

DRB Project 1004675 - Raintunnel

City of
Albuquerque



DEVELOPMENT/ PLAN
REVIEW APPLICATION

Updated 4/16/15

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): Angela Benson, Modulus (Agent) PHONE: 505-338-1499
 ADDRESS: 100 Sun Ave NE, Suite 305 FAX: 505-338-1498
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: abenson@modulus
 APPLICANT: Rain Tunnel Car Spa PHONE: architects.com
 ADDRESS: 10705 Central Ave NE FAX: (505) 224 9720
 CITY: Albuquerque STATE NM ZIP 87109 E-MAIL: bbackner@rain
 Proprietary interest in site: Owner/Developer all owners: tunnel carspa.com

DESCRIPTION OF REQUEST: SDPBP Approval

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. Tract J, Plat for Vista Block: _____ Unit: _____
 Subdiv/Addn/TBKA: Vista de La Luz de La Luz
 Existing Zoning: SU-1 for 0-1/C-1 Proposed zoning: SU-1 for 0-1/C-1 MRGCD Map No _____
 Zone Atlas page(s): F11 UPC Code: 101106131538523401

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_, Z_, V_, S_, etc.):
16EPC-40013, Project 1004675

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? No
 No. of existing lots: 1 No. of proposed lots: 1 Total site area (acres): 1.872 Acres

LOCATION OF PROPERTY BY STREETS: On or Near: _____

Between: Coor Blvd. NW and Sevilla Ave.

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

SIGNATURE Angela M. Benson, Agent DATE 7/11/2016

(Print Name) Angela Benson, Modulus Architects 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	_____	_____	_____	\$ _____
<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				\$ _____
	Hearing date _____			

Project # _____

Staff signature & Date _____

FORM P(3): SITE PLAN REVIEW - D.R.B. MEETING (UNADVERTISED)

SKETCH PLAT REVIEW AND COMMENT (DRB22)

Maximum Size: 24" x 36"

- Scaled site sketch and related drawings showing proposed land use including structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etc. (folded to fit into an 8.5" by 14" pocket) 6 copies.
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB18)

Maximum Size: 24" x 36"

- 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
- Scaled site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Letter of authorization from the property owner if application is submitted by an agent
- Copy of the document delegating approval authority to the DRB
- Completed Site Plan for Subdivision Checklist
- Infrastructure List, if relevant to the site plan
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB17)

Maximum Size: 24" x 36"

- 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center: Certificate of No Effect or Approval
- Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies
- Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. 6 copies.
- Solid Waste Management Department signature on Site Plan
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Letter of authorization from the property owner if application is submitted by an agent
- Copy of the document delegating approval authority to the DRB
- Infrastructure List, if relevant to the site plan
- Completed Site Plan for Building Permit Checklist
- Copy of Site Plan with Fire Marshal's stamp
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB01) **Maximum Size: 24" x 36"**

AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB02) **Maximum Size: 24" x 36"**

- Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
- DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) 6 copies
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Letter of authorization from the property owner if application is submitted by an agent
- Infrastructure List, if relevant to the site plan
- Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

FINAL SIGN-OFF FOR EPC APPROVED SDP FOR BUILDING PERMIT (DRB05)

FINAL SIGN-OFF FOR EPC APPROVED SDP FOR SUBDIVISION (DRB06)

- Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies
- Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) 6 copies
- Solid Waste Management Department signature on Site Plan for Building Permit
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter carefully explaining how each EPC condition has been met and a copy of the EPC Notification of Decision
- Infrastructure List, if relevant to the site plan
- Copy of Site Plan with Fire Marshal's stamp (not required for SDP for Subdivision)
- List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting.**

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.

Angela Benson, Agent
 Applicant name (print)
Angela Benson, Agent
 Applicant signature / date



Form revised **October 2007**

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers

Project # _____
 Planner signature / date _____

1. SITE PLAN REVIEW AND COMMENT (ORBS)

1. Scaled site plan and related drawings showing proposed land use including structures, parking, sight triangles, adjacent right-of-way and street improvements, etc. (folded to fit into an 8.5" by 14" pocket) 6 copies. Zone Atlas map with the entire property(ies) clearly outlined. Letter clearly describing, explaining, and justifying the request. Letter of authorization from the property owner if application is submitted by an agent. Copy of the document detailing approval authority to the DRB. Completed Site Plan for Subdivision Checklist. Interim site plan, if relevant to the site plan. Fee (see schedule). List any original and/or related file numbers on the cover application. Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Bring the original to the meeting. Your attendance is required.

2. SITE DEVELOPMENT PLAN FOR SUBDIVISION (ORBS)

2. Scaled site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies. Zone Atlas map with the entire property(ies) clearly outlined. Letter clearly describing, explaining, and justifying the request. Letter of authorization from the property owner if application is submitted by an agent. Copy of the document detailing approval authority to the DRB. Completed Site Plan for Subdivision Checklist. Interim site plan, if relevant to the site plan. Fee (see schedule). List any original and/or related file numbers on the cover application. Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Bring the original to the meeting. Your attendance is required.

3. SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (ORBS)

3. Scaled site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies. Zone Atlas map with the entire property(ies) clearly outlined. Letter clearly describing, explaining, and justifying the request. Letter of authorization from the property owner if application is submitted by an agent. Copy of the document detailing approval authority to the DRB. Completed Site Plan for Building Permit Checklist. Interim site plan, if relevant to the site plan. Copy of Site Plan with the State's stamp. Fee (see schedule). List any original and/or related file numbers on the cover application. Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Bring the original to the meeting. Your attendance is required.

4. APPROVED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (ORBS)

4. Scaled site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies. Zone Atlas map with the entire property(ies) clearly outlined. Letter clearly describing, explaining, and justifying the request. Letter of authorization from the property owner if application is submitted by an agent. Copy of the document detailing approval authority to the DRB. Completed Site Plan for Building Permit Checklist (not required for submission of SDP for Subdivision). Fee (see schedule). List any original and/or related file numbers on the cover application. Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Bring the original to the meeting. Your attendance is required.

5. FINAL SIGN-OFF FOR EPC APPROVED SDP FOR BUILDING PERMIT (ORBS)

5. Scaled site plan and related drawings (folded to fit into an 8.5" by 14" pocket) 6 copies. Zone Atlas map with the entire property(ies) clearly outlined. Letter clearly describing, explaining, and justifying the request. Letter of authorization from the property owner if application is submitted by an agent. Copy of the document detailing approval authority to the DRB. Completed Site Plan for Building Permit Checklist (not required for submission of SDP for Subdivision). Fee (see schedule). List any original and/or related file numbers on the cover application. Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Bring the original to the meeting. Your attendance is required.

6. Final sign-off for EPC approved SDP for Building Permit (ORBS)

Applicant (Name) _____
Applicant (Address) _____
Applicant (City) _____
Applicant (State) _____
Applicant (Zip) _____
Applicant (Phone) _____
Applicant (Email) _____
Applicant (Fax) _____
Applicant (Mailing Address) _____
Applicant (Mailing City) _____
Applicant (Mailing State) _____
Applicant (Mailing Zip) _____
Applicant (Mailing Phone) _____
Applicant (Mailing Email) _____
Applicant (Mailing Fax) _____

Form to read October 2007

Applicant's name

Applicant's address

Planner signature & date

Project #

Applicant's phone number

Applicant's email

Applicant's fax number

Applicant's mailing address

Applicant's mailing phone number

Applicant's mailing email

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT CHECKLIST

This checklist will be used to verify the completeness of site plans submitted for review by the Environmental Planning Commission and Development Review Board. Because development proposals vary in type and scale, there may be submittal requirements that are not specified here. More details and/or minor changes may be necessary as the project progresses through DRB and building permit reviews. Certification of completeness as specified below is required.

I CERTIFY THAT THE SUBMITTED SITE DEVELOPMENT PLAN IS COMPLETE AND ACCURATE, AND THAT ALL APPLICABLE INFORMATION AS SPECIFIED IN THIS CHECKLIST IS PROVIDED. I ACKNOWLEDGE THAT MORE DETAILS AND/OR MINOR CHANGES MAY BE NECESSARY AS THE PROJECT PROGRESSES THROUGH THE REVIEW PROCESSES. FURTHER, I UNDERSTAND THAT THIS APPLICATION IS BEING ACCEPTED PROVISIONALLY AND THAT INACCURATE AND/OR INCOMPLETE INFORMATION MAY RESULT IN THE SUBSEQUENT REJECTION OR DEFERRAL OF THE APPLICATION.

Angela Benson, Agent - Modulus
 Applicant or Agent Signature / Date

NOTE: MAXIMUM SIZE FOR SUBMITTAL IS 24" X 36", or as pre-approved by Planning Staff

Site development plan packets shall be composed of the following plan sheets (unless otherwise approved in writing):

1. **Site Plan** (including easements with recording information)
2. **Landscaping Plan**
3. **Conceptual Grading and Drainage Plan** (a separate Grading Plan sheet is required for sites > 1 acre)
4. **Conceptual Utility Plan** (for sites less than one acre, Utility Plan may be shown on Site Plan)
5. **Building and Structure Elevations**
6. **Previously approved Development Plan** (if applicable)

Submitted plan packets must be organized in the above manner. The following checklist describes the minimum information necessary for each plan element. Please refer to the City's DPM, Zoning Code and any applicable Sector Development Plan and Master Development Plan for specific design requirements for the elements listed below. The Applicant must include all checklist items on their site plan drawings and confirm inclusion by checking off the items below. Non-applicable items must be labeled "N/A." Each non-applicable designation must be explained by notation on the Checklist.

Accompanying Material

- A. 8-1/2" x 11" reduction for each plan sheet & electronic copy (pdf) of Site Development Plan
- B. **Written project summary.** Each application must include a brief narrative description of the proposed project, its primary features and how compatibility with the surrounding context has been achieved.

SHEET #1 – SITE PLAN

A. General Information

1. Date of drawing and/or last revision
2. Scale:

1.0 acre or less	1" = 10'	Over 5 acres	1" = 50'
1.0 - 5.0 acres	1" = 20'	Over 20 acres	1" = 100'
[other scales, if approved by staff]			
3. Bar scale
4. North arrow
5. Vicinity map
6. Signature Block (for DRB site dev. plans)
7. Property lines (clearly identify)
8. Existing easements on the site and within 20 ft. of the site with recording information; proposed easements on the site
9. Phases of development including location and square footages of structures, circulation, parking and landscaping
10. Indicate existing structures and easements (with recording information) within 20 ft. of the site

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT CHECKLIST

B. Proposed Development

1. Structural

- 1. Location of existing & proposed structures on the site (distinguish between existing & proposed, include phasing)
- 2. Dimensions and square footage of each structure
- 3. Proposed use of each structure
- 4. Walls, fences, and screening: indicate height, length, color and materials
- 5. Loading facilities
- 6. Conceptual site lighting (indicate general location & maximum height)
- 7. Location of refuse container and enclosure
- 8. Site amenities including patios, benches, tables (indicating square footage of patios/ plazas)

2. Parking and Circulation

- A. Parking layout with spaces numbered per aisle and totaled.
 - 1. **Location and typical dimensions**, including handicapped spaces
 - 2. **Calculations:** spaces required: _____ provided: _____Handicapped spaces (included in required total) required: _____ provided: _____
Motorcycle spaces (in addition to required total) required: _____ provided: _____
- B. Bicycle parking & facilities
 - 1. Bicycle racks, spaces required: _____ provided: _____
 - 2. Bikeways and other bicycle facilities, if applicable
- C. Public Transit
 - 1. Bus facilities, including routes, bays and shelters existing or required
- D. Pedestrian Circulation
 - 1. Location and dimensions of all sidewalks and pedestrian paths
 - 2. Location and dimension of drive aisle crossings, including paving treatment
 - 3. Location of proposed and existing public sidewalk; define distance from back of curb to sidewalk
- E. Vehicular Circulation (Refer to Chapter 23 of DPM for design requirements)
 - 1. Ingress and egress locations, including width and curve radii dimensions
 - 2. Drive aisle locations, including width and curve radii dimensions
 - 3. End aisle locations, including width and curve radii dimensions
 - 4. Location & orientation of refuse enclosure, with dimensions
 - 5. Curb cut locations and dimensions
 - 6. Existing and proposed street widths, right-of-way widths and curve radii
 - 7. Identify existing and proposed turn lanes, deceleration lanes and similar features related to the functioning of the proposal, with dimensions
 - 8. Location of traffic signs and signals related to the functioning of the proposal
 - 9. Identify existing and proposed medians and median cuts

3. Phasing – This is required information if phasing of project is anticipated

- Proposed phasing of improvements and provision for interim facilities. Indicate phasing plan, including location and square footage of structures and associated improvements including circulation, parking and landscaping.

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT CHECKLIST

SHEET #2 – LANDSCAPING PLAN

Landscaping may be shown on sheet #1 with written approval from Planning Department staff

1. Scale - must be same as scale on sheet #1 - Site Plan
2. Bar Scale
3. North Arrow
4. Property Lines
5. Existing and proposed easements
6. Statement of Landscaping Responsibility for Maintenance (Landscape Agreement will be required for landscape in public right-of-way prior to Building Permit)
7. Statement of compliance with Water Conservation Ordinance, see §6-1-1
8. Statement of compliance with §14-16-3-10, General Landscaping Regulations
9. Identify location and size (SF) of all landscaping areas, including:
 - A. Type, location and size of trees (common and/or botanical names)
 - B. Type and location of all ground cover material (organic/inorganic)
 - C. Existing vegetation, indicating whether it is to be preserved or removed
 - D. Ponding areas either for drainage or landscaping/recreational use
 - E. Turf area – only 20% of landscaped area can be high water-use turf
10. Landscape calculation table:
 - A. Required and Provided Landscape Area – square footage and percent
 - B. Required and Provided Trees (street, parking lot, screening, etc.)
11. Street Tree Plan as defined in the Street Tree Ordinance (see §6-6-2)
12. Verification of adequate sight distance
13. Provide a plant list of shrubs, grasses, and perennials

SHEET # 3 – CONCEPTUAL GRADING and DRAINAGE PLAN

The Conceptual Grading and Drainage Plan provides the Planning Commission and DRB with an understanding of site topography and how it relates to adjacent property. The City Engineer or her/his designee may waive or allow adjustments to the Conceptual Grading and Drainage Plan requirements for sites that are already developed or are small, relatively flat and have no existing or proposed extraordinary drainage facilities. Waivers must be obtained in writing from the City Engineer prior to application submittal.

A. General Information

1. Scale - must be same as Sheet #1 - Site Plan
2. Bar Scale
3. North Arrow
4. Property Lines
5. Building footprints
6. Location of Retaining walls

B. Grading Information

1. Provide a narrative description of existing site topography, proposed grading improvements, flood zone status, and topography within 20 feet of the site.
2. Show existing and proposed contours, retaining wall heights, approximate street (drive entrance/parking lot) slopes.
3. Identify whether ponding is required
4. Indicate Finished Floor Elevation and provide spot elevations for all corners of the site (existing and proposed) and points of maximum cut or fill exceeding 1 foot.

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT CHECKLIST

- 5. Cross Sections
Provide cross section for all perimeter property lines where the grade change is greater than 4 feet at the point of the greatest grade change.
- 6. In addition to the above, the following must be provided for DRB applications:
 - A. Conceptual onsite drainage system
 - B. For sites 5 acres or greater or for sites where drainage infrastructure is required, a Drainage Report is required.

SHEET #4 – UTILITY PLAN

If site is less than one acre, the Utility Plan may be shown on sheet #1

- 1. Fire hydrant locations, existing and proposed.
- 2. Distribution lines
- 3. Right-of-Way and easements, existing and proposed, on the property and adjacent to the boundaries, with identification of types and dimensions.
- 4. Existing water, sewer, storm drainage facilities (public and/or private).
- 5. Proposed water, sewer, storm drainage facilities (public and/or private)

SHEET #5 BUILDING AND STRUCTURE ELEVATIONS

A. General Information

- 1. Scale (minimum of 1/8" or as approved by Planning Staff)
- 2. Bar Scale
- 3. Detailed Building Elevations for each facade
 - a. Identify facade orientation (north, south, east, & west)
 - b. Facade dimensions including overall height and width of building and major building articulation elements such as doors and windows (to determine compliance with zoning or other regulations)
 - c. Materials and colors of principle building elements – façade, roof, windows, doors, etc.
 - d. 8½" x 11" color renderings or similar illustrations (2 for DRB and 10 for EPC)
- 4. Dimensions, colors and materials of Refuse Enclosure
- 5. Site Development Plans for single family residential projects with multiple units may require submittal of specific information on building features in lieu of elevation drawings for each building. Applicants are advised to discuss submittal requirements with Planning Department staff.

B. Signage

- 1. Site location(s)
- 2. Sign elevations to scale
- 3. Dimensions, including height and width
- 4. Sign face area - dimensions and square footage clearly indicated
- 5. Lighting
- 6. Materials and colors for sign face and structural elements
- 7. Verification of adequate sight distance



City of Albuquerque
Development Review Board
Mr. Jack Cloud, DRB Chair
Plaza del Sol, 600 Second NW
Albuquerque, New Mexico 87102
Telephone: (505) 924-3860

July 11, 2016

**SITE DEVELOPMENT PLAN FOR BUILDING PERMIT FOR SU-1 O-1/C-1 PERMITTED USES – 5401
SEVILLA AVE NW. - VISTA DE LA LUZ SUBDIVISION**

Mr. Cloud and members of the Development Review Board,

Modulus Architects, Inc., hereafter referred to as "Agent" for the purpose of this request, represents Classic Emporium (dba: Rain Tunnel Car Spa), hereafter referred to as "Applicant". We, "Agent" are requesting approval of a Site Development Plan for Building Permit for Tract J, Vista de La Luz, an approximately 1.872 acres (the "subject site") located on the west side of Coors Boulevard, north of Sevilla Avenue.

On April 14, 2016 the Environmental Planning Commission voted to APPROVE the project #1004675 Site Development Plan for Building Permit. The unanimous approval was appealed to the LUHO (Land Use Hearing Officer) in which he recommended denial of the appellants request. This recommendation to the City Council was supported and the appeal was denied by the City Council on June 23, 2016.

Per the Conditions of Approval (16EPC-40013) numbered 1 -17 found in the Notice of Decision, our team has implemented these conditions of approval and received approval from Vicente Quevedo to make this submittal to the Development Review Board (DRB) for review and approval.

The purpose of the Site Development Plan for Building Permit is to allow for commercial development & construction of this parcel. The subject site is the last remaining commercial tract in the Vistas de La Luz development, which is mostly residential. The "Applicant" is proposing to construct The Rain Tunnel Car Spa as well as a retail pad building designated as shops space. On October 18, 2007 the **Environmental Planning Commission approved the Site Development Plan for Subdivision (Project 1004675/07EPC40026) zoned SU-1 for PRD (0-1 and C-1 permissive uses with exclusions) that allows for a car wash on this parcel.** Exhaustive measures were taken to ensure development in conformance with the approved EPC plan which included a specific list of exclusions, of which, a car wash is not one of those exclusions. The excluded uses are: church, school, community residential program, antenna, gasoline, oil sales, hardware building materials, auto repair or storage, auto parts/supply, activities in a tent, public utility structure, loaning money and taxidermy. The car wash and the retail shops space in this request are **permissive uses** and have been designed to meet and in some instances exceed the design standards of the approved Vistas de la Luz Site Plan for Subdivision as well as those of all applicable plans and policies of the City of Albuquerque.

Please do not hesitate should you have any questions regarding this application.

Sincerely,

Angela Benson, Principal Partner (Agent)

Modulus Architects, Inc.

100 Sun Ave NW, Suite 305

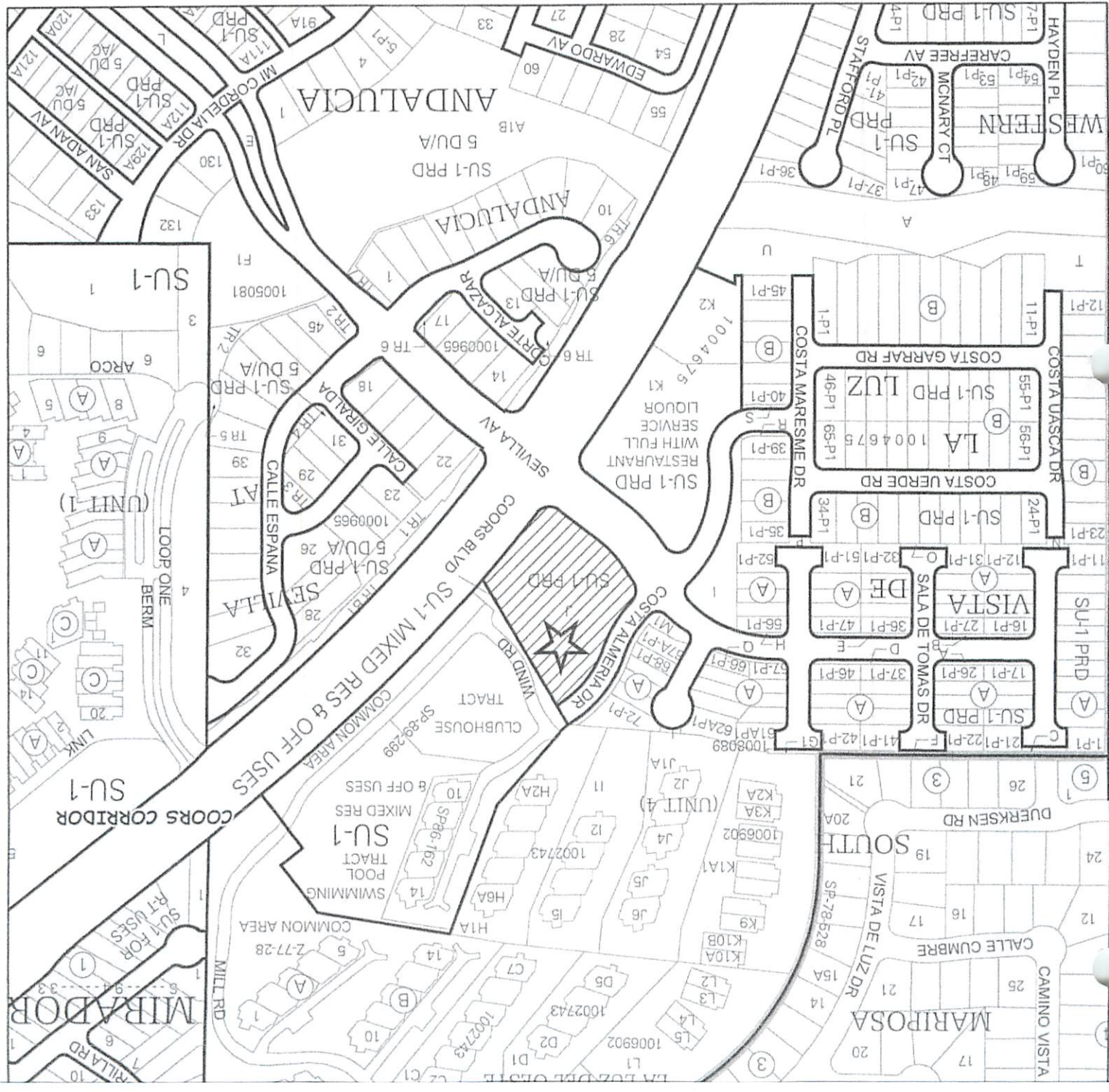
Albuquerque, New Mexico 87109

Main: (505) 348-1499

Abenson@modulusarchitects.com



MODULUS
ARCHITECTS



ZONING MAP

Note: Grey shading indicates County.



1 inch = 300 feet

Project Number:
1004675

Hearing Date:
04/14/2016

Zone Map Page: F-11

Additional Case Numbers:
16EPC-40013

**Notice of Decision
City Council
City of Albuquerque
June 23, 2016**

AC-16-6 Project# 1004675/16EPC-40013 - Wallace Ford Appeals the Environmental Planning Commission's (EPC's) Approval of 16EPC-40013, a Site Development Plan for Building Permit for all or a portion of Tract J, Plat for Vista de La Luz, zoned SU-1/O-1 and C-1 Permissive Uses with Exclusions, located at 5401 Sevilla Ave. NW, between Coors Blvd. and Costa Almeria Dr. NW, containing approximately 1.9 acres

Decision

On June 20, 2016, by a vote of 8 FOR, 1 AGAINST, the City Council voted to deny the appeal and affirm the decision of the Environmental Planning Commission by accepting and adopting the recommendations and findings of the Land Use Hearing Officer

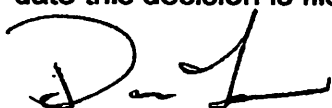
Against: Sanchez

IT IS THEREFORE ORDERED THAT THE APPEAL IS DENIED, THE EPC'S DECISION IS AFFIRMED, AND THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT IS APPROVED

Attachments

1. Land Use Hearing Officer's Recommendation
2. Action Summary from the June 20, 2016 City Council Meeting

A person aggrieved by this decision may appeal the decision to the Second Judicial District Court by filing in the Court a notice of appeal within thirty (30) days from the date this decision is filed with the City Clerk.



Dan Lewis, President
City Council

Date: 6-28-16

Received by: R Valencia
City Clerk's Office

Date: 6/28/16

LAND USE HEARING OFFICER'S RECOMMENDATION

APPEAL NO. AC-16-6

Project No. 1004675; 16EPC-40013

WALLACE FORD, Appellant,

RAIN TUNNEL CAR SPA, Party Opponent.

1 **I. BACKGROUND**

2 The Appellant, Wallace Ford, timely filed this appeal as President of the La Luz Del Sol
3 Neighborhood Association (LLDSNA). This is an appeal from the Environmental Planning
4 Commission (EPC) regarding their approval of a Site Development Plan for Building Permit for
5 a car wash and a 4,235 square foot retail building on a 1.9-acre tract. Appellant raises multiple
6 issues in his appeal. A Land Use appeal hearing was held on June 1, 2016.¹ After reviewing the
7 record, hearing arguments and testimony at the Land Use administrative appeal hearing, I find
8 that the appeal should be denied. The record and the decision of the EPC is supported by a
9 preponderance of the evidence.

10 **II. STANDARD OF REVIEW**

11 A review of an appeal is a whole record review to determine if the EPC erred:

- 12 1. In applying adopted city plans, policies, and ordinances in arriving at
13 the decision;
- 14 2. In the appealed action or decision, including its stated facts;
- 15 3. In acting arbitrarily, capriciously or manifestly abusive of discretion.

1. Prior to the LUHO hearing, I requested that the record be supplemented with the legible copies of the 2006 Site Plan for Subdivision which should be in the record.

16 At the appeal level of review, the decision and record must be supported by a preponderance of
17 the evidence to be upheld. The Land Use Hearing Officer is advisory to the City Council. The
18 Land Use Hearing Officer has authority to recommend that the City Council grant the appeal in
19 whole or in part, deny, or remand the appeal to the ZHE or to the BOA for reconsideration if the
20 remand is necessary to clarify or supplement the record, or if the remand would expeditiously
21 dispose of the matter."²

22

23 **III. DISCUSSION**

24 On April 14, 2016, at its scheduled public hearing, the EPC approved a Site Development
25 Plan for Building Permit (Site Plan) application for the construction of a 5,200 square foot car
26 wash (spa), a 4,235 sq. ft. building for retail/office space, parking space, and landscaping. Each
27 of the uses (car wash and retail/office building) were approved to be constructed in two phases.
28 The overall site comprises 1.9 acres of land. The 1.9-acre tract was previously zoned SU-1 for
29 PRD uses including O-1 and C-1 uses. Thus, O-1 and C-1 uses are permissive uses on the 1.9-
30 acre tract.³ The record reveals that the 1.9-acre tract is part of a 29.3-acre larger Site
31 Development Plan for Subdivision, approved by the EPC on May 3, 2006. The record further
32 shows that the 2006 Site Development Plan for Subdivision expressly excluded various
33 unambiguous C-1 uses, and it included design standards for the permissive O-1 and C-1 uses on
34 the 1.9-acre tract which is the subject of this appeal.

35 Appellant raises a multitude of very general issues he claims are EPC error. At the core of
36 the appeal, however, is the argument that the 5,200 sq. ft. car wash is not a permissive use at the

2. See Rules of the Land Use Hearing Officer adopted by the City Council, February 18, 2004. Bill No. F/S OC-04-6 and codified in Section 14-16-4-4 of the Zoning Code.

3. Note that there are exceptions—specific excluded uses which were adopted by the EPC in 2006. See below.

37 site. This contention has various facets. First, Appellant contends that the EPC, in its 2006
38 approval of the Site Development Plan for Subdivision, did not contemplate or intend a car wash
39 to be sited on the 1.9-acre tract. Next, Appellant believes that the 5,200 sq. ft. car wash is more
40 like the excluded automotive uses, and therefore the car wash cannot be a permissive use.
41 Finally, Appellant claims that the EPC should have treated the car wash as a conditional use
42 because the City is currently appraising a *draft* performance-based zoning ordinance that makes
43 car washes conditional uses in C-1 zones. The draft ordinance has not been approved by the EPC
44 or by the City Council. Appellant believes that the draft ordinance manifests the City's current
45 intent to treat car washes as conditional uses. All of these arguments are unsupported by the
46 evidence and the Zoning Code.

47 Next, Appellant contends that the Traffic Impact Study (TIS) that was submitted to the
48 EPC in 2006 in support of the 29.3-acre Site Development Plan for Subdivision is too old. He
49 believes that the EPC should have required an updated TIS from the applicant.

50 Finally, Appellant raises a hodgepodge of contentions having to do with the site plan itself.
51 He argues that the car wash use defies City Comprehensive Plan Policy II.B.5.d (disrespects
52 neighborhood values and is detrimental to the nearby housing). He contends there are insufficient
53 parking spaces proposed for the uses at the site; and, that the proposed building elevations of the
54 buildings at the site were not made public before the EPC hearing. Finally, Appellant believes
55 that the noise study the applicant performed was faulty. In his appeal, Appellant did not ask for
56 a remedy. However, I assume he is seeking that I recommend to the City Council that the EPC's
57 decision be reversed or that the matter be remanded to the EPC for more findings. As stated
58 above, the EPC decision approving the application for building permit is well-supported by the
59 record, and as such, Appellant's appeal should be denied.

60 **A. The Record Supports that the Car Wash is a Permissive Use**

61 Appellant contends that the car wash, for various reasons, is not a permissive use. The EPC
62 expressly found that “[t]he proposed car wash and retail uses for the subject site are permissive
63 under the existing SU-1 / O-1 and C-1...”⁴ In addition, pursuant to §14-16-2-16(A)(10(d) of the
64 existing City Zoning Code, “car washing” is presumptively a permissive use in the services
65 category of C-1 permissive uses.

66 The only evidence Appellant presents to support his argument is an unidentified *draft*
67 iteration of the Integrated Development Ordinance, Section 13-16-3, Modules 1 and 2, dated
68 May, 2016. In this draft Ordinance, car washes are not permissive uses in C-1 zones; instead
69 they are conditional uses.⁵ It is undisputed that the draft ordinance is just that—a draft that has
70 not been adopted by the EPC or by the City Council.⁶ In short, draft ordinances have no legal
71 significance to any building permit application. Draft ordinances carry no weight in the analysis
72 and the EPC appropriately gave the draft no weight when it evaluated the building permit
73 application. The retroactive application of a prospective, but unapproved ordinance constitutes
74 ex post facto rule making and is unlawful. The prohibition against ex post facto rule-making is
75 a fundamental component of due process. Under any circumstances the government is strictly
76 prohibited from retroactively applying a rule that is not the current law. Thus, Appellant’s claim
77 that the EPC should have employed the draft ordinance is without merit.

78 As for the argument Appellant raised that the car wash use was not intended in the 2006
79 Site Plan for Subdivision, Appellant has not brought forth any evidence of this alleged intent. I
80 have reviewed the Official Notification of Decision of the EPC’s approval of the 2006 Site

4. EPC Official Notification of Decision, Dated April 14, 2016, Finding 2, Page 4 of the record.

5. See Page 25 of the Record.

6 See Zoning Code, Section 14-16-4-1, Amendment Procedure.

81 Development Plan for Subdivision, and I cannot find any intent either way regarding a car wash
82 use.⁷ What is clear from the 2006 approval is that C-1 uses and O-1 uses which were not
83 prohibited (or excluded by the EPC) were expressly reserved as permissive for the 1.9-acre site.
84 In addition, the prohibited uses listed on the approved 2006 Site Development Plan for
85 Subdivision are well-defined. A car wash is not on the list of the fifteen prohibited uses.⁸ And,
86 as stated above “car washing” is a permissive use in a C-1 zone under §14-16-2-16(A)(10(d).

87 Next, without any evidence, Appellant vaguely argues, that car wash “activities are similar
88 to the automobile-related uses that are prohibited (excluded) on the [2006] site plan.”⁹ Appellant
89 seems to suggest that because car wash uses concern automobiles and some of the prohibited
90 uses are automobile-related uses, by this association, a car wash must also be a prohibited use.
91 This logic misses the mark on many levels. First, uses defined in the City’s Zoning Code
92 generally only apply to the regular use of a building, not similarities, how the uses perform, or
93 whether or not there is an occasional deviation from the underlying use. A residential house, for
94 example, does not become a commercial hotel by virtue of having the occasional overnight guest.
95 Similarly, a car wash does not become an automotive repair use, simply because the focus of a
96 car wash is to wash automobiles. The only similarity between a car wash and the prohibited uses
97 of auto parts and supply, auto repair, or auto body-work uses is that the uses concern automobiles.
98 More importantly, though, it is indisputable that a car wash is not among the listed unambiguous
99 prohibited uses listed in the 2006 Site Development Plan for Subdivision. There is no evidence
100 that the EPC meant to exclude car wash uses when it definitively prohibited “auto parts and
101 supply” uses, and “automobile repairing, including body work” uses as it did in the 2006 Site

7. See Pages 73-79 of the Record.

8. See Record, Supplement, Approved Site Plan for Subdivision, Vistas de La Luz Subdivision.

9 Record Page 19.

102 Development Plan for Subdivision. It would be an error to read a meaning into a category of
103 uses which is not there, particularly when there is no evidence in the record that the uses
104 prohibited are imprecise or vague. In sum, Appellant’s multi-prong argument that the car wash
105 use is not permissive under the zoning code should be denied because his arguments are not
106 supported by any Zoning Code or policy.

107 **B. Appellant Did Not Meet His Burden in Showing That an Updated TIS is Required**

108 Appellant next contends that the building permit applicant should have been required to
109 perform an updated TIS. In addition, Appellant claims that the site generated traffic exceeds 100
110 new vehicle trips to or from the site on the adjacent roadways during peak periods and therefore
111 a new TIS should have been required. The evidence shows that the City Traffic Engineer required
112 a TIS with the submission of the 2006 Site Development Plan for Subdivision, but did not require
113 that it be updated with the submission of the building permit application.

114 In the City’s Development Review Manual (DPM), a TIS is required to be submitted with
115 the application for building permit based upon traffic generation if the “site generated traffic of
116 100 or more additional (new) peak direction, inbound or outbound vehicle trips to or from the
117 site in the morning or evening peak period of the adjacent roadways or the developments peak
118 hour.”¹⁰ Otherwise, it is within the sound discretion of the City Chief Traffic Engineer to
119 determine if a new TIS is necessary. In this case, the City Traffic Engineer used her sound
120 discretion and concluded a new TIS was unnecessary. I find that the Traffic Engineer did not
121 abuse her discretion as I show below.

122 Appellant’s main argument with regard to the TIS is that *if* the 4,235 sq. ft. retail space at
123 the site becomes a “convenience store” or a “variety store” then the 1.9-acre site, which includes

10 DPM, Section 8. Traffic Impact Studies.

124 the car wash use, will likely exceed the 100 peak vehicle trips threshold, requiring a TIS.¹¹ The
125 crux of Appellant’s argument hangs on conjecture. Conjecture, or unsupported assumptions
126 alone cannot sustain an appeal. In an appeal, the Appellant has the burden of proof. There is
127 absolutely no evidence that the proposed retail use will be a convenience store or a variety store
128 as Appellant speculates. There is evidence in the record before the EPC, that the retail space
129 would likely be for small “retail shops.”¹²

130 In addition, the evidence in the record further demonstrates that road traffic mitigation
131 improvements are fully built out including turn lanes, bike lanes, and right turn movement
132 queueing Westbound on Sevilla. The existing TIS and comments from a New Mexico
133 Department of Transportation engineer (NMDOT) are substantial evidence that no further
134 improvements can be done to mitigate traffic effects. At the LUHO hearing, the applicant, Buck
135 Bruckner confirmed with his testimony that all road improvements required by the City have
136 been made. In addition, Traffic Engineer Racquel Michel testified at the EPC that after reviewing
137 the 2006 TIS, she does not “believe conditions have changed enough that it would negate any of
138 the findings” in the existing 2006 TIS because growth was projected through the year 2025 and
139 the entire subdivision site (including the 1.9-acre tract) was evaluated at full-build.¹³ City Traffic
140 Engineer Michel further testified at the LUHO hearing that a new TIS is unnecessary for this
141 reason and because the existing TIS, although done in 2006, fully accounted for the added traffic
142 from development of the 1.9-acre tract which is the subject of this appeal.¹⁴ None of this
143 evidence was rebutted by Appellant.

144 There is no evidence, except Appellant’s lay opinions, that challenge the Traffic Engineer’s

11 See Page 21 of the Record.
12 See Pages 107 and 324 of the Record.
13 Record, Pages 243-244.
14 Record, Page 246.

145 testimony. Appellant's testimony was opinion unsupported by facts. A lay person who gives
146 opinion testimony must show first-hand knowledge of the facts supporting his opinion and a
147 rational connection between the observations made and the opinion formed. Appellant has not
148 done this. Appellant's claim that the EPC erred for not requiring a new TIS should be denied. I
149 also find that the Traffic Engineer did not abuse her discretion in concluding that an updated TIS
150 was necessary.

151 **C. Appellant Did Not Satisfy His Burden on the Remaining Appeal Issues**

152 Appellant next takes the position that the noise and added traffic from the car wash use will
153 adversely affects the nearby Vistas de La Luz and La Luz del Sol residential neighborhoods.
154 However, Appellant did not produce any facts of these adverse effects—just opinions. He further
155 contends that EPC Finding 7.D. with regard to noise was insufficient because the noise study
156 was insufficient.

157 With regard to the added traffic that C-1 and O-1 uses generate, as stated above, the TIS
158 clearly demonstrates that the growth and development of C-1 and O-1 uses was expressly
159 contemplated and approved at the site in 2006.¹⁵ Moreover, the evidence in the record
160 demonstrates that all of the road improvements and mitigation measures recommended in the
161 2006 TIS have been made by the developer of the 29.3-acre subdivision developer. These
162 measures were expressly recommended by the City Traffic Engineer and the author of the TIS
163 to mitigate the adverse effects on the adjacent roadways and specifically on the residential
164 neighborhoods in the area.

165 In addition, specifically because the overall 29.3-acre subdivision establishes a full range
166 of mixed urban land uses, in 2006 the EPC made an express finding that the introduction of the

¹⁵ See 2006 TIS, scoping study procedures, Page 372 of the record. 39,200 sq. ft. of retail commercial building floor space, and 16,800 sq. ft. of retail office building floor space was included in the study.

167 C-1 and O-1 uses with the 139 PRD, residential uses partially furthers Albuquerque
168 Comprehensive Plan Policy II.B.5.d.¹⁶ This decision was never appealed. Moreover, with
169 regard to the building permit, the EPC made several express findings that the project “respects
170 existing neighborhood values.” In doing so, it used its legitimate discretion to balance any
171 potential harmful effects with the benefits C-1 and O-1 uses bring to the area. The EPC explicitly
172 found that the intensity of the uses is appropriate for the site specifically because the uses do not
173 exceed the threshold number requiring a new TIS.¹⁷ The EPC also found that the proposed uses
174 and site design comply with the design standards in effect for the site since 2006.¹⁸ These design
175 standards were found to be compatible with the PRD uses in the 2006 Site Development Plan
176 for Subdivision. The EPC found that the because the C-1 and O-1 uses where contemplated and
177 literally planned along with the residential neighborhoods (in the 2006 subdivision), the design
178 standards for the entire site help to ensure the integrity of the subdivision plan which comprises
179 the affected neighborhoods.¹⁹ The building permit essentially carries out what was *generally*
180 intended and approved in the 2006 Subdivision. Thus, the evidence in the record sufficiently
181 supports the EPC Finding that the application furthers the applicable goals and policies of the
182 Comprehensive Plan, including Policy II.B.5.d (respecting neighborhood values).

183 Although not required by the City Zoning Code, with the submission of the building permit
184 application, the applicant also submitted a noise study that was performed by Victor Wowk, P.E.
185 The report from Mr. Wowk is in the record.²⁰ Mr. Wowk concluded that the sound levels of the
186 car wash use “will pass the Albuquerque Noise Ordinance” when measured at the closest

16 See EPC Amended Notification of Decision, May 3, 2006, Finding 4, and 8.A, Page 73-74 of the Record.

17 See EPC Official Notification of Decision, April 14, 2016, Finding 7.A, Page 5 of the Record.

18 Id.

19 Id at Finding 7.B and 7.C.

20 Page 98-99 of the Record.

187 residential dwelling that will have a direct line of sight to the use.²¹ Appellant contends that the
188 noise study is inadequate because of the procedures in which Mr. Wowk undertook to form his
189 opinions. However, Appellant admitted he is not a sound expert. Without any evidence to support
190 his contentions (except his lay opinions), Appellant speculates that the sound levels were
191 measured incorrectly and the study is deficient because Mr. Wowk took sound measurements at
192 ground level. I find that the Appellant has not rebutted the findings of, or the procedures used
193 by, Mr. Wowk with any facts. He offers no expert evidence that would challenge the evidence
194 in the record.

195 Appellant next contends that the City Planning “Staff erred in verifying required parking
196 for the site.”²² Apparently, City Staff mistakenly calculated 36 parking spaces, but later
197 corrected the number at the EPC hearing. The evidence clearly demonstrates that the EPC set
198 and approved the correct number of parking spaces need for the site. In its Official Notification
199 of Decision, Condition Number 6, the EPC revised the parking calculations to require 48 spaces
200 total, not 36.²³ The evidence shows that the site has adequate total spaces and Appellant did not
201 rebut that the corrected calculations were inaccurate.²⁴

202 Finally, Appellant apparently alleges that the application building height elevations were
203 not disclosed to the neighborhood in “a timely way with the application.”²⁵ Appellant claims that
204 as a result of the untimely disclosure, the neighborhood could not verify the elevations before
205 the hearing. Even if there were facts in the record supporting Appellant’s contention, he has
206 not shown how an alleged late disclosure is an appealable error or how it prejudices the

21 Id at 98.
22 Record, Page 19.
23 Record, Page 10. In addition, the automobiles in the car wash queueing lane and drying areas may also be counted for parking.
24 Record, Page 203.
25 Record, Page 20.

207 neighborhood. After reviewing the record, I find that there is no evidence that building elevations
208 were not considered by the EPC, or that any harm was suffered by the neighborhood from the
209 disclosure of the building elevations.

210 Appellant finally contends that the City Planning Staff and the EPC failed to analyze or
211 verify that the existing zoning for the site permits up to 25% of the total area of the overall site
212 to include O-1 and C-1 uses. The underlying zoning for the site is SU-1 for PRD. Under the City
213 Zone Code, Section 14-16-2-22 (B)(25)(a), SU-1 for PRD allows permissive O-1 and permissive
214 C-1 uses up to 25% of the total gross floor area of the development.

215 The record indisputably demonstrates that the applicant's project narrative submitted with
216 the application for the building permit states "[t]he proposed development constitutes about 11
217 % of the development's gross floor area, so our request complies with the requirements of the
218 PRD zone."²⁶ In addition, at the LUHO hearing, Buck Bruckner (the applicant) testified under
219 oath confirming that C-1 and O-1 uses on SU-1 for PRD zoned site account for 11% of the gross
220 floor space. Without any evidence to the contrary from the Appellant, I find the evidence in the
221 record substantiates that the C-1 and O-1 uses do not exceed the 25% cap.

222 Accordingly, for all the reasons described above, Appellant's appeal should be denied.
223 Appellant has not met his burden of proof to sustain his appeal.



Steven M. Chavez, Esq.
Land Use Hearing Officer

June 10, 2016



City of Albuquerque

Albuquerque/Bernalillo
County
Government Center
One Civic Plaza
Albuquerque, NM 87102

Action Summary

City Council

Council President, Dan Lewis, District 5
Vice-President, Klarissa J. Peña, District 3

Ken Sanchez, District 1; Isaac Benton, District 2
Brad Winter, District 4; Patrick Davis, District 6
Diane G. Gibson, District 7; Trudy E. Jones, District 8
Don Harris, District 9

Monday, June 20, 2016

5:00 PM

Vincent E. Griego Chambers
One Civic Plaza NW
Albuquerque/Bernalillo County
Government Center

TWENTY-SECOND COUNCIL - FOURTEENTH MEETING

1. ROLL CALL

Present 9 - Dan Lewis, Klarissa Peña, Ken Sanchez, Isaac Benton, Brad Winter,
Patrick Davis, Diane Gibson, Trudy Jones, and Don Harris

2. MOMENT OF SILENCE

Pledge of Allegiance - Don Harris, Councilor, District 9

3. PROCLAMATIONS & PRESENTATIONS

4. ECONOMIC DEVELOPMENT DISCUSSION

5. ADMINISTRATION QUESTION & ANSWER PERIOD

6. APPROVAL OF JOURNAL

June 6, 2016

7. COMMUNICATIONS AND INTRODUCTIONS

Deferrals/Withdrawals

- c. Q-16-17 Amending The Accountability In Government Ordinance, Chapter 2,
Article 10 Of The Revised Ordinances Of Albuquerque (Gibson)

A motion was made by Councilor Gibson that this matter be Postponed to
August 1, 2016. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- b. EC-16-108 Priority Objective Report, FY/16 Goal 7, Objective 4, Regarding a Feasibility Study to Determine the Economic Benefits of Holding a Major Regional Folk Festival in Albuquerque

A motion was made by Councilor Harris that this matter be Postponed to August 1, 2016. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

8. REPORTS OF COMMITTEES

Finance & Government Operations Committee - June 13, 2016

Land Use, Planning & Zoning Committee - June 15, 2016

9. CONSENT AGENDA: {Items may be removed at the request of any Councilor}

- *a. EC-16-121 Extension to Second Supplements to License Agreement and First Amendment to First Supplement of License Agreement for the Sid Cutter Pilot's Pavilion and Golf and Event Center between Albuquerque International Balloon Fiesta ("AIBF") and City

A motion was made by Vice-President Peña that this matter be Approved. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- *b. EC-16-122 Approval for a Contract with The Segal Company to Provide Benefit Consulting

A motion was made by Vice-President Peña that this matter be Approved. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- *c. EC-16-123 Development Agreement with Family Housing Development Corporation for the Purpose of Developing Casa Grande, a 32- Unit Mixed-Income Rental Housing Development, including 24 units of Affordable Housing With \$1.9 million of HOME Investment Partnerships Program Funds

A motion was made by Vice-President Peña that this matter be Approved. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- d. EC-16-124 Presbyterian Vacation (Project# 1000575 / 16DRB-70090) Bohannon Huston Inc. Agents for Presbyterian Healthcare Services request Vacation Of Public Street Right-Of-Way for a portion of Cedar Street SE as well as easements in adjacent Tracts 3 & 4, plus Sidewalk Easements along Cedar Street SE on adjacent Tracts 1, 2 & 3 and a Public Utility Easement on Tract 9, Presbyterian Hospital Main Campus Phase 1, zoned SU-2/SU-1 Hospital, located on the south side of Central Ave SE, east of I-25
- A motion was made by Vice-President Peña that this matter be Approved. The motion carried by the following vote:
- For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- e. EC-16-125 Atlantic & Pacific Block A Alley Vacation (Project# 1010289 / 16DRB-70060) Precision Surveys Inc. agents for Russell Garner et. al. request Vacation Of Public Alley Right-Of-Way of the remaining 16 foot Alley in Block A, Atlantic-Pacific Addition, located between 1st and 2nd Streets SW and Coal and Iron Avenues SW
- A motion was made by Vice-President Peña that this matter be Approved. The motion carried by the following vote:
- For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- f. EC-16-126 B & L's Highland Addition Vacation (Project# 1010803 / 16DRB-70111) Consensus Planning agents for Titan Development / Cedar Investors request Vacation Of Public Right-Of-Way for a portion of Spruce Street NE and the alleys in adjacent Blocks 3-6 and 21, Rownewell & Lail's Highland Addition and Block 21, Whitted's Replat, zoned SU-2/ MC, CMU & MD-1, located on the north side of Central Ave NE, east of I-25
- A motion was made by Vice-President Peña that this matter be Approved. The motion carried by the following vote:
- For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- g. EC-16-127 Mayor's Appointment of Mr. Michael G. Canfield to the Commission on Indian Affairs
- A motion was made by Vice-President Peña that this matter be Confirmed. The motion carried by the following vote:
- For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- h. EC-16-128 Mayor's Recommendation of FBT Architects for On-Call Architectural Design Services for the Aviation Department
- A motion was made by Vice-President Peña that this matter be Approved. The motion carried by the following vote:
- For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- i. EC-16-129 Mayor's Recommendation of Parametrix for Irving Blvd. Improvements - Unser Blvd. to Golf Course Road
A motion was made by Vice-President Peña that this matter be Approved. The motion carried by the following vote:
For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- j. EC-16-130 Mayor's Appointment of Ms. Lupe B. Reynoso to the Area Agency On Aging Advisory Council
A motion was made by Vice-President Peña that this matter be Confirmed. The motion carried by the following vote:
For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- k. EC-16-131 Mayor's Reappointment of Mr. Rusty Arrighetti to the Municipal Golf Advisory Board
A motion was made by Vice-President Peña that this matter be Confirmed. The motion carried by the following vote:
For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- l. EC-16-132 Lease Agreement for City Property between Anthea at Nob Hill, LLC and the City of Albuquerque
A motion was made by Vice-President Peña that this matter be Approved. The motion carried by the following vote:
For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- m. EC-16-136 Mayor's Appointment of Mr. John Kwait to the Ethics Board
A motion was made by Vice-President Peña that this matter be Confirmed. The motion carried by the following vote:
For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- *n. R-16-54 Directing The City Real Property Division To Work With The Property Owners Of Tracts B-9E-1 And B-9F, Seven Bar Ranch, In Northwest Albuquerque To Terminate The Restrictive Covenant Retained By The City At The Time Of Sale Which Limits The Uses Of The Property To Senior Housing (Lewis)
A motion was made by Vice-President Peña that this matter be Passed. The motion carried by the following vote:
For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- *o. R-16-56** Approving And Authorizing The Mayor To Execute A Contract Agreement With The W.K. Kellogg Foundation To Establish An Office Of Immigrant And Refugee Affairs And Providing An Appropriation To The Department Of Family And Community Services Beginning On July 1, 2016 (Davis, by request)
- A motion was made by Vice-President Peña that this matter be Passed. The motion carried by the following vote:
- For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- *p. R-16-57** Approving And Authorizing The Filing Of A Grant Application For Revenue Vehicle Purchase And Facility Rehab With The Federal Transit Administration (FTA) Of The U.S. Department Of Transportation And Providing For An Appropriation To The Transit Department (Gibson)
- A motion was made by Vice-President Peña that this matter be Passed. The motion carried by the following vote:
- For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- *q. R-16-58** Approving And Authorizing The Filing Of A Grant Application For Revenue Vehicle Purchase With The Federal Transit Administration (FTA) Of The U.S. Department Of Transportation And Providing For An Appropriation To The Transit Department (Benton, by request)
- A motion was made by Vice-President Peña that this matter be Passed. The motion carried by the following vote:
- For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- *r. R-16-59** Approving And Authorizing The Filing Of A Grant Application For Transportation Demand Management Program With The Federal Transit Administration (FTA) Of The U.S. Department Of Transportation And Providing For An Appropriation To The Transit Department (Peña, by request)
- A motion was made by Vice-President Peña that this matter be Passed. The motion carried by the following vote:
- For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- s. R-16-61** Amending The Adopted Capital Implementation Program Of The City Of Albuquerque By Supplementing Current Appropriations For Central Avenue Streetscape Master Plan And Complete Streets Ordinance Design And Improvements Related To The Albuquerque Rapid Transit Project (Benton)
- A motion was made by Vice-President Peña that this matter be Withdrawn by Sponsor. The motion carried by the following vote:
- For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

- *t. R-16-63 Approving And Authorizing The Filing Of A Grant Application For Transit Enhancements And Security Equipment Upgrade Projects With The Federal Transit Administration (FTA) Of The U.S. Department Of Transportation And Providing For An Appropriation To The Transit Department (Winter, by request)

A motion was made by Vice-President Peña that this matter be Passed. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

10. GENERAL PUBLIC COMMENTS

11. ANNOUNCEMENTS

12. PUBLIC HEARINGS: {Appeals, SAD Protest Hearings}

- a. AC-16-6 Project# 1004675/16EPC-40013 - Wallace Ford Appeals the Environmental Planning Commission's (EPC's) Approval of 16EPC-40013, a Site Development Plan for Building Permit for all or a portion of Tract J, Plat for Vista de La Luz, zoned SU-1/O-1 and C-1 Permissive Uses with Exclusions, located at 5401 Sevilla Ave. NW, between Coors Blvd. and Costa Almeria Dr. NW, containing approximately 1.9 acres

A motion was made by Councilor Jones that this matter be To Accept the Land Use Hearing Officer Recommendation and Findings. The motion carried by the following vote:

For: 8 - Lewis, Peña, Benton, Winter, Davis, Gibson, Jones, and Harris

Against: 1 - Sanchez

13. APPROVALS: {Contracts, Agreements, and Appointments}

- a. EC-16-39 Status Report FY16 Goal 3, Objective 4, Edith Transfer Station

A motion was made by President Lewis that this matter be Withdrawn by Administration. The motion carried by the following vote:

For: 8 - Lewis, Peña, Benton, Winter, Davis, Gibson, Jones, and Harris

Against: 1 - Sanchez

- *c. EC-16-137 Mayor's Recommendation of Award to Block by Block for "City of Albuquerque Downtown Cleaning and Ambassador Services"

A motion was made by Councilor Benton that this matter be Approved. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

14. FINAL ACTIONS

- *i. R-16-67** Renaming The Existing Pat Hurley Community Center At Pat Hurley Park, As The Joan Jones Community Center In Honor Of Former Pat Hurley Neighborhood Association President And Community Advocate, To Recognize Her Distinguished Service To The Citizens Of The Westside And The City Of Albuquerque (Sanchez)
- A motion was made by Councilor Sanchez that this matter be Passed. The motion carried by the following vote:
- For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- a. O-15-2** F/S Amending The Balloon Fiesta Park Commission Ordinance, Chapter 10, Article 10 Of The Revised Ordinances Of Albuquerque (Jones)
- A motion was made by Councilor Jones that this matter be Substituted. The motion carried by the following vote:
- For: 8 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, and Jones
- Excused:** 1 - Harris
- A motion was made by Councilor Jones that the rules be suspended for the purpose of allowing F/S O-15-2 to be adopted this evening. The motion carried by the following vote:
- For: 8 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, and Jones
- Excused:** 1 - Harris
- A motion was made by Councilor Jones that this matter be Passed as Substituted. The motion carried by the following vote:
- For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- *b. O-16-16** C/S Adopting A Stormwater Quality Ordinance, Creating A New Article 11 To Chapter 6 Of The Albuquerque Code Of Ordinances (Jones, by request)
- A motion was made by Councilor Jones that this matter be Passed. The motion carried by the following vote:
- For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris
- d. R-16-51** Approving And Authorizing The Filing Of A Grant Application For Central Ave Corridor TOD Planning Project With The Federal Transit Administration (FTA) Of The U.S. Department Of Transportation And Providing For An Appropriation To The Transit Department (Sanchez, by request)
- A motion was made by Councilor Sanchez that this matter be Passed. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

f. R-16-53

F/S Expressing The City's Positions Concerning Certain Issues Raised In Public Service Company Of New Mexico's (PNM's) Rate Case Proceeding In Case No. 15-00261-UT (Benton)

A motion was made by Councilor Benton that this matter be Amended. Councilor Benton moved Amendment No. 1. The motion failed by the following vote:

For: 4 - Sanchez, Benton, Gibson, and Harris

Against: 5 - Lewis, Peña, Winter, Davis, and Jones

A motion was made by Councilor Benton that this matter be Passed. The motion carried by the following vote:

For: 7 - Lewis, Peña, Sanchez, Benton, Winter, Davis, and Gibson

Against: 2 - Jones, and Harris

g. R-16-55

Adjusting Fiscal Year 2016 Appropriations And Amending The Adopted Capital Implementation Program Of The City Of Albuquerque By Supplementing Current Appropriations (Lewis)

A motion was made by President Lewis that this matter be Amended. President Lewis moved Amendment No. 1. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

A motion was made by President Lewis that this matter be Passed as Amended. The motion carried by the following vote:

For: 9 - Lewis, Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

*h. R-16-62

Authorizing The Continuation Of A Passenger Facility Charge At Albuquerque International Sunport (Sanchez, by request)

A motion was made by Councilor Sanchez that this matter be Passed. The motion carried by the following vote:

For: 8 - Peña, Sanchez, Benton, Winter, Davis, Gibson, Jones, and Harris

Against: 1 - Lewis

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

April 14, 2016

Rain Tunnel Car Spa
Attn: Buck Buckner
10705 Central Av. NE
ABQ, NM 87109

Project# 1004675
16EPC-40013 Site Development Plan for Building Permit

LEGAL DESCRIPTION:

The above action for all or a portion of Tract J, Plat for Vista de La Luz, zoned SU-1/O-1 and C-1 Permissive Uses with Exclusions, located at 5401 Sevilla Ave. NW, between Coors Blvd. and Costa Almeria Dr. NW, containing approximately 1.9 acres. (F-11)
Staff Planner: Vicente Quevedo

PO Box 1293

On April 14, 2016 the Environmental Planning Commission (EPC) voted to APPROVE Project #1004675/16EPC-40013, a Site Development Plan for Building Permit, based on the following findings:
Albuquerque

FINDINGS 16EPC-40013 – Site Development Plan for Building Permit:

1. This is a request for a Site Development Plan for Building Permit for Tract J, Plat for Vista de La Luz located on Sevilla Ave. NW, between Coors Blvd. and Costa Almeria Dr. NW and containing approximately 1.9 acres.
New Mexico 87105

www.cabq.gov

2. This is a request for a Site Development Plan for Building Permit to allow construction of an approximately 5,200 sf car spa on the northern portion of the subject site located at 5401 Sevilla Ave. NW, between Coors Blvd. and Costa Almeria Dr. NW. The project is proposed to be constructed in two separate phases with the carwash comprising Phase 1. Phase 2 is proposed to include a small retail building, of approximately 4,235 sf near the south eastern portion of the site, and a total of 6 compact parking spaces near the corner of Sevilla Rd. and Costa Almeria Rd.
3. The proposed carwash and retail uses for the subject site are permissive under the existing SU-1 / O-1 and C-1 Permissive Uses with Exclusions zoning designation.
4. The subject site originally comprised two separate tracts: Tract 1 of the Kinscherff Lands (approximately 19.2 acres) and the tract adjacent to the east (approximately 8.5 acres) which fronted Coors Boulevard. In August 1975, the Kinscherff tract was annexed and SU-1 for PRD zoning was established (AX-74-21, Z-

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74-110). The adjacent 8.5 acre tract was part of a much larger, phased annexation program of Northwest Mesa lands that begun in 1983 and included six areas. The 8.5 acre tract was part of Area 5A-1, which included several acres of land on the east side of Coors Boulevard. In January 1986, zoning was established for the 8.5 acre tract as SU-1 for PRD (10 DU/acre) (Z-85-138, Area 5A-1).

On May 3, 2006 the EPC approved the Vistas de La Luz Site Development Plan for Subdivision (1004675 / 06EPC-00140) for an approximately 29.3 acre site located on the west side of Coors Blvd. between the San Antonio Arroyo and south of La Luz del Oeste. The EPC approval established design standards and reserved two future areas for C-1 and O-1 permissive uses with exclusions (Note: The SU-1 for PRD zoning allows permissive O-1 and permissive C-1 uses up to 25% of the total gross floor area of the development).

5. The subject site is located within the boundaries of the Vistas de La Luz Site Development Plan for Subdivision (1004675 / 06EPC-00140) and subject to the approved Design Standards outlined in the plan.
6. The Albuquerque/Bernalillo County Comprehensive Plan, West Side Strategic Plan, Coors Corridor Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The request further the following applicable goals and policies of the Comprehensive Plan:
 - A. Policy II.B.5.d.: 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 furthers Policy II.B.5.d. because the proposed C-1 use would be located appropriately and at an appropriate intensity according to the approved site development plan for subdivision and Zoning Code (Section 14-16-2-16(A)(10)(d) of the C-1 zone). The design of new development respects existing neighborhood values, environmental conditions and carrying capacities by complying with the architectural design standards of the site plan for subdivision, proposing a grading and drainage and landscaping plan in accordance with City requirements and proposing development that does not exceed the Traffic Engineers threshold to require a Traffic Impact Study (TIS).
 - B. Policy II.B.5.e.: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The request furthers Policy II.B.5.e. because the subject site is vacant and contiguous to existing urban facilities and services. The integrity of existing neighborhoods is demonstrated per general compliance with the design standards of the Vistas de La Luz Site Development Plan for Subdivision
 - C. Policy II.B.5.1.: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the plan area.

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The request furthers Policy II.B.5.1. because The proposed buildings are identifiable as Contemporary Pueblo with some minor variations as allowed by the approved design standards. The primary building material finish is earth tone stucco, building masses are broken to create more of a pedestrian scale massing.

- D. II.C.4. Noise: The Goal is to protect the public health and welfare and enhance the quality of life by reducing noise and by preventing new land use/noise conflicts.

Policy II.C.4.a.: Noise considerations shall be integrated into the planning process so that future noise/land use conflicts are prevented.

Policy II.C.4.b.: Construction of noise sensitive land uses near existing noise sources shall include strategies to minimize adverse noise effects.

The request furthers Policy II.C.4.a. and II.C.4.b. because the applicant has initiated and submitted a noise study from a licensed engineer. The engineer has proposed additional site development plan improvements to address issues of noise on surrounding development. These improvements will be included as conditions of approval.

- E. II.D.2. Water Management: The Goal is efficient water management and use.

Policy II.D.2.a.: Measures shall be adopted to discourage wasteful water use, such as extensive landscape water runoff to uncultivated areas.

The request furthers Policy II.D.2. because the applicant will be conserving water utilizing a Pure Water Recovery System that filters all reclaimed water for reuse. The applicant is also proposing underground storage/settling tanks of 12,000 gals of reclaimed water that is reused for undercarriage, tire and rim rinsing.

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

The request furthers Policy II.D.6.b. because the applicant is a local business owner and the request directly contributes to the development of a local business enterprise.

- G. II.D.9. Public Safety: The goal is to develop a safe and secure community in cooperation with the public and other governmental agencies.

- H. Policy II.D.9.d.: Emergency and routine crime prevention efforts shall be continued and improved.

The request furthers Policy II.D.9.d. because the applicant has noted in their project narrative that the site development plan has been designed to comply with the "Crime Prevention Through Environmental Design" which is utilized by the Albuquerque Police Department when evaluating non-residential design. APD did not submit any adverse agency comments when evaluating this request.

8. The request partially furthers the following applicable goals and policies of the Comprehensive Plan:

- A. Policy II.B.5.a.: 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.

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The request partially furthers Policy II.B.5.a. because the Vistas de La Luz subdivision allows for a good mix of land uses including various densities of residential, commercial uses and office uses. While the requested uses for the subject site are permissive under the current zoning and include a mix of commercial and service retail, the request does not include any residential uses that would result in an overall gross density up to 5 DU's/acre.

- B. Policy II.B.5.i.: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

The request partially furthers Policy II.B.5.i. because the proposed employment and service uses will complement the surrounding residential uses. Additionally, the applicant has submitted a noise study from a licensed engineer (who has proposed additional site development plan improvements to address issues of noise on surrounding development). Light fixtures are proposed to be fully shielded, and the proposed development does not exceed the Traffic Engineers threshold to require a Traffic Impact Study (TIS).

- C. Policy II.B.5.k.: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.

The request partially furthers Policy II.B.5.k. because the development will be located adjacent to Coors Blvd. (Regional Principal Arterial) and does not meet the Traffic Engineer's threshold requiring a traffic study. Traffic Engineering did submit a series of agency comments that will be converted to conditions of approval for the requested action.

- D. II.D.6. Economic Development: The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

Policy II.D.6.a.: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

The request partially furthers Policy II.D.6.a. because while the applicant has stated that salaried and part-time positions in the form of 2 managers, 2 assistant managers and 4 – 8 associate employees are expected, no salary ranges were provided with the request.

9. The request partially furthers the following applicable goals and policies of the West Side Strategic Plan:

- A. Policy 3.12: The Taylor Ranch Community is an appropriate location for continued growth due its contiguous location to the rest of the City and efficient location for receiving City services.

The request partially furthers WSSP Policy 3.12 because the subject site is located within the Taylor Ranch Community and the request will contribute to continued growth, however, the cited policy is more related to residential development rather than non-residential.

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10. The request furthers the following applicable goals and policies of the Coors Corridor Plan:

- A. Issue 4.b.2.A.1 Building Setback Regulation: There shall be a minimum front yard setback of 35 feet from the right-of way in Segments 3 and 4. (p. 89)

The request furthers CCP Issue 4.b.2.A.1. because the applicant has indicated on the site development plan for building permit that the minimum front yard setback of 35' has been met..

- B. Issue 4.b.2.B.1 Height and Bulk Regulation: Buildings and structures shall not exceed the height limitation in the underlying zone. Where the underlying zone requires height to be limited by an envelope based in part at the centerline of public right-of-way (e.g., 0-1 zone), height shall be limited instead by an envelope based in part at the front yard setback line (using a full 156 feet right-of-way). (p. 89)

The request furthers CCP Issue 4.b.2.B.1. because the maximum allowed height per the underlying C-1 zone is 26' and the applicant has limited the building height to 22' per the site development plan for building permit request.

- C. Issue 4.b.4.A.6 Site Landscaping Guideline: The design or fencing, trash enclosures, and similar accessory site elements should be compatible with the architecture of the main buildings, and should use compatible materials. (p. 93)

The request furthers CCP Issue 4.b.4.A.6. because the trash enclosure is compatible with the architecture of the main buildings and uses composite materials such as stucco and painted metal.

- D. Issue 4.b.4.B.2 Site Landscaping Regulation: Live plant materials shall be used extensively in all landscaped areas. Gravel, colored rock, bark and similar materials are generally not acceptable as ground-cover. Bark should only be utilized as mulch, not as a permanent form of groundcover. In some cases, hard" materials such as brick or cobblestone may be considered. (p. 93)

The request furthers CCP Issue 4.b.4.B.2. because live vegetative ground cover is proposed in compliance with the General Landscaping Regulations of the Zoning Code along with four types of canopy trees (all medium to low water use): Texas Redbud, Honey Locust, Chinese Pistache and Frontier Elm are also proposed. Proposed shrubs include Yellow Bird of Paradise, Rabbit brush, New Mexican Privet, Blue Chip Juniper and Blue Creeping Phlox. Proposed grasses are Needle grass, Feather Reed Grass, Blue Avena Grass and Big Sacaton Grass.

- E. Issue 4.b.7-Access: Separate pedestrian and vehicular access should be provided. Pedestrian access to structures shall not utilize driveways as walkways. Pedestrian connections between uses in commercial developments shall be emphasized. (p. 96)

The request furthers CCP Issue 4.b.7. because pedestrian connectivity and access to structure's has been provided throughout the site via colored concrete patio, sidewalks and marked pedestrian walkways. The site development plan does not utilize driveways as walkways.

- F. Issue 4.b. I 0-Architectural Design: Architectural design should contribute to the enhancement of the overall visual environment of the Coors Corridor.

- G. Architectural Details, Design Guideline 2: The predominant building color should be compatible with other buildings along the corridor and should reinforce the visual character of the environment of the proposed buildings. Differentiation of color should relate to material and/or plane differentiation or

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some other specific architectural purpose. Preferred colors are those used in traditional Southwest architecture. Integral coloring of concrete, stucco, and similar materials is encouraged. (p. 100)

The request furthers CCP Issue 4, Design Guideline 2 because the proposed site development plan complies with the approved design standards (for non-residential buildings) and the buildings are identifiable as Contemporary Pueblo with some minor variations.

H. Architectural Design, Design Guideline 3: "Trade-Mark" type buildings are discouraged.

The request furthers CCP Issue 4, Design Guideline 3 because the proposed site development plan complies with the approved design standards (for non-residential buildings) and the buildings are identifiable as Contemporary Pueblo with some minor variations.

11. The request partially furthers the following applicable goals and policies of the Coors Corridor Plan:

A. Issue 4.a.3-New Development: New development in the Coors Corridor should be designed to be compatible with the natural landscape and the built environment in accordance with the design regulations and guidelines. (p. 86)

The request partially furthers CCP Issue 4.a.3. because while the applicant has submitted a landscape plan with the Site Development Plan for Building Permit, additional buffer landscape elements will need to be included as conditions of approval for the request.

B. Issue 4.b.4.A.2 Site Landscaping Regulation: All exterior trash and storage utility boxes, etc. shall be screened from view. (p. 92)

The request partially furthers CCP Issue 4.b.4.A.2. because the site development plan demonstrates that the exterior refuse container will include an enclosure, however no detail is provided for storage utility box screening. A condition of approval will be included for storage utility box screening.

12. The site plan for building permit has been evaluated to ensure compliance with the design parameters of the Vistas de La Luz Site Development Plan for Subdivision and is outlined in more detail in the subsequent section.

13. The Taylor Ranch Neighborhood Association, La Luz del Sol Neighborhood Association, La Luz Landowners Association, West Side Coalition of Neighborhood Associations and property owners with 100 feet of the subject site were all notified of this request.

14. A facilitated meeting was recommended by the Office of Neighborhood Coordination and held on March 21, 2016.

15. Staff received written public comments and petitions from neighborhood association representatives and area residents opposing the request.

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CONDITIONS 16EPC-40013 – Site Development Plan for Building Permit:

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.
3. Additional buffer landscaping that conforms to the approved Vista de La Luz Site Development Plan for Subdivision (VLLSDPS) shall be included along Costa Almeria Dr.
4. The site plan and landscape plan sheets shall be amended to point north to match the layout of the conceptual grading/drainage and utility plan sheets.
5. A Keyed Note for the tables and chairs on the site plan sheet as well as detailed drawings for the benches, tables, and chairs shall be included on the elevation sheets of the site development plan.
6. The parking calculations shall be revised to reflect 48 minimum spaces required, 3 Accessible spaces, and 3 bicycle spaces.
7. The 3' high retaining wall indicated on the landscape plan shall also be indicated on site development plan sheet AS1 and additional detailed drawings for the 3' high retaining wall shall also be included on the elevation sheets.
8. Elevations sheet A2 shall be revised to include notations stating that the lighting plan for the subject site will conform to the Area Lighting Regulations of the Zoning Code (§ 14-16-3-9). The applicant shall also add a notation that all site lighting shall conform to the State of New Mexico Night Sky Protection Act (74-12-1 to 74-12-10 NMSA 1978).
9. The landscape plan will need to be revised to show 7 street trees to comply with the City of Albuquerque Street Tree Ordinance (6-6-2-5, Street Tree Policies).

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10. The landscape plan will need to be revised to show the correct amount of live plant coverage square footage, as it currently indicates that the landscape plan does not meet the minimum requirements of the zoning code.
11. The elevations sheet shall be revised to indicate that wall mounted signage shall not exceed 8% of the building façade per the VLLSDPS Design Guidelines.
12. The elevations sheet shall be revised to reflect the maximum signage area allowed per the VLLSDPS Design Guidelines, and proposed signage area for the carwash and the Phase 2 (Future Retail) Building.
13. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.
14. Per the Engineered Sound Study submitted by the applicant, absorptive sound panels shall be included inside the tunnel spray area and shall be identified with a Keyed Note on the site development plan for building permit.
15. Conditions of approval from New Mexico Department of Transportation:
 - A. NMDOT is requesting a 5-foot sidewalk to be installed along Coors to tie into the existing ADA curb ramp and sidewalk.
16. Conditions of approval from Public Service Company of New Mexico:
 - A. It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
 - B. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Contact:

Mike Moyer
PNM Service Center
4201 Edith Boulevard NE
Albuquerque, NM 87107
Phone: (505) 241-3697
 - C. Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at www.pnm.com for specifications.

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17. Conditions of approval from Traffic Engineering:

- A. Identify the right of way width, medians, curb cuts, and street widths on Coors Blvd, Sevilla Ave., and Costa Almeria Rd.
- B. Please detail all existing and proposed sidewalks, ADA ramps and curb cuts on Coors Blvd, Sevilla Ave. and Costa Almeria Rd.
- C. Please list the width and length for all parking spaces.
- D. Parking spaces cannot overhang ADA access ramps. Please add wheel stops at the ADA parking spaces.
- E. The ADA accessible parking sign must have the required language per 66-7-352.4C NMSA 1978 "Violators Are Subject to a Fine and/or Towing."
- F. The ADA access aisle shall have the words "NO PARKING" in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the parking space so as to be close to where an adjacent vehicle's rear tire would be placed. (66-1-4.1.B NMSA 1978)
- G. Per the DPM, a 6 ft. wide ADA accessible pedestrian pathway is required from the public sidewalk to the building entrances. Please clearly show this pathway and provide details and dimensions, Note No. 3.
- H. Per the DPM, a 6 ft. wide ADA accessible pedestrian pathway is required from the public sidewalk to the building entrances. Please clearly show this pathway and provide details and dimensions, Note No. 3.
- I. Provide a min 6" or max 8" high concrete barrier curb or other acceptable barrier between landscaping and parking areas and/or drive aisles. Please call out this detail.
- J. Provide a clear sight distance exhibit. Please call out the Mini Clear Sight detail for Sevilla Ave. and Costa Almeria Rd.
- K. Please provide a sight distance exhibit (see the *Development Process Manual, Chapter 23, Section 3, Part D.5 Intersection Sight Distance*). Please show this detail for Coors Blvd.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **APRIL 29, 2016**. 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

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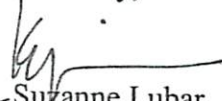
of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

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 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/VQ

cc: Rain Tunnel Car Spa, 10705 central Av. NE, ABQ, NM 87109
Modulus Architects, Angela Benson, 100 Sun Ave NE, Suite 305, ABQ, NM 87109
Jolene Wolfley, Taylor Ranch NA, 7216 Carson Trl. NW, ABQ, NM 87120
Rene Horvath, Taylor Ranch NA, 5515 Palomino Dr NW, ABQ, NM 87120
Wallace Ford, La Luz Del Sol NA, 10 Wind Rd NW, ABQ, NM 87120
Arthur Woods, La Luz Del Sol NA, 33 Wind Rd NW, ABQ, NM 87120
Rae Perls, La Luz Landowners Assoc., 15 Tennis Ct NW, ABQ, NM 87120
Pat Gallagher, La Luz Landowners Assoc., 24 Link NW, ABQ, NM 87120
Gerald C. Worrall, Westside Coalition of NA's, 1039 Pinatubo P. NW, ABQ, NM 87120
Harry Hendriksen, Westside Coalition of NA's, 10592 Rio Del Sole Ct NW, ABQ, NM 87120
Suzanne Fetsco, 23 Wind Rd NW, ABQ, NM 87120
Bill Emmerich, 4939 Costa Vasca Dr NW, ABQ, NM 87120
Francine L. Gonzales, 5519 Costa Verde Rd NW, ABQ, NM 87120
Mike Gonzales, 5535 Cota Verde NW, ABQ, NM 87120



February 16, 2016

Environmental Planning Commission
Peter Nicholls, Chair
Planning & Development Services
Plaza del Sol, 600 Second NW, Albuquerque, NM 87102
P.O. Box 1293, Albuquerque, N.M. 87103
Telephone: (505) 924-3860

Re: Agent Authorization for Rain Tunnel Car Spa – 5401 Sevilla Ave. NW, Albuquerque NM.

Mr. Nicholls,

Rain Tunnel Car Spa, Mr. Buck Buckner (Managing Partner) hereby authorizes Angela Benson, Principal with Modulus Architects to perform as the Agent of Record with the City of Albuquerque. It is our intention to file for a Site Plan for Building Permit with the Environmental Planning Commission and Design Review Board for the property located at: 5401 Sevilla Ave NW, Albuquerque – New Mexico. Legally Described as: TRACT J PLAT OF VISTA DE LA LUZ WITHIN SECTION 35, TOWNSHIP 11 NORTH, RANGE 2 EAST.

This authorization is valid until further written notice from Angela Benson, Principal at Modulus Architects (Agent) or Mr. Buck Buckner. Please direct all correspondence and communication to our Agent for the purpose of this request for review and approval.

Sincerely,

Alaric A. "Buck" Buckner, PE, MBA
Managing Partner
Rain Tunnel Car Spa, Quick Lube & Quick Gas
505-242-5562 office
505-224-9720 fax
505-250-8766 cell



February 16, 2016

Environmental Planning Commission
Peter Nicholls, Chair
Planning & Development Services
Plaza del Sol, 600 Second NW, Albuquerque, NM 87102
P.O. Box 1293, Albuquerque, N.M. 87103
Telephone: (505) 924-3860

Re: Agent Authorization for Rain Tunnel Car Spa – 5401 Sevilla Ave. NW, Albuquerque NM.

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