



September 8, 2023

To: City of Albuquerque Planning Department
Plaza del Sol Building
600 Second NW
Albuquerque, NM 87102

Re: **ALLSUPS #102460**
Project #: PR-2021-006208
Application #: SI-2023-01171

Dear Staff:

Please find the following responses addressing comments received in a letter dated August 1, 2023. In an effort to address your comments concisely and simplify your review of these development plans, we have summarized your comments and our responses below. Your comment is listed first, followed by the response in Bold.

Planning Department

Contact: Jay Rodenbeck

Comment 1: **IDO 2-4(D) MX-M Moderate Intensity Zone:** Dimensional standards and setbacks must IDO zone. Zoning variance needed for front setback.

Response 1: The approvals were originally approved on December 21, 2021 (VA-2021-00406). There was an extension that was approved until January 5, 2024 for the listed applications. Attached to the resubmittal is the original approval and the extension document.

Comment 2: Please clarify the status of the previously approved ZHE cases. The property had two conditional use applications (adjacency to residential and liquor retail) and a variance application (building outside maximum 15 foot setback) that were approved in Dec 2021. (Applicant said approvals were attached, but could not be found in file.) Development approvals expire after one year, so those approvals likely need to be Reobtained.

Response 2: We currently have all the below listed approvals in place:

- 1. CONDITIONAL USE to allow for Liquor Retail in a MX-M zone district.**
- 2. CONDITIONAL USE to allow for a Light Fueling Station adjacent to a residential zone**

3. CONDITIONAL USE to allow for Liquor Retail within 500 feet of a residential zone.

4. A VARIANCE of 144.5 to the required 15 maximum setback for a building containing 1000 sq.ft. or more in an Activity Center.

The approvals were originally approved on December 21, 2021 (VA-2021-00403, VA-2021-00404, VA-2021-00405, VA-2021-00406). There was an extension that was approved until January 5, 2024 for all the listed applications (see attached). Attached to the resubmittal is the original approval and the extension document.

Comment 3: Use Specific Standards for a Light Vehicle Fueling Station IDO 4-3-D-18
**The site is adjacent to R-ML zoned district across Gibson. A conditional use approval is required.

**The maximum setback is 15 feet. A variance is required.

Use Specific Standards for Liquor Retail standards in IDO 4-3-D-39. A conditional use permit is required.

Response 3: We currently have all the below listed approvals in place:

- 1. CONDITIONAL USE to allow for Liquor Retail in a MX-M zone district.**
- 2. CONDITIONAL USE to allow for a Light Fueling Station adjacent to a residential zone**
- 3. CONDITIONAL USE to allow for Liquor Retail within 500 feet of a residential zone.**
- 4. A VARIANCE of 144.5 to the required 15 maximum setback for a building containing 1000 sq.ft. or more in an Activity Center.**

The approvals were originally approved on December 21, 2021 (VA-2021-00403, VA-2021-00404, VA-2021-00405, VA-2021-00406). There was an extension that was approved until January 5, 2024 for all the listed applications (see attached). Attached to the resubmittal is the original approval and the extension document.

Comment 4: Gibson and 98th Street have bike lanes. Gibson also has a proposed Multi-Use Trail. The Arroyo has a paved Multi-Use Trail.
* There is a proposed 10' multi-use path along the frontage of this property with Gibson.
*There is also sidewalk to a bus stop along 98th Street. The 10' multi-use trail might be in some combination with a 6-foot sidewalk.
*How will the project be meeting these standards?
*Will Easement or ROW dedication and re-plat be needed?

Response 4: *Jill Cuppernell with DMD had a meeting with Whitney Phelan on August 4, 2023 to discuss the trail comment and she agreed that the trail would not be needed as part of the site plan. The 6' sidewalk that is included in the City's 98th & Gibson Intersection Improvements project will be sufficient.*

Comment 5: Does the submitted infrastructure list need to be updated per the requirements from Fire, Water Authority, and Transportation?

Response 5: No updates were required from these comments

Comment 6: Please provide a detailed explanation letter and include site plan notes as to how the proposed elevation is meeting all applicable sections of 5-11(E) and 5-11-E-2-a Façade Design. In addition, IDO 5-11-E-3 requires an outdoor seating area of at least 500 square feet.

Response 6: The site does not require an outdoor seating area per IDO 5-11-E-3 because it is not categorized under the "Transportation" subcategory of Commercial Uses in Table 4-2-1. The Site is under the "Motor Vehicle-Related" subcategory as a light vehicle fueling station.

Comment 7: Please provide a detailed explanation letter and include site plan notes as to how the proposed elevation is meeting all applicable sections of 5-11(E) of the IDO.

Response 7: Below is the site plan and the measurements from the street facing façade to the property line. According to the IDO each street facing façade within 30 ft of a property line (the measurement shall be made to the closest perpendicular plane of a primary building façade) has to follow 14-16-5-11(E).

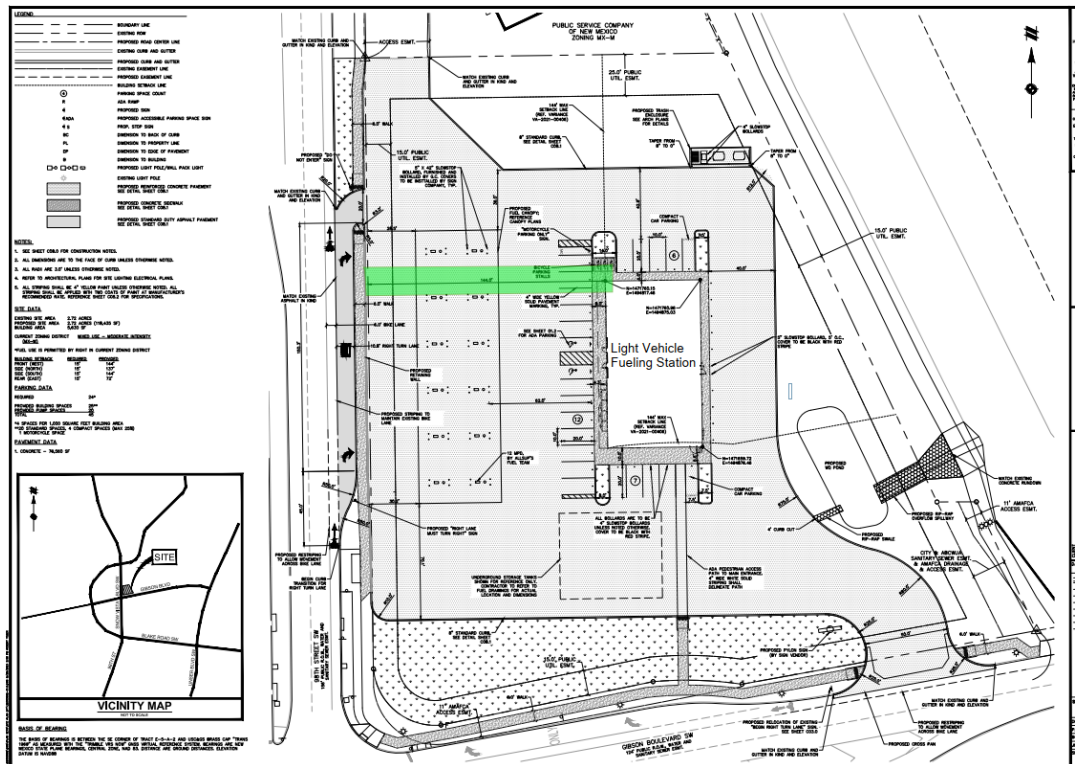
This site has 2 street facing façades (98th and Gibson). From the property line to the closest point on the street facing façade along 98th is approximately 144'. From the property line to the closest point on the street facing façade along Gibson is approximately 141.5'. Since the street facing facade exceeds 30ft from the property line 14-16-5-11(E) is not applicable.

Street-facing Façade

Any façade that faces and is within 30 feet of a property line abutting a street, not including alleys, unless specified otherwise in this IDO. A building may have more than one street-facing façade. The phrase "façade facing a" that refers to a specific street or to alleys is included in this definition as well. See also *Measurement Definitions for Façade*.

Façade

When the IDO refers to a distance to a façade, the measurement shall be made to the closest perpendicular plane of a primary building façade. See also *Garage and Façade Definitions*.



Comment 8: Sensitive Lands analysis was included in the submittal and mention AMAFCA approval. Please verify AMAFCA approval. Please provide additional detail as to how the project is meeting 5-2 Acequia or Arroyo standards per the abutting AMAFCA Amole Arroyo. Is 5- 6(C)(4) applicable?

Response 8: A hydrology analysis was conducted to confirm the capacity of the adjacent Amole Arroyo and submitted to AMAFCA. The grading and drainage plan included with the submittal package contains the signatures from AMAFCA and CABQ Hydrology approving the proposed connection to the Amole Arroyo based on this analysis. The AMAFCA signature are located on the bottom left and right if the approved G&D sheets. SEE EXHIBIT 1

Comment 9: Per the abutting PNM substation to the north, is PNM requesting or requiring additional screening or separation?

Response 9: PNM is not requesting any additional screening or separation. However, the landscape plan proposes trees and landscaping to provide as much buffer as possible.

Comment 10: Off site Parking Requirements:

Type	Required	Provided
Use per Table 5-5-1 Each use can be listed and then added together. Use Light Vehicle Fueling 4/1000 SF GFA AND/OR Use Liquor Retail 4/1000 SF GFA	20 Total spaces	24 Spaces
ADA		
Motorcycle	1	1
Bicycle	3	0

Response 10: 3 bicycle parking spots are included on the north side of the building as approved by the TCL.

Comment 11: Some signage was included in the elevation submittal. However, the signage detail was not. Will signage be a part of this review and DFT approval? Or will that be accomplished only during building permit submittal and review?

Response 11: Signage will be permitted separately. The signage dimensions meet the IDO standards. A signage percentage table has been provided on the elevation plan see "Sign Data Table".

Comment 12: Per 5-6(C)(2) Minimum Landscape Area 5-6(C)(2)(a) a minimum of 15 percent of the net lot area of each development shall contain landscaping. Please show net lot area in calculations to confirm the minimum landscape area requirement is being met. Please note that per IDO 4-3(B)(8)(c) item #3: Warm season grasses may cover up to an additional 70 percent of the landscape area. Blue Grama grass shown on Landscape Plan classifies as a warm season grass

Response 12: Total landscape area provided is 34% of the Site. Calculations updated to show this. Grass type noted.

Comment 13: Per 5-6(C)(5)(c) The use of gravel or crusher fines as ground cover is limited to a maximum of 75 percent of any landscaped area. Confirm this requirement is being met and show the calculation in the Landscape Calculations section on the Landscape Plan.

Response 13: Gravel landscape makes up only 40% of total landscape areas (16,408 SF). Calculations included on LS plan.

Comment 14: On 5-6(C)(8) Protecting Clear Sight Triangle The clear sight triangle shall be maintained at all exits of parking areas and street intersections. Show Clear Sight Triangle as approved by Transportation on Landscape Plan.

Response 14: Clear site triangles included on Landscape Plan

Comment 15: Reference IDO 5-6(C)(10) Planting near Utilities. Trees south of sidewalk on south end of subject property are in Public Utility Easement. Relocate trees in Public Utility Easement north without reducing quantity to ensure street tree requirements are being achieved.

Response 15: Trees have been relocated outside of Public Utility Easements

Comment 16: Per 5-6(D)(1) Required Street Trees 5-6(D)(1)(a), 1 street tree per 25' linear feet are required along street frontages. There is a Public Utility Easement on the south end of the site between Gibson and the sidewalk. Planning has recommended relocating trees just north of sidewalk without reducing quantity of trees, as the current quantity provided meets street tree requirements. Trees can be relocated as far back as 20ft. within the back of curb abutting a street.

Response 16: Street trees are relocated outside of the PUE in closest location to street. This is greater than 20' from back of curb, but unavoidable given the space available.

Comment 17: Per 5-6(D)(1)(c) Planting areas necessary for trees in the street frontage shall meet the minimum size requirements in Table 5-6-3 unless specified otherwise in this IDO. Tree grates may be used in constrained locations to accommodate pedestrian circulation, to allow the required planting areas to have a walkable surface. Please see below for minimum planting area:

Table 5-6-3: Minimum Planting Area by Tree Height at Maturity	
Tree Height at Maturity (ft.)	Minimum Planting Area (ft.)
0-20	4 x 4
>20-40	5 x 5
>40	6 x 6

Response 17: Minimum planting areas have been applied to all tree locations.

Comment 18: Reference This doesn't appear to be the case, but please confirm the parking lot is more than 30' from front lot line. Per IDO 5-6(F)(1)(i) Landscape buffers are required in the following locations, with minimum widths and design requirements as specified below.

1. Front Lot Edge

a. General – Any parking lot located within 30 feet of the front lot line requires screening in the form of a masonry wall or landscape buffer.

Response 18: Parking lot is greater than 30' from all lot lines. Landscape buffer is provided along Gibson Blvd, but we are not able to provide a buffer where the right -turn deceleration lane is proposed on 98th Street. This was confirmed to be ok during the DFT comment review on 8/2/2023.

Comment 19: Per IDO 5-6(F)(2) Parking Lot Interior 5-6(F)(2)(a) General At least 10 percent of the parking lot area of lots containing 50 or fewer spaces. Show in Landscape Calculations and in Landscape Plan if this requirement is being met.

Response 19: Updated calculations show that new landscape areas in parking area provides 11% of total parking area.

Comment 20: Per 5-6(F)(2)(c) Tree Requirements

1. One (1) tree is required per 10 parking spaces.

There are no parking lot trees. If 24 parking spaces are being provided, 3 parking lot trees are required. Please refer also to IDO 5-6(F)(2)(d) for minimum size of planters for trees.

2. No parking space may be more than 100 feet in any direction from a tree trunk.

This requirement does not appear to have been met. Ensure compliance with IDO.

3. At least 75 percent of the required parking area trees shall be deciduous canopy type shade trees, capable of achieving a mature canopy diameter of at least 25 feet.

Response 20: 4 Parking lot trees are now included to ensure that no parking space is more than 100' from a tree trunk. Trees are canopy type shade trees.

Comment 21: The landscape plan must identify landscaping for the drainage pond. The minimum requirement is City Standard Specification Section 1013 Slope Stabilization and Seeding. The proposed stormwater quality pond is not currently showing any slope stabilization or seeding. Review Section 1013 and ensure compliance: [https://documents.cabq.gov/planning/DevelopmentReviewServices/DRC/Section%2010 13.pdf](https://documents.cabq.gov/planning/DevelopmentReviewServices/DRC/Section%2010%2013.pdf)

If using the Standard Specification, this must be noted in the 'Notes' Section of the Infrastructure List.

Response 21: Stormwater quality pond landscaping has been included on plan.

Comment 22: Landscape Plan must be stamped by a New Mexico licensed Landscape Architect. Please note: landscaping plan and irrigation plan still under review.

Response 22: New Mexico Landscape Architect stamp added to plans.

Comment 23: Confirm compliance with the Edge Buffer requirement.

Development Type	Development Next to	Specific Standards	General Buffering	Buffering in DT-UC-MS-PT
Industrial	Non-industrial development	14-16-5-6(E)(4)	Landscaped buffer area ≥25 ft.	Wall, fence, or vegetative screen ≥6 ft.
Mixed-use or other non-residential	R-ML or R-MH	14-16-5-6(E)(3)	Landscaped buffer area ≥20 ft.	
Multi-family, mixed-use, or other non-residential	R-A, R-1, R-MC, or R-T	14-16-5-6(E)(2)	Landscaped buffer area ≥15 ft.	

[1] See Subsections 14-16-5-6(E)(2), 14-16-5-6(E)(3), and 14-16-5-6(E)(4) for complete edge buffer standards.

Response 23: Landscape buffer is confirmed to be greater than 20' on north and south property lines.

Comment 24: A DFT signature block must be added to the Site Plan.

Response 24: DFT signature block added to site plan.

Comment 25: The project and application numbers must be added to the Site Plan first page.

Response 25: Project and application numbers have been added to site plan.

Comment 26: All Plan sheets must be sealed and signed by a design professional licensed in the State of New Mexico, with the Landscape Plan sealed and signed by a Landscape Architect licensed in the State of New Mexico.

Response 26: New Mexico Landscape Architect stamp added to plans.

Albuquerque Bernalillo County Water Utility Authority

Contact: David Gutierrez, P.E.

Comment 1: Availability Statements #221001 provides conditions for service.

Response 1: Noted.

Comment 2: Utility Plan:

- a. Provide a utility plan that indicates the location of proposed services and that reflects the requirements of the Availability Statement.

Response 2: Utility plan is Sheet 4.0 in the plan set. Proposed services are updated to meet the requirements of the Availability Statement.

- b. Clearly Show existing public water and public sewer mains and any associated easements on the utility plan.
 - i. Please clearly label public vs. private water and sanitary sewer infrastructure. Note all public infrastructure not constructed with this building permit but with other permit.(Connection permit can be used or work order)

Response 3: All utilities have been labeled as public or private on the plans.

- c. Dimension the public water and public sewer easements on the utility plan.

Response 4: Public utility easements have been labeled on plan.

- d. Coordinate with NM 811 to field locate and survey the existing public water and sewer infrastructure. If existing infrastructure is not within the existing easements, dedicate additional easement to provide the minimum widths over the actual pipe locations.

- i. There is a SAS line to the east of the site. Please identify the easement if one exists especially closer to the southeast portion of the lot.

Response 5: City & ABCWUA sanitary sewer easement has been labeled on plans. The easement encompasses the southwest bump out of the property boundary.

- e. There shall be no trees, parallel fences/sidewalks/curbs, or structures within the public water and public sewer easement. Please revise accordingly.

Response 6: Trees have been shifted outside of public utility easements.

- f. Please add the following notes to the Master Utility Plan
 - i. Coordination with Water Authority Cross Connection Section will be required to ensure proper backflow containment is in place prior to release of meter for the site. Contact the Cross Connection Section at 505-289-3454.
 - ii. Coordination with the Water Authority Pre-Treatment Engineer is required to ensure the site complies with Water Authority Sewer Use Ordinance. Contact the Pre-Treatment Engineer at 505-289-3439.

Response 7: Notes added to utility plan upper right corner.

Code Enforcement

Contact: Jeff Palmer

Comment 1: Property is zoned MX-M, and appears to meet all dimensional standards as per IDO 5.1(D), Table 5-1-2.

Response 1: Noted

Comment 2: Trash enclosure must include at least one of the primary materials and colors of the nearest wall of the primary building, as per IDO 5-6(G)(3)(e) – appears to be entirely metal panel siding.

Response 2: Trash enclosure updated to include external stone veneer as utilized on building exterior. See sheet A0.17.

Comment 3: Please show Landscape calculations for determination of the required landscaping, along with landscaping provided.

Response 3: Landscape calculations provided.

Comment 4: Please confirm and note in site plan that lighting under canopy will be recessed as per IDO 4-3(D)(18)(f).

Response 4: Confirmed and note added to site plan on canopy directly.

Comment 5: As per IDO 4-3(D)(18)(g), If located adjacent to any Residential Zone District, it shall require a Conditional Use approval. Directly across Gibson to the south is the R-ML zone district. Please provide current NOD for Conditional Use Approval.

Response 5: We currently have all the below listed approvals in place:

1. **CONDITIONAL USE** to allow for Liquor Retail in a MX-M zone district.
2. **CONDITIONAL USE** to allow for a Light Fueling Station adjacent to a residential zone
3. **CONDITIONAL USE** to allow for Liquor Retail within 500 feet of a residential zone.
4. **A VARIANCE** of 144.5 to the required 15 maximum setback for a building containing 1000 sq.ft. or more in an Activity Center.

The approvals were originally approved on December 21, 2021 (VA-2021-00403, VA-2021-00404, VA-2021-00405, VA-2021-00406). There was an extension that was approved until January 5, 2024 for all the listed applications (see attached). Attached to the resubmittal is the original approval and the extension document.

Comment 8: All signage must meet requirements of IDO 5-12, Table 5-12-2, and be submitted under separate permit. Please confirm on site plan the distance from the property line to the proposed pylon sign

Response 11: Signage table included on A1.50 to show building signage is less than 15% of façade area (267 SF allowed, 93 SF proposed). Note included to state signage is being permitted separately. Distance from pylon sign to property line included on site plan.

Transportation Development

Contact: Ernest Armijo

Comment 1: Transportation has an approved TCL dated 6/22/2023

Response 1: Noted

Comment 2: There is a proposed 10' multi-use path along the frontage of this property with Gibson. The proposed 6' sidewalk along here should be replaced with the 10' multi-use trail.

Response 2: Jill Cuppernell with DMD had a meeting with Whitney Phelan on August 4, 2023 to discuss the trail comment and she agreed that the trail would not be needed as part of the site plan. The 6' sidewalk that is included in the City's 98th & Gibson Intersection Improvements project will be sufficient.

Hydrology Section

Contact: Renee Brissette

Comment 1: Hydrology has an approved Revised Grading & Drainage Plan (M09D034) with engineer's stamp 03/10/2021

Response 1: Noted

Comment 2: Hydrology has no objection to the Site Plan for Building Permit.

Response 2: Noted

Park and Recreation Department

Contact: Whitney Phelan

Comment 1: The LRBS Map shows proposed paved multi-use trail along the northern side of Gibson Blvd extending from 98th to the Amole Channel to the east. There is existing trail on the west side of 98th as well as along the Amole Channel. More improvements to the trail system will be made further north on Snowvista. Please provide a detailed section for the trail as well as the alignment on the site plan. This item will also need to be added to the infrastructure list

Response 1: Jill Cuppernell with DMD had a meeting with Whitney Phelan on August 4, 2023 to discuss the trail comment and she agreed that the trail would not be needed as part of the site plan. The 6' sidewalk that is included in the City's 98th & Gibson Intersection Improvements project will be sufficient.

Comment 2: Please clarify on the Landscaping Plan how the Street Tree requirements in IDO Subsection 14- 16-5-6(D) are being met, including distance from back of curb and general spacing requirements

Response 2: Notes have been added to the landscape plan showing that these requirements have been met.