

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 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 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).

OFFICIAL NOTICE OF DECISION

Project #1010650

December 10, 2015

Page 2 of 6

- 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 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:

OFFICIAL NOTICE OF DECISION

Project #1010650

December 10, 2015

Page 3 of 6

- 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/CR 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-license 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

OFFICIAL NOTICE OF DECISION

Project #1010650

December 10, 2015

Page 4 of 6

- 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 factors 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 2008 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 here 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 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.

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 to **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 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 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 another person who requests it. Such certification shall be signed by the Planning Director after all 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

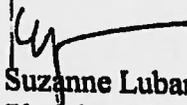
December 10, 2015

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,


for 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, Barelax 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

11-11-11

