



City of Albuquerque
Planning Department
Current Planning Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: May 28, 2010

**AMENDED OFFICIAL NOTIFICATION OF
DECISION**

FILE: Project # 1007867
09EPC-40042 SITE DEVELOPMENT -
SUBDIVISION
09EPC-40043 SITE DEVELOPMENT -
BUILDG PRMT

Sandia Foundation
6211 San Mateo Blvd. NE
Suite 100
Albuquerque, NM 87109

LEGAL DESCRIPTION: BOHANNAN
HUSTON INC, agents for SANDIA
FOUNDATION, request the above actions for all
or a portion of a tract in the E ½ SE ¼ NE ¼ Sec
35 T11N R3E zoned C-3 (SC) located on SAN
MATEO BLVD NE BETWEEN MCLEOD RD
NE AND LINCOLN RD NE containing
approximately 6.2 acres. (F-17) Carol Toffaleti,
Staff Planner

On September 17, 2009 the Environmental Planning Commission voted to **APPROVE** Project 1007867 / 09EPC-40042, a site development plan for subdivision, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. The request is a site development plan for subdivision for an unplatted site of 6.2 acres zoned C-3 (SC) located on San Mateo Blvd. between McLeod Rd. and Lincoln Rd., described as "a tract in the E1/2 SE1/4 NE1/4 Sec. 35 T11N R3E". The applicant proposes to split the site into three lots and sell them to other parties: Tract A has 2.54 acres, Tract B 1.30 acres, and Tract C 2.36 acres. The proposal includes design standards. The site will be developed in two or three phases.
2. The request is accompanied by a site development plan for building permit for a sit-down restaurant on proposed Tract A (09EPC-40043) and associated parking and access improvements on proposed Tracts B and C. Potential uses on Tracts B and C are a restaurant with a drive-up service window and an office/warehouse, but any uses allowed in the C-3 (SC) zone may be proposed in future. The applicant is requesting delegation of future site development plans for building permit for Tracts B and C to the DRB.

AMENDED OFFICIAL NOTICE OF DECISION
MAY 28, 2010
PROJECT 1007867
PAGE 2 OF 12

3. The applicant submitted a Traffic Impact Study (TIS), dated July 1, 2009, which has been verified by Transportation Development Services, and a Certificate of No Effect as required by the Archeological Ordinance.
4. The subject site is in the Established Urban Area of the Comprehensive Plan and on a designated Enhanced Transit Corridor.
5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The request furthers, or is consistent, with the following applicable goals and policies of the Comprehensive Plan:
 - a. The proposed and potential employment and service uses complement residential areas and are sited to minimize adverse effects of noise, lighting, pollution and traffic on residential environments (Policy I.B.5.i)
 - b. The project is adjacent to an arterial and follows recommendations in the TIS that will minimize harmful effects of traffic (Policy II.B.5.k)
 - c. The request facilitates the redevelopment of a sizable vacant property in an established commercial area (Policy II.B.5.o)
 - d. The subdivision standards require measures to control erosion and dust on Tracts B and C, until such time as they are developed. (Policy II.C.8.d)
 - e. The commercial subdivision is accessible by different modes of travel, including walking and transit (Transportation and Transit Goal).
 - f. The spacing frequency of driveways on a principal arterial complies with Policy II.D.4.d.
 - g. The subdivision design standards require safe and pleasant pedestrian travel through parking areas (Policy II.D.4.g).
 - h. By splitting a site zoned for heavy commercial uses into three tracts, the SDP for subdivision allows for more diversified economic activity (Economic Development Goal).
 - i. The subdivision design standards call for xeric and native plants, and rainwater harvesting measures to supplement irrigation. (Water Management Goal, Policy II.D.2.b).
 - j. The architectural design standards include energy management measures (Policy II.D.3.a).
7. The request partially furthers the following applicable goals and policies of the Comprehensive Plan:

- a. The subdivision design standards are comprehensive, but standards for pedestrian cross-access, architecture and signage need strengthening to ensure a cohesive development and a quality visual environment (Established Urban Area goal, Policies II.B.5.1, II.B.5.m)
 - b. The signage standards provide some guidance, but are not comprehensive enough to ensure that signage in the Enhanced Transit Corridor will be attractive and useful (Policy II.C.9.e)
 - c. The site development plan and design standards meet the intent of the applicable policy objectives for Street Design, Transit Service and Development Form adjacent to Enhanced Transit Corridors, with the exception of parking provision and building entrances from the street (Policy II.D.4.a)
8. Changes to the subdivision design standards are recommended to make them clearer and more fully compliant with City regulations and the intent of City planning policies.
 9. The site may initially be split into two lots, i.e. Tract A for the restaurant development proposed in 09EPC-40034, and the remainder of the site. A future split of the remainder of the site into two lots, Tracts B and C, would be delegated to the DRB.
 10. Property-owners within 100', the District 4 Coalition of Neighborhood Associations (NAs) and the Del Norte NA were notified of the proposal. No comments have been received and there is no known opposition to the request.

CONDITIONS:

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. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT
Conditions of approval for the proposed Site Development Plan for Subdivision and Site Development Plan for Building Permit shall include:
 - a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).

b. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.

c. Provide appropriate cross-access agreements for Tracts A, B and C.

d. Concurrent platting action required at DRB.

e. Site plan shall comply and be designed per DPM Standards.

4. Applicant must request a Water & Sanitary Sewer Availability Statement prior to submittal to the DRB for Site Plan sign off.

5. Sheet 1:

a. Project Note 5: Reword last sentence "FAR for the site shall be up to 0.5, which is the minimum target for Enhanced Transit Corridors."

b. Project Note 7: At end, insert "and general zoning regulations, whichever are more restrictive".

c. Update the base map for the development on tract A per the accompanying site development plan for building permit.

6. Throughout the design standards, the term "site" shall refer to the 6.2 acre site and the term "parcel" or "tract" shall refer to lots created by the subdivision. Typographical errors shall be corrected. Standards shall be renumbered pursuant to any changes required in other conditions of approval.

7. Zoning and Land Use: the number of drive-up service windows on the site shall be limited to one.

8. Setbacks and building heights: the title shall include "FAR" and the text shall include "FAR for the site shall be up to 0.5, which is the minimum target for Enhanced Transit Corridors."

9. Site Objectives:

a. The title shall be changed to "Site Design Standards".

b. The last sentence in the introduction shall be deleted.

c. 1-A - Replace "sites" with "development". Correct the zoning reference (article 14 not 12).

d. 1-B - Shall apply to service functions as well as drive-up service window(s).

e. 1-D - Delete the last phrase.

f. 1-E - Fill in missing words and reword for clarity.

10. Parking and circulation standards

a. Delete the last sentence in the introduction.

- b. 2-A – Replace “minimum required” with “provided”. Delete the second sentence. Add a new sentence: “Total parking on the site shall not exceed the minimum required parking plus 10%, if the site development plan for building permit for the restaurant on tract A is not approved (1007867, 09EPC-40043).
- c. 2-B - Replace “desirable and encouraged” with “required”.
- d. 2-B – Insert “and cross-parking” after “cross access”.

11. Pedestrian circulation and bicycle standards

- a. The introduction shall clarify that pedestrian cross-access is required.
- b. In 3-A and 3-D, insert "internal" before "streets".
- c. 3-G shall refer to pedestrian features, not just sidewalks, in the general building and site design regulations of the Zoning Code, i.e. 14-16-3-18 (C) (1 – 3). Delete the phrase “to the extent feasible ... site conditions” and all the bullet points.

12. Landscaping standards

- a. Introduction – Insert "and xeric plants" after “Water harvesting techniques”.
- b. 4-A - Buffers shall also be located around the perimeter of the site. Delete the second sentence. In the third sentence, “over” shall be replaced with “within 10 ft of public...”
- c. 4-C shall begin with "Street and...".
- d. Delete 4-F and 4-G.
- e. 4-L - Use the full title of the ordinance, i.e. Water Conservation Landscaping and Water Waste Ordinance.
- f. Standard 4-M shall identify native seed mix as the preferred method to stabilize disturbed areas awaiting future development.

13. Architectural standards:

- a. Delete 5-A.
- b. 5-B shall be reworded to include the sentence “Building design shall comply at minimum with 14-16-3-18 (D) of the Zoning Code”.
- c. In 5-H, replace the first instance of "shades" with "hues".

14. Screening walls and fencing standards

- a. Insert a comma after "Screening" in the title of the section.
- b. Introduction - Delete the sentence beginning "Site orientation...". Repword the rest of the paragraph to improve clarity and eliminate duplication.
- c. 6-A - Insert "evergreen" before "plant materials".

d. 6-G - Replace the text beginning "oriented away..." with "screened from public areas on the site by evergreen plant materials, walls or fences".

15. Signage standards:

- a. 8-B shall include "area lighting regulations".
- b. 8-C - Shall include the following bullet points:
 - i. "The location of multiple-tenant signage shall be limited to the free-standing sign."
 - ii. "Tenant signage shall be limited to 1 per business and 2 per tract. Minimum letter size shall be 9 inches."
 - iii. "The free-standing sign shall be a monument sign."
 - iv. "The sign shall include a numeric address with a minimum number size of 9 inches."
- c. 8-E shall include "Building-mounted signs shall be limited to canopy and wall signs. Canopy signs shall be limited to one per entrance, with a maximum sign face area of 4 sf each. Wall signs shall be limited to facades visible from San Mateo Blvd. or from public areas within the site." The maximum sign face area of wall signs shall be changed to 12% of facade area. Move 8-E immediately after 8-C.
- d. 8-F - Pennants, ribbons, streamers and spinners shall also be prohibited.
- e. 8-K - Replace "encouraged" with "allowed".
- f. 8-L - Replace with "Electronic display panels (electronic billboards, electronic advertising signs) are not permitted."

16. Mechanical Equipment Standards:

- a. 9-A and 9-B - Move "by materials similar to the building's materials" from 9-A to the end of 9-B.
- b. 9-C - Insert "evergreen" before "plant materials".
- c. New 9-D - Screening of equipment shall be designed to allow for access to utility facilities. Clearance of 10 ft shall be provided surrounding all ground-mounted utilities for safe operation, maintenance and repair purposes.

17. Utility plan:

- a. Update the base map and correct the name of the restaurant development.
- b. Show the two existing public utility easements in tract B near the public ROW.

18. Grading & Drainage plan:

- a. Include spot elevations for the existing contours.
- b. The location of the outfall at the southwest corner of the shared parking area shall match the location shown on the grading & drainage plan for the development on tract A (09EPC-40043).

On September 17, 2009 the Environmental Planning Commission voted to **APPROVE** Project 1007867 / 09EPC-40043, a site development plan for building permit, based on the following Findings and subject to the following Conditions:

FINDINGS:

1. The request is a site development plan for building permit for proposed Tract A, a parcel of approximately 2.54 acres, and for associated parking and access improvements on proposed Tracts B and C, within an unplatted tract zoned C-3 (SC), located on San Mateo Blvd. between McLeod Rd. and Lincoln Rd.. The applicant is selling the parcel to a national restaurant chain, that proposes to develop a family-style restaurant of approximately 14,040 sf with seating for 500 people, which they will own and operate.
2. The request is accompanied by a site development plan for subdivision (09EPC-0042) with design standards.
3. The project is covered by a Traffic Impact Study (TIS) for the proposed subdivision, dated July 1, 2009, which has been verified by Transportation Development Services.
4. The subject site is in the Established Urban Area of the Comprehensive Plan and on a designated Enhanced Transit Corridor.
5. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The request furthers, or is consistent, with the following applicable goals and policies of the Comprehensive Plan:
 - a. The proposal facilitates redevelopment of vacant premises that are contiguous to public infrastructure and accommodates sufficient parking within the site not to harm surrounding businesses (Policy II.B.5.e)
 - b. The proposed employment use complements residential areas and is sited to minimize adverse effects of noise, lighting, pollution and traffic on residential environments. The visual impact of the parking is reduced because the site slopes away from the street and is screened by landscaping. (Policy II.B.5.i)
 - c. The project is adjacent to an arterial and follows recommendations in the TIS that will minimize harmful effects of traffic (Policy II.B.5.k)
 - d. The request facilitates the redevelopment of part of a vacant property in an established commercial area (Policy II.B.5.o)

- e. The proposed restaurant, an employment as well as a retail use, is accessible by different modes of travel, including walking and transit (Transportation and Transit Goal).
- f. The spacing frequency of driveways on a principal arterial is appropriate, per Policy II.D.4.d.
- g. The proposed restaurant is part of a national chain (an outside firm) which will own and operate the business (Policy II.D.6.b)
- h. The plant palette includes several species native to the southwest and the landscape plan creates a pleasing visual environment along the street frontage (Policy II.C.8.d)

7. The proposal partially furthers the following applicable goals and policies of the Comprehensive Plan:

- a. Pedestrian connections are provided to the bus stop and to other tracts, a bus shelter is provided and the building is setback from the street for landscaping only. The parking exceeds the reduction encouraged on sites adjacent to Enhanced Transit Corridors, but the amount has been justified for this type of restaurant, based on parking demand at existing restaurants in the city operated by the same company and on parking generation figures published by the Institute of Transportation Engineers, 3rd Edition. (Policy II.D.4.a)
- b. Pedestrian opportunities are integrated into the development, except that there is only one walkway through the main parking area and it is not sufficiently shaded to provide pleasant conditions for pedestrians (Policy II.D.4.g)
- c. The development will provide employment opportunities in an accessible location and at different salary levels, though not in a wide range of skills (Policy II.D.6.a)

8. The request conflicts with Policy II.C.9.e because the design of the multi-tenant free-standing sign is not attractive, particularly for a site adjacent to an Enhanced Transit Corridor. Changes are recommended in conditions of approval.

9. Property-owners within 100', the District 4 Coalition of Neighborhood Associations (NAs) and the Del Norte NA were notified of the proposal. No comments have been received and there is no known opposition to the request.

CONDITIONS:

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. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT.

Conditions of approval for the proposed Site Development Plan for Subdivision and Site Development Plan for Building Permit shall include:

- a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
 - b. Per Transportation Development Staff, completion of the required system improvements that are attributable to the development, as identified in the TIS, is required.
 - c. Provide appropriate cross-access agreements for Tracts A, B and C.
 - d. Concurrent platting action required at DRB.
 - e. Site plan shall comply and be designed per DPM Standards.
4. Applicant must request a Water & Sanitary Sewer Availability Statement prior to submittal to the DRB for Site Plan sign off.
 5. The trash compactor shall comply with the Solid Waste Management Ordinance.
 6. Parking:
 - a. The compact spaces shall be called out on the site plan.
 - b. The parking area shall be redesigned to:
 - i) enlarge the end island at the intersection of the access drives to accommodate a more direct walkway to the south and additional landscaping.
 - ii) add shade trees along the sidewalk at the southern edge of the main parking area, to comply with 14-16-3-1 (H)(1).
 7. Lighting:
 - a. Note on sheet 1 and the elevations that the area and building-mounted light fixtures shall be full cut-off or fully shielded.
 - b. Eliminate the lightpole next to the free-standing sign and relocate the lightpole west of it to the enlarged landscaped end island.

8. Landscape plan:

- a. The coverage figures for Spanish Broom and Russian Sage shall correspond to their height and spread.
- b. In the calculations, the total lot area shall be limited to the area of tract A. The square footage of the landscaped beds in the southern part of the ROW and on tract B shall be separate figures.
- c. Street trees shall be planted a minimum of 10 ft from the 12" water line in the public ROW and a minimum of 3 ft from the relocated gas line.
- d. Sheet L-2 shall include the entire area to be irrigated, including its western edge.
- e. In landscaped beds with a tree and a radius of less than 9', replace "netafim" spiral irrigation with 3 bubblers.
- f. Six small trees shall be planted along the south façade of the building.

9. Public Outdoor Space/Employee Gathering Area:

- a. Provide benches with seating for a minimum of 7 persons.
- b. The gathering space for employees shall be a minimum of 300 sf, include seating and shade per zoning regulations, and be located at least 50' from the trash compactor.

10. Utilities:

- a. Include a proposed 20' easement for the 12" waterline in the San Mateo ROW.
- b. PNM: The developer shall contact PNM's New Service Delivery Department if modifications to the existing electric service are necessary. It is the applicant's obligation to determine if existing utility easements cross the property and to abide by any conditions or terms of those easements. The site plan utility sheet shall identify any existing and proposed public utility easements.
- c. Screening of equipment shall be designed to allow for access to utility facilities. Provide adequate clearance of 10 ft surrounding all ground-mounted utilities for safe operation, maintenance and repair purposes.

11. Architecture:

- a. The elevations shall be shown and dimensioned per the scale of 1/8"=1'.
- b. The height of the square element at the northwest corner of the building shall be called out.

- c. In the south elevation, the awning over the window on San Mateo and above the front entrance shall be colored off-white. Color F in the schedule shall be changed to off-white.
- d. Add a note stating that screening of mechanical equipment, and lighting and signage will comply with the subdivision design standards and zoning regulations, whichever are more restrictive.
- e. Awnings shall be added to the windows on the west façades of a material and color compatible with the architecture of the building.

12. Signage:

- a. Label the existing free-standing sign at the southeast corner of Tract B "to be removed".
- b. Change the free-standing sign to a monument sign.
- c. Provide the percentage of façade area for each wall sign.

APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION, YOU MUST DO SO BY OCTOBER 2, 2009 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC.

AMENDED OFFICIAL NOTICE OF DECISION

MAY 28, 2010

PROJECT 1007867

PAGE 12 OF 12

Sincerely,

Deborah Stover

for

Deborah Stover
Planning Director

DS/CT

cc: Bohannon Huston Inc., 7500 Jefferson St. NE, Albuquerque, NM 87109
Madeline Edgar, Del Norte N.A., 4609 Sherwood NE, Albuquerque, NM 87109
Bill DeBenedictis, Del Norte N.A., 4820 Vista Del Oso Ct. NE, Albuquerque, NM 87109
Amy Whiting, District 4 Coalition of N.A.'s, P.O. Box 91343, Albuquerque, NM 87199
Bambi Folk, District 4 Coalition of N.A.'s, 6617 Esther NE, Albuquerque, NM 87109
Ken Maestas, 414 Silver SW, Albuquerque, NM 87102