

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT ADMINISTRATION

600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102
Tel: (505) 924-3339



August 18, 2022

Kenneth Myers, RA
Rembe Urban Design + Development
1718 Central Ave SW, Suite B
Albuquerque, NM 87104

Mr. Myers:

Greetings! Thank you for requesting an official interpretation on the applicability and extent of IDO Subsection 14-16-3-4(D)(5)(a)2. Parking Access.

BACKGROUND

Rembe Urban Design + Development (the “applicant”) is proposing a mixed-use development project located at 1623 and 1701 Central Ave NW. The proposed development will include a 4-story, 34-unit apartment building with approximately 1,700 square feet of commercial space located at ground level and facing Central Avenue. The project will provide +/- 28 parking spaces located to the rear (north end) of the lot. The parking area will be gated and accessed only by residential tenants from 16th Street. All commercial parking access will be located on the south side of Central Avenue at the existing Country Club Plaza Development, which is owned by the same person. The applicant has verified that a shared parking agreement will be signed and recorded for this purpose. The majority of subject site is zoned MX-M, with a small portion located at the far north end of the property zoned R-1A. The property is located within CPO-3 and abuts a group of parcels zoned R-1A. The applicant has requested an official interpretation from the Zoning Enforcement Officer (ZEO) to determine the applicability and extent of IDO Subsection 14-16-3-4(D)(5)(a)2. Parking Access. Specifically, the applicant has requested an interpretation as to whether or not the aforementioned provision prohibits parking access to residential development along Central Avenue from 15th Street, 16th Street, and Fruit Avenue.

ANALYSIS

IDO Section 14-16-3-4 prescribes additional development standards within CPO 3: Downtown Neighborhood Area Overlay Zone. The purpose of Character Protection Overlay zones is to preserve areas with distinctive characteristics that are worthy of conservation but are not historical or may lack sufficient significance to qualify as Historic Protection Overlay (HPO) zones. Pursuant to IDO Subsection 14-16-1-8(A)(1), when any regulation in Part 14-16-3 (Overlay Zones) conflicts with any other regulation in the IDO, the regulations of the Overlay zone prevail regardless of whether the Overlay zone regulations are more or less restrictive than the other regulations. Where Overlay zone regulations complement other IDO regulations, the Overlay

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zone regulations apply in addition to the other IDO regulations unless specified otherwise in this IDO. Where the Overlay zone is silent, other IDO regulations apply.

For the purposes of the IDO, any primary use listed in the Residential Uses category in IDO Table 4-2-1 is defined as a Residential Use. Multifamily Dwellings are included in the Residential Uses category in IDO Table 4-2-1. IDO Subsection 14-16-3-4(D)(5)(a)2. IDO Subsection 14-16-3-4(D)(5)(a)2. regulates primary vehicular access to and from properties facing Central Avenue. The language of IDO Subsection 14-16-3-4(D)(5)(a)2.a. prohibits primary vehicular access from Central Avenue for all properties located east of 14th Street. The subject property is located west of 14th Street so this provision does not apply. IDO Subsection 14-16-3-4(D)(5)(a)2.b. prescribes that primary vehicular access shall be from Central Avenue for all properties west of 14th Street. The provision also prohibits access to non-residential development along Central Avenue from 15th Street, 16th Street, and Fruit Avenue.

INTERPRETATION

The language of IDO Subsection 14-16-3-4(D)(5)(a)2.b. is explicit and unambiguous in prohibiting access to *non-residential development* along Central Avenue from 15th Street, 16th Street, and Fruit Avenue. Nowhere in the provision is an explicit or unambiguous reference, nor is the construction of language in the provision meant to extend the prohibition of access to residential development. Therefore, I interpret this provision as explicitly prohibiting access to non-residential development along Central from 15th Street, 16th Street, and Fruit Avenue. This prohibition does not extend to residential projects accessing 15th street, 16th Street and Fruit Ave.

In conclusion, the proposed parking area located to the rear (north end) of the subject site with access for a residential use on 16th Street complies with the provisions of IDO 14-16-3-4(D)(5)(a)2.b. To address the concerns of existing adjacent neighbors regarding potential changes to 16th Street as a result of this proposed development, the parking area shall be limited only to residential tenants of the proposed development and should be gated to discourage access by others. It is also strongly recommended that all potential impacts to 16th Street resulting from the proposed development be mitigated without creating major changes to the street's existing character, parking scheme, and usage.

Respectfully,

A handwritten signature in black ink, appearing to read 'J.M. Aranda'.

James M. Aranda, MCRP
Deputy Director and Zoning Enforcement Officer
Albuquerque Planning Department