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## OFFICIAL NOTIFICATION OF DECISION

January 11, 2024

City of Albuquerque, MRA  
PO Box 1293  
Albuquerque, NM 87102

**Project# 2018-001843**  
RZ-2023-00043 – Text Amendments to Integrated Development Ordinance (IDO) – Small Area – Rail Trail

### **LEGAL DESCRIPTION:**

The City of Albuquerque Metropolitan Redevelopment Agency requests to amend the text of the Integrated Development Ordinance (IDO) to establish a new small area and related regulations. This update includes changes requested to add development standards affecting properties adjacent to the planned Albuquerque Rail Trail.

Staff Planner: Robert Messenger

On January 11, 2024 the Environmental Planning Commission (EPC) voted to APPROVE Project# 2018-001843, RZ-2023-00043 – Text Amendments to Integrated Development Ordinance (IDO) – Small Area – Rail Trail, based on the following Findings and subject to the following Condition for recommendation of Approval:

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:

- A. 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.

- B. 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.

- C. 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.

- D. 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:

- A. 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.

- B. 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:

A. 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.

B. 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:

A. 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.

B. 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:

A. 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.

B. 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.

C. 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 20<sup>th</sup> 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 20<sup>th</sup> 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.
22. The EPC recommends that the City Council further consider the suggested stakeholder changes to the Rail Trail contextual standards as provided in the EPC's 48-hour materials page 11, which suggests text changes to Sections 5-2(A)(5) Building Height Stepdown and 5-2(A)(6) Building Design.

CONDITIONS FOR RECOMMENDATION OF APPROVAL - RZ-2023-00043

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)~~ 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."

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

Sincerely,

*Megan Jones*

for Alan M. Varela,  
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AV/RM/MJ

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PR-2018-001843

RZ-2022-00043

January 11, 2024

Page 9 of 9

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EPC File