

2. **Project# 1010551**
15DRB-70434 EPC APPROVED SDP
FOR BUILD PERMIT


MYERS, MCCREADY & MYERS, PC agent(s) for DEEMER PROPERTIES NM, LLC request(s) the above action(s) for all or a portion of Tract(s) 2A, **WESTGATE MOBILE HOME PARK** zoned SU-1 FOR MOBILE HOME DEVELOPMENT, located on 98TH ST SW BETWEEN TOWER RD SW AND DEVARGAS SW containing approximately 11 acre(s). (L-9) [Deferred from 12/2/15] **THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN-OFF DELEGATED TO THE WATER AUTHORITY FOR WATERLINE CONFLICT RESOLUTION AND TO PLANNING TO AMEND SITE PLAN TO ACKNOWLEDGE THE FIRST FLUSH TO HYDROLOGY SATISFACTION.**

CASES WHICH REQUIRE PUBLIC NOTIFICATION
MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

3. **Project# 1010646**
15DRB-70388 VACATION OF PUBLIC
RIGHT-OF-WAY

[WITHDRAWN] 

ANDERSON WAHLEN & ASSOCIATES agents for MILLER FAMILY REAL ESTATE request Vacation (closing) of Public Right of Way for **VIRGINIA STREET NE** between LOMAS BLVD NE and ROMA AVE NE. (K-19) [deferred from 11/18/15] **WITHDRAWN**

4. **Project# 1010671**
15DRB-70423 VACATION OF RIGHT-
OF-WAY
15DRB-70424 - PRELIMINARY/ FINAL
PLAT 

SURV-TEK INC agents for GREATER ALBUQUERQUE HOUSING PARTNERSHIP request the referernced/ above actions for a portion of TRUMBULL AVENUE SE and Lot 12, Block 15, **EMIL MANN ADDITION** zoned R-2, located on the northeast corner of TRUMBULL AVE SE and SAN PABLO SE containing approximately .1663 acre. (L-19) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE.THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR 15 DAY APPEAL PERIOD.**

5. **Project# 1010672**
15DRB-70425 VACATION OF RIGHT-
OF-WAY
15DRB-70428 - PRELIMINARY/ FINAL
PLAT

SURV-TEK INC agents for GREATER ALBUQUERQUE HOUSING PARTNERSHIP request the referernced/ above actions for a portion of BELL AVENUE SE and Lots 13-16, Block 4, **EMIL MANN ADDITION** zoned R-2, located on the northwest corner of BELL AVE and ESPANOLA ST SE containing approximately .6294 acre. (L-19) **THE VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE.THE PRELIMINARY/FINAL PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR 15 DAY APPEAL PERIOD.**

DRB CASE ACTION LOG - BLUE SHEET

- Preliminary/Final Plat (P&F)
- Site Plan for Subdivision (SPS)
- Site Plan for Building Permit (SBP)

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments have been addressed.

Site Plans: It is the responsibility of the applicant/agent/developer/owner to insert the DRB approved Site Plan for Subdivision and/or Site Plan for Building Permit in each copy of building permit plansets. If the building permit plans have been submitted prior to the Site Plan for Subdivision and/or Site Plan for Building Permit being signed-off, then it is the responsibility of the applicant/agent/developer/owner to insert a copy of the signed-off Site Plan for Subdivision and/or Site Plan for Building Permit in each copy of the building permit plansets.

Project# 1010551

15DRB-70434 EPC APPROVED SDP FOR BUILD PERMIT - WESTGATE MOBILE HOME PARK

AGENT: MYERS, MCCREADY & MYERS, PC

Your request was approved on 12-9-11 by the DRB with delegation of signature(s) to the following departments - outstanding comments to be addressed as follows:

Transportation:

ABCWUA: address comments

City Engineer:

Parks and Recreation :

Planning: rezoning plan / Hydrology / P&F / S&L

PLATS:

Planning must record this plat. Please submit the following items:

- The original plat and a mylar copy for the County Clerk.
- Tax certificate from the County Treasurer.
- Recording fee (checks payable to the County Clerk). **RECORDED DATE:**
- Tax printout from the County Assessor.
- County Treasurer's signature must be obtained prior to the recording of the plat with County Clerk.

- Property Management's signature must be obtained prior to Planning Department's signature.
- AGIS DXF File approval required.
- Copy of recorded plat for Planning.

ALL SITE PLANS:

- 3 copies of the approved site plan. Include all pages.

INTER-OFFICE MEMO

DATE: November 27, 2015
TO: Jack Cloud, DRB Chair
FROM: Catalina Lehner, Senior Planner *CL*
RE: Project #1010551, Sage Mobile Home Park
As-Built Site Development Plan for Building Permit

On September 10, 2015, the EPC voted to approve an as-built site development plan for building permit for an approx. 14.5 acre site located on 98th St. SW, between Tower Rd. and DeVargas/Sage Rds. The zone change portion of the request was approved by the City Council on November 2, 2015, as required.

Staff met with the agent, Matt Myers, on November 16, 2015 to discuss how the Conditions of Approval are being met. Staff reviewed an updated version (v.3) of the site development plan for building permit and offers the following comments for clarification:

General:

The copy of the site development plan that I reviewed copied very dark. The figures on Sheet 1 and Sheet 2, especially the picture of the existing trees, are not readable. Staff suggests lightening the copy and ensuring that the lightened copies become the file copies. This is also important because the file copies will be scanned in the future.

Condition #3D- Signage:

The existing sign on the southern portion of the property was labeled as requested. However, please clarify where the arrow is supposed to point.

Condition #3E- Lighting:

Please label the plain circle symbol as "existing light pole". Otherwise, this symbol looks like a type of tree or plant that's supposed to be on the landscaping legend but isn't.

Condition #5C- Landscaping:

Please make it clear that the intention is for existing trees to remain, unless determined that they're sickly. Otherwise, they will not be replaced.

If you have any questions regarding this case, please call me at 924-3935 or e-mail me at clehner@cabq.gov. Thank you.



Supplemental Form (SF)

SUBDIVISION	S	Z	ZONING & PLANNING
<input type="checkbox"/> Major subdivision action			<input type="checkbox"/> Annexation
<input type="checkbox"/> Minor subdivision action			
<input type="checkbox"/> Vacation	V		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
<input type="checkbox"/> Variance (Non-Zoning)			<input type="checkbox"/> Adoption of Rank 2 or 3 Plan or similar
			<input type="checkbox"/> Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
SITE DEVELOPMENT PLAN	P		
<input type="checkbox"/> for Subdivision			
<input checked="" type="checkbox"/> for Building Permit Existing			
<input type="checkbox"/> Administrative Amendment (AA)			
<input type="checkbox"/> Administrative Approval (DRT, URT, etc.)			
<input type="checkbox"/> IP Master Development Plan	D		<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> Cert. of Appropriateness (LUCC)			
STORM DRAINAGE (Form D)	L A	APPEAL / PROTEST of...	
<input type="checkbox"/> Storm Drainage Cost Allocation Plan			<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

PRINT OR TYPE IN BLACK INK ONLY The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102.
Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION: **J. Matt Myers**

Professional/Agent (if any) Myers, McCready & Myers, P.C. PHONE: 505-247-9080
 ADDRESS: 1401 Central Avenue, NW, Suite B FAX: 505-247-9109
 CITY Albuquerque STATE NM ZIP 87104 E-MAIL: jmyers@moplaw.com
 APPLICANT Deemer Properties NM, LLC PHONE 408-842-1700
 ADDRESS: 2455 Roop Road FAX: _____
 CITY Gilroy STATE CA ZIP 95020 E-MAIL: dmr2455@outlook.com
 Proprietary interest in site: Owner List all owners: _____

DESCRIPTION OF REQUEST: Final sign-off for EPC Approved SDP for building permit. Westgate Mobile Home Park

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No Tract 2A Block _____ Unit _____
 Subdiv/Addn/TBKA Westgate Mobile Home Park
 Existing Zoning SU-1 for Mobile Home Development Proposed zoning: _____ MRGCD Map No. _____
 Zone Atlas page(s) L-9 UPC Code 100905607904730103

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.). ZA-173-162
Z-73-162, Z-97-38 and SD-87-11 and 15EPC-40039, 15EPC-40041; Project No. 1010551

CASE INFORMATION:

Within city limits? Yes No Within 1000FT of a landfill? Yes No
 No. of existing lots: 95 No. of proposed lots: 95 Total site area (acres): 11 acres approximately
 LOCATION OF PROPERTY BY STREETS On or Near: 98th Street, SW
 Between: Tower Road and DeVargas

Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: _____

SIGNATURE [Signature] DATE Nov. 17, 2015
 (Print Name) J. Matt Myers Applicant Agent

FOR OFFICIAL USE ONLY

Revised: 11/2014

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S F	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>15DRIS-20434</u>	<u>SDP</u>	_____	\$ <u>0</u>
<input checked="" type="checkbox"/> All fees have been collected	<u>70154</u>	<u>CME</u>	_____	\$ <u>20.00</u>
<input checked="" type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H D.P. density bonus	_____	_____	_____	\$ _____
<input type="checkbox"/> F H D.P. fee rebate	_____	_____	_____	Total \$ <u>20.00</u>

Hearing date December 2 2015

[Signature]
 Staff signature & Date 11-17-15

Project # 1010551

FORM P(3): SITE PLAN REVIEW - D.R.B. MEETING (UNADVERTISED)

- SKETCH PLAT REVIEW AND COMMENT (DRB22)** **Maximum Size: 24" x 36"**
 - Scaled site sketch and related drawings showing proposed land use including structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etc. (folded to fit into an 8 5" by 14" pocket) **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline **Your attendance is required.**

- SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB18)** **Maximum Size: 24" x 36"**
 - 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center Certificate of No Effect or Approval
 - Scaled site plan and related drawings (folded to fit into an 8 5" by 14" pocket) **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Letter of authorization from the property owner if application is submitted by an agent
 - Copy of the document delegating approval authority to the DRB
 - Completed Site Plan for Subdivision Checklist
 - Infrastructure List, if relevant to the site plan
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline **Bring the original to the meeting. Your attendance is required.**

- SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB17)** **Maximum Size: 24" x 36"**
 - 5 Acres or more & zoned SU-1, IP, SU-2, PC, or Shopping Center Certificate of No Effect or Approval
 - Site plan and related drawings (folded to fit into an 8 5" by 14" pocket) **6 copies**
 - Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted **6 copies.**
 - Solid Waste Management Department signature on Site Plan
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Letter of authorization from the property owner if application is submitted by an agent
 - Copy of the document delegating approval authority to the DRB
 - Infrastructure List, if relevant to the site plan
 - Completed Site Plan for Building Permit Checklist
 - Copy of Site Plan with Fire Marshal's stamp
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline **Bring the original to the meeting. Your attendance is required.**

- AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT (DRB01)** **Maximum Size: 24" x 36"**

- AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION (DRB02)** **Maximum Size: 24" x 36"**
 - Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - DRB signed Site Plan being amended (folded to fit into an 8 5" by 14" pocket) **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Letter of authorization from the property owner if application is submitted by an agent
 - Infrastructure List, if relevant to the site plan
 - Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

- FINAL SIGN-OFF FOR EPC APPROVED SDP FOR BUILDING PERMIT (DRB05)**
- FINAL SIGN-OFF FOR EPC APPROVED SDP FOR SUBDIVISION (DRB06)**
 - Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) **6 copies**
 - Solid Waste Management Department signature on Site Plan for Building Permit
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter carefully explaining how each EPC condition has been met and a copy of the EPC Notification of Decision
 - Infrastructure List, if relevant to the site plan
 - Copy of Site Plan with Fire Marshal's stamp (not required for SDP for Subdivision)
 - List any original and/or related file numbers on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original to the meeting. Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.



 _____ Applicant name (print)
 _____ Applicant signature / date



Form revised October 2007

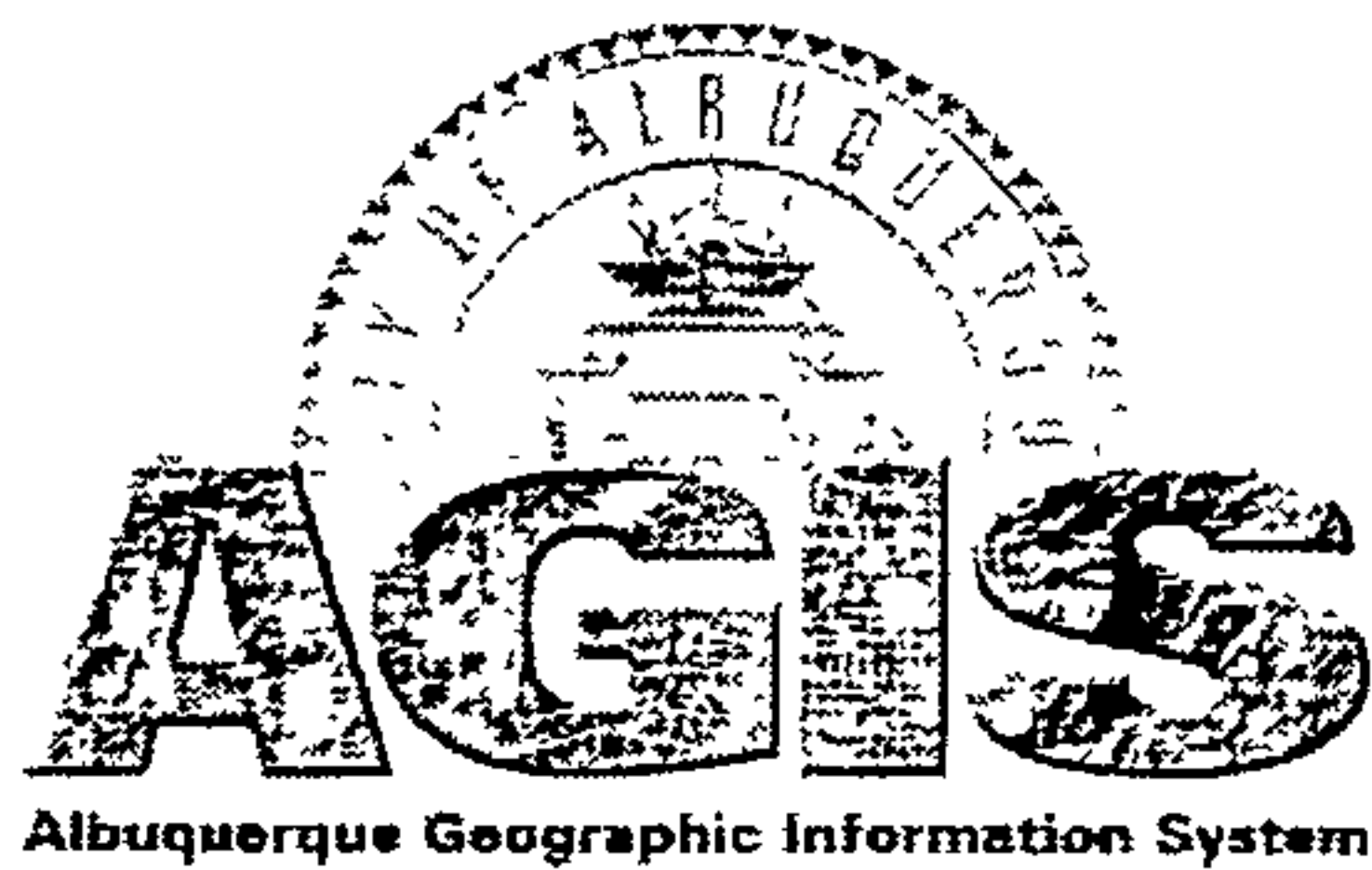
- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
 15DRB 70139

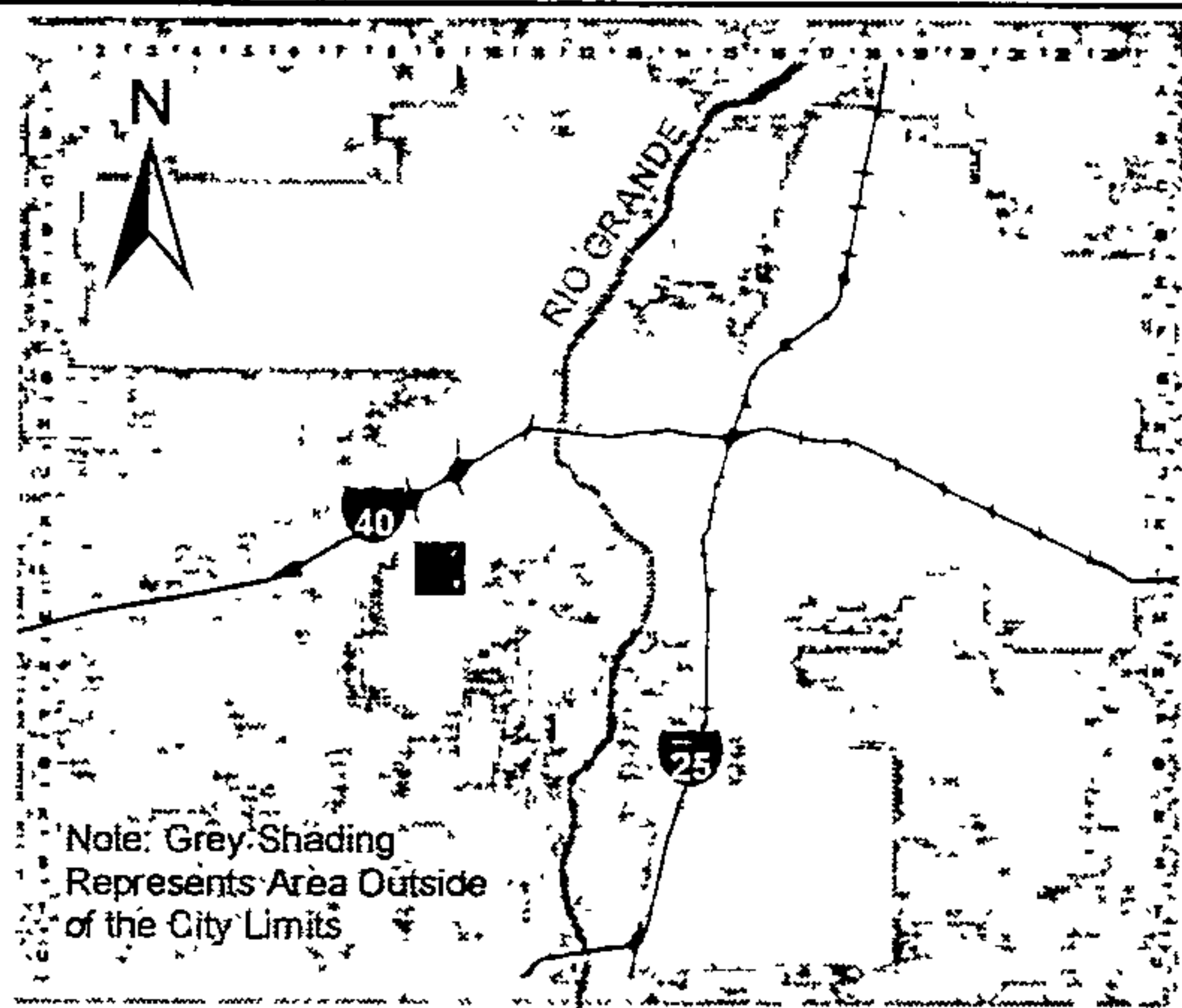

 _____ Planner signature / date
 Project # 1810551



For more current information and details visit <http://www.cabq.gov/gis>



Map amended through: 9/2/2014



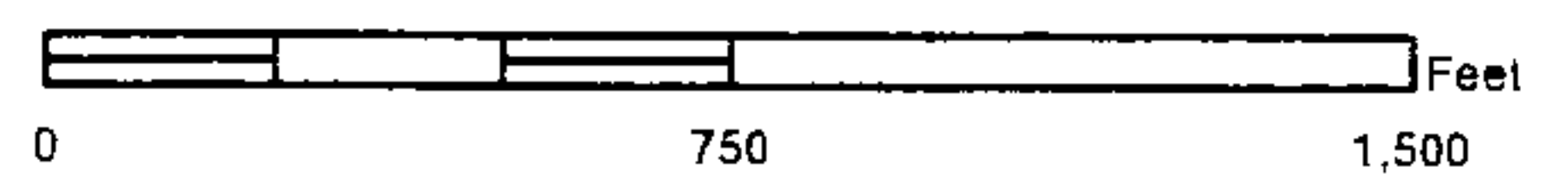
Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page

L-09-Z

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone



MYERS, McCREADY & MYERS, P.C.
LAWYERS
1401 CENTRAL AVENUE, N.W., SUITE B
ALBUQUERQUE, NEW MEXICO 87104

JOHN A. MYERS
KEVIN J. McCREADY
J. MATT MYERS

TELEPHONE
(505)247-9080
FACSIMILE
(505)247-9109

FLOYD D. WILSON, *Of Counsel*

e-mail: mmyers@moplaw.com

November 17, 2015

HAND DELIVERED

Jack Cloud, Chairman
Development Review Board
City of Albuquerque
200 Second Street, NW
Albuquerque, New Mexico 87102

Re: Applicant: Deemer Properties NM, LLC

Project No. 1010551/15EPC-40039 Zone Map Amendment
15EPC-40041 Site Development Plan for Building Permit

Legal: Tract 2A, Westgate Mobile Home Park

Dear Chairman Cloud:

This firm represents Deemer Properties NM, LLC (the "Owner"), in connection with the above referenced request to rezone Tract 2A from R-T to SU-1 for Mobile Home Development, and approval of an "as-built" site development plan (the "SDP") for building permit (altogether, the "Request").

The Request concerns an existing mobile home park (the "Park") located on approximately 24 acres; however, the Request only pertains to Tract 2A, which accounts for approximately 14 acres of the Park, as the remaining acreage is currently zoned C-2 with a conditional use to allow a mobile home park. Accordingly, Tract 2A was the only tract within the Park that needed to be rezoned. The Park has been in existence for over 40 years, and the grading and drainage plan included in the SDP was implemented approximately 10 years ago.

The Request was heard by the Environmental Planning Commission (the "EPC") on September 11, 2015, and the EPC unanimously voted to recommend that the Albuquerque City Council approve the Request and further recommended that final sign-off of the SDP be delegated to the Development Review Board ("DRB"), as

provided in Condition No. 1 of the Official Notice of Decision dated September 11, 2015 (the "Decision"), a copy of which is enclosed.

The City Council then voted, unanimously, to accept the EPC's recommendation of approval, thereby approving the Request on November 2, 2015, as evidenced by the enclosed Action Sheet. The Request is listed under Section 14, Final Actions, Item J. on the enclosed Action Sheet.

Pursuant to Condition 2 of the Decision, this firm met with the staff planner, Catalina Lehner, to ensure that all conditions contained within the Decision have been addressed. What follows is an explanation of how each of the conditions found on Page 7 of the Decision have been addressed:

Condition No. 3. Main Sheet: The Main Sheet of the SDP has been revised as follows:

- A. A brief narrative has been added to the Sheet 1 of the SDP, which can be found under Site Plan Information, Section (B)(3), where the following language was added: "the intent of the project is to complete a zone change. We will put in new trees along 98th Street to fill any empty spaces and also seed the existing drainage ponds";
- B. A reference to the parking provided at the Park has been added under Site Plan Information, Section (B)(2)(c);
- C. A note under Site Plan Information, Section (B)(4) has been added addressing refuse service;
- D. The location of the signage has been shown on Sheet 2 of the SDP; however, since the sign is not located on Tract 2A there is not a detailed description of what is shown on the sign, as Tract 2A is the only property that is subject to the SDP and that was a part of the Request; and
- E. All lighting is now shown on Sheet 2 of the SDP.

Condition No. 4. Main Sheet – Clarification:

- A. A note has been added to the SDP, on Sheet 1 under Site Plan Information, Section (B)(1), to indicate that the Site Development Plan for Building Permit is an "as-built" based on the May, 2015 survey;
- B. The Grading and Drainage Plan has been labelled "existing". See top of Sheet 4 of the SDP; and

- C. The existing perimeter wall along 98th street has been labelled. See Sheet 2 of the SDP.

Condition No. 5. Landscaping Plan:

- A. All existing street trees along 98th Street are clearly and accurately shown. See Sheet 2 of the SDP;
- B. The trees not used have been removed from the palette. See Sheet 2 of the SDP;
- C. A note has been added indicating that all existing trees will remain. See Sheet 2 of the SDP; and
- D. All landscaping items have been listed on Sheet 2 of the SDP and a new sheet, Sheet 3, has been added to show the irrigation and planting details.

Condition No. 6 - Conditions from PNM:

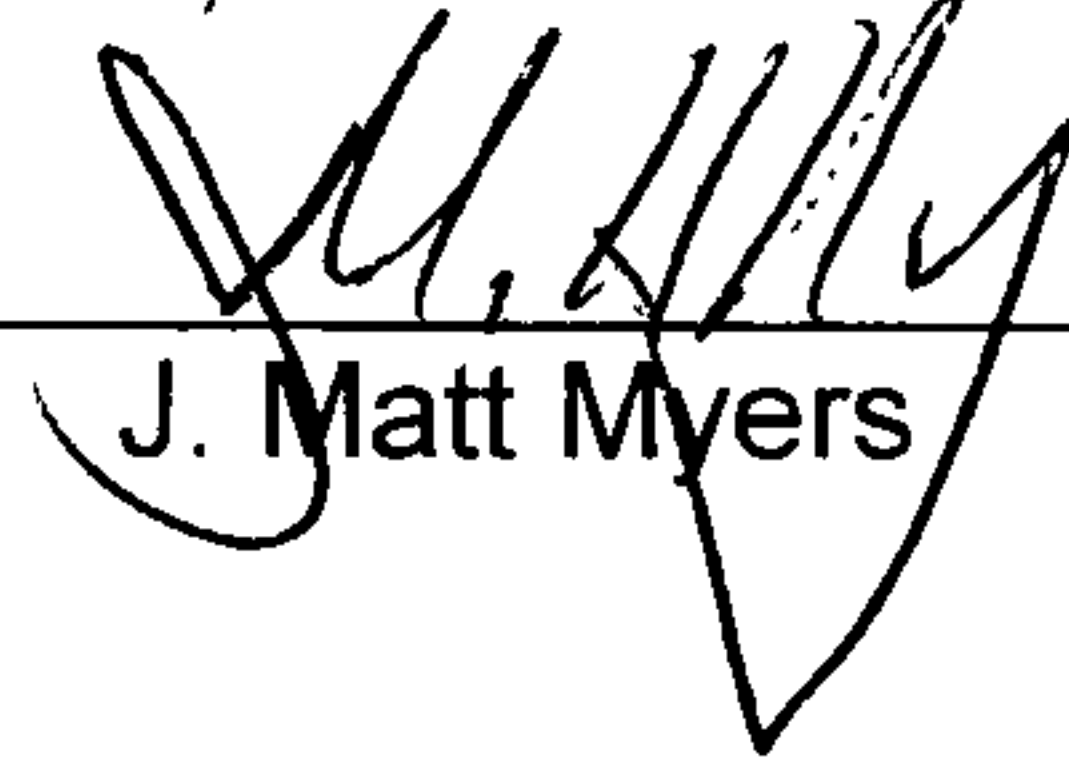
- A. The Owner of the property shall be responsible and abide by any and all conditions or terms which PNM shall require regarding the transmission rights-of-way and distribution easements;
- B. The Owner has no intention of increasing the existing grade on the property near the transmission rights-of-way or distribution easement; however, the Owner agrees to obtain PNM's review and approval to any increase to the existing grade on the property near or within the transmission rights-of-way or distribution easement, including pond areas, in order to ensure that adequate safety clearances are maintained;
- C. The Owner doesn't intend to install any new fences; however, if the Owner does install any new fences, it agrees to ground such fences on the existing chain-link fence within proximity of the transmission line to reduce the risk of nuisance shocks, at locations to be determined by PNM; and
- D. PNM currently has, and shall continue to have, 24/7 access to its transmission line facilities within the transmission right-of-way and shall always have the ability to drive within the entire transmission right-of-way.

For all of the reasons set out herein, we respectfully request that the "as-built" SDP be approved. Thank you for your help and we look forward to addressing any comments or questions that you may have.

Respectfully submitted,

MYERS, McCREADY & MYERS, P.C.

By:

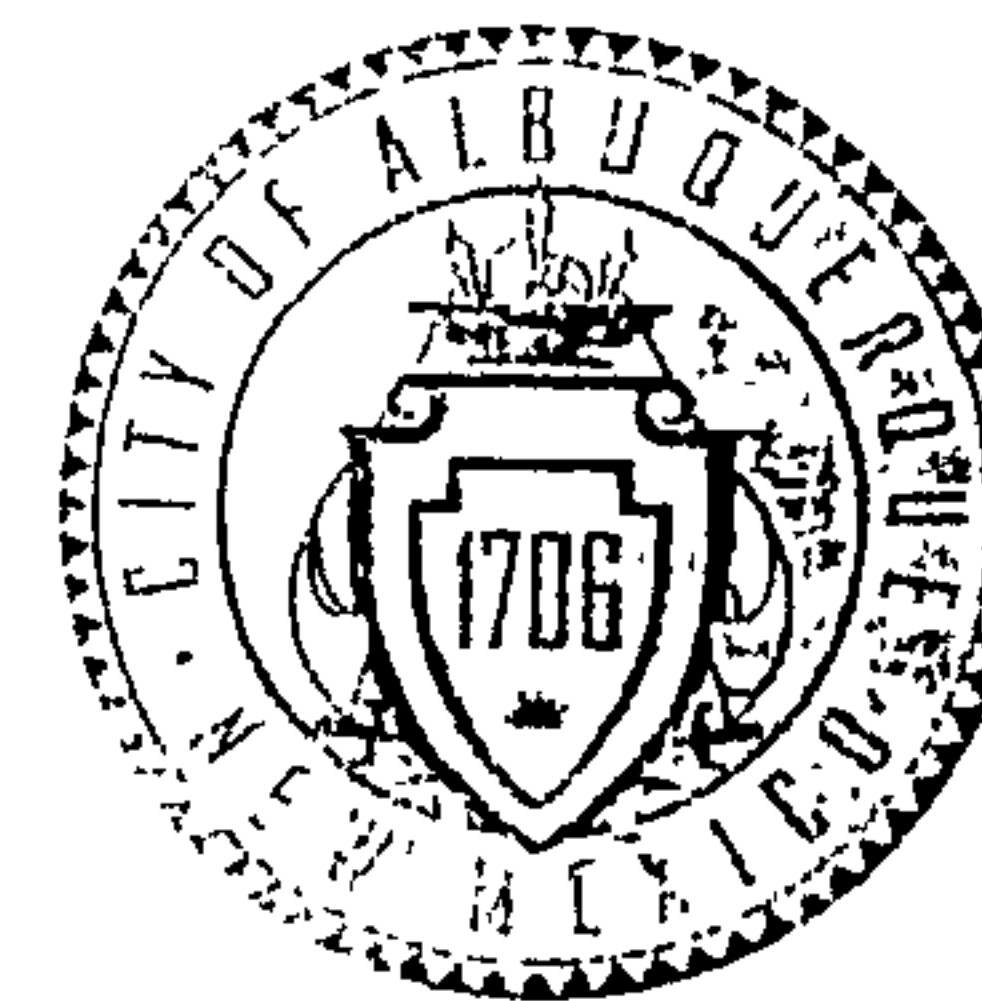
A handwritten signature in black ink, appearing to read "J. Matt Myers", is written over a horizontal line. The signature is stylized and somewhat cursive.

J. Matt Myers

JMM/klw

H:\Deemer, Jim\Zone change\DRB Reasons.docx

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

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

Albuquerque
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

OFFICIAL NOTICE OF DECISION

Project #1010551

September 10, 2015

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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.

OFFICIAL NOTICE OF DECISION

Project #1010551

September 10, 2015

Page 3 of 9

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 11 (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.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.
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.

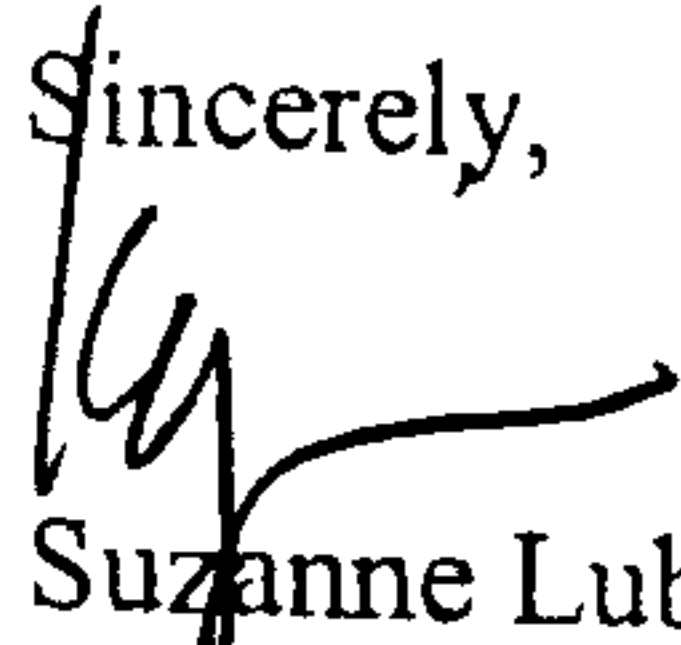
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Sincerely,


for Suzanne Lubar
Planning Director

SL/CLL

cc: Deemer Properties NM, LLC, 2455 Roop Road, Gilroy CA, 95020
Myers, McCready & 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
Marcia Fernandez, South Valley Coalition of Neighborhood Assoc., 2401 Violet SW, ABQ, NM 87105
Johnny Pena, SWAN, 6525 Sunset Gardens SW, ABQ, NM 87121
Jerry Gallegos, SWAN, 417 65th St. SW, ABQ, NM 87121
Gerald C. Worrall, Westside Coalition of NAs, 1039 Pinatubo Pl. NW, ABQ, NM 87120
Harry Hendriksen, Westside Coalition of NAs, 10592 Rio Del Sole Ct, ABQ, NM 87114-2701

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DECEMBER 2. 2015

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