

# CITY of ALBUQUERQUE

## SIXTEENTH COUNCIL

COUNCIL BILL NO. F/S R-04-146 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: ERIC GRIEGO

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

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

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

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

23 WHEREAS, the LUCC conducted a public hearing on the application after  
24 providing proper notice, and recommended approval of the application which  
25 was submitted to the Environmental Planning Commission; and

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1 WHEREAS, the LUCC recommended the rescission of the designation of a  
2 portion of the Huning Highland Historic Overlay Zone, and recommended  
3 approval of the East Downtown Urban Conservation Overlay Zone for the  
4 same area; and

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

10 WHEREAS, the Environmental Planning Commission (“EPC”) evaluated  
11 and recommended adoption of the East Downtown Urban  
12 ConservationOverlay Zone, requiring the rescission of a portion of the Huning  
13 Highland Historic Overlay Zone and adoption of the same area as the  
14 boundary for the East Downtown Urban Conservation Overlay; and

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

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

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

28 WHEREAS, the benefits of increased economic reinvestment and stabilized  
29 property values that have occurred in the residential portions of the Huning  
30 Highland neighborhood since the adoption of the Huning Highland Historic  
31 Overlay Zone have not occurred along the Central Avenue and Broadway  
32 Boulevard Corridors; and

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1       WHEREAS, existing development within the residential portions of the  
2 Huning Highland neighborhood primarily reflects a cohesive turn-of-the-  
3 century period, development along the Central and Broadway corridors  
4 reflects a much greater diversity in terms of time period and construction type.  
5 In contrast to the adjacent residential neighborhood, existing structures along  
6 the commercial corridors generally do not reflect a coherent period of historic  
7 significance; and

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

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

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

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

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

29       **SECTION 1. HUNING HIGHLAND HISTORIC OVERLAY ZONE BOUNDARIES**  
30 **AMENDED.** The Council accepts the recommendation and approval of the  
31 EPC and the LUCC to amend the Huning Highland Historic Overlay Zone  
32 boundaries, to exclude the lots described in Section 4 herein.

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1 SECTION 2. DISTINCTIVE CHARACTERISTICS. The Council finds that the  
2 following distinctive characteristics of the East Downtown area (designated on  
3 Exhibit A attached hereto) shall be preserved:

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

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

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

10 D. Traditional construction materials.

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

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

16 SECTION 4. URBAN CONSERVATION OVERLAY ZONE ESTABLISHED.

17 The City Council hereby establishes the East Downtown Urban Conservation  
18 Overlay Zone and its associated regulations for the lots adjacent to Central  
19 Avenue between John Street and Locust Street and lots adjacent to Broadway  
20 Boulevard between Coal Avenue and Central Avenue, and more particularly  
21 described as follows:

22 Block 1, Lots 1-2, 7-12, Brownwell and Lail’s Highland Addition

23 Block 44, Lots 4-6 and Lots 10-12, Huning’s Highlands Addition

24 Block 25, Lots 4-6 and Lots 9-12, Huning’s Highlands Addition

25 Block 22, Lots 5-6, and Lots 10-12, Huning’s Highlands Addition

26 Block 43, Lots 1-3 and Lots 7-9, Huning’s Highlands Addition

27 Block 26, Lot A (replat of Lots 1-3 and Lots 7-9), Huning’s Highlands Addition

28 Block 21, Lots 1-2 and Lots 7-9, Huning’s Highlands Addition

29 Block 14, Lots 1-2 and Lots 7-8, Huning’s Highlands Addition

30 Block 9, Lots 1-3 and Lots 7-12, Huning’s Highlands Addition

31 Block 8, Lots 7-12, Huning’s Highlands Addition

32 Block 7, Lots 7-12, Huning’s Highlands Addition

33 Block 6, Lots 7-12, Huning’s Highlands Addition

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- 1 Block 5, Lots 1-6, Huning’s Highlands Addition
- 2 The Eastern 160’, Lot 1, USFS (the portion of this lot that is currently zoned C-
- 3 2)
- 4 Block 3, Lots A, B, and 3, Huning’s Highlands Addition
- 5 Block 2, Lots 1-6, Huning’s Highlands Addition
- 6 Lots 1, 2A, 4A, and 5, Union Square Addition.

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

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

- 14 A. In Finding 4, delete “, and the Planned Growth Strategy  
15 enabling legislation for infill development, conservation zones and design  
16 standards”.
- 17 B. In Finding 5, delete “Planned Growth Strategy and the”.
- 18 C. In Finding 7, prior to “Contributing”, insert “Significant and”.

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

- 23 A. The EDo UCOZ Regulatory Plan [Exhibit B to C/S R-04-146] shall  
24 remove references to the Architectural Review Committee with regard to  
25 procedures for all significant and contributing properties.
- 26 B. All exterior changes of contributing and significant buildings, and  
27 City Landmarks in the EDo UCOZ shall comply with current LUCC procedures  
28 and requirements for building alterations, demolition, and new construction,  
29 and the Regulatory Plan [Exhibit B to CS/R 04-146.]

30 C. Add to the EDo UCOZ, page 4, a new definition of the  
31 Architectural Review Committee: The Architectural Review Committee shall  
32 be a standing advisory committee of the LUCC to review proposals for non-  
33 contributing properties. The Architectural Review Committee shall consist of

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1 1 LUCC member and 1 member from each city recognized neighborhood  
2 association within the boundaries of the HHHOZ and the EDo UCOZ. One  
3 LUCC staff person shall act as facilitator of the committee. The LUCC staff  
4 person shall have the sole authority to render administrative rulings and issue  
5 a Certificate of Compliance for approved proposals. The selection of  
6 committee representatives and term of service shall be determined by the  
7 LUCC.

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

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

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

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

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

27 SECTION 9. FINDINGS ACCEPTED. The City Council accepts the EPC’s  
28 findings and conditions for approval establishing the East Downtown Urban  
29 Conservation Overlay Zone, and states further that the material submitted by  
30 the LUCC with the evaluation and recommendations from the EPC has been  
31 amended and approved by the Council as set forth in the Regulatory Plan and  
32 Architectural Standards attached as Exhibit B hereto.

1 SECTION 10. ENACTMENT AMENDED. Enactment No. R-132-1980 is  
2 amended by this resolution and any language in R-132-1980 that is  
3 inconsistent with this resolution is superceded.

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

6 SECTION 12. SEVERABILITY CLAUSE. If any section, paragraph,  
7 sentence, clause, word or phrase of this resolution is for any reason held to be  
8 invalid or unenforceable by any court of competent jurisdiction, such decision  
9 shall not affect the validity of the remaining provisions of this resolution. The  
10 Council hereby declares that it would have passed this resolution and each  
11 section, paragraph, sentence, clause, word or phrase thereof irrespective of  
12 any provisions being declared unconstitutional or otherwise invalid.

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