

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

May 9, 2019

City of Albuquerque,
City Council
One Civic Plaza NW, 9th Floor
ABQ, NM 87102

Project #2019-002253
RZ-2019-00020 – Amendment of IDO Text

LEGAL DESCRIPTION:

The above action for proposed text amendments to the Integrated Development Ordinance (IDO) Section 14-16-3-5(J)(3), development standards for Old Town HPO-5, regarding signage types, signage amounts, outdoor display, and demonstration, within approximately the following boundaries: Central Ave. NW, Rio Grande Blvd. NW, Mountain Rd. NW, and 19th St. NW, for. (J-13) Staff Planner: Leslie Naji

PO Box 1293

On May 9, 2019 the Environmental Planning Commission (EPC) voted to forward a recommendation of Approval with Conditions of Project# 2019-00020/RZ-2019-00020, an Amendment of IDO Text, based on the following Findings:

FINDINGS:

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 Subsection 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. The subject area is designated an Activity Center as well as Area of Consistency. It is also a Historic Protection Overlay zone, Old Town HPO-5.

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5. The request furthers the following applicable Goal and Policies in the ABC Plan Chapter 4: Community Identity-
 - A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities. Provisions of this text amendment intend to enhance, protect, and preserve the distinctive Old Town community.
 - B. Policy 4.1.3 Placemaking: Protect and enhance special places in the built environment that contribute to distinct identity and sense of place.
The proposed text amendment is in keeping with protecting the special qualities of Old Town.
6. The request furthers the following applicable Goal and policies in the ABC Plan 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.
 - B. Policy 5.1.6 Activity Centers: Foster mixed-use centers of activity with a range of services and amenities that support healthy lifestyles and meet the needs of nearby residents and businesses.
 - C. Incorporate a compatible mix of commercial and residential uses with a range of higher-density housing types.
 - D. Provide neighborhood-oriented commercial, retail, institutional, and public services.
 - E. Encourage gathering spaces for festivals, markets, and street fairs.
 - F. Ensure that Activity Centers are pedestrian-friendly and provide convenient pedestrian connections to nearby residential areas.
 - G. Provide good connectivity via bicycle between Activity Centers and nearby residential areas and multi-use trails.

Old Town has long been an Activity Center of Albuquerque. It is unique because it is an Area of Consistency whereas most Activity centers are Areas of Change. The proposed text amendment is ultimately intending to encourage the stability of this special activity center by allowing slightly larger signage while limiting placement and character.

7. Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space. Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.

Old Town is an Area of Consistency. Its nature as an Activity Center and its predominantly commercial character requires a balance between the necessary signage of commercial establishments and the clutter of excessive signage and display.

8. 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.

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The proposed text amendment is fundamental to using regulatory framework to support desired growth and economic development. Old Town businesses believe the expanded signage and clarifications of display terminology will create more consumer traffic through the various shops.

9. The request generally furthers the following applicable Goal and policies in the ABC Plan Chapter 8: Economic Development.
 - A. **Goal 8.1 Placemaking: Create places where business and talent will stay and thrive.**
Increased signage will encourage businesses to continue in Old Town.
 - B. **Goal 8.2 Entrepreneurship: Foster a culture of creativity and entrepreneurship and encourage private businesses to grow.**
This amendment fosters growth and entrepreneurship.
 - C. **Policy 8.2.1 Local Business: Emphasize local business development**
This text amendment is specifically directed towards the unique nature of businesses in the Old Town HPO, all of which are local businesses.

10. The request generally furthers the following applicable Goal and policies in the ABC Plan Chapter 11: Heritage Conservation
 - A. **Goal 11.1 Traditional, Rural & Agricultural Heritage: Preserve and enhance farmland, the acequia system, and traditional communities.**
 - 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.**
 - C. **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:**
 1. Architectural styles and traditions;
 2. Current and historic significance to Albuquerque;
 3. Historic plazas and Centers;
 4. Encourage development that strengthens the identity and cohesiveness of the surrounding community and enhances distinct historic and cultural features.
 5. Culture, traditions, celebrations, and events
 6. Design streets and streetscapes that match the distinctive character of historic areas.

Clarifications in terminology included in this text amendment will enhance the distinct built environment of Old Town. The increased size of signage is significant

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for shop owners but should not have an adverse effect on the historic nature of the built environment. The addition of one more sign for each business, however, runs the risk of flooding the Old Town area with signage. Consideration should be given to maintaining the quantity of signs to their current number.

11. 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.

Reinstating the references for outdoor demonstrations encourages cultural traditions and arts.

12. Policy 11.5.1 Arts Promotion: Coordinate and promote the arts and the cultural sector as key assets in a vital economy; major contributors to quality of life and healthy communities; and the heart of high-quality, special places that contribute to the identity of distinct communities.

Temporary signage, demonstration and display criteria can all contribute to the promotion of the arts in Old Town.

13. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 6-7(D)(3)-Review and Decision Criteria for Amendment to IDO Text as follows:

- A. The request, with recommended changes, furthers the following Goals of the Comprehensive Plan. (see Findings 5-11)
- B. The change to the IDO text does not apply to a single lot or development project, but rather the area covered by HPO-5.
- C. The proposed amendment to the IDO text is required in order to promote economic growth and investment in the City as a whole that will not create material risks to the public health, safety, and general welfare. Old Town merchants and property owners will benefit from better signage visibility allowed by the changes to the HPO-5 standards and the public will be able to more easily find desired goods and services.

14. The Planning Department notified Neighborhood Association representatives as required by the IDO.

15. Staff has received written comments both for and against this IDO text amendment.

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RECOMMENDATION – PR-2019-002253/ RZ-2019-00020 May 9, 2019

That a recommendation of APPROVAL of O-19-52, Text Amendments to the IDO regarding signage, display, and outside demonstrations in Old Town HPO-5 be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions for recommendation of approval.

CONDITIONS FOR RECOMMENDATION OF APPROVAL- PR-2019-002253/ RZ-2019-00020 May 9, 2019 -IDO Text Amendments

1. The following changes are recommended to the currently proposed Amendment to IDO 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.

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.

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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.

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.

~~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~~

4 Increased from 2 signs.

5 Increased from 20 s.f.

6 Revised for consistency.

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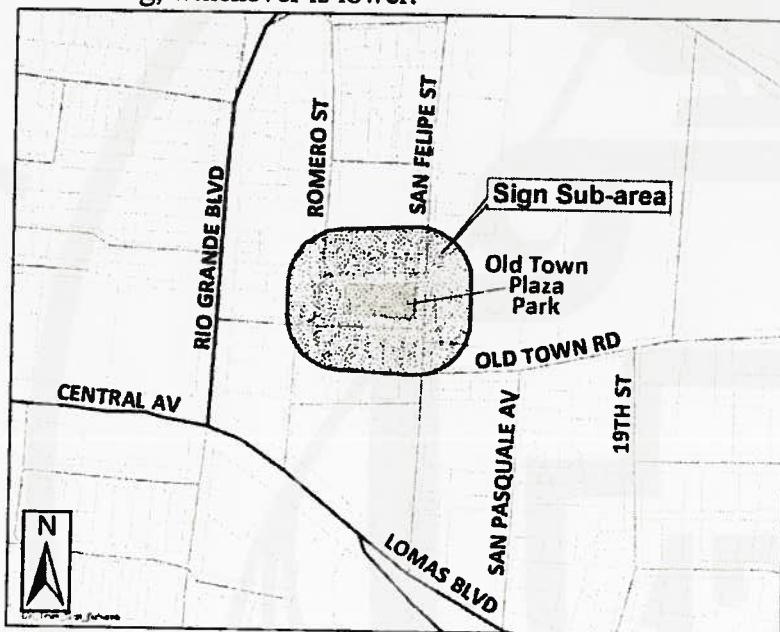
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- v. An additional wall or freestanding sign is allowed no more than 20 feet from the intersection of the public rights-of-way of 2 streets or alleys or the intersection of a public right-of-way and a parking lot with over 20 parking spaces.
 - a. 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

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.



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.

11 New.

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e. The display of signs on railings is prohibited

Table Error! No text of specified style in document.X-X: On-premises Signs in Old Town HPO-5

Sign Type	All Zone Districts	
	Sign Sub-area	All Other Locations
Wall Sign	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	A total of 2 s.f. ¹⁴	
Canopy Sign	Ground floor: 4 s.f. ¹⁵ Other floors: 5 s.f. ¹⁶	
Projecting Sign	Not allowed	Ground floor: 4 s.f. ¹⁷ Other floors: 5 s.f. ¹⁸
Freestanding Sign	Not allowed	4 s.f. ¹⁹
Temporary Sign on the Day of an Outdoor Demonstration of Retail Goods	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).

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.

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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
 - 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.

²⁰ Blankets removed.

²¹ New.

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

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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
- 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

Sincerely,


David S. Campbell
Planning Director

DSC/LN

cc: City of Albuquerque, City Council, One Civic Plaza NW, 9th Floor, ABQ, NM 87102
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²³ Added access to any establishment.