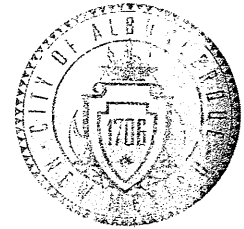


# CITY OF ALBUQUERQUE



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

RECEIVED NOV 16 2016

## OFFICIAL NOTIFICATION OF DECISION

November 14, 2016

Sequel of N.M., LLC  
1131 Eagletree Lane  
Huntsville, Alabama 35801

AOC New Mexico, LLC  
99 S. Raymond Avenue  
Pasadena, CA 91105

**Project# 1011008**  
16EPC-40057 Zone Map Amendment  
(Zone Change)  
16EPC-40058 Site Development Plan for Building Permit

### LEGAL DESCRIPTION:

The above actions for all or a portion of Tract 2-A, Plat of Tracts 2-A & 2-B, Newport Industrial Park West, Unit 1, zoned IP to SU-1 for IP and Hospital, located on Randolph Rd. SE, between Yale Blvd. SE and University Blvd SE, containing approximately 4.8 acres. (M-15)  
Staff Planner: Vicente Quevedo

PO Box 1293

Albuquerque

NM 87103

On November 10, 2016 the Environmental Planning Commission (EPC) voted to APPROVE Project #101108/16EPC-40057, a Zone Map Amendment (Zone Change) and 15EPC-40058, a Site Development Plan for Building Permit, based on the following findings and subject to the following conditions of approval:

[www.cabq.gov](http://www.cabq.gov)

### FINDINGS – 16EPC-40057 – Zone Map Amendment:

1. This is a request for a Zone Map Amendment from IP (Industrial Park) to SU-1 for IP and Hospital for Tract 2-A, Plat of Tracts 2-A & 2-B, Newport Industrial Park West, Unit 1 located on Randolph Rd., between Yale Blvd. and University Blvd and containing approximately 4.8 acres.
2. The applicant has requested that the subject site be re-platted by the Development Review Board (DRB).
3. The re-plat action will create a new Tract 2A-1 that will contain the existing building on the subject site along with all 99 proposed parking spaces on the subject site, and will comprise a total acreage of approximately 3.3 acres.

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4. The remaining lot lines containing approximately 1.5 acres on the subject site will be vacated, and will be absorbed into Tract 2-B-1-A to the north.
5. The new proposed lot configuration is outlined on the proposed Site Development Plan for Building Permit.
6. A condition of approval for the requested Zone Map Amendment regarding the required re-platting action by the DRB has been included for 16EPC-40057.
7. Upon final DRB sign off of the re-platting action and Site Development Plan for Building Permit, the requested Zone Map Amendment will only apply to Tract 2A-1.
8. The applicant is proposing to redevelop the property into a facility (hospital) that will provide sub-acute residential treatment to children ages 4 to 18 with severe autism.
9. The majority of the proposed redevelopment of the subject site will occur inside the existing 83,500 sf building on the subject site.
10. The existing building on the subject site was built in 1980 and, most recently, served as administrative offices for Presbyterian Health Services. The existing building on the subject site, and the adjacent three buildings have been vacant since 2014.
11. The existing building was designed for office-type use with private and open office areas around a three-story atrium space, making it suitable for single tenant occupancy.
12. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
13. The subject site is designated as a Major Activity Center known as the Sunport / Airport Major Activity Center as designated by the Comprehensive Plan.
14. The goal of Major Activity Centers is to provide the most highly concentrated locations of commercial, service and employment uses in conjunction with area-wide needs.
15. The subject site is within the Established Urban Area of the Comprehensive Plan. The request furthers the following applicable goals and policies of the Comprehensive Plan:

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- A. 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, recreational concern.

The request furthers Policy II.B.5.d. because the proposed zoning will maintain the permissive uses of the IP zone, and will be appropriately located at an appropriate land use intensity within the Sunport / Airport Major Activity Center. Additionally, the applicant is proposing to implement the majority of the redevelopment efforts on the site within the existing building which will ensure that existing neighborhood values and carrying capacities will be respected. The proposed use will also provide for the expansion of important services for children with disabilities.

- B. 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 request furthers Policy II.B.5.i. because the nearest residentially zoned property is located approximately 500' northwest of the subject property and cannot be accessed through the subject site. Additionally, the applicant is proposing to install a new landscape buffer area along the eastern and southern property lines.

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

- D. Policy II.B.5.p.: Cost-effective redevelopment techniques shall be developed and utilized.

The request furthers Policy II.B.5.o. and Policy II.B.5.p. because the requested action will result in the redevelopment and rehabilitation of an existing vacant building within an older neighborhood within the Established Urban Area of the Comprehensive Plan. The redevelopment of the existing building will also be cost effective because the majority of these efforts will take place within the existing building and will not require the construction of any additional building square footage.

- E. Policy II.C.1.b.: Automobile travel's adverse effects on air quality shall be reduced through a balanced land use/transportation system that promotes the efficient placement of housing, employment and services.

The request furthers Policy II.C.1.b. because the proposed use will be located along an existing transit route (Bus Route Bus route 222, Rio Bravo – Sunport), and will result in the efficient placement of housing, employment and needed public services on the subject site.

- F. Policy II.C.8.d.: Landscaping shall be encouraged within public and private rights-of-way to control water erosion and dust, and create a pleasing visual environment; native vegetation should be used where appropriate.

The request furthers Policy II.C.8.d. because the request will maintain all of the existing landscaped areas on the subject site that includes landscaping along Randolph Rd., and proposes additional landscape buffers along the eastern and southern property lines.

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G. 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.

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

The request furthers Policy II.D.6.b. and Policy II.D.6.b. because Bernalillo Academy is a New Mexico registered business, and the requested action will result in a substantial amount of new employment opportunities representing a wide range of occupational skills such as licensed therapists, medical professionals, nurses, maintenance staff and security positions.

I. Education Goal: The Goal is to provide a wide variety of educational and recreational opportunities available to citizens from all cultural, age and educational groups.

The request furthers the Education goal of the Comprehensive Plan because it will ensure that the clients of Bernalillo Academy (severely autistic children ages 4 – 18) are provided educational and recreational opportunities that may otherwise not be afforded to them.

J. Policy II.D.8.a.: Zoning, land use, transportation and economic development strategies shall be consistent with the goal of maximizing access to human services.

The request furthers Policy II.D.8.a. because it will result in maximizing access to needed human services. This will be achieved because approval of the zone change request will allow Bernalillo Academy to expand its operations on a site that is strategically located along an existing transit line.

K. Policy II.D.8.b.: Establish community-based residential care facilities equitably throughout the City and County.

The request furthers Policy II.D.8.b. because it will result in the establishment of a new community-based residential care facility in an underserved area of the City of Albuquerque and Bernalillo County.

L. Policy II.D.8.c.: Development's negative effects upon individuals and neighborhoods shall be minimized.

The request furthers Policy II.D.8.a. because the negative effects of development will be conducted within an existing vacant building. Additionally, the nearest residentially zoned property is located approximately 500' northwest of the subject property.

16. The request partially furthers the following applicable goals and policies of the Comprehensive Plan:

A. Policy II.D.3.a.: Use of energy management techniques shall be encouraged.

The request partially furthers Policy II.D.3.a. because while the applicant has stated that the HVAC and lighting systems will be replaced / upgraded, these systems will not meet the Comprehensive Plan goal of utilizing alternative or renewable energy sources.

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17. The applicant has justified the zone change request pursuant to *R-270-1980* as follows:
- A. Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers a preponderance of applicable Goals and policies from the Comprehensive Plan and other applicable plans, which the applicant has done in the response to Section C. It's also important to note that the proposed zone change is limited to specified uses and will be site plan controlled. The response to Section 1.A. is sufficient.
  - B. The requested Zone Map Amendment does not remove or change the existing permissive uses under the IP zone and will add the Hospital use under the zoning designation. Staff notes that Hospital is a permissive use per Section 14-16-2-22(A)(18) (Special Use Zone) of the Zoning Code. The response to Section 1.B is sufficient.
  - C. Refer to Findings 9 & 10 above.
  - D. The applicant has demonstrated that the existing zoning is inappropriate because a changed neighborhood or community conditions justifies the change. More specifically, the applicant has provided data demonstrating that the City of Albuquerque's commercial office use vacancy rate is at approximately 20%, however the Airport area that the subject site is located within has a commercial office use vacancy rate of approximately 46%. This changed neighborhood or community conditions justify the change.
  - E. The requested SU-1 (Special Use) zoning designation will maintain the existing permissive uses of the IP zone. These uses include items such as an auditorium, hospital for animals, laboratory, office, daycare center and health gymnasium which will not be harmful to adjacent IP zoned property. The subject site is also site plan controlled meaning that any change in use would require approval through a public hearing process.
  - F. The proposed zone change will not require any major and un-programmed capital expenditures by the City.
  - G. While economic considerations are always a factor for a proposed development, they are not the determining factor for this requested action. The applicant has demonstrated that the request furthers a preponderance of applicable Comprehensive Plan goals and policies, and that changed neighborhood or community conditions exist (see Sections 1.C. and 1.D. above).
  - H. The subject site is located on Randolph Rd. which is designated as a local street, not a collector or major street.
  - I. The SU-1 zone creates a spot zone by definition; however, the applicant has demonstrated in the response to Section 1.C. that the proposed change would facilitate realization of the Comprehensive Plan. The response to Section 1.I. is sufficient.
  - J. While the requested zone change will give a zone different from surrounding zoning, the request will not result in strip zoning because the subject site is not a strip of land along a street.
18. The Kirtland Community Association as well as property owners within 100 feet of the subject site were all notified as required.

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19. A facilitated meeting was not recommended or held. The Planning Department received a letter of support from the President of the Kirtland Community Association which has been included as part of the record for this case.

**CONDITION OF APPROVAL – 16EPC-40057 – Zone Map Amendment:**

1. The zone map amendment does not become effective until the accompanying site development plan and a re-plat of the subject to create Tract 2A-1 is approved the DRB, pursuant to §14-16-4-1(C)(16) of the Zoning Code. If such requirements are 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 – 16EPC-40058 - Site Development Plan for Building Permit:**

1. This is a request for a Site Development Plan for Building Permit for Tract 2-A, Plat of Tracts 2-A & 2-B, Newport Industrial Park West, Unit 1 located on Randolph Rd., between Yale Blvd. and University Blvd and containing approximately 4.8 acres.
2. The applicant has requested that the subject site be re-platted by the Development Review Board (DRB).
3. The re-plat action will create a new Tract 2A-1 that will contain the existing building on the subject site along with all 99 proposed parking spaces on the subject site, and will comprise a total acreage of approximately 3.3 acres.
4. The remaining lot lines containing approximately 1.5 acres on the subject site will be vacated, and will be absorbed into Tract 2-B-1-A to the north.
5. The new proposed lot configuration is outlined on the proposed Site Development Plan for Building Permit.
6. The applicant is proposing to redevelop the property into a facility (hospital) that will provide sub-acute residential treatment to children ages 4 to 18 with severe autism.
7. The majority of the proposed redevelopment of the subject site will occur inside the existing 83,500 sf building on the subject site.

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8. The existing building on the subject site was built in 1980 and, most recently, served as administrative offices for Presbyterian Health Services. The existing building on the subject site, and the adjacent three buildings have been vacant since 2014.
9. The existing building was designed for office-type use with private and open office areas around a three-story atrium space, making it suitable for single tenant occupancy.
10. The proposed SU-1 zoning for the subject site will maintain the permissive uses of the IP zone and will add the Hospital use under the requested zoning designation.
11. Hospital is a permissive use per Section 14-16-2-22(A)(18) (Special Use Zone) of the Zoning Code.
12. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
13. Section 14-16-3-11 of the Zoning Code states, "...Site Development Plans are expected to meet the requirements of adopted city policies and procedures." The attached site development plan has been evaluated for conformance with applicable goals and policies in the Comprehensive Plan, and any other applicable Plans.
14. The Kirtland Community Association as well as property owners within 100 feet of the subject site were all notified as required.
15. A facilitated meeting was not recommended or held. The Planning Department received a letter of support from the President of the Kirtland Community Association which has been included as part of the record for this case.

**CONDITIONS OF APPROVAL – 16EPC-40058 - 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.

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3. The square footages for the proposed activity areas identified as Keyed Note 27, 28 and 29 shall be added to Sheet SDP 1.0.
4. Two additional picnic seating areas shall be added to the existing landscaped areas located within the existing parking lot area southwest of the existing building and along the western building façade (identified as Keyed Note 2).
5. The parking calculations listed on the Site Development Plan for Building Permit shall be reflect the correct minimum requirement of 34 spaces per Section 14-16-3-1(A)(16) (Off-Street Parking Regulations) of the Zoning Code.
6. A note shall be added to Sheets SDP 1.0 and SDP 5.2 stating that all walls and fences shall conform to the requirements of the General Height and Design Regulations for Walls, Fences and Retaining Walls of the Zoning Code (Section 14-16-3-19), except in the locations identified with a Keyed Note on Sheet SDP 1.0 indicating that the fence will be a maximum height of 8'. The purpose of the exception is to prevent the students with neuro-behavioral and severe developmental disabilities to climb and leave the safety of the premises.
7. Notations shall be added to Sheet SDP 5.2 stating that all on-site lighting shall conform to the requirements of the Area Light Regulations of the Zoning Code (Section 14-16-3-9), as well as the State of New Mexico Night Sky Protection Act (74-12-1 to 74-12-10 NMSA 1978).
8. A note shall be added to Sheet SDP 2.0 stating that the landscape plan shall conform to the City's Pollen Ordinance.
9. The proposed 91 sf free standing signage area exceeds the maximum 75 sf signage area allowed by the IP zone by 16 sf. The free standing sign area shall be reduced to 75 sf.
10. The 7' 7" signage element shown above the proposed free standing signage on Sheet SDP 5.2. shall be identified and labeled (applicant has stated that this is item is not additional signage area, but rather part of the backlighting for the signage).
11. A notation shall be added to Sheet SDP 5.2 that all proposed signage for the subject site will meet the requirements of the IP zone and General Sign Regulations of the Zoning Code (Section 14-16-3-5).
12. Conditions of Approval from City Engineer:
  - a. The ADA accessible parking sign must have the required language per 66-7-352.4C NMSA 1978 "Violators Are Subject to a Fine and/or Towing." Please call out detail and location of HC signs.



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13. Conditions of Approval from Albuquerque / Bernalillo County Water Utility Authority:

- a. The utility plan incorrectly reference waterline in the legend.
- b. The water meter symbols seem to be used for valves along Randolph Rd. Please confirm.
- c. Provide updated utility plan indicating existing public waterline and public sanitary sewer line, as well as existing and proposed water services, sanitary sewer services, fire lines, fire hydrants, etc.

14. Conditions of Approval from Public Service Company of New Mexico:

- 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 easements.
- 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. Ground-mounted equipment screening will be designed to allow for access to utility facilities. All screening and vegetation surrounding ground-mounted transformers and utility pads are to allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for safe operation, maintenance and repair purposes. Refer to the PNM Electric Service Guide at [www.pnm.com](http://www.pnm.com) for specifications.

15. The Site Development Plan shall comply with the General Regulations of the Zoning Code, the Subdivision Ordinance, and all other applicable design regulations, except as specifically approved by the EPC.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **November 28, 2016**. 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

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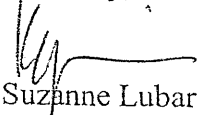
following the EPC's decision.

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

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

DEFERRAL FEES: Pursuant to Zoning Code Section 14-16-4-1(B), deferral at the request of the applicant is subject to a \$110.00 fee per case.

Sincerely,

  
for Suzanne Lubar  
Planning Director

SL/VQ

cc: Sequel of N.M., LLC, 1131 Eagletree Lane, Huntsville, Alabama 35801  
AOC N.M., LLC, 99 S. Raymond Ave., Pasadena, CA 91105  
Design Plus, LLC, Rupal S. Engineer, RA, 2415 Princeton Dr. NE, Suite G-2, ABQ, NM 87107  
Kimbelry Brown, Kirtland Community Assoc., P.O. Box 9731, ABQ, NM 87119  
Elizabeth Aikin, Kirtland Community Assoc., 1524 Alamo SE, ABQ, NM 87106