



**Environmental
Planning
Commission**

**Agenda Number: 2
Project #: PR-2018-001843
Case #: RZ-2023-00043
Hearing Date: January 11, 2024**

Supplemental Staff Report

Applicant	City of Albuquerque Planning Department
Request	Amendment to the Integrated Development Ordinance (IDO) Text – Rail Trail Small Area for the 2023 Annual Update
Location	Rail Trail Corridor

Staff Recommendation

That a recommendation of APPROVAL of PR-2018-001843, Case RZ-2023-00043 be forwarded to the City Council based on the FINDINGS beginning on Page 8 and subject to the Recommended Conditions for Approval on Page 14.

**Staff Planner
Robert Messenger**

Summary of Analysis

The request is for text amendments to the Integrated Development Ordinance (IDO) to adopt new small area regulations for the Rail Trail and was continued at the December 14, 2023 special EPC hearing for a month. The proposed regulations are in tandem with the IDO Annual Update process to gather proposed changes through a regular cycle of discussion among residents, City staff, businesses, and decision makers (14-16-6-3(D)).

The amendment would create new small area regulations in IDO Section 14-16-5-2 regarding setbacks, building height stepdowns, landscape buffer, and building design for new development or redevelopment adjacent to the proposed Rail Trail.

Planning staff held one pre-submittal neighborhood meeting on September 20, 2023.

Several public comments have requested modification to the proposed regulations. Staff recommends that a recommendation of approval be forwarded to the City Council with recommended conditions of approval.

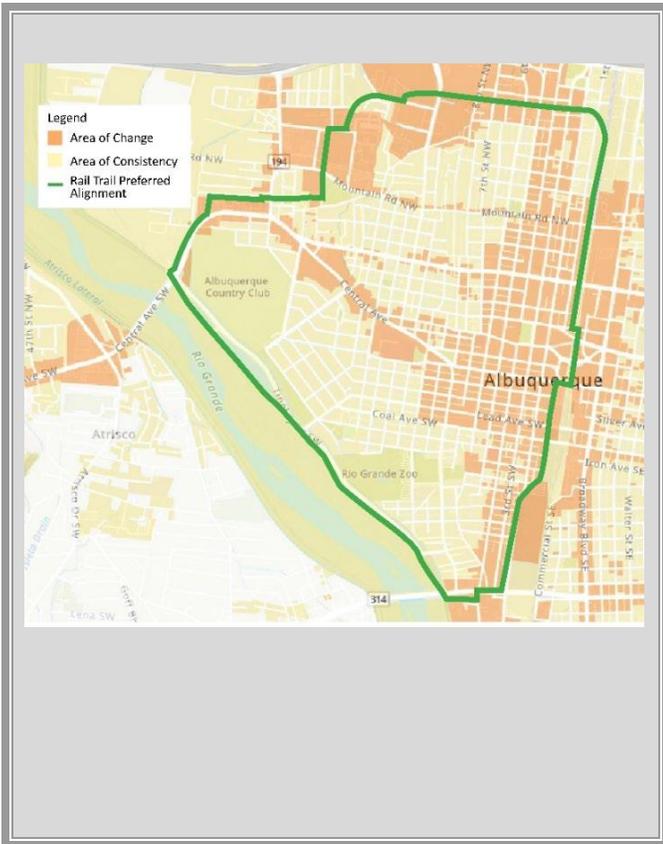


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I. INTRODUCTION

At the hearing on December 14, 2023, EPC took public comments and directed staff to create conditions of approval based on comments. The EPC voted to continue the hearing to a special hearing on January 11, 2024.

Request

This request is for an Amendment to the Integrated Development Ordinance (IDO) Text – Small Area for the Annual Update required by IDO Subsection 14-16-6-3(D). The proposed text amendments affecting the planned Albuquerque Rail Trail in IDO Section 14-16-5-2 are in tandem with citywide text amendments to the IDO, which were submitted separately pursuant to IDO Subsection 14-16-6-7(D) and are the subject of another Staff report (RZ-2023-00040). The proposed small area amendments, when combined with the proposed citywide amendments, are collectively known as the 2023 IDO Annual Update. More information is available online at this link: <https://abq-zone.com/ido-annual-update-2023>

→ For subsections regarding Background, Applicability and Environmental Planning Commission (EPC) Role, please refer to pages 4-5 of the original December 14, 2023 Staff report.

II. ANALYSIS OF ORDINANCES, PLANS, AND POLICIES

Charter of the City of Albuquerque & the Comprehensive Plan (Rank 1)

→ Please refer to pages 5-9 of the December 14, 2023 Staff report for Staff’s analysis of the City Charter and Comprehensive Plan as applied to the request.

Integrated Development Ordinance (IDO)

→ Please refer to pages 9-13 of the December 14, 2023 Staff report for Staff’s analysis of the IDO review and decision criteria for Amendment to IDO Text – Small Area.

III. KEY ISSUES & DISCUSSION

The purpose of the proposed amendments is to incorporate a new small area known as the Rail Trail Small Area. The amendment would create new regulations in Section 14-16-5-2 (Site Design and Sensitive Lands). The proposed changes would apply to any new development or redevelopment of commercial, mixed-use, or industrial zoned properties adjacent to the proposed Rail Trail corridor. The original proposed amendments pertaining to the Rail Trail are presented and explained in the “Proposed Rail Trail Contextual Standards.” (See attachment.) More information, including the pre-submittal neighborhood meeting report, is available online here: <https://abq-zone.com/ido-annual-update-2023#paragraphs-item-337>.

→ Please refer to p. 13-16 of the December 14, 2023 Staff report for Staff’s full analysis of the proposed changes.

The EPC heard public comments from 8 individuals about the Albuquerque Rail Trail at the December 14th hearing. Approximately half of the commenters expressed concerns about the design of the Rail Trail itself. Others expressed concerns about confined public right-of-way along portions of the BNSF rail spur as well as along Soto Avenue near Hollywood Avenue (west of Rio Grande Boulevard NW). Those who are concerned about the Rail Trail design and right-of-way issues are encouraged to speak with MRA staff or visit this website: <https://www.cabq.gov/mra/rail-trail-1>.

The purpose of these amendments to implement building design standards, building height stepdowns, landscape buffers, wall and fence design, and trail access for properties adjacent to the Rail Trail, which complement the trail itself and create an attractive and inviting environment for trail users.

EPC Discussion of Conditions

Based on feedback received from public comment, the EPC requested that Staff look into potential conditions related to landscape buffering, building height stepdowns, and applicability of Character Protection Overlay (CPO) zone requirements.

Comments from the NAIOP Commercial Real Estate Development Association and developers expressed concerns about the building height stepdown regulations, landscape buffers, and outdoor gathering areas.

Edge Buffer Landscaping

Some public comment was received regarding the width of the required landscape buffering proposed for non-industrial development. The original amendment request included an edge buffer requirement by reference to IDO Subsection 14-16-5-6(E)(2)(b)1, which states:

“A landscaped edge buffer area at least 6 feet wide shall be provided. For buildings over 30 feet in height, the edge buffer area shall be at least 10 feet wide.”

MRA staff agrees that a simple 5-foot landscape buffer is sufficient to meet the intent of this regulation regardless of building height. The planned Rail Trail generally has a 3-foot buffer as part of the trail design, so combined, these landscaped areas will total approximately 8 feet in width.

The referenced subsection in the original proposal also provides a width, but does not specify any particular planting requirements, so staff is recommending a condition to reduce the required landscape buffer to 5 feet wide with planting requirements that match those for the landscape buffer required at the edge of parking lots in the IDO. This planting will help provide shade for abutting seating and gathering areas and help soften the edge between the private properties and the Rail Trail Corridor.

Proposed Condition #1: *The proposed landscape buffer for new multi-family, mixed-use, or non-residential development other than industrial development shall be at least 5 feet wide and that at least 1 tree and 3 shrubs shall be planted every 25 feet along the property line abutting the Rail Trail.*

Building Height Stepdown

The proposed amendment would require buildings within 50 feet of the Rail Trail to step down to a maximum height of 48 feet, with the exception of Downtown Center (DC) and Main Street Corridors (MS). The proposed building height stepdown avoids a “canyon effect” and allows more daylight and openness for trail users. In order to balance the priority for development and redevelopment where it is most needed, the Center and Corridor areas are proposed to be exempt from the building height stepdown requirement.

As discussed in the December 14, 2023 Staff Report, Planning staff also recommend a Condition of Approval to exempt Premium Transit (PT) Corridors from the building height stepdown regulation.

Proposed Condition #2: Exempt Premium Transit (PT) areas from the building height stepdown requirement.

There was public comment in opposition to the building height stepdown requirement, but also public comment requesting it remain and in some cases be applicable to more areas or for a lower maximum building height.

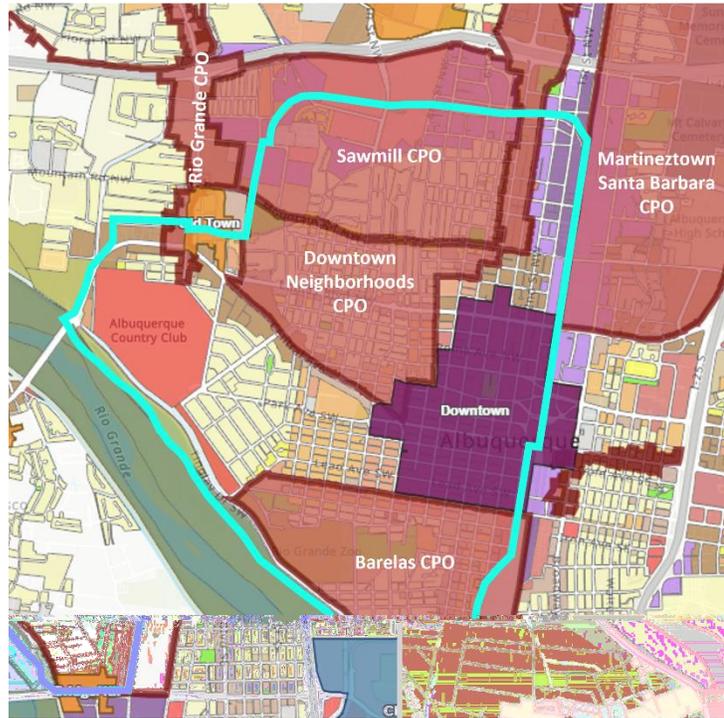
MRA staff proposed reducing the applicable distance from the Rail Trail Corridor from 50 feet to 20 feet as a compromise based on developers’ feedback. A distance of 20 feet would be mostly setback and landscape buffer, and thus would only have a negligible impact on building height reductions, as only 5 to 10 feet of the building façade would be subject to the stepdown. Alternatively, the building could be set back the 20-foot distance from the Rail Trail and not have any setback in the façade itself.

Proposed Condition #3: Reduce the building height stepdown distance from 50 feet to 20 feet.

Although representatives of the development community supported the reduced buffer distance from 50 feet to 20 feet, there remained concerns about the applicability to properties already subject to Character Protection Overlay (CPO) zone regulations, typically a building height stepdown at the front property line or a maximum building height lower than otherwise allowed by the zone district.

The Rail Trail intersects with 6 CPOs:

- Barelás CPO-1
- Downtown Neighborhoods CPO
- Martineztown/Santa Barbara CPO
- North 4th Corridor CPO
- Rio Grande CPO
- Sawmill CPO



IDO Subsection 14-16-1-8(A) establishes that any regulation in an Overlay zone prevails over any other regulation in the IDO, regardless of whether it is more or less restrictive. Because these CPOs all vary, and any height regulations prevail over any regulation associated with the Rail Trail, Staff is proposing a different approach to meet the intent of reducing the canyon effect and provide an alternative to the building height stepdown along the Rail Trail. Staff is proposing an exemption to the building height stepdown requirement for projects that locate 100% of their required outdoor seating and gathering areas next to the Rail Trail. This amendment complements proposed edits to the building design standards for placement of outdoor seating and gathering areas (see next section below).

Proposed Condition #3: Exempt properties from the building height stepdown requirement as follows:

5-2(A)(5)(b) Notwithstanding subsection (a) above, a building height stepdown is not required on properties where 100 percent of the outdoor seating and gathering areas required by Subsection 14-16-5-11(E)(3) are located abutting the Rail Trail.

Outdoor Seating and Gathering Areas

Lastly, comments from representatives of the development community noted that developments that provide outdoor plazas near the Rail Trail would serve the same purpose as the proposed regulations requiring the placement of outdoor seating and gathering areas required by IDO Subsection 14-16-5-11(E)(3) adjacent to the Rail Trail and should be exempt from that regulation.

Staff agrees that well connected pedestrian plazas, seating, and gathering areas may meet some of the intent to allow people to get on and off the trail at abutting businesses or developments, but another important component of placing these seating and gathering areas along the trail itself it to provide “eyes on the trail.” This is consistent with the Comprehensive Plan policy to incorporate principles of crime prevention through environmental design (CPTED) in urban design contexts (Policy 7.3.2 Community Character, sub-policy b) Encourage development and site design that incorporates CPTED principles).

Proposed Condition #4: Revise Subsection 14-16-5-2(A)(6)(b) as follows:

At least 50 percent of the outdoor seating and gathering areas required by Subsection 14-16-5-11(E)(3) shall be located adjacent to the Rail Trail.

IV. PUBLIC OUTREACH

→ Please refer to p. 16-17 of the December 14, 2023 Staff report for information regarding meetings and presentations provided.

V. NOTICE

→ Please refer to p. 17-18 of the December 14, 2023 Staff report for information regarding required notice that was provided.

As noted in IDO 6-4(M)(6)(b), “For decisions to continue or defer a hearing, the time and place shall be announced at the hearing without the need for the applicant or the City to provide additional notice.” Therefore, no additional notice was provided.

The City posted notice of the EPC hearing on the Planning Department website here: <http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes>.

VI. AGENCY & NEIGHBORHOOD COMMENTS

Agency Comments

→ Please refer to p. 18 and 26-27 of the December 14, 2023 Staff report for comments from agencies.

Neighborhood/Public

Since the December 14, 2023 EPC Hearing, staff has received no other comments as of the writing of this report.

VII. CONCLUSION

The request for Amendment to IDO Text – Small Area meets all of the application and procedural requirements in IDO Subsection 14-16-6-7(D). The IDO text amendment is consistent with the Annual Update process established by IDO Subsection 14-16-6-3(D). The Planning Department has compiled recommended changes and analyzed them. The request for amendment to the IDO text meets the review and decision criteria in Subsection 14-16-6-7(E)(3).

The proposed changes are consistent with Comprehensive Plan for small areas policies that direct the City to adopt and maintain an effective regulatory system for land use, zoning, and development review.

The proposed text amendments were first reviewed at a public meeting in September 2023. Planning staff presented the proposed amendments, solicited input, and listened to participants' feedback about the proposed changes. Staff updated the proposal based on that feedback. Since the application was submitted, Staff received one letter of opposition to portions of the proposed amendments.

Planning Staff held public study sessions on the proposed changes. The request was announced in the Albuquerque Journal, on the ABC-Z project webpage, and noticed by mail to over 500 property owners. The Metropolitan Redevelopment Agency provided notice to neighborhood representatives via e-mail as required and sent mail for those without an e-mail address on file.

Interested parties including various neighborhood groups, individuals, and organizations representing neighborhoods or developers spoke at the December 14, 2023 EPC hearing. Topics generating the most interest or concern were the regulations for building height stepdown and outdoor gathering spaces.

As of this writing, Staff has received no additional comments between the December 14th hearing and the writing of this report. Staff recommends that EPC forward a Recommendation of Approval, subject to Recommended Conditions for Approval, to the City Council.

RECOMMENDED FINDINGS – RZ-2023-00043, January 11, 2024

1. The request is for Small Area amendment to the text of the Integrated Development Ordinance (IDO) for the Annual Update required by IDO Subsection 14-16-6-3(D). The proposed small area amendments, when combined with the proposed Citywide amendments, are collectively known as the 2023 IDO Annual Update.
2. Text amendments to small areas in the city are accompanied by proposed Citywide text amendments, which were submitted separately pursuant to Subsection 14-16-6-7(D) and are the subject of another report staff report (RZ-2023-00040).
3. This small area text amendment includes proposed IDO regulations requested by the Metropolitan Redevelopment Agency for Access and Connectivity, Edge Buffer Landscaping, Walls and Fences, Building Height Stepdown, Building Design, and Parking. The proposed small area amendment would create uniformity for future development of properties adjacent to the Rail Trail.
4. The IDO applies to land within the City of Albuquerque municipal boundaries identified in the planned Rail Trail Corridor. The IDO does not apply to properties controlled by another jurisdiction, such as the State of New Mexico, Federal lands, and lands in unincorporated Bernalillo County or other municipalities.
5. The EPC's task is to make a recommendation to the City Council regarding the proposed amendments to IDO text. As the City's Planning and Zoning Authority, the City Council will make the final decision. The EPC is a recommending body to the Council and has important review authority. This is a quasi-judicial matter.
6. The IDO and the Comprehensive Plan are incorporated herein by reference and made part of the record for all purposes.
7. The request meets the Review and Decision Criteria in IDO Subsection 14-16-6-7(E) as follows:
 - A. Criterion A: The proposed small area amendment is consistent with the health, safety, and general welfare of the city as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

As shown in the staff analysis, the proposed small area amendment is consistent with the health, safety, and general welfare of the city as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended. The proposed small area amendment would provide additional development standards to any new commercial, mixed-use, or industrial development adjacent to the Rail Trail.

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

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

The proposed amendment would clearly reinforce or strengthen the established character of the surrounding Area of Consistency near the planned Rail Trail Corridor by applying development standards to all new commercial, mixed-use, or industrial development adjacent to the Rail Trail. As a result, the proposed amendment is more advantageous to the community because it would protect the identity and cohesiveness of neighborhoods and give the Rail Trail Corridor a distinct identity and sense of place.

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

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

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

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

The proposed amendment would not change allowable uses; therefore, Criterion 14-16-6-7(E)(3)(d) does not apply.

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

The small area amendments are not based completely or predominantly on the cost of land or economic considerations but rather change the standards for future development to create uniformity in the proposed Rail Trail Corridor.

8. The request generally furthers the following relevant City charter Articles:
- 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 process in the IDO will generally help implement the Comprehensive Plan and help guide future legislation.
 - b. Article IX, Environmental Protection. The proposed Small Area text amendments to the IDO will help ensure that land is developed and used properly. The IDO is an instrument to help promote and maintain an aesthetic and humane urban environment for Albuquerque's citizens, and thereby promote improved quality of life. Commissions, Boards, and Committees will have updated and clarified regulations to help facilitate effective administration of City policy in this area.
 - c. Article XVII, Planning. Amending the IDO through the annual update process is an instance of the Council exercising its role as the City's ultimate planning and zoning authority. The IDO will help implement the Comprehensive Plan and ensure that development in the City is consistent with the intent of any other plans and ordinances that the Council adopts.
 - d. Section 2. The Mayor or his designee shall formulate and submit to the Council the Capital Improvement Plans and shall oversee the implementation, enforcement, and administration of and use plans:

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 furthers the following Goal and policies in Chapter 5: Land Use:

Goal 5.1 Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of corridors.

The request would support strong growth of the Downtown Center (DT) by enhancing the visual appeal of development adjacent to the planned Rail Trail. The Rail Trail will become a multi-modal loop trail around central Albuquerque connecting multiple neighborhoods, districts, and Centers.

Policy 5.1.1 Desired Growth: Capture regional growth in Centers & Corridors to help shape the built environment into a sustainable development pattern.

The request would help shape the built environment into a sustainable development pattern by encouraging high-quality development adjacent to the Rail Trail.

Sub-policy (a): Create walkable places that provide opportunities to live, work, learn, shop, and play.

The requested small area text amendment would facilitate the creation of a walkable place – the Rail Trail. Because the Rail Trail improves walking and biking access to destinations that provide opportunities to live, work, learn, shop, and play these regulations support the continued viability of walking and biking to reach those destinations.

Sub-policy (h): Encourage all new development, especially in designated Centers and Corridors, to address transit connections, linkages, and opportunities within the proposed development.

The request would encourage new development in and near Centers and Corridors that are within or adjacent to the Rail Trail to connect to it via transit and active transportation modes.

10. The request furthers the following Goal and policy in Chapter 7: Urban Design:

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

The request would reinforce a sense of place through context-sensitive design of development and streetscapes within the Rail Trail corridor. Regulations such as landscape buffers would contribute to the visual appeal of both the trail corridor and streetscape.

Policy 7.3.4 Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscape of the block in which it is located.

The request would promote infill that enhances the built environment because it adds development regulations to encourage a visually appealing Rail Trail. The requested regulations will benefit Rail Trail users and encourage consistent, high-quality development adjacent to the Rail Trail.

11. The request furthers the following Goals and policy in Chapter 8: Economic Development:

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

The request helps business and talent to stay and thrive because it would enhance the planned Rail Trail, an amenity designed to encourage artistic expression, healthy recreation, and local business growth in central Albuquerque.

Policy 8.1.4 Leverage Assets: Enhance and market the region’s unique characteristics internally and to outside businesses and individuals in order to compete with other regions.

The request would facilitate the marketing of the region's unique characteristics to existing and new businesses and residents by enhancing the planned Rail Trail.

12. The request furthers the following Goals and policy in Chapter 9: Housing:

Goal 9.7 Partnership: Coordinate strategic deployment of housing-related funds and partnerships with community-based organizations for projects that achieve housing goals.

The request would facilitate the strategic development of housing by requiring additional regulations for development adjacent to the planned Rail Trail. These regulations would complement the quality of life improvements that the Rail Trail would provide, and support high-quality development of affordable and market-rate housing to achieve housing goals.

Policy 9.7.2 Metropolitan Redevelopment: Identify and prioritize opportunities for catalytic projects that stabilize and serve blighted neighborhoods that support redevelopment in those areas.

The requested text amendment regulations support opportunities for catalytic projects adjacent to the Rail Trail that were identified by the Metropolitan Redevelopment Agency. The regulations support the viability of housing and mixed-use developments near the Rail Trail Corridor by promoting a consistent and more visually-appealing streetscape (i.e., trail corridor).

13. The request furthers the following Goals and policies in Chapter 13: Resilience & Sustainability:

Goal 13.5 Community Health: Protect and maintain safe and healthy environments where people can thrive.

The request would require access to the trail, edge buffer landscaping, limits on wall height, building height reductions, and outdoor seating and gathering spaces for developments adjacent to the Rail Trail. Because these requirements would enhance the users' safety on the Rail Trail, they would help maintain a safe and healthy environment.

Policy 13.5.1 Land Use Impacts: Prevent environmental hazards related to land uses.

The request would help prevent environmental hazards by reducing parking requirements and creating a more visually-appealing Rail Trail to encourage biking and walking. Substituting biking and walking for automotive travel modes reduces air pollution and congestion, which are environmental hazards.

Sub-Policy (c): Mitigate potential adverse impacts – including noise, emissions, and glare – of new development on surrounding land uses during and after construction through land use regulations, environmental permitting, and enforcement.

The request mitigates adverse impacts of new development by enhancing the appeal of the Rail Trail, which encourages alternatives to automotive travel.

14. For an Amendment to IDO Text – Small Area, the required notice must be published, emailed, mailed, and posted on the web. (See Table 6-1-1.) The City published notice of the EPC hearing as a legal ad in the ABQ Journal newspaper. Notice was posted on the Planning Department website and on the project website. Email 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). Mailed notice was sent to 509 property owners within 132 feet (0.025 miles) of the proposed Rail Trail Corridor as required by IDO Subsection 6-4(K)(3)(d) on October 24, 2023. Because the final alignments of the planned Rail Trail Corridor have not been determined as of the writing of this report, MRA exceeded the 100-foot requirement to ensure that all potential impacted property owners would be notified, regardless of the final alignment.
15. A pre-submittal neighborhood meeting was required and held on September 20th via Zoom.
16. On November 17, 2023, the Planning Department held a public review meeting to present the Citywide and Small Area Proposed Text Amendments before the EPC Study Session on December 7 and EPC Hearing on December 14.
17. As of this writing, Planning Staff received no inquiries about the proposed regulations after updating them per the September 20th facilitated meeting. One letter opposed to components of the request was submitted before the December 14, 2023 EPC hearing.
18. The EPC held a hearing on the proposed text amendments on December 14, 2023. This meeting was publicly noticed. Approximately 8 people attended and gave verbal testimony, both in favor and in opposition to components of the Rail Trail small area request.
19. As of this writing, Staff has received no additional written or emailed comments from neighborhood groups, individuals, and organizations.
20. In sum, most individuals representing themselves or neighborhood groups tended to oppose the change to the applicability of the building height stepdown by reducing the distance from the Rail Trail Corridor from 50 feet to 20 feet.
21. 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 most issues raised in the comments.

RECOMMENDATION – RZ-2023-00043, January 11, 2024

That a recommendation of APPROVAL of Project #: 2018-001843, Case#: RZ-2023-00043, a request for Amendment to IDO Text – Small Area, be forwarded to the City Council based on the preceding Findings, and the following Conditions of Approval.

CONDITIONS FOR RECOMMENDATION OF APPROVAL - RZ-2023-00043

The proposed amendment shall be adopted, except as modified by the following conditions:

1. Proposed Subsection 14-16-5-2(A)(3)(a) as shown in the Proposed Rail Trail Contextual Standards Exhibit shall be revised as follows: “All new multi-family, mixed-use, or non-residential development other than industrial development shall provide a landscaped edge buffer area at least 5 feet wide and plant at least 1 tree and 3 shrubs every 25 feet pursuant to ~~Subsection 14-16-5-6(E)(2)(b)1~~ along the property line abutting the Rail Trail.”
 2. Proposed Subsection 14-16-5-2(A)(5) as shown in the Proposed Rail Trail Contextual Standards Exhibit shall be amended to also exclude Premium Transit (PT) areas from the Building Height Stepdown requirement.
 3. Proposed Subsection 14-16-5-2(A)(5) as shown in the Proposed Rail Trail Contextual Standards Exhibit shall be amended to reduce the Building Height Stepdown buffer distance from 50 feet to 20 feet in any direction of the Rail Trail Corridor.
 4. Proposed Subsection 14-16-5-2(A)(5) as shown in the Proposed Rail Trail Contextual Standards Exhibit shall be amended to become a new subsection (a) and a new subsection (b) shall be added with the following language:
5-2(A)(5)(b) Notwithstanding subsection (a) above, a building height stepdown is not required on properties where 100 percent of the outdoor seating and gathering areas required by Subsection 14-16-5-11(E)(3) are located abutting the Rail Trail.
 5. Proposed Subsection 5-2(A)(6)(b) as shown in the Proposed Rail Trail Contextual Standards Exhibit shall be amended as follows: “At least 50 percent of the Outdoor seating and gathering areas required by Subsection 14-16-5-11(E)(3) shall be located adjacent to the Rail Trail.”
-

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