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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:

5. The EPC's task is to make a recommendation to the City Council regarding the proposed 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:

5. The EPC's task is to make a recommendation to the City Council regarding the proposed 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 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.

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)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."

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,
Planning Director

AV/RM/MJ

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EPC File

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

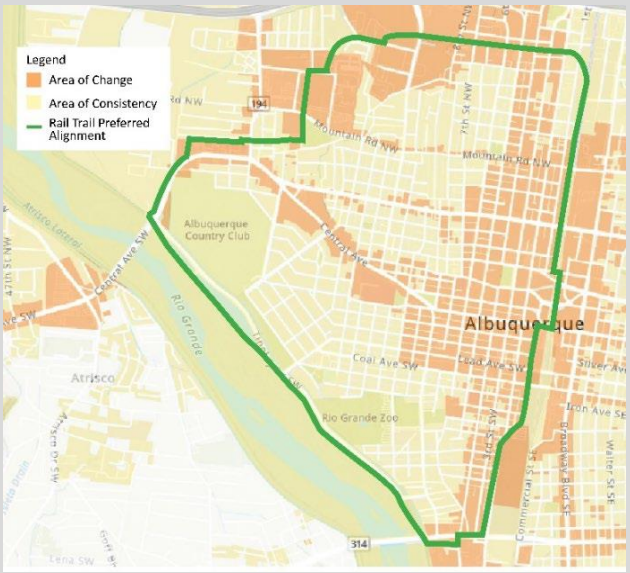
Summary of Analysis

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.

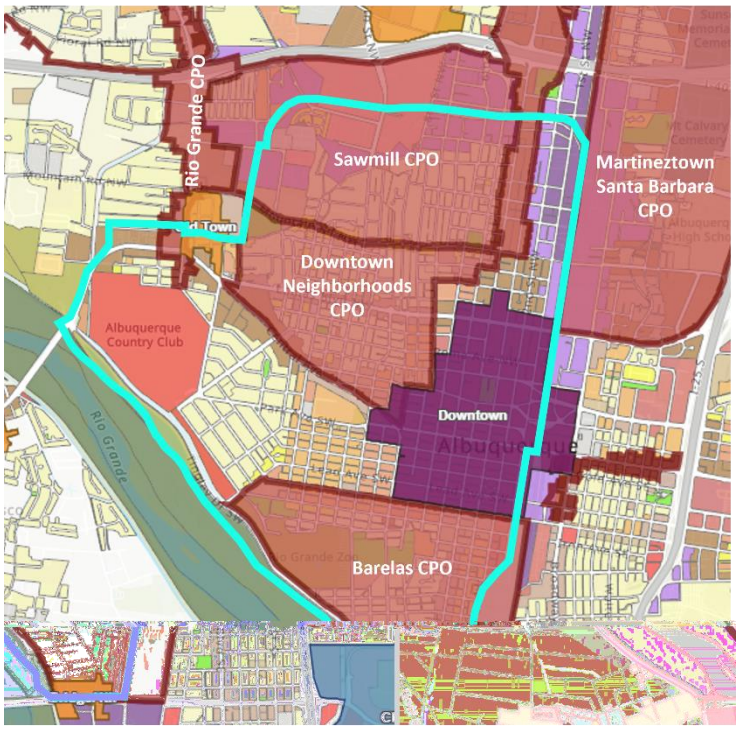
MRA staff proposed reducing the applicable distance from the Rail Trail Corridor from 50 feet to 20 feet as a compromise based on developers' feedback. A distance of 20 feet would be mostly setback and landscape buffer, and thus would only have a negligible impact on building height reductions, as only 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 stepback 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:

- Barelas 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."

Robert Messenger
Senior Planner

Notice of Decision cc list:
Ciaran Lithgow, MRA Project Manager, EMAIL

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Historic Old Town Association David Gage secretary@albquerqueoldtown.com 400 Romero Street NW Albuquerque NM 87104

Historic Old Town Association J.J. Mancini president@albuquerqueoldtown.com 400 Romero Street NW Albuquerque NM 87104

North Valley Coalition Doyle Kimbrough newmexmba@aol.com 2327 Campbell Road NW Albuquerque NM 87104
North Valley Coalition Peggy Norton peggynorton@yahoo.com P.O. Box 70232 Albuquerque NM 87197

From: P. Davis Willson
To: City of Albuquerque Planning Department
Cc: MIchael Brasher
Subject: EPC IDO Hearing #2; 48 hour comments
Date: Monday, January 8, 2024 4:24:14 PM
Attachments: ICC LTR to EPC 1 8 24Final.pdf

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Attn: EPC Chair Shaffer

Please accept the following letter from the Inter-Coalition Council (ICC) IDO Working Group for the IDO Hearing #2 on Thursday, January 11, 2024. I have Cc'd the ICC President Michael Brasher.

Thank you,

Patricia Willson

Victory Hills NA: President
District 6 Coalition: Treasurer
Inter-Coalition Council Representative

ICC Inter-Coalition Council

The ICC is a Council of Coalitions of Albuquerque and Bernalillo County Neighborhood Associations that has been meeting since May 2014 to reach consensus on broad, common concerns. Its purpose is to promote stronger, better neighborhoods and communities through group action and interfacing with the governmental, social, environmental, cultural and historic needs and interests of all residents.

January 8, 2024

Via email: abctoz@cabq.gov
EPC Chair Shaffer

Re: PR-2018-001843 / RZ-2023-00044– Small Area VHUC
PR-2018-001843 / RZ-2023-00043– Small Area Rail Trail
PR-2018-001843 / RZ-2023-00040– Citywide

Chairman Shaffer,

The Inter-Coalition Council (ICC) respectfully submits the following comments regarding the above-mentioned cases to be heard by the Environmental Planning Commission on January 11, 2024. Kudos to Staff for their excellent Supplemental Staff Reports on all three of the Agenda items.

• RZ-2023-00044 – Text Amendments to IDO – Small Area VHUC
We wholeheartedly agree with the recommendation of DENIAL for this amendment and applaud staff for recognizing the need to follow the Comprehensive Plan, noting this excerpt from Staff Report on Page 11:

> ***"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. The proposed Small Area text amendment to the IDO would not ensure that land is developed and used properly. The VHUC was established in the Comprehensive Plan to guide the most urban, walkable, mixed-use development to this area and suburban, auto-oriented development to areas outside of Urban Centers; therefore, Commissions, Boards, and Committees would not be able to facilitate effective administration of City policy in this area with the approval of this amendment."***

• RZ-2023-00043 – Text Amendments to IDO – Small Area Rail Trail
While the Metropolitan Redevelopment Agency (MRA) section of the City's website says "The design and vision of the Rail Trail is rooted in substantial community involvement" (https://www.cabq.gov/mra/rail-trail-1/community-engagement-equitable-development), we have concerns about the decision to categorize the development regulations along the Rail Trail as a Small Area in IDO Part 5 Development Standards rather than as an Overlay Zone. However, it is still a quasi-judicial matter, so we have additional concerns about notification.

As noted in the Small Area VHUC report, the Comprehensive Plan is the overriding guide. Changes to the IDO should not be project driven—we have seen how various Administrations' pet projects have had unintended consequences. We believe risk may still exist regarding the notification process in this matter. It is unclear how or if individual property owners were advised, to the extent that they fully comprehend (as per the definition of notification in our NM State Statutes), these proposed changes. The need to defer the Small Area VHUC from last month because of irregularities in the notification process is an example of the importance of proper notification.

Staff's Recommended Conditions for Approval appear to support the interests of the development community while attempting to maintain the protections of the 6 Character Protection Overlay (CPO) zones the Trail intersects. The ICC neither supports nor opposes this Text Amendment.

• RZ-2023-00040 – Text Amendments to IDO – Citywide
While we question the need for approximately 60 proposed amendments—there have been over 500 "text amendments" to the IDO in the last five years—we applaud staff for their work in this process. We are appreciative of the example diagrams included to clarify distances in Notices and Referrals, and are relieved by the last Finding on Page 33:

> ***"Regarding Item #23 Front Yard Walls: EPC advises decision-makers not to pursue taller front yard walls in future IDO updates, as the amendments, in all their variations, have been overwhelmingly opposed by the public."***

In general, we agree with the recommendation of APPROVAL and agree with most of the CONDITIONS presented. However, we have some concerns about the following specific items:
• Item #1 Contextual Standards for HPO Zones, we have concern that there is no process for appeal to the Landmarks Commission, as there is for ZHE.
• Item #3 Cottage Development: while we're not sure if the increase to 5 acres is to provide more buffering or additional units, the Council Memo by former Clr. Benton and Clr. Feibelkorn appears to be another attempt to introduce duplexes permissively in R-1.
• Items #59 and #60, Clerical and Editorial Changes: although these have been included in every past Annual Update, we do not support the continued inclusion of these amendments as they have no oversight and present potential risk and mismanagement at the planning department level.

For CONDITIONS that have Options, we support the following Options:

CONDITION 2; Items #2, #7, and #50 – Outdoor Amplified Sound: Option 4: Delete all proposed amendments in their entirety.

CONDITION 6; Item #10 – Duplex – IDO Subsection 14-16-4-3(B)(5)(b): Please select Option 2: Delete the proposed amendment…

CONDITION 6 (7?); Item #13 – Duplex – IDO Subsection 14-16-4-3(B)(5) and 14-16-4-3(F)(6): Please select Option 2: Delete the proposed amendment…

CONDITION 9; Item #12 – Dwelling, Live-Work Please select Option 3. Delete the proposed amendments, thus continuing to regulate live-work as it is currently allowed and regulated.

CONDITION 11; Item #17 – RV, Boat, and Trailer Parking: Please select Option 1: Revise the proposed language…

CONDITION 12; Item #18 – Parking Maximums: Please select Option 2: Delete the proposed amendment entirely.

CONDITION 16; Items #29, #32, and #36 – Neighborhood Association notification distances: Please select Option 2: Delete the proposed amendment.

CONDITION 18; Item #37 – Appeals – Standing for Neighborhood Associations: Please select Option 2: Delete the proposed amendment.

Regarding **Finding 32. New Amendment: Revise the definition in section 7-1 for "Adjacent**". We are not in favor of any reduction of notification. This would be a moot point if the long-requested "Opt-in" notification system could be instituted.

Regarding findings for **Item #56 – Outdoor and Site Lighting**; Improvements in lighting that improve Albuquerque's Night Sky Compliance are welcome, and we are also pleased to see the inclusion of the public comment information regarding the Urban Heat Island effect.

We wholeheartedly agree with **Finding 34. New Amendment: Change the update cycle** for the IDO from an annual process to a bi-annual process.

Our thanks to Planning Staff and the EPC for their work on this always-Herculean effort

Sincerely,
Michael Brasher

Michael Brasher
Inter-Coalition Council President

and members of the ICC IDO working group including:
Patricia Willson; Victory Hills NA
Jane Baechle; Santa Fe Village NA
Rene' Horvath; Taylor Ranch NA
Julie Dreike; Embudo Canyon NA
Merideth Paxton; Spruce Park NA
Evelyn Rivera; Taylor Ranch NA
Peggy Neff; University Heights and Summit Park NAs

From:	Dan Regan
To:	City of Albuquerque Planning Department
Cc:	"P. Davis Willson"; reynolds@unm.edu; anvanews@aol.com; lxbaca@gmail.com; "Mildred Griffee"; dwillems2007@gmail.com; Marlene Willems; dlreganabq@gmail.com
Subject:	FW: EPC IDO Hearing #2; 48 hour comments
Date:	Monday, January 8, 2024 4:38:48 PM
Attachments:	ICC LTR to EPC 1 8 24Final.pdf Untitled attachment 00193.htm

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[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Attn: EPC Chair David Shaffer,

I write in strong support of the attached Inter-Coalition Council letter to your recommending EPC. I have been following the development of the contents of the attached letter over the past 4+ months of ICC meetings.

I have been involved with the IDO processes since the night it was passed in Nov. 2017. I am an active member of the Knapp Heights Neighborhood Association and the District 4 Coalition of NAs.

To all EPC members: Please read carefully and give consideration to the all of the recommendations of the attached letter……..they were painfully (as in with a great deal of effort and focus……cuz none of this fits into the category of FUN) developed by many voices from throughout our fair city.

Thanks

Dan Regan, member of KHNA and D4C

From: icc-working-group@googlegroups.com [mailto:icc-working-group@googlegroups.com] **On Behalf Of** P. Davis Willson
Sent: Monday, January 8, 2024 4:22 PM
To: City of Albuquerque Planning Department <abctoz@cabq.gov>
Cc: MIchael Brasher <eastgatewaycoalition@gmail.com>
Subject: EPC IDO Hearing #2; 48 hour comments

Attn: EPC Chair Shaffer

Please accept the following letter from the Inter-Coalition Council (ICC) IDO Working Group for the IDO Hearing #2 on Thursday, January 11, 2024. I have Cc'd the ICC President Michael Brasher.

Thank you,

Patricia Willson

Victory Hills NA: President
District 6 Coalition: Treasurer

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You received this message because you are subscribed to the Google Groups "ICC Working Group" group.
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To view this discussion on the web visit https://groups.google.com/d/msgid/icc-working-group/AE16E43A-F445-445E-BA2F-955449A096E3%40willsonstudio.com.
For more options, visit https://groups.google.com/d/optout.

ICC Inter-Coalition Council

The ICC is a Council of Coalitions of Albuquerque and Bernalillo County Neighborhood Associations that has been meeting since May 2014 to reach consensus on broad, common concerns. Its purpose is to promote stronger, better neighborhoods and communities through group action and interfacing with the governmental, social, environmental, cultural and historic needs and interests of all residents.

January 8, 2024

Via email: abctoz@cabq.gov
EPC Chair Shaffer

Re: PR-2018-001843 / RZ-2023-00044– Small Area VHUC
PR-2018-001843 / RZ-2023-00043– Small Area Rail Trail
PR-2018-001843 / RZ-2023-00040– Citywide

Chairman Shaffer,

The Inter-Coalition Council (ICC) respectfully submits the following comments regarding the above-mentioned cases to be heard by the Environmental Planning Commission on January 11, 2024. Kudos to Staff for their excellent Supplemental Staff Reports on all three of the Agenda items.

• RZ-2023-00044 – Text Amendments to IDO – Small Area VHUC
We wholeheartedly agree with the recommendation of DENIAL for this amendment and applaud staff for recognizing the need to follow the Comprehensive Plan, noting this excerpt from Staff Report on Page 11:

> ***"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. The proposed Small Area text amendment to the IDO would not ensure that land is developed and used properly. The VHUC was established in the Comprehensive Plan to guide the most urban, walkable, mixed-use development to this area and suburban, auto-oriented development to areas outside of Urban Centers; therefore, Commissions, Boards, and Committees would not be able to facilitate effective administration of City policy in this area with the approval of this amendment."***

• RZ-2023-00043 – Text Amendments to IDO – Small Area Rail Trail
While the Metropolitan Redevelopment Agency (MRA) section of the City's website says "The design and vision of the Rail Trail is rooted in substantial community involvement" (https://www.cabq.gov/mra/rail-trail-1/community-engagement-equitable-development), we have concerns about the decision to categorize the development regulations along the Rail Trail as a Small Area in IDO Part 5 Development Standards rather than as an Overlay Zone. However, it is still a quasi-judicial matter, so we have additional concerns about notification.

As noted in the Small Area VHUC report, the Comprehensive Plan is the overriding guide. Changes to the IDO should not be project driven—we have seen how various Administrations' pet projects have had unintended consequences. We believe risk may still exist regarding the notification process in this matter. It is unclear how or if individual property owners were advised, to the extent that they fully comprehend (as per the definition of notification in our NM State Statutes), these proposed changes. The need to defer the Small Area VHUC from last month because of irregularities in the notification process is an example of the importance of proper notification.

Staff's Recommended Conditions for Approval appear to support the interests of the development community while attempting to maintain the protections of the 6 Character Protection Overlay (CPO) zones the Trail intersects. The ICC neither supports nor opposes this Text Amendment.

• RZ-2023-00040 – Text Amendments to IDO – Citywide
While we question the need for approximately 60 proposed amendments—there have been over 500 "text amendments" to the IDO in the last five years—we applaud staff for their work in this process. We are appreciative of the example diagrams included to clarify distances in Notices and Referrals, and are relieved by the last Finding on Page 33:

> ***"Regarding Item #23 Front Yard Walls: EPC advises decision-makers not to pursue taller front yard walls in future IDO updates, as the amendments, in all their variations, have been overwhelmingly opposed by the public."***

In general, we agree with the recommendation of APPROVAL and agree with most of the CONDITIONS presented. However, we have some concerns about the following specific items:
• Item #1 Contextual Standards for HPO Zones, we have concern that there is no process for appeal to the Landmarks Commission, as there is for ZHE.
• Item #3 Cottage Development: while we're not sure if the increase to 5 acres is to provide more buffering or additional units, the Council Memo by former Clr. Benton and Clr. Feibelkorn appears to be another attempt to introduce duplexes permissively in R-1.
• Items #59 and #60, Clerical and Editorial Changes: although these have been included in every past Annual Update, we do not support the continued inclusion of these amendments as they have no oversight and present potential risk and mismanagement at the planning department level.

For CONDITIONS that have Options, we support the following Options:

CONDITION 2; Items #2, #7, and #50 – Outdoor Amplified Sound: Option 4: Delete all proposed amendments in their entirety.

CONDITION 6; Item #10 – Duplex – IDO Subsection 14-16-4-3(B)(5)(b): Please select Option 2: Delete the proposed amendment…

CONDITION 6 (7?); Item #13 – Duplex – IDO Subsection 14-16-4-3(B)(5) and 14-16-4-3(F)(6): Please select Option 2: Delete the proposed amendment…

CONDITION 9; Item #12 – Dwelling, Live-Work Please select Option 3. Delete the proposed amendments, thus continuing to regulate live-work as it is currently allowed and regulated.

CONDITION 11; Item #17 – RV, Boat, and Trailer Parking: Please select Option 1: Revise the proposed language…

CONDITION 12; Item #18 – Parking Maximums: Please select Option 2: Delete the proposed amendment entirely.

CONDITION 16; Items #29, #32, and #36 – Neighborhood Association notification distances: Please select Option 2: Delete the proposed amendment.

CONDITION 18; Item #37 – Appeals – Standing for Neighborhood Associations: Please select Option 2: Delete the proposed amendment.

Regarding **Finding 32. New Amendment: Revise the definition in section 7-1 for "Adjacent**". We are not in favor of any reduction of notification. This would be a moot point if the long-requested "Opt-in" notification system could be instituted.

Regarding findings for **Item #56 – Outdoor and Site Lighting**; Improvements in lighting that improve Albuquerque's Night Sky Compliance are welcome, and we are also pleased to see the inclusion of the public comment information regarding the Urban Heat Island effect.

We wholeheartedly agree with **Finding 34. New Amendment: Change the update cycle** for the IDO from an annual process to a bi-annual process.

Our thanks to Planning Staff and the EPC for their work on this always-Herculean effort

Sincerely,
Michael Brasher

Michael Brasher
Inter-Coalition Council President

and members of the ICC IDO working group including:
Patricia Willson; Victory Hills NA
Jane Baechle; Santa Fe Village NA
Rene' Horvath; Taylor Ranch NA
Julie Dreike; Embudo Canyon NA
Merideth Paxton; Spruce Park NA
Evelyn Rivera; Taylor Ranch NA
Peggy Neff; University Heights and Summit Park NAs

From:	Renz-Whitmore, Mikaela J.
To:	City of Albuquerque Planning Department
Subject:	FW: Rail Trail Small Area PR-2018-00043/RZ-2022-00043
Date:	Tuesday, January 9, 2024 8:00:21 AM
Attachments:	image.png IDO Annual Update 2023 Rail Trail Small Area - Exhibit B.pdf

Misa, please save and add to comments.

Thanks,

MIKAELA RENZ-WHITMORE
(she/hers)
o 505.924.3932
e mrenz@cabq.gov

From: Russell B <rbplanning505@gmail.com>
Sent: Monday, January 8, 2024 10:57 PM
To: Messenger, Robert C. <rmessenger@cabq.gov>; Planning Development Review Services <PLNDRS@cabq.gov>; Vos, Michael J. <mvos@cabq.gov>; Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Lithgow, Ciaran R. <crlithgow@cabq.gov>; Salas, Alfredo E. <ASalas@cabq.gov>
Subject: Re: Rail Trail Small Area PR-2018-00043/RZ-2022-00043

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Please forward the attached to the EPC for the 11 January 2024 public hearing, Agenda item #2.

Thank you,
- Russell Brito

On Mon, Dec 11, 2023 at 8:34 PM Russell B <rbplanning505@gmail.com> wrote:

> Please forward the attached to EPC Chair David Shaffer and the EPC Commissioners for Agenda item #2.
>
> Thank you,
>
> - Russell Brito
>
> RBPlanning

Exhibit B

Requested amendments to PR-2018-001843 / RZ-2022-00043 to improve the Small Area application's furtherance of CompPlan Goals and Policies (including Chapters 4 - Character and 8 – Economic Development) by protecting existing neighborhood character (CPO-1, CPO-3, CPO-9, CPO-11, CPO-12) and incentivizing private sector investment along the Rail Trail corridor:

Amendment / Discussion	Explanation
Add new subsections to proposed Building Height Stepdown standard: **5-2(A)(5) Building Height Stepdown** 5-2(A)(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 50 feet in any direction of the Rail Trail shall step down to a maximum height of 48 feet. 5-2(A)(5)(b) A property is exempt from this building height stepdown if it meets both below criteria: 1. The property is subject to an applicable CPO-specific building height step down or building design standard that restricts building height in full or from any lot line; and 2. The property provides direct access from the Rail Trail to an adjacent plaza or other pedestrian-oriented usable open space with a minimum area of 500 square feet.	Reflect and respect the existing characters of activity nodes, neighborhoods, and communities codified in Character Protection Overlay zones along the Rail Trail. An option for property owners to activate the Rail Trail corridor and mitigate a "canyon effect" beyond a one-size-fits-all standard. Incentivize private sector investment in Rail Trail corridor redevelopment projects. More inclusive of the existing character and identities of distinct neighborhoods and areas along the Rail Trail corridor. Helps the Rail Trail Small Area standards to more completely further CompPlan Policies and implement MRA Plans.

Amendment / Discussion	Explanation
Amend the new subsection for the proposed Building Design standard: **5-2(A)(6) Building Design** 5-2(A)(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(A)(6)(b) Outdoor seating and gathering required by Subsection 14-16-5-11(E)(3) shall be located adjacent to the Rail Trail or be located in an adjacent plaza, portal, or other pedestrian-oriented usable open space with direct access from the Rail Trail.	An option for property owners to activate the Rail Trail corridor other than a one-size-fits-all standard. Preservation and protection of the unique characters and identities of distinct neighborhoods and areas along the Rail Trail. Incentivize private sector investment in Rail Trail Corridor redevelopment projects. Helps the Rail Trail Small Area standards to more completely further CompPlan Policies and implement MRA Plans.

development ordinance small area for the 2023 annual update, I make a motion for deferral for that to February 15th.

CHAIR SHAFFER: Thank you, Commissioner Stetson.

We have a motion. Do we have a second?

COMMISSIONER EYSTER: Eyster.

CHAIR SHAFFER: Commissioner Eyster second. We'll do the roll call of commissioners.

Commissioner Stetson.

COMMISSIONER STETSON: Commissioner Stetson, aye.

CHAIR SHAFFER: Commissioner MacEachen.

COMMISSIONER MACEACHEN: Commissioner MacEachen, aye.

CHAIR SHAFFER: Commissioner Meadows.

COMMISSIONER MEADOWS: Meadows, aye.

CHAIR SHAFFER: Commissioner Hollinger.

COMMISSIONER HOLLINGER: Hollinger, aye.

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER EYSTER: Eyster, aye.

CHAIR SHAFFER: Commissioner Pfeiffer.

COMMISSIONER PEIFFER: Pfeiffer, aye.

CHAIR SHAFFER: Commissioner Cruz.

COMMISSIONER CRUZ: Cruz, aye.

CHAIR SHAFFER: Commissioner Shaffer is aye. Passes 8 to 0.

(8-0 vote. Motion approved.)

CHAIR SHAFFER: So I won't see you on February 15th, however, all these other lovely individuals will. Maybe not. Meadows or Stetson (inaudible). We'll see.

Okay. And remind me, Ms. Jones, to talk about that at the end. I'm sure I won't forget. But that's an other matters item, to talk about next at month's -- or actually, next week's meeting. We need to go over something about that. But anyway, that's at the end.

Let's go to Agenda Item Number 2, Project 2018-001843, RZ-2022-00043. This is the continued small area Rail Trail hearing.

So I want to remind everybody that we had talked about -- we had closed public comment, but leaving the ability to reopen public comment if there was new information, new items to be discussed, things that affect -- anything that changed that's going to get presented to us today from what we already heard, if it's a substantial change. If it's changes that the stakeholders need to discuss, then we absolutely will reopen the floor so that we can make sure, as I mentioned earlier, that all stakeholders to

this new small area rule who will be affected by that have the opportunity to comment.

So since it's a continuance, we need to pick up where we left off, which was literally the applicant. We left it in the applicant's hands to meet with the commenting stakeholders, develop a compromise of some sort, come together on any of the mutual issues that were still out there to the changes that we'll want to happen.

So I will turn it over. Ciaran, you'll do the applicant still, correct? Okay. So let's hear from you, please. Don't hear you. Oh, you can't talk. So, Mr. Salas, another person.

MS. LITHGOW: There we go.

CHAIR SHAFFER: There we go.

MS. LITHGOW: Thank you, Commissioner Shaffer. I believe that Mr. Messenger is going to present a staff report first. And then I will go over some visuals that will help illustrate the changes that we've put forward, if that's all right with you.

CHAIR SHAFFER: So we go backwards, and that's -- you're right. It needs to be staff, then closing, yeah.

So, Mr. Messenger, go ahead right ahead, sir. And if you can -- I don't know if you're having the same problem that we can't hear you.

Yep. He's shut off, as well, Mr. Salas.

MR. SALAS: Chair, he is a cohost. I'm not sure what the issue is. Let me try to -- okay.

MR. MESSENGER: Good morning, Chair Shaffer and Commissioners. Can you see the presentation?

CHAIR SHAFFER: Yes, sir.

MR. MESSENGER: Okay. Great. This is Agenda Item Number 2, PR-2018-001843, Case Number RZ-2023-00043.

The request is for text amendments to the Integrated Development Ordinance for a new small area designated as the Rail Trail. These new regulations were identified as part of the annual update process, to gather proposed changes from residents, city staff, businesses and decision makers.

The Rail Trail is planned seven-mile multimodal trail around central Albuquerque, designed to reflect Albuquerque's history and cultural diversity.

The proposed amendment would require regulations for access and connectivity, landscape buffers, building height step-downs, building design, outdoor seating and gathering spaces, and allow a 10 percent parking spaces reduction or new investment adjacent to the Rail Trail corridor.

Regulations are being proposed to enhance the corridor, making it safer and more attractive.

Based on feedback received during the EPC hearing and December 14th, 2023, EPC directed planning staff to evaluate possible conditions of approval concerning landscape buffering, building height step-downs, and the applicability of character

protection overlay zone requirements.

MR. VOS: Excuse me, if I can jump in real quick, Robert. We're not seeing your presentation. So if you can swap in your presenter view.

CHAIR SHAFFER: Yeah, it's still stuck on the first.

MR. VOS: In the upper left, there should be an option for display setting, and you can swap presenter and...

CHAIR SHAFFER: Thanks, Mr. Vos, I was thinking he was going to go to the next screen next, but then, you know.

MR. MESSENGER: Okay. My apologies. Can the Chair and the commission see the screen now?

CHAIR SHAFFER: Well, we can see the screen, but it's just not getting through. You're still on the first screen. So if you're moving through, it's not moving through. Helpful that you guys are in the same office, somewhat, kind of.

MR. MESSENGER: Okay. Thank you, Michael.

CHAIR SHAFFER: No problem.

MR. MESSENGER: Okay. So let me move to the next.

So the EPC directed staff to evaluate conditions for landscape buffering, building height step-downs and the applicant of character protection overlay zone requirements.

CHAIR SHAFFER: So, Mr. Messenger, are you supposed to be on a different screen? Because we're still on the first screen, is what we see.

MR. VOS: Maybe stop your share and restart the share.

MR. MESSENGER: Okay. Yeah.

MR. VOS: And pick the screen that the presentation is on.

UNIDENTIFIED MALE: Mikaela is running over there to go help him.

CHAIR SHAFFER: Yeah, it's a team effort.

MR. VOS: Technology is difficult with Zoom and PowerPoint. And we have, like, three different screens over here.

CHAIR SHAFFER: I'm sure. I know, today I finally installed my second screen on my desk, which is funny, because now I'm not going to need it.

MR. MESSENGER: My apologies for the technical difficulties. Can the commission and the Chair now see edge buffer landscaping?

CHAIR SHAFFER: No, sir. It's still the first page.

MR. MESSENGER: Okay.

CHAIR SHAFFER: Now we're on screen 7. But unfortunately, I'm going to ask you to go backwards, unless there was no pertinent information on any of those other screens.

MR. MESSENGER: Can you see the screen for edge buffer landscaping?

CHAIR SHAFFER: Yes.

MR. MESSENGER: Okay. Okay. Thank you, Megan.

Okay. Can the commission now see the screen on edge buffer landscaping?

CHAIR SHAFFER: Yes

MR. MESSENGER: Okay. The original amendment requested a landscape edge buffer at least 6 feet wide shall be provided. For buildings over 30 feet in height, the edge buffer shall be at least 10 feet wide.

MRA staff agreed that a simplified 5-foot landscape buffer is sufficient, regardless of building height. This is because the planned Rail Trail generally has a 3-foot buffer, which combined would provide a total of 8 feet landscape buffer.

Therefore, we came up with proposed Condition Number 1 to match the landscape buffers at the edge of parking lots in the IDO. This helps provide shade for outdoor seating areas and softens the edge between private properties and the Rail Trail corridor.

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

For the December 14th, 2023, staff report, planning staff also recommends the condition of approval to exempt premium transit areas for the building height step-down regulation.

Proposed Condition Number 2: Exempt premium transit areas from the building height step-down regulation -- building height step-down requirement.

MRA staff also proposed reducing the building height step-down distance from 50 feet to 20 feet. This distance would therefore comprise mostly setback and landscape buffer, which would result in only 5 to 10 feet of the building facade subject to the step-down.

Proposed Condition Number 3: Reduce the building height step-down distance from 50 feet to 20 feet.

Although developers supported the reduced step-down distance, concerns remained about how that requirement applies to property subject to community protection overlay zone requirements.

The Rail Trail intersects with six CPOs: Barelas; Downtown Neighborhood; Martineztown Santa Barbara; North 4th corridor; Rio Grande and Sawmill.

Because the CPO regulations prevail over any proposed Rail Trail regulation, planning staff proposes a different approach to reduce the canyon effect and provide an alternative to the building height step-down requirement along the Rail Trail.

Proposed Condition Number 4: Exempt properties from the building height step-down requirement, as follows. 5-2(A)(5)(b), notwithstanding Subsection A above, a building height step-down 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.

Development representatives noted that outdoor plazas near the Rail Trail serve the same purpose as proposed regulations for outdoor seating and gathering areas required by the IDO.

Planning staff agrees, but noted that outdoor seating areas should provide eyes on the trail, which is consistent with comp plan policy to incorporate crime prevention through environmental design, which is Policy 7.3.2, community character, Subpolicy B.

Staff therefore created the following condition as a compromised solution.

Proposed Condition Number 5: 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.

Since the EPC hearing on December 14th, planning staffed three letters with suggested changes to the regulations within the 48-hour notification period prior to the January 11th, 2024, EPC hearing.

Planning staff recommends that a recommendation of approval of Project Number 2018-001843, Case Number 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, as noted in the staff report.

And I'm just showing these for the commissioners' knowledge, but I'm not going to read them out. So let me know if I need to go back and forth.

CHAIR SHAFFER: I believe these are -- so as long as these match what you showed on each one of the slides, the five conditions, then you don't need to reread them.

MR. MESSENGER: That is correct, Chair Shaffer.

CHAIR SHAFFER: We had a request that you go back to I think it's slide 2, just real quick, which was the map. You kind of redid it on Slide 9. But whatever the map was. That's a little simpler for people to see where this is.

MR. MESSENGER: And with that presentation, I stand for any questions the commission has.

CHAIR SHAFFER: Thank you, Mr. Messenger.

Commissioners, any questions?

Okay. We will go to applicant. And I'm going to consider the fact that this is new information, because it's five new conditions. So we will open the floor back up for public comment, just so everyone's aware. So let's hear from the applicant, and then we'll go to public comment.

MS. LITHGOW: Thank you, Chair Shaffer. Can everyone see my screen?

CHAIR SHAFFER: Yes.

MS. LITHGOW: All right. Let me know if it's not moving forward for any reason. Technology is against us today.

So after we had our last hearing in December, the commission requested that we go back, considering some of the public comment that we heard from stakeholders and developers along the trail, as well as public comment from the community that we heard during the commission hearing. And so Robert really highlighted the technicalities of the changes that we're proposing. But I'll just kind of go through them really quick again.

So for outdoor seating, previously, we were requiring that all outdoor seating should be required to be adjacent to the Rail Trail. We have recommended a change to lower that to at least 50 percent of outdoor seating to be located next to the Rail Trail.

The step-down is related to this, so we, at the last hearing, had proposed a change in the step-down distance from 50 feet to the Rail Trail to 20 feet.

And this time around, we are adding an exemption for projects where 100 percent of the outdoor seating is directly adjacent or abutting the Rail Trail.

Landscaping, I'm not sure how this got a little bit messed up here. Sorry about that. But the change essentially was, before we had required that non-industrial developments have a 6-foot buffer for buildings below about three stories and then a 10-foot buffer for any building above 36.

We are proposing a change to create a 5-foot landscape buffer instead, kind of considering how the Rail Trail is designed to have 3 feet of a landscape buffer between the trail itself and the property line. There will be another 5 feet for non-industrial developments. But industrial projects would remain at the 15-foot buffer regardless of building height.

This is showing a little bit of what that building envelope looks like. That change from 50 feet down to 20 feet, instead. This is if we're treating the street as the front, you'll have a 5-foot front setback. But if we have the street being the back, we'll have a 15-foot setback and then after, 15 feet of a step-down area.

Here's an example of what that would change with an outdoor seating. If folks are putting 100 percent of the outdoor seating that's required by the IDO next to the Rail Trail, they would be exempt from the setback.

So just a little highlight of the CPO. So where the rules conflict with the context standards for the Rail Trail, the CPO is what reigns. The CPO is the highest. So where the CPO is silent, the contextual standards for the Rail Trail can apply. And where the CPO and contextual standards are complementary or they don't conflict, both of them can apply.

So I'll give you an example of what that would look like in the Sawmill area. In the Sawmill area for non-industrial or mixed-use projects, the developers are required to have a 15-foot height limit within 25 feet of the street.

That would apply if the street was treated as a front, but they also have the opportunity to treat the Rail Trail as a front. And so because that would conflict with the Rail Trail contextual standards, the Sawmill CPO step-down to 15-foot height limit is what would reign.

For the Sawmill overlay, here's another example. If they were to do 100 percent of the outdoor seating required by the IDO adjacent to the Rail Trail, they would be exempt from the 48-foot step-down down in the back of the property that's adjacent to the Rail Trail. But the 25-foot setback to 15 feet would reign in the CPO areas.

I think this might just be duplicative of the last one. Sorry about that.

So for the landscape buffer, again, non-industrial development would be required to create a 5-foot landscape buffer adjacent to the Rail Trail. That is a change from 6 feet and 5 feet -- sorry, 6 feet and 10 feet for non-industrial. And the 15 feet for industrial remains.

I want to just show you a little bit more specifically what the Rail Trail standard widths will be like. So we're going have about a 14-foot Rail Trail with a higher landscape buffer on one side, and then a 3-foot landscape buffer on the other. That change is really depending on whether it's moving through and the context of the right-of-way and the constraints that we have.

But, for example, if we're on the tracks on the main line, for example, near 1st Street in the Wells Park area, the 7-foot landscape buffer is going to be on the side where the rails are. And then the 3-foot landscape buffer would be on the side where there's buildings.

There's a few places where there's going to be buildings on both sides, and so that kind of buffer might change a little bit, really depending on the context of those buildings and the right-of-way available. But this is just an example of what that might look like for landscape buffer, which is consistent with, for the most part, a 5-foot setback that's already required in a lot of these places.

And then, again, we have if the street is -- if the trail is treated as a back, we'd have a 15-foot rear setback.

And then this is an example where, if parking is located in the back, parking lots are already required to have a 5-foot parking landscape buffer next to a street or a trail. So this is consistent with other requirements throughout the IDO.

So I think that concludes my presentation. For the moment, I'll stop sharing. And I can reshare if you guys have any questions or you want me to go back to a particular spot. But I'll stand for questions.

CHAIR SHAFFER: Thank you. You know, it's interesting, with all those options, I'm going to say, it's a little confusing about where the applicability would be. But it is nice to -- hopefully, when this is -- I guess when it's fully written, you can at least go to each subsection and say, "Okay, it's applicable here because of X, Y and Z." Because that's a lot of different it applies here, however, it doesn't apply here if this happens, and yes, it does apply here if that happens. So that's a -- there's a lot.

I mean, it's good to have options, so that's good. But it's a little confusing about where on that gigantic loop that that actually applies. So I'm imagining you're going to get some other questions here.

Commissioners, questions for the applicant?

Okay. Let's go into public comment. There was a number of changes from the presentation, which is why I wanted to open up. The premise is still the same, but with all those changes, I think we need to hear stakeholder comments.

MR. SALAS: Commissioners, the first speaker is going to be Russell Brito.

CHAIR SHAFFER: Mr. Brito. I don't see you and I don't hear you. There we go. Mr. Brito, good morning.

MR. BRITO: Good morning, Mr. Chair and Commissioners. Good to see you all.

CHAIR SHAFFER: You, too. Do you mind stating your name and address for the record, please.

MR. BRITO: Russell Brito with RB Planning, P.O. Box 6041, Albuquerque, New Mexico, 87197.

CHAIR SHAFFER: Thank you. Do you swear to tell the truth under penalty of perjury?

MR. BRITO: I do.

CHAIR SHAFFER: All right. You may proceed.

MR. BRITO: Thank you.

Thank you. I'm going to be sharing a presentation. And first off, I want to, of course, thank the planning commission for doing the city's business. I want to thank city staff for providing you analyses and guidance. And I want to thank the applicant for bringing this forward to support the Rail Trail infrastructure project.

I want to start off with referencing the section of the IDO that these proposed standards will be located. And that's 5-2, site design and sensitive lands. It has a purpose, to minimize the impacts of development on natural and cultural resources to protect public health and safety from potential hazards and sensitive land; to create more distinctive neighborhoods by connecting them to surrounding natural features and amenities; and improve building performance and occupant wellness.

The staff report from December stated that these regulations are most similar to those in site design and sensitive lands, rather than overlay zones, like CPOs and HPOs, which are intended to conserve historical or other neighborhood character and architectural value.

But in the staff report, there's no explanation or analysis about how the proposed standards achieve the purpose of 5-2, site design and sensitive lands.

And so that brings up some questions about what are the natural and cultural resources that are intended to be addressed or protected? How do the proposed design standards create more distinctive neighborhoods, if these standards apply uniformly to all neighborhoods along its corridor, especially where there are existing CPOs that are intended to preserve historical or other neighborhood character and architectural value?

And my final question is, how will the proposed standards improve building performance and occupant wellness, especially on narrow

or shallow lots, when they have two frontages, a street frontage and a trail frontage?

So anyone who has a business knows that activity is great on an activated frontage, but there's also the issue of security. And so when you're looking at eyes on a trail or eyes on a street to provide that path of surveillance, standards as proposed kind of require two frontages, and at the expense of one or the other, because it could increase the cost (inaudible) for a developer or a business owner to maintain two frontages.

Now, of course, I appreciate staff's acknowledgment that there are six character protection overlay zones that the Rail Trail would intersect, including Barelas, Downtown Neighborhood, Martineztown Santa Barbara, North 4th, Rio Grande Boulevard, and Sawmill/Wells Park.

And I would argue that the cultural resource that needs to be protected are the characters of the existing neighborhoods, so to fit in with the purpose of 5-2, site design and sensitive lands. In the current staff report for January, the staff correctly points out that the overlay zone prevails over any of the regulation in the IDO. But please remember that this section of the IDO also states that where an overlay zone regulations complement over IDO regulations, the overlay zone regulations apply in addition to the other IDO regulations unless otherwise specified in this IDO.

And so as proposed, my client's property is going to have to comply with both the Sawmill/Wells Park CPO building height step-down and the Rail Trail building height step-down.

CHAIR SHAFFER: Mr. Brito, I'm going to ask you to wrap up. I apologize. I know you've got a lot of information here and you put a lot of effort into this, which is important, but we also have other public speakers to get through.

So my question, being that you are one of the major stakeholders from the last meeting that requested a meeting with the applicant, I guess my direct question to you is, based on these five conditions, do these effectively address or not address what the concerns were from the December 14th meeting?

MR. BRITO: Mr. Chair, they do not address the concerns that my client has for projects that are in design and in process that are allowed by the recent zone changes to MX-H. Essentially, they become disincentives for private sector investment.

And since the Sawmill segment of the Rail Trail is, itself, in design and will be the first to be developed, I think it's very important that as many incentives for redevelopment are provided to property owners, rather than have a developer go back to design, which is very costly, because that involves architects, engineers, coordination with the city for infrastructure.

But financing, as well. That requires a whole new pro forma about, is this going to have a return for this development, for this property owner? And if that pro forma says no, then you will not see immediate redevelopment.

And it essentially becomes a choice of, do you want the trail activated as soon as possible to create that synergy? Do you want the characters of existing neighborhoods to be preserved and reflected for access by users of the trail? Or does that result in properties not being redeveloped because the design standards do not incentivize private sector investment?

CHAIR SHAFFER: So you're in opposition to all five conditions?

MR. BRITO: No. Condition 1 is supportable. It is essentially benign. It does benefit the Rail Trail. And as noted, they're very similar to the landscape buffer for parking.

Conditions 3, 4 and 5 are not supported by Sawmill Bellamah.

CHAIR SHAFFER: And so you're actually bringing up one of my questions. We asked one question last time, and I know there was other properties that are in development stage and, you know, what-if stages. I understand that part.

But there was a question last time about projects that we already saw and approved that are in development. Those would not be affected by these changes. And I want to double-check that that's still correct, that our understanding is still correct. But I understand that there's still a row of properties along that that are in, I'll use your words, pro forma stage, it's that future phases area that you've got, that are not in development because there hasn't been plans developed yet, but they're development from the development people standpoint of: Here's what the plan for that area is.

But I want to be clear from the city, if they can just indulge me in answering the first question, that anything that was prior approved cannot be affected by any of these changes. That's correct, right? And I'm asking, I guess -- I can't ask the applicant. I'm going to ask staff. So that's Mr. Messenger, Ms. Jones.

MR. VOS: This is Mr. Vos, if you want.

CHAIR SHAFFER: Sure.

MR. VOS: Thanks, Chair Shaffer.

Existing, approved projects that have been submitted for review will not be affected by any changes in these zoning regulations, as long as they are followed through to completion within their period of validity. And for a site plan, that's seven years.

So if they follow diligently through to build their project within the next seven years, these new rules would not affect those projects.

CHAIR SHAFFER: I mean, that's some of it. And I have another question, but I'm going to let -- was there any other commissioners? I don't want to step in front of a bunch of other commissioners. So go ahead, Commissioners. Do you have any questions for Mr. Brito?

So I'm going to ask the question now, because you brought it up, about the location of this small area rule being in Section 5-2.

Can we get some education there from staff about why, why this small area rule falls under that section?

MR. VOS: Chair Shaffer, I can take a stab at that and let my colleagues add if they think Mr. Brito pointed out that this section is to minimize or impact on natural and cultural resources.

And the city intends for the Rail Trail to be, in some respects, a cultural resource for the City of Albuquerque. But this

purpose statement also includes statements such as enhancing visual appearances and making visual connections to features, promoting street character in addition to neighborhood character.

You know, the Rail Trail, while not a street, you know, in the literal definition, it's a pedestrian promenade, and trying to promote that character.

And Section 5-2, specifically calls out strengthening the pedestrian environment.

So these rules, like rules for properties that are adjacent to our acequias and our arroyos, which often have trails following them, as well, it's within sort of these purpose statements to sort of strengthen the pedestrian environment and the Rail Trail as a cultural resource, make it better for the City of Albuquerque.

CHAIR SHAFFER: So isn't that the -- I'm going to play devil's advocate here real quick. Isn't that the purpose of a CPO?

MR. VOS: CPOs are, Chair Shaffer, neighborhood specific. And since this rule sort of goes beyond the scale of a neighborhood, we felt that it -- and the contextual relationship of properties being adjacent to something, you know, a CPO would apply to every property within, you know, that mapped area. And since we only want to apply it to those which are actually adjacent to this trail, which crosses through several different neighborhoods, we felt that it fit best in this section of the IDO.

CHAIR SHAFFER: I apologize. I'm going to keep playing devil's advocate here. So if you're crossing a Rail Trail rule through a CPO, is that in conflict with what the neighborhood character is of that individual CPO?

MR. VOS: Chair Shaffer, no, I don't think so. If your neighborhood also has an arroyo in it, we're going to apply arroyo standards to your project. That's in addition to standards that are in the CPO.

The neighborhood character in CPOs is often from the street. And from the sidewalk, there's a lot of building form things there, and these Rail Trail rules are a different character. I mean, something might change because of the correction of the Rail Trail. But that's a policy decision that's outside of what this IDO process is. But I think they're two different, distinct and complementary sets of rules.

CHAIR SHAFFER: Okay. I just wanted to discuss it out there, put it on the record. I was thinking about what it is that this would actually do and what it would impact. So thank you for indulging me. I appreciate that.

Mr. Salas, who is next?

MR. SALAS: Yes, Chair and Commissioners. The next speaker is going to be Patricia Wilson.

CHAIR SHAFFER: Good morning. Can't hear you.

MS. WILSON: Okay. Is that good?

CHAIR SHAFFER: There you go. Yeah, yes, ma'am.

MS. WILSON: Thank you.

CHAIR SHAFFER: Good morning. State your name and address for the record, please.

MS. WILSON: Patricia Wilson, 505 Dartmouth Drive, Southeast, Albuquerque, 87106.

CHAIR SHAFFER: Do you swear to tell the truth under penalty of perjury?

MS. WILSON: Yes, sir.

CHAIR SHAFFER: All right. You may proceed.

MS. WILSON: Thank you, Chair Shaffer and Commissioners. Just a short comment about Condition 3, the building height step-down buffer distance reduction from 50 feet to 20 feet.

The neighborhood I live in, the lots are 50 feet wide, which is not very wide. And so 20 feet is like halfway across -- less than halfway across my property.

So I just wanted to make that comment, that's all. Thank you very much.

CHAIR SHAFFER: Thank you. We appreciate that.

Commissioners, any questions? Okay.

Mr. Salas.

MR. SALAS: Yes, Chair. The next speaker is going to be Ian Robertson.

CHAIR SHAFFER: Mr. Robertson, good morning.

MR. ROBERTSON: Good morning. Yeah, I just wanted to make a comment --

CHAIR SHAFFER: Real quick, Mr. Robertson. Will you state your name and address for the record, please.

MR. ROBERTSON: Oh, sure. My name is Ian Robertson. My address is 1212 Princeton Drive, Northeast, Albuquerque.

CHAIR SHAFFER: Do you swear to tell the truth under penalty of perjury?

MR. ROBERTSON: I do.

CHAIR SHAFFER: You may proceed.

MR. ROBERTSON: I just wanted to make a public comment about the step-downs proposed specifically for the Rail Trail area, and I just want to echo comments by previous commenters, that we feel like the Rail Trail is going to be an incredible amenity for the city. And if anything, the city should be incentivizing development along the Rail Trail.

And what these step-downs do is de-incentivize them. They reduce the overall density. So while we appreciate that some changes were made in the right direction, I just still want to echo concerns that this Rail Trail, these step-downs are very similar to ones I've seen in much bigger, much denser cities. And so while they may feel in line with current urban planning and sort of planner norms, for the City of Albuquerque, they're actually a pretty big deal for developers who are supposed to be wanting to

build in Sawmill, for example.

Sawmill is one of the coolest upcoming neighborhoods. And you're basically saying, "Yeah, now we're taking a piece from both sides of your building."

We should be encouraging incredible multi-family and residential density in that area, and we're kind of doing the opposite. And we're worried about the canyon effect, which was literally invented to describe conditions in New York City, Chicago, and even in parts of LA, and we're applying it to Albuquerque, where there are very few buildings over ten stories.

So I think some of the planning ideology behind it is not wrong, but it doesn't make sense to me, as someone who grew up in much denser cities, where there wasn't any even setback concerns.

The landscape buffers and those things are not of huge concern to us and I actually think they make sense, because you want to -- you know, why not have a slightly bigger buffer where there's more landscape and a nicer path to walk through?

But I think the step-backs are a big concern for anybody who thinks that these areas should have more housing available. And that's what we've heard from the city, is more housing is really important. Yet, we continue to create rules that oftentimes limit developers' ability to create that density, especially in an affordable way.

You know, I want more walkable cities. I think Mr. Vos' comments about creating a beautiful environment and then sort of buffing up some of the protections, it makes sense. But the step-backs in this case, I think, are detrimental to some of the neighbors where we're trying to encourage density.

CHAIR SHAFFER: Got it.

Commissioners, any questions for Mr. Robertson?

Okay. Thank you, sir.

Mr. Salas, who's next?

MR. SALAS: Yes, Chair and Commissioners, the next speaker is going to be Dan Rich.

CHAIR SHAFFER: Mr. Rich.

MR. RICH: Okay. I hope that everybody can hear me.

CHAIR SHAFFER: Yes, sir. Would you mind stating your name and address for the record, please.

MR. RICH: Dan Rich, 3200 Calle de Laura, Albuquerque, 87104.

CHAIR SHAFFER: Do you swear to tell the truth under penalty of perjury?

MR. RICH: Yes, I do, sir.

CHAIR SHAFFER: All right. You may proceed.

MR. RICH: Okay. So I'm here for something that has to do with the language in the IDO regarding campgrounds. And just a little bit about --

CHAIR SHAFFER: So real quick, is that part of the next case? Because we're talking about the small area rule only for the Rail Trail.

MR. RICH: Well, no. I want to speak when it's appropriate. I was announced to speak now. And I'm happy to chime in at a more appropriate time.

CHAIR SHAFFER: I think that's part of the text amendment section. That's the next case. So if you're speaking on just specifically what has to do with the Rail Trail, that's what this one is for. So we'll come back to you in the next case. Thank you, sir

MR. SALAS: Chair, Commissioners, the next speaker is going to be Loretta Naranjo Lopez.

CHAIR SHAFFER: Ms. Naranjo Lopez, good morning.

MS. NARANJO LOPEZ: Good morning, Chair Shaffer.

CHAIR SHAFFER: Thank you. Do you mind stating your name and address for the record, please.

MS. NARANJO LOPEZ: Loretta Naranjo Lopez, 1127 Walter, Northeast.

CHAIR SHAFFER: Do you swear to tell the truth under penalty of perjury?

MS. NARANJO LOPEZ: I do.

CHAIR SHAFFER: All right. Thank you. You may proceed.

MS. NARANJO LOPEZ: I'm here representing the historic neighborhoods of mine, which includes San Jose, South Broadway, Barelas, Wells Park and Martineztown neighborhoods.

And we would like a deferral on this request to have more input on the Rail Trail. We're concerned about the impacts, and we are dealing with gentrification. And we're wanting to protect the historical neighborhood to preserve it, neighbors, and so we're asking for a deferral to have more input.

CHAIR SHAFFER: Got it. Thank you, Ms. Naranjo Lopez.

Commissioners, any questions? Okay.

Mr. Salas.

MR. SALAS: Yes, Chair. The next speaker is going to be Rene Horvath.

CHAIR SHAFFER: Ms. Horvath, good morning.

MS. HORVATH: Good morning, how are you?

CHAIR SHAFFER: Good morning. Good. How are you?

MS. HORVATH: Fine.

CHAIR SHAFFER: State your name and address for the record, please.

MS. HORVATH: My name is Rene Horvath. I live at 5515 Palomino Drive, on the West Side.

CHAIR SHAFFER: Do you swear to tell the truth under penalty of perjury?

MS. HORVATH: Yes.

CHAIR SHAFFER: All right. You may proceed.

MS. HORVATH: Well, I think this would be an interesting project. But I do agree that character protection is really important, and I think people will feel very proud about that. And having enough buffer space with the landscape and the setbacks.

So I am, too, concerned about reducing from 50-foot setback to 20; that concerns me. And having enough space for the trail and the landscape.

And so as I look along the Rail Yards (inaudible) some of the best things that was ever created along there was the Alvarado and all the Harvey houses. They are great examples of great architecture. And they do set back. And they have courtyards and the building set back, and great architecture that people were really proud of. Even when they came off the train, they looked forward to coming into the place and saying, "Oh, wow, this is so cool."

So I just want to push for -- you know, let's not remove restrictions just to increase density. Let's think about how can we plan this to accommodate things. But I agree with Loretta, that perhaps this should be deferred to take up this conversation so we can get a good plan and not give away things that we regret later on.

So those are my comments.

And I did have a question. If people are going to be living here, I was downtown at a -- I guess a brewery along 1st Street, and a train came by, and the whole building vibrated while I was there. And so my question, if anybody can answer it, do you design these so that they don't have that vibration, especially if people are going to be living there? And maybe somebody can answer that question for me. So thank you.

CHAIR SHAFFER: I'm not sure we have that technical person on this call, or on this Zoom meeting. But that's a good question.

So, Commissioners, any questions for Ms. Horvath?

All right. Mr. Salas, anybody else?

MR. SALAS: Chair and Commissioners, nobody else is signed up to speak.

If anybody else wishes to speak, please say so now. Okay.

CHAIR SHAFFER: Okay. Thank you.

All right. Well, public comment is closed, so let's go back to staff closing and applicant closing. And then we can go to questions and discussion with commissioners.

MR. MESSENGER: Staff has no further comments, unless Michael Vos has further comments.

CHAIR SHAFFER: I guess I did that backwards. It needed to be applicant closing first. So applicant closing, do you have any

responses? We went over a lot in the back-and-forth with some of the stakeholders and their concerns. Did you want to address any of that now?

MS. LITHGOW: Yes, Chair. I'm happy to address those.

So MRA did meet with Mr. Brito and discussed his concerns about these changes. And one of the points that he brought up was, when we had originally proposed this language around outdoor seating areas, we had proposed that all of the outdoor seating required by the IDO would be required to be located next to the Rail Trail. And Mr. Brito brought up that, you know, for properties that have two fronts to activate, that would be important to have seating both in the front and the back for eyes on the street purposes, for ease of the folks who either live or work there, and that's why we changed that requirement, reduced it to 50 percent of outdoor seating required to be adjacent to the Rail Trail.

That's also how we came up with this concept of 100 percent. If 100 percent of the outdoor seating is located adjacent to the Rail Trail, that we would give that relief for the step-down. Because as Mr. Brito pointed out, there's different context. As you move through the trail, every building is going to feel a little different. And if you're adding outdoor seating to the area, it kind of helps create that urban texture that we're trying to ensure along the Rail Trail, that we're trying to make sure makes you feel like you're not in a canyon. And we think that having a lot of outdoor seating next to a higher, a taller building could help that.

I would also like to say that Mr. Brito pointed out that these neighborhoods and characters should be protected. And they are. The CPOs are what reigns. And the Rail Trail standards are only what comes in where the CPO is silent or where it's complementary to the CPO. So we're not doing anything to change the character protection overlay.

And I hope this also addresses Ms. Naranjo Lopez's concern, as well.

I think that we did meet with the stakeholders and we heard their concerns.

We have also -- MRA has a lot of incentives available for multi-family housing, for commercial development along the Rail Trail. And we expect that both Titan and Sawmill Bellamah will continue to apply for the variety of incentives that we have for these developments, such as tax abatements. They've done so in the past. We're really excited to continue working with them in the future.

But at the end of the day, we believe that this Rail Trail is going to be a very big and impactful natural resource and natural resource for Burquenos. And we believe that these changes are necessary to ensure that development that happens is responsible so that we can preserve the resource of the Rail Trail.

CHAIR SHAFFER: Okay. All right. Thank you.

I have a question. But I'll come back to my question after other commissioners.

Commissioners, any questions for the applicant?

COMMISSIONER EYSTER: Eyster.

CHAIR SHAFFER: Oh, Commissioner Hollinger first.

COMMISSIONER HOLLINGER: Thank you, Chair.

So my question is in regard to Mr. Robertson's comments. He talked about step-down heights and setbacks.

Can you address those, if you remember his comments?

MS. LITHGOW: Yes. I believe he was referring to the step-downs being restrictive for development.

Throughout most of the Rail Trail area, the maximum height limit is 48 feet. And that is the step-down that we're requesting. We're requesting the step-down to 48 feet maximum, within 20 feet of the Rail Trail.

And that's just going to be the case for most of the areas that run through the Rail Trail unless there were zone changes, or unless there are changes to the character protection overlays. The biggest character protection overlay is in Wells Park, and that's where it applies.

So I think the other point is that where there are no height restrictions or where there are higher heights allowed, which is long premium transit corridors and in the downtown center, we have exempted both of those from the height and the step-down requirements.

I agree with Mr. Robertson that density is really important in developing our city. And we are kind of a short city, short kings over here, but at the same time, you know, we recognize that density is good and we should tend to encourage that in our more dense areas, where the comprehensive plan has identified for ideal growth. And so we've done that through those exemptions in premium transit, main street and downtown center areas.

So I think that that helps address the issue of restricting the height and of creating difficulty in development. And as Mr. Robertson pointed out, we should be incentivizing new development along the Rail Trail.

And MRA, as an agency, we are unique and we can enter into these types of public-private partnerships. We can provide grant funding, we can provide low interest loans, we can provide tax abatements. We already are working on a few projects along the Rail Trail. And we are excited to continue doing that and encouraging density and development in a responsible manner.

COMMISSIONER HOLLINGER: Thank you for that. I appreciate all the feedback.

CHAIR SHAFFER: Great. Commissioner Eyster.

COMMISSIONER EYSTER: Thank you, Chair.

Certainly one of the main issues that we would have to address today is Condition 3, which is the setbacks. So I wanted to clarify a little more with Ms. Lithgow.

We're going through a number of character protection overlays, and do several of them have their own height restrictions? I mean, downtown and premium transit.

You're saying we would not impose these setbacks, but in a number

of the CPOs, do they have their own height restrictions?

And where we're not in a CPO, what would a typical height be adjacent to the trail without the step-down?

MS. LITHGOW: Thank you, Commissioner Eyster.

Most of the zoning along the Rail Trail, if I'm remembering correctly, is either industrial or MX-M, and MX-M has a mass maximum height of 48 feet. And that's also the step-down that we're requesting.

I think in the case of Mr. Brito's projects, they have gotten a zone change to MX-H. And I don't recall, off the top of my head, the height restrictions. And I think Mr. Vos or Mr. Messenger would be more appropriate to answer those questions.

But there are occasionally height restrictions. I know in Barelas there are height restrictions that are triggered through mixed-use properties if you're within, like, 100 feet of a residential dwelling. Those are really site specific, and that's why I didn't include them in the presentation, because it's the context of that CPO and how it relates to the buildings around it. So I do think that there are sometimes height restriction, related to the CPOs.

But I might turn it over to Mr. Vos, if that's okay with you.

COMMISSIONER EYSTER: I won't go quite in that direction right now. What I'd like to do is, you indicated on a mixed-use zone district, which is common on the trail, 48 feet would be the maximum height for a building like that.

MS. LITHGOW: For --

COMMISSIONER EYSTER: And then if it were --

MS. LITHGOW: I'm sorry. Go ahead.

COMMISSIONER EYSTER: And then if it were stepped down within 50 or 20 feet of the Rail Trail, what would it step-down to?

MS. LITHGOW: 48 feet.

COMMISSIONER EYSTER: So I thought you said 48 feet was the maximum height in that mixed-use district. I'm not following. It must be higher.

MS. LITHGOW: Mr. Eyster, so yes, we are requesting a step-down to 48 feet. And we picked that partially because we know that that's the most common height restriction in MX and zones along the trail.

It would probably kick in for MX-H properties, which is the highest building height I believe that we have in the IDO.

COMMISSIONER EYSTER: Good, that helps me. So if we're sitting -- if we're walking on the trail or riding our bike or sitting out on a bench of a cafe, we would be looking at 48 feet, if we're within 20 feet of the edge of the trail?

MS. LITHGOW: Yes, with this request, that would --

COMMISSIONER EYSTER: If we approved this Condition 3?

MS. LITHGOW: Correct.

CHAIR SHAFFER: So why was it 50, and why the big jump down to 20?

MS. LITHGOW: Mr. Eyster, if I'll be honest with you, it was kind of a mistake on our part. I think we were -- I got my wires crossed with 50 feet and 48 feet.

And we intended for it to not create this canyon effect. And then when we were looking at the typical depth of lots along the Rail Trail, we realized that that would take up quite a bit of the land in that area, which is why we stepped it back to 20 feet. We felt that that was -- just once I put together these visuals for the commission, I realized that it was a little bit overshooting what our original intent had been.

COMMISSIONER EYSTER: Got it. You're the applicant and you support the 20 feet?

MS. LITHGOW: Absolutely, yes.

COMMISSIONER EYSTER: Thank you. I appreciate it. That answers my question.

CHAIR SHAFFER: Thank you, Commissioner Eyster.

Any other commissioners, questions for the applicant?

So I have a generic question for Mr. Vos. And this is just more education as we're discussing this. Other small area rules, what sections of the IDO are they falling under?

MR. VOS: Small area rules are found throughout the IDO, Chair Shaffer. We have small maps that are tied to specific uses. So they're found in Section 4 for use-specific standards. They're found throughout Section 5, in Section 5-2, which is the section where this is proposed, there's a small area for Los Duranes, for different acequia development standards. There's small areas within parking. Within signage, there's specific small area rules. So there's lots of them throughout all parts of the IDO.

CHAIR SHAFFER: I don't really -- an acequia falling into this 5-2 makes sense, I guess. But this is building buildings. So I don't know, I mean, I guess I'm still wondering if this is the correct area that this gets put in, just because there's other contextual standards that have --

MR. VOS: Chair Shaffer and Commissioners, yes, this is about building buildings, but there are standards that apply to buildings that protect the Rail Trail.

So we have standards in Section 5-2 that apply to when you build a building or construct a project next to an arroyo that make you step your building farther away from an arroyo. And those arroyos often have trails next to them.

The acequia rules are also about not building close to that feature.

And so the Rail Trail, being a linear feature, kind of like our acequia and arroyos and related arroyo trails, that's one of the reasons why we think it's appropriate to fit in this section of the IDO.

CHAIR SHAFFER: Okay. I'm supportive of it. I'm just thinking of where someone would go to find these rules and regulations and

how they intersect with all the CPOs in all these other areas.

All right. Thank you.

Commissioners, any other questions for the applicant?

Okay. So now we go to Mr. Messenger.

You already said you didn't have any other closing statements. Nothing has changed from the presentation or the proposed conditions.

So, Commissioners, let's discuss. Not everybody at once.

COMMISSIONER MEADOWS: Mr. Chair.

CHAIR SHAFFER: Commissioner Meadows.

COMMISSIONER MEADOWS: You know, this is an incredible asset, this Rail Trail. And in a way, it's almost like -- it's a greenway. It's almost like having some open space through the downtown area and next to some of these more dense buildings that we are encouraging.

And so I think as a greenway, it's important that we treat it as such and do have some step-downs, do have seating areas, do have landscape buffering. And I feel like the applicant has made quite a few concessions already.

And what I'm kind of hearing is that, "Oh, we don't want them to apply at all to us. Just take it all out and we want to do what we're going to do."

And so I think we're already making a compromise here. And as an asset, it's going to support hotels, it's going to support multi-family housing. And so it's a great incentive to more of that kind of development, not a disincentive in my opinion.

So I support the changes that have been made, and if the other commissioners would like to, I would like to make a motion to approve this. Thank you.

CHAIR SHAFFER: Thank you, Commissioner Meadows.

Commissioners.

COMMISSIONER EYSTER: Eyster.

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER EYSTER: Thank you, Chair. I have no doubt that's what's before us is imperfect, but it's substantially on the right track.

And a scant year from now, or maybe two, if we slow down on annual IDO updates, as it's used and employed, it can be tweaked. So I think that the applicant has done a credible job of coordinating with the community, with all sectors, all stakeholders that they could. And so I think we should go ahead and move a recommendation of approval. I'm comfortable with that.

CHAIR SHAFFER: Thank you, Commissioner Eyster.

Any other commissioners?

Commissioner MacEachen, I saw you wanting to say something.

COMMISSIONER MACEACHEN: No, actually, I thought Commissioner Eyster wrapped it up very nicely.

I think that it is imperfect and it is a great start. And we'll see what works and doesn't work as we move along. And it can be modified as we go along. But this is a very good start.

CHAIR SHAFFER: Thank you, Commissioner MacEachen.

Well, if there's no other commissioner comments, I'll give mine.

I agree. I mean, we all go everywhere, we all go visit other places and say, "Why don't we have that?" And I think this is a great start. So I don't want my next comment to be taken in the wrong way, because I think it's awesome. I think that developing something like this in our city is going to be great and it's a great idea and I think it's a great start.

I'm a little skeptical on the, "Well, we can go back and tweak it later" comment, because that doesn't happen -- that happens kind of, sort of with these annual updates, but as you guys see, it's not as easy as that. And I would like it -- in my mind, I think it should be a little more definitive and user friendly on the front end, versus trying to fix it later.

I have a concern with the comments that we heard about basically double penalty for having setbacks on both sides if you don't comply with certain sections, which is 100 percent seating on one side, then it switches to the other side. There's just a lot of -- and as I said earlier, I appreciate having options. That's great. I'm glad that those are there, because it does give people ways to conform.

I'm just really concerned that -- I'm concerned with the CPO conflict, is what I'm concerned about. Because with this being put into Section 5-2, where it specifically talks about the CPOs and the neighboring characters, I just think there's more -- I think there's better writing to be done with this. So I have a concern with supporting this as written.

Again, hear me out, I think it's awesome. I love it. I love every place that you go, belt lines, all these places. That's where I gravitate to, personally, and go to these places. So I love it. And I love that it's a step forward for our city. So don't get me wrong.

So I just think that as written, it's wanting and needs a little bit more modification to be more user friendly.

So any other commissioners, any other comments?

COMMISSIONER HOLLINGER: Chair, Commissioner Hollinger.

CHAIR SHAFFER: Commissioner Hollinger.

COMMISSIONER HOLLINGER: This is a question to you. What would you suggest, if you'd like to see things cleaned up? Are you alluding to a deferral? What exactly are you getting at?

CHAIR SHAFFER: You know, there was some public -- thank you, Commissioner Hollinger. I think there was public comment about deferral for a different reason, just because they -- I think some of the public comment was geared towards deferring because they didn't want to see any of it. And I don't agree with that

at all. Because, like I said, I want to see this go forward.

I just think that some of the items were pointed out as basic double jeopardy items of penalizing some developments because of a complete rule for the entire Rail Trail. I don't know. I just don't know how that fits in certain areas. But I also don't know exactly how that would work. So, hence, a lot of the options that have been put in.

This is just such a big deal, to be honest with you. In my mind, it's such a big deal of changing these areas that I just think it needs to be done right and right for everybody. And I'm just an a little nervous on that.

I'm not sure if I'm asking for a deferral. I don't think we can. We've already heard it. So it wouldn't be a deferral. It would be a continuance to go back and still massage a few items. So a continuance maybe. That throws a little bit of a wrench into certain things, because some of us commissioners won't be around and you'd have to hear it with new commissioners. So that would be a problem, unless all of us stayed on again for that.

But I don't know. I just think there's some more massaging to be done, to be done right on the front end, versus trying to fix things later.

COMMISSIONER HOLLINGER: So, Chair.

CHAIR SHAFFER: Commissioner Hollinger.

COMMISSIONER HOLLINGER: Is that an option? Would any commissioners that are potentially leaving still be allowed to stick around if some more massaging were to happen?

CHAIR SHAFFER: I know I will still be on through next week, through next week's meeting, because my replacement doesn't get sworn in in the city council meeting until the week after.

But I don't know how -- I know Commissioner Meadows and Commissioner Stetson are still on, but I have no idea where their replacements are.

And Ms. Morris is popping her head in, so maybe she knows when their replacements are coming on

MS. MORRIS: Chair Shaffer, you're correct. The District 7 commissioner will be on the agenda on January 22nd.

Commissioner Stetson I spoke with, and he's very kindly agreed to stay on until his replacement comes through.

The District 4 EPC nomination was sent out to the mayor's office, so we're just waiting for that to come down to us for the (inaudible) intro and then to go through the review and approval process.

I am not sure about District 2, and so obviously that would be Commissioner Meadows and Councilor Baca's private discussion on how long they would stay on.

But in general, commissioners can stay at will until their replacement is found. That happens with other committees and commissions. And so, you know, unless there are folks that are hot to leave.

And then also District 1, I think, might be --

CHAIR SHAFFER: There should be four of us.

MS. MORRIS: Yes, I think there's -- District 1, I think. And I haven't seen any e-mails on that, but I need to follow up on District 1, as well.

CHAIR SHAFFER: What's going on with those city councilors? I know one is brand new, so he didn't have the a choice.

COMMISSIONER STETSON: Chair.

CHAIR SHAFFER: Commissioner Stetson.

COMMISSIONER STETSON: Yes, thank you.

I echo your concerns. And I would be in support of a continuance. So I'm going to -- as Ms. Morris and I discussed that process for District 4, it looks like I would probably still be here in February and happy to do so, so that my district is represented.

So I would favor a continuance and move on to the agenda item.

CHAIR SHAFFER: Mr. Vos.

MR. VOS: Thanks, Chair and Commissioners. Since you're discussing the possibility of a continuance, what that would entail, we, as staff -- I mean, so the applicant has made concessions and pretty significant ones, in my opinion, in response to public comment. There's been -- we're still kind of discussing a conflict between CPOs and this rule, and from a planning staff perspective, there is no conflict. They're two different rules and they apply in their individual circumstances.

And if you were to continue this, we would need -- we think that this is -- with the conditions that are proposed, this is a compromise that's been put forward. And if you're going to continue it for another month, either give us very specific direction at what additional changes need to happen, or you could choose to amend the conditions here and just move it forward.

Because the applicant has compromised significantly, and without actual guidance on what to do next, another month is probably not going to change a whole lot.

CHAIR SHAFFER: We can hear you. You're saying you don't know what to negotiate on, is what you're talking about?

MR. VOS: Basically.

CHAIR SHAFFER: Yeah. So we hear you.

Commissioners, any other comments? There's eight of us, so I'd like to -- we have a couple commissioners hinting at potentially continuing, but with a plan of what to continue we would need. And then a couple saying no, approve as is. So I'd like to hear a couple more comments

COMMISSIONER HOLLINGER: Hollinger.

CHAIR SHAFFER: Commissioner Hollinger.

COMMISSIONER HOLLINGER: Thank you, Chair. So that was going to be my next question, is if we are going to continue, sorry, not deferral, how we would give recommendations to those character

protection overlays so that they know what to work on.

And I certainly hear your concern. It kind of feels like a pickle as to what we need to fix. So do you have more suggestions as to what you do and don't like?

CHAIR SHAFFER: Thank you, Commissioner Hollinger.

I would say it's more of the double jeopardy item that I'm thinking about, that Mr. Robertson brought up and Mr. Brito kind of brought up.

I hate bringing up two people but they are the stakeholders that are property owners along these areas, and it's their property. So, I mean, they have a right to chime in and say things.

And I think Ms. Wilson brought up, as well, you know, the narrowness of a lot of the lots and how do you actually apply some of these step-downs if you end up having to do it on both sides.

So I think there's some clean-up things that need to be discussed there. Again, I think that -- I love the options. Again, not a lot of them make 100 percent sense to me about how you apply each option in each one of the CPO areas and areas that are outside of a CPO area.

But, yeah, I don't know. I think that there's discussion to be had there.

MR. MYERS: Chairman, Matt Myers.

CHAIR SHAFFER: Counsel Myers.

MR. MYERS: Thank you, Chairman.

You know, as you were talking there, it got me thinking, you know, that certainly we want to listen to the stakeholders and the people who make their comments, okay, the adjacent property owners.

But I think, again, you kind of go back to what the test is. Okay? The test is, we're trying to make these suggested changes to the small area, and there is a test set out in the IDO, and it says that if these specific items are satisfied or met, then we can approve it or make a recommendation of approval.

And so city staff has analyzed the project based on what is before them, and they are making a recommendation of approval based on the test for a change to a small area.

So I think, you know, maybe you guys decide you need to agree with it or you don't, as opposed to continuing.

CHAIR SHAFFER: Okay. Thank you.

You know, the public comment is closed and I know Mr. Brito has got his hand up. The only reason I would entertain hearing what he had if it was, like, an option saying what to discuss. But I would like to see if my other commissioners -- I don't want to make that decision on my own. And maybe what I'm saying is an option for a continuance. If not, then floor is closed and we can leave it closed.

COMMISSIONER MACEACHEN: Chair, I would like to hear what Mr. Brito has to say.

COMMISSIONER EYSTER: Agree.

CHAIR SHAFFER: Okay, Commissioner Eyster.

I see a lot of shaking heads, so I will open the floor again for Mr. Brito's very quick-- and not a presentation, but very quick on it. I think he wants to chime in on what a couple of us are suggesting.

So, Mr. Brito.

MR. BRITO: Mr. Chair, thank you, and Commissioners.

I did submit the language that we recommended to MRA after our meeting in late December. It should be in your 48-hour material. I did not have a chance to go through it. But what it essentially does is it raises the bar for getting an exemption from the building height step-down.

So instead of just being in a CPO, it proposes that you have to be in a CPO and it has to have a height restriction that you're subject to, and you have to provide direct access to a plaza or other usable open space, with a measurable standard of at least 500 square feet.

So, you know, it's not a get-out-of-jail-free card, so to speak, but it's a tougher test to both reflect the existing character of the neighborhood and to respond appropriately to the Rail Trail, which will be a great amenity for said neighborhood.

So it's another item to discuss and consider as a way forward that I think preserves the protection of this new amenity, but also recognizes the importance of the neighborhoods along its corridor.

CHAIR SHAFFER: And to be clear, I guess you're talking about Page 11 on our 48-hour rules material?

MR. BRITO: Yes. It's labeled Exhibit B.

CHAIR SHAFFER: Yes.

MR. BRITO: I'm not sure if all those other materials pertain to the Rail Trail. But yes, it's Exhibit B.

CHAIR SHAFFER: Yeah, that's Page 11, Commissioners, on your 48-hour material.

So thank you, Mr. Brito. You know, and I think what you're saying is the bold point of what everybody is trying to develop is in conjunction with the Rail Trail, not against it.

So let's hear from the applicant. Yes, ma'am.

MS. LITHGOW: Thank you, Chair Shaffer and Commissioners. I appreciate the discussion.

I would like to maybe echo what Mr. Vos said. We at MRA, we understand that this creates what you referred to do as a double jeopardy, where we're applying standards through both the front and the back through different overlays or character standards.

MRA is pretty firm that we would like this 20-foot step-down to 48 feet maximum. And so if that is something that the commission is specifically wanting to remove, I'm not sure that a

continuance would achieve that objective. As the applicant, we wouldn't come back with any additional concessions.

We did see a copy of Mr. Brito's -- of his suggestions, and that is partially what informed our recommendation to exempt buildings that put outdoor seating next to the Rail Trail. He is the agent for a developer who has projects that will include outdoor seating adjacent to the Rail Trail. And so we thought that that was a good exemption that would help, you know, provide that relief, while still creating a good texture for the Rail Trail and exempting some properties from both of those, from having to address both step-downs in certain CPOs.

CHAIR SHAFFER: Got it. So I guess for a quick question, then, on the 48-hour material that we received, at Page 11, can someone bring that up?

MS. LITHGOW: I'm not sure if it's the same package that you have, but this is what was submitted to me by Mr. Brito.

CHAIR SHAFFER: Yeah, it should be two sections. Yeah, that's what we have in our 48-hour material.

So do you want to walk us through what your -- I don't want to use the word "issue" -- concern is with accepting this as written, as what they're asking for?

MS. LITHGOW: Sure, Chair Shaffer. The question here is that it's exempting only properties in CPOs and it adds -- it does not provide for plazas or outdoor seating areas that are directly adjacent to the Rail Trail, which we thought would make the compromise worth it for us.

In this version, the, I guess, commenter is suggesting that if they provide direct access to an adjacent plaza through their property, so, for example, in the project that you all heard and provided I think a zone change on a few months ago, that's already been approved, my understanding is that they'll be able to submit for building permit before these go into effect anyway, so it's not really applicable.

But for example, it would take you through a portion between the buildings to a plaza on 20th Street. It wouldn't be directly adjacent to the Rail Trail. And that's where we felt the plaza/outdoor seating area would provide the same -- would help us, I guess, feel comfortable providing that exemption to the step-down, is if the outdoor seating was located next to the Rail Trail. But not if it's located on a different street from the Rail Trail.

CHAIR SHAFFER: Okay.

Mr. Vos.

MR. VOS: Thanks, Chair and Commissioners.

And to give a planning department perspective on these proposed red lines that are in front of you, the Exemption Number 1 that is proposed about being in a CPO doesn't really mean much, I don't think, considering, you know, the standards are -- the height restriction in the CPO may not actually be applicable to the rear of the property where the Rail Trail is or restricted differently, in a different way.

So from the purpose of what the CPO is doing and what the purpose of the Rail Trail regs are doing, creating an exemption to the

Rail Trail just because you're in a CPO isn't fulfilling the purpose.

CHAIR SHAFFER: Well, and I guess that's been my question this whole time.

MR. VOS: And I would state further, for the record, that just being in a CPO -- I mean, one of the developments that, you know, is sort of fostering this discussion is in the Sawmill overlay zone and actually got variances to the CPO height step-down. It did not literally comply with the step-down that exists today, and they were able to obtain variances for that.

But just because you're a standard that's a different standard that's applicable to you, shouldn't exempt you from having to comply with other standards, especially when you can still ask for variances.

And then the second part, as was mentioned by Ciaran, that is -- it is a measurable standard. It's a square footage of outdoor seating that just needs to be accessed to the trail. I think that's a little flimsy because our IDO says that you need to provide a connection to public trails on your property. So every site is going to have a connection to the Rail Trail, and so does that automatically exempt everyone from the height step-down because you have that connection to your site that then has an outdoor seating area?

If the purpose is to provide a benefit in order to get the exemption, it needs to be more than just you connect seating to the trail. It should be, as Ciaran mentioned, provide a certain amount of seating that is actually right next to the trail that provides that eyes on the street, sort of a safety effect.

And those are my comments.

CHAIR SHAFFER: Thank you. I guess I'm just -- when you put up that last screenshot of showing what's crossing over each other, and now we're creating a rule within the rule within the rule, it feels like sector plans revisited, of what we got rid of, to be honest with you. I mean, it just feels like, oh, every time someone wanted to go develop something, you had to go pull up the sector plan that was in conflict with the zoning plan, which was in conflict with the comp plan, which was in conflict, and nobody knew what to do.

I just -- I don't know. It's -- I love the IDO, like I said. I think we need it. Everyone that's been on every one of these properties is already developing their properties in conjunction with there's going to be a Rail Trail. So, I mean, I get it, I understand it and I think it's super important. But it just feels a little out of whack for me.

So, Commissioner Meadows.

COMMISSIONER MEADOWS: Yeah, to me, this whole thing with the CPOs, this is just creating confusion. To me, it's not really even about the CPO. It's about this one particular development doesn't want to have step-downs, and so they've created this whole elaborate story about, oh, we're trying to meet the CPO requirements and it's conflicting with the Rail Trail.

And no, it's not.

Anyway, I think continuing is just going to be next time we'll make more concessions, and no, we don't like that either, and no,

we don't want to change anything.

So I think we should just vote on it. Thank you.

CHAIR SHAFFER: And I appreciate that. I don't think a continuance is going to help. Both parties have already made clear that they have no interest in changing anything, so I get that part.

Commissioner Eyster, you had your hand up.

COMMISSIONER EYSTER: Yes. Thank you, Chair. I appreciate all this dialogue. It's very constructive.

I will note that what we will probably vote on is whether or not to recommended approval to the council. So it's not all done if we do that. And the parties can still work through LUPZ and through council. And I'm reluctant to add more to your workload going forward, which is already gargantuan. I would like to vote. I would move a recommendation of approval.

CHAIR SHAFFER: Any other commissioners?

COMMISSIONER HOLLINGER: Commissioner Hollinger.

CHAIR SHAFFER: Commissioner Hollinger

COMMISSIONER HOLLINGER: Thank you, Chair.

I, too, also really appreciate all the discussion. And as you've said many times, you don't like kicking the can down the road. I would suggest making a motion. And I believe that I am in support. Based on Commissioner Eyster's comments, I think that's very helpful.

CHAIR SHAFFER: Okay. Other commissioners.

Well, I don't think a continuance is in the cards. I would have liked to have seen that the verbiage be massaged a little bit more.

Again, I want to be clear, I am 100 percent supportive of a Rail Trail and everything that MRA has done. I think it's awesome. I can't wait for stuff to actually start happening on there. I just am not in support of it as written. But that's okay.

You know, it sounds like there's a lot of yeses. So if one of the yeses would like to make a motion.

COMMISSIONER HOLLINGER: Chair, Commissioner Hollinger.

CHAIR SHAFFER: Commissioner Hollinger

COMMISSIONER HOLLINGER: Before the motion, is it possible to do a recommendation as we move this -- recommendation to council, that says perhaps there should be a bit more thought put into this CPO?

CHAIR SHAFFER: And I'm not sure that's going to help. I think what's going to end up happening -- and I appreciate that. I think it's going to be determined on the vote of how that is proceeded forward.

And as Commissioner Eyster said, it's going to go to LUPZ. And interested parties, stakeholders are going to have additional commentary there, and also at city council.

I mean, we can -- if everyone agrees, I'm more than happy to put in an additional condition, I'm not sure if it would be a finding or condition, that this commission feels that there's additional massaging of the words to happen. But I'm not sure how that would be written. And I'm not sure everybody agrees. We would all have to agree to that.

COMMISSIONER HOLLINGER: I'm personally in favor of that. I would feel comfortable adding that language, however that looks. Not that I am prepared, but I would (inaudible) in there.

CHAIR SHAFFER: So that would fall on Mr. Messenger, as the staff, to craft something that stated that there's concern amongst the commission about wording and that it should be evaluated at the next step, I suppose, would be the way to say it.

MR. MYERS: Chairman, Matt Myers.

CHAIR SHAFFER: Counsel Myers.

MR. MYERS: I think that's pretty vague. You know, if you guys want to add a finding and give them some instruction or some direction, I think you'd probably have to give them some instruction or direction, you know. Meaning, you know, "massage the words," what does that mean? I don't know, I mean --

CHAIR SHAFFER: Well, we --

MR. MYERS: -- if you guys have something specific in mind and you want to give them some specific guidance, well, then maybe that's what you should do.

CHAIR SHAFFER: Okay. I would suppose that it would be something in the manner of: Consideration should be given to stakeholder requests in regard to building step-downs and access to outdoor seating areas as listed within the 48-hour rule.

And it's just a recommendation of consideration, is all that is

MR. MYERS: Yeah, that's -- yeah, certainly, something like that makes sense, you know, if you guys all like that. Or vote, or I guess, the majority likes that.

CHAIR SHAFFER: I see some yeses. I know Commissioner Meadows is going to say no, he doesn't agree to that. But I would like to just say -- I mean, I've heard Commissioner Stetson, Commissioner Hollinger and myself, Commissioner MacEachen wanted to hear some of that verbiage, so I think there's 4 or 5 of us that would like to see that note put in.

COMMISSIONER EYSTER: Eyster.

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER EYSTER: I would support that, Chair.

CHAIR SHAFFER: Okay. Again, it's a recommendation, a consideration.

So, Commissioner Meadows.

COMMISSIONER MEADOWS: It doesn't bother me if you want to add that. Is that a finding? And if I could see the language.

CHAIR SHAFFER: Sure.

COMMISSIONER MEADOWS: It doesn't bother me if you add that in.

CHAIR SHAFFER: Ms. Renz-Whitmore.

MS. RENZ-WHITMORE: Can you hear me?

CHAIR SHAFFER: Yes, ma'am

MS. RENZ-WHITMORE: Great. It actually sounds like what you're talking about is a condition that would adopt that language, and you all should just vote on adopting that language as a condition, or vote it up or down.

CHAIR SHAFFER: I don't think that everyone --

MS. RENZ-WHITMORE: It was proposed in the 48-hour rule, then that's the language, and you should just vote on that, as opposed to asking council to vote on that.

CHAIR SHAFFER: Well, I'm not sure everyone agrees on that specific language. I --

MS. RENZ-WHITMORE: Hence the vote.

CHAIR SHAFFER: Well, okay. What we were -- I think what everyone was agreeing on was that people should consider that language in their next deliberation. I'm happy to ask the rest of the commission if they want to adopt that 48-hour rule language and we can do a straw vote real quick. But I'm not sure what we ask.

So, Commissioner Stetson, as a straw vote, would you be in support of making a condition that we add in that 48-hour rule request?

COMMISSIONER STETSON: I'm conflicted. I tend to still feel that it's a little too fuzzy for me to vote in an approval.

So I think what I would be inclined to do is to have a negative vote if this was coming forward.

CHAIR SHAFFER: Okay. Commissioner Eyster.

COMMISSIONER EYSTER: Thank you, Chair. I didn't quite catch the last sentence from Commissioner Stetson.

CHAIR SHAFFER: He was saying that he would not be in support and he would say no.

COMMISSIONER EYSTER: Thank you, Chair.

COMMISSIONER STETSON: I think that's (inaudible) message from my side.

COMMISSIONER EYSTER: Thank you, Commissioner. I think that we routinely adopt findings and conditions by consensus. And I think if this were put together, I sense that we would support that by consensus --

CHAIR SHAFFER: I agree.

COMMISSIONER EYSTER: -- as a condition. And it doesn't say we're accepting it. It just says that we are recommending that council look at those ideas as they consider going to the next

step.

CHAIR SHAFFER: Ms. Renz-Whitmore was saying don't put it onto council to make that decision. They want us to make that decision. But I agree, we constantly do put that as a finding, saying, "Hey, here's what our recommendation is," as an addition to the staff report. I mean, we do that monthly.

COMMISSIONER EYSTER: I think we render a service to the council to bring that to their attention and then they can be sure -- they'll be ready when they hear those ideas. But good grief, they make thousands of decisions without us. I think they can do it fine.

CHAIR SHAFFER: I agree.

So does that become -- it's not a condition -- again, I keep thinking it's a finding. I don't think it's a condition

MR. MYERS: I agree with you, Commissioner Shaffer. I think unless you're going to take a solid position on it --

CHAIR SHAFFER: Right.

MR. MYERS: -- and say, "This is what we are recommending," then it's not a condition, it's just a finding, and it's saying, "We think more consideration should be given to this concept of what you said nicely earlier, Chair, because I can't say it.

CHAIR SHAFFER: All right. So, Mr. Messenger, you got that right, you got that typed up and ready for us to view, or Ms. Jones?

MR. MESSENGER: I will work on it shortly. Thank you.

MS. JONES: All right. Thank you, Mr. Chair and Commissioners. If you can give us just a couple minutes to work on that, we'll bring that up here in just a couple minutes.

CHAIR SHAFFER: And I don't want to -- I got my 11 o'clock thing. So I don't want to take a break, because I do have to -- I don't want to break now and then break again at 11:00, which I suppose we could. And my 11:00 o'clock thing, like I said, is only from 11:00 to 11:10. So I will be immediately right back, so I have to get on that thing right at 11:00.

COMMISSIONER MACEACHEN: Chair, perhaps you could reiterate what you said earlier and give Mr. Messenger a head start on getting this written up.

CHAIR SHAFFER: I just think it says it's a -- commission recommended that council consider as an adoption -- or maybe not an adoption, an amendment to this plan the changes that were recommended in the 48-hour rule material on Page 11.

COMMISSIONER MACEACHEN: Heavy on the consideration.

CHAIR SHAFFER: Yeah.

COMMISSIONER HOLLINGER: Chair, Commissioner Hollinger.

CHAIR SHAFFER: Commissioner Hollinger.

COMMISSIONER HOLLINGER: Does that statement satisfy your concern about the double jeopardy?

CHAIR SHAFFER: Not all of it, because I think that that -- I don't know that they're -- everyone's saying they're not going to change it and that they've made the concessions.

I think it's going to be few and far between -- well, maybe not few and far between, but it's going to be real specific because of lot sizes, that you're going to create tepees. You're going to create things unintentionally. Just because we don't have 100 percent of our seating on this one side, now we have setbacks on both sides that are going to be impossible then to build anything worth of value of what this intends to create, to be honest with you.

I think it's intending to create a wonderful corridor. And I think we're going to get mostly that. But I think you're going to end up with some places where you're going to get double restricting because of lot size.

But, again, that entire loop of where it's going through and how many other restrictions there are based on other CPOs in other areas, you're going to have other problems

COMMISSIONER HOLLINGER: And, Chair, I guess what I'm alluding to is if somehow that could be worded into the statement. Maybe that could help satisfy the concern.

CHAIR SHAFFER: I don't know how to -- I don't know how they would address that, to be honest with you. I think that one would end up being way too vague. I think the specific language that's on that 48-hour rule material is something that can be referenced in specificity, not a vague statement. Because I'm with Counsel Myers, we can't just throw a vague statement out there.

Commissioner Meadows.

COMMISSIONER MEADOWS: Yeah, I'm thinking that just like other requirements where the lot size makes it difficult to meet, there are reasons to grant a variance or an exemption. And the same thing would apply here. So I don't think you create a rule just to satisfy one particular property owner. I think that's done through a different process. I think we're trying to make a rule that applies for the entire trail.

CHAIR SHAFFER: Yeah, and I know people bark and say, "Well, it's developers, it's developers." It's nothing to do with developers. This is the city and it's MRA wanting this trail. So this isn't a developer saying, "Hey, you better force this through." Because I've already heard people saying that and there's comments in chats of people saying developers want all this. It's not that.

The city wants this trail, the city wants to build this trail. And what they're trying to do is provide the rules and regulations so this trail can be built. So I think everyone should understand that, that this isn't a developer-driven thing. This is just making sure that we're doing it right.

Ms. Jones, I see you.

MS. JONES: Thank you, Mr. Chair. I believe that Mr. Messenger is now ready to pull up that additional finding that we just drafted.

CHAIR SHAFFER: Thank you.

MR. MESSENGER: Chair Shaffer and Commissioners, can you see the screen-share? Do I need to blow that up?

CHAIR SHAFFER: We can see it. I would specifically put on EPC's 48-hour materials, Page 11, and then maybe add in there, which suggests verbiage changes to sections -- now you're going to have to go pull up that sheet that are going to have those two sections on there, since we need to be specific, so I don't get in trouble with Counsel Myers.

So it's 5-2(A)(5)(a) and 5-2(A)(5)(b).

Ms. Bolivar, you can turn off your microphone, please.

I think that's correct. That's specific enough, I believe.

Is everyone okay with that, as an additional finding?

What finding would that be, Mr. Messenger?

MR. MESSENGER: That would be Finding Number 19.

CHAIR SHAFFER: How do the other commissioners feel about that?

COMMISSIONER MACEACHEN: Chair.

CHAIR SHAFFER: Commissioner MacEachen.

COMMISSIONER MACEACHEN: You know, I think part of the problem here is the 48-hour rule anyway. I mean, we have very little time to consider, very little time to react. And if something's put upon us, then we need to have, you know, some reaction from the public on, we need some reaction and reflection on our own. And that's the problem here. Now going to the council, they'll have more time, they'll have more input and they will make a decision.

But I can support this.

CHAIR SHAFFER: I agree with you. That always drives me nuts, about the 48 hours, where everyone has to pile in all their answers at once and we have no time to look at it.
But yeah, this gives them the chance to actually consider this, because we haven't really had the time.

Commissioner Eyster.

COMMISSIONER EYSTER: Thank you, Chair. I'm looking at my agenda for this item on Page 14, staff report. I have 21 findings already.

CHAIR SHAFFER: Oh, yeah, you're right.

Mr. Messenger, this would be Number 22. And then there's -- I think, Mr. Messenger, you looked at the December 14th one. So this one actually has 22, and then there's the five conditions of approval.

COMMISSIONER EYSTER: That's right, Chair. Mr. Messenger has the December 14th staff report.

MR. MESSENGER: My apologies for that.

COMMISSIONER EYSTER: Honest mistake.

CHAIR SHAFFER: No problem.

I'm glad you caught that, Commissioner Eyster.

So if you can just change that finding that you had on the screen, just change that to 22, and then we should be good.

Any other commissioners, any other comments?

Okay. Let's make a motion.

COMMISSIONER EYSTER: Eyster.

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER EYSTER: I would be very willing, Chair, but since Commissioner Meadows is so long in the teeth and he had said he might like to move, I'll cede the floor to him, if he would like to move.

COMMISSIONER MEADOWS: Okay. Yes, thank you, Commissioner Eyster.

So in the matter of the Project PR-2018-001843, RZ-2022-00043 for the small area Rail Trail, Findings 1 through 22, with a new Finding 22, and Conditions 1 through 5, I move approval.

CHAIR SHAFFER: We have a motion. Do we have a second?

COMMISSIONER EYSTER: Eyster second.

CHAIR SHAFFER: Commissioner Eyster second. We'll go to a roll call vote.

COMMISSIONER HOLLINGER: Commissioner Hollinger.

CHAIR SHAFFER: Commissioner Hollinger.

COMMISSIONER HOLLINGER: Thank you.

Commissioner Meadows, you misstated the case. It's RZ-2023-00043.

CHAIR SHAFFER: It's the same case number as those other ones, yeah, same project number, but different case number, so 043.

COMMISSIONER HOLLINGER: And also he stated that it was 2022.

COMMISSIONER MEADOWS: On my agenda, it says 2022. I'm sorry. It's 2023.

CHAIR SHAFFER: Yeah, it's -- okay. Got it. Thank you, Commissioner Hollinger.

So Commissioner Eyster, do you still second?

COMMISSIONER EYSTER: Yes, I do, Chair.

CHAIR SHAFFER: We'll go to a roll call vote.

Commissioner Stetson.

COMMISSIONER STETSON: Commissioner Stetson, nay.

CHAIR SHAFFER: Commissioner MacEachen.

COMMISSIONER MACEACHEN: Commissioner MacEachen, aye.

CHAIR SHAFFER: Commissioner Meadows.

COMMISSIONER MEADOWS: Commissioner Meadows, aye.

CHAIR SHAFFER: Commissioner Hollinger.

COMMISSIONER HOLLINGER: Commissioner Hollinger, aye.

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER EYSTER: Eyster, aye.

CHAIR SHAFFER: Commissioner Pfeiffer.

COMMISSIONER PEIFFER: Commissioner Pfeiffer, aye.

CHAIR SHAFFER: Commissioner Cruz.

COMMISSIONER CRUZ: Commissioner Cruz, aye.

CHAIR SHAFFER: Commissioner Shaffer with the additional finding, I'll vote aye. Passes 7 to 1. Thank you.

(7-1 vote. Motion approved, with Commissioner Stetson voting no.)

CHAIR SHAFFER: Mr. Vos, you'll be presenting Agenda Item Number 3, correct?

MR. VOS: Chair Shaffer, that's correct.

CHAIR SHAFFER: What is your front end of -- I mean, there's a lot to go through, just because, you know, we gave specific instructions on how to rewrite all -- well, not all 60, but a number of the 60 text amendments, and we've got to go through each one of them, and that's going to take a while. Do you have a song and dance that you can do 14 minutes before we actually see all those?

MR. VOS: I don't really. I can start doing the presentation, should you like. But as you mentioned, it's fairly long to hit all the conditions that are in the staff report.

Or should you choose to take a 30-minute break or something, we could come back and start agenda Item 3 after that.

CHAIR SHAFFER: My six years of doing this, I've never requested to stop a meeting before. So I guess maybe on my next-to-the-last one, I can say let's take an early lunch instead of a late one and let's just reconvene at 11:15. That's basically 30 minutes. So I apologize. Six years later, I apologize.

(Recess held.)

CHAIR SHAFFER: Mr. Vos, question, sir.

MR. VOS: Yes, Chair.

CHAIR SHAFFER: So what you're going to show us, did you want to kind of -- without starting to show us yet, are there substantial changes, or is it literally just reviewing what we sent you to task on?

MR. VOS: I'd say it's mostly reviewing what you sent me to task on.

CHAIR SHAFFER: I'm sorry, I didn't know how else to say that.

MR. VOS: Yeah, as with the case with having -- you know, there's 20, 30, I don't know how many conditions are in the staff report, and some of them are bigger than others.

CHAIR SHAFFER: Yeah. So we've got to review them. And so we're probably going to need to do the same thing, is hear the presentation, get some input, make sure everyone's on the same page, and then do the same thing.

MR. VOS: That seems reasonable to me.

CHAIR SHAFFER: All right. Well, I see Commissioner Eyster on. I believe everybody is back. So let's roll, sir.

MR. VOS: All right. Thank you, Chair and Commissioners.

Given our technology problems, do you see a full screen PowerPoint slide?

CHAIR SHAFFER: Yes, sir.

MR. VOS: Awesome.

So this is the citywide IDO annual update, continued from your December 14th hearing. I'm Michael Vos, principal planner here at the planning department, joined by Mikaela Renz-Whitmore and Petra Morris, who is the city council associate director of planning and policy development, to discuss any additional information and may be responding to questions you may have about city council amendments that are in the package.

The annual update is PR-2023-00040. It's about 60 changes in a spreadsheet affecting multiple sections of the IDO. It's accompanied by two small area applications that were on the agenda before this, and a small area application that you are hearing next week.

I'm not going through all of the changes in this PowerPoint presentation, but kind of limit it to those that have conditions, based on your discussion on December 14th, and a few others that received additional public comment, written public comment that's new 48-hour materials.

The changes are broken down into each section of the IDO approximately as follows. This slide was in the presentation at your December 14th hearing. To say it up front, as a reminder, the decision that you are making a recommendation to city council on is based on the following three review and decision criteria on Section 6-7(D) of the IDO. And this is what staff's analysis in our staff report has been focused on; that the proposed amendments are consistent with the spirit and intent of the comp plan and other policies and plans adopted by the city council. It does not apply to only one lot or development project. And that the amendments promote the public health, safety and welfare.

Staff is recommending approval, that the EPC recommend approval of the 2023 IDO annual update, the citywide amendments to the council, with findings and recommended conditions of approval.

Once I'm done, and we do take additional comment and discussion,

we can go through all the conditions. There are options presented in the staff report, like we did last year, for you to sort of vote on each and work through sort of each item.

CHAIR SHAFFER: Perfect.

MR. VOS: The first change is Item Number 1 in the spreadsheet. You did not have any direction for us regarding contextual standards in the protection overlay zones.

I bring this back up again because there was still one additional comment, sort of unclear or in opposition to letting the landmarks commission have the discretion to approve these, and specifically appealing the -- specifically regarding the appeals process.

Like the ZHE, the landmarks commission is a quasi-judicial board, with the same responsibilities, including their appeals process. So if a decision by the landmarks commission, someone is aggrieved by it, they are able to appeal that decision through the LUHO to city council in the exact same manner as a decision of the ZHE. Just putting that out there for sort of the public record and acknowledgment to that public comment.

CHAIR SHAFFER: So no change to that one from anything? It's just you're acknowledging the public comment?

MR. VOS: Correct.

CHAIR SHAFFER: Thank you.

MR. VOS: The next change, I kept this slide because it was discussed in tandem with conditional uses for city facilities. This change specifically is to move fire station and police station out of the NR-SU, nonresidential sensitive use zone, and make it a permissive use in MX-M, MX-H in our nonresidential base zone districts.

There was not public opposition to this and you did not request a change. So unless something changes today, if you recommend approval, this change will go forward.

But moving into some of the use sections, Item Number 11 in the spreadsheet received significant public comment, and it's specific to an exemption for city facilities, to not require a conditional-use approval because they serve a public purpose.

There were many public comments, and I note that proposed Condition Number 8 would delete this proposed item from the spreadsheet and keep conditional use procedures in place for city facilities.

But as I mentioned, we have no condition on the fire station and police station change.

Regarding outdoor --

CHAIR SHAFFER: Real quick. I didn't mean to interrupt you. But it's probably -- even though we're going to go through the verbiage of the conditions later, Commissioners, I would chime in now if something pops up that is not to your recollection of what we discussed. But so far everything has been how I've got it noted. So just chime in. We will address them as they happen. So thank you.

MR. VOS: Regarding outdoor amplified sound, this is Items

Number 2, Number 7 and Number 50 in the spreadsheet. It is to create a new accessory use for outdoor amplified sound that's allowed in certain zone districts.

This allows us to then create a use-specific standard business prohibiting the amplified sound in its entirety if located within 330 feet of a residential zone district between specified hours, essentially setting a curfew.

There were comments on this, as you recall. Some to extend the use to midnight to allow outdoor amplified sound later. Some confusion over the noise ordinance, which hopefully kind of described how the noise ordinance worked versus this curfew; that would be through the zoning.

Since December, additional comments were submitted to remove this amendment, as well as support for finding ways to better regulate amplified sound and music, including potentially have separations at all times of day and a permitting process.

In the conditions, proposed Condition Number 2, we have four options available. The first three, you are able to, if you choose, adopt one, two or three of them in combination. The first one would create an exemption for certain, more intense center areas, where the curfew would not apply if the use was otherwise approved.

The Option Number 2 tracks with the comment to extend until midnight the allowance for the amplified sound.

And Option 3 would reduce the separation distance where the curfew would apply, from 330 feet away from residential to 100 feet.

So you can do any combination of those three if you want to approve it with changes.

Option 4 would be to delete all these proposed amendments in their entirety and leave amplified sounds to the purview of the noise ordinance and our existing rules.

And just to say up front, whatever those options, you can approve with changes, you can delete it. You can always just delete the condition, and if you do that, it would adopt the amendment as currently written in the spreadsheet.

CHAIR SHAFFER: All right. So let's talk about that real quick. Because we agreed to Option 4 in our last meeting. We all agreed that these three would go away in their entirety.

Commissioners, do you need any clarification on any of these three options? Do you want to discuss them now. I know we're doing it a little bit different, but with this many, I'd rather just tackle them now. And that'll give a chance, also, to address some public comment, as well.

COMMISSIONER EYSTER: Eyster.

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER EYSTER: Chair, I think you said that at the December hearing. We said that we wanted to delete the proposed amendment in its entirety. If that's true, I don't see any reason to revisit that.

CHAIR SHAFFER: Well, I didn't say that. We all said that.

COMMISSIONER EYSTER: You said that we said that.

CHAIR SHAFFER: Yeah, yeah.

COMMISSIONER EYSTER: Yeah. So I don't see why we would reopen it today.

CHAIR SHAFFER: Well, I guess the point to that is, to Mr. Vos' point, there was some more comments that they received over this last month, so they're trying to appease the masses and everybody else, so they have spent time to create additional options for us to consider.

MR. VOS: Chair Shaffer and Commissioner Eyster, I think that's correct, to provide some options. And I'd just -- you know, I understand the straw voting and sort of comments last week. We based these conditions on the notes that we took from all of your discussion. And without a formal vote of this commission to say yes, indeed you are deleting it, sometimes there might be an option, delete or don't delete, or something like that, as well.

CHAIR SHAFFER: Okay.

COMMISSIONER EYSTER: If we --

CHAIR SHAFFER: Go ahead, Commissioner Eyster.

COMMISSIONER EYSTER: Thanks, Chair. If we are to look at it again, I would not like to see the music go two hours later to midnight. And I would not like to see the distance changed from 330 to 100.

CHAIR SHAFFER: Yeah. I think when we went through all three of these in detail last month, it was really determined that noise ordinance was sufficient, and this was just adding a layer of complexity that was unneeded.

COMMISSIONER MACEACHEN: Chair, Commissioner MacEachen.

CHAIR SHAFFER: Commissioner MacEachen.

COMMISSIONER MACEACHEN: I'm an Option 4 guy.

CHAIR SHAFFER: Okay. Okay. Well, let's move on. We still have all of our notes, so when we get down to the actual conditions. But I figured we should talk about a couple of these now, since there was so many on this one.

MR. VOS: Absolutely. Thanks, Chair.

CHAIR SHAFFER: Yep. Good work, though.

MR. VOS: Appreciate it.

The next items were Item Number 3 and Item Number 13 of city council amendments.

The first, Item 3, related to cottage development, to allow units to be attached on one side and requiring them to have front porches.

And then duplexes, Item Number 13, to allow duplexes in the R-1 zone permissively if they are part of an existing building; conditional, if they are new construction; to prohibit them on lots where there is already an accessory dwelling unit, or also

an accessory dwelling unit, and providing some design standards for street-facing facades.

Related Item Number 10 from city staff is a change that would allow duplexes permissively on corner lots only that are a minimum of 5,000 square feet to provide an option for some additional density in neighborhoods on lots that are large enough and on a corner that might be more well suited to that type of a use.

COMMISSIONER MEADOWS: Chair.

CHAIR SHAFFER: Yes, Commissioner Meadows.

COMMISSIONER MEADOWS: Yeah, if this is the correct time to speak up, I was sort of hoping to merge those two options, both the staff and the council one, and make it a condition, but keep it just on corner lots and --

CHAIR SHAFFER: Well, let's finish, because he's got to get to his conditions.

COMMISSIONER MEADOWS: Okay.

CHAIR SHAFFER: Because our original vote was keeping 3 and deleting in its entirety 10 and 13. So let's hear the rest of what he had to say.

COMMISSIONER MEADOWS: Okay.

CHAIR SHAFFER: Now, I'll skip these next couple slides that sort of talk about the comment that I had in December.

There remain some concerns about cottage development. And there were several more comments submitted in opposition to duplexes.

As you mentioned in December, there was talk about deleting Items 10 and 13. On the cottage development, there's a proposed condition in your report to adopt to proposed change with an additional amendment to change the maximum project size from two acres to five acres, where we think they might be able to be designed more cohesively or on a bigger site, with sort of the bigger landscape buffers around the outside of them.

There was some discussion about the landscape buffers and fitting these projects into some of the existing areas of town.

On Items 10 and 13, there are two options presented on each. 1, to adopt the amendment, or Option 2, to delete the proposed amendments.

Planning staff did not put an option in our report related to making these conditional uses. Our perspective is that housing -- the purpose of a conditional use is to mitigate harms, and providing housing is not necessarily -- we don't view it as something that's harmful. It's simply a use that is appropriate or not appropriate, given the context.

Should this commission choose to direct us to do a third option regarding the conditional use, to Commissioner Meadows' point, we can talk about that, I think, probably when we're going through item by item.

CHAIR SHAFFER: Can we go back to that? I apologize.

So, I mean, we can just -- I'd rather discuss it now, because,

Commissioner -- I don't want to make a decision right now, but I want to discuss our options.

So we had said yes to Number 3. You've now got it changed, an additional change. So we had agreed as is. But you're asking us to approve Item Number 3 with the additional condition of changing it to five acres. And then you've given us the option basically of as is on 10 and 13, where we said it's either as is or delete, which is what we voted on last time.

MR. VOS: The delete option sounded like the straw vote for maybe a majority of this commission, noting that, you know, Commissioner Meadows did state his desire to consider potentially a conditional use option as sort of a compromise.

So if that were to get traction, that would be in the purview of this commission to choose to do that or not.

CHAIR SHAFFER: So any other -- Commissioner Meadows, go ahead.

COMMISSIONER MEADOWS: Yeah. So my understanding is the council proposal is to make it conditional if it's on a vacant lot. And so I was hoping we could kind of merge both the staff and the council and make this conditional on a 5,000-square-foot corner lot, but make it conditional. Which seems to be in keeping with the council proposal. So that's what I thought we were going to have an option for.

Thank you.

CHAIR SHAFFER: I don't have those -- I knew you had mentioned that, but I thought that the rest of us, everyone said just delete.

Any other commissioners have any desire to modify from either yes or no? I mean, again, when we're going through each -- just think about it. Let's move on. And then when we get -- when we're starting to go down the conditions, then we can discuss it again.

MR. VOS: Thanks, Chair, for that. That sounds like a good plan.

CHAIR SHAFFER: Well, it's a plan.

MR. VOS: As I pointed out, as you're discussing all of these conditions and thinking in the context of the review and decision criteria about what supports our comprehensive plan, and staff does support these duplex amendments still, then understand that the commissioners may vote differently as providing more housing for our community is a paramount part of the comprehensive plan.

The next change is Item Number 12 in the spreadsheet, dwelling, live/work, which was proposed to add restaurants and retail options permissively in R-1 if they are located on corner lots that are 5,000 square feet in size, and only those retail uses. Otherwise, they would not be allowed in R-1.

In RT and R-ML, the use would be changed from conditional to permissive in those same situations. Otherwise, the conditional-use approval that currently exists would remain. And to limit the size of those retail and restaurant spaces to 3,000 square feet or less.

The purpose of this is to foster small, local, neighborhood-oriented economy and economic opportunities for the community.

Based on some of the feedback and some of the comments, some options are presented on this in Condition Number 9. There were more comments submitted in opposition to live/work changes in its entirety. There was one comment that was submitted in your packets that specifically supports our condition Option Number 2 as below.

So based on some feedback, staff has, in sort of the two options, one and two, in both instances, proposing to remove the restaurant use and add grocery and bakery as retail type uses that support -- so it's sort of a retail only addition.

Option 1 would otherwise keep it permissive, as described in the original amendment.

Option 2 would allow grocery, retail and bakery as a conditional use in R-1, still subject to the corner lot and lot size minimum. And it would delete any changes for the other residential zones, which would keep an existing conditional use process in place.

And Option Number 3 would be to delete this amendment in its entirety.

CHAIR SHAFFER: Commissioners, I mean, that was what we agreed on the last time. Only they want to throw some food for thought here on, well, yeah, how about some of this option. So does anyone have any commentary on these two additional options?

Okay. Well, we can discuss them more, but just think about that one, too. Because it's good for viewing at the moment.

MR. VOS: For Item Number 9 in the spreadsheet, overnight shelter, staff has proposed in the staff report, based on discussion last month, Condition Number 5, to delete the amendment and keep overnight shelters as currently recommended as a conditional use.

Regarding Item Number 4 and Item Number 5, which were proposed changes to allow -- to require a wall or fence around gas stations and retail establishments, there was significant public comment against these. And Condition Number 4 --

CHAIR SHAFFER: Oh, we lost Mr. Vos. He turned into a robot.

Mr. Vos, I don't know if you can hear us, but you're locked up.

Commissioner Stetson, you're now the host. Right on. You run the show now. Perfect.

We'll assume he's popping back here in a second. Let's be patient. Looks like it was everybody at the city and that one group left at one time. So it was probably -- did you guys have another power outage again.

MR. VOS: Not a power outage. Looks like the Internet just briefly -- let me get back to sharing. All right.

So, Chair and Commissioners, when the Internet dropped, I was talking about electric utility, Item Number 6 in the spreadsheet. This would require walls and specific landscaping for battery storage facilities associated with PNM electric utilities as their current definition includes battery storage as an incidental activity.

We had a proposal for a stand-alone battery energy storage

system, with an exhibit, that we talked about in December, adding a new use for the NR-LM and GM districts, with use-specific standards for landscape screening, walls, noise, et cetera and associated definition for that, PNM and a battery developer submitted comments in opposition to that. And city council had sent a memo requesting that the EPC not make any recommendations on that, hopefully, at least until this January meeting.

CHAIR SHAFFER: This is the one where you said get all the stakeholders together, come up with an agreeable plan, come re-present to us?

MR. VOS: Correct. Chair and Commissioners, planning and city council staff met with PNM stakeholders on December 20th to discuss this amendment. PNM provided us with additional feedback just last week, on January 3rd, that we are still kind of evaluating.

Based on some of that feedback, we are recommending Condition Number 22, which removes the stand-alone best use and exhibit from consideration at this time, and we will continue to work with the stakeholders to come up with a viable solution that works for all parties.

That could be introduced through the city council process, at LUPZ, or could be held for a future IDO update, depending on how much work with the stakeholders is necessary.

We don't have a condition to remove Item Number 6 from the spreadsheet for the minor changes to the electric utility use. It's an existing use. And it would help sort of as an interim solution, provide walls and landscape buffer around battery facilities until such a time a stand-alone use can be created.

A battery developer did submit some 48-hour comments opposed to the electric utility change and offered suggested changes to the language. I would say that those suggested changes, in sort of the same way we still need to continue evaluating the PNM feedback, is that I think, as staff, we would rather punt on both of these than just adopting what was provided in those public comments verbatim.

CHAIR SHAFFER: So to be clear, then, so Condition 22 is going to be removing 55 in its entirety. 6 would be you're recommending (inaudible) --

MR. VOS: So --

CHAIR SHAFFER: -- as is?

MR. VOS: So right now, staff is recommending approve 6 as is. Should this commission, in your deliberation, decide that 6 should be removed and worked on in conjunction with 55, you would have to amend Condition Number 22 to remove both items.

CHAIR SHAFFER: Okay. Got it.

Commissioners. Leave 6, keep 55, or add both 6 and 55 to the same Condition 22?

Someone say something.

Or we can wait till we get to those conditions and discuss it then?

All right. We'll wait till those conditions, discuss it then.

Keep going.

MR. VOS: Moving on from the uses standard of the IDO now, to development standards.

The first item to talk about there is Item Number 15 for the landfill gas mitigation. The proposed change was to exempt landfills closed more than 30 years ago from the landfill gas mitigation procedures.

Based on feedback, we have added Condition Number 10 to delete this item from consideration.

CHAIR SHAFFER: Can I ask you a quick question? Is there -- and that's great because that's what we recommended. Is there a reason why these didn't follow in order, versus jumping all over all the conditions?

MR. VOS: Chair Shaffer and Commissioners, it's based on how I created the presentation in December, a little bit.

CHAIR SHAFFER: I got it.

MR. VOS: And the way the spreadsheet is in order is sort of by section and page number of the IDO, except when an item is in, like, three different sections, we then stick it at the end.

CHAIR SHAFFER: Okay.

MR. VOS: The items and the conditions will get more in order a little bit further into the presentation.

CHAIR SHAFFER: Just my -- you know, what is that called? The thing that tries to make me focus. That thing.

Anyway, keep going. Yes, sir.

MR. VOS: Chair and Commissioners, we've got Items Number 42 and 17. I've put this together originally because they're somewhat related front yard parking issues. That came from city council.

One was regarding angular stone as a material for the purposes of improving parking. Condition Number 19 would delete that from consideration at this time.

For boat and RV parking, council has an amendment that would propose to disallow the parking of RVs in any portion of a front yard.

EPC had concerns about this amendment at the hearing, whether the council was overreaching and what the impact could be on small properties, et cetera.

Two comments were submitted in support of passing this amendment, with some changes. The councilor who proposed this amendment realized after submittal that it did not quite do exactly what they wanted it to do.

So option one tracks with a request from the sponsoring city councilor to revise the amendment that would prohibit the RV, boat or trailer to be parked in the front yard if you are in a residential zone or MX-T with a residential use, while keeping the allowance to park it in the front of a property if that property is mixed use or nonresidential, with a nonresidential use.

So the intent is to prohibit parking RVs in residential neighborhoods on residential lots. That's Option 1.

Option 2 is to delete the proposed amendment and to continue to allow the RV parking under our current rules. If it's in the front yard, it has to be perpendicular to the curb and set back at least 11 feet from the face of the curb.

There was some discussion in December about a permit process. Staff did not put forward a separate permit process because, quite frankly, that would be really messy, I think. And, you know --

CHAIR SHAFFER: Create more work?

MR. VOS: -- and RV is not really a use, the way we see it.

So, like, a conditional use -- and really, we don't want a permit process just where neighbors are going to fight over RVs or not. It's do we think RVs are appropriate in some front yards or not? And we can just make that by either adopting this or not adopting this.

CHAIR SHAFFER: So I had it written down as that this would be rewritten because it was unclear, and so this is the answer, is all right, here it is rewritten to clarify the intent?

MR. VOS: Yes.

CHAIR SHAFFER: So, Commissioners, Option 2 wasn't really one that we said. 1 is the clarify that we asked for. So what do you all think?

COMMISSIONER EYSTER: Eyster.

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER EYSTER: I think you said it right, Chair. Option 1 is the clarification that we asked for. Plus it has the input from the councilor.

CHAIR SHAFFER: So is everyone -- I mean, again, we can vote when -- let's not discuss it now. Let's just -- we'll discuss it when we go down the last. But so everyone is clear what those two options are. Okay. Got it.

MR. VOS: Two more city council amendments, Items 18 and 20.

Number 18 is a parking maximum within 330 feet of a transit facility. Transit facility definition is shown here.

And then to change the applicability requirements for landscaping, by lowering the thresholds, landscaping would be required for smaller projects or more frequently.

On the parking maximums, council staff had previously asked a condition to exempt park-and-ride facilities to match their original intent. And we have since received comment from the city's transit department generally supportive of parking maximums, but also requesting an additional exclusion for depots.

The transit department has two maintenance facilities that would fall under the transit facility definition, but there are not necessarily transit routes or service to or near those maintenance facilities.

So Option 1 in Condition Number 12 would be to revise and adopt the amendment for parking maximums, excluding park-and-ride lots and depots, based on input from the sponsoring city councilor and the transit department that we received.

Or Option 2 is to delete the proposed amendment, which I think tracks with most public comment.

CHAIR SHAFFER: Well, I'll say that I think we'll give credit obviously to the sponsoring councilor and comments. But we had brought that up, as well, saying it didn't make any sense to have the amendment near park-and-ride lots. It was like, what's the point?

So, Commissioners, I think that we had that listed as a -- we had this as a no, but now the supporting councilor wants us to say, well, it should be yes because of the comments that came in.

Commissioner Meadows.

COMMISSIONER MEADOWS: This is one where I would support Option Number 1.

CHAIR SHAFFER: Okay. I think that was part of our issue, was it didn't make sense, and now maybe it does make more sense. But we'll table that till we get to that condition.

Thank you.

MR. VOS: Thanks. In addition to -- I'm going to get back to conditions relating to the landscaping applicability amendment from city council, and talk about quickly Item 57 as another landscaping change that was proposed by staff, sort of brought in the applicability of some standards and kind of regulates landscape a little bit better for our high desert environment.

We heard -- or you heard from Cheryl Somerfeldt, from the parks and recreation department, at your December hearing that supported these changes, with an amendment to Item Number 57 to delete a proposed subsection regarding warm season grasses.

So in Condition Number 13, we have an amendment or a condition that proposes to delete Items Number 20 and 21, while keeping Item 22, based on your feedback, and then amending Item 57 for the parks comments.

CHAIR SHAFFER: And, Commissioners, that's exactly what I've got written down. Does that track with what you all have?

COMMISSIONER MACEACHEN: Yes, it does.

CHAIR SHAFFER: Yeah, delete 20, 21, keep 22, amend per parks and rec's comments. So this tracks with what I have.

Thank you.

MR. VOS: Next items, Number 23 and 24 in the spreadsheet, are for front yard walls and fences to allow taller walls in the front. Those walls are set back from the property line and utilized view fencing above 3 feet and provide landscaping along the sidewalk.

Staff, based on your deliberation and public comment, has Condition Number 14 to delete the proposed amendments.

We also have a proposed finding that you may adopt advising the

decision makers to not pursue taller front yard walls in future updates, that's Finding Number 25, since that was a topic of your discussion.

CHAIR SHAFFER: I think you'll make several hundred people pleased.

Anyone have any comments to that finding or that condition?

COMMISSIONER EYSTER: Eyster. Could we take just a minute, Chair, to look at Finding 25?

CHAIR SHAFFER: Well, I think that's it right there, right? Or you want to see --

COMMISSIONER EYSTER: I'd like to see exactly what it says.

The reason I ask that, Chair, is because I think we need to make it very clear we have a duty to the administration to help them understand this principle much better than they do, and we have a duty to the council, especially with new councilors, to help them understand it.

And I have -- I want to see Finding 25, but I have a simple phrase that we could add to Condition 14, which I think would get more traction than a finding.

CHAIR SHAFFER: Well, the Condition 14 deletes that entire amendment.

COMMISSIONER EYSTER: It does delete it. But we've deleted it two years in a row, and administration comes back with it again. So that hasn't worked.

CHAIR SHAFFER: Let's do this, because I don't want to -- we haven't made any changes yet. So that will be part of our discussion when we get to Condition 14.

COMMISSIONER EYSTER: Good.

CHAIR SHAFFER: We'll add in the 25 commentary there.

COMMISSIONER EYSTER: Perfect. Thank you, Chair.

MR. VOS: Chair Shaffer and Commissioners, I appreciate that. And we can discuss it more when we go through condition by condition.

And that may be a good time to hear from your council. I'm not sure it's appropriate for this commission to tie the hands of the city's ultimate planning and zoning authority by putting something in a condition that says that they shall not do something ever.

CHAIR SHAFFER: Yeah.

COMMISSIONER EYSTER: And, Chair, Mr. Vos, I would not do that.

MR. VOS: Okay.

COMMISSIONER EYSTER: I'm looking more at a strong statement, an educational statement.

CHAIR SHAFFER: Let's move on. We'll see what it says.

MR. VOS: Chair and Commissioner Eyster, I appreciate that. And

I think educational statements and facts to provide are most appropriate in findings. And so we'll talk about that more later. Perhaps a finding and then tying your condition to that finding in the right way is the way to go about it.

CHAIR SHAFFER: That will give Commissioner Eyster plenty of time to stew on it until then.

COMMISSIONER EYSTER: Thank you, Chair. Thank you, Mr. Vos.

CHAIR SHAFFER: All right.

MR. VOS: Jumping ahead in the spreadsheet, because this exhibit affected multiple sections of the IDO, but it's mainly in our five development standards.

Item Number 57 is to replace the outdoor and site lighting section of the IDO in its entirety with new and updated rules. The commission was in support of these changes, as is the community, based on the discussion at the December hearing.

There were comments in December, making some very specific requests that -- to potentially change some of the --

COMMISSIONER MACEACHEN: Is this Item 56?

MR. VOS: 57.

COMMISSIONER MACEACHEN: 57, I've got landscaping standards.

MR. VOS: You are correct, it's 56.

COMMISSIONER MACEACHEN: Okay.

MR. VOS: That is a typo. Thank you for catching that, Commissioner MacEachen.

Item Number 56 for outdoor and site lighting, we had in December comments for specific changes. In general, the community is in support, the commission was in support. We sent public comments to our consult that we utilized to draft this section, (inaudible) and associates to review those comments.

Based on public comments and some additional feedback, we have several conditions, Numbers 23 through 27, that provide clarifications or slight improvements to these outdoor lighting rules highlighted here.

Clarifying, right now, near major public open space, there sort of says you can use Lighting Zone 0 or 1. But it's clearer for us to just say that you have a maximum, which would be lighting Zone 1, and it's always available to you to go to a lower lighting designation.

Based on public comment, to remove a prohibition on aerial lasers for educational purposes; to remove the preliminary correlated color temperature of lamps. Again, sort of leaving just maximum as the appropriate way to sort of a way of the regulate the light is a maximum. And if you're able to and want to go lower, you may.

Adding a definition of "Curfew" to point to outdoor lighting curfew. Deleting the definition for a word that isn't used in the section anymore. And slightly amending the definition for foot-candle.

And then there's one regulation related to signage lighting that basically is stated twice. So we're requesting we delete one of those.

Item Number 25 in the spreadsheet from city council is an amendment --

CHAIR SHAFFER: I meant to say can you go back one. I apologize.

MR. VOS: Yeah.

CHAIR SHAFFER: So let's just clarify. So there was the Conditions 23 -- they're basically below those five items.

MR. VOS: Yeah.

CHAIR SHAFFER: They're 23, 24, 25, 26, 27, which all relate to Item Number 56?

MR. VOS: Correct. They're all related to 56.

CHAIR SHAFFER: So five conditions for Item 56. So, Commissioners, any heartburn to any of that? Because we had approved it as written. And then you're saying --

MR. VOS: Yeah, Chair Shaffer, these conditions you can probably put in the bucket of clarifications and improvements based on public comment and our consultant's knowledge -- our sort of best practice.

CHAIR SHAFFER: So the guy that we, as taxpayers paid to make sure they made the right recommendations made these recommendations?

MR. VOS: They reviewed them, and yes. And a letter from the consultant is in your packets.

CHAIR SHAFFER: Okay.

MR. VOS: Speaking as much.

CHAIR SHAFFER: Got it. Thank you.

MR. VOS: For Item Number 25 on the spreadsheet, a council amendment on building design for non-industrial development in industrial zones and for industrial development in any zone district.

There was public comment in December stating that a developer specifically was in support of actually applying these standards to developments, with adjustments. Council staff, in December, said that the councilor was amenable to those.

So what's proposed in Condition Number 15 is that win/win adjustment that we think to the design standards, where hopefully everyone is happy with what comes out of this, based on the feedback we received.

CHAIR SHAFFER: So these changes, Mr. Vos, this is -- so we had approved "as is," but this is further clarifications based on the public comments?

MR. VOS: Chair Shaffer and Commissioners, that's correct.

There was a comment requesting to change the frequency from 75 feet to 150, and allow for vertical projections in addition to

horizontal. So you see all of the references to 75 going to 150. And then the 20 percent of the height is how we would get to the allowance that you can provide vertical features on the height of the facade, versus just across the horizontal with the facade.

This proposed condition came from city council staff in response to public comment.

CHAIR SHAFFER: I have this written down as this came -- yeah, the original request of this came as, you know, a council amendment. And Ms. Schultz had some commentary.

And I had written down "150 request from public comment." So this is -- all the stuff I have written down looks like that's what got amended and put in.

MR. VOS: That's correct.

CHAIR SHAFFER: Not that you know what I wrote down, but --

MR. VOS: I mean, yeah. Well, I wrote down based on what was said that you were writing down.

CHAIR SHAFFER: Got it. Okay. Thank you.

MR. VOS: Now moving into Part 6 of the IDO, our procedures section.

There was a lot of public comment about proposed Item 29 for pre-submittal neighborhood meetings; Item Number 32 for public notice, neighborhood associations; and Item Number 36, for post-submittal facilitated meetings.

These changes all sort of do the same thing, which is change when an association is supposed to be notified of a project from when the project is within or adjacent to the neighborhood association's boundaries, to it being within 330 feet of that association.

A request was made to show some examples of sort of what that means. These examples are in our staff report.

On the left, there is a zone change that you heard a few months ago near Mountain and 20th that only had to notify the Sawmill Neighborhood Association because it was only within or adjacent to that one neighborhood association.

The 330 buffer would have added the historic Old Town association and the Downtown Neighborhood Association, providing some additional neighbors that would have been required to be notified.

Another example at Carlisle and I-40. This site, as you may well be aware is being redeveloped for a new Whole Foods and American Home Furniture. The Altura neighborhoods and the -- I forget which association is at the Southwest corner of Carlisle and Indian School, were the two applicable associations when this went through our processes several years ago.

They would continue to be notified under the 330 feet requirement. But as you note in sort of the upper left of this bubble around the property, it just hits the Netherwood Park Association, so that's a third association that was not required to be notified that would be added with this change.

CHAIR SHAFFER: So can you go back? I mean, you can look at that

one there, too, but this is what we were asking for, was a literal depiction of what 330 feet meant.

And so what you're saying is, and that was one of my questions, was that upper left, Netherwood Park, very, very, very, very, very, very, very corner, it's getting touched, so now everybody within that neighborhood association becomes a party to notification; is that correct?

MR. VOS: The neighborhood association -- the two contacts that the city has on file --

CHAIR SHAFFER: Okay. Yeah.

MR. VOS: -- for the neighborhood and then that they, in turn, can notify their entire membership.

CHAIR SHAFFER: Got it. So since it's touched within that 330 feet, that triggers the requirement not necessarily because it -- a home within Netherwood Association was not within 330 feet?

MR. VOS: That's correct.

CHAIR SHAFFER: Okay.

Counsel Myers, you popped on. Did you want to tell me to not say that?

MR. MYERS: No. I agree with you. I think that's exactly right. (Inaudible).

CHAIR SHAFFER: Okay. Thank you.

MR. VOS: And, I mean, just to also show that this -- it was commented that in some instances, your interstates, very, very, very wide roads may be too wide for them to pick up, for you to pick up an association on the other side.

On the left here is a property at 4th Street and Interstate 40. Recently, in 2019-ish, had a conditional use and a site plan approval through the city's processes. At the time, for including or adjacent, the near North Valley and Wells Park were notified. Wells Park is across the interstate highway.

The 330 feet distance that's shown by this blue blob does not quite reach all the way across the interstate. So if they were to -- if they had to -- if they were starting -- you know, if this were to be amended and then they started this with the new change, only the near North Valley Neighborhood and North Valley Coalition would be notified. Wells Park would not be notified by the applicant or be required to be notified by the applicant.

On the other side of the screen, on the right, is another property at Coors and I-40. The 330-foot here does reach across the Coors Boulevard right-of-way and pick up the SR Marmon Neighborhood. And part of this, I think, is how associations work with ONC to set up what their association boundaries are.

The West Mesa Neighborhood Association, which is the orange on the bottom of this Coors and I-40 image, their boundary, according to our mapping, extends into the interstate right-of-way.

On the east side of the city, a lot of neighborhood associations' boundaries go straight in the centerline of the road. So, you know, the university neighborhoods extend to the middle of

Girard, and then Nob Hill to the east of them also extends in the middle of Girard.

So if you mapped that to the middle of rights-of-way also kind of helps reduce the distance that you would need to hit that association in those large right-of-way instances.

The last example that was in the staff report is a project that just broke ground near Paseo del Norte and Woodmont, in the Northwest part of town. And the Valle Prado Neighborhood Association is within that 330-foot distance and would get picked up. And therefore, the West Side Coalition would continue to be notified of that if development in a similar situation.

There are still -- you know, there's -- as described, this could add neighborhoods, this could take away some neighborhoods, depending on individual circumstances of where properties are situated. So there are still comments that were submitted in your 48-hour packet that are in opposition.

Staff has a condition proposed that applies equally to Items 29, 32 and 36 to either adopt this change to go to 330 feet or to delete the amendment.

CHAIR SHAFFER: Thank you, Mr. Vos for all those examples. That's exactly what everyone was asking for. And I think it kind of shows that -- I don't know, it -- you'd have to put up 25 examples, I guess, instead of six. But the majority of the time, it's meeting the intent. It's just one time it didn't. That's a good point on the boundary lines that are put on file with ONC.

I'm actually dealing that on a neighborhood association issue I've got for ours up in the Uptown area, where whoever filed it years and years and years ago picked the wrong side of the street. So then the other people next door can't do their boundary where it should go, because someone else has claimed that part of the street. So there is some boundary issues on file with ONC. So that's another topic for another day.

Commissioners, any questions in regard to this? And we'll hear public comment and their stuff in the 48-hour rule, 48-hour material. But there's the two options.

Commissioner Stetson.

COMMISSIONER STETSON: I'm just against any changes that reduce notice distances to the neighborhoods.

I might suggest this, though. That all has to do with the challenges with the narrow ordinance, where a number of neighborhood associations are finding themselves not recognized and therefore, won't be notified.

Perhaps this might be a place to make the suggestion, that the coalitions -- that ONC makes sure that all the coalitions-- any development in a coalition area be notified such that those coalitions could notify neighborhoods that might not be recognized or working through that challenge.

CHAIR SHAFFER: Well, the issue becomes in standing, is because certain -- let's say in a coalition, let's just say it's the West Side Coalition and they notify four other neighborhood associations that aren't actually affected by that property. Those neighborhood associations actually wouldn't have standing, according to our rules. But I understand what you're saying.

I don't think that they want to delete or restrict notification. This is just clarification for -- I think trying to simplify clarification. But noted for sure.

We'll revisit this when we get up to the Condition 16. And noting that it applies to 29, 32 and 36.

MR. VOS: The next items to look at are Items 33 and 34, which are mailed notice to property owners for small area text amendments to the IDO and generally mailed notice to property owners for development projects.

This proposed change to reduce the adjacency requirement down to the 100-foot minimum required, based on public comment and feedback, I guess I don't have a slide in here. You might see this in a couple slides.

There is a condition proposed that would delete these two, 33 and 34, as it would reduce the number of property owners receiving mailed notice of these applications.

CHAIR SHAFFER: And 33 and 34, we had in our notes as deleted. So that tracks.

MR. VOS: Item Number 37 is regarding standing based on proximity for neighborhood associations. This change does essentially the same thing for neighborhood associations, to replace "includes or is adjacent" with the 330-foot distance to match with the change to pre-submittal meetings, post-submittal meetings and neighborhood association notices.

It also reduces the distance in Table 6-4-2 for some types of applications from 660 feet down to 330 feet. So it does a little bit of the replacement of the other types, and then also in some distances, reduces the distance for appeal standing to create a more consistent, across-the-board applicability of when a neighborhood association -- if you get notice, you should have standing.

The 660 feet, the way it's written now, it's possible that a neighborhood association does not get a notification. A developer is not even required to send them notification, but they still have automatic standing to file an appeal of that project. So the change to reduce would make it the standing tied strictly to your notifications.

Here's where I mentioned Condition Number 17 is what deletes the mailed notice changes, 33 and 34. And then Condition Number 18 is regarding the appeals.

We are proposing -- or we presented three options. One is to adopt the changes as written, which would replace both the "includes or is adjacent," and the 660 feet in the table with the consistent 330-foot measurement.

Option 2 would apply the 330 feet only to those currently listed as includes or is adjacent. But leaving the 660 foot distance alone, this is a compromise and sort of -- if we think the 330 feet sufficiently addresses the "includes or adjacent," you can make that change, but not touch the 660 and reduce that standing in the table.

Or Option Number 3, is to delete this proposed amendment altogether.

CHAIR SHAFFER: So I had -- this is one we had to get really nice

and confusing on. 30 was okay. 32 depended on where the other ones went. 32, 33 and 34 were okay. And then I wrote "N/A" on 36 and 37 because we were waiting for all the clarifications. There was no vote on those.

So when you're saying Option -- let's look at -- Condition Number 17, deletes 33 and 34, and Condition Number 18 actually has three options, which, if you --

MR. VOS: Yeah, and to be clear, Condition 18 is for Item Number 37.

CHAIR SHAFFER: Okay. So 18 is only for 37?

MR. VOS: Yes.

CHAIR SHAFFER: What happens with 36, 32 and 30? That was on the previous one, right?

MR. VOS: That was the previous condition to adopt or not adopt the 330-foot.

CHAIR SHAFFER: Okay. Got it.

Commissioners, anyone need any clarifications on this one?

Okay. Well, let's move on.

MR. VOS: Jumping ahead in that order here, I guess, again, Item Number 58 is a council amendment for tribal engagement, which proposes to require that final entities or representatives be considered as commenting agencies for development in certain locations.

Those locations are listed here, noting that Number 5 on the list is a separate application that you'll hear next week.

And we have a condition proposed to remove Item Number 4 because it is already covered by Item Number 3 on this list.

As mentioned in December, the Pueblo of Laguna submitted comments in support of these goals, along with several other public commenters, supporting this change for tribal engagement.

Pueblo of Laguna had some specific comments to extend the proposed distance from 660 feet to a file, extending the notice to the Coors character view protection overlays and then supplementing notice by providing, like, a designated employee to receive the referral.

For the Coors Boulevard CPO, that would be a small area application, so we can't make a change regarding that at this point in time without a separate application and lots of public comment.

We are proposing a condition to allow the tribes to supplement their notice with an additional designated employee.

And should you choose, when you get to the conditions, discussions or in a little bit, want to discuss options on the 660-foot distance to one mile comment, we can have that conversation.

And also, Mikaela Renz-Whitmore has worked significantly with council staff on this amendment and can answer any questions you may have.

So in the staff report, right now, there are four conditions related to Item Number 58. Those are 28 through 31.

Number 28 revises the definition of "Indian Nations Tribes Or Pueblos." This responds to that allowing that designee comment from the Laguna Pueblo.

Number 29 is a fairly extensive comment or condition for a pre-submittal meeting process with tribal entities. This is in response to sort of comments that were received that the 15 days for a referral as a commenting agency after an application is submitted is sort of too fast to properly review for these tribes and sort of putting an applicant -- kind of like a pre-submittal meeting for neighborhood associations. An applicant could talk to the tribes ahead of making an application and to get out in front of that review and engagement with the tribal entities.

Condition Number 30 strikes the Albuquerque Indian School area from the proposed exhibit, since that is already covered by the tribal lands definition.

And then, Condition Number 31, we are proposing to delete a subsection and then revise another. Sort of essentially what we're proposing is to move the Petroglyph National Monument as sort of a separate bullet item on the list. I'll go back a couple slides.

So instead of having Item Number 1 on this list of -- separate from Item Number 2, we would merge them into a single item because all of Petroglyph National Monument is considered major public open space. So combining things to sort of simplify the structure of the amendment.

And I'll pause there.

CHAIR SHAFFER: Any questions or comments on these four conditions now that will affect one item?

COMMISSIONER EYSTER: Eyster.

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER EYSTER: Thank you, Chair.

Mr. Vos, before I ask my question, I think you and all staff have done an awesome job on this. It's amazing.

On Condition 29, there are about seven applications that would add a column for tribal pre-submittal meetings. So things like zone map amendment EPC, that means that we would add that process to the pre-submittal activities of a zone map amendment that we looked at, as long as it's in these locations, even if it's in the middle of the city?

MR. VOS: Chair Shaffer and Commissioner Eyster, I think that is correct. In that pre-submittal process, just like when someone has to operate a pre-submittal neighborhood meeting, they offer it, there's steps that they go through. And if they hold a meeting, a copy of the notes from that meeting is submitted to you all with their application materials for consideration in the process.

And I guess I would invite Ms. Renz-Whitmore to chime in, and she's much more well versed in this tribal engagement amendment, to see if there's anything else that you would like to add for

that.

CHAIR SHAFFER: Ms. Renz-Whitmore. Okay.

COMMISSIONER EYSTER: If she's off the Zoom for a moment, there's another request, subdivision of land minor. How small of a project could that be? Like splitting a lot into two?

MR. VOS: Chair Shaffer and Commissioner Eyster, splitting a lot into two would be considered a minor subdivision if there was no public infrastructure.

Basically any platting action, subdivision of land major and subdivision of land minor are both on the list. So any platting action that goes to the development hearing officer would be required to have that meeting.

COMMISSIONER EYSTER: Thank you.

MR. VOS: And I might add, I believe the wording has been drafted that you only need to offer it at the first step in your development process. So if the first thing you do is a zone map amendment, you talk to the tribal entities and then continue forward, get your zone map amendment, and then you need to come back and then get a subdivision or then get a site plan.

You don't need to off the tribal engagement pre-submittal meeting at every single step multiple times.

COMMISSIONER EYSTER: How do you accomplish that tribal notification?

MR. VOS: Chair Shaffer and Commissioner Eyster, the city's office of Native American affairs has a list of all of the tribal entities in New Mexico and contacts for each of those, and so we would be utilizing that list of contacts to send notifications out to.

COMMISSIONER EYSTER: And is that a mailed notice or e-mail?

MS. RENZ-WHITMORE: If they provide e-mail, Chair and Commissioners, then you can e-mail it. Otherwise, you have to do certified mail.

COMMISSIONER EYSTER: Thank you.

MS. RENZ-WHITMORE: Mm-hmm.

CHAIR SHAFFER: All right. No other comments on this?

Well, obviously, we'll revisit when we get to them again. But all good. Okay.

MS. MORRIS: Chair Shaffer, sorry. This is Petra. I think Commissioner Eyster had asked if this would apply citywide for the pre-submittal meeting. And I wasn't sure if that had got answered.

CHAIR SHAFFER: Okay. Commissioner Eyster is shaking his head, but I don't know if that means he didn't get an answer.

COMMISSIONER EYSTER: I'd like to hear that, yes, Chair.

MS. RENZ-WHITMORE: Sure. Chair, Commissioners, it would be for the same geographies as the referrals. So it would be within the 660 feet of major public open space, 660 feet of tribal land, and

anything within the Northwest Mesa view protection overlay.

COMMISSIONER EYSTER: Beautiful. Thank you.

CHAIR SHAFFER: Thank you. Okay. Thank you, Ms. Morris.

Mr. Vos, on to the next.

MR. VOS: All right. Thank you, Chair and Commissioners. Moving on from our procedures sections to our definitions, there are several minor changes to definitions for community residential facility and group home, also for nursing home and overnight shelter, to make them more consistent and parallel.

And we had a clarifying condition that was discussed for community and residential facilities that responds to public comment. That's Condition Number 20. It has this sort of additional language about community residential facilities, not including facilities for persons currently using or addicted to alcohol or controlled substances who are not in a recognized recovery program, and facilities for individuals in the criminal justice system for residential facilities to divert persons from the criminal justice testimony, which are regulated as group homes.

CHAIR SHAFFER: Okay. Because that what I had on my notes, was we were going to hear a new version of what the proposal was. So this is a condition that modifies the proposal.

MR. VOS: That is correct.

CHAIR SHAFFER: Okay. Commissioners?

Okay. We'll get public comment and we will move on from there.

MR. VOS: Moving on to the next item, definition item, that had a comment from December. It's Item Number 52 for sensitive lands, a large stand of mature trees. Change sort of how we determine what that large stand is.

Based on the feedback, we have Condition Number 21 to adopt Item 52 by striking the "ten years old" language, since the age of the tree, can't really definitively know without cutting the tree down. And we're trying to avoid cutting the tree down.

CHAIR SHAFFER: So yeah, that tracks. We were confused by the language, so this clarifies it. Is everyone okay?

Okay.

MR. VOS: And then, lastly, staff identified two new amendments in our December presentation for changes to definitions for your consideration for today. A change to the definition of "Adjacent" to exclude properties of opposite corners of an intersection diagonally. It would be revised if you accept Condition Number 32.

This is proposed to be revised in response to a district court decision. And I'll note that at least two public comments were submitted in opposition to this change based on project appeals that referenced the district court decision is related to.

And then the other new change which would be added to the annual update, if you accept Condition Number 33, is to change the definition for "Street-Facing Facade" to make it less about how close something is to a property line but more about the

visibility of that structure to a property line, which impacts how we applied building design standards.

Large buildings, even if they might be set back a little ways, have an impact on the street and the attractiveness of our streetscapes. And so this change kind of allows to make those larger buildings that might be set back further still need to add some architectural interest through our development process.

CHAIR SHAFFER: Will you go back? Okay. Thank you.

MR. VOS: And then, the last item, based on your discussion from different public comments, there was some discussion about our IDO annual update process. So staff has drafted a condition for your consideration that would propose or recommend to city council to a change from an annual update cycle to the IDO to a biannual update. So we do this every two years ago instead of every year.

This proposed condition would make those cycles happen in odd numbered years, which would alternate the IDO annual update with the city's capital improvements program bond hearings that you also hear every other year.

We are also proposing to move our first hearings for this planning commission up from December to October. So potentially avoiding the holidays with this commission. If we start in October, you have a second hearing in December, even a third hearing at the beginning of December. Hopefully we're done and we're forwarding it to city council over the holidays. And then they would pick it up following the holidays, and avoid review during that busy holiday time.

CHAIR SHAFFER: Well, and I would also throw in there, this does what we asked, which was staggers everything, gives staff a break, gives everybody a break, gives more public comment, gives more input.

It also then doesn't do what we're having right now, which is a swap-over of commissioners that are coming and going. We're able to maintain. So I think this literally accomplishes every single one of the -- I wouldn't say complaints, but the suggestions to make this better.

So any commissioners have any issues with how this is written?

COMMISSIONER EYSTER: Eyster.

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER EYSTER: Chair, I would reinforce that. And I would also add the idea that this offers the potential to kind of smooth out the workload for this commission. And I like the idea about alternating with the capital improvements program for that reason.

CHAIR SHAFFER: Yeah, I think gets implied, Commissioner Eyster. I mean, the end result would be that. Since this is a condition, I don't know -- that that sounds more like a finding. But yeah, this is a condition. So I think that this -- this achieves what you're saying. It does it for both. Because you would actually say the same thing, it also streamlines and affords staff that same opportunity

COMMISSIONER EYSTER: You bet.

CHAIR SHAFFER: So I'm good with all those. I'm good with how that's written.

Anyone else have any -- oh, sorry. Go right ahead.

MR. VOS: Chair and Commissioners, with that, I have nothing further in my presentation at this time. So look forward to hearing the public comment and discussion, and we'll move into the conditions themselves afterwards.

CHAIR SHAFFER: Okay. All right.

Well let's move on to public comment, Mr. Salas.

MR. SALAS: Yes, Chair and Commissioners. The first speaker is going to be Dan Rich. If you're still on, Mr. Rich.

If anybody wishes to speak, please raise your virtual hand.

I don't believe Mr. Rich is on anymore.

The next speaker is going to be Jane Baechle.

CHAIR SHAFFER: Ms. Baechle, hello.

MS. BAECHLE: I'm sorry.

CHAIR SHAFFER: No, you're good. We can hear you.

So, you need to see your name and address for the record, please.

MS. BAECHLE: Yes, it's Jane Baechle, and I reside at 7021 Lamar Avenue, Northwest.

CHAIR SHAFFER: And do you swear to tell the truth under penalty of perjury?

MS. BAECHLE: I do.

CHAIR SHAFFER: All right, you may proceed.

MS. BAECHLE: Thank you.

So I'm speaking primarily on behalf of the Santa Fe Village Neighborhood Association. And I want to say that these comments are consistent with the written comments we previously submitted and appended to the staff report.

First, we oppose all changes to notice or standing which removes either of those from any property owner or neighborhood association who currently has them.

We also oppose defining "Adjacent" to specifically include property located diagonally across the street, a definition which removes stakeholders with clear potential interest and harm.

We still oppose the dwelling live/work because it does not yet adequately address our concerns regarding their impact on residential areas, especially where any use would involve the service or sale or handling of food.

We support tribal engagement, including adding them as commenting agencies, assuring they're notified of archaeologic findings, and allowing adequate time to effectively participate in the developmental process.

And finally, we wholeheartedly support changing the IDO review to a biannual, including the outlying provisions submitted this afternoon.

And we request your support and thank you for your time and attention.

CHAIR SHAFFER: Thank you, Ms. Baechle. Appreciate that.

Commissioners, any questions?

Okay. Mr. Salas, next.

MR. SALAS: Yes, Chair and Commissioners. The next speaker is going to be Elizabeth Haley.

CHAIR SHAFFER: Ms. Haley, I see you. Well, I don't see you, but... We don't see or hear you, Ms. Haley. We can come right -- oh, there we are. I see you now. I'm clicking on "ask to unmute," so we'll get you there. There we are.

MS. HALEY: Sorry, Zoom was not cooperating.

CHAIR SHAFFER: Good morning or good afternoon. Please state your name and address for the record.

MS. HALEY: My name is Elizabeth Haley. I'm the president of WSCONA. My address is 6005 Chaparral Circle, Northwest, Albuquerque.

CHAIR SHAFFER: And do you swear to tell the truth under penalty of perjury?

MS. HALEY: I do.

CHAIR SHAFFER: You may proceed. Oh, go right ahead. Sorry.

MS. HALEY: We have a later speaker who will take the five minutes for WSCONA.

I just have a comment that I, I wanted to talk about and that is the "Adjacency" definition. I think part of the problem with both with both notification and adjacency is these terms are defined under the New Mexico State Zoning Statute and case law. So they have a commonality across all jurisdictions. And to have them individualized is problematic. And there are unintended consequences.

The case that is now in district court I don't want to go into it to any extent because it is quasi-judicial. But I do want to say that in that case, this redefinition of adjacency, especially as it is catty-cornering, would keep things out of the EPC that would automatically be there because of their proximity to public open space.

There are a lot of unintended consequences that aren't clearly identified in the staff report. And for that reason, I think that that you should deny Number 32, which deals with adjacency, and all of those that actually deal with notification. Because many conditions and situations simply aren't covered.

Thank you.

CHAIR SHAFFER: Thank you. We appreciate that.

Anyone have any questions for Ms. Haley?

Okay. Mr. Salas.

MR. SALAS: Yes, Chair. The next speaker is going to be Loretta, Naranjo Lopez.

CHAIR SHAFFER: Ms. Naranjo Lopez. Hello, and you actually were sworn in last one, so you are good to go. Except we can't hear you. Hold on, I just hit "ask to unmute," so let's see if he pops up, there you go.

MS. NARANJO LOPEZ: Thank you. My name is Loretta Naranjo Lopez, and I'm representing the Historic Neighborhood Alliance. Thank you, Chair and Commissioners, for this time.

We approve and support Item 8. And I'm just going to go -- I'm not going to go into them. 14, 16, 21, 22, 26, 27, 40, 41, 43, 44, 45, 46, 52, 53, 54.

We oppose 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 15, 17, 18, 19, 20, 23, 25, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39 --

COMMISSIONER HOLLINGER: Chair.

MS. NARANJO LOPEZ: -- (inaudible) 40, 59, 60.

CHAIR SHAFFER: Hold on.

MS. NARANJO LOPEZ: This is a letter that we submitted on January 9th. And we would like to thank Patty Wilson and the group from ICC for really working diligently on these items and helping us get through them, because it's very difficult.

We want to just say that the conditions that you have went thoroughly through, we support you, we thank you for looking at these very carefully.

Our letter just states what we're saying on the conditions. And I'm not going to go through them, but I just want to say that we continue to ask for the protection of the historic neighborhoods through historic overlay zone. And the HNARA report commissioned by the HNDEF and mayor's office clearly talks about the displacement of our neighborhoods based on the planned development for the downtown area.

Our neighborhoods are up for grabs by investors, and there's a threat of historic neighborhoods going away over time due to the commercial developments.

So we are very concerned about this and we ask for your support in protecting our neighborhoods

And thank you for all your work that you do. We appreciate it. Thanks.

CHAIR SHAFFER: Thank you, Ms. Naranjo Lopez

And, Commissioner Hollinger, I know you were going to ask her to slow down. But, actually, that letter is part of the 48-hour rule.

My question was more of, did she support the conditions, because there are a bunch of those deletions in there, and she said yes. So that was good to hear.

Mr. Salas, who's next?

MR. SALAS: Yes, Chair and Commissioners, the next speaker is going to be Rachel Walker.

CHAIR SHAFFER: Ms. Walker, hello.

MS. WALKER:

CHAIR SHAFFER: Would you mind stating your name and address for the record, please.

MS. WALKER: My name is Rachel Walker, and my address is 1780, Hughes Landing Boulevard, the Woodlands, Texas.

CHAIR SHAFFER: Okay. Would you raise your hand, swear to tell the truth under penalty of perjury?

MS. WALKER: I swear to tell the truth.

CHAIR SHAFFER: All right. You may proceed.

MS. WALKER: Thank you.

Hi. My name is Rachel Walker, and I'm the senior permitting manager at Oso Negro Energy Storage, LLC, which does business with Plus Power, which is a developer, operator and owner of battery energy storage systems.

And I thank you for the opportunity to provide some brief comments regarding the proposed IDO 2023 amendments related to Battery Energy Storage.

Plus Power has provided two sets of comments, one on the 27th of November last year in advance of last month's meeting, and then also on January 8th of this year.

And additionally, based on last month's hearing, the EPC directed staff to engage the stakeholders, and Plus Power provided comments, but is and is also therefore a stakeholder, but wasn't invited to the stakeholder meeting. So I wanted to note that.

Our comments today specifically relate to Item Number 6, regarding electric utilities, which talk about setbacks and wall height for battery energy storage systems.

And for the reasons I'm about to provide, we respectfully request that these proposed amendments be removed from consideration, with a finding that staff continue to explore appropriate regulations for battery energy storage systems. In other words --

CHAIR SHAFFER: Just real quick, did you see that condition that says exactly that?

MS. WALKER: Yes. So we're asking that you amend Condition Number 22 to remove Item Number 6, which doesn't have that right now, and not adopt Item Number 6 related to electric utility setbacks.

So we make this request because battery energy storage systems are going to be critical to the City of Albuquerque. And there are many benefits, including grid stability and energy stability and recovery from blackouts.

And if these changes are not made, it could prevent us from building our project. I just want to make that very clear.

And as a developer of one of the largest battery energy storage systems, we're very concerned about this.

Therefore, we agree with staff recommendations to pause before proceeding to allow for continued conversations, which would lead to appropriate regulations for battery energy storage that keep both the community safe and ensure electric reliability. This will include regulations that follow national fire protection standards for safety -- for setbacks, excuse me, such as NFPA 855. NFPA 855 includes recommendations for setbacks.

Thank you.

CHAIR SHAFFER: Thank you, Ms. Walker.

All right. Commissioners, any questions?

COMMISSIONER EYSTER: Eyster.

COMMISSIONER EYSTER: Thanks, Chair.

Condition 22 does remove Item 55. So I think you're good with that, Ms. Walker.

MS. WALKER: No, I -- oh, sorry, I don't mean to interrupt you. Go ahead.

COMMISSIONER EYSTER: Was I right, you're good with Condition 22?

MS. WALKER: Yes.

COMMISSIONER EYSTER: What about --

MS. WALKER: No, no.

COMMISSIONER EYSTER: -- Item 6? Okay. You go ahead.

MS. WALKER: I'm sorry. It's confusing, and I apologize.

Item 22, Condition 22, should include a proposal to remove Item 6.

Right now it includes removing Item 55, and we like that. But we would like you to also remove Item 5; in other words, all the discussion about battery energy storage, that there's time to discuss this in the future.

CHAIR SHAFFER: I believe that was an option. Was that right, Mr. Vos, on Number 22?

MR. VOS: Chair and Commissioners, we talked about that as an option. It's not written that way in your report right now. Condition 22 right now is written only for Item 55. I think it's 55.

But Item Number 6, as I mentioned in my presentation, Plus Power did submit comments. And should you want to amend Condition Number 22 to sort of defer both 6 and 55, that would be in your purview. But it's not written right now.

CHAIR SHAFFER: Understood.

And so, Ms. Walker, that's what you're supporting?

MS. WALKER: That's what we're supporting.

CHAIR SHAFFER: Thank you.

MS. WALKER: Yes.

CHAIR SHAFFER: All right. Mr. Salas, who's next?

MR. SALAS: Yes, Chair. The next speaker is going to be Jim Strozier.

CHAIR SHAFFER: Who?

Oh, Mr. Strozier. Sorry. Mr. Strozier, welcome. Can't hear you. I guess we've got to click always to ask since this doesn't work anymore.

MR. STROZIER: All right.

CHAIR SHAFFER: There you go.

MR. STROZIER: Okay. I was trying to do it a different way. Thank you, Mr. Chairman.

CHAIR SHAFFER: Address for the record, sir.

MR. STROZIER: Jim Strozier, 302 8th Street, Northwest, 87102. And I swear to tell the truth.

CHAIR SHAFFER: Penalty of perjury. You may proceed, sir.

MR. STROZIER: All right, thank you.

I appreciate all the work the commission has done on all these amendments, as well as staff. And I am really just here to reiterate Ms. Walker's request from Plus Power and the Oso Negro Battery Storage Project.

And it seems like when we first saw the amendment that all of the discussion related to battery storage was going to get removed and further discussion was needed and work on those amendments.

But as was pointed out, the current condition removes Item 55 but doesn't remove Item Number 6. And we would respectfully request that Item 5 also be removed as part of that condition, so that we can deal with all of these issues related to battery storage and the technology associated with that and the fire safety issues all at once.

So that would be our request. And I'd just like to support Ms. Walker's comments on that

And appreciate everybody's time.

And I would also just reiterate that battery storage as part of the transition to clean energy is critical. And so making sure that we don't do something, an unintended consequence that would make it harder to do those projects or to add additional burden on doing those projects that isn't supported by the science and the work that's being done on the fire safety side of it might be detrimental.

And so just urging a little caution in bringing all of those regulations into one future conversation so we make sure we get it right. So thank you.

CHAIR SHAFFER: Thank you, Mr. Strozier. That's literally our

goal. And as a matter of fact, that almost says word for word what our goal was. And the other small area rule is get it all right as best we can the first time.

So thank you.

Commissioners, any questions?

Okay. Mr. Salas, who's next?

MR. SALAS: The next speaker is going to be Meredith Paxton.

CHAIR SHAFFER: Ms. Paxton, hi. State your name and address for the record, please. Oh boy, we can't hear your. I think you're on AOL.

MS. PAXTON: How's that?

CHAIR SHAFFER: That's probably better.

MS. PAXTON: Okay.

CHAIR SHAFFER: Say your name and address for the record. You've got a really, really bad connection.

MS. PAXTON: How's that?

CHAIR SHAFFER: That part's better, but I don't know if it's going to help the connection piece, but give it a shot.

MS. PAXTON: Okay. I'm a resident of Spruce Park (inaudible), 1603 Roma Avenue. I was never informed that a stakeholder meeting was being held.

CHAIR SHAFFER: Ms. Paxton, we're getting every other word you're saying. Yeah, it's not the microphone. It's the connection that you've got. The internet connection is really bad.

MS. PAXTON: Suppose I will leave you and come back. I'll try to logging out.

CHAIR SHAFFER: Let's try that and let's try to come back in. That works. Thank you for doing that.

All right. So, Mr. Salas, who's next?

MR. SALAS: Yes, Chair. The next speaker is going to be Patricia Wilson.

CHAIR SHAFFER: Hello, Ms. Wilson.

MS. WILSON: Hi. How are you?

CHAIR SHAFFER: Good. You've already been sworn in, so you go right ahead.

MS. WILSON: Thank you, Commissioners.

I want to thank Commissioner Stetson for his comments regarding the NARO and issues about notification of recognized neighborhood associations and unrecognized neighborhood associations.

In my 48-hour material, I did some math that showed you all what a tiny percentage of the population actually gets developer notifications.

And while I appreciate Commissioner Stetson's discussion about the coalitions providing the information to all the neighborhoods in that area, I just want to remind everybody that we're volunteers and it's exhausting.

And I am so grateful that the amendment about biannual has gotten traction. And my goal was to reduce the frequency of these hearings, and now I'm going to work on reducing the number of amendments.

So I thank you for all your work. And, Chair Shaffer, I'm going to miss you on this committee. Thank you.

CHAIR SHAFFER: Thank you. I really appreciate that. My best.

All right. Anyone else want to let her keep talking?

COMMISSIONER EYSTER: Eyster. Could I ask her a question?

CHAIR SHAFFER: Yes, sir, Commissioner Eyster.

COMMISSIONER EYSTER: Thank you, Chair.

Ms. Wilson, thank you for speaking to us today.

I'm wondering about on the notification process, is there something that could be done there that would make that more attractive to you as a neighborhood leader, something about the distances. We've heard about the catty-corner. Are some of those important that we could consider?

MS. WILSON: Absolutely. And just as a reminder, the block I live on in, near the university, that block is 600 feet long. So if the notification distance were 100 feet or 330 feet, I wouldn't even know about something in the next block.

As someone who is proactive, I would be okay with just knowing what GIS map to be able to go to to look at developer applications. I can go to the DMD map and see if there's any road work in my neighborhood. I get an e-mail every morning from crime mapping.com showing everything I've asked to be identified in a one-mile radius from my house.

So I've been arguing with council members for many years about an opt-in system and expanding -- not necessarily expanding notification, but making information available to those zoning nerds of us that are interested in looking it up.

But thank you for your question, Commissioner Eyster.

COMMISSIONER EYSTER: Thanks. That's helpful to me. And thank you and so many people like you, who devote so much of your expertise, volunteer to make our city better. We appreciate you.

CHAIR SHAFFER: Thank you, Commissioner Eyster.

And that's a great point, that there's literally notifications for everything on a just through e-mail basis. And something to consider.

All right, Mr. Salas, who's next?

MR. SALAS: Yes, Chair and Commissioners. We have Meredith Paxton back on.

CHAIR SHAFFER: Oh, Ms. Paston, let's see if we got you better

now.

MS. PAXTON: Let's hope.

CHAIR SHAFFER: Oh, that sounds better.

MS. PAXTON: All right.

CHAIR SHAFFER: All right. So real quick, we have to swear you in still, because we weren't able to. So your name and address for the record.

MS. PAXTON: Okay. 1603 (inaudible). I swear to (inaudible). Is that it?

CHAIR SHAFFER: Give it your best shot.

MS. PAXTON: All right. I'm a resident of Spruce Park National Historic Neighborhood. And by the way, I was never advised that there was a meeting of stakeholders.

I am here primarily to support the (inaudible) of Items 10 and 13 and also Item 12.

Focusing on 10 and 13, I am concerned that by increasing density in existing single-family homes, the IDO could be creating more housing but making home ownership out of the reach of residents of moderate means.

A cautionary example is what happened in the Los Angeles community of Silver Lake, where lower-level employees in the movie industry once lived.

An actor recently competed with 33 developers for the purchase of a modest 755-square-foot home there that was built in 1903. Developers planned to demolish the house to build something else. The actor got the home only because the owner was an architect who liked what he would do instead of the denser project.

The actor paid $783,000 for the 755-square-foot home, which was a reduced price because the inspection revealed foundation damage. He spent yet more money to improve and eventually learned that he could build a second home on the 10th-of-an-acre lot.

The LA situation isn't that different from the trend in Albuquerque. Here, because of the policy of densification along corridors, older neighborhoods will be most impacted.

Two blocks from my home, a single-family house along the corridor has been replaced by six apartments. With densification, the value of property shifts away from the structure to the land, which discourages routine maintenance of homes and encourages deterioration of neighborhoods. This sounds like slumification and/or the road to LA.

And I can give you the link to the story about that 755-square-foot house if you'd like to.

CHAIR SHAFFER: Thank you, Miss Paxton. I actually used to live next to Silver Lake. Interesting.

All right. Commissioners, any questions?

Okay. Next, Mr. Salas.

MR. SALAS: Chair and Commissioners, the next speaker is going to

be Jessica Carr.

CHAIR SHAFFER: Ms. Carr.

MS. CARR: Hello.

CHAIR SHAFFER: I see you. You mind saving your name and address for the record, please?

MS. CARR: My name is Jessica Cassyle Carr. I am a resident of 1013 Fruit Avenue, Northwest, in the Fourth Ward.

CHAIR SHAFFER: Do you swear to tell the truth under penalty perjury?

MS. CARR: Yes, I do.

CHAIR SHAFFER: You may proceed.

MS. CARR: Hi. I just wanted to thank everyone for the addition of language around outdoor amplified sound in Items 2, 7 and 50. But I also wanted to express my disagreement with these changes.

I don't think that underlining the existing noise ordinance will be helpful in dealing with the issue, which is nonresidential entities projecting amplified sound right next to residential uses.

I also don't agree with the curfew, which could impact businesses that are in the business of projecting outdoor amplified sound, but are not near residential areas.

My suggestions were to create a buffer zone between residential uses and nonresidential uses if the nonresidential use or the source property was going to be doing outdoor amplified sound.

So a buffer zone of 100 to 200 feet. There's evidence for this, practice-based evidence in Austin and in Denver and other cities.

I would recommend a policy scan to see what other cities do. I would also recommend a community input process where any neighborhood association or property owner within 600 feet of an entity that was going to project amplified outdoor sound. And this is primarily dealing with music venues and private event spaces, I would say.

But I would recommend a community input process, and this is what they do in Austin. And that's it. And please get in touch with me if you would like to discuss this.

CHAIR SHAFFER: Thank you.

Commissioners, any questions?

Okay. Thank you, Ms. Carr.

Who's next?

MR. SALAS: Chair, the next speaker is going to be Rene Horvath.

CHAIR SHAFFER: Ms. Horvath, hello. You've been sworn in so you're good to go there.

MS. HORVATH: Okay. Thank you.

CHAIR SHAFFER: Are you our preemptively five-minute warning that

we got that some of you are speaking on behalf of WSCONA?

MS. HORVATH: Yes, I am.

CHAIR SHAFFER: All right.

MS. HORVATH: Okay. Thanks very much.

CHAIR SHAFFER: (Inaudible) now so Mr. Salas can set the timer correctly.

MS. HORVATH: Well, I do think you guys made some really good comments at the December 14th hearing. So my comments that I sent to you were supportive of what you guys agreed to at the last hearing.

But real quick, since there's several, I want -- and we also agree with the inter-coalitions comments on their letters. So I'm going to switch back and forth, but going to emphasize some of their comments.

But since the last speaker talked about amplified sound, that's one of them. When you look at making amplified sound as a permissive accessory use, it almost sounds like you're giving permission to an establishment to go ahead and make that amplified sound.

And the reason why I'm concerned about it is because I've received so many complaints that people are -- like maybe a church. You know, Hastings over here became vacant and a church came in and they wanted to do amplified sound. The neighborhoods were very much opposed to that.

Down the street, a church does do amplified sound to do their sermons. A guy that lives over there says, "I work at night, sleep during the day. They do this amplified sermon and music and it wakes me up. I ask them to turn it off, they refused."

So this doesn't really address the daytime amplified sound. I see problems with it. And so that's why we agree to just delete that amendment. You have an ordinance that says 10 o'clock to 7:00 is a curfew, let's go with that. And if we can improve on this down the road, okay, fine. But right now I think there's a lot of questions and it could cause problems if we make it permissive, amplified accessory sounds.

Then the other big issue is that's been mentioned already is notification. That's a biggie. Last time you guys said you didn't support any changes. We totally agree with that. You should not reduce it from 660 feet for adjacent neighborhood associations.

We have a lot of development going up on here. On top of the Mesa, there may be proposals over 660 feet. I get calls from people who say, "Hey, I wasn't notified on this and I live up on the mesa."

And I said, "Yeah, I agree. We weren't even notified either."

He said, "Well, what is this?"

So let's not reduce to 330 feet. That's just going to make it worse. And you need neighborhood input, because we've got some sensitive areas that need some calm, to express that at these hearings, how sensitive and that we need to tone things down to be more compatible with the area.

So please do not change the notification requirements or the adjacency definition that you on catty-corner.

LUHO agreed with us on this one case. And I know our president just expressed that it doesn't meet the state statute. Do not change the adjacency definition.

Also, in addition, duplexes. A lot of your comments was this changes R-1 status. And that's why the neighborhoods aren't really for it, because you already got zoning for duplexes.

And also, just to let you know, a person can add on to their building, an addition. Like my house, I have an addition. It has outdoor -- it has a kitchen, it has a bathroom, a bedroom, a living room. It's attached to the house. I can shut the door and it could be almost a duplex. It has doors that go to the outside.

You do not need to change anything, you know, to support these duplexes, because right now, people can add on to their homes and it's almost treated like a duplex.

Then, live/work, I think maintain what you got. Because I think one of the comments last time was, is there enough parking even on the corner on a 5000-square-foot lot. A 5000-square-foot lot is extremely small.

And I like the concept very much, but I think we need to think through a little bit better, because those lots are way too small. So I don't think -- you already are allowed to do live/work and R-MLs and several other zones. Just keep it that way until we're sure of what we're going to get.

Let's see.

CHAIR SHAFFER: Last item.

MS. HORVATH: Last item. Oh, we support tribal engagement, because they have historic and religious involvement in most of the areas on the West Side and throughout the city.

So I hope I covered most of these things.

But I do agree that 60 amendments with all this much detail is very difficult on you, on us, the staff. I think we need to shrink how many amendments. They need to be thought through very carefully before they're proposed and get really good neighborhood support and engagement before they even come to the table.

So thank you for your time.

CHAIR SHAFFER: Yeah. And don't be surprised if code enforcement shows up to look at your addition.

MS. HORVATH: I already asked Mikaela and she said, "No. Yours is an addition, so I'm okay."

CHAIR SHAFFER: Just checking.

MS. HORVATH: And oh, parking max, don't support any parking reductions. So that's the only one. Thank you.

CHAIR SHAFFER: All right. Commissioners, any questions for Ms. Horvath?

COMMISSIONER EYSTER: Eyster.

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER EYSTER: Thank you, Chair

Ms. Horvath, thank you. I thank you, as I did Ms. Wilson, for your engagement. This process really wouldn't work without community leaders like you.

My question is regarding the live/work in R-1. Are there any sorts of controls or conditions, like a conditional use permit, or other sort of controls, like the size of the lot or the corner lot, that would make that acceptable to WSCONA or to you?

MS. HORVATH: Well, that's what I've been wondering, you know, are there any models in the city that are currently working on a residential lot.

Because when I think of my dad's neighborhood, I look at those lots and I don't see how they would work. Because if there's any sort of parking on the streets and people are trying to get in and out of that street, it's going to create a public hazard, people trying to squeeze through cars parked on both sides of the street to accommodate the business.

So parking is an issue. And 5,000 square foot, those lots where my dad is, they're 10,000-square-foot lots. 5,000 is half of that. And I'm like, oh, that's just going to be way too small.

So it's not like I'm against it. There's somebody in our neighborhood in Taylor Ranch that does kombucha. I just went over there to pick up some kombucha. They have a business on Central, but I can still pick it up. But they're not a business that attracts a lot of parking issues. It's kind of casual.

And so I think it needs more thought as to what size lots. There might be some in the valley that are really large, have enough room for parking and this and that. But I think we need to think about that a little further before we start agreeing to something that -- I just don't think 5,000 square foot lots would even work. So I think we should hold off approving it.

And then, if we find any examples in the city that work really good, we can look at the model and see what conditions are around it to make it successful and not impact the neighborhood.

CHAIR SHAFFER: All right. So I'm going to continue this. Commissioner Eyster, does that answer your question?

COMMISSIONER EYSTER: Thank you, Ms. Horvath. That does help me kind of sort through the nuances of the question. Thank you.

MS. HORVATH: Yeah. Thank you for asking.

CHAIR SHAFFER: All right. Mr. Salas, who's next?

MR. SALAS: Yes, Chair and Commissioners, the next speaker is going to be Ricardo Guillermo.

CHAIR SHAFFER: Mr. Guillermo.

MR. GUILLERMO: Good day.

CHAIR SHAFFER: Good day. Do you mind stating your name and

address for the record, sir.

MR. GUILLERMO: Name is Ricardo Guillermo. Address is 1108 11th Street, Northwest, Albuquerque, New Mexico.

CHAIR SHAFFER: Do you swear to tell the truth under penalty of perjury? I do.

MR. GUILLERMO: I do.

CHAIR SHAFFER: I like your collection of books behind you.

MR. GUILLERMO: Oh, yeah, yeah, that's just a fraction. There's so many. But the building's not in fear of collapse, so don't worry about it.

I'm in opposition of Item Number 11, which would appear to restrict conditions for facilities that are for public use.

I think that you should have public buy-in and the city should not be evading concerns regarding comments from the public facilities. So I speak in opposition of that and for as much public involvement as possible.

Thank you.

CHAIR SHAFFER: And I think the condition that we've kind of ratified also follows that. So I think you're okay there.

MR. GUILLERMO: Thank you. Have a great day. I appreciate all your work.

CHAIR SHAFFER: Thank you, sir.

All right. Mr. Salas, any others?

MR. SALAS: Chair, we don't have anybody else signed up to speak.

If anybody else wishes to speak, please say so now.

I believe that's it, sir.

CHAIR SHAFFER: All right. Oh, looks like Ms. Haley stuck her hand up again.

MS. HALEY: Yes, I did. I, once again, am having trouble with Zoom. I suppose I'm still sworn in?

CHAIR SHAFFER: Yes, ma'am.

MS. HALEY: I'm unclear about this. There was, in your previous meeting, discussions concerning the ability of staff to make changes outside of the IDO process.

Some of them were called editorial changes. Some of them were called changes after the fact in order to ensure continuity.

I think that that is problematic. I didn't see it come up. It was, I think, the last two amendments that were listed in the previous IDO list.

And I had a question as to whether they are still being considered or whether those have been dropped?

CHAIR SHAFFER: They're still on there. And I know you're talking about the very last two that were on there. And it had

to do with strictly the ability, as you said -- it was editorial for commas, misspellings. Ms. -- now she's been gone for a month and I'm forgetting her name already.

Catalina went through that pretty much in detail. It allows them for editorial changes. It wasn't changing intent. It wasn't changing, you know, yeses to nos.

MS. HALEY: The second one did. It actually would have allowed something besides taking care of a comma fault or a misspelling, because it allowed for the purposes of continuity.

And I think what's problematic about that is the strange adjacency ruling that the LUHO said was not in keeping with the IDO when that case came up before his appeal, has now appeared.

And it's just an example of what may seem innocuous but is outside of the IDO process. And I guess that's the other thing that I had to say, that if you're going to go ahead with allowing those editorial changes, you have to really include the term "un-substantive," because if it has a regulatory impact, it simply cannot be made up by staff outside of the IDO process, because it defeats the purpose of having a quasi-judicial hearing.

CHAIR SHAFFER: I would agree with that, what you're saying.

Mr. Vos, do you want to pull those two up real quick? Because if it's a simple word of substantive, you know, that's an easy change.

MR. VOS: Chair Shaffer, let me --

CHAIR SHAFFER: Everybody, our favorite word.

MR. VOS: The spreadsheet. And I don't think we used the word "substantive." The two items there -- let me share my screen, go to the -- so you're seeing the online spreadsheet, Items 59 and 60, I made clerical changes that are typos, numbering and cross-references. And 60, editorial changes, which are minor revisions for clarity without changing the actual substantive content or meaning. You know, adding cross-references to make it clearer to point to things, but not changing the regulations themselves.

MR. HALEY: I think --

CHAIR SHAFFER: Ms. Haley, once second. Let me do my job, please

So it says without changing substantive content, so I think it's notated within Item Number 60.

MS. HALEY: I think that we just want to make very sure that it doesn't have even -- I use the word "substantive," but what the impact is, is it shouldn't entail a regulatory change. And that's the problem.

CHAIR SHAFFER: I think we want and I appreciate what you're saying is that you don't want to leave an open backdoor, and I think that's clear.

But I'm pretty sure necessary editorial changes to the document, including minor text additions, revisions for clarity, without changing substantive content -- subjective content to me is definitive of changing the intent of the entire document. So I think it's --

MS. HALEY: I think that that varies. I think that you need to include that there will not be a regulatory change.

CHAIR SHAFFER: Well, I think if you open that door, you're going to want to add 25 other things. So I'm going to defer to our EPC counsel for his interpretation.

MR. MYERS: Yeah, thank you, Chairman.

I think, as written, without the addition suggested by Ms. Haley, is sufficient. I think it's clear that you're not making any substantive changes. And we've discussed the kind of changes we're talking about here. And I'd say if Ms. Haley ever finds that there were changes that she felt were substantive, she could bring that up.

CHAIR SHAFFER: I agree. I think it's fine as written, and we went through it.

And, Ms. Horvath, we're not going to debate all this particular item, because we went through it last month and we were fine with how that was written. We discussed it and this meeting was to only go through the changes and the conditions that we asked for from last month. So I think we're covered there.

I would also say, if you start adding one item, then you've left out 10 others. Now you've left open the door for those 10 other items. So I think the substantive language covers it as a generic. And I think that's good.

So no more speakers, Mr. Salas. So we will close the floor.

Before we dive into heading down the Conditions 1 through, it's 1:25. Let's take a quick 10-minute break, and then we'll go run through them in order. And we'll be back here at 1:35.

(Recess held.)

CHAIR SHAFFER: Looks like we have Commissioner Stetson back in the kitchen. Meadows. We have Cruz, we got Commissioner Cruz, Hollinger. We need Hollinger. Eyster and Pfeiffer.

All right, so let's get going. So I guess the easiest way to do it, since we've heard all the explanations, we've heard everything that's wanted to be changed, we've heard all the explanations of each one of the changes, so let's just go ahead and start with Condition Number 1.

And I guess for terms of clarity, if it's not a condition, we're not referencing any of the other amendments and they're being approved as is. So I guess that needs to be stated as well.

So, Commissioners, if there's some item that we don't cover in the conditions, then you need to realize that it's being approved as presented in last month's meeting. And there you go.

Mr. Vos, did you just want to share your screen and we'll run right down them?

MR. VOS: Chair, Commissioners, sure. I've just pulled up the staff report. We can work through it and track changes and then see what the final numbering is when we're through.

CHAIR SHAFFER: All right. Can you zoom in on that just a little bit, just so we can get in a little bit closer?

Okay. So Number 1 is just telling us we're making changes, got it.

MR. VOS: Basically this is what you just said, that if something is not changed in the below conditions, it's being adopted as originally shown.

CHAIR SHAFFER: Almost like I read it at some other point. Got it.

All right, so Number 2, Items 2, 7 and 9, outdoor amplified sound, you showed us Options 1, 2 and 3, or we could stick with our original recommendation, which was Option 4. Does anyone want to discuss that?

Commissioner Eyster, are you back? I don't want to start doing decision-making without all of us here.

Commissioner Meadows, go ahead.

COMMISSIONER MEADOWS: Yeah, I'm good with just deleting these. But if we were to consider one of the options, I think Option 1 would be okay for me, where we're sort of exempting some of those corridors where there's more intensive activity happening. But that might be going to later hours and so forth. But I'm fine with Option D, to just delete it and go with our sound ordinance.

CHAIR SHAFFER: I see Commissioner Eyster coming in.

So, Commissioner Eyster, we've stated that we're at that point now. We're going to run through them all. And if they're not listed on here, they're approved as not noted.

COMMISSIONER EYSTER: Thank you, Chair.

CHAIR SHAFFER: So we're on the very first one, which is Number 2.

So, Mr. Vos, you want to scroll up just a little bit so we can see which one we're on.

So it's the Items 2, 7, 50, the outdoor amplified sound. Number 1 just stated what I just said, so we're good there.

We originally chose Option 4. The the staff has presented Options 1, 2 and 3. Commissioner Meadows just said he would be fine with Option 1.

My only comment to that would be, yes, it's exempt from those areas, but that was kind of the whole point. That means you got to accept the entire rest of the section.

So last month we had said stick with Option 4. Does anyone want to change from that? Or do you want to accept any one of these other options? And we got to -- we'll have to go through each one of these, so if anyone has any to say, you need to start chiming up.

COMMISSIONER HOLLINGER: Commissioner Hollinger. I would opt for 4.

CHAIR SHAFFER: Okay. You'd like to stick with 4

Other commissioners?

COMMISSIONER STETSON: Commissioner Stetson. I concur.

CHAIR SHAFFER: Okay.

COMMISSIONER MACEACHEN: Commissioner MacEachen. I'm a 4.

CHAIR SHAFFER: Okay. I think the will of the commission is sticking with Option 4.

MR. VOS: I was going to say, if you're Option 4, I think you have a majority vote on that. All right. Okay.

CHAIR SHAFFER: Condition -- so that renumbers that just to A. Got it.

MR. VOS: Typo.

CHAIR SHAFFER: Got it. Yep. All right.

MR. VOS: And just one other change, if you will.

CHAIR SHAFFER: Condition Number 3. This one we were okay with, but now they wanted to change it from 2 to 5. Is everyone okay with --

COMMISSIONER EYSTER: That seems okay.

CHAIR SHAFFER: Okay. So 3 is approved.

4, yeah, we wanted this deleted, so I think 4 is okay.

5, delete. We were okay on that. There was no arguments there, so yes, delete it.

COMMISSIONER EYSTER: Yes.

CHAIR SHAFFER: Number 6 is, back to deleted as written, and delete it. Our original comment was deleted. This is where, oh, this is Number 6. Sorry, this is Number 6, in conjunction with 55. So this is where we've had to -- that's not right. That's Condition Number 6. I apologize.

MR. VOS: Chair and Commissioners, Condition 6, as opposed to item in the spreadsheet Number 6.

CHAIR SHAFFER: I apologize, yeah.

MR. VOS: So 6 and 7 both are the duplex amendments, so Items 10 and 13. Options are to approve or to delete on each. And these are the ones where Commissioner Meadows suggested potentially an option that he would be interested in merging together with a conditional use process.

CHAIR SHAFFER: Commissioner Meadows, do you want to make your point here? Because here's where we were talking about it.

We had originally for 6 and 7 said pick Option 2, just delete them both after our lengthy discussion last month. And you're wanting to propose something different than what -- because these basically say yes or no, Option 1 or Option 2. We had said Option 2.

COMMISSIONER MEADOWS: Yeah, I thought I had made that clear last time. But basically I'm saying to have a duplex option, but make it conditional. And I like the idea of the corner lots. There's a whole movement across the country to have more of this missing

middle housing, like we used to back before the second World War. This used to be common in all neighborhoods, that they had duplexes as well as detached single-family residences.

And I think it would make our neighborhoods stronger to have more variety of housing. And it would also bring some affordability. So I would support that, but I understand the concerns. So that's why I say make it conditional.

CHAIR SHAFFER: So, I mean, it's either a complete rewrite because there's other language other than just what it says here within that subsection. So what you're suggesting is Option 1 on both of them, but just add the words and make it a conditional use?

So, Commissioners?

COMMISSIONER EYSTER: Eyster.

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER EYSTER: I appreciate Commissioner Meadows's creative thinking on it. I do know that the general principle, the general idea out there on the street, is that it is just the rottenest idea in the world. I think that the public has enormous trepidation about it.

So if we were to put in the conditional, that would really keep the lid on it. That, you know, as a trial for any number of years.

The other thing that I wonder would, if it would work, and we may not want to pursue this because it's a little out there, but the IDO always tries to make one size fit all, and sometimes that's just not right. And I think people sometimes pine for the good old days of the sector plans.

But another approach to this either at this time or in a subsequent IDO update in two years, I hope, a sort of a small area where there are people who really want to do it, and communities who really say, yeah, "We got a food desert. We need little grocery stores," you know. If it were focused, more focused like that, that could make it much more palatable to people, especially when they're able to opt in in a small area.

But for now, maybe the conditional on both of them and not just on a new one, but on any one.

COMMISSIONER MACEACHEN: Chair.

CHAIR SHAFFER: Commissioner MacEachen.

COMMISSIONER MACEACHEN: So, I mean, if we heard anything in all these hearings, in the last few hearings, I mean, the public is absolutely against this. Then I would stand for what we came up with last time, which is to delete them both, because that's in keeping with what we've heard.

And there's so much left unsaid in these two options, that it probably needs to be researched more, debated a little more and fine tuned. So at this point, I would like to eliminate them both.

CHAIR SHAFFER: Yeah. And I appreciate Commissioner Meadows's willingness to, you know, make him conditional. But I'm just nervous because there's a lot more verbiage that's not on here

that we're not looking at. And we already did look at it last time and we already vetted it last month saying these are both bad. And I hate just now, all of a sudden, saying, oh, just make it conditional and now it's 100 percent fine.

I like the idea. I mean, if I was going to say, I would agree with one, it might be the Item 10 and not 13, but yeah, I mean, it was an overwhelming opposition to these.

I would prefer to stick with Option 2 on both.

COMMISSIONER MEADOWS: Yeah, the reason why I like on Number 13 is because it talks about the ADU, so that you don't have both an ADU and a duplex.

CHAIR SHAFFER: Yeah, that makes sense.

COMMISSIONER MEADOWS: Yeah.

COMMISSIONER STETSON: Chair, Commissioner Stetson. I would be inclined to stick with Option 2.

CHAIR SHAFFER: I think we've got a majority here that says Option 2 on both of these. Is that what I'm hearing?

COMMISSIONER EYSTER: I would support 2.

CHAIR SHAFFER: There you go. There we go.

All right. Number 8, delete it. We already agreed on that. Everyone's good with that, correct?

COMMISSIONER EYSTER: Yes.

CHAIR SHAFFER: Okay. Number 9, which is Item 12, the dwelling, live/work. Yeah, this is where we heard a couple of different options.

MR. VOS: So, yeah, Chair and Commissioners, Option 1, again, it is sort of -- the existing, make it permissive, add R-1. The permissive use would be on certain size lots on corners. But we would remove the original allowance for a restaurant and replace it with grocery store and bakery to stick more to the retail uses.

Option 2 is the conditional use option, rather than permissive. Same limitation on those retail type uses on corner lots of a certain size.

And then Option 3 is to just delete it.

CHAIR SHAFFER: So when we were debating last month, we never came to an agreement on this one because we wanted to see all the revised based on all the public comment on the sizes and the zone districts.

I think the conditional one, which would be B, correct, more matches what we heard in public comment? But everyone else, tell me if I'm wrong.

I don't know that we heard everyone. There was a lot of public comment against, but I think that's just because it was a little unclear. And now that it's been rewritten, I don't know that we have that same opposition.

So I don't know, Mr. Vos, if you want to scroll back up to A, B

and C again, just so we can kind of look at them again.

I think a lot of the 48-hour rule, unfortunately there was 131 pages because there was so much of the city council stuff that got put in there. But I think there was still opposition saying no to any of this.

Commissioner Meadows.

COMMISSIONER MEADOWS: I did read in some of the 48-hour information, there were some people that were for it if it was conditional. And I know I heard concerns about parking, but I think these are neighborhood scale. This is not something you're going to have people driving from all over the city. This is people within the neighborhood that are accessing it.

So I think if you make it conditional, then you can review a site plan and see whether it fits or doesn't fit in your neighborhood. So I'd hope we'd at least give it a try.

COMMISSIONER HOLLINGER: Commissioner Hollinger. Can we see a little bit more of B? Thank you.

COMMISSIONER EYSTER: Eyster.

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER EYSTER: Thank you, Chair.

I would stand with Commissioner Meadows at the moment to produce some dialogue about this.

And my remarks on the duplexes before we're too early. That would be applicable to this. You know, if you have a food desert in a community, a small subpart of Albuquerque, and someone says, "Hey, we could do a little grocery here," you know, if they would go get a conditional use permit, then the community could be heard and make sure that it was generally accepted.

Also, conditions could be developed. That's part of the conditional use, so that it was going to work for the majority of the community.

So I think it's okay to look at Option 2 here, for the sake of discussion.

CHAIR SHAFFER: Anybody else have any concerns with Option 2 or want to still consider Option 3, which was delete all of it,

COMMISSIONER HOLLINGER: Hollinger.

CHAIR SHAFFER: Commissioner Hollinger.

COMMISSIONER HOLLINGER: I think we heard quite a bit of negativity in regards to this condition. However, I think my fellow commissioners make some strong points that Option 2 could be viable, especially with the conditions, as Commissioner Eyster was saying. So I would be okay with Option 2.

CHAIR SHAFFER: Okay.

COMMISSIONER MACEACHEN: Chair.

CHAIR SHAFFER: Commissioner MacEachen.

COMMISSIONER MACEACHEN: Again, we get back to the sanctity of

R-1 zoning. And we're effectively doing away with R-1 zoning. Anybody that ever bought a property to have R-1 zoning would like a little comfort in their heart that they're going to have single-family residences next to them. And, in fact, the city kind of made a promise that that's what they're going to have.

Now we're going to do away with R-1 zoning. It's the nose of the camel. I really would like to delete both of these.

CHAIR SHAFFER: Chair.

CHAIR SHAFFER: Commissioner Stetson.

COMMISSIONER STETSON: Yeah, I concur with Commissioner MacEachen. I think Option 3 is the better choice. And if we want to consider this in the future and bring it back in a couple years, we'll see how that works.

CHAIR SHAFFER: So I got two and two.

MR. MYERS: Chairman Shaffer, Matt Myers.

CHAIR SHAFFER: Yes.

MR. MYERS: Thank you, Chairman.

I bet Commissioner MacEachen might know what I'm going to say, because I said the same thing last time he said what he said.

But you're not guaranteed your zoning. You do not have a property right to your zoning. Okay? And if there is a citywide legislative decision made by the city council to change the zoning, and the decision is made based on the policies contained in the comp plan and in line with the IDO, then that is legal, that's permissive, you know.

And I understand what you're saying, Commissioner MacEachen, which is maybe you don't think it satisfied those requirements. But I'm saying just as an outright statement, you are not entitled, as a matter of right, to the zoning you have when you bought your property. Just something to think about.

COMMISSIONER MACEACHEN: Chair.

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER MACEACHEN: It still erodes from what you bought. It still takes away from what you bought, and people will feel damaged.

And if you do something with a rubber stamp that's citywide, like the counselor said, I mean, maybe there is a legal thing that says I'm not entitled to that, but we heard loud and clear from the people we're supposed to represent that this isn't what they want.

MR. MYERS: Fair enough. Yeah, fair enough.

CHAIR SHAFFER: Okay. I don't know if -- Commissioner Hollinger, what are your thoughts? Or Commissioner Cruz or Pfeiffer or anybody else? Because it's kind of two and two.

COMMISSIONER HOLLINGER: Commissioner Hollinger. I think Commissioner Eyster also makes a strong point. And if it's the will of the public to not have this, even though I said otherwise, I think I'll agree with him.

CHAIR SHAFFER: I think I'll just say I'm on Option 3. We already kind of heard this.

But Commissioner Pfeiffer.

COMMISSIONER PFEIFFER: No, I was just going to say I agree with Hollinger and what everybody else is saying. Yeah, I think we need to just eliminate it.

CHAIR SHAFFER: Okay. So I think we have a majority of Option 3.

COMMISSIONER EYSTER: Eyster.

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER EYSTER: I can embrace Option 3. I think that if our planners or our council wants to pursue these ideas of the duplexes or the live/work at R-1, you know, they can develop these more fully, and they can sell these more fully, and they can look at ideas like trial small areas or opt-in neighborhoods, if they're really committed to the ideas to get the public behind them. Because they're not they're not now.

CHAIR SHAFFER: Right.

So Mr. Vos, we're going with Option -- there you go. Thank you.

I'll reiterate what I said when you were presenting this. It was good work.

Okay. I don't think anyone has any issues with Number 10. We all agree that that needed to go as a delete amendment.

Now we have Condition 11 for Item 17. We had proposed deleting it. There's an option now because we asked for a clarification and the clarification is Option A -- Option 1, I should say.

Does Option 1 satisfy everybody's questions of how it was unclear before?

COMMISSIONER EYSTER: I can go with Option 1.

CHAIR SHAFFER: I need to double check my notes on what I had written down. I think we had literally, for lack of a better term, deferred it because we were waiting for that rewrite. So we never -- last month we said it was no as written, but we needed clarification of what it really meant. So Option 1 is what it really means.

Any other commentary?

COMMISSIONER HOLLINGER: Hollinger.

CHAIR SHAFFER: Commissioner Hollinger.

COMMISSIONER HOLLINGER: Commissioner Hollinger.

COMMISSIONER HOLLINGER: Thank you, Chair.

I am in favor of Option 1. I'm curious about the ability to enforce it, but I think it's doing its part to try and clean up some of the neighborhoods.

CHAIR SHAFFER: Anybody else? If you're silent, you're in -- silence is complicity, right?

COMMISSIONER STETSON: Chair, Stetson. I too, I can live with Option 1.

CHAIR SHAFFER: Okay. Option 1, there we go.

Well, we appreciate the councilor who proposed it coming up and rewriting it. So that's all we asked for and they did that. So thank you for that.

Condition 12. This was another one where we had said no, but now it was redone with why we said no. Option 1 was adopt it with the clarification, and Option 2 was delete.

COMMISSIONER MEADOWS: So, Chair, could I say a few things?

CHAIR SHAFFER: Absolutely. Commissioner Meadows.

COMMISSIONER MEADOWS: Okay. So I'm a daily bus rider, and like some of the comments I read, I've been really disappointed in the suspension of service on some of those routes. But I know that's temporary.

The ABQ Ride is rebuilding after COVID. They lost over 100 drivers and they're trying to rebuild their staff. They're trying to rebuild those routes. And so I feel we need to do everything we can to strengthen our land use to support a strong transit system. And so I support this one.

CHAIR SHAFFER: Okay. And honestly, I think that everyone was like -- when we were debating this last time, it didn't make sense because of the park-and-ride lots and things like that. It's like, it was counterintuitive.

So I think with that clarification, is everyone okay with Option 1? Okay. So we're good with Option 1, which is no longer an option. It's the condition.

Okay. Number 13. Okay. Yeah. So this is -- yeah So we want.

MR. VOS: Chair and Commissioners, this is all the landscaping.

CHAIR SHAFFER: Yeah, yeah.

MR. VOS: Deleting the two that you had said to delete. Amending Number 57 in response to parks and recreation comments.

CHAIR SHAFFER: Right.

MR. VOS: And 22 is not mentioned because you said to accept it as the way it was written.

CHAIR SHAFFER: Right, yeah. So we're all good with 13.

COMMISSIONER EYSTER: Yes.

CHAIR SHAFFER: 14. Here we go. So Commissioner Eyster, your chance to word differently, keeping in mind that we can't give direction in the condition, necessarily, to city council, but we can put a finding.

COMMISSIONER EYSTER: Yes. Thank you, Chair.

I think we're on the right track here. I appreciate the guidance from staff and from Mr. Myers about the condition. And I think it's fine to leave the condition the way it is. It could refer

to Finding 25.

And, Mr. Vos, can you -- I can read Finding 25. There it is.

So staff had put in regarding this item: EPC advises decision makers not to pursue taller front walls in the future IDO updates, as the amendments and all their variations have been overwhelmingly opposed by the public.

I think that that is a true statement. I would like to provide all the parties, all the players, the administration, the council, with just this one tiny little grain of an idea about these tall walls. And I provided some words to Mr. Vos and Ms. Renz-Whitmore.

Is it possible for you to display those? We would just add those, I think.

CHAIR SHAFFER: Now's the time.

COMMISSIONER EYSTER: I can read them to the commission and then if you embrace those, then staff has those on an e-mail.

CHAIR SHAFFER: As long as it's not a soliloquy. Is it?

COMMISSIONER EYSTER: I'm not sure what that means, but I'll read it to you and you can tell me.

The Commission notes overwhelming public testimony for three years in a row that this proposal would damage neighborhoods, that permissive walls in front yards degrade welcoming character, diminish walkability, restrict contact and cooperation among neighbors, make communities less safe by impeding eyes on the street, restrict visibility for police patrols, and restrict access for emergency services.

CHAIR SHAFFER: And would that be in lieu of 25 or added?

COMMISSIONER EYSTER: Added.

CHAIR SHAFFER: Okay.

COMMISSIONER MACEACHEN: Chair.

CHAIR SHAFFER: Commissioner MacEachen.

COMMISSIONER MACEACHEN: I kind of like it. I think at some point you've got to overemphasize your point to get your point across. And if that doesn't, then I'm stunned. So, what he has to say.

COMMISSIONER EYSTER: Thank you, Commissioner.

CHAIR SHAFFER: All right. Mr. Vos.

COMMISSIONER HOLLINGER: I have no heartburn with that.

CHAIR SHAFFER: I'm okay with it. Like you said, I like -- oh, you got to fix all your formatting there. It's stressing me out. There you go. Thank you.

COMMISSIONER HOLLINGER: Well stated, Commissioner Eyster. That takes thought.

COMMISSIONER EYSTER: Thank you, Commissioner Hollinger.

CHAIR SHAFFER: Yeah, I mean, I'm fine with it. Yeah, there you go. I like how Commissioner MacEachen said sometimes you got to overstate the obvious. So there you go.

All right. So there you go.

COMMISSIONER EYSTER: Thank you, Commissioners.

CHAIR SHAFFER: Revised Finding 25, we all are in agreement on.

And then let's go back to -- we're on 13, correct? Or no, are we on 14, on conditions? Yeah, we're on 14. So 14 can stay as is, delete, and then the finding is a finding. So there we go.

Okay. 15. These are all the agreed-upon items. I think we're okay. Everyone okay with that? All the stakeholders chimed in. This is what everyone agreed to. So I think we're good. Okay. 15 is good.

16. All right. This is another --

MR. VOS: Chair and Commissioners, Condition Number 16, regarding these three items, is the first of the neighborhood association or notification changes to change from the property -- or the -- yeah, includes the words "Adjacent to a neighborhood association boundary" to "is within 330 feet of the neighborhood association."

CHAIR SHAFFER: All right. That's 29, 32, 36, Option 1, adopting the amendment as written, or Number 2, delete. So there are two options.

COMMISSIONER MACEACHEN: Chair.

CHAIR SHAFFER: Go right ahead.

COMMISSIONER MACEACHEN: The second thing we heard most from the public was the resistance to lessen the distance and lessen the whatever you want to call it, circumference, whatever you want to call it, where less people find out about what's going on in the neighborhood. So anything that would bring it down, I would be against.

CHAIR SHAFFER: So I will say this. I still think that -- I'm a triangulation freak, meaning I understand why they're asking this, and I don't think you're going to lessen. I'm going to go with what everybody else wants to do on this. But I really think that this was not going to lessen notification. I really don't.

I think they showed that because of -- it simplified how they were going to do it, not necessarily lessened how they were going to do it. But I'll go with the commission. I

Really think it was a process that was going to simplify how they were going to be able to get things taken care of and done. And I'm all about effectively amending processes in that direction.

COMMISSIONER MACEACHEN: Mr. Vos, do you agree with what Commissioner Shaffer just said? We're not going to lose a soul?

MR. VOS: Chair and Commissioners, the Chair is right in our intent. As I described with the exhibits and the staff report and in my presentation, it depends on the property and the unique circumstances. There are instances where more people will get notified. There are instances where maybe fewer people or neighborhoods would get notified.

There's pluses and minuses to that number of notified associations, depending on the context of the individual application. So it's not exclusively reducing our notification. And in some instances, more neighborhoods would be involved in the process or be required to be involved.

COMMISSIONER MACEACHEN: You know this is being recorded?

MR. VOS: I do, and I certainly think you can go back to the presentation and show that that's a true statement that I just said.

COMMISSIONER STETSON: Commissioner Stetson.

CHAIR SHAFFER: Real quick. Commissioner Meadows had his hand up, so let's do his first, and then go to you, Commissioner Stetson.

Commissioner Meadows.

COMMISSIONER MEADOWS: Yeah, I just think it would help if we could be consistent. I mean, some places we have 660 feet, some places we have 330 feet, some places we have 100 feet, and it's very confusing.

And I understand the 100 feet because that's in statute, so we have to follow that. But everywhere else, it seems like it would help if we could be consistent across the board.

But I too, don't want to reduce anybody's notice. And, you know, so I'm willing to go along with what the public is saying.

CHAIR SHAFFER: Commissioner Stetson.

COMMISSIONER STETSON: My position would be to take Option 2.

CHAIR SHAFFER: Okay. Commissioner Eyster.

COMMISSIONER EYSTER: Thank you, Chair.

Mr. Vos, for pre-submitted neighborhood meetings, public notice and post-submitted facilitated meetings, are we talking about notifying neighborhood associations? And is that just a matter of a couple of e-mail addresses?

MR. VOS: Chair and Commissioner Eyster, I mean, this distance determines which associations' e-mail addresses ONC gives to you. And by making this strictly a distance in feet, ONC just simply has to say it's this property, it's 330 feet from the properties boundary. It picks up which associations fall on that and they have the e-mail addresses or mailing addresses that need to be utilized for notification purposes.

COMMISSIONER EYSTER: Well, that answers my question. And so it leads me to suggest, if it's just sending out a couple of e-mails, those are free to send. For heaven's sake, why don't we just make it 660 feet and then that'll give more people notice? And it won't be cost anybody anything.

COMMISSIONER HOLLINGER: Commissioner Hollinger.

Commissioner Eyster, you stole my thunder. That was my point.

COMMISSIONER EYSTER: Another factor that might come into play

here is that I think the public would feel more comfortable if they felt like it wasn't just going to be run through a GIS and then sent out, but that some planner or administrative assistant in the ONC would be looking at it and making sure that it made sense.

But I'll ask the commission, would you buy that 660 feet, and then maybe we over-notice? Well that's not going to make anybody mad.

CHAIR SHAFFER: I think the problem is that some of these are tied into each other, which is then your next one, which is Number 17. So a lot of these references are referencing other items.

I don't know that us now changing, going the other direction, is the right -- that isn't even vetted or looked at, or what does that mean?

COMMISSIONER HOLLINGER: Commissioner Hollinger.

CHAIR SHAFFER: Commissioner Hollinger.

COMMISSIONER HOLLINGER: Thank you, Chair.

I would opt for Option 2. I like the over-notice idea. However, if that hasn't been fully considered, perhaps that's an item we look at at another time.

CHAIR SHAFFER: So real quick, Mr. Vos. Condition Number 16 has, obviously, as written or delete. 17 just -- oh, that's just an option to delete.

MR. VOS: Correct, Chair Shaffer .

CHAIR SHAFFER: It's just different ways to write the same thing?

MR. VOS: Chair Shaffer, no. 17 is different types of notice to property owners and not neighborhood associations.

CHAIR SHAFFER: No, I know. I know. But what I meant was, like, the way you presented it could have been the same. Option 1 was adopted as written, and Number 2, it had been delete, but it literally just as delete. It's the same thing, just different.

MR. VOS: That's correct. On 17, at your December hearing for the property owners, you gave us more direct -- there's more direct that reduces notification of the property owners. We would prefer to delete it --

CHAIR SHAFFER: Right.

MR. VOS: -- rather than on the neighborhood associations, you wanted those exhibits and more information to be able to discuss.

CHAIR SHAFFER: That's right. So 17, we had said -- so 17, I don't think there's an argument. That's the mail notice. We said leave that one alone.

And then 16 is neighborhood association one strictly, which is why I'm back to what I said, was that graph was extremely helpful because it showed that you're touching those neighbors associations even by one foot and you're having to notify it.

So I'm back to supporting 16 as Option 2, and then 17, which is deleting that entire section.

Ms. Morris.

MS. MORRIS: I just wanted to float out there that if there is interest in increasing the distance to 660, that rather than worrying about Conditions 16 and 17, that the condition just broadly give the planning department direction to make the pre-submittal meeting public gnosis, post-submittal meeting, and appeal distances where they include the phrase "includes or is adjacent" to be replaced with "660." And then that would achieve what Agenda Items 16 and 17 are covering, I think.

CHAIR SHAFFER: That's conditions, you're saying. Because that's Item 37. And then go back up, it's 32, 30 -- 29, 32 and 36. So you're saying 29, 32, 36 and 37 all get rewritten to say it all goes to 660?

MS. MORRIS: Yes. That was the direction that you're going in. And maybe there would need to be a five-minute tea break for staff to try and provide you guys (inaudible) that.

MR. VOS: Chair and Commissioners, that would track with Commissioner Eyster's suggestion on that distance to, to go from 330 to 660. It would achieve the staff goal of having it better automated by going to a number. So that's something to consider.

CHAIR SHAFFER: Okay. Everyone else okay with that?

COMMISSIONER MACEACHEN: And just to be clear, we're doing the 660 on everything?

MR. VOS: It would be consistent. Everything except for the property owners, since that's 100 foot and designated under state statute for things like zone app amendments.

So I think Condition 17 would remain, to delete those. And then 16 and 18, we would revise to say 660 feet across the board for all neighborhood associations.

CHAIR SHAFFER: There we go.

COMMISSIONER MACEACHEN: I can hear neighborhood associations cheering in the background.

CHAIR SHAFFER: Yeah, there was a big roar I just heard.

So I don't know. I mean, I hate taking a break, a tea break, it sounds wonderful though.

But, Mr. Vos, can somebody else write that while you're moving through? Or let's back to 17 and 18. Or do you want to just -- you can change it right now? There you go. Yeah, you can just strike that.

COMMISSIONER MACEACHEN: Quit talking to him.

CHAIR SHAFFER: Oh, I'm sorry.

COMMISSIONER MACEACHEN: He's concentrating.

CHAIR SHAFFER: He is pretty quick.

MR. VOS: Chair and Commissioners, I think that satisfies what was just discussed, changing it to a 660-foot notification distance for both those conditions.

CHAIR SHAFFER: Yep. And then 17 stays as deleted. Got it.

Everyone good?

COMMISSIONER HOLLINGER: That's a wonderful option.

CHAIR SHAFFER: All right. 19. Delete, right?

Okay. 20, this was our requested -- Item Number 20. Let's see. Oh, Item 46. I keep doing that. My apologies

46, that's one we needed to rewrite. So how does everyone feel about this, Condition 20?

MR. VOS: Chair and Commissioners, this rewrite for this clarification is in response to public comment that was concerned that these definitions being updated would somehow allow shelters or group homes into neighborhoods where they're currently not allowed. And that's not the intent, so this makes it very clear that those types of uses are regulated differently and would not be allowed in neighborhoods as these community residential facilities.

CHAIR SHAFFER: Got it. Yeah, we heard that again today. And I think 20 is good. Okay. 20 is approved

Condition 21. 21, we're all good with, because that -- we discussed that, not cutting down trees.

22. This is the one that the request is to add Number 6.

MR. VOS: That's correct. That's the public comment that was in the 48 hours and spoken to you today to add Item Number 6 to this and work on sort of both of those changes in conjunction.

CHAIR SHAFFER: I think that's part of the --

MR. VOS: (Inaudible).

CHAIR SHAFFER: Okay. Can you type that in? You have to change the -- yeah. Do you have to change -- well, I guess -- no, I guess you don't have to. All right.

Is everyone good with that?

That's what I was going to ask, if you had to add that part in. Sorry. That's where I was going.

Okay. 56, which is Condition 23.

MR. VOS: Chair and Commissioners, the next five conditions are all of those ones that were put in based on our consultant's review of the public comment on outdoor and site lighting.

CHAIR SHAFFER: I think we were all good with that when we reviewed them. So I think all five of those are good. .

COMMISSIONER MACEACHEN: Yes. .

CHAIR SHAFFER: 28. So we went through 25, 26 -- or 24, 25, 26, 27, all approved. 28. And then we added that subsection to 29.

Everyone okay with 28 and 29 as written? I guess that means yes. Silence is complicity.

MR. VOS: 29 is the (inaudible). There we go.

CHAIR SHAFFER: Number 30, that was a request, so deleting that, so everyone's okay with that.

And same thing with 31. Those are all by request for verification. So I think 30 and 31 are good.

Now we're back to -- now that this is the definition, 32, catty-corner. This is a new amendment. 32, 33, 34 are all new amendments that we saw today. So 32.

COMMISSIONER EYSTER: Eyster.

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER EYSTER: Thank you, Chair. Actually, "catty-corner," to me feels adjacent.

CHAIR SHAFFER: Catty-corner to me is diagonal, but...

COMMISSIONER EYSTER: They touch at one point. At the two corners, they touch. And certainly a guy that's catty-corner would have an interest in what's going on catty-corner from him or her.

CHAIR SHAFFER: I don't see it that way. That are separated by -- only by a street alley. It's actually saying they don't touch.

COMMISSIONER EYSTER: They are separated by a street, you're right. That's the street that they're -- so I guess it's just clarifying that they are separated by a street, and the fact that they're catty-corner doesn't make them adjacent. So I can agree with that.

CHAIR SHAFFER: So 32, everyone's good with.

33, this was by request. This was a little more cleanup language on the facade.

Issue? Any adverse comments? Nope.

Okay. 34 we wholeheartedly support and agree to, correct?

COMMISSIONER EYSTER: Yes. .

CHAIR SHAFFER: Everyone chimes in on it.

COMMISSIONER EYSTER: And I think I heard the public shake the ground also.

CHAIR SHAFFER: So, Mr. Vos, not to run you through the ringer, but that runs -- that's identical to what we reviewed in your presentation, correct?

MR. VOS: Chair Shaffer and Commissioners, that's correct. My presentation basically was a copy and paste of this proposed condition.

CHAIR SHAFFER: Thank you.

All right. So we've revised the conditions. We don't need to read them again. We can just name them as revised Conditions 1 through 34 and revised Finding Number 25, if anyone wants to make a motion.

COMMISSIONER EYSTER: Eyster. I'm not quite ready for a motion, Chair. I wanted to ask one question --

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER EYSTER: -- try and get one little thing.

The Condition 14 was the one about the walls and fences. And I had suggested in my remarks that we would refer to Finding 25 or 26. I guess was 25.

Can we do that, Mikaela or --

CHAIR SHAFFER: Yeah, go ahead.

It's a condition. In the condition, we're saying it's deleted. And you're saying now you must go read Finding Number 25. I'm not sure that's something we can say there.

COMMISSIONER EYSTER: I wouldn't want to tell anybody that they must go read it, but I could see a benefit for councilors, policy analysts in saying, "Oh, I better go look at" -- "yeah, I want to go look at Finding 25 and see what they're saying."

CHAIR SHAFFER: Yeah.

MR. MYERS: I think that would be fine from a legal perspective.

.

CHAIR SHAFFER: Ms. Renz-Whitmore.

MS. RENZ-WHITMORE: Chair and Commissioners, it's fairly unusual. And I'll just say that the findings and conditions are always supposed to be read in tandem.

So it's a little bit undermining of the fact that everyone's supposed to read all the findings and all the conditions to say, well, especially this time go read them.

CHAIR SHAFFER: That what I was feeling, was I feel like we're -- it's a little -- it's almost demeaning a little bit of saying, "And by the way."

COMMISSIONER MACEACHEN: Rubbing their nose in it.

UNIDENTIFIED MALE: I think that's what he's trying to do.

COMMISSIONER EYSTER: Honestly, honestly, no rubbing, but just sort of educating, you know.

CHAIR SHAFFER: I suggest we leave it off. We already added all that additional language.

COMMISSIONER MACEACHEN: Yeah, I think we're good.

COMMISSIONER EYSTER: One would just need to refer to that. Say, if you were talking to LUPZ, you could just refer them to that if you wanted to.

So I can go with this, Commission. I appreciate what you did provide.

CHAIR SHAFFER: Thank you.

MR. VOS: Chair and Commissioners, don't mind me. I'm just

getting rid of all the bullet points in this Condition 25 and just making a simple list.

CHAIR SHAFFER: So what you're doing, you're making editorial changes.

COMMISSIONER MACEACHEN: Ooh.

MR. VOS: There you go. Thank you.

CHAIR SHAFFER: Shortening it up saves paper. Good job.

All right. Perfect. All right. So we have Findings 1 through 25, revised Finding 25. We have Conditions 1 through 34, as revised and discussed in the record.

So if anyone would like to make a motion, please do.

COMMISSIONER HOLLINGER: I think I'm prepared, Chair. This is Commissioner Hollinger.

CHAIR SHAFFER: Go right ahead, sir.

COMMISSIONER HOLLINGER: Very well.

In the matter of Agenda Item Number 3, amendments to the IDO, Project Number PR-2018-001843, Case RZ-2023-00040, I move for a recommendation of approval be sent to city council, subject to Findings 1 through 25, as revised, in addition to Conditions 1 through 34, and 25.

COMMISSIONER MACEACHEN: Well done.

CHAIR SHAFFER: Good job.

We have a motion. Do we have a second? .

COMMISSIONER MACEACHEN: Second. .

CHAIR SHAFFER: We have a second from Commissioner MacEachen. We'll go to a roll call vote.

Commissioner Stetson.

COMMISSIONER STETSON: Stetson, aye.

CHAIR SHAFFER: Commissioner MacEachen.

COMMISSIONER MACEACHEN: MacEachen, aye.

CHAIR SHAFFER: Commissioner Meadows.

COMMISSIONER MEADOWS: Meadows, aye.

CHAIR SHAFFER: Commissioner Hollinger.

COMMISSIONER HOLLINGER: Commissioner Hollinger, aye.

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER EYSTER: Eyster, aye.

CHAIR SHAFFER: Commissioner Pfeiffer.

COMMISSIONER PEIFFER: Pfeiffer, aye.

CHAIR SHAFFER: Commissioner Cruz.

COMMISSIONER CRUZ: Cruz, aye.

CHAIR SHAFFER: Commissioner Shaffer is an aye, so that passes 8-0.

(8-0 vote. Motion approved.)

(Conclusion of Agenda Items 2 and 3.)

RE: CITY OF ALBUQUERQUE EPC MEETING MINUTES OF JANUARY 11, 2024, AGENDA ITEMS 2 and 3

TRANSCRIPTIONIST'S AFFIRMATION

I HEREBY STATE AND AFFIRM that the foregoing is a correct transcript of an audio recording provided to me and that the transcription contains only the material audible to me from the recording and was transcribed by me to the best of my ability.

IT IS ALSO STATED AND AFFIRMED that I am neither employed by nor related to any of the parties involved in this matter other than being compensated to transcribe said recording and that I have no personal interest in the final disposition of this matter.

IT IS ALSO STATED AND AFFIRMED that my electronic signature hereto does not constitute a certification of this transcript but simply an acknowledgement that I am the person who transcribed said recording.

DATED this 16th day of February 2024.

/S/
_____
Kelli A. Gallegos

ENVIRONMENTAL PLANNING COMMISSION
AGENDA

Thursday, January 11, 2024
8:40 a.m.

Due to COVID-19 this meeting is a Public Zoom Video Conference

Members of the public may attend via the web at this address: https://cabq.zoom.us/j/2269592859 or by calling the following number: 1 301 715 8592 and entering Meeting ID: 226 959 2859

MEMBERS
David Shaffer, Chair
Tim MacEachen, Vice Chair

Giovanni Coppola
Joseph Cruz
Gary L. Eyster P.E. (Ret.)
Jonathan R. Hollinger
Richard Meadows
Mrs. Jana Lynne Pfeiffer
Robert Stetson

****

NOTE: A LUNCH BREAK AND/OR DINNER BREAK WILL BE ANNOUNCED AS NECESSARY

Agenda items will be heard in the order specified unless changes are approved by the EPC at the beginning of the hearing; deferral and withdrawal requests (by applicants) are also reviewed at the beginning of the hearing. Applications deferred from a previous hearing are normally scheduled at the end of the agenda.

There is no set time for cases to be heard. Please be prepared to provide brief and concise testimony to the Commission if you intend to speak. **In the interest of time, presentation times are limited as follows, unless otherwise granted by the Commission Chair: Staff – 5 minutes; Applicant – 10 minutes; Public speakers – 2 minutes each. An authorized representative of a recognized neighborhood association or other organization may be granted additional time if requested. Applicants and members of the public with legal standing have a right to cross-examine other persons speaking pursuant to Article 3, Section 2D, of the EPC Rules of Practice & Procedure.**

All written materials – including petitions, legal analysis and other documents – should ordinarily be submitted at least 10 days prior to the public hearing, ensuring presentation at the EPC Study Session. The EPC strongly discourages submission of written material at the public hearing. Except in extraordinary circumstances, the EPC will not consider written materials submitted at the hearing. In the event the EPC believes that newly submitted material may influence its final decision, the application may be deferred to a subsequent hearing. Cross-examination of speakers is possible per EPC Rules of Conduct.

NOTE: ANY AGENDA ITEMS NOT HEARD BY 8:30 P.M. MAY BE DEFERRED TO ANOTHER HEARING DATE AS DETERMINED BY THE PLANNING COMMISSION.

Call to Order:

A. Pledge of Allegiance
B. Roll Call of Planning Commissioners
C. Zoom Overview
D. Announcement of Changes and/or Additions to the Agenda
E. Approval of Amended Agenda
F. Swearing in of City Staff

1. Project# 2018-001843
RZ-2023-00044 – Text Amendment to Integrated Development Ordinance (IDO) – Small Area – Volcano Heights Urban Center (VHUC)

The City of Albuquerque Council Services Department requests to amend the text of the Integrated Development Ordinance (IDO) affecting a small area. This update includes requested changes to remove a prohibition on drive-through facilities in the mixed-use zone districts within the Volcano Heights Urban Center (VHUC).
Staff Planner: Mikaela Renz-Whitmore
(Deferred at the December 7, 2023 Special hearing)

2. Project# 2018-001843
RZ-2022-00043 – Text Amendments to Integrated Development Ordinance (IDO) – Small Area – Rail Trail

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
(Continued at the December 7, 2023 Special hearing)

3. Project# 2018-001843 (2018-00195)
RZ-2023-00040 – Text Amendments to Integrated Development Ordinance (IDO) – Citywide

The City of Albuquerque Planning Department requests to amend the text of the Integrated Development Ordinance (IDO) affecting properties citywide. This fifth annual update includes changes requested by neighbors, developers, staff, and Council Services.
Staff Planners: Michael Vos, China Osborn
(Continued at the December 7, 2023 Special hearing)

4. OTHER MATTERS

5. ADJOURNMENT

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

December 14, 2023

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 December 14, 2023 the Environmental Planning Commission (EPC) voted to CONTINUE Project# 2018-001843, RZ-2023-00043 – Text Amendments to Integrated Development Ordinance (IDO) – Small Area – Rail Trail, to the January 11, 2024, EPC hearing.

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,
Planning Director

AV/RM/MJ

cc: City of Albuquerque, MRA, Ciaran Lithgow, crlithgow@cabq.gov
Loretta Naranjo-Lopez sbmartineztown@gmail.com
Russel Brito, rbplanning505@gmail.com
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Ricardo Guillermo, ricardoguillermo7@gmail.com
Derek Wallentinsen, wallythered@gmail.com
Rene Horvath, aboard111@gmail.com
Teresa Star 2340 Hollywood Ave NW, Albuquerque, NM 87104
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Sawmill Area NA Mari Kempton mari.kempton@gmail.com
Downtown Neighborhoods AssociatioGlen Salas treasurer@abqdna.com
Downtown Neighborhoods AssociatioDanny Senn chair@abqdna.
Barelas NA Lisa Padilla lisapwardchair@gmail.com
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ABQCore Neighborhood Association Joaquin Baca bacajoaquin9@gmail.com
Historic Old Town Association David Gage secretary@albquerqueoldtown.com
Historic Old Town Association J.J. Mancini president@albuquerqueoldtown.com
North Valley Coalition Doyle Kimbrough newmexmba@aol.com
North Valley Coalition Peggy Norton peggynorton@yahoo.com
Legal, dking@cabq.gov
EPC File

Environmental Planning Commission

Agenda Number: 2
Project #: PR-2018-001843
Case #: RZ-2022-00043
Hearing Date: December 14, 2023

Staff Report

Applicant	City of Albuquerque Planning Department
Request	Amendment to the Integrated Development Ordinance (IDO) Text – Small Areas for the 2023 Annual Update
Location	Rail Trail Corridor Small Area IDO 5-2(X)

Staff Recommendation

That a recommendation of APPROVAL of PR-2018-001843, Case RZ-2023-00043, based on the FINDINGS beginning on Page 20, and subject to the CONDITION on Page 25 be forwarded to the City Council.

Staff Planner
Robert Messenger

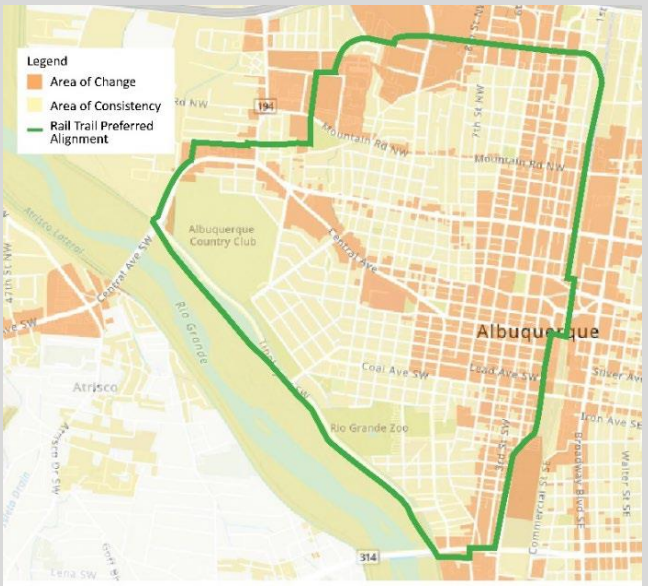
Summary of Analysis

The request is for text amendments to the Integrated Development Ordinance (IDO), which would adopt a new Small Area designated as the Rail Trail. The new regulations were identified as part of the 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 is to create new Small Area regulations [IDO 14-16-5-2(X)] regarding Site, Setback Standards, and Building Height Stepdown for new development or redevelopment adjacent to the proposed Rail Trail alignment.

Planning staff held one pre-application facilitated meeting on September 20th, 2023.

Staff is aware of one entity in opposition. Nonetheless, Staff recommends that a recommendation of approval be forwarded to the City Council.



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I. INTRODUCTION

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). These proposed text amendments affecting the planned Albuquerque Rail Trail [IDO 5-2(X)] are accompanied by city-wide text amendments to the IDO, which were submitted separately pursuant to 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 city-wide amendments, are collectively known as the 2023 IDO Annual Update. More information is available online at https://abq-zone.com/ido-annual-update-2023

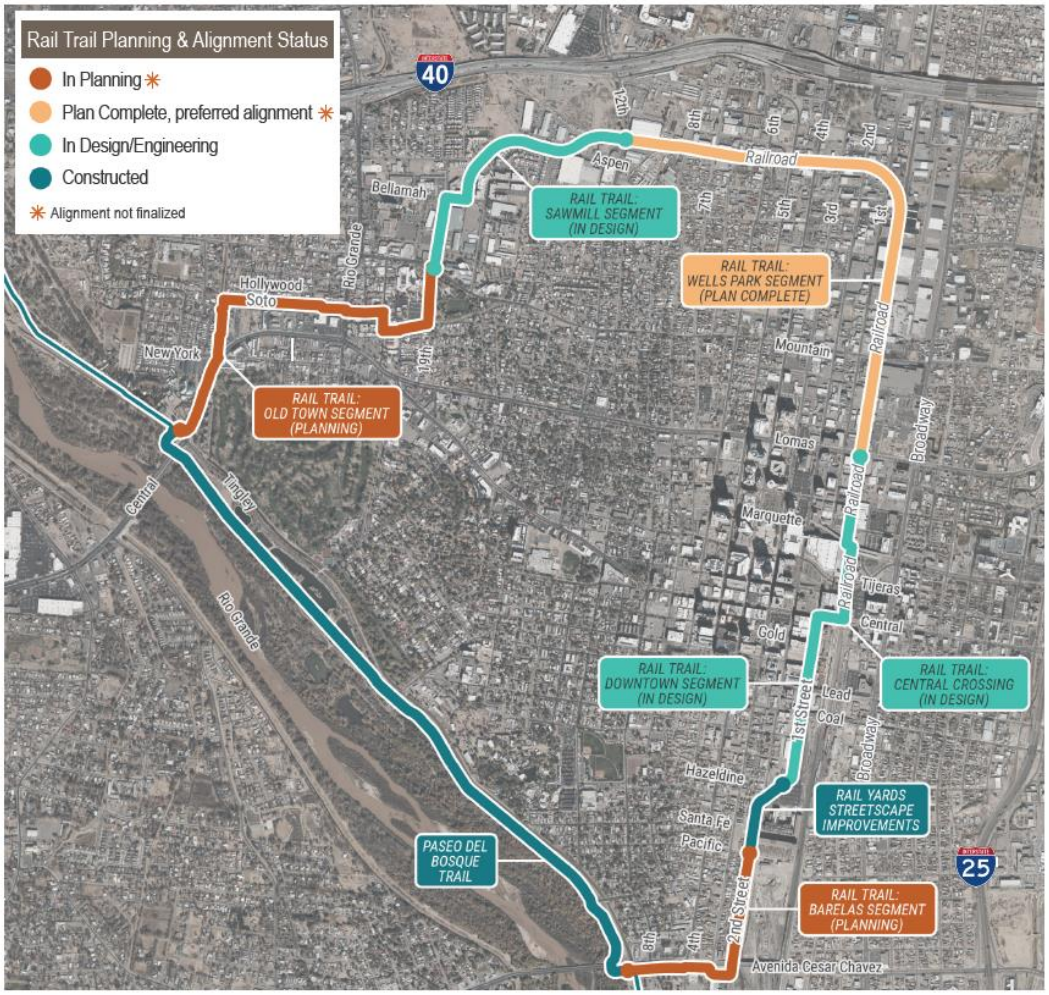
The proposed amendments would create regulations for Building heights, Landscaping, required Parking, Site and Setback Standards and Building Stepdowns for properties adjacent to the planned Rail Trail Corridor as shown in the map below:

Proposed Design Standards would impact the following zones along the Rail Trail:

- R-ML
- R-MH
- MX-T
- MX-L
- MX-M
- MX-H
- MX-FB-ID
- MX-FB-FX
- MX-FB-UD
- NR-C
- NR-BP
- NR-LM
- NR-GM
- PD
- PC

Zones excluded from proposed Rail Trail Design Standards:

- R-A
- R-1A
- R-1B
- R-1C
- R-1D
- R-T
- R-MC
- NR-PO-A
- NR-PO-B
- NR-PO-C
- NR-PO-D



The purpose of the proposed regulations is to enhance future development of sites adjacent to the Rail Trail by applying access and connectivity, edge buffer landscaping, wall and fences, building height stepdown, building design, and parking reductions to any new commercial, mixed-use, or industrial development along the Rail Trail corridor. This would create a uniform appearance for the corridor, prevent a "canyon effect" and mitigate noise, traffic, and visual impacts of development from the users' enjoyment of the Rail Trail.

Background

The IDO established the procedure for adopting new Small Area regulations in areas where different regulations are needed to achieve the character of development in a particular area that differs from results intended from citywide regulations. The procedure to adopt a new set of Small Area regulations is an Amendment to IDO Text – Small Area around the planned Rail Trail project, pursuant to IDO Subsection 14-16-6-7(E).

Upon adoption in May 2018, the Integrated Development Ordinance (IDO) established a process through which it can be updated on an annual basis. IDO Subsection 14-16-6-3(D) requires Annual Updates, stating that the Planning Department shall prepare amendments to the text of the IDO and submit them every calendar year for an EPC hearing in December. The IDO annual update process established a regular, required cycle for discussion among residents, businesses, City Staff, and decision-makers to consider any needed changes that were identified over the course of the year.

The IDO establishes two types of annual IDO updates: Amendment to IDO Text-Citywide [Subsection 14-16-6-7(D)] and Amendment to IDO Text-Small Areas [Subsection 14-16-6-7(E)]. City-wide text amendments apply generally throughout the City and are reviewed using a legislative process. Text amendments to smaller areas within the City apply only to those areas and require a quasi-judicial review process, which includes notice to affected property owners and a prohibition of ex-parte communication with decision-makers about the proposed changes.

History & Purpose

The City of Albuquerque's Metropolitan Redevelopment Agency (MRA) has been planning the Albuquerque Rail Trail since 2020. 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. For more information about the Rail Trail in general see https://www.cabq.gov/mra/rail-trail-1 and for information about community engagement see https://www.cabq.gov/mra/rail-trail-1/community-engagement-equitable-development.

These proposed Small Area Text Amendments were created to enhance the planned Rail Trail for users and to ensure that future development along it contributes to goals for economic development, equity, healthy recreation, and cultural expression. Planning staff determined that development regulations along the Rail Trail were best categorized as a Small Area in IDO Part 5 Development Standards, as its own distinct section. The geography of the small area and contextual nature of the regulations proposed are most similar to development standards such as Cumulative Impacts, Irrigation Facility Standards, Major Arroyo Standards, and Major Public Open Space Edges that are all found in Section 5-2 rather than Overlay Zones such as Character Protection Overlay (CPO) or

Historic Protection Overlay (HPO) that are intended to conserve historical or other neighborhood character and architectural value.

The majority of the proposed Rail Trail small area is designated in the ABC Comprehensive Plan as an Area of Change. Areas of Change are intended to have the highest degree of pedestrian-friendly development and highest-quality standards for pedestrian-oriented development and the IDO establishes building design standards specific to Urban Centers (UC), Main Streets (MS), and Premium Transit (PT) areas.

Applicability of Text Amendment

The proposed IDO text amendments apply within the City of Albuquerque municipal boundaries; in this case specifically, to the area designated as the Rail Trail Corridor. The IDO does not apply to lands controlled by other jurisdictions, the State of New Mexico, or Federal lands. Properties in the unincorporated Bernalillo County or other municipalities, such as the Village of Los Ranchos and City of Rio Rancho, are also not subject to the IDO..

Environmental Planning Commission (EPC) Role

The EPC is hearing this case pursuant to IDO Subsection 14-16-6-7(E), Amendment to IDO Text – Small Area. EPC is required to review the changes proposed and make a recommendation to the City Council regarding the proposed IDO Small Area text amendment as a whole. As the City's Planning and Zoning Authority, the City Council will make the final decision. The EPC is the Council's recommending body with review authority for the IDO Text Amendment. This is a quasi-judicial matter.

II. ANALYSIS OF ORDINANCES, PLANS, AND POLICIES

Charter of the City of Albuquerque

The Citizens of Albuquerque adopted the City Charter in 1971. Applicable articles include:

Article I, Incorporation and Powers

The municipal corporation now existing and known as the City of Albuquerque shall remain and continue to be a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the city to legislate is permissive and not mandatory. If the city does not legislate, it may nevertheless act in the manner provided by law. The purpose of this Charter is to provide for maximum local self-government. A liberal construction shall be given to the powers granted by this Charter.

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.

Article IX, Environmental Protection
The Council (City Commission) in the interest of the public in general shall protect and preserve environmental features such as water, air and other natural endowments, ensure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment. To affect these ends the Council shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority and staff sufficient to effectively administer city policy in this area.

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.

Article XVII, Planning
Section 1. The Council is the city's ultimate planning and zoning authority, including the adoption and interpretation of the Comprehensive Plan and the Capital Improvement Plan. The Council is also the city's ultimate authority with respect to interpretation of adopted plans, ordinances, and individual cases.

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.

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 land 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.

Albuquerque / Bernalillo County Comprehensive Plan (Rank 1)

The Comprehensive Plan and the IDO were developed together and are mutually supportive. The purpose of the IDO [see 14-16-1-3], in the most overarching sense, is to implement the Comprehensive Plan and protect the health, safety, and general welfare of the public.

The request for a text amendment to the IDO-Small Areas generally furthers a preponderance of applicable Comprehensive Plan Goals and Policies. The request was submitted subsequent to the July 27, 2023 effective date of the 2022 IDO Annual Update and is subject to its applicable standards and processes.

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 (DC) by enhancing the development of the planned Rail Trail Corridor. The Rail Trail will become a multi-modal looped trail around central Albuquerque that connects to multimodal facilities inside and outside the area enclosed by the Rail Trail corridor. These regulations will enhance the visual appeal of the Rail Trail for users and property owners near it. The request furthers Goal 5.1 Centers & Corridors.

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 capture regional growth in Centers & Corridors by enhancing the visual appeal and users' experience of the Rail Trail. It would help shape the built environment into a sustainable development pattern by encouraging high-quality development adjacent to the Rail Trail that supports healthy and sustainable recreational use, artistic and cultural expression, and entrepreneurial opportunities in the heart of the City. The request furthers Policy 5.1.1 Desired Growth.

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

The requested set of small area text amendments 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 detinations. Therefore, the request furthers Policy 5.1.1 Desired Growth, sub-policy (a).

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 the Downtown Center to connect to the Rail Trail. It would help encourage transit and non-automotive use by discouraging automotive use; it provides a 10% parking reduction for properties within 330 feet of the Rail Trail, as well as any City park or trail. The request furthers Policy 5.1.1 Desired Growth, sub-policy (h).

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. Because the amendment defines the Rail Trail as both a trail and street, regulations such as landscape buffers would contribute to the visual appeal of both the trail corridor and streetscape. The request furthers Goal 7.3 Sense of Place.

Policy 7.3.4 Infill: Promote infill that enhances the built environment or blends in style and building materials with surrounding structures and the streetscapae 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 landscaping, outdoor gathering spaces, and reduced building heights that help prevent a "canyon effect" on the Rail Trail users' experience. The request furthers Policy 7.3.4 Infill.

Chapter 8: Economic Development

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

The request would help create places where business and talent will stay and thrive because it would enhance the planned Rail Trail corridor, an amenity designed to encourage businesses and residents to locate and thrive in the central core of Albuquerque. The request furthers Goal 8.1 Placemaking.

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 a planned facility – the Rail Trail – that is designed to offer more opportunities for healthy recreation, artistic expression, and local business growth. The request furthers Policy 8.1.4 Leverage Assets.

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 landscaping buffers, trail connectivity, and providing parking reductions for development adjacent to the planned Rail Trail. These regulations would complement the quality of life improvements that the Rail Trail would provide, especially the ability to walk or bike for commuting and recreational purposes. The request furthers Goal 9.7 Partnership.

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 request contributes to the viability of catalytic housing and mixed-use developments already identified for the Rail Trail itself by creating additional regulatons to promote a consistent and more visually-appealing streetscape (i.e., trail corridor). These regulations add to the feasibility of financial investment in MRA districts within or near the Rail Trail corridor by encouraging future development that supports the goals of the Rail Trail. The request furthers Policy 9.7.2 Metropolitan Redevelopment.

Chapter 13: Resilience & Sustainability

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

The request would protect and maintain safe and healthy environments where people can thrive. These regulations 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 improve the ability to see and be seen, they enhance the users' safety and experience of the planned Rail Trail, which would help maintain a safe and healthy environment where people can thrive. Therefore the request furthers Goal 13.5 Community Health.

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

The requested amendments would help mitigate environmental hazards such as noise and pollution associated with land uses by reducing parking requirements and creating a more visually-appealing Rail Trail that would encourage more alternative transportation use. Substituting bicycle, pedestrian and transit use for automotive modes reduces air pollution and congestion, factors that are environmental hazards. The request furthers Policy 13.5.1 Land Use Impacts.

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, itself which encourages alternatives to automotive travel . The request furthers sub-Policy 13.5.1 (c).

Integrated Development Ordinance (IDO)

Definitions:

Adjacent: Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private. See also Alley, Multi-use Trail, Private Way, Right-of-way, and Street.

Building Height: The vertical distance above the average finished grade, unless specified otherwise in this IDO, at each façade of the building, considered separately, to the top of the coping or parapet on a flat roof, whichever is higher; to the deck line of a mansard roof; or to the average height between

the plate and the ridge of a hip, gable, shed, or gambrel roof. On a stepped or sloped project site, the maximum height is to be measured above average finished grade of any distinct segment of the building that constitutes at least 10 percent of the gross floor area of the building, unless specified otherwise in this IDO. See also *Building, Building Height Bonus, Finished Grade*, and *Measurement Definitions* for *Grade* and *Ground Floor Clear Height*.

Landscape Buffer: A required piece of land in a specific location used to physically separate or screen one land use or piece of property from another and landscaped with at least the minimum requirements specified in this IDO.

Amendment to IDO Text – Small Areas
The proposed small area text amendment meets the review and decision criteria for Amendment to IDO Text – Small Area in IDO Subsection 14-16-6-7(E)(3)(a-e).

The Criterion and the applicant's response are in plain text; ***Staff analysis follows in bold italic text***.

Criterion 14-16-6-7(E)(3)(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.

Response: The proposed amendment is consistent with the health, safety, and general welfare of the city by furthering a preponderance of applicable Goals and Policies in the ABC Comp Plan as listed below*:

> ***As previously shown in responses to applicable Goals and Policies, 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. It would create additional development standards for any new commercial, mixed-use, or commercial development adjacent to the Rail Trail. The request meets Criterion 14-16-6-7(a).***

Criterion 14-16-6-7(E)(3)(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).

Response: A majority of the Small Area runs through Areas of Change (see above map). Short stretches of the Small Area map are located in Areas of Consistency, but the proposed amendment **does not** change zoning, land use standards, or neighborhood edge requirements.

The proposed Small Area regulations will only apply to commercial, industrial, or mixed-use developments. There are some industrial and mixed-use properties within Areas of Consistency that would be affected by the proposed regulations. These include properties along 1st Street north of Mountain. However, the majority of properties in the Area of Consistency are either single-family residential or parks/open space that are not affected by the proposed regulations. Overall, the proposed regulations are designed to protect "Areas of Consistency" while enhancing "Areas of Change".

To respect the existing height characteristic of Areas of Consistency, the neighborhood edges requirement will continue to apply. Additionally, step-down requirements to a maximum of 48 feet are called for in the proposed Small Area (this is equivalent to the general height standards already allowed in MX-M). In addition, the proposed design standards are advantageous to Areas of Consistency by encouraging a more attractive physical design in developments or redevelopments that complements the Rail Trail. The design of the Rail Trail is informed by the character of the neighborhoods it travels through.

The proposed Small Area is primarily concentrated in Areas of Change that are designed to absorb a mix of uses, development, higher density, and intensity that the Rail Trail will spur and which the Comprehensive Plan calls for. Future developments in this proposed Small Area are likely to be new multi-family, mixed-use, commercial, and industrial development. Therefore, these are the only zones affected by the proposed design standards.

The proposed amendment would clearly reinforce or strengthen the character of the planned Rail Trail Corridor by adding development standards to all new commercial, mixed-use, and industrial development adjacent to it. The proposed zoning regulations are more advantageous to the community as articulated by the ABC Comp Plan. As a result, the proposed amendment would protect the identity and cohesiveness of Areas of Consistency such as residential neighborhoods through building design, and give the Rail Trail Corridor its distinct identity and sense of place. The request meets Criterion 14-16-6-7(E)(3)(b).

Criterion 14-16-6-7(E)(3)(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).

Response: The Rail Trail Small Mapped Area is **not** located wholly in an Area of Change; it also runs through small stretches of "Areas of Consistency" (see previous response).

The Rail Trail is a major infrastructure project that will spur redevelopment and development primarily in Areas of Change that are designed to absorb a mix of uses, development, higher density, and intensity. Future developments in this proposed Small Area are likely to be new multi-family, mixed-use, commercial, and industrial development within Areas of Change. Therefore, these are the only zones affected by the proposed design standards. The proposed Small Area does not change the zoning or land use allowances of the underlying zone districts.

The proposed amendment will be more advantageous to the community as articulated by the ABC Comp Plan; particularly by encouraging redevelopment that improves patterns of land use, development density and intensity, and connectivity by providing access to alternative transportation forms through direct connections to the Rail Trail. Furthermore, it encourages more intense growth in Centers, Corridors, and Metropolitan Redevelopment Areas. This is achieved by reducing parking requirements, and by exempting the Downtown Center and Main Street (MS) and Premium Transit (PT) Corridors from the proposed height step-downs.

Staff agrees that the majority of the Rail Trail is concentrated primarily in Areas of Change. However, the Criterion does not apply because the Rail Trail is not wholly in an Area of Change. Further, the amendment submitted did not exempt Premium Transit (PT) areas from the building height stepdown requirement. Staff recommends adding a condition of approval to also exempt Premium Transit (PT) areas from the building height stepdown requirement, as they are of a similar intensity and density to MS corridors and the Downtown Center.

Criterion 14-16-6-7(E)(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.

Response: The proposed Amendment does not change allowable land uses and therefore the proposed amendment does not further expand or enable permissive uses that would be harmful to adjacent property, the neighborhood, or the community.

The proposed amendments would not change any allowable uses. The request meets Criterion 14-16-6-7(E)(d).

Criterion 14-16-6-7(E)(3)(e)
The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

Response: The Amendment is not based completely or predominantly on the cost of land or economic considerations. Rather, the proposed Rail Trail amendment is intended to complement the Rail Trail and contribute to its vision as a vibrant, urban, and artistic trail.

The small area amendment is not based completely or predominantly on the cost of land or economic considerations but rather adds new regulations for future development that would enhance the Rail Trail Corridor. The request meets Criterion 14-16-6-7(E)(3)(e).

III. DISCUSSION **-** 2023 Annual Update – Proposed Small Area –Rail Trail

The purpose of the proposed amendments is to incorporate a new Small Area known as the Rail Trail Small Area. The Small Area would create new regulatory language 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 to the proposed Rail Trail corridor. The proposed Small Area addition is outlined in the following exhibits, which would be inserted into the IDO in section 5-2 as follows:

Exhibit – Proposed Rail Trail Contextual Standards for the IDO Annual Update 2023

5-2 SITE DESIGN AND SENSITIVE LANDS

5-2(A) RAIL TRAIL

5-2(A)(1) Applicability

This Subsection 14-16-5-2(X) applies to development or redevelopment on lots adjacent to the Rail Trail, as mapped below.

[IDO map pending]

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

5-2(A)(3)(a) All new multi-family, mixed-use, or non-residential development other than industrial development shall provide a landscaped edge buffer area pursuant to Subsection 14-16-5-6(E)(2)(b)1 along the property line abutting the Rail Trail.

5-2(A)(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).

Commented [RMJ1]: "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."

Commented [RMJ2]: Includes planting spacing if a wall is present or not.

Exhibit – Proposed Rail Trail Contextual Standards for the IDO Annual Update 2023 1
CABQ – Metropolitan Redevelopment

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

5-2(A)(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(A)(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.

Commented [RMJ3]: "the maximum height of walls in any front or street side yard is 6 feet if the wall is set back at least 5 feet from the property line and if view fencing that is at most 50 percent opaque to perpendicular view is used for portions of a wall above 3 feet."

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

Except within the Downtown Center (DT) or a Main Street (MS) corridor, any portion of a primary or accessory building within 50 feet in any direction of the Rail Trail shall step down to a maximum height of 48 feet.

5-2(A)(6) Building Design

5-2(A)(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(A)(6)(b) Outdoor seating and gathering required by Subsection 14-16-5-11(E)(3) shall be located adjacent to the Rail Trail.

Commented [RMJ4]: Each street-facing façade longer than 100 feet shall incorporate at least 1 of the following additional features (illustrated below):
a. Wall plane projections or recesses of at least 1 foot in depth at least every 100 feet of façade length and extending for at least 25 percent of the length of the façade.
b. A change in color, texture, or material at least every 30 feet of façade length and extending at least 20 percent of the length of the façade.
c. An offset, reveal, pilaster, or projecting element no less than 2 feet in width, projecting from the façade by at least 6 inches, and repeating at minimum intervals of 30 feet of façade length.
d. Three-dimensional cornice or base treatments.
e. A projecting gable, hip feature, or change in parapet height at least every 100 feet of façade length.
f. Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.

5-5 PARKING AND LOADING

5-5(C) OFF-STREET PARKING

5-5(C)(1) Parking Reductions

5-5(C)(1)(a) 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.

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.

The proposed Small Area language was revised based on the September 20, 2023 pre-application facilitated meeting. The revised regulations, above, changed the original exhibit as follows:

- Removed a proposed regulation for properties at least 100 feet wide that would limit parking lots to no more than 50 percent of any yard abutting the Rail Trail Corridor.

- Added Main Street (MS) corridors to exceptions to the Building Height Stepdown regulation.

Staff additionally recommends that Premium Transit (PT) areas be exempt from the Building Height Stepdown regulation (see Recommended Condition of Approval).

Applicability of the Small Area

The proposed Rail Trail IDO regulations are both geographic and context-based. Therefore, both adjacency to the Rail Trail and zoning category will determine whether or not the proposed Rail Trail IDO regulations apply to a property. Properties adjacent to the Rail Trail that are developed with low-density residential are not affected by these regulations; while multi-family, mixed-use, and non-residential properties are affected by them.

The planned Rail Trail traverses through or along Overlay Zones, small areas, and Centers and Corridors that have their own sets of IDO regulations. IDO Section 1-8 "Relationship to Other Regulations" provides a hierarchy of regulations that prevail in case two or more regulations conflict with each other:

1. In case of conflict with Overlay Zone regulations, those of the Overlay Zones prevail regardless of whether they are more or less restrictive than other regulations [1-8(A)(1)].

2. When Use-specific Standards (USS) conflict with Development Standards, the Use-specific standards prevail regardless of whether they are more or less restrictive than Development Standards [1-8(A)(2)]. Where the USS is complementary to the Development Standards, the USS applies in addition to the Development Standards. Because the proposed regulations are included in the Development Standards section, they are subject to any USS for uses allowed in zones adjacent to the Rail Trail (except for residential and special use zones).

3. Area-specific regulations (i.e., for Centers, Corridors, or small areas) prevail over citywide regulations regardless of whether the area-specific regulation are more or less restrictive than the citywide regulation [1-8(A)(3)]. Citywide regulations include those in Chapter 2 Zone Districts, Chapter 4 Use Regulations, and Chapter 5 Development Standards.

Otherwise, within each of the above designations, in case of conflicts the more restrictive requirements would apply

IDO 5-2 Site Design and Sensitive Lands Purpose 5-2(A)
"This Section 14-16-5-2 is intended to minimize the impacts of development on natural and cultural resources, to protect public health and safety from potential hazards on sensitive lands, to create more distinctive neighborhoods by connecting them to surrounding natural features and amenities, and to

improve building performance and occupant wellness. Site design standards are intended to enhance the visual appearance of non-residential development, make visual connections to topographic features, promote street and neighborhood character, and strengthen the pedestrian environment."

These proposed regulations support the purpose, above, as follows:

- Protect public health and safety: 5-2(X)(2) Access and Connectivity – Parks and Recreation approval provides a stronger guarantee that connections will be ADA accessible and will be consistent with City Parks and Recreation standards for trail facilities.

- Create more distinctive neighborhoods by connecting them: Municipal Development is examining how and where to connect pedestrian, bicycle, and transit modes to and from the Rail Trail and prioritizing connections and facilities using the City's Prioritized High Fatality and Injury Network (HFIN) mapping tool. The Rail Trail crosses or parallels HFIN Priority 1 corridors (i.e., highest priority) such as 2nd Street, Central Avenue, and Mountain Road. For more information see: https://www.cabq.gov/vision-zero

- Enhance the visual appearance of non-residential development: Landscaped edge buffers will be required for new non-residential properties other than industrial pursuant to IDO 5-6(E)(2)(b)1 and 5-6(E)(4)(b) for industrial properties adjacent to the Rail Trail. Chain link fencing that is visible from the Rail Trail will not be allowed except during construction.

- Promote street and neighborhood character: Since the Rail Trail is defined as both a trail and a street, regulations for landscaped edge buffers, walls and fences, building height stepdowns, and building design (facades and outdoor gathering areas) will promote street and neighborhood character.

- Strengthen the pedestrian environment: the pedestrian environment will be strengthened by the visual appearance along the trail as well as improved connections to pedestrian facilities that intersect or connect to it.

IV. PUBLIC OUTREACH

Meetings and Presentations

Although the final alignments of some trail segments were not established at the time of public notification, MRA staff created several Mailing Notification Buffer Maps (see page 85 of the application) to ensure that all property owners potentially affected by the Rail Trail IDO regulations would be properly notified. The public notifications for an Amendment to IDO Text – Small Area pursuant to IDO 6-4(K)(3)(d) require mailed/emailed notice to all owners located partially or completely within 100 feet of the proposed small area. As a result of this requirement and the various buffer maps, over 500 were mailed to property owners.

The proposed text amendments were first reviewed at a pre-submittal neighborhood public meeting on Wednesday, September 20th, 2023 via Zoom. Planning and Metropolitan Redevelopment Agency (MRA) staff presented the proposed amendments, solicited input regarding the proposed changes, and listened to participants' feedback.

The City's Alternative Dispute Resolution (ADR) office facilitated the pre-submittal meeting, as required by Table 6-1-1 for Amendment to IDO Text – Small Area and IDO Subsection 14-16-6-4(C) (see attachments).

As a result of the September 20th pre-submittal meeting, staff revised the text amendments as follows:

- Removed the Parking Location requirement [5-2(X)(3)] that previously read: "On properties at least 100 feet wide, parking lots cannot occupy more than 50 percent of any yard abutting the Rail Trail Corridor."

- Added the Main Street (MS) corridor designation to areas exempt from the Building Height Stepdown [5-2(X)(5)].

  The above was prompted by concerns that properties along MS corridors, Central Avenue outside of Downtown in particular, would be required to comply with building height stepdown requirements that are in conflict with City policy for density along Central, as well as concerns that the parking requirement would prohibit the placement of needed parking because properties cannot place parking at the front along the Corridor as it currently stands (i.e. for situations where the MS corridor is on one side of the property and the Rail Trail corridor is on another side of the property.)

The Planning Department scheduled a public review meeting on November 17, 2023 to present the Citywide and Small Area Proposed Text Amendments to the public in advance of the EPC Study Session on December 7 and EPC Hearing on December 14. The public is encouraged to participate in the EPC Hearing on December 14 to review the Rail Trail Small Area Amendment as well as the Citywide IDO Amendments.

V. NOTICE

The required notice for an Amendment to IDO Text is published, mailed, emailed, and posted on the web. (See Table 6-1-1: Summary of Development Review Procedures.) A neighborhood meeting is required for an Amendment to IDO Text – Small Area. The City published a legal ad notice of the EPC hearing on November 22, 2023 in the ABQ Journal newspaper.

Property Owner Mailed Notice
The IDO requires mailed notice of the application submittal and EPC hearing to each affected property owner and property owners within 100 feet of those areas, pursuant to IDO Subsection 14-16-6-4(K)(3)(d) Notice for Amendment to IDO Text – Small Area. A map of affected property owners was created by AGIS staff. (See Attachment)

Notification letters regarding the application were sent out October 24, 2023. They were mailed to 509 property owners in or within 132 feet (0.025 miles) of the planned Rail Trail Corridor. The final alignments of the Rail Trail in areas such as Old Town and Wells Park were in the planning stages as of the writing of this report. Because these final alignments were not determined, MRA staff decided to exceed the requirement per IDO Subsection 6-4(K)(3)(d) that only requires a 100 foot notification distance to ensure that all potential impacted properties would be notified, regardless of the final alignment.

Neighborhood Association Notice
Table 6-1-1 indicates that written (hard-copy) and e-mail notification is required. However, as noted in 14-16-6-4(K)(2)(a) and 14-16-6-4(K)(3)(b)4, hard-copy mailed notice is not required if the representatives have an email address on file. Consequently emailed notice was sent to the two representatives of each Neighborhood Association and Coalition registered with the Office of Neighborhood Coordination pursuant to the requirements of IDO Subsection 14-16-6-4(K)(2)(a) (see attachments). For an application for Amendment to IDO Text – Small Area, notice was provided pursuant to 14-16-6-4(K)(3)(b)(3). This section states: "For all other applications: any Neighborhood Association whose boundaries include or are adjacent to the subject property or small area." This application is considered to be "all other applications" because it is not for applications (1) related to a citywide Policy Decision, or (2) related to a Wireless Telecommunications Facility.

The list of Neighborhood Associations required to be notified was provided by the Office of Neighborhood Coordination (see attachment).

VI. AGENCY & NEIGHBORHOOD COMMENTS

Reviewing Agencies

Few agency comments were received regarding this Small Area text amendment. No agency provided any adverse comments. Agency comments begin on pg. 25.

Neighborhood/Public

Comments received at the September 20th neighborhood pre-submittal meeting were reflected in the proposed regulations for this application. Before that meeting, property owners and developers were unsure if their particular properties would be impacted by the parking lot and building height stepdown regulations. After making requested modifications to the regulations, all in attendance were satisfied with the proposed set of small area text amendments. Planning Staff received one letter that was opposed to two sections of the proposed regulations: landscape buffering and building height stepdowns. No other comments were received as of the writing of this report.

VII. CONCLUSION

The request for Amendment to IDO Text-Small Areas 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 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 Section 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. Further, Staff recommends that Premium Transit (PT) areas be exempt from the Building Height Stepdown regulation (see Recommended Condition of Approval). Since the application was submitted, Staff received one letter of opposition.

Staff recommends that the EPC forward a recommendation of APPROVAL to the City Council.

RECOMMENDED FINDINGS - RZ-2022-00043, December 14, 2023- Text Amendments to the IDO – Small Areas

1. The request is for Small Area amendments 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 City-wide amendments, are collectively known as the 2023 IDO Annual Update.

2. These text amendments to specific Small Areas in the City are accompanied by proposed City-wide 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. The Small Area text amendments include proposed regulations requested by Planning and MRA 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 pertaining to future development of properties facing 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 City of Albuquerque Integrated Development Ordinance (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 Subsection 14-16-6-7(E) of the IDO, 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 to applicable Goals and Policies, 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 and 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 changing the standards for future development, that would 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 (DC) by enhancing the visual appeal of development adjacent to the planned Rail Trail Corridor. The Rail Trail will become a multi-modal looped trail around central Albuquerque that connects to multimodal facilities inside and outside the area enclosed by the Rail Trail corridor.

   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 non-automotive 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 corridor.

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 corridor, 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 Corridor that were identified by the Metropolitan Redevelopment Agency. The regulations support the viability of housing and mixed-use developments near or within the area enclosed by 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 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, the required notice must be published, mailed, and posted on the web (see Table 6-1-1). A pre-application meeting was required and held on September 20th via Zoom. The City published notice of the EPC hearing as a legal ad in the ABQ Journal newspaper. First class mailed 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). Notice was posted on the Planning Department website and on the project website.

15. In addition to the required notice, Notification letters regarding the application were sent out October 24, 2023. They were mailed to 509 property owners in or within 132 feet (0.025 miles) of the planned Rail Trail Corridor. Because the final alignments of the planned Rail Trail Corridor were not determined as of the writing of this report, MRA staff exceeded the requirement per IDO Subsection 6-4(K)(3)(d) that only requires a 100 foot notification distance

to ensure that all potential impacted properties would be notified, regardless of the final alignment.

16. On November 17, 2023, the Planning Department held a public review meeting to present the Citywide and Small Area Proposed Text Amendments to the public in advance of 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.

18. As of this writing, Staff has been contacted and is aware of one letter of opposition. The letter expressed opposition to two sections of the proposed regulations: landscape buffering and building height stepdowns. No other comments were received as of the writing of this report.

RECOMMENDATION - RZ-2022-00043, December 14, 2023

That a recommendation of APPROVAL of Project #: 2018-001843, Case#: RZ-2022-00043, a request for Amendment to IDO Text- Small Areas, be forwarded to the City Council based on the preceding Findings, and the following Condition of Approval.

RECOMMENDED CONDITION OF APPROVAL - RZ-2022-00043, December 14, 2023

1. Proposed Subsection 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.

Robert Messenger

Senior Planner

Notice of Decision cc list:
List will be finalized subsequent to the December 14, 2023 EPC hearing or upon approval by the EPC at a later hearing, whichever comes first.

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Long Range Planning

CITY ENGINEER

Transportation Development

Hydrology Development

New Mexico Department of Transportation (NMDOT)

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Traffic Engineering Operations (Department of Municipal Development)

Street Maintenance (Department of Municipal Development)

RECOMMENDED CONDITIONS FROM THE CITY ENGINEER:

WATER UTILITY AUTHORITY

No adverse comments.

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Project# 2018-001843RZ-2023-00043 – Text Amendments to Integrated Development Ordinance (IDO)—Design Standards – Rail Trail Small Area---- No comment at this time.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT
No comments

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY (AMAFCA)

No adverse comments on the IDO text amendment related to design standards adjacent to the planned Albuquerque Rail Trail.

ALBUQUERQUE PUBLIC SCHOOLS
Project #2018-001843

a. EPC Description: RZ-2023-00043, Text Amendments to Integrated Development Ordinance (IDO)—Design Standards—Rail Trail Small Area.
b. Site Information: Properties adjacent to the planned Albuquerque Rail Trail.
c. Site Location: Properties adjacent to the planned Albuquerque Rail Trail.
d. Request Description: This update includes changes requested regarding the standards applicable to one Small Area to implement regulations that add additional development design standards to properties adjacent to the planned Albuquerque Rail Trail.
e. No comment.

MID-REGION METROPOLITAN PLANNING ORGANIZATION (MRMPO)
MRMPO has no adverse comment.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

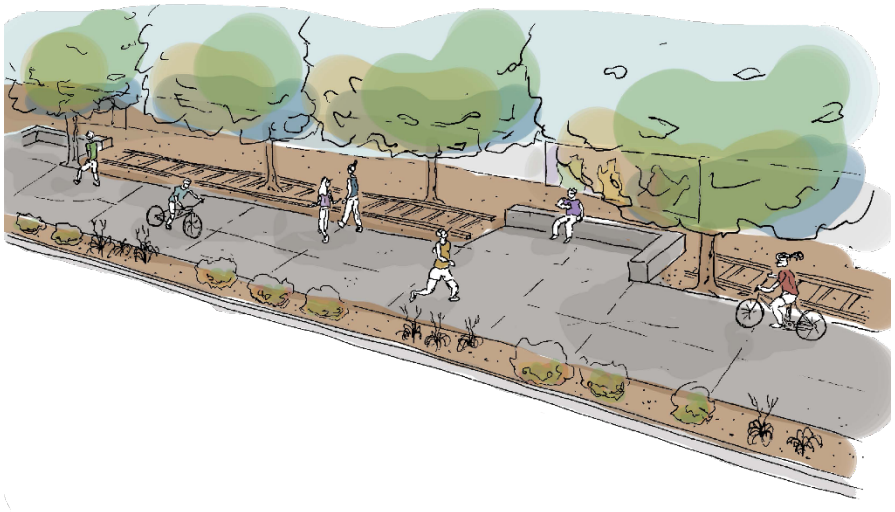
PUBLIC SERVICE COMPANY OF NEW MEXICO

APPLICANT INFORMATION

Proposed IDO Text Amendment
Rail Trail Small Area
EPC Submission Materials

Metropolitan Redevelopment Agency
City of Albuquerque

October 25, 2023



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        vi. Attachment 5 – Neighborhood Meeting Request form
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        v. Summary of Request – Proposed Rail Trail Contextual Standards
        vi. Neighborhood Meeting Official Report (Amended) – ADR
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        iv. Neighborhood Meeting Official Report (Amended) – ADR
        v. Zone Atlas Map
        vi. Summary of Request - Proposed Rail Trail Contextual Standards
    c. Buffer notification maps (Advanced Map Viewer)
    d. Mailing labels

City of Albuquerque

DEVELOPMENT REVIEW APPLICATION

Effective 7/18/23

Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	Decisions Requiring a Public Meeting or Hearing	Policy Decisions
☐ Archaeological Certificate *(Form P3)*	☐ Site Plan – EPC including any Variances – EPC (*Form P1*)	☐ Adoption or Amendment of Comprehensive Plan or Facility Plan *(Form Z)*
☐ Historic Certificate of Appropriateness – Minor *(Form L)*	☐ Master Development Plan *(Form P1)*	☐ Adoption or Amendment of Historic Designation *(Form L)*
☐ Alternative Signage Plan *(Form P3)*	☐ Historic Certificate of Appropriateness – Major *(Form L)*	■ Amendment of IDO Text *(Form Z)*
☐ Minor Amendment to Site Plan *(Form P3)*	☐ Demolition Outside of HPO *(Form L)*	☐ Annexation of Land *(Form Z)*
☐ WTF Approval *(Form W1)*	☐ Historic Design Standards and Guidelines *(Form L)*	☐ Amendment to Zoning Map – EPC *(Form Z)*
☐ Alternative Landscaping Plan *(Form P3)*	☐ Wireless Telecommunications Facility Waiver *(Form W2)*	☐ Amendment to Zoning Map – Council *(Form Z)*
		Appeals
		☐ Decision by EPC, DHO, LC, ZHE, or City Staff *(Form A)*

APPLICATION INFORMATION

Applicant: City of Albuquerque, Metropolitan Redevelopment Agency		Phone: 505-810-7499
Address: PO Box 1293		Email: crlithgow@cabq.gov
City: Albuquerque	State: NM	Zip: 87102
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site:	List all owners:	

BRIEF DESCRIPTION OF REQUEST

Proposed Text Amendment to the IDO - Small Area to implement regulations that add additional development design standards to properties adjacent to the planned Albuquerque Rail Trail.

SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.: See map; this Small Area affects multiple properties.		Block:	Unit:
Subdivision/Addition:		MRGCD Map No.:	UPC Code:
Zone Atlas Page(s): Various; see Zone Atlas Map	Existing Zoning:		Proposed Zoning:
# of Existing Lots:	# of Proposed Lots:		Total Area of Site (acres):

LOCATION OF PROPERTY BY STREETS

Site Address/Street:	Between:	and:

CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

PR-2018-001843

Signature: Ciaran Lithgow	**Date:** 10/25/2023
Printed Name: Ciaran Lithgow, Redevelopment Project Manager	■ Applicant or ☐ Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees

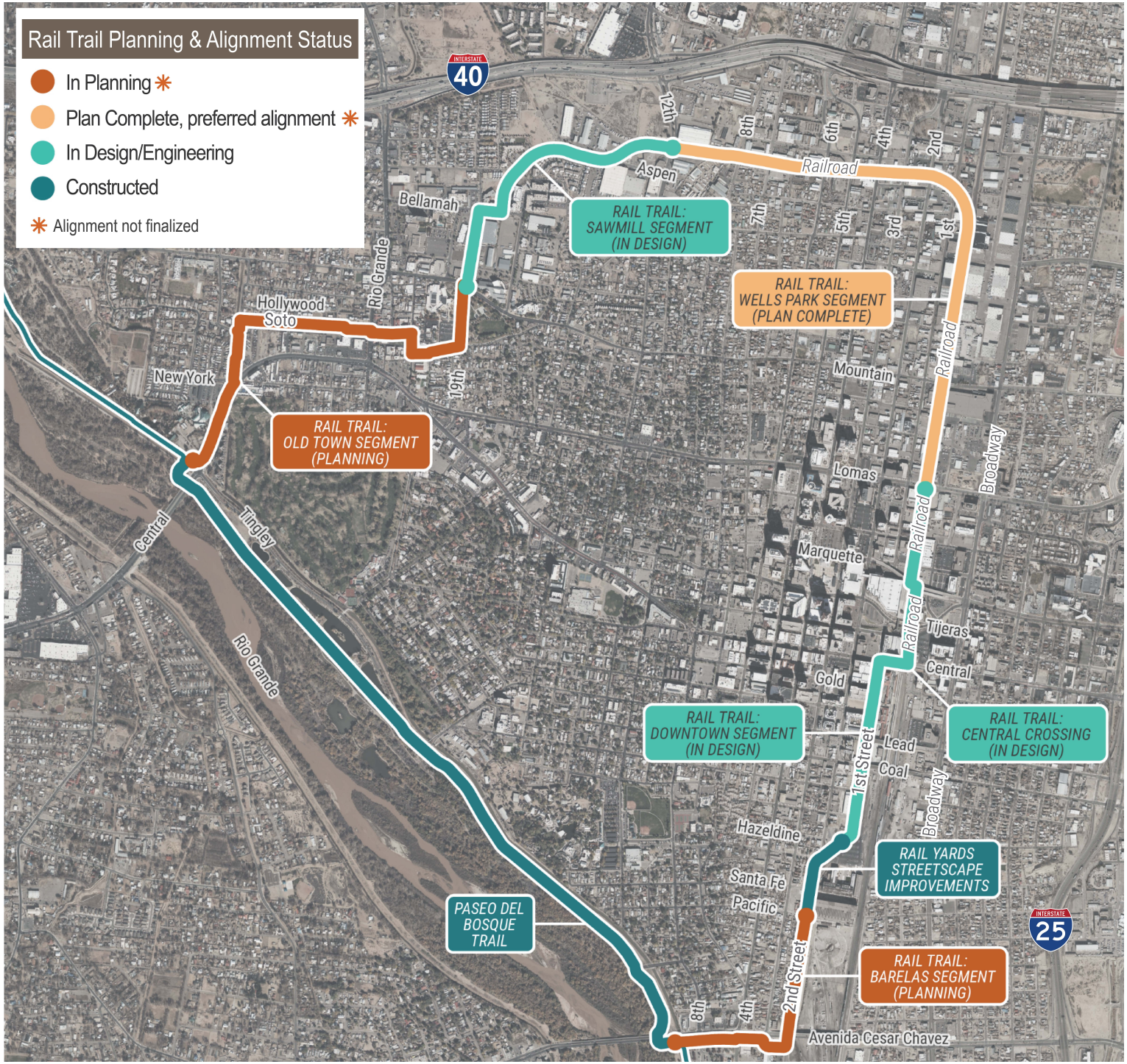
Meeting/Hearing Date:		Fee Total:
Staff Signature:	Date:	Project #

Proposed Design Standards would impact the following zones along the Rail Trail:

- R-ML
- R-MH
- MX-T
- MX-L
- MX-M
- MX-H
- MX-FB-ID
- MX-FB-FX
- MX-FB-UD
- NR-C
- NR-BP
- NR-LM
- NR-GM
- PD
- PC

Zones excluded from proposed Rail Trail Design Standards:

- R-A
- R-1A
- R-1B
- R-1C
- R-1D
- R-T
- R-MC
- NR-PO-A
- NR-PO-B
- NR-PO-C
- NR-PO-D



Form Z: Policy Decisions

Please refer to the EPC hearing schedule for public hearing dates and deadlines. Your attendance is required.

A single PDF file of the complete application including all plans and documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD.

☑ ***INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted)***

- ___ Interpreter Needed for Hearing? ____ if yes, indicate language: _____
- ☑ Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- ___ Letter of authorization from the property owner if application is submitted by an agent
- ___ Traffic Impact Study (TIS) form *(not required for Amendment to IDO Text)*
- ___ Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled *(not required for Amendment to IDO Text)* NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

❑ **ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN**

❑ **ADOPTION OR AMENDMENT OF FACILITY PLAN**

- ___ Plan, or part of plan, to be amended with changes noted and marked
- ___ Letter describing, explaining, and justifying the request per the criteria in IDO Sections 14-16-6-7(A)(3) or 14-16-6-7(B)(3), as applicable
- ___ Required notices with content per IDO Section 14-16-6-4(K)(6)
  - ___ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
  - ___ Proof of emailed notice to affected Neighborhood Association representatives
  - ___ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

☒ **AMENDMENT TO IDO TEXT**

- ☑ Section(s) of the Integrated Development Ordinance to be amended with changes noted and marked
- ☑ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(D)(3)
- ☑ Required notices with content per IDO Section 14-16-6-4(K)(6)
  - ☑ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
  - ☑ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

❑ **ZONING MAP AMENDMENT – EPC**

❑ **ZONING MAP AMENDMENT – COUNCIL**

- ___ Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- ___ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable
- ___ Required notices with content per IDO Section 14-16-6-4(K)(6)
  - ___ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
  - ___ Proof of emailed notice to affected Neighborhood Association representatives
  - ___ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing
- ___ Sign Posting Agreement

❑ **ANNEXATION OF LAND**

- ___ Application for Zoning Map Amendment *Establishment of zoning must be applied for simultaneously with Annexation of Land.*
- ___ Petition for Annexation Form and necessary attachments
- ___ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(E)(3)
- ___ Board of County Commissioners (BCC) Notice of Decision

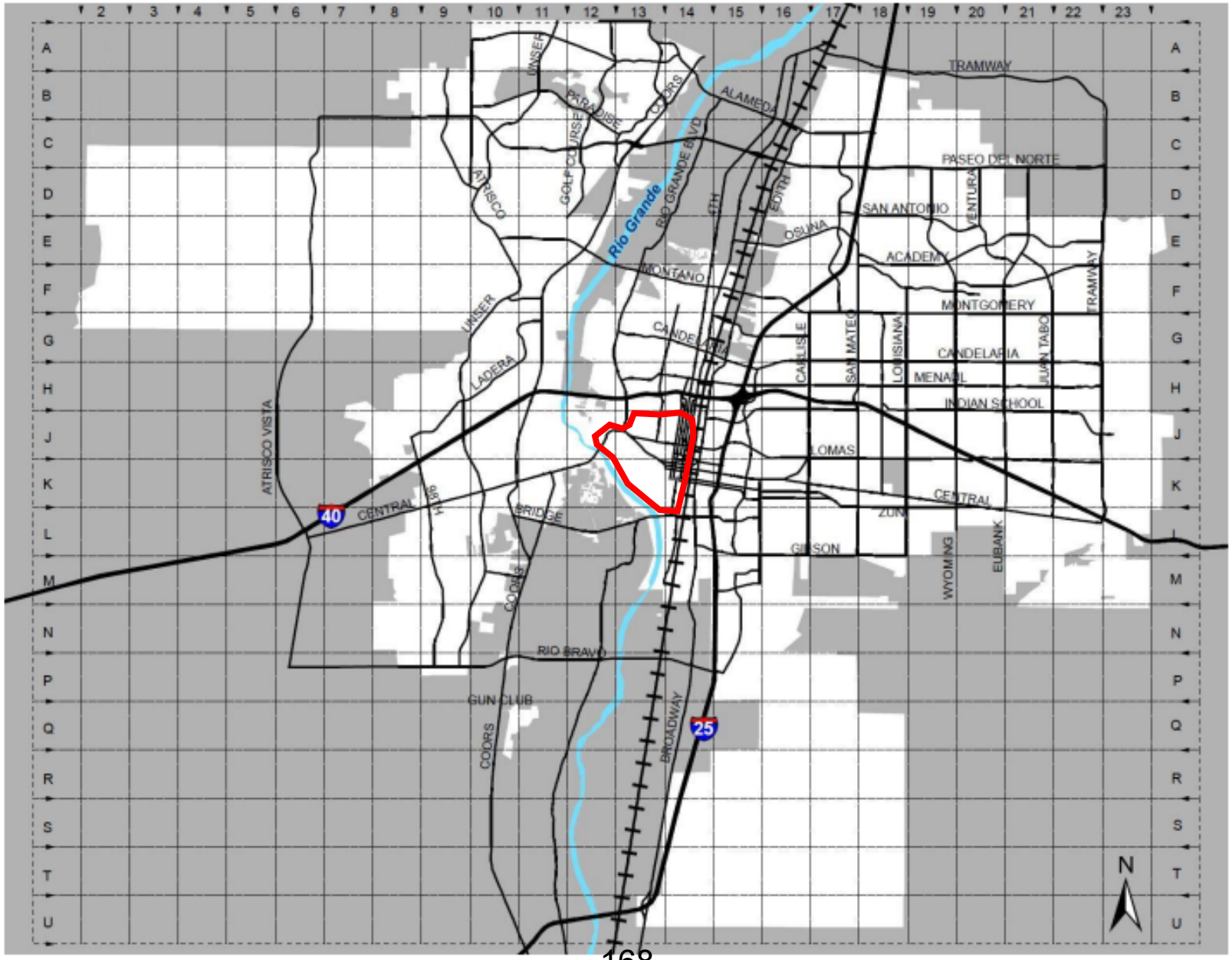
I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.

Signature: Ciaran Lithgow	**Date:** 10/25/2023
Printed Name: Ciaran Lithgow, Redevelopment Project Manager	☑ Applicant or ☐ Agent

FOR OFFICIAL USE ONLY

Project Number:	Case Numbers
	-
	-
	-
Staff Signature:	
Date:	

CITY ZONE ATLAS PAGE INDEX



October 25, 2023

David Shaffer, Chair
Environmental Planning Commission
c/o City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

Dear Chair Shaffer,

For the past three years, the City of Albuquerque's Metropolitan Redevelopment Agency has been planning, designing, and securing funding for the visionary Albuquerque Rail Trail. The 7-mile Rail Trail will be an iconic and artistic pedestrian and cyclist parkway that reflects Albuquerque's vibrant history and cultural diversity. It will not only connect Downtown, Old Town, and the Rail Yards, but it will tell the story of this place our families call home. The overall vision for the trail is to tell our story, of who we are as a people, of this land we love, and our history through time. Walking the trail will entertain users with a rich tapestry of our life in "the city at the crossroads" over the centuries through art and design.

Urban trails across the country have been proven to catalyze infill and redevelopment and boost economic investment. The Rail Trail is planned to run through six Metropolitan Redevelopment Areas, which have many vacant lots and underutilized parcels that are prime candidates for redevelopment and investment. As the agency responsible for incentivizing development in these areas, we must strategize thoughtfully about how we can encourage private development that complements this significant public investment. Therefore, the Metropolitan Redevelopment Agency is proposing a Text Amendment to the Integrated Development Ordinance to establish a new Rail Trail Small Area. The proposed Small Area design standards will ensure that future development interfaces with and connects to provide a beautiful and cohesive relationship to the Rail Trail.

We are excited for the private investment the Rail Trail will catalyze, and we are pleased to work cross-departmentally to ensure the Rail Trail is considered as a part of multiple City Department's visions and plans for the future. This is one of many steps our Agency is taking to safeguard and enhance this investment in our future.

We thank you for your time and consideration of this proposal.

Sincerely,

Terry Brunner

Terry Brunner, Director
Metropolitan Redevelopment Agency, City of Albuquerque

October 25, 2023

David Shaffer, Chair
Environmental Planning Commission
c/o City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

Dear Chair Shaffer,

The Metropolitan Redevelopment Agency is pleased to submit this letter of justification as required by IDO Subsection 14-16-6-7(E)(3)(a) in conjunction with the Planning Department's request for an Amendment to IDO text. This particular application is for an Amendment to IDO Text – Small Area to adopt a new Small Area around the planned Rail Trail project. (See the Summary of Request for a map of the proposed Small Area.) The Metropolitan Redevelopment Agency looks forward to the Environmental Planning Commission's review and recommendation to City Council.

The Metropolitan Redevelopment Agency, Parks & Recreation, and the Department of Municipal Development have been engaged in significant planning and design for the proposed Albuquerque Rail Trail. The Rail Trail is a 7-mile multi-modal (pedestrian and cyclist) urban trail that will link Albuquerque's vibrant downtown area to nearby neighborhoods, cultural destinations, entertainment districts, mass transportation options, and the Rail Yards, creating a world class urban amenity that will catalyze redevelopment. The Rail Trail is imagined both as a celebration of Albuquerque's cultural history and a bright vision for our shared future.

The regulations affecting this proposed Small Area would add additional development design standards to properties adjacent to the planned Albuquerque Rail Trail. These regulations are intended to ensure that future developments and redevelopments complement the Rail Trail and contribute to its vision as a vibrant, urban, and artistic trail. The regulations do not impact or change allowable land uses, nor do they change the zoning of any property.

This application proposes to amend the following IDO subsections to regulate development standards of new developments and major redevelopments of properties zoned for multifamily, commercial, mixed-use, or industrial directly adjacent to the planned Albuquerque Rail Trail:

- 5-2 Site Design and Sensitive Lands
    - Proposed amendments would require higher design and landscaping standards for properties adjacent to the Rail Trail.
- 5-5 Parking and Loading
    - Proposed amendment would allow a 10% reduction in required parking for properties directly adjacent to the Rail Trail.
- 7-1 Definitions
    - Proposed amendment would define the Rail Trail as both a street and a trail, to apply building from design standards to properties within a certain setback from the Rail Trail.

Justification for a Small Mapped Area for the Albuquerque Rail Trail

These proposed amendments to the IDO text are consistent with the required Annual Update process described in IDO Subsection 14-16-6-3(D). This proposed Amendment to IDO Text – Small Area meets the Review and Decision Criteria in IDO Subsection 14-16-6-7(E)(3).

1. **6-7(E)(3)(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.

   Applicant response: The proposed amendment is consistent with the health, safety, and general welfare of the city by furthering a preponderance of applicable Goals and Policies in the ABC Comp Plan as listed below:

   Policy 5.1.1 Desired Growth: *"Capture regional growth in Centers and Corridors to help shape the built environment into a sustainable development pattern. Create walkable places that provide opportunities to live, work, learn, shop, and play. Encourage all new development, especially in designated Centers and Corridors, to address transit connections, linkages, and opportunities within the proposed development."*

   The Rail Trail travels though the Downtown Center and along several corridors. The proposed changes will help create a cohesive, quality urban environment that complements the Rail Trail. Required connectivity from developments onto the Rail Trail (which will allow for gates/controlled access) will enable access green space and encourage the use of alternative transportation options, including the Rail Trail, the Alvarado Transit Center, and the Rail Runner.

   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."*

   Urban trails across the country have been proven to catalyze infill and redevelopment. There are many vacant lots and underutilized parcels that are candidates for redevelopment. These proposed Small Area design standards will ensure that future development engages to scale, in style, and utilizes materials that provide a beautiful and cohesive relationship with the Rail Trail. The ultimate goal is to ensure well designed development projects that people will want to live and conduct business in. The Rail Trail will serve a catalyzing role in redevelopment and infill that will result in encouraging the development of more business and more housing to create a great downtown.

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

   The Rail Trail travels almost entirely through Metropolitan Redevelopment Areas. These proposed changes will ensure that new development and redevelopment will be done in a way that reduces blight and improves the physical environment of these Redevelopment Areas, which are key goals of all Metropolitan Redevelopment Plans within the area.

Policy 13.5.1 - Land Use Impacts: *"… 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."*

Many of the properties surrounding the Rail Trail are zoned to allow industrial uses or large buildings. These proposed design standards for new development/significant redevelopment will help lessen the impact of industrial uses and the effects of tall building heights (which can impact sunlight for planned vegetation or create wind tunnels) along the Rail Trail.

2. **6-7(E)(3)(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 has demonstrated 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:
    a. There has been a significant change in neighborhood or community conditions affecting the small area.
    b. 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).

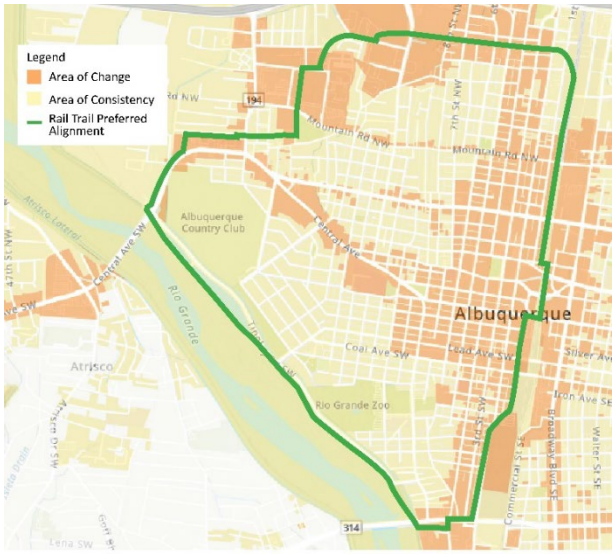


Figure 1 - Areas of Change & Consistency with Rail Trail Alignment

Applicant response: N/A. A majority of the Small Area runs through Areas of Change (see above map). Short stretches of the Small Area map are located in Areas of Consistency, but the proposed amendment **does not** change zoning, land use standards, or neighborhood edge requirements.

3. **6-7(E)(3)(c)** If the proposed small area amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning regulations are inappropriate because they meet at least 1 of the following criteria:
    a. There has been a significant change in neighborhood or community conditions affecting the small area that justifies this request
    b. 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).

Applicant response: The Rail Trail is a major redevelopment project primarily concentrated in Areas of Change that are designed to absorb a mix of uses, development, higher density, and intensity. Future developments in this proposed Small Area are likely to be new multi-family, mixed-use, non-residential development, and industrial development within Areas of Change. Therefore, these are the only zones affected by the proposed design standards. The proposed Small Area does not change the zoning or land use allowances of the underlying zone districts.

The proposed amendment will be more advantageous to the community as articulated by the ABC Comp Plan; particularly by encouraging redevelopment that improves patterns of land use, development density and intensity, and connectivity by providing access to alternative transportation forms through direct connections to the Rail Trail. Furthermore, it encourages more intense growth in Centers, Corridors, and Metropolitan Redevelopment Areas. This is achieved by reducing parking requirements and exempting Centers and Main Street (MS) and Premium Transit (PT) Corridors from the proposed height step-downs.

4. **6-7(E)(3)(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.

   Applicant response: The proposed Amendment does not change allowable land uses and therefore the proposed amendment does not further expand or enable permissive uses that would be harmful to adjacent property, the neighborhood, or the community.

5. **6-7(E)(3)(e)** The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

   Applicant response: The Amendment is not based completely or predominantly on the cost of land or economic considerations. Rather, the proposed Rail Trail amendment is intended to complement the Rail Trail and contribute to its vision as a vibrant, urban, and artistic trail.

Public Outreach

The City's Alternative Dispute Resolution (ADR) facilitated a pre-submittal Neighborhood Meeting, as required by IDO Subsection 14-16-6-4(C) on September 20, 2023. The full facilitated meeting notes are included with this application, along with the Proof of Pre-submittal Neighborhood Meeting content analysis, as required by 14-16-6-4(C). The meeting report was sent out to all attendees who provided an email in the meeting or are on the project email list for newsletters. It was also sent out to all of the Neighborhood Association representatives who had received notice of the meetings. The participants in this meeting were generally supportive of the proposed changes, though comments and concerns from prospective developers with land along the Rail Trail corridor resulted in two changes:

- The removal of a design regulation that would have limited surface parking to a maximum of 50% of the length of the property's edge that abuts the Rail Trail; and,

- Adding MS-PT Corridors to the exceptions for the Building Height Stepdowns regulation to continue encouraging density along MS-PT corridors.

Notification letters of the application were mailed on October 24, 2023 to 509 property owners within or adjacent to the Rail Trail Small Mapped Area. Neighborhood Associations that include or are adjacent to the Rail Trail Small Mapped Area received emailed notice on October 25, 2023.

Conclusion

This request promotes public health, safety, and welfare and encourages appropriate development styles along a major public infrastructure corridor. The regulations in the proposed amendment complement Areas of Change and the Areas of Consistency that the Rail Trail travels through and furthers applicable Goals and policies of the Comprehensive Plan and Metropolitan Redevelopment Plans along it.

The City of Albuquerque is committed to establishing the Rail Trail as a world-class public amenity and encourages community groups, neighborhood associations, and private developments to continue being strong partners in creating a pleasant experience along the Rail Trail through this proposed Small Area Amendment.

Sincerely,

Terry Brunner

Terry Brunner, Director
Metropolitan Redevelopment Agency, City of Albuquerque

Exhibit – Proposed Rail Trail Contextual Standards for the IDO Annual Update 2023

5-2 SITE DESIGN AND SENSITIVE LANDS

5-2(A) RAIL TRAIL

5-2(A)(1) Applicability

This Subsection 14-16-5-2(X) applies to development or redevelopment on lots adjacent to the Rail Trail, as mapped below.

[IDO map pending]

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

5-2(A)(3)(a) All new multi-family, mixed-use, or non-residential development other than industrial development shall provide a landscaped edge buffer area pursuant to Subsection 14-16-5-6(E)(2)(b)1 along the property line abutting the Rail Trail.

5-2(A)(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).

Commented [RMJ1]: "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."

Commented [RMJ2]: Includes planting spacing if a wall is present or not.

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

5-2(A)(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(A)(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.

Commented [RMJ3]: "the maximum height of walls in any front or street side yard is 6 feet if the wall is set back at least 5 feet from the property line and if view fencing that is at most 50 percent opaque to perpendicular view is used for portions of a wall above 3 feet."

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

Except within the Downtown Center (DT) or a Main Street (MS) corridor, any portion of a primary or accessory building within 50 feet in any direction of the Rail Trail shall step down to a maximum height of 48 feet.

5-2(A)(6) Building Design

5-2(A)(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(A)(6)(b) Outdoor seating and gathering required by Subsection 14-16-5-11(E)(3) shall be located adjacent to the Rail Trail.

Commented [RMJ4]: Each street-facing façade longer than 100 feet shall
incorporate at least 1 of the following additional features (illustrated below):
a. Wall plane projections or recesses of at least 1 foot in depth at least every 100 feet of façade length and extending for at least 25 percent of the length of the façade.
b. A change in color, texture, or material at least every 50 feet of façade length and extending at least 20 percent of the length of the façade.
c. An offset, reveal, pilaster, or projecting element no less than 2 feet in width, projecting from the façade by at least 6 inches, and repeating at minimum intervals of 30 feet of façade length.
d. Three-dimensional cornice or base treatments.
e. A projecting gable, hip feature, or change in parapet height at least every 100 feet of façade length.
f. Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.

5-5 PARKING AND LOADING

5-5(C) OFF-STREET PARKING

5-5(C)(1) Parking Reductions

5-5(C)(1)(a) 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.

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.

STAFF INFORMATION

November 14, 2023

TO: Ciaran Lithgow, Metropolitan Redevelopment Agency City of Albuquerque

FROM: Robert Messenger, AICP, Senior Planner
City of Albuquerque Planning Department

TEL: (505) 924-3837

RE: Proposed Amendment to IDO Text – Small Area Rail Trail

I've completed a first review of the proposed Amendment to IDO Text – Small Area request for the Rail Trail. I have a few questions and several suggestions that will help strengthen the justification. I am available to answer questions about the process and requirements. Please provide the following:

⇒ A revised zone change justification letter by **12 pm on Tuesday, November 21, 2023**.

⇒ Note: If you have trouble with this deadline, please let me know.

1) Introduction/General:

A. Additional items may arise as the case progresses. If so, I will inform you immediately.

B. Editorial comments regarding Review and Decision Criteria IDO 6-7(E)(3) are denoted in Capitals. Sub-policies are denoted in lower case. For example, Criterion C refers to IDO 6-7(E)(3)(c) and not "sub-policy c)".

2) Key Issues/Project Request:

A. The request is for an Amendment to IDO Text – Small Area for the area described in Exhibit – Proposed Rail Trail Contextual Standards for the IDO Annual Update 2023.

3) Process:

A. Information regarding the EPC process, including the calendar and current Staff reports, can be found at:

http://www.cabq.gov/planning/boards-and-commissions/environmental-planning-commission/

B. Timelines and EPC calendar: the EPC public hearing for December is the 14th. Final staff reports will be available one week prior, on December 7th.

C. Agency comments will be distributed as they come in. I will email you a copy of all the comments compiled and will forward any late comments to you.

4) Small Area Text Amendment - Concepts & Research:

A. Responding to the criteria of IDO 14-16-6-7(E)(3) is more of a legal exercise than anything else. It is critical to "hit the nail on the head" both conceptually and in terms of form. This can be done by:

i. answering the questions in the customary way (see examples)

ii. using conclusory statements such as "because_____"

iii. re-phrasing the requirement itself in the response.

iv. choosing an option when needed to respond to a requirement.

B. Refer to the link provided below for examples of Amendment to IDO Text – Small Area staff reports, and look at December (2018 through 2022) agendas in particular:

https://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-agendas-reports-minutes

5) Small Area Text Amendment- Section by Section:

Please incorporate the following to provide a strengthened, improved response to 14-16-6-7(E)(3):

A. 6-7(E)(3)(a): The Response to Criterion A needs to be rewritten because it did not include Goals supported by the Policies cited.

i. Include the Goal for each policy cited, and provide sufficient narrative for each to show how the proposed Rail Trail furthers "a preponderance of applicable Goals and Policies".

ii. Each Goal, Policy, and sub-policy must be written "as is" without summarizing or paraphrasing. The public and reviewing bodies must be able to compare all responses to the exact Goal, Policy, and sub-policy as written and adopted in the Comp Plan.

iii. If a sub-policy is referenced, please include that sub-policy verbatim as a stand-alone item. For example, it appears that sub-policies 5.1.1 (a) "Create walkable places that provide opportunities to live, work, learn, shop, and play." and 5.1.1 (h) "Encourage all new development, especially in designated Centers and Corridors, to address transit connections, linkages, and opportunities within the proposed development" were added to the end of Policy 5.1.1.

iv. Consider adding the following Goals and Policies to strengthen the request:

i. Goal 5.3 Efficient Development Patterns; Policy 5.3.1 Infill Development

ii. Goal 6.5 Equity; Policy 6.5.1

iii. Goal 8.1 Placemaking; Policy 8.1.4 Leverage Assets; sub-policy (a)

B. 6-7(E)(3)(b): Note that the criteria includes amendments that are "***partially or completely in an Area of Consistency***". These Areas of Consistency include the Bosque Trail portion, areas within Major Public Open Space, some industrial and mixed-use properties, and single-family zoned properties that are exempt from the proposed small area regulations.

i. Because there are some portions "partially or completely in an Area of Consistency" Criterion B is more relevant than Criterion C.

ii. Explain how these Areas of Consistency are not affected by the proposed IDO small area regulations because the regulations do not apply to (most*) of them. Instead, the small area regulations only apply to commercial, industrial, or mixed-use developments in the Rail Trail small area. Therefore, the proposed regulations are designed to protect "Areas of Consistency" while enhancing "Areas of Change".

*There are some industrial and mixed-use properties within Areas of Consistency that would be affected by the proposed regulations. These include properties along 1st Street north of Mountain. However, the majority of properties in the Area of Consistency are either single-family residential or parks/open space that are not affected by the proposed regulations.

iii. Include a response to either criterion a) or b) but not both.

C. 6-7(E)(3)(c): Rewrite and note that this Criterion is not applicable because it only applies to amendments "***located wholly in an Area of Change***". The response to Criterion C can be more concise than the response for Criterion B because the former is more relevant (i.e. the Rail Trail IS "partially or completely in an Area of Consistency").

D. 6-7(E)(3)(d): Sufficient.

E. 6-7(E)(3)(e): Sufficient.

NOTIFICATION

Proof of Pre-Submittal Neighborhood Meeting

From: Carmona, Dalaina L.
To: Lithgow, Ciaran R.
Subject: IDO Annual Update - Rail Trail Neighborhood Meeting Inquiry Sheet Submission
Date: Monday, August 14, 2023 5:05:27 PM
Attachments: Zone Map Atlas.pdf
image001.png
image002.png
image003.png
image004.png
Association"s within .025 radius as of 8-14-23.xlsx
Associations within a .25 radius as of 8-14-23.xlsx
Associations within a 1-mile as of 8-14-23.xlsx
image007.png

PLEASE NOTE:
The neighborhood association contact information listed below is valid for 30 calendar days after today's date.

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

SEE VARIOUS LISTS ATTACHED PER YOUR REQUEST (.025, .25, AND 1 MILE)

The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: devhelp@cabq.gov, or visit: https://www.cabq.gov/planning/online-planning-permitting-applications with those types of questions.

Please note the following:

- You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project.
- Please use this online link to find the required forms you will need to submit your permit application. https://www.cabq.gov/planning/urban-design-development/public-notice.
- The Checklist form you need for notifying neighborhood associations can be found here: https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ-Official_public_notice_form-2019.pdf.
- The Administrative Decision form you need for notifying neighborhood associations can be found here: https://documents.cabq.gov/planning/online-forms/PublicNotice/Emailed-Notice-Administrative-Print&Fill.pdf
- Once you have e-mailed the listed contacts in each neighborhood, you will need to

attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s): http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance

If your application requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders and recommendations. The health and safety of the community is paramount.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each: https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table

Thank you.

Dalaina L. Carmona
Senior Administrative Assistant
Office of Neighborhood Coordination
Council Services Department
1 Civic Plaza NW, Suite 9087, 9th Floor
Albuquerque, NM 87102
505-768-3334
dlcarmona@cabq.gov or ONC@cabq.gov
Website: www.cabq.gov/neighborhoods

Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

From: webmaster@cabq.gov <webmaster@cabq.gov>

Sent: Tuesday, August 8, 2023 11:17 AM
To: Lithgow, Ciaran R. <crlithgow@cabq.gov>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Neighborhood Meeting Inquiry Sheet Submission

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Neighborhood Meeting Inquiry For:

Environmental Planning Commission

If you selected "Other" in the question above, please describe what you are seeking a Neighborhood Meeting Inquiry for below:

IDO Annual Update - Rail Trail

Contact Name

Ciaran Lithgow

Telephone Number

505-810-7499

Email Address

crlithgow@cabq.gov

Company Name

City of Albuquerque

Company Address

City

State

ZIP

Legal description of the subject site for this project:

N/A. This is related to the Albuquerque Rail Trail, a 7-mile urban multi-modal trail throughout the greater downtown area.

Physical address of subject site:

Subject site cross streets:

Central Ave & 1st Street

Other subject site identifiers:

This site is located on the following zone atlas page:

J12, J13, J14, K13, K14

Captcha

x

NHAs within 0.025mi Radius - Rail Trail Small Area

Association Name	First Name	Last Name	Email	Address Line 1	Address Line 2	City	State	Zip
Sawmill Area NA	Amanda	Browne	browne.amanda.jane@gmail.com	1314 Claire Court NW		Albuquerque	NM	87104
Sawmill Area NA	Mari	Kempton	mari.kempton@gmail.com	1305 Claire Court NW		Albuquerque	NM	87104
Downtown Neighborhoods Associati	Glen	Salas	treasurer@abqdna.com	901 Roma Avenue NW		Albuquerque	NM	87102
Downtown Neighborhoods Associati	Danny	Senn	chair@abqdna.com	506 12th Street NW		Albuquerque	NM	87102
Barelas NA	Lisa	Padilla	lisapwardchair@gmail.com	904 3rd Street SW		Albuquerque	NM	87102
Barelas NA	Courtney	Bell	liberty.c.bell@icloud.com	500 2nd Street SW	#9	Albuquerque	NM	87102
South Broadway NA	Tiffany	Broadous	tiffany.hb10@gmail.com	215 Trumbull SE		Albuquerque	NM	87102
South Broadway NA	Frances	Armijo	fparmijo@gmail.com	915 William SE		Albuquerque	NM	87102
Huning Castle NA	Deborah	Allen	debzallen@ymail.com	206 Laguna Boulevard SW		Albuquerque	NM	87104
Huning Castle NA	Harvey	Buchalter	hcbuchalter@gmail.com	1615 Kit Carson SW		Albuquerque	NM	87104
Wells Park NA	Mike	Prando	mprando@msn.com	611 Bellamah NW		Albuquerque	NM	87102
Wells Park NA	Doreen	McKnight	doreenmcknightnm@gmail.com	1426 7th Street NW		Albuquerque	NM	87102
EDo NA Incorporated	Ian	Robertson	irobertson@titan-development.com	6300 Riverside Plaza Drive NW	200	Albuquerque	NM	87120
EDo NA Incorporated	David	Tanner	david@edoabq.com	124 Edith Boulevard SE		Albuquerque	NM	87102
Huning Highland Historic District Ass	Ben	Sturge	bsturge@gmail.com	222 High SE		Albuquerque	NM	87102
Huning Highland Historic District Ass	Ann	Carson	annlouisacarson@gmail.com	416 Walter SE		Albuquerque	NM	87102
West Park NA	Dylan	Fine	definition22@hotmail.com	2111 New York Avenue SW		Albuquerque	NM	87104
West Park NA	Roxanne	Witt	westparkna@gmail.com	2213 New York Avenue SW		Albuquerque	NM	87104
West Old Town NA	Gil	Clarke	g.clarke45@comcast.net	2630 Aloysia Lane NW		Albuquerque	NM	87104
West Old Town NA	Glen	Effertz	gteffertz@gmail.com	2918 Mountain Road NW		Albuquerque	NM	87104
Santa Barbara Martineztown NA	Theresa	Illgen	theresa.illgen@aps.edu	214 Prospect NE		Albuquerque	NM	87102
Santa Barbara Martineztown NA	Loretta	Naranjo Lopez	lnjalopez@msn.com	1127 Walter NE		Albuquerque	NM	87102
ABQCore Neighborhood Association	Rick	Rennie	rickrennie@comcast.net	326 Lucero Road		Albuquerque	NM	87048
ABQCore Neighborhood Association	Joaquin	Baca	bacajoaquin9@gmail.com	100 Gold Avenue	#408	Albuquerque	NM	87102
Historic Old Town Association	David	Gage	secretary@albquerqueoldtown.com	400 Romero Street NW		Albuquerque	NM	87104
Historic Old Town Association	J.J.	Mancini	president@albuquerqueoldtown.com	400 Romero Street NW		Albuquerque	NM	87104
North Valley Coalition	Doyle	Kimbrough	newmexmba@aol.com	2327 Campbell Road NW		Albuquerque	NM	87104
North Valley Coalition	Peggy	Norton	peggynorton@yahoo.com	P.O. Box 70232		Albuquerque	NM	87197

Lithgow, Ciaran R.

From: Lithgow, Ciaran R.
Sent: Wednesday, September 6, 2023 5:00 PM
To: browne.amanda.jane@gmail.com; mari.kempton@gmail.com; treasurer@abqdna.com; chair@abqdna.com; lisapwardchair@gmail.com; liberty.c.bell@icloud.com; tiffany.hb10@gmail.com; fparmijo@gmail.com; debzallen@ymail.com; hcbuchalter@gmail.com; mprando@msn.com; doreenmcknightnm@gmail.com; irobertson@titan-development.com; david@edoabq.com; bsturge@gmail.com; annlouisacarson@gmail.com; definition22@hotmail.com; westparkna@gmail.com; g.clarke45@comcast.net; gteffertz@gmail.com; theresa.illgen@aps.edu; lnjalopez@msn.com; rickrennie@comcast.net; bacajoaquin9@gmail.com; secretary@albquerqueoldtown.com; president@albuquerqueoldtown.com; newmexmba@aol.com; peggynorton@yahoo.com
Cc: Delgado, Omega; Vos, Michael J.; Messenger, Robert C.; Renz-Whitmore, Mikaela J.; Brunner, Terry; Jackson, Jennifer
Subject: IDO Annual Update - Rail Trail Small Text Change - Neighborhood Meeting (Sept 20)
Attachments: Attachment 4 - Impact Zone - Rail Trail Small Area Map.pdf; Attachment 5 - Neighborhood Meeting Request Form.pdf; Notice of Neighborhood Meeting & Small Area IDO Text Amendment 09.06.2023.pdf; Attachment 1 - Official Public Notification Form for Mailed or Electronic Mail Notice.pdf; Attachment 2 - Zone Map Atlas.pdf; Attachment 3 - Summary of Request, Rail Trail Small Mapped Area Regulations.pdf

Dear Neighborhood Association representatives:

This email is to advise you that the City of Albuquerque will hold a public Neighborhood Meeting related to proposed updates to the Integrated Development Ordinance (IDO) affecting properties near the planned Albuquerque Rail Trail.

The City of Albuquerque's Metropolitan Redevelopment Agency is proposing a Text Amendment to the Integrated Development Ordinance (IDO) for a Small Area. The regulations affecting this Small Area would add additional development design standards to properties adjacent to the planned Albuquerque Rail Trail. These regulations would not impact most low-density residential zones (such as R-A, R-1, and R-T zones). These regulations are intended to ensure that future developments and redevelopments complement the Rail Trail. These regulations would not impact existing developments/buildings.

This proposal is intended to be submitted as a part of the annual IDO update in association with the City's Planning Department. Per the IDO notice requirements, the City of Albuquerque is offering a facilitated Neighborhood Meeting to solicit the affected neighborhoods' feedback. Additional opportunities for public input, such as Environmental Planning Commission (EPC) hearings, will be available as a part of the regular annual IDO update process.

Please distribute this invitation to your membership.

Neighborhood Meeting Information *(REGISTRATION REQUIRED)*

Wednesday September 20th, 2023
4:30pm – 5:30pm
Via Zoom
Register in advance for this meeting (registration required): https://tinyurl.com/RailTrailZoomRegistration

After registering, you will receive a confirmation email containing information about joining the meeting.

Notice to Persons with Disabilities: If you have a disability and require special assistance to participate in this meeting, please contact TTY at 1-800-659-8331 at least three (3) days prior to the meeting/hearing date.

Interpretation in languages other than English is available if requested at least three (3) days prior to the meeting/hearing date. Please call 505-924-3932 and be sure to note which language you are requesting if you leave a voicemail message.

Attachments to this invitation include:

- Attachment 1 - Official Public Notification Form for Mailed or Electronic Mail Notice
- Attachment 2 - Zone Atlas
- Attachment 3 - Summary of Request, Rail Trail Small Mapped Area Regulations
- Attachment 4 - Impact Zone - Rail Trail Small Area Map
- Attachment 5 - Neighborhood Meeting Request Form

If you have specific questions or comments regarding this proposal, we would appreciate submitting them in advance to provide us time to review and prepare responses. You may direct questions or requests for additional information regarding this request to Ciaran Lithgow, Metropolitan Redevelopment Agency at (505) 810-7499 or crlithgow@cabq.gov.

Thank you!

ONE ALBUQUERQUE
METROPOLITAN REDEVELOPMENT AGENCY
CIARAN LITHGOW (they/them)
redevelopment project manager
p 505.810.7499
e **crlithgow@cabq.gov**

CITY OF
ALBUQUERQUE

Tim Keller, Mayor

September 6, 2023

Dear Neighborhood Association representatives:

This letter is to advise you that the City of Albuquerque will hold a public Neighborhood Meeting related to proposed updates to the Integrated Development Ordinance (IDO) affecting properties near the planned Albuquerque Rail Trail.

The City of Albuquerque's Metropolitan Redevelopment Agency is proposing a Text Amendment to the Integrated Development Ordinance (IDO) for a Small Area. The regulations affecting this Small Area would add additional development design standards to properties adjacent to the planned Albuquerque Rail Trail. These regulations would not impact most low-density residential zones (such as R-A, R-1, and R-T zones). These regulations are intended to ensure that future developments and redevelopments complement the Rail Trail. These regulations would not impact existing developments/buildings.

This proposal is intended to be submitted as a part of the annual IDO update in association with the City's Planning Department. Per the IDO notice requirements, the City of Albuquerque is offering a facilitated Neighborhood Meeting to solicit the affected neighborhoods' feedback. Additional opportunities for public input, such as Environmental Planning Commission (EPC) hearings, will be available as a part of the regular annual IDO update process.

Please distribute this invitation to your membership.

Neighborhood Meeting Information *(REGISTRATION REQUIRED)*

Wednesday September 20th, 2023
4:30pm – 5:30pm
Via Zoom

Register in advance for this meeting (registration required):
https://tinyurl.com/RailTrailZoomRegistration

After registering, you will receive a confirmation email containing information about joining the meeting.

ONE ALBUQUERQUE
METROPOLITAN REDEVELOPMENT AGENCY

Notice to Persons with Disabilities: If you have a disability and require special assistance to participate in this meeting, please contact TTY at 1-800-659-8331 at least three (3) days prior to the meeting/hearing date.

Interpretation in languages other than English is available if requested at least three (3) days prior to the meeting/hearing date. Please call 505-924-3932 and be sure to note which language you are requesting if you leave a voicemail message.

Attachments to this invitation include:

- Attachment 1 - Official Public Notification Form for Mailed or Electronic Mail Notice
- Attachment 2 - Zone Atlas
- Attachment 3 - Summary of Request, Rail Trail Small Mapped Area Regulations
- Attachment 4 - Impact Zone - Rail Trail Small Area Map
- Attachment 5 - Neighborhood Meeting Request Form

If you have specific questions or comments regarding this proposal, we would appreciate submitting them in advance to provide us time to review and prepare responses. You may direct questions or requests for additional information regarding this request to Ciaran Lithgow, Metropolitan Redevelopment Agency at (505) 810-7499 or crlithgow@cabq.gov.

OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT

PART I - PROCESS	
Use Table 6-1-1 in the Integrated Development Ordinance (IDO) to answer the following:	
Application Type: Small Mapped Area IDO Text amendment	
Decision-making Body: Environmental Planning Commission	
Pre-Application meeting required:	☐ Yes ☑ No
Neighborhood meeting required:	☑ Yes ☐ No
Mailed Notice required:	☑ Yes ☐ No
Electronic Mail required:	☑ Yes ☐ No
Is this a Site Plan Application:	☐ Yes ☑ No ***Note**: if yes, see second page*
PART II – DETAILS OF REQUEST	
Address of property listed in application: Properties affected are those adjacent to planned Rail Trail.	
Name of property owner: Various	
Name of applicant: City of Albuquerque, Metropolitan Redevelopment Ageny	
Date, time, and place of public meeting or hearing, if applicable: Wednesday Sept 20, 4:30 - 5:30pm via Zoom	
Address, phone number, or website for additional information:	
Ciaran Lithgow, Redevelopment Project Manager: crlithgow@cabq.gov 505-810-7499	
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE	
☑ Zone Atlas page indicating subject property.	
☑ Drawings, elevations, or other illustrations of this request.	
☐ Summary of pre-submittal neighborhood meeting, if applicable.	
☑ Summary of request, including explanations of deviations, variances, or waivers.	
IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO SUBSECTION 14-16-6-4(K) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.	

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

Ciaran Lithgow (Applicant signature) 9/5/2023 (Date)

***Note**: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO Subsection 14-16-6-9(B)(3) and may lead to a denial of your application.*

OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT

PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN APPLICATIONS ONLY
Provide a site plan that shows, at a minimum, the following:
☐ a. Location of proposed buildings and landscape areas.
☐ b. Access and circulation for vehicles and pedestrians.
☐ c. Maximum height of any proposed structures, with building elevations.
☐ d. For residential development: Maximum number of proposed dwelling units.
☐ e. For non-residential development: ☐ Total gross floor area of proposed project. ☐ Gross floor area for each proposed use.

CITY ZONE ATLAS PAGE INDEX

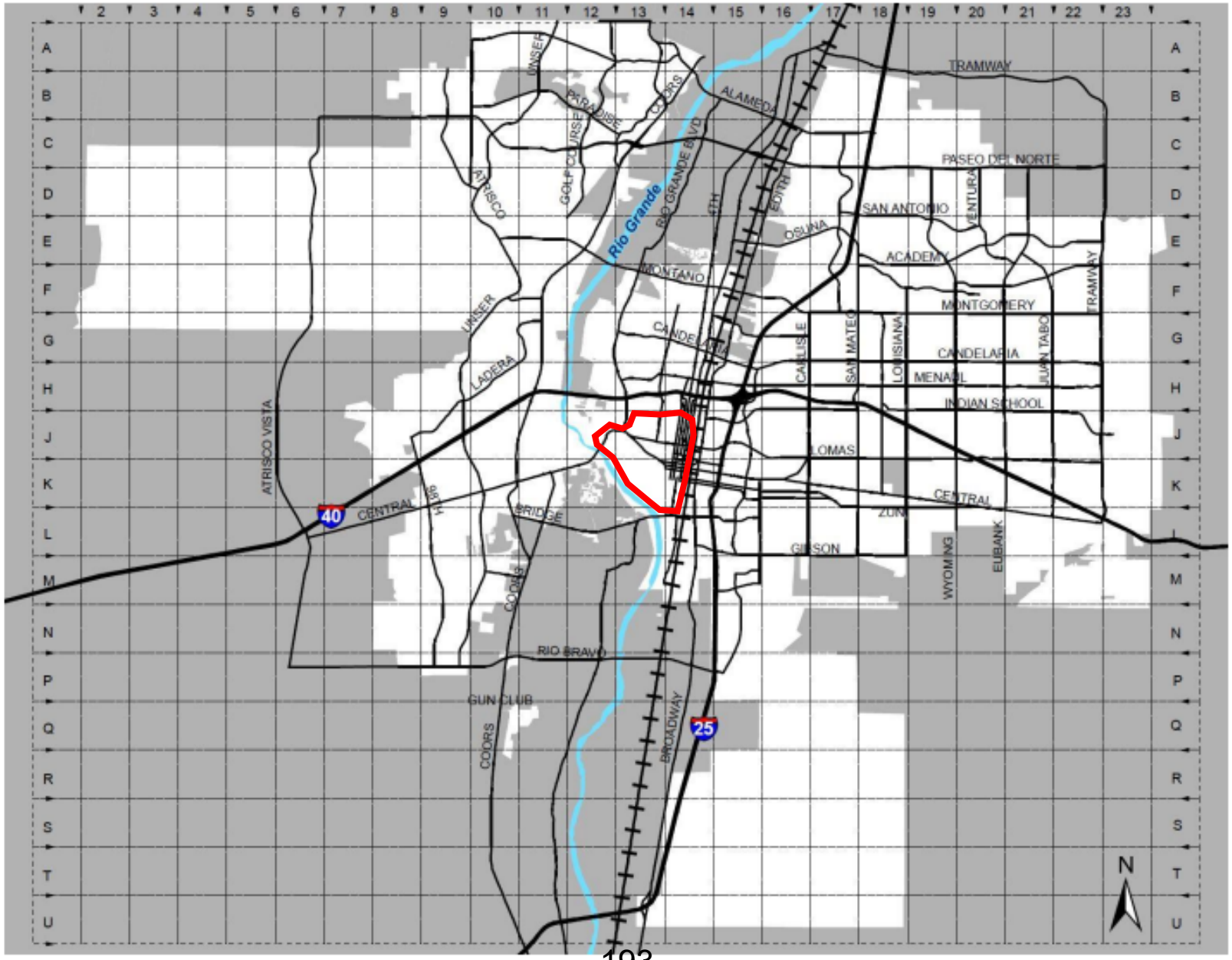


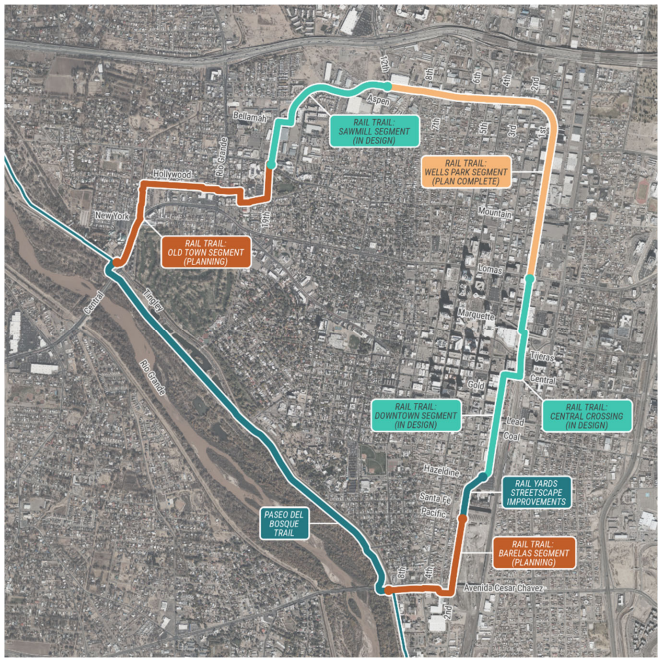
Exhibit – Proposed Rail Trail Contextual Standards for the IDO Annual Update 2023

5-2 SITE DESIGN AND SENSITIVE LANDS

5-2(A) RAIL TRAIL

5-2(A)(1) Applicability

This Subsection 14-16-5-2(X) applies to development or redevelopment on lots adjacent to the Rail Trail, as mapped below.



[IDO map pending]

5-2(A)(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(A)(3) Parking Location

On properties at least 100 feet wide, parking lots cannot occupy more than 50 percent of any yard abutting the Rail Trail Corridor.

5-2(A)(4) Edge Buffer Landscaping

5-2(A)(4)(a) All new multi-family, mixed-use, or non-residential development other than industrial development shall provide a landscaped

edge buffer area pursuant to Subsection 14-16-5-6(E)(2)(b)1 along the property line abutting the Rail Trail.

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

5-2(A)(5)(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(A)(5)(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(A)(6) Building Height Stepdown

Except within the Downtown Center (DT), any portion of a primary or accessory building within 50 feet in any direction of the Rail Trail shall step down to a maximum height of 48 feet.

5-2(A)(7) Building Design

5-2(A)(7)(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(A)(7)(b) Outdoor seating and gathering required by Subsection 14-16-5-11(E)(3) shall be located adjacent to the Rail Trail.

5-5 PARKING AND LOADING

5-5(C) OFF-STREET PARKING

5-5(C)(1) Parking Reductions

5-5(C)(1)(a) 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.

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.

Commented [RMJ1]: "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."

Commented [RMJ2]: Includes planting spacing if a wall is present or not.

Commented [RMJ3]: "the maximum height of walls in any front or street side yard is 6 feet if the wall is set back at least 5 feet from the property line and if view fencing that is at most 50 percent opaque to perpendicular view is used for portions of a wall above 3 feet."

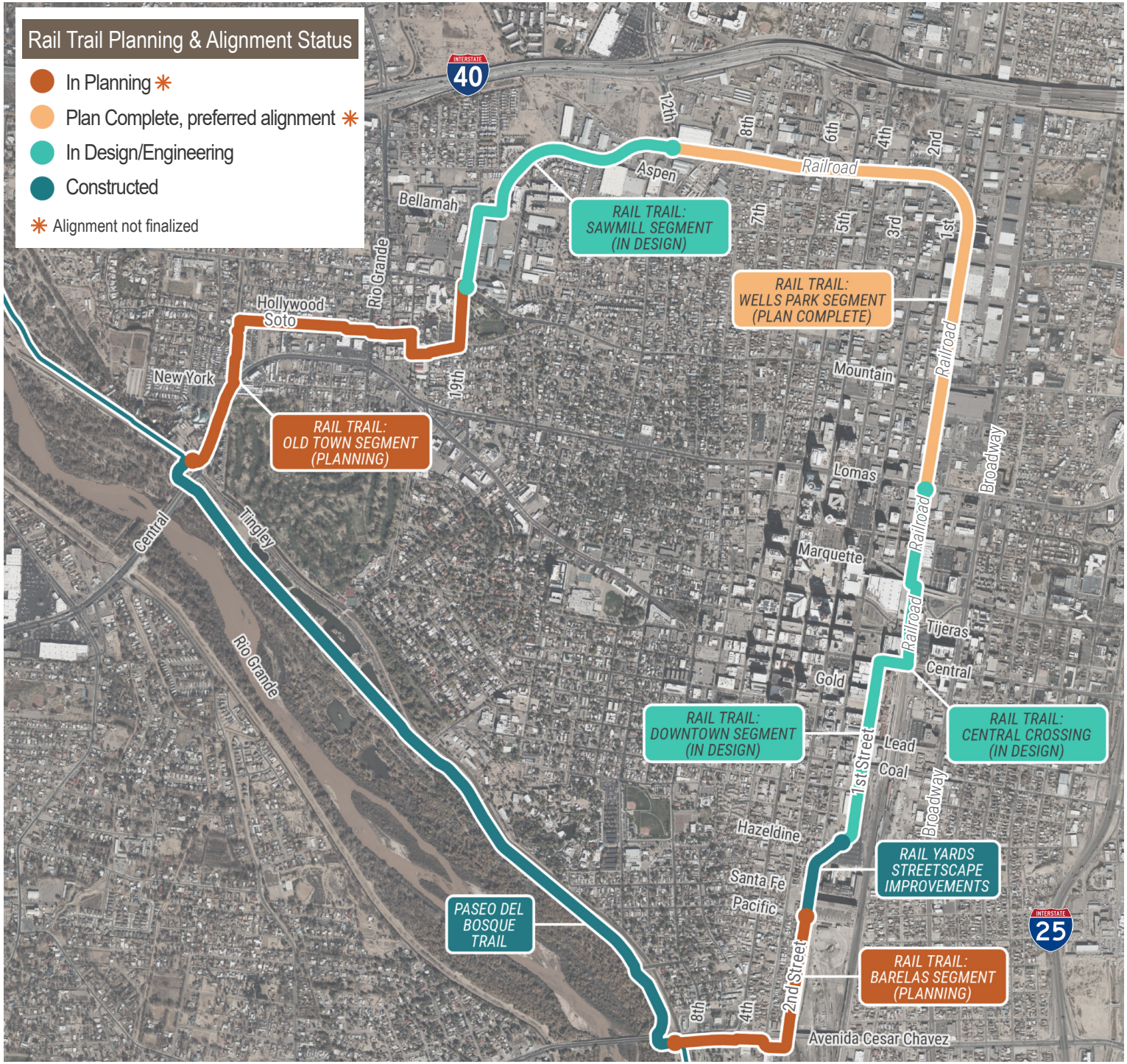
Commented [RMJ4]: Each street-facing façade longer than 100 feet shall
incorporate at least 1 of the following additional features (illustrated below):
a. Wall plane projections or recesses of at least 1 foot in depth at least every 100 feet of façade length and extending for at least 25 percent of the length of the façade.
b. A change in color, texture, or material at least every 50 feet of façade length and extending at least 20 percent of the length of the façade.
c. An offset, reveal, pilaster, or projecting element no less than 2 feet in width, projecting from the façade by at least 6 inches, and repeating at minimum intervals of 30 feet of façade length.
d. Three-dimensional cornice or base treatments.
e. A projecting gable, hip feature, or change in parapet height at least every 100 feet of façade length.
f. Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.

Proposed Design Standards would impact the following zones along the Rail Trail:

- R-ML
- R-MH
- MX-T
- MX-L
- MX-M
- MX-H
- MX-FB-ID
- MX-FB-FX
- MX-FB-UD
- NR-C
- NR-BP
- NR-LM
- NR-GM
- PD
- PC

Zones excluded from proposed Rail Trail Design Standards:

- R-A
- R-1A
- R-1B
- R-1C
- R-1D
- R-T
- R-MC
- NR-PO-A
- NR-PO-B
- NR-PO-C
- NR-PO-D



[Note: Items with an asterisk (*) are required.]

Neighborhood Meeting Request for a Proposed Project in the City of Albuquerque

Date of Request*: 9/6/2023

This request for a Neighborhood Meeting for a proposed project is provided as required by Integrated Development Ordinance (IDO) **Subsection 14-16-6-4(K) Public Notice** to:

Neighborhood Association (NA)*: Multiple. See Appendix A

Name of NA Representative*: Multiple. See Appendix A

Email Address* or Mailing Address* of NA Representative[1]: Multiple.

The application is not yet submitted. ~~If you would like to have a Neighborhood Meeting about this proposed project, please respond to this request within 15 days.~~[2]

Email address to respond yes or no: Meeting Scheduled. See meeting details below.

The applicant may specify a Neighborhood Meeting date that must be at least 15 days from the Date of Request above, unless you agree to an earlier date.

Meeting Date / Time / Location:
Wednesday September 20th, 2023, 4:30pm – 5:30pm Via Zoom

Register in advance for this meeting (registration required): https://tinyurl.com/RailTrailZoomRegistration
After registering, you will receive a confirmation email containing information about joining the meeting.

Project Information Required by IDO Subsection 14-16-6-4(K)(1)(a)

1. Subject Property Address* Multiple. See map.
   Location Description Properties adjacent to the Albuquerque Rail Trail
2. Property Owner* Multiple
3. Agent/Applicant* *[if applicable]* CABQ Metropolitan Redevelopment Agency
4. Application(s) Type* per IDO Table 6-1-1 *[mark all that apply]*
   - ☐ Conditional Use Approval
   - ☐ Permit _____ (Carport or Wall/Fence – Major)
   - ☐ Site Plan
   - ☐ Subdivision _____ (Minor or Major)

[1] Pursuant to IDO Subsection 14-16-6-4(K)(5)(a), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.
[2] If no one replies to this request, the applicant may be submitted to the City to begin the review/decision process.

[Note: Items with an asterisk (*) are required.]

- ☐ Vacation _____ (Easement/Private Way or Public Right-of-way)
- ☐ Variance
- ☐ Waiver
- ☐ Zoning Map Amendment
- ☒ Other: Text Amedment to the IDO - Small Area

Summary of project/request[3]*:

Regulations affecting design and development of properties adjacent to the Rail Trail.

Primarily affects non-residential and mixed-use development. See attached Exhibit.

5. This type of application will be decided by*: ☐ City Staff

   OR at a public meeting or hearing by:

   ☐ Zoning Hearing Examiner (ZHE) ☐ Development Review Board (DRB)

   ☐ Landmarks Commission (LC) ☒ Environmental Planning Commission (EPC) (Recommending body)

   ☒ City Council

6. Where more information about the project can be found*[4]:

   https://cabq.gov/railtrail

   Ciaran Lithgow, Metropolitan Redevelopment Agency, (505) 810-7499 or crlithgow@cabq.gov

Project Information Required for Mail/Email Notice by IDO Subsection 6-4(K)(1)(b):

1. Zone Atlas Page(s)*[5] J12, J13, J14, K13, K14, L13, L14 (see attachment)
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards will be requested for this project*:

   ☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)

   Explanation:

   Not applicable

4. An offer of a Pre-submittal Neighborhood Meeting is required by Table 6-1-1*: ☒ Yes ☐ No

[3] Attach additional information, as needed to explain the project/request. Note that information provided in this meeting request is conceptual and constitutes a draft intended to provide sufficient information for discussion of concerns and opportunities.

[4] Address (mailing or email), phone number, or website to be provided by the applicant

[5] Available online here: *http://data.cabq.gov/business/zoneatlas/*

[Note: Items with an asterisk (*) are required.]

5. ***For Site Plan Applications only****, attach site plan showing, at a minimum:
   - ☐ a. Location of proposed buildings and landscape areas.*
   - ☐ b. Access and circulation for vehicles and pedestrians.*
   - ☐ c. Maximum height of any proposed structures, with building elevations.*
   - ☐ d. **For residential development***: Maximum number of proposed dwelling units.
   - ☐ e. **For non-residential development***:
     - ☐ Total gross floor area of proposed project.
     - ☐ Gross floor area for each proposed use.

Additional Information:

1. From the IDO Zoning Map[6]:
   a. Area of Property *[typically in acres]* Not Applicable
   b. IDO Zone District Various
   c. Overlay Zone(s) *[if applicable]* Not applicable
   d. Center or Corridor Area *[if applicable]* Not applicable
2. Current Land Use(s) [*vacant, if none*] Multiple

_____

Useful Links

Integrated Development Ordinance (IDO):
https://ido.abc-zone.com/

IDO Interactive Map
https://tinyurl.com/IDOzoningmap

Cc: _____ *[Other Neighborhood Associations, if any]*

_____

_____

_____

_____

[6] Available here: https://tinurl.com/idozoningmap

Appendix A

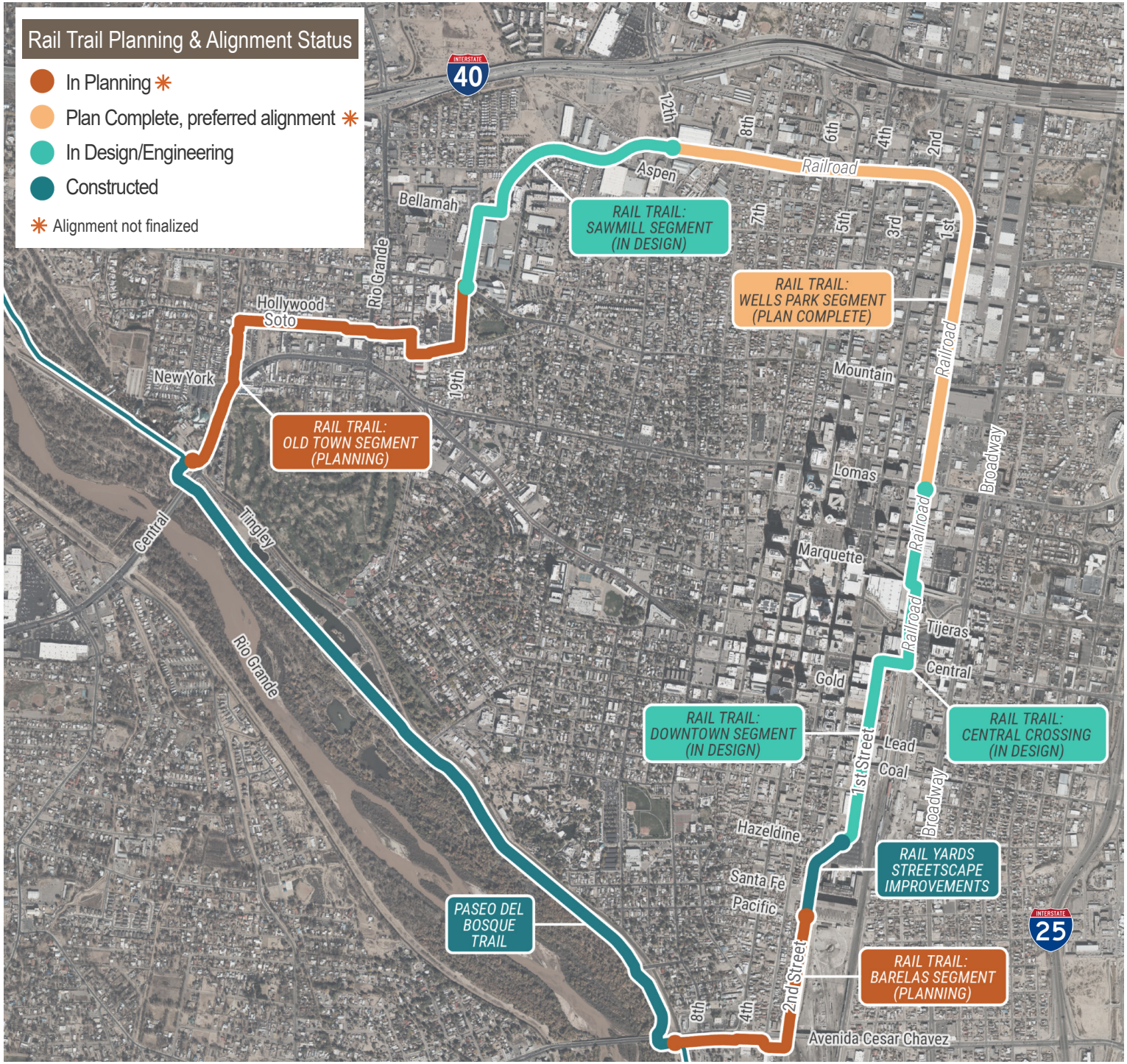
Association Name	First Name	Last Name	Email
Sawmill Area NA	Amanda	Browne	browne.amanda.jane@gmail.com
Sawmill Area NA	Mari	Kempton	mari.kempton@gmail.com
Downtown Neighborhoods Associatio	Glen	Salas	treasurer@abqdna.com
Downtown Neighborhoods Associatio	Danny	Senn	chair@abqdna.com
Barelas NA	Lisa	Padilla	lisapwardchair@gmail.com
Barelas NA	Courtney	Bell	liberty.c.bell@icloud.com
South Broadway NA	Tiffany	Broadous	tiffany.hb10@gmail.com
South Broadway NA	Frances	Armijo	fparmijo@gmail.com
Huning Castle NA	Deborah	Allen	debzallen@ymail.com
Huning Castle NA	Harvey	Buchalter	hcbuchalter@gmail.com
Wells Park NA	Mike	Prando	mprando@msn.com
Wells Park NA	Doreen	McKnight	doreenmcknightnm@gmail.com
EDo NA Incorporated	Ian	Robertson	irobertson@titan-development.com
EDo NA Incorporated	David	Tanner	david@edoabq.com
Huning Highland Historic District Assoc	Bi	Sturge	bsturge@gmail.com
Huning Highland Historic District Assoc	An	Carson	annlouisacarson@gmail.com
West Park NA	Dylan	Fine	definition22@hotmail.com
West Park NA	Roxanne	Witt	westparkna@gmail.com
West Old Town NA	Gil	Clarke	g.clarke45@comcast.net
West Old Town NA	Glen	Effertz	gteffertz@gmail.com
Santa Barbara Martineztown NA	Theresa	Illgen	theresa.illgen@aps.edu
Santa Barbara Martineztown NA	Loretta	Naranjo Lopez	lnjalopez@msn.com
ABQCore Neighborhood Association	Rick	Rennie	rickrennie@comcast.net
ABQCore Neighborhood Association	Joaquin	Baca	bacajoaquin9@gmail.com
Historic Old Town Association	David	Gage	secretary@albquerqueoldtown.com
Historic Old Town Association	J.J.	Mancini	president@albuquerqueoldtown.com
North Valley Coalition	Doyle	Kimbrough	newmexmba@aol.com
North Valley Coalition	Peggy	Norton	peggynorton@yahoo.com

Proposed Design Standards would impact the following zones along the Rail Trail:

- R-ML
- R-MH
- MX-T
- MX-L
- MX-M
- MX-H
- MX-FB-ID
- MX-FB-FX
- MX-FB-UD
- NR-C
- NR-BP
- NR-LM
- NR-GM
- PD
- PC

Zones excluded from proposed Rail Trail Design Standards:

- R-A
- R-1A
- R-1B
- R-1C
- R-1D
- R-T
- R-MC
- NR-PO-A
- NR-PO-B
- NR-PO-C
- NR-PO-D



Proof of Neighborhood Association Emailed Notice

From: Carmona, Dalaina L.
To: Lithgow, Ciaran R.
Subject: Rail Trail; various. Need 0.025 buffer for Neighborhood Associations Public Notice Inquiry Sheet Submission
Date: Thursday, October 5, 2023 9:07:08 AM
Attachments: Alignment with Alternatives.pdf
Attachment 2 - Zone Map Atlas.pdf
image001.png
image002.png
image003.png
image004.png
image005.png

PLEASE NOTE:
The neighborhood association contact information listed below is valid for 30 calendar days after today's date.

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

Association Name	First Name	Last Name	Email
ABQCore Neighborhood Association	Rick	Rennie	rickrennie@comcast.net
ABQCore Neighborhood Association	Joaquin	Baca	bacajoaquin9@gmail.com
Barelas NA	Lisa	Padilla	lisapwardchair@gmail.com
Barelas NA	Courtney	Bell	liberty.c.bell@icloud.com
Downtown Neighborhoods Association	Glen	Salas	treasurer@abqdna.com
Downtown Neighborhoods Association	Danny	Senn	chair@abqdna.com
EDo NA Incorporated	Ian	Robertson	irobertson@titan-development.com
EDo NA Incorporated	David	Tanner	david@edoabq.com
Historic Old Town Association	David	Gage	secretary@albuquerqueoldtown.com
Historic Old Town Association	J.J.	Mancini	president@albuquerqueoldtown.com
Huning Castle NA	Brenda	Marks	brenda.marks648@gmail.com
Huning Castle NA	Deborah	Allen	debzallen@ymail.com
Huning Highland Historic District Association	Ben	Sturge	bsturge@gmail.com
Huning Highland Historic District Association	Ann	Carson	annlouisacarson@gmail.com
North Valley Coalition	James	Salazar	jasalazarnm@gmail.com
North Valley Coalition	Peggy	Norton	peggynorton@yahoo.com
Santa Barbara Martineztown NA	Theresa	Illgen	theresa.illgen@aps.edu
Santa Barbara Martineztown NA	Loretta	Naranjo Lopez	lnjalopez@msn.com
Sawmill Area NA	Amanda	Browne	browne.amanda.jane@gmail.com
Sawmill Area NA	Mari	Kempton	mari.kempton@gmail.com
South Broadway NA	Tiffany	Broadous	tiffany.hb10@gmail.com
South Broadway NA	Frances	Armijo	fparmijo@gmail.com
Wells Park NA	Mike	Prando	mprando@msn.com
Wells Park NA	Doreen	McKnight	doreenmcknightnm@gmail.com
West Old Town NA	Gil	Clarke	g.clarke45@comcast.net

West Old Town NA	Glen	Effertz	gteffertz@gmail.com
West Park NA	Dylan	Fine	definition22@hotmail.com
West Park NA	Roxanne	Witt	westparkna@gmail.com

The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: devhelp@cabq.gov, or visit: https://www.cabq.gov/planning/online-planning-permitting-applications with those types of questions.

Please note the following:

- You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project.
- Please use this online link to find the required forms you will need to submit your permit application. https://www.cabq.gov/planning/urban-design-development/public-notice.
- The Checklist form you need for notifying neighborhood associations can be found here: https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ-Official_public_notice_form-2019.pdf.
- The Administrative Decision form you need for notifying neighborhood associations can be found here: https://documents.cabq.gov/planning/online-forms/PublicNotice/Emailed-Notice-Administrative-Print&Fill.pdf
- Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s): http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance

If your application requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders and recommendations. The health and safety of the community is paramount.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each:
https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table

Thank you.

Dalaina L. Carmona
Senior Administrative Assistant

Office of Neighborhood Coordination
Council Services Department
1 Civic Plaza NW, Suite 9087, 9th Floor
Albuquerque, NM 87102
505-768-3334
dlcarmona@cabq.gov or ONC@cabq.gov
Website: www.cabq.gov/neighborhoods

Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

From: webmaster@cabq.gov <webmaster@cabq.gov>
Sent: Wednesday, October 4, 2023 9:59 AM
To: Lithgow, Ciaran R. <crlithgow@cabq.gov>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Public Notice Inquiry Sheet Submission

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Public Notice Inquiry For:
Environmental Planning Commission
If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:
Contact Name
Ciaran Lithgow
Telephone Number
505-810-7499
Email Address
crlithgow@cabq.gov
Company Name
City of Albuquerque, MRA
Company Address
PO Box 1293
City
Albuquerque
State
Nm
ZIP
87103
Legal description of the subject site for this project:
Rail Trail; various. Need 0.025 buffer for Neighborhood Associations.
Physical address of subject site:
Rail Trail; various, see map.
Subject site cross streets:
Rail Trail; various, see map.
Other subject site identifiers:
This site is located on the following zone atlas page:
J12, J13, J14, K13, K14
Captcha
x

From:	Lithgow, Ciaran R.
To:	"rickrennie@comcast.net"; "bacajoaquin9@gmail.com"; "lisapwardchair@gmail.com"; "liberty.c.bell@icloud.com"; "treasurer@abqdna.com"; "chair@abqdna.com"; "irobertson@titan-development.com"; "david@edoabq.com"; "secretary@albuquerqueoldtown.com"; "president@albuquerqueoldtown.com"; "brenda.marks648@gmail.com"; "debzallen@ymail.com"; "bsturge@gmail.com"; "annlouisacarson@gmail.com"; "jasalazarnm@gmail.com"; "peggynorton@yahoo.com"; "theresa.illgen@aps.edu"; "lnjalopez@msn.com"; "browne.amanda.jane@gmail.com"; "mari.kempton@gmail.com"; "tiffany.hb10@gmail.com"; "fparmijo@gmail.com"; "mprando@msn.com"; "doreenmcknightnm@gmail.com"; "g.clarke45@comcast.net"; "gteffertz@gmail.com"; "definition22@hotmail.com"; "westparkna@gmail.com"
Cc:	Jackson, Jennifer; Delgado, Omega; Renz-Whitmore, Mikaela J.; Brunner, Terry; Messenger, Robert C.; Vos, Michael J.
Subject:	Notice of EPC Hearing & Submittal - Rail Trail Small Area IDO Text Amendment
Date:	Wednesday, October 25, 2023 3:45:00 PM
Attachments:	Rail Trail Small Area IDO Text Amendment - EPC Hearing Neighborhood Association Notification Package.pdf

Good afternoon Neighborhood Association contacts,

This email is to advise you that the City of Albuquerque's Environmental Planning Commission will hold a Special Hearing on the proposed Rail Trail Small Area Text Amendment on December 14th, 2023. You are receiving this notice because your Neighborhood Association is within 0.025mi of the proposed Rail Trail Small Area. Please see attached package for more detailed information. Please pass this information along to your membership.

To view the full EPC submittal package, you can visit https://www.cabq.gov/mra/rail-trail-1/community-engagement-equitable-development.

Thank you,
Ciaran

ONE ALBUQUERQUE
METROPOLITAN REDEVELOPMENT AGENCY
CIARAN LITHGOW (they/them)
redevelopment project manager
p 505.810.7499
e **crlithgow@cabq.gov**

CITY OF
ALBUQUERQUE

Tim Keller, Mayor

October 25, 2023

Dear Neighborhood Association Representatives:

This letter is to advise you that the City of Albuquerque's Environmental Planning Commission will hold a Special Hearing on the proposed Rail Trail Small Area Text Amendment on December 14th, 2023. You are receiving this letter because your Neighborhood Association is within 0.025mi of the proposed Rail Trail Small Area. Please pass this information along to your membership.

The City of Albuquerque's Metropolitan Redevelopment Agency is proposing a Text Amendment to the Integrated Development Ordinance (IDO) to establish a new Small Area. The regulations affecting this Small Area would add additional development design standards to properties adjacent to the planned Albuquerque Rail Trail. These regulations would not impact most low-density residential zones (such as R-A, R-1, and R-T zones). These regulations would not impact existing developments/buildings. These regulations are intended to ensure that future developments and redevelopments along the Rail Trail alignment complement the Rail Trail.

This proposal is being submitted as a part of the annual IDO update in association with the City's Planning Department. Public Comment will be heard at the EPC hearing at the date and time listed below. The content of this notice provides additional information related to the proposed Amendment and the hearing.

Environmental Planning Commission Hearing Date, Time, and Location

December 14th, 2023
Hearing begins 8:45am - see agenda for order of cases
Via Zoom: https://cabq.zoom.us/j/2269592859

Notice to Persons with Disabilities: If you have a disability and require special assistance to participate in this meeting, please contact TTY at 1-800-659-8331 at least three (3) days prior to the meeting/hearing date.

Interpretation in languages other than English is available if requested at least three (3) days prior to the meeting/hearing date. Please call 505-924-3932 and be sure to note which language you are requesting if you leave a voicemail message.

Information attached to this email include:

- Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed/Emailed to a Neighborhood Association
- Official Public Notification Form for Mailed or Electronic Mail Notice
- Zone Atlas indicating location of Rail Trail Small Mapped Area
- Summary of Request (Text of Rail Trail Small Mapped Area Regulations)
- Official Summary of Pre-Submittal Neighborhood Meeting (held on Sept 20th, 2023)

To view the EPC Hearing Agenda, visit http://www.cabq.gov/planning/boards-commissions.
For additional information regarding the Albuquerque Rail Trail, visit https://cabq.gov/railtrail.

ONE ALBUQUERQUE
METROPOLITAN REDEVELOPMENT AGENCY

OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT

PART I - PROCESS	
Use Table 6-1-1 in the Integrated Development Ordinance (IDO) to answer the following:	
Application Type: Amendment to IDO Text – Small Area	
Decision-making Body: City Council	
Pre-Application meeting required:	☐ Yes ☑ No
Neighborhood meeting required:	☑ Yes ☐ No
Mailed Notice required:	☑ Yes ☐ No
Electronic Mail required:	☑ Yes ☐ No
Is this a Site Plan Application:	☐ Yes ☑ No ***Note**: if yes, see second page*

PART II – DETAILS OF REQUEST
Address of property listed in application: Properties affected are those adjacent to the planned Rail Trail
Name of property owner: Various
Name of applicant: City of Albuquerque, Metropolitan Redevelopment Agency
Date, time, and place of public meeting or hearing, if applicable:
EPC Hearing - December 14 2023 at 8:45am. Via Zoom: https://cabq.zoom.us/j/2269592859
Address, phone number, or website for additional information:
cabq.gov/railtrail | For more information, contact Ciaran Lithgow, Project Manager | 505-810-7499 | crlithgow@cabq.gov

PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE
☑ Zone Atlas page indicating subject property.
☑ Drawings, elevations, or other illustrations of this request.
☑ Summary of pre-submittal neighborhood meeting, if applicable.
☑ Summary of request, including explanations of deviations, variances, or waivers.
IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO SUBSECTION 14-16-6-4(K) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

Ciaran Lithgow _____ (Applicant signature) 10/19/2023 _____ (Date)

***Note**: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO Subsection 14-16-6-9(B)(3) and may lead to a denial of your application.*

[Note: Items with an asterisk (*) are required.]

Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed/Emailed to a Neighborhood Association

Date of Notice*: 10/25/2023

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) **Subsection 14-16-6-4(K) Public Notice** to:

Neighborhood Association (NA)*: Multiple. See Appendix A

Name of NA Representative*: Multiple. See Appendix A

Email Address* or Mailing Address* of NA Representative[1]: Multiple, see Appendix A

Information Required by IDO Subsection 14-16-6-4(K)(1)(a)

1. Subject Property Address* Multiple; see Rail Trail Map
   Location Description Properties directly adjacent ot the Albuquerque Rail Trail
2. Property Owner* Multiple
3. Agent/Applicant* *[if applicable]* CABQ Metropolitan Redevelopment Agency
4. Application(s) Type* per IDO Table 6-1-1 *[mark all that apply]*
   - ☐ Zoning Map Amendment
   - ☐ Other: IDO Text Amendment - Small Area

   Summary of project/request[2]*:
   Regulations affecting design and development of properties adjacent to the Rail Trail.
   Primarily affects on-residential and mixed-use development. See attached Exhibit
5. This application will be decided at a public hearing by*:
   - ☐ Environmental Planning Commission (EPC)
   - ☑ City Council

   This application will be first reviewed and recommended by:
   - ☑ Environmental Planning Commission (EPC)
   - ☐ Landmarks Commission (LC)
   - ☐ Not applicable (Zoning Map Amendment – EPC only)

[1] Pursuant to IDO Subsection 14-16-6-4(K)(5)(a), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.
[2] Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (*) are required.]

Date/Time*: December 14th - Special Hearing begins at 8:45am; see agenda for Rail Trail hearing time

Location*[3]: Via Zoom: https://cabq.zoom.us/j/2269592859

Agenda/meeting materials: http://www.cabq.gov/planning/boards-commissions

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found*[4]:
   https://cabq.gov/railtrail See Community Engagement page for IDO Text Amendment Details

Information Required for Mail/Email Notice by IDO Subsection 6-4(K)(1)(b):

1. Zone Atlas Page(s)*[5] Multiple, see Zone Atlas Map enclosed
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project*:

   ☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)

   Explanation*:

   None
4. A Pre-submittal Neighborhood Meeting was required by Table 6-1-1: ☑ Yes ☐ No

   Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

   See attachment enclosed.

[3] Physical address or Zoom link
[4] Address (mailing or email), phone number, or website to be provided by the applicant
[5] Available online here: *http://data.cabq.gov/business/zoneatlas/*

[Note: Items with an asterisk (*) are required.]

Additional Information *[Optional]*:

From the IDO Zoning Map[6]:

1. Area of Property *[typically in acres]* _____
2. IDO Zone District _____
3. Overlay Zone(s) *[if applicable]* _____
4. Center or Corridor Area *[if applicable]* _____

Current Land Use(s) *[vacant, if none]* _____

_____

NOTE: For Zoning Map Amendment – EPC only, pursuant to IDO Subsection 14-16-6-4(L), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):
https://ido.abc-zone.com/

IDO Interactive Map
https://tinyurl.com/IDOzoningmap

Cc: _____ *[Other Neighborhood Associations, if any]*

_____

_____

_____

_____

_____

_____

_____

[6] Available here: https://tinurl.com/idozoningmap

CITY ZONE ATLAS PAGE INDEX

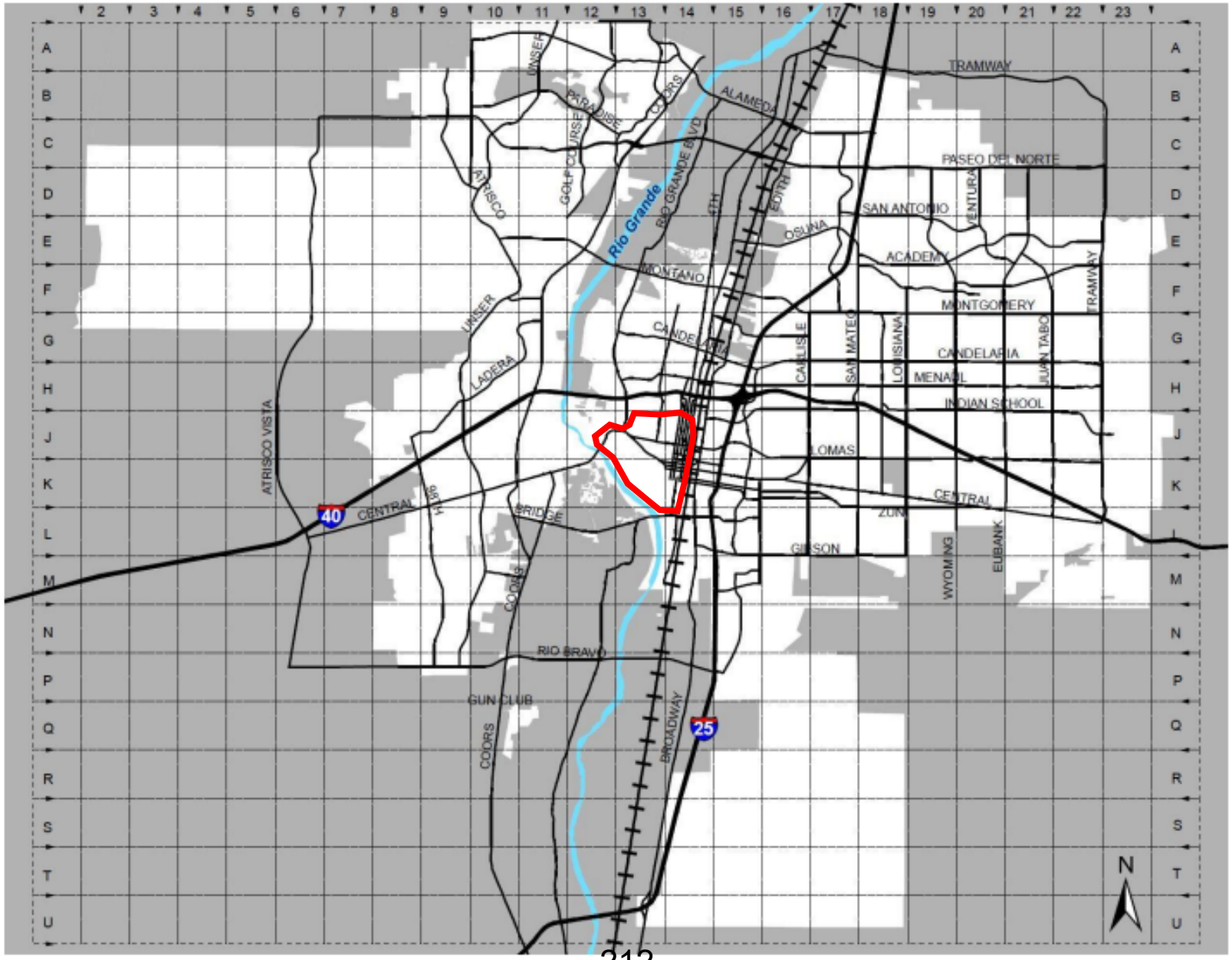


Exhibit – Proposed Rail Trail Contextual Standards for the IDO Annual Update 2023

5-2 SITE DESIGN AND SENSITIVE LANDS

5-2(A) RAIL TRAIL

5-2(A)(1) Applicability

This Subsection 14-16-5-2(X) applies to development or redevelopment on lots adjacent to the Rail Trail, as mapped below.

[IDO map pending]

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

5-2(A)(3)(a) All new multi-family, mixed-use, or non-residential development other than industrial development shall provide a landscaped edge buffer area pursuant to Subsection 14-16-5-6(E)(2)(b)1 along the property line abutting the Rail Trail.

5-2(A)(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).

Commented [RMJ1]: "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."

Commented [RMJ2]: Includes planting spacing if a wall is present or not.

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

5-2(A)(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(A)(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.

Commented [RMJ3]: "the maximum height of walls in any front or street side yard is 6 feet if the wall is set back at least 5 feet from the property line and if view fencing that is at most 50 percent opaque to perpendicular view is used for portions of a wall above 3 feet."

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

Except within the Downtown Center (DT) or a Main Street (MS) corridor, any portion of a primary or accessory building within 50 feet in any direction of the Rail Trail shall step down to a maximum height of 48 feet.

5-2(A)(6) Building Design

5-2(A)(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(A)(6)(b) Outdoor seating and gathering required by Subsection 14-16-5-11(E)(3) shall be located adjacent to the Rail Trail.

Commented [RMJ4]: Each street-facing façade longer than 100 feet shall
incorporate at least 1 of the following additional features (illustrated below):
a. Wall plane projections or recesses of at least 1 foot in depth at least every 100 feet of façade length and extending for at least 25 percent of the length of the façade.
b. A change in color, texture, or material at least every 50 feet of façade length and extending at least 20 percent of the length of the façade.
c. An offset, reveal, pilaster, or projecting element no less than 2 feet in width, projecting from the façade by at least 6 inches, and repeating at minimum intervals of 30 feet of façade length.
d. Three-dimensional cornice or base treatments.
e. A projecting gable, hip feature, or change in parapet height at least every 100 feet of façade length.
f. Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.

5-5 PARKING AND LOADING

5-5(C) OFF-STREET PARKING

5-5(C)(1) Parking Reductions

5-5(C)(1)(a) 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.

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.

Proof of Property Owner Mailings

October 24, 2023

David Shaffer, Chair
Environmental Planning Commission
c/o City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

RE: October 2023 EPC Submittal – Public Mailed Notice Certification
Amendment to Integrated Development Ordinance (IDO) Text – Rail Trail Small Are Text Amendment to the IDO

Dear Mr. Shaffer,

Please accept this letter as certification of Mailed Notice as required by the IDO.

I, Ciaran Lithgow, do hereby certify and attest that I delivered 509 letters to the City of Albuquerque's mail room for first class stamping and delivery to the U.S. Post Office on October 23, 2023.

Sincerely,

Ciaran Lithgow
Redevelopment Project Manager
Metropolitan Redevelopment Agency
PO Box 1293
Albuquerque NM 87103

* Received by Lucy D Escapita Date 10-24-23

DFAS/Purchasing/Office Services (mail room)

CITY OF
ALBUQUERQUE

Tim Keller, Mayor

October 23, 2023

Dear Property Owner:

This letter is to advise you that the City of Albuquerque's Environmental Planning Commission will hold a Special Hearing on the proposed Rail Trail Small Area Text Amendment on December 14th, 2023. You are receiving this letter because you are listed as a property owner within 150 feet of the proposed Rail Trail Small Area.

The City of Albuquerque's Metropolitan Redevelopment Agency is proposing a Text Amendment to the Integrated Development Ordinance (IDO) to establish a new Small Area. The regulations affecting this Small Area would add additional development design standards to properties adjacent to the planned Albuquerque Rail Trail. These regulations would not impact most low-density residential zones (such as R-A, R-1, and R-T zones). These regulations would not impact existing developments/buildings. These regulations are intended to ensure that future developments and redevelopments along the Rail Trail alignment complement the Rail Trail.

This proposal is being submitted as a part of the annual IDO update in association with the City's Planning Department. Public Comment will be heard at the EPC hearing at the date and time listed below. The content of this notice provides additional information related to the proposed Amendment and the hearing.

Environmental Planning Commission Hearing Date, Time, and Location

> **December 14th, 2023**
> **Hearing begins 8:45am** - see agenda for order of cases
> **Via Zoom**: https://cabq.zoom.us/j/2269592859
>
> *Notice to Persons with Disabilities:* If you have a disability and require special assistance to participate in this meeting, please contact TTY at 1-800-659-8331 at least three (3) days prior to the meeting/hearing date.
>
> Interpretation in languages other than English is available if requested at least three (3) days prior to the meeting/hearing date. Please call 505-924-3932 and be sure to note which language you are requesting if you leave a voicemail message.

Information attached to this letter include:

- Official Public Notification Form for Mailed or Electronic Mail Notice
- Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed to a Property Owner
- Zone Atlas indicating location of Rail Trail Small Mapped Area
- Summary of Request (Text of Rail Trail Small Mapped Area Regulations)
- Official Summary of Pre-Submittal Neighborhood Meeting (held on Sept 20th, 2023)

To view the EPC Hearing Agenda, visit http://www.cabq.gov/planning/boards-commissions.
For additional information regarding the Albuquerque Rail Trail, visit https://cabq.gov/railtrail.

ONE ALBUQUERQUE
METROPOLITAN REDEVELOPMENT AGENCY

OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT

PART I - PROCESS	
Use Table 6-1-1 in the Integrated Development Ordinance (IDO) to answer the following:	
Application Type: Amendment to IDO Text – Small Area	
Decision-making Body: City Council	
Pre-Application meeting required:	☐ Yes ☑ No
Neighborhood meeting required:	☑ Yes ☐ No
Mailed Notice required:	☑ Yes ☐ No
Electronic Mail required:	☑ Yes ☐ No
Is this a Site Plan Application:	☐ Yes ☑ No ***Note**: if yes, see second page*
PART II – DETAILS OF REQUEST	
Address of property listed in application: Properties affected are those adjacent to the planned Rail Trail	
Name of property owner: Various	
Name of applicant: City of Albuquerque, Metropolitan Redevelopment Agency	
Date, time, and place of public meeting or hearing, if applicable:	
EPC Hearing - December 14 2023 at 8:45am. Via Zoom: https://cabq.zoom.us/j/2269592859	
Address, phone number, or website for additional information:	
cabq.gov/railtrail | For more information, contact Ciaran Lithgow, Project Manager | 505-810-7499 | crlithgow@cabq.gov	
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE	
☑ Zone Atlas page indicating subject property.	
☑ Drawings, elevations, or other illustrations of this request.	
☑ Summary of pre-submittal neighborhood meeting, if applicable.	
☑ Summary of request, including explanations of deviations, variances, or waivers.	
IMPORTANT: PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO SUBSECTION 14-16-6-4(K) OF THE INTEGRATED DEVELOPMENT ORDINANCE (IDO). PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.	

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

Ciaran Lithgow _____ (Applicant signature) 10/19/2023 _____ (Date)

***Note**: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO Subsection 14-16-6-9(B)(3) and may lead to a denial of your application.*

[Note: Items with an asterisk (*) are required.]

Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed to a Property Owner

Date of Notice*: 10/23/2023

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) **Subsection 14-16-6-4(K) Public Notice** to:

Property Owner within 100 feet*: Various

Mailing Address*: Various

Project Information Required by IDO Subsection 14-16-6-4(K)(1)(a)

1. Subject Property Address* Planned Albuquerque Rail Trail
   Location Description 7-mile loop through greater downtown. See map for details.
2. Property Owner* City of Albuquerque
3. Agent/Applicant* *[if applicable]* Metropolitan Redevelopment Agency
4. Application(s) Type* per IDO Table 6-1-1 *[mark all that apply]*
   - ☐ Zoning Map Amendment
   - ☑ Other: Text amendment to the IDO - Small Area

   Summary of project/request[1]*:
   Regulations effecting design and development of properties adjacent to the Rail Trail.
   Primarily effects non-residential and mixed-use development. See attached exhibit.
5. This application will be decided at a public hearing by*:
   - ☐ Environmental Planning Commission (EPC)
   - ☑ City Council

   This application will be first reviewed and recommended by:
   - ☑ Environmental Planning Commission (EPC)
   - ☐ Landmarks Commission (LC)
   - ☐ Not applicable (Zoning Map Amendment – EPC only)

   Date/Time*: December 14th, 2023 - 8:45am (see EPC agenda for details)

   Location*[2]: Via Zoom: https://cabq.zoom.us/j/2269592859

[1] Attach additional information, as needed to explain the project/request.
[2] Physical address or Zoom link

[Note: Items with an asterisk (*) are required.]

Agenda/meeting materials: http://www.cabq.gov/planning/boards-commissions

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found*[3]:
   Visit cabq.gov/railtrail.

Project Information Required for Mail/Email Notice by IDO Subsection 6-4(K)(1)(b):

1. Zone Atlas Page(s)*[4] J12, J13, J14, K13, K14, L 13, L14 (see attachment)
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project*:

   ☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)

   Explanation*:
   Not applicable

4. A Pre-submittal Neighborhood Meeting was required by Table 6-1-1: ☒ Yes ☐ No

   Summary of the Pre-submittal Neighborhood Meeting, if one occurred:
   Occured Sept 20, 2023 via zoom. See attachment for details.

[3] Address (mailing or email), phone number, or website to be provided by the applicant
[4] Available online here: *http://data.cabq.gov/business/zoneatlas/*

[Note: Items with an asterisk (*) are required.]

Additional Information:

From the IDO Zoning Map[5]:

1. Area of Property *[typically in acres]* not applicable
2. IDO Zone District various
3. Overlay Zone(s) *[if applicable]* not applicable
4. Center or Corridor Area *[if applicable]* not applicable

Current Land Use(s) *[vacant, if none]* Multiple/various

NOTE: For Zoning Map Amendment – EPC only, pursuant to IDO Subsection 14-16-6-4(L), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):
https://ido.abc-zone.com/

IDO Interactive Map
https://tinyurl.com/IDOzoningmap

[5] Available here: https://tinurl.com/idozoningmap

CITY ZONE ATLAS PAGE INDEX

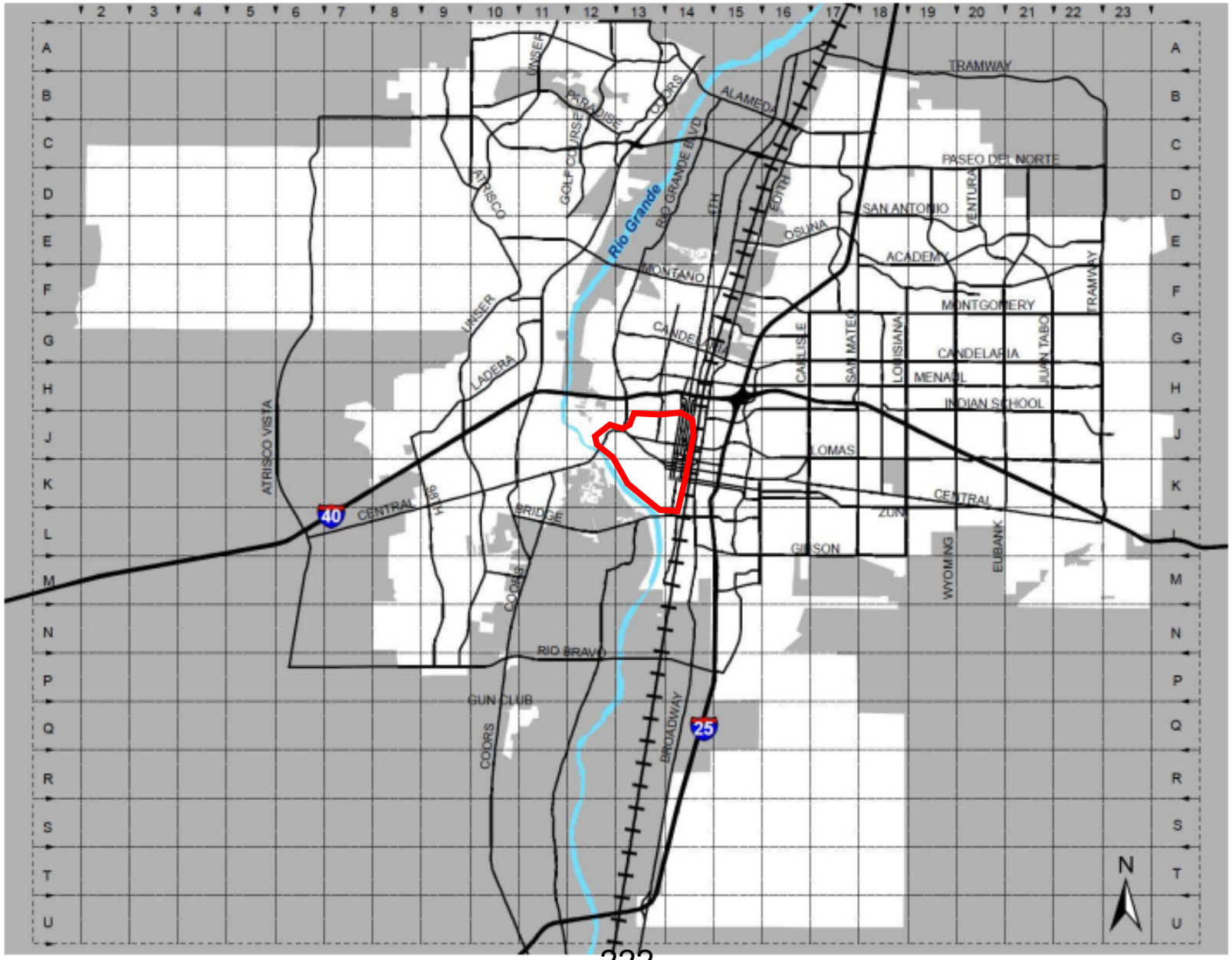


Exhibit – Proposed Rail Trail Contextual Standards for the IDO Annual Update 2023

5-2 SITE DESIGN AND SENSITIVE LANDS

5-2(A) RAIL TRAIL

5-2(A)(1) Applicability

This Subsection 14-16-5-2(X) applies to development or redevelopment on lots adjacent to the Rail Trail, as mapped below.

[IDO map pending]

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

5-2(A)(3)(a) All new multi-family, mixed-use, or non-residential development other than industrial development shall provide a landscaped edge buffer area pursuant to Subsection 14-16-5-6(E)(2)(b)1 along the property line abutting the Rail Trail.

5-2(A)(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).

Commented [RMJ1]: "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."

Commented [RMJ2]: Includes planting spacing if a wall is present or not.

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

5-2(A)(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(A)(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.

Commented [RMJ3]: "the maximum height of walls in any front or street side yard is 6 feet if the wall is set back at least 5 feet from the property line and if view fencing that is at most 50 percent opaque to perpendicular view is used for portions of a wall above 3 feet."

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

Except within the Downtown Center (DT) or a Main Street (MS) corridor, any portion of a primary or accessory building within 50 feet in any direction of the Rail Trail shall step down to a maximum height of 48 feet.

5-2(A)(6) Building Design

5-2(A)(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(A)(6)(b) Outdoor seating and gathering required by Subsection 14-16-5-11(E)(3) shall be located adjacent to the Rail Trail.

Commented [RMJ4]: Each street-facing façade longer than 100 feet shall
incorporate at least 1 of the following additional features (illustrated below):
a. Wall plane projections or recesses of at least 1 foot in depth at least every 100 feet of façade length and extending for at least 25 percent of the length of the façade.
b. A change in color, texture, or material at least every 50 feet of façade length and extending at least 20 percent of the length of the façade.
c. An offset, reveal, pilaster, or projecting element no less than 2 feet in width, projecting from the façade by at least 6 inches, and repeating at minimum intervals of 30 feet of façade length.
d. Three-dimensional cornice or base treatments.
e. A projecting gable, hip feature, or change in parapet height at least every 100 feet of façade length.
f. Art such as murals or sculpture that is privately-owned or coordinated through the City Public Arts Program.

5-5 PARKING AND LOADING

5-5(C) OFF-STREET PARKING

5-5(C)(1) Parking Reductions

5-5(C)(1)(a) Reduction for Proximity to a City Park or Trail [new]

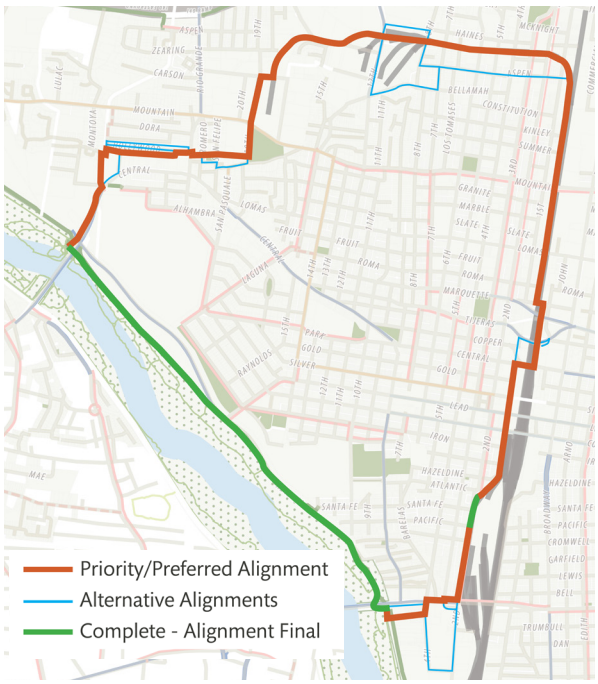
The minimum number of off-street parking spaces required may be reduced by 10 percent if the proposed development is located within 330 feet in any direction of any City park or trail.

7-1 DEFINITIONS

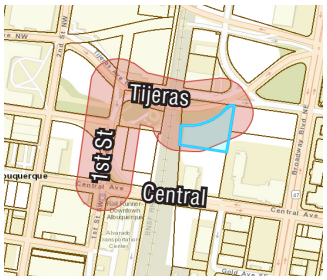
Rail Trail

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.

Mailing Notification Buffer Maps: buffer for each alignment alternative

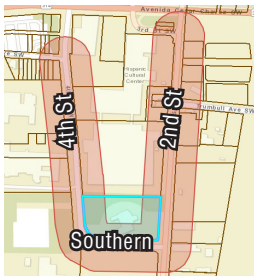


Preferred Alignment Buffer

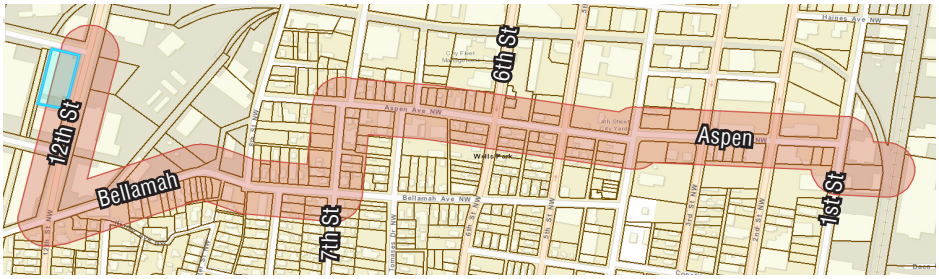


Downtown Alternative 1 Buffer

Barelas Alternative 1 Buffer

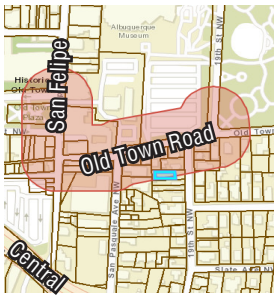


Barelas Alternative 2 Buffer

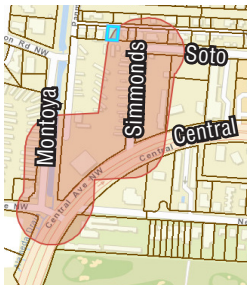


Wells Park Alternative 1 Buffer

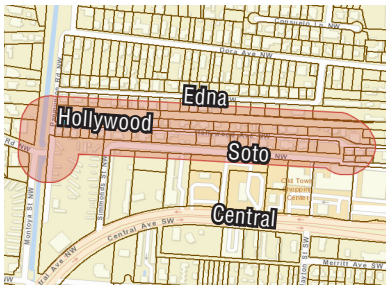
Wells Park Alternative 2 Buffer



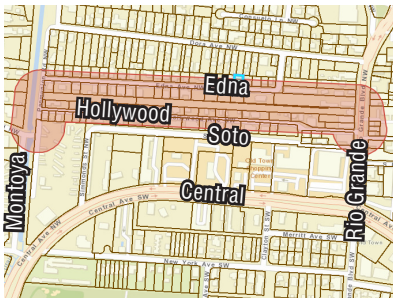
Old Town
Alternative 1 Buffer



Old Town
Alternative 2 Buffer



Old Town Alternative 3 Buffer



Old Town Alternative 4 Buffer

1011 SAWMILL LLC
1251 S CLAYTON ST
DENVER CO 80210-2014

12TH STREET PARTNERS LLC
2809 BROADBENT PKWY NE
ALBUQUERQUE NM 87107-1613

12TH STREET PARTNERS LLC
PO BOX 1174
DAVIS CA 95617-1174

1300 FIRST LLC
1300 1ST ST NW
ALBUQUERQUE NM 87102-1532

1515 DEVELOPMENT LLC
PO BOX 23977
PLEASANT HILL CA 94523-3977

15S LLC
2155 LOUISIANA BLVD NE SUITE 7200
ALBUQUERQUE NM 87110-5431

1701 5TH STREET PARTNERS LLC
320 GOLD AVE NW SUITE 1400
ALBUQUERQUE NM 87102-3248

1814OLDTOWN
705 ORTIZ DR NE
ALBUQUERQUE NM 87108-1444

1ST STREET RENOVATION LLC
PO BOX 7817
ALBUQUERQUE NM 87194-7817

306 HAINES LLC
PO BOX 1391
PERALTA NM 87042-1391

3RIA INC
1701 2ND ST SW
ALBUQUERQUE NM 87102-4505

5GK LLC
P.O BOX 743
ALBUQUERQUE NM 87103

601 ASPEN AVE LLC
1505 ALFREDO GARCIA CT NW
ALBUQUERQUE NM 87107-7109

630 HAINES AVENUE LLC
775 BAYWOOD DR SUITE 318
PETALUMA CA 94954-5500

709 HAINES LLC C/O JOHN SMIDT
1251 S CLAYTON ST
DENVER CO 80210-2014

909 2ND LLC
1303 LEJANO LN
SANTA FE NM 87501-8750

A T S X F RAILWAY CO C/O PROPERTY TAX DEPARTMENT
PO BOX 961089
FORT WORTH TX 76161-0089

ABORN AURORA M & SANCHEZ C
1518 BARELAS ST SW
ALBUQUERQUE NM 87102

ACCARDI FRANK V & BRANDA DEBRA L CO-TRUSTEES
ACCARDI & BRANDA RVT
253 GREEN VALLEY RD NW
LOS RANCHOS DE ALBUQUERQUE NM 87107-6110

ACCARDI FRANK V & DEBRA L BRANDA CO-TRUSTEES
ACCARDI & BRANDA RVT
253 GREEN VALLEY RD NW
LOS RANCHOS DE ALBUQUERQUE NM 87107-6110

ACEVES HENRY G & KAREN M
7017 RIO GRANDE BLVD NW
ALBUQUERQUE NM 87107-6423

ACOSTA KAREN
1503 2ND ST SW
ALBUQUERQUE NM 87102-4303

ADELANTE DEVELOPMENT CENTER INC
3900 OSUNA RD NE
ALBUQUERQUE NM 87109-4459

ADHIKARI RAJAT
408 19TH ST NW
ALBUQUERQUE NM 87104-1441

ADVANCED DIESEL PERFORMANCE LLC
12224 PINE RIDGE AVE NE
ALBUQUERQUE NM 87112-4636

ALBUQUERQUE BUILDING & PLANNING INC
2200 LOS PADILLAS RD SW
ALBUQUERQUE NM 87105-7188

ALBUQUERQUE COUNTRY CLUB
PO BOX 7278
ALBUQUERQUE NM 87194-7278

ALBUQUERQUE HEALTHCARE FOR THE HOMELESS INC
PO BOX 25445
ALBUQUERQUE NM 87125-0445

ALBUQUERQUE MAIL SERVICE INC
101 ROSEMONT AVE NE
ALBUQUERQUE NM 87102

ALDECOA KIOMA VALENZUELA
2323 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104-1625

AMADOR EDWARD & AMADOR JUDITH LEE
128 CAMINO DE AMADOR NW
ALBUQUERQUE NM 87107-6750

AMANI LLC
100 GOLD AVE SW UNIT 307
ALBUQUERQUE NM 87102-3477

AMARILLO DIAMOND LTD
1825 LAKEWAY DR SUITE 700
LEWISVILLE TX 75057-6047

AMARILLO DIAMOND LTD
4354 CANYON DR SUITE 700
AMARILLO TX 79109-5611

ANAYA ROSELLA & ESTHER
4917 REGINA CIR NW
ALBUQUERQUE NM 87105-1523

ANAYA SUSANA PAULINE
1601 ESCALANTE AVE SW
ALBUQUERQUE NM 87104-1008

ANDRADE FRED & MCMAKEN JENNINE
800 PASEO DE LAS GOLONDRINAS
BERNALILLO NM 87004-5560

ANDRADE NADELYN
1109 2ND ST SW
ALBUQUERQUE NM 87102-4125

ANGEL INC
2548 ELFEGO RD NW
ALBUQUERQUE NM 87107-3011

ANTHEM OIL LLC
4421 IRVING BLVD NW SUITE A
ALBUQUERQUE NM 87114

ANTHONY SABRA
2325 EDNA AVE NW
ALBUQUERQUE NM 87104

ARAGON ISABEL MARY
1706 8TH ST NW
ALBUQUERQUE NM 87102-1209

ARCHDIOCESE OF SANTA FE REAL ESTATE CORP/ SAN FELIPE

4000 ST JOSEPHS PL NW
ALBUQUERQUE NM 87120-1714

ARCHDIOCESE OF SANTA FE REAL ESTATE CORP/SAN FELIPE

4000 ST JOSEPHS PL NW
ALBUQUERQUE NM 87120-1714

ARMIJO ANTONIO E JR & ARMIJO MICHAEL J

807 ASPEN AVE NW
ALBUQUERQUE NM 87102-1218

ARMIJO JUAN & SUSANITA

2305 EDNA AVE NW
ALBUQUERQUE NM 87104-1516

ARMIJO MICHELLE Y

1105 2ND ST SW
ALBUQUERQUE NM 87102

ARNDT JONATHAN M & SUSAN L SULLIVAN

721 BELLAMAH AVE NW
ALBUQUERQUE NM 87102-1222

AT & SF RAILROAD

1700 E GOLF RD FLOOR 6
SCHAUMBURG IL 60173-5804

AT & SF RAILWAY CO

SANTE FE BLDG RM 514
AMARILLO TX 79110

ATCHISON TOPEKA & SANTA FE RAILWAY CO

PO BOX 1738
TOPEKA KS 66628-0001

ATSF RAILWAY C PROPERTY TAX DEPARTMENT

PO BOX 961089
FORT WORTH TX 76161-0089

AVELDANO HECTOR E

PO BOX 1018
SANTA CRUZ NM 87567-1018

B & B MERRITT REAL ESTATE LLC

750 N 17TH ST
LAS CRUCES NM 88005-4153

B+H INVESTMENTS LLC

7001 LOMAS BLVD NE
ALBUQUERQUE NM 87110

BACA CECILIA

2817 FLORIDA ST NE
ALBUQUERQUE NM 87110-3357

BACA JOAQUIN J
100 GOLD AVE SW SUITE 408
ALBUQUERQUE NM 87102-3479

BACA MARK P
612 ATRISCO DR NW
ALBUQUERQUE NM 87105-1636

BACA MARK P & PATRICIA M CO TRUSTEES BACA LVT
PO BOX 1834
CORRALES NM 87048-1834

BACA MICHAEL R
2718 LA SILLA DORADA
SANTA FE NM 87505-6703

BACA PATRICIA M
PO BOX 1834
CORRALES NM 87048-1834

BACA RUBEN
PO BOX 7123
ALBUQUERQUE NM 87194-7123

BACA RUDOLPH F
PO BOX 7123
ALBUQUERQUE NM 87194

BADILLO PAULINE & RICHARD
1300 PRINCETON DR SE
ALBUQUERQUE NM 87106-3021

BAJWA AJAYPARTAP S & NIJHER HARPREET
10608 GREEN HERON CT
CHARLOTTE NC 28278

BALCH SARAH ANNA
100 GOLD AVE SW APT 402
ALBUQUERQUE NM 87102

BALLEJOS FEDERICO R
PO BOX 67345
ALBUQUERQUE NM 87193-7345

BALLEJOS FEDERICO RAMON
PO BOX 67345
ALBUQUERQUE NM 87193-7345

BANK OF AMERICA TRUSTEE LUCIANA R GARCIA RVT
3322 GABALDON PL NW
ALBUQUERQUE NM 87104-2715

BARELAS INVESTMENTS LLC
1812 POPLAR LN SW
ALBUQUERQUE NM 87105-3152

BECKER SHERYL R TRUSTEE BECKER TRUST
9306 KANSAS AVE
KANSAS CITY KS 66111-1626

BELLAMAH LIVE LLC
301 BELLE CT
EL DORADO HILLS CA 95762-4160

BENAVIDEZ EDWARD L & BRUSUELAS KIMBERLY S
312 SAN PASQUALE AVE NW
ALBUQUERQUE NM 87104-1432

BERG JUSTIN & KATHLEEN
1705 SAN PATRICIO AVE SW
ALBUQUERQUE NM 87104-1049

BERMUDEZ LUCIANO
2402 EDNA AVE NW
ALBUQUERQUE NM 87104-1519

BERNALILLO COUNTY C/O COUNTY MANAGER
415 SILVER AVE SW
ALBUQUERQUE NM 87102-3225

BERTOLETTI FABRIZIO
100 GOLD AVE SW APT 506
ALBUQUERQUE NM 87102-3479

BILL C CARROLL CO INC
PO BOX 2905
DURANGO CO 81302-2905

BLEA JONATHAN
914 BELLAMAH AVE NW
ALBUQUERQUE NM 87104-2199

BROADWAY PHILIP MICHAEL
1712 BAND SAW PL NW
ALBUQUERQUE NM 87104-2255

BROOKS PATRICIA N
2323 EDNA AVE NW
ALBUQUERQUE NM 87104-1516

BUSCO LLC
2632 PENNSYLVANIA ST NE SUITE C
ALBUQUERQUE NM 87110-3613

CAIN WARREN DAVID
1708 BANDSAW PL NW
ALBUQUERQUE NM 87104-2255

CALDWELL RICHARD T & HERBER SUSAN A
100 GOLD AVE SW APT 605
ALBUQUERQUE NM 87102-3480

CARAVEO DESIREE ASHLEY & ALONDRA ESMERALDA
917 IRON AVE SW
ALBUQUERQUE NM 87102-3749

CARDENAS BLANCA E
9501 ROWEN RD SW
ALBUQUERQUE NM 87121

CARON DONALD GENE JR
1824 ZEARING AVE NW
ALBUQUERQUE NM 87104

CARROLL LOVETA R & JOHN M
PO BOX 7624
ALBUQUERQUE NM 87194-7624

CASAUS EUGENE R & CELESTINA B
1812 NEWTON PL NE
ALBUQUERQUE NM 87106-2527

CASTILLO EVA A
320 MONTOYA RD NW
ALBUQUERQUE NM 87104-1714

CASTILLO JOHANNA M
241 55TH ST NW
ALBUQUERQUE NM 87105

CASTILLO RICARDO & VIRIDIANA
910 BELLAMAH AVE NW
ALBUQUERQUE NM 87104-2199

CCBG INC
PO BOX 6992
ALBUQUERQUE NM 87197-6992

CHAVEZ JAMES B & HERLINDA
411 19TH ST NW
ALBUQUERQUE NM 87104-1440

CHAVEZ MARIA
1227 2ND ST SW
ALBUQUERQUE NM 87102-4301

CHAVEZ MARY A & CHAVEZ MARIE
621 ASPEN AVE NW
ALBUQUERQUE NM 87102

CHAVEZ MARY A & CHAVEZ MARIE
1020 FINCH DR SW
ALBUQUERQUE NM 87121

CHEN SHUMING
1704 BAND SAW PL NW
ALBUQUERQUE NM 87104-2255

CHESHIRE KENNETH L
5520 COSTA UERDE RD NW
ALBUQUERQUE NM 87120-2782

CHITTIM VIRGINIA L
1715 2ND ST SW
ALBUQUERQUE NM 87122

CHUYATE MARVIN
2411 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104

CJD VENTURES LLC
11108 BOBCAT PL NE
ALBUQUERQUE NM 87122-1126

CLOUDWALKER PROPERTIES LLC
905 CAMINO SANTANDER
SANTA FE NM 87505-5958

COMFORT ZONE SYSTEMS LLC
PO BOX 27213
ALBUQUERQUE NM 87125-7213

CONTRUCCI GROUP INVESTMENTS LLC & ORTEGA ROBERT A JR & MONICA A
2709 TULIPAN LP SE
RIO RANCHO NM 87124-2587

CONWAY SCOTT A
915 2ND ST SW
ALBUQUERQUE NM 87102-4281

COOK-MARTIN JERI D & COOK-MARTIN JERI D TRUSTEE GARY COOK FAMILY TRUST
1007 COTTONWOOD PL NW
ALBUQUERQUE NM 87107-6768

CORDOVA ELIZABETH MARIE JARAMILLO & ETAL
1608 7TH ST NW
ALBUQUERQUE NM 87107

CORE FUNDING LLC
PO BOX 91625
ALBUQUERQUE NM 87199-1625

COUNTY OF BERNALILLO C/O COUNTY MANAGER
1 CIVIC PLAZA NW
ALBUQUERQUE NM 87102-2109

CUSSEN MARIA LOUISE
100 GOLD AVE SW APT 603
ALBUQUERQUE NM 87102-3480

CUYLEAR DOROTHY D
2208 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104-1624

CZ INVESTMENTS LLC
PO BOX 6286
ALBUQUERQUE NM 87197-6286

DANILOWICZ ELAINE F
100 GOLD AVE SW UNIT 601
ALBUQUERQUE NM 87102-3480

DAVIS JABARI B & CLARK JENNIFER L
207A RANDALL ST UNIT 209
SAN FRANCISCO CA 94131-2738

DAVIS RACHAEL & MONTOYA THOMAS G
6717 MESA MARIPOSA PL NW
ALBUQUERQUE NM 87120-3357

DE LA RIVA JOSE N & ROSANNA
1006 BELLAMAH AVE NW
ALBUQUERQUE NM 87104-2130

DEAN DAIRY FLUID LLC
PO BOX 91119
ALPHARETTA GA 30005-2044

DEAN DAIRY FLUID LLC
1405 N 98TH ST
KANSAS CITY KS 66111-1865

DEME ALAN
100 GOLD AVE SW UNIT 405
ALBUQUERQUE NM 87102-3478

DEME ALAN & EILEEN DEME
2858 DON QUIXOTE RD NW
ALBUQUERQUE NM 87104

DENISTON-PEAVLER LINDA
2331 EDNA AVE NW
ALBUQUERQUE NM 87104-1516

DENNETT MICHAEL F
PO BOX 7456
ALBUQUERQUE NM 87194

DESERT COMPASS LLC
49 GARDEN PARK CIR NW
ALBUQUERQUE NM 87107-2664

DEUBLE ENTERPRISES LLC
1325 SAGEBRUSH DR SW
LOS LUNAS NM 87031

DEVINE DMARCOS P & AYERS JAMES EUGENE
2203 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104-1623

DEVINE STELLA M
2337 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104-1625

DEYOUNG JOANNE JEWELL
1701 BAND SAW PL NW
ALBUQUERQUE NM 87104

DFA DAIRY BRANDS FLUIDS LLC
1911 2ND ST NW
ALBUQUERQUE NM 87102-1452

DIAZ GUILLERMO & BERTHA TORRES-DIAZ
809 ASPEN AVE NW
ALBUQUERQUE NM 87102

DICKSON JESSE SCOTT
3108 GULF AVE
MIDLAND TX 79705-8205

DJMP CAPITAL GROUP LLC
100 GOLD AVE SW SUITE 204
ALBUQUERQUE NM 87102-3476

DONS WINDOWS & DOORS INC
1130 1ST ST NW
ALBUQUERQUE NM 87102

DOS VIENTOS LLC ATTN: EDWARD T GARCIA
PO BOX 26207
ALBUQUERQUE NM 87125-6207

DOS VIENTOS LLC C/O EDWARD T GARCIA
PO BOX 26207
ALBUQUERQUE NM 87125-6207

DRISCOLL BRIAN P & HEATHER L
204 ATLANTIC AVE SW
ALBUQUERQUE NM 87102-4282

EAST END HOLDINGS LLC ATTN: EDWARD T GARCIA
PO BOX 26207
ALBUQUERQUE NM 87125-6207

EDWARD MAE ANTHONY LLC
1324 1ST ST NW
ALBUQUERQUE NM 87102-1532

ELLIOTT NEIL M & LAUREL M NESBITT
2435 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104-1627

ELLIOTT RITA
2423 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104-1628

ELMQUIST JOHN KARL & MARION ELISABETH
PO BOX 25781
ALBUQUERQUE NM 87125-0781

ESPANA ERNEST H & MARCELLA B
1135 CARLA ST SW
ALBUQUERQUE NM 87121

ESPARZA BEN S
524 CENTRAL AVE SW UNIT 604
ALBUQUERQUE NM 87102-3124

ESQUIBEL ROBERT
1406 FORRESTER AVE NW
ALBUQUERQUE NM 87104-2146

ESTRADA MARIA
1209 2ND ST SW
ALBUQUERQUE NM 87102

EVANS CAROLE A TRUSTEE EVANS LVT
100 GOLD AVE SW APT 306
ALBUQUERQUE NM 87102-3477

EXPLORA EDUCATIONAL DEV LLC
1701 MOUNTAIN RD NW
ALBUQUERQUE NM 87104

EXPLORA SCIENCE CENTER & CHILDRENS MUSEUM OF ALBQ
1701 MOUNTAIN RD NW
ALBUQUERQUE NM 87104

FIRST & IRON LLC
12105 SIGNAL AVE NE
ALBUQUERQUE NM 87122-1514

FOSSE AMBER
PO BOX 4737
ALBUQUERQUE NM 87196-4737

FUSION
700 FIRST ST NW
ALBUQUERQUE NM 87102-2308

GALLEGOS GILBERT R
PO BOX 307
RIBERA NM 87560

GALLEGOS MAX
10414 EDITH BLVD NE
ALBUQUERQUE NM 87113-2408

GALLEGOS RICHARD J JR
PO BOX 43
ALBUQUERQUE NM 87103

GARCIA AIRWAY HOLDINGS LLC ATTN: EDWARD T GARCIA
8301 LOMAS BLVD NE
ALBUQUERQUE NM 87110-7908

GARCIA AIRWAY HOLDINGS LLC C/O EDWARD T GARCIA
8301 LOMAS BLVD NE
ALBUQUERQUE NM 87110-7908

GARCIA CIPRIANO
524 PUEBLO SOLANO RD NW
LOS RANCHOS DE ALBUQUERQUE NM 87107-6646

GARCIA GENE R
1415 2ND ST SW
ALBUQUERQUE NM 87102

GARCIA GENE ROBERT
1415 2ND ST SW
ALBUQUERQUE NM 87102

GARCIA GLORIA
807 HANNETT AVE NW
ALBUQUERQUE NM 87107

GARCIA JOE L & MERLINDA R
2205 EDNA AVE NW
ALBUQUERQUE NM 87104-1514

GARCIA JOSEFINA
820 GREENVIEW AVE
SOUTH BEND IN 46619-2768

GARCIA LARRY & CHRISTINE M
4713 TRAILS END NW
ALBUQUERQUE NM 87120

GARCIA LLOYD A & JAN
1810 OLD TOWN RD NW
ALBUQUERQUE NM 87104-1363

GARCIA LUZ
1215 2ND ST SW
ALBUQUERQUE NM 87102-4301

GARCIA MIRIAM
6325 WIELAND WAY
EL PASO TX 79925-1808

GARCIA THERESA
2205 EDNA AVE NW
ALBUQUERQUE NM 87104-1514

GATE CITY STEEL CORP ATTN: ACCOUNTING DEPT
1801 8TH ST NW
ALBUQUERQUE NM 87102-1210

GENERATION PARTNERS
3540 SWENSON ST SUITE 100
LAS VEGAS NV 89169-9335

GENERATION PARTNERS LLC
412 NW 5TH AVE SUITE 200
PORTLAND OR 97209-3893

GERVAIS TOM & SARAH
1400 AVENIDA MANANA NE
ALBUQUERQUE NM 87110-5749

GIBSON-HALE DON E
402 CAGUA DR NE
ALBUQUERQUE NM 87108-1825

GILLESPIE ELMER H III
1423 2ND ST SW
ALBUQUERQUE NM 87102-4361

GOLD STREET ATTORNEY INVESTMENT LLC
100 GOLD AVE SW UNIT 201
ALBUQUERQUE NM 87102-3474

GOMEZ SUZANNE A
1619 BAND SAW DR NW
ALBUQUERQUE NM 87104-2378

GONZALES DELFINIA
3201 RONDA DE LECHUSAS NW
ALBUQUERQUE NM 87120-1504

GONZALES JOSE A & MARGARET C/O CHRISTINA C GONZALES
10652 SHOOTING STAR ST NW
ALBUQUERQUE NM 87114-3971

GONZALES JOSEPH A & ROSEMARY
703 RAYNOLDS AVE SW
ALBUQUERQUE NM 87103-1034

GONZALES JOSEPH A & ROSEMARY
908 4TH ST SW
ALBUQUERQUE NM 87102

GONZALES MARK A
219 RICHMOND DR SE
ALBUQUERQUE NM 87106

GONZALEZ SAMUEL EDUARDO
4551 E CARRIAGE WAY
GILBERT AZ 85297-9506

GRAHAM VICTORIA M
312 MONTOYA ST NW
ALBUQUERQUE NM 87104-1714

GROHMAN KAREN
1727 BAND SAW PL NW
ALBUQUERQUE NM 87104-2255

GROVE ROBERT BRUCE
2500 THOMPSON RD NW
ALBUQUERQUE NM 87104

GUILLEN EPPIE C
2223 EDNA AVE NW
ALBUQUERQUE NM 87104-1514

GUTIERREZ JOHN K
3245 DURANES RD NW
ALBUQUERQUE NM 87104-2756

GUZMAN SUSAN MARIE
2431 CUTLER AVE NE
ALBUQUERQUE NM 87106-2507

GW RIO GRANDE LLC
900 SKOKIE BLVD SUITE 213
NORTHBROOK IL 60062-4042

GYPSUM MANAGEMENT & SUPPLY INC C/O STEVE HAYDEN
PO BOX 1719
BERNALILLO NM 87004-1719

H & S INC C/O MCDONALDS CORP LC 030-0145
PO BOX 182571
COLUMBUS OH 43218-2571

HAGUEWOOD TRAVIS C
1601 BAND SAW DR NW
ALBUQUERQUE NM 87104-2378

HALLENBORG PHILLIP
1743 BAND SAW PL NW
ALBUQUERQUE NM 87104-2255

HARTMAN GERALD S & HARTMAN TIMOTHY R
3812 PEDRONCELLI RD NW
ALBUQUERQUE NM 87107-3084

HATFIELD ALICE GALYON & ROBERT LEE JR
100 GOLD AVE SE UNIT 403
ALBUQUERQUE NM 87102-3478

HDIC-GOLD AVENUE LLC
5051 JOURNAL CENTER BLVD NE SUITE 200
ALBUQUERQUE NM 87107-5914

HDIC-GOLD AVENUE LLC C/O COLLIERS INTERNATIONAL
5051 JOURNAL CENTER BLVD NE SUITE 200
ALBUQUERQUE NM 87109-5914

HEALEY JOHN
416 ASPEN AVE NW
ALBUQUERQUE NM 87102

HEESACKER JACQUELYN L
PO BOX 7295
ALBUQUERQUE NM 87194-7295

HEILEMAN GREGORY L & JERI M
31 CEDAR HILL PL NE
ALBUQUERQUE NM 87112

HENDLER SUZANNE & MEJIA JUAN LUIS
709 BUCHANAN ST
SAN FRANCISCO CA 94102-4127

HERLINGER ROBERT A TRUSTEE HERLINGER TRUST
7320 AUSTIN ST APT 5J
FOREST HILLS NY 11375-6207

HERMANS MARY BETH
719 BELLAMAH AVE NW
ALBUQUERQUE NM 87102-1222

HERNANDEZ CARLOS & DEBRA
206 CROMWELL AVE SW
ALBUQUERQUE NM 87102-4178

HERNANDEZ PEDRO & SOCORRO
1317 2ND ST SW
ALBUQUERQUE NM 87102-4302

HERRERA JOLENE & ANTHONY C GARCIA & ROBERT C GARCIA & CHRISTINA OROZCO
2323 VIA MADRID DR NW
ALBUQUERQUE NM 87104-3089

HERRON JESSE
1106 BELLAMAH AVE NW
ALBUQUERQUE NM 87104-2131

HERRON JESSE A
1100 BELLAMAH RD NW
ALBUQUERQUE NM 87104

HERRON THERESA M
1519 LOS TOMASES DR NW
ALBUQUERQUE NM 87102

HIDALGO JOSEPH D
1509 2ND ST SW
ALBUQUERQUE NM 87102-4303

HINDI MONEER & HINDI AZEEZ
9108 BELLEHAVEN CT NE
ALBUQUERQUE NM 87112

HINOJOS OSWALDO

2518 TREVISO DR SE
RIO RANCHO NM 87124-0000

HISE CHARLES & JEANNE M (ESTATES OF) C/O ROBERT C HISE

9637 MORROW AVE NE
ALBUQUERQUE NM 87112-2951

HOFFSIS JOHN ARTHUR

2623 ALOYSIA LN NW
ALBUQUERQUE NM 87104-1723

HOLTRY ARTHUR M TRUSTEE HOLTRY RLT & HOLTRY ELVIRA (ESTATE OF)

1611 LOS TOMASES DR NW
ALBUQUERQUE NM 87102-1232

HOMEWISE INC

1301 SILER RD BLDG D
SANTA FE NM 87507-3540

HOMEWISE INC

500 2ND ST SW
ALBUQUERQUE NM 87102-3852

HOMEWISE ORPHEUM LLC

1301 SILER RD BLDG D
SANTA FE NM 87507-3540

HOWARTH JAMES J

51 LAFAYETTE ST UNIT 602
SALEM MA 01970-7505

HPA III ACQUISITIONS 1 LLC

120 S RIVERSIDE PLAZA SUITE 2000
CHICAGO IL 60606-6995

HULL ARTHUR V II

1739 BAND SAW PL NW
ALBUQUERQUE NM 87104-2255

HULL STEPHEN & JARAMILLO FRANCES M

112 SARAH LN NW
ALBUQUERQUE NM 87114-1007

HUNT KYLE

1609 BAND SAW DR NW
ALBUQUERQUE NM 87104-2378

HUSLIG RACQUEL

PO BOX 444
PLACITAS NM 87043-0444

INTERCEPT LLC

PO BOX 56607
ALBUQUERQUE NM 87187-6607

JANW LLC
8220 SAN DIEGO AVE NE
ALBUQUERQUE NM 87122-3609

JAQUETTE CAMILLA M
2419 EDNA AVE SW
ALBUQUERQUE NM 87104-1518

JARAMILLO ARLENE
2409 EDNA AVE NW
ALBUQUERQUE NM 87104-1518

JEANNIE REALTY C/O JP SKIDMORE & COMPANY LLC
739 WOODLAND AVE
EL PASO TX 79922-2040

JIMENEZ REUBEN C & DELIA A
1603 7TH ST NW
ALBUQUERQUE NM 87102

JOHNSON JERROLD R & GERROLD R SANDOVAL
1002 BELLAMAH AVE NW
ALBUQUERQUE NM 87104

JORDAN JENNIFER HYSON
2420 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104-1628

JOURNAL PUBLISHING CO
7777 JEFFERSON ST NE
ALBUQUERQUE NM 87109-4343

JS BROWN LLC
317 COMMERCIAL ST NE
ALBUQUERQUE NM 87102

JUAREZ MAURO & SOCORRO
1305 2ND ST SW
ALBUQUERQUE NM 87102

JULKES JASON J
1700 BAND SAW PL NW
ALBUQUERQUE NM 87104-2255

KAPURANIS FRANK & MATIA KAPURANIS TOM & SOFIA
8691 E BRIARWOOD BLVD
ENGLEWOOD CO 80112-1396

KASDORF CECIL L & LOIS I
1416 1ST ST NW
ALBUQUERQUE NM 87102

KELLY WAYNE & MARGARET F
PO BOX 500
CEDAR CREST NM 87008

KERRIGAN DANIEL & GARCIA MICHELLE MARIE
2070 CAMINO DE CHAVEZ RD
BOSQUE FARMS NM 87068-9669

KESLOW PROPERTIES 3 LLC
5900 BLACKWALDER ST
CULVER CITY CA 90232-7306

KIMURA MAKIKO
1015 2ND ST SW
ALBUQUERQUE NM 87102-4124

KOCHER SANDRA LEE
2436 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104-1628

KRUGER ASHLEY
1235 11TH ST NW
ALBUQUERQUE NM 87104

L & B RENTALS LLC
4501 BOGAN AVE NE SUITE A-1
ALBUQUERQUE NM 87109-2225

LA CORONA REAL LLC C/O EDWARD T GARCIA
PO BOX 26207
ALBUQUERQUE NM 87125-6207

LA PLACITA LLC
PO BOX 7308
ALBUQUERQUE NM 87194-7308

LAUN-DRY SUPPLY COMPANY
3800 DURAZNO
EL PASO TX 79905

LEAR OLIVIA
1460 LUMBERTON DR NW
ALBUQUERQUE NM 87104-2455

LEE LAUREN
1723 BAND SAW PL NW
ALBUQUERQUE NM 87104

LEFEBRE FRANK
1523 7TH ST NW
ALBUQUERQUE NM 87102-1247

LETTUNICH JOHN W & CAROLYN J
100 GOLD AVE SW APT 304
ALBUQUERQUE NM 87102-3477

LIPINSKI VINCENT A
2433 EDNA AVE NW
ALBUQUERQUE NM 87104-1518

LLOYD BRIAN J
805 ASPEN AVE NW
ALBUQUERQUE NM 87102-1218

LOPEZ DAVIN E C/O MVEDA
PO BOX 1299
LAS CRUCES NM 88004-1299

LOPEZ EBERARDO & HORST ANNA
1004 BELLAMAH AVE NW
ALBUQUERQUE NM 87104-2130

LOPEZ KAREN D
916 BELLAMAH AVE NW
ALBUQUERQUE NM 87104-2199

LOPEZ RAY & BARBARA TAFOYA
3800 2ND ST NW
ALBUQUERQUE NM 87107

LOPEZ RAY ETAL
3800 2ND ST NW
ALBUQUERQUE NM 87107

LOVE BRITTANY A
824 KIPUKA DR NW
ALBUQUERQUE NM 87120-1088

LOVELESS RICHARD & JUDITH & JARAMILLO CHRIS
1710 SIXTH ST NW
ALBUQUERQUE NM 87102-1310

LUCERO MAXIMINIO ALEXANDER & LUCERO MARK JAMES
609 ASPEN AVE NW
ALBUQUERQUE NM 87102-1215

LUDINGTON RIVER JOEL
1214 12TH ST NW
ALBUQUERQUE NM 87104-2114

LUDINGTON SIERRA
1212 12TH ST NW
ALBUQUERQUE NM 87104-2114

LUNA ADRIAN & RODIRGUEZ MARIA LUZ
202 CROMWELL AVE SW
ALBUQUERQUE NM 87102-4178

LYLES REBECCAH SUSANNE
1608 5TH ST NW
ALBUQUERQUE NM 87102-1302

M J OFALLON BUILDING LLC
612 1ST ST NW
ALBUQUERQUE NM 87102-2306

MADDEN ANDREW JACOB
1624 BAND SAW DR NW
ALBUQUERQUE NM 87104-2418

MADRID ANTHONY P SR ETUX
2109 MOZART ST
LOS ANGELES CA 90031-2235

MAE WEST LAND MANAGEMENT LLC
PO BOX 350
BAYFIELD CO 81122-0350

MAESTAS STEVE & SYLVIA
631 BELLAMAH AVE NW
ALBUQUERQUE NM 87107

MAHONEY CATHERINE
412 19TH ST NW
ALBUQUERQUE NM 87104-1441

MALLETTE TRACY & TIMOTHY J
612 ASPEN AVE NW
ALBUQUERQUE NM 87102-1216

MANSFIELD RICHARD W
3925 DOROTEO PL NE
ALBUQUERQUE NM 87111-3841

MANZANO MOUNTAIN REAL ESTATE LLC
2313 EDNA AVE NW
ALBUQUERQUE NM 87104

MARIANETTI PAUL A & PATRICIA A TRUSTEE MARIANETTI RVT ATTN: ZIA TRUST INC
6301 INDIAN SCHOOL RD NE #800
ALBUQUERQUE NM 87110-8102

MARTIN CHRISTINE
PO BOX 72094
ALBUQUERQUE NM 87195-2094

MARTINEZ ADELA B
434 MANUEL AVE SW
ALBUQUERQUE NM 87102-4509

MARTINEZ ADELA B
440 MANUEL AVE SW
ALBUQUERQUE NM 87102

MARTINEZ JOSEPH
2213 EDNA AVE NW
ALBUQUERQUE NM 87104

MARTINEZ LARRY D & RACHEL C
308 MONTOYA RD NW
ALBUQUERQUE NM 87104

MARTINEZ-GURULE MARIA A
2228 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104

MARTINEZ-GURULE MARIA A
315 RIO GRANDE BLVD NW APT A
ALBUQUERQUE NM 87104-1434

MATTHEWS STUART CHARLES
100 GOLD AVE SW 508
ALBUQUERQUE NM 87102-3480

MCCARTNEY CHRISTY GENE
202 RIO GRANDE BLVD NW
ALBUQUERQUE NM 87104

MCCOLLUM THOMAS & JEFFREY C/O TOM MCCOLLUM
11000 BERMUDA DUNES NE
ALBUQUERQUE NM 87111-6555

MCCORMICK SCOTT P
88 BRANNAN RD
TIJERAS NM 87059

MCDONALDS REAL ESTATE COMPANY
2305 CENTRAL AVE
ALBUQUERQUE NM 87104-1609

MCLLROY YNEZ
923 2ND ST SW
ALBUQUERQUE NM 87102-4281

MEDINA ANTONIO J
2401 EDNA DR NW
ALBUQUERQUE NM 87104-1518

MEDINA MARIO
2320 EDNA AVE NW
ALBUQUERQUE NM 87104-1517

MEDINA MARIO R
2301 EDNA AVE NW
ALBUQUERQUE NM 87104

MENDEZ HUMBERTO & BRISIA
1510 7TH ST NW
ALBUQUERQUE NM 87120

MEYER CAROLYN TRUSTEE MEYER RVT
100 GOLD AVE SW APT 602
ALBUQUERQUE NM 87102-3480

MHC 215 LLC
41 FLATBUSH AVE SUITE 3C
BROOKLYN NY 11217-1145

MICHAELBACK JEANETTE L (ESTATE OF)
2404 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104-1628

MIDDLE RIO GRANDE CONSERVANCY
PO BOX 581
ALBUQUERQUE NM 87103-0581

MILLENNIUM HOSPITALITY INC
2321 CENTRAL AVE NW
ALBUQUERQUE NM 87104

MMAD INVESTMENT CO LLC
9027 SCHOONER RD NW
ALBUQUERQUE NM 87121

MONTEZ WENDY LEE & GILBERT GARY
1111 2ND ST SW
ALBUQUERQUE NM 87102-4125

MONTOYA ERNEST P TRUSTEE MONTOYA RVT
PO BOX 25227
ALBUQUERQUE NM 87125-0227

MONTOYA IVAN P & ANNABELLE
2316 EDNA AVE NW
ALBUQUERQUE NM 87104-1517

MONTOYA LAUDENTE H (ESTATE OF)
9920 CHAPALA DR NE
ALBUQUERQUE NM 87111-4862

MONTOYA LILLY & PATRICK A
1802 CONITA REAL AVE SW
ALBUQUERQUE NM 87105

MONTOYA LILY & VIGIL VINCENT & VIGIL ALAN
1514 COORS BLVD SW
ALBUQUERQUE NM 87121-4325

MONTOYA RANDY P & PHYLLIS L
2503 THOMPSON PL NW
ALBUQUERQUE NM 87104-1721

MONTOYA ROBERT J & ANGELA Y
1617 5TH ST NW
ALBUQUERQUE NM 87102

MORALES MILDRED & ELIA
1614 7TH ST NW
ALBUQUERQUE NM 87102-1202

MORALES RODOLFO & ELIA F
1614 7TH ST NW
ALBUQUERQUE NM 87107

MORENO ANGELA
709 1ST ST SW
ALBUQUERQUE NM 87102

MORGAN DANIEL CHARLES
2329 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104-1625

MORRIS JANIE M TRUSTEE MORRIS RVLT
826 MULLEN RD NW
LOS RANCHOS DE ALBUQUERQUE NM 87107-5843

MOUNTAIN RUN PARTNERS LTD
5850 EUBANK BLVD NE SUITE B62
ALBUQUERQUE NM 87111-6132

MOYA EMMA
1506 8TH ST NW
ALBUQUERQUE NM 87102

MULE PROPERTIES INC
2321 CENTRAL AVE NW
ALBUQUERQUE NM 87104-1609

MURPHY JUANITA C/O CASAUS EUGENE
1812 NEWTON PL NE
ALBUQUERQUE NM 87106-2527

MURPHY JUANITA C/O EUGENE OR TINA CAS
1812 NEWTON PL NE
ALBUQUERQUE NM 87106-2527

MUSKET CORPORATION C/O L B WALKER & ASSOCITATES INC
13111 NW FWY SUITE 125
HOUSTON TX 77040-6321

MYERS MICHELLE
2314 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104

N M EMPLOYMENT SECURITY COMM C/O FACILITY MANAGEMENT DIVISION
PO BOX 6850
SANTA FE NM 87502

NARRO MARTIN E
1521 7TH ST NW
ALBUQUERQUE NM 87107-1247

NATIONAL HISPANIC CULTURAL CENTER OF NM
1701 4TH ST SW
ALBUQUERQUE NM 87102-4508

NATURAL HISTORY MUSEUM DIV OF THE OFF CULTURAL AFF
1801 MOUNTAIN RD NW
ALBUQUERQUE NM 87104-1375

NAVARRETE TONY R & LEONELLA RITA TRUSTEES NAVARRETE RVT
328 GREENWICH RD SW
ALBUQUERQUE NM 87105-3809

NAWMAN ROSELLA L TRUSTEE 1912 OLD TOWN ROAD TRUST
4205 PARSIFAL ST NE
ALBUQUERQUE NM 87111-3374

NDW LLC
9577 OSUNA NE SUITE B
ALBUQUERQUE NM 87111-2286

NEVAREZ JORGE A SERRANO
1823 8TH ST NW
ALBUQUERQUE NM 87107-1210

NEW YORK TRANSMISSION LLC
412 NW 5TH AVE SUITE 200
PORTLAND OR 97209-3893

NEWMAN SARAH R
1604 BAND SAW DR NW
ALBUQUERQUE NM 87104-2418

NEWTON INVESTMENT CO LLC
PO BOX 25623
ALBUQUERQUE NM 87125

NICOLE CANDICE
204 CROMWELL AVE SW
ALBUQUERQUE NM 87102-4178

NOON JOAQUIN
100 GOLD AVE SW SUITE 206
ALBUQUERQUE NM 87102-3476

OAXACA LUIS
717 BELLAMAH AVE NW
ALBUQUERQUE NM 87102-1222

OCONNOR DANIEL M
1620 BAND SAW DR NW
ALBUQUERQUE NM 87104-2418

OLD TOWN 1 LLC
6024 JAGGED PEAK RD NW
ALBUQUERQUE NM 87114-3025

OLD TOWN ABQ LLC
7516 N CAMINO SIN VACAS
TUCSON AZ 85718-1251

OLD TOWN PLAZA LLC
1919 OLD TOWN RD NW SUITE 1
ALBUQUERQUE NM 87104

OLIN & BLAND & DANIEL & GRANT ETAL C/O LOUANN DANIEL

10104 SIERRA HILL DR NW
ALBUQUERQUE NM 87114

OLMI ANTONIO M & JONES ROGER D

1500 ARCHULETA DR NE
ALBUQUERQUE NM 87112-4891

OLMI ANTONIO M & ROGER D JONES

1500 ARCHULETA DR NE
ALBUQUERQUE NM 87112

ONEMAIN FINANCIAL GROUP LLC

1010 BELLAMAH AVE NW
ALBUQUERQUE NM 87104-2130

ORTEGA SUZANNE T

100 GOLD AVE SW APT 404
ALBUQUERQUE NM 87102-3478

ORTIZ GLEN & VICKY

4130 RANCHO CENTRO NW
ALBUQUERQUE NM 87120-3494

ORTIZ RENE & JOSEFINA

100 GOLD AVE SW APT 409
ALBUQUERQUE NM 87102-3479

P P INVESTMENTS LTD

PO BOX 2064
CORRALES NM 87048-2064

PADILLA ANDREW C/O CANO CECILIA & GRAJEDA MARTHA G

310 SANTA FE AVE SW
ALBUQUERQUE NM 87102-4162

PADILLA PAUL TRUSTEE PADILLA SOLO 401K TRUST

9347 ADMIRAL LOWELL PL NE
ALBUQUERQUE NM 87111-1264

PASCAL EMILY

1635 BAND SAW DR NW
ALBUQUERQUE NM 87104-2378

PATTON JERROLD D JR

11108 BOBCAT PL NE
ALBUQUERQUE NM 87122-1126

PENNINGTON CARLTON R & CHRISTINE M

1010 SAWMILL RD NW
ALBUQUERQUE NM 87104-2130

PENNINGTON GILES P & BELINDA M

2405 EDNA AVE NW
ALBUQUERQUE NM 87104-1518

PEREA ANGELO L & ZOE S
912 BELLAMAH AVE NW
ALBUQUERQUE NM 87104-2199

PEREA FRANCES
PO BOX 26344
ALBUQUERQUE NM 87125-6344

PEREA MICHAEL A & MERLINDA A
3312 LA MANCHA DR NW
ALBUQUERQUE NM 87104-3028

PEREA VIRGILENE V & MAYNARD
2335 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104-1625

PEREZ ABRAN J
1612 BAND SAW DR
ALBUQUERQUE NM 87104-2418

PEREZ FERNANDO & SOLEDAD
1301 WALTER SE
ALBUQUERQUE NM 87102

PETERSON CRISTINA
1023 2ND ST SW
ALBUQUERQUE NM 87102-4124

PETERSON PROPERTIES C/O JIM PETERSON
2325 SAN PEDRO DR NE
ALBUQUERQUE NM 87110-4120

PETERSON PROPERTIES C/O WALGREEN CO RE PROPERTY TAX DEPT
PO BOX 1159
DEERFIELD IL 60015-6002

PETROLINK INC
PO BOX 25845
ALBUQUERQUE NM 87125-5845

PINCKLEY GUY & NANCY
5012 RIO ST
FARMINGTON NM 87402-1937

POCOCK TOBY J & WOOD WINTON E
2406 EDNA AVE NW
ALBUQUERQUE NM 87104-1519

POHL ODELIA
2217 EDNA AVE NW
ALBUQUERQUE NM 87104-1514

PRESBYTERIAN HEALTHCARE SERVICES ATTN: REAL ESTATE DEPT
PO BOX 26666
ALBUQUERQUE NM 87125-6666

PROVENCIO RAY MARK
200 CROMWELL AVE SW
ALBUQUERQUE NM 87102-4178

PUBLIC SERVICE CO OF NM
ALVARADO SQUARE
ALBUQUERQUE NM 87158

PUBLIC SERVICE COMPANY OF NM
ALVARADO SQUARE
ALBUQUERQUE NM 87158

PUZAK DANIEL G & LISA M
100 GOLD AVE SW SUITE 205
ALBUQUERQUE NM 87102-3476

R & K LIMITED LIABILITY CO
108 CARSON DR
LOS LUNAS NM 87031

RAIL YARD LAND LLC
777 1ST ST SW
ALBUQUERQUE NM 87102-0000

RAM PARTNERSHIP
PO BOX 25144
ALBUQUERQUE NM 87125-0144

RAMBES ROBERT J
2209 EDNA AVE NW
ALBUQUERQUE NM 87104-1514

RAMIREZ JOEL R & CARMEN V & RAMIREZ JOEL ROBERT
701 ASPEN AVE NW
ALBUQUERQUE NM 87102-1217

RAMIREZ LUIS F
4802 HEADINGLY AVE NE
ALBUQUERQUE NM 87110-1809

RAND MIRIAM M & PORTER ONA L
2619 CORIANDA CT NW
ALBUQUERQUE NM 87104-3267

RAWLEY JAMES
919 GOLD AVE SW
ALBUQUERQUE NM 87102-3082

RCR DEVELOPMENT LLC
PO BOX 6883
ALBUQUERQUE NM 87197-6883

REALYVAZQUEZ ARON A
208 ATLANTIC AVE SW
ALBUQUERQUE NM 87102

REDSTROM RHONDA
PO BOX 70501
ALBUQUERQUE NM 87197

REGALO 4 LLC
1503 CENTRAL AVE NW SUITE 101
ALBUQUERQUE NM 87104-1158

REGENTS OF UNM REAL ESTATE DEPT
MSC06-3595-1 UNIVERSITY OF NM
ALBUQUERQUE NM 87131-0001

REGIS ALAN F & FRANCINE A
3535 GIRARD BLVD NE
ALBUQUERQUE NM 87107

RELIANCE STEEL & ALUMINUM CO ATTN: ACCOUNTING DEPT
1801 8TH ST NW
ALBUQUERQUE NM 87102-1210

REMILLARD LOURDES E
1456 LUMBERTON DR NW
ALBUQUERQUE NM 87104-2455

RISPOLI ROBERT A
409 19TH ST NW
ALBUQUERQUE NM 87104-1440

RITTER KIMBERLY MONET
184 PETIT AVE
VENTURA CA 93004-1746

RIVERHORSE INVESTMENTS LP
2811 INDIAN SCHOOL RD NE
ALBUQUERQUE NM 87106

ROADRUNNER OF OLD TOWN INC
1209 RIDGECREST DR SE
ALBUQUERQUE NM 87108-3459

ROBERTSON KENDRA L
2319 EDNA AVE NW
ALBUQUERQUE NM 87104-1516

ROGER COX LIMITED PARTNERSHIP 1984-2
1717 LOUISIANA BLVD NE SUITE 111
ALBUQUERQUE NM 87110

ROJAS DELIA M
2439 EDNA AVE NW
ALBUQUERQUE NM 87104

ROJU MARGARET A
919 2ND ST SW
ALBUQUERQUE NM 87102-4281

ROMERO EVA A

265 SARATOGA BLVD E
ROYAL PALM BEACH FL 33411-8282

ROMERO LEOPOLDO J & CLAUDETTE I

1224 12TH ST NW
ALBUQUERQUE NM 87104-2114

ROYSTER RONALD E & HARRIET K

1719 BAND SAW PL NW
ALBUQUERQUE NM 87104

ROZENBURG LESLIE V & CORDOVA ROSE M

1509 7TH ST NW
ALBUQUERQUE NM 87102-1247

RUTLEDGE DENEEN CORDOVA TRUSTEE REED BART RUTLEDGE RVT A

9409 SEABROOK DR NE
ALBUQUERQUE NM 87111-7407

SAIS ANTHONY ALBERT

2114 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104-1622

SAIZ DAVID

215 16TH ST NW
ALBUQUERQUE NM 87104-1221

SAIZ JONATHAN

1448 LUMBERTON DR NW
ALBUQUERQUE NM 87104-2455

SAIZ RUTH SANCHEZ

809 HANNETT AVE NW
ALBUQUERQUE NM 87102-1287

SALAZAR BETTY

1505 2ND ST SW
ALBUQUERQUE NM 87102-4303

SALAZAR JOANNA & SALAZAR LEROY P

PO BOX 81873
ALBUQUERQUE NM 87198-1873

SALAZAR LIONEL V & SALAZAR CHRIS L

723 BELLAMAH AVE NW
ALBUQUERQUE NM 87102-1222

SAN RIO VENTURES LLC

1917 7TH ST NW
ALBUQUERQUE NM 87102

SANCHEZ AMANDA R

1615 BAND SAW DR NW
ALBUQUERQUE NM 87104-2378

SANCHEZ ANA MARIA
317 SUNSET FARM PL SW
ALBUQUERQUE NM 87105-2764

SANCHEZ ARTURO JR & LORENA
1801 CORTE ELICIA ST SW
ALBUQUERQUE NM 87105-6009

SANCHEZ CARMEN F
1115 2ND ST SW
ALBUQUERQUE NM 87102

SANCHEZ ELOISA ETAL
1521 DENNISON RD SW
ALBUQUERQUE NM 87105-2815

SANCHEZ JOHN A & DEBRA J
PO BOX 25387
ALBUQUERQUE NM 87125-0387

SANCHEZ JOSEPH RUDY TR SANCHEZ TRUST
1512 4TH ST SW
ALBUQUERQUE NM 87102-1421

SANCHEZ JULIAN L
1115 2ND ST SW
ALBUQUERQUE NM 87102

SANCHEZ KRISTA
100 GOLD AVE SW APT 308
ALBUQUERQUE NM 87102-3477

SANCHEZ ROBERT P & TINA N & SANCHEZ RAY A & CHARLENE TRUSTEES SANCHEZ LVT
1110 1ST ST NW
ALBUQUERQUE NM 87102-2359

SAND N SUN LLC
2908 RIO GRANDE BLVD NW
ALBUQUERQUE NM 87107-2929

SANDOVAL ALAN ANDREW & SANDOVAL ALVIN D
2206 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104-1624

SANDOVAL JESUS M SALCIDO
1321 2ND ST SW
ALBUQUERQUE NM 87102

SANDOVAL KENNETH
2004 OLD TOWN RD NW
ALBUQUERQUE NM 87104-1413

SANDOVAL-GARCIA ALEJANDRO
2438 EDNA AVE NW
ALBUQUERQUE NM 87104-1519

SANTA FE PACIFIC TRUST INC
PO BOX 81200
ALBUQUERQUE NM 87198

SANTISTEVAN JAMES A & SIERRA N
1715 BAND SAW PL NW
ALBUQUERQUE NM 87104-2255

SAUCEDO SAMUEL
905 2ND ST SW
ALBUQUERQUE NM 87102-4281

SAWMILL BELLAMAH PROPERTIES LLC
201 3RD ST NW SUITE 1150
ALBUQUERQUE NM 87102-4493

SAWMILL COMMUNITY LAND TRUST
990 18TH ST NW FLOOR 2
ALBUQUERQUE NM 87104-2053

SAWMILL COMMUNITY LAND TRUST
PO BOX 25181
ALBUQUERQUE NM 87125-0181

SAWMILL COMMUNITY LAND TRUST (SCLT)
990 18TH ST NW
ALBUQUERQUE NM 87104-2053

SAWMILL CROSSING HOMEOWNERS ASSOC INC
2180 W STATE ROAD 434 SUITE 5000
LONGWOOD FL 32779-5041

SCHALLER KARL PAUL
267 CAMINO ARCO IRIS
CORRALES NM 87048-7271

SHARIFI HAMAYOON & SORAYA
202 SAN FELIPE ST NW
ALBUQUERQUE NM 87104

SILVER GARDENS I LLC ATTN: THERESA A BELL
PO BOX 35909
ALBUQUERQUE NM 87176-5909

SILVER HAWK LLC
42 PENNY LN
CEDAR CREST NM 87008-9723

SIMMONS ROSE D
1623 5TH ST NW
ALBUQUERQUE NM 87102

SMASHING INVESTMENTS LLC
1917 7TH ST NW
ALBUQUERQUE NM 87102-1205

SOUERS MARSHA M
1820 ZEARING AVE NW
ALBUQUERQUE NM 87104-2072

SPRINGER INDUSTRIAL CENTER LTD
1717 LOUISIANA BLVD NE SUITE 111
ALBUQUERQUE NM 87110-7014

SPRINGER SQUARE NEW MEXICO LLC
1209 ORANGE ST
WILMINGTON DE 19801-1120

ST JOHN SARAH ELIZABETH
1239 11TH ST NW
ALBUQUERQUE NM 87104-2172

STAGNER DESIREE & STAGNER WILL
2713 LOS TRETOS ST NW
ALBUQUERQUE NM 87120-1315

STARR TERESA
2340 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104-1626

START YOUR ENGINES LLC
8301 LOMAS BLVD NE
ALBUQUERQUE NM 87110-7908

STATE OF NEW MEXICO
PO BOX 1148
SANTA FE NM 87504-1148

STATE OF NEW MEXICO CULTURAL AFFAIRS NATIONAL HISPANIC CULTURAL CENTER
1701 4TH ST SW
ALBUQUERQUE NM 87102

STATE OF NEW MEXICO OFFICE OF CULTURAL AFFAIRS
228 E PALACE AVE
SANTA FE NM 87501-2000

STATE OF NEW MEXICO STATE LAND OFFICE
PO BOX 1148
SANTA FE NM 87504-1148

STATKUS & COMPANY LLC
1917 7TH ST NW
ALBUQUERQUE NM 87102-1232

STATKUS JOHN F
721 ASPEN AVE NW
ALBUQUERQUE NM 87102-1289

STATKUS THOMAS H ETAL
721 ASPEN AVE NW
ALBUQUERQUE NM 87102-1289

STEINLAUF SYLVAIN & JANET TRUSTEES STEINLAUF RVT
10104 MASTERS DR NE
ALBUQUERQUE NM 87111-5893

STEPLETON BONNIE
904 TANSION CT NE
ALBUQUERQUE NM 87112-8116

STONE DANIEL P & STONE EDWARD L & LUCERO MARTH M STONE
1716 SHADYSIDE DR SW
ALBUQUERQUE NM 87105

STONE DANIEL P & STONE EDWARD L & STONE MARTHA M LUCERO
1716 SHADYSIDE DR SW
ALBUQUERQUE NM 87105

STUCKMAN DAVID
1720 6TH ST NW
ALBUQUERQUE NM 87102-0000

SUITE 301 GOLD LLC
120 VASSAR DR SE SUITE 100
ALBUQUERQUE NM 87106-2823

SUNDANCE VILLAGE LIMITED PARTNERSHIP C/O PACIFICAP
412 NW 5TH AVE SUITE 200
PORTLAND OR 97209-3893

SUTTON JAMES & SARASON JEROME C BRECKENRIDGE PROPERTY FUND 2016 LLC
PO BOX 7785
ALBUQUERQUE NM 87194-7785

TADAY STEPHEN T & THERESA A TRUSTEES TADAY RVT
PO BOX 2064
CORRALES NM 87048-2064

TADAY STEPHEN T JR & THERESA A TRUSTEES TADAY LVT
PO BOX 2064
CORRALES NM 87048-2064

TAFOYA HARRY J & BEATRICE
6651/2 ATRISCO DR SW
ALBUQUERQUE NM 87105-3181

TANIGAKI EMA
1612 5TH ST NW
ALBUQUERQUE NM 87102-1302

TBJ FAMILY LIMITED PARTNERSHIP
2020 S PLAZA ST NW
ALBUQUERQUE NM 87104-1400

TBJ FAMILY LIMITED PARTNERSHIP NO 1
2020 S PLAZA ST NW
ALBUQUERQUE NM 87104-1400

TENORIO PAULINE
1631 BAND SAW DR NW
ALBUQUERQUE NM 87104-2378

TERCERO GILBERT D
2226 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104

THEATRE BLOCK LLC ATTN: JERRY MOSHER
4411 ANAHEIM AVE NE
ALBUQUERQUE NM 87113-0000

THUNDER ROAD ENTERPRISES LLC
1333 ASPEN AVE NW
ALBUQUERQUE NM 87104

TORRES LUCILLE & TORRES AYLA
2221 ENDA AVE NW
ALBUQUERQUE NM 87104-1514

TORRES VICTORIA P
1828 ZEARING AVE NW
ALBUQUERQUE NM 87104-2072

TRAFTON CLINTON M & DEBORAH D TRUSTEES TRAFTON FAMILY TRUST
3639 MIDWAY DR SUITE B #338
SAN DIEGO CA 92110-5254

TROUBLED MINDS HOLDINGS LLC
3905 SIMMS AVE SE
ALBUQUERQUE NM 87108-4337

TRUJILLO JACOB
1464 LUMBERTON DR NW
ALBUQUERQUE NM 87104-2455

TRUJILLO JOHN T
2432 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104-1628

TRUJILLO KENNETH J & ANA MARIA TRUSTEES TRUJILLO FAMILY TRUST
280 CALLE DE WENCES
LOS LUNAS NM 87031-6562

TRUJILLO MARY ELIZABETH C/O KUPJACK TIMOTHY & KUPJACK EDWARD J
209 ATLANTIC AVE SW
ALBUQUERQUE NM 87102

TRUJILLO SARA D & TRUJILLO LINDA A & CASTILLO RAYMOND E & TRUJILLO OLLIN
1806 OLD TOWN RD NW
ALBUQUERQUE NM 87104-1363

TURCIOS MAXIMO & ALICIA
9209 ALVERA AVE SW
ALBUQUERQUE NM 87121-7883

TWIN POWERS LLC
1424 1ST ST NW
ALBUQUERQUE NM 87102-1534

U S GOVERNMENT REAL EST DIV/US POSTAL SEV
7500 E 53RD PL RM 1108
DENVER CO 80266-9918

UNITED STATES OF AMERICA GENERAL SERVICES ADMINISTRATION
819 TAYLOR ST
FORT WORTH TX 76102

US INDIAN SERVICE & BUREAU OF INDIAN AFFAIRS
1001 INDIAN SCHOOL RD NW
ALBUQUERQUE NM 87104

VALDES EDUARDO
1735 BAND SAW PL NW
ALBUQUERQUE NM 87104-2255

VALENCIA PAUL T & REBECCA A
2221 HOLLYWOOD AVE NW
ALBUQUERQUE NM 87104

VALLIANT DENNIS P & MARY M
1621 PARK AVE SW
ALBUQUERQUE NM 87104-1025

VAN GAASBEEK JON
806 RIDGECREST DR SE
ALBUQUERQUE NM 87108-3369

VARELA FRANK LAWRENCE & DAVILA PAULINE V & VARELA-SCHUM BARBARA J
10510 STEWARD ST NW
ALBUQUERQUE NM 87114-5058

VASQUEZ CRYSTAL V
1405 2ND ST SW
ALBUQUERQUE NM 87102

VASQUEZ URIEL
1401 2ND ST SW
ALBUQUERQUE NM 87102-4361

VELASQUEZ VITA
407 OLIVIA RD
LAS VEGAS NM 87701

VIALPANDO LUCILLE A
2416 EDNA AVE NW
ALBUQUERQUE NM 87104-1519

VIGIL ALAN A
4300 STANDFIER CT SW
ALBUQUERQUE NM 87105

VIGIL SALLY C & DORTHEA GALLEGOS & MARTINEZ SANDRA
1207 2ND ST SW
ALBUQUERQUE NM 87102-4301

VIGIL TERRY LOHMAN & SHAININ JOSH LOHMAN
1705 BAND SAW PL NW
ALBUQUERQUE NM 87104-2255

VILLA EDUARDO & BLANCA
1516 3RD ST SW
ALBUQUERQUE NM 87102

VILLARREAL MARGARITA
1425 2ND ST SW
ALBUQUERQUE NM 87102

VILLEGAS MAURICIO E & DARLACH GABRIELA
939 RUE CHANTILLY
MANDEVILLE LA 70471-1205

VINCENT ANNA & MARK W
110 RENFREW CT
EL SOBRANTE CA 94803-1666

VIVERE NM LLC
111 BROADWAY SUITE 101
OAKLAND CA 94607-3730

WATTERBERG PETER & TINA
1621 ADELITA DR NE
ALBUQUERQUE NM 87112-4909

WESTERN REFINING TERMINALS LLC ATTN: PROPERTY TAX DEPT
PO BOX 592809; TX1-047
SAN ANTONIO TX 78259-0190

WHITE DANIEL A
100 GOLD AVE SW UNIT 401
ALBUQUERQUE NM 87102-3478

WILSON LLOYD R & BACA LENORA EILEEN
6800 VISTA DEL NORTE RD NE NO. 1928
ALBUQUERQUE NM 87113-1379

WINDSOR HOTEL INC ATTN: NANCI GARNAND
2334 HARDING PARK CT
BERTHOUD CO 80513-9554

WOOD WINTON & POCOCK TOBY J & WOOD NORBERT
2410 EDNA AVE NW
ALBUQUERQUE NM 87104-1519

WYLY JOHN WYATT III & LENORA J
114 BECKER AVE
BELEN NM 87002-2820

YOUNG PHILLIP A TRUSTEE YOUNG RVT
1209 SUNSET RD SW
ALBUQUERQUE NM 87105-3725

ZAMORA DAVID & DORRIE ANN
5812 JONES PL NW
ALBUQUERQUE NM 87120

ZAMORAS HISTORICAL MANSION LIMITED PARTNERSHIP
2004 S PLAZA ST NW
ALBUQUERQUE NM 87104-1573

ZES VENTURES LLC
4829 S 38TH ST
PHOENIX AZ 85040-2908

ZIMMERMAN BENJAMIN E
3611 CAMPUS BLVD NE
ALBUQUERQUE NM 87106

FACILITATED MEETING REPORT

CITY OF ALBUQUERQUE

LAND USE FACILITATION PROGRAM AMENDED ZOOM MEETING REPORT

MRA Proposed Rail Trail IDO Amendments – September 20, 2023

Project: CABQ facilitated meeting
Property Description/Address: Proposed MRA Rail Trail Loop
Date Submitted: September 29, 2023
Submitted By: Jocelyn M. Torres, Land Use Facilitator
Meeting Date/Time: September 20, 2023, 4:30 PM- 5:30 PM
Meeting Location: Zoom
Applicant/Owner: CABQ MRA
Neighborhood Associations/Interested Parties: Zoom registrants (to be provided by the MRA).

Please note that this is a summary, not a transcript, of the September 20, 2023 CABQ facilitated meeting.

Background Summary.

https://www.cabq.gov/mra/rail-trail-1

The Rail Trail has been public information since 2021, when the City started hosting community meetings. The City has been studying the Rail Trail since 2020 and began soliciting public input in 2021. Community engagement has been and will continue to be ongoing. The City held a press conference unveiling the architectural vision for the trail on July 22, 2023. [1]

This report summarizes the MRA Rail Trail facilitated meeting. The architect, Antoine Predock, lives in Albuquerque. The Rail Trail is a seven mile multi-use loop that will connect downtown destinations. Economic development, healthy recreation and cultural expression will be encouraged. Predock plans to incorporate the following auras into the trail: Placitas; Rio; Old Town; Tiguex; Sawmill; Enchantment; Industry; 66; Iron Horse; Barelas; and Umbral.[2]

The trail is intended for bicycles, pedestrians and non-motorized vehicles. It includes: the heart of downtown, the Sawmill District, Old Town, the National Hispanic Cultural Center, Second Street and the Rail Yards.[3] The MRA and Planning Department are proposing an IDO text amendment. The amendment is intended to ensure that new development, or redevelopment, creates a pleasant environment that includes art, landscaping and rail trail access. **The City has fundraised $39.5 million for design and construction. Actual cost estimates for the construction of the trail range from $60 to $90 million.**[4] This project relates to commercial, multi-family and industrial development. It will not impact low density residential zones: RA; R-1; or RT.[5]

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[1] **CABQ Facilitated Meeting Report Amendment.**
[2] **Placita "small square"; Umbral "threshold".** **https://www.spanishdict.com/translate**

[3] **See attached photo.**
[4] **CABQ Facilitated Meeting Report Amendment.**
[5] **"R-1" Residential Single Family; "R-A" Residential Rural and Agricultural; "R-T" Residential Townhome.**

For projects that are more than 100 feet long, parking lots cannot occupy more than 50 percent of the trail frontage. This creates a better pedestrian environment by decreasing asphalt heat emission and the number of parked cars. Landscape buffers will resemble those of other trails. Wall and fence regulations will exclude chain link or razor wire fencing and will require a designated level of visibility between the property and the trail. Buildings in higher density areas will be limited to four stories, or 48 feet.

We're talking about reducing the required parking by 10 percent. This will encourage the use of other forms of transportation, such as those available at the Alvarado Transit Center. These regulations won't affect existing properties that are already built. This is just for new development or significant redevelopment. Our proposed regulations don't change your zoning and will not apply to single family housing. New building façades will be designed as if the rail trail is a street.

Discussion.

Ciaran Lithgow, Michael Vos and Omega Delgado were the City's primary spokespersons.

Conclusions.

Participants were interested in the planned rail trail IDO amendments and presented several questions and comments. Participant questions and comments were either directly addressed by the City or noted for future discussion.

Meeting Specifics. *Participant Questions and Comments are Italicized*. Others are displayed in regular font. *Q- Question; C-Comment*; A-Answer; C- Comment.

1. Participant Comments and Questions.

a. *C: I'm with Palindrome and support the ten percent parking reduction. I'm concerned about the 48 foot building height limit. We own MX-M property along Central Avenue. Historically, the Planning Department has encouraged high density development at this location. We are planning a five story building and our property backs up to the Soto Avenue rail trail path. The IDO says we can't locate parking along Central and the intended rail trail amendments will limit the amount of parking behind the building. Therefore this property cannot be developed under these restrictions unless we change to a low density design.*

C:We also own property along Soto Avenue. We support this type of project and would like the City to help us develop these areas. High density development provides community value. It sounds like different IDO requirements will apply to property located either north or south of Central. I think this would be very restrictive and limiting in terms of the potential for these properties. I understand that once these provisions become part of the

https://documents.cabq.gov/planning/IDO/2022_IDO_AnnualUpdate/IDO-2022AnnualUpdate-EFFECTIVE-2023-07-27.pdf

IDO, they're not suggestions, they are requirements. It sounds like these new IDO proposals are limiting rather than constructive.

A: We are having this discussion at the start of the annual IDO update process. The proposed rules will apply to specific properties adjacent to the rail trail corridor. We're required to hold this meeting before we submit an application. You'll receive mailed notice, as an adjacent property owner, about our public hearing and we will submit an application in four to five weeks that will go to the Environmental Planning Commission (EPC) for review and recommendation and then to the City Council's Land Use Planning and Zoning Committee. The full City Council must vote to approve the proposed rules. We don't anticipate that the process will wrap up until next spring or summer. There will be plenty of opportunities for continued comment. We will review your comments with the MRA to consider potential modifications before making our EPC application.

As you mentioned, it sounds like there are some circular difficulties with the treatment of Central Avenue as a corridor and the treatment of the rail trail. This is something that we'll certainly consider. Also, I would love to hear about your development plans at MRA. We have some incentives and would like to hear about how we can work together to make whatever development you have work. We'll be coming out to the folks in the Old Town neighborhood soon to do some community engagement along that segment as well. So I look forward to continuing to work with every property owner in the area.

b. *Q: I was just wondering if designating something as a road has implications for who would have access to the trail and how that would affect overall design considerations and rights of adjacent property owners. It seems that a trail is something quite distinct from a road, and to have the designation as both is somewhat confusing.*

A: A *road is a public right of way and is built and maintained by the Department of Municipal Development (DMD). DMD is guided by a different set of rules than the IDO. The Integrated Development Ordinance (IDO) regulates development on private property. Each applicable term has a separate meaning. The proposed IDO amendments will treat the rail trail as a street for purposes of building entrances and design.*

Q: Does this mean that a building facing Central and backing Soto Avenue will be treated as having two fronts and no back?

A: Yes, that is the way it's being proposed right now. We've heard these concerns; especially with parking. What's the front, what's the back, and how do we design in two directions? I think that definitely warrants further discussion internally. If the street facing façade is the trail and that's to your rear, in some ways, it's effectively creating a second front. For the purpose of building design, you would need to provide an access door on that side and meet additional design considerations.

C/Q: But the street facing requires different windows on a certain percentage of the building. It forces you to apply specific changes and costs when you're talking about two

fronts and no back. It's not just access. Are you talking about building design, glazing and things like that?

A: Street facing façade does involve proximity to the street, depending on the setback. If you build at Central, it's possible that only the Central side would be street facing. If you push your building back, the street facing could be the trail. So I think there's a little bit of flexibility, but it depends on the size of your site, how large the building is and what your setbacks are. But, yes, additional costs are associated with some of these design standards.

C: Also limitations on density. We're limiting the property potential because we're limiting the density. It sounds like the Central IDO is conflicting with the rail trail IDO. Can you have exceptions to certain things? Where would the Central Corridor trump the Rail Trail IDO? Are we going to be bound by two, or can we choose one?

A: If what was put forward today, for the purposes of this meeting and discussion, were adopted, you would be bound by both unless you obtained a variance as to one of the sides. I hear it loud and clear that we need to examine some potential exceptions for those properties that have the double frontage.

I just want to provide a gentle reminder to people that we're talking about regulations for adjacent private and public property. We are not here to talk about trail connections, trail users, anything having to do with the trail itself. If you have a question about that, please put it into the chat. We'll record it, and then we can definitely address it at a later time.

c. *Q:* The r*eference to Parks and Rec. as the responsible department for the Rail Trail is followed by a question mark. Why is this unsettled?*

A: I'm the person who put the question mark in there. Parks and Rec. usually maintains our multi-use trails. Here, our friends at MRA are planning and getting the funding for this particular project. The question mark is for internal confirmation that once this is built, will it be turned over to the Parks and Rec. department, as with our other trails? The question mark is just so that we can circle back and confirm which department is going to take on maintenance responsibility post construction.

That's correct. At the moment it seems that Parks and Rec. will be responsible for maintenance; although there might be a maintenance partnership between MRA and Parks and Recreation. That's where that question mark comes in. Internally, we need to make sure that's correct.

d. *C/Q: I have a question regarding Soto Avenue. It's about 50 feet wide. A lot of that is a paved asphalt road, with about 15 feet of dirt on each side. Some of that includes utility easements. Based on the rail trail images, it appears to be between 10 to 15 feet wide. What happens with the rest of it?*

A: I can take that. We're still in the process of determining which side of Soto the rail trail will be on; north or south. There is the opportunity for the rail trail to utilize utility

easements. I guess this is more of a design question than an IDO question. We're working through it and understand the right of way constraints. Generally, the trail is between 14 and 25 feet wide. We will maintain Soto as a two way street for vehicle access.

Q: You're saying that Soto will maintain vehicle access? Isaac Benton said that it would not. I'm trying to figure out who really decides.
A: My study team decides. We are working through that question now. Councilor Benton has been advised of the recommended changes to his initial suggestion for how to treat Soto.

C/Q: Coming back to your proposal, it said no vehicular traffic on the rail trail. Are you now saying that there is vehicular traffic only for locals? What kind of vehicle traffic are you talking about?

A: The trail won't take up all of Soto. There will still be a road for vehicles and the rail trail for pedestrians and cyclists.

Q: Are we certain that Soto Avenue is the choice, or is it Hollywood, or the land north of that?

A: This is getting closer to design questions. There's a study that's coming out regarding the options we're studying right now. Soto seems to be the best one, but we're still in the evaluation process. We plan to bring the study results to the community in the next few months.

2. City and IDO Priorities.

a. *C: I have two categories to speak on. One is the missing oversight at the City, which includes MRA and homeless issues, and the vacant and abandoned issues. We've been working on several things for many years, but my first experience with Metropolitan Redevelopment is with the University redevelopment plans, and they're not good. There was a list of businesses and contact names that the City and a committee member worked on, and then the meetings stopped. We've continued asking for that list and to be a part of future meetings. It has now been almost eight months since the list was made and the meetings have stopped. So Metropolitan Development activities really need some oversight; especially this new one in the University area regarding the homeless situation. I found out yesterday that we have a 96 percent fail rate for rehousing people that come into the West Side gateway shelter. I think this is a bigger priority than a rail trail.*

Then again, we have this vacant and abandoned land. The newspaper recently included a discussion about creating a housing loan fund. We've been trying for 15 years, with three task forces, to get a vacant and abandoned land bank established. This has got to be a higher priority than a rail trail.

On this amendment process issue, we have been working since the IDO was put into place to establish the distinction between substantive amendments which affect individuals

across the city, and textual or technical amendments. This meeting today is yet a seventh way of affecting notifications to the public, and it's just wrong. The processes have to be streamlined. They have to be adhered to. You need an impact study. You need to say who the beneficiaries are. You need to have the unintended consequences down to the individual addresses noted in something like this. This is not a way to amend our zone code. Thanks for having me here and hosting this. I appreciate it.

A: The City can address homelessness, housing and many other strategies at MRA. A citywide rail trail can also be a priority. Quality of life for our citizens and economic development for our City are administration priorities. In addition to dealing with issues of homelessness and housing on the amendment process, we are following the regulations set out in the IDO for this type of amendment.

b. *C/Q: I'm in the Sawmill Area Neighborhood Association, and there's a proposed truck stop project at Twelfth and I-40. The application hasn't been filed yet. Does the rail trail converge on the southern tip of that property? If so, what impact will it have on the proposed truck stop?*

A: I can't really say definitively because I've not seen any site plans for that property. If the rail trail is following along the southern property line, as you describe, providing a landscape buffer with trees and vegetation would be a requirement along the edge between the trail and that proposed use. If the current zoning allows for a heavy vehicle fueling truck stop, the rail trail rules would not affect that use. It may change the design along the southern edge of the property. For instance, if it's over 100 feet long, that edge couldn't be a truck stop parking lot. They'd potentially have to reconfigure the site in response to those requirements. The requirements pertaining to the first application, will govern site design requirements for the other application.

c. *Q: How does the Planning Department determine which amendments get this level of community discussion, and how did you afford this opportunity?*

A: These rule changes are limited in scope to properties that are adjacent to the Rail Trail Corridor, which by definition is a small area, as opposed to a citywide change. Small area regulations are subject to a special quasi-judicial hearing process. The IDO requires a pre-application meeting with affected neighborhood associations. So the neighborhood associations that are located within or adjacent to the Rail Trail alignment were notified of this meeting opportunity.

Q: What small area?

A: This is a small area IDO text amendment for the Rail Trail Corridor that is illustrated in the website map that was also shown on the screen earlier.

3. Questions on Trail Design, Connections and Management.

a. Q*: I am a resident of Wells Park. I am hoping that the trail includes water bottle fill stations. In my opinion, this is a major downfall of the ART project. It would have been easy to put water stations in when the initial construction project was underway. It gets hot in Albuquerque. People exercising need drinking water. I am hoping there are also restroom facilities. Thank you!*

A: We will take your suggestions into consideration when it comes to designing the trail itself. Today, we are discussing the elements that would be on adjacent private or public property.

b. Q: Is it expected that trail users will drive a car to the trail or will it connect to existing or proposed bike lanes?

A: Your question is really about the trail connections and unfortunately, that is not the topic of today's discussion.

c. C/Q: In reference to Parks and Rec. as the responsible department for the Rail Trail. Why is that followed by a question mark? Why is this unsettled?

A: Today we are discussing the design regulations on adjacent private and public property. Your question is about trail management and we will not be able to answer it today.

d. Q: Has the City considered parking for the River of Lights or Bio Park, rather than spending so much money on shuttles, transporting security, police and all of that?

A: Again, this is not related to the IDO suggestions that we're addressing today.

These questions have been noted for future consideration.

e. C/Q: On the map it shows that the Wells Park segment is complete. How will we see what it's supposed to look like, or what you guys have already accomplished on this?

A: I suggest going to the Rail Trail webpage.[6] There is a feasibility study for the Wells Park segment between Lomas and Sawmill. I believe that plan was completed in 2021. The map shows that the spur line section between Twelfth and Lomas says, "preferred alignment," not "certain alignment." If there are areas where we have not finalized our alignment, we're going to notice the property owners on multiple alignments, so that we cover our bases.

[6] https://www.cabq.gov/mra/rail-trail-1

Next Steps.

The EPC Application will be filed in late October, 2023 for a hearing on December 14, 2023.

Meeting Adjourned.

City of Albuquerque

Jennifer Jackson	MRA Manager
Ciaran Lithgow	Rail Trail MRA Lead Project
Omega Delgado	Manager MRA Project Manager
Michael Vos	Principal Planner
Robert Messenger	Mid-Range Planner

Participants

The list is included in the CABQ MRA Zoom Registration Log.

CABQ Land Use Facilitation

Jocelyn M. Torres	Land Use Facilitator
Tyson R. Hummel	Land Use Coordinator

First Name	Last Name	Registration Time	Joined Meeting
Joaquin	Baca	9/6/2023 18:22	
Peter	Rice	9/7/2023 8:28	yes
Sylvia	Ramos Cruz	9/7/2023 8:38	yes
Jesse	Ehrenberg	9/7/2023 8:39	
Ricardo	Guillermo	9/7/2023 9:08	
Joshua	LaClair	9/7/2023 9:54	
OSCAR	SIMPSON	9/7/2023 10:04	
Pam	McBride	9/7/2023 12:34	
Kurt	Christopher	9/7/2023 12:36	
Frances	Armijo	9/7/2023 12:43	yes
Rebecca	Velarde	9/7/2023 14:51	yes
Veronica	Lerma	9/8/2023 7:56	
Ross	van Dongen	9/8/2023 9:52	
China	Osborn	9/8/2023 10:10	
Amanda	Browne	9/8/2023 17:14	yes
Johnny	Mangu	9/10/2023 22:07	yes
Loretta	Naranjo Lopez	9/11/2023 22:04	
Robert	Nelson	9/15/2023 12:04	yes
Kevin	Patton	9/15/2023 16:08	
Catherine	Mexal	9/15/2023 16:13	yes
Danielle	Durán	9/15/2023 17:01	
Aaron	Wilson	9/15/2023 17:55	yes
Kathy	Fry	9/15/2023 18:05	
Rahim	Kassam	9/15/2023 21:54	
Karen	Hudson	9/16/2023 8:21	
carrie	gordon	9/16/2023 13:16	
stacy	R	9/16/2023 15:51	
E	Sellers	9/16/2023 15:57	
Ian	Maddieson	9/16/2023 20:26	yes
Fred	DeGuio	9/17/2023 20:16	
Vicente	Quevedo	9/18/2023 7:49	
Parker	Garcia	9/18/2023 9:53	
Candy	Patterson	9/18/2023 12:21	
Susan	Gautsch	9/18/2023 17:38	yes
Rich	Borncamp	9/18/2023 18:42	yes
Emma	Kahn	9/19/2023 5:54	
Catherine	Heyne	9/19/2023 8:46	yes
Jocelyn M.	Torres	9/19/2023 9:12	yes
Robert	Messenger	9/19/2023 9:44	yes
Patricia	Willson	9/19/2023 9:50	
Michael	Vos	9/19/2023 9:55	yes
Robert	Norman	9/19/2023 11:04	
Amy	Bell	9/19/2023 15:17	
MIKE	PRANDO	9/20/2023 8:02	yes
Whitney	Phelan	9/20/2023 8:16	yes
Helen	Ganahl	9/20/2023 8:37	yes

Tom	Guralnick	9/20/2023 8:54	yes
Bryan	Dombrowski	9/20/2023 9:15	
Steve	Hiatt	9/20/2023 9:52	yes
Judith	Gray	9/20/2023 10:47	yes
Peggy	Neff	9/20/2023 11:11	yes
Rick	Rennie	9/20/2023 13:12	yes
Janus	Herrera	9/20/2023 14:20	yes
Moises	Gonzalez	9/20/2023 16:10	yes
Judith	Edwards	9/20/2023 16:23	yes
Omega	Delgado	9/20/2023 16:27	yes
Jenny	Jackson	9/20/2023 16:29	yes
Shanna	Schultz	9/20/2023 16:40	yes
Joe	Calkins	9/20/2023 16:40	yes
Mark	Gonzales	9/20/2023 17:19	yes
Rose	Rohrer	9/21/2023 9:34	
Carrie	Bakas		yes
Ciaran	Lithgow		yes

LETTERS
In opposition

From:	Sal Perdomo
To:	City of Albuquerque Planning Department
Cc:	Josh Rogers; Ian Robertson
Subject:	IDO Annual Update 2023 - EPC Review and Recommendation
Date:	Monday, November 27, 2023 7:10:54 AM
Attachments:	image001.png image002.png image003.png IDO Letter to EPC - 2023 Amendments (IDO) 2023-11-20.pdf

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[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Good morning,

Please see the attached letter outlining comments to the 2023 IDO annual update. We are available if there are any questions.

Thank you,

Sal

TITAN DEVELOPMENT

SAL PERDOMO
Director of Acquisitions & Development

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November 27, 2023

Dear Members of the Environmental Planning Commission,

Titan Development has reviewed the 2023 Proposed Amendments to the IDO. The purpose of this letter is to state Titan's comments to the various Proposed Amendments. We appreciate Staff, Council, and EPC's continued support and effort to bring forward Amendments every year. We truly believe these updates make a positive impact on the community.

Section	IDO Policy	Proposed Change	Request and Commentary
Proposed Citywide Text Amendments (new)	New	N/A	**Request:** Add Data Centers as a new Use category to Table 4-2-1 **Commentary:** Data Centers are not currently defined as a use within the zoning code and should be added as a use and permissively allowed in MX-M and above. This user type is continuing to have interest in Albuquerque and will need to have more specific guidance from a zoning perspective.
Proposed Citywide Text Amendments (#4)	4-3(D)(37)(a)	Requirement for a 3' high perimeter wall around the General Retail Use	**Request**: Remove from consideration **Commentary:** This provision will not prevent or limit retail theft and will ultimately burden the retailer to construct an expensive wall around their property. Additionally, this requirement will impact the urban environment negatively creating a castle like look and feel around the entire property. Any wall under 8' feet can easily be scaled by a burglar. This is not the appropriate way to limit or decrease retail theft - it will make no difference.

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Proposed Citywide Text Amendments (#5)	4-3(D)(18)	Requirement for a 3' high perimeter wall around the Light Vehicle Fueling Station Use	**Request:** Remove from consideration **Commentary:** This provision will not prevent or limit theft and will ultimately burden the retailer to construct an expensive wall around their property. Additionally, this requirement will impact the urban environment negatively creating a castle like look and feel around the entire property. Any wall under 8' feet can easily be scaled by a burglar. This is not the appropriate way to limit or decrease theft - it will make no difference.
Proposed Citywide Text Amendments (#7)	4-3(F)(14) [new]	Limiting amplified sound in certain areas from 7:00am to 10:00pm	**Request:** Exclude this requirement in all MS-PT-UC areas and extend hours to 7:00am to 12:00am **Commentary:** This will impact New Mexico negatively by hampering the ability for small businesses to thrive in our walkable and urban areas. This will negatively impact the City's cool, up and coming neighborhoods including, Sawmill, EDo, WeDo, Nob Hill, University, and Downtown.
Proposed Citywide Text Amendments (#52)	7-1	Creating more restrictive definition for a Large Stand of Mature Trees	**Request:** Remove from consideration **Commentary:** Although the current definition of Large Stand of Mature Trees does not cover a significant portion of land in Albuquerque, this Sensitive Land will continue to become more relevant in the future as infill development becomes more common. The City should avoid creating long term issues with potential infill development in established areas.
Proposed Citywide Text Amendments (#53)	7-1	Creating more restrictive definition for a Rock Outcropping	**Request:** Remove from consideration **Commentary:** We do not understand how a rock outcropping is a Sensitive

			Land in the first place, so why should the definition be made even more restrictive.
Small Area Text Amendments - Rail Trail	5-2(A)(3)	Adds an additional buffer to the Rail Trail	**Request:** Remove from consideration **Commentary:** The Rail Trail is intended to promote density and investment throughout the corridor where it is located. Adding an additional buffer to the Rail Trail is counterintuitive to the whole intent of the project. This provision does not promote investment and development along the rail trail and directly hampers buildable land around the rail trail.
Small Area Text Amendments - Rail Trail	5-2(A)(5)	Adds an additional height stepdown adjacent to the Rail Trail.	**Request:** Remove from consideration **Commentary:** The Rail Trail is intended to promote density and investment throughout the corridor where it is located. Adding a height restriction to the Rail Trail is counterintuitive to the whole intent of the project and will negatively impact investment along the corridor.
Memo - Industrial Building Design	5-11(G)(2)	Adds additional design requirements to Industrial building design	**Request:** Support with minor changes **Commentary:** We are in full support of this amendment, but would request a few minor changes to Section 5-11(G)(2). These changes include (1) clarify this section refers to street-facing facades over 150 feet and (2) under subsection b) include vertical projections or recessions in addition to horizontal projects and recessions.
Memo - Landscape Requirements	5-6(C)(4)(e)	No more than 20% of required landscape shall be warm season grass species.	**Request:** This should read "cool season grass species". **Commentary:** Cool season grass species require more water than warm season grass species. We believe this is an error.

Memo - Landscape Requirements	5-6(C)(4)(g)	Sprinklered grass cannot be located within 3' of a hard surface (mulch can be used to buffer off of sidewalk).	**Request:** Expand to include gravel or some other form of material. **Commentary:** The requirement for mulch as a buffer is too specific and should be expanded.
Memo - Landscape Requirements	5-6(C)(5)	Species types of mulch to be used in Planting Beds	**Request:** Confirm location of Planting Beds to better match intent on amendment. **Commentary:** Additional clarification needs to be used to confirm the location of this requirement. The provision currently states "all planting areas", but is only intended to be used for "planting beds".

Thank you for allowing us the opportunity to state our positions on these Amendments and we look forward to working with you to bring this forward. Please reach out if you have any questions or need any clarifications on our positions. I can be reached at jrogers@titan-development.com or (505) 998-0163.

Thank you,

Josh Rogers
Partner
Titan Development

Exhibit A

Requested amendments to PR-2018-001843 / RZ-2022-00043 to improve the Small Area application's furtherance of CompPlan Goals and Policies (including Chapters 4 - Character and 8 – Economic Development) by protecting existing neighborhood character (CPO-1, CPO-3, CPO-9, CPO-11, CPO-12) and incentivizing private sector investment along the Rail Trail corridor:

Amendment / Discussion	Explanation
Add new subsections to proposed Building Height Stepdown standard: **5-2(A)(5) Building Height Stepdown** 5-2(A)(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 50 feet in any direction of the Rail Trail shall step down to a maximum height of 48 feet. 5-2(A)(5)(b) A property is exempt from this building height stepdown if it subject to an applicable CPO-specific building height step down or building design standard that restricts building height in full or from any lot line. 5-2(A)(5)(c) Alternatively, a property is exempt from this building height stepdown if it can provide direct access from the Rail Trail to an adjacent plaza or other usable, open area.	These new subsections reflect and respect the existing character of activity nodes, neighborhoods, and communities that are already codified in Character Protection Overlay zones along the Rail Trail corridor. Provides options for property owners to activate the Rail Trail corridor along its alignment beyond a one-size-fits-all standard. Be more inclusive of the character and identities of distinct neighborhoods and areas along the Rail Trail corridor. Incentivizes private sector investment in Rail Trail corridor redevelopment projects. Helps the Rail Trail Small Area standards to more completely further CompPlan Policies and MRA Plans.

Amendment / Discussion	Explanation
Add a new subsection to proposed Building Design standard: **5-2(A)(6) Building Design** 5-2(A)(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(A)(6)(b) Outdoor seating and gathering required by Subsection 14-16-5-11(E)(3) shall be located adjacent to the Rail Trail or be located in an adjacent plaza or portal.	Provides options for property owners to activate the Rail Trail corridor along its alignment other than a one-size-fits-all standard. Better preserves and protects the character and identities of distinct neighborhoods and areas along the Rail Trail corridor. Incentivizes private sector investment in Rail Trail Corridor redevelopment projects. Helps the Rail Trail Small Area standards to more completely further CompPlan Policies and MRA Plans.

RBPlanning

11 December 2023

David Shaffer, Chair
Environmental Planning Commission
c/o City of Albuquerque Planning Department
600 Second Street NW
Albuquerque NM 87102

RE: IDO Annual Update – Rail Trail Small Area Regulations (PR-2018-001843/RZ-2022-00043)

Dear Mr. Chair and EPC Commissioners,

On behalf of Sawmill Bellamah Properties (Sawmill Bellamah), a longtime local business, please accept these comments regarding the Rail Trail Small Area Regulations. The Rail Trail infrastructure project is a positive new amenity for Burqueños and visitors to improve the City's quality of life and encourage private sector investment in the distinct neighborhoods it will connect. The infrastructure's alignment includes the Sawmill District, an established hub of activity next to the Museum District and Old Town.

When establishing the Sawmill/Wells Park Metropolitan Redevelopment Area (SWPMRA) designation, the City Council found "that the rehabilitation, conservation, development and redevelopment of and in the Sawmill Redevelopment Area is necessary in the interest of the public health, safety, and welfare of the residents of the City." (Enactment No. 164-1993) The Sawmill District is uniquely situated to absorb development and redevelopment that is not possible or desired in the Old Town Activity Center south of Mountain Road. Improvements to City infrastructure in conjunction with private/public partnerships and development incentives make desired change possible in all Metropolitan Redevelopment Areas.

Sawmill Bellamah has been steadily implementing redevelopment projects in the Sawmill District, including Hotel Chaco and most recently the Sawmill Market, both located at the intersection of Bellamah Ave and 20th Street. Hotel Chaco and Sawmill Market were designed and built to contribute to the Sawmill District's distinct character in a synergistic, organic way with other redevelopment projects along Bellamah Ave and 20th Street that began with the iconic, placemaking Hotel Albuquerque.

Recent EPC Zoning Map Amendments and ZHE Variance Decisions

The Environmental Planning Commission (EPC) in 2022 and 2023 unanimously approved three zoning map amendments adjacent to and along the 20th Street corridor from NR-LM and MX-M to MX-H. The EPC approved MX-H zoning along 20th Street with full acknowledgement and understanding that planned redevelopment projects for the properties are designed and intended to achieve this zone district's 68-foot height allowance (PR-2022-007153/ RZ-2022-00028, PR-2022-007155/ RZ-2022-00029, and PR-2023-008909/ RZ-2023-00019).

The EPC's decisions detail how each of the requests further several CompPlan policies, including but not limited to CompPlan Chapter 4 Character (Policy 4.1.2 Identity and Design, Policy 4.1.3 Placemaking, Policy 4.1.4 Neighborhoods) and Chapter 8 Economic Development (Goal 8.1 Placemaking, Policy 8.1.1

Diverse Places, Policy 8.1.2 Resilient Economy, Policy 8.1.4 Leveraging Assets, and Policy 8.1.5 Available Land) because the EPC finds in their decisions that MX-H zoning will:

- Protect the identity and cohesiveness of the neighborhood by contributing to the Sawmill District's identity as a growing live, learn, work, shop, and play community, which ensures the appropriate location of development and mixed uses.
- Contribute to the sense of place of the revitalization of the Sawmill District, a designated MRA within the City.
- Protect the identity of the neighborhood by contributing to the Sawmill District's identity as a vibrant mixed-use community.
- Build upon the unique and interesting context of the Sawmill District . . .
- Help to enhance and market the region's unique characteristics, which the Sawmill District contributes to, and would generally maintain sufficient land that is appropriately zoned to accommodate employment growth.

and

- The IDO's development standards and the Sawmill/Wells Park Character Protection Overlay zone (CPO-12) designation would ensure the appropriate location and character of future development.

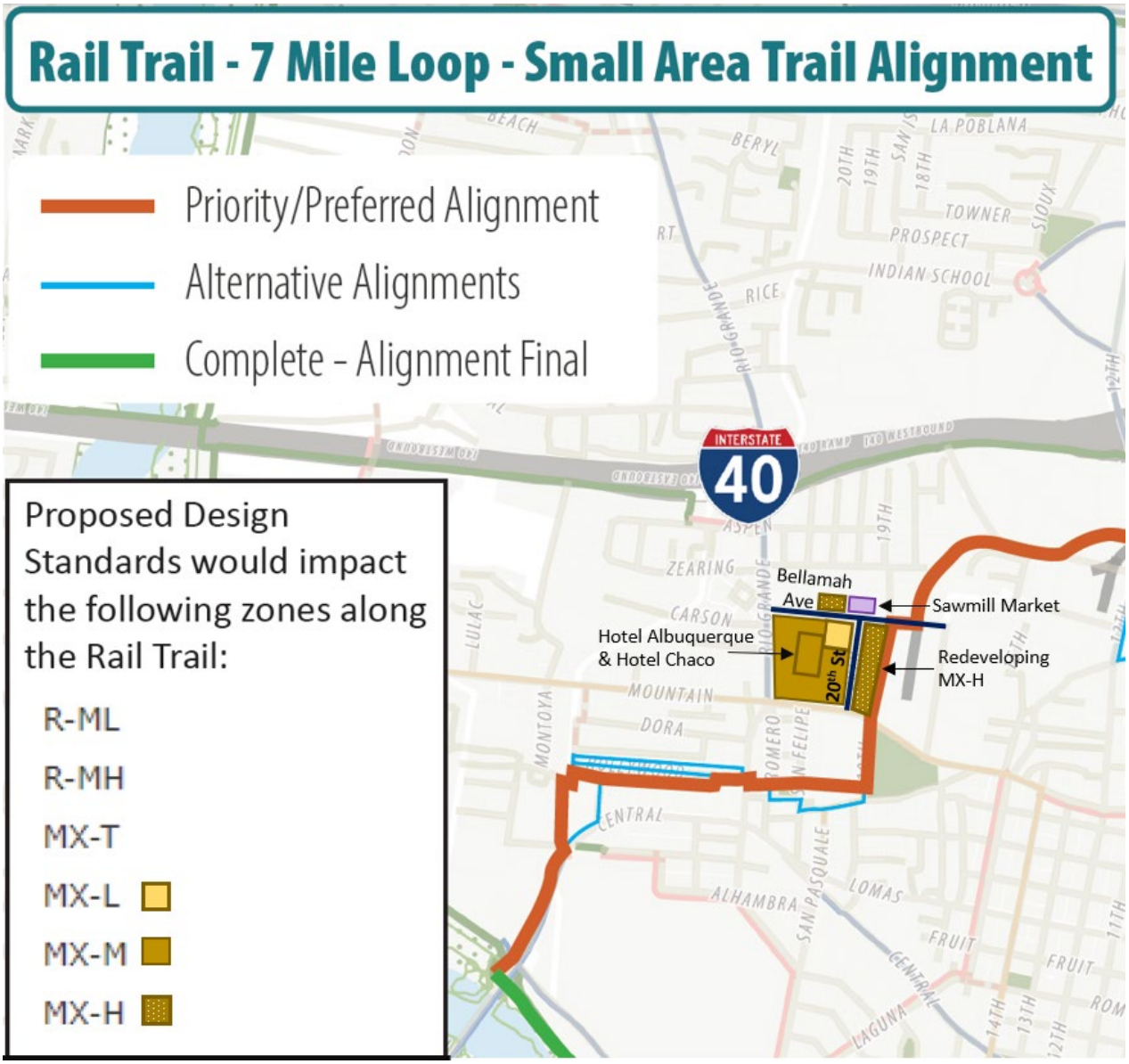
The Sawmill Area Neighborhood Association (SANA), Downtown Neighborhoods Association (DNA), and Historic Old Town Association (HOTA) received notice of the 2022 and 2023 zoning map amendment requests, were informed about the MX-H height allowance, and none were opposed. At a CABQ Facilitated Neighborhood Meeting on 08 April 2022 the SANA and DNA voiced support for the contemplated development and expressed no areas of concern.

MX-H allows planned mixed-use redevelopment along 20th Street that will provide more options for residents to live, work, shop, and play in an established activity center to walk or bike to from nearby neighborhoods. The Sawmill District's character, scale, and context is established by the redevelopment projects of Hotel Albuquerque, Hotel Chaco, Sawmill Market, and additional redevelopment to the east along Bellamah Ave. This existing context currently guides private sector redevelopment plans for activating 20th Street with well designed, walkable, multi-story, mixed-use projects with ground floor businesses and services facing the street as intended and allowed by the MX-H zone district.

The Zoning Hearing Examiner (ZHE) recently approved variances for this block and finds that the shallow depths of the lots along 20th Street from Bellamah Ave to Mountain Road are a special circumstance that creates an extraordinary hardship for redevelopment of these properties (PR-2022-7153/ VA-2023-00092 / VA-2023-00093 / VA-2023-00094 / VA-2023-00095). This narrow east-west dimension is a design challenge when developing per the MX-H zone district's standards in addition to those of Character Protection Overlay CPO-12. As with the EPC zoning map amendments, Neighborhood Association contacts in the area were notified and none opposed the Variance applications.

These efforts to work within the City's IDO framework of standards and processes demonstrates Sawmill Bellamah's commitment to redevelopment projects that further the intent of the CompPlan and the SWPMRA Plan, and the development standards of the MX-H zone and the Sawmill/Wells Park CPO-12.

The below excerpt from the City's Rail Trail map shows ongoing Sawmill District redevelopment along Bellamah Avenue and 20th Street in relation to the proposed Rail Trail alignment, parallel to 20th Street.



Old Town and the Sawmill District

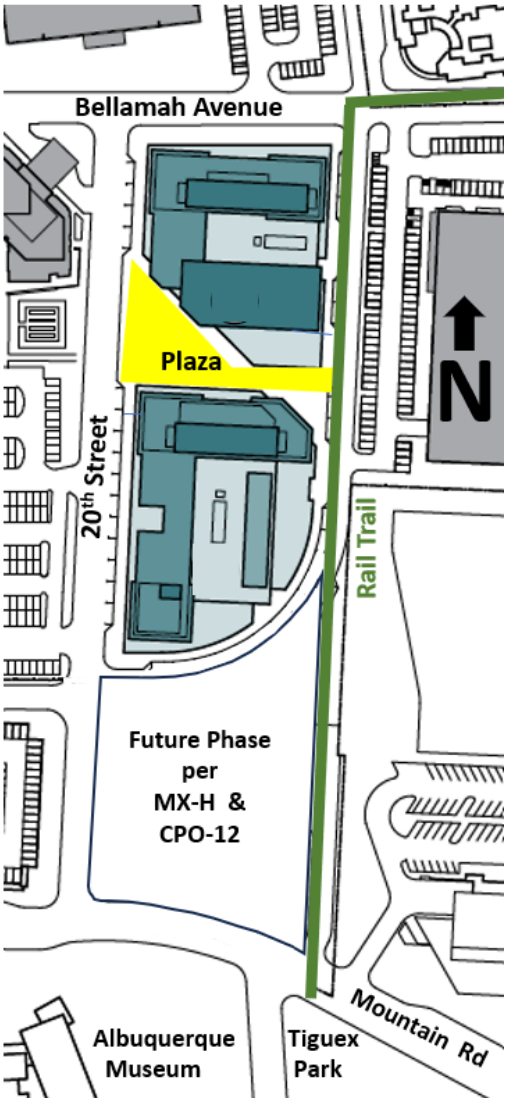
South of Mountain Road the Old Town Activity Center's Historic Preservation Overlay (HPO-6) and the MX-T zone district limit redevelopment to what appropriately reflects the Activity Center's cultural and historic significance and established character.

Since the 1970s, the Sawmill District north of Mountain Road has organically evolved into a walkable and more complete community. The Sawmill District has absorbed the demand for mixed-use development that has established its character along Bellamah Avenue and 20th Street, an activated, direct pedestrian link from the heart of the Sawmill District to the Museum District and Old Town.

The Sawmill District' Character Protection Overlay Zone (CPO-12) building design standards and the SWPMRA designation help define and protect its character and mix of uses, including multi-story buildings. Its proximity to transit on Rio Grande Blvd and Central Avenue, and now the proposed Rail Trail make it appropriate for continued, context-sensitive redevelopment per existing standards.

Sawmill District Scale and Character

Hotel Albuquerque, at Rio Grande Blvd and Bellamah Avenue, is a **139-foot-tall** high-rise building and Hotel Chaco, at 20th Street and Bellamah Avenue, is a **66-foot-tall** mid-rise building that were made non-conforming as to height when their zoning was converted to MX-M and MX-L respectively. Other notable multi-story and multi-use buildings along Bellamah Avenue further establish the area's character, scale, and intensity. The EPC recognized this scale, context, and character during the zoning map amendment approvals to MX-H.



Redevelopment of 20th Street per the MX-H Zone District

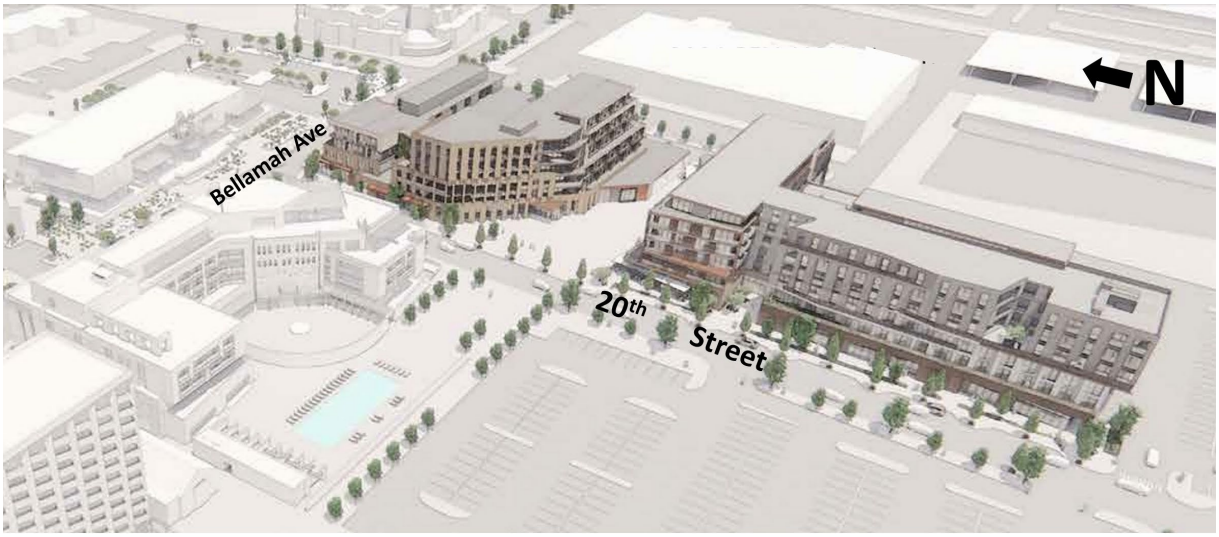
Sawmill Bellamah shared plans and designs for redevelopment projects along 20th Street between Bellamah Avenue and Mountain Road with surrounding neighborhoods, the EPC, and ZHE. This planned redevelopment is what the MX-H zone district intends and allows, furthering the policies of the CompPlan and SWPMRA Plan goals.

Sawmill Bellamah' Sawmill District Vision is inspired by New Mexico's geologic forms and vistas. The resulting architecture and programming of space is creative, with activated outdoor spaces that relate to Hotel Chaco, Sawmill Market, Bellamah Avenue, the Rail Trail, and 20th Street, the direct pedestrian link to the Museum District, and Old Town.

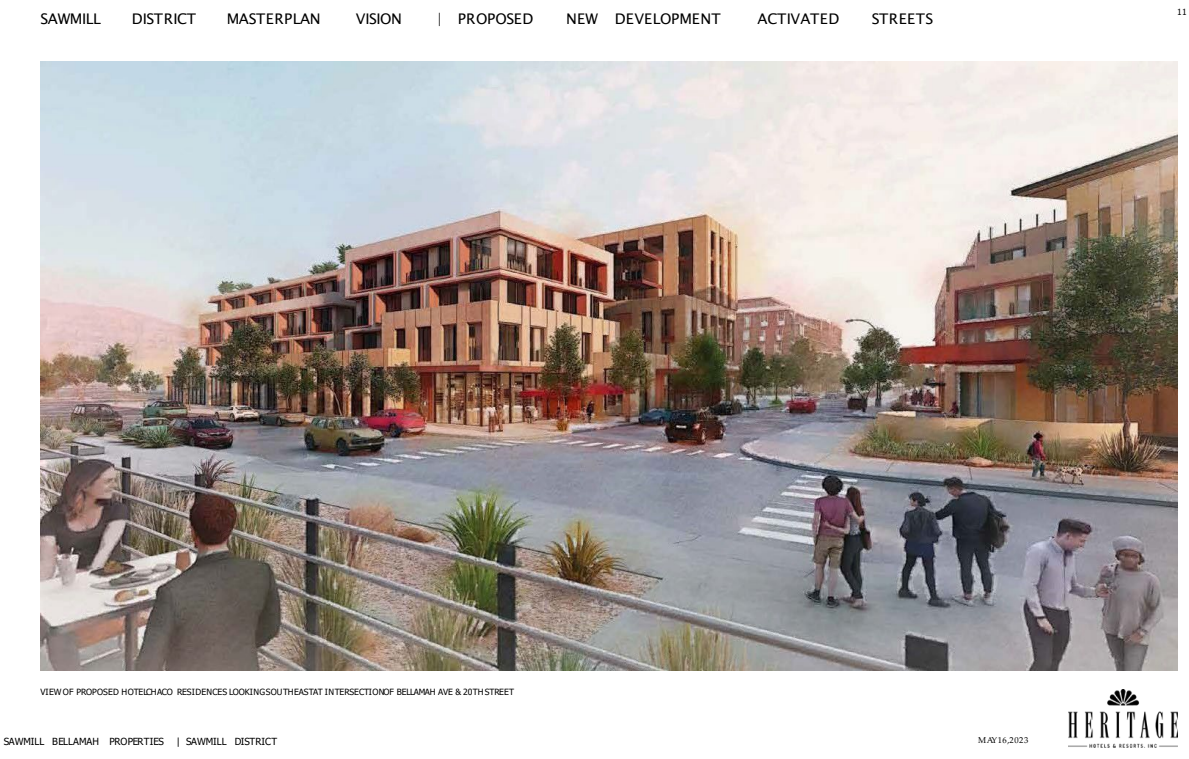
The site design includes three developments along 20th Street from Bellamah Avenue to Mountain Road. Between the northern building and the central building will be a large, 13,000 square foot plaza space that relates directly to 20th Street, Hotel Chaco, and the proposed Rail Trail. This plaza provides variation of the streetscape for pedestrians along 20th Street and ground-level, and usable open space for cultural, arts, and community events. And it will provide relief from any potential "canyon effect" along the Rail Trail.

The planning and design of these major redevelopment projects began well before the start of the Rail Trail public process in 2021. It is a prime example of how the intent and vision of the Sawmill/Wells Park MRA is being organically implemented via private sector investment by a local business.

The axon image below looking east shows how the redevelopment project along 20th Street provides visual variety and multiple opportunities for a streetscape activated by ground floor retail and services. The large open Plaza has a direct relation to 20th Street Hotel Chaco, and the Rail Trail alignment.



Now that a replat subdivision of the block into three new parcels is complete, the City recently approved the first building's administrative Site Plan – DFT at the corner of 20th Street and Bellamah Avenue.



Sawmill Bellamah is now working to obtain City approval of the second administrative Site Plan – DFT for the central building that shares the large plaza with the northern site.

VIEW OF PROPOSEDMIXED-USE RESIDENTIALLOOKINGSOUTHEASTACROSS NEW MAIN PLAZA

Designing, engineering, and programming a redevelopment project to obtain site plan entitlements is a long, involved process well before a site plan application can be submitted into the City Planning review processes. Once entitled, redevelopment projects of this magnitude also require this local business to carefully plan for and obtain financing as well as to work with the City to begin construction (interest rates, terms, infrastructure coordination, permits, etc.).

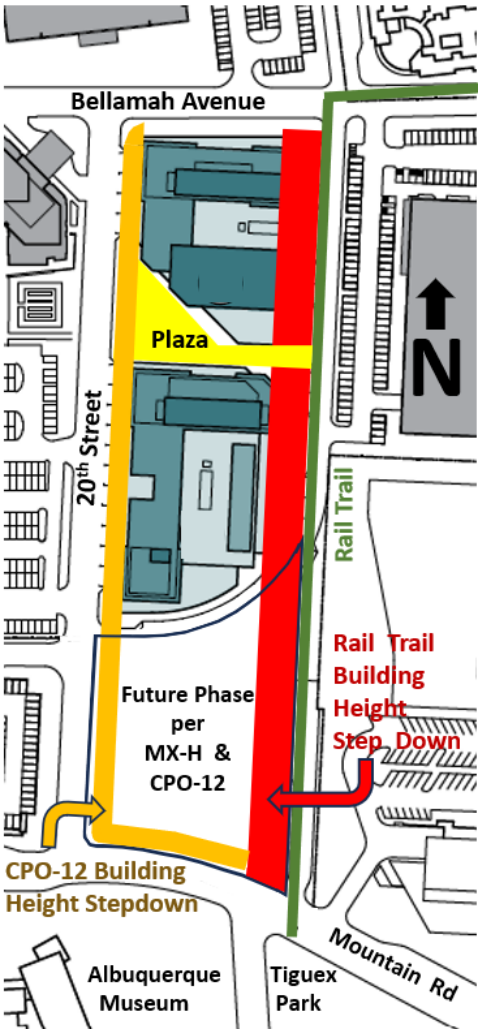
5-2(A) - Rail Trail Design Standards

Predictability and applicability of realistic zoning allowances, rules, and design standards are key for architects, engineers, and contractors to first finalize entitlements and then for this local business to obtain financing. These important private sector processes will be adversely impacted if some of the proposed Rail Trail design standards are applied to these planned, designed, and currently viable private sector redevelopment projects.

The Report of the 20 September 2023 CABQ Facilitated Meeting for the Rail Trail details concerns expressed by attendees about the proposed design standards:

- The proposed 48-foot height limit for any building within 50 feet of the Rail Trail.
- Building design requirements facing the Rail Trail.

DT, MS, and PT (Downtown, Main Street, and Premium Transit) are appropriately addressed in the Small Area standards but the Rail Trail traverses several CPOs. Prioritizing Character Protection Overlay zone standards that reflect and define an area's character, scale, and history that also incentivize private sector investment will add to the overall the intent of the proposed Rail Trail.



Per proposed **5-2(A)(5)**, the 48-foot height limit imposed on MX-H zoned properties is essentially an unjustified downzone to MX-M. This is contrary to the Environmental Planning Commission's 2022 and 2023 approvals of the MX-H Zone District map amendments.

This proposed height limitation would be in addition to the existing **CPO-12 building design standard** for Mixed-use and Non-residential Development that restricts building height. The Rail Trail building step down does not recognize the community character reflected in CPO-12.

Proposed 5-2(A)(6)(a) requires street-facing façade design standards be applicable to Trail-facing facades and proposed 5-2(A)(6)(b) requires that outdoor seating and gathering be located adjacent to the Rail Trail. These design requirements for allowable height, façade treatment, and outdoor seating are uniform standards that do not reflect the context, scale, character, diversity, culture, history, and identity of the Sawmill District that has developed organically for decades.

Some of the Rail Trail design standards that do not reflect the Sawmill District's character may detract from the pedestrian environment along 20th Street. If enacted before planned redevelopment along 20th can realistically begin, the proposed standards would require major redesigning and engineering and increased costs by "doubling" façade and outdoor seating treatments to address both the 20th Street and the Rail Trail frontages. This would be at the expense of appropriately activating 20th Street, the planned large Plaza area, and future phases of development along this narrow block.

Some changes to the proposed Small Area standards would help them to better implement the Purpose of 5-2 Site Design and Sensitive Lands "to minimize the impacts of development on natural and cultural resources, . . . to create more distinct neighborhoods by connecting them to surrounding natural features and amenities, and to improve building performance and occupant wellness."

The established character and cultural resources of the Sawmill District would be better protected by the design standards if they were recognized with some amendments. Maintaining two "front" facades and multiple seating areas may not always improve building performance and occupant wellness, especially when it comes to property management and security, integrating parking structures (5-5(G)), and the location of off-street loading areas (5-5(H)).

Viable redevelopment projects that reflect an area's existing character need to "pencil out" and be able to obtain financing when new regulations, intended to create an introduced, uniform appearance and

character of development are introduced and enacted. One-size-fits-all design standards may deter opportunities for economic development and cultural expression within distinct neighborhoods and centers of activity. They may also make it harder to meet MRA goals and intents by disincentivizing private sector investment.

Amendment to IDO Text – Small Area- Review and Decision Criteria (14-16-6-7(E)(3))

The Rail Trail is a commendable infrastructure project that could improve the City's quality of life. Some amendments to the proposed Rail Trail Small Area regulations could positively enhance the impacts the Trail will have by encouraging and incentivizing desired private sector investment along its route.

The Review and Decision Criteria for Amendment to IDO Text – Small Area requires that all criteria in IDO Section 6-7(E)(3) be met by an application, including:

6-7(E)(3)(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.

and

6-7(E)(3)(c) If the proposed small area amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning regulations are inappropriate because they meet at least 1 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).

Ongoing redevelopment in the Sawmill District per the intent and the Sawmill/Wells Park Metropolitan Redevelopment Area (SWPMRA), as well as redevelopment in other MRAs along the Rail Trail is a significant change in neighborhood conditions that should be reflected by the proposed rules.

This application could be amended to become even more advantageous to the community and more consistent with the health, safety, and general welfare of the City by more inclusively furthering applicable Goals and Policies in the ABC Comp Plan, the goals and strategies of the SWPMRA Plan and all other MRA Plans along the Rail Trail, including but not limited to:

ABC Comprehensive Plan

Goal 4.1 Character: Enhance and preserve distinct communities.

Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.
Policy 4.1.3 Placemaking: Protect and enhance special places in the built environment that contribute to distinct identity and sense of place.
Policy 4.1.4 Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

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

Policy 8.1.1 Diverse Places: Foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities.
Policy 8.1.2 Resilient Economy: Encourage economic development efforts that improve quality of life for new and existing residents and foster a robust, resilient, and diverse economy.
Policy 8.1.3 Economic Base: Strengthen and diversify the economic base to help reduce reliance on government spending.
Policy 8.1.4 Leveraging Assets: Enhance and market the region's unique characteristics internally and to outside businesses and individuals in order to compete with other regions.
Policy 8.1.5 Available Land: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.

The Goals and Strategies of these MRA Plans:

- **Sawmill/Wells Park Metropolitan Redevelopment Area**
- **North Corridor Metropolitan Redevelopment Area**
- **Barelas Metropolitan Redevelopment Area**
- **McClellan Park Metropolitan Redevelopment Area**
- **Historic Central Metropolitan Redevelopment Area**

At the Metropolitan Redevelopment Agency's 15 November 2023 Rail Trail Open House, the Project Manager acknowledged that the Rail Trail design standards might affect planned, private sector investment and kindly suggested that property owners submit site plans before the new regulations take effect. And that is now Sawmill Bellamah's intent and focus, but the phased approach planned for redeveloping the entire block along 20th Street will realistically take longer than the time frame allotted by the current IDO Annual Update process.

The shallow properties along 20th Street are within the Sawmill/Wells Park Character Protection Overlay Zone (CPO-12) and are already subject to its existing, character-specific building height stepdown standard, 3-4(M)(5)(c). Adding the Rail Trail building height stepdown to properties already subject to such a standard becomes a double whammy of height reductions to first reflect the CPO design character on one side and then a new, artificially imposed design character on the other. CPO-12 has existing standards that reflect and protect the unique character of Sawmill/Wells Park.

The redevelopment of 20th Street is a real-world, contemporary project that could and will hopefully occur in appropriate locations along the Rail Trail corridor where redevelopment is desired, such as MRA areas. But predictable design standards are necessary to maintain progress and changes that reflect each neighborhood's character. The Sawmill District is not the only Rail Trail node that has CPO standards regulating height. The Barelas (CPO-1), Downtown Neighborhood Area (CPO-3), North Fourth Corridor (CPO-9), Rio Grande Boulevard (CPO-11), and Sawmill/Wells Park (CPO-12) Character Protection Overlay zones all have existing, character-specific standards for height:

Barelas CPO-1

3-4(B)(4) Building Height

3-4(B)(4)(a) **Maximum Building Height**

1. Maximum building height allowances associated with a Center or Corridor designation do not apply.
2. Building height bonuses do not apply pursuant to Subsection 14-16-3-1(C).

3-4(B)(4)(b) **Neighborhood Edges**

1. The General Requirement for Building Height Stepdown in the Neighborhood Edges Subsection 14-16-5-9(C)(1) applies regardless of Center or Corridor designation.
2. In the MX-H zone district, any portion of a building within 20 feet of any lot line is limited to 35 feet.

Downtown Neighborhood Area CPO-3

3-4(D)(4) Building Height

3-4(D)(4)(a) **R-1 and R-T Zone Districts**
A detached accessory dwelling shall not exceed the height of the primary dwelling or 18 feet, whichever is less.

3-4(D)(4)(b) **R-ML and MX-T Zone Districts**

1. Maximum building height: 40 feet.
2. Portions of buildings over 30 feet shall incorporate a minimum stepback of 6 feet from the front street-facing façade.

3-4(D)(4)(c) **MX-M Zone District**

1. Additional building height associated with Main Street areas is not applicable.
2. For lots abutting Central Avenue, building height over 30 feet shall incorporate a minimum stepback of 6 feet from the front street-facing façade.

3-4(D)(4)(d) **Building Height Bonuses**
Building height bonuses do not apply pursuant to Subsection 14-16-3-1(C).

North Fourth Corridor CPO-9

3-4(J)(3) Building Height and Stepback

3-4(J)(3)(a) **Maximum Building Height**

1. The maximum building height is 55 feet for properties zoned MX-M, MX-H, NR-C, NR-BP, NR-LM, or NR-GM.
2. Building height bonuses do not apply pursuant to Subsection 14-16-3-1(C).
3. If more than 165 feet of frontage along 4th Street is being developed or redeveloped, 1/3 of the new development, with any fractions rounded down to the nearest foot, is limited to 45 feet in height.

3-4(J)(3)(b) **Building Stepback**
Any portion of a building over 30 feet tall shall incorporate a minimum stepback of 6 feet from any façade facing 4th Street.

Rio Grande Blvd CPO-11

3-4(L)(4) Building Stepback

Portions of buildings over 1 story in height shall be stepped back a minimum of 6 feet from the façade of the preceding story on sides of the building abutting a street or a lot containing any use in the Household Living category.

Sawmill Wells Park CPO-12

3-4(M)(4) Building Height

3-4(M)(4)(a) R-ML and MX-L zone districts: 26 feet maximum.

3-4(M)(4)(b) NR-BP zone district: 35 feet maximum.

3-4(M)(4)(c) NR-LM zone district: 55 feet maximum.

3-4(M)(4)(d) Building height bonuses do not apply pursuant to Subsection 14-16-3-1(C).

3-4(M)(5)(c) **Building Design for Mixed-use and Non-residential Development**

In Mixed-use and Non-residential zone districts, all of the following building design regulations apply.

1. No portion of any building within 25 feet of the front lot line shall exceed 15 feet in height.

Suggested Amendments to Rail Trail Small Area Standards

There are design solutions to address desired intents, and they require acknowledgement of an area's established character that are already reflected by a CPO. Overall amendments to the submitted language is possible to provide options and solutions that protect established neighborhood character along the Rail Trail's alignment.

As the proposed building height limitation is intended to avoid creating a canyon effect with only 48 foot tall buildings instead of 68 foot tall buildings and the overall intent of the Rail Trail project is to connect and activate various, and unique neighborhoods and centers along its alignment, please consider these suggested amendments for 5-2(A)(5) and 5-2(A)(6):

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

5-2(A)(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 50 feet in any direction of the Rail Trail shall step down to a maximum height of 48 feet.

5-2(A)(5)(b) A property is exempt from this building height stepdown if it subject to an applicable CPO-specific building height step down or building design standard that restricts building height in full or from any lot line.

5-2(A)(5)(c) Alternatively, a property is exempt from this building height stepdown if it can provide direct access from the Rail Trail to an adjacent plaza or other usable, open area.

5-2(A)(6) Building Design

5-2(A)(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.

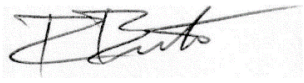
5-2(A)(6)(b) Outdoor seating and gathering required by Subsection 14-16-5-11(E)(3) shall be located adjacent to the Rail Trail or be located in an adjacent plaza or portal.

Plazas abutting the Trail will provide opportunities for direct access to outdoor seating and gathering required by 14-16-5-11(E)(3), but that is also intended for parallel sidewalk frontage and throughout an abutting plaza area. This is especially applicable to the narrow or shallow blocks and lots that exist all along the Rail Trail corridor, a shared challenge to redevelopment throughout the City's center.

The above changes will help the Rail Trail Small Area regulations to better respect and reflect the unique character, culture, and context of each neighborhood the Rail Trail project will connect. Otherwise, the historical, organically developed characters and identities of distinct neighborhoods, districts and communities may be lost to a one-size-fits-all, uniform appearance along the Rail Trail corridor. These changes will help the Rail Trail Small Area regulations to more completely further applicable CompPlan Goals and Policies.

Sawmill Bellamah Properties respectfully requests that the Environmental Planning Commission recognize the potential effects that some of the proposed Rail Trail Small Area regulations will have on redevelopment projects along its alignment. We also ask that the 48-foot building height limitation contained in 5-2(A)(5) and the building design requirements of 5-2(A)(6) be revisited and adjusted to incentivize rather than discourage private sector investment per a friendly amendment (Exhibit A). This will better further the intent of Metropolitan Redevelopment Area designations, adopted Character Protection Overlay zone standards, and existing IDO zone districts. This in turn will be more advantageous to the community by more inclusively and broadly furthering the policies of the Comprehensive Plan.

Sincerely,



Russell Brito
RBPlanning LLC

CHAIR SHAFFER: I apologize.

Mr. Messenger, I didn't mean to leave you out there, sir.

MR. MESSENGER: Good morning, Mr. Chair, David Shaffer, and Commissioners.

This is Agenda Item Number 2, PR-2018-001843, Case Number RZ-2023-00043.

And if you'll give me just a minute to share my screen. Can the commissioners see the presentation?

CHAIR SHAFFER: Yes, sir

MR. MESSENGER: Okay. Great.

The request is for text amendments to the Integrated Development Ordinance for a new small area designated as a Rail Trail. These new regulations were identified as part of the annual update process to gather proposed changes from residents, city staff, businesses and decision makers, according to IDO 14-16-6-3(D).

The Rail Trail is a planned seven-mile multimodal trail around central Albuquerque that will be designed to reflect Albuquerque's history and cultural diversity. The goals are to provide economic development opportunities throughout the metropolitan redevelopment areas where it runs, as well as opportunities for healthy recreation and artistic expression.

These regulations are being proposed for commercial, mixed-use and industrial zoned properties adjacent to the proposed Rail Trail corridor to enhance the corridor and making it safer and more attractive.

The Rail Trail planned alignment is shown on the slide that you have in front of you.

The proposed amendment would require regulations for access and connectivity to the trail, in coordination with parks and recreation department approval, landscape buffers, building height step-downs, building design treatments, outdoor seating and gathering spaces, and would also allow a 10 percent parking space reduction for new development adjacent to the Rail Trail corridor.

And I will go through the detailed changes now. So if the commission wants to ask clarifying questions or go back, just let me know.

CHAIR SHAFFER: Absolutely. Please keep going.

MR. MESSENGER: So there's the access and connectivity. And also, I just want to clarify something. We have X in here as a placeholder. We are not proposing that this replace any current sections in the site design and sensitive lands section. So we'll get to that discussion later. But I just want to point out that this is an entirely new section, so that's why we just had X for the placeholder.

This is the edge buffer landscaping regulations.

CHAIR SHAFFER: Mr. Messenger, it looks like you've got -- you're stuck on the screen. So we're only still on the first screen.

MR. MESSENGER: Oh, my apologies.

CHAIR SHAFFER: So you were speaking X and I was looking everywhere for something with an X, and I didn't see an X.

MR. MESSENGER: Okay. Are we on edge buffer landscaping?

CHAIR SHAFFER: No. It's still the front page. Maybe close it and redo it or something.

MR. MESSENGER: Okay.

CHAIR SHAFFER: I know my eyes were getting bad, but I didn't think they were that bad, where I couldn't see a big X.

MS. LEHNER: Mr. Messenger, do you need help advancing your slides?

MR. MESSENGER: Okay. Can you see screen Number 3?

CHAIR SHAFFER: Well, it says small area, Rail Trail new, Part 5. Is what we're looking at? Maybe you can click on the left side there and get back to whatever slide you want, and then now you can hit advance

MR. MESSENGER: Okay.

CHAIR SHAFFER: Yeah.

MR. MESSENGER: And are you seeing the map now?

CHAIR SHAFFER: Yep. Now it's moving as you're clicking on the slides on each side. There you go, got it.

MR. MESSENGER: Okay. I'll just do it this way.

Okay. So we are at access --

CHAIR SHAFFER: There's the X.

MR. MESSENGER: Okay. My apologies.

CHAIR SHAFFER: That's all right. Now I see the X.

MR. MESSENGER: Okay. And this is the proposed change for edge buffer landscaping, wall and fences, building height step-down, and then also for buildings that are 100 feet or longer, we're requiring facade articulation.

And then last, we're proposing that proximity to the Rail Trail would allow 10 percent parking reduction. And then we're also proposing a definition that the Rail Trail will be considered both a trail and the street. And that will apply to situations where you have a main street corridor on one side and a Rail Trail on the other.

CHAIR SHAFFER: So, Mr. Messenger, I'm going to -- this is Chair Shaffer again. I'm going to guess that people are going to want a little more explanation on some of that, those last slides, about the buffer you said they're questioning, step-downs, articulations. That was kind of a breeze-through that was pretty quick. I would like a little more explanation on those previous slides, maybe starting with Slide 5. And just maybe can you go through a little more of these details here, about what the IDO says. And I'm guessing what you're saying is the IDO current text is on the right and what you want to change is on the left.

MR. MESSENGER: Chair Shaffer, yes. The proposed change is on the left, and then the IDO text, as is, is on the right.

And so what we are proposing is that multi-family mixed-use or nonresidential would provide a landscape buffer, pursuant to Subsection 14-16-5-6(E)(2)(b)1.

So we're referring to the edge buffer landscaping development regulations that are already in place, but we would require that these types of properties adjacent to the Rail Trail would be subject to those landscape buffering treatments.

And then similarly, for industrial, we're proposing that they provide at least a 15-foot wide landscape buffer pursuant to 5-6(E)(4)(b).

CHAIR SHAFFER: Okay.

MR. MESSENGER: And then the next set of regulations would be wall and fences. And similarly, these would -- for multi-family mixed-use nonresidential, they would -- shall meet the requirements of 5-7(D)(3)d.

And then for industrial development, we are requiring that chain-link fencing would not be allowed and only allowed as temporary security fencing during active construction.

These regulations, if I didn't clarify this previously, these regulations are being proposed to create a uniform appearance along the Rail Trail.

Another desire is that we don't have a canyon effect, and so that's why we decided to have a building height step-down, so that we would allow more sunlight and not have that canyon effect as people are traveling around the Rail Trail.

And then also, we want it to the look nice, and so that's why, you know, we prohibit any chain-link fencing that is in view of the Rail Trail. So if you have chain-link fencing that's not in view of the Rail Trail, that would still be acceptable, pursuant to whatever the development regulations are.

So if I may move on.

CHAIR SHAFFER: I'm going to have a huge question here at the end of this, but I appreciate you explaining why, because you didn't on the front end, about why these changes are being proposed. So I understand now.

MR. MESSENGER: Okay. And here's the regulation for the building height step-down, except within the downtown center or the main street corridor.

And the reason for this is that we felt that the goals and policies to have density and vibrancy in the downtown superseded the goals of avoiding a canyon effect. So in these instances, in these mapped areas as shown, the downtown center and main street corridors. And we are also recommending that premium transit corridors be exempt. But I'll get to that on the last slide. So we are proposing exemptions for these sections as far as the building height step-down.

And then another proposed change is that in the industrial zone properties, any facade facing the Rail Trail shall meet the building articulation requirements per 5-11(E)(2)(a)3, and then we're also requiring outdoor seating and gathering adjacent to

the Rail Trail, to activate the space.

CHAIR SHAFFER: Can you leave that one? Oh, sorry, I apologize.

MR. MESSENGER: Yes, I'll leave that slide up.

CHAIR SHAFFER: Just for a second

MR. MESSENGER: And if I need to zoom in so you can see that picture, please let me know.

CHAIR SHAFFER: I can see it fine. Any Commissioners, do you need this zoom in? I don't. I can see it perfectly fine here.

MR. MESSENGER: Okay. May I move on to the next slide, Chair?

CHAIR SHAFFER: Yeah. I'm just trying to -- I was trying to contextually figure out the second part of that outdoor seating and gathering required by Subsection 14165-11(E)(3) shall be located adjacent to the Rail Trail, and I was just trying to figure out how that would happen on some of the -- so would this -- you're saying the exemption for the downtown portion would apply to this, as well, or no?

MR. MESSENGER: Chair Shaffer and Commissioners, no, it's only applied to the building height step-down. So downtown center, main street corridors, we're proposing that they be exempt from the building height step-down, but not be exempt from these requirements.

CHAIR SHAFFER: That might want to be classified then on that other sheet. Does it say that already on the other -- on your Page 7? Does it say just the step-down?

MR. MESSENGER: Yes, building height step-down except --

CHAIR SHAFFER: All right. Got it.

MR. MESSENGER: -- within the -- yeah.

CHAIR SHAFFER: Thank you. You can go to Number 9 now

MR. MESSENGER: Thank you, Chair.

And this is a proposed change for off-street parking. We're proposing a 10 percent reduction in the minimum number of off-street parking spaces if the proposed development is located within 330 feet in any direction of any city park or trail. And then we're proposing that the Rail Trail be defined as both a city trail and a street. And that would affect setbacks and facade treatment.

Been I get to the recommendation, MRA and planning staff held a pre-submittal facilitated meeting on September 20th, 2023. Based on feedback received during that meeting, staff revised the proposed regulations as follows.

And these proposed regulations are shown in this presentation, but this was based on the pre-submittal regulations.

So based on that feedback, they decided to remove the parking lot with regulation for properties at least 100 feet wide, and we added a main street corridor to the exemptions for the building height step-down requirement.

Since that meeting, planning staff received one letter of

opposition to the regulations within the full consideration deadline before the December 14th EPC hearing. In addition, planning staff received a letter with suggested changes to the regulations within the 48-hour notification period.

Notification letters regarding the application were sent out October 24th, 2023. They were mailed to over 500 property owners within 132 feet of the proposed Rail Trail corridor. Because the final alignments were not determined at the time of notification, MRA staff exceeded the normal 100-feet notification distance to ensure that all property owners potentially impacted or not would be notified.

The applicant has adequately justified the request pursuant to the criteria for amendments to IDO text small areas 14-16-6-7(E)(3).

Regarding PR-2018-001843, Case Number RZ-2023-00043, staff recommends that a recommendation of approval be forwarded to the city council based on the findings, including amended finding to be read into the record, of the staff report and the recommended condition of approval.

The recommended condition of approval is that proposed Subsection 5-2(A)(5), as shown in the proposed Rail Trail contextual standards exhibit, shall be amended to also exclude premium transit areas for the building height step-down requirement.

And then the revised Finding Number 3 adds the underlined sentence to the end of the finding: Small area amendment will be added as a new subsection within IDO Subsection 5-2, site design and sensitive lands.

And with that, I stand for questions.

CHAIR SHAFFER: Okay. Thank you, Mr. Messenger.

So is that -- would you mind putting up the actual staff report with those conditions and findings on the screen?

MR. MESSENGER: Yes, Chair Shaffer.

CHAIR SHAFFER: I appreciated the presentation because that does make it easier for seeing what was changed. But in the staff report, can you put those on the screen?

MR. MESSENGER: I think. Chair Shaffer and Commissioners, if you would give me just a minute to un-share and re-share.

Can the Chair and the commissioners see the --

CHAIR SHAFFER: Yes.

MR. MESSENGER: Let me enlarge this.

So this is the findings, Page 20 in the staff report, and we're amending that Finding Number 3 to also include the sentence: The small area amendment will be added as a new subsection within IDO Section 5-2, site design and sensitive lands.

And proposing to amend that into the findings.

CHAIR SHAFFER: Okay. Can you scroll down a little? Keep going. The only reason I'm going through this, and I appreciate your patience, is because since these are the actual changes, and this is a little different than our normal hearings, I wanted to get

to those conditions of approval, and then we'll get to the applicant here in a second, since this is staff presentation. I believe the applicant is actually the MRA.

MR. MESSENGER: Chair Shaffer, that is correct. Yes, the applicant is MRA.

CHAIR SHAFFER: Can you go to the conditions. So there's one. I thought there was a third.

MR. MESSENGER: No, Chair Shaffer, we're amending Finding Number 3.

CHAIR SHAFFER: Got it.

MR. MESSENGER: So it's just one condition and amended Finding Number 3.

CHAIR SHAFFER: Understood. Thank you.

Commissioners, any questions or staff and the presentation? No? Okay.

Thank you, Mr. Messenger.

We'll move on to MRA person. And, Ms. Lithgow, I believe that's you.

MS. LITHGOW: Yes, Chair Shaffer. Thank you so much.

CHAIR SHAFFER: You got it. And you've already sworn in, so you are more than welcome to take it away.

MS. LITHGOW: Perfect. Thank you very much. I'll go ahead and share my screen. Can everybody see it?

CHAIR SHAFFER: Yes, ma'am

MS. LITHGOW: All right. Thank you, Chair Shaffer and Commissioners of the EPC. My name is Ciaran Lithgow. I am a project manager at the metropolitan redevelopment agency, which is a division of the City of Albuquerque.

We have been planning the Albuquerque Rail Trail for the past three years, and have currently raised about $40 million for construction. And we will be breaking ground on this project in the next year, as well.

So this is kind of why we've decided to do this preemptively, understanding that we know this will be a big development attraction. So I wanted to give you an overview of the Rail Trail alignment.

So the Rail Trail, as Robert pointed out, is a multi-use trail for bicycles and pedestrians and other forms of active transportation that will connect the heart of the downtown to our other cultural destinations.

So it moves from the downtown core, up through Wells Park, through Sawmill, to the museum district, Old Town and east -- or in west Old Town, as well. And then it will connect to the BioPark, where it will then hook into the existing Paseo Del Bosque Trail. And then it will connect back down to the National Hispanic Cultural Center, to the Rail Yards and back to the downtown core.

We're currently in design for multiple sections of the Rail Trail. I've identified here where those segments are -- the alignments are final, and where there are still alignments being determined.

As Mr. Messenger pointed out earlier, we did notify everybody who was on a potential alignment for the ones that were still in the planning session. So that would be the Old Town segment and the Barelas segment. There were a few alignment sections that we still haven't determined. But we noticed everybody who was in that 150-foot buffer in those potential alignments.

So part of our end of this, of actually coming and doing this EPC hearing and doing the IDO updates early, is because trail-oriented development in other cities is really popular. We've talked to a lot of other folks who planned the trails, who are in charge of maintaining the trails, or who are in charge of helping with economic development incentives for projects along the trail. And what they've all told us is that, "You're not going to be ready for the number of people who are going to be on the trail," which is encouraging you news, we want this to be popular, but we also heard that they wished they had done some sort of design standards for development along their trails in advance. And now they're having to go back and kind of take a look at how they can guide future development without it becoming imposing and difficult for trail users to have a pleasant experience, as was originally planned.

Because we're going through a lot of redevelopment areas, this means that we have a huge potential for development and economic growth in these areas. There are a lot of opportunity sites. There are a lot of vacant lands, there are a lot of redevelopment opportunities here.

And so, as we anticipate this development occurring, either in advance of the trail, because our development partners at MRA are excited for this project and they see the potential, we want to make sure that that development is responsible and also interacts well with the planned vibe, if you will, of the trail.

So Robert gave a pretty good overview of what we are proposing here. So these design standards would be for new developments that are directly adjacent to the trail, or for significant redevelopment projects. So it would impact multi-family, commercial and industrial developments, but it would not impact single-family or parks or open space development.

So these proposed changes include requiring some sort of access to the Rail Trail that can be gated and controlled access, but giving that access in advance, making sure that folks can get from -- you know, if it's a multi-family development, getting directly from their property onto the trail, as we really want to encourage active transportation alternatives.

We're also proposing an increasing landscape buffer for industrial properties, and a smaller buffer for mixed-use projects. We have requirements for fencing transparency and for quality chain-link fence, et cetera. We are also requesting a building height step-down, except in the premium transit, main street and downtown corridors.

Michael noted that the PT corridors were intended to be in this application, but they were somehow missed, so that was reflected in his condition for approval. And then we're also suggesting parking minimum reductions for all trails in Albuquerque.

I'd like to take a moment to request that the commission consider a proposed modification based on public feedback. So MRA received two letters, one from Titan Development and one from Sawmill Properties. And some of their concerns were about the step-down requirement, which they felt was an imposition to development.

So MRA is recommending that we reduce that step-down to be within 20 feet in any direction of a Rail Trail. So I'll just show you in the building envelope. It might be a little bit easier to visualize with this. This would be a potential building envelope. Imagine this is the street up here and this is the Rail Trail down here. There's already a 15-foot rear setback if they're going up against the Rail Trail as their rear. And that would require, then, 5 feet of a step-down to a 48 maximum foot height.

Another option is because the Rail Trail is going to be treated as a street, they can elect to treat the Rail Trail frontage as their front instead of as their back. So they could put their 15-foot back setback on the street, and then they could put their 5-foot front setback on the Rail Trail. And so that would result in a 15-foot step-down area.

Our primary goal with this was to, as Mr. Messenger mentioned, avoid wind tunnels, to create a more pleasant and less intimidating experience for trail users with, you know, looming buildings. But we still feel that a 5-foot and a 15-foot step-down, in addition to the setbacks, still achieves that goal, while not really hindering development. And just to kind of give you an example, this is what a 50-foot setback might look like. And so we're reducing this by 30 feet, and we think that this is a good compromise to the concerns that Titan Development and that Sawmill Properties laid out.

So pause there, because I just talked a lot about this proposed modification, and see if there's any questions from the commission.

CHAIR SHAFFER: Well, I just want to say thank you, Ms. Lithgow. I want to say keep this slide handy during -- because we're going to refer to it. Because that was one of my main comments I was going to -- my main questions I was going to have at the end of your presentation, but I'll wait till you're done.

But I would just said at this point that I think that's a great work-around. But I'd be interested to hear what the other interested parties have to say about it. And that's a great idea about flipping either one direction or the other, since now the Rail Trail wants to be considered a street. So options are always good.

I would say let's move on and then we'll have some questions.

MS. LITHGOW: Okay. So I was just going to go over a little bit of how we believe we're compliant with the comprehensive plan.

One of the goals of the comprehensive plan is to grow a community of strong centers, connected by a multi-modal network of corridors.

The Rail Trail goes through a lot of corridors and centers and it connects a lot of alternative transportation opportunities. And so we're proposing these changes to increase that connectivity between new and redevelopments and the trail to allow for those types of interactions and easy use of the trail. And we also

believe that the Rail Trail is going to be an economic development tool that will give businesses access to potential customers that they may not have had in the past.

We think that the proposed regulations also reinforce a sense of place by establishing these context sensitive designs for developments and streetscapes as it relates to the Rail Trail. So the Rail Trail really wants to enhance a sense of place, and we're utilizing design that's inspired by local culture and landscape and our history. And so we want to make sure that the developments that occur around the Rail Trail reinforce that artistic vision.

For placemaking, we, again, believe that this reinforces the sense of place. And we're really trying to make a significant investment by creating a world-class urban destination that connects the downtown area. It going to attract businesses. It's going to help retain youth and encourage economic development, while also providing a healthy outdoor recreation opportunity.

We're also furthering Goal 9.7, which is partnership in metropolitan redevelopment. So the goal of the metropolitan redevelopment agency is to help spur economic growth in underserved and economically struggling areas. And one of the goals of the Rail Trail, we think, is to help with economic and physical redevelopment, reinvestment in these cores.

And we're, again, ensuring that the new development and redevelopment areas reduces light, which is something that we're tasked with as an agency by state statute, is reducing light, and for improving the physical environment of these redevelopment areas.

And finally, we think that this is helping protect community health. The Rail Trail itself is going to becomes a new space for healthy outdoor recreation. We're adding seven miles of new outdoor public recreation in underserved communities and we also think that this will help lessen the impact of industrial uses on the Rail Trail, and along with that, the effect of the tall building heights, which could create sunlight or wind tunnels along the rail corridor, which is, again, why we were suggesting that 48-foot step-down.

So I think that's the end of my presentation. We're just asking the EPC to consider this. We really want to protect our significant community development, this project is going to be probably over $100 million in total costs, including construction and design, and encourage responsible development along the corridor. So I will stand for any questions from the commission now.

CHAIR SHAFFER: Thank you. We really appreciate it. Thanks for the presentation.

So I'll see if the other commissioners -- I don't want to trample on commissioner toes.

So, Commissioners, any questions for the applicant?

COMMISSIONER EYSTER: Eyster.

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER EYSTER: Thank you, Chair.

Thank you, Ms. Lithgow, for that presentation. You really painted a picture for me of what the project will look like, and also the changes.

And you discussed the buffer for MX, mixed-use, projects. What is that buffer like? I don't suppose it actually separates residents or users from the Rail Trail, does it?

MS. LITHGOW: Commissioner Eyster, are you referring to a landscape buffer or are you referring to the step-down?

COMMISSIONER EYSTER: The buffer. Thank you.

MS. LITHGOW: For the landscape buffer, no. I believe -- and please, planning staff, correct me if I'm wrong -- I believe you can have walkways through a landscape buffer.

Is that correct?

COMMISSIONER EYSTER: Got it. I ask the question --

MS. LITHGOW: I think see Mikaela nodding.

COMMISSIONER EYSTER: Normally, we think of buffers as something that protects a more vulnerable area from a more high intensity use. But this is a different kind of a buffer. It's just a landscape buffer?

MS. LITHGOW: Yes.

COMMISSIONER EYSTER: Thank you.

CHAIR SHAFFER: Thank you, Commissioner Eyster.

Commissioners, any other questions?

COMMISSIONER HOLLINGER: Commissioner Hollinger.

CHAIR SHAFFER: Commissioner Hollinger.

COMMISSIONER HOLLINGER: Thank you, Chair.

Thank you for your presentation. I had a handful of questions. And the first one was, how would the trail be marked. But after hearing the presentation, it seems like it's going to be fairly obvious.

So the second part of that question is, you're calling it a "Rail Trail." Will there actually be some type of rail or trolley or train involved in this proposal?

MS. LITHGOW: Commissioner Hollinger, that's a question I actually get pretty often. No, there is not going to be any additional train or trolley.

What the Rail Trail is is it's utilizing existing railroad right-of-way through a very large portion of the trail alignment. Not all of it is going to be directly next to the existing railroad right-of-way, where BNSF and the Rail Runner run. They don't need that extra right-of-way anymore. It's just essentially vacant space next to the rail corridor.

So we've been working very closely with NMDOT to make sure that we're meeting the safety and design standards. There's going to be fencing on one side.

Maybe I'll just take this moment to pull up a section of the trail so you guys can see what I'm talking about visually.

We are going to have -- it's going to be a 14-foot -- at least a 14-foot-wide trail in all sections. And then we'll have around -- it really depends on the available right-of-way. But we'll have landscaping on the side that is next to the railroad. And following that, we'll also have, like, a smaller buffer as we run by properties. So let me -- give me a moment and I'm pulling up this image here.

CHAIR SHAFFER: And we appreciate that. We in the commission love pretty pictures.

MS. LITHGOW: Good thing that our consultants are very good at making them.

CHAIR SHAFFER: Pretty pictures make our day better.

MS. LITHGOW: Especially with all the IDO text, I'm sure. It can be hard to visualize.

All right. It's taking a minute for my computer to load. My apologies.

So here is an example of what the Rail Trail will look like next to the rail corridor. You can see the rail kind of in the back here. And then we'll have landscaping here. We'll have trail scape on the center. And then the small landscape buffer next to buildings, and a larger landscape buffer next to the rail line.

COMMISSIONER HOLLINGER: Understood. That's very helpful. We do like pretty pictures.

MS. LITHGOW: Here is another view, if this is helpful, as well, kind of showing this is a downtown section of the Rail Trail. And I'll give image rendering credit to Planned Collaborative. So this is the trail that uses the new Marquette crossing in the downtown core, looking north.

COMMISSIONER HOLLINGER: So thank you for all that. I have one follow-up question. During the presentation, it was stated that this would be a premium transit corridor and the city would treat this as a street and a trail. Can you elaborate on that?

MS. LITHGOW: Yes, Chair Hollinger. I don't believe that this is going to be considered a premium transit corridor. I think what Mr. Messenger was referencing is that we were exempting premium transit corridors from the 48-foot step-down.

COMMISSIONER HOLLINGER: Understood. That makes more sense.

MS. LITHGOW: But I can answer the second part of your question about why we're requesting it to be treated as a street. So we are requesting that it be treated as a street so that street-facing facade requirements in zone districts apply to the back of what would traditionally be considered the back of a building. So if there's any facade requirements, for example, in the downtown core, if it's facing the Rail Trail, those facade requirements would apply also to the Rail Trail.

COMMISSIONER HOLLINGER: Understood. Thank you very much for that clarification.

I'll yield the floor, Chair. Thank you.

CHAIR SHAFFER: No problem. Thanks for those questions. I appreciated the opportunity to be able to see the -- see what it's going to look like. Because little 3-D and side views like that make it look a lot more understandable.

I'll be interested to do hear what public comment says about what just got presented of saying with it a street then the downtown protection, yeah, how that's going to play out. Because that might throw in a wrench into some plans.

I have a question but I'll wait for other commissioners first. Commissioners, any other questions for the applicant? No.

So my big question is this. And this is -- Mr. Messenger, you're still on, so, you know, we've already been approving several projects over the last year along the trail, based on what was previously allowed. And those current projects, and I believe after reading all the public comment, the 48-hour rule notices that I read, you're going to hear from them right now and have some suggestions. And I believe that's one of your amendments that you put in, was to kind of appease some of that 48-hour rule material, which was nice. And definitely interested in hearing from them.

But from a contextual standard and from things that we've already approved, how do you go backwards on some of those projects, or can you go backwards on some of those projects that we already approved?

I see a head shaking left and right from a person in control.

Yeah, if someone wants to address that. And it might help some of the public comment that comes up, is the only reason why I'm asking this question.

MR. MESSENGER: Chair Shaffer, I'm going to defer to Michael Vos on that question.

CHAIR SHAFFER: Okay. I see a Ms. Renz-Whitmore, I see a Michael Vos and I see a Ms. Lehner, and they all want to say something.

So, Mr. Messenger, since he was the planner on this, deferred to Mr. Vos, let's hear Mr. Vos first, and then we'll see what Ms. Lehner and Ms. Renz-Whitmore have to say.

MR. VOS: Thanks for the question, Chair Shaffer, Commissioners.

The IDO regulations apply to projects at the time an application for a site plan or the project is submitted for their approval. So any project that's been submitted to the city for site plan approval prior to these changes being approved by the city council and going into effect, which we anticipate to be this summer, any project before that will be reviewed under the current regulations and a site plan has been valid for seven years. And so then they will have, then, seven years to complete construction of that development per their approved site plan.

If a project is not submitted for review by the time these rules go into effect, then they will have to comply with these new rules at that point in time.

CHAIR SHAFFER: So to clarify, submitted for approval or approved through the entire process?

MR. VOS: Chair Shaffer, it is when an application is submitted for review.

CHAIR SHAFFER: Okay. I'm just curious, because we went through some elaborate approvals in the Bellamah district there, and went through a lot, and had a lot of public comment and a lot of public approval of things that were happening through that whole district. And man, what a waste that would be if all of those processes then had to get reversed. So that's good to hear.

Ms. Lehner.

MS. LEHNER: Certainly. And thank you, Mr. Vos, Mr. Chair and Commissioners.

And just to elaborate a little bit more on that point, that is also my understanding, and furthermore, when applications are received for development review or any type of other review, it's standard practice to go by the date they are stamped in that they are submitted.

So whatever version of the IDO is in effect at the time of application submittal is the one that we use.

I do recall at the very start of the IDO, what was in effect May 17th, I believe one was submitted on May 16th, so therefore, you'd have to go with the regulations that were in effect at the time of that submittal stamp on the application.

CHAIR SHAFFER: Wonderful. And so what that does is that eliminates any sort of -- I wouldn't say the word improper. What's a good word? So any sort of delay that might be drug out by somebody. If it was submitted, it's submitted under the current regulations and that's the end of it?

MS. LEHNER: Correct.

CHAIR SHAFFER: Understood. Okay. I would just hate to see someone penalized for some retroactive legislation that then makes them have to change. So that's good to know.

And I will say for the presentation, I think that's a wonderful thing, of taking all this into consideration now and using best practices from other agencies and other city and heeding their warning signs, saying, "Hey, do this now rather than later." I think that's great.

So any other commissioners have any questions before we go to public comment?

All right. Let's go to public comment. Mr. Salas.

MR. SALAS: Yes, Chair and Commissioners. The first speaker is going to be Russell Brito.

CHAIR SHAFFER: Mr. Brito, so I will say that I was very pleased to read your 48-hour material, because, man, you sure do have a way of articulating things that I never in my life will ever be able to do. So I always appreciate that. So thank you for that, because it always generates great questions.

So, Mr. Brito, would you'd mind stating your name and address for the record, please.

MR. BRITO: Mr. Chair, Russell Brito, RB Planning, LLC, P.O. Box 6041, Albuquerque, New Mexico, 87197.

CHAIR SHAFFER: Do you swear to tell the truth under penalty of

perjury?

MR. BRITO: I do.

CHAIR SHAFFER: And when will you be submitting your application to be a member of the EPC, and when can we count on that?

Oh, sorry, we'll move on to the next thing. Yes, sir, you have public comment time. Go right ahead.

MR. BRITO: Yes. I would request to be able to share my screen. I have some graphics that I know you like that I would like to share with you.

CHAIR SHAFFER: Absolutely. Go right ahead.

Mr. Salas, if you can grant him permission, please.

MR. SALAS: Yes, he already has permission.

CHAIR SHAFFER: There you go.

MR. BRITO: All right. Thank you very much, Mr. Chair and Commissioners.

CHAIR SHAFFER: Mr. Brito, real quick. I want to be careful, too, because this is public comment. So keep in mind the time restraints that we have here. You know, you're an interested parties for this development, but we also want to be mindful of everyone's time. So if you can move through fairly quickly

MR. BRITO: Yes, sir, two minutes.

On behalf of Sawmill Bellamah Properties, we would like to request that the planning commission consider some friendly amendments that were briefly mentioned by Ciaran Lithgow in their presentation. And this is in response to this very noteworthy project.

The Rail Trail idea has been around for quite a while, but it wasn't until recently that it's really gotten some traction in terms of real attention, planning and, most notably, funding.

And as noted by the staff planner and the project manager, this trail will connect various unique neighborhoods that have their own history, character that come from the original sector development plans, which were very important to those neighborhoods. And those sector development plan special standards and design requirements were transferred over into the IDO as character protection overlay zones.

These character protection overlay zones that the Rail Trail goes through include Barelas, downtown neighborhood area, North 4th corridor, Rio Grande Boulevard and Sawmill/Wells Park, all of which have already existing height restrictions or step-down requirements for development.

And the requested friendly amendments, we hope, will improve the applicant's furtherance of comp plan policies, including character and economic development, two things that are key for the success of the Rail Trail and its adjacent development.

The amendments would respect and protect existing neighborhood and community characters in the CPOs, and we believe it will better incentivize private sector development along the Rail Trail corridor by being more predictable and providing more

options to activate the corridor.

In the letter I sent, the amendments include for building height step-down, exemptions for properties that are already subject to a character protection overlay zone building height step-down or building height restriction, or that if the property can provide access to a plaza or other usable open area, that could help relieve the canyon effect that was discussed earlier.

So, again, want to be really inclusive of existing neighborhood characters that exist all along the Rail Trail so that development doesn't become homogenized and indistinct as you go from neighborhood to neighborhood.

The other requested amendments is for the outdoor seating and gathering that would be required for any development, that it could be located either adjacent to the Rail Trail or in an adjacent plaza or portal.

And this is, as was discussed, sometimes a Sophie's Choice for developers when they're looking at, well, do I have to activate two front facades, and how is that going to pencil out -- what do I have to do with access and security for my building if I have access on two sides or two frontages? And this is especially prevalent and noticeable for narrow or shallow lots that exist throughout the Rail Trail corridor.

And in the letter, I identified a real-world situation, Mr. Chair, that you also noted at Bellamah and 20th Street, a very shallow block along 20th Street from Bellamah to Mountain Road. And the recent zone changes to MX-H are to accommodate in-scale buildings, because the scale of the neighborhood is already set by Hotel Albuquerque at over 100 feet tall, and this site is already subject to the Sawmill/Wells Park CPO 12 building height step-down.

The EPC found that the IDO's existing development standards at the time and the CPO 12 ensure the appropriate location and character of future development. But with the application of the proposed Rail Trail building height step-down, that's going to reduce developable area in these narrow and shallow lots even more.

And, you know, this is definitely a real-world situation that is already occurring in Sawmill/Wells Park, and the local business developer, Sawmill Bellamah Properties, has the approval for this first building on the north. That site plan got recently approved. And they're working on getting an application in for the Central building.

And then they have a future phase right along Mountain Road. That could get the double whammy of two building height step-down requirements on either side. And this makes it much harder and less predictable for private sector investors.

So thank you.

CHAIR SHAFFER: So, Mr. Brito, thank you. I have a question for you. Will you go back to your screens where you have in red the proposed changes. Yeah, that one.

So is the proposed change by MRA that they just put on the screen, does this address what you wanted changed, or you're suggesting changed, or is there something different?

MR. BRITO: Mr. Chair, I really appreciate the compromise

language that the project manager is proposing. But it's still a new character that they are placing on properties that already have standards that protect the character in the CPO. And definitely agree that the Rail Trail is a great project, as noted by the images. It's not going to be hard to miss, that you're on the Rail Trail, but --

CHAIR SHAFFER: So what you're saying -- and I'm just trying to get to the point here. What you're saying is your proposed 5-2(A)(5)(a) and 5-2(A)(5)(c) is separate from what MRA is suggesting as a compromise, because your belief is, if there a CPO specific building height step-down, that should govern, rather than what the small area Rail Trail rule would be, correct?

MR. BRITO: You got it, Mr. Chair. The intent of our recommended friendly amendments is to really respect existing neighborhood character that is protected in the CPOs that originally came from the sector development plans. When we were on staff, we were very careful to make sure that those sector plan specific standards that protected those neighborhoods and area characters were brought over into the IDO as CPOs. And I would urge the planning commission to continue that practice of protecting those neighborhood characters.

CHAIR SHAFFER: Understood. Well, thank you for that explanation. I just wanted our fellow commissioners to understand what the ask was here. And we can get to talk to MRA about what their feelings are on that, and staff as well.

But, Commissioners, do you have any questions for Mr. Brito?

COMMISSIONER HOLLINGER: Hollinger.

CHAIR SHAFFER: Commissioner Hollinger.

COMMISSIONER HOLLINGER: Thank you, Chair.

Mr. Brito, it's nice to see you. It's been a while.

I just had a quick question about the Bellamah section, what you were talking about, I believe CPO 12. Were you alluding to some type of exemption? I think that was missing some part of that.

MR. BRITO: Yes, Mr. Chair, Commissioner Hollinger, our requested friendly amendments would only exempt sites that had CPO specific building height step-down or building standard requirements.

So there are other questions along the Rail Trail that are not in the character protection overlay zone. They would not be eligible for this type of exemption because the Rail Trail would really be starting a new character for those areas that don't have a CPO. But we want to make sure that those areas that have a CPO, that their neighborhood character, that the character protection overlay zone is intended to address stays in place.

COMMISSIONER HOLLINGER: Understood. Thank you for that.

CHAIR SHAFFER: Okay. Thank you, Commissioner Hollinger.

Any other commissioners to ask questions? Commissioner Meadows.

COMMISSIONER MEADOWS: Mr. Chair, Commissioner Meadows here. Thank you.

Mr. Brito, yeah, I understand your request here, but my concern

is that when the CPO language was formed, there was no Rail Trail, so those CPOs are not addressing the need for more sunlight and less of a wind tunnel effect along the trail.

So because you were considering your development in terms of the street front, not the trail front, so while these particular buildings, except for the last lot, have already been -- I believe have already been submitted and approved, it would only affect the third lot.

But I think it's important to, while respecting the neighborhood character, also respect the need to have an openness along the Rail Trail for sunlight and not to create wind tunnels. And so I think you need both. So I think the proposed amendment for 20 feet instead of 50 feet does that. Thank you.

CHAIR SHAFFER: Thank you, Commissioner Meadows. I don't think that was a question there. I think that was a comment.

MR. BRITO: Mr. Chair.

CHAIR SHAFFER: Was that you, Mr. Brito?

MR. BRITO: Yes. If I may respond, please.

CHAIR SHAFFER: Sure.

MR. BRITO: Thank you, Chair, Commissioner Meadows. I wholeheartedly agree that, you know, this major infrastructure, this amenity, needs to have appropriate development fronting it and needs to have appropriate activation along it to provide interest, to make sure it's successful.

And I think one of the items I'm suggesting is that a plaza, like is planned along 20th Street, could also provide that relief from a canyon effect. It's an opening, if there's a tall building, and could funnel people, for example, from the Rail Trail into an active area, and then people can get right back on the Rail Trail and continue their journey after they experience that particular neighborhood or activity center's specific character and uniqueness. And then they can get back on the Rail Trail that's going to be very familiar, well marked and with a consistent theme and design, to the next unique neighborhood.

CHAIR SHAFFER: Okay. Thank you, Mr. Brito.

Commissioners, any other questions for public comment person Number 1? We have seven more to get to.

And, MRA, you know, applicant and staff, if you guys can be looking at that in the background when we get to the next section, please. Thank you.

Mr. Salas, who do we have next?

MR. SALAS: Mr. Chair and Commissioners, the next speaker is going to be Loretta Naranjo Lopez.

CHAIR SHAFFER: Ms. Naranjo Lopez, are you with us?

MS. NARANJO LOPEZ: Good morning, Commissioners. Can you hear me?

CHAIR SHAFFER: Yes, ma'am. Do you mind stating your name and address for the record, please.

MS. NARANJO LOPEZ: Loretta Naranjo Lopez, 1127 Walter, Northeast, Albuquerque, New Mexico, 87102. And I'm speaking as the president of the Santa Barbara Martineztown Neighborhood Association.

CHAIR SHAFFER: Okay. Do you mind raising your right hand and swear to tell the truth under penalty of perjury?

MS. NARANJO LOPEZ: I do.

CHAIR SHAFFER: And are you speaking on behalf of them on specifically this case, you held a meeting and came up with a position and they voted that you come to this meeting to speak on their behalf?

MS. NARANJO LOPEZ: We have not come to a position because it's not in our boundary, but I want to make sure that it -- my comments are just -- the comments of the board are to question whether they are particularly impacting our neighborhood. So I'd like to have that (inaudible).

CHAIR SHAFFER: Okay. Absolutely, yeah. Go right ahead. Thank you.

MS. NARANJO LOPEZ: So the Santa Barbara Martineztown would like to make sure that the recommendations for the Rail Trail by the City of Albuquerque respects, preserves, protects the culture, traditions and character of the Martineztown Santa Barbara Neighborhood.

I think at one of the meetings that I wasn't invited to but I was informed from another president of a neighborhood association, or another person, from South Broadway, I attended and I explained that I didn't think the design was New Mexican. It didn't reflect the Neo-Mejicanos in New Mexico, or the Native American. So
I had -- you know, I want to just let the MRA division know that I respect the hard work that they've done, and I appreciate that they want to bring this trail to -- you know, for people's health. But at the same time, I think that there needed to be more participation in the design.

And my other concern is -- our concern as a board, we understand that this only impacts the west side of the railroad. But if there is -- if the city's considering the west of the railroad in Martineztown Santa Barbara, we want to be approached when just the thought of any recommendations are considered, that the city meet with the neighborhood and we're at the table. That's what we're asking for.

And that -- we want to make sure that, you know, noise ordinance is followed. We're concerned about what types of uses are there that -- how is it -- our question, and I explained this at that one meeting that I went -- that I attended, was how does this really benefit the residents of Martineztown or near -- the other neighborhoods surrounding this? How does it really benefit the community of Albuquerque?

CHAIR SHAFFER: Thank you, Ms. Naranjo Lopez. To appease your --

MS. NARANJO LOPEZ: Can I just say that there was a property that was part of the presentation of Ms. Lithgow that's in the Martineztown boundary? So that's reason why we are concerned. Like, it shouldn't be part of it. So we're just wondering why.

CHAIR SHAFFER: I think they can answer that question for you if

you'd like.

One thing I'd like to let you know to appease some of your -- you know, the fears or questions, is anything that happens in the Rail Trail, you know, noise ordinances, things like that, none of that goes away. So all those overlying rules and regulations would still be in place. So hope that answers part of that question. But the Rail Trail has just been designated as an area by -- you know, by the MRA.

So, Ms. Lithgow, did you want to answer the question about where that is?

MS. LITHGOW: Ms. Loretta, I think that you were referring to a property on Broadway and Lomas. I was referring to -- I mean, while the Rail Trail is not going to be on that property, there are a lot of redevelopment opportunities that are adjacent to where the Rail Trail is going to run, and that is one of those properties. It's very close to the Rail Trail.

So that part of the presentation was mostly just highlighting that there are areas in the city that have vacant lots where design standards might be helpful to protect the character and preserve the usefulness of the Rail Trail for residents of Albuquerque to use as an opportunity for outdoor recreation, connection to active transportation, bus routes and other destinations along the corridor.

MS. NARANJO LOPEZ: So just so you know, we've approached the city to be -- to work on that property so that it does benefit the neighborhood. So that is why I raised the question. And I want to thank you for looking at those design guidelines to not have a tunnel, like you stated, and to bring down the height. So I appreciate that. Thank you.

CHAIR SHAFFER: Thank you. We appreciate your commentary.

Mr. Salas, who is next?

MR. SALAS: Chair, Commissioners, the next speaker is going to be Rafael Castellanos.

CHAIR SHAFFER: Mr. Castellanos, welcome.

MR. CASTELLANOS: Hello, can you hear me?

CHAIR SHAFFER: Yep, we can hear you. Would you mind stating your name and address for the record, please.

MR. CASTELLANOS: Yes. Rafael Castellanos with Titan Development, 6300 Riverside Plaza Lane, Northwest, Suite 200, 87120.

CHAIR SHAFFER: Do you swear to tell the truth under penalty of perjury?

MR. CASTELLANOS: Yes.

CHAIR SHAFFER: You may proceed. You have two minutes.

MR. CASTELLANOS: Thank you. Good morning, Chair, Members of the EPC.

Titan Development submitted comments to the EPC via a letter. I will speak directly the Rail Trail amendments right now.

We are extremely excited and supportive of the Rail Trail. We think this can be a transformative project for the downtown area and the neighborhood surrounding downtown.

Related to the Rail Trail, we provided commentary on two items: One, the proposed height step-down within 50 feet of the Rail Trail boundary. Ciaran and the MR department reduced this step-down to within 20 feet of the Rail Trail boundary. Titan is supportive of this change.

To the edge buffer landscaping regulations, Ciaran and the MR department reduced this buffer, and Titan is supportive of this change.

Overall, I want to make sure it is stated and heard the Rail Trail is intended to be a catalyst for development and investment throughout our downtown and downtown adjacent neighborhoods. Restricting height and increasing buffering in this corridor will do the exact opposite of what the Rail Trail is intending to accomplish. The Rail Trail will not be successful if the city continues to restrict potential development and investment throughout this corridor.

We are generally supportive of these proposed changes, inclusive of Ciaran's proposed changes during this hearing, but just wanted to make sure we minimize development restrictions in this area.

Thank you.

CHAIR SHAFFER: Thank you, Mr. Castellanos.

Commissioners, any questions?

Okay. Thank you.

Oh, Ms. Lithgow, go right ahead.

MS. LITHGOW: Yes, I do want to state for the record, Mr. Castellanos, you mentioned that MRA proposed reducing the buffers. We did not. I think that your letter was referring to the 10-foot buffer for properties taller than 30 feet.

I might just bring the attention of the commissioners to that specific language, which I believe is -- it's a 6-foot buffer for properties below 30-foot height, and then it's a 10-foot buffer for properties above a 30-foot height.

MRA is -- this is something that I did not realize until I was looking at it very briefly this morning. And MRA is open to reducing that to 5 feet for any property, regardless of total building height. So if that is something that the commission would like to consider, that's something that MRA is willing to put on the table, as well.

CHAIR SHAFFER: You should probably note that down for the moment, and then we can discuss it in deliberations.

MS. LITHGOW: Thank you, Chair Shaffer.

CHAIR SHAFFER: All right. Commissioners, any other questions?

Okay. Mr. Salas, who is next?

MR. SALAS: Chair, Commissioners, the next speak is going to be Patrick Merrick.

CHAIR SHAFFER: Mr. Merrick.

MR. MERRICK: Hi. Good morning, Commissioners. Yes, my name is Patrick Merrick. I am president of WSilver Recycling, representing a facility that we have there in Albuquerque at 1800 1st Street, Northwest, 87102.

CHAIR SHAFFER: Do you swear to tell the truth under penalty of perjury?

MR. MERRICK: Yes, sir.

CHAIR SHAFFER: You may proceed. You have two minutes

MR. MERRICK: Sure. So this is the first -- this is my first understanding of this project that I basically have been able to see in this meeting. I received the notice which was forwarded to me, and I have a much better understanding of what the project is now.

I have some serious concerns, given the alignment in corridor that is designed to cover -- so our company is a byproducts management company, servicing manufacturers, as well as other industrial and commercial sources for materials.

Seeing that the -- in the comments that Ms. Lithgow mentioned earlier, that the railroad right-of-way is no longer needed is inaccurate. Seeing the course of the trail passing by our property and the comment that it needs to be a minimum of 14 feet in width is actually going to essentially render our railroad spur that goes into our property completely useless and unavailable, if that were the case.

And so we have a serious concern that if we are unable to utilize that railroad spur for our business, it will literally put us out of business, which will have a significant negative impact on the community regarding any manufacturing growth, any industrial growth in the region.

So very significant concern. I wish we had been notified and there had been opportunities to work with the group that's putting on this project. But what I see today is very concerning to us.

CHAIR SHAFFER: Thank you for the comments. And I'll kind of defer back to my original comment about things that have been -- that are in place or approved aren't affected, and we'll hear from MRA in a second.

But just so you know, this isn't a new project. The Rail Trail, that came into existence a while ago. This is just modifications to that small area rule that's already in existence.

But we'll let Ms. Lithgow respond.

MS. LITHGOW: Thank you, Chair Shaffer.

Mr. Merrick, we are not proposing to close the railroad at all. We're proposing to utilize existing right-of-way that's next to the railroad that's wide enough for us to put a trail on.

So we're not proposing taking away your right to have access to the spur or the trains that go through it.

MR. MERRICK: If I can share my screen, I'll show what my concern is on a map that I have here.

CHAIR SHAFFER: Mr. Salas, let's do that real quick, to we can answer about if you questions now rather than later. Anything to avoid an appeal.

MR. MERRICK: It's not showing me my screen options, so let me.

CHAIR SHAFFER: I'm not sure what the concern would be, because you're not going to lose your spur access at all.

MR. MERRICK: We would, given the design that you all have shown, unless I'm not seeing the map correctly and what was shown earlier.

CHAIR SHAFFER: I think what the map shows is it shows an overall. It's not a complete design. You know, it's not a 100 percent design function at this moment.

And I know Mr. Vos was trying to raise his hand.

But it's showing a path. And they've got to work around railroad spurs, they have to work around the Marquette crossing, they've got to work around -- there's all sorts of things they have to work around that get designed into the final design.

So your property rights of what you have is not going to go away.

MR. MERRICK: If that's the case, then my concerns will be minimized substantially.

However, given the path and the route that it's showing, I can tell you, I don't see a way that it can continue along that path without eliminating that spur, unless you're putting in several crossings, which is even more concerning from a public safety standpoint.

I'm sure you all are well aware that that whole corridor is basically traversed by transients constantly. And there's no -- both the BNSF and the State of New Mexico defer to each other as far as who maintains and who manages the waste that's left behind. So that is also another concern.

If you turn it into a street, which is what I'm hearing that you're trying to do, as well, understand that that will probably give the city some ability to police the area and give them a little bit more. But because of the way it's being handled right now, I can tell you there's significant concern from a safety standpoint given the activities that go on there currently.

CHAIR SHAFFER: And I'm responding on behalf of applicant and staff, that that's the whole point of this, is to have more eyes on the trail, have more ability to have another set of people policing this area. So it does minimize that. So I think that's the answer.

But, Mr. Vos, you had your hand up. You can provide some more clarity.

MR. VOS: Thank you, Chair Shaffer and Commissioners.

I just want to reiterate or remind the commission and our public commenters that what we're hearing today are proposed zoning standards related to properties that are next to the Rail Trail and not the actual design of the Rail Trail itself. That is a separate process that's not -- this commission is not approving the alignment or the design of what the Rail Trail is. It's approving development standards for redevelopment projects that happen along the Rail Trail once it is in place. So that should be really the focus of the discussion today.

And we appreciate the concerns of Mr. Merrick. I would suggest that he reach out directly to MRA to further these conversations about the trail design as separate from this IDO process.

CHAIR SHAFFER: Thank you, Mr. Vos. And that kind of was my point, saying that what he saw was just an overview. Like, it's heading that direction, but there is no -- it's not figured out and all that stuff designed. So this is design standards only. This is not approving the trail itself and any of the things that go along with it.

MR. MERRICK: Thank you for the clarification. And I understand. Unfortunately, this is, like I mentioned, the first venue that I've had the opportunity to understand what exactly is going on and to voice any concern, which is very new. Given what I've seen today, I will certainly reach out to the MRA directly to discuss our concerns further.

CHAIR SHAFFER: Got it. Thank you.

Mr. Salas, who do we have next?

MR. SALAS: Yes, Chair. The next speaker is going to be --

CHAIR SHAFFER: Can't hear you.

MR. SALAS: Sorry about that. The next speaker is going to be Nichole Rogers.

CHAIR SHAFFER: Welcome, Ms. Rodgers, and congratulations on your win.

MS. ROGERS: Thank you so much. Thank you, Commissioners, Chair Shaffer.

I know Rail Trail doesn't go into District 6, but my address, for the record, is 217 General Somerville --

MS. SCHULTZ: Mr. Chair, I'm sorry, I want to interrupt quickly.

CHAIR SHAFFER: Please do.

MS. SCHULTZ: This item is quasi-judicial and Ms. Rogers will be acting on or making a decision on this item --

CHAIR SHAFFER: Okay.

MS. SCHULTZ: -- when it gets to the full city council later this year. And so it wouldn't be appropriate for her to comment at this stage in the process, to honor the kind of prejudgment ex parte factors.

CHAIR SHAFFER: Agreed.

MS. SCHULTZ: So, Ms. Rogers, I'm sorry to kind of interrupt your public comment. But if you want to be able to act on this as a councilor next year, you should not make public comment today.

CHAIR SHAFFER: You would, in fact, have to recuse yourself later, so probably not a good idea.

MS. ROGERS: Okay. I just had a clarifying question, but I'll do that through staff so we can keep that safe. Thank you.

CHAIR SHAFFER: Thank you.

Thank you, Ms. Schultz.

Mr. Salas, who is next?

MR. SALAS: Yes, Chair and Commissioners. The next speaker is going to be Rebecca Velarde.

CHAIR SHAFFER: Welcome, Ms. Velarde.

MS. VELARDE: Thank you, Mr. Chair, Commissioners. My name is Rebecca Velarde. I'm the director of development for Palindrome. My address is 1514 --

UNIDENTIFIED MALE: What's Palindrome?

CHAIR SHAFFER: All right. Do you swear to tell the truth under penalty of perjury?

MS. VELARDE: Yes, sir.

CHAIR SHAFFER: All right. You may proceed. You have two minutes.

MS. VELARDE: Great. Well, if you for --

UNIDENTIFIED MALE: Who's Palindrome?

MS. VELARDE: Palindrome is -- I think somebody else is talking.

CHAIR SHAFFER: I got them. Go ahead.

MS. VELARDE: Great. Thank you.

So Palindrome is extremely supportive of the Rail Trail and this huge investment in the central community of Albuquerque. We think this is great. We're so glad that the metropolitan redevelopment agency is taking the lead on this.

I'd also like to say that the initial draft of the zoning changes were very problematic. And the metropolitan redevelopment agency did a really good job along with the planning department in addressing some concerns.

That being said, we still do have some concerns. You know, Ms. Lithgow was correct in terms of this is a huge investment in for the area. And it could be a very big economic development opportunity for Albuquerque. And that will only happen if the private sector and the public sector play together and play well.

And so I think it's a little problematic to further restrict height and density if you want that economic development impact. Therefore, Palindrome supports the proposed changes, supports the amendment described by Mr. Russell Brito earlier in order to make it a little bit easier to develop along the Rail Trail corridor.

And that's all I have.

CHAIR SHAFFER: Wonderful. Thank you. It's nice to hear, you know, people supporting the public/private partnership stuff.

Commissioners, any questions for Ms. Velarde?

All right. Mr. Salas, who do we have next?

MR. SALAS: Yes, Chair and Commissioners. The next speaker is going to be Ricardo Guillermo.

CHAIR SHAFFER: Mr. Guillermo.

MR. GUILLERMO: Yes, I'm here. Can you hear me?

CHAIR SHAFFER: Yes, sir. Do you mind stating your name and address for the record, please.

MR. GUILLERMO: Ricardo Guillermo, 1108 11th Street, Northwest, Albuquerque, New Mexico, 87104.

CHAIR SHAFFER: Do you swear to tell the truth under penalty of perjury?

MR. GUILLERMO: I certainly do.

CHAIR SHAFFER: All right. You may proceed, sir.

MR. GUILLERMO: I am a board member of Wells Park Neighborhood Association, but I am speaking as a private citizen today.

I want to ask that you consider a little bit more robust landscape buffer. I'd like to refer to the High Line project in Manhattan, on the west side of Manhattan, overlooking at the Hudson River. We're an integral part of that. If you want to call it a Rail Trail, it is. And it included extensive planning of native vegetation, and that's a great enhancement to the city.

I felt that because of I-40's proximity, our neighborhood in Wells Park and other neighborhoods along highways should be getting more trees to minimize the heat-island effect, and also to enhance blighted areas, such as along the Rail Trail and some parts of it.

So there is no requirement for maintaining landscape buffers, and I see a lot of times developments go up and the watering stops and the trees and plantings die, and there's no recourse for communities. So a little more robust landscape buffer requirements would be great for this. And I think it would really enhance what we see as a wonderful project coming through public and private alliances.

I understand that Titan Development wants to reduce from 50 feet setbacks, as proposed, to 20 feet. And that is being supported by the MRA, it appears. But I think that that is not a wise choice from the standpoint of citizens. The whole aspect of the canyon effect, the effect of wind and so on, is going to be diminished -- well, actually, will be enhanced. You'll have more wind and you'll have more shadow if you allow a reduction of that initially proposed buffer. So I'm opposed to that and I hope you will consider that aspect of it.

And I also have one more thing. Looking ahead towards the possibility of what this could be, I understand that it's been proposed -- sorry about that -- it's been proposed that plazas and so on, as Mr. Brito suggested, be added, some exceptions and so on.

And I think that to look ahead, to provide for arts and cultural activities to occur at various stations along the trail, these plazas, whether public or private, would be welcome. I envision the possibility of musical and cultural events, art, whether permanent or temporary. So to incorporate that somehow into your process.

And finally, CPO 11 is the Wells Park character protection overlay. And there are requirements already with respect to nonresidential building design. And I presume that, as in all other cases, and please correct me if I'm wrong, those CPO,

whether it's 11 or other ones, they trump any other requirements that may be coming through these amendments of the IDO.

Thank you.

CHAIR SHAFFER: And that's a great question, actually. It's one of mine that I had written down. So I would love to hear that answer from applicant or staff, if there's an existing CPO and we approve these small area changes, what trumps what? Staff? MRA?

MR. VOS: Chair, this is Michael Vos. I can probably weigh in on that.

Chair Shaffer and Commissioners, the overlay zones, so the character protection overlay zone, Section 1-8 of the IDO, explains sort of the relationship between all of our different regulations and parts of the IDO. And the overlay zones take precedence over all other conflicting regulations in the IDO.

So if there's a more restrictive requirement or a specific requirement about something that's in the character protection overlay zone, it would supersede the requirements proposed here in the Rail Trail standards.

CHAIR SHAFFER: Okay. And that goes both ways. Whatever is more restrictive is what's the overriding factor, correct?

MR. VOS: Chair Shaffer, overlay zones, if they are specific enough in a way that's less restrictive, they still also take precedence. But most of the time, I think we would look at that at a complementary regulation and sort of apply, sort of, the best of both worlds as applicable.

You know, if we say that there has to be a step-down for part of your building that does impact the total height of the structure, that step-down would still apply even if there's a taller CPO building height that's different than the base zoning height, if that makes sense. I might have confused you a little bit more.

CHAIR SHAFFER: Ms. Lehner, go ahead.

MS. LEHNER: Thank you, Mr. Chair, Commissioners.

To follow up on what Mr. Vos was saying, there's a helpful discussion of this point in the staff report. Actually, it's on Page 15. And they do explain that, basically, in case of conflicts, the more strict requirements would apply, which is a standard procedure. But then, in Page 15 in the staff report, they kind of lay out if overlay zones do exist and area specific regulations and kind of walk you through those.

CHAIR SHAFFER: Got it. Thank you. There's an applicability section there. Okay.

So, Commissioners and Mr. Guillermo, there's a section in there. I think that answered your one question, and we heard your other comments with your concerns.

So, Commissioners, any questions for Mr. Guillermo?

All right. Thank you.

MR. GUILLERMO: Thank you, Chair.

CHAIR SHAFFER: Who was that? Oh, you said, "Thank you, Chair." Got it.

I appreciate you asking that question, because that was actually one of mine. So we checked that off the list.

So, Mr. Salas, who do we have next?

MR. SALAS: Chair, Commissioners, the next speaker is going to be Derek Wallentinsen.

CHAIR SHAFFER: Mr. Wallentinsen.

MR. WALLENTINSEN: Yes. Thank you. I'm chagrinned to see that the artist's conception of the Rail Trail shown by Ms. Lithgow --

CHAIR SHAFFER: Hold on, hold on. Mr. Wallentinsen, do you mind stating your name and address for the record, please.

MR. WALLENTINSEN: Oh, I'm sorry about that. Derek Wallentinsen, 2830 Alvarado, northeast, here in Albuquerque, 87110.

CHAIR SHAFFER: Do you swear to tell the truth under penalty of perjury?

MR. WALLENTINSEN: There we go. I was trying to start that. I do. I'll hold my hand up there.

CHAIR SHAFFER: All right. Thank you. You may proceed. You have two minutes.

MR. WALLENTINSEN: Okay. Thank you.

So yes, I'm concerned that the -- chagrinned that the artist's conception of the Rail Trail shown by Ms. Lithgow earlier includes lighting that has significant back light, up light and glare. If I might share one image in the screen-share, if that's enabled, I'll do that.

CHAIR SHAFFER: I don't think that honestly, based on our commentary earlier -- that's literally just a rendition of what -- none of that is proposed, none of that's designed, none of that's -- this is literally design standards.

And that particular light that you're talking about, you know, it will end up falling within what the zoning standards are. So I don't think it's an actual -- I don't think it's needed to be commented on at this point, because it's not designed.

MR. WALLENTINSEN: Okay. Well, yeah, I appreciate that. I guess it's just an awareness thing. And I'm conscious that the artists are doing it and may influence further things down the road. So thank you.

CHAIR SHAFFER: You got it. Thank you, though. We appreciate that. But, yeah, as we talked about, these are some zoning standards that we're talking about now and definitely not any sort of final designs whatsoever. And they'll all have to comply with lighting ordinances. As a matter of fact, we've got to hear about a bunch of lighting ordinances here next on our text amendments, so all of that is down the road.

MR. WALLENTINSEN: All right. Thank you.

CHAIR SHAFFER: Yes, sir, thank you.

Mr. Salas.

MR. SALAS: Yes, sir. Ricardo Guillermo has raised his hand again.

CHAIR SHAFFER: Mr. Guillermo.

MR. GUILLERMO: Yes. Can you hear me?

CHAIR SHAFFER: Yes, sir.

MR. GUILLERMO: I just wanted to add one more thing with respect to the arts and culture, the consideration of use of the actual rail, the potential for trollies or rail cars to be used for activities, as well, whether it's tours or stationary trains or trollies that would have bands on them, for instance, for particular events, just give some consideration to that in that the other Rail Trail creators in other towns had suggested, "We wish we had considered this in advance."

I'm wondering if you would also consider that. Thank you.

CHAIR SHAFFER: Thank you, sir.

All right. Mr. Salas, who is next?

MR. SALAS: Yes, Chair, Commissioners. The next speaker is going to be Teresa.

CHAIR SHAFFER: Teresa. Teresa, are you with us? I'm going to lower your hand and we will move on.

Mr. Salas, anybody else signed up?

MR. SALAS: Chair, Commissioners, we have nobody else signed up to speak.

If anybody else wishes to speak, please say so now.

Rene Horvath.

CHAIR SHAFFER: Ms. Horvath.

MS. HORVATH: Hello. Yes, my name is Rene Horvath. I live on the west side, but I -- the reason -- I wasn't planning to speak on this, but I did grow up here in Albuquerque and I hung out downtown as a teenager, when it was really thriving, and I always enjoyed the downtown and its character, so I thought I'd just --

CHAIR SHAFFER: Ms. Horvath, you're speaking. You didn't state your name and address for the record. And, you know the routine better than anybody, so please state your --

MS. HORVATH: Oh, well, sorry. I'm Rene Horvath. I live on the west side at 5515 Palomino Drive, Northwest, and so I just --

CHAIR SHAFFER: Do you swear to tell the truth under penalty of perjury?

MS. HORVATH: Yes, I --

CHAIR SHAFFER: All right.

MS. HORVATH: Yes.

CHAIR SHAFFER: You may proceed.

MS. HORVATH: Yeah, like I said, I wasn't planning to speak on

this, but it's an area that I love the character of the area, so I -- I agree we don't want a canyon effect, so design is really important.

So I agree with Mr. Meadows that it should be a little more space and airiness and not to design it so it doesn't accomplish that. And I do think -- I'm not sure that you should be changing the step-down rules. I think that's important to maintain.

And I wouldn't reduce the edge buffers, because they're pretty minimal already.

And I do have concern about reducing parking, because I've been to many meetings and I've heard people talk in Sawmill that some of the people in the apartments complain that there's not enough parking space. And so they need to start looking at that. And I just don't want the parking to be forced onto the adjacent properties or neighbors and such.

So those are my comments, just to look at that. And to look at the Southwest designs or how things are designed in the area to preserve the character of the area, not something from out-of-state type of designs, but more, you know, look at the general area. Scale and character is part of the comp plan, and I think we need to maintain some character there.

So those are my comments. Thank you.

CHAIR SHAFFER: Thank you.

All right. Mr. Salas, anyone else signed up to speak?

MR. SALAS: Chair, nobody else is signed up to speak.

If anybody else wishes to speak, please say so now.

MS. STAR: Yes, I'd like to ask a couple questions.

CHAIR SHAFFER: Teresa, you were on before, but we missed you. So go ahead and state your name and address for the record, please.

MS. STAR: My name is Teresa Star, and my address is 2340 Hollywood Avenue, Northwest.

CHAIR SHAFFER: Do you swear to tell the truth under penalty of perjury?

MS. STAR: I sure do.

CHAIR SHAFFER: All right. You have two minutes. Go right ahead.

MS. STAR: All right. So I live on Hollywood, and Soto is the street behind me. Hollywood is a super narrow street, so often, like when the plumber comes, or a moving truck, something has to be delivered, we use Soto as -- for a place to park and do those kinds of tasks.

So for instance, if you get behind the garbage truck on Hollywood, you're just stuck behind the garbage truck until they finish their route; it's kind of slow.

So I'm wondering if we'll still -- also, the businesses on Soto use that for trash pickup, unless -- their only other alternative would be Central.

Let's see, so that was one thing. Also, I have a tandem garage. So I can drive into my garage through Soto or through Hollywood, and have a driveway. And I'm wondering if I would still be able to use that.

And then I also have a question about there's a swath of land that runs parallel to Hollywood from Rio Grande to Montoya. And it's vacant. It has been. It looks like a very wide street. And I was just wondering if there were any plans for that.

So I think that's it. Thank you.

CHAIR SHAFFER: No problem. And as we said, this is all just zoning standards at this point. Where things are going and where it ends up and how it all articulates within everything else is way down the line. So this is -- yeah, all that can get addressed at another venue, but that's a great concern. So thank you.

All right. So I don't think we have anybody else signed up from the public to speak. We can move into applicant closing now and then we can talk to MRA about the proposed changes.

And I also want to notate that at the very beginning of this presentation, Commissioner Coppola joined, so we do have eight of our commissioners here now, so he's been here the whole time. But I want to get on record that he is able to vote on this since he's been there since the beginning; he just joined late.

COMMISSIONER COPPOLA: Thank you, Chair.

CHAIR SHAFFER: No problem.

So, Ms. Lithgow, do you want to go into your closing, and we can address some of the concerns what were brought forward in regards to maybe making some amendments to this.

MS. LITHGOW: Certainly, Chair Shaffer. Thank you very much, Commissioners, public commenters, as well.

So as I mentioned, I think that the MRA's proposed change to reducing that step-down buffer from 50 feet to 20 feet should address some of the concerns, while still moving forward MRA's intention of creating a pleasant experience for walkers and cyclists.

Across many design standards, four-story buildings are generally considered to be the most comfortable experience for pedestrians and more human-scale activity, and so this is why we are proposing a step-down within a certain amount of distance within the Rail Trail.

With regard to the Sawmill Bellamah Properties' comments on character protection overlays, I'd like to echo what Commissioner Meadows said, which is that these CPOs existed before the Rail Trail was planned and, more specifically, aligned on a map, and that the concept of trails actually does appear in several of our metropolitan redevelopment area plans, which are considered Rank III plans by city ordinance. And they did all actually call out needs for a trail in their district. So this is something -- a trail is something that was considered in several of our MRA plans, which did help inform the character protection overlays, and therefore, should be considered as a part of the character that we're trying to enforce and enhance through our trail design standards.

Finally, I'll just mention that while we did not originally propose reducing the landscape buffer for a larger than 30-foot height, at 30-foot height we were requiring a 10-foot landscape buffer, but looking again at the design standards and the building envelopes, and also considering that in most of our trail area, we will already have at least a 3-foot landscape buffer adjacent to a building, we're open to reducing that to 6-foot on all properties, regardless of height. But take into consideration, of course, the public comments that we heard that did request that we keep that original buffer.

CHAIR SHAFFER: Okay. Commissioners? Nothing.

I guess we can talk about it afterwards. I'd like to talk about the CPO versus step-down, versus the proposed changes. So we'll end up bringing those back up on the screen here shortly. But if there's nothing for the applicant, we can go to staff closing.

Let's go to Mr. Messenger.

MR. MESSENGER: Thank you, Chair and Commissioners. Staff has no additional comments other than we will incorporate suggested conditions and provide those for subsequent hearings.

CHAIR SHAFFER: Well, this one may not have a subsequent hearing, but I guess we have to talk about that.

Yeah, that's a good point. I knew we were going to continue the other one, so let us think about that.

So, Commissioners, any questions for Mr. Messenger, for the staff?

So, Mr. Messenger, I'd like to pull up on the screen the amended finding, and then there was some proposed condition language -- I guess it wouldn't be a condition, it would be an amended finding, based on what our commentary was about the changes that MRA suggested to accommodate public comment. Because we'd have to incorporate that language into our decision, so.

And that was the revised Finding 3, and then where would we put in the proposed step-down change that MRA proposed at the beginning of theirs?

MS. LEHNER: Mr. Chair, Commissioners, I think Mr. Messenger is on mute, and we should probably get the staff report findings up, rather than -- oh, there they are. I see them.

MR. MYERS: And, Chairman Shaffer, Matt Myers.

If you want to make any changes, I think those would be conditions of approval, you know, and you would make any changes and you would specify in the condition what changes you are recommending being made to your recommendation of approval if it goes that way.

CHAIR SHAFFER: Well, if they're -- yes and no. Because if they're changing the actual -- if MRA, in their application, are agreeing to change their height step-down as they proposed, that actually wouldn't be a condition. That would actually be a change in the report.

So, Mr. Vos.

MR. VOS: Chair Shaffer, Commissioners, I agree with Matt Myers,

the EPC counsel's opinion on this matter. What was submitted in the staff report package is the 50-foot building height step-down. Mr. Messenger has already proposed this recommended Condition of Approval Number 1 that would add an exclusion for premium transit that was not in the initially submitted -- and I actually have some proposed language if you want to propose reducing the 50-foot to 20 feet, which I believe is what I heard from Ciaran. I can throw up a revision to this Condition Number 1 that would incorporate that on the screen.

CHAIR SHAFFER: Okay. That makes sense. So yeah, let's take a look at it, just because we all talked about it and that was what the applicant suggested. So let's -- if you don't mind putting that on the screen.

MR. VOS: So, Chair Shaffer, this proposed condition would replace the proposed Condition Number 1 in the staff report and would say that the proposed building height step-downs in the contextual standards exhibit shall be amended as follows. And then so it's except within the downtown center, main street corridor or a premium transit 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.

CHAIR SHAFFER: Commissioners, any -- let me ask commissioners this, too, because as we -- since these are the IDO changes, we already planned on this going to two meetings. We're going to go through, we're going to discuss all these things, we're going to hear the public comment, and the same thing that's going to happen now with the text amendments. We're going to then allow staff to go through, make some changes to the next month's meeting, and then final vote on them.

So is it appropriate to do the same with this, hearing the public comment, giving the staff a little bit of time to massage some of these conditions, some of the concerns from -- you know, the property owners? I mean, they are the property owners along the Rail Trail that have concerns of this. And get together a little bit and then we hear what the final results are next month, since we kind of planned on that anyway? That was a question to the commissioners.

Commissioner Stetson has got his real hand up before the virtual hand up by Commissioner Meadows. So Commissioner Stetson.

COMMISSIONER STETSON: Yeah, I would support continuance. I think that's a better way for us to go.

CHAIR SHAFFER: Commissioner Meadows.

COMMISSIONER MEADOWS: I'm not opposed to continuing, but I'm ready to vote today if other commissioners want to. So thanks.

CHAIR SHAFFER: Understood. I think it's -- we had already planned this process, taking two meetings. And not that I'm trying to, you know my favorite word, kicking cans down the road. But I think because this is such a substantial change, I think it needs a little massaging. And we already planned on this going to next month. And this will give MRA, interested parties, a little bit of chance to negotiate, for lack of a better term, for exact language.

Because I don't want to try to -- with this big of a change in the IDO, I don't want to try to piece together some wording today that then we then have to defend later, if that makes any sense.

Normally when we're in our cases, we're talking about -- we're applying the IDO rules to a specific case, which is a little easier. This is actually changing IDO. And I'd prefer that all parties have an agreement that, Number 1, doesn't have any sort of recourse afterwards, and that people are in agreement with.

So I would support a continuance to next month and pick up where we left off.

COMMISSIONER MACEACHEN: Commissioner Shaffer.

CHAIR SHAFFER: Commissioner MacEachen.

COMMISSIONER MACEACHEN: I agree with you. I think there's a lot of moving parts, and I think they're all discombobulated right now. And I think that if we could let the staff have time to reflect on what has been heard today and we continue it till next month, I think I could support that.

CHAIR SHAFFER: Okay. Any other commissioners?

COMMISSIONER EYSTER: Eyster. I agree with that.

CHAIR SHAFFER: Thank you.

Let's let someone make a motion. It looks like we have one, two, three, four. Well, I heard four in support of that. Do we have a fifth, just as a straw vote?

COMMISSIONER HOLLINGER: Hollinger. I support that. I can make a motion if you'd like, chair.

COMMISSIONER COPPOLA: (Inaudible).

CHAIR SHAFFER: Oh, thank you, Commissioner Coppola.

So, yeah, go right ahead. Make a motion, then we'll vote for a continuance, and we'll give staff a chance to massage the wording correctly. Because, like I said, I think we need it correct.

MR. MYERS: Chairman Shaffer, Matt Myers.

Can we just be real clear about which hearing it's going to? Because I know there's special hearings, other hearings. Will we just be real clear about which hearing it's going to?

CHAIR SHAFFER: Absolutely. Counsel Myers, thank you for that. It will be the special hearing that we already have scheduled, which is January 14th, correct? I'm sorry, January 11th. Yeah.

MR. MYERS: Great. Thank you.

COMMISSIONER HOLLINGER: Very well. In the matter of Agenda Item Number 2, Project PR-2018-001843, Case RZ-2022-0043 [sic], amendments to the IDO, I move for a continuance to the special hearing on January 11th.

CHAIR SHAFFER: Thank you, Commissioner Hollinger.

Do we have a second?

COMMISSIONER STETSON: Commissioner Stetson, second.

CHAIR SHAFFER: Commissioner Stetson is second. We'll go to a roll call vote.

Commissioner Meadows.

COMMISSIONER MEADOWS: Commissioner Meadows, aye.

CHAIR SHAFFER: Commissioner Stetson.

COMMISSIONER STETSON: Stetson, aye.

CHAIR SHAFFER: Commissioner Eyster.

COMMISSIONER EYSTER: Eyster, aye.

CHAIR SHAFFER: Commissioner MacEachen.

COMMISSIONER MACEACHEN: Commissioner MacEachen, aye.

CHAIR SHAFFER: Commissioner Pfeiffer.

COMMISSIONER PFEIFFER: Commissioner Pfeiffer, aye.

CHAIR SHAFFER: Commissioner Hollinger.

COMMISSIONER HOLLINGER: Commissioner Hollinger, aye.

CHAIR SHAFFER: Commissioner Coppola.

COMMISSIONER COPPOLA: Commissioner Coppola, aye.

(8-0 vote. Motion approved.)

CHAIR SHAFFER: Commissioner Shaffer is an aye, and so it passes 8 to 0, so we will -- everyone who had an interest in this case, please get with staff immediately with changes or, as we said, things that we went over to work those out before the continuance.

And then, Mr. Messenger, and anybody -- Ciaran Lithgow, if you're not the person next month, if whoever comes from MRA, I'm sure you will be you, but you guys can work together to kind of come to an agreement on what's acceptable or not.

And then that's what we will hear, because we've already -- if there's a substantial change, we'll need to reopen public comment. But if it's wording changes, we should be able to work through that without having public comment. But we'll wait to see what you guys come up with.

Yes, ma'am.

MS. LITHGOW: Can I ask, just for clarity, the commission is asking us to consider specifically the building height step-down language and also the landscape buffer language. Was there anything else the commission wanted us to revisit?

CHAIR SHAFFER: I would specifically -- my opinion, I think there's a genuine concern about how the CPOs that are in place relate to the proposed small area rule. So I would consider discussing that with the interested parties, Mr. Brito, anybody else that had a comment or concern, and go through those things. All right?

MS. LITHGOW: Thanks very much, Commissioner Shaffer.

CHAIR SHAFFER: You got it.

All right. Well, let's do a quick break before we get to the big

ENVIRONMENTAL PLANNING COMMISSION
AGENDA

Thursday, December 14, 2023
8:40 a.m.

Due to COVID-19 this meeting is a Public Zoom Video Conference

Members of the public may attend via the web at this address: https://cabq.zoom.us/j/2269592859 or by calling the following number: 1 301 715 8592 and entering Meeting ID: 226 959 2859

MEMBERS
David Shaffer, Chair
Tim MacEachen, Vice Chair

Giovanni Coppola
Joseph Cruz
Gary L. Eyster P.E. (Ret.)
Jonathan R. Hollinger
Richard Meadows
Mrs. Jana Lynne Pfeiffer
Robert Stetson

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NOTE: A LUNCH BREAK AND/OR DINNER BREAK WILL BE ANNOUNCED AS NECESSARY

Agenda items will be heard in the order specified unless changes are approved by the EPC at the beginning of the hearing; deferral and withdrawal requests (by applicants) are also reviewed at the beginning of the hearing. Applications deferred from a previous hearing are normally scheduled at the end of the agenda.

There is no set time for cases to be heard. Please be prepared to provide brief and concise testimony to the Commission if you intend to speak. **In the interest of time, presentation times are limited as follows, unless otherwise granted by the Commission Chair: Staff – 5 minutes; Applicant – 10 minutes; Public speakers – 2 minutes each. An authorized representative of a recognized neighborhood association or other organization may be granted additional time if requested. Applicants and members of the public with legal standing have a right to cross-examine other persons speaking pursuant to Article 3, Section 2D, of the EPC Rules of Practice & Procedure.**

All written materials – including petitions, legal analysis and other documents – should ordinarily be submitted at least 10 days prior to the public hearing, ensuring presentation at the EPC Study Session. The EPC strongly discourages submission of written material at the public hearing. Except in extraordinary circumstances, the EPC will not consider written materials submitted at the hearing. In the event the EPC believes that newly submitted material may influence its final decision, the application may be deferred to a subsequent hearing. Cross-examination of speakers is possible per EPC Rules of Conduct.

NOTE: ANY AGENDA ITEMS NOT HEARD BY 8:30 P.M. MAY BE DEFERRED TO ANOTHER HEARING DATE AS DETERMINED BY THE PLANNING COMMISSION.

Call to Order:

A. Pledge of Allegiance
B. Roll Call of Planning Commissioners
C. Zoom Overview
D. Announcement of Changes and/or Additions to the Agenda
E. Approval of Amended Agenda
F. Swearing in of City Staff

1. Project# 2018-001843
RZ-2023-00044 – Text Amendment to Integrated Development Ordinance (IDO) – Small Area – Volcano Heights Urban Center (VHUC)

Deferral requested by the applicant

The City of Albuquerque Council Services Department requests to amend the text of the Integrated Development Ordinance (IDO) affecting a small area. This update includes requested changes to remove a prohibition on drive-through facilities in the mixed-use zone districts within the Volcano Heights Urban Center (VHUC).
Staff Planner: Mikaela Renz-Whitmore

2. Project# 2018-001843
RZ-2022-00043 – Text Amendments to Integrated Development Ordinance (IDO) – Small Area – Rail Trail

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

3. Project# 2018-001843 (2018-00195)
RZ-2023-00040 – Text Amendments to Integrated Development Ordinance (IDO) – Citywide

The City of Albuquerque Planning Department requests to amend the text of the Integrated Development Ordinance (IDO) affecting properties citywide. This fifth annual update includes changes requested by neighbors, developers, staff, and Council Services.
Staff Planners: Michael Vos, China Osborn

4. OTHER MATTERS

5. ADJOURNMENT