



Legislation Details (With Text)

**File #:** O-20-9  
**Type:** Ordinance      **Status:** Enacted  
**File created:** 4/6/2020      **In control:** City Council  
**Final action:** 9/16/2020  
**Enactment date:** 10/2/2020      **Enactment #:** O-2020-036

**Title:** Adopting A Zone Map Amendment To Establish A Character Protection Overlay Zone In The Integrated Development Ordinance For The North 4th Corridor With Regulations Related To Building Massing And Scale For Development In The Area And References To Street Cross Sections In The Development Process Manual (Benton)

**Sponsors:** Isaac Benton

**Indexes:**

**Code sections:**

**Attachments:** 1. O-9, 2. O-9 Approved LUPZ Amendment 6-24-20.pdf, 3. O-9Enacted

Date	Ver.	Action By	Action	Result
10/2/2020	2	City Clerk	Published	
10/1/2020	2	Mayor	Signed by the Mayor	
9/25/2020	2	City Council	Sent to Mayor for Signature	
9/16/2020	1	City Council	Passed	Pass
9/9/2020	1	City Council	Postponed	Pass
8/17/2020	1	City Council	Accepted with a Recommendation Do Pass	
8/12/2020	1	Land Use, Planning, and Zoning Committee	Sent to Council with a recommendation of Do Pass	Pass
6/24/2020	1	Land Use, Planning, and Zoning Committee	Amended	Pass
6/24/2020	1	Land Use, Planning, and Zoning Committee	Postponed as Amended	Pass
6/10/2020	1	Land Use, Planning, and Zoning Committee	Postponed	Pass
4/6/2020	1	President	Referred	
4/6/2020	1	City Council	Introduced and Referred	

**CITY of ALBUQUERQUE**  
**TWENTY FOURTH COUNCIL**

COUNCIL BILL NO. O-20-9 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Isaac Benton

## ORDINANCE

Adopting A Zone Map Amendment To Establish A Character Protection Overlay Zone In The Integrated Development Ordinance For The North 4th Corridor With Regulations Related To Building Massing And Scale For Development In The Area And References To Street Cross Sections In The Development Process Manual (Benton)

ADOPTING A ZONE MAP AMENDMENT TO ESTABLISH A CHARACTER PROTECTION OVERLAY ZONE IN THE INTEGRATED DEVELOPMENT ORDINANCE FOR THE NORTH 4<sup>TH</sup> CORRIDOR WITH REGULATIONS RELATED TO BUILDING MASSING AND SCALE FOR DEVELOPMENT IN THE AREA AND REFERENCES TO STREET CROSS SECTIONS IN THE DEVELOPMENT PROCESS MANUAL.

WHEREAS, in 2017 all of the City's sector development plans were rescinded with the adoption of the Integrated Development Ordinance (IDO); and

WHEREAS, the North Fourth Rank III Corridor Plan was a sector development plan that contained regulations for the North Fourth Corridor, a small area mapped in the IDO in order to carry over some of these regulations and referred to in the IDO as the "North 4<sup>th</sup> Street area"; and

WHEREAS, the North Fourth Rank III Corridor Plan included future cross sections to improve mobility for pedestrians and encourage pedestrian-oriented and transit-oriented development; and

WHEREAS, the City Council adopted interim regulations in 2019 that reflected the desires and concerns of some area residents related to building massing and scale that differed from the regulations established by the North Fourth Rank III Corridor Plan and carried over into the IDO; and

WHEREAS, the interim regulations included a reference to the Development Process Manual, which was updated in 2019 to require that cross sections adopted in the last 10 years, including cross sections in the North Fourth Street Rank III Plan, be used as the basis of design for street projects; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) City Council submitted a request to establish a new CPO Zone, CPO-9, North 4<sup>th</sup> Street Corridor for properties on 2nd, 3rd, and 4th Streets north of Mountain Rd. NW to the Albuquerque

city limits as mapped in the IDO as “North 4<sup>th</sup> Street area.”

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

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

(1) 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.

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

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

(4) 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.

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

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

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

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

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

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

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

(12) 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.

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

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

(15) 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.

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

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

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

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

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

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

(1) Criterion a: Consistency with the City's health, safety, and general welfare is shown by demonstrating that a request furthers applicable ABC Comprehensive Plan goals and policies and does not significantly conflict with them. The CPO is generally consistent with a preponderance of applicable goals and policies and is not in significant conflict with them. The CPO boundary includes both Areas of Change and Areas of Consistency and contains a Main Street Corridor (North 4<sup>th</sup>) and an Activity Center (Guadalupe Plaza) as designated by the ABC Comp Plan. Main Streets are intended to be highly walkable streets lined with local-serving business. Main Streets are intended to have 1-4 story buildings, usually placed right up to the sidewalk. The IDO includes

bonuses for building height that allow taller buildings when parking structures or workforce housing is provided. Although 4<sup>th</sup> Street is designated as a corridor, the intent of the Comprehensive Plan is to treat it as a linear center. The CPO would remove bonuses and limit building height to 50 feet. The CPO regulations are generally consistent with applicable Goals and policies cited above.

(2) Criterion b: For the properties in the North 4<sup>th</sup> Street Corridor that are within an Area of Consistency, the changes in zoning regulations for the proposed CPO-9 boundary would provide appropriate transitions from the more intense uses and zone districts along 4<sup>th</sup> Street to low-density residential development behind the corridor. The implementation of new development standards would be more advantageous to the community by moving closer to the policy intentions for Main Street areas as articulated in the ABC Comp Plan.

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

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

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

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

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

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

SECTION 2. The IDO text is amended to create a new IDO Subsection 14-16-3-4(J) that establishes a new Character Protection Overlay zone "North 4<sup>th</sup> Corridor - CPO-9" as shown in

Exhibit 1 with subsequent subsections renumbered accordingly.

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

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

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

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