

CITY OF ALBUQUERQUE



PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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Office (505) 924-3860 Fax (505) 924-3339

OFFICIAL NOTIFICATION OF DECISION

September 11, 2015

Deemer Properties NM, LLC
2455 Roop Road
Gilroy, CA 95020

Project# 1010551
15EPC-40039 Zone Map Amendment
(Zone Change)
15EPC-40041 Site Development Plan
For Building Permit

LEGAL DESCRIPTION:

For Tract 2A, Westgate Mobile Home Park, zoned R-T to SU-1 for C-2 Conditional and Permissive Uses, located on 98th St. SW, between Tower Rd. SW, and DeVargas Rd. SW, containing approximately 14.5 acres. (L-9)
Staff Planner: Catalina Lehner

PO Box 1293

On September 10, 2015, the Environmental Planning Commission (EPC) voted to forward a recommendation of APPROVAL of Project #1010551/15EPC-40039, a Zone Map Amendment, and 15EPC-40041, an as-built Site Development Plan for Building Permit, based on the following findings and subject to the following conditions for recommendation of approval:

FINDINGS- 15EPC-40039:

New Mexico 87103

www.cabq.gov

1. The subject request is for a sector development plan map amendment (zone change) to the Tower Unser Sector Development Plan (TUSDP) for Tract 2A, Westgate Mobile Home Park, an approximately 14.5 acre site that contains a portion of the existing Sage Mobile Home Park (the "subject site"). The subject site is located adjacent west of 98th St. SW, between Tower Rd. and DeVargas/Sage Rd.
2. The sector development plan map amendment request is for a change from the R-T Residential Zone to SU-1 for Mobile Home Development, which would allow the existing mobile home development to remain. Mobile homes are not allowed in the R-T zone. The other tracts of the mobile home park, Tracts 1 and 3, are zoned C-2. Mobile homes are allowed in the C-2 zone, so the zone change is only needed for Tract 2A.
3. The subject request is accompanied by an as-built site development plan for building permit (15EPC-40041) as required pursuant to the SU-1 Zone, §14-16-2-22(A)(1).
4. Because the subject site is greater than 10 acres and the applicable sector development plan uses SU-2 zoning, the City Council is the approval authority and the Environmental Planning Commission (EPC) is a recommending body pursuant to Zoning Code §14-16-2-23(b)(2)(a) and

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§14-16-4-1(C)(15)(c). This is a quasi-judicial matter.

5. The Albuquerque/Bernalillo County Comprehensive Plan, the Westside Strategic Plan, the Southwest Area Plan, the TUSDP and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
6. The proposal furthers and partially furthers the following, relevant Land Use Policies in the Comprehensive Plan:
 - A. Policy II.B.5a-full range of urban land uses. By allowing approximately 2/3 of the mobile home park to remain, the proposal would contribute to a full range of urban land uses in the area, which is characterized mainly by single-family residential uses (single-family homes).
 - B. Policy II.B.5o-redevelopment of older neighborhoods. Some improvements to the subject site would be required that would generally help rehabilitate this older area, though the subject site is only part of the neighborhood and Tract 2A is only part of the mobile home development.
7. The proposal furthers the Housing Goal and the following, applicable Housing Policy:
 - A. Goal: Approximately 2/3 of the mobile home park would remain, thereby preventing displacement of low-income residents, maintaining affordable housing supply, and improving the quality of existing housing by bringing the dwellings up to Zone Code standards.
 - B. Policy II.D.5a- II.D.5a-supply of affordable housing. The proposal would preserve the affordable housing that the mobile home park provides, and ensure that such housing (likely to be a more reasonable proportion of income for residents than other housing options) remains.
8. The proposal generally furthers the Community Identity & Urban Design Goal. Since the mobile home park has existed since the 1970s, it has become part of what defines the Westgate community. Allowing it to remain would ensure that variety and maximum choice in housing and lifestyles would continue to exist in this area, which is dominated by subdivisions of single-family homes. Site improvements would contribute to a pleasing built environment.
9. The proposal furthers the following, applicable West Side Strategic Plan policies:
 - A. WSSP Policy 1.1. The subject site is located in the Bridge/Westgate community and is not within the boundaries of a designated Activity Center. The existing mobile home park, at approximately 5 DU/ac, is the type of lower-density residential development referred to above that is intended to be located outside designated Centers.
 - B. WSSP Policy 3.46. Though the proposal would not change existing residential density, it would be consistent with the densities referred to in the TUSDP. The mobile home development, at approximately 6 DU/ac, is located outside of a designated activity center and not at a major intersection where non-residential zoning is intended.

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10. The Planning Department is required to consider school capacity because the proposal is for a site development plan for a residential development. The proposal would not result in any new households because the development already exists. Rather, it would allow existing households to remain and therefore would not affect school capacity. APS comments that the proposal will have no adverse impacts. The proposal does not affect WSSP Policy 2.5-school capacity/residential development.
11. The proposal generally furthers Goal 1 and Goal 5 of the Southwest Area Plan:
 - A. Goal 1. The proposal would facilitate part of the mobile park's continued existence and allow a lower density residential use outside the designated activity centers. Activity centers are intended to be pedestrian-friendly, accessible but not dominated by vehicles, and contain a mixture of uses and housing opportunities different from those in the interior of neighborhoods (i.e.- different than the typical single-family residential subdivision).
 - B. Goal 5. The proposal would result in some of the City's lower-income residents being able to remain in their homes, which have access to two bus stops and bicycle lanes, and being able to continue to support the Transit system. Two transit lines serve the subject site. There is also a bike lane on 98th St.
12. The TUSDP is divided in to six sections, which discuss boundaries, ownership information, utilities, justification for zone categories, additional requirements (ex. design overlay zone) and appendices. There are eight Major Policy Recommendations (see Appendix C). Of these, Staff finds that none are relevant to the proposal.
13. The applicant has adequately justified the sector development plan map amendment (zone change) request pursuant to Resolution 270-1980:
 - A. Section 1A: 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 1.C. Also, the proposed zone change is limited to one specified use and, as a change to an SU-1 zone, is dependent upon an associated site development plan.
 - B. Section 1B: Rezoning the subject site to allow the mobile home park to remain would contribute to stability of land use in the area, especially since the mobile home park use has existed since the 1970s. The specific use of a mobile home park would generally improve stability of zoning by aligning the use with appropriate zoning category and removing the non-conforming status.
 - C. Section 1C: Because the request is for an SU-1 zone, the higher standard of "clearly facilitates" found in Section 1I (spot zone test) applies. The applicant has demonstrated that the request would clearly facilitate applicable Goals, policies and intentions in the WSSP, the SWAP and the TUSDP.

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- D. Section 1D:** The applicant has adequately demonstrated, by the policy-based discussion in Section 1C, that the proposed zoning would be more advantageous to the community overall than the current zoning.
 - E. Section 1E:** The narrowly defined SU-1 zoning would allow only the existing mobile home development use. Other uses that could be considered harmful in the subject site's setting, such as certain commercial or industrial uses, would be prohibited.
 - F. Section 1F:** The proposed zone change requires no capital expenditures by the City.
 - G. Section 1G:** Economic considerations are a factor. However, the determining factor is continuing to provide affordable housing, which clearly facilitates a preponderance of applicable Goals and policies as demonstrated by the applicant in the response to Section 1C and Section 1J.
 - H. Section 1H:** Though the subject site is located on a major street (98th St.), the request is not for apartment, office or commercial zoning.
 - I. Section 1I:** The requested SU-1 zoning is a justifiable spot zone in this case because it has been demonstrated that the request will clearly facilitate realization of applicable Goals and policies in the Comprehensive Plan, the WSSP, the SWAP and the TUSDP.
 - J. Section 1J:** Though the request would cause an area of land along a street to be zoned differently from surrounding land, the request is not for commercial zoning and therefore would not result in a strip zone.
14. The applicant has adequately justified the sector development plan map amendment (zone change) pursuant to R270-1980. The response to Section 1C provides a policy-based explanation of how the request clearly facilitates applicable Goals and policies in the Comprehensive Plan, the WSSP, the SWAP and the TUSDP, and supports the reasoning that a different zoning category would be more advantageous to the community (Section 1D). The remaining sections (1A, 1B, 1E-1J) are sufficiently addressed.
15. The affected neighborhood organizations are the Route 66 West Neighborhood Association (NA), the South Valley Coalition of NAs, the South West Alliance of Neighbors (SWAN), and the Westside Coalition of NAs, which the applicant notified as required. Property owners within 100 feet of the subject site were also notified as required. Staff received a phone call from two residents who had questions about the request, zoning and the process. Staff has not received any written comments as of this writing, and is not aware of any opposition to the request.

CONDITION- 15EPC-40039:

- 1. Final approval of the accompanying site development plan for subdivision (15EPC-40018) by the Development Review Board (DRB) is required and shall occur within the time period specified in Zoning Code §14-16-4-1(C)(16)(b), Amendment Procedure.

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FINDINGS -15EPC-40041:

1. The subject request is for an as built site development plan for building permit for Tract 2A, Westgate Mobile Home Park, an approximately 14.5 acre site that contains a portion of the existing Sage Mobile Home Park (the "subject site"). The subject site is located adjacent west of 98th St. SW, between Tower Rd. and DeVargas/Sage Rd.
2. The subject request is accompanied by a sector development plan map amendment (zone change) request to the Tower/Unser Sector Development Plan (TUSDP) (15EPC-40039). The sector development plan map amendment request is justified pursuant to R270-1980.
3. The Albuquerque/Bernalillo County Comprehensive Plan, the Westside Strategic Plan, the Southwest Area Plan, the TUSDP and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
4. The proposal furthers and partially furthers the following, relevant Land Use Policies in the Comprehensive Plan:
 - A. Policy II.B.5a-full range of urban land uses. By allowing approximately 2/3 of the mobile home park to remain, the proposal would contribute to a full range of urban land uses in the area, which is characterized mainly by single-family residential uses (single-family homes).
 - B. Policy II.B.5g-redevelopment of older neighborhoods. Some improvements to the subject site would be required that would generally help rehabilitate this older area, though the subject site is only part of the neighborhood and Tract 2A is only part of the mobile home development.
5. The proposal furthers the Housing Goal and the following, applicable Housing Policy:
 - A. Goal: Approximately 2/3 of the mobile home park would remain, thereby preventing displacement of low-income residents, maintaining affordable housing supply, and improving the quality of existing housing by bringing the dwellings up to Zone Code standards.
 - B. Policy II.D.5a- II.D.5a-supply of affordable housing. The proposal would preserve the affordable housing that the mobile home park provides, and ensure that such housing (likely to be a more reasonable proportion of income for residents than other housing options) remains.
6. The proposal generally furthers the Community Identity & Urban Design Goal. Since the mobile home park has existed since the 1970s, it has become part of what defines the Westgate community. Allowing it to remain would ensure that variety and maximum choice in housing and lifestyles would continue to exist in this area, which is dominated by subdivisions of single-family homes. Site improvements would contribute to a pleasing built environment.
7. The proposal furthers the following, applicable West Side Strategic Plan policies:
 - A. WSSP Policy 1.1. The subject site is located in the Bridge/Westgate community and is not within the boundaries of a designated Activity Center. The existing mobile home park, at

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approximately 5 DU/ac, is the type of lower-density residential development referred to above that is intended to be located outside designated Centers.

- B. WSSP Policy 3.46. Though the proposal would not change existing residential density, it would be consistent with the densities referred to in the TUSDP. The mobile home development, at approximately 6 DU/ac, is located outside of a designated activity center and not at a major intersection where non-residential zoning is intended.
8. The Planning Department is required to consider school capacity because the proposal is for a site development plan for a residential development. The proposal would not result in any new households because the development already exists. Rather, it would allow existing households to remain and therefore would not affect school capacity. APS comments that the proposal will have no adverse impacts. The proposal does not affect WSSP Policy 2.5-school capacity/residential development.
9. The proposal generally furthers Goal 1 and Goal 5 of the Southwest Area Plan:
- A. Goal 1. The proposal would facilitate part of the mobile park's continued existence and allow a lower density residential use outside the designated activity centers. Activity centers are intended to be pedestrian-friendly, accessible but not dominated by vehicles, and contain a mixture of uses and housing opportunities different from those in the interior of neighborhoods (i.e.- different than the typical single-family residential subdivision).
- B. Goal 5. The proposal would result in some of the City's lower-income residents being able to remain in their homes, which have access to two bus stops and bicycle lanes, and being able to continue to support the Transit system. Two transit lines serve the subject site. There is also a bike lane on 98th St.
10. The TUSDP is divided in to six sections, which discuss boundaries, ownership information, utilities, justification for zone categories, additional requirements (ex. design overlay zone) and appendices. There are eight Major Policy Recommendations (see Appendix C). Of these, Staff finds that none are relevant to the proposal.
11. Conditions of approval are needed to clarify the site development plan. Since the associated request for SU-1 zoning (15EPC-40039) is site plan dependent, accuracy is important.
12. The affected neighborhood organizations are the Route 66 West Neighborhood Association (NA), the South Valley Coalition of NAs, the South West Alliance of Neighbors (SWAN), and the Westside Coalition of NAs, which the applicant notified as required. Property owners within 100 feet of the subject site were also notified as required. Staff received a phone call from two residents who had questions about the request, zoning and the process. Staff has not received any written comments as of this writing, and is not aware of any opposition to the request.

CONDITIONS-15EPC-40041:

1. The EPC delegates final sign-off authority of this site development plan to the Development

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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. Main Sheet- substance:
 - A. Add a brief narrative to B. Proposed Development, to explain the scope of work.
 - B. State the parking requirement for a mobile home park (add to Note 2c).
 - C. Add a note to address refuse service.
 - D. Indicate the location of any signage and describe the signage (new note under 2).
 - E. Show locations of any lighting.
4. Main Sheet- clarification:
 - A. Add a note to explain that the Site Development Plan for Building Permit is an "as-built" based on the May 2015 survey.
 - B. Label the Grading & Drainage Plan as "existing".
 - C. Label the existing perimeter wall along 98th St.
5. Landscaping Plan:
 - A. The existing street trees along 98th St. shall be clearly and accurately shown.
 - B. Trees not used shall be removed from the palette.
 - C. A note shall be added to indicate that existing trees will remain.
 - D. Place landscaping items on the landscaping sheet, and irrigation and planting details on another landscape sheet (sheet LS2).
6. Conditions from PNM:
 - A. Two existing overhead 115kV electric transmission lines bisect the subject property and one existing distribution line parallels the northern boundary. The applicant is responsible to abide by any conditions or terms of the transmission rights-of-way and distribution easements.
 - B. Any increase in the existing grade on the property near or within the transmission rights-of-way or distribution easement, including the pond areas, must be reviewed by PNM in order to ensure that adequate safety clearances are maintained.

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- C. Fences shall be grounded by applicant on the existing chain-link fence within proximity of the transmission line to reduce the risk of nuisance shocks. Locations be to be determined by PNM.
- D. PNM must have 24/7 access to its transmission line facilities within the transmission right-of-way and must have the ability to drive PNM vehicles within the entire transmission right-of-way.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **SEPTEMBER 25, 2015**. 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.

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 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.

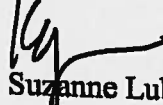
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Sincerely,


for Suzanne Lubar
Planning Director

SL/CLL

cc: Deemer Properties NM, LLC, 2455 Roop Road, Gilroy CA, 95020
Myers, McCreedy & Myers, Attn: Matt Myers, Esq, 1401 Central Ave. NW, ABQ, NM 87104
Cherise Quezada, Route 66 West NA, 10304 Paso Fino Pl. SW, ABQ, NM 87121
Barbara Lucero, Route 66 West NA, 757 98th St. SW, Sp. #6, ABQ, NM 87121
Rod Mahoney, South Valley Coalition of Neighborhood Assoc., 1838 Sadora Rd. SW, ABQ, NM 87105
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