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## OFFICIAL NOTIFICATION OF DECISION

December 9, 2022

City of Albuquerque  
Council Services  
Attn: Shanna Schultz  
1 Civic Plaza NW, Suite 9085  
Albuquerque, NM 87102

**Project # PR-2018-001843**  
RZ-2022-00055– IDO Small Area Text Amendment –  
North 4<sup>th</sup> Corridor CPO-9

### **LEGAL DESCRIPTION:**

The City of Albuquerque Planning Department requests to amend the text of the Integrated Development Ordinance (IDO). This update includes changes requested regarding the standards applicable to one Small Area- the North 4<sup>th</sup> Corridor Character Protection Overlay Zone (CPO)- 9.  
Staff Planner: Leroy Duarte

On December 8, 2022, the Environmental Planning Commission (EPC) voted to forward a recommendation of APPROVAL to the City Council of Project # PR-2018-001843, RZ-2022-00055, IDO Text Amendments – Small Areas, CPO-9, based on the following Findings:

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 2022 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-2022-00054)
3. The Small Area text amendments include proposed changes requested by neighbors, developers, staff, and Council Services that affect the following Small Area: North 4<sup>th</sup> Corridor CPO-9. The proposed small area amendment would create uniformity pertaining to future development of building façade setbacks and building stepbacks facing 4th street, as opposed to only front facades and also eliminating non-IDO language in retracting building heights in the Character Protection Overlay Zone to 55 feet (see attachment)
4. The IDO applies City-wide to land within the City of Albuquerque municipal boundaries. 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 would eliminate development standards such as setbacks and stepbacks to the front façade of a building facing 4th street and apply said standards to any building façade facing 4th street. The amendment would create uniformity within the CPO-9 area and is consistent with the applicable goals and policies in the ABC Comprehensive Plan.
  - 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 North 4th Corridor (CPO-9) by amending the development standards that would apply to all building setbacks and stepbacks facing 4th street, rather than applying to only front building facades. As a result, the proposed amendment would protect the identity and cohesiveness of neighborhoods through building design, and give the North 4th Corridor its 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: The proposed amendments would apply to a building's façade orientation facing 4th Street and building height. The proposed amendments would not change any allowable uses.
- 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 North 4th Corridor Character Protection Overlay Zone (CPO-9).

8. The request furthers the following, applicable Goal and policies regarding growth and Centers and Corridors from Comprehensive Plan Chapter 4: Community Identity:

- A. Goal 4.1 Character: Enhance protect and preserve distinct communities.

The request would enhance, protect and preserve distinct communities, in this case the North 4th Corridor Character Protection Overlay Zone (CPO-9). The request would create uniformity within the overlay zone for future development by applying setback and stepback standards for all building facades facing the 4th street.

- B. 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.

The request protects the identity of neighborhoods and commercial districts by clarifying standards and regulations that are unclear. Currently the building setback and stepback standards apply only to the front of building facades which creates confusion. The would request would apply to all building setbacks and stepbacks facing 4th street. This will create uniformity with all future development and character of building design.

- C. Policy 4.1.3- Placemaking: Protect and enhance special places in the built environment that contribute to distinct identity and sense of place.

The request would protect and enhance special places in the built environment in this case the North 4th Corridor Character Protection Overlay Zone (CPO-9) that contribute to distinct identity and sense of place. The new amendment would change the building setbacks and stepbacks to all building facades rather than the front building facades facing 4th street.

9. The request furthers the following policy Chapter 5: Land Use:

Policy 5.7.2- Regulatory Alignment: Update regulatory frameworks to support desired growth, high quality development, economic development, housing, a variety of transportation modes, and quality of life priorities.

If approved, the request would update regulatory frameworks in this case building façade setbacks and stepbacks to any façade facing 4th street to support and create uniformity for future development occurring within the North 4th Corridor Character Protection Overlay Zone (CPO-9).

10. The request furthers the following policy Chapter 7: Urban Design:

Policy 7.3.2- Community Character: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

If approved, the request would encourage design strategies within the North 4th Corridor Character Protection Overlay Zone (CPO-9) that would apply to any building façade facing 4th street, which would give the North 4th Corridor its distinct character through building design.

11. The request furthers the following policy Chapter 8: Economic Development:

Policy 8.1.1- Diverse Places: Encourage design strategies that recognize and embrace the character differences that give communities their distinct identities and make them safe and attractive places.

The request is within the North 4th Corridor that is comprised of MX-M zoning. Medium intensity Mixed-Use development uses are permissive in this Character Protection Overlay Zone (CPO-9). The request would create development uniformity within the CPO-9 and be applicable to all building facades facing 4th street. The request would foster a range of interesting places and contexts with different development intensities, densities, uses, and building scale to encourage economic development opportunities within the North 4th Corridor (CPO-9).

12. For an Amendment to IDO Text, the required notice must be published, mailed, and posted on the web (see Table 6-1-1). A neighborhood meeting was required and held on October 11, and October 13, 2022 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.

13. In addition to the required notice, on November 3, 2022, notification letters were mailed to 1,740 property owners in or within 100 feet of the North 4<sup>th</sup> Corridor Character Protection Overlay Zone (CPO-9) boundary.

14. As of November 21, 2022, Council Staff received approximately 11 inquiries about the proposed changes. Property owners were unsure if their particular property would be impacted. After confirming addresses with callers and describing the proposed change in detail, all property owners that council staff responded to were not concerned with the proposed change. Staff is unaware of any opposition

15. As of this writing, Staff has not been contacted and is unaware of any opposition.

OFFICIAL NOTICE OF DECISION

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APPEAL: 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. It is not possible to appeal an EPC Recommendation to the City Council since this is not a final decision.

Sincerely,

for Alan M. Varela,  
Planning Director

AV/LD/CL

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