

**CITY of ALBUQUERQUE
TWENTY-FIRST COUNCIL**

COUNCIL BILL NO. R-15-256 ENACTMENT NO. R:2015-104

SPONSORED BY: Klarissa J. Peña, by request

1 RESOLUTION
2 AMENDING THE TOWER/UNSER SECTOR DEVELOPMENT PLAN (THE
3 "TUSDP") TO CHANGE THE ZONING FOR TRACT 2A, WESTGATE MOBILE
4 HOME PARK (THE "SUBJECT PROPERTY"), APPROXIMATELY 14.5 ACRES,
5 FROM R-T RESIDENTIAL ZONE TO SU-1 FOR MOBILE HOME DEVELOPMENT.

6 WHEREAS, the Council, the governing body of the City of Albuquerque,
7 has the authority to adopt and amend plans for the physical development of
8 areas within the planning and platting jurisdiction of the City as authorized by
9 statute Section 3-19-3 NMSA 1978, and by its home rule powers; and

10 WHEREAS, the City of Albuquerque adopted the TUSDP in 1989 through
11 Council Resolution R-365, Enactment 129-1989; and

12 WHEREAS, the TUSDP established zoning as indicated in Figure 12 and
13 Figure 13 and made use of the SU-2 zoning designation; and

14 WHEREAS, pursuant to Zoning Code §14-16-2-23(b)(2)(A), the SU-2 zone,
15 the Planning Commission shall make a recommendation to the City Council if
16 the decision would impose or eliminate SU-2 zoning or amend an SU-2 sector
17 development plan, such as the TUSDP, for an area over one block in size. One
18 block is considered to be an area over ten acres in size, such as the subject
19 property; and

20 WHEREAS, Zoning Code §14-16-4-1(C)(15)(C), Amendment Procedure,
21 gives the City Council the sole authority to amend the zoning map imposing or
22 eliminating SU-2 zoning; and

23 WHEREAS, on September 10, 2015, the Environmental Planning
24 Commission (the "EPC"), in its advisory role on land use and planning
25 matters, recommended approval to the City Council of an amendment to the

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1 TUSDP to change the zoning designation of the subject property from R-T to
2 SU-1 for Mobile Home Development; and

3 WHEREAS, the EPC found that the above sector development plan map
4 amendment is consistent with applicable policies in the Comprehensive Plan,
5 the West Side Strategic Plan, the Southwest Albuquerque Strategic Action
6 Plan, the TUSDP, and the requirements of R-270-1980.

7 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
8 ALBUQUERQUE:

9 SECTION 1. The TUSDP is hereby amended to change the zoning
10 designation of the subject property, shown on Figure 12 of the TUSDP, from R-
11 T to SU-1 for Mobile Home Development.

12 SECTION 2. FINDINGS ACCEPTED. The following findings are adopted
13 by the City Council:

14 1. The subject request is for a sector development plan map
15 amendment (zone change) to the Tower Unser Sector Development Plan
16 (TUSDP) for Tract 2A, Westgate Mobile Home Park, an approximately 14.5 acre
17 site that contains a portion of the existing Sage Mobile Home Park (the
18 "subject site"). The subject site is located adjacent west of 98th St. SW,
19 between Tower Rd. and DeVargas/Sage Rd.

20 2. The sector development plan map amendment request is for a
21 change from the R-T Residential Zone to SU-1 for Mobile Home Development,
22 which would allow the existing mobile home development to remain. Mobile
23 homes are not allowed in the R-T zone. The other tracts of the mobile home
24 park, Tracts 1 and 3, are zoned C-2. Mobile homes are allowed in the C-2 zone,
25 so the zone change is only needed for Tract 2A.

26 3. The subject request is accompanied by an as-built site development
27 plan for building permit (15EPC-40041) as required pursuant to the SU-1 Zone,
28 §14-16-2-22(A)(1).

29 4. Because the subject site is greater than 10 acres and the applicable
30 sector development plan uses SU-2 zoning, the City Council is the approval
31 authority and the Environmental Planning Commission (EPC) is a
32 recommending body pursuant to Zoning Code §14-16-2-23(b)(2)(a) and §14-16-
33 4-1(C)(15)(c). This is a quasi-judicial matter.

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1 **5. The Albuquerque/Bernalillo County Comprehensive Plan, the**
2 **Westside Strategic Plan, the Southwest Area Plan, the TUSDP and the City of**
3 **Albuquerque Zoning Code are incorporated herein by reference and made part**
4 **of the record for all purposes.**

5 **6. The proposal furthers and partially furthers the following, relevant**
6 **Land Use Policies in the Comprehensive Plan:**

7 **A. Policy II.B.5a-full range of urban land uses. By allowing**
8 **approximately 2/3 of the mobile home park to remain, the proposal would**
9 **contribute to a full range of urban land uses in the area, which is characterized**
10 **mainly by single-family residential uses (single-family homes).**

11 **B. Policy II.B.5o-redevelopment of older neighborhoods. Some**
12 **improvements to the subject site would be required that would generally help**
13 **rehabilitate this older area, though the subject site is only part of the**
14 **neighborhood and Tract 2A is only part of the mobile home development.**

15 **7. The proposal furthers the Housing Goal and the following, applicable**
16 **Housing Policy:**

17 **A. Goal: Approximately 2/3 of the mobile home park would remain,**
18 **thereby preventing displacement of low-income residents, maintaining**
19 **affordable housing supply, and improving the quality of existing housing by**
20 **bringing the dwellings up to Zone Code standards.**

21 **B. Policy II.D.5a-supply of affordable housing. The proposal would**
22 **preserve the affordable housing that the mobile home park provides, and**
23 **ensure that such housing (likely to be a more reasonable proportion of income**
24 **for residents than other housing options) remains.**

25 **8. The proposal generally furthers the Community Identity & Urban**
26 **Design Goal. Since the mobile home park has existed since the 1970s, it has**
27 **become part of what defines the Westgate community. Allowing it to remain**
28 **would ensure that variety and maximum choice in housing and lifestyles**
29 **would continue to exist in this area, which is dominated by subdivisions of**
30 **single-family homes. Site improvements would contribute to a pleasing built**
31 **environment.**

32 **9. The proposal furthers the following, applicable West Side Strategic**
33 **Plan policies:**

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1 **A. WSSP Policy 1.1. The subject site is located in the Bridge/Westgate**
2 **community and is not within the boundaries of a designated Activity Center.**
3 **The existing mobile home park, at approximately 5 DU/ac, is the type of lower-**
4 **density residential development referred to above that is intended to be**
5 **located outside designated Centers.**

6 **B. WSSP Policy 3.46. Though the proposal would not change existing**
7 **residential density, it would be consistent with the densities referred to in the**
8 **TUSDP. The mobile home development, at approximately 6 DU/ac, is located**
9 **outside of a designated activity center and not at a major intersection where**
10 **non-residential zoning is intended.**

11 **10. The Planning Department is required to consider school capacity**
12 **because the proposal is for a site development plan for a residential**
13 **development. The proposal would not result in any new households because**
14 **the development already exists. Rather, it would allow existing households to**
15 **remain and therefore would not affect school capacity. APS comments that the**
16 **proposal will have no adverse impacts. The proposal does not affect WSSP**
17 **Policy 2.5-school capacity/residential development.**

18 **11. The proposal generally furthers Goal 1 and Goal 5 of the Southwest**
19 **Area Plan:**

20 **A. Goal 1. The proposal would facilitate part of the mobile home park’s**
21 **continued existence and allow a lower density residential use outside the**
22 **designated activity centers. Activity centers are intended to be pedestrian-**
23 **friendly, accessible but not dominated by vehicles, and contain a mixture of**
24 **uses and housing opportunities different from those in the interior of**
25 **neighborhoods (i.e.- different than the typical single-family residential**
26 **subdivision).**

27 **B. Goal 5. The proposal would result in some of the City’s lower-income**
28 **residents being able to remain in their homes, which have access to two bus**
29 **stops and bicycle lanes, and being able to continue to support the Transit**
30 **system. Two transit lines serve the subject site. There is also a bike lane on**
31 **98th St.**

32 **12. The TUSDP is divided into six sections, which discuss boundaries,**
33 **ownership information, utilities, justification for zone categories, additional**

1 requirements (ex. design overlay zone) and appendices. There are eight Major
2 Policy Recommendations (see Appendix C). Of these, Staff finds that none are
3 relevant to the proposal.

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

6 A. Section 1A: Consistency with the City's health, safety, morals and
7 general welfare is shown by demonstrating that a request furthers a
8 preponderance of applicable Goals and policies from the Comprehensive Plan
9 and other applicable plans, which the applicant has done in the response to
10 Section 1.C. Also, the proposed zone change is limited to one specified use
11 and, as a change to an SU-1 zone, is dependent upon an associated site
12 development plan.

13 B. Section 1B: Rezoning the subject site to allow the mobile home park
14 to remain would contribute to stability of land use in the area, especially since
15 the mobile home park use has existed since the 1970s. The specific use of a
16 mobile home park would generally improve stability of zoning by aligning the
17 use with appropriate zoning category and removing the non-conforming
18 status.

19 C. Section 1C: Because the request is for an SU-1 zone, the higher
20 standard of "clearly facilitates" found in Section 1I (spot zone test) applies.
21 The applicant has demonstrated that the request would clearly facilitate
22 applicable Goals, policies and intentions in the WSSP, the SWAP and the
23 TUSDP.

24 D. Section 1D: The applicant has adequately demonstrated, by the
25 policy-based discussion in Section 1C, that the proposed zoning would be
26 more advantageous to the community overall than the current zoning.

27 E. Section 1E: The narrowly defined SU-1 zoning would allow only the
28 existing mobile home development use. Other uses that could be considered
29 harmful in the subject site's setting, such as certain commercial or industrial
30 uses, would be prohibited.

31 F. Section 1F: The proposed zone change requires no capital
32 expenditures by the City.

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1 G. Section 1G: Economic considerations are a factor. However, the
2 determining factor is continuing to provide affordable housing, which clearly
3 facilitates a preponderance of applicable Goals and policies as demonstrated
4 by the applicant in the response to Section 1C and Section 1J.

5 H. Section 1H: Though the subject site is located on a major street (98th
6 St.), the request is not for apartment, office or commercial zoning.

7 I. Section 1I: The requested SU-1 zoning is a justifiable spot zone in
8 this case because it has been demonstrated that the request will clearly
9 facilitate realization of applicable Goals and policies in the Comprehensive
10 Plan, the WSSP, the SWAP and the TUSDP.

11 J. Section 1J: Though the request would cause an area of land along a
12 street to be zoned differently from surrounding land, the request is not for
13 commercial zoning and therefore would not result in a strip zone.

14 14. The applicant has adequately justified the sector development plan
15 map amendment (zone change) pursuant to R-270-1980. The response to
16 Section 1C provides a policy-based explanation of how the request clearly
17 facilitates applicable Goals and policies in the Comprehensive Plan, the
18 WSSP, the SWAP and the TUSDP, and supports the reasoning that a different
19 zoning category would be more advantageous to the community (Section 1D).
20 The remaining sections (1A, 1B, 1E-1J) are sufficiently addressed.

21 15. The affected neighborhood organizations are the Route 66 West
22 Neighborhood Association (NA), the South Valley Coalition of NAs, the South
23 West Alliance of Neighbors (SWAN), and the Westside Coalition of NAs, which
24 the applicant notified as required. Property owners within 100 feet of the
25 subject site were also notified as required. Staff received a phone call from
26 two residents who had questions about the request, zoning and the process.
27 Staff has not received any written comments as of this writing, and is not
28 aware of any opposition to the request.

29 SECTION 3. CONDITION ACCEPTED. The following condition is adopted by
30 the City Council: Final approval of the accompanying site development plan
31 for subdivision (15EPC-40018) by the Development Review Board (DRB) is
32 required and shall occur within the time period specified in Zoning Code §14-
33 16-4-1(C)(16)(b), Amendment Procedure.

1 **SECTION 4. EFFECTIVE DATE AND PUBLICATION.** This legislation shall
2 take effect five days after publication by title and general summary.

3 **SECTION 5. SEVERABILITY CLAUSE.** If any section, paragraph, sentence,
4 clause, word or phrase of this resolution is for any reason held to be invalid or
5 unenforceable by any court of competent jurisdiction, such decision shall not
6 affect the validity of the remaining provisions of this resolution. The Council
7 hereby declares that is would have passed this resolution and each section,
8 paragraph, sentence, clause, word or phrase thereof irrespective of any
9 provisions being declared unconstitutional or otherwise invalid.

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1 PASSED AND ADOPTED THIS 2nd DAY OF November, 2015
2 BY A VOTE OF: 9 FOR 0 AGAINST.

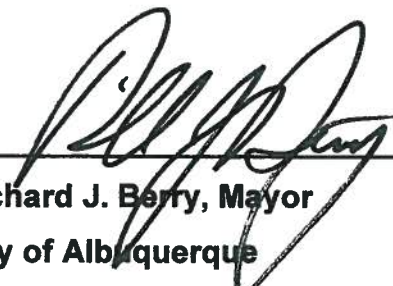
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Rey Garduño, President
City Council

APPROVED THIS 19th DAY OF November, 2015

Bill No. R-15-256



Richard J. Berry, Mayor
City of Albuquerque

ATTEST:



Natalie Y. Howard, City Clerk

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