



CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Mayor Richard J. Berry

INTER-OFFICE MEMORANDUM

December 30, 2015

TO: Dan Lewis, President, City Council

FROM: Suzanne Lubar, Planning Department Director

SUBJECT: Project# 1010650 – 15EPC-40069. The Environmental Planning Commission (EPC) forwards a recommendation of APPROVAL to the City Council regarding amending the SU-2/CRZ Corridor Revitalization Zone of the Huning Highland Sector Development Plan. Staff Planner: Catalina Lehner

Request

The proposed text amendments to the Huning Highland Sector Development Plan (HHSDP) would amend the SU-2/CRZ Corridor Revitalization Zone to allow the sale of beer and wine for on-premise and off-premise consumption by establishments, which are not restaurants, with a state-regulated small brewer's license or a winegrower's license.

The proposed text amendments are found in Council Bill No. R-15-262, which was introduced on October 19, 2015. The request was originally for on-premise consumption to be a permissive use and off-premise consumption to be a conditional use, but the request was modified so that both on-premise and off-premise consumption would be permissive uses.

Intent & Scope

Currently, the SU-2/CRZ zone does not allow the sale of beer and wine for on-premise consumption unless the establishment is a restaurant. Alcohol sales for off-premise consumption is prohibited unless the establishment is a grocery store that meets certain criteria.

The intent is to encourage the continued development and redevelopment of designated commercial corridors in the Huning Highland area by allowing microbreweries, taprooms, and tasting rooms in the SU-2/CRZ zone to sell beer and wine. The proposed text amendments would support the sale of locally-produced beers and wines, which is generally considered a desired form of local economic development. Beer and wine would be available at the establishment (on-premise consumption) and it would be possible to take some home a growler (off-premise consumption).

The proposed text amendments are narrowly tailored to apply only to properties in the HHSDP area that are zoned SU-2/CRZ. Beer and wine could be sold for on-premise and off-premise consumption in conjunction with a small brewer's license or a winegrower's license, which has very specific parameters and is regulated by the State of New Mexico. The sale of distilled alcohol or miniature bottles would not be included.

EPC Decision

At its December 10th, 2015 hearing, the EPC voted unanimously (7-0) to forward a Recommendation of Approval to the City Council. At the EPC hearing, there was discussion regarding off-premise consumption (growler sales) and if it should be a permissive use or a conditional use in the SU-2/CRZ zone. A permissive use would allow the off-premise sales by right, whereas a conditional use would require that the establishment apply for a conditional use permit through the Zoning Hearing Examiner (ZHE) process. The ZHE process includes a public hearing.

Neighborhood & Public Input

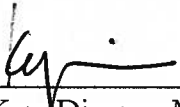
For text amendments to sector development plans, the Zoning Code requires the same notification as it does for changes to the text of the Zoning Code. The Planning Department notified representatives of 10 neighborhood associations and coalitions on the Downtown list provided by the Office of Neighborhood Coordination (ONC). Property owners within 100 feet of properties zoned SU-2/CRZ were also notified.

The proposed text amendments were announced in the November/December 2015 issue of the Neighborhood News. Staff was contacted by three people who requested information. No written comments were submitted. At the EPC public hearing, three people provided testimony. Two Huning Highland residents are opposed to the proposed text amendments. They are concerned about the on-going transient problem in the area and that alcohol sales could lead to intoxicated pedestrians and drivers. Off-premise sales was also voiced as a great concern. Another individual testified in support of the proposed text amendments and provided background information regarding why he believes they are needed.

Conclusion

The proposed text amendments would allow the sale of beer and wine for on-premise and off-premise consumption, in conjunction with a state-regulated small brewer's license or a winegrower's license, on properties zoned SU-2/CRZ in the HHSDP area. The EPC voted unanimously to forward a Recommendation of Approval to the City Council.

Recommended:



Kym Dicome, Manager
Current Planning Section
Planning Department

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15EPC-40069**

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**Environmental
Planning
Commission**

**Agenda Number: 06
Project Number: 1010650
Case Number: 15EPC-40069
December 10, 2015**

Staff Report

Agent City of Albuquerque Planning Department

Applicant City of Albuquerque City Council Services

Request Text Amendments to the SU-2/CRZ (Corridor Revitalization Zone) of the Huning Highland Sector Development Plan to allow the sale of beer and wine for: 1) on-premise consumption by establishments that are not restaurants, and 2) off-premise consumption in the form of growlers.

Location The east side of Broadway Blvd. SE, between Coal and Central Aves., and most of the north and south sides of Central Ave., between Broadway Blvd. SE and Locust St.

Zoning SU-2/CRZ zone to be amended

Staff Recommendation

That a recommendation of APPROVAL of Case Number 15EPC-40069 be forwarded to the City Council, based on the Findings beginning on p.14, and the Conditions for recommendation of approval on p.18.

Staff Planner
Catalina Lehner, AICP-Senior Planner

Summary of Analysis

The request is for a recommendation to City Council regarding proposed text amendments to the SU-2/CRZ (Corridor Revitalization Zone) of the Huning Highland Sector Development Plan (HHSDP). The intent is to allow microbreweries and tap rooms as a use, and to allow them to sell growlers. The proposed change would not affect any other zone in the HHSDP. Bill No. R-15-262 was introduced at the City Council on October 19, 2015 and subsequently referred to the Environmental Planning Commission (EPC).

Currently, the SU-2/CRZ zone of the HHSDP does not allow the sale of beer and wine for on-premise consumption unless the establishment is a restaurant. Alcohol sales for off-premise consumption is prohibited. The proposed text amendments would amend the HHSDP to: 1) allow the sale of beer and wine for on-premise consumption for establishments with a small brewer's license or winegrower's license that are not restaurants, and 2) to allow alcohol sales for off-premise consumption for establishments with a small brewer's license or winegrower's license if a conditional use is obtained. [A conditional use must be applied for through the Zoning Hearing Examiner (ZHE) process; notification and a public hearing are included.]

Code Enforcement Staff has reviewed the proposed text amendments and find them to be enforceable. The lack of definitions is not a problem because the uses would be tied to a state-regulated license. Staff suggests a couple of minor revisions and recommends that a recommendation of conditional approval be forwarded to the Council.

City Departments and other interested agencies reviewed this application from 11/02/2015 to 1/13/2015. Agency comments used in the preparation of this report begin on Page 20.

I. INTRODUCTION

Request & Scope

This request is to amend the SU-2/CRZ (Corridor Revitalization Zone) of the Huning Highland Sector Development Plan (HHS DP) to:

- 1) allow the sale of beer and wine for on-premise consumption for establishments with a small brewer's license or winegrower's license that are not restaurants, and
- 2) to allow alcohol sales for off-premise consumption for establishments with a small brewer's license or winegrower's license if a conditional use is obtained.

Currently, the SU-2/CRZ zone of the HHS DP does not allow the sale of beer and wine for on-premise consumption unless the establishment is a restaurant. Alcohol sales for off-premise consumption is prohibited unless the establishment is a grocery store that meets certain criteria.

The proposed text amendments are narrow in scope in two ways: 1) they would apply only to properties in the HHS DP area that are zoned SU-2/CRZ, and 2) they would be tied to a state-regulated license. Beer and wine would be allowed to be sold on-premise in conjunction with a small brewer's license or a winegrower's license. Off-premise sales of beer and wine would be allowed provided that a conditional use is obtained. The sale of distilled alcohol, also known as dispensing, and miniatures is not included.

Intent

The overarching goal is to encourage the continued development of the designated commercial corridors in the Huning Highland community, and to support these locations as viable commercial and residential areas as a way of improving and revitalizing the larger area.

The intent is to allow taprooms as a use; currently only restaurants are allowed to sell alcohol. Taprooms, tasting rooms and bars without food service cannot currently sell alcohol for on-premise or off-premise consumption. The idea is to allow and support the sale of locally-produced beers and wines, which is generally considered a desired form of local economic development. Beer and wine would be available at the establishment (on-premise consumption) and it would be possible to take some home in a growler (off-premise consumption).

Environmental Planning Commission (EPC) Role

The proposed text amendments are contained in Council Bill No. R-15-262. The legislation was introduced at the City Council meeting on October 19, 2015 and referred to the EPC.

The EPC's task is to make a recommendation to the City Council regarding the proposed changes to the HHS DP. The City Council is the City's Zoning Authority and will make the final decision. The EPC is a recommending body with review authority. In this case, pursuant to §14-16-2-23 (SU-2 Special Neighborhood Zone), the EPC is charged with making a recommendation regarding a sector development plan, such as the HHS DP, which specifies new development and redevelopment that is appropriate for a given neighborhood.

II. BACKGROUND

Context

The Huning Highland Sector Development Plan (HHSDP) area is within the Central Urban Area of the Comprehensive Plan. The HHSDP includes the area south of MLK (Grand) Ave., north of Coal Ave., east of Locust St. and generally west of Broadway Blvd. Central Ave. runs west-east approximately in the middle of the Plan area.

The SU-2/CRZ Corridor Revitalization Zone is located on the eastern side of Broadway Blvd. SE, between Coal Ave. SE and Central Ave., and along most of both sides of Central Ave., between Broadway Blvd. and Locust St., which is very close to Interstate 25. Land uses in the vicinity of the corridors include a variety of commercial retail, commercial services and multi-family residential. The great majority single-family land use is located internal to the HHSDP area, as opposed to along the corridors.

Similarly, the Huning Highland Historic District generally applies to the areas north and east of the corridors, internal to the Plan area (see attachment). Along the corridors, the Central Avenue Neon Design Overlay Zone (CANDOZ) applies to several properties.

Huning Highland Sector Development Plan History

The HHSDP was originally adopted in 1977 (R4-1977) and amended in 1978 because substantial changes were needed. Planning efforts began in 1985 to rewrite zoning language, clarify requirements and update existing conditions. Staff determined that a new Plan, rather than an amendment, should be prepared. The result is the existing HHSDP, which was adopted in 1988 (Bill No. R-336, Enactment No. 3-1988). The HHSDP established zoning throughout the Plan area and used the SU-2 designation.

Two amendments were enacted in 2005. One established the SU-2/CRZ Corridor Revitalization Zone, which is the subject of the proposed text amendments (Bill No. R-04-155, see attachment). The SU-2/CRZ Zone replaced the SU-2/NCR Neighborhood Commercial Residential Zone for most properties along the corridors. The other amendment amended the Historic Overlay Zone legislation to establish the Huning Highland-East Downtown Urban Conservation Overlay Zone and associated regulations. The HHSDP can be found online at:

http://www.cabq.gov/planning/documents/copy_of_HuningHighlandSDPcompleteLegislation.pdf

III. ZONING

The proposed text amendments are limited in scope to only the SU-2/CRZ Corridor Revitalization Zone in the HHSDP (see attachment- map). The SU-2/CRZ Zone, established in 2005, corresponds to the C-1 Neighborhood Commercial Zone of the Zoning Code, with six exceptions regarding permissive uses. Conditional uses correspond to those in the C-1 and R-3 zones, and are as regulated by the Huning Highland Urban Conservation Overlay Zone Regulatory Plan (HHUCOZRP).

The exceptions, or differences, between the C-1 zone and the SU-2/CRZ zone with respect to permissive uses are, in brief:

1. C-1 uses are allowed, but signs are regulated by the HHUCOZRP.
2. R-3 uses are allowed, but density and Floor Area Ratio (FAR) are regulated by the HHUCOZRP.
3. Restaurant with full-service liquor for on premise consumption, including micro-brewery.
4. Either a full-service grocery store, 40,000 sf or greater and not selling singles, miniatures, fortified wines or having more than 20% of its floor area for alcohol sales OR a full-service grocery store, 5,000 to 40,000 sf, with only wine and beer sales, no singles, no fortified wines and not more than 20% of its floor area for alcohol sales.
5. Only one of the above, in 4, shall be allowed at a time in the CRZ zone.
6. Full-Service grocery store is defined (for details, see attachment Bill No. R-04-155).

The proposed text amendments would affect Item 3 above, and would insert language regarding microbrewery, taproom, etc., in conjunction with a state-regulated license (see Section VI of this report). The use “microbrewery” was already included with the language allowing a restaurant with full-service alcohol (see 3, above). However, the Planning Department has interpreted this to mean that establishments that serve alcohol are intended to be associated with food service, which is consistent with the intent of the HHSDP to limit alcohol sales. The proposed text amendments would allow microbreweries and tap rooms that do not have food service, and would establish them as their own use category (rather than being grouped with restaurants, which are different).

The SU-2/CRZ Zone also states that building height and setbacks are as regulated in the HHUCOZRP. Requirements for parking and private open space are established. There are no restrictions on lot size.

IV. ANALYSIS APPLICABLE ORDINANCES, PLANS & POLICIES

Policy Citations are in Regular Text; *Staff Analysis is in Bold Italics*

A) Charter of the City of Albuquerque

The Citizens of Albuquerque adopted the City Charter in 1971. Applicable articles include:

Article I, Incorporation and Powers

“The municipal corporation now existing and known as the City of Albuquerque shall remain and continue to be a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the city to legislate is permissive and not mandatory. If the city does not legislate, it may nevertheless act in the manner provided by law. *The purpose of this Charter is to provide for maximum local self-government.* A liberal construction shall be given to the powers granted by this Charter.” (emphasis added)

Article IX, Environmental Protection

“The Council (City Commission) in the interest of the public in general shall protect and preserve environmental features such as water, air and other natural endowments, ensure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment. To affect these ends the Council shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority and staff sufficient to effectively administer city policy in this area.”

Adding provisions to the ROA 1994 to allow a microbrewery, taproom or similar establishment in the SU-2/CRZ Zone of the HHSDP is an exercise in local self-government (City Charter, Article 1). Amending the zone and sector plan to allow this use, with the requirement that it is in conjunction with a Small Brewer’s License or a Winegrower’s License, generally expresses the Council’s desire to ensure the proper use and development of land, and to generally promote and maintain an aesthetic and humane urban environment (City Charter, Article IX).

B) Comprehensive City Zoning Code

Authority and Purpose (summarized): The Zoning Code is Article 16 within Chapter 14 of the Revised Code of Ordinances of Albuquerque, New Mexico, 1994 (often cited as ROA 1994). The administration and enforcement of the Zoning Code is within the City’s general police power authority for the purposes of promoting the health, safety, and general welfare of the public. As such, the Zoning Code is a regulatory instrument for controlling land use activities for general public benefit.

Role of Land Use Boards (aka Amendment Procedure, summarized): The City Council is the zoning authority for the City of Albuquerque and has sole authority to amend the Zoning Code. Through the City Charter, the City Council has delegated broad planning and zoning authorities to the Environmental Planning Commission (EPC). The EPC is advisory to the City Council regarding proposed text amendments to the Zoning Code.

The application was filed in accordance with Zoning Code requirements. The proposed text amendments generally further the intent of the Zoning Code to promote the health, safety and general welfare of the public because they would allow an appropriately regulated form of land use and economic development in the HHSDP area.

The proposed text amendments would require a conditional use for off-premise alcohol sales. Through the Zoning Hearing Examiner (ZHE), the conditional use process is a standard process for individually reviewing and approving (where appropriate) uses that are determined to be non-injurious to the neighborhood and community. Notification of neighborhood organizations and property owners is required. Concerned parties can attend a public hearing, submit testimony, and appeal the decision provided they have standing.

C) Albuquerque/Bernalillo County Comprehensive Plan

The subject site is located in an area that the Albuquerque/Bernalillo County Comprehensive Plan has designated Central Urban, which is a portion of the Established Urban Area. Therefore, the

Central Urban Area is subject to policies of the Established Urban Area. The goal of the Central Urban Area is “to promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City.” Applicable Goals and policies include:

Established Urban Area

The Goal is to “create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas and life styles, while creating a visually pleasing built environment.”

The proposed text amendments would allow development of a new use in a limited area, along corridors, which would increase variety and choice of establishments in the HHS DP area. The use would be small-scale and consistent with community character and life style, which is beginning to be defined in part by its local businesses and services. New development would be subject to the design regulations of the Huning Highland Urban Conservation Overlay Zone Regulatory Plan (HHUCOZRP). The Established Urban Goal is furthered.

Land Use Policies-Developing & Established Urban Areas

Land Use Policy II.B.5a: The Developing Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

The request would allow development of a broader range of uses in the corridor zone of the HHS DP, which would increase the range of urban land uses in the area. Policy II.B.5a-full range of urban land uses, is generally furthered.

Policy II.B.5d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

The request would respect neighborhood values by facilitating an appropriately regulated and limited form of small-scale economic development in an appropriate location. The proposed text amendments would not allow sales of liquor, which the community has identified as undesirable in the area. The design of new development would be required to comply with the HHUCOZRP regulations. Staff is not aware of any opposition as of this writing. Environmental and recreational resources aren't really a factor here. The request furthers Policy II.B.5d-neighborhood/environmental conditions/resources.

Community Resource Management

Economic Development Goal: to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

The proposed text amendments generally further the Economic Development Goal because they would contribute to diversification of economic development opportunities in part of the

Huning Highland area, and would be narrow in scope and limited to establishments that sell local products. New development would be subject to the design regulations of the HHUCOZRP, which would help keep it consistent with the culture of the area.

Economic Development Policy II.D.6b: Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

The proposed text amendments would facilitate development of local business enterprises, specifically, the local beer and wine production industry, by allowing beer and wine sales in conjunction with a licensed establishment and along designated revitalization corridors. The request furthers Policy II.D.6.b- development of local business/outside firms.

D) Huning Highland Sector Development Plan (HHS DP), Rank III

The Huning Highland Sector Development Plan (HHS DP) includes the area south of MLK (Grand) Ave., north of Coal Ave., east of Locust St. and generally west of Broadway Blvd.

→ For history of the HHS DP, see Section II of this report.

The HHS DP contains an overarching Goal (p. 1) and eleven objectives (p. 6). The following apply to the request:

Goal: The continued development of Huning Highlands into a viable residential and commercial area, building on its unique historic character and location.

The SU-2/CRZ zone was established for some lots fronting Central Ave. and Broadway Blvd. to encourage development of these corridors as viable residential and commercial areas. The proposed text amendments further the abovementioned Goal because they would promote development along these corridors, and new development would be subject to the design regulations of the HHUCOZRP.

Objective 2: To encourage and support appropriate commercial development.

The proposed text amendments would encourage and support commercial development that is small-scale and located in an appropriate place- along designated corridors where revitalization is desired. The request furthers Objective 2.

Objective 7: To encourage and support local employment and local business development.

The proposed text amendments would encourage and support local business development by allowing a new kind of business, a microbrewery or tap room, to develop along designated corridors in the HHS DP area. The request furthers Objective 7.

V. ANALYSIS & ISSUES

Implementation

Staff spoke with Code Enforcement Staff regarding the proposed text amendments. As with any text amendments, the primary concern is whether or not they would be enforceable. In this case, Code Enforcement Staff believes that they would be enforceable. This is due to the proposed text

amendments' narrow scope and the fact that the sales of beer and wine would be allowed only in conjunction with a state-regulated license—a “small brewer’s license” as governed by 60-6A-26.1 NMSA 1978 or a “winegrower’s license” as governed by 60-6A-11 NMSA 1978.

There are several types of alcohol sales licenses available through the State of New Mexico. In contrast to licenses for wholesaling or dispensing that are very broadly defined, the Small brewer’s license and winegrower’s license are very specific and limited in scope. For example, the small brewer’s license allows the license holder to manufacture beer and sell their beer and the beer and wine of other, local beer makers (guest beers). No other alcohol can be sold under the terms of this license (see attachments for details).

The proposed text amendments do not include a definition for the terms mentioned (microbrewery, tap room, or tasting room). This is acceptable in this case and would not create a problem for enforcement because the terms are tied to a specific type of liquor license that has very clear parameters, in which terms are already defined. Therefore, there is not a need to include a new definition in Zoning Code §14-16-1-5, Definitions.

Plan Intent

The proposed legislation states that the intent of the alcohol sales prohibition in the HHSDP was to address community concerns about package liquor sales, particularly miniature bottles and fortified liquors. Sales of beer and wine are already allowed in conjunction with a restaurant or a grocery store in the SU-2/CCR zone, which was added to the HHSDP in 2005. Allowing sales of beer and wine by establishments other than a restaurant or grocery store, which are defined by the terms of a small brewer’s license or winegrower’s license, would not be contrary to the HHSDP (see also Section IV of this report).

VI. ANALYSIS of R-15-262- PROPOSED TEXT AMENDMENTS & DISCUSSION

Policy Citations are in Regular Text; Additions are [underlined]; Deletions are ~~[stricken]~~.
Staff Analysis is in Bold Italics. Staff’s suggested revisions are in **grey highlighting**.

The request consists of the following, proposed changes that would pertain only to the SU-2/CRZ Zone of the HHSDP (also see attachment):

“The CORRIDOR 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; provided, however, signs are regulated by the Huning Highland Urban Conservation Overlay Zone Regulatory Plan.
2. Permissive uses of the R-3 zone as further regulated by the Huning Highland Urban Conservation Overlay Zone Regulatory Plan. Density and floor area ratio shall be regulated by the Huning Highland Urban Conservation Overlay Zone and accompanying Regulatory Plan.
3. Restaurant with full-service liquor for on-premise consumption [, including

microbrewery].

[+4. Microbrewery, tap room, tasting room or similar establishment serving beer and/or wine for on-premise consumption with an approved "Small brewer's license" as governed by 60-6A-26.1 NMSA 1978 or an approved "Winegrower's license" as governed by 60-6A-11 NMSA 1978. Any brewery activities are to be conducted within a completely enclosed building. Brewery activities or products will not produce ~~odor~~, dust, smoke, noise, vibration or other impacts in excess of allowed standards.

~~[5. Alcoholic beverage sales of beer and/or wine for off-premise consumption in a microbrewery, tap room, tasting room or similar establishment with an approved "Small brewer's license" as governed by 60-6A-26.1 NMSA 1978 or an approved "Winegrower's license" as governed by 60-6A-11 NMSA 1978.]~~ text suggested to be moved

The above text is intended to be incorporated into the text of R-04-155 (see attachment), which is where the text of the SU-2/CRZ zone is located. Note that Section 2 of the currently proposed legislation (see attachment) states that the entire text of the SU-2/CRZ zone is to be inserted into a .pdf of the HHSDP beginning after page 35. The amended SU-2/CRZ zone will become part of the body of the HHSDP, in addition to being a bill inserted into the front of the document.

It's unclear what standards are referred to in 4, above. Staff is aware of standards for noise contained in the City's Noise Ordinance. There are also regulations pertaining to fugitive dust and smoke. These are enforced by the City's Environmental Health Department. Other standards, as well as other impacts not specifically mentioned, should apply as a safeguard to nearby residential uses, so the lack of specificity is probably not significant.

Staff points out an organizational issue. Sales of beer and wine for off-premise consumption is clearly intended to be a conditional use in the SU-2/CCR zone (see also introductory language of the proposed legislation). However, the proposed conditional use (see 5, above) is placed under the heading "A. Permissive Uses". Staff suggests that the text of paragraph 5 be moved to "B. Conditional Uses" of the SU-2/CCR zone and become a new B.2 on Line 19 of R-04-155 (see attachment), as shown below:

B. Conditional Uses:

1. Conditional uses of the C-1 zone, as further regulated by the Huning Highland Urban Conservation Overlay Zone Regulatory Plan.

[+2. Alcoholic beverage sales of beer and/or wine for off-premise consumption in a microbrewery, tap room, tasting room or similar establishment with an approved "Small brewer's license" as governed by 60-6A-26.1 NMSA 1978 or an approved "Winegrower's license" as governed by 60-6A-11 NMSA 1978.]

[+3.+] Conditional uses of the R-3 zone, as further regulated by the Huning Highland Urban Conservation Overlay Zone Regulatory Plan.

VII. SECTOR DEVELOPMENT PLAN MAP AMENDMENT

RESOLUTION 270-1980 (POLICIES FOR ZONE MAP AMENDMENTS)

Requirements

Resolution 270-1980 establishes policies to use when evaluating a zone map amendment (zone change) request. The burden is on the applicant to provide sound justification for the proposed change and demonstrate that several tests (Sections 1A-1J) have been met. The applicant must demonstrate that the existing zoning is inappropriate because: 1) there was an error when the existing zone map pattern was created; or 2) changed neighborhood or community conditions justify the change; or 3) a different land use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

Context

The request for the proposed text amendments must be justified pursuant to R270-1980, Sections 1A-1J, because this is a quasi-judicial matter. The proposed text amendments would apply to properties zoned SU-2/CCR in the HHSDP.

Justification

Analysis is in **bold text**. Quotations are from R270-1980.

SECTION 1A:

“A proposed zone change must be found to be consistent with the health, safety, morals and general welfare of the City.”

Consistency with the City’s health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and, in this case, the HHSDP, and is consistent with the intent of the Zoning Code. This has been demonstrated in the response to Section 1C herein. Furthermore, the new use would be adequately regulated and consistent with the HHSDP.

SECTION 1B:

“Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the City to show why the change should not be made.”

The request to add a new use (permissive and conditional) to the SU-2/CRZ Corridor Revitalization Zone would not destabilize land use or zoning. The proposed use is consistent with the goals and objectives of the HHSDP to encourage appropriate types of economic development and commercial uses in the designated corridors; the CRZ zone was created in 2005 precisely for this type of local economic development, which would not threaten the integrity of nearby historic neighborhoods.

Also, the request is carefully constructed to allow sales of beer and wine only in conjunction with a state-licensed establishment; alcohol sales is not included. Off-premise sales of beer

and wine would be a conditional use, which would require neighborhood notification and a public hearing.

SECTION 1C:

“A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City.”

The test under Section 1C is whether or not there is “significant conflict” with adopted elements of the Comprehensive Plan or other City master plan such as a sector development plan. The proposed text amendments do not conflict with adopted elements of the Comprehensive Plan or the Huning Highland Sector Development Plan, as demonstrated by the policy analysis herein (see Section IV of this report). The proposed text amendments further the Established Urban Goal and land use policies II.B. 5a and 5d; the Economic Development Goal and Policy II.D.6b; and the Goal of the HHSDP and Objectives 2 and 7.

SECTION 1D:

“The applicant must demonstrate that the existing zoning is in appropriate because:

- 1) there was an error when the existing zone map pattern was created, or
- 2) changed neighborhood or community conditions justify the change, or
- 3) a different use category is more advantageous to the community, as articulated in the comprehensive Plan or other City master plan, even though (1) and (2) above do not apply.”

Justification 3 applies. The proposed change would be more advantageous to the community, as articulated in applicable Plans. As discussed, the Comprehensive Plan and the HHSDP specifically encourage development of local businesses and economic development that is compatible with the area. The policy-based justification provided in Section IV demonstrates that the revised, proposed SU-2/CRZ zoning category would be more advantageous to the community than the current zoning.

SECTION 1E:

“A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood or the community.”

The new permissive use in the SU-2/CRZ zone is a microbrewery or tap room that sells beer or wine for on-premise consumption. The use would not be harmful to adjacent property, the neighborhood or the community because it would be tied to state-license that only allows sales of local beer or wine and therefore would be limited in scope. Sales of beer or wine for off-premise consumption would be a conditional use. A public hearing before the Zoning Hearing Examiner (ZHE) would be required. This additional review would help ensure compatibility with the neighborhood and surrounding area.

SECTION 1F:

“A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the City may be:

- 1) denied due to lack of capital funds, or
- 2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.”

The request would not result in any capital expenditures by the City. All costs would be borne by the property owners and/or business owners.

SECTION 1G:

“The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.”

The cost of land or other economic considerations are not the determining factor for the proposed text amendments. The desire to foster local economic development along designated corridors is the reason for the request.

SECTION 1H:

“Location on a collector or major street is not in itself sufficient justification of apartment, office or commercial zoning.”

The location of the SU-2/CRZ zone along the major streets of Broadway Blvd. and Central Ave. is not being used, in itself, as justification for the request. The request is justified based upon it being more advantageous to the community than the current zoning (see responses to Section 1C and 1D, herein).

SECTION 1I:

“A zone change request which would give a zone different from surrounding zoning to one small area, especially when only premise is involved, is generally called a ‘spot zone’. Such a change of zone may be approved only when:

- 1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, or
- 2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic or special adverse land uses nearby, or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.”

The proposed text amendments would apply to the entire SU-2/CCR Zone rather than one small area or a single premise. Therefore, the request is not considered a spot zone.

SECTION 1J:

“A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called ‘strip zoning’. Strip commercial zoning will be approved only where:

- 1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, and

2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.”

The proposed text amendments would apply to the entire SU-2/CCR Zone, which is located along Broadway Blvd. and Central Ave. The SU-2/CCR Zone was created in 2005 along portions of these streets; in modifying this zone the proposed text amendments could be considered to affect a “strip of land along a street”. However, it has been demonstrated herein that the proposed zone change will clearly facilitate realization of applicable Goals, policies and objectives in the Comprehensive Plan and the HHSDP and therefore is justifiable.

Conclusion: The proposed text amendments are justified pursuant to R270-1980. The response to Section 1C demonstrates that the request furthers Goals, policies and objectives in applicable Plans. The response to Section 1D shows that the request would result in zoning that would be more advantageous to the community than the current zoning. The remaining sections of R270-1980 are adequately addressed.

VIII. COMMENTS

Concerns of Reviewing Agencies

Few comments were submitted. Office of Neighborhood Coordination (ONC) Staff stated that the Downtown list of neighborhood organizations is required to be notified. Code Enforcement Staff did not comment as part of agency comments. Rather, Staff spoke with a Zoning Enforcement Manager individually. He indicated that the proposed text amendments are enforceable due to their narrow scope and association with a state-regulated license. Agency comments begin on p. 20.

Neighborhood & Other Concerns

The proposed text amendments were announced in the November/December 2015 issue of the Neighborhood News (NN) (see attachment). Staff sent a brief article to ONC Staff to include in the NN.

For text amendments to sector development plans, the Zoning Code requires the same notification as it does for changes to the text of the Zoning Code. The Planning Department notified representatives of 10 neighborhood associations and coalitions on the Downtown list provided by ONC Staff (see attachments). Property owners within 100 feet of properties zoned SU-2/CRZ were also notified.

As of this writing, Staff was contacted by three people who requested information about the proposed text amendments. Staff has not received any written comments and is unaware of any opposition to the request.

IX. CONCLUSION

The sale of alcoholic beverages for on-premise and off-premise consumption is currently prohibited in the SU-2/CRZ Zone of the Huning Highland Sector Development Plan (HHSDP) unless it is in conjunction with a restaurant or a grocery store meeting certain criteria, respectively.

The SU-2/CRZ Corridor Revitalization Zone is located on the eastern side of Broadway Blvd. SE, between Coal Ave. SE and Central Ave., and along most of both sides of Central Ave., between Broadway Blvd. and Locust St. (very close to I-25).

The purpose of the proposed text amendments is to allow microbreweries or tap rooms to sell local craft beers and local wines for on-premise consumption, and for off-premise consumption (growlers) if a conditional use is obtained. Staff finds that the proposed text amendments adequately regulate alcohol sales and are enforceable. As of this writing, there is no known opposition to the request. Three people have called Staff and requested information.

Staff recommends that the EPC forward a recommendation of approval, subject to minor conditions for recommendation of approval, to the City Council.

RECOMMENDED FINDINGS – 15EPC-40069, December 10, 2015 – Text Amendments to the Huning Highland Sector Development Plan

1. The City of Albuquerque City Council proposes to amend the SU-2/CRZ Corridor Revitalization Zone of the Huning Highland Sector Development Plan (HHSDP) to allow: 1) the sale of beer and wine for on-premise consumption for establishments with a small brewer's license or winegrower's license that are not restaurants, and 2) alcohol sales for off-premise consumption for establishments with a small brewer's license or winegrower's license if a conditional use is obtained.
2. The proposed text amendments are found in Council Bill No. R-15-262, which was introduced at the City Council on October 19, 2015 and subsequently referred to the Environmental Planning Commission (EPC). The EPC is tasked with evaluating the request and forwarding a recommendation to the City Council.
3. The intent of the request is to encourage the continued development and redevelopment of designated commercial corridors in the Huning Highland area by allowing microbreweries, taprooms, and tasting rooms in the SU-2/CRZ Zone to sell beer and wine. The idea is to support the sale of locally-produced beers and wines, which is generally considered a desired form of local economic development. Beer and wine would be available at the establishment (on-premise consumption) and it would be possible to take some home in a growler (off-premise consumption).
4. The proposed text amendments are closely tailored to apply only to properties in the HHSDP area that are zoned SU-2/CRZ. Beer and wine could be sold on-premise in conjunction with a small brewer's license or a winegrower's license, and off-premise provided a conditional use is obtained through the Zoning Hearing Examiner (ZHE) process. The sale of distilled alcohol or miniature bottles is not included.
5. The Charter of the City of Albuquerque, the Albuquerque/Bernalillo County Comprehensive Plan, the Huning Highland Sector Development Plan (HHSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The request meets the intent of the City Charter: Amending the text of an adopted sector development plan falls within the City's powers and is an exercise in local self-government (Article I). Amending a sector plan to allow this use in the SU-2/CRZ Zone, with the requirement that it be in conjunction with a Small Brewer's License or a Winegrower's License, generally expresses the Council's desire to ensure the proper use and development of land (Article IX).
7. The request generally furthers the intent of the Zoning Code to promote the health, safety and general welfare of the public because it would allow an appropriately regulated form of land

use and economic development in the HHSDP area. The application was filed in accordance with Zoning Code requirements. As the zoning authority for the City of Albuquerque, the City Council will make the final determination.

8. The proposed text amendments would require a conditional use for off-premise alcohol sales. Through the Zoning Hearing Examiner (ZHE), the conditional use process is a standard process for individually reviewing and approving (where appropriate) uses that are determined to be non-injurious to the neighborhood and community. Notification of neighborhood organizations and property owners is required. Concerned parties can attend a public hearing, submit testimony, and appeal the decision provided they have standing.
9. The request furthers the following land use Goal and policies of the Comprehensive Plan:
 - A. Established Urban Goal: The proposed text amendments would allow development of a new use in a limited area, along corridors, which would increase variety and choice of establishments in the HHSDP area. The use would be small-scale and consistent with community character and life style, which is beginning to be defined in part by its local businesses and services. New development would be subject to the design regulations of the Huning Highland Urban Conservation Overlay Zone Regulatory Plan (HHUCOZRP).
 - B. Policy II.B.5a-full range of urban land uses: The request would allow development of a broader range of uses in the corridor zone of the HHSDP, which would increase the range of urban land uses in the area.
 - C. Policy II.B.5d- neighborhood/environmental conditions/resources: The request would respect neighborhood values by facilitating an appropriately regulated and limited form of small-scale economic development in an appropriate location. The proposed text amendments would not allow sales of liquor, which the community has identified as undesirable in the area. The design of new development would be required to comply with the HHUCOZRP regulations. Staff is not aware of any opposition as of this writing.
10. The request furthers the following Economic Development Goal and policy of the Comprehensive Plan:
 - A. Goal: The proposed text amendments generally further the Economic Development Goal because they would contribute to diversification of economic development opportunities in part of the Huning Highland area, and would be narrow in scope and limited to establishments that sell local products. New development would be subject to the design regulations of the HHUCOZRP, which would help keep it consistent with the culture of the area.
 - B. Policy II.D.6b- development of local business/outside firms: The proposed text amendments would facilitate development of local business enterprises, specifically, the local beer and wine production industry, by allowing beer and wine sales in conjunction with a licensed establishment and along designated revitalization corridors.

-
11. The request furthers the overarching Goal and objectives of the HHSDP:
- A. Goal: The proposed text amendments would promote development along these corridors, and new development would be subject to the design regulations of the HHUCOZRP.
 - B. Objective 2: The proposed text amendments would encourage and support commercial development that is small-scale and located in an appropriate place- along designated corridors where revitalization is desired.
 - C. Objective 7: The proposed text amendments would encourage and support local business development by allowing a new kind of business, a microbrewery or tap room, to develop along designated corridors in the HHSDP area.
12. The proposed text amendments to the HHSDP are justified pursuant to Resolution 270-1980, as follows:
- A. Section 1A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and, in this case, the HHSDP, and is consistent with the intent of the Zoning Code. This has been demonstrated in the response to Section 1C. Furthermore, the new use would be adequately regulated and consistent with the HHSDP.
 - B. Section 1B: The request to add a new use (permissive and conditional) to the SU-2/CRZ Corridor Revitalization Zone would not destabilize land use or zoning. The proposed use is consistent with the goals and objectives of the HHSDP to encourage appropriate types of economic development and commercial uses in the designated corridors; the CRZ zone was created in 2005 precisely for this type of local economic development, which would not threaten the integrity of nearby historic neighborhoods. Also, the request is carefully constructed to allow sales of beer and wine only in conjunction with a state-licensed establishment; alcohol sales is not included. Off-premise sales of beer and wine would be a conditional use, which would require neighborhood notification and a public hearing.
 - C. Section 1C: The test under Section 1C is whether or not there is "significant conflict" with adopted elements of the Comprehensive Plan or other City master plan such as a sector development plan. The proposed text amendments do not conflict with adopted elements of the Comprehensive Plan or the Huning Highland Sector Development Plan, as demonstrated by the policy analysis herein (see Section IV of this report). The proposed text amendments further the Established Urban Goal and land use policies II.B. 5a and 5d; the Economic Development Goal and Policy II.D.6b; and the Goal of the HHSDP and Objectives 2 and 7.
 - D. Section 1D: The proposed change would be more advantageous to the community, as articulated in applicable Plans. As discussed, the Comprehensive Plan and the HHSDP specifically encourage development of local businesses and economic development that

is compatible with the area. The policy-based justification provided in Section IV demonstrates that the revised, proposed SU-2/CRZ zoning category would be more advantageous to the community than the current zoning.

- E. Section 1E: The new permissive use in the SU-2/CRZ zone is a microbrewery or tap room that sells beer or wine for on-premise consumption. The use would not be harmful to adjacent property, the neighborhood or the community because it would be tied to state-license that only allows sales of local beer or wine and therefore would be limited in scope. Sales of beer or wine for off-premise consumption would be a conditional use. A public hearing before the Zoning Hearing Examiner (ZHE) would be required. This additional review would help ensure compatibility with the neighborhood and surrounding area.
 - F. Section 1F: The request would not result in any capital expenditures by the City.
 - G. Section 1G: The cost of land or other economic considerations are not the determining factor for the proposed text amendments. The desire to foster local economic development along designated corridors is the reason for the request.
 - H. Section 1H: The location of the SU-2/CRZ zone along the major streets of Broadway Blvd. and Central Ave. is not being used, in itself, as justification for the request. The request is justified based upon it being more advantageous to the community than the current zoning (see responses to Section 1C and 1D, herein).
 - I. Section 1I: The proposed text amendments would apply to the entire SU-2/CCR Zone rather than one small area or a single premise. Therefore, the request is not a spot zone.
 - J. Section 1J: The proposed text amendments would apply to the entire SU-2/CCR Zone, which is located along Broadway Blvd. and Central Ave. The SU-2/CCR Zone was created in 2005 along portions of these streets; in modifying this zone the proposed text amendments could be considered to affect a "strip of land along a street". However, it has been demonstrated herein that the proposed zone change will clearly facilitate realization of applicable Goals, policies and objectives in the Comprehensive Plan and the HHSDP and therefore is justifiable.
13. The Downtown List of neighborhood organizations was notified: Barelás Neighborhood Association (NA), the Broadway Central Corridors Partnership, Inc., the Citizen's Information Committee of Martineztown, the Downtown NA, the Huning Highland Historic District Association, the Martineztown Work Group, the Raynold Addition NA, the Santa Barbara-Martineztown Association, the South Broadway NA, and the Downtown Action Team. Property owners within 100 feet of a property zoned SU-2/CRZ were also notified as required.

14. The request was advertised in the City's Neighborhood News newsletter. Staff was contacted by three people who requested information. As of this writing, Staff has not received any written comments and is unaware of any opposition to the request.

RECOMMENDATION – 15EPC-40069 – December 10, 2015

That a recommendation of APPROVAL of 15EPC-40069, text amendments to the SU-2/CRZ Zone of the Huning Highland Sector Development Plan, be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions for recommendation of approval.

CONDITIONS FOR RECOMMENDATION OF APPROVAL- 15EPC-40069, December 10, 2015- Zoning Code Text Amendments

Notes: New language is [+underlined and bracketed+]. Deleted language is [underlined, bracketed and struck through]. Planning Staff's suggested language is indicated by grey highlighting. Page references are to the proposed legislation (R-15-262).

1. Page 4, Line 19 of R-04-155, insert at Page 4, Line 24 of R-15-262)- move text and renumber the existing 2 and 3:

[+2. Alcoholic beverage sales of beer and/or wine for off-premise consumption in a microbrewery, tap room, tasting room or similar establishment with an approved "Small brewer's license" as governed by 60-6A-26.1 NMSA 1978 or an approved "Winegrower's license" as governed by 60-6A-11 NMSA 1978.+]

2. Page 3, Line 18 of R-15-262:

activities or products will not produce [odor+odor+], dust, smoke, noise, vibration or

Catalina Lehner

**Catalina Lehner-AICP
Senior Planner**

Notice of Decision cc:

City of Albuquerque, City Council, Attn: Andrew Webb, P.O. Box 1293, Abq. NM 87102
City of Albuquerque, Planning Department, P.O. Box 1293, Abq. NM 87102
Ophelia Cornet, Barelmas Neighbor. Assoc., 903 5th St SW, ABQ, NM 87102
Doug Majewski, Broadway Central Corr. Partner, P.O. Box 302, ABQ, NM 87103
Rob Dickson, Broadway Central Corr. Partner, P.O. Box 302, ABQ, NM 87103
Frank H. Martinez, Citizens Info. Committee of Martineztown, 501 Edith NE, ABQ, NM 87102
Sergio Viscoli, Citizens Info. Committee of Martineztown, 700 Don Cipriano Ct. NE, ABQ, NM 87102

Reba Eagles Downtown Neighborhoods Assoc., 1500 Lomas Blvd. NW Suite B, ABQ, NM 87104
Robert Bello, Downtown Neighborhoods Assoc., 1424 Roma Ave. NW, ABQ, NM 87104
Bonnie Anderson, Huning Highland Historic Dist. Assoc., 522 Edith SE, ABQ, NM 87102
Ann L. Carson, Huning Highland Historic Dist. Assoc., 416 Walter SE, ABQ, NM 87102
Loretta Naranjo Lopez, Martineztown Work Group, 1127 Walter NE, ABQ, NM 87102
Christina Dauber, Martineztown Work Group, 708 Don Tranquilino NE, ABQ, NM 87102
Bob Tilley, Raynolds Addition Neighborhood Assoc., 806 Lead Ave SW, ABQ, NM 87102

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement- has reviewed the proposed text amendments and spoken to Staff.

Office of Neighborhood Coordination

Downtown NA List consisting of the following: Barelas NA, Broadway Central Corridors Partnership, Inc. (R), Citizen's Information Committee of Martineztown (R), Downtown NA (R), Huning Highland Historic District Assoc. (R), Martineztown Work Group, Raynold Addition NA (R), Santa Barbara-Martineztown Assoc. (R), South Broadway NA (R), Downtown Action Team.

Long Range Planning

CITY ENGINEER

Transportation Development Services

No objection to the request.

Traffic Engineering Operations

Hydrology

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Traffic Engineering Operations

Street Maintenance

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Parks and Recreation Department has reviewed and has no adverse comments for this request.

Open Space Division

OSD has reviewed and has no adverse comments.

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division
 No Comments.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

Project # 1010650 15EPC-40069 TEXT AMENDMENT TO SECTOR DEVELOPMENT PLAN FOR ALL OR PORTION OF HINNING HIGHLAND SECTOR DEVELOPMENT PLAN CORRIDOR REVIITALIZATION ZONE TO ALLOW FOR THE SALE OF BEER & WINE ZONED SU2/CRZ.	Adjacent and nearby routes	None.
	Adjacent bus stops	None.
	Site plan requirements	None.
	Large site TDM suggestions	None.
	Other information	None

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

ALBUQUERQUE PUBLIC SCHOOLS

Project #1010650 15EPC-40069 TEXT AMENDMENT TO SECTOR DEVELOPMENT PLAN	The City of Albuquerque proposes an Amendment to the Huning Highland Sector Development Plan’s Corridor Revitalization Zone (SU-2/CRZ) to allow the sale of beer and wine for on-premise consumption for establishments with a “Small Brewers License” or a “Winegrower’s License” which are not restaurants, and alcohol sales for off-premise consumption for establishments with a “Small Brewers License” or a “Winegrower’s License” as a Conditional Use. Albuquerque Public Schools does not oppose this proposal.
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MID-REGION COUNCIL OF GOVERNMENTS

MRMPO has no adverse comments.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

ZONING

**CITY of ALBUQUERQUE
SIXTEENTH COUNCIL**

COUNCIL BILL NO. F/S R-04-155 ENACTMENT NO. R-2005-033

SPONSORED BY: **ERIC GRIEGO**

1 **RESOLUTION**
2 **AMENDING THE HUNING HIGHLAND SECTOR DEVELOPMENT PLAN TO**
3 **ESTABLISH THE SU-2/CRZ CORRIDOR 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 **STREET 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 **Corridor 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 net leasable area; 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 Huning Highland**
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 CORRIDOR 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; provided, however, signs are
9 regulated by the Huning Highland Urban Conservation Overlay Zone
10 Regulatory Plan.

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

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

17 4. Either:

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

- 22 (1) No sales of broken packages (singles);
- 23 (2) No sales of miniatures or distilled spirits in
- 24 quantities less than 750 milliliters;
- 25 (3) No sales of fortified wines with a volume of
- 26 alcohol of more than 13.5 percent; and

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

29 OR

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

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

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

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

16 B. Conditional Uses:

17 1. Conditional Uses of the C-1 zone, as further regulated by the
18 Huning Highland Urban Conservation Overlay Zone Regulatory Plan.

19 2. Conditional Uses of the R-3 Zone, as further regulated by the
20 Huning Highland Urban Conservation Overlay Zone Regulatory Plan.

21 C. Building Heights: As regulated by the Huning Highland Urban
22 Conservation Overlay Zone Regulatory Plan.

23 D. Parking Requirements: Shared parking of all uses is encouraged.
24 The following specific ratios are required:

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

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

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

31 4. Restaurants: 1 space per 4 seats.

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

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

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

6 8. On-street parking spaces abutting the site and within the
7 Huning Highland Urban Conservation Overlay zone may be used in calculating
8 parking requirements.

9 9. Off-site parking spaces in parking structures within the Huning
10 Highland Urban Conservation Overlay zone may be used in calculating
11 parking requirements.

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

14 E. Setbacks: All building setbacks are as regulated by the Huning
15 Highland Urban Conservation Overlay Zone Regulatory Plan.

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

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

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

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

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

- 4 Block 1, Lots 1-2 and Lots 7-12 Brownwell and Lail's Highland Addition
- 5 Block 44, Lots 4-6 and Lots 10-12, Huning's Highlands Addition
- 6 Block 25, Lots 4-6 and Lots 9-12, Huning's Highlands Addition
- 7 Block 22, Lots 5-6 and Lots 10-12, Huning's Highlands Addition
- 8 Block 43, Lots 1-3 and Lots 7-9, Huning's Highlands Addition
- 9 Block 26, Lot A (replat of Lots 1-3 and Lots 7-9), Huning's Highlands
- 10 Addition
- 11 Block 21, Lots 1-2 and Lots 7-9, Huning's Highlands Addition
- 12 Block 9, Lots 1-3 and Lots 7-12, Huning's Highlands Addition
- 13 Block 8, Lots 7-12, Huning's Highlands Addition
- 14 Block 7, Lots 7-12, Huning's Highlands Addition
- 15 Block 6, Lots 7-12, Huning's Highlands Addition

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

25 **SECTION 5. SUPPLEMENTAL POLICIES.**

26 A. Section 1C, page 37, of the Huning Highland Sector Development
27 Plan regarding conditions for a parking variance is amended on line 4 to state
28 that the provisions apply in any zone in the Huning Highland Sector
29 Development Plan area "except the SU-2/CRZ zone".

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1 B. Section 3D, page 40 of the Huning Highland Sector Development
2 Plan regarding parking is amended by inserting the following subsection:
3 "Neighborhood Permit Parking. Residents of the Huning Highland
4 Neighborhood are concerned that redevelopment within the SU-2/CRZ
5 Corridor Revitalization Zone will result in insufficient on-street parking in
6 residential areas such that it will become very difficult for residents and their
7 guests to find available parking. The Huning Highland Historic District
8 Association or the residents of any block within the Plan area may initiate a
9 petition and establish a Neighborhood Permit Parking system in the Huning
10 Highland Neighborhood without regard to the percentage of on-street parking
11 spaces used by persons who are not residents of the area. The City shall
12 evaluate, in consultation with neighborhood residents, whether the number of
13 visitor passes should be increased to two passes and whether a system of
14 additional day passes should be put in place."

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

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

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1 Highland Historic District Association and the Broadway Central Corridors
2 Partnership. If a majority of the participants at this meeting support the traffic
3 management plan, the City shall attempt to obtain CIP, state, and federal funds
4 to implement the plan."

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

8 "C. Business Improvement District and Tax Increment Financing.
9 The City may establish a Tax Increment Financing (TIF) district within the
10 boundaries of the Huning Highland Sector Development Plan Area. The funds
11 raised through the TIF mechanisms shall be used, according to a plan to be
12 adopted by the City Council, for the following purposes: gap financing, if
13 needed; to implement City affordable housing policies; acquire sites and
14 develop public civic space; and other purposes as needed. The City Council
15 shall encourage the property owners to establish a Business Improvement
16 District (BID) within the boundaries of the East Downtown Master Plan area.
17 The funds raised through the BID mechanisms shall be used, according to a
18 plan to be adopted by the City Council, for the following purposes: gap
19 financing, if needed, to meet the affordable housing goals established in this
20 legislation; acquire sites and develop public civic space; construct shared
21 public parking structures; personnel costs to enforce the Neighborhood
22 Permit Parking system, if implemented, established to address neighborhood
23 parking problems resulting from the redevelopment of the UCOZ area;
24 security services similar to those provided by the Downtown Action Team
25 (such as Ambassador Program and APD over-time costs); and other
26 purposes as needed."

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

29 "Affordable Housing. The City affordable housing creation goals within
30 the Huning Highland Sector Development Plan area are that: (1) 20% of the
31 new owner-occupied housing should be affordable to households earning
32 80% or less of Area Median Income (AMI) spending no more than 30% of
33 household income on housing costs defined as PITI (principal and interest as

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

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

17 SECTION 7. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
18 clause, word or phrase of this resolution, other than Section 1.A.4, which
19 establishes as a permissive use one full service grocery store with package
20 liquor sales for consumption off-premise, is for any reason held to be invalid
21 or unenforceable by any court of competent jurisdiction, such decision shall
22 not affect the validity of the remaining provisions of this resolution. The
23 Council hereby declares that it would have passed this resolution and each
24 section, paragraph, sentence, clause, word or phrase thereof, with the
25 exception of Section 1.A.4, irrespective of any provisions being declared
26 unconstitutional or otherwise invalid.

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1 PASSED AND ADOPTED THIS 7th DAY OF March, 2005
2 BY A VOTE OF: 8 FOR 1 ABSTAIN.

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Yes: 8
Abstain: Winter

Brad Winter
Brad Winter, President
City Council

APPROVED THIS 23rd DAY OF March, 2005

Bill No. F/S R-04-155

Martin J. Chavez
Martin J. Chavez, Mayor
City of Albuquerque

ATTEST:

[Signature]
City Clerk

[+ Bracketed/Underscored Material +] - New
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PROPOSED LEGISLATION

Bill No. R-15-262 & Legislative Tracking (History)

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[Bracketed/Underscored Material] - Deleted

1 WHEREAS, the Planning Department has interpreted this language to mean
2 that alcohol-serving establishments in the SU-2/CRZ zone must be restaurants
3 and may not be taprooms, tasting rooms or bars without foodservice; and

4 WHEREAS, there is an increasing interest throughout the City in taprooms,
5 tasting rooms or bars that serve locally-brewed craft beers and locally-produced
6 wines; and

7 WHEREAS, proposals to establish such businesses in the Huning Highland
8 Sector Development Plan's SU-2/CRZ zone area have been precluded by the
9 regulations established by this zone; and

10 WHEREAS, the Huning Highland Sector Development Plan also establishes
11 specific regulations for the sale of alcohol for off-premise consumption, limiting
12 such establishments to full-service grocery stores; and

13 WHEREAS, the record for F/S R-04-155 and similar zoning amendments in
14 other areas suggests that this prohibition was intended to address community
15 concerns about the impacts of packaged liquor sales and, in particular, the sale
16 of miniature bottles and fortified liquors; and

17 WHEREAS, certain establishments in the Huning Highland area have
expressed a desire to sell locally-produced alcoholic beverages for off-premise
consumption; and

WHEREAS, the New Mexico state statute that defines "Small brewer's license"
(60-6A-26.1 NMSA 1978) authorizes one to whom a small brewer's license is
issued to sell beer in unbroken packages for consumption off premises; and

WHEREAS, the New Mexico state statute that defines "Winegrower's license"
(60-6A-11 NMSA 1978) authorizes one to whom a winegrower's license is issued
to sell wine in unbroken packages for consumption off premises; and

WHEREAS, allowing an opportunity for small brewers and winegrowers to sell
their products for off-premise consumption, subject to certain restrictions and
procedures, is consistent with the Huning Highland Sector Development Plan.

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

31 SECTION 1. Section A of the text of the Huning Highland Sector Development
32 Plan's SU-2/Corridor Revitalization Zone (SU-2/CRZ), the permissive uses, is
33 hereby amended as follows:

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- 1 "The CORRIDOR REVITALIZATION ZONE (SU-2/CRZ) corresponds to the C-1
- 2 Neighborhood Commercial Zone of the Comprehensive City Zoning Code with the
- 3 following exceptions:
- 4 **A. Permissive Uses:**
- 5 1. Permissive uses of the C-1 zone; provided, however, signs are regulated by
- 6 the Huning Highland Urban Conservation Overlay Zone Regulatory Plan.
- 7 2. Permissive uses of the R-3 zone as further regulated by the Huning Highland
- 8 Urban Conservation Overlay Zone Regulatory Plan. Density and floor area
- 9 ratio shall be regulated by the Huning Highland Urban Conservation Overlay
- 10 Zone and accompanying Regulatory Plan.
- 11 3. Restaurant with full-service liquor for on-premise consumption[, including
- 12 ~~microbrewery~~].
- 13 [+4. Microbrewery, tap room, tasting room or similar establishment serving
- 14 beer and/or wine for on-premise consumption with an approved "Small
- 15 brewer's license" as governed by 60-6A-26.1 NMSA 1978 or an approved
- 16 "Winegrower's license" as governed by 60-6A-11 NMSA 1978. Any brewery
- 17 activities are to be conducted within a completely enclosed building. Brewery
- 18 activities or products will not produce odor, dust, smoke, noise, vibration or
- 19 other impacts in excess of allowed standards.
- 20 5. Alcoholic beverage sales of beer and/or wine for off-premise consumption in
- 21 a microbrewery, tap room, tasting room or similar establishment with an
- 22 approved "Small brewer's license" as governed by 60-6A-26.1 NMSA
- 23 1978 or an approved "Winegrower's license" as governed by 60-6A-11 NMSA
- 24 1978.+]"
- 25 [4.] [+6+] Either:
- 26 a. One full service grocery store with package liquor sales for consumption
- 27 off-premise, provided that the store is 40,000 square feet or greater net
- 28 leasable area and within a building containing residential and/or office
- 29 uses, with the following further restrictions:
- 30 (1) No sales of broken packages (singles);
- 31 (2) No sales of miniatures or distilled spirits in quantities less than 750
- 32 milliliters;

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Material
Added
to
Section 2
of
Resolution
No. 1130
on
7/11/11

- 1 (3) No sales of fortified wines with a volume of alcohol of more than 13.5
- 2 percent; and
- 3 (4) The area for display and sale of liquor shall not exceed 20% of the
- 4 gross floor area of the grocery store;
- 5 OR

6 b. One full service grocery store with only wine and beer sales for

7 consumption off-premise provided that the store is between 5,000 and

8 40,000 square feet net leasable area and within a building containing

9 residential and/or office uses, with the following further restrictions:

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

16 [5.] [+7+] Only one full service grocery store with package liquor sales for

17 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.] [+8+] “Full service grocery store” shall mean a store primarily engage 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.

SECTION 2. The entire text of the Corridor Revitalization Zone (SU-2/CRZ),

which is currently contained only in the text of F/S-R-04-155, shall be inserted into

the pdf of the Huning Highland Sector Development plan beginning after page 35,

with required insert pages numbered as 35a, 35b and so on as necessary.

SECTION 3. EFFECTIVE DATE. This resolution shall take effect five days after

publication by title and general summary.

SECTION 4. 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

1 hereby declares that it would have passed this resolution and each section,
2 paragraph, sentence, clause, word or phrase thereof irrespective of any
3 provisions being declared unconstitutional or otherwise invalid.

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Details Reports

File #: R-15-262

Type: Resolution

File created: 10/19/2015

Status: In Committee

In control: Environmental Planning Commission

Final action:

Enactment #:

Enactment date:

Title: Amending The Text Of The Huning Highland Sector Development Plan's Corridor Revitalization Zone (SU-2/CRZ) To Allow The Sale Of Beer And Wine For On-Premise Consumption For Establishments With A "Small Brewer's License" Or A "Winegrower's License" Which Are Not Restaurants, And Alcohol Sales For Off-Premise Consumption For Establishments With A "Small Brewer's License" Or A "Winegrower's License" As A Conditional Use (Benton)

Attachments: 1. [R-262](#)

History (2) Text

2 records Group Export

Date	Action By	Action	Result	Action Details
10/19/2015	City Council	Introduced and Referred		Action details
10/19/2015	President	Referred		Action details

40

APPLICATION INFORMATION



SUBDIVISION

- Major subdivision action
- Minor subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- Administrative Approval (DRT, URT, etc.)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

Supplemental Form (SF)

S Z ZONING & PLANNING

- Annexation
- Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
- Adoption of Rank 2 or 3 Plan or similar Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
- Street Name Change (Local & Collector)
- L A APPEAL / PROTEST of...**
 - Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): COA PLANNING DEPT PHONE: 924.3860
 ADDRESS: 600 2ND ST NW FAX: 924.3399
 CITY: ALBU STATE NM ZIP 87102 E-MAIL: _____
 APPLICANT: COUNCIL SERVICES PHONE: _____
 ADDRESS: CITY/COUNTY BLDG FAX: _____
 CITY: ALBU STATE NM ZIP _____ E-MAIL: _____
 Proprietary interest in site: _____ List all owners: _____

DESCRIPTION OF REQUEST: TEXT AMENDMENT TO THE HUNING HIGHLAND SECTOR DEV. PLAN'S CORRIDOR REVITALIZATION ZONE (SU-2/CPZ)
 Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. ~~6074~~ Block: _____ Unit: _____
 Subdiv/Addn/TBKA: _____
 Existing Zoning: _____ Proposed zoning: _____ MRGCD Map No _____
 Zone Atlas page(s): _____ UPC Code: _____

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): _____

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? _____
 No. of existing lots: _____ No. of proposed lots: _____ Total site area (acres): _____

LOCATION OF PROPERTY BY STREETS: On or Near: _____

Between: _____ and _____

Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: _____

SIGNATURE [Signature] for City of Albuquerque DATE 10-28-15
 (Print Name) Maggi Gould Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 11/2014

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input type="checkbox"/> All checklists are complete	<u>ISEPC - 400691</u>	<u>ASBP</u>	_____	\$ <u>0</u>
<input type="checkbox"/> All fees have been collected	_____	_____	_____	\$ _____
<input type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	Total
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ <u>0</u>

V.A. **42** Hearing date December 10, 2015
 10-28-15 Project # 1010150

FORM Z: ZONE CODE TEXT & MAP AMENDMENTS, PLAN APPROVALS & AMENDMENTS

ANNEXATION (EPC08)

- Application for zone map amendment including those submittal requirements (see below).
Annexation and establishment of zoning must be applied for simultaneously.
 - Petition for Annexation Form and necessary attachments
 - Zone Atlas map with the entire property(ies) clearly outlined and indicated
NOTE: The Zone Atlas must show that the site is in County jurisdiction, but is contiguous to City limits.
 - Letter describing, explaining, and justifying the request
NOTE: Justifications must adhere to the policies contained in "Resolution 54-1990"
 - Letter of authorization from the property owner if application is submitted by an agent
 - Board of County Commissioners (BCC) Notice of Decision
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
 - Sign Posting Agreement form
 - Traffic Impact Study (TIS) form
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

- SDP PHASE I - DRB CONCEPTUAL PLAN REVIEW (DRBPH1)** (Unadvertised)
- SDP PHASE II - EPC FINAL REVIEW & APPROVAL (EPC14)** (Public Hearing)
- SDP PHASE II - DRB FINAL SIGN-OFF (DRBPH2)** (Unadvertised)

- Copy of findings from required pre-application meeting (needed for the DRB conceptual plan review only)
 - Proposed Sector Plan (30 copies for EPC, 6 copies for DRB)
 - Zone Atlas map with the entire plan area clearly outlined and indicated
 - Letter describing, explaining, and justifying the request
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for EPC public hearing only)
 - Traffic Impact Study (TIS) form (for EPC public hearing only)
 - Fee for EPC final approval only (see schedule)
 - List any original and/or related file numbers on the cover application
- Refer to the schedules for the dates, times and places of DRB and EPC hearings.* Your attendance is required.

AMENDMENT TO ZONE MAP - ESTABLISHMENT OF ZONING OR ZONE CHANGE (EPC05)

- Zone Atlas map with the entire property clearly outlined and indicated
 - Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980.
 - Letter of authorization from the property owner if application is submitted by an agent
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts
 - Sign Posting Agreement form
 - Traffic Impact Study (TIS) form
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

AMENDED TO SECTOR DEVELOPMENT MAP (EPC03)

AMENDMENT SECTOR DEVELOPMENT, AREA, FACILITY, OR COMPREHENSIVE PLAN (EPC04)

- Proposed Amendment referenced to the materials in the Plan being amended (text and/or map)
 - Plan to be amended with materials to be changed noted and marked
 - Zone Atlas map with the entire plan/amendment area clearly outlined
 - Letter of authorization from the property owner if application is submitted by an agent (map change only)
 - Letter describing, explaining, and justifying the request pursuant to Resolution 270-1980 (Sector Plan map change only)
 - Letter briefly describing, explaining, and justifying the request
 - Office of Neighborhood Coordination (ONC) inquiry response form, notification letter(s), certified mail receipts (for sector plans only)
 - Traffic Impact Study (TIS) form
 - Sign Posting Agreement
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATORY TEXT (EPC07)

- Amendment referenced to the sections of the Zone Code/Subdivision Regulations being amended
 - Sections of the Zone Code/Subdivision Regulations to be amended with text to be changed noted and marked
 - Letter describing, explaining, and justifying the request
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- EPC hearings are approximately 7 weeks after the filing deadline.* Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

_____ for Applicant name (print)
City of Albuquerque 10-29-15
 _____ Applicant signature & Date



Revised: June 2011

- Checklists complete
 - Fees collected
 - Case #s assigned
 - Related #s listed
- Application case numbers
 15EPC - 40069

_____ 10-29-15
 _____ Staff signature & Date
 Project # 1010650

43

60-6A-26.1. Small brewer's license.

A. In a local option district, a person qualified pursuant to the provisions of the Liquor Control Act, except as otherwise provided in the Domestic Winery, Small Brewery and Craft Distillery Act, may apply for and be issued a small brewer's license.

B. A small brewer's license authorizes the person to whom it is issued to:

- (1) manufacture or produce beer;
- (2) package, label and export beer, whether manufactured, bottled or produced by the licensee or any other person;
- (3) sell only beer that is packaged by or for the licensee to a person holding a wholesaler's license or a small brewer's license;
- (4) deal in warehouse receipts for beer;
- (5) conduct beer tastings and sell for consumption on or off premises, but not for resale, beer produced and bottled by, or produced and packaged for, the licensee, beer produced and bottled by or for another New Mexico small brewer on the small brewer's premises or wine produced by a winegrower pursuant to Section 60-6A-11 NMSA 1978;
- (6) be deemed a manufacturer for purposes of the Gross Receipts and Compensating Tax Act;
- (7) at public celebrations off the small brewer's premises, after the small brewer has paid the applicable fee for a small brewer's public celebration permit, conduct tastings and sell by the glass or in unbroken packages, but not for resale, beer produced and bottled by or for the small brewer or wine produced by a winegrower pursuant to Section 60-6A-11 NMSA 1978;
- (8) buy or otherwise obtain wine from a winegrower;
- (9) for the purposes described in this subsection, at no more than three other locations off the small brewer's premises, after the small brewer has paid the applicable fee for a small brewer's off-premises permit, after the director has determined that the off-premises locations meet the requirements of the Liquor Control Act and department rules for new liquor license locations and after the director has issued a small brewer's off-premises permit for each off-premises location, conduct beer tastings and sell by the glass or in unbroken packages for consumption off the small brewer's off-premises location, but not for resale, beer produced and bottled by or for the small brewer, beer produced and bottled by or for another New Mexico small brewer or wine produced by a winegrower pursuant to Section 60-6A-11 NMSA 1978;
- (10) allow members of the public, on the licensed premises and under the direct supervision of the licensee, to manufacture beer for personal consumption and not for resale using the licensee's equipment and ingredients; and
- (11) sell beer in a growler for consumption off premises.

C. At public celebrations off the small brewer's premises in a local option district permitting the sale of alcoholic beverages, the holder of a small brewer's license shall pay ten dollars (\$10.00) to the alcohol and gaming division of the regulation and licensing department for a "small brewer's public celebration permit" to be issued under rules adopted by the director. Upon request, the alcohol and gaming division of the regulation and licensing department may issue to a holder of a small brewer's license a public celebration permit for a location at the public celebration that is to be shared with other small brewers and winegrowers. As used in this subsection, "public celebration" includes a state or county fair, community fiesta, cultural or artistic event, sporting competition of a seasonal nature or activities held on an intermittent basis.

D. Sales and tastings of beer or wine authorized in this section shall be permitted during the hours set forth in Subsection A of Section 60-7A-1 NMSA 1978 and between the hours of noon and midnight on Sunday and shall conform to the limitations regarding Christmas and voting-day sales found in Section 60-7A-1 NMSA 1978 and the expansion of Sunday sales hours to 2:00 a.m. on January 1, when December 31 falls on a Sunday.

History: 1978 Comp., § 60-6A-26.1, enacted by Laws 1985, ch. 217, § 5; 1993, ch. 68, § 9; 1997, ch. 229, § 1; 1998, ch. 111, § 1; 1999, ch. 160, § 1; 2001, ch. 260, § 2; 2015, ch. 102, § 5; 2015, ch. 124, § 2.

60-6A-11. Winegrower's license.

A. A person in this state who produces wine is exempt from the procurement of any other license pursuant to the terms of the Liquor Control Act, but not from the procurement of a winegrower's license. Except during periods of shortage or reduced availability, at least fifty percent of a winegrower's overall annual production of wine shall be produced from grapes or other agricultural products grown in this state pursuant to rules adopted by the director; provided, however, that, for purposes of determining annual production and compliance with the fifty percent New Mexico grown provision of this subsection, the calculation of a winegrower's overall annual production of wine shall not include the winegrower's production of wine for out-of-state wine producer license holders.

B. A person issued a winegrower's license pursuant to this section may do any of the following:

- (1) manufacture or produce wine, including blending, mixing, flavoring, coloring, bottling and labeling, whether the wine is manufactured or produced for a winegrower or an out-of-state wine producer holding a permit issued pursuant to the Federal Alcohol Administration Act and a valid license in a state that authorizes the wine producer to manufacture, produce, store or sell wine;
- (2) store, transport, import or export wines;
- (3) sell wines to a holder of a New Mexico winegrower's, wine wholesaler's, wholesaler's or wine exporter's license or to a winegrower's agent;
- (4) transport not more than two hundred cases of wine in a calendar year to another location within New Mexico by common carrier;
- (5) deal in warehouse receipts for wine;
- (6) sell wines in other states or foreign jurisdictions to the holders of a license issued under the authority of that state or foreign jurisdiction authorizing the purchase of wine;
- (7) buy wine or distilled wine products from other persons, including licensees and permittees under the Liquor Control Act, for use in blending, mixing or bottling of wines;
- (8) buy or otherwise obtain beer from a small brewer for the purposes described in this subsection;
- (9) conduct wine tastings and sell, by the glass or by the bottle, or sell in unbroken packages for consumption off the premises, but not for resale, wine of the winegrower's own production, wine produced by another New Mexico winegrower on the winegrower's premises or beer produced and bottled by or for a small brewer pursuant to Section 60-2A-26.1 [60-6A-26.1] NMSA 1978;
- (10) at no more than three off-premises locations, conduct wine tastings, sell by the glass and sell in unbroken packages for consumption off premises, but not for resale, wine of the winegrower's own production, wine produced by another New Mexico winegrower or beer produced and bottled by or for a small brewer pursuant to Section 60-6A-26.1 NMSA 1978 after the director has determined that the off-premises locations meet the requirements of the Liquor Control Act and the department rules for new liquor license locations;
- (11) be deemed a manufacturer for purposes of the Gross Receipts and Compensating Tax Act [Chapter 7, Article 9 NMSA 1978];
- (12) at public celebrations on or off the winegrower's premises, after the winegrower has paid the applicable fees and been issued the appropriate permit, to conduct wine tastings, sell by the glass or the bottle, or sell in unbroken packages, for consumption off premises, but not for resale, wine produced by or for the winegrower;
- (13) sell wine or cider in a growler for consumption off premises; and
- (14) in accordance with the provisions of this section that relate to the sale of wine, accept and fulfill an order for wine that is placed via an internet web site, whether the financial transaction related to the order is administered by the licensee or the licensee's agent.

C. Sales of wine or beer as provided for in this section shall be permitted between the hours of 7:00 a.m. and midnight Monday through Saturday, and the holder of a winegrower's license or

public celebration permit may conduct wine tastings and sell, by the glass or bottle, or sell in unbroken packages for consumption off premises, but not for resale, wine of the winegrower's own production or beer produced and bottled by or for a small brewer pursuant to Section 60-6A-26.1 NMSA 1978 on the winegrower's premises between the hours of 12:00 noon and midnight on Sunday.

D. At public celebrations off the winegrower's premises in any local option district permitting the sale of alcoholic beverages, the holder of a winegrower's license shall pay ten dollars (\$10.00) to the alcohol and gaming division of the regulation and licensing department for a "winegrower's public celebration permit" to be issued under rules adopted by the director. Upon request, the alcohol and gaming division of the regulation and licensing department may issue to a holder of a winegrower's license a public celebration permit for a location at the public celebration that is to be shared with other winegrowers and small brewers. As used in this subsection, "public celebration" includes any state or county fair, community fiesta, cultural or artistic event, sporting competition of a seasonal nature or activities held on an intermittent basis.

E. Every application for the issuance or annual renewal of a winegrower's license shall be on a form prescribed by the director and accompanied by a license fee to be computed as follows on the basis of total annual wine produced or blended:

- (1) less than five thousand gallons per year, twenty-five dollars (\$25.00) per year;
- (2) between five thousand and one hundred thousand gallons per year, one hundred dollars (\$100) per year; and
- (3) over one hundred thousand gallons per year, two hundred fifty dollars (\$250) per year.

History: Laws 1981, ch. 39, § 28; 1985, ch. 15, § 1; 1987, ch. 98, § 2; 1988, ch. 60, § 3; 1993, ch. 329, § 2; 1995, ch. 122, § 1; 1998, ch. 109, § 2; 1999, ch. 211, § 1; 2001, ch. 248, § 1; 2001, ch. 260, § 1; 2005, ch. 216, § 1; 2011, ch. 71, § 1; 2015, ch. 102, § 4; 2015, ch. 105, § 1; 2015, ch. 124, § 1.

NOTIFICATION



City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

October 30, 2015

Catalina Lehner
City of Albuquerque
Planning Department
600 Second Street NW, Third Floor/87102
Phone: 505-924-3860/Fax: 505-924-3339
E-mail: clehner@cabq.gov

Dear Catalina:

Thank you for your inquiry of **October 30, 2015** requesting the names of **ALL Neighborhood and/or Homeowner Associations and Coalitions** who would be affected under the provisions of §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* by your proposed project at **(EPC SUBMITTAL) – TEXT AMENDMENT TO THE HUNING HIGHLAND SECTOR DEVELOPMENT PLAN'S CORRIDOR REVITALIZATION ZONE (SU-2/CRZ)** Zone Map: **J-K-14**.

Our records indicate that the **Neighborhood and/or Homeowner Associations and Coalitions** affected by this submittal and the contact names are as follows:

SEE "ATTACHMENT A" FOR THE NAMES OF THE NA/HOA/COALITIONS THAT NEED TO BE CONTACTED IN REGARDS TO THIS PLANNING SUBMITTAL – please attach this letter and "Attachment A" to your Application Packet ALONG with copies of the letters and certified mail receipts to the NA/HOA's – siw.

Please note that according to §14-8-2-7 of the *Neighborhood Association Recognition Ordinance* you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred.** If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

Sincerely,
Stephani Winklepleck
Neighborhood Liaison
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

planningrnaform(03/20/14)

PLEASE NOTE: The NA/HOA information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office.

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NA AND/OR HOA AND COALITION PROVIDED ON THIS LETTER.

ATTACHMENT A

(EPC SUBMITTAL) - TEXT AMENDMENT TO THE HUNING HIGHLAND SECTOR DEVELOPMENT PLAN'S CORRIDOR REVITALIZATION ZONE (SU-2/CRZ) Zone Map: K-14 for Catalina Lehner, Staff Planner.

BARELAS NEIGHBORHOOD ASSOCIATION

Ophelia Cornet
903 5th St. SW/87102 804-3054 (h)

BROADWAY CENTRAL CORRIDORS PARTNERSHIP, INC. (R)

Doug Majewski
P.O. Box 302/87103

Rob Dickson
P.O. Box 302/87103 515-5066 (c)

CITIZENS INFORMATION COMMITTEE OF MARTINEZTOWN (R)

Frank H. Martinez
501 Edith NE/87102 243-5267 (w)

Sergio Viscoli
700 Don Cipriano Ct. NE/87102

DOWNTOWN NEIGHBORHOODS ASSOCIATION (R)

Reba Eagles, c/o Original Medicine Acupuncture
1500 Lomas Blvd. NW, Ste. B/87104 604-3434 (c)

Robert Bello
1424 Roma Ave. NW/87104 872-0998 (h)

HUNING HIGHLAND HISTORIC DISTRICT ASSOCIATION (R)

Bonnie Anderson
522 Edith SE/87102 242-8848 (h)

Ann L. Carson
416 Walter SE/87102 242-1143 (h)

MARTINEZTOWN WORK GROUP

Loretta Naranjo Lopez
1127 Walter NE/87102 270-7716 (c)

Christina Dauber
708 Don Tranquilino NE/87102 243-1718 (h)

RAYNOLDS ADDITION NEIGHBORHOOD ASSOCIATION (R)

Bob Tilley
806 Lead Ave. SW/87102 263-9848 (h)

Deborah Foster
1307 Gold SW/87102 243-4865 (h)

SANTA BARBARA-MARTINEZTOWN ASSOCIATION (R)

Juan Lopez
800 Mountain Rd. NE/87102 459-1068 (c)

Christina Chavez
517 Marble NE/87102 459-4521 (c)

SILVER PLATINUM DOWNTOWN NEIGHBORHOOD ASSOCIATION (R)

Ron Casias
100 Silver Ave. SW, #212/87102 319-0958 (c)

Fred Williams
100 Silver Ave. SW, #223/87102

SOUTH BROADWAY NEIGHBORHOOD ASSOCIATION (R)

Frances Armijo
915 William SE/87102 247-8798 (h)

Gwen Colonel
900 John St. SE/87102 513-257-9414 (c)



November 18, 2015

Dear Neighborhood Organization Representative,

You are receiving this notification because you represent a neighborhood that the Office of Neighborhood Coordination (ONC) includes on its list of Downtown area neighborhoods.

The City of Albuquerque Planning Department, on behalf of City of Albuquerque Council Services, is submitting proposed text amendments to the Huning Highland Sector Development Plan (HHSDP) to amend the SU-2/CRZ Corridor Revitalization Zone.

The changes would apply only to properties zoned SU-2/CRZ.

Currently, the SU-2/CRZ zone of the HHSDP does not allow the sale of beer and wine for on-premise consumption unless the establishment is a restaurant. Alcohol sales for off-premise consumption is prohibited. The intent is to allow tap rooms as a use, and to allow them to sell growlers.

The proposed text amendments would allow:

- 1) the sale of beer and wine for on-premise consumption for establishments with a small brewer's license or winegrower's license that are not restaurants, and
- 2) alcohol sales for off-premise consumption for establishments with a small brewer's license or winegrower's license if a conditional use is obtained. [A conditional use must be applied for through the Zoning Hearing Examiner (ZHE) process; notification and a public hearing are included.]

The amendments are contained in Bill No. R-15-262, available at:

<https://cabq.legistar.com/Legislation.aspx>

The HHSDP is available at:

http://www.cabq.gov/planning/documents/copy_of_HuningHighlandSDPcompleteLegislation.pdf

The request will be heard at the December 10, 2015 Environmental Planning Commission (EPC) hearing. It is Project #1010650, 15EPC-40069. The agenda for the hearing will be available December 3, 2015 at the Case Distribution Session (3 pm, Plaza del Sol Basement Hearing Room, 600 Second St. NW) or at:

<http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission>

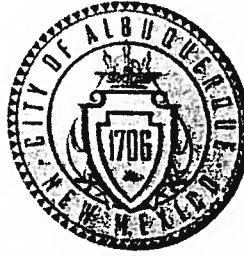
If you have questions, comments or concerns about this submittal, please contact the Staff Planner, Catalina Lehner, at (505) 924-3935 or clehner@cabq.gov, or Council Services Staff Andrew Webb at (505) 768-3161 or awebb@cabq.gov.

properties w/in 100' of properties zoned SU-2/CRZ



Parcels Within 100 Feet of Selected Hunting Highland SDP Areas

- Selected Parcels & Street
- 100 Foot Buffer of Selection
- Assessor Parcels
- Albuquerque Zoning
- Parcels Within 100 Foot Buffer
- Hunting Highland Sector Plan



NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Public Hearing on Thursday, December 10, 2015 at 8:30 a.m.**, in the Plaza del Sol Hearing Room, Lower Level Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following items:

Distribution of the Planning Department's staff reports regarding the following items will occur at a **Cas Distribution Session on Thursday, December 3, 2015 at 3:00 p.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol Building, 600 2nd St. NW, Albuquerque, NM.

Project# 1010650
15EPC-40069 Text Amendment to Sector
Development Plan

City of Albuquerque Planning Department, agent for City of Albuquerque Council Services, requests the above action to amend the SU-2/CRZ Corridor Revitalization Zone in the Huning Highland Sector Development Plan to allow: 1) the sale of beer and wine for on-premise consumption for establishments with a small brewer's license or winegrower license that are not restaurants, and 2) alcohol sales for on-premise consumption for establishments with a small brewer's license or winegrower's license as a conditional use.

Staff Planner: Catalina Lehner




Details of these applications may be examined at the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street NW, between 8:00 a.m. and 5:00 p.m., Monday through Friday, or you may call 924-3860. **INDIVIDUALS WITH DISABILITIES** who need special assistance to participate at the public hearing should call 924-3860.

Peter Nicholls, Chair
Environmental Planning Commission

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL NOVEMBER 23, 2015.

APPROVED



Kym Dicome
Urban Design & Development
Planning Department

ABQ Ride

Submitted by Rick De Reyes



“ASK ART”



Albuquerque Rapid Transit (ART)

Q: I have read the ABQ NAIOP “Study” reports from the FTA and other sources but still cannot find evidence of how ART will promote economic growth. Yes there is real evidence of real estate development along corridors where these buses travel but real estate development is being confused with economic growth. Why is this?

A: The NAIOP Study, for instance, says that development along the ART route could create several thousand new residences and importantly several thousand new jobs. The creation of jobs is the very definition of economic development. Organizations like LAVU, Molina, Fat Pipe and Innovate ABQ could go anywhere in the City they wanted. They chose the Central Corridor.

Q: Route 66 is sparsely populated from east to west. A number of Albuquerque’s largest employers are situated on this corridor; the City/County, UNM, two hospitals and Sandia Labs/ Kirtland Base. My question is how many of their employees actually live along Central? It seems to me that ART would be worth the investment only if we had an enormous population that needed to move along this corridor from end-to-end. Isn’t this true?

A: One mile wide and ten miles long, the Corridor contains about 5% of the area of the City of Albuquerque but is home to 15% of all households and 23% of all jobs in the City. The three routes on Central carry 42% of all transit ridership on the system and connect to 32 routes that crisscross the City. The Central Corridor is a busy place.

Q: Lomas Boulevard runs parallel to Central/Route 66 and also services all of the same employers. The difference is Lomas Boulevard has always been a service street from west of Downtown to Tramway Boulevard. Lomas Boulevard is low on character has very little charm almost no residential. If we must build the ART, why wouldn’t Lomas Boulevard be the best street to use?

A: Lomas Boulevard doesn’t serve important locations like the International District, Nob Hill and Presbyterian Hospital and does not perform the vital chore of crossing the Rio Grande River. Compared to Central Avenue (using the same one mile corridor approach) it has 20% fewer jobs and only half the number of households. Transit is supposed to connect people to places. Central Avenue is the much stronger Corridor.

Q: The proposed plans for Central Avenue tell me this project will not enhance the charm of the street but rather degrade its historic and charming value. At the least in areas where the streets are narrow and charming it will clog up the streets and slow traffic. Why would the city authorize and promote this?

A: The ART project will contribute and in some areas enhance the character of Central Avenue. Widening sidewalks, removing sidewalk ADA deficiencies, adding sidewalk landscaping and improving pedestrian lighting create a walkable environment. This type of environment attracts people and businesses. Many areas along Central Avenue want slower traffic. This increases the safety of pedestrian and bicycle users and makes businesses more “visible”.

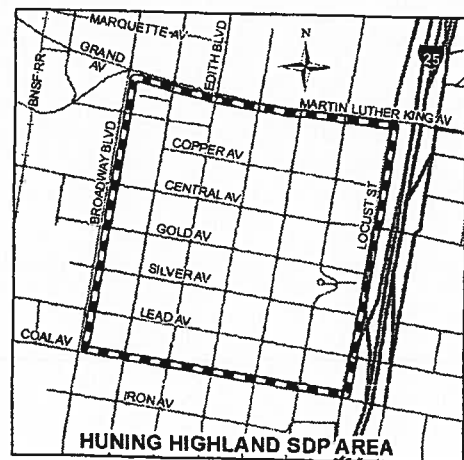
Planning Department

Submitted by Catalina Lehner

Proposed Text Amendments to the Huning Highland Sector Development Plan (HHSDP)

Proposed Text Amendments to the Huning Highland Sector Development Plan (HHSDP). At its regularly scheduled Public Hearing on December 10, 2015, the Environmental Planning Commission (EPC) will consider text amendments to the HHSDP to amend the SU-2/CRZ Corridor Revitalization Zone to allow: 1) the sale of beer and wine for on-premise consumption for establishments with a small brewer’s license or winegrower’s license that are not restaurants, and 2) alcohol sales for off-premise consumption for establishments with a small brewer’s license or winegrower’s license as a conditional use.

The intent is to allow licensed tap rooms as a permissive use and to allow the sale of growlers. The proposed text amendments would apply only to the HHSDP area. Please contact Catalina Lehner, AICP, Senior Planner at 505-924-3935 for more information.



CITY OF ALBUQUERQUE

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339



OFFICIAL NOTIFICATION OF DECISION

December 11, 2015

COA Council Services
Attn: Andrew Webb
City/County Building, 9th Floor
Albuquerque, NM 87102

Project# 1010650
15EPC-40069 Text Amendment to Sector Development
Plan

LEGAL DESCRIPTION:

The above action to amend the SU-2/CRZ Corridor Revitalization Zone in the Huning Highland Sector Development Plan to allow: 1) the sale of beer and wine for on-premise consumption for establishments with a small brewer's license or winegrower's license that are not restaurants, and 2) alcohol sales for off-premise consumption for establishments with a small brewer's license or winegrower's license as a conditional use.

Staff Planner: Catalina Lehner

PO Box 1293

Albuquerque, New Mexico
On December 10, 2015, the Environmental Planning Commission (EPC) voted to forward a recommendation of APPROVAL of Project #1010650/15EPC-40069, a Text Amendment to the Huning Highland Sector Development Plan, to the City Council based on the following findings and subject to the following conditions of approval:

FINDINGS:

- www.cabq.gov
1. The City of Albuquerque City Council proposes to amend the SU-2/CRZ Corridor Revitalization Zone of the Huning Highland Sector Development Plan (HHS DP) to allow: 1) the sale of beer and wine for on- and off- premise consumption for establishments with a small brewer's license or a winegrower's license that are not restaurants.
 2. The proposed text amendments are found in Council Bill No. R-15-262, which was introduced at the City Council on October 19, 2015 and subsequently referred to the Environmental Planning Commission (EPC). The EPC is tasked with evaluating the request and forwarding a recommendation to the City Council.
 3. The intent of the request is to encourage the continued development and redevelopment of designated commercial corridors in the Huning Highland area by allowing microbreweries, taprooms, and tasting rooms in the SU-2/CRZ Zone to sell beer and wine. The idea is to support the sale of locally-produced beers and wines, which is generally considered a desired form of local economic development. Beer and wine would be available at the establishment (on-premise

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December 10, 2015

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consumption) and it would be possible to take some home in a growler (off-premise consumption).

4. The proposed text amendments are closely tailored to apply only to properties in the HHSDP area that are zoned SU-2/CRZ. Beer and wine could be sold on-and off premise in conjunction with a small brewer's license or a winegrower's license. The sale of distilled alcohol or miniature bottles is not included.
5. The Charter of the City of Albuquerque, the Albuquerque/Bernalillo County Comprehensive Plan, the Huning Highland Sector Development Plan (HHSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The request meets the intent of the City Charter: Amending the text of an adopted sector development plan falls within the City's powers and is an exercise in local self-government (Article I). Amending a sector plan to allow this use in the SU-2/CRZ Zone, with the requirement that it be in conjunction with a Small Brewer's License or a Winegrower's License, generally expresses the Council's desire to ensure the proper use and development of land (Article IX).
7. The request generally furthers the intent of the Zoning Code to promote the health, safety and general welfare of the public because it would allow an appropriately regulated form of land use and economic development in the HHSDP area. The application was filed in accordance with Zoning Code requirements. As the zoning authority for the City of Albuquerque, the City Council will make the final determination.
8. The request furthers the following land use Goal and policies of the Comprehensive Plan:
 - A. Established Urban Goal: The proposed text amendments would allow development of a new use in a limited area, along corridors, which would increase variety and choice of establishments in the HHSDP area. The use would be small-scale and consistent with community character and life style, which is beginning to be defined in part by its local businesses and services. New development would be subject to the design regulations of the Huning Highland Urban Conservation Overlay Zone Regulatory Plan (HHUCOZRP).
 - B. Policy II.B.5a-full range of urban land uses: The request would allow development of a broader range of uses in the corridor zone of the HHSDP, which would increase the range of urban land uses in the area.
 - C. Policy II.B.5d- neighborhood/environmental conditions/resources: The request would respect neighborhood values by facilitating an appropriately regulated and limited form of small-scale economic development in an appropriate location. The proposed text amendments would not allow sales of liquor, which the community has identified as undesirable in the area. The design of new development would be required to comply with the HHUCOZRP regulations. Staff is not aware of any opposition as of this writing.
9. The request furthers the following Economic Development Goal and policy of the Comprehensive Plan:

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Project #1010650

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- A. Goal: The proposed text amendments generally further the Economic Development Goal because they would contribute to diversification of economic development opportunities in part of the Huning Highland area, and would be narrow in scope and limited to establishments that sell local products. New development would be subject to the design regulations of the HHUCOZRP, which would help keep it consistent with the culture of the area.
- B. Policy II.D.6b- development of local business/outside firms: The proposed text amendments would facilitate development of local business enterprises, specifically, the local beer and wine production industry, by allowing beer and wine sales in conjunction with a licensed establishment and along designated revitalization corridors.
10. The request furthers the overarching Goal and objectives of the HHSDP:
- A. Goal: The proposed text amendments would promote development along these corridors, and new development would be subject to the design regulations of the HHUCOZRP.
- B. Objective 2: The proposed text amendments would encourage and support commercial development that is small-scale and located in an appropriate place- along designated corridors where revitalization is desired.
- C. Objective 7: The proposed text amendments would encourage and support local business development by allowing a new kind of business, a microbrewery or tap room, to develop along designated corridors in the HHSDP area.
11. The proposed text amendments to the HHSDP are justified pursuant to Resolution 270-1980, as follows:
- A. Section 1A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and, in this case, the HHSDP, and is consistent with the intent of the Zoning Code. This has been demonstrated in the response to Section 1C. Furthermore, the new use would be adequately regulated and consistent with the HHSDP.
- B. Section 1B: The request to add a new use (permissive and conditional) to the SU-2/CRZ Corridor Revitalization Zone would not destabilize land use or zoning. The proposed use is consistent with the goals and objectives of the HHSDP to encourage appropriate types of economic development and commercial uses in the designated corridors; the CRZ zone was created in 2005 precisely for this type of local economic development, which would not threaten the integrity of nearby historic neighborhoods. Also, the request is carefully constructed to allow sales of beer and wine only in conjunction with a state-licensed establishment; alcohol sales is not included.
- C. Section 1C: The test under Section 1C is whether or not there is "significant conflict" with adopted elements of the Comprehensive Plan or other City master plan such as a sector development plan. The proposed text amendments do not conflict with adopted elements of the Comprehensive Plan or the Huning Highland Sector Development Plan, as demonstrated by the policy analysis herein (see Section IV of this report). The proposed text amendments

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further the Established Urban Goal and land use policies II.B. 5a and 5d; the Economic Development Goal and Policy II.D.6b; and the Goal of the HHSDP and Objectives 2 and 7.

- D. Section 1D: The proposed change would be more advantageous to the community, as articulated in applicable Plans. As discussed, the Comprehensive Plan and the HHSDP specifically encourage development of local businesses and economic development that is compatible with the area. The policy-based justification provided in Section IV demonstrates that the revised, proposed SU-2/CRZ zoning category would be more advantageous to the community than the current zoning.
- E. Section 1E: The new permissive use in the SU-2/CRZ zone is a microbrewery or tap room that sells beer or wine for on and off-premise consumption. The use would not be harmful to adjacent property, the neighborhood or the community because it would be tied to state-license that only allows sales of local beer or wine and therefore would be limited in scope.
- F. Section 1F: The request would not result in any capital expenditures by the City.
- G. Section 1G: The cost of land or other economic considerations are not the determining factor for the proposed text amendments. The desire to foster local economic development along designated corridors is the reason for the request.
- H. Section 1H: The location of the SU-2/CRZ zone along the major streets of Broadway Blvd. and Central Ave. is not being used, in itself, as justification for the request. The request is justified based upon it being more advantageous to the community than the current zoning (see responses to Section 1C and 1D, herein).
- I. Section 1I: The proposed text amendments would apply to the entire SU-2/CCR Zone rather than one small area or a single premise. Therefore, the request is not a spot zone.
- J. Section 1J: The proposed text amendments would apply to the entire SU-2/CCR Zone, which is located along Broadway Blvd. and Central Ave. The SU-2/CCR Zone was created in 2005 along portions of these streets; in modifying this zone the proposed text amendments could be considered to affect a "strip of land along a street". However, it has been demonstrated herein that the proposed zone change will clearly facilitate realization of applicable Goals, policies and objectives in the Comprehensive Plan and the HHSDP and therefore is justifiable.
12. The Downtown List of neighborhood organizations was notified: Barelás Neighborhood Association (NA), the Broadway Central Corridors Partnership, Inc., the Citizen's Information Committee of Martineztown, the Downtown NA, the Huning Highland Historic District Association, the Martineztown Work Group, the Raynold Addition NA, the Santa Barbara-Martineztown Association, the South Broadway NA, and the Downtown Action Team. Property owners within 100 feet of a property zoned SU-2/CRZ were also notified as required.
13. The request was advertised in the City's Neighborhood News newsletter. Staff was contacted by four people who requested information. As of this writing, Staff has not received any written comments and is unaware of any opposition to the request.

OFFICIAL NOTICE OF DECISION

Project #1010650

December 10, 2015

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CONDITIONS:

1. Page 1, Line 4:

OF BEER AND WINE FOR ON-~~AND OFF~~ PREMISE CONSUMPTION FOR ESTABLISHMENTS

2. Page 1, Lines 6-8:

~~WHICH ARE NOT RESTAURANTS, AND ALCOHOL SALES FOR OFF PREMISE CONSUMPTION FOR ESTABLISHMENTS WITH A "SMALL BREWER'S LICENSE" OR A "WINDGROWER'S LICENSE" AS A CONDITIONAL USE~~

3. Page 3, Line 18:

activities or products will not produce ~~odor +odor+~~, dust, smoke, noise, vibration or

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **DECEMBER 28, 2015**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's decision.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

ZONE MAP AMENDMENTS: Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

SITE DEVELOPMENT PLANS: Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit

OFFICIAL NOTICE OF DECISION

Project #1010650

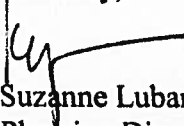
December 10, 2015

Page 6 of 6

submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

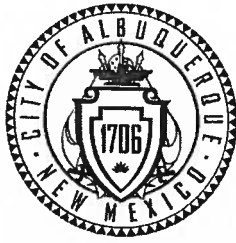
DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,


Suzanne Lubar
Planning Director

SL/CLL

cc: City of Albuquerque, City Council, Attn: Andrew Webb, P.O. Box 1293, Abq. NM 87102
City of Albuquerque, Planning Department, P.O. Box 1293, Abq. NM 87102
Ophelia Cornet, Barelás Neighbor. Assoc., 903 5th St SW, ABQ, NM 87102
Doug Majewski, Broadway Central Corr. Partner, P.O. Box 302, ABQ, NM 87103
Rob Dickson, Broadway Central Corr. Partner, P.O. Box 302, ABQ, NM 87103
Frank H. Martinez, Citizens Info. Committee of Martineztown, 501 Edith NE, ABQ, NM 87102
Sergio Viscoli, Citizens Info. Committee of Martineztown, 700 Don Cipriano Ct. NE, ABQ, NM 87102
Reba Eagles Downtown Neighborhoods Assoc., 1500 Lomas Blvd. NW Suite B, ABQ, NM 87104
Robert Bello, Downtown Neighborhoods Assoc., 1424 Roma Ave. NW, ABQ, NM 87104
Bonnie Anderson, Huning Highland Historic Dist. Assoc., 522 Edith SE, ABQ, NM 87102
Ann L. Carson, Huning Highland Historic Dist. Assoc., 416 Walter SE, ABQ, NM 87102
Loretta Naranjo Lopez, Martineztown Work Group, 1127 Walter NE, ABQ, NM 87102
Christina Dauber, Martineztown Work Group, 708 Don Tranquilino NE, ABQ, NM 87102
Bob Tilley, Raynolds Addition Neighborhood Assoc., 806 Lead Ave SW, ABQ, NM 87102
Deborah Foster, Raynolds Addition Neighborhood, 1307 Gold SW, ABQ, NM 87102
Juan Lopez, Santa Barbara-Martineztown Assoc., 800 Mountain Rd NE, ABQ, NM 87102
Christina Chavez, Santa Barbara-Martineztown Assoc., 517 Marble NE, ABQ, NM 87102
Ron Casias, Silver Platinum Downtown Neighborhood Assoc., 100 Silver Ave SW #212, ABQ, NM 87102
Fred Williams, Silver Platinum Downtown Neighborhood Assoc., 100 Silver Ave SW #223, ABQ, NM 87102
Frances Armijo, South Broadway Neighborhood Assoc., 915 William SE, ABQ, NM 87102
Gwen Colonel, South Broadway Neighborhood, 900 John St SE, ABQ, NM 87102
Mary Keeling, 201 Edith NE, ABQ, NM 87102
Lauren Austin, 121 Edith blvd NE, ABQ, NM 87102
Vince DiGregory, 11441 Malaguena Ln NE, ABQ, NM 87102



**ENVIRONMENTAL PLANNING COMMISSION
ACTION SUMMARY**

**Thursday, December 10, 2015
8:30 a.m.**

**Plaza Del Sol Hearing Room, Lower Level
600 2nd Street NW**

COMMISSIONER MEMBERS PRESENT:

- Peter Nicholls, Chair
- Karen Hudson, Vice-Chair
- Bill McCoy
- James Peck
- Moises Gonzalez
- Victor Beserra
- Maia Mullen
- Moises Gonzalez
- Derek Bohannan

COMMISSIONER MEMBERS ABSENT:

Dan Serrano

Call to Order: 8:31 a.m.

- A. Pledge of Allegiance
- B. Announcement of Changes and/or Additions to the Agenda
- C. Approval of Amended Agenda
- D. Swearing in of City Staff

FINAL ACTIONS

- 1. Project# 1003373**
- 15EPC-40062 Amendment to Zone Map
(Zone Change)
- 15EPC-40063 Site Development for Building
Permit
- 15EPC-40064 Site Development for
Subdivision

Consensus Planning, agent for Garrett Lee Studio, requests the above actions for all or a portion of lot S 100ft of lot 8, Alvarado Gardens Unit 1, zoned RA-2 to SU-1 for PRD, located on Rio Grande Blvd., between Candelaria and Campbell, containing approximately 1.24 acres. (G-13-Z)
Staff Planner: Maggie Gould
A motion was made by Commissioner Bohannan and Seconded by Commissioner Gonzalez that matter 15EPC-

40062 be approved based on findings and condition. The motion carried by the following vote:

For: 8 Nicholls, Hudson, Mullen, Gonzalez, McCoy, Peck, Bohannon and Beserra

A motion was made by Commissioner Bohannon and Seconded by Commissioner Gonzalez that matter 15EPC-40064 be approved based on findings and conditions. The motion carried by the following vote:

For: 8 Nicholls, Hudson, Mullen, Gonzalez, McCoy, Peck, Bohannon and Beserra

A motion was made by Commissioner Bohannon and Seconded by Commissioner Gonzalez that matter 15EPC-40063 be approved based on findings and conditions. The motion carried by the following vote:

For: 8 Nicholls, Hudson, Mullen, Gonzalez, McCoy, Peck, Bohannon and Beserra

2. Project# 1004382

15EPC-40066 Amendment to Site
Development Plan for Building Permit
15EPC-40067 Amendment to Zone Map (Zone
Change)

Consensus Planning, agent for Kampgrounds of America, Inc., request the above actions for all or a portion of Tract A, K.O.A Subdivision, zoned SU-2/SU-1 for Overnight Trailer-Camper Facility to SU-2/SU-1 for Overnight Trailer-Camper Facility including Outdoor storage of Recreational Vehicles and Boats, located on Skyline between Paison and I-40, containing approximately 15.37 acres. (K-22-Z & L-22-Z)
Staff Planner: Vicente Quevedo

A motion was made by Commissioner Hudson and Seconded by Commissioner Bohannon that matter 15EPC-40067 be approved based on findings and condition. The motion carried by the following vote:

For: 8 Nicholls, Hudson, Mullen, Gonzalez, McCoy, Peck, Bohannon and Beserra

A motion was made by Commissioner Hudson and Seconded by Commissioner Bohannon that matter 15EPC-40066 be approved based on findings and conditions. The motion carried by the following vote:

For: 8 Nicholls, Hudson, Mullen, Gonzalez, McCoy, Peck, Bohannon and Beserra

3. Project# 1008519
15EPC-40016 Site Development Plan for
Building Permit

Garcia/Kramer & Associates, agents for Motoplex Real Estate, requests the above action for Tact A-1-C-1-A-3, a plat of Tracts A-1-C-1-A-2-A & A-1-C-1-A-3-A, Cryer Property, zoned SU-1 for C-3 & IP Uses, located at 4875 Pan American Freeway NE, between Office Blvd. NE and the North Diversion Channel, containing 1.5 acres. (F-17).
Staff Planner: Catalina Lehner

A motion was made by Commissioner Peck and Seconded by Commissioner Beserra that matter 15EPC-40016 be approved based on findings and conditions. The motion carried by the following vote:

For: 8 Nicholls, Hudson, Mullen, Gonzalez, McCoy, Peck, Bohannan and Beserra

4. Project# 1010649
15EPC-40065 Amendment to Zone Map
(Zone Change)

Anderson Wahlen & Associates, agent for Miller Family Real Estate, requests the above action for all or a portion of lot 46A, block C, Summary Plat of Lots 45, 46, 47, portion of lot 49 & portion of 20 ft. alley vacated by V-81-2 2, Bosque Redondo Addition, zoned O-1, P to C-2, located on 909 Virginia Street NE, containing approximately 1 acre. (K-19)
Staff Planner: Vicente Quevedo

A motion was made by Commissioner Peck and Seconded by Commissioner Beserra that matter 15EPC-40065 be approved based on findings. The motion carried by the following vote:

For: 8 Nicholls, Hudson, Mullen, Gonzalez, McCoy, Peck, Bohannan and Beserra

**COMMISSIONER BOHANNAN WAS
RECUSED FOR THE AFTERNOON
SESSION**

5. Project# 1003275
15EPC-40068 Site Development Plan for
Building Permit

Tierra West LLC, agent for Western Albuquerque Land Holdings LLC and Garrett Development Corporation, requests the above action for all or a portion of tract B-1, Heritage Market Place, zoned SU-2/SU-1 Planned Office Park & Commercial Development, located on Unser Blvd. between Ladera and Market, containing approximately 9 acres. (H & J-9) Staff Planner: Maggie Gould

A motion was made by Commissioner Gonzalez and Seconded by Commissioner McCoy that matter 15EPC-40068 be continued to the January 7, 2015. The motion carried by the following vote:

For: 7 Nicholls, Hudson, Mullen, Gonzalez, McCoy, Peck and Beserra

6. Project# 1010650
15EPC-40069 Text Amendment to Sector
Development Plan

City of Albuquerque Planning Department, agent for City of Albuquerque Council Services, requests the above action to amend the SU-2/CRZ Corridor Revitalization Zone in the Huning Highland Sector Development Plan to allow: 1) the sale of beer and wine for on-premise consumption for establishments with a small brewer's license or winegrower's license that are not restaurants, and 2) alcohol sales for off-premise consumption for establishments with a small brewer's license or winegrower's license as a conditional use. Staff Planner: Catalina Lehner

A motion was made by Commissioner McCoy and Seconded by Commissioner Mullen that matter 15EPC-40069 be that this matter be forwarded to City Council with a recommendation of approval based on findings and conditions. The motion carried by the following vote:

For: 7 Nicholls, Hudson, Mullen, Gonzalez, McCoy, Peck and Beserra

SEE ATTACHED TRANSCRIPT

COMMISSIONER MULLENS LEAVES

7. Project# 1005517
15EPC-40021 Site Development Plan for
Subdivision

Tierra West LLC, agent for Argus Jefferson Partners, LLC, requests the above action for Lots 2-A-1 and 2-A-2, Tract B, Plat of Lots 2-A-1 and 2-A-2, Envirco Tract (being a replat of Lot 2-A, Tract B), zoned M-1, located on Jefferson Street NE, between Osuna Road NE and Ellison Street NE, containing approximately 7.2 acres. (E-17)

Staff Planner: Catalina Lehner

(DEFERRED FROM THE NOVEMBER 12, 2015 HEARING)

A motion was made by Commissioner McCoy and Seconded by Commissioner Peck that matter 15EPC-40021 be approved based on findings and conditions. The motion carried by the following vote:

For: 6 Nicholls, Hudson, Gonzalez, McCoy, Peck and Beserra

8. OTHER MATTERS:

A. Approval of November 12, 2015 Action Summary/Minutes

A motion was made by Commissioner Peck and Seconded by Commissioner Beserra that this matter be approved based on a correction made on spelling of last name of public speaker to Moises Gonzales. The motion carried by the following vote: For: 6 Nicholls, Hudson, Gonzalez, McCoy, Peck and Beserra

9. ADJOURNED: 3:45 P.M.

NOTE: For Notice of Decision please refer to <http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission/epc-staff-reports>

COMMISSIONER GONZALEZ: Mr. Chair, if I could before we begin this case, I just want to point out that I'm the Vice President of the Huning Highland Neighborhood Association, but I've had no - - I had nothing to do with bringing this before us, so I don't feel a need to recuse myself.

CHAIR NICHOLLS: Ok. Thank you for that Commissioner Gonzalez. I'm not sure we want to lose anybody else right now.

So Ms. Lehner if you're about ready?

MS. LEHNER: Good afternoon, Mr. Chair, Commissioners:

This is agenda item #6, it is Project #1010650, 15EPC-40069.

The request is for a recommendation to City Council regarding text amendments to the SU-2/CRZ (Corridor Revitalization Zone) of the Huning Highland Sector Development Plan, or HHSDP. Bill No. R-15-262 was introduced at the City Council on October 19, 2015 and subsequently referred to the EPC.

On this overhead is the map of the boundary of the Huning Highland Sector Development Plan, those are in red and the SU-2/CRZ Zone is in orange on the overhead and in the other location on the AGIS map it is shown in yellow.

HHSDP area is south of Martin Luther King Jr. Ave., north of Coal, east of Locust St. and generally west of Broadway Blvd., that would be east, correct that, apologies. The SU-2/CRZ Zone is on the eastern side of Broadway Blvd. SE, between Coal and Central, there along most of both sides of Central Ave., between Broadway and Locust St., which is very close to I-25.

The intent of the proposed text amendments is to promote local economic development by allowing microbreweries and tap rooms, and to allow them to sell growlers. The SU-2/CRZ Zone was established in 2005 by another Bill, and that is R-04-155, a copy of which is in your staff report and corresponds mostly to the C-1 Neighborhood Commercial Zone of the Zoning Code.

Currently, the SU-2/CRZ zone does not allow the sale of beer and wine for on-premise consumption unless the establishment is a restaurant. Alcohol sales for off-premise consumption is prohibited, unless the establishment is a certain type of grocery store. However, with the proposed text amendments, both on-premise consumption and off-premise consumption of beer and wine, when tied to a small brewer's license or a winegrower's license, would be permissive uses in the SU-2/CRZ zone.

Staff finds that the proposed text amendments generally further applicable Goals and policies, and that the change to the SU-2/CRZ zone is justified pursuant to R270-1980. Code Enforcement Staff indicated that the proposed text amendments adequately regulate alcohol sales and would be enforceable, mainly because they are so narrow in scope. First, the proposed text amendments are limited only to properties zoned SU-2/CRZ. And second, the alcohol sales would only be allowed in conjunction with a state regulated license a small brewer's license or a winegrower's license.

The affected neighborhood organizations are those on the Downtown List, which includes: the Barelak Neighborhood Association, the Broadway Central Corridors Partnership, the Citizen's Informat Committee of Martineztown, the Downtown Neighborhood Association, the Huning Highland Historic District Association, the Martineztown Work Group, the Raynold Addition Neighborhood Association, the Santa Barbara-Martineztown Association, the South Broadway Neighborhood Association, and the Downtown Action Team.

Property owners within 100 feet of the property zoned SU-2/CRZ were also notified as required, and the text amendments were announced in the Neighborhood News.

Staff heard from four people who requested additional information. There is one written comment of support received yesterday afternoon after the 48 hour rule, which will be forwarded to the City Council. Staff is not aware of any opposition.

Regarding Project #1010650, 15EPC-40069, Staff recommends that a recommendation of approval be forwarded to the City Council, subject to minor conditions.

Now, at this time, I'd like to explain why Staff provided the Commission with a revised set of Findings and Conditions. This was due to a last-minute change, which was communicated by Council Staff. Bill No. R-15-262, as transmitted to the Planning Department and as analyzed in the Staff report, listed on-premise sales of beer and wine as permissive and off-premise sales as a conditional use. The updated idea, however, is that both on-premise and off-premise sales of beer and wine would be permissive uses. Therefore, Staff had to kind of scramble at the last minute and revise the Findings and Conditions found in the Staff report, update them to reflect both of these being a permissive use, which is what you have with kind of revised set that I can pass out to you today. In the revised Findings and Conditions document, the grey highlighting and strike-through language indicates where changes from the Staff report were made.

With that, I stand for questions and I can hand out hard copies to anybody that does not have one.

CHAIR NICHOLLS: Commission Hudson, go ahead.

COMMISSIONER HUDSON: Thank you, Mr. Chair. Ms. Lehner I'm just curious why the change? What precipitated the change that we received yesterday, or the day before from conditional to permissive?

MS. LEHNER: Mr. Chair, Commissioners. It certainly would have been ideal to have known that in the originally drafted bill and probably a lot easier to deal with if it was done after the EPC process and then perhaps done in the next step in the process, which is LUPZ or even at Council. But however, I've just become aware of it and in looking at the work in the Staff report, which was based on something else; I thought it appropriate to revise them to be as consistent as I could with the idea. I'm not certain why that came up I was just told that it had, so I don't have any further information on this point, perhaps Council Services Staff does.

CHAIR NICHOLLS: Do we have anyone here from Council? Ok, all right, we will get to you in just a moment.

MS. LEHNER: I have nothing further, thank you.

CHAIR NICHOLLS: Commissioners, any further questions? Then why don't we bring up, did we have two from City Council? (Inaudible) ok.

Good afternoon Ma'am, if you'd state your name and address for the record, please?

MS. SCHULTZ: Sure, Shanna Schultz, 1 Civic Plaza, 9th floor City Hall.

CHAIR NICHOLLS: And you swear to tell the truth under penalty of perjury?

MS. SCHULTZ: I do.

CHAIR NICHOLLS: And here today representing City Council is that correct?

MS. SCHULTZ: Yes.

CHAIR NICHOLLS: Ok thank you. Go ahead, please.

MS. SCHULTZ: Mr. Chair, Commissioners. To address Commissioner Hudson's question. When we first started writing R-15-262 it was decided to be conditional; the off-premise consumption was conditional, but as the discussion furthered with some neighborhood members, Planning Staff and Councilor Benton, we decided to go with permissive. As it's becoming more accepted in the downtown and EDO Area and more wanted from the residence.

CHAIR NICHOLLS: It would also presumably, correct me if I'm wrong, eliminate a step if it's a conditional use that needs to be looked at a little bit further?

MS. SCHULTZ: Mr. Chair, yes that's correct.

CHAIR NICHOLLS: Ok. Commissioners any further questions for council? Thanks so much.

And Ms. Henry do we have anyone signed up from the public.

MS. HENRY: Yes.

CHAIR NICHOLLS: How many?

MS. HENRY: Four.

CHAIR NICHOLLS: Four. Go ahead and call the first two, please?

MS. HENRY: Mary Keeling followed by Lauren Austin.

CHAIR NICHOLLS: Good afternoon, ma'am, if you'd state your name and address for the record, please?

MS. KEELING: Mary Keeling. 201 Edith Boulevard NE, here in Albuquerque 87102.

CHAIR NICHOLLS: And you swear to tell the truth under penalty of perjury?

MS. KEELING: I do.

CHAIR NICHOLLS: And who are you representing today, ma'am?

MS. KEELING: Myself as a resident of the Huning Highland Neighborhood.

CHAIR NICHOLLS: Ok. I'm going to give you 2 minutes.

MS. KEELING: Ok. I have been a resident of the Huning Highland Neighborhood for 30 years.

I fought vigorously to get our Packaged Liquors sales out of that neighborhood in the late 80's to the early 90's. We still have a vagrant problem in our neighborhood, and one of the things that I'm hearing is that this is such a high quality product and so expensive that our transient community is not going to be able to afford it. In the last 30 days my car has been broken into; items stolen from it to the value of about three hundred dollars. My neighbors have been broken into; I hardly ever go down Copper to hit Arno that there are not broken windows in automobiles, they have the funds. The people who are pan handling at the intersection of I-25 and Martin Luther King are making approximately twenty dollars an hour. They have the funds to buy high quality alcohol and that's what this is.

I want to make sure that the council understands that a growler, which is what's being proposed to be sold, is sixty four ounces; that's just a few ounces short of a six pack and the alcohol content of that growler can be as high as 10 percent. That's twice the alcohol content of a six pack of beer, so this is not insignificant it's going to impact our neighborhood significantly.

Currently, we have people coming from the Central Downtown area, first thru what seventh or eighth, from the bars. They come into our neighborhoods they urinate and defecate in our alleys; they throw-up in our yards and this would just make it that much closer.

I do have a concern about not being notified. I live just outside of the yellow line here where there's no barb wire fences that are going to protect me from what's happening on Central. I love the idea of what's happened to our Central area there in Huning Highland; I love the development, I love the idea of a winery and a micro-brewery. I strongly oppose off-site sales. There not going to be restricted to our yuppies and our millennials there going to be available to every transient who comes through there. So finally I would ask that - - that this be postponed, that you give us time to notify the elderly in our community, the senior citizens who do not get electronic neighborhood newsletters; they're unaware of what's happening here. And their highly impacted the first two or three blocks primarily, but throughout the neighborhood. We have elementary schools one block south of Central, we have another elementary school three blocks north of Central, and they're going to be affected by off-site sales.

So, I would hope that we go back to the Sector Plan and not have off-site sales. Love the idea of having an on premise sales; not off-site. Thank you very much for your consideration.

CHAIR NICHOLLS: Commissioners questions? Thank you for coming in, ma'am. Who's next?

MS. HENRY: Lauren Austin.

CHAIR NICHOLLS: Good afternoon ma'am, state your name and address for the record, if you would?

MS. AUSTIN: Lauren Austin. 121 Edith Boulevard NE.

CHAIR NICHOLLS: And you swear to tell the truth under penalty of perjury?

MS. AUSTIN: I swear to tell the truth.

CHAIR NICHOLLS: And who you representing?

MS. AUSTIN: I am representing myself and my family who live in the neighborhood.

CHAIR NICHOLLS: Let's start you with two minutes, ma'am.

MS. AUSTIN: Thank you very much, sir. I have several issues I want to bring up and certainly, I think some expertise in certain issues; I am a commissioner on the Landmarks Commission and part of my responsibility is to maintain the Historic Victorian nature of the neighborhood. I am also a provider of educational services to the State of Oregon's Alcohol Liquor Control Agency providing education to the citizens of Oregon, particularly servers that sell alcohol.

One comment I wanted to make is that there is this mythology that we love to have that beer is somehow different than hard alcohol. Whether it is beer, or whether its wine, or whether it's Scotch the formula from the National Institute of Health from OJJDP, from every different agency is one beer equals one wine equals one shot, bottom line. And then we get into this new category; Oregon being the people who, you know, have kind of brought you these wonderful Micro Brews, these are much higher in content. So, it's not really one beer equals one wine equals one shot. It may be half a beer, wine shot and so, we have to get this mythology out that somehow its beer. We have heard over and over that these growlers will be for home consumption. There is no way that I can figure that a potential brewer or winery can say, "This isn't going to the park where we have a playground for our children. This isn't going to the back alley of my house; this isn't going to my wall." I was one of those people my car got broken into three times. I've had the police over, because the homeless sleep in my little courtyard, and so it is a real problem. We have hotels in the neighborhood, while we've had great improvements in the neighborhood; we still have hotels that are for the housing impaired. And we have a lot of treatment centers, homeless shelters, feeding stations and it is an issue.

I would also like to speak as a grandmother. While this is very difficult; my granddaughter Briana Hillard who was raised at 111 Walter SE, was killed just about a year ago by an impaired driver on Rio Grande. I have three small grandchildren, 2 - two year olds and a six year old who continue to live in that house. To allow impaired people with all the good intention they may have to walk up and down our streets, to sit on our parks where they want to play, to be there and consume alcohol and put my other grandchildren at risk is more than my heart can take. And I am concerned that this amendment isn't site orientated it doesn't say a) Microbrewery at this address. It is basically saying we could have a string of 50 of them, up and down.

This is a family neighborhood; this is a neighborhood of families, this is a neighborhood of older people, a high percentage, and what is the most important thing is to protect society, and that is the job I think, not only of EPC and City Council, but protect our safety, protect or children, protect lives of those we love. This cannot be approved and I pray for your mercy and your support that we need to have this looked at very, very carefully before we approve something like this. Thank you.

CHAIR NICHOLLS: Commissioners any questions? Ma'am thank you for coming in and telling us your story, we appreciate it. Who's next?

MS. HENRY: Vince DiGregory followed by Rob Dixon.

CHAIR NICHOLLS: Good afternoon sir, if you'd state your name and address for the record, please?

MR. DIGREGORY: Vince DiGregory, 11441 Malaguena Lane NE, Albuquerque, 87111.

CHAIR NICHOLLS: And you swear to tell the truth under penalty of perjury? Sir, tell us just where your residence is compared to this...

MR. DIGREGORY: I live in the Northeast Heights, but I'm a business owner on Central, at 320 Central with the Standard Diner.

CHAIR NICHOLLS: Ok, thank you.

MR. DIGREGORY: I also sit on the EDO Board, I'm a board member and I'm a member of the Huning Highland Association. I first want to say to Lauren, "I'm so sorry for your loss" and it (inaudible)

What precipitated this issue was we signed the lease, we are the owners of the building where the Standard Diner is with Theory Café. And Theory Café is a custom coffee and craft beer business and before they signed that lease I requested they do their due diligence and go before both boards to make sure that their business is going to be allowed - - their business mall's going to be allowed in Huning Highland and EDO Area, which they did do. They also went to City Zoning and asked if their business licensing was going to be allowed and they did all that before they committed to a 5 year lease with us.

Upon hiring an Architect and Contractor and getting knee deep into the commitment and then spending about 40 thousand dollars, they went to apply for the Taproom License, because a Microbrewery technically is allowed in the Huning Highland Development Sector Plan. And the way the language is written it was unintentionally providing an adverse effect to these business men, and what happened was Zoning said, "we'll here's how it states as a permissive use, a restaurant with full service liquor, including a Microbrewery." Zoning looked at that and said, "We'll restaurant and Microbrewery is in the same sentence, so we're gonna make you get a restaurant liquor license first," and that's what happened. We'll a beer and wine license are both service require 60 percent food sales, which is not the business model of a Microbrewery. As a result they could not get there Taproom License, put in place in that 316 Central space, and they're now paying for lease for the last 6 months on a 5 year lease and can't open their business.

Their financial backers backed out. They go and hire Anne Apicella to re-list as a sub-lease and who comes in, four Microbreweries come in and look at the space and every one of them said, "We will not move in here unless we have growler sales," that's 30 percent of our income. So, I went back to both boards and said, "If you guys want a Microbrewery in this neighborhood you're gonna have to change it - - Number 1, the language has to be changed to differentiate the restaurant license from a Microbrewery License and 2, if you want a Microbrewery to locate in this neighborhood, which the neighborhoods have said they wanted, you're gonna have to allow the growler sales," and that's exactly what participated this change. And I very much appreciate your stance on liquor and being a license liquor with beer and wine and we just got a full service liquor at the Standard Diner and we're very aware of all of these issues...

CHAIR NICHOLLS: Commissioners any questions?

MR. DIGREGORY: And I'd like to add one more thing...

CHAIR NICHOLLS: Go ahead.

MR. DIGREGORY: Both the Huning Highland Boards and the EDO Board provided unanimous decisions to allow this change - - to support this change.

CHAIR NICHOLLS: Commissioners any questions? Thank you, sir.

Who was the last person?

MS. HENRY: Rob Dickson.

MR. DIGREGORY: Rob had an appointment, and so he asked me to represent the board, as well.

CHAIR NICHOLLS: So, you're representing two people?

MR. DIGREGORY: We'll he said I could better represent the EDO Board, because I'm a Board Member and he's the Executive Director, so...

CHAIR NICHOLLS: Ok. So, was there anybody else signed up?

MS. HENRY: No.

CHAIR NICHOLLS: Ok. At this point let's go back and I'd like to hear from Council Staff, if you will, in closing. If they have anything further to add, since we've heard from the public?

MS. SCHULTZ: Mr. Chair, Commissioners. While we've written into this bill that it be permissive we are open to the discussion of conditional, if that's what the Commissioner or Staff thinks is best, but permissive is what Council has written in.

CHAIR NICHOLLS: Go ahead, Commissioner Hudson. Thank you, Mr. Chair. So differentiate for us the difference between permissive and conditional, in terms of the process that would have to take place for an applicant?

MS. SCHULTZ: Sure, Mr. Chair, Commissioner Hudson. It would have to go through the ZHE to get a conditional use permit, and we can eliminate that process if we make it a permissive use.

CHAIR NICHOLLS: And perhaps I can take that up one step further. If that were a conditional use it would require each property that wanted to do this to have to go before the ZHE. Is that correct?

MS. SCHULTZ: Mr. Chair, yes correct.

CHAIR NICHOLLS: Ok. Because I think that may answer some of your questions. The other one that came up, while we have you there at the podium, is the issue of off-site sales. If I think I heard that correctly.

MS. SCHULTZ: Mr. Chair, off-site sales is what we are requesting to be permissive, technically.

CHAIR NICHOLLS: Ok.

MS. SCHULTZ: So there's two issues at hand; there's one allowing Microbreweries and wine yards, and the separate issue of allowing off-site consumption.

CHAIR NICHOLLS: So, just let me go back again, I'm sorry to keep harping on this, but the Microbrewery would that allow consumption on that property?

MS. SCHULTZ: Mr. Chair, yes.

CHAIR NICHOLLS: Ok. Because I think what I was hearing, at least from one if not two members of the public, was that it's one thing if you're going into an establishment to enjoy the craft beer; it's another thing when you may potentially be taking that out and doing less desirable things, I'm trying to be very correct here. But there's a lot of people who would go there take a growler and go home, enjoy that, whatever, but I think what I was hearing was something - - a concern that there was something different that might affect the

neighborhood. In other words, transients that might be coming down, going in, because I also understand and I do take that point and I'm not a big beer drinker; is it's a heck of a difference between a Budweiser and a craft beer at ten percent alcohol. So, I do have a little bit of concern there, so...

MS. SCHULTZ: Mr. Chair, I would agree, but at the same time there's also a big cost difference between craft beer prices and Budlight Beer prices, so from what I understand Microbrews - - Microbreweries don't typically attract transients, as much as one might think.

CHAIR NICHOLLS: Ok, that's fine, thank you. Is there any other questions? Commissioner Beserra?

COMMISSIONER BESERRA: Thank you, Mr. Chair. Why is this whole area an application for this - - for Microbreweries? Why couldn't you identify just a couple of sites, instead of doing this whole area here? It seems like you're giving them an ok to anyone who wants to apply for Microbrewing this whole yellow painted area, can apply. That kind of puts us in a very awkward position, as well.

MS. SCHULTZ: Right, Mr. Chair, Commissioner. We specifically choose a particular zone within the Sector Plan. I would defer to staff as to why that zone was chosen. I can't answer that. I'm here speaking on behalf of Andrew Webb, so I didn't work on this directly, but I'm - - there was logic in why that zone was chosen.

CHAIR NICHOLLS: Commissioner Mullen.

COMMISSIONER MULLEN: And I apologize, Commissioner Beserra, I'm not speaking to your questions, so I don't mean to change the subject if want to continue your line of thought. Ok this is a bit of a shift. And I don't know how this helps and perhaps even the gentlemen from the Standard Diner might be able to chime in and give us some expertise on this. But it's my understand that when you serve alcohol in an establishment, a bar or a restaurant, anyone who's serving it has to have a license to serve it, and violations on serving it, whether it's carding someone or serving someone who's already intoxicated come with fairly steep fines to the establishment. And where I am in tremendous empathy, especially with the woman who lost her granddaughter and I understand these issues of vagrancy and open consumption. I don't think it would be that easy to overserve someone who's already intoxicated, although I fully understand that a growler is probably enough to get someone down the road to that, but on going consumption - - I just think there's something to be thought about that there's a larger, maybe narrative here with other safety nets, you know, that really end up coming back to roust on the owner of the restaurant and heavy fines. I don't know if that's enough of a safety net and I understand that there would probably be disagreement from the public who came to speak, but I just bring that forth as part of our thought process.

CHAIR NICHOLLS: Anything else? Commissioner Gonzalez did you...

COMMISSIONER GONZALEZ: No, I actually I think we're done with council. Are we not or did you have a question? I mean I was just saying that she's standing up there for no reason.

CHAIR NICHOLLS: Thank you, ma'am.

COMMISSIONER GONZALEZ: If we're closing the floor...

CHAIR NICHOLLS: No, we still need to hear from staff.

MS. LEHNER: Yes, Mr. Chair and Commissioners. I do have a few items in closing. With respect to the support from the EDO and Huning Highland Boards it would have been great to have that in advance of putting

the staff report together; therefore, it could have been included, however, it's not in the record at this point. Perhaps they could get that to us or get that to Council at some point and time, if it's in writing.

Also, let's see, with respect to the specifics of a small brewer's license or a wine grower's license I did look up on the State's Website exactly what that entails, and if you're interested in knowing the specifics there's an attachment in your Staff report precisely what those licenses allow. Because our Code Enforcement Staff thought that it wasn't necessary for the City to add additional definitions, because typically when I deal with these Bills like ok, "Is there a definition, is it going to be in 1-5." In this case we didn't have to because those licenses are very specifically defined. And the on and off premise sales will be tied very directly to that license, so that's why there's no definitions.

Also, with respect to the question of why isn't this entire corridor zoned? We'll, I think I have a couple of comments on that there I think five zones in the Huning Highland Sector Plan if I remember this correctly; they do have an SU-1 in some places. They have this, the CRZ Corridor Revitalization Zone, they have NCR Neighborhood Commercial Residential, which is basically C-1, and they have RO Residential Office, they have MR Mixed Residential, which is kind of variance on R-1. So really, I think the desire of the plan is to support of the Bill in 2005 that created this zone, the zone was not in the original plan it was created in 2005 with intent of spurring economic development, so that's probably why that zone was chosen to be amended. However, it would be possible if there's just one property that wants to do this, instead of doing a legislative change it would be possible to perhaps to a zone change just for that specific property. That's just something else that could be pursued though I would mention that in this context; however, at this point we are considering the legislation. I have nothing further, thank you.

MR. CHAIR: And I think, also Ms. Lehner, I think the issue came up of whether to make this as a conditional use rather than a permissive use, so that that would force each applicant for a business to go before the ZHE to obtain that. Is that correct?

MS. LEHNER: Mr. Chair, Commissioners. If the operator of the establishment with the small brewer's license and or wine brewer's license wanted just to do on premise they wouldn't need to do anything. If off premise, say consumption was a conditional use then yes, they would have to go to the Zoning Hearing Examiner process and that includes a public hearing.

MR. CHAIR: Ok. Commissioners, anything else? Ok, thank you Ms. Lehner.

MS. LEHNER: Thank you.

MR. CHAIR: Let's go ahead and close the floor, please and Commissioners your comments? Go ahead first, Commissioner Hudson and then Commissioner Gonzalez.

COMMISSIONER HUDSON: Thank you, Mr. Chair. I'd like to first thank those in the public who came out today, because I know you sat here all day. So, you got to learn what we do every second Thursday, of the month. Thank you for coming out, we appreciate your comments.

I think in light of what we heard from the public and the issue that there are with the vagrants. I'd kind of like to think about changing the language back to have off premise alcohol sales being conditional, and I think that it would be a little bit better control with the City, so that we don't have - - you know these breweries are opening up everywhere in town and this is a pretty good size area that it could happen. I know that it takes the real estate and it takes a lot of money to open these, but I just think that it would be a good idea to maybe keep a

little bit of control on how many of these are going to have off premise consumption. So, I'd like to maybe have everyone think about us just changing off premise to a conditional use.

CHAIR NICHOLLS: Commissioner Gonzalez.

COMMISSIONER GONZALEZ: She made me think about something else my brain's already going in another direction.

The - - as you know first of all, as I said before, I live in this neighborhood, so this is a particular interest to me. The revitalization zone that has been created has had some really positive impacts on that stretch of Central. As was said earlier there were a lot of bad establishments in this area before I moved in. I've been there for twelve, thirteen years now, a lot of dive bars and a lot of just nasty stuff, and those neighbors that were there before me did fight a big fight to get those bars out of there. Now, more recently we have the Artichoke, as well as Standard Diner that have full liquor licenses. And there is, I think, where I'm trying to go is that there is a difference - - there's a difference between a dive bar and the Artichoke or the Standard Diner and I would go further and say, and a Microbrew and one of the things that we heard that is absolutely correct; that alcohol is alcohol. If you go to most Microbreweries, if they are selling a higher alcohol content beer, they're usually serving it in a smaller glass; 13 ounces versus 22 if you're getting (inaudible) if you want to get a tall one.

So the product itself is not the problem, in my mind it's the culture, so I understand that they've, you know, once bitten twice shy, they've seen what's happened in the neighborhood before and the very negative impacts that happen from those bars that were there in the past. But I think that the more impor...you know, that with this just like we're seeing, as Commissioner Hudson pointed out, we're seeing it around the city and if you go to Microbreweries you will by and large see that the culture of those places is very different than a dive bar and it's the places that create the greatest danger, I think, for all of us is places where you have to drive, get on a highway and places that encourage you to have four, five, six, eight drinks, they'll serve you, it still happens despite all, you know, all the tragedies that we've seen. If you take Marble Brewery, just down the road here, they have a 3 pint limit. I'm saying and if you go there also, on any nice spring day, they'll be kids running all around the patio, irritating the hell out of me, because now I'm getting old and my kids old enough that I can be irritated by small children. But the cultures different it's not a culture of - - it's not that kind of culture and I think that when you have places that promote responsible drinking and especially, when you have an area that is ripe for more pedestrian friendly growth, something that we've been fighting for since I got there trying to open up that connection to Downtown, so that we have, you know, it's really part of the downtown core. I think that these places are a plus not a minus. It's true that they can have twice as much alcohol as a Budweiser, but you can also get Mad dog 20/20 over there at 7 to 11. You can also get a Malt Liquor that's 12 percent, by alcohol by volume. It's about the way we treat alcohol and I don't believe that these places are part of the problem, so I support these Microbreweries and I even support, I'll go further, I support the permissive use of growlers, because I believe that if you make it conditional you're throwing a wet blanket; your saying to those people, "Let's go outside this corridor, let's go over here where we can do it without having to jump this hurdle." The vagrancy that we have is a problem of the whole city that has been dropped on our doorstep in Downtown; put everything down there and will just pretend like it's not a problem. And as those of us that live there know we get a lot of traffic in our alleys and our streets from people heading up Central. But anytime that you have a positive establishment I think that it has a positive impact on the culture, you get more people walking on the streets, it makes things safer and so, for those reasons I'll be supporting this.

MR. CHAIR: Anyone else? Commissioner McCoy.

COMMISSIONER MCCOY: Thank you, Mr. Chair. I find myself disturbed that I may have concurred with Commissioner Gonzalez twice today.

It's not the product it's the people. I think there is an assumption in some of our discussions that every property within the outlined area will turn into a Microbrewery with offsite sales. That's not true. The market will take care of that. I really do second the thought that by limiting as a conditional use the growler sales at 30 percent revenue that wet blanket may not be a strong enough term, but it certainly gets the point across. So, subject to any other comments that other commissioners might make that would sway me I'm leaning more towards favoring this proposal than denying it.

CHAIR NICHOLLS: Commissioner Peck.

COMMISSIONER PECK: Thank you, Mr. Chair. I too support the amendment as written. I do appreciate the comments made by the public, but a six pack of Budweiser's \$5 dollars and the growler's about \$18 dollars, so I really don't see the correlation between those two, but I appreciate the input on that. I do see a revitalization in this part of Central, this is tying into, you know, getting into what the UNM is doing with Innovate ABQ and all that other and I think this is just a continuation of that whole downtown and as Commissioner Gonzalez ably put, the homeless problem just kind of migrates around town and it's unfortunate, but that's the reality. I have two properties in Downtown Albuquerque and we're chasing homeless people out all the time. So, I do support the Text Amendment, as written. I understand the idea of making it a conditional use, but I kind of hate to keep throwing layers to businesses that want to come into our city and thrive.

CHAIR NICHOLLS: Anyone else? All right, I too actually am persuaded to support this. I have - - I had some initial reservations I think most of those have been allayed now, at this point. I was adopted, just for the lady that spoke earlier, my parents, adopted parent's friends had a child of theirs who was also killed, so I'm very well aware where you're coming from, ma'am and I do sympathize completely. It left a huge impact, not only on them, but also on my family as well, so I just wanted to let you know that I do hear you very loud and clear.

Commissioners any other discussion, if not then is someone prepared to make a motion? Commissioner McCoy.

COMMISSIONER MCCOY: Thank you, Mr. Chair. Regarding Project #1010650, 15EPC-40069, I move that we send to City Council a recommendation of approval.

CHAIR NICHOLLS: And Commissioner McCoy, are you basing those on these findings and the conditions attached?

COMMISSIONER MCCOY: Yes, as soon I got there I realized I had not gotten to the right page, so yup. Thank you. Based on the findings in the Staff report...

CHAIR NICHOLLS: Revised one.

COMMISSIONER MCCOY: Findings 1 through 13 and conditions for recommendation of approval 1 through 3.

CHAIR NICHOLLS: Was there a second? I think we had...I'm sorry?

COMMISSIONER GONZALEZ: Mr. Chair.

MS. LEHNER: Excuse me. Mr. Chair, Commissioners, I just want to be sure that you are making this motion based on the Revised, yes, ok I want to be sure...

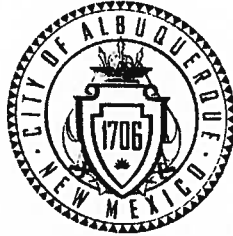
CHAIR NICHOLLS: Yes.

MS. LEHNER: Got it.

CHAIR NICHOLLS: So, we had a motion by Commissioner McCoy, and I believe it was a second by Commissioner Mullen. Any discussion on the motion, hearing none, those in favor raise your hands, say "Aye"?

ALL COMMISSIONERS: Aye.

CHAIR NICHOLLS: Those against, raise your hand and say "No". Motion carries unanimously.



**ENVIRONMENTAL PLANNING COMMISSION
AGENDA**

**Thursday, December 10, 2015
8:30 a.m.**

**Plaza Del Sol Hearing Room, Lower Level
600 2nd Street NW**

MEMBERS

**Peter Nicholls, Chair
Karen Hudson, Vice-Chair**

**Maia Mullen
Bill McCoy
James Peck
Dan Serrano**

**Moises Gonzalez
Derek Bohannon
Victor Beserra**

NOTE: A LUNCH BREAK AND/OR DINNER BREAK WILL BE ANNOUNCED AS NECESSARY

Agenda items will be heard in the order specified unless changes are approved by the EPC at the beginning of the hearing; deferral and withdrawal requests (by applicants) are also reviewed at the beginning of the hearing. Applications with no known opposition that are supported by the Planning Department are scheduled at the beginning of the agenda; these cases are noted with an asterisk (*). Applications deferred from a previous hearing are normally scheduled at the end of the agenda.

There is no set time for cases to be heard. However, interested parties can monitor the progress of the hearing by calling the Planning Department at 924-3860. All parties wishing to address the Commission must sign-in with the Commission Secretary at the front table prior to the case being heard. Please be prepared to provide brief and concise testimony to the Commission if you intend to speak. **In the interest of time, presentation times are limited as follows, unless otherwise granted by the Commission Chair: Staff – 5 minutes; Applicant – 10 minutes; Public speakers – 2 minutes each. An authorized representative of a recognized neighborhood association or other organization may be granted additional time if requested. Applicants and members of the public with legal standing have a right to cross-examine other persons speaking per Rule B.13 of the EPC Rules of Conduct.**

All written materials – including petitions, legal analysis and other documents – should ordinarily be submitted at least 10 days prior to the public hearing, ensuring presentation at the EPC Study Session. The EPC strongly discourages submission of written material at the public hearing. Except in extraordinary circumstances, the EPC will not consider written materials submitted at the hearing. In the event the EPC believes that newly submitted material may influence its final decision, the application may be deferred to a subsequent hearing.

NOTE: ANY AGENDA ITEMS NOT HEARD BY 8:30 P.M. MAY BE DEFERRED TO ANOTHER HEARING DATE AS DETERMINED BY THE PLANNING COMMISSION.

Call to Order:

- A. Pledge of Allegiance
- B. Announcement of Changes and/or Additions to the Agenda
- C. Approval of Amended Agenda
- D. Swearing in of City Staff

1. Project# 1003373

- 1 SEPC-40062 Amendment to Zone Map (Zone Change)
- 1 SEPC-40063 Site Development for Building Permit
- 1 SEPC-40064 Site Development for Subdivision

Consensus Planning, agent for Garrett Lee Studio, requests the above actions for all or a portion of lot S 100ft of lot 8, Alvarado Gardens Unit 1, zoned RA-2 to SU-1 for PRD, located on Rio Grande Blvd., between Candelaria and Campbell, containing approximately 1.24 acres. (G-13-Z)
Staff Planner: Maggie Gould

2. Project# 1004382

- 1 SEPC-40066 Amendment to Site Development Plan for Building Permit
- 1 SEPC-40067 Amendment to Zone Map (Zone Change)

Consensus Planning, agent for Kampgrounds of America, Inc., request the above actions for all or a portion of Tract A, K.O.A Subdivision, zoned SU-2/SU-1 for Overnight Trailer-Camper Facility to SU-2/SU-1 for Overnight Trailer-Camper Facility including Outdoor storage of Recreational Vehicles and Boats, located on Skyline between Paison and I-40, containing approximately 15.37 acres. (K-22-Z & L-22-Z)
Staff Planner: Vicente Quevedo

3. Project# 1008519

- 1 SEPC-40016 Site Development Plan for Building Permit

Garcia/Kramer & Associates, agents for Motoplex Real Estate, requests the above action for Tact A-1-C-1-A-3, a plat of Tracts A-1-C-1-A-2-A & A-1-C-1-A-3-A, Cryer Property, zoned SU-1 for C-3 & IP Uses, located at 4875 Pan American Freeway NE, between Office Blvd. NE and the North Diversion Channel, containing 1.5 acres. (F-17).
Staff Planner: Catalina Lehner

4. Project# 1010649

- 1 SEPC-40065 Amendment to Zone Map (Zone Change)

Anderson Wahlen & Associates, agent for Miller Family Real Estate, requests the above action for all or a portion of lot 46A, block C, Summary Plat of Lots 45, 46, 47, portion of lot 49 & portion of 20 ft. alley vacated by V-81-2 2, Bosque Redondo Addition, zoned O-1, P to C-2, located on 909 Virginia Street NE, containing approximately 1 acre. (K-19)
Staff Planner: Vicente Quevedo

5. Project# 1003275

- 1 SEPC-40068 Site Development Plan for Building Permit

Tierra West LLC, agent for Western Albuquerque Land Holdings LLC and Garrett Development Corporation requests the above action for all or a portion of tract B-1 Heritage Market Place, zoned SU-2/SU-1 Planned Office Park & Commercial Development, located on Unser Blvd between Ladera and Market, containing approximately 1 acres. (H & J-9) Staff Planner: Maggie Gould

6. Project# 1010650
1 SEPC-40069 Text Amendment to Sector
Development Plan

City of Albuquerque Planning Department, agent for City of Albuquerque Council Services, requests the above action to amend the SU-2/CRZ Corridor Revitalization Zone in the Huning Highland Sector Development Plan to allow: 1) the sale of beer and wine for on-premise consumption for establishments with a small brewer's license or winegrower's license that are not restaurants, and 2) alcohol sales for off-premise consumption for establishments with a small brewer's license or winegrower's license as a conditional use.
Staff Planner: Catalina Lehner

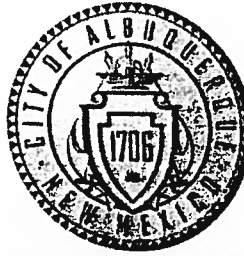
7. Project# 1005517
1 SEPC-40021 Site Development Plan for
Subdivision

Tierra West LLC, agent for Argus Jefferson Partners, LLC, requests the above action for Lots 2-A-1 and 2-A-2, Tract B, Plat of Lots 2-A-1 and 2-A-2, Envirco Tract (being a replat of Lot 2-A, Tract B), zoned M-1, located on Jefferson Street NE, between Osuna Road NE and Ellison Street NE, containing approximately 7.2 acres. (E-17)
Staff Planner: Catalina Lehner
(DEFERRED FROM THE NOVEMBER 12, 2015 HEARING)

8. OTHER MATTERS:

- A. Approval of November 12, 2015 Action Summary/Minutes

9. ADJOURNED:



NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Albuquerque Environmental Planning Commission will hold a **Public Hearing on Thursday, December 10, 2015 at 8:30 a.m.**, in the Plaza del Sol Hearing Room, Lower Level Plaza del Sol building, 600 2nd St. NW, Albuquerque, NM to consider the following items:

Distribution of the Planning Department's staff reports regarding the following items will occur at a **Case Distribution Session on Thursday, December 3, 2015 at 3:00 p.m.**, in the Plaza del Sol Hearing Room, Lower Level, Plaza del Sol Building, 600 2nd St. NW, Albuquerque, NM.

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Staff Planner: Catalina Lehner

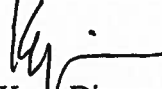


Details of these applications may be examined at the Planning Department, 3rd Level, Plaza Del Sol Building, 600 Second Street NW, between 8:00 a.m. and 5:00 p.m., Monday through Friday, or you may call 924-3860. **INDIVIDUALS WITH DISABILITIES** who need special assistance to participate at the public hearing should call 924-3860.

Peter Nicholls, Chair
Environmental Planning Commission

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL NOVEMBER 23, 2015.

APPROVED



Kym Dicome
Urban Design & Development
Planning Department

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NOTICE OF PUBLIC HEARING

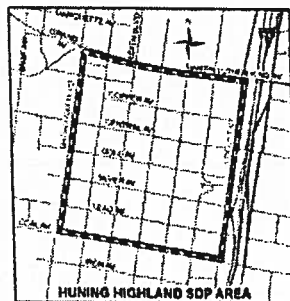
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City of Albuquerque Planning Department, agent for City of Albuquerque Council Services, requests the above action to amend the SU-2/CRZ Corridor Revitalization Zone in the Huning Highland Sector Development Plan to allow: 1) the sale of beer and wine for on-premise consumption for establishments with a small brewer's license or winegrower's license that are not restaurants, and 2) alcohol sales for off-premise consumption for establishments with a small brewer's license or winegrower's license as a conditional use.

Staff Planner: Catalina Lehner



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INDIVIDUALS WITH DISABILITIES who need special assistance to participate at the public



**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT**

INTER-OFFICE MEMORANDUM

TO: ENVIRONMENTAL HEALTH – Paul Olson
LEGAL DEPARTMENT – Tyson Hummell
PARKS & RECREATION:
PARK DESIGN – Carol Dumont
OPEN SPACE DIVISION – Sarah Browne
CITY FORRESTER – Joran Viers
PLANNING:
LONG RANGE PLANNING – Linda Rumpf
METROPOLITAN REDEVELOPMENT – Rebecca Velarde
HYDROLOGY – Rita Harmon
NEIGHBORHOOD COORDINATION – Stephani Winklepleck
TRANSPORTATION DEV. SERVICES – Gary Sandoval
ZONING – Ben McIntosh
ABC WATER UTILITY AUTHORITY – Kris Cadena
POLICE DEPARTMENT – Steve Sink
FIRE DEPARTMENT – Antonio Chinchilla
SOLID WASTE MANAGEMENT DEPARTMENT – Michael Anaya
TRANSPORTATION PLANNING – John MacKenzie
TRANSIT DEPARTMENT – Shabih Rizvi
ALBUQUERQUE PUBLIC SCHOOLS – April Winters
AMAFCA – Lynn Mazur
COUNTY OF BERNALILLO – Nano Chavez
MID-REGION COUNCIL OF GOVERNMENTS – Maida Rubin
MIDDLE RIO GRANDE CONSERVANCY DISTRICT – Subhas Shah
NM DEPARTMENT OF TRANSPORTATION – Nancy Perea
NM GAS COMPANY –
PETROGLYPH NATIONAL MONUMENT – Diane Souder
PUBLIC SERVICE COMPANY OF NEW MEXICO – Laurie Moye

FROM: Russell Brito, Urban Design and Development Division, Planning Department

SUBJECT: ENVIRONMENTAL PLANNING COMMISSION CASE DISTRIBUTION

Attached are the legal descriptions, applications, and related materials for the cases scheduled for public hearing before the Environmental Planning Commission on **December 10, 2015**.

Please remember that all agency comments are due NO LATER THAN November 13, 2015.

COMMENTS TO: Maggie Gould (mgould@cabq.gov)
Vicente Quevedo (vquevedo@cabq.gov)
Catalina Lehner (clehner@cabq.gov)

96

Project# 1003275
15EPC-40068 Site Development Plan for Building Permit

Tierra West LLC agent for Western Albuquerque Land Holdings LLC requests the above action for all or a portion of tract B-1, Heritage Market Place, zoned SU-2/SU-1 Planned Office Park & Commercial Development, located on Unser between Ladera and Market, containing approximately 9.054 acres. (H & J-9)
Staff Planner: Maggie Gould

Project# 1003373
15EPC-40062 Amendment to Zone Map (Zone Change)
15EPC-40063 Site Development for Building Permit
15EPC-40064 Site Development for Subdivision

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Staff Planner: Maggie Gould

Project# 1004382
15EPC-40066 Amendment to Site Development Plan for Building Permit
15EPC-40067 Amendment to Zone Map (Zone Change)

Consensus Planning agent for Kampgrounds of America, Inc., request the above actions for all or a portion of lot A, K.O.A Subdivision, zoned SU-2/SU-1 for Overnight Trailer-Camper Facility to SU-2/SU-1 for Overnight Trailer-Camper Facility including Outdoor storage of Recreational Vehicles and Boats, located on Skyline between Paison and I-40, containing approximately 15.37 acres. (K-22-Z & L-22-Z)
Staff Planner: Vicente Quevedo

Project# 1010649
15EPC-40065 Amendment to Zone Map (Zone Change)

Anderson Wahlen & Associates agent agent for Miller Family Real Estate requests the above action for all or a portion of lot 46A, block C, Bosque Redondo Addition La Mesa, zoned O-1, P to C-2 located on 909 Virginia Street NE, containing approximately 1 acre. (K-19)
Staff Planner: Vicente Quevedo

Project# 1010650
15EPC-40069 Text Amendment to Sector Development Plan

City of Albuquerque Planning Department agent for City of Albuquerque Council Services requests the above action for all or a portion of Huning Highland Sector Development Plan Corridor Revitalization Zone to allow for the sale of beer & wine, zoned SU2/CRZ.
Staff Planner: Catalina Lehner

Project# 1008519
15EPC-40016 Site Development Plan for Building Permit

Garcia/Kramer & Association agent for Motoplex Real Estate LTD Co., requests the above action for all or a portion of Tract A-1-C-1-AC, A Plat of Tracts A-1-C-1-A-2-A * Tract A-1-C-1-A-3, Cryer Property, Zoned SU-1, C-3 & IP Uses, located on 4875 Pan American Freeway NE, between Office Boulevard NE & Chappell Dr. NE containing 1.3 acres. (F-17).
Staff Planner: Catalina Lehner

Project #1010650- Revised Findings & Conditions
HHSDP Text Amendments re: sales of beer and wine in the SU-2/CRZ Zone

Note: Updates reflect the following change made after publication of the Staff report- sales of beer and wine for off-premise consumption is now intended to be a permissive use rather than a conditional use. Changes from the Staff report are in grey highlighting and underlined.

RECOMMENDED FINDINGS – 15EPC-40069, December 10, 2015 – Text Amendments to the Huning Highland Sector Development Plan

1. The City of Albuquerque City Council proposes to amend the SU-2/CRZ Corridor Revitalization Zone of the Huning Highland Sector Development Plan (HHSDP) to allow: 1) the sale of beer and wine for on- and off- premise consumption for establishments with a small brewer's license or a winegrower's license that are not restaurants. ~~and 2) alcohol sales for off premise consumption for establishments with a small brewer's license or winegrower's license if a conditional use is obtained.~~
2. The proposed text amendments are found in Council Bill No. R-15-262, which was introduced at the City Council on October 19, 2015 and subsequently referred to the Environmental Planning Commission (EPC). The EPC is tasked with evaluating the request and forwarding a recommendation to the City Council.
3. The intent of the request is to encourage the continued development and redevelopment of designated commercial corridors in the Huning Highland area by allowing microbreweries, taprooms, and tasting rooms in the SU-2/CRZ Zone to sell beer and wine. The idea is to support the sale of locally-produced beers and wines, which is generally considered a desired form of local economic development. Beer and wine would be available at the establishment (on-premise consumption) and it would be possible to take some home in a growler (off-premise consumption).
4. The proposed text amendments are closely tailored to apply only to properties in the HHSDP area that are zoned SU-2/CRZ. Beer and wine could be sold on-and off- premise in conjunction with a small brewer's license or a winegrower's license. ~~and off premise provided a conditional use is obtained through the Zoning Hearing Examiner (ZHE) process.~~ The sale of distilled alcohol or miniature bottles is not included.
5. The Charter of the City of Albuquerque, the Albuquerque/Bernalillo County Comprehensive Plan, the Huning Highland Sector Development Plan (HHSDP) and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The request meets the intent of the City Charter: Amending the text of an adopted sector development plan falls within the City's powers and is an exercise in local self-government (Article I). Amending a sector plan to allow this use in the SU-2/CRZ Zone, with the requirement that it be in conjunction with a Small Brewer's License or a Winegrower's

License, generally expresses the Council's desire to ensure the proper use and development of land (Article IX).

7. The request generally furthers the intent of the Zoning Code to promote the health, safety and general welfare of the public because it would allow an appropriately regulated form of land use and economic development in the HHSDP area. The application was filed in accordance with Zoning Code requirements. As the zoning authority for the City of Albuquerque, the City Council will make the final determination.

~~8. The proposed text amendments would require a conditional use for off-premise alcohol sales. Through the Zoning Hearing Examiner (ZHE), the conditional use process is a standard process for individually reviewing and approving (where appropriate) uses that are determined to be non-injurious to the neighborhood and community. Notification of neighborhood organizations and property owners is required. Concerned parties can attend a public hearing, submit testimony, and appeal the decision provided they have standing.~~

8. The request furthers the following land use Goal and policies of the Comprehensive Plan:
 - A. Established Urban Goal: The proposed text amendments would allow development of a new use in a limited area, along corridors, which would increase variety and choice of establishments in the HHSDP area. The use would be small-scale and consistent with community character and life style, which is beginning to be defined in part by its local businesses and services. New development would be subject to the design regulations of the Huning Highland Urban Conservation Overlay Zone Regulatory Plan (HHUCOZRP).
 - B. Policy II.B.5a-full range of urban land uses: The request would allow development of a broader range of uses in the corridor zone of the HHSDP, which would increase the range of urban land uses in the area.
 - C. Policy II.B.5d- neighborhood/environmental conditions/resources: The request would respect neighborhood values by facilitating an appropriately regulated and limited form of small-scale economic development in an appropriate location. The proposed text amendments would not allow sales of liquor, which the community has identified as undesirable in the area. The design of new development would be required to comply with the HHUCOZRP regulations. Staff is not aware of any opposition as of this writing.
9. The request furthers the following Economic Development Goal and policy of the Comprehensive Plan:
 - A. Goal: The proposed text amendments generally further the Economic Development Goal because they would contribute to diversification of economic development opportunities in part of the Huning Highland area, and would be narrow in scope and limited to establishments that sell local products. New development would be subject to the design regulations of the HHUCOZRP, which would help keep it consistent with the culture of the area.
 - B. Policy II.D.6b- development of local business/outside firms: The proposed text amendments would facilitate development of local business enterprises, specifically, the

local beer and wine production industry, by allowing beer and wine sales in conjunction with a licensed establishment and along designated revitalization corridors.

10. The request furthers the overarching Goal and objectives of the HHSDP:
 - A. Goal: The proposed text amendments would promote development along these corridors, and new development would be subject to the design regulations of the HHUCOZRP.
 - B. Objective 2: The proposed text amendments would encourage and support commercial development that is small-scale and located in an appropriate place- along designated corridors where revitalization is desired.
 - C. Objective 7: The proposed text amendments would encourage and support local business development by allowing a new kind of business, a microbrewery or tap room, to develop along designated corridors in the HHSDP area.

11. The proposed text amendments to the HHSDP are justified pursuant to Resolution 270-1980, as follows:
 - A. Section 1A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and, in this case, the HHSDP, and is consistent with the intent of the Zoning Code. This has been demonstrated in the response to Section 1C. Furthermore, the new use would be adequately regulated and consistent with the HHSDP.

 - B. Section 1B: The request to add a new use (permissive and conditional) to the SU-2/CRZ Corridor Revitalization Zone would not destabilize land use or zoning. The proposed use is consistent with the goals and objectives of the HHSDP to encourage appropriate types of economic development and commercial uses in the designated corridors; the CRZ zone was created in 2005 precisely for this type of local economic development, which would not threaten the integrity of nearby historic neighborhoods. Also, the request is carefully constructed to allow sales of beer and wine only in conjunction with a state-licensed establishment; alcohol sales is not included. ~~Off-premise sales of beer and wine would be a conditional use which would require neighborhood notification and a public hearing.~~

 - C. Section 1C: The test under Section 1C is whether or not there is "significant conflict" with adopted elements of the Comprehensive Plan or other City master plan such as a sector development plan. The proposed text amendments do not conflict with adopted elements of the Comprehensive Plan or the Huning Highland Sector Development Plan, as demonstrated by the policy analysis herein (see Section IV of this report). The proposed text amendments further the Established Urban Goal and land use policies II.B. 5a and 5d; the Economic Development Goal and Policy II.D.6b; and the Goal of the HHSDP and Objectives 2 and 7.

 - D. Section 1D: The proposed change would be more advantageous to the community, as articulated in applicable Plans. As discussed, the Comprehensive Plan and the HHSDP specifically encourage development of local businesses and economic development that is compatible with the area. The policy-based justification provided

in Section IV demonstrates that the revised, proposed SU-2/CRZ zoning category would be more advantageous to the community than the current zoning.

- E. Section 1E: The new permissive use in the SU-2/CRZ zone is a microbrewery or tap room that sells beer or wine for on- ~~and off-~~ premise consumption. The use would not be harmful to adjacent property, the neighborhood or the community because it would be tied to state-license that only allows sales of local beer or wine and therefore would be limited in scope. ~~Sales of beer or wine for off-premise consumption would be a conditional use. A public hearing before the Zoning Hearing Examiner (ZHE) would be required. This additional review would help ensure compatibility with the neighborhood and surrounding area.~~
 - F. Section 1F: The request would not result in any capital expenditures by the City.
 - G. Section 1G: The cost of land or other economic considerations are not the determining factor for the proposed text amendments. The desire to foster local economic development along designated corridors is the reason for the request.
 - H. Section 1H: The location of the SU-2/CRZ zone along the major streets of Broadway Blvd. and Central Ave. is not being used, in itself, as justification for the request. The request is justified based upon it being more advantageous to the community than the current zoning (see responses to Section 1C and 1D, herein).
 - I. Section 1I: The proposed text amendments would apply to the entire SU-2/CCR Zone rather than one small area or a single premise. Therefore, the request is not a spot zone.
 - J. Section 1J: The proposed text amendments would apply to the entire SU-2/CCR Zone, which is located along Broadway Blvd. and Central Ave. The SU-2/CCR Zone was created in 2005 along portions of these streets; in modifying this zone the proposed text amendments could be considered to affect a "strip of land along a street". However, it has been demonstrated herein that the proposed zone change will clearly facilitate realization of applicable Goals, policies and objectives in the Comprehensive Plan and the HHSDP and therefore is justifiable.
12. The Downtown List of neighborhood organizations was notified: Barelás Neighborhood Association (NA), the Broadway Central Corridors Partnership, Inc., the Citizen's Information Committee of Martineztown, the Downtown NA, the Huning Highland Historic District Association, the Martineztown Work Group, the Raynold Addition NA, the Santa Barbara-Martineztown Association, the South Broadway NA, and the Downtown Action Team. Property owners within 100 feet of a property zoned SU-2/CRZ were also notified as required.
13. The request was advertised in the City's Neighborhood News newsletter. Staff was contacted by ~~three~~ four people who requested information. As of this writing, Staff has not received any written comments and is unaware of any opposition to the request.

RECOMMENDATION – 15EPC-40069 – December 10, 2015

That a recommendation of APPROVAL of 15EPC-40069, text amendments to the SU-2/CRZ Zone of the Huning Highland Sector Development Plan, be forwarded to the City Council, based on the preceding Findings and subject to the following Conditions for recommendation of approval.

CONDITIONS FOR RECOMMENDATION OF APPROVAL- 15EPC-40069, December 10, 2015-Zoning Code Text Amendments

Notes: New language is [+underlined and bracketed+]. Deleted language is [~~underlined, bracketed and struck through~~]. Planning Staff's suggested language is indicated by grey highlighting. Page references are to the proposed legislation (R-15-262).

~~1. Page 4, Line 19 of R-04-155, insert at Page 4, Line 24 of R-15-262) move text and renumber the existing 2 and 3~~

~~[+2. Alcoholic beverage sales of beer and/or wine for off premise consumption in a microbrewery, tap room, tasting room or similar establishment with an approved "Small brewer's license" as governed by 60-6A-26.1 NMSA 1978 or an approved "Winegrower's license" as governed by 60-6A-11 NMSA 1978.+]~~

1. Page 1, Line 4:

OF BEER AND WINE FOR ON-~~AND OFF~~ PREMISE CONSUMPTION FOR ESTABLISHMENTS

2. Page 1, Lines 6-8:

~~WHICH ARE NOT RESTAURANTS, AND ALCOHOL SALES FOR OFF PREMISE CONSUMPTION FOR ESTABLISHMENTS WITH A "SMALL BREWER'S LICENSE" OR A "WINEGROWER'S LICENSE" AS A CONDITIONAL USE~~

3. Page 3, Line 18:

activities or products will not produce ~~odor~~ +odor+, dust, smoke, noise, vibration or

Sandra,

Please see the attached link to the legislation for the text amendment to the Huning Highland SDP to allow brew pubs as a permissive use in the CRZ zone:

<https://cabq.legistar.com/LegislationDetail.aspx?ID=2486964&GUID=9E807C45-D7D1-43C7-9AD5-DB5E1B35FA86&Options=ID|Text|&Search=huning+highland>

Please contact the staff planner, Catalina Lehner (cc'd on this email) to discuss and/or provide comments for the EPC public hearing in December.

All the Best,

Russell D. Brito, Planning Manager

Urban Design & Development Division
City of Albuquerque Planning Department

rbrito@cabq.gov

505.924.3337 w

505.924.3339 fax

“Always in motion is the future.”

- Yoda

Lehner, Catalina L.

From: Brito, Russell D.
Sent: Wednesday, December 09, 2015 12:38 PM
To: sprichardson@comcast.net
Cc: Lehner, Catalina L.; kentekin@gmail.com; Richardson, Cliff; Clifford Richardson; John Martinez; Jonathan Stohs; Jon Stohs; Jennifer Thompson
Subject: RE: Huning Highland SDP Text Amendment

Thank you, Sandra. This is welcome information. We will be able to put this into the record for the decision-makers' consideration.

- Russell

From: sprichardson@comcast.net [<mailto:sprichardson@comcast.net>]
Sent: Wednesday, December 09, 2015 12:36 PM
To: Brito, Russell D.
Cc: Lehner, Catalina L.; kentekin@gmail.com; Richardson, Sandra; Richardson, Cliff; Clifford Richardson; John Martinez; Jonathan Stohs; Jon Stohs; Jennifer Thompson
Subject: Russell, Arno Lofts, Re: Huning Highland SDP Text Amendment

Just to let you know that at the Arno Lofts HOA Annual Membership meeting on 5 Dec. 2015, our members, having received the EPC letter regarding this text amendment, voted in support of this proposal. Before the vote was taken, discussion revealed enthusiastic support for this change.

We look forward to a positive outcome. If it's allowed before the Council votes, would you be so kind as to inform Councillor Ike Benton of the support for his amendment?

Thank you for all your assistance and that of Angelica Catalina and Dora.

Sandra P. Richardson, President
Arno Loft HOA Board of Directors
sprichardson@comcast.net
505-821-1347

From: "Russell D. Brito" <RBrito@cabq.gov>
To: sprichardson@comcast.net
Cc: "Catalina L. Lehner" <CLehner@cabq.gov>, kentekin@gmail.com
Sent: Wednesday, November 25, 2015 2:24:45 PM
Subject: Huning Highland SDP Text Amendment

COMMENTS



November 18, 2015

Dear Neighborhood Organization Representative,

You are receiving this notification because you represent a neighborhood that the Office of Neighborhood Coordination (ONC) includes on its list of Downtown area neighborhoods.

The City of Albuquerque Planning Department, on behalf of City of Albuquerque Council Services, is submitting proposed text amendments to the Huning Highland Sector Development Plan (HHSDP) to amend the SU-2/CRZ Corridor Revitalization Zone.

The changes would apply only to properties zoned SU-2/CRZ.

Currently, the SU-2/CRZ zone of the HHSDP does not allow the sale of beer and wine for on-premise consumption unless the establishment is a restaurant. Alcohol sales for off-premise consumption is prohibited. The intent is to allow tap rooms as a use, and to allow them to sell growlers.

The proposed text amendments would allow:

- 1) the sale of beer and wine for on-premise consumption for establishments with a small brewer's license or winegrower's license that are not restaurants, and
- 2) alcohol sales for off-premise consumption for establishments with a small brewer's license or winegrower's license if a conditional use is obtained. [A conditional use must be applied for through the Zoning Hearing Examiner (ZHE) process; notification and a public hearing are included.]

The amendments are contained in Bill No. R-15-262, available at:

<https://cabq.legistar.com/Legislation.aspx>

The HHSDP is available at:

http://www.cabq.gov/planning/documents/copy_of_HuningHighlandSDPcompleteLegislation.pdf

The request will be heard at the December 10, 2015 Environmental Planning Commission (EPC) hearing. It is Project #1010650, 15EPC-40069. The agenda for the hearing will be available December 3, 2015 at the Case Distribution Session (3 pm, Plaza del Sol Basement Hearing Room, 600 Second St. NW) or at:

<http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission>

If you have questions, comments or concerns about this submittal, please contact the Staff Planner, Catalina Lehner, at (505) 924-3935 or clehner@cabq.gov, or Council Services Staff Andrew Webb at (505) 768-3161 or awebb@cabq.gov.

PARCELS IN THE HUNING HIGHLAND SECTOR DEVELOPMENT PLAN THAT ARE ZONED SU-2/CRZ



SU-2/CRZ



Sector Plans