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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-2021-00048 – Amendment to the Integrated Development Ordinance (IDO) Text – City-Wide for the 2021 Annual Update

LEGAL DESCRIPTION:

To amend the text of the Integrated Development Ordinance (IDO). This third annual update includes approximately 73 changes requested by neighbors, developers, staff, and Council Services. City-wide.

Staff Planners: Catalina Lehner and Sergio Lozoya

On December 16, 2021, the Environmental Planning Commission (EPC) voted to forward a recommendation of APPROVAL of Project 2018-001843/RZ-2021-00048 Amendment to the Integrated Development Ordinance (IDO) Text – City-Wide, based on the following Findings and subject to the following Conditions for Recommendation of Approval:

FINDINGS:

1. The request is for various City-wide, legislative amendments to the text of the Integrated Development Ordinance (IDO) for the Annual Update required by IDO Subsection 14-16-6-3(D). The proposed City-wide amendments, when combined with the proposed Small-area amendments, are collectively known as the 2020 IDO Annual Update.
2. These City-wide text amendments are accompanied by proposed text amendments to Small Areas within the City, which were submitted separately pursuant to Subsection 14-16-6-7(E) and are the subject of another Staff report (RZ-2021-00049).
3. 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.
4. The EPC's task is to make a recommendation to the City Council regarding the proposed amendments to IDO text. As the City's Planning and Zoning Authority, the City Council will make the final decision. The EPC is a recommending body to the Council and has important review authority. This is a legislative matter.

5. 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.
6. Since November 2020, Staff has collected approximately 65 proposed amendments to language in the IDO requested by neighbors, developers, Staff, and the Administration. The proposed changes, which would improve the effectiveness and implementation of adopted regulations, are intended to address community-wide issues, foster economic development, and clarify regulatory procedures, while balancing these needs with the Comprehensive Plan vision of protecting and enhancing existing neighborhoods.
7. The request meets the review and decision criteria for Amendment to IDO Text-Citywide in IDO Subsection 14-16-6-7(D)(3)(a-c), as follows:
 - A. Criterion a: The proposed City-wide text amendments are generally consistent with the spirit and intent of the Comprehensive Plan, and other policies and plans adopted by the City Council, because they would generally help guide growth and development and identify and address significant issues in a holistic way (Comprehensive Plan, p. 1-5). The proposed changes are consistent with Comprehensive Plan Goals and policies that direct the City to adopt and maintain an effective regulatory system for land use and zoning.
 - B. Criterion b: The proposed amendment does not apply to only one lot or development project. Rather, the proposed IDO text amendments-City-wide would apply throughout the City (and not to only one lot or development project) and, therefore, are legislative in nature.
 - C. Criterion c: The request generally promotes the public health, safety, and welfare of the City because, overall, it is generally consistent with a preponderance of applicable Goals and policies in the Comprehensive Plan. The proposed changes are intended to address community-wide issues, foster economic development, and clarify regulatory procedures, while balancing these needs with the Comprehensive Plan vision of protecting and enhancing existing neighborhoods.
8. The request generally furthers the following, relevant Articles of the City Charter:
 - A. Article I, Incorporation and Powers. Amending the IDO via text amendments is consistent with the purpose of the City Charter to provide for maximum local self-government. The revised regulatory language and processes in the IDO would generally help implement the Comprehensive Plan and help guide future legislation.
 - B. Article IX, Environmental Protection. The proposed City-wide text amendments would help ensure that land is developed and used properly and that an aesthetic and humane urban environment is maintained. The IDO is the implementation instrument for the City's Comprehensive Plan, which protects and promotes health, safety, and welfare in the interest of the public. Commissions, Boards, and Committees would have updated and clarified regulations to help facilitate effective administration of City policy in this area.

C. Article XVII, Planning.

- i. Section 1. Amending the IDO through the annual update process is an instance of the Council exercising its role as the City's ultimate planning and zoning authority. The IDO will help implement the Comprehensive Plan and ensure that development in the City is consistent with the intent of any other plans and ordinances that the Council adopts.
- ii. Section 2. Amending the IDO through the annual update process will help the Administration to implement the Comprehensive Plan vision for future growth and development, and will help with the enforcement and administration of land use plans.

9. The request generally furthers the following, applicable Goal and Policy pair in Chapter 5- Land Use, pertaining to efficient development:

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.

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

The proposed text amendments would generally help promote development patterns that maximize the utility of existing infrastructure and public facilities. For example, allowing overnight shelters in the MX zones and campgrounds on existing religious institutions could encourage and promote infill development, which by definition uses existing infrastructure and public facilities. Some proposed changes (site plans, definitions) would clarify provisions in the IDO, which would generally help support the efficient use of land.

10. The request generally furthers the following, applicable Goal and policies in Chapter 5- Land Use, pertaining to implementation and process:

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

The IDO annual update is a procedure to support continued efforts to effectively and equitably implement the Comprehensive Plan; an updated regulatory framework is the result. The proposed text amendments would also improve the connection between applicable Comprehensive Plan Goals and policies and the IDO.

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

The proposed text amendments include changes to clarify how to apply provisions in the IDO (site plans, transitions from previous regulations, definitions), which would generally help align the regulatory framework to support desired growth, economic development, housing, and more consistent outcomes.

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

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

11. The request generally furthers the following, applicable policy in Chapter 5- Land Use, pertaining to Locally Unwanted Land Uses (LULUs):

Policy 5.3.7 - Locally Unwanted Land Uses: Ensure that land uses that are objectionable to immediate neighbors but may be useful to society are located carefully and equitably to ensure that social assets are distributed evenly and social responsibilities are borne fairly across the Albuquerque area.

The proposed text amendments address overnight shelters and campgrounds, which can be considered LULUs. The changes would help facilitate a more equitable distribution of these uses, which are useful to society but often objectionable to immediate neighbors, and help ensure that they are distributed more evenly. The proposed amendment would allow these uses permissively, at existing religious institutions and in the MX-M and MX-H zones. Since religious institutions are often located in residential areas, some established neighborhoods could be affected more than other locations. However, the use-specific standards would be clarified and would continue to apply to protect neighborhoods.

12. The request generally furthers the following, applicable Goals and policy in Chapter 7- Urban Design, pertaining to streetscapes and parking:

- A. Goal 7.1 Streetscapes & Development Form: Design streetscapes and development form to create a range of environments and experiences for residents and visitors.

The proposed text amendments would generally help create a range of environments and experiences through designed streetscapes and development forms. The IDO implements this goal through zoning standards appropriate for each zone district and in different contexts (ex. next to residential neighborhoods or Major Public Open Space). Proposed changes regarding parking requirements, parking structure design, and street frontage landscaping would establish and/or clarify applicable standards in the appropriate context. The request generally furthers Goal 7.1- Streetscapes & Development Form.

- B. Goal 7.4 - Context-Sensitive Parking: Design parking facilities to match the development context and complement the surrounding built environment.

The proposed text amendments include changes that would generally enable parking to be more context-sensitive and appropriate for the built environment surrounding it.

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

The proposed text amendments include changes to clarify parking requirements (ex. for pre-1965 buildings, artesian manufacturing, and accessible parking) and parking structure design (when loading docks are involved) so that they would better match the applicable development context and complement the surrounding built environment.

13. The request generally furthers the following, applicable policy in Chapter 8- Economic Development:

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

The proposed text amendments would generally encourage economic development, which would foster a more robust, resilient, and diverse economy, because they include changes to clarify requirements (ex. parking, site plans), definitions, and development processes. These changes would contribute to improved predictability and consistency in the development process that would generally help support economic development efforts.

14. The request generally furthers the following, applicable Goals and policy in Chapter 9- Housing, pertaining to vulnerable populations and services:

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

The proposed text amendments would help the community work toward making homelessness more rare, short-term, and non-recurring by providing additional options for shelter.

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

The proposed text amendments would create additional ways to provide expanded shelter and service options for people experiencing temporary homelessness.

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

The proposed text amendments would help the most vulnerable populations, which includes under-housed persons, by expanding the City's capacity to provide housing and services.

15. The proposed text amendments to make overnight shelter a permissive use in the MX-M zone (size limit 25,000 sf), a permissive (from conditional) use in the MX-H zone, and specify the use as an indoor use generally further applicable Comprehensive Plan Goals and Policies regarding homelessness and housing. However, comments received indicate opposition and express concern about the potential proliferation of such shelters and proximity to established residential uses. See proposed Condition 2.

16. The proposed text amendments to make campground an incidental activity for religious institutions (no conditional use permit required) and state that all applicable campground regulations would apply both further and conflict with applicable Comprehensive Goals and policies regarding development patterns, infill and housing (furthers) and character, neighborhoods, and LULUs (conflicts). Comments received indicate opposition. A primary concern is that a more comprehensive approach than zoning and land use regulations is needed to address homelessness. See proposed Condition 3.

17. The proposed text amendments to make the maximum wall height 4 feet (instead of 3 feet) for front or street side yards, allow this to be decided by Staff rather than through the ZHE process, and add standards applicable in MX zone districts both further and conflict with applicable Comprehensive Goals and policies regarding identity and design, neighborhoods, and community character (furthers) and identity and design, distinct built environments, and natural and cultural features. Comments

received, in opposition, express concern that the request is not adequately justified and that it could impact the character of existing neighborhoods in which walls were built under current regulations. See proposed Condition 4.

18. The proposed text amendments to raise the threshold for Staff/administrative review of residential conversions to 200 units (from 100 units) both further and conflict with Comprehensive Plan Goals and policies regarding implementation process, streamlined development, and housing (furthers) and process and public engagement (conflicts). Comments received, in opposition, express concern that the request would remove a vehicle for public participation in the development process. See proposed Condition 5.
19. For cases in which a proposed text amendment would conflict with applicable Comprehensive Plan Goals and/or policies, Staff has provided conditions for recommendation of approval that address the conflicts.
20. For an Amendment to IDO Text-City-wide, the required notice must be published, mailed, and posted on the web (see Table 6-1-1). A neighborhood meeting is not required. The City published notice of the EPC hearing as a legal ad in the ABQ Journal newspaper. First class mailed notice was sent to the two representatives of each Neighborhood Association and Coalition registered with the Office of Neighborhood Coordination (ONC) as required by IDO Subsection 14-16-6-4(K)(2)(a). Notice was posted on the Planning Department website and on the project website.
21. In addition to the required notice, on October 29, 2021 e-mail notice was sent to the approximately 10,000 people who subscribe to the ABC-Z project update e-mail list.
22. The IDO Annual Updates were reviewed at online public study sessions on September 30 and October 1, 2021 via Zoom. Planning Staff presented the proposed amendments and answered questions from participants. Staff also hosted four open houses on October 7, October 8, October 12, and November 12, 2021. The presentations, in .pdf format and in video format, are posted on the project webpage at: <https://abc-zone.com>.
23. The EPC held a study session regarding the proposed 2021 IDO text amendments on December 9, 2021. This meeting was publicly noticed.
24. As of this writing, Staff has received approximately 45 written comments from neighborhood groups, individuals, and organizations. Comments were submitted as letters; some with a spreadsheet attached. Other comments (approximately 50) were submitted online and pinned to the spreadsheet of proposed text amendments on the ABC-Z project website.
25. In sum, most neighborhood groups tend to oppose the proposed amendments regarding overnight shelter, religious institution, and walls and fences and have several questions about these. Most neighborhood groups tend to support the proposed amendments regarding adding and/or clarifying use-specific standards, remedying internal conflicts within the IDO, and expanding qualifications to serve on the EPC.
26. Though some comments oppose individual proposed amendments, and others recommend changes, there is general support for the request as a whole. The recommended Conditions of Approval address many issues raised in the comments.

27. The EPC suggests that the Council further consider the item below, as follows:

- A. Regarding the Use Specific Standard(s) for Overnight Shelter in 14-16-4-3(C)(6): gather information including, but not limited to, the current locations of the use, its occurrence throughout the City, and population density when considering the idea of distance separation between overnight shelters and a potential limitation on building size.

This suggestion is based on consideration of the following:

- i. Option A- revise the current USS:

4-3(D)(6): "This use is prohibited within 3,000 feet in any direction of any other overnight shelter:

- ii. Option B- add a new USS

"In the MX-M zone district, this use shall not exceed 10,000 square feet".

- B. Regarding outdoor lighting in 14-16-5-8(D), consider the public comments from Mr. Griffee that address measuring lighting in lumens and other technical suggestions.

CONDITIONS:

1. The proposed amendments in the spreadsheet "IDO Annual Update 2021 – EPC Review - Citywide" (see attachment) shall be adopted, except as modified by the following conditions:

- A. Spreadsheet p. 15, multiple pages, Subdivisions and Floating Zone Lines:

In Section 6, Subsection 14-16-6-6(K)(2) and 14-16-6-6(L)(2)(d), revise text as follows: "If the subdivision will result in a lot line that does not coincide with a zone district boundary (i.e. create a "floating zone line"), the applicant shall obtain a Zoning Map Amendment - EPC or Zoning Map Amendment - City Council , as applicable, to establish zone boundaries that coincide with the lot line before a final plat ~~shall~~ can be approved.

- B. Spreadsheet p. 20, IDO p. 579: Delete proposed definition- Site Layout Plan.

2. Overnight Shelter Use Table (see Finding 15). Spreadsheet p. 3, IDO p. 145.

In the MX-M zone district, this use shall require a Conditional Use approval pursuant to Subsection 14-16-6-6(A)- add C to the allowable use table. In the MX-H zone district, the use would remain Conditional.

3. Wall and Fences, Maximum height (see Finding 17). Spreadsheet p. 8, IDO p. 310.

Delete the proposed amendment. Maximum permissive wall height (Wall Permit-Minor) would continue to be 3 feet in residential, mixed-use, and non-residential zones.

4. Condition from PNM: Revise IDO Subsection 14-16-6-6(M)(2)(f)2 to make the last sentence a new subsection a and add the following text as a new b:

Where existing public and/or private utilities (e.g. water/sewer lines, electric lines, drainage facilities, etc.) are located in vacated public right-of-way, the purchasing property owner shall

contact the affected utility provider(s) and grant easement(s) for the existing utilities as acceptable to the utility provider(s) or relocate the affected utilities as acceptable to the utility provider(s) at the property owner's expense.

5. The following amendment to 14-16-6-2(E)(1), IDO p. 381, shall be revised as follows:

"The EPC shall include a resident of each City Council District, with experience in community, urban, or natural resource planning; ~~community organizing~~; architecture; landscape architecture; urban design; real estate development and/or finance; transportation; ~~civil~~ engineering; and/or ~~land use or environmental law~~".

Sincerely,

for Alan M. Varela,
Planning Director

AV/CL/SL

CC:

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See attachment for a list of Neighborhood Association representatives who will receive this notice via mail or email.