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1 of Consistency, where the existing pattern of uses, density, and intensity is to  
2 be maintained and reinforced over time; and

3 WHEREAS, the Integrated Development Ordinance (IDO) was drafted as  
4 part of a citywide effort to update and replace the City’s 40-year-old, 1970s-era  
5 Comprehensive Zoning Code, and as the primary regulatory tool to implement  
6 the Comp Plan for land within the municipal boundaries of the City of  
7 Albuquerque; and

8 WHEREAS, the IDO’s stated purpose is to implement the Comp Plan;  
9 ensure that all development in the City is consistent with the intent of other  
10 plans and policies adopted by City Council; ensure provision of adequate  
11 public facilities and services for new development; protect quality and  
12 character of residential neighborhoods; promote economic development and  
13 fiscal sustainability of the City; provide efficient administration of City land  
14 use and development regulations; protect health, safety, and general welfare  
15 of the public; provide for orderly and coordinated development patterns;  
16 encourage conservation and efficient use of water and other natural  
17 resources; implement a connected system of parks, trails, and open spaces to  
18 promote improved outdoor activity and public health; provide reasonable  
19 protection from possible nuisances and hazards and to otherwise protect and  
20 improve public health; and encourage efficient and connected transportation  
21 and circulation systems for motor vehicles, bicycles, and pedestrians; and

22 WHEREAS, the IDO was drafted to be consistent with and implement Comp  
23 Plan goals and policies; and

24 WHEREAS, the IDO helps to implement Comp Plan goals and policies by  
25 providing a set of zone districts (§14-16-2) that range from low intensity to  
26 high intensity and designating the appropriate mix of land uses in each zone  
27 district; and

28 WHEREAS, with the adoption of the IDO, the City Council adopted zoning  
29 conversion rules for approximately 750 categories of Special Use zones that  
30 were site-specific (i.e. SU-1 zones), approximately 450 Special Use zones  
31 established by the adoption of Sector Development Plans (i.e. SU-2 and SU-3  
32 zones), and approximately 20 base zones from the Comprehensive Zoning  
33 Code to convert pre-existing zone districts to base zone districts established

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1 by the IDO in the Official Zoning Map (§14-16-1-6) that matched as closely as  
2 possible the permissive uses in each zone; and

3 WHEREAS, the intent of the IDO was to update the City’s land use and  
4 zoning framework to protect the character of existing development and to  
5 regulate future development without eliminating or limiting the ability of  
6 lawful, existing land uses to continue after the IDO’s adoption; and

7 WHEREAS, the City understands that predictability of zoning and  
8 compatibility of land use and zoning are essential in order to maintain and  
9 strengthen economic value and viability for property owners and businesses,  
10 and to ensure appropriate and adequate protections for neighboring  
11 properties; and

12 WHEREAS, the Official Zoning Map is used to apply land use regulations in  
13 the IDO to development throughout the city and in decision-making for zoning  
14 map amendments and long-range planning; and

15 WHEREAS, an accurate and transparent Official Zoning Map is critical to  
16 the City’s role in providing for the health, welfare, and safety of the public; and

17 WHEREAS, updating the Official Zoning Map to better match zoning with  
18 existing land uses is consistent with the objectives of the IDO and the Comp  
19 Plan and benefits the City and property owners by eliminating  
20 nonconformities where appropriate and improving the accuracy of information  
21 and regulatory requirements for individual parcels; and

22 WHEREAS, many uses developed legally on properties either before City  
23 zoning was established in 1959, before City zoning actions in subsequent  
24 years that disallowed particular uses in particular zones, or before the IDO  
25 established different allowable uses in the new zone districts, making such  
26 existing uses legally nonconforming; and

27 WHEREAS, many properties in the City have developed with a low-density  
28 residential use (e.g. townhouse, duplex, or single-family detached house) in  
29 zones that otherwise would have allowed more dense and more intense uses,  
30 and converting these properties to a zone district that allows less dense and  
31 less intense uses with the permission of the property owner will help preserve  
32 neighborhood stability and land use predictability – thus advancing two  
33 leading objectives of the City’s in the area of land use regulation; and

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1       WHEREAS, there are many properties with two or more zone districts  
2 covering a single lot (whether based on plat or deed) for a variety of historical  
3 reasons, which has resulted in a floating zone line that cannot accurately be  
4 associated with any actual physical boundary for purposes of implementing  
5 the respective zoning requirements of the multiple zones; and

6       WHEREAS, there are many undeveloped properties with former Special  
7 Use or R-D zoning, which often required further review and decision  
8 processes to define allowable uses, that converted in Phase 1 to zones that  
9 may not accurately allow uses matching those that were previously  
10 anticipated and that are otherwise consistent with surrounding land use and  
11 zoning patterns; and

12       WHEREAS, pursuant to the Phase 1 conversion rules, many properties  
13 were converted to PD (which properties may or may not have an approved Site  
14 Plan) or NR-BP (which properties may or may not have an approved Master  
15 Development Plan) even though they do not all meet the size thresholds for  
16 those zone districts established by the IDO, and although this may not impact  
17 the ultimately usability of those properties, it does present a nonconformity  
18 that can otherwise be cured; and

19       WHEREAS, City Council Resolution 18-29 directed the Planning  
20 Department to create a Phase 2 zoning conversion process to evaluate,  
21 analyze, process, and recommend citywide zoning conversions consistent  
22 with the Comprehensive Plan and the IDO implementation goals, wherein  
23 property owners would voluntarily convert the zoning on their properties to  
24 address one or more of 5 following issues that were known at the time of the  
25 IDO adoption but not resolved by the initial zoning conversion that became  
26 effective as of May 17, 2018: 1) Nonconforming use(s), 2) Voluntary downzone,  
27 3) Floating zone line(s), 4) Prior Special Use or R-D zoning, and 5) Size  
28 thresholds for PD and NR-BP; and

29       WHEREAS, City Council Resolution 18-29 directed the Planning  
30 Department to evaluate each property whose owner submitted a request and  
31 agreement form to determine whether it reasonably falls within at least one of  
32 the 5 identified criteria and decline to process those that do not; and

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1 WHEREAS, for properties to be eligible through the nonconforming use  
2 criterion, Planning Department staff determined that the existing use had to  
3 have been legally allowed when the use began or that the use began before  
4 the City established regulations on that use; and

5 WHEREAS, for properties to be eligible through the voluntary downzone  
6 criterion, Planning Department staff determined that the property had to have  
7 been zoned R-T, R-ML, R-MH, or MX-T and included an existing low-density  
8 residential use (e.g. single-family detached house, duplex, or townhouse) and  
9 that the property owner requested a less intense or less dense zone district  
10 that still allowed the existing use; and

11 WHEREAS, for properties to be eligible through the floating zone line  
12 category, Planning Department staff determined that the property had to have  
13 2 zone districts on one parcel – either a platted parcel (as mapped by AGIS) or  
14 deeded parcel (as mapped by the Bernalillo County Assessor) – and that the  
15 zoning conversion would be completed along lot lines documented in the  
16 AGIS layer called “City Parcel”; and

17 WHEREAS, for properties to be eligible through the prior Special Use or R-  
18 D zoning criterion, Planning Department staff determined that the property had  
19 to be undeveloped (i.e. contained no structure up to the time the Phase 2,  
20 Batch 1 properties were submitted to the Environmental Planning Commission  
21 for review and recommendation) and had previously been zoned SU-1, SU-2,  
22 SU-3, or R-D; and

23 WHEREAS, for properties to be eligible through the size threshold criterion  
24 for PD or NR-BP, Planning Department staff determined that a property zoned  
25 PD had to be less than 2 acres in size or greater than 20 acres in size or that a  
26 property zoned NR-BP had to be less than 20 acres in size and not part of an  
27 approved Master Development Plan; and

28 WHEREAS, properties zoned NR-BP that are less than 20 acres in size and  
29 part of an approved Master Development Plan are governed by the Master  
30 Development Plan, and changing the zoning on those properties would make  
31 it less transparent to the fact that they would still be governed by the Master  
32 Development Plan unless the Master Development Plan were amended to  
33 remove those properties from the Master Development Plan boundary; and

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1       WHEREAS, for those properties whose owners requested conversion to a  
2 zone district that did not match the land use and zoning pattern of the  
3 surrounding area or that was not compatible, Planning staff recommended a  
4 zoning conversion that was more compatible with the surrounding land use  
5 and zoning pattern and that still resolved the relevant issues in the R-18-29  
6 criteria; and

7       WHEREAS, there are many properties with lot lines that differ spatially  
8 between platted lots (approved by the City, recorded by the Bernalillo County  
9 Clerk, and mapped by AGIS) and deeded lots (recorded and mapped by the  
10 Bernalillo County Assessor); and

11       WHEREAS, Phase 2 zoning conversions will be completed only on lots  
12 mapped in the AGIS layer "City Parcel"; and

13       WHEREAS, in some cases a platting action may be needed to create a  
14 platted parcel to be mapped in the AGIS layer "City Parcel" that corresponds  
15 spatially with the piece of land on which the property owner desires the zoning  
16 conversion; and

17       WHEREAS, the Planning Department conducted public outreach efforts  
18 that included advertisements in print media, online media, and radio; inserts  
19 mailed with the Property Tax Bill to all property owners in Albuquerque;  
20 tabling at community events; attendance at Neighborhood Association  
21 meetings; and office hour appointments; and

22       WHEREAS, owners of 122 eligible properties signed a Property Owner  
23 Request and Agreement Form to opt in to the Phase 2 zoning conversion  
24 process by the submittal date of the first batch of properties for review and  
25 recommendation by the Environmental Planning Commission; and

26       WHEREAS, owners of 4 eligible properties (all of which were in Areas of  
27 Consistency, with Form ID number 14 under Criterion 1 Nonconforming Use  
28 and Form ID numbers 128-130 under Criterion 5 PD < 2 acres) opted out of the  
29 Phase 2 zoning conversion process since the Environmental Planning  
30 Commission review and recommendation and have been removed from the  
31 Batch 1 properties for which City Council will consider adopting zoning  
32 conversion rules; and

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1       WHEREAS, Planning staff confirmed the eligibility of these Batch 1  
2 properties and recommended appropriate zoning conversions to address the 5  
3 issues in R-18-29, meet the goals of IDO implementation, and further the goals  
4 and policies in the Comp Plan; and

5       WHEREAS, Planning staff either confirmed the zoning conversion  
6 requested by the property owner as appropriate or recommended a more  
7 appropriate zoning conversion given the existing lawful use of the property  
8 and the surrounding land use and zoning patterns; and

9       WHEREAS, the voluntary process established by R-18-29 necessarily  
10 results in a phased conversion of various parcels on a citywide basis; and

11       WHEREAS, the City amended the Comp Plan in 2001 via R-01-343  
12 (Enactment No. 171-2001) to identify Community Planning Areas and provide  
13 goals and policies to protect and enhance distinct community identity in each  
14 area; and

15       WHEREAS, the Comp Plan describes a Community Planning Area  
16 assessment process to provide opportunities for community engagement and  
17 analysis of each of the City’s 12 Community Planning Areas every 5 years,  
18 culminating in an update to the goals and policies in the Comp Plan, as  
19 recommended by the assessments; and

20       WHEREAS, the IDO establishes a Community Planning Area assessment  
21 process as the City’s new process for long-range planning with communities,  
22 intended to provide opportunities on a 5-year cycle to analyze and recommend  
23 zoning and regulatory changes in specific geographic areas to better  
24 implement the Comp Plan; and

25       WHEREAS, concerns about the resulting changes to zoning patterns from  
26 Phase 2 zoning conversions can be addressed through Community Planning  
27 Area assessments, which may result in recommendations to City Council for  
28 future zoning actions for certain neighborhoods, districts, or corridors, as  
29 appropriate; and

30       WHEREAS, on January 10, 2019, the Environmental Planning Commission  
31 (EPC), in its advisory role on land use and planning matters, recommended  
32 approval of this request (Project 2018-001843, Case RZ-2018-00057), pursuant  
33 to 21 findings as follows:

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1        1. This is a request for legislative adoption of zoning conversion rules for  
2 122 properties located city-wide whose owners have voluntarily opted into the  
3 Phase 2 zoning conversion process established by Council Resolution 18-29  
4 (Enactment No. R-2018-019).

5        2. The request is analogous to an amendment to IDO Text and will be  
6 processed according to the procedural requirements in Section 14-16-6-7(D) of  
7 the IDO.

8        3. The criteria for review and decision for this Phase 2 zoning conversion  
9 process as established in City Council Resolution 18-29 is whether the  
10 proposed zoning conversions are consistent with the Comp Plan and the IDO  
11 implementation goals, city-wide, for properties that fall within at least one of  
12 the following five categories outlined in Resolution 18-29:

- 13        A. Nonconforming Use: The zoning conversion will remedy a  
14            nonconforming use of the property.
- 15        B. Voluntary Downzone: The zoning conversion will result in a less  
16            intense or less dense IDO zone district in an Area of Consistency  
17            that is compatible in scale and intensity with the existing land use at  
18            the site and surrounding development patterns.
- 19        C. Floating Zone Line: The zoning conversion will remedy a boundary  
20            that does not correspond to a lot line in either the Bernalillo County  
21            Assessor’s data or Albuquerque Geographic Information Systems  
22            (AGIS) City parcel data (i.e. a “floating zone line”).
- 23        D. Prior Special Use or R-D Zoning: The zoning conversion is for  
24            undeveloped property previously regulated by the Residential and  
25            Related Uses Zone, Developing Area (R-D), or by special use zoning  
26            (SU-1, SU-2, or SU-3), and an IDO zone designation other than what  
27            was assigned through the Phase 1 conversion process will be more  
28            appropriate for the site.
- 29        E. Size Thresholds: The zoning conversion is for property converted to  
30            Planned Development (PD) or Non-residential Business Park (NR-BP)  
31            zone districts that does not meet size thresholds set by the IDO for  
32            those zone districts.



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1       4. The Phase 2 zoning conversion rules support existing uses, allow new  
2 uses compatible with surrounding development, and encourage desirable  
3 development in appropriate locations in the city.

4       5. This Phase 2 zoning conversion process is intended to address issues  
5 not resolved by the adoption of the IDO, in which approximately 1,200 zone  
6 districts were converted to one of 20 new zone districts established by the IDO  
7 via 1 of 3 sets of Phase 1 zoning conversion rules: “base zones” from the  
8 Zoning Code, SU-1 or R-D zones, and SU-2/SU-3 zones from adopted Sector  
9 Development Plans.

10       6. The Albuquerque/Bernalillo County Comprehensive Plan and the City of  
11 Albuquerque Integrated Development Ordinance (IDO) are incorporated herein  
12 by reference and made part of the record for all purposes.

13       7. Throughout Albuquerque, many platted parcels mapped by AGIS differ  
14 from ownership parcels mapped by the Bernalillo County Assessor. For the  
15 Phase 2 zoning conversion process, the City will convert zoning to match  
16 platted parcels.

17       8. The request furthers the following, applicable goal and policy pairs from  
18 Comprehensive Plan Chapter 4 - Community Identity:

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

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

24       The request will make zoning and land use patterns in communities more  
25 transparent, accurate, and contextually compatible, which will help to  
26 enhance, protect, and preserve distinct communities, neighborhoods, and  
27 established, traditional communities.

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

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

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

- 9 9. The request furthers the following, applicable policies from  
10 Comprehensive Plan Chapter 4-Community Identity:
- 11 A. Policy 4.1.1 - Distinct Communities: Encourage quality development  
12 that is consistent with the distinct character of communities.
  - 13 B. Policy 4.1.2 - Identity and Design: Protect the identity and  
14 cohesiveness of neighborhoods by ensuring the appropriate scale  
15 and location of development, mix of uses, and character of building  
16 design.

17 The request will promote the protection and enhancement of neighborhood  
18 character by establishing zoning conversions that allow appropriate and  
19 contextual land uses. The proposed zoning conversions are compatible with  
20 surrounding land uses and zoning patterns, which will act to reinforce  
21 established character and protect identity and cohesiveness in developed  
22 neighborhoods (Policy 4.1.2). Regarding vacant land, the request will  
23 encourage development that is consistent with the distinct character of  
24 communities (Policy 4.1.1).

- 25 10. The request furthers the following, applicable Goal and policy from  
26 Comprehensive Plan Chapter 5 - Land Use:
- 27 A. Goal 5.2 - Complete Communities: Foster communities where  
28 residents can live, work, learn, shop, and play together.

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

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

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

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

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

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

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

27 B. Policy 5.6.2 - Areas of Change: Direct growth and more intense  
28 development to Centers, Corridors, industrial and business parks,  
29 and Metropolitan Redevelopment Areas where change is  
30 encouraged.

31 Batch 1 of the Phase 2 Zoning Conversion process contains 14 properties  
32 in an Area of Change. The proposed zoning conversions will result in zoning  
33 and land uses that are compatible with surrounding development and

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1 therefore will reinforce the character of the area in Areas of Consistency and  
2 allow for growth and compatibility in Areas of Change. Specifically, the  
3 request will direct more intense development and redevelopment to occur  
4 where existing infrastructure and community services exist, where change is  
5 encouraged.

6 C. Policy 5.6.3 - Areas of Consistency: Protect and enhance the  
7 character of existing single-family neighborhoods, areas outside of  
8 Centers and Corridors, parks, and Major Public Open Space.

9 Batch 1 of the Phase 2 Zoning Conversion process contains 108 properties  
10 in an Area of Consistency. The proposed zoning conversions will establish  
11 appropriate zone districts that protect and enhance the character of existing  
12 single-family neighborhoods and areas outside of Centers and Corridors.

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

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

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

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

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

31 The request will serve to update a regulatory framework by establishing  
32 legislative conversion rules that apply zoning districts that are appropriate for  
33 existing uses and contextually compatible with the area surrounding them. In

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1 addition to supporting desired growth and economic development, this will  
2 move the City’s zoning system away from one-off approaches for individual  
3 properties to a regulatory code that includes appropriate mixes of land uses in  
4 base zones and predictable standards to facilitate high-quality development.

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

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

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

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

18 14. Regarding the criteria of Resolution 18-29, the request meets the intent  
19 of the Community Identity chapter of the Comprehensive Plan as follows:

- 20 A. Nonconforming Uses: For the 22 properties that qualify based on  
21 nonconforming uses, these zoning conversions will establish a zone  
22 district that is appropriate for the context and that allows existing  
23 nonconforming uses.
- 24 B. Voluntary Downzones: For the 83 properties that qualify as voluntary  
25 downzones, these zoning conversions will establish zone districts  
26 that better match existing land uses and lot sizes.
- 27 C. Floating Zone Lines: For the 4 properties that qualify based on  
28 floating zone lines, these zoning conversions will clean up the  
29 Official Zoning Map by adjusting floating zone lines to match existing  
30 platted lot lines.
- 31 D. Undeveloped Prior SU-1 & RD: For the 12 properties that qualify  
32 based on undeveloped prior SU-1 or RD zoning, these zoning  
33 conversions will establish a zone district appropriate for the context

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1 for undeveloped properties where the IDO zone does not match prior  
2 entitlements.

3 E. Size Thresholds in PD & NR-BP: For the 8 properties that qualify  
4 based on size thresholds in PD & NR-BP, these zoning conversions  
5 will establish a zone district that is appropriate for the context and  
6 that matches existing uses.

7 15. Regarding the criteria of Resolution 18-29, the request meets the intent  
8 of the Land Use chapter of the Comprehensive Plan as follows:

9 A. Nonconforming Use: For the 9 properties in Areas of Change that  
10 qualify based on nonconforming uses, the zoning conversions allow  
11 existing uses to continue and expansions or redevelopment to occur  
12 over time.

13 B. Undeveloped Prior SU or RD: For the 4 properties in Areas of Change  
14 that qualify based on prior special use zoning, the zoning  
15 conversions allow the development of non-residential and mixed  
16 uses in zone districts compatible with surrounding development.

17 C. Size Threshold in PD & NR-BP: For the 1 property in an Area of  
18 Change that qualifies based on the size threshold in the NR-BP zone,  
19 the zoning conversion allows the existing use on the premises to  
20 continue and expansions or redevelopment to occur over time.

21 16. As directed by Resolution 18-29, Planning staff developed an extensive  
22 outreach strategy to let the public know about the voluntary zoning  
23 conversion process, including articles, announcements, meetings,  
24 presentations, and a mail insert.

25 17. The required notice for an Amendment to IDO Text is published,  
26 mailed, and posted on the web. The City published notice of the EPC hearing  
27 in the ABQ Journal legal ads. First class mailed notice was sent to the two  
28 representatives of each neighborhood organization registered with the Office  
29 of Neighborhood Coordination. Notice was posted on the Planning Department  
30 website and on the project website.

31 18. Additional notification consisted of an article published in the  
32 Neighborhood News in January 2019 and email notice sent to approximately

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1 10,000 subscribers to the ABC-Z project update email list on December 10,  
2 2018 and January 3, 2019.

3 19. Though a neighborhood meeting is not required for an Amendment to  
4 IDO Text, Staff met with area residents at four neighborhood association (NA)  
5 meetings: Wells Park NA, Bear Canyon NA, University Heights NA, and Near  
6 North Valley NA.

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

9 21. There are concerns about how future planning and development  
10 decisions will be affected by the creation of “checkerboard” or “Swiss  
11 cheese” zoning patterns in particular neighborhoods. City Council should  
12 consider how zoning patterns affected by these Phase 2 zoning conversions  
13 will affect future development decisions, including both future zone map  
14 amendment requests that implicate a spot zone and site plan requests. Long-  
15 range planning efforts should address these concerns in Community Planning  
16 Area assessments for neighborhoods during comprehensive planning efforts.

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

19 **Section 1. ZONING CONVERSION RULES.** The City Council hereby adopts  
20 zoning conversion rules for the properties in Batch 1 of the Phase 2 zoning  
21 conversion process as listed in Exhibit X.

22 **Section 2. OFFICIAL ZONING MAP.** The City Planning Department shall  
23 update the Official Zoning Map to reflect the adopted zoning conversion rules  
24 for the Batch 1 properties in Exhibit X.

25 **Section 3. SEVERABILITY.** If any section, paragraph, sentence, clause,  
26 word or phrase of this Ordinance is for any reason held to be invalid or  
27 unenforceable by any court of competent jurisdiction, such decision shall not  
28 affect the validity of the remaining provisions of this Ordinance. The Council  
29 hereby declares that it would have passed this Ordinance and each section,  
30 paragraph, sentence, clause, word or phrase thereof irrespective of any  
31 provision being declared unconstitutional or otherwise invalid.

32 **Section 4. EFFECTIVE DATE.** This Ordinance shall take effect five days  
33 after publication by title and general summary.

**RULES FOR ZONING CONVERSION - BATCH 1 PROPERTIES**  
Organized by FORM ID

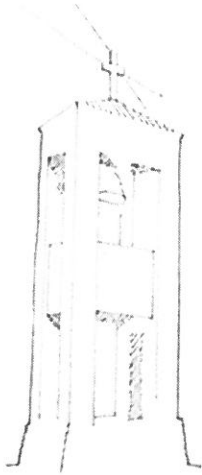
Form ID	Property Address	UPC	Legal Description	Owner Name	Development Area	Pre-IDO Zone	IDO Zone	Requested Zone	Recom-mended Zone	Criteria					Staff Notes
										1	2	3	4	5	
51	248 Muriel St NE Albuquerque, NM 87123	102105750703440711; 102105750703040712; 1021057507030940710	* 014 018EAST CEN BUSINESS; * 013 018EAST CEN BUSINESS; * 015 018EAST CEN BUSINESS	DEL TECH AUTOMOTIVE LLC	CHANGE	SU-2 / C-3	MX-H	NR-C	NR-C	Y	N	N	N	N	Auto repair and outdoor vehicle storage were allowed uses in the C-3 zone and are no longer allowed in the MX-H zone, so this use is legally nonconforming. Light and heavy vehicle repair is first permissive in NR-C, which would be an appropriate zone conversion. Outdoor vehicle storage would be considered an approved conditional use for this property if the zoning is converted to NR-C.
52	8512 Tierra Morena Pl NE Albuquerque, NM 87122	102006405231921307	LT 14-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT. 1964 AC +/-	DURAN JUANITA C	CONSISTENCY	SU-2 / O-1 & R-T	MX-T	R-1B	R-1B	N	Y	N	N	N	This property is eligible for a zoning conversion as a voluntary downzone. R-1B is an appropriate zone conversion for this property.
53	8419 Tierra Morena Pl NE Albuquerque, NM 87122	102006401433511316	LT 5-P1 CORRECTION PLAT OF TIERRA MORENA SUBDIVISIONCONT. 1215 AC +/-	DURAN JUANITA C	CONSISTENCY	SU-2 / O-1 & R-T	MX-T	R-1B	R-1B	N	Y	N	N	N	This property is eligible for a zoning conversion as a voluntary downzone. R-1B is an appropriate zone conversion for this property.
54	6312 Mojave Aster Way NE Albuquerque, NM 87111	102306219426431403	TR 45-A-1 PLAT FOR LT 45-A-1 & TR 1-A-1 THE LEGENDS AT HIGHDESERT (BEING COMPRISED OF LT 45-A & TR 1-A THE LEGENDSAT HIGH DESERT) CONT. 1106 AC	FRW ERIC & SUSAN	CONSISTENCY	SU-2 / HD/C-1	MX-L	R-T	R-T	Y	N	N	N	N	The single-family dwelling on this property is legally nonconforming in the MX-L zone, so it is eligible for a zoning conversion. R-T is an appropriate zoning conversion given the zoning in the surrounding area.
55	701 Roma Ave NW Albuquerque, NM 87102	101405808608432007	* 138 012ARMUJO BROS ADD L138 TO 140	701 ENTERPRISE LLC	CONSISTENCY	SU-2 / DNA-MR	R-ML	R-MH	R-MH	Y	N	N	N	N	The existing use on the property (bed and breakfast) is legally nonconforming. This use is first permissive as a primary use in the R-MH zone district, which is an appropriate zone conversion for this property.
56	6216 Rio Hondo Dr NE Albuquerque, NM 87109	101906226719440641	* 012 003A REPLAT OF THE SECOND PORTION OF TRACT M OF UNIT # 2 BEAR CANYON VILLAGE	SEIBERT JACK E	CONSISTENCY	R-3	R-MH	R-T	R-T	N	Y	N	N	N	This property is eligible for a zoning conversion as a voluntary downzone. R-T is an appropriate zoning conversion because this area has a mix of attached and detached dwellings.
57	7416 Cielo Grande NE Albuquerque, NM 87109	101906217030221712	* 12 3 REPL OF TRS H & J UNIT 2 BEAR CANYON VILLAGE	SCROGGINS RICK & BALDWIN CAROLYN KAY	CONSISTENCY	R-3	R-MH	R-T	R-T	N	Y	N	N	N	This property is eligible for a zoning conversion as a voluntary downzone. R-T is an appropriate zoning conversion because this area has a mix of attached and detached dwellings.
58	7412 Cielo Grande NE Albuquerque, NM 87109	101906216430221713	* 13 3 REPL OF TRS H & J UNIT 2 BEAR CANYON VILLAGE	HUDSON JAMES F & SANDRA R	CONSISTENCY	R-3	R-MH	R-T	R-T	N	Y	N	N	N	This property is eligible for a zoning conversion as a voluntary downzone. R-T is an appropriate zoning conversion because this area has a mix of attached and detached dwellings.
59	6640 Casa Loma NE Albuquerque, NM 87109	101906217327421608	* 4 2 REPL OF TRS H & J UNIT 2 BEAR CANYON VILLAGE	REED RAY P & MARY W TRUSTEES REED RVLT	CONSISTENCY	R-3	R-MH	R-T	R-T	N	Y	N	N	N	This property is eligible for a zoning conversion as a voluntary downzone. R-T is an appropriate zoning conversion because this area has a mix of attached and detached dwellings.



# from Project Meeting Report

- ii) Q: There is a moratorium on building along Alameda on the West Side of Albuquerque. Neighbors have called for a San Pedro/Alameda corridor development moratorium as well.
- iii) Q: With so many luxury apartments in this area, why does this need to be built here and now?
  - (1) The Agent stated that, based on data provided by the Greater Albuquerque Association of Realtors (GAAR), there is a city-wide housing shortage.
- iv) Q: What is the latest word from the City on the free zone conversion program?
  - (1) The Agent stated that he understands that the City is processing the voluntary zoning conversions in batches. Batch 1 hasn't yet made it to City Council. When this project application is submitted, it's the conditions in effect at that time of application that apply. The second batch is taking longer than people expected and may be in a few batches.
- v) Q: A neighbor was concerned about how this project will affect property taxes and resale values of existing homes. So many homes will lose their views of the mountains and their privacy. It will drive down property values.
- vi) Q: Will the City raise taxes on homes in the area to pay for the work on the North side of Alameda? There was a bond for about 6 or 7 years for the expansion, but it lapsed. Now there are no funds to put in gutters, sidewalks, etc. there.
  - (1) Another participant responded, the work for the north side of Alameda was ready for bid about 6 months ago. The City had some funding. But it all got tabled when this project appeared on the scene.
- vii) Q: What value does this project bring to the community in exchange for the impacts of this project? There will be a bunch of dumpsters against our wall, our mountain views will be cut off, and there's no traffic plan how to keep the kids safe. In addition our privacy will be compromised by people looking over the wall from their second and third story windows.
  - (1) Agent said that the reason for the meetings is for the developer to learn what's on the community's mind and consider how to respond. It's not fair to say that just because the current plans show things a certain way, it's necessarily cast in stone. The design team will review the pedestrian and safety issues, lighting, dumpsters, fencing, and security and respond back.
- viii) Q: A meeting participant made the following comments about the facilitated meeting process:
  - (1) The developer and agent have been in consultation with City Planning multiple times prior to the first notification of a neighborhood meeting.
  - (2) The plans for this project are well along the development path.
  - (3) This meeting is part of the IDO process and tonight's report will be given to the IDO.
  - (4) To send out a public meeting notification without any information about the project is useless to the neighborhood associations and homeowner associations and is a waste of time in a very time-bound process.
    - (a) This approach is currently allowed by the IDO.
    - (b) Neighbors feel strongly that all technical plan documents should be supplied by the developer/agent to the neighborhood associations at the time the meeting is announced.
      - (i) To not do this is a bias in favor of the developer and agent.





MR FANNING  
(2ND SPEAKER)

**Hope+in+the+Desert Episcopal Church**  
**Hope Plaza**  
**8700 Alameda Boulevard NE**  
**Albuquerque, NM 87122-3789**

(505) 830-0572 Phone  
(505) 821-3116 Fax  
office@hopeepiscopal.org = Email  
www.hopeepiscopal.org = Website

August 7, 2019

Ms. Kym Dicome, Chairwoman  
Development Review Board  
Planning Department  
City of Albuquerque  
PO Box 1293  
Albuquerque, New Mexico 87102

Reference: DRB Project #PR-2019-002496  
Site Plan – Alameda Luxury Apartments

Dear Ms. Dicome:

I am writing you in my capacity as Senior Warden of the Vestry of Hope-in-the-Desert Episcopal Church. Our vestry is the governing body of our church. Hope is located at 8700 Alameda Blvd. NE in Hope Plaza. The project referenced above abuts Hope's property to the west.

We have reviewed the Site Plan package submitted by Consensus Planning as agent for the developer. While we are not opposed to an apartment project per se, it is nonetheless our position that this project as designed is too dense for this site and as such will have significant negative impacts on adjoining properties and the neighborhood. Further, we do not believe that the new MX-L zoning category for this property is an accurate reflection of the former SU-2/C-1 zone as it allows much greater density along with other impacts than prior zoning.

We have met with a group of our neighbors at which the following concerns emerged:

- Density of development
- Loss of privacy due to 35' high three story buildings
- Pedestrian and bicycle safety as relates to nearby schools
- Traffic generation; lack of traffic study
- Lack of adequate buffering
- Environmental – noise, carbon monoxide generation, and heat island effect
- Alameda/Barstow improvements
- No review by the Environmental Planning Commission

When changing this property to a MX-L zone, the new IDO largely ignored existing zone code requirements in general and more specifically requirements of The Vineyard Sector Plan in effect from 1987 to 2018. All of the immediate area surrounding this site has been developed following the Vineyard Plan. With the exception of some single-family residential lots further to the east along Alameda, this is the only remaining underdeveloped property in the vicinity. For that reason, it was the expectation of all area property owners that this property would be developed under the requirements of the former SU-2/C-1 zone defined as Neighborhood Commercial. On page 37 of the Vineyard Plan SU-2/C-1 is the following description:

“SU-2/C-1 (neighborhood commercial) zoning is proposed at the southeast corner of Alameda and Barstow to provide neighborhood retail services that provide the day-to-day needs of nearby neighborhoods. Permissive and conditional uses of the C-1 zone as provided by the City Zoning Code are allowed in areas mapped SU-2/C-1 on the zoning map with the following exceptions:

1. The sale of alcoholic drink for consumption off-premises is a permissive use provided that it is an ancillary use within a grocery store.
2. The Design Regulations of the La Cueva Sector Development Plan (Section 5.4.6, page 30) shall apply to all properties zoned SU-2/C-1 in the Vineyard Plan.
3. Sites are subject to Site Development Plan approval by the EPC.”

As noted in this description, conditional uses of the C-1 zone are allowed. Multi-family residential is listed as a conditional use so an apartment project on this property is allowed under specific conditions. These conditions include a maximum height of 26' and setbacks same as the O-1 zone. Parking was governed by Off-Street Parking regulations outlined in Section 14-16-3-1 of the Zone Code. Site Development Plan approval was required by the EPC.

The new MX-L zone is very similar to the former SU-2/C-1 zone. The description of this zone, on page 25 of the IDO, reads:

“Mixed Use – Low Density Zone District (MX-L)  
2-4(B)(1) Purpose

The purpose of the MX-L zone district is to provide for neighborhood-scale convenience shopping needs, primarily at the corners of collector intersections. Primary land uses include non-destination retail and commercial uses, as well as townhouses, low-density multi-family residential dwellings, and civic and institutional uses to serve the surrounding area, with taller, multi-story buildings encouraged in Centers and Corridors.”

These descriptions of zones are quite similar; the new MX-L zone and the former SU-2/C-1 zone seem to be aligned as to intent. Given the great similarities between the old and new descriptions of these zones, the neighborhood could not anticipate that somehow a higher density, three story, apartment project would be allowed. In particular, the new zone specifies that multi-family residential shall be low density. The problem with this description lies in the fact that IDO does not provide the meaning of “low density”. In that regard, I posed a direct question to Chairwoman Dicombe by e-mail on August 1 as to the meaning of “low density multi-family residential”. Her reply was “The IDO does not address density. Must meet all the other requirements like height, buffering, parking, etc.”

I agree with Ms. Dicombe as I cannot find a description of this term either. Nonetheless the authors of the IDO must have been intended to place a limit on density. It is not logical to define density as "low" as opposed to "medium" or "high" and then conclude that the term has no meaning.

For that reason, I have researched the former zone code for answers. Under the R-G Residential Garden Apartment Zone, a permissive use in the zone is described as "low density apartments". Section F of this zone defines density. It states "for apartments other than townhouses, density of a lot may not exceed 20 dwelling units per acre." Therefore low density was defined as no more than 20 DU/acre. This definition appeared in various iterations of the zone code for decades. Thus we conclude that the limit on low-density apartment development for this property has always been 20 DU/acre.

To further this conclusion, the former R-2 zone allowed "medium density apartments" with a density limit of 30 DU/acre. The distinction between low density at 20/DU/acre and medium density at 30 DU/acre is quite clear.

As to height limits, the former R-LT, R-T, and R-G zones all specified a limit of 26' that is effectively a maximum of two stories. It is only under the R-2 zone, allowing medium density apartments, that a greater height was permitted and then under specific conditions. The former C-1 zone also placed a limit of 26' height on structures.

The proposed development is not sufficiently buffered from Tierra Morena, the adjoining single-family residential property to the south. Adjacent to the rear yard walls along its north side, the apartment parking area contains 125 spaces that run virtually the entire length of the property. This parking area provides most of the spaces required; it is 62' wide by more than 600' long or at least 37,200 sf in area. It also contains two large dumpsters serving the entire development. An area this large will have major environmental impact on adjoining homes in the form of noise, carbon monoxide, and the heat island effect.

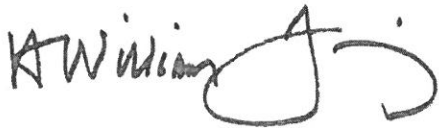
The Vineyard Sector Plan had specific requirements for buffering. It anticipated that the site in question would be developed as a commercial site per its zoning with a drive area running behind buildings. As such, the first requirement for landscape buffering, defined on page 60 of the Plan, specifies "The Standard buffer landscaping shall be a landscaping strip at least twenty feet wide, located along the residential/non-residential boundary. The buffer shall include a screen wall or continuous hedge at the property line at least 6 feet in height." Another provision was that the buffer would "consist of primarily trees and shrubs which grow to a height of at least fifteen feet within five years of planting. The trees and shrubs in the landscaping strip shall form largely an opaque screen." The site plan under review shows a landscape strip 6'-4" wide with three tree species. This buffer is substantially narrower than specified and is not reasonable or adequate given prior requirements.

Improvements to the Alameda/Barstow intersection and the south half of Alameda eastward are not delineated in the Site Plan submitted. It is therefore impossible to understand the nature and extent of street improvements that are planned. We are concerned with the proposed new curb and gutter on Alameda; we would like confirmation that it will align with the curb and gutter installed in front of Hope Plaza as well as alignment with Alameda west of its intersection with Barstow.

The Albuquerque Comprehensive Plan enumerated various policies that guide development and in particular, the impact of different uses on one another. Neighborhoods are to be "enhanced, protected and preserved as key to long-term health and vitality." Neighborhoods should be protected by "ensuring an appropriate scale and location of development, mix of uses, and character of building design." The immediate area surrounding Barstow and Alameda is defined as an Area of Consistency. Policies in such areas should "protect and enhance the character of single-family neighborhoods. Development should reinforce the scale, intensity, and setbacks of the immediately surrounding context. In areas with predominantly single-family residential uses, support zone changes that help align the appropriate zone with existing land uses."

We do not believe that the proposed apartment project, at the proposed density, meets these criteria. Further, we conclude that the MX-L zone was the wrong category for re-zoning this property under the new IDO and in fact, for reasons enumerated herein, is a de-facto up-zone. We therefore request that the DRB reject the Site Plan as submitted in favor of a lower density apartment development in line with former zoning requirements.

Very truly yours,

A handwritten signature in black ink, appearing to read "H. William Fanning". The signature is stylized and cursive, with a large, sweeping flourish at the end.

H. William Fanning  
Senior Warden  
Hope+in+the+Desert Episcopal Church



#4

Comment for Project #PR-2019-002496; SI-2019-00180 - SITE PLAN

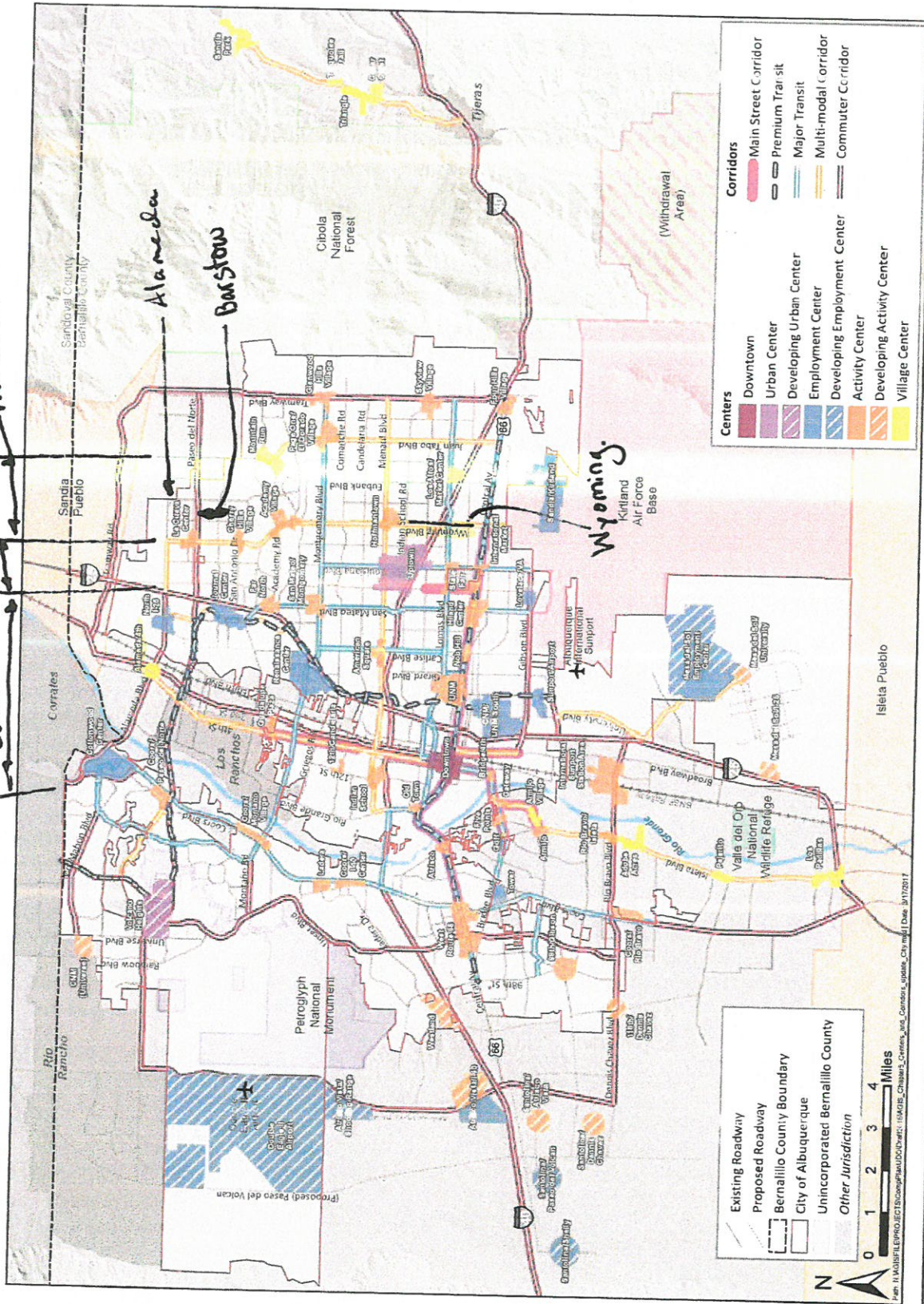
From: Michael Steven Shackley and Kathleen Butler, 8800 Henriette Wyeth Dr NE,  
Albuquerque, NM 87122; (510) 393-3931

It seems clear from our conversations with young professionals, including a former neighbor, that they do not want to live in the North East Heights, they want to live in the Nob Hill area to be closer to things they are interested in, and where they will pay the same price or less. Our neighbor and a friend recently rented a house near CNM and UNM for \$1500.00 per month, the same price as the developer is asking for 1 bedroom apartments. The developer's price is unrealistic, and perhaps a number chosen in order to secure bank funding.

Given this, if the developer is unable to rent to young professionals or others at his asking price, will the City allow the developer to transform the project into subsidized housing?

#7  
APPENDIX

Commuter Corridor  
Multi-modal Corridor  
not a corridor





Morning

Good afternoon, my name is Paul Wever, resident at 8409 Tierra Morena Pl and I'd like to talk about corridors and centers as it relates to this project.

page 25 of the IDO reserves MX-L for "low density multi family units" and goes on to state "taller, multi-story facilities are encouraged **IN CORRIDORS**"

Page 5-23 of the ABC Comp Plan defines an Areas of Change as "**Designated** Centers and Corridors" where it allows for development of higher density. The Map in Appendix G, page A-47 of the ABC Comp Plan clearly shows that the area of development is outside the Alameda corridor which runs west of Wyoming, and excludes the Alameda/Barstow intersection which is east of Wyoming.

The ABC Comp Plan, page 5-24 defines an Areas of Consistency to include "Other parcels outside Change areas, regardless of zoning or current use". Confirming that the Alameda/Barstow intersection is an Area of Consistency and by page 5-23 definition will be protected by policies to "limit densities, new uses, and negative impacts from nearby development". Properties adjacent to the designated proposal are residential single family homes with a density of 3 to 5 dwelling units per acre per the La Cueva and Vineyard Sector Development Plans.

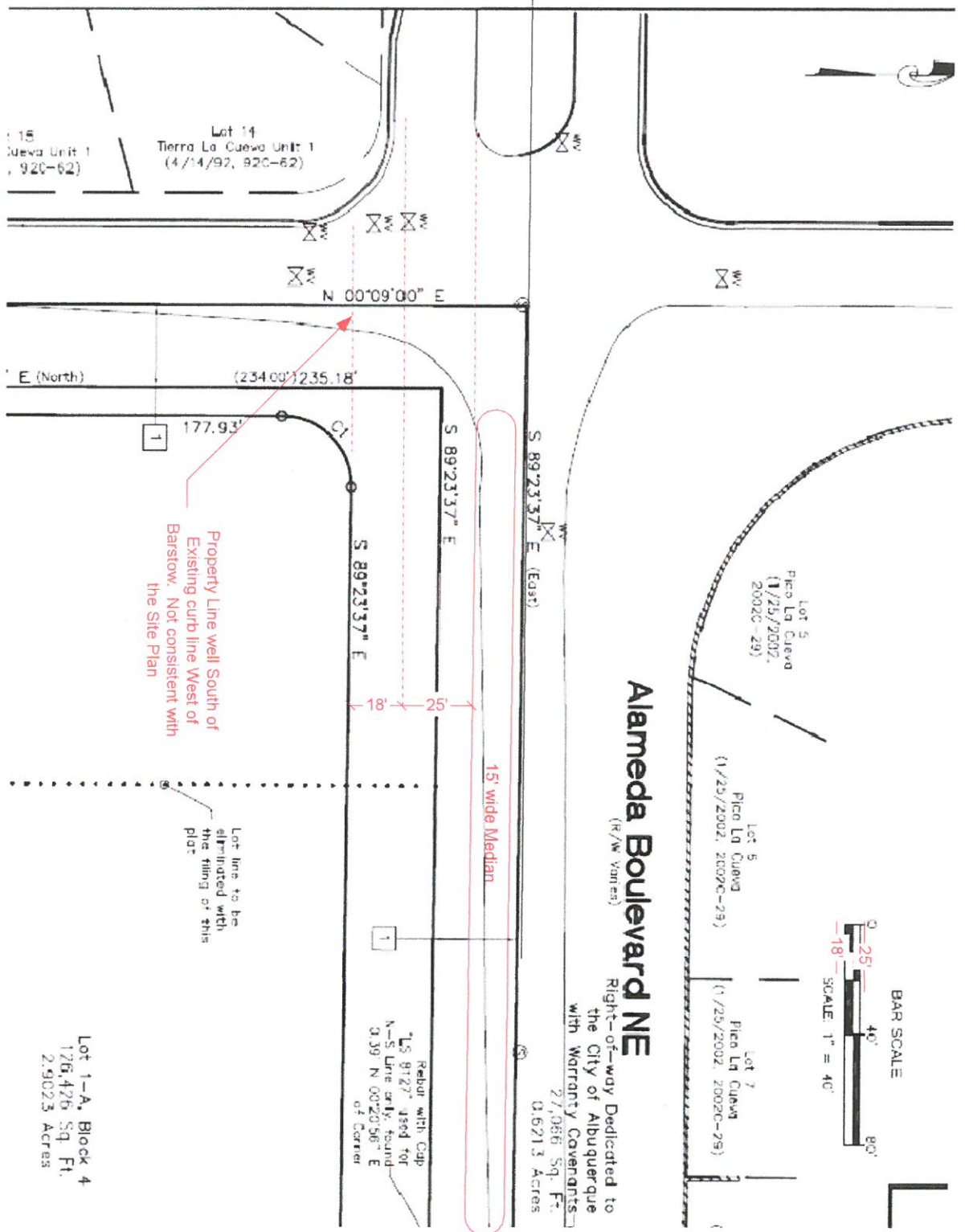
This site plan presented is high density. Albuquerque Planning Department Urban Design Series 1 identifies low medium and high density. Page 4 shows R-3 designated neighborhoods having a density of 9.6 dwelling units per acre, and states it is the highest density outside of urban centers. The site plan in question has a density of 32 Dwelling units per acre, three times above the non-urban center standards.

more than

I request that the DRB disapprove the site plan under section 6-6(G)(1) as the site plan does not comply with applicable provisions of the IDO, other city regulations (ABC Comp Plan) by being outside the MX-L definition and Area of Consistency criteria, and per 6-6(G)(3)(c) as the Site Plan does not "mitigate any significant adverse impacts on the surrounding area to the maximum extent practicable" by proposing construction of high density units outside of urban centers, outside of an Area of Change, and inside an Area of Consistency affecting property values, and increasing blight.

Thank you for your time.

88

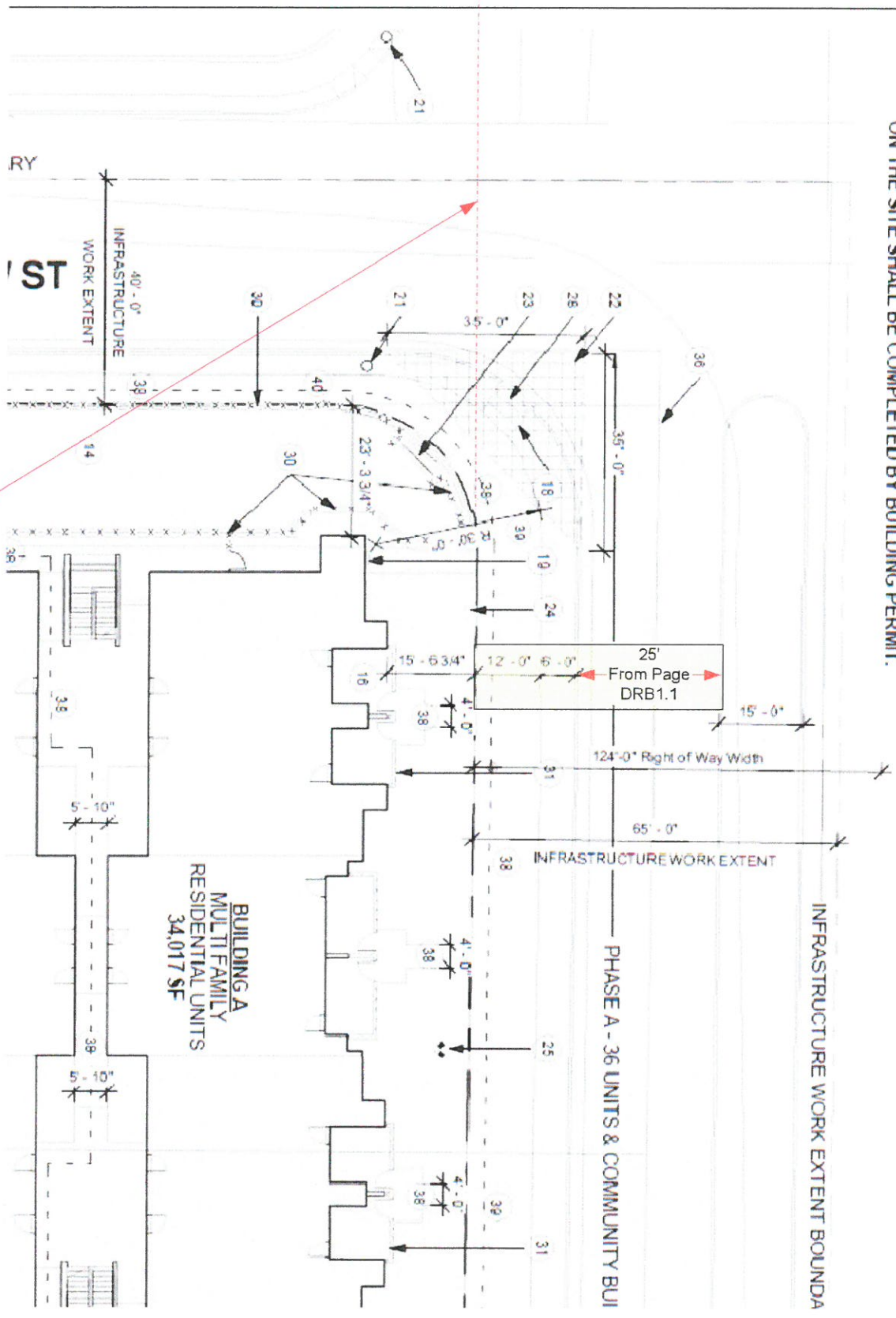


Extracted from Sketch Plat dated June 2019  
 Everything in Red is overlay/markup

Lot 1-A, Block 4  
 176,426 Sq. Ft.  
 2.9023 Acres

3. ALL INFRASTRUCTURE WORK TO BE COMPLETED IN THE CITY'S RIGHT OF WAY SHALL BE COMPLETED BY PUBLIC WORK ORDER. ALL INFRASTRUCTURE TO BE COMPLETED ON THE SITE SHALL BE COMPLETED BY BUILDING PERMIT.

3 Site Plan Key  
1" = 100'-0"



Property Line well North of Existing curb line West of Barstow. Not consistent with the Sketch Plat

Extracted from Drawing Pkg Page DRB1.0 dated 8-8-19  
Everything in Red is overlay/markup