

# CITY of ALBUQUERQUE

## TWENTY FIRST COUNCIL

COUNCIL BILL NO. C/S R-15-262 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Isaac Benton

1 RESOLUTION  
2 AMENDING THE TEXT OF THE HUNING HIGHLAND SECTOR DEVELOPMENT  
3 PLAN'S CORRIDOR REVITALIZATION ZONE (SU-2/CRZ) TO ALLOW THE SALE  
4 OF BEER AND WINE FOR ON-PREMISE CONSUMPTION FOR  
5 ESTABLISHMENTS WITH A "SMALL BREWER'S LICENSE" OR A  
6 "WINEGROWER'S LICENSE" WHICH ARE NOT RESTAURANTS, AND  
7 ALCOHOL SALES FOR OFF-PREMISE CONSUMPTION FOR  
8 ESTABLISHMENTS WITH A "SMALL BREWER'S LICENSE" OR A  
9 "WINEGROWER'S LICENSE" AS A [CONDITIONAL] [PERMISSIVE] USE.

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

14 WHEREAS, the Council has the authority to adopt, amend, or repeal such a  
15 sector development plan; and

16 WHEREAS, the City of Albuquerque adopted the Huning Highland Sector  
17 Development Plan in 1988; and

18 WHEREAS, the Huning Highland Sector Development Plan was amended in  
19 2005 to establish the SU-2/Corridor Revitalization Zone (SU-2/CRZ) for lots  
20 fronting Central Avenue and portions of Broadway Boulevard by the Council's  
21 adoption of F/S R-04-155 (Enactment No. R-2005-003); and

22 WHEREAS, the SU-2/CRZ zone was established with the stated goal of  
23 encouraging continued development of these corridors as viable residential  
24 and commercial area for the community; and

25 WHEREAS, the SU-2/CRZ zone stipulates that the sale of alcohol for on-  
26 premise consumption is limited to "Restaurant with full-service liquor for on-  
27 premise consumption, including microbrewery"; and

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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-  
6 produced 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,  
12 limiting 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  
16 sale of miniature bottles and fortified liquors; and

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

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

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

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

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

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1 SECTION 1. Section A of the text of the Huning Highland Sector  
2 Development Plan’s SU-2/Corridor Revitalization Zone (SU-2/CRZ), the  
3 permissive uses, is hereby amended as follows:  
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 regulated  
9 by the Huning Highland Urban Conservation Overlay Zone Regulatory Plan.  
10 2. Permissive uses of the R-3 zone as further regulated by the Huning  
11 Highland Urban Conservation Overlay Zone Regulatory Plan. Density and floor  
12 area ratio shall be regulated by the Huning Highland Urban Conservation  
13 Overlay Zone and accompanying Regulatory Plan.  
14 3. Restaurant with full-service liquor for on-premise consumption[,  
15 including ~~microbrewery~~].  
16 [+4. Microbrewery, tap room, tasting room or similar establishment serving  
17 beer and/or wine for on-premise consumption with an approved “Small  
18 brewer’s license” as governed by 60-6A-26.1 NMSA 1978 or an approved  
19 “Winegrower’s license” as governed by 60-6A-11 NMSA 1978. Any brewery  
20 activities are to be conducted within a completely enclosed building. Brewery  
21 activities or products will not produce odor, dust, smoke, noise, vibration or  
22 other impacts in excess of allowed standards.  
23 5. Alcoholic beverage sales of beer and/or wine for off-premise  
24 consumption in a microbrewery, tap room, tasting room or similar  
25 establishment with an approved “Small brewer’s license” as governed by 60-  
26 6A-26.1 NMSA 1978 or an approved “Winegrower’s license” as governed by  
27 60-6A-11 NMSA 1978.+1”  
28 [4.] [+6+] Either:  
29 a. One full service grocery store with package liquor sales for  
30 consumption off-premise, provided that the store is 40,000 square feet  
31 or greater net leasable area and within a building containing residential  
32 and/or office uses, with the following further restrictions:  
33 (1) No sales of broken packages (singles);

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

7           **OR**

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

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

10                  **40,000 square feet net leasable area and within a building containing**

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

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

18           **[5.] [+7+] Only one full service grocery store with package liquor sales for**

19                   **consumption off-premises or one full service grocery store with wine and**

20                   **beer sales for consumption off-premises shall be allowed in the SU- 2/CRZ**

21           **zone at any time.**

22           **[6.] [+8+] "Full service grocery store" shall mean a store primarily engage in**

23                   **retailing a general line of food, such as canned, refrigerated, packaged,**

24                   **baked and frozen foods; fresh fruits and vegetables; and fresh and prepared**

25                   **meats, fish, and poultry.**

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

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

28                   **into the pdf of the Huning Highland Sector Development plan beginning after**

29                   **page 35, with required insert pages numbered as 35a, 35b and so on as**

30                   **necessary.**

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

32                   **after publication by title and general summary.**

1 SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
2 clause, word or phrase of this resolution is for any reason held to be invalid or  
3 unenforceable by any court of competent jurisdiction, such decision shall not  
4 affect the validity of the remaining provisions of this resolution. The Council  
5 hereby declares that it would have passed this resolution and each section,  
6 paragraph, sentence, clause, word or phrase thereof irrespective of any  
7 provisions being declared unconstitutional or otherwise invalid.

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