



**Environmental
Planning
Commission**

*Agenda Number: 5
Project Number: 1003801
Case #'s: 08EPC 40026
April 17, 2008*

Staff Report

Agent	DAC Enterprises Inc.
Applicant	Doug Peterson d/b/a Carlisle Shops
Request	Amendment of the Site Development Plan for Building Permit to allow a restaurant use
Legal Description	Tract 28A, Block A, Altura Addition
Location	Carlisle Boulevard NE, between Indian School and Hannett Ave. NE
Size	Approximately 0.64 acres
Existing Zoning	SU-1 for C-1 with exclusions
Proposed Zoning	No Change

Staff Recommendation

APPROVAL of 08EPC 40026, based on the findings on pages 11 & 12, and subject to the Conditions of Approval on pages 12 & 13.

Staff Planner

Jennifer Donofrio, Associate Planner

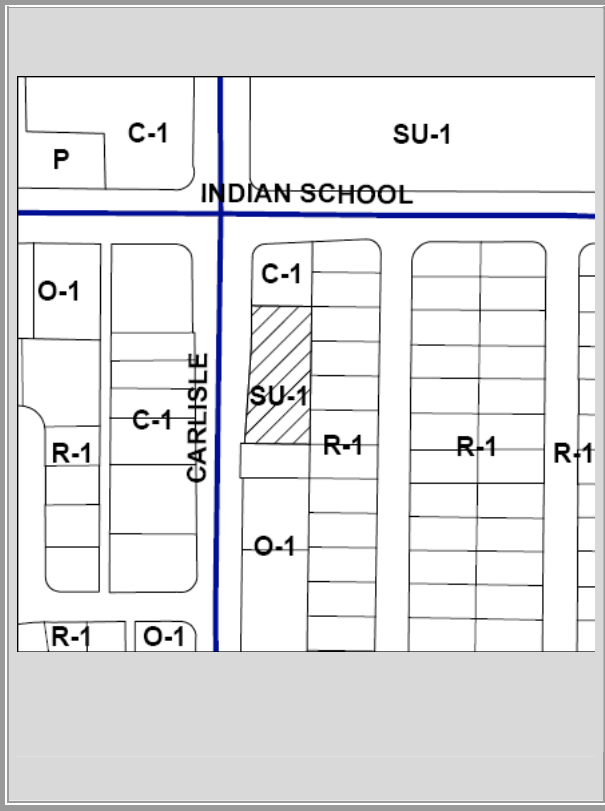
Summary of Analysis

This is a request for restaurant use and an amendment to the existing site development plan for building permit for Tract 28A, Block A Altura Addition, located on Carlisle between Indian School and Hannett. The site development plan for building permit states that all restaurant uses are allowed only if approved by the EPC in conjunction with a site development plan for building permit that demonstrates adequate buffering and protection of adjacent residential uses from adverse affects of noise, lighting, pollution, traffic, and odor.

The site contains approximately 0.64 acres and includes two existing restaurant uses and four commercial uses. The proposed restaurant is the last use to enter the development. It is located within the Comprehensive Plan Established Urban area. The EPC approved the current Site Development Plan for Building Permit in June 2005 and an ice cream shop in 2007.

This request furthers several policies of the Comprehensive Plan. The applicant and the Altura Addition NA have agreed to a set of conditions which shall be added to the site development plan for building permit.

Staff recommendation is for approval.



City Departments and other interested agencies reviewed this application from 3/10/2008 to 3/21/2008. Agency comments were used in the preparation of this report and begin on page 14.

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-1 for C-1 with exclusions	Established Urban	Commercial retail and service
<i>North</i>	C-1	Established Urban	Gas Station and Convenience Store
<i>South</i>	O-1	Established Urban	Vacant lot, office building
<i>East</i>	R-1	Established Urban	Single-family residential
<i>West</i>	C-1	Established Urban	Carlisle Blvd., office buildings

BACKGROUND

This is a request for restaurant use and amendment to the site development plan for building permit for Lot 28A, Block A, Altura Addition, located on the east side of Carlisle Boulevard NE just south of Indian School Road within the area designated Established urban by the Comprehensive Plan. The subject site contains approximately 0.64 acres and is currently occupied by four commercial retailers (Master Cleaners, Haircut Place, Walk-in-Wills, and Los Poblancos Organics) and two restaurants (I Scream Ice Cream and Cupcakeology). Single-family residential uses are located immediately to the east of the subject site. A gas station is located immediately to the north of the subject site. To the south is a vacant lot, and on the opposite side of Carlisle is an office building.

The subject site is zoned SU-1 for C-1 with exclusions and modifications. One of the most significant modifications affecting this proposal is that “restaurant use is allowed if approved by the EPC in conjunction with a site development plan for building permit that demonstrates adequate buffering and protection of adjacent residential uses from adverse effects of noise, lighting, pollution, traffic and odors”. In addition, on June 17, 2005, the EPC approved the Site Development Plan for Building Permit (05EPC-00745) which included a condition stating that “the applicant shall submit an amendment of this site plan to the Environmental Planning Commission in the event a restaurant or food service tenant is proposed for the site”. The approved modification and condition require the applicant to go through the EPC process.

The applicant is proposing to operate a 1,664 square foot bakery with 12 seats and one oven within an already existing commercial strip. A tile shop was previously operating in the same location as the proposed bakery. The applicant is not proposing any changes to the building footprint, parking, lighting, landscaping, or any other exterior features of the site. The proposed bakery would bake bread on the premises; therefore projecting the smell of baked goods from the subject site between 4:30am to noon daily, with extended hours during the holiday season (baking until 2pm). The proposed bakery would be the only restaurant use on the site which would have an oven.

According to the March 19, 2008 facilitated meeting notes 85% of the business would operate as a retailer, selling baked goods to consumers and 12% would operate as a restaurant (consumers sitting and eating on-site). Even though the primary intent of the bakery is retailing, selling bread to consumers who do not eat on-site; because the bakery would include seats it is considered a restaurant based on the Zoning Code definition.

Over the last month and a half, the applicant has been working cooperatively with the Altura Addition NA and as a result, both parties agreed to conditions for approval. These conditions will be added as notes to the site development plan for building permit to ensure future compliance.

CONTEXT

The hours and days of operation for the existing uses in the Carlisle Shops (Altura Shopping Center) vary by time and day. The table below illustrates the hours of operation for the existing and proposed restaurant and retail uses. Staff finds that this information is important because the neighborhood is concerned with parking on the site.

Table 1: Use and Hours of Operation for shops in the Altura Shopping Center

Use	Hours and Days of Operation
Los Poblanos Organics	12-7pm (Mon, Tue, Wed)
Haircut Place	9am-7pm (Mon- Sat) and 10am-6pm (Sun)
Walk-in-Wills	9am-5pm (Mon-Fri), Closed Sat and Sun
Master Cleaners	7am- 6:30pm (Mon-Fri), 8am-3pm (Sat), and Closed Sun
Cupcakeology	10am-6pm (Tues-Sat) Closed Sun and Mon
I Scream Ice Cream	10am-9pm (Sun-Thurs) and 10am-10pm (Fri and Sat)
Proposed Bakery	7am-7pm (days unknown)

The mix of uses on the site creates staggered peak periods. Staff notes that the Master Cleaners and the proposed bakery would open at 7am, while other uses (the Haircut Place, Cupcakeology, Walk-in-Wills, and I Scream Ice Cream) open after 9am (after the morning peak-hour traffic). In addition, the days that stores operate varies. For example, Cupcakeology is closed on Sunday and Monday, while Los Poblanos Organics is closed Thursday through Sunday.

The types of uses on the site also affect parking. Some uses like the Master Cleaners, Cupcakeology, Los Poblanos, and the proposed bakery would be high turnover uses, where consumers would most likely park-purchase-leave. Other uses including the ice cream shop, Walk-in-Wills, and the Haircut Place are slower turnover uses, where consumers would most likely park for at least one-half hour. For example, a Walk-in-Wills appointment generally lasts one hour.

HISTORY

The subject site's history includes several attempts to change the zoning from its original R-3 zoning to commercial zoning. In 1965, a zone map amendment to O-1 was approved for the site. On March 18, 2005, the EPC approved a Zone Map Amendment (04EPC-01821) from O-1 to SU-1 with exclusions and modifications (see Official Notice of Decision for list of Excluded Uses and Modifications). During the planning process, the applicant collaborated extensively with the adjacent neighborhood to arrive at an acceptable list of commercial uses to be allowed on the subject site. However, the applicant and the neighborhood continued to disagree about restaurant uses being allowed on the subject site. The March 2005 zone change request Staff Report folder included sixty-six copies of the same letter signed by the residents of the affected Neighborhood Associations. The letter strongly stated the neighborhoods concerns about restaurants on the subject site. The letter stated that, "[The residents] object to the requested zone change unless it expressly prohibits use of the property for restaurant purposes. If restaurant uses, is not deleted as a use on this property, then [the residents] object to any zone change for the property".

On June 17, 2005, the EPC approved the site development plan for building permit (05EPC-00745). In reaction to the residents and the applicant's disagreement about restaurant uses on the site, the EPC approved a Condition requiring the applicant to submit a site development plan amendment in the event a restaurant or food service tenant is proposed on the site to provide the opportunity for further community input.

In 2007, the EPC approved an amendment to the site development plan for building permit to allow an ice cream shop with seating to operate on the subject site (07EPC-00012). The ice cream shop does not have a kitchen or ovens; therefore the applicant was not required to provide information about how odors would be mitigated. To respond to neighbors concerns about possible odors, the EPC required a note on the site development plan for building permit stating, "the ice cream shop will serve ice cream that is made off-site, will not have ovens, and will not be a drive-thru operation."

RECENT EVENTS

On March 11, 2008 Staff conducted a site visit and noticed two violations to the SU-1 for C-1 zoning with exclusions and modifications. Staff noted that Cupcakeology, a cupcake shop located in the Carlisle shops, was operating as a restaurant with 10 seats (see Zoning Code Section below) and never went through the EPC process. In comparison to the proposed bakery restaurant, Cupcakeology does not bake on-site, all cupcakes are baked at the South Valley Economic Development Center; however they do serve coffee, espresso drinks, and teas. Staff also found during the site visit that the ice cream shop had outdoor seating. According to the site development plan for building permit, outdoor restaurant seating is not allowed. Staff reported the violations to the Code Enforcement Division, the City Legal Office, and Building Permit Division. The City's Legal Staff stated that Cupcakeology should be given 6 months to get a site plan for building permit approved. If they do not receive the approval, they have to cease the restaurant use (see Interagency Communication Section).

During the facilitated meeting on March 19, 2008, participants explicitly stated that they were concerned about the zoning code violation and wanted the owner to address the problem.

LONG RANGE ROADWAY SYSTEM

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The Long Range Roadway System designates Carlisle Boulevard and Indian School Road as Minor Arterials, with a right-of-way of 86'.

A Traffic Impact Study was not required for this site.

ABQ Ride Route 5 exists on Carlisle and ABQ Ride Route 6 exists on Indian School.

PUBLIC FACILITIES/COMMUNITY SERVICES

The subject site is located within one mile of several developed city parks, a fire station, one elementary school, and one middle school.

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The subject site is zoned SU-1 for C-1 with exclusions and modifications. The zoning includes 23 exclusions and four modifications (see 04EPC-01821 Official Notice of Decision for list of Excluded Uses and Modifications). The exclusions and modifications which directly affect restaurant uses are as follows:

Exclusions

- A. Outdoor restaurant seating
- B. Liquor sales in conjunction with a restaurant
- C. Drive-up windows and drive-thru facilities

Modifications

- A. Restaurant use is allowed if approved by the EPC in conjunction with a site development plan for building permit that demonstrates adequate buffering and protection of adjacent residential uses from adverse effects of noise, lighting, pollution, traffic and odors.

In addition on June 17, 2005, the EPC approved the Site Development Plan for Building Permit (05EPC-00745) which included a condition stating, "the applicant shall submit an amendment of this site plan to the Environmental Planning Commission in the event a restaurant or food service tenant is proposed for the site".

The proposed use is permissive under the current zoning. The existing zoning allows a restaurant bakery if it is approved by the EPC in conjunction with an amendment to the site development plan for building permit. The applicant is not proposing any changes to the building footprint, parking, lighting, landscaping, or any other exterior features on the site.

Zoning Code

Section 14-16-1-5 (Definitions)

Restaurant. An establishment that serves food and beverages which are consumed on its premises by customers seated at tables and/ or counters either inside or outside the building thereon, and which may be engaged in providing customers with take-out service of food and/or non-alcoholic beverages for off-site consumption. Sale of alcoholic drink is controlled by other provisions in this code and the New Mexico State statutes regarding alcoholic drink sales.

Section 14-16-2-22 (C) SU-1 Zone, states “Off-street parking shall be provided as required by the Planning Commission.” **The Planning Commission has discretion in the SU-1 zone.**

ALBUQUERQUE / BERNALILLO COUNTY COMPREHENSIVE PLAN

The subject site is located in the area designated Established Urban by the *Comprehensive Plan* with a Goal to “create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers a variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.” Applicable policies include:

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 and recreational concern.

This policy is furthered by this request. The site development plan for building permit states that the applicant shall demonstrate adequate buffering and protection of adjacent uses from adverse effects of noise, lighting, pollution, traffic and odors. Staff finds that the SU-1 for C-1 zone already protects nearby residents from the adverse effects of noise, lighting, pollution, and traffic. Based on the number of seats proposed in the bakery the Zoning Code parking calculations illustrate that the restaurant use would require fewer spaces than if the subject site were a retail store (3 parking spaces as a restaurant versus 9 parking spaces as a retailer). The restaurant is not permitted to have outdoor seating, therefore mitigating noise impacts.

In 2005, the site plan for building permit was approved with a ten foot setback between the residential zone and the existing building. Today, there is a walkway and raised planter box with evergreen and deciduous trees separating the site from the backyards of the residents (see site photos). In 2005 and now, the Altura Addition NA is concerned with prevailing winds from the west, sending cooking fumes and odors into their homes.

Staff finds that the applicant has demonstrated adequate buffering of odors. The applicant stated in the facilitated meeting notes that there will be one vent in the ceiling/roof where some bakery smells (five to six hours per day) would escape into the neighborhood. The applicant argues that operating during the hours of 4:30am to 12:00pm would potentially mitigate odors. In addition, the typical southwestwardly winds (blowing away from the neighborhood) and the oven vent located in the center of the building would reduce opportunities for the smell of baked goods to travel to the neighborhood. During the facilitated meeting, the applicant stated that a scrubber for exhaust, which would mitigate odors, would be cost prohibitive for the business.

The location, intensity, and design of the existing commercial site compliments the abutting residential neighborhood. The proposed use would provide neighbors fresh baked goods within proximity to their homes allowing residents to walk or bike to the bakery shop. One of the concerns of the Altura Addition NA is the possibility of the bakery selling bread to local businesses. Staff consulted with the Zoning Division about wholesaling on the site. According to the Zoning Division, wholesaling, selling goods to other retailers, is prohibited in the C-1 zone. As a result, a Condition prohibiting wholesaling on the site has been added to the list of Conditions for Approval to be included as a note on the site development plan for building permit.

Furthermore, Staff believes that the Altura Addition NA concerns about the potential for more ovens and expanded baking hours were addressed by adding conditions of approval to the site development plan for building permit restricting the number of ovens to one and defining the baking hours.

Emails between the applicant and the neighborhood association (NA) suggest that the biggest issue for the neighborhoods is the ability to have a voice in future restaurant uses. The existing note on the site development plan for building permit, requiring EPC approval of a site development plan when restaurant uses are proposed on the site, assumes neighborhood involvement in such projects.

Policy II.B.5.e – New growth shall be accommodated through development in areas where vacant land is contiguous to existing programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

Staff finds that this policy is furthered. The subject site is located on an existing public street and has access to existing municipal services. The proposed bakery would be located in an existing multi-tenant facility and provide a neighborhood service to nearby residents. The proposal would not change the building footprint, parking, lighting, landscaping, or any other exterior features on the site. In addition, the proposed 1664 SF bakery would not create additional impacts to existing urban facilities/ services.

The applicant has worked with the Altura Addition NA to ensure that the integrity of the neighborhood is maintained. The applicant has agreed to increase the number of refuse pick-ups, to not use grill or stove-top equipment, to have no more than 12 seats, and only have one oven, to accommodate the neighborhood's wants. In addition, the applicant will add required conditions of approval as notes to the site development plan for building permit to illustrate compliance to the neighborhood's wants.

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.

Staff finds that this policy is furthered. The site development plan was approved by the EPC in June 2005 (05EPC-00745) with exemptions and modifications to the SU-1 for C-1 zoning to protect the neighborhood from the adverse effects of noise, lighting, pollution, and traffic.

In an email dated April 2, 2008, from the Altura Addition NA, the neighborhood president stated that often times people park in the drive aisles because there are no available spaces and the NA is concerned that overflow parking will spill over into the residential neighborhood. Staff understands the NA concerns, but notes that the site does not have direct access from the local residential street. As a result, parking in the neighborhood on the public street would be inconvenient for consumers because consumers would need to walk around the block to access the site.

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

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.

Staff finds that this policy is furthered. The subject site is located near a residential neighborhood and along an existing minor arterial. The proposed bakery would be located in an existing commercially zoned area. In addition, the proposed neighborhood-oriented center, adjacent to Altura Addition neighborhood, would be within a reasonable distance for residents to walk or bike to the site.

ANALYSIS OF SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

Site Plan Layout / Configuration

The site's existing layout and configuration will not change with this request. A landscape buffer composed of evergreen and deciduous trees is provided along the eastern edge of the development, buffering the neighboring residential uses.

Walls/Fences

Walls and fences will not change with this request.

Vehicular Access, Circulation and Parking

The overall site is composed of four commercial retail uses and two restaurant uses (including Cupcakeology) and one vacant space. In 2005, the parking calculations were based on the entire 7,184 square foot site operating as commercial retail. The Zoning Code required 32 parking spaces (including a 10% transit reduction); however, the EPC approved 27 parking spaces based on the SU-1 for C-1 zoning.

Staff used the retail and restaurant uses in the parking section of the Zoning Code to determine if parking is an issue. Staff determined that increasing the restaurant uses and reducing the retail uses, reduced the number of required parking spaces. The table below illustrates the difference in the number of spaces required for restaurant use versus retail use for the proposed bakery, Cupcakeology, and I Scream Ice Cream.

Table 2: The number of required parking spaces -restaurant versus retailer

Use	Required Parking
Proposed Bakery (Retail 1664 SF)	1 parking space / 200 SF = 9 parking spaces
Proposed Bakery (Restaurant 12 Seats)	1 parking space/ 4 seats = 3 parking spaces
I Scream, Ice Cream (Retail 1097 SF)	1 parking space / 200 SF = 6 parking spaces
I Scream, Ice Cream (Restaurant 27 indoor seats)	1 parking space/ 4 seats = 7 parking spaces
Cupcakeology (Retail Approx. 1000 SF)	1 parking space / 200 SF = 5 parking spaces
Cupcakeology (Restaurant 10 seats)	1 parking space/ 4 seats = 3 parking spaces
Walk-in-Wills + Master Cleaners + Los Poblancos + The Haircut Place (Retail 3423 SF)	1 parking space / 200 SF = 17 parking spaces

Based on the above calculations, if the proposed bakery included 12 seats and all other uses remained the same, 30 parking spaces would be required on the site. However, if the proposed site were a retail use, 35 parking spaces would be required to serve consumers. Staff argues that allowing a restaurant use is more beneficial to consumers and other tenants because, the restaurant would reduce congestion in the parking lot.

Pedestrian and Bicycle Access and Circulation, Transit Access

These will not change with this request.

Lighting and Security

Lighting and security will not change with this request.

Landscaping/Water Harvesting

These will not change with this request.

Public Outdoor Space

Public outdoor space will not change with this request. The SU-1 for C-1 zoning with exclusions and modifications, states that outdoor seating is prohibited. Therefore, the applicant would not be able to create public outdoor space on the site.

Grading, Drainage, Utility Plans

Grading, drainage, and utilities will not change with this request.

Architecture/Green Building Principles

The architecture of this building will not change with this request.

Signage

The signage will not change with this request.

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

No adverse comments have been received.

NEIGHBORHOOD/PUBLIC CONCERNS

A facilitated meeting was held on March 19, 2008 with the Altura Additions Neighborhood Association (NA), the Netherwood NA, Summit Park NA, the agent, and the applicant. In summary, the facilitated meeting notes reveal that the neighborhood associations are concerned with parking, traffic, noise, and odors. Staff received two follow-up letters from the Altura Additions NA and the Netherwood NA further expressing their concerns. As a result, Staff emailed both neighborhood association representatives and asked them to further explain the major issues with the proposed bakery. In addition, Staff asked the neighborhood associations to state what they would like as a feasible mitigation technique to reduce the smell of bread in their neighborhoods. Staff received a response email addressing Staff's questions on April 2, 2008.

Staff was copied on several emails between the Altura Addition NA and the applicant working on an agreement that the neighborhood would not oppose and was feasible for the applicant (see attached emails in the Neighborhood Section). Interestingly, the issues of odor, parking, noise, and traffic were not identified by the Altura Addition NA in several of the follow-up emails. Instead, the NA was focused on their concerns about the neighborhood continuing to be involved in all restaurant uses on the site. In response the applicant explained that they are not proposing to change the zoning of the site development plan for building permit with this action; and as a result, all restaurant and food tenant uses would continue to go through the EPC process.

Based on the letter dated March 28, 2008 from the Altura Addition NA, Staff created a list of Conditions, which were approved by the applicant, to be added as notes to the site development plan for building permit. The list includes:

- a. The bakery shall not exceed twelve seats maximum
- b. The bakery shall only have one oven.
- c. The bakery shall not have stove-top or grilling equipment. The use of a panini sandwich press is allowed.
- d. The oven shall operate only between the hours of 4:30am and noon, except during the months of November and December when the oven shall stop operation no later than 2pm.
- e. Delivery hours shall be between 8am and 5pm.
- f. Special events and baking classes shall be limited to once a month and require neighborhood notification.
- g. Only retail sales of baked goods are allowed as per existing zoning.

CONCLUSION

This was an initial request for restaurant use to comply with the existing site development plan for building permit requiring all restaurant uses to be approved by the EPC. However, while working with the Altura Addition NA, the applicant and the NA created a list of conditions to be added to the site development plan for building permit. As a result, this request now includes an amendment to the site development plan for building permit.

The subject site is located on Lot 28A, Block A, Altura Addition, located on the east side of Carlisle Boulevard NE just south of Indian School Road within the area designated Established urban by the Comprehensive Plan. The subject site contains approximately 0.64 acres and is currently occupied by four commercial retailers (Master Cleaners, Haircut Place, Walk-in-Wills, and Los Poblancos Organics) and two restaurants (I Scream Ice Cream and Cupcakeology). Single-family residential uses are located immediately to the east of the subject site. A gas station is located immediately to the north of the subject site. To the south is a vacant lot, and on the opposite side of Carlisle is an office building.

The request furthers a preponderance of applicable City policies and the applicant has directly worked with the Altura Addition NA to form an agreement. The Altura Addition NA does not oppose the restaurant use, but wants to ensure that future restaurant uses continue to be required to go through the EPC process. Staff notes that the applicant is not requesting to amend the language about "restaurant uses" on the site development plan for building permit, the applicant is only adding specific conditions to the site development plan for building permit that relate to the proposed bakery.

Staff recommends approval based on the following findings and conditions of approval. The applicant shall amend the site development plan for building permit to include the Conditions of Approval notes listed above and in the Neighborhood Concerns Section.

FINDINGS – 08EPC 40026, April 17, 2008: Amendment of a Site Development Plan for Building Permit to allow Restaurant Use, for Tract 28A, Block A, Altura Addition, zoned SU-1 for C-1 with exclusions

1. This is a request for approval of an amendment to a site development plan for building permit for Tract 28A, Altura Addition to allow the bakery to locate in the existing shopping center. The 0.64 site is located on Carlisle Boulevard NE between Indian School Road and Hannett Avenue NE.
2. The site is zoned SU-1 for C-1 with exclusions and modifications. Modification D states “Restaurant use is allowed only if approved by the EPC in conjunction with a site development plan for building permit that demonstrates adequate buffering and protection of adjacent residential uses from adverse effects of noise, lighting, pollution, traffic, and odors.”
3. The applicant is proposing to operate a 1,664 square foot bakery with 12 seats and one oven within an already existing commercial strip. The applicant is not proposing any changes to the building footprint, parking, lighting, landscaping, or any other exterior features on the site.
4. This request furthers the intent of relevant Comprehensive Plan policies.
 - a. Policy II.B.5.d: The location, intensity, and design of this development respects existing neighborhood values. The applicant and the NA have worked together on the list of proposed Conditions of Approval to protect the neighborhood from the adverse effects of noise, lighting, pollution, and traffic.
 - b. Policy II.B.5.e: The proposed use would not create additional impacts to the existing urban facilities/ services. The “as built” proposal would not change the building footprint, parking, lighting, landscaping, or any other exterior features on the site.
 - c. Policy II.B.5.i: The adopted site development plan for building permit (05EPC-00745) protects the neighbors from the adverse effects noise, lighting, pollution, and traffic. Based on the Zoning Code, a restaurant use with 10 seats would require fewer parking spaces than a 1664 square foot retail use.
 - d. Policy II.B.5.j: The subject site is located near a residential neighborhood and along an existing minor arterial. The proposed neighborhood-oriented bakery would be located in

an existing commercially zoned area and within a reasonable distance for residents to walk or bike to the site.

5. There is no opposition to this request. A facilitated meeting was held on March 19, 2008. The Altura Addition Neighborhood Association and the applicant have been working closely to address and resolve differences and have developed a list of conditions of approval that will be noted on the amended site development plan for building permit.

RECOMMENDATION – 08EPC 40026, April 17, 2008

APPROVAL of 08EPC 40026, Amendment of a Site Development Plan for Building Permit to allow Restaurant Use, on Tract 28A, Block A, Altura Addition, zoned SU-1 for C-1 with exclusions, based on the preceding Findings and subject to the following Conditions of Approval.

CONDITIONS OF APPROVAL - EPC 40026, April 17, 2008: Amendment of a Site Development Plan for Building Permit to allow Restaurant Use

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. City Engineer Condition: All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.
4. Solid Waste Management Department Condition: Approved on condition, will comply with all SWMD ordinances and requirements.
5. The following notes shall be added to the site development plan for building permit:
 - a. The bakery shall not exceed twelve seats maximum.

- b. The bakery shall only have one oven.
 - c. The bakery shall not have stove-top or grilling equipment. The use of a panini sandwich press is allowed.
 - d. The oven shall operate only between the hours of 4:30am and noon, except during the months of November and December when the oven shall stop operation no later than 2pm.
 - e. Delivery hours shall be between 8am and 5pm.
 - f. Special events and baking classes shall be limited to once a month and require neighborhood notification.
 - g. Only retail sales of baked goods are allowed as per the existing zoning.
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Jennifer Donofrio
Associate Planner

cc: Carlisle Shops,LLC, 2325 San Pedro NE, Suite A, Albuquerque, NM 87110
Denise Hammer, Altura Addition, NA, 1735 Aliso Dr. NE, Albuquerque, NM 87110
Alan Varela, Altura Addition NA, 4004 Solano Pl. NE, Albuquerque, NM 87110
Keith Rasmussen, Summit Park NA, 3401 Calle del Rancharo NE, Albuquerque, NM 87106
Becky Scheib, Summit Park NA, 3509 Calle del Rancharo NE, Albuquerque, NM 87106

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Office of Neighborhood Coordination

Altura Addition NA (R), Netherwood Park NA (R), Summit Park NA (R)

3/10/08 – Recommended for facilitation – siw

3/14/08 – Assigned to Diane Grover – siw

3/19/08 – Facilitated Meeting occurred @ 6:30 pm - siw

Advanced Planning

Use is compatible with the C-1 zoning; and, because the concern of nearby neighbors is odor, applicant's request for administrative approval with neighborhood notification is rational and should be supported.

Transportation Development (City Engineer/Planning Department)

Information

- This request is for the purpose of allowing a specific user within the retail center. The site has already been approved by the EPC, DRB and Building Permit and is fully developed. There will be no physical change to the site.

Condition

- All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.

Hydrology Development (City Engineer/Planning Department):

- The Hydrology Section has no objection to the site plan amendment.

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.

New Mexico Department of Transportation (NMDOT):

- No comments received.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT
and NMDOT:**

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

- a. All the requirements of previous actions taken by the EPC and/or the DRB must be completed and /or provided for.

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

Open Space has no adverse comments

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

Approved on condition, will comply with all SWMD ordinances and requirements

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment.

ALBUQUERQUE PUBLIC SCHOOLS

This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

No comment based on the information provided to date.