



**Environmental
Planning
Commission**

**Agenda Number: 3
Project Number: 1002270
Case #'s: 07EPC 40079
December 20, 2007**

Staff Report

Agent	Ray Balera
Applicant	Manny Aka
Request	Site Development Plan for Building Permit
Legal Description	Lots 2, 3 and 4, Block 52, The Terrace Addition
Location	1520 Central Ave. SE between Ash St. and Maple St.
Size	Approximately 0.49 acres
Existing Zoning	SU-2/CMU (Central Mixed Use)
Proposed Zoning	no change

Staff Recommendation

APPROVAL of 07EPC 40049, based on the findings on page 15, and subject to the conditions of approval on page 16.

Staff Planner
Carol Toffaleti, Planner

Summary of Analysis

This is a request for a site development plan for building permit for a site of approximately 0.5 acres located on Central Ave. SE between Ash and Maple Streets, zoned SU-2/CMU. The applicant proposes to remodel an existing 2,300 s.f. commercial building on Central Ave. and add approximately 2,000 s.f. at the rear to create a restaurant with off-street parking, landscaping and a patio.

The proposal complies with a preponderance of applicable goals and policies of the Comprehensive Plan and University Neighborhoods Sector Development Plan, and with applicable zoning regulations.

A facilitated meeting was attended by members of the Silver Hill and Spruce Park neighborhood associations. Concerns were expressed on a range of issues, some of which have been addressed in revisions to the site development plan. No adverse comments have been received.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 11/05/2007 to 11/28/2007. Agency comments were used in the preparation of this report and begin on page 21.

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>	SU-2/CMU (Central Mixed Use)	Central Urban/Established Urban Areas; University Neighborhoods SDP (Rank III).	vacant building, vacant lot
<i>North</i>	same	same	residential (single family, multi-family)
<i>South</i>	SU-2/DR (Diverse Residential)	same	same
<i>East</i>	SU-2/CMU (Central Mixed Use)	same	commercial (Ben Chavez Realty)
<i>West</i>	same	same	commercial (Copper Lounge)

Background, History and Context

This is a request for a site development plan for building permit for a site of approximately 0.5 acres located on Central Ave. SE between Ash and Maple Streets, zoned SU-2/CMU. The applicant proposes remodelling an existing 2,300 s.f. commercial building and adding approximately 2,000 s.f. at the rear to create a restaurant with off-street parking and landscaping.

The site is in the Central Urban area of the Established Urban area of the Comprehensive Plan and in the University Neighborhoods SDP area, including the Sycamore Metropolitan Redevelopment Area of that plan.

The surrounding area is characterized by a mix of uses. To the north, across Central Ave., are residential uses and adjoining them on the east is the Robert Kennedy secondary charter school. (In fact, the existing building on the subject site was previously used by the charter school.) To the south is an alley and the rear of multi-family residential dwellings, flanked by single-family homes. To the east and immediately adjoining the existing structure is the Ben Chavez Realty with off-street parking to the rear. To the west at the property line is the Copper Lounge, an eating establishment with full liquor license.

The only recent case history for the site was a request for a special exception to the use of Lots 3 & 4 of the site as a parking lot (1002270, 02ZHE-01551). The Zoning Hearing Examiner denied the request on 2/5/2003. The decision was appealed, but upheld by the Board of Appeals.

Long Range Roadway System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies roadway projects in the 2030 Metropolitan Transportation Plan (2030 MTP, June 30, 2007). None is proposed in the vicinity of the site.

The Current Roadway Functional Classification System in the 2030 MTP designates Central Ave. as an existing Urban Principal Arterial, with a right-of-way of 124’.

The nearest cross-streets, Maple and Ash, are local streets.

Long Range Transit System

The Long Range Transit System in the 2030 MTP designates Central Ave. in this area as a potential High Capacity Transit Corridor and Modern Street Car Corridor.

Long Range Bikeway System

The Long Range Bikeway System in the 2030 MTP does not identify any bike/pedestrian improvements in the vicinity of the site.

The Current Bikeway Functional Classification System in the 2030 MTP designates Central Ave. as a proposed Bikeway Corridor.

Public Facilities/Community Services

Fire Station 2, Roosevelt Park, Heights Community Center and UNM Museums are fairly close to the site.

The area is very well-served by ABQ Ride. Eight bus routes operate within three blocks of the subject site:

- on Central Ave.: Route 66 – Central, Route 766 – Rapid Ride (M – Sun), Route 97 – Zuni (M – F) and Commuter Route 317 – Downtown/Kirtland AFB Limited. The bus stops for these routes are in close proximity to the site.
- on Dr. M.L. King Jr. Blvd.: Commuter Route 12 – Constitution, Route 50 – Airport/Downtown (M – Sat.) and Commuter Route 92 – Taylor Ranch Express;
- on University and Dr. M.L. King Jr.: Route 16/18 – “The BUG” (M – Sun);

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Policy Citations are in Regular Text; ***Staff Analysis is in Bold Italics***

Albuquerque Comprehensive Zoning Code

The site is zoned SU-2/CMU (Central Mixed Use). The zone was established through the University Neighborhoods Sector Development Plan. It refers to regulations in the C-2 zone with certain exceptions. The proposed restaurant use (restaurant) is permissive under the current zoning.

Albuquerque / Bernalillo County Comprehensive Plan

The subject site is located in the areas designated Central Urban and Established Urban by the *Comprehensive Plan*. The Goal of the Central Urban Area is “to promote the Central Urban Area as a focus for arts, cultural, and public facilities/ activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City.” The applicable policy is:

Policy II.B.6.b: Upgrading efforts in neighborhoods within the Central Urban Area should be continued and expanded and linkages created between residential areas and cultural/arts/recreation facilities.

The proposed conversion of an existing building and the development of associated vacant lots will contribute to on-going efforts to upgrade the Central Ave. corridor in this area.

The Goal of the Established Urban Area is to “create a quality urban environment, which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment..”

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 applicant has incorporated design features, including off-street parking and a fence and gate along the back alley, that respect neighborhood values and the carrying capacity of the surrounding street network.

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 subject site is contiguous to existing urban facilities and services. It is large enough to accommodate the required parking and adequate circulation for customers and for servicing the development.

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.

Policy II.B.5.j: Where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

...

- In free-standing retailing and contiguous storefronts along streets in older neighborhoods.

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 proposed development furthers these three policies as it is located in an existing commercial building, in a mixed use corridor along Central Ave. that is contiguous to other commercial properties. The design incorporates features that minimize adverse effects on the residential uses to the south, including lighting, parking and cut-through traffic between Central Ave, a principal arterial, and the alley shared with residential properties. The applicant intends to serve beer and wine, which some residents feel will add a nuisance to the neighborhood.

Policy II.B.5.m: Urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

The proposed development incorporates an existing single story building and additions to the rear that are lower and will not impinge on views. Landscaping of the site will improve the appearance of the Central Ave. corridor.

Policy II.B.5.o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

Policy II.B.5.p: Cost-effective redevelopment techniques shall be developed and utilized.

The proposal is a privately funded project to rehabilitate an existing building and redevelop the remainder of this property, which is in an older neighborhood of the City.

Developed Landscape (Section II.C.8)

Goal: To maintain and improve the natural and the developed landscapes' quality.

Policy II.C.8.d: Landscaping shall be encouraged within public and private rights-of-way to control water erosion and dust, and create a pleasing visual environment; native vegetation should be used where appropriate.

The proposed landscaping on private land includes native vegetation and will help improve the visual environment of the area for customers, local residents and passers-by, as it will be visible from Central Ave., a busy arterial.

Transportation and Transit (Section II.D.4)

Goal: To develop corridors, both streets and adjacent land uses, that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

Policy II.D.4.a: Table 11 presents ideal policy objectives for street design, transit service, and development form consistent with Transportation Corridors and Activity Centers as shown on the Comprehensive Plan's Activity Centers and Transportation Corridors map in the Activity Centers

section. Each corridor will undergo further analysis that will identify design elements, appropriate uses, transportation service, and other details of implementation.

Applicable policy objectives for Development Form in a Major Transit Corridor are:

- Building Access from Street: Provide major entrance from street.
- Building Setback: Minimum setback; setback to provide landscaping or pedestrian activity areas only.
- Parking Location: Separated from the street by the building.
- Parking Reductions: 10% mandatory and up to 25% encouraged; shared parking encouraged.
- Employment Density Targets for New Development: Floor area ratio of 1.0 – 2.0.
- Modal Hierarchy: Transit, pedestrians, autos, bikes.

The proposal meets several objectives for development form along Central Ave., an existing Major Transit Corridor: the major entrance for the restaurant is on Central, with a minimal setback from the street; parking is located at the side and rear of the building; and parking provision reflects a 10% transit reduction. However, the floor area ratio (FAR) for the total square footage of the existing and new building, 0.21, is considerably lower than the target employment density. Staff considers the FAR acceptable in this case because the project incorporates an existing single-story building and a restaurant use typically generates high parking demand. Off-street parking necessarily takes up a considerable portion of the site area.

Policy II.D.4.g: Pedestrian opportunities shall be promoted and integrated into development to create safe and pleasant non-motorized travel conditions.

The sidewalk along Central Ave. is being widened next to the existing street tree grates to provide a 4' wide clear path for pedestrians, which furthers this policy.

Economic Development (Section II.D.6)

Goal: to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

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

The project represents the creation of a new local business.

Water Conservation/Green Principles

Water Management (Section II.D.2)

Goal: Efficient water management and use.

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

The plant palette consists of low and medium water use plants. A 13' wide swale is proposed in the landscaped strip between the west property line and a row of parking spaces, which will

receive some roof run-off from the building on the adjoining property. The runoff can supplement irrigation water.

Energy Management (Section II.D.3)

Goal: To maintain an adequate, economical supply of energy through energy management techniques and use of alternate and renewable energy sources.

Policy a: Use of energy management techniques shall be encouraged.

The landscape plan includes 5 shade trees, 2 more than are required, which will mitigate the "heat island" effect of an increase in impervious area created by the off-street parking and new buildings. The west facade of the restaurant has large windows of unspecified glazing, which will let in natural light, but excessive heat in the summer, as no awnings or shade tree are proposed in that area. No other energy management measures are shown or described in the applicant's submittal.

Overall, Staff considers that the project furthers a preponderance of applicable goals and policies in the Comprehensive Plan.

University Neighborhoods Sector Development Plan (Rank III)

The University Neighborhoods Sector Development Plan (UNSDP) was adopted as a Rank III Plan in 1986 by Resolution 66 (Enactment No. 102-1986) and amended in 1991 by Resolution 303 (Enactment No. 95-1991). The Plan established zoning for the area east of I-25, west of Girard Boulevard, north of Hazeldine Avenue to University Boulevard and north of St. Cyr Avenue to Girard Boulevard, and south of a line just north of Grand Avenue to University Boulevard and south of Central Avenue to Girard Boulevard (Map 2).

Basic Goals of the plan are to:

- Improve the Quality of life in the area
- Conserve and renew the unique qualities of this neighborhood
- Encourage infill residential construction in appropriate places [not applicable]
- Encourage pedestrian orientation
- Improve conditions in business areas
- Foster positive social and physical interrelations between businesses, institutions and residents.

The proposal furthers several goals of the UNSDP by conserving and renewing a commercial site and by using a building and site design that accommodates pedestrians as well as motorists. Together, these will improve conditions on Central Ave., an important business corridor of the City.

Appendix 4 includes a zoning map and regulations governing development in the plan area. The subject site is zoned SU-2/CMU (Central Mixed Use). Applicable regulations are:

The CMU (Central Mixed Use) land use category corresponds to the C-2 Community Commercial Zone in the Comprehensive City Zoning Code, including any subsequent amendments, and is subject to the same regulations as that zone with the following exceptions that apply to the project:

1. ...
2. The following uses are not allowed, either permissively or conditionally: a) adult amusement establishments, adult book stores, adult photo studios, and adult theaters; b) drive-in restaurant and drive-through windows; and, c) vehicle sales, rental, service or repair.
3. All outdoor storage and activities listed as permissive uses in the C-2 zone and not listed in paragraph 2 above are conditional uses.
4. Sale of alcoholic drink under a restaurant license for the sale of beer and wine as provided by Section 60-64-4 NMSA 1978 is permissive...
5. Signs are regulated as in the C-1 zone.
6. ...

The proposal includes an outdoor patio for restaurant patrons, which is a conditional use in the CMU zone. The applicant has not obtained approval of a conditional use from the Zoning Hearing Examiner. The applicant intends to apply for a restaurant license to sell beer and wine.

The Plan also establishes a *Site Development Plan and Review Process* (Appendix 4, p. 77) that applies to all site development plan reviews required in the Special Use, Mixed Density Residential, Mixed Commercial, and Central Mixed Use land use categories. Procedures and fee for this site review in these zones shall be as specified for an SU-1 site development plan review in the Comprehensive City Zoning Code with the following exceptions:

1. In addition to the notification procedures for an SU-1 SDP review, upon receipt of an application for approval of a SDP, the City Planner shall immediately send a copy of the application form to the president and one duly authorized representative of any properly registered NA within the Sycamore Area.
2. ...
3. The proposal will be reviewed for conformance with the University Neighborhoods SDP and the Sycamore Metropolitan Redevelopment Plan.
4. A Site Development Plan for a specific building shall become void two years after approval unless a building permit for the structure has been issued. The City Planner may give one six-month extension to each two-year approval;...

The subject site lies within the boundaries of both the Silver Hill and Sycamore neighborhoods, which overlap in the strip of properties along the south side of Central Avenue. Contacts of these Neighborhood Associations, as well as Spruce Park NA, were notified of the proposal by the City's Office of Neighborhood Coordination (ONC) and by the applicant. Staff has reviewed the

proposal for conformance with the plans. Staff recommends a finding about the period of validity of an approved site development plan for a site in the University Neighborhoods SDP area.

Appendix 5 is the Sycamore Metropolitan Redevelopment Plan (SMRP). This plan covers a sub-area in the western part of the University Neighborhoods SDP area, which extends from I-25 east to Sycamore St. north of Hazeldine Avenue, and east to University Boulevard from the alley south of Central Avenue (Appendix 5, Map 4, after p. 4).

The basic objectives of this Plan are:

1. To improve the existing “mixed use” characteristics of the area by encouraging compatible relationships between related uses and buffering incompatible uses.
2. To improve pedestrian, transit and bicycle circulation by providing better internal connections within the neighborhood and improving connections to nearby urban centers.
3. To prevent neighborhood decline by stimulating private reinvestment, while providing sufficient controls and guidance to ensure mutually beneficial relationships between existing and new development.

The subject site is in the *C. Central Avenue Redevelopment Area* (Appendix 5, p. 20). The Needs and Objectives for this area include:

- Provision of neighborhood commercial services, such as restaurants, ...
- Upgrading of commercial uses
- Efficient planning of access and off-street parking
- ...

Applicable policies are:

Policy C.1: Redevelopment with commercial/mixed uses serving the neighborhood and employee populations shall be encouraged along Central Avenue.

Policy C.2: New development shall serve to upgrade neighborhood character and quality.

Policy C.3: Development along Central Avenue shall be oriented to a pedestrian scale at ground level.

Implementation of this policy includes enhancing the pedestrian-scale visual experience along Central Avenue with ground floor design and landscaping treatments.

The subject site is also within the *F. Transitional Areas* (Appendix 5, p. 25). Needs and Objectives for this area include:

- Sensitivity in design of new development to adjacent residential areas
- ...
- Buffering of the lower density Spruce Park and Silver Hill Neighborhoods from the higher density Redevelopment Area.

The one policy for these areas is applicable:

Policy F.1: Transition areas should provide a buffer between residential and non-residential areas...

Implementation of this policy includes minimizing the potentially negative elements of development, such as traffic, noise....

The subject site is located within the Central Avenue Redevelopment Area and Transitional Areas of the SMRP. Residential uses and zoning are located south of the alley that runs along the south boundary of the site. Properties on the north side of Central Ave. and to the east and west have the same zoning as the subject site. The proposal furthers the basic objectives of the plan because it improves the mixed use characteristics of the area while incorporating measures to protect the residential uses to the south; it improves pedestrian circulation along Central Ave. by widening the clear path of the sidewalk; and it is a private initiative to upgrade a vacant property.

In addition, the proposal furthers several goals and policies for the sub-areas because: the restaurant use will serve the neighborhood and employee populations along Central Ave.; redevelopment of the vacant property will upgrade commercial uses and improve neighborhood quality generally; the building conversion, through a larger expanse of windows on the north and west facades, opens the building to the street at ground level; landscaping will enhance the visual experience for pedestrians; the site layout is designed to accommodate vehicular access and adequate off-street parking; the proposed fence and gate will screen the development from the residential zone to the south and will control access from Central Ave. to the shared alley.

In conclusion, staff considers that the site development plan furthers a preponderance of objectives and policies in the sector development plan that pertain to development on the subject site.

ANALYSIS OF SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

Site Plan Layout / Configuration

The proposal centers on remodeling an existing commercial building on Central Avenue for restaurant use. The dining area will have entrances and windows on the north and west facades.

The site plan layout incorporates the existing building of 2,300 sf, an addition at the rear to house the kitchen, office and restrooms of 1,780 sf and a prefabricated refrigerated storage unit of 315 sf. The existing building is 18'1" high; the addition will be stepped down to 16'1"; and the storage unit will be even lower at 10' in height. The heights comply with applicable zoning regulations. Together, these structures are in keeping with the mass and scale of buildings in the area and make the proposed development compatible with its surroundings.

The total square footage of the development on the site development plan does not include the storage unit. There is also a minor discrepancy between the total square footage of the existing building on the plan and in the data tables. All references to the total square footage must be consistent throughout the site development plan packet, as required in a recommended condition.

The existing building is flush with the sidewalk on Central Avenue. The front and corner sideyard setbacks therefore do not comply with applicable zoning regulations, which require a minimum of 5' (SU-2/CMU refers to C-2, which refers in turn to O-1 zoning). Staff considers them acceptable given that the building is existing.

Off-street parking is located to the west and south of the buildings.

A refuse enclosure is proposed at the southeast corner of the site, with access from the rear alley. The Solid Waste Department requires that it be re-angled and requires the addition of a sanitary sewer drain and recycle area. A condition is recommended to that effect.

An outdoor patio is proposed which conflicts with a regulation in the UNSDP for the SU-2/CMU zone that designates outdoor activities as conditional uses. The patio must therefore be eliminated from the site development plan, but a note may be added stating that approval of a special exception will be sought from the Zoning Hearing Examiner in accordance with the University Neighborhoods sector development plan (see Condition 5).

Walls/Fences

A new 6' high cedar fence on a concrete base will enclose the site on three sides: on the west side (south of the adjoining building), on the south side along the alley and on the east side up to the rear storage unit. An opening of approximately 40' on the alley will have a sliding gate to allow access to the employee parking at the rear of the building and for refuse collection. It also provides screening for the residential zone to the south and meets a specific concern of the neighboring residents about controlling access between Central Ave. and the shared alley. The color of the fence must be indicated on the site development plan. The material, color and design of the gate must also be specified, as the current description "to match new construction" is vague.

The site development plan sheets indicate an existing 2' CMU block wall on part of the east boundary, which no longer exists as staff observed on a site visit (see Photos, Figure 4). The subject site has been cleared, except for the existing building, and is at a slightly lower elevation than the asphalt parking area on the neighboring property. Staff recommends that the treatment of this boundary be clarified.

Vehicular Access, Circulation and Parking

Information on these elements is shown on the site development plan (C-1) and/or the last sheet entitled "Traffic & Circulation Layout". Staff recommends that information on parking and internal circulation, including dimensions of drives and parking spaces, be shown on the site development plan and any details be grouped with other details on another sheet, e.g. the elevations sheet.

The primary vehicular access to the site is a right-in/right-out on Central Ave. Secondary access for staff and refuse collection is from the alley on the south of the site. This access is controlled by a sliding gate, which addresses a neighborhood concern about cut-through traffic between Central and the alley. The City Engineer/Transportation Development has reviewed the revised site development plan and found it acceptable subject to standard conditions.

There are two different sets of data on occupancy load. The higher figure of 140 is used in calculating parking requirements, which appears to include the outdoor seating not approved by the

ZHE at this time. If so, then the calculations are conservative. Parking provision reflects a 10% transit reduction from normal requirements of the Zoning Code, which is mandatory on sites adjoining Major Transit Corridors. (25% is encouraged under CP policy II.D.4.a). The site is currently very well served by ABQ Ride buses that run on Central Ave. seven days a week and is within walking distance of the University, a Major Activity Center, and the Presbyterian Hospital complex.

Off-street customer parking, including two disabled spaces, is on the west side of the building. Employee parking is located at the rear of the building, one of which is sized for a small car. The applicant has mentioned the possibility of a mixed use shared parking agreement with the neighboring realty company to provide staff parking, but no calculations or agreement have been submitted to date (per Section 14-16-3-1 (E)(6)(b) of the Zoning Code). Such an arrangement is not strictly necessary as current provision is sufficient. There are also three metered on-street parking spaces on Central Ave. in front of the property (see Photos, Figure 2).

Staff also notes the following omissions: an additional motorcycle parking space and associated signage; a curb on the edge of the walkway behind the addition; wheel stops in all parking spaces adjoining the buildings, including the small car space next to the refuse enclosure, and in the space in front of the lightpole in the westernmost row (unless the lightpole is relocated instead). Conditions are recommended accordingly.

Pedestrian and Bicycle Access and Circulation, Transit Access

Pedestrian access is from the existing sidewalk on Central Avenue. The applicant is proposing to add concrete aprons next to two existing street tree wells to provide a 4' clear path, which will facilitate pedestrian movement along the front of the property. Customers can enter the restaurant at the front entrance on Central or at the side entrance by walking through the "proposed patio" area. Staff recommends that the walkway along the rear of the building needs be widened to 4'.

There is no designated public bicycle facility on Central Avenue. The site development plan does include a bike rack at the southwest corner of the parking area.

Lighting and Security

Seven 16' high lightpoles with Dark Sky compliant fixtures are proposed at the vehicular entrance and throughout the parking area. No building-mounted fixtures are indicated.

Landscaping

The Landscape Plan shows two existing street trees on Central Ave. in front of the property. On a site visit, staff observed that the one closest to the building has been cut down. The tree must be replaced as part of the development and irrigated until it is established. Shade trees are proposed which will shade the majority of parking spaces. However, staff recommends that the three in the west landscaped bed be moved closer to the adjoining row of parking to shade cars more effectively. Staff also recommends that the note on tree irrigation specify 150 gallons *per week* until trees are established.

There are errors in the square footage indicated for the landscaped beds. Those abutting the sidewalk on Central Ave. need to be recalculated to reflect the new 4' aprons. The size of the

landscaped beds along the west façade and next to parking at the rear need are incorrect. The landscape calculations will need adjusting accordingly. However, it appears that the actual landscaping still exceeds the 15% minimum required by the Zoning Code (Section 14-16-3-10). Because much of the 75% live groundcover requirement is being met through the use of native seed, staff recommends that the type and quantity (lb/sf) be specified.

At the facilitated meeting, the Neighborhood Associations volunteered to suggest an alternative plant palette, but, to date, this information has not been received by Staff.

Grading, Drainage, Utility Plans

Existing contour lines and spot elevations on the Grading and Drainage Plan indicate that the site slopes slightly from east to west. Drainage Comment 3) explains that most of the storm water run-off will be directed to an outlet at the northwest corner of the site into Central Avenue. A swale is also indicated in the landscaped bed along the west boundary, but without drainage arrows and notched curbs along the row of parking in this area, it is unclear how the swale will receive flows, although it appears that it will receive some run-off from the adjoining building's canales.

The details of the handicapped ramp and signage belong on another sheet in the packet as they do not relate to grading and drainage. On the east boundary, the "existing block wall" next to the proposed storage unit no longer exists, from staff's observation on a site visit, and the proposed cedar fence is not indicated (see Photos, Figure 4). The grading & drainage plan and the site development plan may need to be rectified to address the grade differential in this area, e.g. with a new retaining wall. The existing block wall at the northwest corner is now being removed, per the site development plan, and the grading & drainage plan must be revised accordingly.

Conditions are recommended to correct or clarify these points.

The Utility Plan appears complete.

Architecture

The existing building is a simple, rectilinear beige stucco structure. A significant proportion of the north and west facades will be converted to floor-to-ceiling windows as part of the remodel, which will be welcoming and add life to the public street. However, staff recommends that the west windows be shaded with a permanent or seasonal awning against summer heat for energy efficiency and customer comfort.

The design of the addition at the rear will match the existing building in terms of material and color. The office window will add "eyes" on the west parking area, which will make it more secure. The material of the rear service door needs to be specified. The pre-fabricated refrigerator unit will be accessed from within the addition and be painted to match it.

The site development plan does not mention screening of mechanical equipment. Staff recommends a condition to meet the objective for Transition Areas in the Sycamore MRA regarding sensitivity of design to adjacent residential areas as well general regulations in the Zoning Code.

Signage

The proposed building-mounted signs on the north and west elevations comply with the C-1 zone (Section 14-16-2-16 (11)), as stipulated in the University Neighborhoods SDP.

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

Comments begin on page 20. Advanced Planning commends the re-use of the existing building. The City Engineer/Transportation Development commented on the controlled access to the alley. The Solid Waste Management Department requires changes to the refuse and recycle area.

NEIGHBORHOOD/PUBLIC CONCERNS

Property-owners within 100' of the site and the three affected neighborhood associations, Silver Hill, Spruce Park and Sycamore NAs, were notified of the proposal. A facilitated meeting took place on November 28, 2007 (see report attached) attended by members of the Silver Hill and Spruce Park NAs. Concerns were expressed about the choice of plants, the restaurant beer and wine license, the adequacy of off-street parking, noise from outdoor entertainment, kitchen fumes, and the handling of used grease:

- The plants and parking issues have been addressed above in the analysis of the site development plan.
- The applicant may apply to the State of New Mexico for a restaurant license for beer and wine under the site's SU-2/CMU zoning. Staff understands that the state will require a waiver from the charter school across Central Ave. as part of the application.
- The possible noise impact from music is not relevant to the case before the EPC at this time for two reasons: (1) staff has recommended a condition that the proposed patio be deleted from the site development plan because a conditional use for this outdoor activity has not been approved by the ZHE, as required under the governing sector plan's regulations; and noise, including decibel levels and sound amplifying equipment, is regulated by Code Enforcement under the City's Noise Control Ordinance (9.9.1.1. et seq.).
- The control of odors and handling of used grease from restaurant uses are the responsibility of the City's Environmental Health Department, as set out in the City's Food and Sanitation Ordinance (9.6.1.1 et seq.). Environmental Health is one of the departments represented on the Development Review Board, which may sign off on the site development plan at the next stage in the approval process.

CONCLUSIONS

The proposed development meets a preponderance of applicable City goals, policies and regulations.

Neighborhood concerns were expressed at the facilitated meeting, which have been addressed through recommended conditions or are not directly relevant to EPC review of the case. No written comments have been received.

Staff is recommending approval with conditions, to bring the site development plan into greater compliance and ensure accuracy and internal consistency of the submittal.

FINDINGS – 07EPC 40079, December 20, 2007, Site Development Plan for Building Permit

1. The request is for a site development plan for building permit for a site of approximately 0.49 acres, on Lots 2, 3 and 4, Block 52, The Terrace Addition, located on Central Ave. SE between Ash and Maple Streets, zoned SU-2/CMU. The applicant proposes to remodel an existing 2,301 s.f. building and add approximately 2,000 sf at the rear to create a sit-down restaurant.
2. The site is within the Central Urban Area of the Established Urban Area of the Comprehensive Plan and the University Neighborhoods Sector Development Plan area, including the Sycamore Metropolitan Redevelopment Plan area.
3. The proposed outdoor patio, which is an encouraged use along Central Ave., will require approval by the Zoning Hearing Examiner as a conditional use.
4. The sale of alcoholic drink under a restaurant license for the sale of beer and wine, as provided under state law, is permissive under the SU-2/CMU zoning. The applicant has stated his intention to apply to the State of New Mexico for this license.
5. Per Appendix 4 of the University Neighborhoods sector development plan: if approved, the site development plan for building permit shall become void two years after approval unless a building permit for the structure has been issued; the City Planner [Planning Director] may give one six-month extension to a two-year approval. Approval occurs at the time of DRB sign-off of the site development plan.
6. The proposal furthers the following City goals and policies, because:
 - a. The proposal helps conserve and upgrade a business area in an older neighborhood of the City's urban core through private investment. (Policies II.B.5.o, II.B.5.p and II.B.6.b of the Comprehensive Plan (CP), two Goals of the University Neighborhoods sector development plan (UNSDP), and Objective 3 of the Sycamore Metropolitan Redevelopment Plan (SMRP) and an objective and policy 2 for the Central Avenue Redevelopment Area)
 - b. The proposed restaurant is located in an existing commercially zoned area that will serve local residential and employee populations and is designed to minimize intrusion from lighting, parking and cut-through traffic on residential properties to the south of the site. (Policies II.B.5.i, II.B.5.j of the CP, a Goal of the UNSDP, Objective 1 of the SMRP, an

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- objective and Policy 1 for the Central Avenue Redevelopment Area and two objectives and Policy 1 for the Transitional Areas)
- c. The proposal will develop two vacant lots that are contiguous to existing urban facilities and services and will maintain the integrity of the existing neighborhood. (Policy II.B.5.e of the CP)
 - d. The remodeling of the existing building and the landscaping of the site will improve the visual quality of the vacant property and help enhance the visual experience for pedestrians along Central Ave. (Policy II.B.5.m, the Goal and Policy II.C.8.d of the CP, and Policy 3 for the Central Redevelopment Area of the SMRP)
 - e. The proposed development is located adjacent to Central Ave., a Major Transit Corridor, and is designed to promote pedestrian and transit access. It also provides adequate vehicular access and the mandatory reduction in off-street parking for proximity to a transit route. (Policies II.D.4.a and II.D.4.g of the CP, and a Goal of the UNSDP regarding pedestrian orientation)
 - f. The proposed restaurant is a local business enterprise. (Policy II.D.6.b of the CP)
7. Property-owners within 100' of the site and the Spruce Park, Sycamore and Silver Hill Neighborhood Associations were notified of the proposal. A facilitated meeting was held on November 28, 2007. Concerns were raised about the landscape palette, the restaurant license for beer and wine, the adequacy of the off-street parking, noise from potential outdoor entertainment, kitchen fumes and the handling of used grease. No written comments have been received.

RECOMMENDATION - 07EPC 40079, December 20, 2007

APPROVAL of 07EPC 40079, a Site Development Plan for Building Permit, for Lots 2, 3 and 4, Block 52, The Terrace Addition, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - 07EPC 40079, December 20, 2007, 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. The applicant shall demonstrate how the Energy Management Goal, Section II.D.3 of the Comprehensive Plan, is furthered.
4. The proposed outdoor patio area shall be eliminated and a note added to the site development plan for building stating: "Outdoor patio seating shall be allowed if approved as a conditional use by the Zoning Hearing Examiner".
5. RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:
Conditions of approval for the proposed Site Development Plan for Building Permit shall include:
 - a. Where applicable, the Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
 - b. Site plan shall comply and be designed per DPM Standards.
6. The refuse enclosure shall be re-angled for adequate driver access and a sanitary sewer drain and recycle area shall be added to the site development plan as required by the City's Solid Waste Management Department.
7. All references to the square footage of the existing building shall be consistent throughout the site development plan packet. The square footage of the proposed refrigerated storage unit shall be indicated on the site development plan and included in the total building area of the development.

8. The following changes shall be made to the **Site Development Plan for Building Permit**:

- a. The color of the cedar fence and the material, color and design of the sliding gate shall be indicated.
- b. On the east boundary, the CMU block wall shall be changed from “existing” to “new” and its dimensions, material and color shall be indicated.
- c. One additional motorcycle parking space, along with signage, shall be included.
- d. The walkway behind the office/kitchen addition shall be widened to 4' and include a curb along the row of parking spaces.
- e. Wheel stops shall be included in all parking spaces in the rows immediately west and south of the buildings, including in the small car space next to the refuse enclosure, and in the space in front of the lightpole in the westernmost row of parking.
- f. The middle street tree shall be labeled “new street tree”.

9. The following changes shall be made to the **Landscape Plan**:

- a. A street tree shall be added to replace the tree that was cut down.
- b. The three shade trees in the west landscaped bed shall be moved closer to the adjoining row of parking to shade cars more effectively.
- c. The square footage of each landscaped bed shall be recalculated to correct errors and to reflect the addition of 4' aprons on the Central Ave. sidewalk. The landscape calculations shall be adjusted accordingly.
- d. The type and quantity (lb/sf) of native grass seed shall be specified.
- e. The note on tree irrigation shall specify 150 gallons “per week” until established.

10. The **Grading and Drainage Plan** shall be amended as follows:

- a. The plan shall indicate how runoff from the site and the roof of the adjoining building to the west shall flow into the swale in the west landscaped bed, e.g. by including drainage arrows from rainspouts and across parking areas, and notched curbs at the edge of the landscaped bed.
- b. The CMU wall on the east boundary shall be changed from “existing” to “new”.
- c. The label for the CMU wall at the northwest corner shall include “to be removed”.
- d. The details for the disabled ramp and signage shall be moved to the site development plan or elevations sheet.

11. The following changes shall be made to the **Elevations** sheet:

- a. The west façade of the existing building shall include an awning or other measure(s) to provide shade for restaurant patrons and to reduce solar gain.
 - b. The material of all exterior windows and doors shall be indicated.
 - c. An elevation for the cedar fence shall be included.
 - d. All mechanical equipment shall be screened from view from the public right-of-way, including the alley to the south of the site, per Section 14-16-3-18 of the Zoning Code.
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***Carol Toffaleti
Planner***

cc: Manny Aka, 1520 Central Ave. SE, Albuquerque, NM 87106

Ray Balera, 1640 Larkspur Dr., Rio Rancho NM 87144
Tom Lucero, 1500 Escalante Ave. SE, Albuquerque NM 87104
Bill Cobb, Silver Hill NA, 1701 Silver Ave. SE, Albuquerque NM 87106
Gordon Rieselt, Silver NA, 1515 Silver SE, Albuquerque NM 87106
Daniel Laird, Spruce Park NA, 603 Cedar NE, Albuquerque NM 87106
Bart Chimenti, Spruce Park, 1502 Roma NE, Albuquerque NM 87106
Peter Schillke, Sycamore NA, 1217 Coal Ave. SE, Albuquerque NM 87106
Mardon Gardella, Sycamore NA, 411 Maple St. NE, Albuquerque NM 87106

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

- No comments received.

Office of Neighborhood Coordination

Silver Hill NA (R), Spruce Park NA (R), Sycamore NA (R)

11/5/07 – Recommended for facilitation – siw

Kathleen Oweegon has been assigned and to be held on Tuesday, November 27, 2007 @ 2:30 p.m. at the Heights Community Center, 823 Buena Vista SE- siw

Advanced Planning

We commend reusing the existing building. No adverse comment.

PUBLIC WORKS DEPARTMENT

Transportation Development (City Engineer/Planning Department):

- Where applicable, the Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
- The applicant has indicated that there would be no access taken from the alley. The gate is to prevent others from accessing their site from the alley.
- Site plan shall comply and be designed per DPM Standards.

Hydrology Development (City Engineer/Planning Department):

- No comments received.

Transportation Planning (Department of Municipal Development):

- Reviewed, and no comments regarding on-street bikeways, off-street trails or roadway system facilities.

Traffic Engineering Operations (Department of Municipal Development):

- No comments received.

Street Maintenance (Department of Municipal Development):

- No comments received.

Utility Development (Water Authority):

- No comments received.

Water Resources, Water Utilities and Wastewater Utilities (Water Authority):

- No comments received.

New Mexico Department of Transportation (NMDOT):

- No comments received.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT,

WATER AUTHORITY and NMDOT:

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

- a. Where applicable, the Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan. Those improvements will include any additional right-of-way requirements, paving, curb and gutter, sidewalk and ADA accessible ramps that have not already been provided for. All public infrastructure constructed within public right-of-way or public easements shall be to City Standards. Those Standards will include but are not limited to sidewalks (std. dwg. 2430), driveways (std. dwg. 2425), private entrances (std. dwg. 2426) and wheel chair ramps (std. dwg. 2441).
- b. Site plan shall comply and be designed per DPM Standards.

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

- No comments received.

Environmental Services Division

- No comments received.

City Forester

- No comments received.

PARKS AND RECREATION

Planning and Design

- No comments received.

Open Space Division

Open Space has no adverse comments

POLICE DEPARTMENT/Planning

Triangle Community Substation

No other comments

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Disapproved, reangle of enclosure required for adequate driver access, also requires sanitary sewer drain and recycle area. call for details, 761-8142.

FIRE DEPARTMENT/Planning

- No comments received.

TRANSIT DEPARTMENT

- No comments received.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

- No comments received.

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

Terrace Addition, Lots 2, 3, and 4, Block 52, is located on Central Ave SE between Ash SE and Maple SE. The owner of the above property requests approval for a site development plan and building permit for a family restaurant called, "The Cube". The site is more than 300 feet from the nearby schools; Eugene Field Elementary School and Longfellow Elementary School. This will have no adverse impacts on the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

- No comments received.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

- No comments received.

PUBLIC SERVICE COMPANY OF NEW MEXICO

No comment based on the information provided to date. It is the applicant's obligation to determine if utility easements cross the property and to abide by any conditions or terms of those easements.