

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-22-54

ENACTMENT NO. 0-2023-024

SPONSORED BY: Isaac Benton and Trudy Jones, by request

ORDINANCE

1
2 **ADOPTING CITYWIDE TEXT AMENDMENTS TO THE INTEGRATED**
3 **DEVELOPMENT ORDINANCE §14-16 IN CONJUNCTION WITH THE 2022 IDO**
4 **ANNUAL UPDATE PROCESS TO ADDRESS THE NEED FOR MORE HOUSING**
5 **OPPORTUNITIES.**

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, platting, and zoning jurisdiction of**
9 **the City authorized by statute, Sections 3-19-5 and 3-21-1, NMSA 1978, and by**
10 **its home rule 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 protect and preserve environmental features such as water,**
17 **air and other natural endowments, ensure the proper use and development of**
18 **land, and promote and maintain an aesthetic and humane urban environment;**
19 **and Article XVII, Planning, establishes the City Council as the City's ultimate**
20 **planning and zoning authority; and**

21 **WHEREAS, the City Council adopted an updated Albuquerque-Bernalillo**
22 **County Comprehensive Plan ("ABC Comp Plan") in 2017 via R-16-108**
23 **(Enactment No. R-2017-026); and**

24 **WHEREAS, the 2017 ABC Comp Plan adopted housing goals and policies,**
25 **including Goal 9.1 Supply; Policy 9.1.1 Housing Options, including Sub-**
26 **policies 9.1.1.a, 9.1.1.b, 9.1.1.c, 9.1.1.h, and 9.1.1.i to encourage housing**

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1 options for all types of households at all income levels, discourage
2 discrimination and segregation by race or class, and provide for multi-family
3 housing close to investments in public services, transit, and shopping; and
4 Policy 9.1.2 Affordability, including Sub-policies 9.1.2.a, 9.1.2.b, 9.1.2.c, 9.1.2.d,
5 and 9.1.2.e to prioritize affordable housing for populations with the lowest
6 income levels; encourage a diversity of housing types, including townhouses
7 and accessory dwelling units that are at a similar scale to existing
8 neighborhoods; encourage higher-density housing near job centers and along
9 transit corridors; and encourage mixed-use development; and

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

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

18 WHEREAS, any amendment of the IDO text that applies citywide is to be
19 reviewed and decided as a legislative action; and

20 WHEREAS, the Department of Family and Community Services'
21 Consolidated Housing Plan for 2018-2022 calculated the city's Area Median
22 Income (AMI) to be \$47,989, with over 20 percent of the city's 222,491
23 households making less than 50 percent of that AMI and 11 percent of
24 households at or below 30 percent of that AMI; and

25 WHEREAS, an Urban Institute study found that over 15,000 affordable
26 housing units were needed for households at or below 30 percent of Area
27 Median Income (AMI); and

28 WHEREAS, the Harvard Joint Center for Housing Studies reported that
29 Albuquerque rents increased nearly 20 percent year-over-year in 2021
30 compared to 2.6 percent in 2015; and

31 WHEREAS, rents in the city have increased more than 11 percent in the last
32 year alone, according to ApartmentList.com, and the vacancy rate for multi-

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1 family development fell below 3 percent for the Albuquerque market in the first
2 quarter of 2022, according to Northmarq Real Estate Investment/REIS; and

3 WHEREAS, this upward shift in prices disproportionately impacts lower
4 income households, because the supply of rental units affordable to
5 households with incomes of less than \$25,000 per year decreased by over 50
6 percent between 2010 and 2019 compared to a 9 percent decrease in the
7 number of renters with incomes less than \$25,000 statewide, according to the
8 Mortgage Finance Authority’s New Mexico Housing Strategy from September
9 2022; and

10 WHEREAS, typical Albuquerque home value increased nearly 20 percent in
11 2021 compared to just 0.2 percent in 2015, according to data from the Harvard
12 Joint Center for Housing Studies; and

13 WHEREAS, housing prices have increased more than 17 percent in the first
14 quarter of 2022, according to data from the Harvard Joint Center for Housing
15 Studies; and

16 WHEREAS, over 5,000 housing units of all types need to be added every
17 year statewide, on average, to accommodate growth expected by 2025, while
18 over the past 10 years, only 3,300 housing units were constructed, on average,
19 and the trend of more households moving to urban areas continues,
20 according to the Mortgage Finance Authority’s New Mexico Housing Strategy
21 from September 2022; and

22 WHEREAS, recent commitments from Amazon, Netflix, Facebook, and Intel
23 for expansions are estimated to bring over 40,000 new jobs and households to
24 the region, necessitating over 14,000 new rental units and 26,000 single-family
25 dwellings, according to ULI and the Ventana Fund; and

26 WHEREAS, increasing the supply of all types of housing generally keeps
27 housing prices and rents more affordable; and

28 WHEREAS, while the Integrated Development Ordinance focuses on infill
29 development, there is great opportunity for development that contributes to
30 the existing built environment in areas that are not considered infill areas,
31 especially in regions where there is an imbalance of housing to services; and

32 WHEREAS, City Staff should rereview Sector Development Plans that
33 were rescinded when the Integrated Development Ordinance was adopted to

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1 identify any new small mapped areas that should be created if it's determined
2 that regulations in any of those plans are significantly different than what was
3 adopted in the IDO; and

4 WHEREAS, proposed zoning provisions such as those included in this bill
5 are not guaranteed to increase the amount or availability of affordable
6 housing; and

7 WHEREAS, the City Administration should create a plan to present to the
8 City Council on strategies beyond land use entitlements that can measurably
9 increase the amount of affordable housing in the city; and

10 WHEREAS, only 36 percent of the total area of the city has Residential or
11 Mixed-use zoning that allows residential development; and

12 WHEREAS, the R-1 zone district makes up 23 percent of the total
13 geographic area of the city; and

14 WHEREAS, the R-1 zone district only allows one single-family dwelling per
15 lot; and

16 WHEREAS, there are 135,894 properties zoned R-1, which accounts for 68
17 percent of all zoned properties in the city; and

18 WHEREAS, the history of R-1 zoning includes efforts to exclude people of
19 color and lower-income households; and

20 WHEREAS, low-density residential development includes many housing
21 options that can meet the needs of seniors to age in place; multi-generational
22 households to provide spaces for college students, aging parents, and
23 extended family members; and households that would benefit from additional
24 rental income from dwelling units on their properties; and

25 WHEREAS, adding an additional dwelling unit for rental or for family
26 members either as an accessory dwelling unit on a lot with an existing house
27 or renovating an existing house into a two-family dwelling can be an anti-
28 displacement strategy to help families stay in their homes, support extended
29 families and multigenerational households, and build generational wealth
30 through homeownership for many families who have been marginalized
31 historically; and

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1 **WHEREAS, most of the regulatory protections for neighborhoods and**
2 **Areas of Consistency in the IDO are tied to low-density residential**
3 **development; and**

4 **WHEREAS, allowing two-family dwellings (duplexes) and accessory**
5 **dwelling units in the R-1 zone district would immediately remove exclusionary**
6 **effects, allow triple the number of dwellings on 68 percent of the city’s zoned**
7 **properties (38% of the city’s total land area), and maintain the existing**
8 **protections for neighborhoods and Areas of Consistency; and**

9 **WHEREAS, only 9 percent of the city’s total land area is zoned R-MH or one**
10 **of the Mixed-use zone districts, which allow multi-family at the highest**
11 **densities through higher maximum building height; and**

12 **WHEREAS, maximum building heights and required off-street parking can**
13 **be regulatory barriers to development projects that could increase the**
14 **availability of multi-family dwellings; and**

15 **WHEREAS, removing limits on building heights and reducing off-street**
16 **parking requirements for multi-family dwellings would be an incentive that**
17 **could lower the construction cost per dwelling unit, help projects be more**
18 **feasible, and increase the supply of multi-family dwellings; and**

19 **WHEREAS, affordable housing is often the most feasible when provided as**
20 **multi-family dwellings; and**

21 **WHEREAS, exempting affordable housing provided as multi-family**
22 **dwellings from the off-street parking requirement would be an incentive that**
23 **could reduce development costs, help projects be more feasible, and increase**
24 **the supply of affordable multi-family dwelling units.**

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

27 **SECTION 1. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO**
28 **ALLOW DETACHED ACCESSORY DWELLING UNITS WITH KITCHENS**
29 **PERMISSIVELY IN THE R-1 AND R-A ZONE DISTRICTS CITYWIDE, EXCEPT IN**
30 **SMALL AREAS WHERE SPECIAL REGULATIONS APPLY.**

31 **(A) Revise Table 4-2-1 to remove “A” from Dwelling Unit, Accessory**
32 **without Kitchen in the following zone districts: R-MH, MX-L, MX-M, NR-C, NR-**
33 **BP, NR-LM, NR-GM, and NR-PO-B.**

1 (B) Revise Table 4-2-1 to remove “A” from Dwelling Unit, Accessory with
2 Kitchen for the R-MH zone district.

3 (C) Revise §14-16-4-3(F)(5)(a) as follows:

4 "Where this use is allowed, only 1 accessory dwelling unit is allowed per lot
5 and shall be limited to 750 square feet of gross floor area. A garage attached
6 to the accessory dwelling unit shall not count toward this size limit. See Table
7 4-2-1 for the zone districts where this use is allowed and Subsection 14-16-4-
8 3(F)(5)(e) for the small areas where accessory dwelling units with kitchens are
9 only allowed conditionally in the R-1 zone district or have special regulations.

10 1. Where added as accessory to a single-family or two-family detached
11 dwelling, this use must be provided as an accessory building and may be
12 provided without a kitchen.

13 a. A renovation to create a second unit with a kitchen, a separate
14 entrance, and no shared spaces in a single-family dwelling is regulated
15 separately as a two-family detached dwelling in Table 4-2-1.

16 b. A second kitchen within a single-family or two-family detached
17 dwelling is regulated separately as an allowable accessory use in Table 4-2-1.

18 2. In a Mixed-use or Non-residential zone district, an accessory dwelling
19 unit may be added for the caretaker of a primary non-residential use, either
20 attached or detached to the building with a primary use, and must include a
21 kitchen."

22 (D) Delete §14-16-4-3(F)(5)(b) and renumber subsequent subsections
23 accordingly.

24 (E) Revise §14-16-4-3(F)(5)(e) as follows:

25 "Accessory dwelling units with or without a kitchen are allowed as a
26 permissive accessory use in the R-1 zone district, with exceptions where they
27 are allowed as permissive accessory uses in certain small areas as specified
28 below and as allowed pursuant to Subsection (f) below. Where allowed as a
29 conditional accessory use, a Conditional Use Approval pursuant to
30 Subsection 14-16-6-6(A) is required."

31 (F) Delete §14-16-4-3(F)(5)(e)1 and renumber subsequent subsections
32 accordingly.

1 ~~“Near Premium Transit and Main Street Areas Accessory dwelling units with a~~
2 ~~kitchen are a permissive accessory use within 1,320 feet (¼ mile) of PT and MS~~
3 ~~areas. An accessory dwelling unit shall not exceed 750 square feet of~~
4 ~~gross floor area.”~~

5 (G) Delete §14-16-4-3(F)(5)(g) as follows:

6 ~~“In the small areas in Subsection (e) above that require a Conditional Use~~
7 ~~Approval pursuant to Subsection 14-16-6-6(A) for accessory dwelling units~~
8 ~~with kitchens R-1 zone district, accessory dwelling units without kitchens~~
9 ~~require a Conditional Use Approval pursuant to Subsection 14-16-6-6(A),~~
10 ~~except in areas where accessory dwelling units with kitchens are allowed~~
11 ~~permissively pursuant to Subsection (e) above.”~~

12 (H) Revise the definition of Dwelling Unit, Accessory in §14-16-7-1 as
13 follows:

14 "A dwelling unit that is accessory to a primary single-family or two-family
15 detached dwelling or a non-residential primary use. This IDO distinguishes
16 between accessory dwelling units with and without a kitchen. A detached
17 accessory dwelling unit is also considered an accessory building. See also
18 Dwelling Definitions for Dwelling, Live/Work; Dwelling, Single-family
19 Detached; and Dwelling, Two-family Detached (Duplex); Kitchen; and
20 Measurement Definitions for Accessory Dwelling Unit.”

21 (I) Add a new use-specific standard to Dwelling Unit, Accessory as follows
22 and renumber subsequent sections as necessary:

23 4-3(F)(5)(b) Building facades of an Accessory Dwelling Unit shall be the same
24 or similar in color to that of the primary building on the lot.

25 (J) Add a new use-specific standard to Dwelling Unit, Accessory as follows
26 and renumber subsequent sections as required:

27 4-3(F)(5)(c) A 5-foot side yard or rear yard setback is required.

28 (K) Amend Small Area provisions in 4-3(F)(5)(e) in which Accessory
29 Dwelling Units require a Conditional Use to remove the Conditional Use
30 requirement.

31 (L) Revise §14-16-4-3(F)(5) to add a new subsection as follows:

32 §14-16-4-3(F)(5) An Accessory Dwelling Unit shall be no taller than the primary
33 structure on the property.

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1 **SECTION 2. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE TO**
2 **EXEMPT ALL CONVERSIONS FROM NON-RESIDENTIAL DEVELOPMENT TO**
3 **MULTI-FAMILY DWELLINGS FROM THE DEFINITION OF KITCHEN.**

4 **(A) Amend existing text in the use-specific standard in §14-16-4-3(B)(8)(e)**
5 **as follows:**

6 **“4-3(B)(8)(e) In Mixed-use zone districts, a conversion of existing non-**
7 **residential development to a residential use shall be exempt from the**
8 **definition of kitchen in IDO Section 14-16-7-1 if all of the following**
9 **requirements are met.**

10 **1. A separate kitchen and bathroom shall be provided in each dwelling unit.**

11 **2. The kitchen shall include all of the following requirements:**

12 **a. A sink of adequate size and shape for washing dishes and food items**
13 **(as opposed to washing hands).**

14 **b. A refrigerator that includes a separate freezer compartment.**

15 **c. A countertop surface, a microwave, an additional appliance for**
16 **warming food (such as an induction cooktop), and at least 2 electrical outlets**
17 **that allow-appliances to be plugged in safely.**

18 **3. Units shall have a maximum of 2 bedrooms, and occupancy shall be**
19 **limited as follows:**

20 **a. 2 people per efficiency unit.**

21 **b. 2 people per 1-bedroom unit.**

22 **c. 4 people per 2-bedroom unit.”**

23 **(B) i. “In Table 4-2-1, add “CV” to allow multi-family dwellings in the NR-BP**
24 **zone district.**

25 **ii. In IDO Subsection 4-3(B)(8), add a new subsection with text as**
26 **follows: In the NR-BP zone district, this use is allowed as conversions from an**
27 **existing non-residential development, pursuant to use-specific standards in**
28 **14-16-4-3(B)(8)(e), and shall require a Conditional Use Approval pursuant to**
29 **Subsection 14-16-6-6(A).”**

30 **SECTION 3. AMEND THE INTEGRATED DEVELOPMENT ORDINANCE**
31 **RELATED TO BUILDING HEIGHT PROVISIONS.**

32 **(A) Add the following text to every Character Protection Overlay Zone, View**
33 **Protection Overlay Zone, and Historic Protection Overlay Zone by creating a**

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1 new subsection on building height or adding to an existing subsection
2 regarding building height and renumber subsequent sections as follows, if
3 necessary:

4 (B) Add a new subsection in Subsection 14-16-5-2(J)(1) Lots within 330 feet
5 of Major Public Open Space with text as follows:

6 5-2(J)(1)(x) Building Height Bonuses.

7 Building height bonuses are prohibited.

8 SECTION 4. PURPOSE STATEMENT.

9 Amend page 1 of the IDO to add a new purpose statement as follows:

10 1-3(P) Encourage development in all areas of the city, especially where there is
11 an imbalance of housing to services.

12 1-3(Q) Promote development in regions of the City that are not considered
13 infill areas.

14 SECTION 5. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
15 clause, word or phrase of this ordinance is for any reason held to be invalid or
16 unenforceable by any court of competent jurisdiction, such decision shall not
17 affect the validity of the remaining provisions of this ordinance and each
18 section, paragraph, sentence, clause, word, or phrase thereof irrespective of
19 any provision being declared unconstitutional or otherwise invalid.

20 SECTION 6. This ordinance shall be incorporated in and made part of the
21 Revised Ordinances of Albuquerque, New Mexico, 1994.

22 SECTION 7. EFFECTIVE DATE AND PUBLICATION OF SECTIONS 1
23 THROUGH 4. Sections 1 through 4 of this ordinance shall take effect after
24 publication by title and general summary upon the sooner of the effective date
25 of the 2022 IDO Annual Update or January 31st, 2024.
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1 PASSED AND ADOPTED THIS 21st DAY OF June, 2023
2 BY A VOTE OF: 5 FOR 4 AGAINST.

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4 For: Benton, Davis, Fiebelkorn, Jones, Peña
5 Against: Bassan, Grout, Lewis, Sanchez
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10 _____
11 Pat Davis, President
12 City Council
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15 APPROVED THIS 5 DAY OF July, 2023
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20 Bill No. O-22-54
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25 Timothy M. Keller, Mayor
26 City of Albuquerque
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28 ATTEST:
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32 Ethan Watson, City Clerk
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