

# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT**  
**URBAN DESIGN & DEVELOPMENT DIVISION**  
600 2nd Street NW, 3rd Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860 Fax (505) 924-3339

## OFFICIAL NOTIFICATION OF DECISION

March 8, 2018

Kaplan Paseo, LLC  
Art Kaplan  
3921 Louisiana Blvd NE  
ABQ, NM 87110

**Project# 1011184**  
18EPC-40001 Site Development Plan for Building Permit

### **LEGAL DESCRIPTION:**

The above action for all or a portion of Lot 9A2, Block 10, North Albuquerque Acres, Tract 2, Unit 3, zoned SU-2 Mixed Uses, located on Holly Ave. NE, between Louisiana Blvd. NE, and Wyoming Blvd. NE, containing approximately 0.8 acre. (C-19)  
Staff Planner: Cheryl Somerfeldt

PO Box 1293

Albuquerque  
On March 8, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project 1011184/18EPC-40001, a Site Development Plan for Building Permit, based on the following Findings and Conditions:

### **FINDINGS:**

NM 87103

www.cabq.gov

1. This is a request for a Site Development Plan for Building Permit for Lot 9-A-2, Block 10, North Albuquerque Acres, Tract 2, Unit 3, located on Holly Ave. NE between Louisiana Boulevard NE and Wyoming Boulevard NE, addressed 7301 Paseo del Norte Boulevard NE, and containing approximately 0.8 acres.
2. The subject site is zoned SU-2 Mixed Use pursuant to the La Cueva Sector Development Plan (SDP). A restaurant is a permitted use in this zone.
3. The purpose of the request is to develop a 4,864 square foot single story restaurant building on the south part of the site.
4. The subject site is part of a larger, approximately 630 acre annexation that occurred in 1995. The City Council established RD and RL-T zoning for this area in June 1996. In 2000, the City Council adopted the La Cueva Sector Development Plan which established SU-2 zoning for the site. Since that time, the subject site has remained vacant, but was paved and used as an extra parking lot for the New Covenant Church to the west.
5. In May of 2017, the site acquired an Administrative Amendment Approval for a Site Development Plan for Subdivision for the property that was once entirely owned by the New Covenant Church, but re-platted into two separate lots (Lot 9-A-1 and Lot 9-A-2) under one subdivision with shared parking, landscaping, and drainage system.

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6. The applicant has entered into a legal agreement with the New Covenant Church, the owner of the abutting Lot 9-A-1 to the west and north, to include a cross-access easement, a cross-parking easement, and a maintenance requirement east of the main drive aisle.
7. A note will be added to the Site Development Plan for Building Permit that the applicant will maintain all site improvements such as landscaping and paving to include and to the east of the pedestrian walkway that connects Holly Avenue NE to Paseo del Norte Boulevard NE.
8. The proposed Site Development Plan for Building Permit complies with the La Cueva Sector Development Plan Design Standards, Section 5.4.6 of the Plan.
9. Section 14-16-3-11 of the Zoning Code states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." The attached site development plan has been evaluated for conformance with applicable goals and policies in the Comprehensive Plan, and other applicable Plans.
10. The Albuquerque/Bernalillo County Comprehensive Plan, the La Cueva sector Development Plan, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
11. The subject site is located in an Area of Consistency as designated by the Comprehensive Plan. Areas of Consistency are intended to be the focus of urban-scale development that benefits job growth and housing opportunities to protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space. Applicable policies include:
  - Policy 5.6.3-Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.
    - The subject site is located in an Area of Consistency, where neighborhood stability is desired. Development, such as a restaurant, that reinforces the character and intensity of the surrounding area due to its neighborhood scale and services is appropriate. The request furthers Policy 5.6.3-Areas of Consistency.
12. The La Cueva SDP sets forth goals and policies regarding land use, zoning and capital infrastructure priorities for vacant properties to promote sound urban development in the Plan area. The La Cueva SDP contains general Guiding Principles and Guiding Land Use Principles. It also establishes Design Regulations (Section 5.4.6) applicable to all SU-2 properties within the plan boundaries including the subject site. The following overarching Guiding Principles and Guiding Land Use Principles apply:
  - 1.3-Guiding Principles (p 4): The Guiding Principles are the "big ideas" that were incorporated into the land use and transportation concepts in the La Cueva SDP. Bullet 4: Land uses that are compatible with existing development.
    - The proposal would result in the development of a restaurant, which is compatible with the existing commercial development in the corridor. The proposal furthers Bullet 4.

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- 5.1-Guiding Principles (p 25) Principle 2: The plan area is intended to be urban, with a mix of residential densities and a variety of retail and service businesses to meet the needs of the area's growing population.
    - The proposal would allow the development of a restaurant, which will increase the variety of services to meet the area's growing population. The proposal furthers Guiding Principle 2.
  - Principle 8: The North Albuquerque Community has identified "views" and "open space" as two valuable assets that identify the area.
    - The applicant has provided a View Analysis (as required by the La Cueva SDP Design Regulations IIR-1) that shows views toward the Sandia Mountains and the West Mesa from the subject site.
    - The proposed building is approximately 20-foot tall to the top of the parapet, and 22-foot 4-inches tall to its highest point of the tower. The La Cueva SDP limits height to 26-feet if residential uses are nearby, therefore the building complies with the La Cueva SDP and does not affect views. The proposal furthers Guiding Principle 8.
  - Principle 9: Existing development has begun to create an identity for the plan area based on architectural styles, quality of design and compatibility with the natural landscape. The community is looking to the plan to solidify this identity by requiring compatible new development.
    - The proposed development complies with the design requirements of the La Cueva SDP and will be an appropriate addition to the area because it will be of a similar style and quality. The proposal furthers Principle 9.
13. Representatives from the North Domingo Baca Neighborhood Association, North Wyoming Neighborhood Association, District 4 Coalition of Neighborhood Associations, and property-owners within 100-feet of the subject site were notified. A facilitated meeting was not recommended nor held. There is no known opposition to this request.

### CONDITIONS OF APPROVAL

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 Site Plan shall include a statement that the owner of Lot 9-A-2 shall build the required pavement, sidewalk, and landscaping improvements on Lot 9-A-1 and be responsible for the maintenance of these improvements until Lot 9-A-1 redevelops.

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4. Internal pedestrian walkways shall be distinguished from driving surfaces through the use of special materials instead of painted stripes on asphalt pursuant to the La Cueva SDP Design Regulation 3R-3.
5. The CMU block wall on the south property line shall either be removed pursuant to the agreement between the property owner of the subject site (Lot 9-A-2) and the adjacent church property to the west (Lot 9-A-1) or there should be a sufficient opening created at the new pedestrian sidewalk/pathway/trail to allow for pedestrian and bicycle access to the site.
6. Per Zoning Code Section 14-16-3 10 (F) (1), one shade tree shall be provided per ten parking spaces and no parking space shall be more than 100-feet from a tree trunk.
7. A note shall be added to the elevation sheets indicating that signage for the subject site is controlled by the C-1 zone of the Zoning Code per the SU-2 Mixed Use zone of the La Cueva Sector Development Plan.
8. The monument sign showed on Lot 9-A-1 at Holly Avenue NE is not permitted because it is an off-premise sign and shall be either removed or moved to the subject lot, 9-A-2.
9. Conditions of Approval from other agencies:
  - **PLANNING**
    - Extend the sidewalk along the west side of the building, all the way to the public sidewalk/trail and remove any barriers to pedestrian access from the public sidewalk/trail along Paseo del Norte.
  - **TRANSPORTATION DEVELOPMENT**
    - Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB)
    - Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.

The following items need to be addressed prior to DRB:

- Dimension or detail the Accessible parking. Indicate proper signage at each parking space.
- Motorcycle parking needs to be dimensioned and a note or detail for signage needs to be included.
- Label all radii on parking islands.
- Dimension driving lane space between new islands on west side of property.
- Dimension sidewalk width.
- **HYDROLOGY DEVELOPMENT**
  - Approved Conceptual Grading and Drainage Plan and a Drainage Report for DRB action on Site Plan for Building Permit or platting action.
  - Cross Lot Drainage Easement note specifying the beneficiary and maintenance agreement needs to be on both the Plat and the Grading & Drainage Plan.

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- **WATER UTILITY AUTHORITY**
  - Please note that the proposed Utility Plan indicates an onsite hydrant off of a fire line. This hydrant is to be considered private and painted safety orange
  - Availability Statement #170102 was issued for this site January 31, 2017. The requirements outlined in that statement have since expired.
  - As a condition of approval of this building permit please execute an Availability Statement for the new development. Requests can be made at the link below:  
[http://www.abcwua.org/Availability\\_Statements.aspx](http://www.abcwua.org/Availability_Statements.aspx)
  - Request shall include a City Fire Marshal approved Fire 1 Plan and a zone map showing the site location.
- **SOLID WASTE MANAGEMENT DEPARTMENT**
  - All new/proposed refuse enclosures built to COA minimum requirements, must note/include the 4" minimum sanitary drain on enclosure details, for all/any food services. As noted on Pg. L1, the Chinese Pistasche located on both North center islands, SW corner, NE corner, and East side island all create a hindrance for refuse truck access/exit. Please plant something with a smaller canopy.
- **ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**
  - The existing AMAFCA Easement as shown on the plans is no longer required by AMAFCA. It is recommended to quitclaim this to unencumber this property otherwise an Encroachment Permit will be required through the AMAFCA Board.
- **PUBLIC SERVICE COMPANY OF NEW MEXICO**
  - An existing electric overhead distribution line is located along the southern boundary of the subject property. It is the applicant's obligation to abide by any conditions or terms of these easements. It is necessary for the developer to contact the PNM New Service Delivery Department to coordinate electric service regarding this project.  
Contact:  
Andrew Gurule, PNM Service Center, 4201 Edith Boulevard NE, Albuquerque, NM 87107, Phone: (505) 241-0589
  - Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at [www.pnm.com](http://www.pnm.com) for specifications.
- **NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)**
  - The NMDOT is requiring the owner complete the State Access Management Manuel's Site Threshold Assessment (STH) and schedule an appointment with Nancy Perea or Margaret Haynes to discuss this development's potential impacts on NM 423. NMDOT is requesting that due to the proximity of signalized intersections of Louisiana & NM 423 and Wyoming & NM 423, future signals at the intersections of Holly & Louisiana and Holly & Wyoming are NOT recommended in the future.

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10. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the La Cueva Sector Development Plan Design Regulations (Section 5.4.6 of the plan) the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.

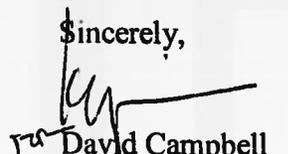
**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **MARCH 23, 2018**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-4-4 of the Zoning Code. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the City Zoning Code must be complied with, even after approval of the referenced application(s).

**SITE DEVELOPMENT PLANS:** Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

Sincerely,

  
David Campbell  
Planning Director

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**DC/CS**

**cc: Kaplan Paseo, LLC, Art Kaplan, 3921 Louisiana Blvd NE, ABQ, NM 87110**  
**Wooten Engineering, Jeff Wooten, 1005 21<sup>st</sup> St. NE, Suite 13, Rio Rancho, NM 87124**  
**North Domingo Baca NA, Lorna Howerton, 8527 Murrelet NE, ABQ, NM 87113**  
**North Domingo Baca NA, Judie Pellegrino, 8515 Murrelet NE, ABQ, NM 87113**  
**North Wyoming NA, Tracy Guidry, 8330 Krim Dr. NE, ABQ, NM 87109**  
**North Wyoming NA, Nanci Carriveau, 8309 Krim Dr. NE, ABQ, NM 87109**  
**Dist 4 Coalition of NA's, Michael Pridham, 3901 Georgia St. NE, Build F, ABQ, NM 87110**  
**Dist 4 Coalition of NA's, Breanna Bloomquist, 1844 Man O War St. SE, ABQ, NM 87123**