RESOLUTION

AMENDING ENACTMENT NO. R-132-1980 WHICH DESIGNATED THE HUNING HIGHLAND HISTORIC OVERLAY ZONE AND APPROVED DESIGN GUIDELINES; AMENDING THE BOUNDARY OF THE HUNING HIGHLAND HISTORIC OVERLAY ZONE; IDENTIFYING DISTINCTIVE CHARACTERISTICS AND GENERAL PRESERVATION GUIDELINES FOR THE “EAST DOWNTOWN” AREA; ESTABLISHING THE EAST DOWNTOWN URBAN CONSERVATION OVERLAY ZONE; AND ADOPTING A REGULATORY PLAN, INCLUDING ARCHITECTURAL STANDARDS, FOR THE EAST DOWNTOWN URBAN CONSERVATION OVERLAY ZONE.

WHEREAS, the Council is authorized to establish historic overlay zones and urban conservation overlay zones, to approve an historic overlay zone or an urban conservation overlay zone map change, and to amend or rescind any historic or urban conservation overlay zone it has granted; and

WHEREAS, in 1980, the Council designated a Huning Highland Historic Overlay Zone and approved the accompanying design guidelines by adoption of Enactment No. R-132-1980; and

WHEREAS, an application for the establishment of an East Downtown Urban Conservation Overlay Zone and for the amendment to the boundaries of the existing Huning Highland Historic Overlay Zone was submitted to the Landmarks and Urban Conservation Commission (“LUCC”) by more than 51% of the property owners in the area covered by the application; and

WHEREAS, the LUCC conducted a public hearing on the application after providing proper notice, and recommended approval of the application which was submitted to the Environmental Planning Commission; and
WHEREAS, the LUCC recommended the rescission of the designation of a portion of the Huning Highland Historic Overlay Zone, and recommended approval of the East Downtown Urban Conservation Overlay Zone for the same area; and

WHEREAS, the LUCC approved and recommended adoption of a Regulatory Plan for the East Downtown Urban Conservation Overlay Zone, to establish design regulations for building alteration, demolition, and new construction within the East Downtown Urban Conservation Overlay Zone; and

WHEREAS, the Environmental Planning Commission ("EPC") evaluated and recommended adoption of the East Downtown Urban Conservation Overlay Zone, requiring the rescission of a portion of the Huning Highland Historic Overlay Zone and adoption of the same area as the boundary for the East Downtown Urban Conservation Overlay; and

WHEREAS, a segment of Central Avenue from Broadway Boulevard to Locust Street and a segment of Broadway Boulevard from Central Avenue to Coal Avenue is the area recommended by the LUCC and the EPC to be removed from the Huning Highland Historic Overlay Zone and to be placed in the East Downtown Urban Conservation Overlay Zone; and

WHEREAS, the proposed East Downtown Urban Conservation Overlay Zone has distinctive characteristics worthy of conservation, but as a whole, lacks sufficient historical significance to continue to be designated as a historic area; and

WHEREAS, the proposed overlay zone has recognized neighborhood identity and character and a relationship to the downtown urban center and the Huning Highland Historic District, which makes the area’s conservation critical; and

WHEREAS, the benefits of increased economic reinvestment and stabilized property values that have occurred in the residential portions of the Huning Highland neighborhood since the adoption of the Huning Highland Historic Overlay Zone have not occurred along the Central Avenue and Broadway Boulevard Corridors; and
WHEREAS, existing development within the residential portions of the Huning Highland neighborhood primarily reflects a cohesive turn-of-the-century period, development along the Central and Broadway corridors reflects a much greater diversity in terms of time period and construction type. In contrast to the adjacent residential neighborhood, existing structures along the commercial corridors generally do not reflect a coherent period of historic significance; and

WHEREAS, reinvestment in some of the residential portions of the Huning Highland Historic Overlay Zone appears to have been hindered by prevailing conditions of blight and under-utilized land within the adjacent Central Avenue and Broadway Boulevard corridors; and

WHEREAS, application of the Huning Highland Historic Overlay Zone to properties along and adjacent to the Central Avenue and Broadway Boulevard corridors was inappropriate from a historic preservation perspective and has been ineffective in promoting economic stability and reinvestment; and

WHEREAS, the rescission of the Huning Highland Historic Overlay Zone for properties along and adjacent to the Central Avenue and Broadway Boulevard corridors provides the opportunity to remove inappropriate land use restrictions that appear to have constricted economic reinvestment and to replace those land use controls with provisions designed to facilitate appropriate redevelopment and reinvestment; and

WHEREAS, the East Downtown Urban Conservation Overlay Zone and the design regulations recommended by the LUCC and amended by the Council are intended to encourage revitalization of lots adjacent to Central Avenue between Broadway Boulevard and Locust Street, and on lots adjacent to Broadway Boulevard between Coal Avenue and Central Avenue.

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

SECTION 1. HUNING HIGHLAND HISTORIC OVERLAY ZONE BOUNDARIES AMENDED. The Council accepts the recommendation and approval of the EPC and the LUCC to amend the Huning Highland Historic Overlay Zone boundaries, to exclude the lots described in Section 4 herein.
SECTION 2. DISTINCTIVE CHARACTERISTICS. The Council finds that the following distinctive characteristics of the East Downtown area (designated on Exhibit A attached hereto) shall be preserved:

A. A “street wall” that is pedestrian-scaled by the buildings that are built to the street or have a setback that responds and relates to a front sidewalk.

B. Buildings that are oriented to the street and respond to pedestrians with street level entrances and windows.

C. Commercial corridors with a mix of offices and retail or service uses.

D. Traditional construction materials.

E. The characteristics set forth in the Architectural Standards attached as Exhibit B hereto.

SECTION 3. PRESERVATION OF DISTINCTIVE CHARACTERISTICS. The distinctive characteristics shall be preserved in accordance with the Regulatory Plan and Architectural Standards attached as Exhibit B hereto.

SECTION 4. URBAN CONSERVATION OVERLAY ZONE ESTABLISHED. The City Council hereby establishes the East Downtown Urban Conservation Overlay Zone and its associated regulations for the lots adjacent to Central Avenue between John Street and Locust Street and lots adjacent to Broadway Boulevard between Coal Avenue and Central Avenue, and more particularly described as follows:

Block 1, Lots 1-2, 7-12, Brownewell and Lail’s Highland Addition
Block 44, Lots 4-6 and Lots 10-12, Huning’s Highlands Addition
Block 25, Lots 4-6 and Lots 9-12, Huning’s Highlands Addition
Block 22, Lots 5-6, and Lots 10-12, Huning’s Highlands Addition
Block 43, Lots 1-3 and Lots 7-9, Huning’s Highlands Addition
Block 26, Lot A (replat of Lots 1-3 and Lots 7-9), Huning’s Highlands Addition
Block 21, Lots 1-2 and Lots 7-9, Huning’s Highlands Addition
Block 14, Lots 1-2 and Lots 7-8, Huning’s Highlands Addition
Block 9, Lots 1-3 and Lots 7-12, Huning’s Highlands Addition
Block 8, Lots 7-12, Huning’s Highlands Addition
Block 7, Lots 7-12, Huning’s Highlands Addition
Block 6, Lots 7-12, Huning’s Highlands Addition
Block 5, Lots 1-6, Huning’s Highlands Addition
The Eastern 160’, Lot 1, USFS (the portion of this lot that is currently zoned C-2)
Block 3, Lots A, B, and 3, Huning’s Highlands Addition
Block 2, Lots 1-6, Huning’s Highlands Addition
Lots 1, 2A, 4A, and 5, Union Square Addition.

SECTION 5. REGULATORY PLAN ADOPTED. The Regulatory Plan, including the Architectural Standards, attached as Exhibit B hereto, is incorporated herein and shall have the same force and effect as this resolution.

SECTION 6. FINDINGS ACCEPTED. The City Council accepts the findings of the LUCC for establishing the East Downtown Urban Conservation Overlay Zone with the following exceptions:

A. In Finding 4, delete “, and the Planned Growth Strategy enabling legislation for infill development, conservation zones and design standards”.

B. In Finding 5, delete “Planned Growth Strategy and the”.

C. In Finding 7, prior to “Contributing”, insert “Significant and”.

SECTION 7. MODIFICATIONS ACCEPTED AS AMENDED. The Council accepts the modifications approved by the LUCC establishing the East Downtown Urban Conservation Overlay Zone as further amended by the Council as follows:

A. The EDo UCOZ Regulatory Plan [Exhibit B to C/S R-04-146] shall remove references to the Architectural Review Committee with regard to procedures for all significant and contributing properties.

B. All exterior changes of contributing and significant buildings, and City Landmarks in the EDo UCOZ shall comply with current LUCC procedures and requirements for building alterations, demolition, and new construction, and the Regulatory Plan [Exhibit B to CS/R 04-146.]

C. Add to the EDo UCOZ, page 4, a new definition of the Architectural Review Committee: The Architectural Review Committee shall be a standing advisory committee of the LUCC to review proposals for non-contributing properties. The Architectural Review Committee shall consist of
1 LUCC member and 1 member from each city recognized neighborhood association within the boundaries of the HHHOZ and the EDo UCOZ. One LUCC staff person shall act as facilitator of the committee. The LUCC staff person shall have the sole authority to render administrative rulings and issue a Certificate of Compliance for approved proposals. The selection of committee representatives and term of service shall be determined by the LUCC.

D. Appeals of staff decision shall go to the LUCC. Appeals of staff decisions can be on substantive grounds.

E. Applications for non-contributing properties, including Buildings of Note, shall be reviewed by the Architectural Review Committee. Alterations to Buildings of Note should preserve their character-defining features. Demolitions plans for Buildings as Note shall not be approved until a redevelopment plan has been approved which considers incorporating these character-defining features into the proposed new construction if appropriate.

F. The definition for Non-contributing buildings shall read:

“All properties that are not designated as a significant or contributing property within the Huning Highland Historic District, or have not been designated as a City Landmark or buildings of note.”

SECTION 8. LUCC CONDITIONS ACCEPTED. The Council accepts the LUCC’s conditions of approval establishing the East Downtown Urban Conservation Overlay Zone and states that the design guidelines and procedures for the overlay zone shall be approved within 60 days of the adoption of this resolution and shall be consistent with this resolution and the Regulatory Plan, including the Architectural Standards, attached hereto as Exhibit B.

SECTION 9. FINDINGS ACCEPTED. The City Council accepts the EPC’s findings and conditions for approval establishing the East Downtown Urban Conservation Overlay Zone, and states further that the material submitted by the LUCC with the evaluation and recommendations from the EPC has been amended and approved by the Council as set forth in the Regulatory Plan and Architectural Standards attached as Exhibit B hereto.
SECTION 10. ENACTMENT AMENDED. Enactment No. R-132-1980 is amended by this resolution and any language in R-132-1980 that is inconsistent with this resolution is superceded.

SECTION 11. EFFECTIVE DATE AND PUBLICATION. This legislation shall take effect sixty days after publication by title and general summary.

SECTION 12. SEVERABILITY CLAUSE. If any section, paragraph, sentence, clause, word or phrase of this resolution 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 resolution. The Council hereby declares that it would have passed this resolution and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provisions being declared unconstitutional or otherwise invalid.