

# CITY OF ALBUQUERQUE



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

## OFFICIAL NOTIFICATION OF DECISION

September 15, 2017

Mark 3S, Inc.  
1720 Louisiana Blvd NE  
Albuquerque, NM 87110

**Project# 1005237**

17EPC-40032 Site Development Plan for Building Permit  
Amendment

17EPC-40033 Site Development Plan for Subdivision Amendment

**LEGAL DESCRIPTION:**

The above actions for Lot 8 and the western half of Lot 9, Block 20, Unit 3, Tract 3, North Albuquerque Acres; and Tract A and Tract B, Mark 3S Holly Development, zoned SU-2/Mixed Use, located on Holly Ave. NE, between Ventura St. NE, and Holbrook St. NE, containing approximately 2.7 acres. (C-20)

Staff Planner: Catalina Lehner

PO Box 1293

On September 14, 2017 the Environmental Planning Commission (EPC) voted to APPROVE Project 1005237/17EPC-40032, a Site Development Plan for Building Permit Amendment and 17EPC-40033, a Site Development Plan for Subdivision Amendment, based on the following findings and conditions:  
Albuquerque

**FINDINGS**- 17EPC-40033, Site Development Plan for Subdivision Amendment:

NM 87103

1. This is a request for an amendment to a Site Development Plan for Subdivision (SPS, 15EPC-400) for Lot 8 and the western half of Lot 9, Block 20, Unit 3, Tract 3, North Albuquerque Acres; and Tracts A and B, Mark 3S Holly Development, located on Holly Ave. NE, between Ventura St. and Holbrook St. NE, containing approximately 2.7 acres.
2. The request will allow expansion of the existing school campus, consisting of a daycare center/preschool (Building B) and an elementary school (Building A). The applicant has acquired property adjacent west of the existing development and wants to add a daycare center for infants (Building C). The request amend the previously approved SPBP (15EPC-40012) by adding a new building, adding more parking areas, expanding the playground, and extending the sidewalk and curb and gutter along Holly Ave. NE.
3. An amendment to the existing Site Development Plan for Building Permit (SPBP, 17EPC-40032) is being considered concurrently to this request.
4. The subject site is zoned SU-2/Mixed Use pursuant to the La Cueva Sector Development Plan (LCSDP). The SU-2/Mixed Use zone references the C-1 zone, with certain exceptions. A daycare center is a permissive use.

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5. The design requirements of the LCSDP, the Common Design Regulations for All SU-2 Zoned Properties and RT Development in the RD Zone, apply.
6. The Albuquerque/Bernalillo County Comprehensive Plan, the LCSDP, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
7. The request furthers the following, applicable Goals and policies of the Comprehensive Plan:
  - A. Goal 4.1- Character: Enhance, protect, and preserve distinct communities.

Policy 4.1.1- Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

The proposed new building and site improvements would generally enhance the distinct community that has developed in this part of NE Albuquerque, which is subject to the design regulations of the La Cueva Sector Development Plan (LCSDP).

The new development would be of a quality consistent with the existing development on the subject site and nearby in the area.

- B. Goal 5.1- Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

Policy 5.1.2- Development Areas: Direct more intense growth to Centers and Corridors and use Development Areas to establish and maintain appropriate density and scale of development within areas that should be more stable.

The subject site is located outside of the designated Activity Centers, where lower-intensity development is desired. The subject site backs up to a designated Commuter Corridor, Paseo del Norte Blvd., which is intended to move vehicles relatively quickly, with less focus on alternative transportation modes.

The area near the subject site is mostly residential and is intended to be more stable than other areas. Situating lower-intensity growth in this area, which would maintain appropriate and compatible density and scale with existing development, is appropriate.

- C. Goal 5.6- City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

Policy 5.6.3- Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The subject site is located in an Area of Consistency, where neighborhoods and stability are desired. Growth is generally desired in Areas of Change. However, development such as that

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proposed would reinforce the character and intensity of the surrounding area due to its scale and architectural compatibility.

The proposed development would not be intense and would generally enhance the character of the existing single-family neighborhoods nearby due to its scale and architectural compatibility.

**8. The request furthers the following, applicable Guiding Principles of the LCSDP:**

**A. Guiding Principle 4 (p. 4): Land uses that are compatible with existing development.**

The proposal would result in development of a daycare center on the expanded subject site. The new use would be compatible with the existing pre-school and elementary school on the subject site, and would provide an additional service to support the surrounding neighborhoods.

**B. Guiding Principle 2 (p. 25): The plan area is intended to be urban, with a mix of residential densities and a variety of retail and service businesses to meet the needs of the area's growing population.**

The proposal would allow expansion of a service business (a school) while adding another service, a daycare center. This would promote variety and help to meet the needs of the area's growing population.

**C. Guiding Principle 8 (p. 25): The North Albuquerque Community has identified "views" and "open space" as two valuable assets that identify the area.**

The applicant submitted a view analysis showing that the views to the south and the southwest will be protected. The proposed height, 23 feet, is three feet less than the 26 feet allowed for residential uses nearby.

**D. Guiding Principle 9 (p. 25): Existing development has begun to create an identity for the plan area based on architectural styles, quality of design and compatibility with the natural landscape. The community is looking to the plan to solidify this identity by requiring compatible new development.**

**9. The applicant wants each building (A, B, and C) to be on a separate tract, which raises issues with respect to parking requirements and access. Since the school and daycare centers will function as a cohesive campus owned by the same party, it may be worthwhile to reconsider the location of the proposed lot lines. If the buildings are sold in the future, or if a portion of the school no longer functions as such, the lot lines can be adjusted at that time through a minor subdivision action at the DRB.**

**10. Conditions of approval are needed to clarify the submittal.**

**11. The applicant notified the Vineyard Estates NA, Heritage East Association of Residents, and District 4 Coalition of NAs. The City notified property owners within 100 feet of the site, as**

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required. As of this writing, Staff has received three phone calls: two from neighbors and one from a neighboring business owner. All inquired about the project but were not opposed to it. One caller was concerned about views. Staff received a letter from a neighbor indicating that they would not be able to attend the hearing. There is no known opposition.

**CONDITIONS-** 17EPC-40033, 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 proposed lot lines shall be labeled and clearly indicated, and re-drawn to show a single tract.
4. The buildings' primary use shall be listed.
5. The following conditions from Transportation Staff shall be met:
  - A. The site should have a Neighborhood Impact Assessment (NIA) study done if access is being added or changed for a school.
  - B. Lot line should be adjusted as to not landlock parcels.
  - C. Show existing lot lines and indicate proposed lot lines.
  - D. Parking spaces should not cross or straddle lot lines. Curb returns and ADA ramps must be kept inside property lines.
  - E. Infrastructure and/or ROW dedications may be required at DRB.
  - F. All work within the public ROW must be constructed under a COA Work Order.
  - G. Provide cross access easements and any applicable shared parking agreements.
  - H. Curb, gutter, sidewalk and roadway section improvements will be required at DRB.

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1. This is a request for an amendment to a Site Development Plan for Building Permit (SPBP, 15EPC-40012) for Lot 8 and the western half of Lot 9, Block 20, Unit 3, Tract 3, North Albuquerque Acres; and Tracts A and B, Mark 3S Holly Development, located on Holly Ave. NE, between Ventura St. and Holbrook St. NE, containing approximately 2.7 acres.

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2. The request will allow expansion of the existing school campus, consisting of a daycare center/preschool (Building B) and an elementary school (Building A). The applicant has acquired property adjacent west of the existing development and wants to add a daycare center for infants (Building C). The request amend the previously approved SPBP (15EPC-40012) by adding a new building, adding more parking areas, expanding the playground, and extending the sidewalk and curb and gutter along Holly Ave. NE.
3. An amendment to the existing Site Development Plan for Subdivision (SPS, 17EPC-40033) is being considered concurrently to this request.
4. The subject site is zoned SU-2/Mixed Use pursuant to the La Cueva Sector Development Plan (LCSDP). The SU-2/Mixed Use zone references the C-1 zone, with certain exceptions. A daycare center is a permissive use.
5. The design requirements of the LCSDP, the Common Design Regulations for All SU-2 Zoned Properties and RT Development in the RD Zone, apply.
6. The Albuquerque/Bernalillo County Comprehensive Plan, the LCSDP, and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
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The proposed new building and site improvements would generally enhance the distinct community that has developed in this part of NE Albuquerque, which is subject to the design regulations of the La Cueva Sector Development Plan (LCSDP).

The new development would be of a quality consistent with the existing development on the subject site and nearby in the area.

B. Goal 5.1- Centers & Corridors: Grow as a community of strong Centers connected by a multi-modal network of Corridors.

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The subject site is located outside of the designated Activity Centers, where lower-intensity development is desired. The subject site backs up to a designated Commuter Corridor, Paseo del Norte Blvd., which is intended to move vehicles relatively quickly, with less focus on alternative transportation modes.

The area near the subject site is mostly residential and is intended to be more stable than other areas. Situating lower-intensity growth in this area, which would maintain appropriate and compatible density and scale with existing development, is appropriate.

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The proposed development would not be intense and would generally enhance the character of the existing single-family neighborhoods nearby due to its scale and architectural compatibility.

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The proposal would allow expansion of a service business (a school) while adding another service, a daycare center. This would promote variety and help to meet the needs of the area's growing population.

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The applicant submitted a view analysis showing that the views to the south and the southwest will be protected. The proposed height, 23 feet, is three feet less than the 26 feet allowed for residential uses nearby.

- D. Guiding Principle 9 (p. 25): Existing development has begun to create an identity for the plan area based on architectural styles, quality of design and compatibility with the natural landscape. The community is looking to the plan to solidify this identity by requiring compatible new development.**

The proposed development complies with the design requirements of the LCSDP and will be an appropriate addition to the area because it will be of a similar style and quality.

9. The applicant will need to seek a variance to Design Regulation 12R-3 of the LCSDP through the Zoning Hearing Examiner (ZHE) process to increase the allowed parking on the subject site. Pursuant to Design Regulation 12R-3, the maximum parking allowed is the minimum plus 10%. For Tract C: 24 spaces maximum allowed; 72 provided. For the school campus (Tracts A, B, and C) as a whole, 87 maximum allowed; 98 provided.
10. Conditions of approval are needed to remedy instances of non-compliance with the Zoning Code and the LCSDP Design Regulations, and to clarify the submittal.
11. The applicant notified the Vineyard Estates NA, Heritage East Association of Residents, and District 4 Coalition of NAs. The City notified property owners within 100 feet of the site, as required. As of this writing, Staff has received three phone calls: two from neighbors and one from a neighboring business owner. All inquired about the project but were not opposed to it. One caller was concerned about views. Staff received a letter from a neighbor indicating that they would not be able to attend the hearing. There is no known opposition.

**CONDITIONS- 17EPC-40032, Site Development Plan for Building Permit 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. A note shall be added to state that the Site Development Plan shall comply with the "Common Design Regulations for All SU-2 Zoned Properties and RT Development in the RD Zone" in the LCSDP.
4. The proposed lot lines shall be removed.

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5. The Neighborhood Impact Assessment shall be provided and found acceptable by Transportation Staff.

6. Parking:

- A. Each lot shall be fully parked for regular spaces, handicap spaces, motorcycle spaces, and bicycle spaces pursuant to applicable requirements.
- B. The MC spaces on Tract C will need to be relocated to an area visible from the building's main entrance pursuant to Zoning Code 14-16-3-1(C)(2).
- C. Parking shall be reduced to comply with LCSDP Regulation 12R-3 (maximum parking allowed is 10% plus the minimum required amount).

7. Pedestrian Access & Circulation:

- A. A pathway across the gravel shall be provided to connect to the paved, multi-use trail along Paseo del Norte Blvd. (LCSDP 1R-1)
- B. A pedestrian connection shall be provided from the sidewalks to the principal customer entrance of Building C [Zoning Code 14-16-3-1(H)].
- C. The existing pedestrian pathway through the parking lot to Building A shall be retained and shown.

8. Open Space & Common Areas:

- A. A plaza area, courtyard, patio seating area, or a pedestrian plaza with benches shall be added (LCSDP 8R-2).
- B. A public open space amenity equal to the greater of 400 sf or four percent or greater of the building footprint shall be provided (LCSDP 8R-3).

9. Outdoor Seating:

- A. A bench shall be provided on one of the building's facades that exceeds 100 feet long. [Zoning Code 14-16-3-18(C)(3)].
- B. Seating calculations shall be provided.
- C. A bench detail shall be provided.

10. Walls: A decorative feature shall be added to the proposed wall pursuant to Zoning Code 14-16-3-19(C)(2) (a) (b).

11. Landscaping:

- A. The proposed landscaping plan shall accurately depict the existing landscape.

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B. The divided landscape area near the subject site's SW corner shall be enlarged to have enough space for a tree.

C. The parking lot tree total shall be changed to 13 (vitex are too small to count).

D. A couple of large, canopy-forming, not multi-trunk trees shall be added to the play area or the parking lot.

E. Curb notches shall be shown on the landscaping plan and match those on the Grading and Drainage Plan.

**12. Lighting:**

A. A note shall be added regarding outdoor lighting fixtures being fully shielded and equipped with automatic timing devices (LCSDP 14R-2).

B. A note is needed on the site development plan to ensure that all outdoor light fixtures will have light and motion sensors and/or automatic timers (LCSDP 14R-3).

C. A note is needed on the site development plan regarding outdoor lighting system design and operation (LCSDP 14R-7).

**13. Views Sheet:**

A. The view lines shall be indicated on the main sheet (Sheet 1).

B. The dimensions and distances used on the view sheet shall match those on the site plan.

**14. Signage:**

A. The building-mounted signage shall be dimensioned, with the square footage totaled (LCSDP 13R-8).

B. The height to the building-mounted light fixtures shall be dimensioned (LCSDP 14R-6).

C. Colors and materials of the building-mounted signage shall be specified in a sign detail (LCSDP 13R-8).

**15. Architecture:**

A. The building footprints shall be dimensioned and match the dimensions on the elevations.

B. A note shall be added regarding roof color (LCSDP 9R-3).

**16. Other:**

A. Label the circle area near the play area or add it to the legend.

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- B. The refuse enclosure shall be labeled.
  - C. The amendments shall be listed.
  - D. The buildings' primary uses shall be listed.
  - E. The SPS notes shall be removed from the SPBP.
  - F. Move notes regarding signage, lighting, and roofing to other sheets.
17. The following conditions from Transportation Planning Staff shall be met:
- A. Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB).
  - B. Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.
  - C. Parking spaces cannot cross over lot lines.
  - D. A trail connection must be provided from each tract to the Paseo Del Norte multi use path.
  - E. Access, curb returns and ADA curb ramps must be contained within the frontage of the servicing tract. The entrance is shown outside of the property line because of the new property line.
  - F. Provide cross access easements and any applicable shared parking agreements.
  - G. Clearly identify all changes to existing site. The site plan does not show what changes are being made to the existing buildings or site.
  - H. Identify motorcycle parking by sign, either free-standing or wall mounted.
  - I. Please add a note on the plan stating "All improvements located in the Right of Way must be included on the work order."
18. Condition from the Albuquerque/Bernalillo County Water Utility Authority (ABCWUA):
- Submit an Availability Statement request. Requests can be made at the link below:  
[http://www.abcwua.org/Availability\\_Statements.aspx](http://www.abcwua.org/Availability_Statements.aspx)  
Request shall include a City Fire Marshal approved Fire 1 Plan and a zone map showing the site location.
19. The following conditions from PNM shall be met:
- A. It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those

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easements. Existing PNM overhead distribution facilities are located on north side of the property.

- B. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Contact: Mike Moyer, PNM Service Center 4201 Edith Boulevard NE, Albuquerque, NM 87107 Phone: (505) 241-3697
- C. Screening should be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Please refer to the PNM Electric Service Guide at [www.pnm.com](http://www.pnm.com) for specifications.
- D. An existing overhead distribution line is located along the northern boundary of the subject property. On Sheet 2, Landscape Plan, the proposed tree selection along Holly Avenue NE, the Red Texas Oak, is not a compatible height at maturity with the existing overhead electric distribution facility along the northern boundary of the site. A shorter tree selection at mature height is necessary at this location. PNM's landscaping preference is for trees and shrubs to be planted outside the PNM easement; however, if within the easement, trees and shrubs should be located to minimize effects on electric facility maintenance and repair. New trees planted near PNM facilities should be no taller than 25 feet in height at maturity to avoid conflicts with existing electric infrastructure. Trees at mature height that interfere with this electric line will be trimmed. It is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Contact: Mike Moyer, PNM Service Center, 4201 Edith Boulevard NE, Abq., NM 87107. Phone: (505) 241-3697

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **SEPTEMBER 29, 2017**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

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

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

**SITE DEVELOPMENT PLANS:** Pursuant to Zoning Code Section 14-16-3-11(C)(1), if less than one-half of the approved square footage of a site development plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the

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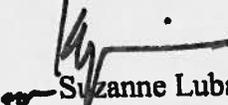
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property owners shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. Additional design details will be required as a project proceeds through the Development Review Board and through the plan check of Building Permit submittals for construction. Planning staff may consider minor, reasonable changes that are consistent with an approved Site Development Plan so long as they can be shown to be in conformance with the original, approved intent.

Sincerely,

  
Suzanne Lubar  
Planning Director

SL/CL

cc: Mark 3S Inc., 1720 Louisiana Blvd NE, ABQ, NM 87110  
High Mesa Consulting Group, 6010-B Midway Park Blvd NE, ABQ, NM 87109  
Heritage East Assoc. of Residents, Karl Benedict, 9415 DeVargas Loop NE, ABQ, NM 87109  
Heritage East Assoc. of Residents, Paul Jessen, 9304 San Rafael Ave. NE, ABQ, NM 87109  
Vineyard Estates NA., Elizabeth Meek, 8302 Mendocino Dr. NE, ABQ, NM 87122  
Vineyard Estates NA. Tony Huffman, 9712 Sand Verbena Trl. NE, ABQ, NM 87122  
Dist. 4 Coalition of NAs, Michael Pridham, 6413 Northland Ave NE, ABQ, NM 87109  
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