

# CITY of ALBUQUERQUE

## SIXTEENTH COUNCIL

COUNCIL BILL NO. F/S R-04-155 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: ERIC GRIEGO

1 RESOLUTION  
2 AMENDING THE HUNING HIGHLAND SECTOR DEVELOPMENT PLAN TO  
3 ESTABLISH THE SU-2/CRZ COMMUNITY REVITALIZATION ZONE; AMENDING  
4 THE ZONING MAP FROM SU-2/NCR TO SU-2/CRZ FOR LOTS FRONTING ON  
5 CENTRAL AVENUE BETWEEN BROADWAY BOULEVARD AND LOCUST  
6 AVENUE AND FRONTING ON BROADWAY BOULEVARD BETWEEN COAL  
7 AVENUE AND CENTRAL AVENUE.

8 WHEREAS, the Council has the authority to adopt and amend plans for the  
9 physical development of areas within the planning and platting jurisdiction of  
10 the City as authorized by statute, Section 3-19-3, NMSA 1978, and by its home  
11 rule powers; and

12 WHEREAS, the Huning Highland Sector Development Plan was originally  
13 adopted in 1978 and amended in 1979 and 1984, and was revised and adopted  
14 in 1988, superceding the 1978 plan and its amendments; and

15 WHEREAS, the Huning Highland Sector Development Plan expresses as its  
16 goal the continued development of Huning Highlands into a viable residential  
17 and commercial area, building on its unique historical character and location;  
18 and

19 WHEREAS, the Huning Highland Sector Development Plan area contains a  
20 segment of Central Avenue from Broadway Boulevard to Locust Street and  
21 a segment of Broadway Boulevard from Central Avenue to Coal Avenue; and

22 WHEREAS, the SU-2/NCR zoning for the lots fronting on Central and  
23 Broadway has not furthered the stated goal of the Huning Highland Sector  
24 Development Plan to encourage continued development as a viable residential  
25 and commercial area for these two corridors; and

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1 WHEREAS, the Environmental Planning Commission, in its advisory role  
2 on all matters relating to planning and zoning, has recommended amending  
3 the Huning Highland Sector Development Plan to include a new SU-2/CRZ  
4 Community Revitalization Zone zoning district, and has approved and  
5 recommended amending the zoning map for certain lots on Central Avenue  
6 and Broadway Boulevard within the Huning Highland Sector Development  
7 Plan from SU-2/NCR to SU-2/CRZ; and

8 WHEREAS, certain lots zoned SU-2/NCR located in the southeast quadrant  
9 of the Huning Highland Sector Development Plan, as shown on the attached  
10 map, are not included in the amendment to the zoning map; and

11 WHEREAS, the SU-2/CRZ zoning district and lots so zoned are intended to  
12 encourage revitalization on the Central and Broadway corridors in the Huning  
13 Highlands area to further the goal of the Huning Highland Sector Development  
14 Plan; and

15 WHEREAS, the SU-2/CRZ zoning will allow residential development and  
16 commercial activity such as retail and service uses that serve the surrounding  
17 neighborhood; and

18 WHEREAS, the City adopts and amends its planning policies by resolution,  
19 however, the Council intends that zone map amendments adopted by  
20 resolution have the same force and effect as if they were adopted by  
21 ordinance; and

22 WHEREAS, the Council intends, if the provisions in the SU-2/CRZ zone  
23 regarding package liquor are not upheld by a court of competent jurisdiction,  
24 that there shall be no package liquor sales in the SU-2/CRZ zone in a grocery  
25 store that is smaller than 40,000 square feet; and

26 WHEREAS, the Council intends that a “convenience store” selling package  
27 liquor for off-premise consumption not be allowed in the SU-2/CRZ zone; and

28 WHEREAS, the Council intends that the amendment of the NCR zone to the  
29 SU-2/CRZ zone shall not be deemed a “changed condition” for the purpose of  
30 justifying a zone map amendment for any lots outside the East Downtown  
31 Urban Conservation Overlay Zone.

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

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1 SECTION 1. Section 1A of the Huning Highland Sector Development Plan  
2 text is amended by inserting after the “Neighborhood Commercial Residential  
3 Zone” on page 35 the following:

4 “The COMMUNITY REVITALIZATION ZONE (SU-2/CRZ) corresponds to the C-1  
5 Neighborhood Commercial Zone of the Comprehensive City Zoning Code with  
6 the following exceptions:

7 A. Permissive Uses:

8 1. Permissive uses of the C-1 zone as further regulated by the  
9 East Downtown Urban Conservation Overlay Zone.

10 2. Permissive uses of the R-3 zone as further regulated by the  
11 East Downtown Urban Conservation Overlay Zone. Density and floor area  
12 ratio shall be regulated by the East Downtown Urban Conservation Overlay  
13 Zone and accompanying Regulatory Plan.

14 3. Restaurant with full-service liquor for on-premise  
15 consumption, including microbrewery.

16 4. Either:

17 a. One full service grocery store with package liquor sales  
18 for consumption off-premise, provided that the store is 40,000 square feet or  
19 greater net leasable area and within a building containing residential and/or  
20 office uses, with the following further restrictions:

21 (1) No sales of broken packages (singles);

22 (2) No sales of miniatures or distilled spirits in  
23 quantities less than 750 milliliters;

24 (3) No sales of fortified wines with a volume of  
25 alcohol of more than 13.5 percent; and

26 (4) The area for display and sale of liquor shall not  
27 exceed 20% of the gross floor area of the grocery store;

28 OR

29 b. One full service grocery store with only wine and beer  
30 sales for consumption off-premise provided that the store is between 5,000  
31 and 40,000 square feet net leasable area and within a building containing  
32 residential and/or office uses, with the following further restrictions:

33 (1) No sales of broken packages (singles);

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1 (2) No sales of fortified beer or beer in any single  
2 container;

3 (3) No sales of fortified wines with a volume of  
4 alcohol of more than 13.5 percent; and

5 (4) The area for display and sale of liquor shall not  
6 exceed 20% of the gross floor area of the grocery store.

7 5. Only one full service grocery store with package liquor sales  
8 for consumption off-premises or one full service grocery store with wine and  
9 beer sales for consumption off-premises shall be allowed in the SU-2/CRZ  
10 zone at any time.

11 6. "Full service grocery store" shall mean a store primarily  
12 engaged in retailing a general line of food, such as canned, refrigerated,  
13 packaged, baked and frozen foods; fresh fruits and vegetables; and fresh and  
14 prepared meats, fish, and poultry.

15 B. Conditional Uses:

16 1. Conditional Uses of the C-1 zone, as further regulated by the  
17 East Downtown Urban Conservation Overlay Zone.

18 2. Conditional Uses of the R-3 Zone, as further regulated by the  
19 East Downtown Urban Conservation Overlay Zone.

20 C. Building Heights: As regulated by the East Downtown Urban  
21 Conservation Overlay Zone.

22 D. Parking Requirements: Shared parking of all uses is encouraged.

23 The following specific ratios are required:

24 1. Retail: 3 spaces per 1,000 square feet of net leasable floor  
25 area.

26 2. Other commercial uses: 3 spaces per 1,000 square feet of net  
27 leasable floor area.

28 3. Residential or "live-work": 1.5 spaces per bathroom but not  
29 more than 2 spaces.

30 4. Restaurants: 1 space per 4 seats.

31 5. Hotels and motels: 1 space per room.

32 6. A 25% mixed-use district reduction in required parking will be  
33 taken for all properties.

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1           7.     A further 10% reduction in required parking will be taken for  
2 projects which have frontage on a transit corridor designated by the  
3 Comprehensive Plan.

4           8.     On-street parking spaces abutting the site and within the East  
5 Downtown Urban Conservation Overlay zone may be used in calculating  
6 parking requirements.

7           9.     Off-site parking spaces in parking structures within the East  
8 Downtown Urban Conservation Overlay zone may be used in calculating  
9 parking requirements.

10          10.    Parking spaces shall be within 900 feet of the use they serve,  
11 measured by walking distance between the nearest sides of the lots.

12          E.     Setbacks: All building setbacks are as regulated by the East  
13 Downtown Urban Conservation Overlay zone.

14           1.     Lot Size: There are no restrictions on lot size.

15          F.     Private Open Space: Thirty square feet per dwelling unit, which may  
16 be satisfied in balconies, shared private roof-top gardens, and similar open  
17 space.

18          G.     Signs: As regulated by the East Downtown Urban Conservation  
19 Overlay zone.

20          H.     The SU-2/CRZ Community Revitalization Zone shall not be classified  
21 as a ‘residential zone’ for purposes of applying prohibitive Zoning Code  
22 provisions.

23          I.     The SU-2/CRZ Community Revitalization Zone shall not be applied to  
24 other lots in the Huning Highland Sector Development Plan area that are  
25 outside the SU-2/CRZ boundaries at the time the resolution establishing this  
26 zone is adopted.”

27          SECTION 2. FINDINGS ACCEPTED. The Council accepts the findings of  
28 the Environmental Planning Commission regarding the amendment of the text  
29 of the Huning Highland Sector Development Plan to establish the SU-2/CRZ  
30 zone, as amended by this resolution and supplemented by the additional  
31 policies set forth herein. The Council finds that the proposed zone map  
32 amendment is more advantageous to the community than the existing zoning  
33 as articulated by the Huning Highland Sector Development Plan goals and

1 policies. The Council finds that the proposed zone map amendment meets the  
2 requirements of R-270-1980.

3 SECTION 3. ZONE MAP AMENDED. The zone map adopted by Section 14-  
4 16-1-1 et seq. ROA 1994 is hereby amended, establishing the SU-2/CRZ zoning  
5 for these properties:

6 Block 1, Lots 1-2, 7-12 Brownewell and Lail's Highland Addition

7 Block 44, Lots 4-6 and Lots 10-12, Huning's Highlands Addition

8 Block 25, Lots 4-6 and Lots 9-12, Huning's Highlands Addition

9 Block 22, Lots 5-6, and Lots 10-12, Huning's Highlands Addition

10 Block 43, Lots 1-3 and Lots 7-9, Huning's Highlands Addition

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

13 Block 21, Lots 1-2 and Lots 7-9, Huning's Highlands Addition

14 Block 9, Lots 1-3 and Lots 7-12, Huning's Highlands Addition

15 Block 8, Lots 7-12, Huning's Highlands Addition

16 Block 7, Lots 7-12, Huning's Highlands Addition

17 Block 6, Lots 7-12, Huning's Highlands Addition

18 SECTION 4. FINDINGS ACCEPTED. The Council accepts the findings of the  
19 Environmental Planning Commission regarding the zone map amendment for  
20 the lots designated in Section 3 of this resolution to establish the SU-2/CRZ  
21 zone, as amended by this resolution and supplemented by the additional  
22 policies set forth herein. The Council finds that the proposed zone map  
23 amendment is more advantageous to the community than the existing zoning  
24 as articulated by the Huning Highland Sector Development Plan goals and  
25 policies. The Council finds that the proposed zone map amendment meets the  
26 requirements of R-270-1980.

27 SECTION 5. SUPPLEMENTAL POLICIES.

28 A. Section 1C, page 37, of the Huning Highland Sector Development  
29 Plan regarding conditions for a parking variance is amended on line 4 to state

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1 that the provisions apply in any zone in the Huning Highland Sector  
2 Development Plan area “except the SU-2/CRZ zone”.

3 B. Section 3D, page 40 of the Huning Highland Sector Development  
4 Plan regarding parking is amended by inserting the following subsection:

5 “Neighborhood Permit Parking. Residents of the Huning Highland  
6 Neighborhood are concerned that redevelopment within the SU-2/CRZ  
7 Community Revitalization Zone will result in insufficient on-street parking in  
8 residential areas such that it will become very difficult for residents and their  
9 guests to find available parking. The Huning Highland Neighborhood  
10 Association or any block within the Plan area may initiate a petition and  
11 establish a Neighborhood Permit Parking system in the Huning Highland  
12 Neighborhood without regard to the percentage of on-street parking spaces  
13 used by persons who are not residents of the area. The City shall evaluate, in  
14 consultation with neighborhood residents, whether the number of visitor  
15 passes should be increased to two passes and whether a system of additional  
16 day passes should be put in place.”

17 C. Section 3, page 39 of the Huning Highland Sector Development Plan  
18 regarding Traffic and Parking is amended by inserting the following section  
19 and relettering the subsequent section:

20 “D. Traffic Mitigation. Residents within the Huning Highland  
21 Neighborhood Association area are concerned that more intensive  
22 redevelopment within the SU-2/CRZ Community Revitalization Zone will result  
23 in “cut-through” traffic, traffic congestion, and an increase in accidents. The  
24 Metropolitan Redevelopment Agency of the Planning Department shall cause a  
25 Traffic Impact Study to be conducted of the Huning Highland Sector  
26 Development Plan area and the immediately adjoining neighborhoods, under  
27 build-out conditions of the SU-2/CRZ. The results of this study shall be  
28 presented at a public meeting of the Huning Highland Neighborhood  
29 Association and the Broadway Central Corridors Partnership. If a majority of  
30 the participants at this meeting support the development of a traffic  
31 calming/traffic management plan, under the provisions of the Neighborhood  
32 Traffic Management Program, CPTED (Crime Prevention Through  
33 Environmental Design) program, or the Traffic Code, a traffic management

1 design study shall be caused to be completed by the Metropolitan  
2 Redevelopment Agency. The results of this traffic management design study  
3 shall be presented at a meeting of the Huning Highland Neighborhood  
4 Association and the Broadway Central Corridors Partnership. If a majority of  
5 the participants at this meeting support the traffic management plan, the City  
6 shall attempt to obtain CIP, state, and federal funds to implement the plan.”

7 D. Section 4, page 41 of the Huning Highland Sector Development Plan  
8 regarding Redevelopment Strategies is amended by inserting the following  
9 new subsection C:

10 “C. Business Improvement District and Tax Increment Financing.  
11 The City shall establish a Tax Increment Financing (TIF) zone and encourage  
12 the property owners to establish a Business Improvement District (BID) within  
13 the boundaries of the Huning Highland Sector Development Plan Area. The  
14 funds raised through these mechanisms shall be used, according to a plan to  
15 be adopted by the City Council, for the following purposes: gap financing, if  
16 needed, to meet the affordable housing goals established in this legislation,  
17 acquire sites and develop public civic space, construct shared public parking  
18 structures, personnel costs to enforce the Neighborhood Permit Parking  
19 system if implemented, security services similar to that provided by the  
20 Downtown Action Team (such as Ambassador Program and APD over-time  
21 costs), and other purposes as needed.”

22 E. Section 4A, page 41 of the Huning Highland Sector Development  
23 Plan is amended by inserting the following subsection:

24 “Affordable Housing. The City affordable housing creation goals within  
25 the Huning Highland Sector Development Plan area are that: (1) 20% of the  
26 new owner-occupied housing should be affordable to households earning  
27 80% or less of Area Median Income (AMI) spending no more than 30% of  
28 household income on housing costs defined as PITI (principal and interest as  
29 well as taxes and insurance), (2) 20% of new renter occupied housing should  
30 be affordable to households earning 60% or less of Area Median Income (AMI)  
31 spending no more than 30% of household income on housing costs defined  
32 as PITI (principal and interest as well as taxes and insurance), (3) all  
33 affordable housing so defined that are lost through rehabilitation or

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1 replacement of existing residential units be replaced, and (4) housing  
2 developments are “mixed-income”. There should be little discernible  
3 difference between the appearances of affordable units and market rates  
4 units from the public right-of-way. In the Huning Highland Sector  
5 Development Plan, these goals should be achieved either as a result of gap  
6 financing incentives such as federal CDBG funds, Low Income Housing Tax  
7 Credits, HOME funds, TIF/BID revenues, affordable housing trust funds, tax  
8 exempt housing bond financing, and other means; or through the  
9 establishment of City-wide inclusionary zoning standards.”

10 SECTION 6. EFFECTIVE DATE AND PUBLICATION. This legislation shall  
11 take effect ninety days after publication by title and general summary.

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

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