



Environmental Planning Commission

***Agenda Number: 4
Project Number: 2018-001843
Case Number: RZ-2022-00043
September 15, 2022***

Staff Report

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Applicant City of Albuquerque Council Services, City Counselor, Dist. 4, Brook Bassan

Request **Text Amendments to the Integrated Development Ordinance (IDO) to remove all references to Safe Outdoor Spaces (SOSs) (Council Bill No. O-22-33).**

Location City-wide

Staff Recommendation

That a recommendation of DENIAL of RZ-2022-00043 be forwarded to the City Council, based on the Findings beginning on Page 16.

Staff Planners

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Summary of Analysis

The request is for a recommendation to City Council regarding Council Bill No. O-22-33, which would eliminate all references to Safe Outdoor Spaces, or SOSs, in the Integrated Development Ordinance (IDO). The IDO was recently updated via the 2021 Annual Update amendment process. Language addressing safe outdoor spaces was included in amendments during Council's review, which were adopted via Council Bill No. O-22-10 (Enactment O-2022-022) in June 2022 and became effective on July 28, 2022.

Bill No. O-22-33 was drafted in June 2022 and referred to the Planning Department for EPC review and recommendation. The EPC is a recommending body; the City Council will make the final decision.

The proposed bill would necessitate various text amendments throughout the IDO, in all locations where Safe Outdoor Spaces are mentioned, specified, and/or discussed. The text amendments to include Safe Outdoor Spaces were part of the 2021 Annual Update to the IDO. On August 15, 2022, City Council adopted Resolution 22-56, which placed a moratorium on review and decision for all SOS applications. The Mayor vetoed the Resolution via E-22-126 on September 7, 2022.

The request has not been adequately justified pursuant to the IDO Review and Decision Criteria for a City-wide text Amendment in IDO 14-16-6-7(D)(3)(a-c). Staff finds that the proposed text amendments are not generally consistent with applicable Comprehensive Plan Goals and Policies and conflict with them. Overall, the request would not promote the health, safety or general welfare of the broader community.

Therefore, Staff recommends that a recommendation of denial be forwarded to the City Council.

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I. INTRODUCTION

Request

The request is for a recommendation to City Council regarding Council Bill No. O-22-33 (see attachment), which would amend the Integrated Development Ordinance (IDO) to eliminate all references to Safe Outdoor Spaces, or SOSs.

The IDO was recently updated via the 2021 Annual Update amendment process. Language addressing Safe Outdoor Spaces was included in the amendments, which were adopted via Council Bill No. O-22-10 (Enactment O-2022-022). The amendments included a definition of Safe Outdoor Spaces, Use-Specific Standards, and some references to them. The 2021 amendments became effective on July 28, 2022 and are part of the IDO currently in effect.

Scope

Like other IDO text amendments regarding uses and standards, the proposed text amendments to the IDO associated with Bill No. O-22-33 would apply generally throughout the City (City-wide) and fall under Amendment to IDO Text-Citywide [Subsection 14-16-6-7(D)]. Therefore, the request is a legislative matter.

Environmental Planning Commission (EPC) Role

The task of the Environmental Planning Commission (EPC) is to review the proposed changes and make a recommendation to the City Council. The City Council is the City's Zoning Authority and will make the final decision. The EPC is a recommending body with review authority.

City-wide text amendments are legislative in nature and are reviewed using a legislative process. City Councilors will be acting in a legislative capacity when adopting city-wide text amendments.

II. OVERVIEW

Background

Upon adoption in May 2018, the Integrated Development Ordinance (IDO) established an annual update process, which is required pursuant to Subsection 14-16-6-3(D). IDO text amendments can apply City-wide [Subsection 14-16-6-7(D)] or can be particular to a defined Small Area [Subsection 14-16-6-7(E)]. The proposed text amendments called for in Bill No. O-22-33 would apply City-wide.

At its December 16, 2021 regular hearing, the EPC voted to forward a recommendation of approval of the third IDO Annual Update (2021 Annual IDO Update, Project #PR-2018-001843/RZ-2021-00048, see attachment) to the City Council. The City Council passed Bill No. O-22-10 (Enactment No. O-2022-022), which contained changes to the IDO for the 2021 annual update, at its June 6, 2022 meeting (see attachment).

The Mayor did not sign Bill No. O-22-10 within the 10 days allowed for signature; nor did he exercise veto power. Pursuant to City Charter Article XI, Section 3, the Bill went into full effect on July 28, 2022 without Mayoral approval or signature (see attachment).

On August 15, 2022, City Council adopted Resolution 22-56, which placed a moratorium on review and decision for all SOS applications. The Mayor vetoed the Resolution via E-22-126 on September 7, 2022, which City Council failed to override.

Bill No. O-22-33 was drafted in June 2022 and referred to the Planning Department for EPC review and recommendation.

Context

The SOS term was originally adopted due to the significant issue of people experiencing homelessness in the City. Homelessness is a subject of great concern and affects public health, safety, and general welfare. More information is available at the Family and Community Services (FCS) Department webpage: <https://www.cabq.gov/family/services/homeless-services>

The dialogue regarding homelessness continues. Options such as campgrounds and overnight shelters continue to be discussed. Council Bill No. O-22-10, the IDO Annual Update 2021, included amendments to help address homelessness, such as making an overnight shelter conditional in the MX-M zone (see also Section IV of this report).

After EPC reviewed the IDO update in its capacity as a recommending body, City Council added amendments during the Land Use, Planning, and Zoning Committee review and at full City Council hearings. The idea to allow safe outdoor spaces (SOSs) emerged from the dialogue about homelessness and was intended to provide another option to address it.

In addition to the rules and regulations for SOSs in the IDO, more information about Safe Outdoor Spaces is available at the Planning Department webpage: <https://www.cabq.gov/planning/safe-outdoor-spaces/> and <https://www.cabq.gov/planning/safe-outdoor-spaces/safe-outdoor-spaces-faq>

The city's first Safe Outdoor Space, at Menaul Blvd. and I-25, was approved as of August 2022. Several appeals have been filed. Several other SOS applications have been submitted.

III. ANALYSIS OF APPLICABLE ORDINANCES, PLANS, AND POLICIES

Applicable ordinances, plans, and policies are in regular text followed by Staff analysis in ***bold italics***.

Integrated Development Ordinance (IDO)

With the 2021 IDO Annual Update amendments, SOS was added as a temporary, allowable land use in the mixed-use and non-residential zone districts in IDO Table 4-2-1. IDO Section 14-16-7-1 defined SOS as a lot, or a portion of a lot, developed to provide designated spaces for occupancy by tents, recreational vehicles, and/or light vehicles.

Use-specific standards in IDO Subsection 14-16-4-3(G)(8) limited the scale and location of SOS throughout the city. Only two SOSs are allowed in each Council district. Each SOS is limited to a maximum of 40 designated spaces and 50 people. Larger SOSs (more than 10 designated spaces and 15 or more occupants) must be separated from each other by at least 660 feet. SOSs are prohibited within 330 feet of low-density residential development in a Residential zone district. A

safe outdoor space is required to offer social services and support facilities, which must be reviewed by the City's Family & Community Services Department.

Definitions

Campground or Recreational Vehicle Park: A lot developed or used for occupancy by tents and/or recreational vehicles for transient dwelling purposes. A campground/recreational vehicle park may include recreational services, facilities, and activities for use by the public and residents to provide comprehensive livability options.

Religious Institution: A structure or place where worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held, together with its accessory buildings, that is operated, maintained, and controlled under the direction of a religious group. Incidental activities include, but are not limited to, school and recreational facilities, parking, caretaker's housing, religious leader's housing, philanthropic or humanitarian activities, and group living facilities such as convents or monasteries.

Safe Outdoor Space: A lot, or a portion of a lot, developed to provide designated spaces for occupancy by tents, recreational vehicles, and/or light vehicles. Designated spaces are provided to occupants at no charge. A safe outdoor space offers social services and support facilities. See also Campground and Recreational Vehicle and Vehicle Definitions for Recreational Vehicle and Light Vehicle.

Criteria for IDO Text Amendment-Citywide

The request is required to meet the review and decision criteria for Amendment to IDO Text-Citywide in Subsection 14-16-6-7(D)(3)(a-c). The justification letter provided (see attachment) does not adequately demonstrate that the request meets the criteria as required.

The requirement is in plain text; Staff analysis follows in ***bold italic*** text.

Criterion 14-16-6-7(D)(3)(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 City-wide text amendments are inconsistent with the spirit and intent of the Comprehensive Plan because they are not consistent with a preponderance of applicable Goals and policies in the Comprehensive Plan. The applicant cited Goals and policies related to Community Identity, Land Use, Urban Design, and Economic Development, but did not provide sufficient justification to show how the request is consistent with them.

The amendment applies to both Areas of Consistency and Areas of Change, as Safe Outdoor Spaces are an allowed use in a variety of non-residential zones that exist in both Areas. Staff analysis reveals several instances of conflict, so the request does not meet Criterion 14-16-6-7(D)(3)(a). See Section III of this report for Staff's policy analysis.

Criterion 14-16-6-7(D)(3)(b)

The proposed amendment does not apply to only one lot or development project.

The proposed City-wide text amendments would apply throughout the City and not to only one lot or development project. The changes would apply across a particular zone district or for all approvals of a certain type. Therefore, the proposed City-wide amendments are legislative in nature. Proposed changes to specific zones (ex. mixed-use and non-residential zone districts) would apply equally in all areas with the same designation and are not directed toward any specific lot or project. Procedural changes would apply to all approvals of a certain type. Therefore, the request meets Criterion 14-16-6-7(D)(3)(b).

Criterion 14-16-6-7(D)(3)(c)

The proposed amendment promotes public health, safety, and welfare.

The request does not promote the public health, safety, and general welfare of the City because the proposed text amendments would remove an option to combat homelessness. The proposed amendments would remove the ability to allow camps that are sanctioned and maintained, which are permissive in numerous non-residential zone districts. This would not promote public health, safety and welfare, because it conflicts with several Comprehensive Plan goals and policies that address homelessness and housing options for vulnerable populations.

From another perspective, the proposed amendments are intended to address community-wide issues related to land use and locally unwanted land uses. In some instances, the SOS land use could be a nuisance to surrounding neighbors. By removing SOSs as a permissive use these needs are balanced with the Comprehensive Plan vision of protecting and enhancing existing neighborhoods. However, SOS are only allowed in non-residential zones.

Additionally, the request presents conflicts with other applicable Comprehensive Plan Goals and policies (see Section III for Staff's in-depth policy analysis.) Therefore, in sum, the request does not meet Criterion 14-16-6-7(D)(3)(c).

Albuquerque Code of Ordinances- City Charter

The Citizens of Albuquerque adopted the City Charter in 1971. Applicable articles include:

Article I, Incorporation and Powers

“The municipal corporation now existing and known as the City of Albuquerque shall remain and continue to be a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the city to legislate is permissive and not mandatory. If the city does not legislate, it may nevertheless act in the manner provided by law. *The purpose of this Charter is to provide for maximum local self government.* A liberal construction shall be given to the powers granted by this Charter.” (emphasis added)

Enacting a bill to revise and supersede the text of the Integrated Development Ordinance (IDO), which applies City-wide, is a legislative function allowed by general law and the City charter. It is an exercise in local self-government (City Charter, Article 1).

Article IX, Environmental Protection

“The Council (City Commission) in the interest of the public in general shall protect and preserve environmental features such as water, air and other natural endowments, ensure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment. To affect these ends the Council shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority and staff sufficient to effectively administer city policy in this area.”

Removing references to Safe Outdoor Spaces (SOS) in the IDO generally expresses the Council’s desire to ensure the proper use and development of land and maintain an aesthetic and humane urban environment City-wide (City Charter, Article IX).

Article XVII, Planning

Section 1. The Council is the city’s ultimate planning and zoning authority, including the adoption and interpretation of the Comprehensive Plan and the Capital Improvement Plan. The Council is also the city’s ultimate authority with respect to interpretation of adopted plans, ordinances, and individual cases.

Amending the IDO is an instance of the Council exercising its role as the City’s ultimate planning and zoning authority. The IDO will help implement the Comprehensive Plan and ensure that development in the City is consistent with the intent of any other plans and ordinances that the Council adopts.

Albuquerque/Bernalillo County Comprehensive Plan

The Comprehensive Plan contains overarching Guiding Principles, Goals, and Policies that embody a vision for development and service provision in the City and unincorporated County. Applicable Goals and policies are listed below, followed by Staff analysis in bold italic text. Staff analysis is based upon a revised project letter submitted on September 2, 2022.

Chapter 4 – Community Identity

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

The request to remove Safe Outdoor Spaces (SOSs) from the IDO would ensure that SOSs are no longer allowed in any zone, meaning that there would be no designated, regulated place for homeless persons to camp. SOS are already prohibited in residential zones. The Use Specific Standards ensure that they do not occur within 330’ of low-density residential uses, though they could develop in the MX zones where higher density residential uses are allowed. However, there are no protections for higher density housing communities so the proposed legislation would have no effect. Furthermore, the proposed legislation would remove requirements that the camps be subject to standards that require sanitary facilities and monitoring- thereby removing regulations that protect communities and improve public safety, as well as protect homeless persons who need a safe place to go. Therefore, the request is inconsistent with Goal 4.1- Character.

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

The request is not sufficiently related to quality development to determine if it would be encouraged or discouraged or if it would be consistent with neighborhood character. Policy 4.1.1- Distinct Communities does not apply.

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 is not sufficiently related to ensuring appropriate scale, location of development, mix of uses, and character of building design. Therefore, Policy 4.1.2 – Identity and Design does not apply.

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

Subpolicy a) Respect existing neighborhood values and social, cultural, recreational resources.

Subpolicy c) Support improvements that protect stable, thriving residential neighborhoods and enhance their attractiveness.

The request to remove SOS would be consistent in enhancing, protect, and preserving the long-term health and vitality of neighborhoods because it would remove a use that is temporary. A temporary use would not respect neighborhood values because the use is allowable in both Areas of Change and Areas of Consistency. Though the use is only permissive in non-residential zone districts, it would not stabilize neighborhoods or enhance their attractiveness. The request is partially consistent with Policy 4.1.4 and subpolicies a and c.

Chapter 5 – Land Use

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

This Goal generally applies to developments that introduce a new land use or create a mix of uses in a community. The request is not sufficiently related to fostering communities where residents can live, work, learn, shop, and play together. Therefore, Goal 5.2 - Complete Communities does not apply.

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

Subpolicy a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents. *NA- The request is not sufficiently related to bringing in goods, services, and amenities.*

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

request is not sufficiently related to design standards or long-established residential development patterns, and already are prohibited in residential zones.

Subpolicy f) Encourage higher density housing as an appropriate use in the [listed] situations.
NA- the request is not sufficiently related to encouraging higher density housing.

The request would remove SOS as a temporary use and the standards that regulate them. SOS are currently allowed in MX zone districts, where higher density housing is allowed, and in non-residential zones. Prohibiting SOS in every zone would not contribute overall to creating a healthy or sustainable community, whether distinct or not, because there would be no allowance for safe, regulated spaces where homeless persons could go so they can get off the street and/or not congregate in neighborhood areas such as parks. Removing an option to deal with the increase of homeless persons is not sustainable in the long-term. The request is inconsistent with Policy 5.2.1- Land Uses.

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.

SOS are a temporary use only allowed in non-residential zones and conditionally in the MX zones. They do not affect development patterns directly and do not use infrastructure permanently due to their temporary nature and limited application throughout the City. Therefore, Goal 5.3 – Efficient Development Patterns does not apply.

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.

SOS are currently allowed as a temporary use in MX zones (conditionally) and in non-residential zones (permissively). Despite the protections of the Use-Specific Standards (ex. two SOSs limit per Council District and prohibition within 330' of low-density residential development), immediate neighbors may consider SOS objectionable. The request would remove a tool to address homelessness in a socially responsible manner and safely regulate campsites for homeless persons. Camping will continue to happen and homelessness affects the City as a whole; the request would remove the opportunity for the use to be distributed evenly, located carefully, and regulated. The request is inconsistent with Policy 5.3.7 - Locally unwanted land uses.

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

The request is not sufficiently related to balancing jobs and housing across the region by prioritizing job growth. Rather, the request would remove a temporary use from the IDO. Goal 5.4- Jobs-Housing Balance, does not apply.

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

The request is not sufficiently related to fostering employment opportunities on the west side (or elsewhere). Rather, it would remove a temporary use from the IDO. Policy 5.4.2 – West Side Jobs does not apply.

Chapter 7: Urban Design

Goal 7.3 - Sense of Place: Reinforce sense of place through context-sensitive design of development and streetscapes.

The request would not result in design of development and streetscapes and is insufficiently related to Goal 7.3-Sense of Place, which therefore does not apply.

Policy 7.3.5- Development Quality: Encourage innovative and high-quality design in all development.

The request is not sufficiently related to innovate and high-quality design and would eliminate a temporary use. Therefore, Policy 7.3.5-Development Quality, does not apply.

Goal 7.5- Context-Sensitive Site Design: Design sites, buildings, and landscape elements to respond to the high desert environment.

The request is not sufficiently related to site design to know if it would create places that would respond to the high desert environment. Goal 7.5 – Context-Sensitive Design, does not apply.

Policy 7.5.1- Landscape Design: Encourage landscape treatments that are consistent with the high desert climate to enhance our sense of place.

The request is not sufficiently related to landscape design to determine if it would encourage or discourage landscape treatments to enhance our sense of place. Policy 7.5.1 -Landscape Design does not apply.

Chapter 8: Economic Development

Goal 8.1 Placemaking: Create places where business and talent will stay and thrive.

The request is not sufficiently related to creating places where business and talent will stay and thrive. Rather, it would remove a temporary use from the IDO. Goal 8.1 – Placemaking, does not apply.

Policy 8.1.5 Available Land: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.

The request would remove SOS as a temporary use. SOS are currently allowed conditionally in MX zones and permissively in non-residential zones, which could potentially accommodate employment growth. However, SOS are a temporary use. The request is partially consistent with Policy 8.1.5 – Available Land.

Chapter 9: Housing

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

SOS are one way to help address homelessness and work toward making it rare, short-term, and non-recurring; a full range of options is needed for the good of the City as a whole. The request would remove a tool to accommodate homeless persons in a safe manner, and therefore is inconsistent with goal 9.4- Homelessness.

Policy 9.4.2- Services: Provide expanded options for shelters and services for people experiencing temporary homelessness.

The request would reduce options to help people experiencing homelessness by eliminating Safe Outdoor Spaces, places where this population can camp safely and in a regulated manner. Although other options would remain available, overall there would be fewer tools available to combat homelessness due to the request. Therefore, the request is inconsistent with Policy 9.4.2 – Services.

Goal 9.5-Vulnerable Populations: Expand capacity to provide quality housing and services to vulnerable populations.

The request would decrease the capacity to provide Safe Outdoor Spaces, which is a temporary housing option that provides a service for the City's most vulnerable populations. Therefore, the request is inconsistent with Goal 9.5- Vulnerable Populations.

Chapter 12 – Public Services

Goal 12.3- Public Services: Plan, coordinate, and provide efficient, equitable, and environmentally sound services to best serve residents and protect their health, safety, and well-being.

The request would eliminate the ability to plan, coordinate, and provide Safe Outdoor Spaces for the City's most vulnerable residents, who are experiencing homelessness and need safe, regulated, and sanitary places to camp so that the overall health, safety, and well-being of all residents is safeguarded. The request is inconsistent with Goal 12.3 – Public Services.

IV. ANALYSIS OF PROPOSED BILL

Council Bill No. O-22-33 would amend the Integrated Development Ordinance (IDO) to eliminate all references to Safe Outdoor Spaces, or SOSs, in the IDO (current version that became effective on July 28, 2022 and incorporated amendments from the 2021 annual update).

Explanation of Content

The proposed legislation would eliminate all references to Safe Outdoor Spaces, or SOSs, in the Integrated Development Ordinance which were adopted via Council Bill No. O-22-10 (Enactment O-2022-022) and effective on July 28, 2022. See below table for a list of text amendments in all locations where safe outdoor spaces are mentioned, specified, and/or discussed.

	<i>Page</i>	<i>Section</i>	<i>Change</i>
1	150	4-2: Allowable Uses	Strike “Safe outdoor space” in Table 4-2-1
2	161	4-3(C)(8): Religious Institution	Strike the two references in the Use Specific Standards
3	216	4-3(G)(8): Safe Outdoor Space	Strike the “Safe Outdoor Space” land use and all use-specific standards
4	271	5-5 Parking & Loading	Strike the “Safe outdoor space” line in Table 5-5-1: Minimum Off-street Parking Requirements
5	591	7-1: Definitions	Strike the definition of a “Safe Outdoor Space”

New language is [underlined and bracketed]. Deleted language is ~~underlined and struck through~~. Requested text amendments to the amended 2021 IDO are in grey highlighting. Explanations are in ***bold italics***.

Resulting Revisions to the IDO:

1. Page 150, Table 4-2-1: Allowable Uses.

Table 4-2-1: Allowable Uses																			
P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory CV = Conditional if Structure Vacant for 5+ years T = Temporary CT = Conditional Temporary Blank Cell = Not Allowed																			
Zone District >>	Residential						Mixed-use				Non-residential						Use-specific Standards		
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU	A		B	NR-PO
Land Uses																			
Park-and-ride facility, temporary						T	T	T	T	T	T	T	T	T	T			T	
Real estate office or model home	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T				
Safe outdoor space							CT	CT	CT	CT	T	T	T	T					

The substantive change is to remove the allowable use term “Safe outdoor space” from Table 4-2-1. This action would remove the use as Conditional Temporary and Temporary in all zone districts and would no longer be allowed.

2. Page 161, Section 4-3(C)(8): Religious Institution

- A. 4-3(C)(8)(a) Incidental activities, including but not limited to recreational activities, educational activities, overnight shelters, [and] campgrounds, ~~and safe outdoor spaces~~ are allowed, provided that all of the following requirements are met.

B. ~~a. For safe outdoor spaces, the following provisions do not apply:~~

~~i. The required distance separation from R-A, R-1, or R-T zone districts pursuant to Subsection 14-16-4-~~

~~3(G)(8)(d).~~

~~ii. The Council District cap in Subsection 14-16-4-~~

~~3(G)(8)(k).~~

~~[a.] b.~~ If Table 4-2-1 indicates an allowable use as a Conditional Use in the relevant zone district, a Conditional Use Approval is not required.

~~[b.] e.~~ If a use-specific standard in Section 14-16-4-3 indicates that a Conditional Use is required under a particular context, then a Conditional Use Approval pursuant to Subsection 14-16-6-6(A) is required.

As explained above, the “Safe outdoor space” use is being removed; therefore, all references to the use would be removed from all use-specific standards. Two references to the term would be removed from the use-specific standards for religious institutions as an incidental activity, which may cause implications for religious institutions in the future. Please see the discussion section below for more information.

3. Page 216, Section 4-3(G)(8), Page 216

A. ~~4-3(G)(8) Safe Outdoor Space~~

B. ~~4-3(G)(8)(a) through 4-3(G)(8)(k)~~

All references to “Safe Outdoor Space” are being removed from the IDO, therefore the use-specific standards for the use would be removed.

4. Page 271, Table 5-5-1: Minimum Off-street Parking Requirements

TEMPORARY USES	
Circus	4 spaces / 1,000 sq. ft. of site area where attendees circulate, participate, or watch activities
Construction staging area, trailer, or office	No requirement
Dwelling, temporary	1 space / DU
Fair, festival, or theatrical performance	4 spaces / 1,000 sq. ft. of site area where attendees circulate, participate, or watch activities
Garage or yard sale	No requirement
Hot air balloon takeoff/landing	
Open air market	
Park-and-ride facility, temporary	
Real estate office or model home	2 spaces / 1,000 sq. ft. GFA of office
Safe outdoor space	2 spaces / project site
Seasonal outdoor sales	2 parking spaces per vendor stall

[1] 30 in. pew or bench space = 1 seat. If the minimum off-street parking requirement is for seats in a main assembly area, but the proposed main assembly area will not have seats, then the measurement shall be 1 space / 3 persons design capacity.
[2] Stacking space requirements in Subsection 14-16-5-5(l) apply if designed to be accessed from motor vehicles.

As stated above, the use is being removed from the IDO, so no parking requirements for this use are needed.

5. Page 591, Section 7-1: Definitions

Safe Outdoor Space

~~A lot, or a portion of a lot, developed to provide designated spaces for occupancy by tents, recreational vehicles, and/or light vehicles. Designated spaces are provided to occupants at no charge. A safe outdoor space offers social services and support facilities. See also *Campground and Recreational Vehicle* and *Vehicle Definitions for Recreational Vehicle and Light Vehicle*.~~

The definition of Safe Outdoor Space would be removed from the IDO, since all other references to the term are being removed.

Discussion/Implementation Issues

The purpose of the request is to remove all references to the term Safe Outdoor Space (SOS) in the IDO. The use was originally included with the 2021 IDO amendments, which allowed for the temporary use and conditional use of Safe Outdoor Spaces pursuant to Table 4-2-1: Allowable Uses. The 2021 amendment also included use-specific standards, parking requirements, and a definition for SOSs.

The applicant is requesting to remove all references to the term in the IDO because it does not further applicable goals and policies within the Comprehensive Plan related to land use, and there are minimal design standards that would protect surrounding neighborhoods and quality of development (see attachment).

Religious Institutions

Removing SOS as an allowable use from the IDO, as well as all references to the term, could cause unintended consequences. The SOS use was added to use-specific standards for Religious Institutions as an allowable incidental activity [see IDO 14-16-4-3(c)(8)]. Removing the use as a definition and as an incidental activity could cause an implication for religious institutions that have applied and/or been approved for a SOS.

The RLUIPA Act of 2000 enacted land use provisions that protect individuals, houses of worship, and other religious institutions from discrimination in zoning and landmarking laws (42 U.S.C. §§ 2000cc, et seq.). If the request is approved, a currently allowable use for religious institutions that have applied to be a SOS would no longer be in compliance with City regulations. Due to the RLUIPA Act, governments cannot impose, limit, or exclude any religious assembly from a land use regulation that does not apply to other applicants. In this case, because the SOS would be removed as an allowable use for all applicants, the City is likely within its rights to remove this use, although the City would be risking litigation by religious institutions who might assert that providing SOSs is part of their right to worship and to serve religious missions.

Religious institutions are allowed to provide indoor sleeping accommodations because overnight shelter is included in both the definition of religious institution and the use-specific standards for the religious institution use. If the City removes SOS as a use in the IDO, religious institutions that want to provide outdoor sleeping accommodations would need to meet the requirements for the Campground and Recreational Vehicle use. The use-specific standard for that permanent primary

use include water-flush toilets, an expense that may make the use infeasible for religious institutions.

USS & The Larger Context

The proposed amendments would remove the ability to allow homeless camps that are sanctioned, maintained, and permissive in a variety of mixed use and non-residential zone districts in the IDO including all MX zone districts as a conditional temporary use and in NR-C, NR-BP, NR-LM and NR-GM zone districts as a permissive temporary use. The IDO provides use specific standards that place stringent limitations on both small scale and large-scale SOSs in addition to prohibiting them within 330 feet of low-density residential development in a Residential zone district and only allowing two per Council district. Use specific standards can be found in IDO section 14-16- 4-3(G)(8). Additionally, SOSs are required to offer social services and support facilities, in which a Operations Plan, Management Plan, and Security Agreement that outlines how requirements will be met must be reviewed and signed off by the City's Family & Community Services Department before applying to operate as a SOS with the City.

This request would remove a tool for combatting homelessness and, therefore, would not promote public health, safety and welfare, because a variety of Comprehensive Plan goals and policies that would address homelessness and provide housing options for vulnerable populations, would be would not be met.

Staff is recommending that a recommendation of denial be forwarded to the City Council, in part due to the unintended consequences that can occur for religious institutions in addition to removing a use that could help to "create a future where homelessness is rare, short-lived, and non-recurring (Comp Plan 9-13). Furthermore, the applicant has failed to provide adequate justification for the request as it pertains to criterion a-c in the IDO Subsection 14-16-6-7(D)(3). There are conflicts with a preponderance of applicable Goals and polices that the applicant provided in response to these criteria, and some Goals and policies do not apply to the request.

Suggested Revisions

If the City wants to retain the ability for religious institutions to provide outdoor sleeping accommodations as a safe outdoor space, Staff recommends that the definition of a Safe Outdoor Space remain within the IDO as a term, within the religious institution definition, and within the use-specific standards for religious institution. The substance of the use-specific standards for Safe Outdoor Space would move to the religious institution use to eliminate the possibility of future conflicts.

Although staff is recommending that a recommendation of denial be forwarded, if the EPC wants to forward a recommendation of approval, the following, existing standards would still be eliminated as inapplicable to religious institutions:

- 4-3(G)(8)(a) This use is limited to 2 years, and the Permit – Temporary Use may be extended for an additional 2 years. A new Permit – Temporary Use pursuant to Subsection 14-16-6-5(D) shall not be approved within 6

months of the last date that the use was allowed in a previous Permit – Temporary Use.

4-3(G)(8)(d) Any portion of a lot in use as a safe outdoor space shall be at least 330 feet in any direction from any property zoned R-A, R-1, R-MC, or R-T that contains low-density residential development.

4-3(G)(8)(j) This use is prohibited adjacent to Major Public Open Space.

4-3(G)(8)(k) The total number of safe outdoor spaces shall not exceed 2 in each City Council District.

4-3(G)(8)(h)3. The management plan shall, at a minimum, include the following statement: “No person who is a registered sex offender shall be allowed to stay in a Safe Outdoor Space.”

VI. AGENCY & NEIGHBORHOOD COMMENTS

Reviewing Agencies

City departments and other interested agencies reviewed this application, which was submitted on August 2, 2022. Few agency comments were received. Agency Comments begin on p. 20

Neighborhood/Public

Notification requirements are found in 14-16-6, in the Procedures Table 6-1-1 and are further explained in 14-16-6-4(K), Public Notice. The affected, registered neighborhood organizations are listed in the attachments and include all Neighborhood Associations City-wide, which were notified as required.

The applicant has stated that they are submitting this request, in part, due to an abundance of backlash from constituents about the SOS use. As of this writing, there is no known opposition to the request. Staff has not been contacted.

VII. CONCLUSION

The request is for a recommendation to City Council regarding Council Bill No. O-22-33, which would eliminate all references to Safe Outdoor Spaces, or SOSs, in the Integrated Development Ordinance (IDO).

The proposed bill would necessitate various text amendments throughout the IDO, in all locations where safe outdoor spaces are mentioned, specified, and/or discussed. The text amendments to include safe outdoor spaces were part of the 2021 Annual Update to the IDO.

Staff finds that the request is generally inconsistent with applicable Comprehensive Plan Goals and policies and conflicts with them. Additionally, the request does not promote public health, safety, or general welfare because it would remove an option to combat homelessness in the City.

Affected City-wide neighborhood organizations have been notified as required. Staff is not aware of any opposition to the proposed legislation as of this writing.

Staff recommends that a recommendation of DENIAL of the request be forwarded to the City Council.

RECOMMENDED FINDINGS- PR-2018-001843, September 15, 2022- Proposed Bill Re: Safe Outdoor Spaces

1. The request is for a recommendation to City Council regarding Council Bill No. O-22-33 (see attachment), which would amend the Integrated Development Ordinance (IDO) to eliminate all references to Safe Outdoor Spaces, or SOSs.
2. The IDO was recently updated via the 2021 Annual Update amendment process. Language addressing Safe Outdoor Spaces was included in the amendments, which were adopted via Council Bill No. O-22-10 (Enactment O-2022-022). The 2021 amendments became effective on July 28, 2022 and are part of the IDO currently in effect. The amendments included a definition of Safe Outdoor Spaces, Use-Specific Standards, and some references to them.
3. Bill No. O-22-33 was drafted in June 2022 and referred to the Planning Department for EPC review and recommendation. Like other IDO text amendments regarding uses and standards, the proposed text amendments to the IDO associated with Bill No. O-22-33 would apply generally throughout the City (City-wide) and fall under Amendment to IDO Text-Citywide [Subsection 14-16-6-7(D)]. Therefore, the request is a legislative matter.
4. On August 15, 2022, City Council adopted Resolution 22-56, which placed a moratorium on review and decision for all SOS applications. The Mayor vetoed the Resolution via E-22-126 on September 7, 2022.
5. The Albuquerque/Bernalillo County Comprehensive Plan and the Revised Ordinances of Albuquerque (ROA) 1994 are incorporated herein by reference and made part of the record for all purposes.
6. The request generally follows the following, applicable articles of the City Charter:

Article I, Incorporation and Powers: Enacting a bill to revise and supersede the text of the Integrated Development Ordinance (IDO), which applies City-wide, is a legislative function allowed by general law and the City charter. It is an exercise in local self-government (City Charter, Article 1).

Article IX, Environmental Protection: Removing references to Safe Outdoor Spaces (SOS) in the IDO generally expresses the Council's desire to ensure the proper use and development of land and maintain an aesthetic and humane urban environment City-wide (City Charter, Article IX).

Article XVII, Planning- Section 1: Amending the IDO is an instance of the Council exercising its role as the City's ultimate planning and zoning authority. The IDO will help implement the Comprehensive Plan and ensure that development in the City is consistent with the intent of any other plans and ordinances that the Council adopts.

7. The request is inconsistent with the following, applicable Goal from Chapter 4 – Community Identity:

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

The request to remove Safe Outdoor Spaces (SOSs) from the IDO would ensure that SOSs are no longer allowed in any zone, meaning that there would be no designated, regulated place for homeless persons to camp. SOS are already prohibited in residential zones. The Use Specific Standards ensure that they do not occur within 330' of low-density residential uses, though they could develop in the MX zones where higher density residential uses are allowed. However, there are no protections for higher density housing communities so the proposed legislation would have no effect. Furthermore, the proposed legislation would remove requirements that the camps be subject to standards that require sanitary facilities and monitoring- thereby removing regulations that protect communities and improve public safety, as well as protect homeless persons who need a safe place to go.

8. The request is inconsistent with the following, applicable policies from Chapter 5 – *Land Use*:

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

The request would remove SOS as a temporary use and the standards that regulate them. SOS are currently allowed in MX zone districts, where higher density housing is allowed, and in non-residential zones. Prohibiting SOS in every zone would not contribute overall to creating a healthy or sustainable community, whether distinct or not, because there would be no allowance for safe, regulated spaces where homeless persons could go so they can get off the street and/or not congregate in neighborhood areas such as parks. Removing an option to deal with the increase of homeless persons is not sustainable in the long-term.

- 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.

SOS are currently allowed as a temporary use in MX zones (conditionally) and in non-residential zones (permissively). Despite the protections of the Use-Specific Standards (ex. two SOSs limit per Council District and prohibition within 330' of low-density residential development), immediate neighbors may consider SOS objectionable. The request would remove a tool to address homelessness in a socially responsible manner and safely regulate campsites for homeless persons. Camping will continue to happen and homelessness affects the City as a whole; the request would remove the opportunity for the use to be distributed evenly, located carefully, and regulated.

9. The request is inconsistent with the following Goals and policy from Chapter 9: Housing:

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

SOS are one way to help address homelessness and work toward making it rare, short-term, and non-recurring; a full range of options is needed for the good of the City as a whole. The request would remove a tool to accommodate homeless persons in a safe manner.

B. Policy 9.4.2- Services: Provide expanded options for shelters and services for people experiencing temporary homelessness.

The request would reduce options to help people experiencing homelessness by eliminating Safe Outdoor Spaces, places where this population can camp safely and in a regulated manner. Although other options would remain available, overall there would be fewer tools available to combat homelessness due to the request.

C. Goal 9.5-Vulnerable Populations: Expand capacity to provide quality housing and services to vulnerable populations.

The request would decrease the capacity to provide Safe Outdoor Spaces, which is a temporary housing option that provides a service for the City's most vulnerable populations.

10. The request is inconsistent with the following Goal from Chapter 12 – Public Services:

Goal 12.3- Public Services: Plan, coordinate, and provide efficient, equitable, and environmentally sound services to best serve residents and protect their health, safety, and well-being.

The request would eliminate the ability to plan, coordinate, and provide Safe Outdoor Spaces for the City's most vulnerable residents, who are experiencing homelessness and need safe, regulated, and sanitary places to camp so that the overall health, safety, and well-being of all residents is safeguarded.

11. The applicant's policy analysis does not adequately demonstrate that the request is consistent with applicable Goals and policies in the Comprehensive Plan (Criterion A). There are significant conflicts with Goals and policies regarding Community Identity, Land Use, Housing, and Public Services. Based on this demonstration, the request is inconsistent with the spirit and intent of the ABC Comp Plan.

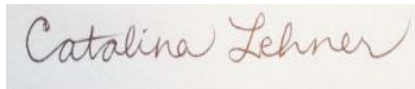
12. The affected neighborhood organizations include all registered Neighborhood Associations and organizations city-wide, which were notified as required.

13. The applicant has stated that they are submitting this request, in part, due to an abundance of backlash from constituents about the SOS use.

14. As of this writing, Staff has not been contacted and is unaware of any opposition.

RECOMMENDATION- PR-2018-001843, September 15, 2022

That a recommendation of DENIAL of Project #: PR-2018-001843, Case #: RZ-2022-00043, Text Amendments to the Integrated Development Ordinance (IDO) to remove all references to Safe Outdoor Spaces (SOSs) (Council Bill No. O-22-33), be forwarded to the City Council based on the preceding Findings.



Catalina Lehner, AICP
Principal Planner



Megan Jones
Planner

cc: City of Albuquerque, City Council, Attn: Shanna Shultz, smschultz@cabq.gov
City of Albuquerque, Legal Department, attn.: DKing@cabq.gov
EPC File

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Code Enforcement

Office of Neighborhood Coordination (ONC)

Long Range Planning

Metropolitan Redevelopment Agency

CITY ENGINEER

Transportation Development Services

- No objection to the request.

Hydrology

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

- No objection to the request.

Traffic Engineering Operations (Department of Municipal Development):

Street Maintenance (Department of Municipal Development):

New Mexico Department of Transportation (NMDOT):

- NMDOT has no comments.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

WATER UTILITY AUTHORITY

Utility Services- No adverse comment.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division- No comment.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY-

ALBUQUERQUE PUBLIC SCHOOLS

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.

PROPOSED LEGISLATION

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

SPONSORED BY: Brook Bassan

ORDINANCE

AMENDING §14-16 THE INTEGRATED DEVELOPMENT ORDINANCE TO REMOVE ALL REFERENCES TO SAFE OUTDOOR SPACES.

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

SECTION 1. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE

The Integrated Development Ordinance shall be amended as follows:

- 1. Delete “Safe outdoor space” in the Use Table 4-2-1**
- 2. Delete all use-specific standards associated with Safe outdoor spaces in §14-16-4-3(G) and any applicable use-specific standards in §14-16-4-3(C)**
- 3. Delete “Safe outdoor space” in Table 5-5-1: Minimum Off-street Parking Requirements**
- 4. Delete the definition of Safe Outdoor Space in §14-16-7**

Any cross-references or other applicable provisions related to safe outdoor spaces not listed above shall be removed from §14-16.

SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, work or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this ordinance and each section, paragraph, sentence, clause, word, or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 3. EFFECTIVE DATE AND PUBLICATION. This ordinance shall take effect five days after publication by title and general summary.

BACKGROUND

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



AMENDED OFFICIAL NOTIFICATION OF DECISION

December 16, 2021

City of Albuquerque
Planning Department
Urban Design & Development
600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102

Project #2018-001843

RZ-2021-00049 – Amendment to the Integrated Development Ordinance (IDO) Text – Small Areas for the 2021 Annual Update

LEGAL DESCRIPTION:

To amend the text of the Integrated Development Ordinance (IDO). This third annual update includes changes requested by neighbors, developers, Staff, and Council Services to the standards applicable to the following small area: Old Town HPO-5.

Staff Planner: Silvia Bolivar

On December 16, 2021, the Environmental Planning Commission (EPC) voted to forward a recommendation of APPROVAL of Project 2018-001843/RZ-2021-00049, Amendment to the Integrated Development Ordinance (IDO) Text – Small Area, based on the following Findings:

1. The request is for Small Area amendments to the text of the Integrated Development Ordinance (IDO) for the Annual Update required by IDO Subsection 14-16-6-3(E). The proposed Small-area amendments, when combined with the proposed City-wide amendments, are collectively known as the 2021 IDO Annual Update.
2. These text amendments to specific Small Areas in the City are accompanied by proposed City-wide text amendments, which were submitted separately pursuant to Subsection 14-16-6-7(D) and are the subject of another Staff report (RZ-2020-00048).
3. The Small Area text amendments include proposed changes requested by neighbors, developers, staff, and Council Services that affect the following Small Area: Old Town HPO-5.
4. The IDO applies City-wide to land within the City of Albuquerque municipal boundaries. The IDO does not apply to properties controlled by another jurisdiction, such as the State of New Mexico, Federal lands, and lands in unincorporated Bernalillo County or other municipalities.
5. The EPC's task is to make a recommendation to the City Council regarding the proposed amendments to IDO text. As the City's Planning and Zoning Authority, the City Council will make the final

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decision. The EPC is a recommending body to the Council and has important review authority. This is a quasi-judicial matter.

6. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
7. The request meets the Review and Decision Criteria in Subsection 14-16-6-7(E) of the IDO, as follows:

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

The City Council moratorium (Bill R-21-165) prohibited permissive and conditional uses for cannabis and cannabis products outlined in the IDO in the Old Town HPO-5 zone. The proposed IDO text amendments-Small Areas are generally consistent with the health, safety, and general welfare of the City by showing a preponderance of applicable goals and policies in the Comprehensive Plan, and other policies and plans adopted by the City.

The proposed amendments to prohibit cannabis uses in the Old Town HPO-5, are consistent with adopted policies that would protect the identity and existing character of the area. Old Town HPO-5 is designated primarily as an Area of Consistency and the proposed amendments would enhance the unique qualities of the neighborhood and commercial district found in the area. The City is not involved in regulation of personal uses; these are addressed in State regulation and statute. Overall, the request meets Criterion 14-16-6-7(a).

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

1. There has been a significant change in neighborhood or community conditions affecting the small area.
2. The proposed zoning regulations are more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

The Old Town HPO-5 is an extension of the NRHP Old Albuquerque Historic District. Old Town has been seen as an important feature of the City since 1959 when it was made its own zoning category H-1 (Historic-1).

The Old Albuquerque Historic District is important for its' long history, for its' historic sites, for its' ancient pattern of church, plaza, and streets, and for its' collection of important historic buildings. The district has historic buildings mainly erected between 1870 and 1915, with a few

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major earlier structures' its street patterns and church buildings are vivid reminders of the much earlier history of the Village of Albuquerque.

The proposed amendments would clearly reinforce and strengthen the established character of the surrounding Areas of Consistency and would result in continued development that is consistent with the established character of the area. Over the years, the character of the area and surrounding areas has been consistent and continued to be residential and commercial. The proposed text amendments are quasi-judicial in nature. The request meets Criterion 14-16-6-7(E)(3)(b).

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

1. There has been a significant change in neighborhood or community conditions affecting the small area that justifies this request.
2. The proposed zoning regulations are more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

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

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

The proposed amendments include three changes to the IDO that would result in changes affecting uses. The proposed changes would prohibit cannabis uses in the Old Town Historic Protection Overlay (HPO-5) zone.

Although associated use specific standards for cannabis retail include a provision that makes the use conditional within 600 feet of another cannabis retail, some neighbors have noted that this could push the use onto the edges of Old Town.

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

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

8. These proposed Integrated Development Ordinance (IDO) Text Amendments– Small Areas would generally protect public health, safety, and welfare and promote economic growth and investment in the City as a whole as required pursuant to 14-16-6-7(E)(3).

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

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- 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 will generally help implement the Comprehensive Plan and help guide future legislation.
 - B. Article IX, Environmental Protection. The proposed Small Area text amendments to the IDO will help ensure that land is developed and used properly. The IDO is an instrument to help promote and maintain an aesthetic and humane urban environment for Albuquerque's citizens, and thereby promote improved quality of life. Commissions, Boards, and Committees will have updated and clarified regulations to help facilitate effective administration of City policy in this area.
 - C. Article XVII, Planning. Amending the IDO through the annual update process is an instance of the Council exercising its role as the City's ultimate planning and zoning authority. The IDO will help implement the Comprehensive Plan and ensure that development in the City is consistent with the intent of any other plans and ordinances that the Council adopts (Section I). 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 (Section II).
10. The request generally furthers the following, applicable Goal and policies in Chapter 4: Community Identity:
- A. Goal 4.1 – Character: Enhance, protect, and preserve distinct communities.
 As a whole, the proposed text amendments would generally enhance, protect, and preserve Old Town – HPO-5, a distinct community because provisions would be included that would strengthen the use-specific standards.
 The IDO is intended to make zoning and land use entitlements in our community more transparent, accurate, and contextually compatible in order to enhance, protect, and preserve distinct communities, neighborhoods, and traditional communities. The IDO provides protections for residential neighborhoods through dimensional standards specific to residential zone districts in Part 2, tailored regulations in Overlay Zones in Part 3, use-specific standards that require distance separations between non-residential and residential uses and zone districts in Part 4, and development standards that apply to adjacent residential uses or zone district, especially edge buffers and neighborhood edges in Part 5.
 - 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.
 If approved, the request would further the Identity and Design Policy (4.1.2). The request protects the identity of neighborhoods and commercial districts by clarifying standards and regulations that are unclear. This will better ensure appropriate scale, design, and location of development.
 - C. Subpolicy 4.1.2(a): Maintain and preserve the unique qualities of historic areas.
 The request would allow for the maintenance and preservation of the unique qualities of the historic area by prohibiting cannabis uses in the Old Town HPO-5. The Old Albuquerque Historic District is important for its' long history, for its' historic sites, for its' ancient pattern of church, plaza, and streets, and for its' collection of important historic buildings. The district has historic buildings mainly erected between 1870 and 1915, with a few major earlier structures' its street

patterns and church buildings are vivid reminders of the much earlier history of the Village of Albuquerque.

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

The request enhances, protects, and preserves neighborhoods and traditional communities by clarifying standards and regulations that are unclear. This will improve the implementation of the original goals and intent of the regulations as adopted through Sector Development Plans and the IDO. The proposed new regulations, including expanding the height restriction area and adding new use restrictions in the Northwest Mesa VPO, are intended to protect and enhance the existing character of those areas.

- E. Subpolicy 4.1.4(a): Respect existing neighborhood values and social, cultural, recreational uses.

The Old Town HPO-5 encompasses an area roughly between Mountain Road and Central Avenue on the north and south, Rio Grande Boulevard, and 19th Street on the west and east. It contains a mix of residential, institutional, and commercial properties. The historic zone was created with the adoption of the City's first Zoning Code in 1959 to preserve and promote the educational, cultural, and general welfare of the public through the preservation and protection of the traditional architectural character of historic Old Albuquerque. At that time, decades before there would be such things as the National Register of Historic Places or Registered Historic Districts, Albuquerque created its own historic H-1 zone that regulated architectural styles, permissive uses, alcohol consumption restrictions along with specific development guidelines.

Albuquerque is recognized for its collection of distinctive historic resources that are enjoyed by residents, business owners, and visitors as links to the city's heritage, and that set the stage for a vibrant future. Preserving these historic assets is essential to Albuquerque's well-being, identity, and character. The proposed text amendments would further this subpolicy by respecting the existing neighborhood values and social, cultural, and recreational sources.

11. The request generally furthers the following, applicable Goals and policies in Chapter 5- Land Use pertaining to Areas of Consistency and procedures and processes:

- A. 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.

b. Ensure the development reinforces the scale, intensity and setbacks of the immediately surrounding context.

The proposed amendments would apply to the Old Town HPO-5 and would generally protect and enhance the existing character of the area while clarifying how to apply the regulations.

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

The request would further the Implementation Process Goal (5.7). The intent of many of the proposed changes is to clarify how to read and apply provisions in the IDO, which would result in a more predictable development outcomes and consistent decision-making.

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

The IDO's procedures and processes in Part 6 have been developed to effectively and equitably implement the Comprehensive Plan. In order for the City's land use, zoning, and development regulations to stay up-to-date, the IDO established an annual update requirement into the regulatory framework. Changes proposed are intended to continually improve how the IDO implements the comp Plan by aligning regulations with Comp Plan goals and policies.

The annual amendment process for the IDO – small areas is a procedure to continue to effectively and equitably implement the Comprehensive Plan that results in an updated regulatory framework. The proposed text amendments would better link applicable Comprehensive Plan Goals and policies and the IDO, the implementation mechanism.

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

The annual update process for the IDO – small areas provides residents and stakeholders with an opportunity to better understand and engage with the planning and development process.

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

The annual amendment process to the IDO-small areas is a procedure that implements the Comprehensive Plan. The proposed text amendments will provide clarification on how to read and apply provisions to the IDO, resulting in a more predictable development outcome.

12. The request generally furthers the following Goals and policies in Chapter 7- Urban Design:

- A. Policy 7.3.3 – Placemaking: Encourage efforts to establish and strengthen district identity within Centers, business districts, and neighborhoods.

The proposed text amendments would include changes that would establish and strengthen the Old Town HPO-5 district identity by prohibiting cannabis uses and would help to continue to reinforce the experiences for residents and visitors in the historic district. The zoning standards for small areas (Part 14-16-3), residential neighborhoods, and within Centers within the IDO implement the Comprehensive Plan.

- B. Subpolicy Placemaking 7.3.3(a): Identify, celebrate, and leverage special places

Albuquerque is recognized for its collection of distinctive historic resources that are enjoyed by residents, business owners, and visitors as links to the city's heritage, and that set the stage for a vibrant future. Preserving these historic assets is essential to Albuquerque's well-being, identity, and character. The proposed text amendments would further this subpolicy by celebrating and leveraging special places such as Old Town HPO-5.

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

Subpolicy Community Character 7.3.2(a): Design development to reflect the character of the surrounding area and protect and enhance views.

The proposed text amendments would make communities and their distinct identities safe and attractive places by encouraging design strategies that recognize the character differences in communities.

13. The request furthers and partially furthers the following, applicable policies from Chapter 8- Economic Development:

- A. Policy 8.1.1 – Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.

The proposed text amendments include changes that would contribute to creating interesting places with different development intensities and densities and would help preserve interesting places. The Old Albuquerque Historic District is important for its' long history, for its' historic sites, for its' ancient pattern of church, plaza, and streets, and for its' collection of important historic buildings. The district has historic buildings mainly erected between 1870 and 1915, with a few major earlier structures; its street patterns and church buildings are vivid reminders of the much earlier history of the Village of Albuquerque. The changes to prohibit the retail, cultivation, and manufacturing of cannabis products in Old Town HPO-5 would continue to protect this historic district.

14. The request furthers the following, applicable Goal and policy from Chapter 11- Heritage Conservation:

- A. Goal 11.1 – Traditional, Rural & Agricultural Heritage: Preserve and enhance farmland, the acequia system, and traditional communities.

The proposed amendments would further Goal 11.1 – Traditional, Rural & Agricultural Heritage by preserving and enhancing a traditional community such as Old Town HPO-5. The proposed amendment to prohibit cannabis uses in Old Town HPO-5 would add protections that would facilitate the preservation and enhancement of traditional communities such as Old Town HPO-5 and would be consistent with the Comprehensive Plan policies that aim to protect and contribute to reinforce traditional communities.

- B. 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.

The proposed text amendments fulfill this goal by requiring the preservation and enhancement of significant historic districts such as Old Town HPO-5 that reflect our past as we move into the future and to strengthen our sense of identity.

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

The preservation of historic districts is crucial to cities, specifically to Albuquerque because historic preservation districts provide benefits to people, whether or not they own a home or business in them. Old Town HPO-5 serves as a living history lesson, and tangible reminders of the city's past as it helps tell the story of the community.

- D. Subpolicy 11.2.2(b): Recognize historic buildings and districts as vital elements of the community.

OFFICIAL NOTICE OF DECISION
PR-2018-001843/ RZ-2021-00049
December 16, 2021
Page 8 of 8


The proposed text amendments would help recognize historic buildings and districts as vital elements of the community. The IDO has a role in this process as subpolicy 11.2.2(b) would help preserve the character of the area through conservation of buildings and sites.

- E. Goal 11.3 – Cultural Landscapes: Protect, reuse, and/or enhance significant cultural landscapes as important contributors to our heritage and rich and complex identities.

The proposed text amendment would protect and enhance cultural landscapes by proposing changes to the Old Town Historic Protection Overlay (HPO-5) zones.

15. For an Amendment to IDO Text, the required notice must be published, mailed, and posted on the web (see Table 6-1-1). A neighborhood meeting was required and held on October 6, 2021 via Zoom. The City published notice of the EPC hearing as a legal ad in the ABQ Journal newspaper. First class mailed notice was sent to the two representatives of each Neighborhood Association and Coalition registered with the Office of Neighborhood Coordination (ONC) as required by IDO Subsection 14-16-6-4(K)(2)(a). Notice was posted on the Planning Department website and on the project website.
16. In addition to the required notice, on October 25, 2021, notification letters were mailed to 246 property owners within or adjacent to the Old Town HPO-5.
17. On October 25, 2021, the Planning Department hosted a public open house meeting via Zoom to review the proposed 2021 Annual Update to the Old Town HPO-5. The email notice and the required neighborhood association notification letter included information about the public open house.
18. The EPC held a study session regarding the proposed 2021 IDO amendments on December 9, 2021. This was a publicly-noticed meeting.
19. As of this writing, Staff has received two comments expressing support for the recommend change.

Sincerely,



Digitally signed by James M. Aranda
DN: cn=James M. Aranda, o=City of
Albuquerque, ou=Planning Department,
email=jmaranda@cabq.gov, c=US
Date: 2021.12.21 16:11:56 -07'00'

for Alan M. Varela,
Planning Director

AV/SB

cc: Jesse Ehrenberg, jdehrenberg@outlook.com
Sylvia Ramos Cruz, jdehrenberg@outlook.com
Kathy Hiatt, 110 San Felipe St NW, Albuquerque NM, 87104
Ricardo Guillermo, 1108 11th St NW, Albuquerque NM, 87102
Carla Villa, 607 Solano Dr. SE, Albuquerque NM, 87108

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-22-10 ENACTMENT NO. O-2022-022

SPONSORED BY: Isaac Benton and Trudy Jones, by request

1 ORDINANCE

2 ADOPTING CITYWIDE TEXT AMENDMENTS TO THE INTEGRATED
3 DEVELOPMENT ORDINANCE §14-16 FOR THE 2021 IDO ANNUAL UPDATE;
4 AND ADOPTING TEXT AMENDMENTS FOR A SMALL MAPPED AREA, THE
5 OLD TOWN HISTORIC PROTECTION OVERLAY ZONE (HPO-5).

6 WHEREAS, the City Council, the Governing Body of the City of
7 Albuquerque, has the authority to adopt and amend plans for the physical
8 development of areas within the planning and platting jurisdiction of the City
9 authorized by statute, Section 3-19-3, NMSA 1978, and by its home rule
10 powers; and

11 WHEREAS, the City's zoning powers are established by the City charter, in
12 which: Article I, Incorporation and Powers, allows the City to adopt new
13 regulatory structures and processes to implement the Albuquerque-Bernalillo
14 County Comprehensive Plan ("Comp Plan") and help guide future legislation;
15 Article IX, Environmental Protection, empowers the City to adopt regulations
16 and procedures to provide for orderly and coordinated development patterns
17 and encourage conservation and efficient use of water and other natural
18 resources; and Article XVII, Planning, establishes the City Council as the
19 City's ultimate planning and zoning authority; and

20 WHEREAS, the City Council adopted an updated Albuquerque-Bernalillo
21 County Comprehensive Plan ("ABC Comp Plan") in 2017 via R-16-108
22 (Enactment No. R-2017-026), including an updated community vision that is
23 based on a Centers and Corridors approach to growth; and

24 WHEREAS, the 2017 ABC Comp Plan adopted an updated Centers and
25 Corridors map that establishes boundaries for the Centers; designates priority
26 for transportation modes on certain Corridors; and identifies Downtown,

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1 Urban Centers, Activity Centers, Premium Transit Corridors, Major Transit
2 Corridors, and Main Street Corridors as the Centers and Corridors that are
3 intended to be walkable, with a mix of residential and non-residential land
4 uses, and with higher-density and higher-intensity uses; and

5 WHEREAS, the 2017 ABC Comp Plan established a hierarchy of Centers
6 and Corridors from the most to the least walkable, mixed-use, and dense, with
7 Downtown, Urban Centers, Premium Transit Corridors, and Main Street
8 Corridors all intended to be highly walkable, mixed-use, and dense; and

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

11 WHEREAS, the IDO implements the ABC Comp Plan by establishing
12 building design standards specific to Urban Centers (UC), Main Streets (MS),
13 and Premium Transit (PT) areas; and

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

21 WHEREAS, the IDO requires the City to submit proposed changes on an
22 annual basis to further the implementation of the Comp Plan (§14-16-6-3); and

23 WHEREAS, Planning staff compiled proposed amendments that would
24 improve the clarity and implementation of the IDO based on challenges in
25 applying regulations and neighborhood protections in real-world contexts with
26 real-world projects; and

27 WHEREAS, other proposed amendments to IDO text would establish a new
28 regulatory intent responding to changes in demands for housing and business
29 needs as well as other current trends; and

30 WHEREAS, the City understands that predictability of zoning and
31 compatibility of land use and zoning are essential in order to maintain and
32 strengthen economic value and viability for property owners and businesses,

1 and to ensure appropriate and adequate protections for neighboring
2 properties; and

3 WHEREAS, the IDO establishes procedures for adopting and amending
4 small area regulations in areas where different regulations are needed to
5 support and achieve a character of development that differs from results
6 intended from general regulations that apply citywide; and

7 WHEREAS, the Planning Department submitted two applications for
8 Amendment to IDO Text – one for citywide amendments and one for small area
9 amendments – that met all application requirements; and

10 WHEREAS, the IDO requires Amendments to IDO Text to be reviewed by
11 the Environmental Planning Commission (EPC) and decided by City Council
12 as the City’s zoning authority §14-16-6-7(D)(2)(c) and (E)(2)(c); and

13 WHEREAS, the City provided all required notice for an Amendment to IDO
14 Text - Citywide, including publishing a legal ad in the Albuquerque Journal,
15 emailing two representatives of each neighborhood organization registered
16 with the Office of Neighborhood Coordination (ONC), and posting notice on
17 the Planning Department website and on the project website; and

18 WHEREAS, the City provided additional notice with announcements on the
19 Planning Department webpage, and email notice sent to approximately 10,000
20 subscribers to the ABC-Z project update email list on October 29, 2021; and

21 WHEREAS, the Amendment to IDO Text – Citywide is to be reviewed and
22 decided as a legislative action; and

23 WHEREAS, though a neighborhood meeting is not required for an
24 Amendment to IDO Text - Citywide, Planning staff held two public study
25 sessions and three open houses on the proposed IDO Annual Update text
26 amendments in 2021 to present and discuss the proposed changes, respond
27 to questions, and gather feedback; and

28 WHEREAS, the EPC found that the proposed amendments would further a
29 preponderance of adopted City goals and policies, particularly those that
30 pertain to land use and implementation processes; and

31 WHEREAS, the City provided all required notice for an Amendment to IDO
32 Text – Small Area, including publishing a legal ad in the Albuquerque Journal,
33 emailing two representatives of each affected neighborhood organization

1 registered with the Office of Neighborhood Coordination (ONC), posting notice
2 on the Planning Department website and on the project website, and mailing
3 individual property owners within the small mapped area; and

4 WHEREAS, the Amendment to IDO Text – Small Area is to be reviewed and
5 decided as a quasi-judicial action; and

6 WHEREAS, offer of a neighborhood meeting is required for an Amendment
7 to IDO Text – Small Area, and Planning staff held a neighborhood meeting on
8 October 6, 2021 on the proposed IDO text amendments to the Old Town
9 Historic Protection Overlay Zone (HPO-5) to present proposed changes,
10 respond to questions, and gather feedback; and

11 WHEREAS, the EPC voted to forward a recommendation of APPROVAL for
12 both the Text Amendment – Citywide and Text Amendment – Small Area
13 applications to the City Council with findings and recommended conditions
14 that are in the official record; and

15 WHEREAS, Planning staff has incorporated the proposed amendments
16 along with the EPC recommended conditions of approval for both applications
17 into a single redline draft for review by City Council.

18 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
19 ALBUQUERQUE:

20 SECTION 1. The IDO text is amended as shown in Exhibit 1 (Redline Draft).

21 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
22 clause, word or phrase of this ordinance is for any reason held to be invalid or
23 unenforceable by any court of competent jurisdiction, such decision shall not
24 affect the validity of the remaining provisions of this ordinance and each
25 section, paragraph, sentence, clause, word, or phrase thereof irrespective of
26 any provision being declared unconstitutional or otherwise invalid.

27 SECTION 3. EFFECTIVE DATE AND PUBLICATION. This ordinance shall
28 take effect one month after publication by title and general summary
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CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Timothy M. Keller, Mayor

FROM: Chris Melendrez, Director of Council Services *Off 8/17/22*

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. R-22-56 Establishing A Moratorium For Safe Outdoor Spaces As Regulated In The Integrated Development Ordinance For A Period Of 12 Months Or Until The Integrated Development Ordinance Is Amended, Whichever Occurs First (Bassan), which was passed at the Council meeting of August 15, 2022, by a vote of 6 FOR AND 3 AGAINST.

For: Bassan, Grout, Jones, Lewis, Peña, Sanchez
Against: Benton, Davis, Fiebelkorn

In accordance with the provisions of the City Charter, your action is respectfully requested.

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. R-22-56 ENACTMENT NO. _____

SPONSORED BY: Brook Bassan

1 RESOLUTION

2 ESTABLISHING A MORATORIUM FOR SAFE OUTDOOR SPACES AS
3 REGULATED IN THE INTEGRATED DEVELOPMENT ORDINANCE FOR A
4 PERIOD OF 12 MONTHS OR UNTIL THE INTEGRATED DEVELOPMENT
5 ORDINANCE IS AMENDED, WHICHEVER OCCURS FIRST.

6 WHEREAS, O-22-10 established a new land use in the Integrated
7 Development Ordinance (IDO) called Safe Outdoor Spaces; and

8 WHEREAS, Safe Outdoor Spaces are defined as: "A lot, or a portion of a
9 lot, developed to provide designated spaces for occupancy by tents,
10 recreational vehicles, and/or light vehicles. Designated spaces are provided to
11 occupants at no charge. A safe outdoor space offers social services and
12 support facilities."; and

13 WHEREAS, Safe Outdoor Spaces may have unavoidable adverse impacts
14 on the communities in which they are placed; and

15 WHEREAS, during the deliberation of O-22-10 there was broad opposition
16 to the concept of Safe Outdoor Spaces; and

17 WHEREAS, there are other viable, more appropriate solutions to
18 addressing homelessness in Albuquerque such as utilizing existing overnight
19 shelter beds, increasing access to services, and incentivizing housing
20 development; and

21 WHEREAS, for these reasons Safe Outdoor Spaces are not an appropriate
22 allowable land use in the IDO; and

23 WHEREAS, Safe Outdoor Spaces should be removed in its entirety from
24 the IDO; and

[Bracketed/Underscored Material] - New
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1 WHEREAS, this moratorium will allow time for a companion ordinance to
2 be considered by both the Environmental Planning Commission and the City
3 Council that proposes to remove Safe Outdoor Spaces from the IDO.
4 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
5 ALBUQUERQUE:

6 SECTION 1. LAND USE APPLICATIONS AND APPROVALS. The City of
7 Albuquerque shall not accept or approve any pending building permits or land
8 use applications or requests for Safe Outdoor Spaces until the sooner of
9 August 1st 2023, or upon final action by the City Council on bill O-22-33, after
10 which time the City shall take no action inconsistent with bill O-22-33.

11 SECTION 2. CITY PROPERTY. The City shall not authorize the operation of
12 a Safe Outdoor Space on City property, shall halt any pending review or
13 authorization process in furtherance of the occupancy of City property for this
14 purpose, and shall not enter into any new lease or other agreement for this
15 purpose during the duration of this moratorium.

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1 PASSED AND ADOPTED THIS 15th DAY OF August, 2022
2 BY A VOTE OF: 6 FOR 3 AGAINST.

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5 For: Bassan, Grout, Jones, Lewis, Peña, Sanchez

6 Against: Benton, Davis, Fiebelkorn
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11 Isaac Benton, President

12 City Council
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15 APPROVED THIS 26 DAY OF August, 2022
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19 Bill No. R-22-56

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23 Timothy M. Keller, Mayor

24 City of Albuquerque
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27 ATTEST:
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29 _____
30 Ethan Watson, City Clerk
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TIMOTHY M. KELLER, MAYOR

CITY OF ALBUQUERQUE
OFFICE OF THE MAYOR/ CHIEF ADMINISTRATIVE OFFICE

INTEROFFICE MEMORANDUM

TO: CITY COUNCIL

FROM: TIMOTHY M. KELLER, MAYOR 

SUBJECT: VETO OF R-22-56, ESTABLISHING A MORATORIUM FOR SAFE OUTDOOR SPACES AS REGULATED IN THE INTEGRATED DEVELOPMENT ORDINANCE FOR A PERIOD OF 12 MONTHS OR UNTIL THE INTEGRATED DEVELOPMENT ORDINANCE IS AMENDED, WHICH EVER OCCURRS FIRST (BASSAN)

DATE: AUGUST 26, 2022

Like most major American cities, over the past several years we have seen an increase in the number of unhoused individuals on our streets. Although this problem is not unique to Albuquerque, it is clear that we must find innovative solutions to address this challenge. We must work together as elected officials to provide needed services, temporary shelter for individuals and families and permanent housing for all, while keeping our neighborhoods, our parks, and our businesses safe.

Currently across our country, there is no singular idea that seems to be having a material impact in this area. What has been shown is that cities need the flexibility and availability of a wide range of options to be able to match the wide range of situations we find in our unsheltered

population. My administration is committed to considering every tool to provide solutions to homelessness, including working with local business and faith-based partners, supporting the efforts of the multiple city departments working on addressing the causes and effects of homelessness, such as fully funding and staffing the Gateway Center, supporting resources and services for the vulnerable and the unhoused, and acquiring and developing more transitional, supportive, affordable and long-term housing options.

Our obligation as elected officials is to work together to respond to the needs of our community with open minds and intentional leadership. We simply cannot limit our options for addressing the needs of our most vulnerable residents. We need every tool at our disposal to confront the unhoused crisis and we need to be willing to act courageously.

Lastly, it is my Administration's intent to work to make policies effective for stakeholders that engage with our government. As a former state Senator, I understand there are times when new policies need to be changed based on new information or after re-evaluating tested policies. However, reasonable time, testing and piloting has not been allowed in this short two month time frame. With several Safe Outdoor Spaces permitted or pending, I am also not encouraged by the likelihood of exposing the City and the community to prolonged legal issues.

For these reasons, I am exercising my veto authority for R-22-56. I have consistently advocated for an all-of-the-above approach to address homelessness in Albuquerque. I look forward to working with City Council, the community, and local business, faith and community partners to thoughtfully consider and implement realistic, effective, and compassionate solutions in the future.

CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Timothy M. Keller, Mayor

FROM: Chris Melendrez, Director of Council Services

Off 8/17/22

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. R-22-56 Establishing A Moratorium For Safe Outdoor Spaces As Regulated In The Integrated Development Ordinance For A Period Of 12 Months Or Until The Integrated Development Ordinance Is Amended, Whichever Occurs First (Bassan), which was passed at the Council meeting of August 15, 2022, by a vote of 6 FOR AND 3 AGAINST.

For: Bassan, Grout, Jones, Lewis, Peña, Sanchez
Against: Benton, Davis, Fiebelkorn

In accordance with the provisions of the City Charter, your action is respectfully requested.

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. R-22-56 ENACTMENT NO. _____

SPONSORED BY: Brook Bassan

1 RESOLUTION

2 ESTABLISHING A MORATORIUM FOR SAFE OUTDOOR SPACES AS
3 REGULATED IN THE INTEGRATED DEVELOPMENT ORDINANCE FOR A
4 PERIOD OF 12 MONTHS OR UNTIL THE INTEGRATED DEVELOPMENT
5 ORDINANCE IS AMENDED, WHICHEVER OCCURS FIRST.

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7 Development Ordinance (IDO) called Safe Outdoor Spaces; and

8 WHEREAS, Safe Outdoor Spaces are defined as: "A lot, or a portion of a
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11 occupants at no charge. A safe outdoor space offers social services and
12 support facilities."; and

13 WHEREAS, Safe Outdoor Spaces may have unavoidable adverse impacts
14 on the communities in which they are placed; and

15 WHEREAS, during the deliberation of O-22-10 there was broad opposition
16 to the concept of Safe Outdoor Spaces; and

17 WHEREAS, there are other viable, more appropriate solutions to
18 addressing homelessness in Albuquerque such as utilizing existing overnight
19 shelter beds, increasing access to services, and incentivizing housing
20 development; and

21 WHEREAS, for these reasons Safe Outdoor Spaces are not an appropriate
22 allowable land use in the IDO; and

23 WHEREAS, Safe Outdoor Spaces should be removed in its entirety from
24 the IDO; and

[Bracketed/Underscored Material] - New
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1 WHEREAS, this moratorium will allow time for a companion ordinance to
2 be considered by both the Environmental Planning Commission and the City
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4 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
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1 PASSED AND ADOPTED THIS 15th DAY OF August, 2022
2 BY A VOTE OF: 6 FOR 3 AGAINST.

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5 For: Bassan, Grout, Jones, Lewis, Peña, Sanchez

6 Against: Benton, Davis, Fiebelkorn
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11 Isaac Benton, President

12 City Council
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15 APPROVED THIS 26 DAY OF August, 2022
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19 Bill No. R-22-56

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23 Timothy M. Keller, Mayor

24 City of Albuquerque
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27 ATTEST:
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29 _____
30 Ethan Watson, City Clerk
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APPLICANT INFORMATION



CITY OF ALBUQUERQUE CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Alan Varela, Director – Planning Department

FROM: Chris Melendrez, Director – Council Services



SUBJECT: Bill No. O-22-33

DATE: August 2nd, 2022

The attached ordinance was introduced by the City Council on August 1, 2022. The intent of the ordinance is to remove all references to Safe Outdoor Spaces in the Integrated Development Ordinance (IDO) through a Text Amendment to IDO – Citywide procedure as outlined in the IDO.

We request that you submit this ordinance to the Environmental Planning Commission (EPC) for a September EPC hearing.

Please submit the EPC comments and recommendations, including the transcripts from the meeting, back to the City Council as soon as possible.

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



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	Decisions Requiring a Public Meeting or Hearing	Policy Decisions
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input checked="" type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		Appeals
		<input type="checkbox"/> Decision by EPC, LC, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant: Albuquerque City Council		Phone: 505-768-3100
Address: 1 Civic Plaza NW, Suite 9085		Email: jcartier@cabq.gov
City: Albuquerque	State: NM	Zip: 87102
Professional/Agent (if any): Shanna Schultz		Phone: 505-768-3185
Address: 1 Civic Plaza, Suite 9085		Email: smschultz@cabq.gov
City: Albuquerque	State: NM	Zip: 87102
Proprietary Interest in Site:		List <u>all</u> owners:

BRIEF DESCRIPTION OF REQUEST

Proposed text amendment to IDO to remove all references to Safe Outdoor Spaces

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.: N/A	Block:	Unit:
Subdivision/Addition:	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s):	Existing Zoning:	Proposed Zoning:
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (acres):

LOCATION OF PROPERTY BY STREETS

Site Address/Street:	Between:	and:
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CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

Signature:	Date: August 3, 2022
Printed Name: Shanna Schultz	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees

Meeting/Hearing Date:	Fee Total:
Staff Signature:	Date: Project #

Form Z: Policy Decisions

Please refer to the EPC hearing schedule for public hearing dates and deadlines. Your attendance is required.

A single PDF file of the complete application including all plans and documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD.

☐ **INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted)**

- ☐ Interpreter Needed for Hearing? ☐ if yes, indicate language: _____
- ☐ Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- ☐ Letter of authorization from the property owner if application is submitted by an agent
- ☐ Traffic Impact Study (TIS) form (*not required for Amendment to IDO Text*)
- ☐ Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled (*not required for Amendment to IDO Text*) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

☐ **ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN**

☐ **ADOPTION OR AMENDMENT OF FACILITY PLAN**

- ☐ Plan, or part of plan, to be amended with changes noted and marked
- ☐ Letter describing, explaining, and justifying the request per the criteria in IDO Sections 14-16-6-7(A)(3) or 14-16-6-7(B)(3), as applicable
- ☐ Required notices with content per IDO Section 14-16-6-4(K)(6)
 - ☐ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - ☐ Proof of emailed notice to affected Neighborhood Association representatives
 - ☐ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

☒ **AMENDMENT TO IDO TEXT**

- ☒ Section(s) of the Integrated Development Ordinance to be amended with changes noted and marked
- ☒ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(D)(3)
- ☒ Required notices with content per IDO Section 14-16-6-4(K)(6)
 - ☒ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - ☐ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

☐ **ZONING MAP AMENDMENT – EPC**

☐ **ZONING MAP AMENDMENT – COUNCIL**

- ☐ Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- ☐ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable
- ☐ Required notices with content per IDO Section 14-16-6-4(K)(6)
 - ☐ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - ☐ Proof of emailed notice to affected Neighborhood Association representatives
 - ☐ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing
- ☐ Sign Posting Agreement

☐ **ANNEXATION OF LAND**

- ☐ Application for Zoning Map Amendment *Establishment of zoning must be applied for simultaneously with Annexation of Land.*
- ☐ Petition for Annexation Form and necessary attachments
- ☐ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(E)(3)
- ☐ Board of County Commissioners (BCC) Notice of Decision

I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.

Signature:

Date: August 3, 2022

Printed Name:

Shanna Schultz

☐ Applicant or ☒ Agent

FOR OFFICIAL USE ONLY

Project Number:

Case Numbers

-

-

-

Staff Signature:

Date:



September 3, 2022

Timothy MacEachen, Chair
Environmental Planning Commission
c/o City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

Dear Chair MacEachen,

Please accept this revised letter of justification, required by IDO Subsection 14-16-6-7(D)(3), for an Amendment to IDO Text – Citywide, submitted for the Environmental Planning Commission’s review and recommendation to the City Council. This letter has been revised to incorporate changes and expanded justification per EPC staff’s request. Notice of this request was sent pursuant to IDO requirements, as provided in the application materials.

Background and Context

On June 6th, 2022 the City Council, via the IDO Annual Update Process and Council bill O-22-10, created a new land use and associated regulations for Safe Outdoor Spaces. My understanding of the original intention of Safe Outdoor Spaces was to allow a space for someone to place a tent, a car, or a recreational vehicle (RV) in a safe location where they could reside as an alternative to what happens now: tents, cars, and RVs in parks, on sidewalks, in alleys, or unauthorized on private property.

It is clear to me, particularly after hearing from a myriad of constituents, that this land use will not further applicable goals and policies within the City of Albuquerque and that there are other more appropriate methods of addressing the homeless population, including utilizing the existing services and shelter spaces that are available today. There are also other land uses in the IDO that a property owner could pursue if interested in assisting this population, such as an Overnight Shelter, permanent housing, or a campground for example.

This request is prompted by the introduction of City Council ordinance O-22-33, which I sponsored as a means to propose rescinding all of the provisions related to Safe Outdoor Spaces in the IDO. I am requesting to remove Safe Outdoor Spaces in the IDO because I do not believe that as a land use it furthers applicable goals and policies in the Comprehensive Plan.

Justification for the request as required by 6-7(D)(3)

The IDO requires that *all* of the following criteria be met for approval of an Amendment to IDO Text – Citywide. Please find my justification for each criterion below.

6-7(D)(3)(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.

Response: ABC Comp Plan policies support this criterion for a text amendment to the IDO to remove all references to Safe Outdoor Spaces, which furthers the following applicable Goals and policies in the ABC Comp Plan. The text amendment will apply to both Areas of Consistency and Areas of Change, as Safe Outdoor Spaces are an allowed use in a variety of zones that exist in both Areas of Consistency and Change.

“Goal 4.1 Character – Enhance, protect, and preserve distinct communities.” is furthered by the request through the following policies:

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

*Response: This policy is **furthered** by the removal of Safe Outdoor Spaces (SOS) in the IDO because SOS have minimal design requirements, prohibiting the City from requiring a high-quality level of development to ensure that distinct character is maintained in any particular community.*

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.

*Response: This policy is **furthered** by the removal of Safe Outdoor Spaces (SOS) in the IDO because a SOS will not protect the identity and cohesiveness of neighborhoods. Again, there are minimal design requirements to ensure the character of the site design will be complimentary to the communities in which they may exist.*

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

- a) Respect existing neighborhood values and social, cultural, recreational resources.
- c) Support improvements that protect stable, thriving residential neighborhoods and enhance their attractiveness.

*Response: This policy is **furthered** by the removal of Safe Outdoor Spaces (SOS) in the IDO because SOS will not enhance, protect, or preserve neighborhoods and traditional communities. This land use is not intended to be permanent and may disrupt the established nature of the surrounding communities in which they are placed due to the temporary nature.*

“Goal 5.2 Complete Communities – Foster communities where residents can live, work, learn, shop, and play together.” is furthered by the request through the following policies:

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

- a) Encourage development and redevelopment that brings goods, services, and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.
- c) Maintain the characteristics of distinct communities through zoning and design standards that are consistent with long-established residential development patterns.
- f) Encourage higher density housing as an appropriate use in the following situations:
 - i. Within designated Centers and Corridors;
 - ii. In areas with good street connectivity and convenient access to transit;
 - iii. In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses, and where adequate infrastructure is or will be available;
 - iv. In areas now predominantly zoned single-family only where it comprises a complete block face and faces onto similar or higher density development;
 - v. In areas where a transition is needed between single-family homes and much more intensive development.

*Response: This policy is **furthered** by the removal of Safe Outdoor Spaces (SOS) in the IDO because SOS will not create healthy, sustainable, or distinct communities. This use may disrupt the characteristics of distinct communities due to the lack of regulation regarding site design and operating procedures. This ABC Comp Plan policy calls for higher density housing in certain instances. Safe outdoor spaces being an allowed use in all mixed-use zones takes away opportunities for higher density housing, where appropriate.*

“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.” is furthered by the request through the following policies:

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.

- a) Minimize the impacts of locally unwanted land uses on surrounding areas through policies, regulations, and enforcement.
- b) Ensure appropriate setbacks, buffers, and/or design standards to minimize offsite impacts.

*Response: This policy is **furthered** by the removal of Safe Outdoor Spaces (SOS) in the IDO because SOS are allowed in zoning districts in areas of Albuquerque that are already overburdened with similar types of social services and their complimentary land uses such as Overnight Shelters and Group Homes. These areas tend to be well-serviced by transit and have access to other social services such as meal provisions and discounted medical care. There are no proposed protections to prohibit the clustering of SOS in areas such as these are already overburdened.*

“Goal 5.4 – Jobs-Housing Balance – Balance jobs and housing by encouraging residential growth near employment across the region and prioritizing job growth west of the Rio Grande.” is furthered by the request through the following policy:

POLICY 5.4.2 West Side Jobs: Foster employment opportunities on the West Side.

*Response: This policy is **furthered** by the removal of Safe Outdoor Spaces (SOS) in the IDO because SOS are an allowed use in zones that could otherwise provide employment opportunities on the West Side. [This map](#) shows that the entirety of the Volcano Heights Urban Center, parcels abutting Central Avenue west of the river, and several parcels abutting Coors Boulevard have the appropriate zoning for an SOS. This is in direct opposition of this ABC Comp Plan policy to foster employment opportunities west of the river where the land use may take limited land appropriately zoned for employment opportunities. Removing SOS from the IDO will retain those parcels’ availability to be developed into employment opportunities.*

“Goal 7.3 Sense of Place – Reinforce sense of place through context-sensitive design of development and streetscapes.” is furthered by the request through the following policy:

POLICY 7.3.5 Development Quality: Encourage innovative and high quality design in all development.

Response: Safe Outdoor Spaces (SOS) have minimal design requirements and are exempted from all landscaping standards. The City can’t ensure that an SOS will provide high-quality design without requirements in the IDO to do so.

“Goal 7.5 Context-Sensitive Site Design – Design sites, buildings, and landscape elements to respond to the high desert environment.” is furthered by the request through the following policy:

POLICY 7.5.1 Landscape Design: Encourage landscape treatments that are consistent with the high desert climate to enhance our sense of place.

Response: Safe Outdoor Spaces (SOS) are exempted from landscaping requirements, making the use incompatible with this ABC Comp Plan policy.

“Goal 8.1 Placemaking – Create places where business and talent will stay and thrive.” is furthered through the following policy:

POLICY 8.1.5 Available Land: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.

Response: Safe Outdoor Spaces (SOS) are permissive uses in NR-C, NR-BP, NR-LM, and NR-GM – zoning districts that are intended to accommodate commercial and industrial uses. Within the city

limits, there is little existing acreage with these zoning designations. SOS being permissive in these zones takes away the potential development of future economic development uses in these zoning districts. An SOS is a very low-intensity use that could not maximize the development potential of an NR-designated parcel.

6-7(D)(3)(b) The proposed amendment does not apply to only one lot or development project.

Response: The proposed amendment does not apply to only one lot or development project.

6-7(D)(3)(c) The proposed amendment promotes public health, safety, and welfare.

Response: Removing Safe Outdoor Spaces (SOS) from the IDO will promote public health, safety, and welfare. The lack of requirements – from a design perspective and an operations perspective - for an SOS, the temporary nature of the use, and the availability of other resources available to address the growing population of homeless in Albuquerque are all reasons that this is not an appropriate land use in the IDO. This use is more appropriate to occur inside a building, especially in the height of summer when outdoor temperatures may exceed 100 degrees or in the depth of winter when freezing temperatures and wet conditions could be dangerous to an individual in a tent or car. There are other land uses that interested operators could pursue that would be better suited to assist this population, including Overnight Shelters or Group Homes. The IDO is already well equipped to offer these options for interested operators, making the creation of a highly unregulated land use not necessary.

Conclusion

This request for an Amendment to IDO Text – Citywide has been adequately justified based on all three required criteria. I urge your support to recommend to the City Council that Safe Outdoor Spaces in their entirety be removed in the Integrated Development Ordinance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brook Bassan', with a long, wavy line extending to the right.

Brook Bassan
City Councilor, District 4

Specific pages and sections to be amended per O-22-33

Section references and page numbers are per the July 2022 effective draft

1. Table 4-2-1, Page 150 – Strike “Safe outdoor space” in the use table
2. Section 4-3(C)(8), Page 161 – Strike the two references in the “Religious Institution” Land Use
3. Section 4-3(G)(8), Page 216 – Strike the “Safe Outdoor Space” land use and all use-specific standards
4. Table 5-5-1, Page 271 – Strike the “Safe outdoor space” line in the table
5. Section 7-1, Page 591 – Strike the definition of a “Safe Outdoor Space”

STAFF INFORMATION

August 30, 2022

TO: Shanna Shultz, Council Services

FROM: Catalina Lehner, Principal Planner
Megan Jones, Current Planner
City of Albuquerque Planning Department

TEL: (505) 924-3935

RE: Project # 2018-001843 / RZ-2022-00043 IDO Text Amendment SOS

We've completed an initial review of the proposed Text Amendments to the IDO to remove references to Safe Outdoor Spaces (SOS). We would like to discuss the request to further our understanding and for clarity.

Please provide the following:

⇒ Revised Project Letter including justification response to criteria (electronically)

3 pm on Thursday 9/1, 2022.

Note: If you have difficulty with this deadline, please let us know.

1) Introduction:

- A. Though we've done our best for this review, additional items may arise as the case progresses. If so, we will inform you immediately.
- B. It is our understanding that this request is for a Text Amendment to the IDO (Bill NO. 00-22-33). The intent is to remove all references to Safe Outdoor Spaces from the following sections:

	<i>Page</i>	<i>Section</i>	<i>Change</i>
1	150	4-2: Allowable Uses	Strike "Safe outdoor space" in Table 4-2-1
2	161	4-3(C)(8): Religious Institution	Strike the two references in the Use Specific Standards
3	216	4-3(G)(8): Safe Outdoor Space	Strike the "Safe Outdoor Space" land use and all use specific standards
4	271	5-5 Parking & Loading	Strike the "Safe outdoor space" line in Table 5-5-1: Minimum Off-street Parking Requirements
5	591	7-1: Definitions	Strike the definition of a "Safe Outdoor Space"

Does the above look correct?

- C. Is there anything you'd like to tell us about the request? Can you elaborate on the background and context.

2) Process:

- A. Information regarding the EPC process, including the calendar and current Staff reports, can be found at:
<http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission>
- B. Timelines and EPC calendar: the EPC public hearing for September 15, 2021. Final staff reports will be available one week prior, on September 8, 2022.
- C. Agency comments will be distributed as staff receives them. I will email you a copy of the comments.

3) Notification & Neighborhood Issues:

Notification requirements for a major amendment are explained in Section 14-16-6-4(K), Public Notice (IDO, p. 345). The required notification consists of: i) an offer of neighborhood meeting, ii) an emailed letter to neighborhood representatives indicated by the ONC, iii) a mailed letter (first-class) to property owners within 100 feet of the subject site, and iv) yellow sign posting.

- A. It appears that notification offering the pre-application facilitated meeting is complete. A pre-application facilitated meeting was not requested.
- B. The notification to property owners also appears complete. Thank you for providing photos of the certified mail receipts and a list of the NAs.
- C. Has there been any other neighborhood contact and/or concerns about the proposed legislation?

4) Project Letter:

- A. The project letter would benefit from a section near the beginning to explain, for the record, where the request came from and why the EPC is seeing it.
- B. The task in a justification is to choose applicable Goals and policies from the Comprehensive Plan and demonstrate how the request furthers (makes a reality) each applicable Goal and policy. Furthering is shown by providing explanations using "because" statements and tailoring the response to match the wording of the Goal or policy.
- C. Please expand on your responses to the Text Amendments – 6-7(E)(3) Review and Decision Criteria. Specifically, the nexus between each citation and the request would benefit from strengthening.
- D. We noticed that no Goals are cited. Please add some; in policy analysis, the goals are easier and more likely to apply to legislative matters and make more sense in a larger context. The subpolicies, which get down to design specifics, are less germane.

NOTIFICATION

Subject: REVISED- Amendment to IDO Text - Citywide Public Notice Inquiry Sheet Submission
Date: Tuesday, August 2, 2022 at 3:48:21 PM Mountain Daylight Time
From: Carmona, Dalaina L.
To: Schultz, Shanna M.
Attachments: REVISED - NA List for Amendment to IDO Text for Shanna Schultz as of 8-2-22.xls, image001.png, image002.png, image003.png, image004.png, image005.png, image006.png

Shanna,

Here is the REVISED List!

Thank you,



Dalaina L. Carmona

Senior Administrative Assistant
Office of Neighborhood Coordination
Council Services Department
1 Civic Plaza NW, Suite 9087, 9th Floor
Albuquerque, NM 87102
505-768-3334
dlcarmona@cabq.gov or ONC@cabq.gov
Website: www.cabq.gov/neighborhoods



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From: Carmona, Dalaina L. <>
Sent: Tuesday, August 2, 2022 2:09 PM
To: Schultz, Shanna M. <smschultz@cabq.gov>
Subject: Amendment to IDO Text - Citywide Public Notice Inquiry Sheet Submission

PLEASE NOTE:

The City Council recently voted to update the Neighborhood Association Recognition Ordinance (NARO) and the Office of Neighborhood Coordination (ONC) is working to ensure all neighborhood associations and neighborhood coalitions are in compliance with the updated ordinance. There will likely be many updates and changes to association and coalition contact information over the next several months. With that in mind, please check with the ONC every two (2) weeks to ensure that

the contact information you have for associations and coalitions is up to date.

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

SEE ATTACHMENT – FYI: Highlighted HOA’s are members to a Coalition

The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: devhelp@cabq.gov, or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

Please note the following:

- You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project.
- Please use this online link to find the required forms you will need to submit your permit application. <https://www.cabq.gov/planning/urban-design-development/public-notice>.
- The Checklist form you need for notifying neighborhood associations can be found here: https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ-Official_public_notice_form-2019.pdf.
- The Administrative Decision form you need for notifying neighborhood associations can be found here: <https://documents.cabq.gov/planning/online-forms/PublicNotice/Emailed-Notice-Administrative-Print&Fill.pdf>
- Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s):

<http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If your application requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders and recommendations. The health and safety of the community is paramount.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each:

<https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>

Thank you.



Dalaina L. Carmona

Senior Administrative Assistant
Office of Neighborhood Coordination
Council Services Department
1 Civic Plaza NW, Suite 9087, 9th Floor
Albuquerque, NM 87102
505-768-3334

dlcarmona@cabq.gov or ONC@cabq.gov

Website: www.cabq.gov/neighborhoods



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From: webmaster=cabq.gov@mailgun.org <webmaster=cabq.gov@mailgun.org> **On Behalf Of**
webmaster@cabq.gov

Sent: Monday, August 1, 2022 11:23 AM

To: Schultz, Shanna M. <smschultz@cabq.gov>

Cc: Office of Neighborhood Coordination <onc@cabq.gov>

Subject: Public Notice Inquiry Sheet Submission

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

Public Notice Inquiry For:

Environmental Planning Commission

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

Contact Name

Shanna Schultz

Telephone Number

5057683158

Email Address

smschultz@cabq.gov

Company Name

Council Services

Company Address

1 Civic Plaza NW, Suit 9087

City

Albuquerque

State

NM

ZIP

87102

Legal description of the subject site for this project:

No physical address - request is an Amendment to IDO Text - Citywide.

Physical address of subject site:

N/A

Subject site cross streets:

N/A

Other subject site identifiers:

This site is located on the following zone atlas page:

Captcha

x

Association Name	First Name	Last Name	Email	Address Line 1	Address: City	State	Zip
ABQ Park NA	Steve	Randall	srandall52@comcast.net	7424 Arvada NE	Albuquerque	NM	87110
ABQ Park NA	Shirley	Lockyer	shirleylockyer@gmail.com	7501 Sky Court Circle NE	Albuquerque	NM	87110
ABQCore Neighborhood Association	Rick	Rennie	rickrennie@comcast.net	326 Lucero Road	Albuquerque	NM	87048
ABQCore Neighborhood Association	Joaquin	Baca	bacajoaquin9@gmail.com	100 Gold Avenue #408	Albuquerque	NM	87102
Academy Estates East NA	Larry	Pope	lepope@msn.com	9000 Galaxia Way NE	Albuquerque	NM	87111
Academy Hills Park NA	Nadine	Waslosky	nwaslosky@comcast.net	9816 Compadre Lane NE	Albuquerque	NM	87111
Academy Hills Park NA	Donald	Couchman	dhc@zianet.com	6441 Concordia Road NE	Albuquerque	NM	87111
Academy North NA	Debra	Wehling	dwehling@outlook.com	8112 Ruidoso NE	Albuquerque	NM	87109
Academy North NA	Adam	Warrington	adamjwar@hotmail.com	8400 Parrot Run Road NE	Albuquerque	NM	87109
Academy Park HOA	William	Pratt	prattsalwm@yahoo.com	6753 Kelly Ann Road NE	Albuquerque	NM	87109
Academy Park HOA	Chris	Ocksrider	chris@ocksriderlawfirm.com	6733 Kelly Ann Road NE	Albuquerque	NM	87109
Academy Ridge East NA	Ellen	Wilsey	ellielw@comcast.net	10828 Academy Ridge Road NE	Albuquerque	NM	87111
Academy Ridge East NA	Tom	Arnold	arnoldtom@yahoo.com	10901 Academy Ridge Road NE	Albuquerque	NM	87111
Alameda North Valley Association	Deborah	Potter		1019 Guadalupe Court NW	Albuquerque	NM	87114
Alameda North Valley Association	Steve	Wentworth	anvanews@aol.com	8919 Boe Lane NE	Albuquerque	NM	87113
Alamosa NA	Jeanette	Baca	jeanettebaca973@gmail.com	900 Field SW	Albuquerque	NM	87121
Alamosa NA	Jerry	Gallegos	jgallegoswccdg@gmail.com	5921 Central Avenue NW	Albuquerque	NM	87105
Albuquerque Meadows Residents Association	Frances	Cunzeman	jc.fc.cunz@gmail.com	7112 Pan American E Frwy	#388 Albuquerque	NM	87109
Albuquerque Meadows Residents Association	Judy	Green	sandijg@hotmail.com	7112 Pan American E Frwy	#25 Albuquerque	NM	87109
Altura Addition NA	Denise	Hammer	archhero@aol.com	1735 Aliso Drive NE	Albuquerque	NM	87110
Altura Addition NA	Colin	Adams	colinadams@earthlink.net	1405 Solano Drive NE	Albuquerque	NM	87110
Altura Park NA	Neal	Spero	nspero@phs.org	4205 Hannett NE	Albuquerque	NM	87110
Altura Park NA	Robert	Jackson	rajackso@msn.com	4125 Hannett NE	Albuquerque	NM	87110
Alvarado Gardens NA	Mike	Dexter	medexter49@gmail.com	3015 Calle San Ysidro NW	Albuquerque	NM	87107

Alvarado Gardens NA	Diana	Hunt	president@alvaradoneighborhood.com	2820 Candelaria Road NW	Albuquerque NM	87107
Alvarado Park NA	Robert	Habiger	apna87110@gmail.com	2101 Valencia NE	Albuquerque NM	87110
Alvarado Park NA	Darcy	Bushnell	dmc793@gmail.com	2017 Alvarado Drive NE	Albuquerque NM	87110
Anderson Hills NA	Kristi	McNair	321kris@gmail.com	3127 Rio Plata Drive SW	Albuquerque NM	87121
Anderson Hills NA	Jan	LaPitz	jlapitz@hotmail.com	3120 Rio Plata Drive SW	Albuquerque NM	87121
Antelope Run NA	Dean	Willingham	dwillingham@redw.com	11809 Ibex Avenue NE	Albuquerque NM	87111
Antelope Run NA	Alex	Robinson	alexlrnm@comcast.net	12033 Ibex Avenue NE	Albuquerque NM	87111
Arroyo Del Oso North NA	Willie	Orr	willieorr1@msn.com	7930 Academy Trail NE	Albuquerque NM	87109
Arroyo Del Oso North NA	Max	Dubroff	adonneighborhood@gmail.com	7812 Charger Trail NE	Albuquerque NM	87109
Avalon NA	Joseph	Damon	avalonnw@comcast.net	9205 Harbor Road NW	Albuquerque NM	87121
Avalon NA	Lucy	Anchondo	avalon3a@yahoo.com	601 Stern Drive NW	Albuquerque NM	87121
Barelas NA	Courtney	Bell	liberty.c.bell@icloud.com	500 2nd Street SW #9	Albuquerque NM	87102
Barelas NA	Lisa	Padilla	lisa@swop.net	904 3rd Street SW	Albuquerque NM	87102
Bear Canyon NA	Patsy	Beck	patsybeck@aol.com	7518 Bear Canyon Road NE	Albuquerque NM	87109
Bear Canyon NA	Brian	Stone	bstone@yahoo.com	5800 La Madera NE	Albuquerque NM	87109
BelAir NA	Seth	Arseneau	ions82@hotmail.com	2838 Manzano Street NE	Albuquerque NM	87110
BelAir NA	Barb	Johnson	flops2@juno.com	2700 Hermosa Drive NE	Albuquerque NM	87110
Campus NA	Kenny	Stansbury	kenny.stansbury@gmail.com	615 Vassar NE	Albuquerque NM	87106
Campus NA	Calvin	Martin	calmartin93@gmail.com	411 Girard Avenue NE	Albuquerque NM	87106
Cherry Hills Civic Association	Hank	Happ	hhapp@juno.com	8313 Cherry Hills Road NE	Albuquerque NM	87111
Cherry Hills Civic Association	Ellen	Dueweke	edueweke@juno.com	8409 Cherry Hills Road NE	Albuquerque NM	87111
Cibola Loop NA	Ginny	Forrest	gforrest47@comcast.net	4113 Logan Road NW	Albuquerque NM	87114
Cibola Loop NA	Julie	Rael	learrael@aol.com	10700 Del Sol Park Drive NW	Albuquerque NM	87114
Cibola NA	Michael	Alexander	michael.alexander@altadt.com	2516 Madre Drive NE	Albuquerque NM	87112
Cibola NA	Joseph	Freedman	josefree@yahoo.com	13316 Tierra Montanosa Drive NE	Albuquerque NM	87112
Cielito Lindo NA	Karl	Hattler	khattler@aol.com	3705 Camino Capistrano NE	Albuquerque NM	87111

Cielito Lindo NA	Patricia	Duda	pat.duda.52@gmail.com	3720 Camino Capistrano NE	Albuquerque	NM	87111
Citizens Information Committee of Martineztown	Frank	Martinez		501 Edith Boulevard NE	Albuquerque	NM	87102
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South West Alliance of Neighborhoods (SWAN Coalition)	Jerry	Gallegos	jgallegoswccdg@gmail.com	5921 Central Avenue NW	Albuquerque	NM	87105
South West Alliance of Neighborhoods (SWAN Coalition)	Luis	Hernandez Jr.	luis@wccdg.org	5921 Central Avenue NW	Albuquerque	NM	87105
Southeast Heights NA	Pete	Belletto	pmbdoc@yahoo.com	902 Valverde Drive SE	Albuquerque	NM	87108
Southeast Heights NA	John	Pate	jpate@molzencorbin.com	1007 Idlewilde Lane SE	Albuquerque	NM	87108
Spruce Park NA	Peter	Swift	pnsswift@comcast.net	613 Ridge Place NE	Albuquerque	NM	87106
Spruce Park NA	John	Cochran	jrcochr@gmail.com	1300 Los Lomas Road NE	Albuquerque	NM	87106
Spruce Park NA	Bart	Cimenti	bartj505@gmail.com	1502 Roma Avenue NE	Albuquerque	NM	87106
SR Marmon NA	Sally	Powell	sally@srmna.org	3301 Coors Boulevard NW	Albuquerque	NM	87120
SR Marmon NA	Em	Ward	info@srmna.org	PO Box 7434	Albuquerque	NM	87194

Stardust Skies North NA	Tillery	Dingler	tillery3@icloud.com	7727 Hermanson Place NE	Albuquerque	NM	87110
Stardust Skies North NA	Mary	Hawley	mtbsh@comcast.net	7712 Hendrix Road NE	Albuquerque	NM	87110
Stardust Skies Park NA	Matt	Stratton	mateo.stratton@gmail.com	7309 Bellrose NE	Albuquerque	NM	87110
Stardust Skies Park NA	Kim	Lovely-Peake	lovelypeake@comcast.net	7100 Bellrose NE	Albuquerque	NM	87110
Stinson Tower NA	Bruce	Rizzieri	stnapres@outlook.com	1225 Rael Street SW	Albuquerque	NM	87121
Stinson Tower NA	Lucy	Arzate-Boyles	arzate.boyles2@yahoo.com	3684 Tower Road SW	Albuquerque	NM	87121
Stronghurst Improvement Association Incorporated	Mark	Lines	aberdaber@comcast.net	3010 Arno Street NE	Albuquerque	NM	87107
Stronghurst Improvement Association Incorporated	William	Sabatini	wqsabatini@gmail.com	2904 Arno Street NE	Albuquerque	NM	87107
Summit Park NA	Kate	Franchini	franchini.kathryn@gmail.com	1809 Rita Drive NE	Albuquerque	NM	87106
Summit Park NA	Joe	Brooks	joebrooks@homesinabq.com	1418 Wellesley Drive NE	Albuquerque	NM	87106
Supper Rock NA	Kathleen	Schindler-Wright	srock692@comcast.net	PO Box 50577	Albuquerque	NM	87101
Supper Rock NA	Ken	O'Keefe	cnkokeefe@msn.com	600 Vista Abajo Drive NE	Albuquerque	NM	87123
Sycamore NA	Richard	Vigliano	richard@vigliano.net	1205 Copper NE	Albuquerque	NM	87106
Sycamore NA	Mardon	Gardella	mg411@q.com	411 Maple Street NE	Albuquerque	NM	87106
Taylor Ranch NA	Linda	Vrooman	lindavrooman61@gmail.com	5135 San Jorge NW	Albuquerque	NM	87120
Taylor Ranch NA	Rene	Horvath	aboard111@gmail.com	5515 Palomino Drive NW	Albuquerque	NM	87120
The Courtyards NA	Diane	Blackwood	diane@blackwood.org	8005 Basalt NW	Albuquerque	NM	87120
The Courtyards NA	Jackie	Cooke	jackiecooke@comcast.net	PO Box 7823	Albuquerque	NM	87194
The Paloma Del Sol NA	Roland	Quintana	rq1dq1@gmail.com	10412 Calle Contento NW	Albuquerque	NM	87114
The Paloma Del Sol NA	Bob	McElearney	bob.mcelearney@yahoo.com	5009 San Timoteo Avenue NW	Albuquerque	NM	87114
The Quail Springs NA	Laura	High	laurah067@gmail.com	7135 Quail Springs Place NE	Albuquerque	NM	87113
The Quail Springs NA	Goldialu	Stone	gstone@swcp.com	7116 Quail Springs Place NE	Albuquerque	NM	87113
Thomas Village NA	Debbie	Ridley	dlrhealing@aol.com	3247 Calle De Deborah NW	Albuquerque	NM	87104
Thomas Village NA	Richard	Meyners	abqrmeyners@gmail.com	3316 Calle De Daniel NW	Albuquerque	NM	87104

Tres Volcanes NA	Rick	Gallagher	randm196@gmail.com	8401 Casa Gris Court NW	Albuquerque	NM	87120
Tres Volcanes NA	Thomas	Borst	t0m2pat@yahoo.com	1908 Selway Place NW	Albuquerque	NM	87120
Trumbull Village Association	Alyce	Ice	alyceice@gmail.com	6902 4th Street NE	Los Ranchos	NM	87107
Trumbull Village Association	Joanne	Landry	landry54@msn.com	7501 Trumbull SE	Albuquerque	NM	87108
Tuscany NA	Harry	Hendriksen	hlhen@comcast.net	10592 Rio Del Sol NW	Albuquerque	NM	87114
Tuscany NA	Janelle	Johnson	vistadelnorte@me.com	PO Box 6270	Albuquerque	NM	87197
University Heights NA	Mandy	Warr	mandy@theremedyspa.com	119 Vassar Drive SE	Albuquerque	NM	87106
University Heights NA	Don	Hancock	sricdon@earthlink.net	105 Stanford SE	Albuquerque	NM	87106
Valle Prado NA	Steve	Shumacher	valle.prado.na@gmail.com	8939 South Sky Street NW	Albuquerque	NM	87114
Valle Prado NA	Joshua	Beutler	jlbautler@gmail.com	7316 Two Rock Road NW	Albuquerque	NM	87114
Valley Gardens NA	Robert	Price		2700 Desert Garden Lane SW	Albuquerque	NM	87105
Valley Gardens NA	Antoinette	Dominguez	ajuares8.ad@gmail.com	4519 Valley Park Drive SW	Albuquerque	NM	87105
Vecinos Del Bosque NA	Harrison (Tai)	Alley	taialleyh@gmail.com	1316 Dennison SW	Albuquerque	NM	87105
Vecinos Del Bosque NA	Rod	Mahoney	rmahoney01@comcast.net	1838 Sadora Road SW	Albuquerque	NM	87105
Victory Hills NA	Alymay	Atherton	altheatherton@gmail.com	1107 Vassar Drive SE	Albuquerque	NM	87106
Victory Hills NA	Patricia	Willson	info@willsonstudio.com	505 Dartmouth Drive SE	Albuquerque	NM	87106
Vineyard Estates NA	David	Zarecki	zarecki@aol.com	8405 Vintage Drive NE	Albuquerque	NM	87122
Vineyard Estates NA	Elizabeth	Meek	djesmeek@comcast.net	8301 Mendocino Drive NE	Albuquerque	NM	87122
Vista Del Mundo NA	Chris	Crum	ccrum.vdm@gmail.com	1209 Sierra Larga Drive NE	Albuquerque	NM	87112
Vista Del Mundo NA	Dennis	Roach	dproach@sandia.gov	13812 Spirit Trail NE	Albuquerque	NM	87112
Vista Del Norte Alliance	James	Souter	jameessouter@msn.com	6928 Via del Cerro NE	Albuquerque	NM	87113
Vista Del Norte Alliance	Janelle	Johnson	vistadelnorte@me.com	PO Box 6270	Albuquerque	NM	87197
Vista Grande NA	Richard	Schaefer	Schaefer@unm.edu	3579 Sequoia Place NW	Albuquerque	NM	87120
Vista Grande NA	Dana	Skaar	dana@nationalheat.com	3504 Sequoia Court NW	Albuquerque	NM	87120
Vista Magnifica Association	Anna	Solano	madmiles@msn.com	1616 Bluffsides Place NW	Albuquerque	NM	87105
Vista Magnifica Association	Gabriela	Marques	olivegabrielam@gmail.com	1729 Cliffside Drive NW	Albuquerque	NM	87105

Wells Park NA	Mike	Prando	mprando@msn.com	611 Bellamah NW	Albuquerque	NM	87102
Wells Park NA	Doreen	McKnight	doreenmcknightnm@gmail.com	1426 7th Street NW	Albuquerque	NM	87102
West La Cueva NA	Peggy	Neff	peggyd333@yahoo.com	8305 Calle Soquella NE	Albuquerque	NM	87113
West La Cueva NA	Erica	Vasquez	ericamvas@gmail.com	8511 Rancho Del Oro Place NE	Albuquerque	NM	87113
West Mesa NA	Dee	Silva	ddee4329@aol.com	313 63rd Street NW	Albuquerque	NM	87105
West Mesa NA	Steven	Budenski	stevenbudenski@gmail.com	5732 La Anita Avenue NW	Albuquerque	NM	87105
West Old Town NA	Gil	Clarke	g.clarke45@comcast.net	2630 Aloysia Lane NW	Albuquerque	NM	87104
West Old Town NA	Glen	Effertz	gteffertz@gmail.com	2918 Mountain Road NW	Albuquerque	NM	87104
West Park NA	Matt	Celesky	deadanimaldesign@hmn.org	2213 New York Avenue SW	Albuquerque	NM	87104
West Park NA	Lea	Pino	lea@thecasapino.com	2203 New York Avenue SW	Albuquerque	NM	87104
Westgate Heights NA	Christoper	Sedillo	navrmc6@aol.com	605 Shire Street SW	Albuquerque	NM	87121
Westgate Heights NA	Matthew	Archuleta	mattearchuleta1@hotmail.com	1628 Summerfield Place SW	Albuquerque	NM	87121
Wildflower Area NA	Charles	Bates	cefisher.67@gmail.com	5000 Watercress Drive NE	Albuquerque	NM	87113
Wildflower Area NA	Larry	Caudill	ltcaudill@comcast.net	4915 Watercress Drive NE	Albuquerque	NM	87113
Willow Wood NA	Pamela	Meyer	pmeyer@sentrymgt.com	4121 Eubank Boulevard NE	Albuquerque	NM	87111
Willow Wood NA	Samantha	Martinez	samijoster@gmail.com	823 Glacier Bay Street SE	Albuquerque	NM	87123
Winrock South NA	John	Kinney		7110 Constitution Avenue NE	Albuquerque	NM	87110
Winrock South NA	Virginia	Kinney		7110 Constitution Avenue NE	Albuquerque	NM	87110
Yale Village NA	Donald	Love	donaldlove08@comcast.net	2125 Stanford Drive SE	Albuquerque	NM	87106
Yale Village NA	Kim	Love	klove726@gmail.com	2122 Cornell Drive SE	Albuquerque	NM	87106

[Note: Items with an asterisk (*) are required.]

Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed/Emailed to a Neighborhood Association

Date of Notice*: August 3rd, 2022

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: Various

Name of NA Representative*: Various

Email Address* or Mailing Address* of NA Representative¹: Various

Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* City-wide
Location Description _____
2. Property Owner* City-wide
3. Agent/Applicant* [if applicable] Shanna Schultz, Council Planning Manager (Agent)
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
☐ Zoning Map Amendment
☒ Other: Text Amendment to IDO - Citywide

Summary of project/request²*: _____

Proposed text amendment will remove all references to Safe Outdoor Spaces in the IDO

5. This application will be decided at a public hearing by*:

☒ Environmental Planning Commission (EPC)

☒ City Council

This application will be first reviewed and recommended by:

☐ Environmental Planning Commission (EPC)

☐ Landmarks Commission (LC)

☐ Not applicable (Zoning Map Amendment – EPC only)

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (*) are required.]

Date/Time*: Thursday, September 15th - 8:30 A.M.

Location*³: Via zoom. Please see agenda published on Friday, September 9th for the Zoom link

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found*⁴:

E-mail the agent at smschultz@cabq.gov

Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)*⁵ N/A
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project*:

☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)

Explanation*:

N/A

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): ☐ Yes ☒ No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

³ Physical address or Zoom link

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

⁵ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

Additional Information [Optional]:

From the IDO Zoning Map⁶:

1. Area of Property [typically in acres] _____
 2. IDO Zone District _____
 3. Overlay Zone(s) [if applicable] _____
 4. Center or Corridor Area [if applicable] _____
- Current Land Use(s) [vacant, if none] _____
- _____

NOTE: For Zoning Map Amendment – EPC only, pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ [Other Neighborhood Associations, if any]

⁶ Available here: <https://tinyurl.com/idozoningmap>



Letters mailed to Recognized Neighborhood Association representatives who do not have e-mail addresses

MAIL ROUTING SLIP

Department: City Council Date: 8/3/2022
Division: 1710000 Activity: # 0110

ALL MAIL MUST HAVE A RETURN ADDRESS W/ DEPARTMENT NAME

NUMBER OF PIECES*	CLASS/PRICE*
9	First

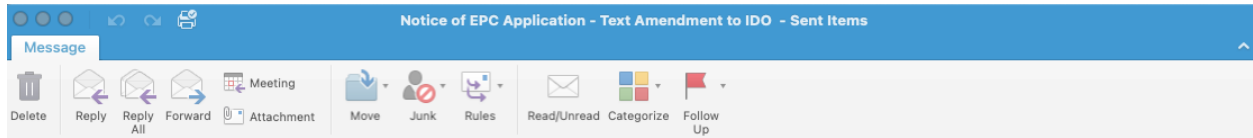
Please sort mail according to size and flag all International mail. Keep all stamped mail and interoffice mail separate. Face all envelopes in the same direction. If the mail is to be sealed please overlap the flaps.

If you have questions or need assistance in preparing mail please call the
CITY MAIL ROOM AT 768-2647 *Mailroom use only

REVISED 02/17

P100602

Proof of mailing slip for mailed notice



Notice of EPC Application - Text Amendment to IDO

○ e_molinadodge@yahoo.com; ○ eastgatewaycoalition@gmail.com; ○ eawalth@comcast.net; ○ edueweke@juno.com; ○ elena.hernandez@cblegacy.com;
○ elizabethsmithchavez@gmail.com; ○ elkaleyah@aol.com; ○ ellielw@comcast.net; ○ eoman505@gmail.com; ○ ericamvas@gmail.com; ○ ericshirley@comcast.net;
○ financialhelp@earthlink.net; ○ flosps2@juno.com; ○ fourseven@comcast.net; ○ fparmijo@gmail.com; ○ franchini.kathryn@gmail.com;
○ g.clarke45@comcast.net; ○ gforrest47@comcast.net; ○ golfcindy5@gmail.com; ○ griegocruz@comcast.net; ○ gstone@swcp.com; ○ gteffertz@gmail.com;
○ happygranny8@q.com; ○ hcbuchalter@gmail.com; ○ hgabq1985@gmail.com; ○ hhapp@juno.com; ○ hhowerton9379@msn.com; ○ hihen@comcast.net;
○ idalialt@gmail.com; ○ info@srmna.org; ○ info@willsonstudio.com; ○ info@willsonstudio.com; ○ ions82@hotmail.com; ○ ja.montalbano@gmail.com;
○ jackiecooke@comcast.net; ○ jaime.leanos@gmail.com; ○ jamesonlr@outlook.com; ○ Jim Souter; ○ jane.baechle@gmail.com; ○ janiemc07@gmail.com;
○ jarmijo12@outlook.com; ○ jbd2946@hotmail.com; ○ jc.fc.cunz@gmail.com; ○ jeanettebaca973@gmail.com; ○ jeffh@clnabq.org; ○ jennybsanchez1@q.com;
○ jgallegoswccdg@gmail.com; ○ jgallegoswccdg@gmail.com; ○ jhardgrave505@gmail.com; ○ jillyeagley@swcp.com; ○ jlapiatz@hotmail.com;
○ jibeutler@gmail.com; ○ joebrooks@homesinabq.com; ○ joel.c.wooldridge@gmail.com; ○ johnwhalen78@gmail.com; ○ josefree@yahoo.com;
○ jpate@molzencorbin.com; ○ jrcochr@gmail.com; ○ jsabatini423@gmail.com; ○ judiepellegrino@gmail.com; ○ jv1089@gmail.com; ○ kande0@yahoo.com;
○ keenecafe@aol.com; ○ kenny.stansbury@gmail.com; ○ khadijah bottom; ○ khattler@aol.com; ○ kjboutz@gmail.com; ○ klove726@gmail.com;
○ kris042898@live.com; ○ landry54; ○ larswells@yahoo.com; ○ laurah067@gmail.com; ○ laurasmigi@aol.com; ○ laurelwoodna@gmail.com;
○ lea.thecasapino.com; ○ learrael@aol.com; ○ lee@lganm.com; ○ lepo@msn.com; ○ liberty.c.bell@icloud.com; ○ lillog2002@yahoo.com;
○ lindavrooman61@gmail.com; ○ lisa@swop.net; ○ Lynne Martin; ○ Injalopez@msn.com; ○ lovelypeake@comcast.net; ○ ltcaudill@comcast.net;
○ luis@wccdg.org; ○ lulumu1213@gmail.com; ○ m_raleman@yahoo.com; ○ madmiles@msn.com; ○ malloryabq@msn.com; ○ mandy@theremedyspa.com;
○ mandy@theremedyspa.com; ○ maryann@hlsnm.org; ○ maryasena1@gmail.com; ○ marykloughran@comcast.net; ○ mateo.stratton@gmail.com;
○ matt.bohnhoff@gmail.com; ○ mattearchuleta1@hotmail.com; ○ mattyc44@gmail.com; ○ mbcarr92@gmail.com; ○ meaganr@juno.com;
○ medexter49@gmail.com; ○ melissa.ann.pacheco@gmail.com; ○ meyster1@me.com; ○ mg411@q.com; ○ mgriffie@noreste.org; ○ michael.alexander@altadt.com;
○ mikekious@aol.com; ○ mldarling56@yahoo.com; ○ mofitz48@gmail.com; ○ mp1646@gmail.com; ○ mprando@msn.com; ○ mrkious@aol.com;

Good afternoon,

This e-mail serves as notice, pursuant to requirements in the Integrated Development Ordinance (IDO), that I am filing an application for consideration by the Environmental Planning Commission for a text amendment to the IDO. I am filing this application on behalf of District 4 City Councilor Brook Bassan. Attached to this e-mail is:

1. The required notice form
2. The letter of justification that will be submitted with the application

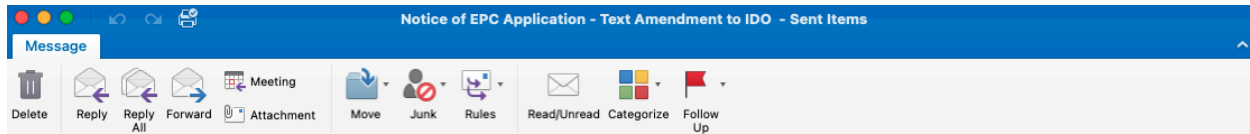
I am filing this application in time for consideration by the commission at their **September 15th** hearing.

Please let me know if you have any questions.

Thank you,
Shanna



Shanna Schultz, AICP
Council Planning Manager
Albuquerque City Council
505.768.3185
smschultz@cabq.gov



Notice of EPC Application - Text Amendment to IDO

○ mstrube@greer-stafford.com; ○ mtbsh@comcast.net; ○ nancic613@hotmail.com; ○ navrmc6@aol.com; ○ ndpressley@msn.com;
○ nearnorthvalley@gmail.com; ○ newmexmba@aol.com; ○ newmexmba@aol.com; ○ nobullbob1@gmail.com; ○ notices@slanm.org; ○ nspero@phs.org;
○ nwaslosky@comcast.net; ○ olivegabrielam@gmail.com; ○ omardurant@yahoo.com; ○ oronacarl@hotmail.com; ○ pat.duda.52@gmail.com;
○ patsybeck@aol.com; ○ paul.gonzales01@comcast.net; ○ paul@paulperez.net; ○ paulfava@gmail.com; ○ peggyd333@yahoo.com; ○ peggynorton@yahoo.com;
○ phnacommunications@gmail.com; ○ plunkett5724@outlook.com; ○ peter.belletto; ○ pmeyer@sentrymtg.com; ○ pnsnift@comcast.net;
○ prattsalwm@yahoo.com; ○ president@alvaradoneighborhood.com; ○ president@naaca.info; ○ president@qna-abq.org; ○ presidentecna2020@gmail.com;
○ r.griego04@comcast.net; ○ rajackso@msn.com; ○ randm196@gmail.com; ○ raynoldsneighborhood@gmail.com; ○ realtyofnewmexico@gmail.com;
○ reynolds@unm.edu; ○ reynolds@unm.edu; ○ richard@vigilano.net; ○ Richard & Carrie Lujan; ○ rickrennie@comcast.net; ○ rkeating14@comcast.net;
○ rlawlor619@gmail.com; ○ rmahoney01@comcast.net; ○ robertdebra4055@gmail.com; ○ robtsharris@aol.com; ○ ron Zawis@abq.com;
○ rpmartinez003@gmail.com; ○ rpoggens@gmail.com; ○ rq1dq1@gmail.com; ○ rverble05@gmail.com; ○ ryangiar@gmail.com; ○ sally@srmna.org;
○ samijoster@gmail.com; ○ sanderrue@comcast.net; ○ sandia@flylonecone.com; ○ sandiajg@hotmail.com; ○ sarakoplik@hotmail.com; ○ saramills@comcast.net;
○ Schaefer@unm.edu; ○ sdmartos91@gmail.com; ○ shackley@berkeley.edu; ○ shasta.leonard@gmail.com; ○ shirleylockyer@gmail.com;
○ siesta2napres@gmail.com; ○ sjnase@gmail.com; ○ slcnalqb@aol.com; ○ smurfmom@comcast.net; ○ sp-wonderwoman@comcast.net; ○ spbrugge@gmail.com;
○ srandall52@comcast.net; ○ sricdon@earthlink.net; ○ Kathleen Schindler-Wright; ○ srz29@aol.com; ○ steidley@centurylink.net; ○ stevenbudenski@gmail.com;
○ stnapres@outlook.com; ○ susan.timmerman@gmail.com; ○ susanlaw009@comcast.net; ○ suzy0910@comcast.net; ○ t0m2pat@yahoo.com;
○ taialleyh@gmail.com; ○ tdavisnm@gmail.com; ○ tgrasmussen@msn.com; ○ theresa.lligen@aps.edu; ○ thestovallgroup@gmail.com; ○ tiffany.hb10@gmail.com;
○ tillery3@icloud.com; ○ timbowen9@aol.com; ○ tollhouse1@msn.com; ○ trujilloabqbc@comcast.net; ○ tyler.richter@gmail.com; ○ uri.bassan@noreste.org;
○ valarid@gmail.com; ○ valle.prado.na@gmail.com; ○ verityty@yahoo.com; ○ vickykauffman53@gmail.com; ○ vistadelnorte@me.com; ○ vistadelnorte@me.com;
○ watkins@unm.edu; ○ wgannon@unm.edu; ○ white1ink@aol.com; ○ willieorr1@msn.com; ○ willpawl@msn.com; ○ wmarsh7@comcast.net;
○ wood_cpa@msn.com; ○ Faith Willmott; ○ wordsongLLC@gmail.com; ○ wqsabatini@gmail.com; ○ wrbarry@msn.com; ○ yemaya@swcp.com; ○ Judy Young;

Good afternoon,

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I am filing this application in time for consideration by the commission at their **September 15th** hearing.

Please let me know if you have any questions.

Thank you,
Shanna



Shanna Schultz, AICP
Council Planning Manager
Albuquerque City Council
505.768.3185
smschultz@cabq.gov

Notice of EPC Application - Text Amendment to IDO - Sent Items

Message

Delete Reply Reply All Forward Meeting Attachment Move Junk Rules Read/Unread Categorize Follow Up

Notice of EPC Application - Text Amendment to IDO

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Good afternoon,

This e-mail serves as notice, pursuant to requirements in the Integrated Development Ordinance (IDO), that I am filing an application for consideration by the Environmental Planning Commission for a text amendment to the IDO. I am filing this application on behalf of District 4 City Councilor Brook Bassan. Attached to this e-mail is:

1. The required notice form
2. The letter of justification that will be submitted with the application

I am filing this application in time for consideration by the commission at their **September 15th** hearing.

Please let me know if you have any questions.

Thank you,
Shanna



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