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1 WHEREAS, the updated Development Process Manual has not yet been  
2 approved; and

3 WHEREAS, the North Fourth Street Rank III Plan is an adopted Metropolitan  
4 Redevelopment Plan, so the street cross sections are still adopted as official  
5 City policy; and

6 WHEREAS, the majority of the North Fourth Street area is designated in the  
7 ABC Comprehensive Plan (“Comp Plan”) as a Main Street Corridor; and

8 WHEREAS, Main Street Corridors are intended to have the highest degree  
9 of pedestrian-friendly development and highest-quality standards for  
10 pedestrian-oriented development; and

11 WHEREAS, the IDO establishes building design standards specific to  
12 Urban Centers (UC), Main Streets (MS), and Premium Transit (PT) areas; and

13 WHEREAS, the 2019 annual update of the IDO includes applying the  
14 building design standards proposed for the North Fourth Corridor to all UC-  
15 MS-PT areas to raise the quality of development in these areas instead of  
16 through a North 4<sup>th</sup> Corridor CPO; and

17 WHEREAS, the 2019 annual update of the IDO includes requiring a  
18 minimum setback of 10 feet where existing sidewalks are less than 10-foot  
19 wide in UC-MS-PT areas, instead of through a North 4<sup>th</sup> Corridor CPO; and

20 WHEREAS, the 2019 annual update of the IDO includes requiring a Site  
21 Plan – DRB for projects that would otherwise be eligible to be decided by staff  
22 as a Site Plan – Administrative if an Infrastructure Improvement Agreement is  
23 necessary in order to comply with IDO or DPM standards. This change is  
24 intended to close a procedural gap in the process that would review and  
25 require sidewalks where they are needed in projects that would otherwise be  
26 reviewed/decided administratively; and

27 WHEREAS, the IDO establishes the procedure for adopting new Character  
28 Protection Overlay (CPO) zones in areas where different regulations are  
29 needed to achieve the character of development in a particular area that  
30 differs from results intended from citywide regulations; and

31 WHEREAS, the procedure to adopt a new CPO zone is a Zoning Map  
32 Amendment – Council, pursuant to IDO Subsection 14-16-6-7(G); and

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1       WHEREAS, the Environmental Planning Commission voted to send a  
2 recommendation of APPROVAL to the City Council.

3       BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
4 ALBUQUERQUE:

5       SECTION 1. FINDINGS. City Council adopts the following findings of fact.

6       (A) In 2019, the City Council adopted interim design guidelines for the  
7 North 4<sup>th</sup> Street Corridor via City Council Resolution 19-162 (R-19-162) until the  
8 IDO could be amended to adopt a new Character Protection Overlay (CPO)  
9 zone.

10       (B) Per IDO Subsection 14-16-6-7(G), a new CPO zone is established  
11 through a Zoning Map Amendment – Council, which is first reviewed and  
12 recommended by the Environmental Planning Commission (EPC) and decided  
13 by the City Council as the City’s zoning authority.

14       (C) City Council submitted a request to establish a new CPO Zone, CPO-9,  
15 North 4<sup>th</sup> Street Corridor for properties on 2nd, 3rd, and 4th Streets north of  
16 Mountain Rd. NW to the Albuquerque city limits as mapped in the IDO as  
17 “North 4<sup>th</sup> Street area.”

18       (D) The Albuquerque City Charter, the Albuquerque/Bernalillo County  
19 Comprehensive Plan, and the City of Albuquerque Integrated Development  
20 Ordinance (IDO) are incorporated herein by reference and made part of the  
21 record for all purposes.

22       (E) The request furthers the following applicable Comprehensive Plan  
23 goals and policies:

24               (1) Policy 4.1.2 Identity and Design: Protect the identity and  
25 cohesiveness of neighborhoods by ensuring the appropriate scale and  
26 location of development, mix of uses, and character of building design.

27               (2) Goal 5.1 Centers & Corridors: Grow as a community of strong  
28 Centers connected by a multi-modal network of Corridors.

29               (3) Policy 5.1.1 Desired Growth: Capture regional growth in Centers and  
30 Corridors to help shape the built environment into a sustainable development  
31 pattern.

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1 (4) Policy 5.1.6 Activity Centers: Foster mixed-use centers of activity  
2 with a range of services and amenities that support healthy lifestyles and meet  
3 the needs of nearby residents and businesses.

4 (5) Policy 5.1.9 Main Streets: Promote Main Streets that are lively,  
5 highly walkable streets lined with neighborhood-oriented businesses.

6 (6) Goal 5.2 Complete Communities: Foster communities where  
7 residents can live, work, learn, shop, and play together.

8 (7) Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct  
9 communities with a mix of uses that are conveniently accessible from  
10 surrounding neighborhoods.

11 (8) Goal 5.3 Efficient Development Patterns: Promote development  
12 patterns that maximize the utility of existing infrastructure and public facilities  
13 and the efficient use of land to support the public good.

14 (9) Policy 5.3.1 Infill Development: Support additional growth in areas  
15 with existing infrastructure and public facilities.

16 (10) Goal 5.6 City Development Areas: Encourage and direct growth to  
17 Areas of Change where it is expected and desired to ensure that development  
18 in and near Areas of Consistency reinforces the character and intensity of the  
19 surrounding area.

20 (11) Policy 5.6.2 Areas of Change: Direct growth and more intense  
21 development to Centers, Corridors, industrial and business parks, and  
22 Metropolitan Redevelopment Areas where change is encouraged.

23 (12) Policy 5.6.3 Areas of Consistency: Protect and enhance the  
24 character of existing single-family neighborhoods, areas, outside of Centers  
25 and Corridors, parks, and Major Public Open Space.

26 (13) Policy 5.6.4 Appropriate Transitions: Provide transitions in Areas of  
27 Change for development abutting Areas of Consistency through adequate  
28 setbacks, buffering, and limits on building height and massing.

29 (14) Goal 5.7 Implementation Processes: Employ procedures and  
30 processes to effectively and equitably implement the Comp Plan.

31 (15) Policy 5.7.2 Regulatory Alignment: Update regulatory frameworks  
32 to support desired growth, high quality development, economic development,  
33 housing, a variety of transportation modes, and quality of life priorities.

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1 (16) Policy 5.7.4 Streamlined Development: Encourage efficiencies in  
2 the development review process.

3 (17) Policy 7.2.2 Walkable Places: Promote high-quality pedestrian-  
4 oriented neighborhoods and districts as the essential building blocks of a  
5 sustainable region.

6 (18) Policy 7.3.2 Community Character: Encourage design strategies  
7 that recognize and embrace character differences that give communities their  
8 distinct identities and make them safe and attractive places.

9 (19) Goal 8.1 Placemaking: Create places where businesses and talent  
10 will stay and thrive.

11 (20) Policy 8.1.1 Diverse Places: Foster a range of interesting places and  
12 contexts with different development intensities, densities, uses, and building  
13 scale to encourage economic development opportunities.

14 (F) The request is justified pursuant to IDO Subsection 6-7(F)(3) Review and  
15 Decision Criteria for Zoning Map Amendments as follows:

16 (1) Criterion a: Consistency with the City’s health, safety, and general  
17 welfare is shown by demonstrating that a request furthers applicable ABC  
18 Comprehensive Plan goals and policies and does not significantly conflict  
19 with them. The CPO is generally consistent with a preponderance of  
20 applicable goals and policies and is not in significant conflict with them. The  
21 CPO boundary includes both Areas of Change and Areas of Consistency and  
22 contains a Main Street Corridor (North 4<sup>th</sup>) and an Activity Center (Guadalupe  
23 Plaza) as designated by the ABC Comp Plan. Main Streets are intended to be  
24 highly walkable streets lined with local-serving business. Main Streets are  
25 intended to have 1-4 story buildings, usually placed right up to the sidewalk.  
26 The IDO includes bonuses for building height that allow taller buildings when  
27 parking structures or workforce housing is provided. Although 4<sup>th</sup> Street is  
28 designated as a corridor, the intent of the Comprehensive Plan is to treat it as  
29 a linear center. The CPO would remove bonuses and limit building height to 50  
30 feet. The CPO regulations are generally consistent with applicable Goals and  
31 policies cited above.

32 (2) Criterion b: For the properties in the North 4<sup>th</sup> Street Corridor that are  
33 within an Area of Consistency, the changes in zoning regulations for the

1 proposed CPO-9 boundary would provide appropriate transitions from the  
2 more intense uses and zone districts along 4<sup>th</sup> Street to low-density residential  
3 development behind the corridor. The implementation of new development  
4 standards would be more advantageous to the community by moving closer to  
5 the policy intentions for Main Street areas as articulated in the ABC Comp  
6 Plan.

7 (3) Criterion c: For the properties in the North 4<sup>th</sup> Street Corridor that are  
8 within an Area of Change, the changes in zoning regulations for the proposed  
9 CPO-9 boundary are more advantageous to the community as articulated by  
10 the ABC Comp Plan by moving closer to the policy intentions for Main Street  
11 areas as articulated in the ABC Comp Plan.

12 (4) Criterion d: The CPO does not change any allowable uses and  
13 therefore would not create any additional harm to the community.

14 (5) Criterion e: The City’s existing infrastructure and public  
15 improvements will have adequate capacity to serve the development made  
16 possible by the CPO (Criterion 1) because the area within the CPO boundary is  
17 already a developed area of the City.

18 (6) Criterion f: These new regulations for building mass & scale are not  
19 completely based on the CPO’s location on a major street but rather would  
20 apply to all properties within the proposed CPO boundaries and provide better  
21 transitions to the low-density residential areas beyond the corridor.

22 (7) Criterion g: The new CPO is not based primarily on economic  
23 considerations, but rather on fulfilling the policy intentions for designated  
24 Centers and Corridors in the ABC Comp Plan, as amended.

25 (8) Criterion h: A new CPO would establish a “strip zone” with design  
26 regulations to implement the ABC Comp Plan and help create a transition from  
27 the corridor to the adjacent neighborhoods.

28 SECTION 2. The IDO text is amended to create a new IDO Subsection 14-16-  
29 3-4(J) that establishes a new Character Protection Overlay zone “North 4<sup>th</sup>  
30 Corridor – CPO-9” as shown in Exhibit 1 with subsequent subsections  
31 renumbered accordingly.

32 SECTION 3. The IDO text is amended to replace all references to “North 4<sup>th</sup>  
33 Street Area” with “North 4<sup>th</sup> Corridor – CPO-9.”

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1       **SECTION 4. SEVERABILITY CLAUSE.** If any section, paragraph, sentence,  
2 clause, word or phrase of this ordinance is for any reason held to be invalid or  
3 unenforceable by any court of competent jurisdiction, such decision shall not  
4 affect the validity of the remaining provisions of this ordinance and each  
5 section, paragraph, sentence, clause, word, or phrase thereof irrespective of  
6 any provision being declared unconstitutional or otherwise invalid.

7       **SECTION 5. COMPILATION.** Sections 2 and 3 of this ordinance shall be  
8 incorporated in and made part of the Revised Ordinances of Albuquerque,  
9 New Mexico, 1994.

10       **SECTION 6. EFFECTIVE DATE AND PUBLICATION.** Sections 2 and 3 of this  
11 ordinance shall take effect after publication by title and general summary, but  
12 no sooner than the effective date of the 2019 IDO Annual Update.

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1 PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF September, 2020  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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\_\_\_\_\_  
Patrick Davis, President  
City Council

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14 APPROVED THIS 1 DAY OF October, 2020

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17 Bill No. O-20-9

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Timothy M. Keller, Mayor  
City of Albuquerque

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28 ATTEST:

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Ethan Watson, City Clerk

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