Constant Contact emails sent to a distribution list of more than 10,000 people, including all Neighborhood Association representatives with email addresses on file with the Office of Neighborhood Coordination. Monthly articles or advertisements about the zoning conversion process appeared in the City's Neighborhood News monthly beginning in June 2018 and continuing through July 2019. A slider with information appeared at the top of the ABC Libraries webpage in September and October 2018 and February 2019. (See attachments.)

Since adoption of the IDO, the Planning Department has also used social media, including Facebook and NextDoor, to post information about this process. From September to November 2018, the social media campaign focused on the Phase 2 conversion effort.

Paid Media Advertising

Paid print advertising included ads in the *Albuquerque Journal* on September 10, 22, and 24, 2018; October 6, 2018; and February 2, 4, 16, and 18, 2019. Paid print ads appeared in the *Weekly Alibi* on September 13 and 27, 2018; February 18-24; and March 4-10. Print ads appeared in *Albuquerque Business First* from February through April 2019.

Radio ads aired on I Heart Media stations from September 10-16, 2018; September 24-30; February 18-24, 2019; and March 4-10, 2019. Radio ads aired in Spanish on February 4-March 29 on KANW and Univision Spanish Radio. Advertisements were placed on City buses from September 2018 through February 2019.

Mailed Outreach

Every property owner in Albuquerque received information about this process in English and Spanish via an insert in their Property Tax bill from the Bernalillo County Treasurer in early November 2018. In addition, property owners received information via an insert in their water bill in December 2018.

A direct mailing was sent to property owners whose property was likely to be eligible for this zoning conversion process based on 1 or more of the 5 criteria. The Planning Department performed an analysis using GIS to identify over 30,000 properties that were likely to be eligible based on pre-IDO zoning, current zoning, lot size, and/or land use category according to existing City records.

- For owners with fewer than 5 eligible properties, postcards were mailed to the property owner identified in the Bernalillo County Assessor's records for each property.
- For owners with over 5 eligible properties, the Planning Department sent letters to those individuals, businesses, or agencies to minimize the postage costs.

Most of the postcards and letters were mailed in December 2018, notifying owners of approximately 21,000 properties; a smaller second mailing was completed in March 2019, notifying owners of approximately 10,000 properties.

Meetings and Presentations

Since adoption of the IDO, the Planning Department has met with, or presented to, approximately 800 people. These events included public meetings, neighborhood association or coalition presentations, office hour appointments, and tabling at various community events.

Between August and October 2018, Staff tabled and distributed information at nine community events, including the Downtown Growers' Market, the Rail Yards Market, the Mile-Hi Market, and the International Festival.

Planning Staff was invited to either present at, or be available for one-on-one questions with area residents at, 13 neighborhood association (NA) meetings: Wells Park NA, Bear Canyon NA, University Heights NA, Near North Valley NA, District 8 Coalition, Supper Rock NA, Academy Estates East NA, Huning Highland NA, Silver Hills NA, Santa-Barbara Martineztown Work Group, Raynolds Addition NA, Santa Barbara-Martineztown NA, and Nob Hill NA. Outreach also included presenting to several groups by request, including UNM, the Apartment Association of New Mexico, and Greater Albuquerque Area Realtors.

Approximately 40 individuals and neighborhood association groups attended office hours.

III. R-18-29 CRITERIA FOR ZONING CONVERSIONS

Criterion 1: Nonconforming Use (250 of 1,226 properties)

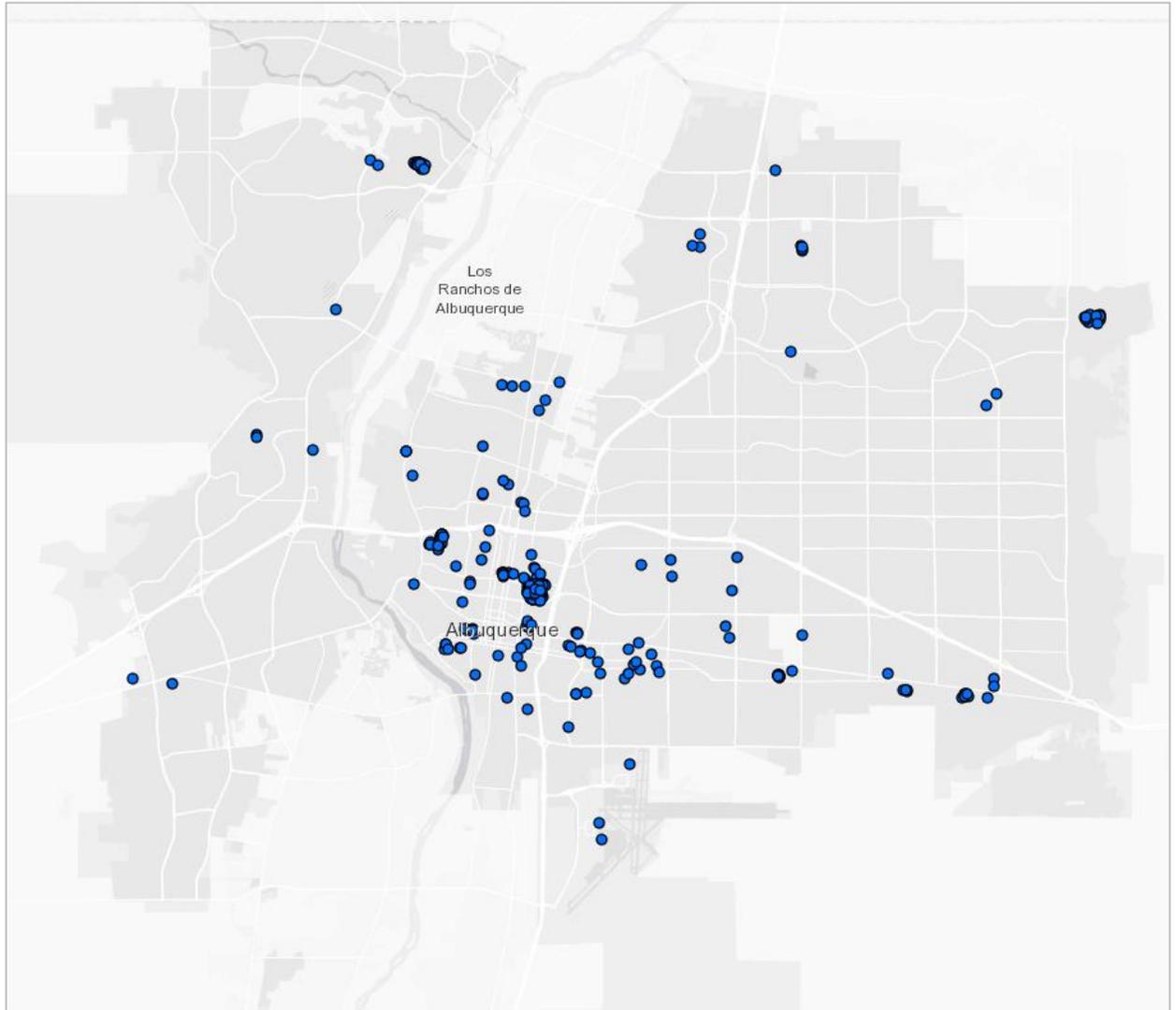
The first criterion adopted by City Council in R-18-29 is for properties where “[the] zoning conversion could remedy a nonconforming use of the property.” Nonconforming uses are uses that were legal when they were established, but at some point became prohibited when the City changed zoning rules while the use was still in operation.

As the first comprehensive overhaul of the City's zoning code since 1975, the IDO changed the allowances of uses in each zone district. This action made some existing uses on some properties nonconforming.

Additionally, some properties had uses that were nonconforming to the prior zoning established by the Zoning Code or a Sector Development Plan. As a 300-year old city, Albuquerque has numerous properties where the land use on the property has never matched the zoning assigned to the property. This has occurred from the first zoning established in 1959 to subsequent zoning codes adopted in 1965, 1975, or by the multitude of amendments since then, or in zoning established by Sector Development Plans that covered approximately half the City.

The Phase 2 zoning conversion process provides the opportunity to convert the zoning on these properties to a zone district that allows the existing, legal use of the property, either conditionally or permissively. Staff considered the surrounding land uses and zoning to recommend the most appropriate and compatible zone district.

There are 250 properties whose owners have opted into the voluntary zoning conversion process to remedy nonconforming uses, as shown in the map below. 34 are in Areas of Change, and 216 are in Areas of Consistency. (See attachment – Rules for Zoning Conversion – Batch 2 Properties, Criteria 1: Nonconforming Use.)



Batch 2 Properties – Nonconforming Use Criterion (250 of 1,226 properties). Note: Some properties are eligible via multiple R-18-29 criteria.

Code Enforcement Staff reviewed the reported land use along with prior zoning entitlements to determine that the existing uses and requested zone districts met the nonconforming criterion established in R-18-29. The nonconforming uses fell into several different categories. This staff report analyzes the properties based on the Residential, Commercial, and Industrial general land use categories.

Residential Uses

There are 203 properties with residential uses in a zone district that does not allow the specific use that is developed at that location.

- Detached single-family and duplex land uses are not allowed in the MX-L zone district and above; there are 149 properties with single-family or two-family land uses that are nonconforming under the IDO. Staff reviewed these properties and recommended a conversion to a zone district that allows the use permissively, reflects the request of the property owner, and is most compatible with surrounding zoning patterns.
- 42 properties zoned R-A or R-1 had multiple dwellings on one lot (either a single-family dwelling with an accessory dwelling unit, multiple single-family dwellings, duplex(es), townhouses, or apartments), which are not allowed in R-1. Staff recommended that 33 properties convert to R-T, which is the first zone district that allows multiple detached dwellings on one lot. In many cases, the request was for a more intense zone, like R-ML or MX-T, but Staff recommended R-T as a more appropriate conversion to address the nonconformity and maintain a development pattern that is consistent with the surrounding R-1 zoning. 8 properties had multi-family development on the parcel, and Staff recommended that these properties convert to R-ML. Staff recommended 1 property convert to MX-T, which is a transition between the surrounding R-1 and MX-M. In this instance, that conversion was more appropriate than R-T.
- 10 properties zoned MX-M, MX-H, or NR-C had mobile homes or mobile home communities, which are only allowed in the R-MC zone district. Staff recommended a conversion to R-MC for all of these properties.
- 2 properties with Non-residential zoning had multi-family development. Staff recommended that these properties convert to R-ML or R-MH depending on the scale of the development on the property.

Civic, Institutional, Office, and Commercial Uses

There are 41 properties with civic, institutional, office or commercial uses in zone districts that do not allow the specific uses in operation at those locations. In general, Staff recommended that these properties convert to the first zone district that allows the use to address the nonconformity.

- 14 properties had office or commercial uses in Residential zone districts. Staff generally recommended that those properties convert to the first zone district that allows that use either permissively or conditionally and is appropriate given the surrounding zoning.

- There is one shopping center with liquor retail on site and establishments over 10,000 SF of gross floor area. Establishments this size are considered General Retail, Medium. Staff recommended that this property convert to MX-M, which is the first zone that allows these land uses.
- 5 properties in the MX-M or MX-H zone districts had the following uses – a contractor yard, auto repair, outdoor storage, and storage and repair of heavy vehicles. Staff recommended that these properties convert to NR-C because that is the first zone district that allows those uses.
- 1 property contains a daytime gathering facility, which is nonconforming in MX-M. MX-H is the first zone district in the IDO that allows this use, so Staff recommended that this property convert to MX-H
- 2 properties zoned R-1C are used for general agriculture. These properties were converted to R-A as a zone that allows that use, while maintaining zoning that is appropriate in the context of other residential uses.
- 2 properties are part of the Ladera Golf Course, but are zoned R-1C. Staff recommended that these properties convert to NR-C, which is the first zone that allows “other outdoor entertainment” as a primary use.
- 2 properties are part of the BioPark but are zoned R-1A. Staff recommended that these properties convert to NR-PO-D, which is the zone district for BioPark facilities.
- 14 properties contain uses that require NR-SU zoning (fire or police station, stadium, cemetery, crematorium, and airport). Staff recommended that these properties convert to NR-SU as the only zone district that allows these sensitive uses.

Industrial Uses

There are 6 properties with industrial land uses in zone districts that do not allow the specific uses that currently operate at those locations. For these uses, Staff recommended that each property convert to the first zone district where the use is allowed as a primary use, either permissive or conditional.

- 2 properties have a light manufacturing use, which is first allowed as a primary use in the NR-C zone district.
- 4 properties contained heavy manufacturing uses, which is only allowed in the NR-GM zone district according to the use-specific standard in IDO Subsection 14-16-4-3(E)(3).

R-18-29 Criterion 2: Voluntary Downzone (905 of 1,226 properties)

The second criterion adopted by City Council in R-18-29 is for properties where “[the] zoning conversion would result in a less intense or less dense IDO zone district in an Area of Consistency that is compatible in scale and intensity with the existing land use at the site and surrounding development patterns.”

The IDO establishes protections for certain residential zone districts that are intended only for low-density residential development, which includes single-family detached houses, duplexes, manufactured home communities, and townhouses. Many properties throughout Albuquerque developed with low-density residential uses, even though the zone district allowed higher-density uses. For example, some areas are zoned R-ML (which allows duplexes, townhouses, and multi-family uses) but developed with single-family land uses. Property owners in these areas may prefer the R-1 zone district, which more closely matches their land use pattern and may provide additional protections.

This Phase 2 zoning conversion process includes several properties owned by Parks and Recreation and the Open Space Division of Parks and Recreation that have a residential zone. In the Phase 1 zoning conversion, property that is owned or managed by Parks and Recreation was converted to a Non-residential Parks and Open Space (NR-PO) zone, which was newly established by the IDO. In some cases, the full inventory of parks and open space property was not reflected in the City’s GIS data, so those parcels retained their residential zoning. This Phase 2 conversion is consistent with the Phase 1 process and rules. Converting from a residential zone to an NR-PO zone is a voluntary downzone, because it removes the ability to develop residential dwellings and requires EPC review for any development at this site other than what has been approved in a Resource Management Plan or Master Plan approved by the Open Space Division.

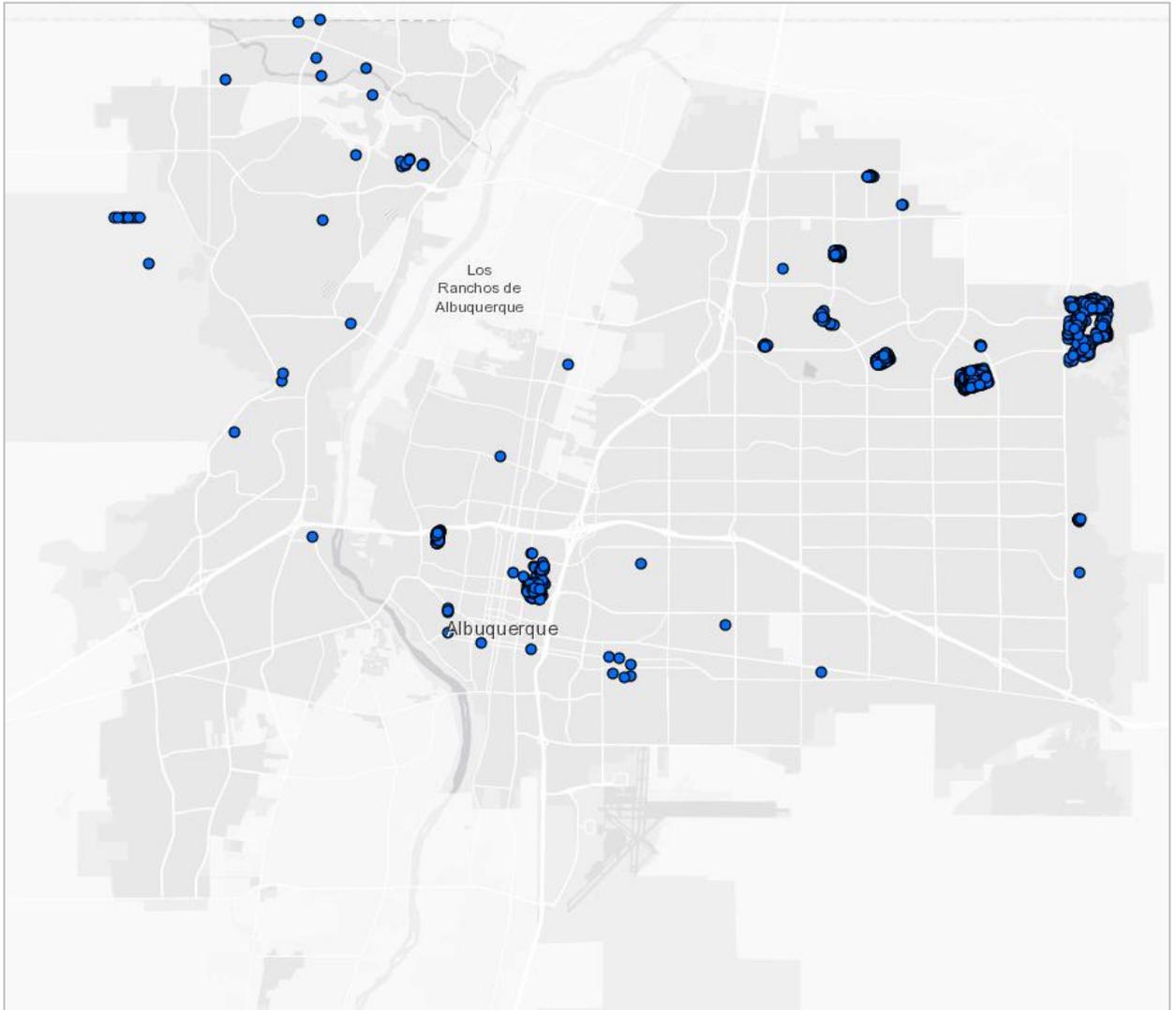
The Comprehensive Plan establishes Areas of Consistency, where the character, scale, and pattern of the built environment is to be protected and reinforced over time.

This Phase 2 zoning conversion process provides the opportunity to convert the zoning on properties in Areas of Consistency from a higher-density to a lower-density zone district that still allows the existing use on the property.

Other than NR-PO as described above, the Planning Department did not deem eligible any non-residentially zoned (i.e. NR) properties with development other than low-density residential for voluntary downzones, because changing among those categories or converting to a Residential zone district could result in adding residential uses that were previously not allowed for that property (i.e. substantively changing entitlements of the property). Adding residential uses to property where those uses were not previously allowed is not consistent with the intent of the Phase 2 zoning conversion process or with Comprehensive Plan policies.

The Planning Department did not deem eligible any undeveloped properties with mixed-use (MX) zoning for voluntary downzones, because changing categories could result in adding residential uses that were previously not allowed for that property (i.e. substantively changing entitlements of the property). Adding low-density residential uses to properties where those uses were not previously allowed is not consistent with the intent of the Phase 2 zoning conversion process or with Comprehensive Plan policies.

There are 905 properties in an Area of Consistency whose owners have opted in to the voluntary zoning conversion process for a voluntary downzone, as shown in the map below. (See attachment – Rules for Zoning Conversion – Batch 2 Properties, Criteria 2: Voluntary Downzone.)



Batch 2 Properties – Voluntary Downzone Criterion (905 of 1,226 properties) Note: Some properties are eligible via multiple R-18-29 criteria.

- There are several neighborhood associations where most or all of the properties in an area have a zone district that allows more than one house per lot (i.e. R-T, R-ML, R-MH, or MX-T) and are developed with low-density residential development. In these areas, many property owners would prefer a less dense Residential zone district that would better match the pattern of surrounding development and would provide additional protections for the low-density residential development. In these neighborhoods, residents organized to inform their neighbors of the Phase 2 zoning conversion process and helped collect Property Owner Request and Agreement forms to participate. Staff agrees that these conversions are appropriate as voluntary downzones. These include:
 - 17 properties in the Santa Barbara/Martineztown Neighborhood that are zoned MX-T and the property owner requested R-1 (10 properties) or R-T (7 properties). Where R-1 was requested, staff recommended R-1A for lots under 5,000 square feet and R-1B for lots over 5,000 square feet. An additional 66 properties in this area are zoned MX-L, MX-M, or NR-LM with a nonconforming low-density residential use. Staff recommended that these properties convert to R-1, R-T, or MX-T depending on the request, the type of residential use on the property, and the surrounding context.
 - 29 properties in the Sawmill area that are zoned R-ML and have a mix of detached single-family, duplex, and townhouse dwellings. Staff recommended that these properties convert to R-T to reflect the mixed pattern of low-density residential development in this area. These properties include both the parcel owned by the Sawmill Community Land Trust and the parcel containing the improvement owned by an individual property owner.
 - 269 properties in the Oso Grande area near Spain and Juan Tabo that are zoned R-T and the property owner requested R-1 zoning. Staff recommended R-1A due to the lot sizes and dwellings that are generally build on one of the side lot lines.
 - 286 properties in the High Desert area near Tramway and Spain that are zoned R-T and the property owner requested R-1. For different subdivisions within High Desert, staff recommended a “flavor” of R-1 (R-1A, B, or C) depending on the average lot size of the block.
 - 66 properties in the Lamplighter Estates area near Moon and Academy that are zoned R-ML and the property owner requested R-1. Staff recommended that these properties convert to R-1B based on the average lot size in this neighborhood.
 - 48 properties in the Keystone neighborhood near Wyoming and San Francisco that are zoned R-T. Staff recommended that these properties convert to R-1A due to the average lot size in this neighborhood.
 - 14 properties in the Bear Canyon neighborhood near Wyoming and Burlison that are zoned R-ML (2 properties) or R-MH (12 properties). Staff recommended that these properties convert to R-T to reflect the mixed pattern of low-density residential development in this area.

- 10 properties near Signal and Barstow that are zoned MX-T and contain single-family dwellings. Staff recommended that these properties convert to R-1B to reflect the existing land use and average lot size in this area.
- 6 properties in the University Heights area. Staff recommended that these properties convert to R-1 or R-T depending on the request and the existing land use.
- Outside of these neighborhoods, there are 81 properties with either detached single-family, duplex, or townhouse uses (and, in some cases, a mix of these uses) in an R-T, R-ML, R-MH, or MX-T zone district. Each of these zone districts allows detached single-family land uses, but the property owners would prefer the R-1 or R-T zone district because the IDO provides additional protections for the low-density residential uses in these zone districts and these zone districts better match the pattern of existing development. Staff generally recommended the requested zone in these areas, as long as it allowed the existing use and was consistent with the surrounding context.
- 13 properties are owned by the City of Albuquerque and contain park or open space uses. Staff recommended that these properties convert to NR-PO-A (2 properties) or NR-PO-B (11 properties) as appropriate for the use on the property. In these cases, the zoning conversion is considered a downzone because the only uses allowable in this zone district are parks and open space (i.e. no uses that would be commercially viable such as residential or non-residential uses).

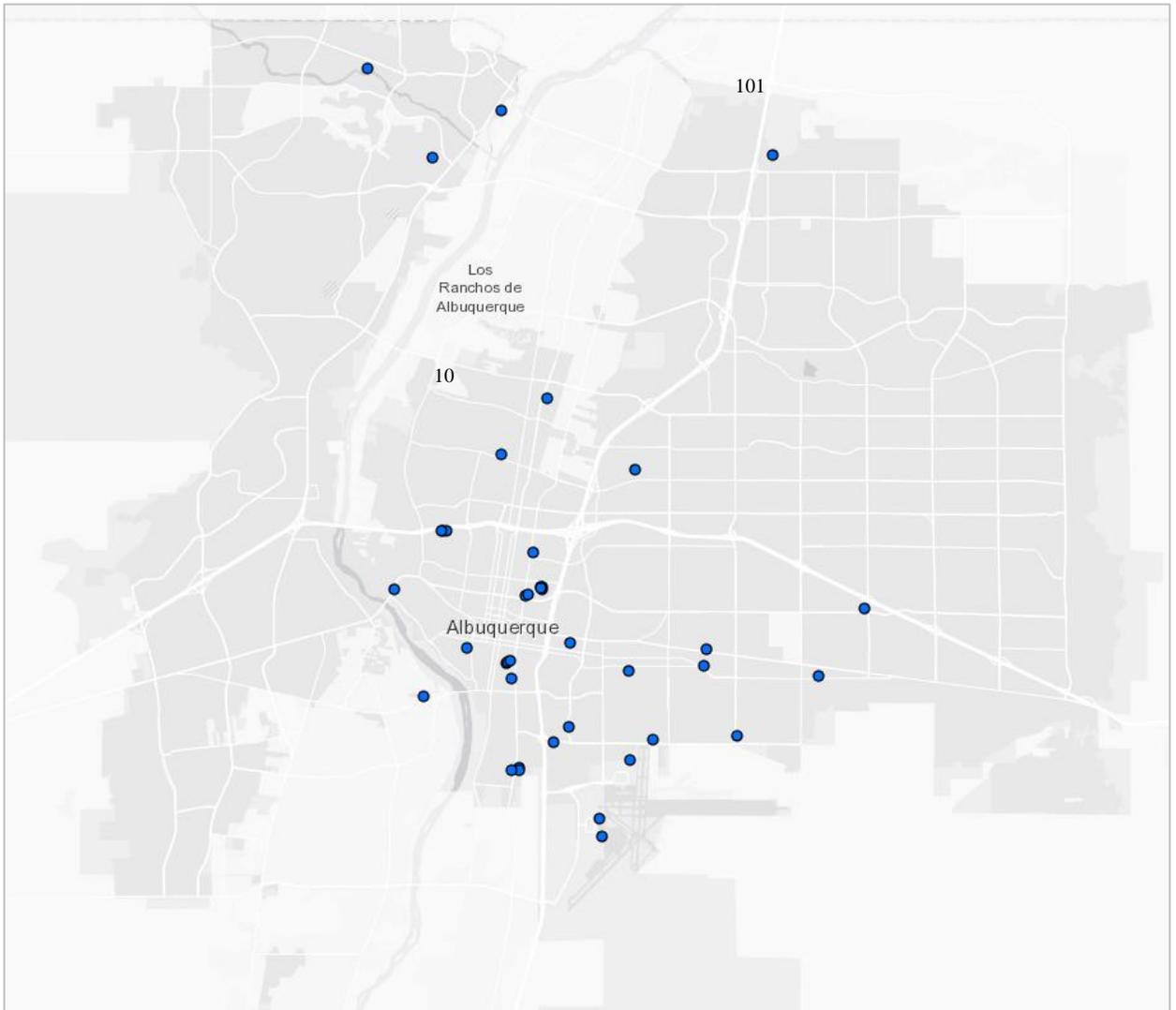
R-18-29 Criterion 3: Floating Zone Line (37 of 1,226 properties)

The third criterion adopted by City Council in R-18-29 is for properties where “[the] zoning conversion could remedy a boundary that does not correspond to a lot line in either the Bernalillo County Assessor’s data or Albuquerque Geographic Information Systems (AGIS) data (i.e., a ‘floating zone line’).”

Throughout Albuquerque, for a variety of historical reasons, there are many properties with two or more zone districts on one parcel (i.e. a “floating” zone line). In the Phase 1 zoning conversion, each zone on the parcel converted to the corresponding IDO zone district, but the floating zone line was not resolved. This Phase 2 zoning conversion process provides the opportunity to convert the zoning on these properties to one IDO zone district that matches the existing uses on the property and is compatible with the surrounding land uses and zoning.

For the Phase 2 zoning conversion, properties with a floating zone line on either a platted parcel or ownership parcel are eligible under this criterion. Floating zone lines often occur where platted parcels mapped by AGIS differ from ownership parcels mapped by the Bernalillo County Assessor. Because AGIS maps parcels based on legal plats recorded with the Bernalillo County Clerk, the City will convert zoning to match platted parcels for this Phase 2 zoning conversion process.

There are 37 properties that have two or more zone districts designated on one parcel whose owners have opted in to the voluntary zoning conversion process to establish one zone district for the entire parcel, as shown in the map below. 15 are in Areas of Change, and 22 are in Areas of Consistency. (See attachment – Rules for Zoning Conversion – Batch 2 Properties, Criteria 3: Floating Zone Line.)



Batch 2 Properties – Floating Zone Line Criterion (37 of 1,226 properties). Note: Some properties are eligible via multiple R-18-29 criteria.

- 9 properties with a floating zone line across the property were also eligible under the voluntary downzone criterion. Staff recommended a conversion for the entire property that reflected the requested downzone.
- For the remainder of the 28 properties, staff recommended a zone that allowed the use on the property and was most appropriate given the surrounding development and zoning context.

R-18-29 Criterion 4: Prior Special Use or RD Zoning (103 of 1,226 properties)

The fourth criterion adopted by City Council in R-18-29 is for properties where “[the] zoning conversion is for undeveloped property previously regulated by the Residential and Related Uses Zone, Developing Area (R-D), or by special use zoning (SU-1, SU-2, or SU-3), and an IDO zone designation other than what was assigned through the Phase 1 conversion process would be more appropriate for the site.”

Many of the City's previous zone districts established allowable uses and development standards for each property through a site development plan (including 23,525 properties zoned SU-1 or R-D) and/or Sector Development Plan (including over 400 unique SU-2 zones). Together, almost 40% of the acreage in the City was controlled by one-off regulations outside of the Zoning Code for individual sites or small geographic areas.

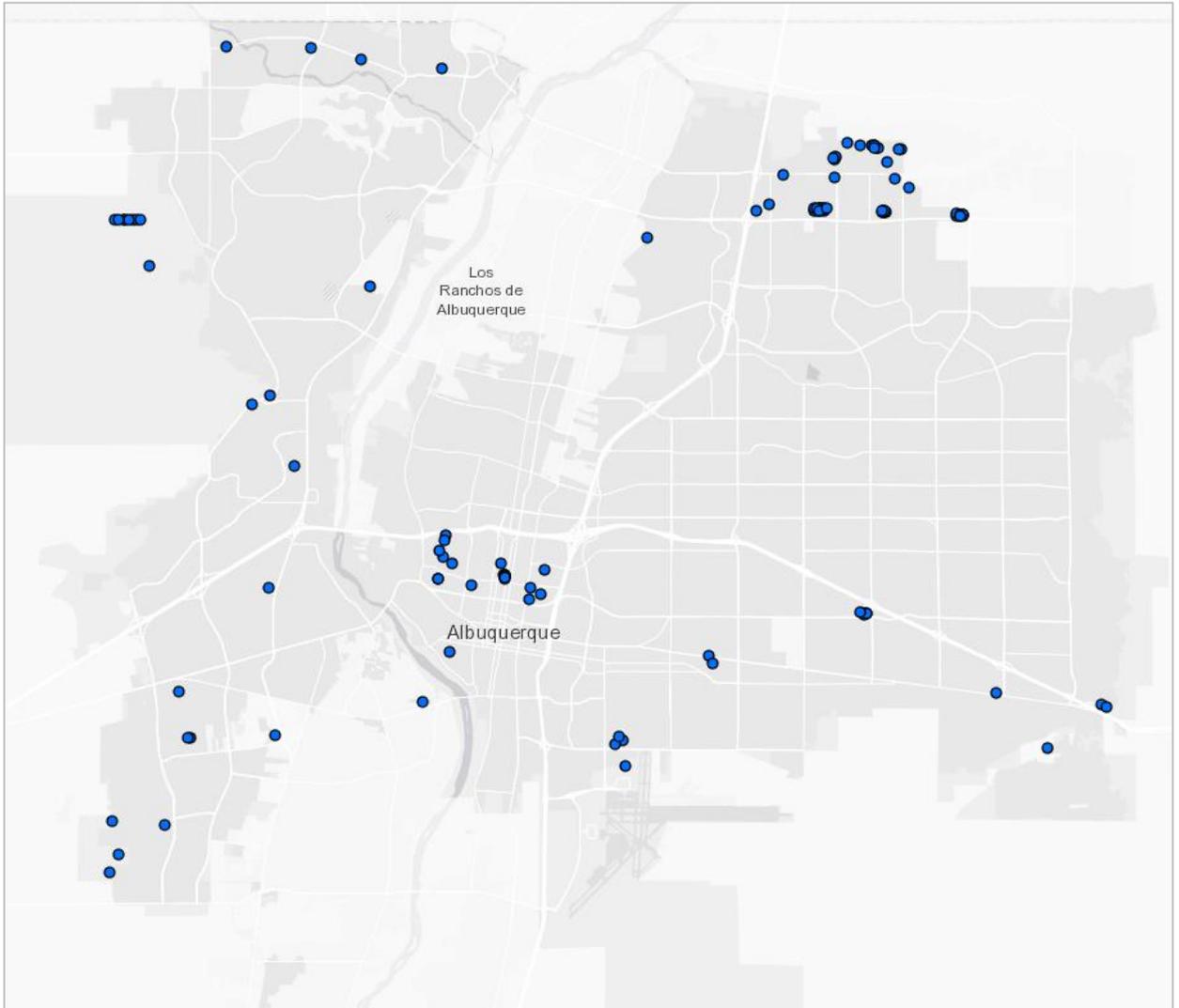
For the Phase 1 conversion, Staff reviewed the title/descriptor of the SU-1, SU-2, or SU-3 zone district and matched the bundle of uses as closely as possible to a new IDO zone district that allowed the same uses in a set of conversion rules adopted by the City Council. Where the development entitlements were unclear in the zone district title/descriptor, the property was converted to Planned Development (PD) – the IDO zone district that is site-plan-controlled – to maintain the existing entitlements.

- Some SU zone districts established allowable uses by referencing a base zone from the Zoning Code and identifying additional uses. The Phase 1 zoning conversion matched the base zone to the closest corresponding IDO zone district, potentially eliminating the additional allowable uses. For example, “SU-1 for C-1 and drive-through restaurant” converted to MX-L, which is the corresponding base zone for C-1 throughout the city but does not allow drive-through restaurants.
- Some SU zone districts established unique ranges of uses. The Phase 1 zoning conversion matched the uses as closely as possible, but some individual uses were not allowed in the IDO zone district that was assigned for the conversion.

For the Phase 1 zoning conversion, Staff converted properties zoned R-D, SU-1 for PRD, PUD, PD, or SU-1 for Single-family Residential Use that were developed with a single-family dwelling or townhouse as shown by AGIS land use data to R-1 or R-T, respectively. Properties with any other land use were converted to PD to maintain the existing entitlements. Undeveloped properties were converted to PD to preserve their existing entitlements as closely as possible.

For undeveloped properties formerly zoned SU or RD, the Phase 2 conversion allows a zoning conversion to an IDO zone district that reflects the intentions of the property owner for future development, whether to restore a use allowed under the prior SU or RD zone or to establish allowable uses by the conversion to a base zone district for properties that never had an approved site development plan to define allowable uses. This Phase 2 zoning conversion process provides the opportunity to determine a more appropriate zone district for such properties based on existing entitlements and surrounding context.

There are 103 properties that are undeveloped land with prior SU or R-D zoning, as shown in the map below. 17 of these are in an Area of Change, and 86 are in an Area of Consistency. (See attachment – Rules for Zoning Conversion – Batch 2 Properties, Criteria 4: Prior SU or RD Zoning.)



Batch 2 Properties – Prior SU or RD Zoning Criterion (103 of 1,226 properties). Note: Some properties are eligible via multiple R-18-29 criteria.

- 4 properties in the Sawmill area where development is planned based on the Sawmill Metropolitan Redevelopment Area Plan. Staff recommended zoning conversions that best reflect the intended development based on that plan.
- 11 properties just south of North Domingo Baca park where the previous SU-2 zoning converted to R-ML, but low-intensity mixed use development would be more appropriate. The La Cueva Sector Plan allowed multi-family, office, and retail uses in this zone, which is of a similar scale to the uses allowed in MX-L.
- 46 properties that were zoned R-D or PRD, which allowed R-1, R-T, R-2, O-1, or C-1 uses depending on the type of approval secured by the property owner. The R-D zone district was predominantly established at the edges of the developed city, where non-residential and mixed uses could be appropriate dependent on context. 45 of these properties converted to PD, which is not an appropriate zone for development that can be accommodated in one of the base zones. Staff analyzed the requested zoning conversions and recommended a zoning conversion that is consistent with the surrounding context and supported by Comp Plan policies.
- The remainder of the properties that qualified based on this Criterion were reviewed by staff and a recommendation for a zoning conversion was made based on the pre-IDO zoning designation (including, in some cases, looking to an existing site plan for additional information), the zoning and development context in the surrounding area, and any applicable Comp Plan guidance.

R-18-29 Criterion 5: Size Thresholds (85 of 1,226 properties)

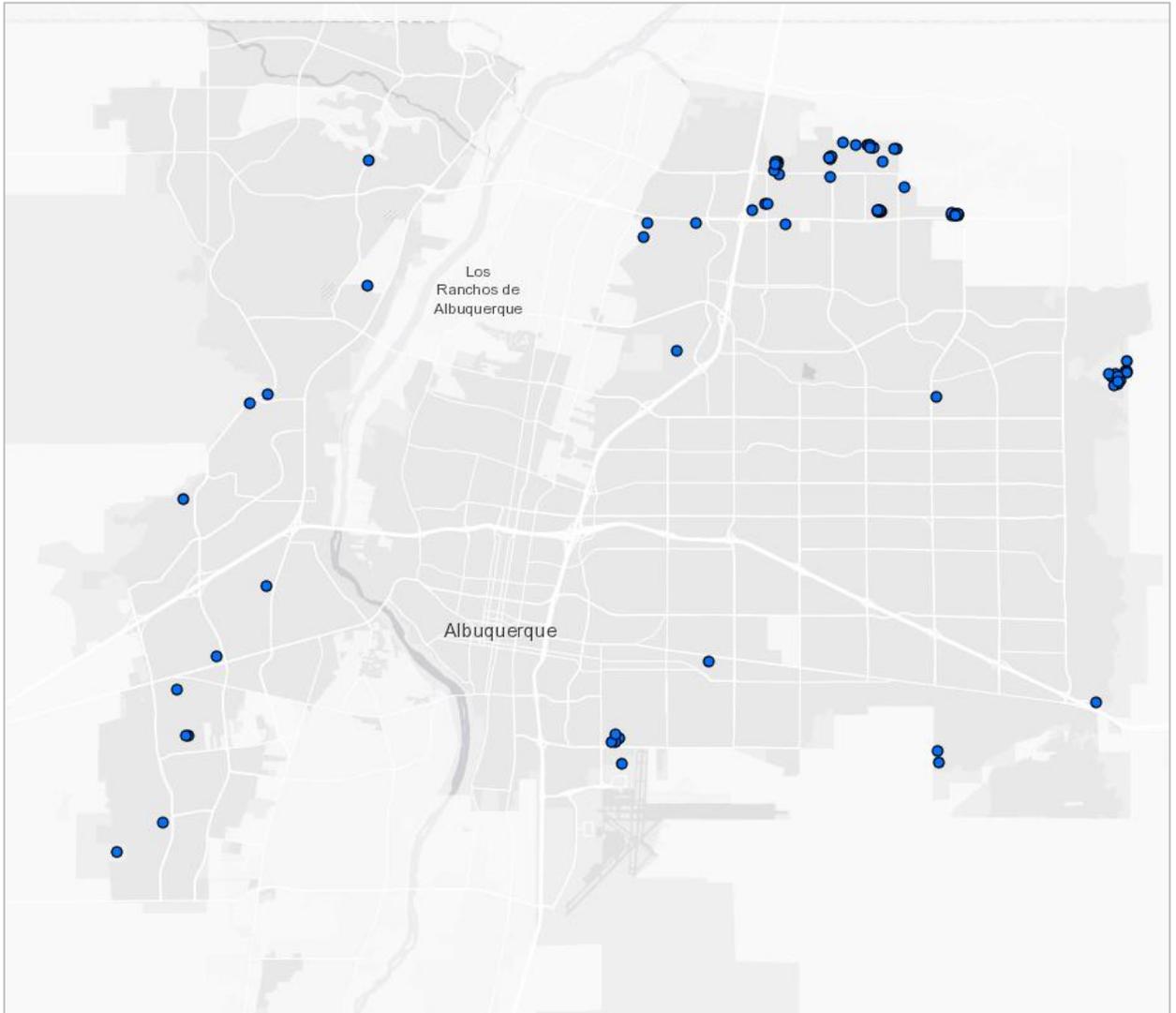
The fifth criterion adopted by City Council in R-18-29 is for properties where “[the] zoning conversion is for property converted to PD or NR-BP zone districts that does not meet size thresholds set by the IDO for those zone districts.”

The IDO establishes size thresholds for the Planned Development (PD) and Non-residential Business Park (NR-BP) zone districts. PD properties are required to be a minimum of 2 acres and a maximum of 20 acres. NR-BP properties are to be a minimum of 20 acres. Many properties that converted to either of these zone districts during the Phase 1 zoning conversion do not meet the size thresholds.

In the case of NR-BP properties, many were once part of a larger piece of land with a Master Development Plan that was subsequently subdivided for development. NR-BP properties less than 20 acres that are controlled by a Master Development Plan were not deemed eligible for the Phase 2 zoning conversion process, as they should remain NR-BP to make clear that they are subject to design controls in the approved Master Development Plan.

For PD properties less than 2 acres or greater than 20 acres and NR-BP properties less than 20 acres that were never subject to a Master Development Plan, this Phase 2 zoning conversion process provides the opportunity to convert to a different IDO zone district that matches the existing uses or previous entitlements on the property and is compatible with the surrounding land uses and zoning.

There are 85 properties that do not meet the size thresholds established for the PD and NR-BP zone districts, as shown in the map below. 11 are in Areas of Change, and 74 are in Areas of Consistency. (See attachment – Rules for Zoning Conversion – Batch 2 Properties, Criteria 5: Size Thresholds.)



Batch 2 Properties - Size Thresholds Criterion (85 of 1,226 properties). Note: Some properties are eligible via multiple R-18-29 criteria.

- 60 of these properties are below the minimum 2-acre size for the PD zone district.
 - 41 of the properties are undeveloped land that was previously zoned SU or R-D and also qualify for this process under R-18-29 Criterion 4. Staff recommended the appropriate mixed-use zone district based on the surrounding context for these properties.
 - 23 of the properties are undeveloped land that was previously zoned R-D, with a specified residential density, e.g., “R-D / 5 DU/A.” Staff recommended conversion to the R-1 zone with the lot size that matches the surrounding area.
- 1 property that is above the maximum 20-acre threshold for the PD zone district. Staff recommended that this property convert to R-1A to match surrounding development pattern. This property also qualified as an undeveloped former R-D property (Criterion 4), so the recommended conversion also reflects the previous entitlements on the property.
- 24 properties are zoned NR-BP and are less than 20 acres without a Master Development Plan. Staff recommended zones for these properties that best reflect existing land uses and the development and zoning context in the surrounding area.

IV. NOTICE

Required Notice for the EPC Hearing

The required notice for an Amendment to IDO Text is published, mailed, and posted on the web. (See Table 6-1-1: Summary of Development Review Procedures.) A neighborhood meeting is not required for an Amendment to IDO Text. The City published notice of the EPC hearing on June 19, 2019 in the ABQ Journal legal ads. (See attachment.)

First class mailed notice was sent to the two representatives of each Neighborhood Association and Coalition that is registered with the Office of Neighborhood Coordination according to the requirements of IDO Subsection 6-4(K)(2)(a). (See attachment for the full list of notified Neighborhood Association representatives.)

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

The City also posted notice of the application and EPC hearing on the project website at this address: <https://www.abc-zone.com/post-ido-voluntary-zone-conversion-process>

Additional Notice Provided for the EPC Hearing

An article about this voluntary zoning conversion process and the EPC hearing was published in the Office of Neighborhood Coordination Neighborhood News in June and July 2019. (See attachment – Neighborhood News article.)

Email notice about the application and the EPC hearing was sent to approximately 10,000 subscribers to the ABC-Z project update email list on June 3, 2019. (See attachment – Email Notice).

V. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

Agencies that commented noted “no comment” or “no objection” regarding the request. Long-Range Planning provided a comment that briefly explains the request and applicable procedure. Agency comments begin on p. 41.

Neighborhood/Public

Mailed and email notice was sent to every neighborhood organization registered with the Office of Neighborhood Coordination. (See attachments and Section V of this report). As of this writing, Staff has not received any comments. There is no known support or opposition to the request.

VI. CONCLUSION

The request is for a legislative amendment to the IDO text to adopt zoning conversion rules for 1,226 properties that have been submitted to the Phase 2 zoning conversion process and that meet the criteria for a voluntary zoning conversion found in Resolution 18-29 (Enactment No. R-018-019). If approved, the properties will convert to the recommended zone districts, and the Official Zoning Map will be revised accordingly.

These proposed zoning conversions support existing uses, allow new uses compatible with surrounding development, and encourage desirable development in appropriate locations in Albuquerque. These 1,226 properties are the second of two batches of Phase 2 IDO zoning conversions submitted to the EPC for review and recommendation to City Council.

Staff developed an extensive and robust public outreach strategy, as directed by Resolution R-18-29, to alert property owners of the opportunity to participate in the Phase 2 zoning conversion process. The City notified neighborhood associations and published notice as required. Staff has not received any comments in support or opposition to the request. Staff recommends that a recommendation of approval be forwarded to the City Council.

FINDINGS – RZ: 2019-00035, July 11, 2019 – Text Amendment to the IDO

1. This is a request for legislative adoption of zoning conversion rules for 1,226 properties located City-wide whose owners have voluntarily opted into the Phase 2 zoning conversion process established by Council Resolution 18-29 (Enactment No. R-2018-019).
2. The request is analogous to an amendment to the Integrated Development Ordinance (IDO) Text and will be processed according to the procedural requirements in Section 14-16-6-7(D) of the IDO.
3. The criteria for review and decision for this Phase 2 zoning conversion process as established in City Council Resolution 18-29 is whether the proposed zoning conversions are consistent with the Comprehensive Plan and the IDO implementation goals, city-wide, for properties that fall within at least one of the following 5 categories outlined in Resolution 18-29:
 - A. **Nonconforming Use:** The zoning conversion will remedy a nonconforming use of the property.
 - B. **Voluntary Downzone:** The zoning conversion will result in a less intense or less dense IDO zone district in an Area of Consistency that is compatible in scale and intensity with the existing land use at the site and surrounding development patterns.
 - C. **Floating Zone Line:** The zoning conversion will remedy a boundary that does not correspond to a lot line in either the Bernalillo County Assessor’s data or Albuquerque Geographic Information Systems (AGIS) City parcel data (i.e. a “floating zone line”).
 - D. **Prior Special Use or R-D Zoning:** The zoning conversion is for undeveloped property previously regulated by the Residential and Related Uses Zone, Developing Area (R-D), or by special use zoning (SU-1, SU-2, or SU-3), and an IDO zone designation other than what was assigned through the Phase 1 conversion process will be more appropriate for the site.
 - E. **Size Thresholds:** The zoning conversion is for property converted to Planned Development (PD) or Non-residential Business Park (NR-BP) zone districts that does not meet size thresholds set by the IDO for those zone districts.
4. The Phase 2 zoning conversion rules support existing uses, allow new uses compatible with surrounding development, and encourage desirable development in appropriate locations in the city.
5. This Phase 2 zoning conversion process is intended to address issues not resolved by the adoption of the IDO, in which approximately 1,200 zone districts were converted to one of 20 new zone districts established by the IDO via 1 of 3 sets of Phase 1 zoning conversion rules: “base zones” from the Zoning Code, SU-1 or R-D zones, and SU-2/SU-3 zones from adopted Sector Development Plans.

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. Throughout Albuquerque, many platted parcels mapped by AGIS differ from ownership parcels mapped by the Bernalillo County Assessor. For the Phase 2 zoning conversion process, the City will convert zoning to match platted parcels.
8. The request furthers the following, applicable goal and policy pairs from Comprehensive Plan Chapter 4-Community Identity:
 - A. Goal 4.1-Character: Enhance, protect, and preserve distinct communities.

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

The request will make zoning and land use patterns in communities more transparent, accurate, and contextually compatible, which will help to enhance, protect, and preserve distinct communities, neighborhoods, and established, traditional communities.
 - B. Goal 4.2-Process: Engage communities to identify and plan for their distinct character and needs.

Policy 4.2.2- Community Engagement: Facilitate meaningful engagement opportunities and respectful interactions in order to identify and address the needs of all residents.

An extensive public outreach effort to engage communities is part of the request. (See also Section III of this report.) The outreach focused on helping residents learn what their IDO zoning designation is and determine if the existing use is allowed. This effort engaged communities and individuals to better understand zoning and land use, and thereby identify and plan for the distinct character and needs of their property and area (Goal 4.2). Staff worked with individuals and neighborhoods to facilitate meaningful engagement opportunities to address residents' needs (Policy 4.2.2).
9. The request furthers the following, applicable policies from Comprehensive Plan Chapter 4-Community Identity:
 - A. Policy 4.1.1-Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.
 - B. Policy 4.1.2-Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The request will promote the protection and enhancement of neighborhood character by establishing zoning conversions that allow appropriate and contextual land uses. The proposed zoning conversions are compatible with surrounding land uses and zoning patterns, which will act to reinforce established character and protect identity and

cohesiveness in developed neighborhoods (Policy 4.1.2). Regarding vacant land, the request will encourage development that is consistent with the distinct character of communities (Policy 4.1.1).

10. The request furthers the following, applicable Goal and policy from Comprehensive Plan Chapter 5-Land Use:

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

The request will generally foster communities where residents can live, work, learn, shop, and play because it will convert mismatched zoning to zone districts that serve as transitions between zones of different intensities and that allow a mix of uses, including uses that provide services for residential areas.

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.

c) Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long-established residential development patterns.

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

The request will contribute to creating healthy, sustainable, and distinct communities with a mix of uses because the proposed zoning conversions are compatible with surrounding development patterns, which will support the community while facilitating a contextually-appropriate mix of uses. In addition, the request will maintain the characteristics of distinct communities through establishing zoning that is consistent with established residential development patterns. Infill development will be encouraged because prior zoning entitlements will be more accurately reflected in zoning that is more contextually appropriate and subject to standards that create high-quality development.

11. The request furthers the following, applicable goal and policies from Comprehensive Plan Chapter 5-Land Use, pertaining to City Development Areas:

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.

Batch 2 of the Phase 2 Zoning Conversion process contains 68 properties in an Area of Change. The proposed zoning conversions will result in zoning and land uses that are

compatible with surrounding development and therefore will reinforce the character of the area in Areas of Consistency and allow for growth and compatibility in Areas of Change. Specifically, the request will direct more intense development and redevelopment to occur where existing infrastructure and community services exist, 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.

Batch 2 of the Phase 2 Zoning Conversion process contains 1161 properties in an Area of Consistency. The proposed zoning conversions will establish appropriate zone districts that protect and enhance the character of existing single-family neighborhoods and areas outside of Centers and Corridors.

- 12. The request furthers the following, applicable Goal, policies, and actions from Comprehensive Plan Chapter 5-Land Use, pertaining to implementation and regulatory alignment:

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

The IDO's procedures and processes work to effectively and equitably implement the Comprehensive Plan. The proposed zoning conversions are a necessary follow-up procedure to address mismatches of land use and zoning and create greater zoning and land use compatibility between properties in neighborhoods, which will support efforts to effectively and equitably implement the Comprehensive Plan.

- 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.

- c) Avoid the use of SU-1 as a tool to negotiate design or use standards between stakeholders and limit its application to uses specified in the SU-1 zone.

The request will serve to update a regulatory framework by establishing legislative conversion rules that apply zoning districts that are appropriate for existing uses and contextually compatible with the area surrounding them. In addition to supporting desired growth and economic development, this will move the City's zoning system away from one-off approaches for individual properties to a regulatory code that includes appropriate mixes of land uses in base zones and predictable standards to facilitate high-quality development.

- 13. The request implements Actions 5.7.2.16 and 5.7.2.17 of the Comprehensive Plan:

Action 5.7.2.16: Work with property owners to identify mismatches between existing land uses, zoning, and the Comp Plan vision and recommend City-sponsored zone changes for the future.

Action 5.7.2.17: Minimize the use of Planned Development zones by encouraging an appropriate mix of permissive land uses in residential, mixed-use, and non-residential zones.

These actions were specifically added to recognize existing issues regarding mismatches of land use and zoning and the intended regulatory updates needed to address them. From the outset, the Phase 2 zoning conversion process established by R-18-29 was explicitly intended to accomplish regulatory alignment beyond what was accomplished in Phase 1.

14. Regarding the criteria of Resolution 18-29, the request meets the intent of the Community Identity chapter of the Comprehensive Plan as follows:
 - A. **Nonconforming Uses:** For the 250 properties that qualify based on nonconforming uses, these zoning conversions will establish a zone district that is appropriate for the context and that allows existing nonconforming uses.
 - B. **Voluntary Downzones:** For the 905 properties that qualify as voluntary downzones, these zoning conversions will establish zone districts that better match existing land uses and lot sizes.
 - C. **Floating Zone Lines:** For the 37 properties that qualify based on floating zone lines, these zoning conversions will clean up the Official Zoning Map by adjusting floating zone lines to match existing platted lot lines.
 - D. **Undeveloped Prior SU-1 & RD:** For the 103 properties that qualify based on undeveloped prior SU-1 or RD zoning, these zoning conversions will establish a zone district appropriate for the context for undeveloped properties where the IDO zone does not match prior entitlements.
 - E. **Size Thresholds in PD & NR-BP:** For the 85 properties that qualify based on size thresholds in PD & NR-BP, these zoning conversions will establish a zone district that is appropriate for the context and that matches existing uses.

15. Regarding the criteria of Resolution 18-29, the request meets the intent of Areas of Change in the Land Use chapter of the Comprehensive Plan as follows:
 - A. **Nonconforming Use:** For the 34 properties in Areas of Change that qualify based on nonconforming uses, the zoning conversions allow existing uses to continue and expansions or redevelopment to occur over time.
 - B. **Floating Zone Lines:** For the 15 properties in Areas of Change that qualify based on floating zone lines, these zoning conversions will clean up the Official Zoning Map, allow the existing use(s) on the premises to continue, and allow the development of non-residential and mixed uses in zone districts compatible with surrounding development.
 - C. **Undeveloped Prior SU or RD:** For the 17 properties in Areas of Change that qualify based on prior special use zoning, the zoning conversions allow the development of non-residential and mixed uses in zone districts compatible with surrounding development.

- D. **Size Threshold in PD & NR-BP:** For the 11 properties in an Area of Change that qualifies based on the size threshold in the NR-BP zone, the zoning conversion allows the existing use on the premises to continue and expansions or redevelopment to occur over time.
16. Regarding the criteria of Resolution 18-29, the request meets the intent of Areas of Consistency in the Land Use chapter of the Comprehensive Plan as follows:
- A. **Nonconforming Use:** For the 216 properties in Areas of Consistency that qualify based on nonconforming uses, these zoning conversions will establish a zone district that allows existing nonconforming uses and that is appropriate for the context.
- B. **Voluntary Downzones:** For the 905 properties in Areas of Consistency that qualify based on the voluntary downzone criterion, these zoning conversions will establish zone districts that align with existing land uses and match surrounding lot sizes, particularly in areas with predominantly single-family residential uses.
- C. **Floating Zone Lines:** For the 22 properties in Areas of Consistency that qualify based on floating lot lines, these zoning conversions will clean up the Official Zoning Map by adjusting floating zone lines to match existing platted lot lines.
- D. **Undeveloped Prior SU-1 & RD:** For the 86 properties in Areas of Consistency that qualify based on prior special use zoning, these zoning conversions will establish a zone district appropriate for the context for undeveloped properties where the IDO zone does not match prior entitlements.
- E. **Size Thresholds in PD & NR-BP:** For the 74 properties in Areas of Consistency that qualify based on the lot size in the NR-BP or PD zone districts, these zoning conversions will establish a zone district that is appropriate for the context and that matches existing uses.
17. As directed by Resolution 18-29, Staff developed an extensive outreach strategy to let the public know about the voluntary zoning conversion process, including advertisements, meetings, presentations, mailed inserts, and direct mailing to property owners of properties likely to be eligible for the process.
18. The required notice for an Amendment to IDO Text is published, mailed, and posted on the web. The City published notice of the EPC hearing in the ABQ Journal legal ads. First class mailed notice was sent to the two representatives of each neighborhood organization registered with the Office of Neighborhood Coordination (ONC). Notice was posted on the Planning Department website and on the project website.
19. Additional notification consisted of an article published in the Neighborhood News in June and July 2019 and email notice sent to approximately 10,000 subscribers to the ABC-Z project update email list on June 3, 2019.

20. Though a neighborhood meeting is not required for an Amendment to IDO Text, Staff met with area residents at 13 neighborhood association (NA) meetings by request: Wells Park NA, Bear Canyon NA, University Heights NA, Near North Valley NA, District 8 Coalition, Supper Rock NA, Academy Estates East NA, Huning Highland NA, Silver Hills NA, Santa-Barbara Martineztown Work Group, Raynolds Addition NA, Santa Barbara-Martineztown NA, and Nob Hill NA.

21. As of this writing, Staff has not received any comments. There is no known support or opposition to the request.

RECOMMENDATION

That a recommendation of APPROVAL of Project #: 2018-001843, RZ-2019-00035, a request for Text Amendments to the IDO, be forwarded to the City Council based on the preceding Findings.

Catalina Lehner

**Catalina Lehner
Senior Planner**



**Mikaela Renz-Whitmore
Project Manager**

Notice of Decision cc list:

List will be finalized subsequent to the EPC hearing on July 11, 2019.

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Office of Neighborhood Coordination

Long Range Planning

This is a request for a legislative action to amend the Official Zone Map for properties that meet the criteria for a voluntary zone conversion, as directed by City Council via Resolution 18-29. Long Range Planning is the applicant for this request.

This request is analogous to a text amendment and will be processed according to the Amendment to IDO Text procedures in IDO Subsection 14-16-6-7(D). The review and decision criteria are identified in Council Resolution 18-29.

CITY ENGINEER

Transportation Development

No objection to the request.

Hydrology Development

New Mexico Department of Transportation (NMDOT)

NMDOT has no comments at this time.

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

No comments.

Traffic Engineering Operations (Department of Municipal Development)

Street Maintenance (Department of Municipal Development)

WATER UTILITY AUTHORITY

Utility Services

No adverse comment to the proposed amendment.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division-No comment

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT- No comment

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

AMAFCA has no comment.

ALBUQUERQUE PUBLIC SCHOOLS

No adverse impacts. The submission mentions the importance of encouraging development which meets the goals of the Albuquerque Comprehensive Plan, as specified in the Integrated Development Ordinance. This includes ensuring that development in the vicinity of schools should consider, respond to, and provide to meet infrastructural needs associated with schools, including the critical importance of establishing and maintaining safe streets and routes to school.

MID-REGION COUNCIL OF GOVERNMENTS

MRMPO has no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

PNM has no comments based on information provided to date.

Attachments

1. History – City Council Resolution 18-29
2. Application Information
 - a. Application
 - b. TIS Form
 - c. Project Letter
 - d. PRT Notes
3. Zoning Conversion Rules – Batch 2 Properties
 - a. Organized by Form ID
 - b. Criterion 1: Nonconforming Use
 - c. Criterion 2: Voluntary Downzone
 - d. Criterion 3: Floating Zone Line
 - e. Criterion 4: Prior Special Use or RD Zoning
 - f. Criterion 5: Size Thresholds
4. Outreach & Advertising
 - Free*
 - a. Neighborhood News articles in June and July 2019
 - b. Email notice – September 4, 2018; October 19, 2018; December 10, 2018; January 3, 2019; February 5, 2019; April 16, 2019; June 3, 2019
 - c. Library website
 - Paid*
 - d. Insert in tax bill
 - e. Insert in water bill
 - f. Bus advertising
 - g. Print media ad
5. Notification & Neighborhood Information
 - a. Inquiry to ONC
 - b. List of neighborhood representatives notified
 - c. One letter sent to those representing more than one organization
 - d. Certification of mailed notice
 - e. Letter sent to neighborhood representatives
 - f. Mailing list/labels of neighborhood representatives notified