



Landmarks Commission

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

Date: January 8, 2025

OFFICIAL NOTIFICATION OF DECISION

PR-2020-003622
SI-2024-01731
Certificate of Appropriateness- Major

Georgia M. Michael, agent for the City of Albuquerque- Department of Arts and Culture, requests approval for a Certificate of Appropriateness Major, described as Lots 22, 23 & 24, Block 11, Original Townsite of Albuquerque, located at 423 Central Ave. NW, between 4th and 5th St. NW, zoned MX-FB-UD, 0.24 acres (K-14-Z).

On January 8, 2025, the Landmarks Commission voted to Approve Project # **PR-2020-003622/SI-2024-01731** based on the following Findings and Conditions.

1. This application is a request for a Certificate of Appropriateness for the property described as Lots 22, 23, and 24, Block 11 Original Townsite, located at 423 Central Avenue NW and zone MX-FB-UD.
2. The subject property is approximately 0.24 acres and contains the historic KiMo Theater. It is listed on the National Register of Historic Properties and the New Mexico State Register of Cultural Properties and is a City of Albuquerque Landmark.
3. The proposal is for the installation of an updated protective motorized security shutter to the KiMo's Main Entrance. This will replace the outdated grill-style gate that is currently in place.
4. The proposal was amended to add a Phase II. Through this, the shutters will be painted, or a film will be added to indicate the details behind the shutters.
5. The Development Guidelines for the KiMo Theatre adopted by the LUCC (now LC) in 1990 identifies the following significant architectural features:
 - a. Design details of the south and west facades
 - b. Design details and fixtures of the entryway, lobby, mezzanine, auditorium, and stage areas

The applicant's proposal complies with the intent of these guidelines by protecting the details from damage and deterioration.

6. The request furthers the following ABC Comprehensive Plan Goal and Policies regarding Historic Assets from Chapter 11.

a) GOAL 11.2 HISTORIC ASSETS:

Preserve and enhance significant historic districts and buildings to reflect our past as we move into the future and to strengthen our sense of identity

POLICY 11.2.2 Historic Registration: Promote the preservation of historic buildings and districts determined to be of significant local, State, and/or National historical interest. [ABC]

- a) Preserve and maintain historically significant buildings and spaces.
- b) Recognize historic buildings and districts as vital elements of the community.
- c) Encourage the adaptive reuse of historic structures as a strategy to preserve character and encourage reinvestment.

The KiMo Theater has been acknowledged as a significant building and cultural spot in Albuquerque. At great public expense, the theater was restored to its original grandeur. This application is designed to protect and preserve that which has been saved.

b) POLICY 11.2.3 Distinct Built Environments: Preserve and enhance the social, cultural, and historical features that contribute to the identities of distinct communities, neighborhoods, and districts. [ABC]

a) Consider local history and the visual environment, particularly features unique to Albuquerque, as significant determinants in development and redevelopment decisions in light of their relationship to and effect upon the following:

- i. Architectural styles and traditions;
- ii. Current and historic significance to Albuquerque;
- iii. Historic plazas and Centers;
- iv. Culture, traditions, celebrations, and events

b) Encourage development that strengthens the identity and cohesiveness of the surrounding community and enhances distinct historic and cultural features.

- c) Design streets and streetscapes that match the distinctive character of historic areas.

The KiMo Theater strengthens the community identity; however, its location is currently

one of heightened vulnerability. The placement of the requested shutters would allow for removal, should the safety of the location change in the future, without damage to the original detailing.

c) GOAL 11.5 CULTURAL TRADITIONS & THE ARTS

Emphasize and support cultural traditions and arts as vital components of the community's identities and well-being.

POLICY 11.5.2 Cultural Facilities: Provide and maintain high-quality public, cultural, and arts facilities to best serve the public. [ABC]

- a) Locate new public, cultural, and arts facilities in Centers to best provide access to residents.
- b) Provide arts and cultural facilities equitably throughout the community.
- c) See Infrastructure, Community Facilities & Services Goal 12.2 for policies on community facilities and services.

The KiMo Theater is centrally located to access all of Albuquerque. It must be secured in order to continue to provide service to the community.

7. Section 14-16-3-5(D) of the Integrated Development Ordinance states that on a City landmark, the appearance of any structure, including but not limited to interior and exterior elements, landscaping, and signs, shall not be altered; new structures shall not be constructed; and existing structures shall not be demolished until a Certificate of Appropriateness is approved pursuant to Subsection 14-16-6-5(D) (Historic Certificate of Appropriateness – Minor) or Subsection 14-16-6-6(D) (Historic Certificate of Appropriateness – Major).
8. IDO Section 14-16-6-6(D) of the Integrated Development Ordinance specifies that an application for a Certificate of Appropriateness shall be approved if it complies with several specified criteria.

9. IDO Section 14-16-6-6(D)(3) states that a Certificate of Appropriateness shall be approved if it complies with all of the following:

- a) The IDO Section 14-16-6-6(D)(3)(a) states that a Certificate of Appropriateness shall be approved if *“The change is consistent with the designation ordinance and specific development guidelines for the landmark or the specific HPO zone where the property is located”*

The installation of retractable security shutters will not damage any of the defining architectural details of the KiMo. It is consistent with the designating ordinance as it is meant to protect the historic features of the building.

- b) 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.”*

The proposal will cause no harm to the significance of the theater. At this time, an updated protective motorized security shutter will be installed at KiMo's Main Entrance. This will replace the outdated grill style gate that is currently in place.

- c) The IDO Section 14-16-6-6(D)(3)(c) The change qualifies as a "certified rehabilitation" pursuant to the Tax Reform Act of 1976, if applicable.

Not applicable

- d) The IDO Section 14-16-6-6(D)(3)(d) states that a Certificate of Appropriateness shall be approved if *“The structure or site’s distinguished original qualities or character will not be altered. Original shall mean at the time of initial construction or developed over the course of the history of the structure.”*

The proposal will cause no harm to the original, distinguishing qualities of the contributing building or its site.

- e) The IDO Section 14-16-6-6(D)(3)(e) Deteriorated architectural features shall be repaired rather than replaced, if possible. If replacement is necessary, the new material shall match the original as closely as possible in material and design.

Not applicable.

- f) The IDO Section 14-16- 6-6(D)(3)(f) Additions to existing structures and new construction may be of contemporary design if such design is compatible with its landmark status (if any) or the HPO zone.

Not applicable

10. Notification letters of the application were sent out on December 11, 2024. They were mailed to property owners within a 100-foot radius of the site. In addition, the ABQCore and Reynolds Addition Neighborhood Associations were notified of the application via email on December 11, 2024

RECOMMENDATION - Case No. SI-2024-01731/ Project # 2020-003622

APPROVAL of an application for a Certificate of Appropriateness for alterations for the property described as Lots 22, 23, & 24, Block 11 Original Townsite, located at 423 Central Avenue NW and zone MX-FB-UD, based on the above 11 findings and subject to the following conditions.

Conditions of Approval Recommended for Case No. SI-2024-01731/ Project # 2020-003622

1. Applicant is responsible to acquire, and approval is contingent upon, approval of all applicable permits and related approvals.
2. Phase II shall be implemented within six months of the installation of the new shutters. Phase II shall be submitted to the Landmarks Commission as a separate request.

APPEAL: IF YOU WISH TO APPEAL A **FINAL DECISION** YOU MUST DO SO IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.

The applicant or any person aggrieved by decision of city staff may appeal the decision of the city staff designated by the Mayor relative to a Certificate of Appropriateness to the Commission. The applicant or any person aggrieved by decision of the Commission (LC) may appeal the decision to the City Council. Any city staff or Commission decision is final unless appeal is initiated by application to the city within 15 days of the decision. The date the determination is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or holiday as listed in §3-1-12, the next working day is considered as the deadline for filing the appeal. A building permit dependent on a case shall not be issued and a proposed project not requiring a building permit shall not be initiated until an appeal is decided or the time for filing the appeal has expired without an appeal being filed.

The City Council, after consideration of the appeal record, may decline to hear an appeal if it finds that all city plans, policies and ordinances have been properly followed. If it decides that there is

substantial question that all City plans, policies and ordinances have not been properly followed or are inadequate, it shall hear the appeal.

ALL CASES THAT RECEIVED APPROVAL ON **JANUARY 8**, WILL BE MAILED A CERTIFICATE OF APPROPRIATENESS, AFTER THE 15-DAY APPEAL PERIOD HAS EXPIRED ON **JANUARY 23, 2025**.

Nasima

Nasima Hadi
Planner, Historic Preservation
Urban Design and Development Division