

PLANNING DEPARTMENT  
URBAN DESIGN & DEVELOPMENT DIVISION  
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## OFFICIAL NOTIFICATION OF DECISION

September 15, 2022

Maestas Development Group  
7620 Jefferson Street NE  
Albuquerque NM, 87109

**Project # PR-2021-005482**  
SI-2022-01473– Site Plan- EPC Major Amendment

### LEGAL DESCRIPTION:

Consensus Planning, agent for Maestas Development Group, requests a Site Plan- Major Amendment, for all or a portion of Tracts A-1A, B-1, and C-1 (replatted as Lots A thru F) Lovelace Heights Addition, located at 2121 Yale Blvd. SE, between Gibson Blvd. SE and Miles Rd. SE, zoned NR-C, approximately 7.5 acres (M-15)  
Staff Planner: Megan Jones

On September 15, 2022, the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2021-005482, SI-2022-01473 a Site Plan-Major Amendment, based on the following Findings and Conditions of Approval:

### FINDINGS – SI-2022-01473

1. The request is for a Major Amendment for a property legally described as all or a portion of Tracts A-1A, B-1, and C-1 (replatted as Lots A thru F) Lovelace Heights Addition, located at 2121 Yale Blvd. SE, between Gibson Blvd. SE and Miles Rd. SE, zoned NR-C, approximately 7.5 acres (the “subject site”)
2. The applicant requests the EPC to abandon the controlling site development plan for building permit (Z-93-18). The subject site would then be controlled by the IDO and subject to IDO processes and regulations. The process for future Site Plans would be determined at the time of application pursuant to IDO requirements.
3. The EPC is hearing this case pursuant to IDO section 14-16-6-4(Z) Amendments of Pre-IDO Approvals. Major amendments shall be reviewed by the decision-making body that issued the permit or approval being amended, following the procedures for the most closely equivalent decision in Part 14-16-6 (Administration and Enforcement). The amendment exceeds the thresholds found in IDO table 6-4-4: Allowable Minor Amendments, therefore it is classified as a Major Amendment pursuant to IDO section 14-16-6-4(Z)(1)(b).
4. The subject site is located in an Area of Change and in an Area of Consistency on the Yale Blvd. Premium Transit Corridor and the Gibson Blvd. Commuter Corridor, as designated by the

Comprehensive Plan. It is within the Near Heights Community Planning Area (CPA) and not located in a designated Center.

5. The subject site is zoned NR-C (Non-residential – Commercial) a zoning designation received upon adoption of IDO in May 2018. The subject site was formerly zoned C-3 with a SC designation.
6. The Albuquerque/Bernalillo County Comprehensive Plan and the Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
7. The request is consistent with the following Comprehensive Plan Goals and Policies regarding land use and development patterns from Chapter 5: Land Use.

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

The subject site is located on the future Yale Blvd. Premium Transit Corridor and on the Gibson Blvd. Commuter Corridor as designated by the Comprehensive Plan. Premium Transit Corridors are intended to be planned for mixed-use and transit-oriented development near transit stations while Commuter Corridors prioritize development along the corridor. The request would facilitate future development that is consistent with the intent for these type of corridor by providing the opportunity for future growth along a network of corridors.

- B. Policy 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods.

Sub-policy n: Encourage more productive use of vacant lots and under-utilized lots, including surface parking.

The request would generally contribute to the creation of healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from the surrounding neighborhoods because it would facilitate future redevelopment of the subject site in a highly developed area with a mix of uses. The subject site is conveniently accessible by nearby residential neighborhoods through the existing sidewalk and transit networks. The request would generally encourage a more productive use since the subject site is currently vacant and underutilized.

- C. Goal 5.3 – Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

Policy 5.3.1 – Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The subject site is partially located in an Area of Change and is surrounded by an established Area of Change, which are desired infill development locations. The request would facilitate future redevelopment of the subject site, which would be served by existing infrastructure and

public utilities. Future development would generally promote efficient development patterns and use of land by providing additional growth on a vacant infill location under the NR-C zone.

8. The request is consistent with the following Comprehensive Plan Goals and Policies regarding City Development Areas and from Chapter 5: Land Use.

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

The subject site is located in an Area of Change, where growth is expected and desired, as well as in an Area of Consistency, where infill development/redevelopment is expected to be compatible with the scale and character of the surrounding area. The request would encourage enable and direct growth to it.

- B. Policy 5.6.2 Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The subject site is located partially in an Area of Change and on Yale Blvd. NE, a Premium Transit corridor, and Gibson Blvd. SE, a Commuter Corridor as designated by the Comprehensive Plan. The request would encourage, enable, and direct future growth to the area and along two designated corridors.

- C. 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 partially in an Area of Consistency and outside of a designated Center with convenient access from surrounding single-family and multi-family residential neighborhoods. Future redevelopment of the subject site made possible by this request, would be subject to Development Standards for Areas of Consistency and the NR-C zone district, etc. within the IDO. This would put stringent development standards on any future development on the subject site, thereby protecting and enhancing the character of the existing area.

9. The request meets the Site Plan-EPC Review & Decision Criteria in IDO Section 14-16-6-6(H)(3) as follows:

- A. 6-6(H)(3)(a) The Site Plan is consistent with the ABC Comp Plan, as amended.

As demonstrated by the policy analysis, overall the request is generally consistent with applicable Comprehensive Plan Goals and policies.

- B. 6-6(H)(3)(b) The Site Plan is consistent with any applicable terms and conditions in any previously approved NR-SU or PD zoning covering the property and any related development agreements and/or regulations.

The subject site is not zoned NR-SU or PD. The subject site is zoned NR-C therefore, this criterion does not apply.

- C. 6-6(H)(3)(c) The Site Plan complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any terms and conditions specifically applied to development of the property in a prior permit or approval affecting the property.

The request is for a Major Amendment to the controlling site development plan for Building Permit. The subject site would then be controlled by the IDO rather than the Controlling Site Plan and would be required to comply with all applicable provisions of the IDO.

- D. 6-6(H)(3)(d) The City's existing infrastructure and public improvements, including but not limited to its street, trail, drainage, and sidewalk systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the extent practicable.

The subject site is already served by existing infrastructure and public facilities. Any future capacity needs would be addressed through the DRB and/or building permit process.

- E. 6-6(H)(3)(e) The application mitigates any significant adverse impacts on the surrounding area to the maximum extent practicable.

The request would abandon the controlling Site Development Plan for Building Permit and any future development on the subject site will be required to comply with the all development standards within the IDO, specifically buffering and landscaping requirements, which would mitigate any significant adverse impacts.

- F. 6-6(J)(3)(f) If the subject property is within an approved Master Development Plan, the Site Plan meets any relevant standards in the Master Development Plan in addition to any standards applicable in the zone district the subject property is in.

The subject property is not within an approved Master Development Plan; therefore, this criterion does not apply.

- G. 6-6(J)(3)(g) If a cumulative impact analysis is required in the Railroad and Spur Area pursuant to Subsections 14-16-5-2(E) (Cumulative Impacts) and 14-16-6-4(H) (Cumulative Impacts Analysis Requirements), the Site Plan incorporates mitigation for all identified cumulative impacts. The proposed development will not create material adverse impacts on water quality or other land in the surrounding area through increases in traffic congestion, parking congestion, noise, vibration, light spillover, or other nuisances without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

The subject property is not within the Railroad and Spur Area and no cumulative impact analysis is required. Therefore, this criterion does not apply.

10. The affected, registered neighborhood organizations are the Kirtland Community Association, the Clayton Heights Lomas del Cielo NA, the District 6 Coalition of NAs, the Yale Village NA, and

the Victory Hill's Neighborhood Associations, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.

11. The applicant received one email correspondence regarding the replatting of the subject site, but there was not a request for a meeting.
12. As of this writing, Staff has not been contacted and is unaware of any opposition.
13. Staff has crated conditions of approval needed to improve compliance moving forward.

### **CONDITIONS OF APPROVAL – SI-2022-01473**

1. The applicant shall meet with the Staff planner prior to applying to Site Plan-EPC, Site Plan-DRB, or Site Plan-Admin to ensure that the conditions of approval are addressed.
2. The applicant shall place a note on the historic site development plan for building permit (Z-93-18) to indicate that Tract A-1A, B1, and C1 are no longer a part of the site development plan for building permit pursuant to the EPC's September 15, 2022 decision.
3. **CONDITIONS FROM THE CITY ENGINEER, TRANSPORTATION DEVELOPMENT**
  - 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.
4. **CONDITION FROM PNM**

Any existing and/or new PNM easements and facilities need to be reflected on any resulting future Site Plan or Plat.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **September 30, 2022**. 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 14-16-6-4(V) of the Integrated Development Ordinance (IDO), Administration and Enforcement. 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 an EPC Recommendation to the City Council since this is not a final decision.

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 IDO must be complied with, even after approval of the referenced application(s).

OFFICIAL NOTICE OF DECISION

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September 15, 2022

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Sincerely,

*Catalina Lehner*

for Alan M. Varela,  
Planning Director

AV/CL/MJ

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