

CITY of ALBUQUERQUE
TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-24-17 ENACTMENT NO. 0-2024-018

SPONSORED BY: Joaquín Baca, by request

1 **ORDINANCE**

2 ADOPTING A SMALL AREA TEXT AMENDMENT TO THE INTEGRATED
3 DEVELOPMENT ORDINANCE TO REQUIRE DEVELOPMENT STANDARDS,
4 INCLUDING BUILDING HEIGHT STEPDOWNS, LANDSCAPE BUFFERING,
5 BUILDING DESIGN, AND PARKING REDUCTIONS, FOR PROPERTIES
6 LOCATED ADJACENT TO THE RAIL TRAIL.

7 WHEREAS, the City Council adopted an updated Albuquerque-Bernalillo
8 County Comprehensive Plan (“ABC Comp Plan”) in 2017 via R-16-108
9 (Enactment No. R-2017-026); and

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

12 WHEREAS, the City of Albuquerque's Metropolitan Redevelopment Agency
13 (MRA) has been planning the Albuquerque Rail Trail since 2020, and the Rail
14 Trail's design reflects input from community members, City staff from MRA,
15 Parks and Recreation, and Municipal Development, consultants, and the Rail
16 Trail Steering Committee; and

17 WHEREAS, the MRA has requested a small area text amendment to the IDO
18 to facilitate and encourage development along the planned Rail Trail corridor
19 that will enhance it for the enjoyment, security, and safety of users; and

20 WHEREAS, the proposed amendment includes a building height stepdown
21 and an outdoor seating and gathering area requirement that seek to create an
22 attractive and active pedestrian realm directly along the Rail Trail; and

23 WHEREAS, the City held public review meetings for proposed amendments
24 in the 2023 IDO Annual update, including small area amendments, on October
25 12, October 13, and November 17, 2023; and

1 WHEREAS, the City offered a Pre-submittal Neighborhood Meeting as
2 required by the IDO and held the meeting on September 20, 2023 to present
3 and discuss the Rail Trail proposed changes, respond to questions, and
4 gather feedback; and

5 WHEREAS, the City provided all required notice for an Amendment to IDO
6 Text – Small Area, including publishing a legal ad in the Albuquerque Journal,
7 emailing two representatives of each neighborhood organization registered
8 with the Office of Neighborhood Coordination (ONC), mailing property owners
9 within the small area and within 100 feet, and posting notice on the Planning
10 Department website and on the project website; and

11 WHEREAS, the IDO requires an Amendment to IDO Text – Small Area to be
12 reviewed by the Environmental Planning Commission (EPC) and decided as a
13 quasi-judicial action by City Council as the City’s zoning authority in §14-16-6-
14 7(E)(2)(c) and (d); and

15 WHEREAS, the EPC held a study session for the 2023 IDO Annual Update
16 on December 7, 2023 and considered this request at two public hearings on
17 December 14, 2023 and January 11, 2024, prior to making a recommendation
18 on the request; and

19 WHEREAS, the EPC, following study and consideration, found that this
20 proposed amendment furthers the spirit and intent of the ABC Comp Plan,
21 including applicable goals and policies related to Land Use, Urban Design,
22 Economic Development, Housing, and Resilience and Sustainability and
23 therefore satisfies the review and decision criteria for an Amendment to IDO
24 Text – Small Area in §14-16-6-7(E)(3) and forwarded to the City Council a
25 recommendation of approval subject to findings and recommended conditions
26 in the record; and

27 WHEREAS, Planning staff has incorporated the proposed amendments
28 along with the EPC recommended conditions of approval into an exhibit for
29 review by City Council.

30 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
31 ALBUQUERQUE:

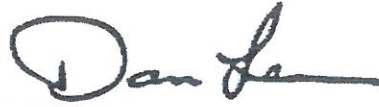
1 **SECTION 1.** Amend IDO §14-16-5-2, §14-16-5-5, and §14-16-7-1 by adding
2 new content as shown in Exhibit A and renumbering subsequent subsections,
3 as needed.

4 **SECTION 2. SEVERABILITY CLAUSE.** If any section, paragraph, sentence,
5 clause, word or phrase of this ordinance is for any reason held to be invalid or
6 unenforceable by any court of competent jurisdiction, such decision shall not
7 affect the validity of the remaining provisions of this ordinance. The Council
8 hereby declares that it would have passed this ordinance and each section,
9 paragraph, sentence, clause, word or phrase thereof irrespective of any
10 provision being declared unconstitutional or otherwise invalid.

11 **SECTION 3. COMPILATION.** Section 1 of this ordinance shall be
12 incorporated in and made part of the Revised Ordinances of Albuquerque,
13 New Mexico, 1994.

14 **SECTION 4. EFFECTIVE DATE.** This ordinance shall take effect after
15 publication by title and general summary upon the sooner of the effective date
16 of the 2023 IDO Annual Update or January 31, 2025.

1 PASSED AND ADOPTED THIS 17TH DAY OF June, 2024
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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9 Dan Lewis, President
10 City Council
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13 APPROVED THIS 2 DAY OF July, 2024
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18 Bill No. O-24-17
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22 Timothy M. Keller, Mayor
23 City of Albuquerque
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26 ATTEST:

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29 Ethan Watson, City Clerk
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IDO Annual Update 2023 – Small Area Text Amendment
Exhibit A – Proposed Rail Trail Contextual Standards

1. Add a new subsection in §14-16-5-2 with text as follows.

5-2 SITE DESIGN AND SENSITIVE LANDS

5-2(L) RAIL TRAIL

5-2(L)(1) Applicability

This Subsection 14-16-5-2(A) applies to development or redevelopment on lots adjacent to the Rail Trail.

5-2(L)(2) Access and Connectivity

On-site pedestrian walkways shall connect to the Rail Trail, as long as such access is coordinated with and approved by the Parks and Recreation Department.

5-2(L)(3) Edge Buffer Landscaping

5-2(L)(3)(a) 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 along the property line abutting the Rail Trail.¹

5-2(L)(3)(b) All new industrial development shall provide a landscaped edge buffer at least 15 feet wide along the property line abutting the Rail Trail, as specified in Subsection 14-16-5-6(E)(4)(b).

5-2(L)(4) Wall and Fences

5-2(L)(4)(a) For multi-family residential development, mixed-use development, and non-residential development other than industrial development, walls in any side or rear yard abutting the Rail Trail shall meet the requirements of Subsection 14-16-5-7(D)(3)(d).

5-2(L)(4)(b) For industrial development, chain link fencing (with or without slats) shall not be allowed on any portion of a site visible from the Rail Trail. Chain link fencing is allowed as temporary security fencing during active construction.

5-2(L)(5) Building Height Stepdown

5-2(L)(5)(a) Except within the Downtown Center (DT), a Main Street (MS) corridor, or a Premium Transit (PT) area, any portion of a primary or accessory building within 20 feet in any direction of the Rail Trail shall step down to a maximum height of 48 feet.²

¹ IDO Annual Update 2023 – Project# 2018-001843 / RZ-2023-00043 – EPC REVIEW. Subsection revised per EPC Recommended Condition #1.

² IDO Annual Update 2023 – Project# 2018-001843 / RZ-2023-00043 – EPC REVIEW. Subsection revised per EPC Recommended Conditions #2 and #3. Subsection renumbered per EPC Recommended Condition #4.

- 5-2(L)(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.³

5-2(L)(6) Building Design

- 5-2(L)(6)(a) In the NR-LM or NR-GM zone districts, any façade facing the Rail Trail shall meet the requirements in Subsection 14-16-5-11(E)(2)(a)3.
- 5-2(L)(6)(b) 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.⁴

2. Add a new subsection in §14-16-5-5(C)(5), renumbering subsequent subsections accordingly, with text as follows.

5-5 PARKING AND LOADING

5-5(C) OFF-STREET PARKING

5-5(C)(5) Parking Reductions

5-5(C)(5)(c) Reduction for Proximity to a City Park or Trail [new]

The minimum number of off-street parking spaces required may be reduced by 10 percent if the proposed development is located within 330 feet in any direction of any City park or trail.

3. Add a new definition in §14-16-7-1 with text as follows.

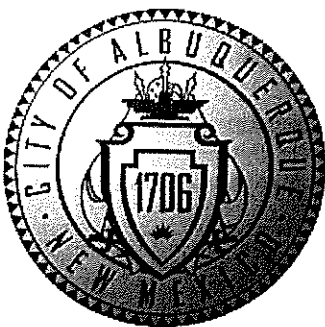
7-1 DEFINITIONS

Rail Trail

The right-of-way and/or easements designated as the Albuquerque Rail Trail by the Rank 3 Albuquerque Rail Trail Master Plan and mapped by AGIS. For the purposes of this IDO, the Rail Trail corridor is considered both a City trail and a street.

³ IDO Annual Update 2023 – Project# 2018-001843 / RZ-2023-00043 – EPC REVIEW. Subsection added per EPC Recommended Condition #4.

⁴ IDO Annual Update 2023 – Project# 2018-001843 / RZ-2023-00043 – EPC REVIEW. Subsection revised per EPC Recommended Condition #5.



CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

February 23, 2024

TO: Dan Lewis, President, City Council

FROM: Timothy M. Keller, Mayor 

SUBJECT: Project #2018-001843 – RZ-2023-00043 (Amendment to IDO Text – Small Area – Rail Trail): Adopting Small Area Text Amendments to the Integrated Development Ordinance (IDO) for development on properties located adjacent to the Albuquerque Rail Trail in conjunction with the 2023 IDO Annual Update

The attached legislation would adopt a text amendment in the Integrated Development Ordinance (IDO) for a small area – the Albuquerque Rail Trail – to implement development standards including building height stepdowns, landscape buffering, façade design, and parking reductions that will enhance the future trail. This amendment is in conjunction with the 2023 IDO Annual Update.

BACKGROUND

IDO §14-16-6-3(D), which requires Annual Updates of the IDO, establishes a regular cycle of discussion among residents, businesses, City Staff, and decision-makers to consider any suggested changes to the IDO identified over the course of the preceding year.

Portions of these required Annual Updates may take one of two types of text amendments outlined in the IDO: Amendments to IDO Text – Citywide [§14-16-6-7(D)] and Amendments to IDO Text – Small Area [§14-16-6-7(E)].

- Citywide text amendments for the 2023 Annual Update (RZ-2023-00040) apply generally throughout the City and are to be reviewed and decided as legislative changes.
- The small area text amendments for the Rail Trail (RZ-2023-00043) – the subject of this memo – would only apply in a specific Small Area, properties adjacent to the trail corridor, within the city and must be publicly heard using a quasi-judicial process.

The City of Albuquerque's Metropolitan Redevelopment Agency (MRA) has been planning

the Albuquerque Rail Trail since 2020, and the Rail Trail's design reflects input from community members, City staff from MRA, Parks and Recreation, and Municipal Development, consultants, and the Rail Trail Steering Committee. Public involvement has been ongoing since 2021.

REQUEST

This request is a small area text amendment to the IDO that would apply special requirements in §14-16-5-2 related to access and connectivity, edge buffer landscaping, wall and fence, building height stepdown, building design, and parking reduction standards for properties located adjacent to the Rail Trail.

These amendments are proposed to enhance the built environment surrounding the planned Rail Trail for users and to ensure that future development contributes to goals for economic development, equity, healthy recreation, and cultural expression. The proposed regulations for building height stepdowns and outdoor seating and gathering areas will reduce the "canyon effect" of tall buildings and provide "eyes on the street," which will make the planned Rail Trail comfortable for users and make it a secure and safe environment.

The Environmental Planning Commission (EPC) found that the requested Small Area amendment for the Rail Trail generally furthers applicable Comprehensive Plan Goals and policies and meets the decision criteria for an Amendment to IDO Text – Small Area, as elaborated in the Official Notification of Decision, and recommends approval of the request.

NOTIFICATION

Pursuant to the IDO, the required notice for small area text amendments must be emailed, mailed, published, and posted on the web. The City published the required notice in the newspaper and emailed notice to two representatives of each registered neighborhood organization. Mailed notice was sent to property owners within the small area and within 100 feet, as well as to neighborhood representatives without email addresses, as required. The City posted notice on the Planning Department website and on the IDO update project website: <https://abq-zone.com/ido-annual-update-2023>.

In addition to the required notice, email notice was sent to the approximately 9,500 subscribers on the ABC-Z project email list on October 27, 2023; November 3, 2023; November 29, 2023; and January 5, 2024.

A pre-submittal neighborhood meeting was held on September 20, 2023, and the request was revised based on feedback received.

EPC PROCESS

The EPC reviewed the proposed amendments during two properly-noticed public hearings. At its December 14, 2023 hearing, the EPC discussed the proposed changes, heard public testimony, and voted to continue the hearing to a special EPC meeting on January 11, 2024. Approximately 8 individuals provided testimony at this first hearing both in support and opposition to the request.

On January 11, 2024, the EPC continued its discussion of the Citywide updates, considered recommended conditions, and voted to forward a recommendation of Approval to the City Council. Additional testimony was again both in support and opposition to the request, and others recommend specific changes. Recommended Conditions of Approval address many concerns raised in the public comments. The Official Notification of Decision for the request contains the EPC's findings and recommended conditions, as applicable.

CONCLUSION

Regarding Project #2018-001843, RZ-2023-00043, Adopting Text Amendments to the Integrated Development Ordinance (IDO) for development on properties located adjacent to the Albuquerque Rail Trail in conjunction with the 2023 IDO Annual Update, the EPC is forwarding a recommendation of Approval, subject to conditions that have been incorporated into an Exhibit attached to the proposed legislation.

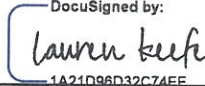
Title/ Subject of Legislation: Project #2018-001843 – RZ-2023-00043 (Amendment to IDO Text – Small Area – Rail Trail): Adopting Text Amendments to the Integrated Development Ordinance (IDO) for development on properties located adjacent to the Albuquerque Rail Trail in conjunction with the 2023 IDO Annual Update.

Approved:


Samantha Sengel
Chief Administrative Officer

Date

Approved as to Legal Form:

DocuSigned by:
 2/26/2024 | 11:49 AM MST
1A21D96D32C74EE
Lauren Keefe
City Attorney

Date

Recommended:

DocuSigned by:
 2/26/2024 | 9:16 AM MST
947D8BB8EF4C443
Alan Varela
Director

Date

Cover Analysis

1. What is it?

This legislation would amend the Integrated Development Ordinance (IDO) related to a small area – development on properties located adjacent to the proposed Albuquerque Rail Trail. The amendment proposes design standards that will enhance the planned Rail Trail, such as building height stepdowns, landscape buffering, façade design, and parking reductions.

2. What will this piece of legislation do?

This legislation would apply access and connectivity, edge buffer landscaping, wall and fence, building height stepdown, façade design, and parking reduction standards to any new development or redevelopment of lots zoned mixed-use or non-residential adjacent to the planned Rail Trail corridor.

3. Why is this project needed?

The Metropolitan Redevelopment Agency (MRA) requested the proposed text amendments to enhance built environment surrounding the planned Rail Trail corridor. The proposed regulations for building height stepdowns and outdoor seating and gathering areas will reduce the “canyon effect” of tall buildings and provide “eyes on the street,” which will make the planned Rail Trail comfortable for users and make it a secure and safe environment.

4. How much will it cost and what is the funding source?

There is no cost to the City.

5. Is there a revenue source associated with this Plan? If so, what level of income is projected?

There is no revenue expected from this legislation.

6. What will happen if the project is not approved?

The IDO would remain as is and not be amended. Without the amendments, development along the proposed Rail Trail will be subject only to existing zoning regulations and may not enhance the trail as desired.

7. Is this service already provided by another entity?

No.

FISCAL IMPACT ANALYSIS

TITLE: Adopting IDO Small Area Text Amendments for the Rail Trail

R: O:
FUND: 110

DEPT: 4926000

- ☒ No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- ☐ (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	2024	Fiscal Years 2025	2026	Total
Base Salary/Wages				-
Fringe Benefits at	-	-	-	-
Subtotal Personnel	-	-	-	-
Operating Expenses				-
Property			-	-
Indirect Costs	-			-
Total Expenses	\$ -	\$ -	\$ -	\$ -
☒ Estimated revenues not affected				
☐ Estimated revenue impact				
Amount of Grant	-			-
City Cash Match	-	-	-	-
City Inkind Match		-	-	-
City IDOH *15.30	-			-
Total Revenue	\$ -	\$ -	\$ -	\$ -

These estimates do not include any adjustment for inflation.

* Range if not easily quantifiable.

Number of Positions created

0

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

This legislation would amend the IDO by creating small area regulations for the Rail Trail vetted during the 2023 IDO annual update process. These amendments would generally enhance development and redevelopment along the planned Rail Trail.

PREPARED BY:

Debbie Dombrowski 2.8.2024

FISCAL MANAGER (date)

Debbie Dombrowski

2/26/2024 | 8:52 AM MST

APPROVED by:

Alan Smith 2/26/2024 | 9:16 AM MST

DIRECTOR (date)

REVIEWED BY:

Evelyn Torres 2/26/2024 | 9:17 AM

EXECUTIVE BUDGET ANALYST (date)

DocuSigned by:

Amanda Davis 2/26/2024 | 10:10 AM

BUDGET OFFICER (date)

DocuSigned by:

Christine Brown 2/26/2024 | 10:16 AM MST

CITY ECONOMIST (date)

THIS AMENDMENT PASSED ON A 9-0 VOTE.

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

June 3, 2024

FLOOR AMENDMENT NO. 1 TO Exhibit A to O-24-17

AMENDMENT SPONSORED BY COUNCILOR Joaquin Baca

In Exhibit A to O-24-17, make the following changes:

1. On page 2, Section 5-2(L)(5), add a new section (c) as follows:
[(c) Notwithstanding subsection (a) above, a building height stepdown is not required on properties where there are two or more street frontages, not including the Rail Trail.]

Explanation: This amendment is for O-24-17, the Rail Trail Small Mapped Area bill. This amendment proposes to exempt buildings with two street frontages from the building height stepdown. This amendment seeks to provide more flexibility on how a site may be designed in proximity to the Rail Trail.