



**Environmental  
Planning  
Commission**

*Agenda Number: 4  
Project Number: 1004677  
Case #: 12EPC-40060/40058/40057  
October 11, 2012*

**Staff Report**

<b>Agent</b>	J.S. Rogers Architects, PC
<b>Applicant</b>	Garcia’s Kitchen (Dan Garcia)
<b>Requests</b>	<b>Amendment to Huning Castle and Raynolds Addition Neighborhood Sector Development Plan to Change Zoning; Site Development Plan for Subdivision Amendment; Site Development Plan for Building Permit</b>
<b>Legal Description</b>	Lot 2, Plat of Lots 1 & 2, Garcia Properties Development
<b>Location</b>	South side of Central Avenue, between San Pasquale Avenue and Laguna Boulevard (1736 Central Avenue SW)
<b>Size</b>	Approximately 1.34-acres
<b>Existing Zoning</b>	SU-2/SU-1/Mixed Use Development
<b>Proposed Zoning</b>	SU-2/SU-1/CLD (commercial/low density apartments) and Food Production & Associated Warehousing

**Staff Recommendation**

*APPROVAL of 12EPC 40060 based on the Findings beginning on Page 26, and subject to the Conditions of Approval beginning on Page 29.*

*APPROVAL of 12EPC 40058 based on the Findings beginning on Page 30, and subject to the Conditions of Approval beginning on Page 32.*

*APPROVAL of 12EPC 40057 based on the Findings beginning on Page 34, and subject to the Conditions of Approval beginning on Page 36.*

**Staff Planner**

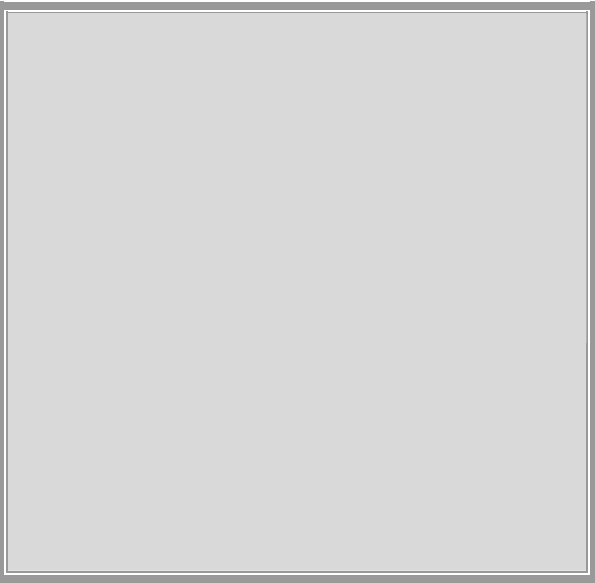
*Christopher Hyer, Senior Planner*

**Summary of Analysis**

The purpose of this request is to allow the development of a facility for Garcia’s restaurants. This facility will produce and warehouse ingredients and finished food products sold in their restaurants and sold in retail stores, support a catering function and provide offices. The subject site is behind the Garcia’s Kitchen on Central Avenue and is an extension of an existing business.

The site is in the Established Urban Area of the Comprehensive Plan and the Huning Castle and Raynolds Addition sector plan area. The applicant has provided adequate justification for all portions of this request.

A facilitated meeting was held September 26, 2012 and the neighborhoods do not have opposition to this request. Staff is recommending approval.



**I. AREA CHARACTERISTICS AND ZONING HISTORY**

*Surrounding zoning, plan designations, and land uses:*

	<b>Zoning</b>	<b>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</b>	<b>Land Use</b>
<b>Site</b>	SU-2/SU-1 for Mixed Use Development	Established Urban; Huning Castle & Raynolds Addition Sector Development Plan	Vacant, vacant building
<b>North</b>	SU-2/CLD, then Central Avenue, then DNA-CC	Established & Central Urban; Huning Castle & Raynolds Addition Sector Development Plan and Downtown Neighborhoods Sector Development Plan	Commercial, Central Avenue, then school
<b>South</b>	R-1	Established Urban, Huning Castle & Raynolds Addition Sector Development Plan	Single-family residential
<b>East</b>	SU-2/CLD	Established Urban; Huning Castle & Raynolds Addition Sector Development Plan	Vacant, commercial
<b>West</b>	SU-2/SU-1/ Mixed Use Development, SU-2/SU-1/ Albuquerque Little Theater, SU-2/CLD	Established Urban; Huning Castle & Raynolds Addition Sector Development Plan	Albuquerque Little Theater Parking, multi-family, office

**II. INTRODUCTION**

**Proposal**

This is a three-part request: a map amendment to the Huning Castle & Raynolds Addition Neighborhood Sector Development Plan (HCRANS DP) to change the site’s zoning, an amendment to the site development plan for subdivision that governs this site, and a site development plan for building permit for an approximately 1.34-acre site located on the south side of Central Avenue, between San Pasquale Avenue and Laguna Boulevard – the “subject site”. The site is described as Lot 2, Plat of Lots 1 & 2, Garcia Properties Development (formerly known as MRGCD Tract 131). This site will be carved out of the 3.86-acre Central Ave Properties ABQ site plan for subdivision. The subject site has old smaller structures that will be removed; otherwise, the site is vacant.

This request is for a support building that will produce the food that is served in the restaurants around the City and the packaged food sold in retail stores. The proposed zoning will reestablish the sector plan specific CLD (Commercial/low density apartments) zoning and an expansion of allowable uses to include food production and associated warehousing.

This request, the change in zoning, the amendment to the site development plan for subdivision and the site development plan for building permit will apply only to Lot 2, the other lots in the subdivision will remain unchanged in regards to these requests.

The subject site is located within the area designated Established Urban by the Comprehensive Plan and within the boundaries of the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan. As the site does not front Central Avenue, the Central Avenue Streetscape Urban Design Master Plan does not apply. Further, the subject site is not in a designated Activity Center; it is located between the Old Town Community Activity Center approximately 0.15-mile to the northwest and the Downtown Major Activity Center approximately 0.6-miles to the southeast.

### ***EPC Role***

The requested sector development plan map amendment (zone change) and approval of the amendment to the site development plan for subdivision and the site development plan for building permit are required to be heard by the EPC. The HCRANS DP specifies that the site development plan review and approval procedures be treated the same as SU-1 procedures. Since the applicant is asking for SU-1 zoning, this review and approval procedure will already be utilized.

Section 14-16-2-23, SU-2 zone, requires the Planning Commission to make a recommendation to City Council if a decision would impose or eliminate SU-2 zoning for an area over one block (approximately 10-acres). Because the subject site is not greater than 10-acres, this request is not required to be forwarded to the City Council. Therefore, the EPC is the approval body for these requests, unless the EPC decision is appealed. If the EPC decision is appealed, it will then go to the City Council.

### ***Context***

The subject site has two small older buildings on it: one is a single apartment; the other is used for storage. These two buildings will be removed before construction of the food production/warehousing facility is built. The subject site is behind an existing restaurant that fronts Central Avenue and the applicant owns this business as well. Abutting the site to the south, the rear of the lot, is the single-family neighborhood of Huning Castle and is fully developed with R-1 zoning. Abutting the site on the west is a mixed-use development (that is part of this subdivision) and then the Albuquerque Little Theater parking lot. Abutting the east side of the site is a vacant lot that is zoned CLD. To the north is a private elementary school, Manzano Day School, and various small commercial uses including a fast-food restaurant and a pharmacy.

### ***History***

The subject site is located in the Huning Castle Area, which was platted as the Huning Castle Addition in March 1928. The Huning Castle Neighborhood grew around the Country Club, a two story Mediterranean style building that was built in 1928-1929. Much of the subject site's history corresponds to that of the Huning Castle Neighborhood area and is found in the Huning Castle & Raynolds Addition Neighborhood Sector Development Plan (HCRANS DP) on p. 6.

*Recent EPC Actions*

- In March 2006, the EPC approved a site development plan for subdivision with design standards (06EPC 00143) for a larger project that included the land abutting the subject site on the east and west side – it was 4.45-acres and is referred to as the Country Club Plaza I project. This site development plan was for a redevelopment project consisting of residential uses (townhomes and villas) and commercial uses. The EPC's approval was appealed (AC-06-9) by the Downtown Neighborhood Association and was heard by City Council, which denied the appeal at its August 9, 2006 hearing. The DRB approved the site plan November 2007.
- On December 20, 2007 the EPC approved the following actions, which included the subject site:
  - a. Sector Development Plan Zone Map Amendment (07EPC 40075) from SU-2/CLD (Commercial/Low-Density Apartments) and SU-2/SU-1 for Albuquerque Little Theater to SU-2/SU-1 for a Mixed Use Development (approximately 4 acres). This zoning was for a mixed-use commercial and residential project (approved in 2007) and allows two restaurants with full-service liquor, four office/retail buildings, a larger office/retail building (possible grocery store/deli) and a complex of residential units (3 live/work, 44 apartments or condos).
  - b. Amendment of the 2006 Site Development Plan for Subdivision (06EPC 00143, as a result of changing a residential use to commercial use) into a new Site Development Plan for Subdivision (07EPC 40074, approximately 4.5 acres); and
  - c. Approval of a new Site Development Plan for Subdivision (07EPC 40073) with the purpose of creating new lot lines and design standards for the subject site (approximately 4 acres).
- On January 27, 2009, the subject site was replatted at the DRB to create two lots and the relevant easements (Project #1007646, 09DRB-70033). This replatting action created Lots 1 and 2, Plat of Lots 1 & 2, Garcia Properties Development and redefined the property lines. This was in order to re-establish the property lines of Lot 2; the 2007 site development plan for subdivision showed this lot's property lines much different.
- On October 14, 2010, the EPC approved the following actions for land abutting the subject site on the west:
  - a. Sector Development Plan Zone Map Amendment (10EPC 40055) from SU-2/SU-1 for a Mixed Use Development to SU-2/SU-1 for a Mixed Use Development to include all uses permitted in the CLD zone, an adult education private school, and restaurant with full service liquor;
  - b. Amendment of the 2007 Site Development Plan for Subdivision, 07EPC 00074; revising the site design standards and subdividing 2.3-acres into three new lots (10EPC 40054); and
  - c. Approval of a new Site Development Plan for building permit (10EPC 40053) with the purpose of creating a mixed-use development.

The current zoning and 2007 site development plan for subdivision will still remain in effect for the lots abutting the eastern side of the subject site.; that land still remains vacant.

### ***Transportation 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 Central Avenue as a Principal Arterial, with a right-of-way of 156'.

Laguna Boulevard and San Pasquale Avenue are local streets.

There are no existing bicycle routes, lanes, or trails that pass by the subject site.

### ***Transit***

The subject site is served by bus route 66 (Central Avenue) and bus route 766 (Rapid Ride Red Line). The Comprehensive Plan designates Central Avenue as a Major Transit Corridor.

### ***Public Facilities/Community Services***

See map at front of staff report. Staff does not consider that these are of particular significance to the request.

### ***Zoning Information***

Existing zoning for the subject site (Lot 2, Garcia Development Properties) is SU-2/SU-1 for a Mixed Use Development, which is not a “recognized” special use of the Zoning Code, §14-16-2-22 (B). The sector plan had originally zoned the properties fronting Central (on the southern side), CLD. The current Mixed-Use Development zone and the CLD zone are compatible, yet the Mixed-Use Development zone is narrowly defined as to the uses and is defined in the 2007 EPC case (described above in the history section); it is for specific residential and commercial uses. Since the Mixed-Use Development zoning does not include the uses desired by the applicant as permissive, the applicant is asking for a zone change. The requested zone change is for this lot only - to allow support functions for the Garcia’s restaurants, i.e., catering, food production, warehousing, offices – and is SU-2/SU-1/CLD and Food Production & Associated Warehousing.

The CLD (commercial/low density apartment) zone is a sector plan specific zone and is defined by the HCRANS DP as a zone that “provides suitable sites for houses, townhouses, low density apartments and commercial uses.” Many of the commercial uses allowed in the CLD zone are similar to uses allowed in the C-2 zone. The permissive uses are listed on page 17 of the Plan – catering is specifically included in this zone and this is one of the proposed uses for this current request. Development of the site, under the proposed zoning, will be subject to the CLD regulations in the HCRANS DP.

The following are definitions from the Zoning Code:

**Section 14-16-2-22 SU-1 Special Use Zone.** This zone provides suitable sites for uses which are special because of infrequent occurrence, effect on surrounding property, safety, hazard, or other reasons, and in which the appropriateness of the use to a specific location is partly or entirely dependent on the character of the site design.

- The SU-1 portion of the zoning descriptor requires that “a Site Development Plan accompany the establishment of zoning and include, at a minimum, all the elements of a Site Development Plan for Subdivision. As part of the zone amendment action, a Site Development Plan may be approved later.” However, “no building permit shall be

approved unless it is consistent with a complete site development plan for building permit and landscaping plan for the lot in question, approved by the Planning Commission or its designee.”(Section 14-16-2-22 (A) (1)).

**Section 14-16-2-23 SU-2 Special Neighborhood Zone.** This zone allows a mixture of uses controlled by a Sector Development Plan, which specifies new development, and redevelopment which is appropriate to a given neighborhood, when other zones are inadequate to address special needs.

- The HCRANS DP specifies the Approval Procedures for this property as the same procedures that are used for an SU-1 zoned property. Since the applicant is already asking for SU-1 zoning, the Approval Procedure, full EPC review of a site development plan for building permit, is already taking place.

**Premises.** Any lot or combination of contiguous lots held in single ownership, together with the development thereon; there may be multiple occupancy.

- Since the owner of this property is the same as the owner of other properties fronting Central Avenue, the properties will be referred to as a premise. This will become important, as access to the subject site will be across the property that fronts Central; there is a recorded utility easement on the plat. The City Engineer has made a Condition of Approval that this easement shall become a General Easement (at the DRB) to formerly allow access as well as utilities.

**Site Development Plan for Subdivision.** The site, proposed use, pedestrian and vehicular ingress and egress, any internal circulation requirements and, for each lot, maximum building height, minimum building setback, and maximum total dwelling units and/or nonresidential uses’ maximum floor area ratio.

**Site Development Plan for Building Permit.** In addition to information required for Subdivision, exact structure locations, structure (including sign) elevations and dimensions, parking facilities, loading facilities, any energy conservation features of the plan (e.g., appropriate landscaping, building heights and siting for solar access, provision for non-auto transportation, or energy conservational building construction), and proposed schedule for development.

### **III. REQUEST FOR SECTOR PLAN MAP AMENDMENT**

#### **Resolution 270-1980 (Policies for Zone Map Change Applications)**

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

### **Analysis of Applicant's Justification**

*Note: R-270-1980 and references to city policies are stated in plain type; the applicant's justification is quoted or summarized in italicized text; staff's analysis is in bold italics.*

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

*The proposed zone change is fully consistent with the health, safety, morals and general welfare of the City. The proposed Sector Development Plan Map Amendments relating to the zone change from SU2/SU1-Mixed Use Development to SU2/SU1-CLD for Food Production and Associated Warehousing on Garcia Properties Development Lot 2 are fully consistent with the goals and objectives of the City's Comprehensive Plan. Specifically, the proposed Site Development Plan for Subdivision Amendment proposes to re-zone and develop land that is currently only marginally used and that, ultimately, will not be developed for the purposes of constructing the 44 apartments described by the previously approved 2007 Site Development Plan for Subdivision. Development of this land will create a more secure and livable environment for the City and its local residents. Additionally, the water-harvesting grading and drainage design and other infrastructure improvements associated with the proposed development will significantly improve the City's Central Avenue corridor as well as the built environment of the Huning Castle Reynolds Neighborhoods by eliminating first wash storm water run-off and developing landscaped areas. Finally, while the front two properties are not part of the proposed development and current zoning actions, future re-alignment of the points of access to the property from Central Avenue in support of the proposed Site Development Plan Amendment and Sector Plan Map Amendment will ultimately provide for safer public access to each of those properties for trucks and other sizable vehicles in the near-term. In the longer-term, this re-alignment of the eventual relocation of the existing curb cuts along Central Avenue will be supportive of City goals to modernize and develop the pedestrian connections and Urban Streetscape along the Central Avenue corridor.*

***Expansion of an existing business, which provides additional employment, adds to the economic vitality of the area and community. Along with adding to commerce, this request will also create infill development of a vacant lot, helping to eliminate blight adjacent a pedestrian corridor. Also, the requested SU-1 zoning specifies uses that are controlled through an EPC approved site plan, which is beneficial to the community as well.***

***The proposed zone change request is consistent with the health, safety, morals, and general welfare of the City.***

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

*The proposed zone change from SU2/SU1-Mixed Use Development to SU2/SU1-CLD for Food Production and Associated Warehousing provides for stability of land use and zoning given that the change will return the Lot in question to the same zoning as the two other lots owned by the Applicant, and due to the proposed development's common economic and business connections with the existing restaurant and retail businesses currently operating on the two front properties adjacent to Central Avenue. Completion of the requested action will therefore re-combine all*

*three properties owned by the Applicant from both a land use and zoning standpoint thereby promoting the stability sought by the City's Comprehensive Plan.*

*The request will provide stability by clearly defining the uses that are proposed for the subject site. The proposed zoning will allow all uses in the CLD (commercial/low density apartment zone) as well as food production and associated warehousing. SU-2/CLD zoning was the zoning for this site prior to the zone change in November 2007.*

*The proposed zoning will provide stability for surrounding land owners as the commercial properties fronting Central Avenue are generally CLD zoning and the properties across Central Avenue (on the North side) are Downtown Neighborhood Area Sector Development Plan specific CC, also similar to C-2 zoning.*

*The site development plan for subdivision also lists prohibited uses, which include R-2 Community Residential Programs, Drive Thru Service Windows, and Wireless Telecommunications Facilities, which will not change with the amendment request for the site development plan for subdivision.*

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

*The proposed zone change is not in any significant conflict with adopted elements of the Comprehensive Plan or other City master plans and it is in fact in substantial compliance with the requirements of the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan regarding matters of Land Use and Zoning, Transportation, and Economic Development. Support of existing commercial enterprises, support for development of new non-intrusive neighborhood businesses, a reduction in traffic volume on Central Avenue, and an adherence to the design guidelines established by the current Subdivision Plans are each aspects of the proposed Sector Plan Map Amendment which further the goals and objectives of the HCRANS DP.*

**Staff agrees.**

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 variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment." The applicant has cited the following policies to justify the request:

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 where the integrity of existing neighborhoods can be assured.

*The proposed Amended Site Development Plan for Subdivision and the requested Sector Development Plan Map Amendment, pending this approval, will facilitate the development of a historically underutilized infill lot along the Central Avenue corridor which will in turn contribute to the developed integrity of the property and surrounding community. Common property and business interests and the physical re-connection of the rear Lot 2 with the front Lots of Garcia Properties Developments along the Central Avenue streetscape will help further this Plan goal.*



*The zone change request will allow an infill development project on vacant (or underutilized) land that is contiguous to existing urban facilities and services. The integrity of the neighborhood would be ensured by clarifying what uses are allowed and prohibited. The applicant is proposing a development that would increase the number of jobs through the expansion of an existing business; this would make additional employment opportunities available to the adjacent residential neighborhoods, thus, strengthening the neighborhoods vitality and integrity, as well.*

*Also, the CLD zoning is very similar to the permissive uses of the C-2 zone and is compatible with surrounding uses within this neighborhood. The additional “food production and associated warehousing” in the zoning descriptor is an expansion of a restaurant use, already in existence on adjacent properties, and is listed as a Conditional Use in the C-2 zone. Thus, the requested zoning is found to be appropriate and further compliments existing surrounding uses.*

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.

*The proposed Amended Site Development Plan for Subdivision and the requested Sector Development Plan Map Amendment, pending this approval, will facilitate the development of a commercial use adjacent to a variety of new and existing residential development. The proposed development will not have any adverse environmental effects on neighboring residential properties and the proposed Amended Site Development Plan provides for solid screening between adjacent properties to the east and west of the rear Lot in question while the landscaping and setbacks along the southern boundary with an established R1 Single Family zone is designed to provide exceptional separation as outlined in the City’s Plan. Vehicular traffic generated from the proposed Food Production and Associated Warehousing Facility will be significantly less than what was anticipated by the previously approved Site Development plan which describes construction of 44 apartment units. Finally, the Garcia Properties Development lots contain some residential apartments which are not included with this proposed development, however, these apartments serve as housing for some of the proposed new building’s employees facilitating pedestrian access to the building and limiting the amount of traffic visiting the site.*

*The addition of the food production, catering, office, warehousing building adds to the existing business. This building is located on the same premises as one of the end user facilities - behind one of the applicant owned restaurants. The additional building will require additional employment, which will be available to residents of the adjacent neighborhoods. Further, this premise is located along the south side of Central Avenue, buffering the adjacent Huning Castle Neighborhood from adverse effects of noise, lighting, pollution and traffic.*

*Since the requested zoning is SU-1 and is within the NCRAHSDP area, there are specific regulations that ensure the use itself will not harm the abutting neighborhood as well. The SU-1 zone requires that a site development plan be reviewed by the EPC and development occurs as it is presented. For example, site lighting is shown to be from building mounted cut-off fixtures, not mast lighting – this is in response to preventing fugitive light leaving the site and shining into the residential neighborhood. The applicant cannot change to mast lighting without a public hearing. This goes for all elements of the site – for instance, the trash*

*dumpsters cannot be moved from their current location at the front of the site, farthest from residential properties, either.*

*Further, the HCRANS DP also lists several regulations for the CLD zone. One regulation requires that any non-residential building be set back from any residential zone by 50'. This is to be combined with a landscape buffer that is "planted with evergreen trees and shrubs ... to form a largely opaque screen." The landscaping strip shall not eliminate the requirements for a six' fence or wall, either. The "Landscaping shall be used to break up large parking areas and muffle noise from Central Avenue."(HCRANS DP, page 18, 5. Landscaping)*

*The applicant has provided a 15' landscaping strip along the south property line, the portion of the property that abuts the Huning Castle Neighborhood, to mitigate noise, odors, pollution and adverse effects from Central Avenue as well as the site, to the residential zone.*

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 Amended Site Development Plan for Subdivision and the requested Sector Development Plan Map Amendment, pending this approval, will facilitate the development of improved interior site vistas on the Applicant's properties and aesthetic views of the developed rear Lot from Central Avenue. The amended Site Development Plan has been designed to anticipate future projects designed to improve the pedestrian connections between the Food Production and Associated Warehousing Facility and the existing restaurant and retail buildings on the contiguous front two properties. Pedestrian connections and pathways to Central Avenue streetscape will be planned for future development in support of this Plan goal.*

*This policy is focused on site design and not a zone change. However, the change of zoning will allow development of a new support facility for an existing restaurant use fronting Central Avenue, which will improve the visual urban environment with landscaping and pedestrian pathways through the neighborhood to the transit corridor along Central Avenue.*

#### **Other Applicable Comprehensive Plan Goals and Policies**

*There are other Goals and Policies from the Comprehensive Plan that are applicable to the request. The following list will present these policies as "Presented By Staff."*

Policy II.B.5.a: The Developing Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

*The zone change request to SU-2/SU-1/CLD and Food Production & Associated Warehousing will continue to allow a wide range of urban land uses appropriate for this area, which includes commercial, office, and multi-family, and is along a commercial corridor that is also designated as an Enhanced Transit Corridor. A food production development complements surrounding uses and also provides a good transition between residential uses to the south from the commercial corridor and uses to the north.*

*The subject site will no longer be subject to the site development plan for subdivision designated land uses, only the uses permitted under the new zone. The site development plan for subdivision should be amended as well, to reflect his change. The CLD uses and the tailored food production uses will allow for compatible development to the surrounding area with similar density.*

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 and recreational concern.

*The subject site is located adjacent to a major arterial that is an Enhanced Transit Corridor. However, since the subject site is behind another site that fronts onto this arterial, it is appropriate that the subject site have the use as a support facility - or is ancillary to the use fronting Central Avenue. Since the subject site is supporting the use fronting Central Avenue, it is a less intense use; this is appropriate as it is abutting the single-family homes of the adjacent neighborhood to the south and thus, acts as a transition between the more intense activity of the Central Avenue corridor and the residential neighborhood on the south side of the subject site. This in turn, respects neighborhood values.*

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

*The zone change request would allow for redevelopment and rehabilitation of an older neighborhood in the Established Urban Area. The request would help to rehabilitate the neighborhood by decreasing opportunities for crime and blight, increasing pedestrian traffic, and by providing jobs and economic development.*

#### D. COMMUNITY RESOURCE MANAGEMENT

##### 4. TRANSPORTATION AND TRANSIT

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: The following Table 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.

*The subject site is located on an Enhanced Transit Corridor with a bus stop (ABQ Ride route #66 and #766) along Central Avenue directly in front of the site – the bus stop faces the restaurant property. [There is also a westbound bus stop directly across Central Avenue from the restaurant/subject site.] This type of corridor is designed “to improve transit and pedestrian opportunities for residents, businesses and other users nearby.” This availability of close by transit service helps to balance the circulation system as employees and patrons of the restaurant on the premises and employees of the subject site have easy access to the transit system. The subject site’s location along the Enhanced Transit Corridor also encourages bicycling and walking.*

#### ECONOMIC DEVELOPMENT

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

Policy II.D.6.a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

***Development of the subject site will provide opportunities for nearby residents to have access to new jobs in food production, catering and office work.***

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

***The development of the subject site is an expansion of a local business. This will help the business grow both at this location and Citywide.***

Huning Castle and Raynolds Addition Neighborhood Sector Development Plan (Rank 3)

The Huning Castle and Raynolds Addition Neighborhood Sector Development Plan (HCRASDP) is a rank-three plan adopted by the City Council in January 1981. The Plan generally encompasses properties south of Central Avenue between 8<sup>th</sup> Street and the Rio Grande. The Rio Grande also serves as the southwestern boundary of the Plan area.

The Plan's overarching goal is to maintain the area's special qualities such as varied architectural styles, mature landscaping and neighborhood scale. The Plan contains a summary of Objectives and Recommendations in the following categories:

- I. Land Use and Zoning
- II. Transportation
- III. Social Services
- IV. Parks
- V. Housing and Neighborhood Maintenance
- VI. Public Facilities
- VII. Economic Development
- VIII. Historic Preservation.

The applicant has used the following categories and associated objectives to justify this request:

I. Land Use & Zoning

- Objective 1: Revise current zoning to make it compatible with existing land uses.

*The Applicant's property was zoned C2 for commercial uses prior to adoption of the HCRANSDP and the Plan's recommendation to revise the commercially zoned strip along Central Avenue to an SU2-CLD designation [as described on Map 6] indicated a consistency within its Goals and Objectives that properties with existing commercial businesses, such as the properties owned by the Applicant and the existing businesses thereon, were to be supported and stabilized by the Plan's proposed zone reclassification. Essentially reverting to the original zoning classification of SU2-CLD classification with the SU1 designation for use as a Food Production and Associated Warehousing Facility re-unifies Lot 2 with the other two of the Applicant's properties, which are, still zoned SU2-CLD.*

***Staff agrees.***

II. Transportation

- Objective 1: Reduce traffic volume and speed on local streets.
- Objective 2: Improve traffic flow in the area to promote safety to residents.

*The proposed development of the Food Production and Associated Warehousing Facility will generate significantly less traffic than the 44 apartment units currently approved for development. This will in turn reduce the amount of traffic exiting the property onto Central Avenue. The current property is unpaved and not delineated with regards to directing large vehicular traffic such as semi-trucks and fire vehicles. The proposed development would clearly delineate circulation for on-site vehicular traffic by means of paved drives and parking.*

**Staff agrees.**

#### VII. Economic Development

- Objective 1: Stabilize and upgrade existing businesses.
- Objective 2: Encourage new neighborhood oriented commercial development.

*The requested re-zoning and Amendment to the Site Development Plan for Subdivision to allow construction of the proposed Food Production and Associated Warehousing Facility will greatly benefit the Applicant's existing City-wide restaurant operations and help support the existing Garcia's Restaurant at 1736 Central Avenue SW. The proposed development will potentially provide jobs for local people and generate commercial activity supportive of other local businesses. Having the Applicant's Food Production and Associated Warehousing operations relocate to a new facility along Central Avenue will be a boon for the local community and the City of Albuquerque.*

***Staff agrees with the applicant's response. The proposed development will help to stabilize the area by adding a new building to a relatively vacant, underutilized and uninviting lot and encourage new activity in a mature neighborhood. The requested zone change would allow a variety of commercial and retail uses that provides commercial benefits for the surrounding neighborhood.***

The applicant has also used a portion of Chapter IV: Land Use and Zoning of the Plan. The following is the 3<sup>rd</sup> paragraph under the sub-title, Proposed Zoning:

“Property on Central Avenue next to the Huning Castle subdivision is currently zoned C2. Much of this commercial land is vacant or marginally used. Many commercial buildings are vacant or marginally used. Because this property directly abuts single-family homes, it is important to minimize negative impacts of development on Central Avenue. Because there is a need for housing downtown, a mix of commercial and residential uses is suitable for this strip. It is recommended that the land on Central Avenue between San Pasquale and 15<sup>th</sup> Street be zoned SU2 for low density apartments or limited commercial development. Commercial uses which would have a negative impact on the adjacent neighborhood in terms of traffic, noise and litter are not allowed. Height, setback, density and landscaping guidelines are intended to insure that new development will be in scale with existing development on Central Avenue and have a minimum impact on the adjacent neighborhood.”

*The proposed development of the Food Production and Associated Warehousing Facility complies with the intent to allow for limited commercial development along Central Avenue which would potentially have a negative impact on the single-family residences adjacent to the*

*commercial property. The proposed Site Development Plan will not negatively impact the adjacent R1 properties and the proposed Amendment to the Site Development Plan for Subdivision complies fully with the height, setback and landscaping guidelines delineated in the HCRANSDP. This includes provision of "Extensive buffer landscaping between new development and adjacent homes" along the Plan's southern boundary and a building design which is fully in scale with existing and new structures in the immediate vicinity. The project will not generate excess traffic, noise, nor litter, and the intended use for restaurant-oriented food preparation and catering uses are listed as permissive commercial uses in the HCRANSDP SU2 Special Neighborhood CLD Commercial /Low Density Apartment Zone descriptions. Lastly, the proposed Amendment to the Site Development Plan for Subdivision removes the Applicant's Lot from the approved development plan but maintains the Design Guidelines developed to describe the appearance and character of the buildings and landscaped site included with the last Site Development Plan Amendment. This will ensure that the proposed project will comply with the neighborhood's preferred character for the developed site.*

***Staff generally agrees with the applicant's response. The site is between the commercial corridor of Central Avenue and the residential neighborhood to the south. Thus, the proposed zone will buffer the neighborhood from negative impacts created along the Central corridor in terms of traffic, noise and litter. The site is recommended to have limited commercial development and the proposed building and use compliments adjacent property's uses in that the catering and office uses are permissive in the CLD zone. The other allowed uses of this property, food production and associated warehousing, are inline with the function and operation of a restaurant use, also permissive in the CLD zone, which should have a minimum impact on the adjacent residential neighborhood.***

***The proposed zone is in line with these regulations because the CLD zone was originally proposed in the sector development plan to meet these goals. The requested zone change will revert back to the CLD zone, which has regulations in the HCRANSDP as well as the Design Standards presented by the site development plan for subdivision. Further, the subject site is controlled through both a site development plan for subdivision and a site development plan for building permit. Any development must comply with the design standards as set forth in the already existing site development plan for subdivision. The site development plan for building permit shows the proposed development for the site and it does comply with the design standards.***

- D. The applicant must demonstrate that the existing zoning is inappropriate because:
1. There was an error when the existing zone map pattern was created; or
  2. Changed neighborhood or community conditions justify the change; or
  3. A different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other city master plan, even though (D)(1) or (D)(2) above do not apply.

D1) *NA. There was no error when the existing zoning map pattern was created.*

***Staff agrees.***

D2) *Since there has been significant residential development along the Central Avenue corridor over the last several years, in accordance with the mixed-use objectives identified in the Huning Castle and Reynolds Addition Neighborhood Sector Development Plan, given that*

*the approved Development Plan will be completed without the construction of the approved apartments delineated in the current Site Development Plan for Subdivision and the HCRANSDP, it is fully consistent with the HCRANSDP to propose an Amendment to the Sector Plan to return the Garcia Properties Development Lot 2 to a zoning classification matching that of the Applicant's adjoining properties to allow for development of a neighborhood-oriented commercial project.*

***There has not been any changed neighborhood conditions other than what is already expected through zoning. Thus, staff does not believe D2) applies.***

*D3) Following the City's recommendation, the proposed zone change will essentially replace the current zoning with the zoning designation originally described by the Sector Development Plan [HCRANSDP], [ an SU2-CLD designation], and creates an SU1 overlay describing the permissive uses of restaurant associated food preparation and catering operations. This is fully consistent with the intent of the Sector Development Plan and the City's Comprehensive Plan regarding the use of Special Use designation to control development in areas of specific sensitivity. The proposed Amendment to the Site Development Plan for Subdivision and the Huning Castle and Reynolds Addition Neighborhood Sector Development Plan is therefore a furtherance of the goals and objectives outlined in those documents.*

***The change of zoning will create a different use category, which is more advantageous to the community as articulated in the Comprehensive Plan. The applicant has cited a preponderance of applicable policies in the Comprehensive Plan and the Huning Castle & Reynolds Addition Neighborhood Sector Development Plan, as shown in Section C above. The proposed zone change will be more advantageous to the community because it will allow a full range of urban land uses, respect neighborhood values, complement residential areas with an appropriate employment use, improve safety in the local neighborhood and provide easy access to alternative modes of transportation.***

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

*The proposed zone change and Special Use designation for development as a Food Preparation and Catering Facility will not be harmful to adjacent or neighboring property.*

***As mentioned in staff's response to the Comprehensive Plan Land Use policy II.B.5.i above, the HCRANSDP has specific regulations for the CLD zone in order to protect residential neighborhoods from adverse effects and impacts of non-residential uses. Primarily, there is a required 50' setback of non-residential buildings to a residential zone to ensure that the non-residential activities are far away from homes. This is combined with requirements of evergreen trees in the landscaping buffer to provide a year-'round opaque landscape screen. There is also a requirement of a 6' high wall at the property line to help provide for mitigation purposes.***

***Further, the zone change request brings the allowable uses back to the sector plan specific CLD zoning with the addition of food production and associated warehousing. The CLD portion of the zoning will match the zoning of adjacent properties on the south side of Central Avenue and is similar to uses found in a straight C-2 zone. The site was previously zoned SU-2/CLD and the uses in the CLD zone have already been approved by the City and surrounding***

*neighborhoods in the HCRASDP. Also, the north side of Central is the DNASDP and properties that front Central (on the north side) has a sector plan specific CC zoning, which is also similar to the C-2 zone.*

*The food production and associated warehousing portion of the zoning descriptor in this SU-1 zone is to allow the expansion of an existing business, the applicant's restaurant, that fronts onto Central Avenue. The food served in this and other restaurants and sold in retail outlets will be prepared at the subject site. This use, and the other CLD uses, will not be harmful to the surrounding properties.*

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the city may be:
1. Denied due to lack of capital funds; or
  2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

*No major unprogrammed capital expenditures are anticipated to be associated with the proposed Development Plan.*

***Staff agrees, the request will not result in unprogrammed capital expenditures.***

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

*The Applicant seeks to rezone and develop their property to construct and operate a business supportive of the existing restaurant businesses the Applicant operates on a City-wide basis. The applicant seeks to do so in compliance with the existing City Plans and ordinances, and in a manner that is consistent with City and neighborhood development objectives. Land cost or the Applicant's other economic considerations are not a determining factor in the Applicant's decision to request the Sector Development Plan and Zone Map Amendments.*

***Staff agrees with the applicant's reasoning that the cost of land or other economic considerations is not the determining factor for this request.***

- H. Location on a collector or major street is not in itself sufficient justification for apartment, office, or commercial zoning.

*This application for a Sector Development Plan and Zone Map Amendment does not rely on its location on a collector or other major street for its justification.*

***Staff agrees that location on a collector or major street is not a justification for this request; however, the fact that the site is adjacent to a Major Transit Corridor is one good reason for support of this request.***

- I. A zone change request, which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special



adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

*NA. The application for a zone change will not create a spot zone other than as is created by a stipulated SU-1 property designation.*

***This request would result in a spot zone; however, the applicant has shown in Section C that the change will clearly facilitate realization of the Comprehensive Plan and the HCRASDP.***

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street, is generally called “strip zoning.” Strip commercial zoning will be approved only where:
1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
  2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

*NA. The application for a zone change will not create a strip zone.*

***Staff agrees; this request would not result in a strip zone.***

#### **IV. ANALYSIS - SITE DEVELOPMENT PLAN FOR SUBDIVISION AMENDMENT and SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**

##### ***Request***

This is a request for an amendment to a site development plan for subdivision (SPS) and a site development plan for building permit. The SPS that was previously approved by the EPC in 2007 (07EPC 40073/40074) is for a larger area that includes 6 other lots - the six other lots are not a part of this request. The applicant does not wish to proceed with this site plan and therefore, is asking to amend the portion of the SPS that concerns the subject site. [The owner of the other properties in this subdivision has also proceeded with an amendment to their portion of the site development plan for subdivision and is currently building; a development that does not include Lot 2.] Nevertheless, the current SPS shows the mixed-use zoning, which is applied to all properties in the SPS (a higher-density development with three-story apartment buildings and commercial uses), and the applicant wishes to use this property as a support facility for his restaurants – not currently considered with the SPS. Note that the amendment shall apply only to Lot 2, Plat of Lots 1 & 2, Garcia Properties Development only. Therefore, the zoning for the site will be reflected on the amended SPS as well.

The SPS amendment is amending the “master plan” that included the six properties to the west as well as the subject site. The amended SPS now shows a property line that is on the western side of the applicant’s site as well as the western edge of the two lots between the subject site and Central Avenue. However, the applicant intends to develop the subject site in accordance to the Design Standards that are included in the 2007 SPS – these Design Standards still apply. There is an accompanying site development plan for building permit for the development of the site.

The applicant is also requesting that a site development plan for building permit on Lot 2.

§14-16-3-11 of the Zoning Code states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." As such, staff has reviewed the attached site development plan for building permit for conformance with applicable goals and policies of the Comprehensive Plan, (and other applicable Plans).

#### ***Applicable Ordinances, Plans and Policies***

***Note: Policy citations are in italics; applicant's justification is in regular text; staff's analysis is in bold italics***

#### 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 variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment." The applicant has cited the following policies to justify the request:

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 where the integrity of existing neighborhoods can be assured.

***The requested site development plan amendment will allow an infill development project on relatively vacant (or underutilized) land that is contiguous to existing urban facilities and services. The applicant is proposing a development that would increase the number of jobs through the expansion of an existing business; this would make additional employment opportunities available to the adjacent residential neighborhoods, thus, strengthening their vitality and assuring its integrity.***

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.

***The additional business on these premises will require additional employment, which is available to residents of the adjacent neighborhoods. Further, this premise is located along the south side of Central Avenue, buffering the adjacent Huning Castle Neighborhood from adverse effects of noise, lighting, pollution and traffic, minimizing their effects.***

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 amendment to the site development plan for subdivision will allow development of a new support facility for an existing restaurant use fronting Central Avenue, which will improve the visual urban environment with landscaping and pedestrian pathways from the neighborhood to the transit corridor along Central Avenue.***

#### **Other Applicable Comprehensive Plan Goals and Policies**

***There are other Goals and Policies from the Comprehensive Plan that are applicable to the request. The following list will present these policies as "Presented By Staff."***

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 and recreational concern.

*The subject site is located adjacent to a major arterial that is an Enhanced Transit Corridor. However, since the subject site is behind another site that fronts onto this arterial, it is appropriate that the subject site have the use as a support facility; or is ancillary to the use fronting Central Avenue. Since the subject site is supporting the use fronting Central Avenue, it is a less intense use; this is appropriate as it is abutting the single-family homes of the adjacent neighborhood. This in turn, respects neighborhood values.*

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

*The site development plan amendment will allow for redevelopment and rehabilitation in an older neighborhood in the Established Urban Area. The request would help rehabilitate the neighborhood by decreasing opportunities for crime and blight, increasing pedestrian traffic, and by providing jobs and economic development to the adjacent older neighborhoods.*

#### D. COMMUNITY RESOURCE MANAGEMENT

##### 4. TRANSPORTATION AND TRANSIT

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: The following Table 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.

*The subject site is located on an Enhanced Transit Corridor with a bus stop (ABQ Ride route #66 and #766) along Central Avenue directly in front of the site – the bus stop faces the restaurant property. [There is also a westbound bus stop directly across Central Avenue from the restaurant/subject site.] This type of corridor is designed “to improve transit and pedestrian opportunities for residents, businesses and other users nearby.” This availability of close by transit service helps to balance the circulation system as employees and patrons of the restaurant on the premises and employees of the subject site have easy access to the transit system. The subject site’s location along the Enhanced Transit Corridor also encourages bicycling and walking.*

##### 6. ECONOMIC DEVELOPMENT

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

Policy II.D.6.a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

*Development of the subject site will provide opportunities for nearby residents to have access to new jobs in food production, catering and office work.*

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

*The development of the subject site is an expansion of a local business. This will help the business grow both at this location and Citywide.*

Huning Castle and Raynolds Addition Neighborhood Sector Development Plan (Rank 3)

I. Land Use & Zoning

- Objective 1: Revise current zoning to make it compatible with existing land uses.

*Although this portion of the Plan refers strictly to land use and zoning, a change of zoning back to uses that were intended when the sector plan was adopted are appropriate and need to be reflected on the amended site development plan for subdivision. The allowed uses of the new zoning descriptor shall be included on the revised site plan.*

II. Transportation

- Objective 1: Reduce traffic volume and speed on local streets.
- Objective 2: Improve traffic flow in the area to promote safety to residents.

*The proposed development of the Food Production and Associated Warehousing Facility will generate significantly less traffic than the 44 apartment units currently approved for development.*

VII. Economic Development

- Objective 1: Stabilize and upgrade existing businesses.
- Objective 2: Encourage new neighborhood oriented commercial development.

*The proposed development will help to stabilize the area by adding a new building to an empty (underutilized) and uninviting lot and encourage new activity in a mature neighborhood. The added employment will be a benefit to residents of the surrounding neighborhood as well.*

The following is the 3<sup>rd</sup> paragraph under the sub-title, Proposed Zoning (Chapter IV: Land Use and Zoning):

“Property on Central Avenue next to the Huning Castle subdivision is currently zoned C2. Much of this commercial land is vacant or marginally used. Many commercial buildings are vacant or marginally used. Because this property directly abuts single-family homes, it is important to minimize negative impacts of development on Central Avenue. Because there is a need for housing downtown, a mix of commercial and residential uses is suitable for this strip. It is recommended that the land on Central Avenue between San Pasquale and 15<sup>th</sup> Street be zoned SU2 for low density apartments or limited commercial development. Commercial uses which would have a negative impact on the adjacent neighborhood in terms of traffic, noise and litter are not allowed. Height, setback, density and landscaping guidelines are intended to insure that new development will be in scale with existing development on Central Avenue and have a minimum impact on the adjacent neighborhood.”

*The site is between the commercial corridor of Central Avenue and the residential neighborhood to the south. Thus, the proposed development will buffer the neighborhood from negative impacts created along the Central Avenue corridor in terms of traffic, noise and litter. The proposed building and its use compliments adjacent properties uses in that the catering and office uses are permissive in the CLD zone. The other allowed uses of this property, food production and associated warehousing, are inline with the function and operation of a restaurant use, also permissive in the CLD zone.*

*The subject site is controlled through both a site development plan for subdivision and a site development plan for building permit. Any development must comply with the design standards as set forth in the already existing site development plan for subdivision; these are not proposed to change. The site development plan for building permit shows the proposed development for the site and it does comply with the design standards.*

### ***Site Plan Layout/Configuration***

The subject site for the site development plan for building permit (Lot 2) is approximately 1.34-acres located on the south side of Central Avenue SW between Laguna Boulevard SW and San Pasquale Avenue SW; the address is 1736 Central Avenue SW. The applicant intends to build a support facility for his restaurants and retail sales business of food products. The proposed building will be used as a food production facility with associated warehousing, a catering facility and corporate offices.

There are two existing buildings on the site: one is a single unit apartment; the other is used for storage. These two buildings will be demolished when the site is cleared for the development of the requested building. The new site will consist of an 8,055 square-foot building with associated site improvements. Placement of this building complies with the Design Standard's 50' rear yard setback from an R-1 zone. Access to the site will follow the path of the existing 25' utility easement with the lot that fronts onto Central Avenue – the applicant owns both lots. This utility easement will need to be expanded to a general easement in the event that the applicant sells one of these properties in the future.

The site is at the southeast corner of the subdivision and the new building is positioned in an east-west orientation with the front of the building facing Central Avenue. The northern boundary consists of two lots, Lot 1 has the existing Garcia's Kitchen restaurant building and an apartment building. It borders approximately 80% of the subject site starting at the eastern property line; it also fronts onto Central Avenue.

A smaller lot, Tract 132, MRGCD Property Map 38, borders the remaining 20% of the subject site's northern boundary and also has frontage onto Central Avenue. This smaller property also has an existing commercial business. Its building is in alignment with the common western property line of the subject site.

### ***Public Outdoor Space***

The building faces north with a 27' wide plaza area that abuts the entire north side. This unique 27' wide by 120' long pedestrian plaza is further flanked by 6' feet of additional sidewalk that then leads to planter areas on both the west and east front-sides, inside of the drive aisles. The planter area on the east has a picnic table and benches, along with landscaping to provide shade,

for the public/employees to gather. There should be additional benches placed on either side of the building entrance, under the portico, to provide seating.

The pedestrian plaza area is bordered by sidewalks, 9' close to the building and 8' on the parking lot side, with two 12' wide and one 8' wide connecting sidewalks between them that are oriented in a north-south fashion. The area between the sidewalks will be used for landscaping including trees and turf.

### ***Vehicular Access, Circulation and Parking***

As mentioned, the subject site does not have direct access to any public streets. Instead, there is an existing 25' easement across the abutting tract to the north, Lot 1, and existing parking lot access (via a drive aisle) that leads to the site on the eastern side of Lot 1's central parking area. There are curbs and painted parking lot headers to signify a separation between Lots 1 and 2, and a clear path for vehicular circulation is maintained. Lots 1 & 2 are held in single ownership.

The traffic circulation pattern consists of a two-way drive aisle access across the access easement of Lot 1 to the northwest portion of the subject site. This two-way traffic drive aisle continues east along the front of the building's parking area. There is also a one-way traffic loop around the building in a counter-clockwise direction that connects at this northwest location on the site. Mostly trucks that are delivering or loading food to be processed or delivered will use this site perimeter loop. The loading and unloading area is at the east side of the site, away from the abutting residential neighborhood. However, the applicant has stated in the justification letter that trucks will only be present during operational hours – Monday-Friday, 7 am – 5 pm and not during times outside of the hours of operation.

There are two areas for vehicular parking: one area is in front of the building and provides 12 parking spaces; the other parking area is at the southwest corner of the site and provides 7 spaces. Of the total 19 parking spaces provides, 2 are handicap spaces and two are for small cars. Both parking areas are single loaded with 90-degree parking. Dimensions of the typical parking space is 9' X 20' and the handicap spaces are 8'9" X 20' with an 8' striped area in between.

There are also two motorcycle parking spaces (essentially a typical parking space striped down the middle) in the front parking area and a bicycle rack that accommodates three bikes and is located at the eastern side of the pedestrian plaza in front of the building.

The General Parking Regulations of the Zoning Code, §14-16-3-1 (A) (26) provides the basis for calculating the required number of parking spaces. The applicant has provided a square-footage breakdown for the building and the parking spaces that are required for each use:

- Office: 1,579 SF/200 SF = 8 spaces required
- Kitchen/Manufacturing: 20 workers (largest shift)/3 = 7 spaces required
- Warehouse: 1,939 SF/2,000 SF = 1 spaces required

Total Spaces Required = 16

Note: SF = square-feet

- Transit Reduction (10% = 1 space)

Required parking for site = 15 spaces

The provided 17 spaces exceed the required parking with or without a reduction for transit. (There is an allowed 10% reduction for being within 300' of a transit stop (§14-16-3-1 (E)(6)(a), even though the applicant has not requested it.)

Location of the trash dumpster is at the northwest corner of the site, away from the residential zone.

### ***Pedestrian and Bicycle Access and Circulation, Transit Access***

There is an existing sidewalk on the west side of the restaurant that connects to the public sidewalk along Central Avenue. The applicant is extending this sidewalk south, to the pedestrian plaza area in the front of the new building. The sidewalk will cross a vehicular drive aisle; the site plan shows it with crosshatched paint as a crossing for pedestrians. The sidewalk is fully accessible. There are no other sidewalks on the site besides the large pedestrian plaza area.

Nearby Laguna Boulevard is a Bicycle Route and parallel to this is the Bicycle Boulevard along 14<sup>th</sup> Street. There is not a bicycle facility along Central Avenue.

The sidewalk connecting to the public sidewalk along Central Avenue will provide access to the transit stop that is directly in front of Lot 1 (the restaurant site) and hence, the subject site. There is another transit stop across Central Avenue for transit users to go westbound.

### ***Walls/Fences***

There is an existing CMU wall on the south side of the property (along the property line) separating the subject site from the residential homes. There is a row of trees on the neighborhood side that helps to provide screening to the subject site as well. A new CMU wall will connect to the existing rear-yard wall and run (perpendicular) along the property lines of the east and west sides of the site. These walls will tie into: the existing wall of the abutting property on the northwest; stop at the existing fence of the abutting property line fence on the northeast side. There will not be a wall on the north side of the site.

The wall is finished to mimic the building and the dumpster enclosure. That is, the wall is stuccoed light brown, with a darker, earth tone brown stucco along the top resembling a territorial style.

### ***Lighting and Security***

As mentioned above, there is not a wall (or fence) on the north side of site and there is full connectivity with Lot 1 to north. There is a 6' high stuccoed CMU wall on the east, west and south sides, but no way to close off accessibility due to the open north side.

There are no free standing site lights; all lighting will come from building mounted cut-off fixtures. There are two exterior lighting fixtures that are shielded on the east, west and south sides of the building. There are four unshielded wall mounted fixtures under the portico on the north side. These building mounted fixtures will provide all light available for the exterior of the site.

The Design Standards in the site development plan for subdivision mentions that site lighting shall be provided "for safety such as parking lots". The applicant has mounted the light fixtures on the sides on the building in order to address neighborhood concerns of mast lighting that shines fugitive light into the yards of their homes. The applicant believes the light fixtures will provide adequate lighting for the parking areas.

### ***Landscaping***

The site is 1.34-acres, which equates to 58,370 square-feet. The Gross building area, the building's footprint and the canopy over the loading/receiving area, is 8,764 square-feet. Thus the net lot area is 49,606 square-feet. As per §14-16-3-10 (E) (1) of the Zoning Code, "not less than 15% of the net lot area" shall be landscaped. This equates to 7,441 square-feet that is required to be landscaped. The Landscaping Plan shows the landscaped area to be 12,539 square-feet, roughly 25% of the net area of the site.

The landscaped area uses gravel to cover the landscape areas where living plants are not provided; 80% living vegetation (site design standard). Section 14-16-3-10 (G) (2) requires "all landscape beds over 36 square-feet in size or larger be covered with living, vegetative materials". The Landscaping Plan shows cobble and gravel mulch will be used in the landscape beds without sufficient plants placed in some of these areas. For example, the planting bed under the Chinese Pistache trees is fairly barren; there are not plants provided, just gravel – tree canopies are not considered ground cover.

The landscaping does not meet the regulation that "at least 75% of the required parking area trees shall be deciduous canopy-type shade trees, capable of achieving a mature canopy of at least 25 feet" (Section 14-16-3-10 (G) (1)). Further, an additional tree should be considered in the planting bed that is in front of the building and along the planting/landscape buffers on the east and west sides of the site. Also, the site plan does not show any cut outs in the curbs for water harvesting - this should be combined with lowering the landscape beds in order to retain storm water. If this is intended for the ponding areas, it should be shown on the site plan as well.

There is a landscaping buffer of 15' along the southern property line where the site abuts the residential zone of the Huning Castle neighborhood, even though the HCRANS DP only requires a 5' landscape buffer. However, the Zoning Code states that the buffer landscaping shall consist primarily of trees capable of reaching 25' in height and that spacing shall equal 75% of the mature canopy diameter of the trees – the site plan does not meet this requirement. This section continues to state that a 6' high opaque wall is also required to visually screen the parking / circulation area from the adjacent residential zone – the site plan complies with this requirement.

### ***Grading, Drainage, Utility Plans***

The site is relatively flat. Grading will put the building pad site in the middle of the property with a gentle slope to the perimeter of the site where storm run-off will be collected and retained. The retention of the run-off water is a ponding system that will provide moisture to the landscaping. Since the other two lots owned by the applicant do not have a drainage system in place, all storm water runoff from Lot 1 and Tract 132, as well as the site, is captured in this ponding area.

Water and the Sanitary Sewer lines will come from Central Avenue, across the existing utility easement, to the subject site.

### ***Architecture***

The architecture used on the site is traditional territorial style as is described in the Design Standards in the site development plan for subdivision. The maximum allowable height is 26' and the building is 23' 6" above the finished grade. It is of rectangular shape (120' X 70'), flat roofed and oriented east west, with the main entrance facing north and the delivery-receiving



door to the south. It is finished with stucco (light brown in color) with traditional earth tone (darker) stucco along the top of the parapets with articulation both horizontally and vertically. It features a portico above the front entry that is 85' 6" long and 6' deep. The window and doorframes are aluminum storefront with earth tone surround trim.

The front of the building has the main entry doors in the middle with two large windows on either side. This portion of the building is recessed approximately 6' and is 62' 8" long. The ends walls of the front are an additional 17' 3" long each and have an additional 7' X 3' door on the side that is closest to the center of the building. These end walls also are 2' shorter, giving the building its vertical articulation. The portico along the front of the building is supported by 8 wooded columns and has the clearance height of 8' 6" and then a faux wall above it rising another 5' 6". In the center of this faux wall is the only sign and the wall has an architectural feature incorporated to the signs image.

The east and west elevations are basically mirror images of each other. It is a windowless wall with three roll-up (one 8' X 10' and two are 10' X 10') doors and three 7' X 3' plain metal doors. The center part of the building that is a different height than the ends of the building can be seen, offering visual relief. There are also three light fixtures on each side that will provide the site lighting. The delivery/receiving areas are covered by an 8' canopy that is 14' high – this canopy is approximately 40' in length on both sides of the building and is opaque metal, with a brown finish.

The rear of the building is windowless as well, but has two 7' X 3' plain metal doors towards each side of the building. There are three building mounted light fixtures at the back of the building that will provide site lighting. Also, the center part of the front of the building that is 2' taller than the rest of the building is also visible from the rear of building.

### ***Signage***

As mentioned above, there is one building mounted sign on the site. The sign's face measures 8' long X 3' high and an additional 3'8" arch – for purposes of finding the signs area, it is a 8' X 6' 8" sign, which is approximately 53 square-feet – well within the 9% façade allowance of the Design Standards. The sign face is the Garcia's Kitchen logo and the building provides the necessary dimensional background for the logo. It will be lighted from above with exterior fixtures that point down, directly onto the sign face.

## ***V. AGENCY & NEIGHBORHOOD CONCERNS***

### ***Reviewing Agencies/Pre-Hearing Discussion***

Reviewing agency comments begin on page 48. The applicant has revised the request to change the zoning descriptor as requested by the Code Enforcement Division. There are no other significant comments from any of the remaining reviewing agencies.

### ***Neighborhood/Public***

Property-owners within 100' were notified and the affected neighborhoods are the Downtown Neighborhood Association, the Huning Castle Neighborhood Association and the North Valley Coalition. There was a facilitated meeting held on September 26, 2012 and the Facilitated

Meeting Report is attached along with an addendum that reflects that zoning request made by the applicant. There was neighborhood concern expressed over the following topics: the exact location of the loading docks and their impact to the residential homes regarding noise; noise from delivery trucks; concern about ponding adjacent to the residential neighborhood.

The applicant is working with the neighborhood members to address these issues. Staff has received a revised site development plan for building permit that shows a relocation of the receiving/delivery dock area on the east side of the building, rather than on the south side.

Staff has also received a few phone calls and emails from residents of the Huning Castle Neighborhood that own homes on Chacoma Place SW, close to the site. Some of their concerns are the same that were brought up in the facilitated meeting – noise from delivery trucks and refrigeration compressors and the odor emitted from the ventilation system of the building from the production of food products. The applicant is meeting with these neighbors to find a resolution.

Staff has also received a letter of support for the project and a letter from the Huning Castle Neighborhood president stating that the Neighborhood Association neither supports or is opposed to this project.

## **VI. CONCLUSION**

This is a three-part request: an amendment to the Huning Castle and Reynolds Addition Neighborhood Sector Development Plan zone map changing the site's zoning from SU-2/SU-1 for Mixed Use Development to include an Adult Educational Facility and restaurant with full service liquor to SU-2/SU-1/CLD and Food Production & Associated Warehousing; an amendment to the site development plan for subdivision; and a site development plan for building permit for the subject site. The applicant owns an existing restaurant business adjacent to the subject site and would like to build a support facility for that business. This facility will provide the food production and associated warehousing for his restaurants and packaged food sales at retail stores, a catering operation and corporate offices. This will be an expansion of the applicant's existing business.

The subject site is underutilized with two small structures currently on it: a single unit apartment building and a storage building. The site sits behind two other properties owned by the applicant that has a restaurant, an apartment building and a commercial business on them. Those two properties front Central Avenue, an Enhanced Transit Corridor. Access to the subject site will be across the lot that has the restaurant building from Central Avenue. There are no other points of access.

The applicant has provided an adequate justification for the zone change per R-270-1980, by demonstrating that the request is consistent with a preponderance of applicable goals and policies in the Comprehensive Plan and the HCRANS DP. Further, the applicant has adequately supported the need for an amendment to the site plan for subdivision and shown the proposed site plan for building permit.

There was a facilitated meeting held September 26, 2012 and staff has received both letters of opposition and support to this request. The neighborhood Association has sent a letter stating they do not oppose or support this project. Staff believes this request is an extension of a restaurant use, which the applicant already has in operation. Staff recommends approval.

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***FINDINGS – 12EPC 40060, October 11, 2012, Sector Development Plan Map Amendment***

1. This request is for a sector development plan zone map amendment from SU-2/SU-1 for a Mixed Use Development to SU-2/SU-1/CLD and Food Production & Associated Warehousing to include all uses permitted in the CLD zone, and the production of food and the associated warehousing of food products and related materials for all or a portion of Lot 2, Plat of Lots 1 & 2, Garcia Properties Development, formerly Tract 131, MRGCD Property Map No. 28, an approximately 1.34-acre site located on the south side of Central Avenue SW, between Laguna Boulevard SW and San Pasquale Avenue SW – specifically, 1736 Central Avenue SW..
2. The subject site is in the Established Urban Area of the Comprehensive Plan and within the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan (HCRANS DP).
3. The requested zone change is accompanied by a site development plan for building permit request – Project #1004677, 12EPC-40057 and an amendment to the site development plan for subdivision – Project #1004677, 12EPC-40058. This request is contingent on the approval of those two requests as the site plan controls the zoning on all SU-1 zoned sites. Also, this zone change request applies to this site only – no other sites in the subdivision will be affected.
4. The Albuquerque/Bernalillo County Comprehensive Plan, the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The subject site is adjacent to an Enhanced Transit Corridor, Central Avenue.
6. The request is justified per R-270-1980:
  - A. The proposed zone change is consistent with the health, safety, morals and general welfare of the City as the zone change request re-establishes the zoning that was established in the HCRANS DP and allows an expansion of uses for an established business. The request specifies uses that are controlled through an EPC approved site plan, which is beneficial to the community. In addition, the proposed development would also help to eliminate blight and would result in needed infill development on a vacant lot.
  - B. This change will not destabilize the land use and zoning in the area; the requested zone change is consistent with the existing zoning of the non-residential/commercial corridor of Central Avenue. The proposed zoning will require compliance with the HCRANS DP development regulations, which also provide stability to the area.
  - C. The request is not in significant conflict with adopted elements of the Comprehensive Plan or other city master plans including the following:
    - A) The zone change is not in significant conflict with adopted elements of the Comprehensive Plan or the HCRANS DP;

#### COMPREHENSIVE PLAN ESTABLISHED URBAN AREA POLICIES

- i. The requested zone change will not have an adverse effect on the surrounding area and will respect existing neighborhood values by allowing new commercial development on a site that is currently vacant. Eliminating blight and preventing deterioration of property values in the area will help to ensure integrity of the existing neighborhood. Since this request is for an expansion of an existing business, the surrounding area will not be greatly impacted by its expanded operations, thus maintaining existing neighborhood values - the SU-1 portion of the zoning descriptor requiring site plan control and allowing public review furthers these values. Also, since the CLD zoning is similar to permissive uses in the C-2 zone, the requested zoning is found to be appropriate and further compliments existing surrounding uses. (Comprehensive Plan Policies II.B.5.a, d and e)
- ii. This zone change will help to create increased opportunities for employment for the adjacent neighborhood and will act as a buffer from the Central Avenue corridor in minimizing adverse effects of noise, lighting, pollution, and traffic on the nearby residential environment. The site will be developed as per the regulations for CLD zoning in the HCRANS DP and one requirement is a 50' setback from residential areas that ensures these adverse effects are minimized. The uses allowed will also help improve the visual urban environment with landscaping and pedestrian pathways to the transit corridor along Central Avenue in this older neighborhood in the Established Urban Area. (Comprehensive Plan Policies II.B.5.i, m and o)

#### TRANSPORTATION AND TRANSIT POLICIES

The subject site is located adjacent to multiple transportation modes including an Enhanced Transit Corridor along Central Avenue. The availability of close by transit service helps to balance the circulation system as employees and patrons have easy access to the transit system, which encourages bicycling and walking. (Policy II.D.4.a)

#### ECONOMIC DEVELOPMENT

The requested zone change allows a greater variety of employment opportunities because of the need for personnel skilled in food preparation, catering and office jobs. Additionally, the development of the subject site is an expansion of a local business. This will help the business grow both at this location and Citywide. (Policy II.D.6.a and b)

#### **B) Huning Castle and Raynolds Addition Neighborhood Sector Development Plan (HCRANS DP):**

- i. The zone change request will re-establish the zoning that is specified by the HCRANS DP, the CLD zone. This zone allows for commercial and residential uses. As this site is between the commercial corridor of Central Avenue and the residential neighborhood to the south, the proposed development will buffer the neighborhood from negative impacts created along the Central corridor in terms of traffic, noise and litter. The proposed building and use compliments adjacent property's uses in that the catering and office uses are permissive in the CLD zone. The other allowed uses of this property, food production and associated warehousing, are inline with the

function and operation of a restaurant use, also permissive in the CLD zone.  
(HCRANS DP Objective I - Land Use and Zoning)

- ii. The proposed uses of the support facility will generate less traffic than the previously approved uses. This will reduce the amount of traffic exiting the property onto Central Avenue. (HCRANS DP Objective II - Transportation)
  - iii. The proposed development will help to stabilize the area by adding a new building to an empty (underutilized) and uninviting lot and encourage new activity in a mature neighborhood. (HCRANS DP Objective VII – Economic Development)
  - iv. The proposed zone is in line with the regulations of the HCRANS DP; the CLD zone was originally proposed in the sector development plan to meet goals that protect the neighborhood while allowing for the commercial corridor along Central Avenue – the 50’ setback requirement is a result. (Chapter IV: Land Use and Zoning, HCRANS DP)
- D. The applicant has shown that the proposed zoning is more advantageous to the community by furthering a preponderance of goals and policies in the Comprehensive Plan and the Huning Castle and Reynolds Addition Neighborhood Sector Development Plan (D3). The request will help to provide certainty and stability in an area that is currently vacant and is becoming blighted.
- E. There are no permissive uses that would be harmful to the adjacent property, the neighborhood or the community. The site was previously zoned SU-2/CLD and the uses in the CLD zone have previously been approved by the City and surrounding neighborhoods in the HCRANS DP. The addition of food processing and associated warehousing is an extension of the permissive restaurant use in the CLD zone. Further, the HCRANS DP has specific regulations for the CLD zone in order to protect residential neighborhoods from adverse effects and impacts of non-residential uses. There is a required 50’ setback of non-residential buildings to a residential zone. This is combined with requirements of evergreen trees in the landscaping buffer to provide a year-round opaque landscape screen and a 6’ high wall at the property line to help provide for mitigation purposes.
- F. The proposed zone change would not require any major or unprogrammed capital expenditures by the City are required. The property already has adequate infrastructure and services in place.
- G. The cost of land or other economic considerations are not the primary determining factors for the requested zone map amendment.
- H. The location on Central Avenue is not the sole justification for the request. The request also stimulates investment and jobs in the area, eliminates a vacant building and blighting influence, and allows for further education of individuals.
- I. This request would result in a spot zone; however, the proposed zone map amendment clearly facilitates realization of the Comprehensive Plan and the HCRANS DP.
- J. The request does not constitute a strip zone.

7. A facilitated meeting was held September 26, 2012, between the applicant and the Huning Castle Neighborhood Association, the Downtown Neighborhood Association and the North Valley Coalition. There was neighborhood concern expressed over the following topics: the exact location of the loading docks and their impact to the residential homes regarding noise; noise from delivery trucks; concern about ponding adjacent to the residential neighborhood. The applicant is working with the neighborhood to try and resolve these concerns.
  
8. Staff has received letters of opposition and a letters of support to this request. Staff also received an email from the president of the Huning Castle Neighborhood Association stating that board members are equally divided in their support and opposition.

***RECOMMENDATION - 12EPC 40060, October 11, 2012 – Huning Castle and Raynolds Addition  
Neighborhood Sector Development  
Plan Map Amendment***

**APPROVAL of 12EPC 40060, a sector development plan map amendment from SU-2/SU-1/  
Mixed Use Development to SU-2/SU-1/CLD and Food Production & Associated Warehousing,  
for Lot 2, Plat of Lots 1 & 2, Garcia Property Development, formerly Tract 131, MRGCD  
Property Map No. 28, based on the preceding Findings.**

***CONDITIONS OF APPROVAL - 12EPC 40060, October 11, 2012 - Huning Castle and Raynolds  
Addition Neighborhood Sector  
Development Plan Map  
Amendment***

1. The zone map amendment does not become effective until the accompanying site development plan is approved by the DRB pursuant to §14-16-4-1(C)(11) of the Zoning Code. If such requirement is not met within six months after the date of EPC approval, the zone map amendment is void. The Planning Director may extend this time limit up to an additional six months upon request by the applicant.

***FINDINGS – 12EPC 40058, October 11, 2012, Site Development Plan for Subdivision Amendment***

1. The is a request to amend 1.34-acres of a 3.6-acre site development plan for subdivision located on Central Avenue, between Laguna Boulevard and San Pasquale Avenue, that was approved by the EPC on December 20, 2007 (07EPC 40073). This requested amendment will reflect the 2009 replat showing the subject site, Lot 2, Plat of Lots 1 & 2, Garcia Properties Development, formerly Tract 131, MRGCD Property Map No. 28, and the two lots abutting north, on the south side of Central Avenue, Lot 1, Plat of Lots 1 & 2, Garcia Properties Development, formerly Tract 131, MRGCD Property Map No.28, and Tract 132, MRGCD Property Map 38, on the east side of a common property line that divides the subdivision.
2. The subject site is in the Established Urban Area of the Comprehensive Plan and within the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan.
3. The Albuquerque/Bernalillo County Comprehensive Plan, the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The requested site development plan for subdivision amendment is accompanied by an amendment to the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan map, Project #1004677, 12EPC-40060, and a site development plan for building permit request – Project #1004677, 12EPC-40057. The sector plan’s map amendment is contingent on the approval of this request and the approval of the site development plan for building permit as the site plan controls the zoning on all SU-1 zoned sites. These requests apply only to Lot 2, Plat of Lots 1 & 2, Garcia Properties Development – no other sites in the subdivision will be affected.
5. The subject site is adjacent to an Enhanced Transit Corridor, Central Avenue.
6. The required depiction of the site, vehicular and pedestrian circulation, ingress/egress points, max building height and minimum setbacks are shown on the amended site development plan for subdivision; the required maximum building F.A.R. is not shown.
7. The requested zone is shown on the site development plan for subdivision and the prohibited uses. The permissive uses are not shown. As only this site is affected by this request from the original 2007 EPC approved (07EPC 40073) site development plan for subdivision, the permissive uses should be included.
8. The applicant intends to keep the design standards that were approved in 2007 (07EPC 40073). The proposed development complies with these design standards.

9. The request is not in significant conflict with adopted elements of the Comprehensive Plan or other city master plans including the following:

**A) Comprehensive Plan:**

**ESTABLISHED URBAN AREA POLICIES**

This subdivision amendment will allow a variety of uses at an intensity and design similar to structures within the surrounding area on a site that is blighted, underutilized and relatively vacant. Eliminating blight and preventing deterioration of property values in the area will also help to ensure integrity of the existing neighborhood. Since this request is for an expansion of an existing business, the surrounding area will not be greatly impacted by its expanded operations, thus maintaining existing neighborhood values. (Comprehensive Plan Policies II.B.5.d and e)

This change will also help to create increased opportunities for employment for the adjacent neighborhood and will act as a buffer from the Central Avenue corridor in minimizing adverse effects of noise, lighting, pollution, and traffic on residential environment. The site is to be developed as a support facility for an existing business on a relatively vacant lot; this will help improve the visual urban environment with landscaping and pedestrian pathways from the neighborhood to the transit corridor along Central Avenue in this older neighborhood in the Established Urban Area.

(Comprehensive Plan Policies II.B.5.i, m and o)

**TRANSPORTATION AND TRANSIT POLICIES**

The subject site is located adjacent to multiple transportation modes including an Enhanced Transit Corridor along Central Avenue. The availability of close by transit service helps to balance the circulation system as employees and patrons have easy access to the transit system, which encourages bicycling and walking. (Policy II.D.4.a)

**ECONOMIC DEVELOPMENT**

The expansion of the current business provides greater variety of employment opportunities because of the need for personnel skilled in food preparation, catering and office jobs. This will help the business grow both at this location and Citywide. (Policy II.D.6.a and b)

**B) The request furthers policies and objectives of the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan (HCRANSDP):**

- i. This amendment to the site development plan for subdivision will re-establish the zoning that is specified by the HCRANSDP, the CLD zone. The other allowed uses of this property, food production and associated warehousing, are inline with the function and operation of a restaurant use, also permissive in the CLD zone. Further, as this site is between the commercial corridor of Central Avenue and the residential neighborhood to the south, the proposed development will buffer the neighborhood from negative impacts created along the Central corridor in terms of traffic, noise and litter. (HCRANSDP Objective I - Land Use and Zoning)
- ii. This site proposes a support facility for the existing business and will generate less traffic than the previously approved uses. This will reduce the amount of



traffic exiting the property onto Central Avenue. (HCRANSDP Objective II - Transportation)

- iii. The proposed development will help to stabilize the area by adding a new building to an empty (underutilized) and uninviting lot and encourage new activity to in a mature neighborhood. (HCRANSDP Objective VII – Economic Development)
- iv. The proposed zone is inline with the regulations of the HCRANSDP; the CLD zone was originally proposed in the sector development plan to meet goals that protect the neighborhood while allowing for the commercial corridor along Central Avenue – the 50’ setback requirement is a result. (Chapter IV: Land Use and Zoning, HCRANSDP)

10. A facilitated meeting was held September 26, 2012, between the applicant and the Huning Castle Neighborhood Association, the Downtown Neighborhood Association and the North Valley Coalition. There was neighborhood concern expressed over the following topics: the exact location of the loading docks and their impact to the residential homes regarding noise; noise from delivery trucks; concern about ponding adjacent to the residential neighborhood. The applicant is working with the neighborhood to try and resolve these concerns.

11. Staff has received letters of opposition and a letters of support to this request. Staff also received an email from the president of the Huning Castle Neighborhood Association stating that board members are equally divided in their support and opposition.

***RECOMMENDATION - 12EPC 40058, October 11, 2012 - Site Development Plan for Subdivision Amendment***

**APPROVAL of 12EPC 40058, an amendment to a site development plan for subdivision, for Lot 2, Plat of Lots 1 & 2, Garcia Properties Development, formerly Tract 131, MRGCD Property Map No. 28, based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL - 12EPC 40058, October 11, 2012 - Site Development Plan for Subdivision Amendment***

- 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 Maximum building F.A.R of .61 (as listed in the Design Standards) shall be listed on the site development plan for subdivision.
4. A statement of allowed uses shall be stated under the zoning descriptor on the site plan for subdivision that reads: "Permissive Uses include all sector plan specific uses allowed in the CLD (commercial/low density apartment ) zone and food production and associated warehousing.
5. Conditions from City Engineer, Municipal Development, Water Authority and NMDOT:
  - a. Please provide the site development for subdivision that will need to be amended for review and its' revisions.
  - b. A six feet wide pedestrian path is required from Central to the building.
  - c. A Cross Access Easement will be required with adjacent lots for DRB approval.
  - d. All easements need to be shown and labeled on Site Plan.

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***FINDINGS – 12EPC 40057, October 11, 2012 - Site Development Plan for Building Permit***

1. This is a request for site development plan for building permit for all or a portion of Lot 2, Plat of Lots 1 & 2, formerly Tract 131, MRGCD Property Map 28, an approximately 1.34-acre site located on the south side Central Avenue, between Laguna Boulevard and San Pasquale Avenue.
2. The subject site is in the Established Urban Area of the Comprehensive Plan and within the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan.
3. The Albuquerque/Bernalillo County Comprehensive Plan, the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The requested site development plan for building permit is accompanied by an amendment to the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan map, Project #1004677, 12EPC-40060, and a site development plan for subdivision amendment – Project #1004677, 12EPC-40058. The sector plan’s map amendment is contingent on the approval of this request and the approval of the site development plan for subdivision amendment as the site plan controls the zoning on all SU-1 zoned sites. These requests apply only to Lot 2, Plat of Lots 1 & 2, Garcia Properties Development, formerly Tract 131, MRGCD Property Map 28 – no other sites in the subdivision will be affected.
5. The subject site is adjacent to an Enhanced Transit Corridor, Central Avenue.
6. The request is not in significant conflict with adopted elements of the Comprehensive Plan or other city master plans including the following:

**A) Comprehensive Plan:**

**ESTABLISHED URBAN AREA POLICIES**

The site development plan for building permit will allow a variety of uses at an intensity and design similar to structures within the surrounding area on a site that is blighted, underutilized and relatively vacant. Eliminating blight and preventing deterioration of property values in the area will also help to ensure integrity of the existing neighborhood. Since this request is for an expansion of an existing business, the surrounding area will not be greatly impacted by its expanded operations, thus maintaining existing neighborhood values. (Comprehensive Plan Policies II.B.5.d and e)

This change will also help to create increased opportunities for employment for the adjacent neighborhood and will act as a buffer from the Central Avenue corridor in minimizing adverse effects of noise, lighting, pollution, and traffic on residential environment. The site is to be developed as a support facility for an existing business on a relatively vacant lot; this will help improve the visual urban environment with landscaping and pedestrian pathways from the neighborhood to the transit corridor along

Central Avenue in this older neighborhood in the Established Urban Area.  
(Comprehensive Plan Policies II.B.5.i, m and o)

#### TRANSPORTATION AND TRANSIT POLICIES

The subject site is located adjacent to multiple transportation modes including an Enhanced Transit Corridor along Central Avenue. The availability of close by transit service helps to balance the circulation system as employees and patrons have easy access to the transit system, which encourages bicycling and walking. (Policy II.D.4.a)

#### ECONOMIC DEVELOPMENT

The expansion of the current business provides greater variety of employment opportunities because of the need for personnel skilled in food preparation, catering and office jobs. This will help the business grow both at this location and Citywide. (Policy II.D.6.a and b)

- B) The request furthers policies and objectives of the Huning Castle and Raynolds Addition Neighborhood Sector Development Plan (HCRANSDP):**
- i. This site development plan for building permit will re-establish the zoning that is specified by the HCRANSDP, the CLD zone. The other allowed uses of this property, food production and associated warehousing, are inline with the function and operation of a restaurant use, also permissive in the CLD zone. Further, as this site is between the commercial corridor of Central Avenue and the residential neighborhood to the south, the proposed development will buffer the neighborhood from negative impacts created along the Central corridor in terms of traffic, noise and litter. (HCRANSDP Objective I - Land Use and Zoning)
  - ii. This site proposes a support facility for the existing business and will generate less traffic than the previously approved uses. This will reduce the amount of traffic exiting the property onto Central Avenue. (HCRANSDP Objective II - Transportation)
  - iii. The proposed development will help to stabilize the area by adding a new building to an empty (underutilized) and uninviting lot and encourage new activity to in a mature neighborhood. (HCRANSDP Objective VII – Economic Development)
7. A facilitated meeting was held September 26, 2012, between the applicant and the Huning Castle Neighborhood Association, the Downtown Neighborhood Association and the North Valley Coalition. There was neighborhood concern expressed over the following topics: the exact location of the loading docks and their impact to the residential homes regarding noise; noise from delivery trucks; concern about ponding adjacent to the residential neighborhood. The applicant is working with the neighborhood to try and resolve these concerns.
  8. Staff has received letters of opposition and a letters of support to this request. Staff also received an email from the president of the Huning Castle Neighborhood Association stating that board members are equally divided in their support and opposition.

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***RECOMMENDATION - 12EPC 40057, October 11, 2012 - Site Development Plan for Building Permit***

**APPROVAL of 12EPC 40057, a site development plan for building permit, for Lot 2, Plat of Lots 1 & 2, Garcia Properties Development, formerly Tract 131, MRGCD Property Map No. 28, based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL - 12EPC 40057, October 11, 2012 - 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 Proposed Zoning on the site development plan for building permit (sheet SD 1.0) shall read “SU-2/SU-1/CLD and Food Preparation & Associated Warehousing”.
4. Landscaping:
  - a. All landscaping beds over 36 square-feet shall have 80% coverage of living vegetative material.
  - b. The landscaping shall meet the requirement in Section 14-16-3-10 (G)(1)(D) of the zoning code that “at least 75% of the required parking area trees shall be deciduous canopy-type shade trees, capable of achieving a mature canopy of at least 25 feet.”
  - c. There shall be a canopy tree added to the planting bed in the front parking aisle at the front of the building.
  - d. There shall be a continuous line of coniferous trees along with the deciduous trees at the rear-landscaping buffer for the residential zone.
  - e. Cutouts for water harvesting shall be shown on all site curbs on the site development plan for building permit.
5. The benches shown on the site development plan for building permit (page SD 1.0) shall conform to the regulations in Section 14-16-3-18 (C)(3) of the Zoning Code.

6. The dimensions of the building mounted sign shall match the actual sign area that is shown (approximately 53 square-feet).
  
  7. Conditions from City Engineer, Municipal Development, Water Authority and NMDOT:
    - a. The "Traffic Circulation Plan" sheet C-3 will need to be re-named as an Exhibit for Truck Delivery circulation and the size and classification of the truck will need to be provided.
    - b. A six feet wide pedestrian path is required from Central to the building.
    - c. Handicap parking stall widths need to be 8'-6" instead of proposed 8'-3".
    - d. Site plan shall comply and be in accordance with DPM (Development Process Manual) and current ADA standards/ requirements.
    - e. Provide/label/detail all dimensions, classifications and proposed infrastructure for on-site.
    - f. Proposing ponding on the site is a conceptually correct; a Conceptual Grading and Drainage plan should be submitted to Hydrology for DRB (Development Review Board) approval of the site plan.
    - g. The site plan, sheet SD1.0, should indentify the ponding area as a pond, as well as a 'landscape buffer.'
    - h. A Cross Access Easement will be required with adjacent lots for DRB approval.
    - i. All easements need to be shown and labeled on Site Plan.
  
  8. Condition from Public Service Company of New Mexico:

Screening should be designed to allow for access to utility facilities. As a condition, 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. Please refer to the PNM Electric Service Guide for specifications.
- 

***Christopher Hyer  
Senior Planner***

***Notice of Decision cc list:***

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Robert Bello, 1424 Roma NW, Albuquerque, NM, 87104  
Ranne B. Miller, 1521 Park SW, Albuquerque, NM 87104  
Bill Biffle, 401 Laguna SW, Albuquerque, NM, 87104  
Chris Catechis, 5733 Guadalupe Trail NW, Albuquerque, NM, 87107  
David Wood, 158 Pleasant NW, Albuquerque, NM, 87107

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## CITY OF ALBUQUERQUE AGENCY COMMENTS

### PLANNING DEPARTMENT

#### Zoning Enforcement

The SU-1 description of the type of use should be questioned; whether the applicant needs to request "food preparation and catering" or "food production and catering"

No further comments.

#### Office of Neighborhood Coordination

Downtown NA (R), Huning Castle NA (R), North Valley Coalition

9/4/12 – Recommended for Facilitation – siw

9/4/12 – Assigned to Pilar Vaile - sdb

#### Long Range Planning

No comments received.

#### Metropolitan Redevelopment Section

*Site Development Plan for Building Permit, Amendment to Site Development Plan, and Amendment to Sector Development Plan map.* The subject development site is within the Historic Central Metropolitan Redevelopment Area. Metropolitan Redevelopment Section staff has the following comments on this application:

- The Historic Central MRA Plan, in preparation, will advance the goals and policies of all relevant adopted Plans, including the Comprehensive Plan.
- The proposed site development plan does respond to the policies of the Comprehensive Plan, specifically policy B.5.d.3, policy B.5.e.1, policy B.5.i.4, policy B.6.a.3. In general, these policies encourage new development and re-development that is mixed-use, and emphasizes travel by transit, walking, and bicycling.

### CITY ENGINEER

#### Transportation Development (City Engineer/Planning Department):

##### A. Amendment to the Zone Map:

- Reviewed, no comment.

##### B. Site Development Plan for Building Permit:

- The "Traffic Circulation Plan" sheet C-3 will need to be re-named as an Exhibit for Truck Delivery circulation and the size and classification of the truck will need to be provided.
- A six feet wide pedestrian path is required from Central to the building.
- Handicap parking stall widths need to be 8'-6" instead of proposed 8'-3".
- Site plan shall comply and be in accordance with DPM (Development Process Manual) and current ADA standards/ requirements
- Provide/label/detail all dimensions, classifications and proposed infrastructure for on-site.
- All easements need to be shown and labeled on Site Plan.
- A Cross Access Easement will be required with adjacent lots for DRB approval.

**C. Amendment to Site Development Plan for Subdivision:**

- Please provide the site development for subdivision that will need to be amended for review and its' revisions.
- A six feet wide pedestrian path is required from Central to the building.
- A Cross Access Easement will be required with adjacent lots for DRB approval.
- All easements need to be shown and labeled on Site Plan.

**Hydrology Development (City Engineer/Planning Department):**

**A. Amendment to the Zone Map:**

- Hydrology has no objection to the Amendment.

**B. Site Development Plan for Building Permit:**

- Proposing ponding on the site is a conceptually correct; a Conceptual Grading and Drainage plan should be submitted to Hydrology for DRB (Development Review Board) approval of the site plan.
- The site plan, sheet SD1.0, should identify the ponding area as a pond, as well as the 'landscape buffer.'

**C. Amendment to Site Development Plan for Subdivision:**

- Hydrology has no objection to the Amendment.

**Transportation Planning (Department of Municipal Development):**

- No comments received.

**Traffic Engineering Operations (Department of Municipal Development):**

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

**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 Amendment to Zone Map, Site Development Plan for Building Permit and Amendment to Site Development Plan for Subdivision shall include:

**Amendment to Site Development Plan for Subdivision**

- e. Please provide the site development for subdivision that will need to be amended for review and its' revisions.
- f. A six feet wide pedestrian path is required from Central to the building.
- g. A Cross Access Easement will be required with adjacent lots for DRB approval.
- h. All easements need to be shown and labeled on Site Plan.

**Site Development Plan for Building Permit**

- j. The "Traffic Circulation Plan" sheet C-3 will need to be re-named as an Exhibit for Truck Delivery circulation and the size and classification of the truck will need to be provided.
- k. A six feet wide pedestrian path is required from Central to the building.
- l. Handicap parking stall widths need to be 8'-6" instead of proposed 8'-3".



- m. Site plan shall comply and be in accordance with DPM (Development Process Manual) and current ADA standards/ requirements.
- n. Provide/label/detail all dimensions, classifications and proposed infrastructure for on-site.
- o. Proposing ponding on the site is a conceptually correct; a Conceptual Grading and Drainage plan should be submitted to Hydrology for DRB (Development Review Board) approval of the site plan.
- p. The site plan, sheet SD1.0, should indentify the ponding area as a pond, as well as a 'landscape buffer.'
- q. A Cross Access Easement will be required with adjacent lots for DRB approval.
- r. All easements need to be shown and labeled on Site Plan.

**ENVIRONMENTAL HEALTH DEPARTMENT**

**Air Quality Division**

No comments received.

**Environmental Services Division**

No comments received.

**PARKS AND RECREATION**

**Planning and Design**

Reviewed, no objection.

**Open Space Division**

No comments received.

**City Forester**

No comments received.

**POLICE DEPARTMENT/Planning**

No Crime Prevention or CPTED comments concerning the proposed Site Development Plan For Building Permit, Amended Site Development Plan For Subdivision, Amendment to Zone Map and/or Amended to Sector Development Map requests at this time.

**SOLID WASTE MANAGEMENT DEPARTMENT**

**Refuse Division**

Approved as long as they comply with SWMD Ordinance.

**FIRE DEPARTMENT/Planning**

All site development plans for subdivisions and site development plans for building permit shall be submitted to the Fire Marshal's Office Plans Checking Division for review and approval.

**TRANSIT DEPARTMENT**

Adjacent and nearby routes	Route #66, Central route and Route #766, Red Line Rapid Ride route passes the site on Central.
Adjacent bus stops	There is an existing bus stop 40' east from the northeast corner of the property corner serving route 66 in the west bound direction.
Site plan requirements	None.
Large site TDM suggestions	None.

**COMMENTS FROM OTHER AGENCIES**

**BERNALILLO COUNTY**

No comments received.

**ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY**

Reviewed, no comment.

**ALBUQUERQUE PUBLIC SCHOOLS**

**Garcia Properties Development**, Lot 2, is located on Central Av SW between Laguna Blvd SW and San Pasquale Ave SW. The owner of the above property requests approval of a Site Development Plan for Building Permit, a Zone Change from SU2/SU1-Mixed Use Development to SU2/SU1-CLD for Food Preparation and Catering for an existing Garcia's Kitchen restaurant. This will have no adverse impacts to 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**

1. It is the applicant's obligation to determine if existing utility easements cross the property and to abide by any conditions or terms of those easements.

2. Screening should be designed to allow for access to utility facilities. As a condition, 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. Please refer to the PNM Electric Service Guide for specifications.