



Landmarks Commission

City of Albuquerque
Planning Department
Landmarks Commission
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: May 10 2019

OFFICIAL NOTICE OF DECISION

PR-2019-002225/ SI-2019-00083
Application for LC Review and
Recommendations on Amendment
of IDO Text to City Council

City Council, requests review and Review and Recommendations on Amendment of IDO Text for Old Town HPO-5, described as Old Town Historic Protection Overlay Zone. (J-13)

On May 8, 2019 the Landmarks Commission voted to **Approve, Project PR-2019-002225, SI-2019-00083**, based on the following findings and conditions.

Findings for Approval:

1. The City of Albuquerque City Council proposes to amend a portion of the text of the IDO to allow for more signage in HPO-5 Old Town. Specifically, the proposed text amendment would add language to page 115 of the IDO, under 14-16-3-5(J)(3)(c) Signs, and add new Subsections 14-16-3-5(J)(3)(d) and 14-16-3-5(J)(3)(e) to incorporate changes for signs, outdoor display, and outdoor demonstration.
2. The proposed text amendments are found in Council Bill No. O-19-52, which was introduced at the City Council on March 4, 2019 and subsequently referred to the Environmental Planning Commission (EPC). The EPC is tasked with evaluating the request and forwarding a recommendation to the City Council.
3. The intent of the request is to allow business owners additional opportunity to attract customers while maintaining a balance with the historic character of the Old Town HPO. It also proposes to include two new subsections relating to Outdoor Display and Outdoor Demonstration.

4. IDO Part 14-16-6-7(D)(3) stipulates Review and Decision Criteria for amendments to IDO text. It states that amendments shall be approved if they meet with the requirements of 6-7(D)(3)(a), 6-7(D)(3)(b) and 6-7(D)(3)(c).
 - The proposed amendment to IDO text is similar to the existing ordinance but clarifies some areas of ambiguity.
 - The revised text will be applied uniformly to all properties within the Old Town Historic Protection Overlay Zone (HPO-5)
 - The proposed amendment will promote growth within the Old Town area which supports investment Citywide. It will not create material risks to the public health, safety, and general welfare.
5. The proposed amendments to the IDO text fully accord with the requirements for approval of 6-7(D)(3)(a), 6-7(D)(3)(b) and 6-7(D)(3)(c).
6. The IDO 14-16-6-7(C)(2)(d) provides that:

The LC shall adopt specific development guidelines for any designated landmark, historic zone or urban conservation overlay zone.'
7. The proposed amendments to the IDO text comply with the LUC Ordinance requirements to:

'Preserve, protect, enhance, perpetuate and promote the use of structures and areas of historical, cultural, architectural... significance located in the city; to strengthen the city's economic base by stimulating the tourist industry; to enhance the identity of the city by protecting the city's heritage... and to conserve existing urban developments as viable economic and social entities.'
8. The IDO Section 14-16-6-6(D)(3)(b) states that a Certificate of Appropriateness shall be approved if 'The architectural character, historical value, or archaeological value of the structure or site itself or of any historic zone or urban conservation overlay zone in which it is located will not be significantly impaired or diminished”.
9. The addition of one additional sign per establishment will place a strain on the historic and architectural character of Old Town. Except in instances of poor visibility, number of signs should remain as they are in the existing ordinance.

Conditions for Recommendation of Approval

1. The proposed text amendment to the IDO is recommended with the following changes to that text.

Notes: New language is [+underlined and bracketed+]. Deleted language is ~~underlined, bracketed and struck through~~. Planning Staff's suggested language is indicated by grey highlighting.

IDO Section 14-16-3-5(J)(3) HPO 5 Old Town Other Development Standards: Replace existing Subsection 14-16-3-5(J)(3)(c) with the following and add new Subsections 14-16-3-5(J)(3)(d) and 14-16-3-5(J)(3)(e) as follows to incorporate changes for signs, outdoor display, and outdoor demonstration.

3-5(J)(3)(c) Signs

All regulations in IDO Section 14-16-5-12 apply unless modified by this Subsection 14-16-3-5(J).

1. Prohibited Signs

- a. Internally lit signs.¹
- b. Signs that flash or blink or signs with visible bulbs, neon tubing, luminous paint, or plastics (with the exception of vinyl lettering), except for neon signs allowed pursuant to Subsection 14-16-3-5(J)(3)(c)3.c.
- c. Signs with wind-activated parts or that rotate or move in any manner.²
- d. Signs or any part of any sign that changes its message or picture.³
- e. Streamers.
- f. Neon signs

2. Total Number of Signs

A total of ~~3~~ [2] signs⁴ are allowed for any 1 establishment, pursuant to Table X-X-X, with the following exceptions.

- a. Portable signs, allowed pursuant to Subsection 14-16-5-12(F)(4)(b), count toward this total per approval of LC .
- b. Window signs, allowed pursuant to Table X-X-X, do not count toward this total.
- c. Temporary signs displayed on the day of an outdoor demonstration of retail goods, allowed pursuant to Subsection 14-16-3-5(J)(3)(e)2, do not count toward this total.
- d. Additional signs are allowed as follows:
 - i. Restaurants are allowed an additional wall sign not to exceed 6 square feet.
 - ii. An establishment with frontage on 2 or more streets is allowed 1 additional sign.

¹ Added to clarify current practice, since these would otherwise be allowed per IDO Subsection 14-16-5-12(E)(5)(a)1 but have not been allowed in practice.

² Language updated to be consistent with terminology used in the IDO.

³ Language updated to be consistent with terminology used in the IDO, since these would otherwise be allowed per IDO Subsection 14-16-5-12(E)((5)(a)3-4.

⁴ Increased from 2 signs.

- [iii. The LC may approve 1 additional sign per premises where the LC determines that there is not reasonable visibility of the establishment(s) on the premises from the public right-of-way or adjacent property without such an additional sign or signs. Such signs shall meet the dimensional standards in Subsection d.iii.a through c above as relevant to the location of the establishment(s).]
- iv. Premises with 2 or more establishments, at least 1 of which does not face the public right-of-way, are allowed additional signs as follows:
- a. Total sign area of any additional sign(s) shall not exceed 25 square feet⁵.
 - b. Within the sign sub-area established pursuant to Subsection 14-16-3-5(J)(3)(c)3.b. below, establishments are allowed 1 additional wall sign.
 - c. Establishments in other locations are allowed either 1 additional wall sign or 1 additional freestanding sign that shall not exceed a height of 10 feet above finished grade.
 - d. ~~The LC may approve 1 additional sign per premises where the LC determines that there is not reasonable visibility of the establishment(s) on the premises from the public right of way or adjacent property without such an additional sign or signs. Such signs shall meet the dimensional standards in Subsection d.iii.a through c above as relevant to the location of the establishment(s).~~⁶
- v. An additional wall or freestanding sign is allowed no more than 20 feet from the intersection of the public rights-of-way of 2 streets or alleys or the intersection of a public right-of-way and a parking lot with over 20 parking spaces.
- a. The sign area shall not exceed 3 square feet per establishment⁷ or 18 square feet total.⁸
 - b. The sign may advertise establishments on- or off-premises, as determined by the property owner where the sign is located, but all establishments advertised must be located within the HPO-5 boundary.⁹
 - c. Sign height for a freestanding sign shall not exceed 9 feet.¹⁰

⁵ Increased from 20 s.f.

⁶ Revised for consistency.

⁷ Increased from .5 s.f. per establishment

⁸ Added to provide a maximum total area.

⁹ New to clarify that these signs are for Old Town establishments only.

¹⁰ Reduced from 10 ft. to be consistent with IDO standard in the MX-T zone district.

3. On-premises Signs

- a. Sign types are allowed pursuant to Table X-X-X.
- b. Within a sign sub-area established within a 150-foot radius of the Plaza Park, different allowable sign types and other standards apply.
- c. ~~Neon signs are allowed as window signs but shall not flash or blink.~~¹¹
- d. No sign shall exceed the height of the façade, eaves, or fire wall of a building, whichever is lower.
- e. The display of signs on railings is prohibited.



¹¹ New.

Table 0X-X: On-premises Signs in Old Town HPO-5		
Sign Type	All Zone Districts	
	Sign Sub-area	All Other Locations
Wall Sign		
<i>Size, maximum</i>	On a façade facing a street that is designated as an arterial or a collector street in the LRTS Guide and that is wholly visible from an arterial street: 20 s.f. ¹² Other locations: 10 s.f. ¹³	
Window Sign		
<i>Size, maximum</i>	A total of 2 s.f. ¹⁴	
Canopy Sign		
<i>Size, maximum</i>	Ground floor: 4 s.f. ¹⁵ Other floors: 5 s.f. ¹⁶	
Projecting Sign		
<i>Size, maximum</i>	Not allowed	Ground floor: 4 s.f. ¹⁷ Other floors: 5 s.f. ¹⁸
Freestanding Sign		
<i>Size, maximum</i>	Not allowed	4 s.f. ¹⁹
Temporary Sign on the Day of an Outdoor Demonstration of Retail Goods		
<i>Size, maximum</i>	3 s.f. each	

3-5(J)(3)(d) Outdoor Display

1. Outdoor retail sales and related display of “handcrafted items” are allowed on specified portions of the public sidewalk in accordance with Section 13-3-2-4 of ROA 1994 (Old Town Solicitations).
2. The display of retail goods is allowed on private premises on tables, cases, racks, kiosks, boards, or chairs,²⁰ provided that all of the following requirements are met:
 - i. The tables, cases, racks, kiosks, boards, or chairs shall be removed outside of business hours, unless they are allowed to be permanently affixed to a structure pursuant to the procedures for a Certificate of Appropriateness - Minor in Subsection 14-16-6-5(D).
 - iii. [ii] The display of retail goods on metal and/or plastic freestanding racks is prohibited.²¹

¹² Increased from 16 s.f.

¹³ Increased from 8 s.f.

¹⁴ Increased from 1.5 s.f.

¹⁵ Increased from 3 s.f.

¹⁶ Added new allowance for upper floors and increased from 3 s.f.

¹⁷ Increased from 3 s.f.

¹⁸ Added new allowance for upper floors and increased from 3 s.f.

¹⁹ Increased from 3 s.f.

²⁰ Blankets removed.

~~iv.~~~~[iii]~~ The display of retail goods on railings is prohibited.²²

~~v.~~~~[iv]~~ The area of any one surface of an individual item or the total (cumulative) surface area of more than one item displayed by any one establishment shall not exceed 15 square feet.

3. The display of chile ristras is not restricted.

3-5(J)(3)(e) Outdoor Demonstration

Outdoor demonstrations of the creation of retail goods that are for sale within the associated establishment are allowed, provided that all of the following requirements are met:

1. Only one demonstration is allowed at an establishment at any given time.
2. The demonstration shall take place in an outdoor area on the same premises as the establishment selling the item being demonstrated.
3. A demonstration is limited to any combination of the following elements:
 - i. People demonstrating the creation of retail goods that are for sale within the associated establishment.
 - ii. Tables or other functional items associated with the demonstration.
 - iii. The display of items created on the day of the demonstration.
 - iv. Temporary signs, which can only be displayed on the day of the demonstration and must be removed at the end of the demonstration.
4. A demonstration shall not be conducted within the public right-of-way or in a location that obstructs the public right-of-way.
5. A demonstration shall not obstruct any entrance to an establishment or access to any establishment.²³
6. All sales shall be conducted entirely indoors within the associated establishment.

Cross References:

- Subsection 14-16-5-12(F)(4)(b) for Portable Signs
- Subsection 14-16-5-12(I) Temporary Signs and Table 5-12-6 Temporary Sign Standards

²¹ New.

²² Prohibition of display of retail goods on second-story railings changed to be all railings.

²³ Added access to any establishment.

- Subsection 14-16-5-12(F) On-premises Signs and Table 5-12-2 On-premises Signs in Mixed-use and Non-residential Zone Districts
 - Subsection 14-16-5-12(G) Off-premises Signs
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Sincerely,

A handwritten signature in black ink, appearing to read 'Leslie Naji', with a long horizontal stroke extending to the right.

Leslie Naji
Planner, Landmarks Commission