RESOLUTION

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

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

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

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

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

WHEREAS, the SU-2/NCR zoning for the lots fronting on Central and
Broadway has not furthered the stated goal of the Huning Highland Sector
Development Plan to encourage continued development as a viable residential
and commercial area for these two corridors; and
WHEREAS, the Environmental Planning Commission, in its advisory role on all matters relating to planning and zoning, has recommended amending the Huning Highland Sector Development Plan to include a new SU-2/CRZ Community Revitalization Zone zoning district, and has approved and recommended amending the zoning map for certain lots on Central Avenue and Broadway Boulevard within the Huning Highland Sector Development Plan from SU-2/NCR to SU-2/CRZ; and

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

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

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

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

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

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

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

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:
SECTION 1. Section 1A of the Huning Highland Sector Development Plan text is amended by inserting after the “Neighborhood Commercial Residential Zone” on page 35 the following:

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

A. Permissive Uses:

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

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

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

4. Either:

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

      (1) No sales of broken packages (singles);
      (2) No sales of miniatures or distilled spirits in quantities less than 750 milliliters;
      (3) No sales of fortified wines with a volume of alcohol of more than 13.5 percent; and
      (4) The area for display and sale of liquor shall not exceed 20% of the gross floor area of the grocery store;

   OR

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

      (1) No sales of broken packages (singles);
(2) No sales of fortified beer or beer in any single container;
(3) No sales of fortified wines with a volume of alcohol of more than 13.5 percent; and
(4) The area for display and sale of liquor shall not exceed 20% of the gross floor area of the grocery store.

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

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

B. Conditional Uses:
1. Conditional Uses of the C-1 zone, as further regulated by the East Downtown Urban Conservation Overlay Zone.
2. Conditional Uses of the R-3 Zone, as further regulated by the East Downtown Urban Conservation Overlay Zone.

C. Building Heights: As regulated by the East Downtown Urban Conservation Overlay Zone.
D. Parking Requirements: Shared parking of all uses is encouraged. The following specific ratios are required:
1. Retail: 3 spaces per 1,000 square feet of net leasable floor area.
2. Other commercial uses: 3 spaces per 1,000 square feet of net leasable floor area.
3. Residential or “live-work”: 1.5 spaces per bathroom but not more than 2 spaces.
4. Restaurants: 1 space per 4 seats.
5. Hotels and motels: 1 space per room.
6. A 25% mixed-use district reduction in required parking will be taken for all properties.
7. A further 10% reduction in required parking will be taken for projects which have frontage on a transit corridor designated by the Comprehensive Plan.

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

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

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

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

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

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

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

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

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

SECTION 2. FINDINGS ACCEPTED. The Council accepts the findings of the Environmental Planning Commission regarding the amendment of the text of the Huning Highland Sector Development Plan to establish the SU-2/CRZ zone, as amended by this resolution and supplemented by the additional policies set forth herein. The Council finds that the proposed zone map amendment is more advantageous to the community than the existing zoning as articulated by the Huning Highland Sector Development Plan goals and
policies. The Council finds that the proposed zone map amendment meets the requirements of R-270-1980.

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

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 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

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

SECTION 5. SUPPLEMENTAL POLICIES.
A. Section 1C, page 37, of the Huning Highland Sector Development Plan regarding conditions for a parking variance is amended on line 4 to state
that the provisions apply in any zone in the Huning Highland Sector Development Plan area “except the SU-2/CRZ zone”.

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

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

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

“D. Traffic Mitigation. Residents within the Huning Highland Neighborhood Association area are concerned that more intensive redevelopment within the SU-2/CRZ Community Revitalization Zone will result in “cut-through” traffic, traffic congestion, and an increase in accidents. The Metropolitan Redevelopment Agency of the Planning Department shall cause a Traffic Impact Study to be conducted of the Huning Highland Sector Development Plan area and the immediately adjoining neighborhoods, under build-out conditions of the SU-2/CRZ. The results of this study shall be presented at a public meeting of the Huning Highland Neighborhood Association and the Broadway Central Corridors Partnership. If a majority of the participants at this meeting support the development of a traffic calming/traffic management plan, under the provisions of the Neighborhood Traffic Management Program, CPTED (Crime Prevention Through Environmental Design) program, or the Traffic Code, a traffic management
design study shall be caused to be completed by the Metropolitan Redevelopment Agency. The results of this traffic management design study shall be presented at a meeting of the Huning Highland Neighborhood Association and the Broadway Central Corridors Partnership. If a majority of the participants at this meeting support the traffic management plan, the City shall attempt to obtain CIP, state, and federal funds to implement the plan.”

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

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

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

“Affordable Housing. The City affordable housing creation goals within the Huning Highland Sector Development Plan area are that: (1) 20% of the new owner-occupied housing should be affordable to households earning 80% or less of Area Median Income (AMI) spending no more than 30% of household income on housing costs defined as PITI (principal and interest as well as taxes and insurance), (2) 20% of new renter occupied housing should be affordable to households earning 60% or less of Area Median Income (AMI) spending no more than 30% of household income on housing costs defined as PITI (principal and interest as well as taxes and insurance), (3) all affordable housing so defined that are lost through rehabilitation or
replacement of existing residential units be replaced, and (4) housing
developments are “mixed-income”. There should be little discernible
difference between the appearances of affordable units and market rates
units from the public right-of-way. In the Huning Highland Sector
Development Plan, these goals should be achieved either as a result of gap
financing incentives such as federal CDBG funds, Low Income Housing Tax
Credits, HOME funds, TIF/BID revenues, affordable housing trust funds, tax
exempt housing bond financing, and other means; or through the
establishment of City-wide inclusionary zoning standards.”

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

SECTION 7. 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 s ection,
paragraph, sentence, clause, word or phrase thereof irrespective of any
provisions being declared unconstitutional or otherwise invalid.