



**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

April 12, 2018

Thanh Nguyen  
1716 White Cloud NE  
Albuquerque, NM 87112

**Project# 1000501**  
18EPC-40006 Zone Map Amendment  
(Zone Change)  
18EPC-40007 Site Development Plan for Subdivision

### LEGAL DESCRIPTION:

The New Mexico Vietnamese Buddhist Association, requests the above actions for Lot 7 & Lot 8 and the north 25 feet of Lot 8, and Lot 16-A, Block 8, Casas Serenas Subdivision, zoned R-2, to SU-1 for Church and Related Uses, located on Pennsylvania St. SE, between Bell Ave. SE and Trumbull Ave. SE, containing approximately 1.2 acres. Staff Planner: Catalina Lehner

PO Box 1293

Albuquerque On April 12, 2018 the Environmental Planning Commission (EPC) voted to APPROVE Project 1000501/18EPC-40006, a Zone Map Amendment, and 18EPC-40007, a Site Development Plan for Subdivision, based on the following Findings and Conditions:

NM 87103 **FINDINGS: Zone Map Amendment (Zone Change)**

- www.cabq.gov
1. The request is for a zone map amendment (zone change) for Lot 7 & Lot 8 and the north 25 feet of Lot 8, Block 8, Casas Serenas Subdivision, an approximately 1.2 acre site located on Pennsylvania St. SE, between Bell Ave. SE and Trumbull Ave. SE (420 & 424 Pennsylvania St. SE) (the "subject site").
  2. The subject request is accompanied by a request for a site development plan for subdivision (18EPC-40007).
  3. The Comprehensive Plan designates the subject site as an Area of Consistency. The subject site is within the boundaries of the Trumbull Neighborhoods Sector Development Plan (TNSDP).
  4. The Albuquerque/Bernalillo County Comprehensive Plan, the TNSDP and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.

**OFFICIAL NOTICE OF DECISION**

**Project #1000501**

**April 12, 2018**

**Page 2 of 9**

5. The request furthers Community Identity Goal 4.1 and Policy 4.1.1 of the Comprehensive Plan Community Identity Chapter as follows:

Goal 4.1-Character: Enhance, protect, and preserve distinct communities.

Policy 4.1.1-Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The request would facilitate expansion of the Vietnamese Buddhist temple, which serves a distinct community, and would help enhance this community by offering more services to it and to the community at large. The subject site, part of the Trumbull neighborhood would be improved and expanded—efforts that would also contribute to protecting and preserving the neighborhood. The applicants' continued efforts to enhance the area, such as offering services to the community and maintaining the subject site, help promote the long-term health and vitality of the neighborhood.

6. The request furthers Land Use Goal 5.2-Complete Communities and Policy 5.2.1-Land Uses of the Comprehensive Plan Land Use Chapter as follows:

Goal 5.2- Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

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

The request would help foster a complete community because expanding the Buddhist temple's services would provide residents more opportunities to learn, play, and create community together. The vaccine clinics and meditation retreats, which help create a healthy and distinct community, are available to anyone interested. Due to the subject site's location in a residential area, it is near to many homes and people from the surrounding neighborhood can conveniently access the subject site by walking, bicycling, or driving.

7. The request furthers Goal 5.6 and Policy 5.6.3 of the Comprehensive Plan Land Use Chapter as follows:

- A. 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.

The subject site is located in an Area of Consistency. The area near the subject site is characterized by residential uses (single-family and multi-family). The request would result in the same zoning designation for the three parcels comprising the subject site. Any future development would be limited to church and related uses, which are compatible with the character and intensity of the surrounding area.

- B. Policy 5.6.3-Areas of Consistency: Protect and enhance the character of existing single-

OFFICIAL NOTICE OF DECISION

Project #1000501

April 12, 2018

Page 3 of 9

family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The subject site is located in an Area of Consistency and is surrounded by several blocks of the Trumbull Neighborhood. The request would help protect and enhance the character of the existing neighborhood, which is outside of a designed Center and not along a Corridor, because it would help a low-impact, community-oriented use to continue and expand without disrupting neighboring uses.

8. The request furthers the following Comprehensive Plan Goal and policy from Chapter 11-Heritage Conservation, as follows:

- A. Goal 11.5- Cultural Traditions and the Arts: Emphasize and support cultural traditions and arts as vital components of the community's identities and well-being.

The Vietnamese Buddhist temple is a notable and significant part of the Trumbull neighborhood, which is located in the International District. The request would facilitate expansion of the temple's offerings, which would emphasize and support the cultural traditions and arts of the Vietnamese community by reinforcing the cultural identity and well-being of this group and their friends in the community. The request furthers Goal 11.5-Cultural Traditions and the Arts.

- B. Policy 11.2.3 -Distinct Built Environments: Preserve and enhance the social, cultural, and historical features that contribute to the identities of distinct communities, neighborhoods, and districts.

The International District, and the Trumbull Neighborhood within it, have a distinct community identity characterized by immigrant populations and cultural and linguistic diversity. The request would expand the Vietnamese Buddhist temple, which features distinct architecture and contributes to the diversity of the built environment. The additional offerings that the expansion would make possible would help to preserve and enhance the social, cultural and historical elements that make this community distinct.

9. The request furthers Neighborhood Maintenance Objective 1 of the TNSDP. The request would result in incorporation of two lots (Lot 7 and 8) into the larger site for the Buddhist temple. Over the years, the applicants have contributed to improving the overall appearance of the area by maintaining their property and providing a presence in the neighborhood. This contributes to improvement of neighborhood aesthetics and revitalization of the International District.

10. The applicant has adequately justified the sector development plan map amendment (zone change) request pursuant to Resolution 270-1980:

- A. Section A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a proposal furthers 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, as a change to an SU-1 zone, is

OFFICIAL NOTICE OF DECISION

Project #1000501

April 12, 2018

Page 4 of 9

- dependent upon an associated site development plan.
- B. **Section B:** The requested zoning is limited in scope and, because an SU-1 zone is requested, it is tied to a site development plan for the subject site. Incorporating Lots 7 and 8 into the subject site, with Lot 16-A, would not adversely affect stability of land use and zoning in the area. No changes to the church and related uses are proposed. The applicant has demonstrated that the proposed zone change is justified pursuant to R270-1980.
  - C. **Section C:** Since the request is for an SU-1 zone, the “clearly facilitates” test (see Section I) applies and overrides the less rigorous “no significant conflict” test. The applicant has provided a policy-based discussion to demonstrate that the proposed zone change clearly facilitates realization of the Comprehensive Plan and the TNSDP.
  - D. **Section D:** The applicant has adequately demonstrated that a different use category would be more advantageous to the community (D)(3), and that the existing zoning is inappropriate. The proposed, different zone category is more advantageous to the community, based on the policy-based discussion in Section C, because the request clearly facilitates applicable Goals and policies.
  - E. **Section E:** The narrowly-defined SU-1 zoning would allow only the church and related uses, which already operate on the subject site. These are low intensity uses and are not harmful to adjacent property, the neighborhood, or the community. Other uses that could be considered harmful in the subject site’s setting would not be allowed.
  - F. **Section F:** The proposed zone change would require no capital expenditures by the City.
  - G. **Section G:** Economic considerations pertaining to the applicant are a factor in the zone change request, but they are not the determining factor.
  - H. **Section H:** The applicant is not requesting apartment, office, or commercial zoning. Also, the subject site is located on Pennsylvania St. SE, which is a local street.
  - I. **Section I:** The requested SU-1 zoning is a justifiable spot zone because the applicant has demonstrated, in the policy-based response to Section C, that the request will clearly facilitate realization of the Comprehensive Plan and the TNSDP.
  - J. **Section 1J:** The request would not result in a strip zone. The subject site does not constitute a “strip of land along a street” and the zoning would not be commercial.
11. The applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. The response to Section C provides a policy-based explanation of how the proposal clearly facilitates realization of applicable Goals and policies in the Comprehensive Plan and the Huning Highland Sector Development Plan (HHSDP)(Sections C and I), and supports the reasoning that a different zoning category would be more advantageous to the community (Section D). The remaining sections (A, B, E, F, G, H, and J) are sufficiently addressed.

**OFFICIAL NOTICE OF DECISION**

Project #1000501

April 12, 2018

Page 5 of 9

12. The affected neighborhood organizations are the Trumbull Village Association and the District 6 Coalition of Neighborhoods, which the applicant notified as required. The applicant also notified property owners within 100 feet of the subject site, as required. The applicant submitted a petition of support. A facilitated meeting was not held. Staff has not received any phone calls or correspondence and there is no known opposition.

**CONDITIONS: Zone Map Amendment (Zone Change)**

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. The applicant shall obtain final sign-off of the associated site development plan for building permit (18EPC-40007) within six months of the zone change.
- 

**FINDINGS: Site Development Plan for Subdivision**

1. The request is for a site development plan for subdivision for Lot 7 & Lot 8 and the north 25 feet of Lot 8, and Lot 16-A, Block 8, Casas Serenas Subdivision, an approximately 1.2 acre site located on Pennsylvania St. SE, between Bell Ave. SE and Trumbull Ave. SE (420 & 424 Pennsylvania St. SE) (the "subject site").
2. The request accompanies a zone map amendment (zone change) request (18EPC-40006). The zone map amendment request is justified pursuant to R270-1980.
3. The Comprehensive Plan designates the subject site as an Area of Consistency. The subject site is within the boundaries of the Trumbull Neighborhoods Sector Development Plan (TNSDP).
4. The Albuquerque/Bernalillo County Comprehensive Plan, the TNSDP and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
5. The request furthers Community Identity Goal 4.1 and Policy 4.1.1 of the Comprehensive Plan Community Identity Chapter as follows:

**Goal 4.1-Character:** Enhance, protect, and preserve distinct communities.

**Policy 4.1.1-Neighborhoods:** Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

OFFICIAL NOTICE OF DECISION

Project #1000501

April 12, 2018

Page 6 of 9

The request would facilitate expansion of the Vietnamese Buddhist temple, which serves a distinct community, and would help enhance this community by offering more services to it and to the community at large. The subject site, part of the Trumbull neighborhood would be improved and expanded—efforts that would also contribute to protecting and preserving the neighborhood. The applicants' continued efforts to enhance the area, such as offering services to the community and maintaining the subject site, help promote the long-term health and vitality of the neighborhood.

6. The request furthers Land Use Goal 5.2-Complete Communities and Policy 5.2.1-Land Uses of the Comprehensive Plan Land Use Chapter as follows:

Goal 5.2- Complete Communities: Foster communities where residents can live, work, learn, shop, and play together.

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

The request would help foster a complete community because expanding the Buddhist temple's services would provide residents more opportunities to learn, play, and create community together. The vaccine clinics and meditation retreats, which help create a healthy and distinct community, are available to anyone interested. Due to the subject site's location in a residential area, it is near to many homes and people from the surrounding neighborhood can conveniently access the subject site by walking, bicycling, or driving.

7. The request furthers Goal 5.6 and Policy 5.6.3 of the Comprehensive Plan Land Use Chapter as follows:

- A. 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.

The subject site is located in an Area of Consistency. The area near the subject site is characterized by residential uses (single-family and multi-family). The request would result in the same zoning designation for the three parcels comprising the subject site. Any future development would be limited to church and related uses, which are compatible with the character and intensity of the surrounding area.

- B. 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 and is surrounded by several blocks of the Trumbull Neighborhood. The request would help protect and enhance the character of the existing neighborhood, which is outside of a designed Center and not along a Corridor, because it would help a low-impact, community-oriented use to continue and expand without disrupting neighboring uses.

**OFFICIAL NOTICE OF DECISION**

Project #1000501

April 12, 2018

Page 7 of 9

8. The request furthers the following Comprehensive Plan Goal and policy from Chapter 11-Heritage Conservation, as follows:

- A. Goal 11.5- Cultural Traditions and the Arts: Emphasize and support cultural traditions and arts as vital components of the community's identities and well-being.

The Vietnamese Buddhist temple is a notable and significant part of the Trumbull neighborhood, which is located in the International District. The request would facilitate expansion of the temple's offerings, which would emphasize and support the cultural traditions and arts of the Vietnamese community by reinforcing the cultural identity and well-being of this group and their friends in the community. The request furthers Goal 11.5-Cultural Traditions and the Arts.

- B. Policy 11.2.3 -Distinct Built Environments: Preserve and enhance the social, cultural, and historical features that contribute to the identities of distinct communities, neighborhoods, and districts.

The International District, and the Trumbull Neighborhood within it, have a distinct community identity characterized by immigrant populations and cultural and linguistic diversity. The request would expand the Vietnamese Buddhist temple, which features distinct architecture and contributes to the diversity of the built environment. The additional offerings that the expansion would make possible would help to preserve and enhance the social, cultural and historical elements that make this community distinct.

9. The request furthers Neighborhood Maintenance Objective 1 of the TNSDP. The request would result in incorporation of two lots (Lot 7 and 8) into the larger site for the Buddhist temple. Over the years, the applicants have contributed to improving the overall appearance of the area by maintaining their property and providing a presence in the neighborhood. This contributes to improvement of neighborhood aesthetics and revitalization of the International District.

10. The affected neighborhood organizations are the Trumbull Village Association and the District 6 Coalition of Neighborhoods, which the applicant notified as required. The applicant also notified property owners within 100 feet of the subject site, as required. The applicant submitted a petition of support. A facilitated meeting was not held. Staff has not received any phone calls or correspondence and there is no known opposition.

**CONDITIONS: Site Development Plan for Subdivision**

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

**OFFICIAL NOTICE OF DECISION**

Project #1000501

April 12, 2018

Page 8 of 9

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. Condition from Transportation Development:

Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB).

4. Condition from the ABCWUA:

As a condition of approval of this subdivision please request an Availability Statement encompassing the future lot consolidation and, if possible, the future proposed meditation center.

5. Condition from the Solid Waste Management Department:

Clarify existing refuse location/type, to verify new lots 7 & 8 will not hinder any existing refuse collection service.

6. Conditions from PNM:

- A. An existing overhead electric distribution line crosses the property at the back lot line along the eastern boundary of the subject property and bisecting the future combined site. It is the applicant's obligation to abide by any conditions or terms of those easements.
- B. It is necessary for the developer to contact the PNM New Service Delivery Department to coordinate electric service regarding this project.
- 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.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **APRIL 27, 2018**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

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

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time

**OFFICIAL NOTICE OF DECISION**

**Project #1000501**

**April 12, 2018**

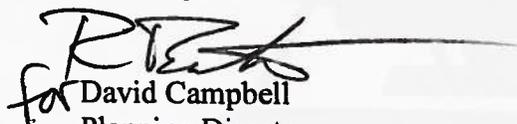
**Page 9 of 9**

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).

**ZONE MAP AMENDMENTS:** Pursuant to Zoning Code Section 14-16-4-1(C)(16), a change to the zone map does not become official until the Certification of Zoning (CZ) is sent to the applicant and any other person who requests it. Such certification shall be signed by the Planning Director after appeal possibilities have been concluded and after all requirements prerequisite to this certification are met. If such requirements are not met within six months after the date of final City approval, the approval is void. The Planning Director may extend this time limit up to an additional six months.

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

Sincerely,

  
for David Campbell  
Planning Director

DC/CL

cc: Trumbull Village Assoc., David Standridge, 1501 Shirley St. NE, ABQ, NM 87112  
Trumbull Village Assoc., Alyce Ice, 6902 4<sup>th</sup> St. NW, #11, ABQ, NM 87107  
Dist. 6 Coalition of Neigh. Assoc. Gina Dennis, 1816 Buena Vista Dr. NE, #102, ABQ, NM 87106  
Dist. 6 Coalition of Neighborhood Assoc., Eileen Jessen, 420 General Hodges NE, ABQ, NM 87123