



Legislation Details (With Text)

File #: O-23-76
Type: Ordinance **Status:** Enacted
File created: 3/6/2023 **In control:** Land Use, Planning, and Zoning Committee
Final action: 4/3/2023
Enactment date: 4/18/2023 **Enactment #:** O-2023-014
Title: Applying A Historic Protection Overlay Zone To The East End Addition; Identifying The Distinctive Cultural Significance Of The Area And Providing General Preservation Guidelines (Fiebelkorn by request)
Sponsors: Tammy Fiebelkorn (By Request)
Indexes:
Code sections:
Attachments: 1. O-76, 2. O-76Enacted

Date	Ver.	Action By	Action	Result
4/21/2023	2	City Clerk	Published	
4/17/2023	2	Mayor	Signed by the Mayor	
4/7/2023	1	City Council	Sent to Mayor for Signature	
4/7/2023	1	City Council	Sent to Mayor for Signature	
4/3/2023	1	City Council	Passed	Pass
3/20/2023	1	City Council	Accepted with a Recommendation Do Pass	
3/15/2023	1	Land Use, Planning, and Zoning Committee	Sent to Council with a recommendation of Do Pass	Pass
3/6/2023	1	City Council	Introduced and Referred	
3/6/2023	1	President	Referred	

CITY of ALBUQUERQUE
TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-23-76 ENACTMENT NO. _____

SPONSORED BY: Tammy Fiebelkorn, by request

ORDINANCE

Applying A Historic Protection Overlay Zone To The East End Addition; Identifying The Distinctive Cultural Significance Of The Area And Providing General Preservation Guidelines (Fiebelkorn by request)

request)

APPLYING A HISTORIC PROTECTION OVERLAY ZONE TO THE EAST END ADDITION;
IDENTIFYING THE DISTINCTIVE CULTURAL SIGNIFICANCE OF THE AREA AND PROVIDING
GENERAL PRESERVATION GUIDELINES.

WHEREAS, pursuant to Section 3-22-3 NMSA 1978 of the Historic District and Landmark Act, the City Council, the governing body of the City of Albuquerque, has the authority to adopt zoning districts designating certain areas as historic areas and to adopt and enforce regulations and restrictions within such district relating to the erection, alteration, and destruction of those exterior features of buildings and other structures subject to public view from any public street, way, or other public place; and

WHEREAS, the authority conferred by the Historic District and Landmark Act is consistent with the authority of the City Council to amend the Official Zoning Map for the physical development of areas within the planning and platting jurisdiction of the City as authorized by Section 3-19-3, NMSA 1978, and by the City of Albuquerque's home rule powers; and

WHEREAS, the protection, reuse, and enhancement of significant buildings and districts as important contributors to our heritage and rich and complex identities are a goal of the Albuquerque/Bernalillo County Comprehensive Plan in Chapter 11 Heritage Conservation; and

WHEREAS, the Landmarks Commission is entrusted to consider methods for encouraging and achieving historic preservation and to make recommendations to the Mayor and City Council; and

WHEREAS, the Integrated Development Ordinance (IDO) Subsection 14-16-6-7(C) provides for the creation of Historic Protection Overlay (HPO) zones in areas that are suitable for preservation and that have historical, architectural, and cultural significance; and

WHEREAS, the Landmarks Commission, on December 14, 2022, recommended that the City Council approve an HPO zone on the portion of the East End Addition containing the 1000 block of Virginia St. NE, including Lots 1-7 & 18-23, Block 25 & 26, of the East End Addition, an area of approximately 2.72 acres and zoned R-1C; and

WHEREAS, the East End Addition is a rare and limited cultural resource for the City of Albuquerque and for the State of New Mexico, as it was the first African-American suburb in Albuquerque; and

WHEREAS, in 1938, Henry Outley, a trustee and member of the Fraternal Aid Society, a black businessman's association, platted land that the organization owned into a proposed subdivision

of 144 acres and named it the East End Addition; and

WHEREAS, the East End Addition was developed after Henry Outley's death, and his adopted daughter, Virginia Ballou, was instrumental in constructing fifteen homes on Virginia Street and six on Vermont Street between 1950 and 1955; and

WHEREAS, the original East End Addition homes were designed and built by J.S. Jones, a black architect and builder, and were largely purchased by African-American families; and

WHEREAS, many subsequent homes built in the 1960s were also owned by African-Americans; and

WHEREAS, the East End Addition was a small close-knit neighborhood where families knew and looked out for each other, and the neighborhood retained many of its original inhabitants for over forty years; and

WHEREAS, although in the last two decades it has become more racially mixed, it still retains its sense of closeness and community; and

WHEREAS, creating an HPO zone in the East End Addition furthers Goals and Policies in Chapter 4 Community Identity and Chapter 11 Heritage Conservation of the Albuquerque/Bernalillo County Comprehensive Plan to create a quality urban environment and visually pleasing built environment that perpetuates the traditions of identifiable, individual, but integrated communities within the metropolitan area, while providing variety and maximum choice in housing, transportation, work areas, and lifestyles; and

WHEREAS, the 10 homes are single-story pueblo or ranch style set back an equal distance from the street with carports or 1-car garages and picture windows in the front; and

WHEREAS, front yards are unfenced, and rear yards are separated by cinderblock walls; and

WHEREAS, designating an HPO zone on East End Addition would serve to protect and acknowledge the cultural significance of this small but significant area of the City; and

WHEREAS, the East End Addition has no protections from demolition, inappropriate additions or character destroying repairs, and an HPO zone will help preserve this important historic asset for the immediate community and the City at large; and

WHEREAS, the request will preserve and enhance the East End Addition through the protections afforded by the HPO zone, which will help strengthen the area's sense of identity.

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

SECTION 1: The Official Zoning Map is amended to designate a new Historic Protection

Overlay zone for the East End Addition within the boundary shown in Exhibit A.

SECTION 2: The Integrated Development Ordinance is amended to add a new Historic Protection Overlay zone for the East End Addition in Section 14-16-3-5, with text as shown in Exhibit A.

SECTION 3: 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. The Council hereby declares that it would have passed this ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

SECTION 4: COMPILATION. This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

SECTION 5: EFFECTIVE DATE. This ordinance shall take effect at the time of the 2022 IDO Annual Update or January 31st, 2024; whichever comes first.

X:\CL\SHARE\CL-Staff\Legislative Staff\Legislation\25 Council\O-76final.docx