

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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OFFICIAL NOTIFICATION OF DECISION

September 12, 2013

ACE Leadership High School
Albuquerque, NM 87103

Project# 1009782 *
13EPC-40134 Sector Development Plan Map
Amendment (Zone Change)
13EPC-40135 Site Development Plan for Building
Permit

LEGAL DESCRIPTION:

For lots 2-6 and 8-10, Block 44, Terrace Addition,
located on Lead Ave between Sycamore and
Maple, containing approximately 1.38 acres.
Staff Planner: Carrie Barkhurst

PO Box 1293

Albuquerque

NM 87103

On September 12, 2013, the Environmental Planning Commission voted to APPROVE Project 1009782, 13EPC-40134, a Sector Development Plan Map Amendment (Zone Change) and 13EPC-40135, a Site Development Plan for Building Permit, based on the following Findings and subject to the following Conditions:

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FINDINGS – Sector Development Plan Map Amendment

1. This is a request for a zone change from *SU-1 for Church and Related Facilities* to *SU-2/SU-1 for O-1 Permissive Uses* for Lots 2-6 and 8-10, Block 44, Terrace Addition, located between Lead and Coal and east of Sycamore St., and containing approximately 1.38 acres. The proposed zoning will allow the applicant to use the site for a public charter school.
2. In 1959, Edith Street Baptist Church, Inc. developed the site as a church and a school. In 1980, a zone change request was approved for four church properties in the University Neighborhoods SDP (Z-80-82). The SU-1 for Church zoning was approved with the condition that site development plans for the sites are required when any changes or additions are made the church properties.

3. The Albuquerque/Bernalillo County Comprehensive Plan, University Neighborhoods 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 subject site is within the Central Urban Area of the Comprehensive Plan. The request is consistent with the following applicable goals and policies of the Comprehensive Plan:
 - Policy II.B.5.a - a full range of urban land uses: This is an existing non-residential land use that is adjacent to residential, manufacturing, and parking uses. Residential uses generally surround the site with the exception of a City park and a hospital campus.
 - Policy II.B.5.d - neighborhood values; social/cultural/environmental resources: The request seeks to replace a building that has historically been used as a church with a school (kindergarten – adult) with a public charter high school. There is concern by adjacent neighbors that the change in zoning could negatively impact traffic and parking in the area, although parking problems currently exist with the church use.
 - Policy II.B.5.o - Redevelopment and rehabilitation of older neighborhoods and Policy II.B.6.b - Upgrading efforts in neighborhoods within the Central Urban Area: The request would allow reuse of this site in a manner that is generally consistent with its previous use. It would locate a new institutional use in an existing neighborhood.
5. The subject site is within the University Neighborhoods Sector Development Plan (UN SDP). The request is consistent with the following goals of the UN SDP:
 - Goals: “improve the quality of life in the area”; “conserve and renew the unique qualities of this neighborhood”; “encourage pedestrian orientation”
 - Some of the applicable, significant concerns that the UN SDP aimed to address include zoning, urban design, traffic, parking, pedestrian travel, crime, population turnover, building and landscaping maintenance and institutional impacts. The applicant intends to purchase this property for an institutional use. Their ownership and use of the property could improve building and landscaping maintenance, urban design, and pedestrian orientation of the site. The proposed use of the building is consistent with conserving the unique qualities of the neighborhood by continued use as a school, which is what it was originally built to be.
6. The applicant has justified the zone change request pursuant to R-270-1980 as follows:
 - a. The proposed zone change is consistent with the health, safety, morals and general welfare of the city. The proposed change to SU-2/SU-1 for O-1 will allow the property to be used for a variety of uses that are consistent with the historic uses on the property and within the immediate community. There is nothing in the request that would conflict with the health, safety, morals, and general welfare of the city.

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- b. The change of zoning will not destabilize land use and zoning in the area because the proposed zoning is generally consistent with the current site's special use zoning and the subject site's long-established land use.
 - c. The zone change is not in significant conflict with adopted elements of the Comprehensive Plan, as discussed in Findings 4 and 5.
 - d. The applicant has adequately justified the request by demonstrating that the proposed zoning will be more advantageous to the community. This request would bring the subject site more in line with its longstanding past use as an educational institution. The requested use complies with all applicable zoning regulations, including the amount of parking provided.
 - e. The proposed SU-2/SU-1 for O-1 Permissive Uses zone will not be harmful to adjacent property, the neighborhood or the community. It is consistent with the land use established in 1959. The new uses that would be allowed do not differ substantially in terms of intensity from the uses that are currently allowed if operated by a church.
 - f. The request would not require unprogrammed capital expenditures by the City.
 - g. The cost of land or other economic considerations pertaining to the applicant are not the determining factor for the zone change.
 - h. The property's location on a major street is not the reason for this request.
 - i. The proposed SU-2/SU-1 for O-1 Permissive Uses zone is a justifiable spot zone because the site is already a spot zone. The site also meets the second criteria because the existing building and site is not suited for the residential uses permitted by adjacent zones.
 - j. The proposed zone change will not result in strip zoning.
7. Property owners within 100-feet of the subject site, the Silver Hills NA, Spruce Park NA, Sycamore NA, University Heights NA, Victory Hills NA, and the Federation of University Neighborhoods were notified. A facilitated meeting was held on August 28, 2013. The main concern of neighborhood residents is regarding traffic and parking impacts to the adjacent residential neighborhood. After the facilitated meeting, attendees were satisfied that the applicant would work with residents to resolve any parking issues that do arise in the future.

CONDITION – 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.

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FINDINGS – Site Development Plan for Building Permit

1. This is a request for a site development plan for building permit for Lots 2-6 and 8-10, Block 44, Terrace Addition, located between Lead and Coal and east of Sycamore St., and containing approximately 1.38 acres. The applicant proposes to use the site for a public charter school.
2. In 1959, Edith Street Baptist Church, Inc. developed the site as a church and a school. In 1980, a zone change request was approved for four church properties in the University Neighborhoods SDP (Z-80-82). The *SU-1 for Church* zoning was approved with the condition that site development plans for the sites are required when any changes or additions are made the church properties.
3. The Albuquerque/Bernalillo County Comprehensive Plan, University Neighborhoods 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 subject site is within the Central Urban Area of the Comprehensive Plan. The request is consistent with the following applicable goals and policies of the Comprehensive Plan:

Policy II.B.5.d - neighborhood values; social/cultural/environmental resources: The request is for reuse of an existing building that was designed as a church and school. The site development plan indicates that there will be 16 classrooms, which would require 60 vehicle parking spaces. The applicant has provided 58 parking spaces and 24 bicycle parking spaces. Additionally, there are 8 on-street parking spaces adjacent to the site on Coal Avenue and 5 on-street parking spaces on Sycamore St.

Policy II.B.5.o - Redevelopment and rehabilitation of older neighborhoods and Policy II.B.6.b - Upgrading efforts in neighborhoods within the Central Urban Area: The site plan indicates the building will generally be maintained in its current condition although the southern façade will be repainted. It also proposes various landscaping and outdoor gathering amenities. These will upgrade the appearance of the site.
5. The subject site is within the University Neighborhoods Sector Development Plan (UN SDP). The request is consistent with the following goals of the UN SDP:

Goals: “improve the quality of life in the area”; “conserve and renew the unique qualities of this neighborhood”; “encourage pedestrian orientation.”

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The location of the site and the building is consistent with encouraging pedestrian activity. Pedestrian routes will be added and moved away from the road to improve the walking experience for pedestrians.

6. Property owners within 100-feet of the subject site, the Silver Hills NA, Spruce Park NA, Sycamore NA, University Heights NA, Victory Hills NA, and the Federation of University Neighborhoods were notified. A facilitated meeting was held on August 28, 2013. The main concern of neighborhood residents is regarding traffic and parking impacts to the adjacent residential neighborhood. After the facilitated meeting, attendees were satisfied that the applicant would work with residents to resolve any parking issues that do arise in the future.

CONDITIONS – 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 parking calculations shall be revised to indicate that the 10% transit reduction results in 44 parking spaces required.
4. A 30" – 36" tan, split-face CMU screen wall shall be provided along the property edge to screen each parking lot from the public right-of-way, pursuant to §14-16-3-1(F)(4).
5. A defined pedestrian access shall be provided from Coal Ave. through the landscaped area to the main lower-level building entrance in order to improve consistency with the goal to "encourage pedestrian orientation" and §14-16-3-1(H)(2).
6. Conditions of approval from Albuquerque Police Department:
 - a. The number of light fixtures shall be increased to better cover the lower building entrance.
 - b. A note shall be added to the landscaping plan: Mature trees should be maintained up to a level of at least 6-8 feet from the ground.

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7. Conditions of approval from the City Engineer:
 - a. The Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed site development plan, as may be required by the Development Review Board (DRB).
 - b. Site plan shall comply and be in accordance with DPM (Development Process Manual) and current ADA standards/requirements. (Refer to findings for a detailed list of current deficiencies with SDBP)
 - c. All Easements and access agreements shall be shown and labeled on Site Development Plan and recording information shall be provided.
 - d. All existing and proposed infrastructure, including ADA accessible paths, HC parking, ramps, and building entrances shall be labeled and dimensioned.
 - e. Consolidation of 8 lots into 1 through a DRB platting action shall be approved prior to issuance of Certificate of Occupancy.
 - f. Abandoned driveways shall be removed and replaced with sidewalk, curb and gutter per COA standards.
8. The Site Development Plan shall comply with the General Regulations of the Zoning Code and all other applicable design regulations, except as specifically approved by the EPC.
9. Conditions of approval from Parks and Recreation:
 - a. Landscape Plan shall identify existing landscaping and proposed landscaping as different line weights.
 - b. Landscaping along both Lead and Coal Right-of-Ways are recently completed City projects shall not be disturbed. Plant material symbols shall be removed from the Landscape Plan or clearly identified as City Landscaping Project, not a part of this project.
 - c. The proposed sidewalk and new landscaping to be constructed along Sycamore on the west side of the project site requires a City Streetscape Agreement for construction and maintenance of the improvements within the City Right of Way.
 - d. There is a reference note 11 showing on the Landscape plan but no correlating note in the Keyed Notes on the Landscape Plan. This inconsistency shall be addressed.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **SEPTEMBER 27, 2013**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

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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 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).

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 thorough the Planning Director that the Planning Commission extend the plan's life an additional five years.

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
Acting Director, Planning Department

SL/KCB/mc

cc: SMPC Architects, 115 Amherst Dr. SE, Albuquerque, NM 87106
Gordon Reiselt, 1515 Silver SE, Albuquerque, NM 87106

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