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## OFFICIAL NOTIFICATION OF DECISION - AMENDED

September 15, 2022

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

**Project # PR-2021-001843**  
RZ-2022-00043– IDO Text Amendment – City-wide

### LEGAL DESCRIPTION:

The City of Albuquerque City Council requests various text amendments to the Integrated Development Ordinance (IDO) to remove all references to Safe Outdoor Spaces (SOSs) (Council Bill No. O-22-33). City-wide.

Staff Planners: Catalina Lehner, AICP & Megan Jones

On September 15, 2022, the Environmental Planning Commission (EPC) voted to forward a recommendation of APPROVAL to the City Council of Project # PR-2021-001843, RZ-2022-00043, IDO Text Amendments – City-wide, based on the following Findings and Condition for recommendation of Approval:

### RECOMMENDED FINDINGS – PR-2018-001843/ RZ-2022-00043

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 is generally consistent with the following, applicable articles of the City Charter:
  - A. 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).
  - B. 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).
  - C. 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 generally consistent with the following, applicable Comprehensive Plan Goals and Policies from Chapter 4: Community Identity
  - A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

The request to remove Safe Outdoor Spaces (SOS) from the IDO would generally help to enhance, protect, and preserve distinct communities because it would ensure that SOS are no longer allowed City-wide. However, SOS are only allowed permissively in non-residential zones.
  - B. Policy 4.1.2- Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

The request to remove SOS from the IDO would generally help to protect the identity and cohesiveness of neighborhoods because it would ensure that the use is not allowed to be near neighborhoods. There are no use-specific standards or design standards for SOS that would ensure the appropriate scale and location of the use.
  - C. 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, in some instances. A temporary use would not respect neighborhood values because the use is allowable in both Areas of Change and Areas of Consistency. Though only allowable in non-residential zone districts, the use would not stabilize neighborhoods or enhance their attractiveness.

8. The request is generally consistent with the following, applicable Comprehensive Plan Goals and 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.

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.

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

Subpolicy f) Encourage higher density housing as an appropriate use in the [listed] situations.

The request to remove SOS from the IDO would generally continue to create and support healthy, sustainable and distinct communities because SOS would no longer be allowed City-wide, which in turn would protect the characteristics of distinct communities. SOS are allowed in a variety of non-residential or MX uses, as well as residential zones when associated with religious institutions, where higher density housing is allowed. By removing SOS as a use, higher density housing will continue to be encouraged on those sites.

- 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 in all MX zone districts as conditional temporary uses and in NR-C, NR-BP, NR-LM and NR-GM as temporary uses, as well as residential zone districts when associated with a religious institution. The request to remove SOS from the IDO would ensure that SOS as a locally unwanted land use are eliminated, since they are allowed in a variety of zone districts in both Areas of change and Areas of Consistency City-wide.

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

The request would generally ensure that the character and intensity of development in Areas of Consistency is reinforced by removing SOS from the IDO because the use is currently allowed in areas of consistency with minimal design standards. Furthermore, growth that is desired in

areas of change would be generally encouraged in zone districts that SOS are currently allowed on.

9. The request is generally consistent with the following, applicable Comprehensive Plan Goal and policy pair from Chapter 8- Economic Development:

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

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

The request would raise the sufficient land available to accommodate projected employment growth City-side by eliminating Safe Outdoor Spaces. SOS are currently allowed in a variety of non-residential zone districts that could otherwise be developed as businesses.

10. The request is generally consistent with the following, applicable Comprehensive Plan Goal from Chapter 9: Housing.

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

The request would reduce options to serve people experiencing temporary homelessness by eliminating Safe Outdoor Spaces, places where this population can camp safely, though other options such as shelters and religious institutions, would remain available and would not be affected.

11. The applicant's policy analysis shows that the request is generally consistent with applicable Goals and policies in the Comprehensive Plan [Criterion A- 14-16-6-7(D)(3)(a)]. Therefore, the request is generally consistent with the spirit and intent of the Comprehensive 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 opposition from constituents about the SOS use.
14. On September 13, 2022 Staff was contacted by the Westside Coalition of Neighborhood Associations which expressed concerns about keeping SOSs in the IDO and stated that there are many community members in support of the proposed bill.
15. There are many community members who have come forward with concerns about Safe Outdoor Spaces who are in support of the bill.

#### CONDITION FOR RECOMMENDATION OF APPROVAL

1. Definition of Safe Outdoor Space (SOS):

The definition of SOS shall remain in the IDO as a term.

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

Sincerely,

*Catalina Lehner*

for Alan M. Varela,  
Planning Director

AV/MJ/CL

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