# Acity of Ibuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

		111
SUBDIVISION	Supplemental for S Z Z	ONING & PLANNING
Major Subdiv		Annexation
Minor Subdiv	rision action	County Submittal
Vacation	v ,	EPC Submittal
Variance (No	in-Zoning)	Zone Map Amendment (Establish or Change
SITE DEVELOPME	NT PLAN P	Zoning) Sector Plan (Phase I, II, III)
for Subdivision		Amendment to Sector, Area, Facility or
XX for Building P		Comprehensive Plan
	e Amendment (AA)	Text Amendment (Zoning Code/Sub Regs)
	velopment Plan D	Street Name Change (Local & Collector)
	opriateness (LUCC) L A A	PPEAL / PROTEST of
STORM DRAINAGE	= (Form D) Cost Allocation Plan	Decision by: DRB, EPC, LUCC, Planning Director or Staff,
RINT OR TYPE IN BLACK lanning Department Develo me of application. Refer to	(INK ONLY). The applicant or agent must	ZHE, Zoning Board of Appeals t submit the completed application in person to the , Albuquerque, NM 87102. Fees must be paid at the ents.
PPLICATION INFORMATION:	••	
Professional/Agent (if any):_	John A. Myers, Myers, Olive	er & Price PHONE: 247-9080
ADDRESS: 1401 Centi	ral Avenue, NW	FAX: 247-9109
city. Albuquerque	07475 NM 97	104 E-MAIL: jmvers@moplaw.com
OIT 1	STATETET ZIPO7	E-MAIL: jmyers@moplaw.com
APPLICANT: Elderly H	Housing Development and Operat	ion Corporatrione:
ADDRESS: 1580 Saure	prace Corporate Deslace G	010
Ft. Landerdal	le Tr	210 FAX:
UIIY:	STATE ZIP 3	3323 E-MAIL:
Proprietary interest in site:	List all owners	LITY OF Albuquerque
ESCRIPTION OF REQUEST:	Zone change from C-2 to SII-1	for Senior Housing and Site Plan
for building permit		Tor oction timising and site rian
	- tor elderly	multifamily housing as regulated by t
Is the applicant seeking incent	ives pursuant to the Family Housing Development P	
,,	ives pursuant to the Family Housing Development P	rogram? Yes. No.
TE INFORMATION: ACCURACY	Y OF THE EXISTING LEGAL DESCRIPTION IS CR	UCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.
TE INFORMATION: ACCURACY Lot or Tract No. Lots 1,	Y OF THE EXISTING LEGAL DESCRIPTION IS CR 2, 17 and 18	
TE INFORMATION: ACCURACY  Lot or Tract No. Lots 1,  Subdiv/Addn/TBKA:	Y OF THE EXISTING LEGAL DESCRIPTION IS CR 2, 17 and 18 Unity Subdivision	UCIALI ATTACH A SEPARATE SHEET IF NECESSARY.  Block: 3 Unit:
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TE INFORMATION: ACCURACY  Lot or Tract No. Lots 1,  Subdiv/Addn/TBKA:  Existing Zoning: C-2  Zone Atlas page(s): K-19  ASE HISTORY:	Y OF THE EXISTING LEGAL DESCRIPTION IS CR  2, 17 and 18  Unity Subdivision  Proposed zoning: SU-  UPC Code: 101905	UCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.  Block: 3 Unit: Unit: MRGCD Man No.
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#### FORM Z: ZONE CODE TEXT & MAP AMENDMENTS, PLAN APPROVALS & AMENDMENTS □ ANNEXATION (EPC08) \_\_\_\_ Application for zone map amendment including those submittal requirements. See below. Annexation and establishment of zoning must be applied for simultaneously. Petition for Annexation Form and necessary attachments Zone Atlas map with the entire property(ies) clearly outlined NOTE: The Zone Atlas must show that the site is in County jurisdiction, but is contiguous to City limits. Letter briefly describing, explaining, and justifying the request NOTE: Justifications must adhere to the policies contained in "Resolution 54-1990" Letter of authorization from the property owner if application is submitted by an agent BCC Notice of Decision for City Submittals Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts Sign Posting Agreement TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form List any original and/or related file numbers on the cover application EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required. □ SDP PHASE I - DRB CONCEPTUAL PLAN REVIEW (DRBPH1) (Unadvertised) ☐ SDP PHASE II - EPC FINAL REVIEW & APPROVAL (EPC14) (Public Hearing) (DRBPH2) (Unadvertised) □ SDP PHASE II - DRB FINAL SIGN-OFF Copy of findings from required pre-application meeting (needed for the DRB conceptual plan review only) Proposed Sector Plan (30 copies for EPC, 6 copies for DRB) Zone Atlas map with the entire plan area clearly outlined Letter briefly describing, explaining, and justifying the request Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts (for EPC public hearing only) TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form (for EPC public hearing only) \_\_\_ Fee for EPC final approval only (see schedule) List any original and/or related file numbers on the cover application Refer to the schedules for the dates, times and places of DRB and EPC hearings. Your attendance is required. AMENDMENT TO ZONE MAP - ESTABLISHMENT OF ZONING OR ZONE CHANGE (EPC05) Zone Atlas map with the entire property clearly outlined Letter briefly describing, explaining, and justifying the request per "Resolution 270-1980". Letter of authorization from the property owner if application is submitted by an agent Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts Sign Posting Agreement TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form Fee (see schedule) List any original and/or related file numbers on the cover application EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required. □ AMENDMENT TO SECTOR DEVELOPMENT MAP (EPC03) □ AMENDMENT SECTOR DEVELOPMENT, AREA, FACILITY, OR COMPREHENSIVE PLAN (EPC04) Proposed Amendment referenced to the materials in the Plan being amended (text and/or map) Plan to be amended with materials to be changed noted and marked Zone Atlas map with the entire plan/amendment area clearly outlined Letter briefly describing, explaining, and justifying the request per "Resolution 270-1980" (Sector Plan map change only) Letter of authorization from the property owner if application is submitted by an agent (Map change only) Letter briefly describing, explaining, and justifying the request Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts (sector plans only) TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form Sign Posting Agreement Fee (see schedule) List any original and/or related file numbers on the cover application EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required. ☐ AMENDMENT TO ZONING CODE OR SUBDIVISION REGULATORY TEXT (EPC07) \_\_\_ Amendment referenced to the sections of the Zone Code/Subdivision Regulations being amended Sections of the Zone Code/Subdivision Regulations to be amended with text to be changed noted and marked Letter briefly describing, explaining, and justifying the request Fee (see schedule) List any original and/or related file numbers on the cover application EPC hearings are approximately 7 weeks after the filing deadline. Your attendance is required. I, the applicant, acknowledge that any information required but not submitted with this application will Applicant name (print) likely result in deferral of actions. 5/1/08 Applicant signature / date Application case numbers Checklists com Ex Fees collected Checklists complete Case #s assigned

Project #

1007267

Related #s listed

#### FORM P(1): SITE PLAN REVIEW - E.P.C. PUBLIC HEARING

	SITE DEVELOPMENT P		(EPC16)	Maxi	mum Size: 24" x 36"	
	IP MASTER DEVELOPM	IENT PLAN	(EPC11)	er	-4 A	
	5 Acres or more & zone	d SU-1, IP, SU-2, PC, or Shop ated drawings (folded to fit into	ping Center: Ce	rtificate of No Effe	ct or Approval	
	Scaled site plan and rel	ated drawings (tolded to lit into	an o.5 by 14 p	rking locations, ar	Id design requirements for	
	For IP master development plans, include general building and parking locations, and design requirement buildings, landscaping, lighting, and signage.					
	<u> </u>	rawings reduced to 8.5" x 11" f	ormat (1 copy)			
		e entire property(ies) clearly out				
		, explaining, and justifying the r				
	Letter of authorization to	om the property owner if applic Neighborhood Coordination inq	cation is submitt	ed by an agent	tified mail receipts	
		r Subdivision and/or Building Pe		lothying letter, cer	and man receipts	
	Sign Posting Agreemen	•				
	TIS/AQIA Traffic Impact	t Study form with required signa	ature			
	Fee (see schedule)					
		related file numbers on the cove mately 7 weeks after the filing		ur attendance le	required	
	EPC hearings are approxi	matery / weeks after the ming	g deadine. To	ur attenuance is	required.	
Z	SITE DEVELOPMENT P	LAN FOR BUILDING PERM	AIT	(EPC15)	Maximum Size: 24"	
•	x 36"			, ,		
	SITE DEVELOPMENT P	LAN and/or WAIVER OF S	TANDARDS			
	FOR WIRELESS TELEC			C17)		
	№ 5 Acres or more & zone	d SU-1, IP, SU-2, PC, or Shop	ping Center: Ce	rtificate of No Effe	ct or Approval	
		awings (folded to fit into an 8.				
	NA Site Plan for Subdivision	n, if applicable, previously appr Folded to fit into an 8)			•	
	Site plans and related d	lrawings reduced to 8.5" x 11" f		et.) 30 copies		
	Zone Atlas map with the	e entire property(ies) precisely	and clearly outli	ned and crosshate	ched (to be photocopied)	
	Letter briefly describing	, explaining, and justifying the r	equest			
	Letter of authorization fr	rom the property owner if applic	cation is submitt	ed by an agent	416 - d 11 1-4-	
		Neighborhood Coordination inq	luiry response, r	notifying letter, cer	tified mail receipts	
	Sign Posting Agreement Completed Site Plan for	ıı r Subdivision and/or Building Pe	ermit Checklist			
		t Study form with required signa				
	Z Fee (see schedule)					
		related file numbers on the cov		<b>FD</b> 0	to for which and	
		n facilities (administrative reviev materials are required in addition				
		described in Zoning Code §14		a above for applie	attori sabriittai.	
		claring # of antennas accommo		§14-16-3-17(A)(1	0)(d)2	
	Letter of intent regarding	g shared use. Refer to §14-16	-3-17(A)(10)(e)			
	Letter of description as	above also addressing conceal	lment issues, if	relevant. Refer to	§14-16-3-17(A)(12)(a)	
	standing tower	sting free standing tower and its	s owner's name	ii ine proposed ia	clity is also a free	
	<del>-</del>	stamp on the Site Development	Plans			
		Neighborhood Coordination inq				
	EPC hearings are approxi	mately 7 weeks after the filing	g deadline. Yo	ur attendance is	required.	
	AMENDED SITE DEVEL	OPMENT PLAN FOR BUIL	DING PERMI	T (EPC01) Ma	ximum Size: 24" x 36"	
$\overline{\Box}$		OPMENT PLAN FOR SUB		(EPC		
_		e Plan (folded to fit into an 8.5"		•	,	
		eing amended (folded to fit into				
		or Subdivision, if applicable (rec	•	ending SDP for B	uilding Permit) 30 copies	
		trawings reduced to 8.5" x 11" f e entire property(ies) clearly ou				
		, explaining, and justifying the r				
		rom the property owner if applic		ed by an agent		
		Neighborhood Coordination inc	juiry response, i	notifying letter, ce	tified mail receipts	
	Sign Posting Agreemen			1	San Control distriction	
	•	r Building Permit Checklist (not t Study form with required signa	•	enament of SDP	for Subdivision)	
	Fee (see schedule)	t Study form with required signi	ature			
		related file numbers on the cov	er application			
	EPC hearings are approxi	mately 7 weeks after the filin				
1. 1	the applicant, acknowledge	that any		Applicant na		
	ormation required but not	submitted	J. Ma H/	Nyers		
	h this application will likely	result in	1,111	Applicant na	me (print)	
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			F	orm revised Octo	ober 2007	
Ņ	Checklists complete	Application case numbers	· ·	alle	- S-1-08	
M	Fees collected	OKE DC - 400 SC	,		Planner signature / date	
23	Case #s assigned		Proj	ect# 1007	267	
_ N/	Related #s listed					

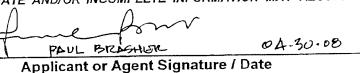
### SITE DEVELOPMENT PLAN FOR BUILDING PERMIT CHECKLIST

Revised: 2/22/07

This checklist will be used to verify the completeness of site plans submitted for review by the Environmental Planning Commission and Development Review Board. Because development proposals vary in type and scale, there may be submittal requirements that are not specified here. Nonetheless, applicants are responsible for providing a complete submittal. Certification as specified below is required.

I CERTIFY THAT THE SUBMITTED SITE DEVELOPMENT PLAN IS COMPLETE AND ACCURATE, AND THAT ALL APPLICABLE INFORMATION AS SPECIFIED IN THIS CHECKLIST IS PROVIDED. FURTHER, I UNDERSTAND THAT THIS APPLICATION IS BEING ACCEPTED PROVISIONALLY AND THAT INACCURATE AND/OR INCOMPLETE INFORMATION MAY RESULT IN THE

SUBSEQUENT REJECTION OF THE APPLICATION OR IN A DELAY OF ONE MONTH OR MORE IN THE DATE THE APPLICATION IS SCHEDULED FOR PUBLIC HEARING.



NOTE: MAXIMUM SIZE FOR SUBMITTAL IS 24" X 36".

Site development plan packets shall be composed of the following plan sheets (unless otherwise approved in writing prior to submittal by the Planning Department):

- Site Plan (including utilities and easements) 1.
- Landscaping Plan 2.
- Preliminary Grading Plan (A separate Grading Plan sheet is required for a sites 1 acre or more.) 3.
- **Building and Structure Elevations** 4.
- Conceptual Utility Plan 5.
- Previously approved Development Plan (if applicable)

Submitted plan packets must be organized in the above manner. The following checklist describes the minimum information necessary for each plan element. The Applicant must include all checklist items on their site plan drawings and confirm inclusion by checking off the items below. Non-applicable items must be labeled "N/A." Each non-applicable designation must be explained by notation on the Checklist.

Accompanying Material

8-1/2" x 11" reduction for each plan sheet.

Written project summary. Each application must include a brief narrative description of the proposed project, its primary features and how compatibility with the surrounding context has been achieved.

#### SHEET #1 - SITE PLAN

#### A. General Information

Date of drawing and/or last revision Scale: 1.0 acre or less 1" = 10' \_\_\_\_ **1.**0 - 5.0 acres 1" = 20'1'' = 50'Over 5 acres [Other scales as approved by staff] 1" = 100Over 20 acres

Bar scale

North arrow

Scaled vicinity map

Property lines (clearly identify)

Existing and proposed easements (identify each)

Phases of development including location and square footages of structures, circulation, parking and landscaping

#### **B.** Proposed Development

1.	Structura	ali
	A. B. C. D. E. F. G. H.	Location of existing and proposed structures (distinguish between existing & proposed) Square footage of each structure Proposed use of each structure Temporary structures, signs and other improvements Walls, fences, and screening: indicate height, length, color and materials Dimensions of all principal site elements or typical dimensions thereof Loading facilities Site lighting (indicate height & fixture type) Indicate structures within 20 feet of site Elevation drawing of refuse container and enclosure, if applicable.
	- <del>X</del> J.	Indicate structures within 20 feet of site  Elevation drawing of refuse container and enclosure, if applicable.
2.		and Internal Circulation
		Parking layout with spaces numbered per aisle and totaled1. Location and typical dimensions, including handicapped spaces
		2. Calculations: spaces required: 36 provided: 39
	<u>X</u> B.	
		2. Other bicycle facilities, if applicable
	<u> </u>	<ul> <li>Vehicular Circulation (Refer to Chapter 23 of DPM)</li> <li>★ 1. Ingress and egress locations, including width and curve radii dimensions</li> <li>★ 2. Drive aisle locations, including width and curve radii dimensions</li> <li>★ 3. End aisle locations, including width and curve radii dimensions</li> <li>★ 4. Location &amp; orientation of refuse enclosure, with dimensions</li> <li>★ 5. Curb cut locations and dimensions</li> </ul>
	<u>X</u> d.	Pedestrian Circulation  X 1. Location and dimensions of all sidewalks and pedestrian paths  N/A 2. Location and dimension of drive aisle crossings, including paving treatment  X 3. Location and description of amenities, including patios, benches, tables, etc.
3.	Streets ar	nd Circulation
	<u> </u>	<ol> <li>Existing and proposed pavement widths, right-of-way widths and curve radii</li> <li>Identify existing and proposed turn lanes, deceleration lanes and similar features related to the functioning of the proposal, with dimensions</li> <li>Location of traffic signs and signals related to the functioning of the proposal Identify existing and proposed medians and median cuts</li> <li>Sidewalk widths and locations, existing and proposed</li> </ol>
_		entify Alternate transportation facilities within site or adjacent to site  1. Bikeways and bike-related facilities

#### SITE DEVELOPMENT PLAN FOR BUILDING PERMIT CHECKLIST

Revised: 2/22/07

- 2. Pedestrian trails and linkages

  Bus facilities, including routes, bays and shelters existing or required

  4. Utilities

  1. Fire hydrant locations, existing and proposed.
  - 2. Distribution lines
     3. Right-of-Way and easements, existing and proposed, on the property and adjacent to the boundaries, with identification of types and dimensions.
  - 4. Existing water, sewer, storm drainage facilities (public and/or private).
     5. Proposed water, sewer, storm drainage facilities (public and/or private)

#### 5. Phasing

Proposed phasing of improvements and provision for interim facilities. Indicate phasing plan, including location and square footage of structures and associated improvements including circulation, parking and landscaping.

#### SHEET #2 - LANDSCAPING PLAN

Landscaping may be shown on sheet #1 with written approval from Planning Department staff.

X	1.	Scale - must be same as scale on sheet #1 - Site plan			
人	2.	Bar Scale			
X	3.	North Arrow Property Lines			
X	4.	Property Lines			
M/A	5.	Existing and proposed easements			
	6.	Identify nature of ground cover materials  A. Impervious areas (pavement, sidewalks, slope pavings, curb and gutters, etc.)  B. Pervious areas (planting beds, grass, ground cover vegetation, etc.)  C. Ponding areas either for drainage or landscaping/recreational use			
	7.	Identify type, location and size of plantings (common and/or botanical names).			
		<ul> <li>A. Existing, indicating whether it is to preserved or removed.</li> <li>B. Proposed, to be established for general landscaping.</li> <li>C. Proposed, to be established for screening/buffering.</li> </ul>			
$\times$		Describe irrigation system – Phase I & II			
	9.	Planting Beds, indicating square footage of each bed			
	10.	Turf Area - only 20% of landscaped area can be high water turf; provide square footage and percentage.			
		Responsibility for Maintenance (statement)			
又		Statement of compliance with Water ConservationOrdinance, see article 6-1-1-1.			
		Landscaped area requirement; square footage and percent (specify clearly on plan)			
		Landscaped area provided; square footage and percent (specify clearly on plan)			
	<b>1</b> 5.	Planting or tree well detail			

#### SHEET #3 -PRELIMINARY GRADING PLAN -

The Preliminary Grading Plan provides the Planning Commission and staff with an understanding of site topography and how it relates to adjacent property. Planning staff may waive or allow adjustments to the Preliminary Grading Plan requirements for sites that are small, relatively flat and have no existing or proposed extraordinary drainage facilities. Waivers must be obtained in writing from the City Engineer prior to application submittal.

Grading information for sites that are under 1 acre can be included on Sheet #1.

16. Street Tree Plan as defined in the Street Tree Ord.

#### SITE DEVELOPMENT PLAN FOR BUILDING PERMIT CHECKLIST

Revised: 2/22/07

#### A. General Information

🚶 1. Scale - must be same as Sheet #1 - Site Plan

X 2. Bar Scale

区 3. North Arrow

× 4. Property Lines

★ 5. Existing and proposed easements

★ 6. Building footprints

P/k 7. Location of Retaining walls

#### **B.** Grading Information

1. On the plan sheet, provide a narrative description of existing site topography, proposed grading improvements and topography within 100 feet of the site.

2. Indicate finished floor elevation and provide spot elevations for all corners of the site (existing and proposed) and points of maximum cut or fill exceeding 1 foot.

 $\frac{1}{2}$  3. Identify ponding areas, erosion and sediment control facilities.

以▶ 4. Cross Sections

Provide cross section for all perimeter property lines where the grade change is greater than 4 feet at the point of the greatest grade change. Provide one additional cross section in each direction within no more than 100 feet of the reference point.

#### SHEET #4 - BUILDING AND STRUCTURE ELEVATIONS

#### A. General Information

★ A. Scale (minimum of 1/8" or as approved by Planning Staff).

🔀 B. 🛮 Bar Scale

★ C. Detailed Building Elevations for each facade

★ 1. Identify facade orientation

2. Dimensions of facade elements, including overall height and width

X 3. Location, material and colors of windows, doors and framing

4. Materials and colors of all building elements and structures

5. For EPC and DRB submittals only – Color renderings or similar illustrations

Site Development Plans for single family residential projects with multiple units may require submittal of specific information on building features in lieu of elevation drawings for each building. Applicants are advised to discussed submittal requirements with Planning Department staff.

#### B. Signage

★ 1. Site location(s)

2. Sign elevations to scale

3. Dimensions, including height and width

X 4. Sign face area - dimensions and square footage clearly indicated

★ 5. Lighting

 $\overline{X}$  6. Materials and colors for sign face and structural elements.

Applicants should make sure that the submitted site development plan drawings are accurate and complete, and that items specified in this checklist have been clearly indicated on the plan drawings as required.

#### **REASONS FOR REQUEST**

This is a request to rezone Lots 1, 2, 17 & 18 of Block 3 Unity Subdivision, located on the south side of Central Ave. SE between Texas St. and Tennessee St. (the "Property"). The Property is currently zoned C-2 (the "Current Zoning"). This request asks that the Environmental Planning Commission (the "EPC") rezone the Property to SU-1 for Senior Housing for elderly multifamily housing as regulated by the R-3 zone (the "Requested Zoning"). Simultaneously with the zone request, an application for site plan for building permit has been submitted and is a part of this request (the "Site Plan").

The current owner of the Property is the City of Albuquerque (the "City") and the contract purchaser of the Property is the Elderly Housing Development & Operations Corp., a Florida non-profit corporation ("EHDOC") which specializes in the development of senior housing. Attached hereto as Exhibit "A" is a document which details the previous projects which EHDOC has been involved in and gives a brief overview of the type of facilities which EHCOD owns. All of the 40 units will be "affordable" pursuant to EHDOC's agreement with the U.S. Department of Housing and Urban Development ("HUD"). HUD regulates the rent for the senior housing by only requiring tenants to pay a maximum of 30% of their income for rent and the balance of the rent payment is made through HUD subsidies.

The agent for this zone change is the law firm of Myers, Oliver & Price, P.C. (J. Matt Myers and John A. Myers). The Property is approximately 1.34 acres, and the proposed development shown on the enclosed Site Plan will be comprised of approximately 40 units. A traffic impact study will not be required for this zone change.

## THE REQUESTED ZONE CHANGE IS CONSISTENT WITH THE CITY'S RESOLUTION 270-1980 AS FOLLOWS:

A. The proposal is consistent with the health, safety, morals and general welfare of the City.

The project is infill development that is consistent with the City's Comp. Plan. The City has had the opportunity meet with the area's neighborhood association representatives and there has generally been positive feedback. The neighborhood is currently going through a time when positive change is being realized and the addition of this infill development project will only serve to further the revitalization of the surrounding community. The project will eliminate vacant land within the community which will discourage congregation at the vacant lands which is fairly common in the Trumbull and La Mesa neighborhoods. Additionally, the beautification of the old Route 66 will be seen by the many tourists who visit the historic area.

B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the City to show why the change should not be made.

The Property is located in a part of the City which has historically been a haven for drug abusers, prostitution and associated activities. The Requested Zoning will allow EHDOC to construct aesthetically pleasing buildings in an area of the City that has seen very little new development take place in the past twenty years.

C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan ("Comp. Plan") or other City master plans and amendments thereto, including privately developed area plans which have been adopted by the City.

The request is consistent with the City's Comp. Plan as detailed below and the Requested Zoning will also serve to facilitate the realization of the goals and policies set out in the Near Heights MRA as well as the Trumbull SDP.

D. The applicant must demonstrate that the existing zoning is inappropriate because:

### 1. There was an error when the existing zone map pattern was created; or

There was no error.

## 2. Changed neighborhood or community conditions justify the change; or

There have been drastic changes in the surrounding community and those changes justify the zone change. As discussed at length in both the Near Heights MRA and the Trumbull SDP this area of the City was known for its hotels and motels situated along Central Ave. However, most of those hotels have been abandoned or are now being inhabited not by tourists and visitors but by individuals who live permanently in these hotels. The Trumbull and La Mesa neighborhoods got to a point where the City had to step in and create the Near Heights MRA in order to facilitate redevelopment. The fact that Central Ave. is no longer the main thoroughfare demonstrates the changed conditions. Additionally, there has been very little desire by commercial users to develop or redevelop areas within the community. The proposed project realizes that the neighborhood has changed and will be more aesthetically appealing than a vacant lot. Additionally, the University of New Mexico will be constructing a community based medical clinic on the SE corner of Central Ave. and Texas which clinic would be very helpful to the seniors living at the project.

3. A different use category is more advantageous to the community, as articulated in the Comp. Plan or other City master plan, even though (D)(1) or (D)(2) above do not apply.

The project and the Requested Zoning will be more advantageous to the surrounding community as articulated in the Comp. Plan, the Near Heights MRA and the Trumbull SDP as set forth below. What follows is a detailed analysis of how the Requested Zoning is more advantageous to the community as articulated in the following plans, which regulate the use of the Property:

- The Albuquerque/Bernalillo County Comprehensive Plan ("Comp. Plan"),
   the City's Rank 1 Plan;
- The Centers and Corridors section of the Comp. Plan.;

- The Trumbull Neighborhood Sector Development Plan (the "SDP"), a
  Rank III City Plan; and
- The Near Heights Metropolitan Redevelopment Area Plan (the "Near Heights MRA").

What follows is a detailed discussion of how the Requested Zoning realizes the goals and policies of each of the aforementioned City plans:

#### THE COMPREHENSIVE PLAN

#### SECTION II OF COMP. PLAN - GOALS AND POLICIES

#### B. LAND USE

#### 5. DEVELOPING AND ESTABLISHED URBAN AREAS:

The Property is located within an Established Urban Area as identified in the Comp. Plan. The Requested Zoning will facilitate the goals and policies for Established Urban Areas found in the City's Comp. Plan. The goal for any and all development in Established Urban Areas is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment. The following policies are found in the Comp. Plan and are consistent with the proposed development of the Property:

<u>Policy d.</u> requires that any new development shall respect existing neighborhood values and natural environmental conditions.

The surrounding Trumbull/La Mesa neighborhoods have historically been associated with high crime rates, high levels of unemployment, prostitution and overall high incidents of crime. The Requested Zoning along with the accompanying Site Plan will rejuvenate the surrounding areas by respecting the existing neighborhoods while establishing new housing/buildings in the area. The neighbors will have the opportunity to participate in the approval of the Site Plan and they will be able to attend the EPC hearing that will be held on the request for the zone change as well as the request for Site Plan approval. The City has had several meetings with the surrounding neighborhood associations and has reported that the neighbors are generally in support of the proposed senior living project.

## <u>Policy f.</u> Clustering of homes to provide larger shared open areas and houses oriented towards pedestrian or bikeways shall be encouraged.

The proposed project, as shown on the Site Plan, will have an open area that will be able to be utilized by the seniors living at the facility. Additionally, the project will have many landscaped areas to improve the visual appearance of the neighborhood to those individuals driving along Central. Central Ave. has reliable and frequent public transportation so the friends and family of the residents can visit easily. Additionally, the Property is within a half mile of the grocery store/international market located at Central Ave. and Louisiana Blvd., which is designated as an Activity Center in the Comp. Plan. The residents of the project will be able to walk to the aforementioned grocery store thus increasing the pedestrian traffic within the area.

<u>Policy e.</u> states that new growth shall be accommodated through development in areas where vacant land is contiguous to existing urban facilities and services and where the integrity of existing neighborhoods can be ensured.

As seen on the Site Plan, the Property is contiguous with existing urban facilities, including roadways, utilities, and storm water drainage facilities. This project will be considered infill development which is encouraged in the Comp. Plan.

<u>Policy h.</u> states that higher density housing is most appropriate in the following situations:

- In designated Activity Centers.
- In areas with excellent access to the major street network.
- In areas where a mixed density pattern is already established by zoning or use, where it is compatible with existing area land uses and where adequate infrastructure is or will be available.

The Property is located within a half mile of the International Market/Grocery Store, which is designated as an Activity Center in the Comp. Plan. Central Ave. is designated as an Enhanced Transit Corridor and, as such, the development will have access to the public transportation networks that serve Central Ave. The Property is very close to other major streets such as Louisiana Blvd. and Wyoming Blvd. This project will be considered infill development and as such there is already adequate infrastructure available.

<u>Policy m.</u> states that urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

The Property is located within the Near Heights MRA. The Near Heights MRA discusses at length the need to redevelop the Trumbull and La Mesa neighborhoods. The Property is also located within the Trumbull SDP which encourages development of vacant land and states that the physical appearance of the Trumbull and La Mesa neighborhoods needs improvement. EHDOC has a proven track record in the development of successful and aesthetically pleasing senior multifamily hosing.

<u>Policy o.</u> states that redevelopment and rehabilitation of older neighborhoods in the established urban area shall be continued and strengthened.

The neighborhoods surrounding the Property are older neighborhoods and, as shown on the Site Plan, the Property will eventually be developed into approximately 40 units which will infuse the area with attractive housing for the elderly. The new development should further serve to decrease crime and other undesirable activity in the areas and increase pedestrian traffic within the area by promoting the seniors to utilize the public transportation and to take advantage of the surrounding commercial uses.

## SECTION II OF COMP. PLAN – GOALS AND POLICIES C. ENVIRONMENTAL PROTECTION AND HERITAGE CONSERVATION

#### 1. Air Quality:

Policy b. Automobile travels adverse effects on air quality shall be reduced through a balanced land use transportation system that promotes the efficient placement of housing, employment and services.

The use of the Property for the proposed project is supported by the Comp. Plan's goals and policies. The Property is (a) vacant and contiguous to existing urban facilities; and (b) can be developed in such a manner as to protect the integrity of existing neighborhoods, and respecting surrounding conditions. The proposed plan for development of the Property minimizes adverse impacts upon established residential neighborhoods and provides a quality and innovative design.

#### <u>SECTION II OF COMP. PLAN – GOALS AND POLICIES</u>

#### D. COMMUNITY RESOURCE MANAGEMENT

#### **4. TRANSPORTATION AND TRANSIT:**

Central Ave. is designated as an Enhanced Transit Corridor in the Comp. Plan. Enhanced Transit Corridors are roadways designed or redesigned to improve transit and pedestrian opportunities for residents, businesses and other users nearby. The goal of these roadways is to develop adjacent land uses and intensities that promote the use of transit.

The Property is close to local businesses and residential neighborhoods and will encourage the use of public transportation by the elderly residents who may no longer by able to drive. The nearby public transportation facilities will greatly increase the mobility of the seniors living at the project and will encourage senior residents to get out and participate in the community. Additionally, the project's proximity to Louisiana St., which is designated as a Major Transit Corridor, and Wyoming St., which is designated as an Enhanced Transit Corridor, will allow friends and relatives of the residents to have the opportunity to visit their loved ones without the need to use an automobile.

#### SECTION II OF COMP. PLAN – GOALS AND POLICIES

#### D. COMMUNITY RESOURCE MANAGEMENT

#### 5. HOUSING:

The goal is to increase the supply of affordable housing; conserve and improve the quality of housing; ameliorate the problems of homelessness, overcrowding, and displacement of low income residents; and assure against discrimination in the provision of housing.

Policy a. The supply of affordable housing, shall be preserved and increased and the opportunity to obtain housing for a reasonable proportion of income assured. The Property is comprised of 40 units all of which will be affordable in some manner. EHCOD is working in conjunction with HUD and there is a requirement that no senior living at the facility shall pay more than 30% of his/her income for rent. Anything over 30% is subsidized by HUD. This project definitely increases the amount of affordable housing in the area.

Policy b. Quality and innovation in new housing design and construction shall be promoted and quality of existing housing improved through concentrated renovation programs in deteriorating neighborhoods. As mentioned before, the Property is currently vacant, the senior housing will be new and attractive. The units will be quite attractive and the City, through the EPC and the DRB will be participate in the approval of the Site Plan, which will allow the City to make sure that the project adheres to the City's current planning and building regulations and ordinances.

Policy c. The displacement of low income households, shall be ameliorated and the objectives of historic preservation and conservation of affordable housing balanced. This project will not displace any low income households, in fact, this project will bring more affordable housing to the Trumbull and La Mesa neighborhoods.

<u>Policy d.</u> Availability of a wide distribution of decent housing for all persons regardless of race, color, religion, sex, nation origin, ancestry, or handicapped status shall be assured. This project will be open to any senior no matter his/her race, color, religion, sex, nation origin, ancestry, or handicapped status.

#### THE TRUMBULL NEIGHBORHOOD SECTOR DEVELOPMENT PLAN

#### I. OVERVIEW

#### C. PLANNING PROCESS

The Property lies within the boundaries of the Trumbull SDP. The purpose of the adoption of the Trumbull SDP was so that the community could help guide the future development of the area. Two goals of the Trumbull SDP were the development of vacant land and the beautification of the neighborhood. The proposed senior housing project develops vacant land and, as shown on the Site Plan, increases the neighborhood's appearance.

## F. SUMMARY OF OBJECTIVES AND RECOMMENDATIONS OF THE TRUMBULL NEIGHBORHOOD PLAN

One of the major objectives of the Trumbull SDP was to improve the overall appearance of the community. The proposed project will do just that. The Requested

Zoning is SU-1, which the Trumbull SDP makes very clear is a desired zone within the Trumbull SDP because of the flexibility within the zone and the ability of the EPC to review site plans prior to construction.

#### G. GENERAL FINDINGS

The Trumbull SDP makes it very clear that the use of SU zoning for areas within the Trumbull SDP is encouraged as it provides a great amount of flexibility not offered elsewhere in the City's Comprehensive Zoning Code. The Trumbull SDP suggests that the SU zoning should be made available to the City's Planning staff to properly address unique problems that cannot be accomplished within the more traditional zones. The SU zoning should be expanded for use in Established Urban Areas as well as in Redeveloped Areas identified in the Comp. Plan. The Property is in the Established Urban Area so the Requested Zoning is consistent with the goals and policies of the Trumbull SDP.

#### NEAR HEIGHTS METROPOLITAN REDEVELOPMENT AREA

The Property falls within the boundaries of the Near Heights MRA which was slated to provide assisted living. The Near Heights MRA anticipated the need for an assisted living facility within the area and realized such a use would be a "residential" use. See p. 57 of the Near Heights MRA. While the project is not assisted it is going to be affordable senior housing. The Near Heights MRA specifically states that rezoning the vacant land in the area for SU Zoning would facilitate the development process and allow the eventual developer of the project a greater degree of flexibility. That is exactly what EHCOD and the City

are proposing via the Requested Zoning. The Requested Zoning will allow input by the neighborhood associations as well as the members of the City's EPC. This kind of participation with the surrounding community is exactly what the drafters of the Near Heights MRA had in mind.

The preceding paragraphs set forth how the requested zoning is more advantageous to the community through realization of the relevant City plans. We now return to the remaining requirements set out in Resolution 270-1980.

E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood, or the community.

None of the permissive uses would be harmful to the adjacent property, the neighborhood or the community. The project will house seniors living independently who will be a welcome additional to the community. Seniors are usually involved in community matters and are also known to report crime and other nefarious activities that they may spot. There will be no additional strain on the already overcrowded public schools in the area. In the meeting that the City has had with the surrounding neighborhood representatives there has been a general agreement that the project will be beneficial to the community.

- F. A proposed zone change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the City may be:
  - 1. Denied due to lack of capital funds; or
- 2. Granted with the implicit understanding that the city is not bound to provide the capital improvements on any special schedule.

The Property is located within an Established Urban Area, as designated in the Comp. Plan and would therefore not require any major or unprogrammed capital expenditure by the City. Since the Property is already served by City infrastructure there would be no need for unnecessary expenditure by the City.

G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

Economic considerations are not the determining factor for this request.

H. Location on a collector or major street is not in itself sufficient justification for apartment, office or commercial zoning.

The Property is adjacent to Central Ave., which is designated as an Enhanced Transit Corridor in the Comp. Plan. The proposed use is consistent with the Comp. Plan, the Centers and Corridors provisions of the Comp. Plan., the Near Heights MRA and the Trumbull SDP.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
- 1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
- 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

To the southwest of the Property there are currently apartment buildings. However, the Requested Zoning is specifically for senior living. The residents will be elderly and will most likely be quiet and respectful neighbors. Although the Property is next to some apartments it is also surrounded by many commercial parcels. The Requested Zoning so clearly facilitates the realization of the goals and policies contained in the Comp. Plan, the Near Heights MRA and the Trumbull SDP that even if it were to be considered spot zoning the zone change meets the requirements this section.

The surrounding area was included in the Near Heights MRA because the City wanted to attract new users to the area that is exactly what the senior living facility is.

- J. A zone change request, which would give a zone different from surrounding zoning to a strip of land along a street is generally called "strip zoning." Strip commercial zoning will be approved only where:
- 1. The change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan; and
- 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The Requested Zoning can be approved because the requested change so clearly facilitates the realization of the Comp. Plan, the Near Heights MRA and the Trumbull SDP. EHDOC is committed to maintaining the development and to making sure that the project succeeds.

For the aforementioned reasons we respectfully request that the Property be rezoned from C-2 to SU-1 for Senior Housing for elderly multifamily housing as regulated by the R-3 zone.

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#### ELDERLY HOUSING DEVELOPMENT AND OPERATIONS CORPORATION

May 1, 2008

Hand Delivered
City of Albuquerque

Planning Department 600 Second Street, NW Suite 200 Albuquerque, New Mexico 87103

Re: Lots 1, 2, 17 and 18, Block 3, Unity Addition (the "Property")

Ladies and Gentlemen:

The undersigned is contract purchase of the above referenced Property, the subject of a site plan for building permit and a zone change request. Myers, Oliver & Price, P.C. (John A. Myers) is hereby authorized to act as the agent for the applicant in its application to the Environmental Planning Commission for a zone change request from C-2 to SU-1 for Senior Housing and a site plan for building permit. Myers, Oliver & Price is further authorized to remain as the agent through any appeals process, if any.

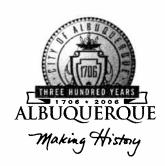
OPERATIONS CORPORATION, a District

of Columbia nonprofit corporation

By: Steve Protulis, Executive Director

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## CITY OF ALBUQUERQUE



May 1, 2008

**Hand Delivered** 

City of Albuquerque
Planning Department
600 Second Street, NW
Suite 200
Albuquerque, New Mexico 87103

Re: Lots 1, 2, 17 and 18, Block 3, Unity Addition (the "Property")

P.O. Box 1293

Ladies and Gentlemen:

Albuquerque

The undersigned is the owner of the above referenced Property, the subject of a site plan for building permit and a zone change request. Elderly Housing Development and Operations Corporation ("EHDOC") is the contract purchaser for the Property and is hereby authorized to retain Myers, Oliver & Price, P.C. (John A. Myers) as its agent in its application to the Environmental Planning Commission for a zone change request from C-2 to SU-1 for Senior Housing and a site plan for building permit. Myers, Oliver & Price is further authorized to remain as its agent through any appeals process, if any.

New Mexico 87103

www.cabq.gov

CITY OF ALBUQUERQUE

Department of Family Community, Services

Valorie A. Vigil, Director

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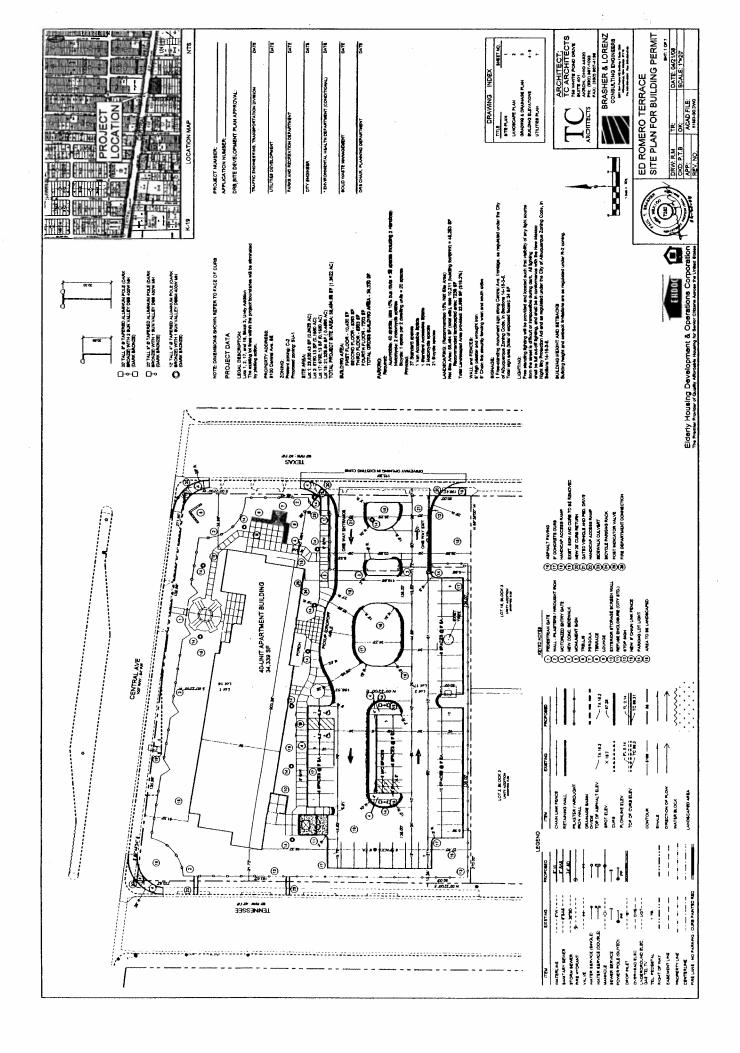


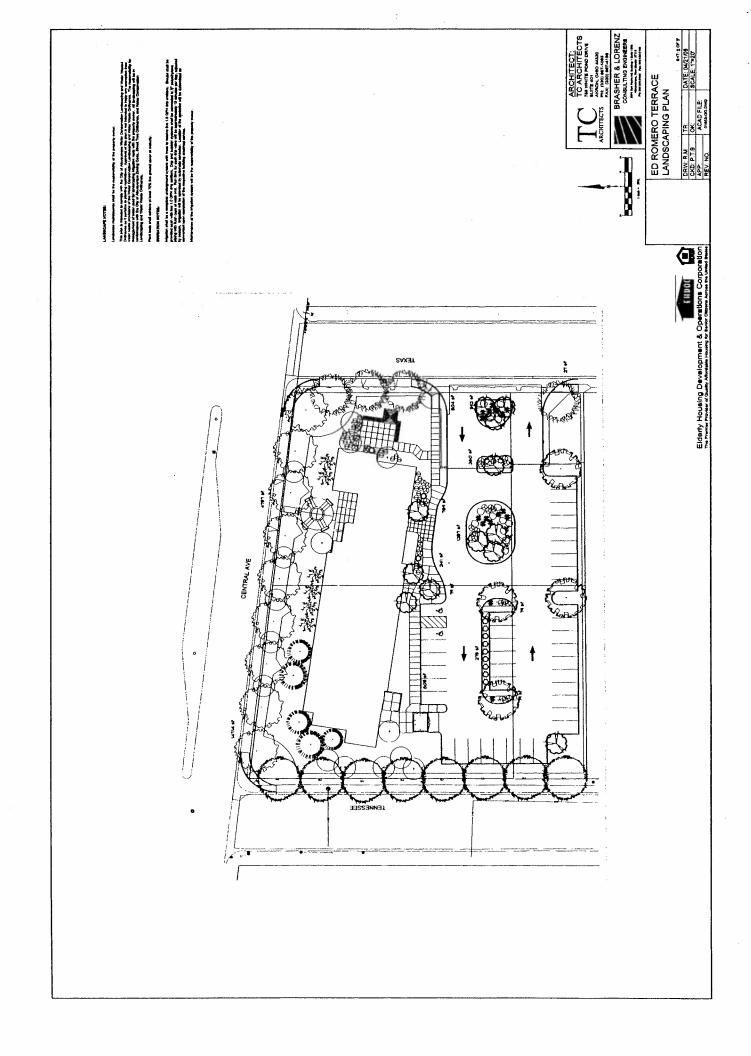
City of Albuquerque

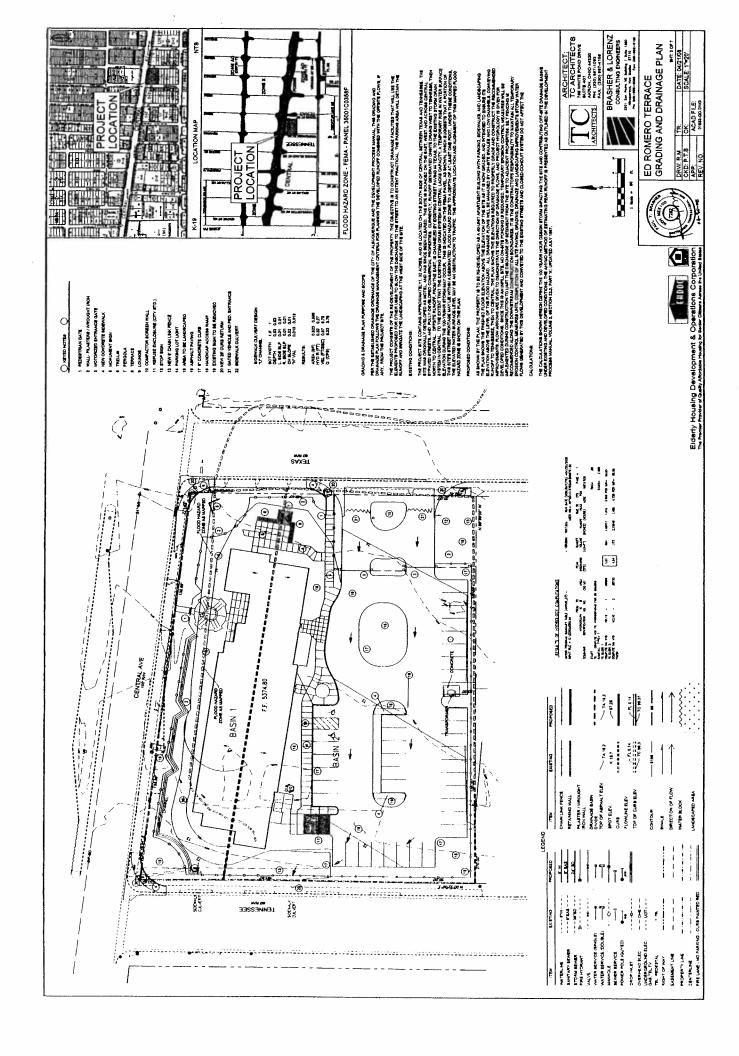
PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information outdated information may result

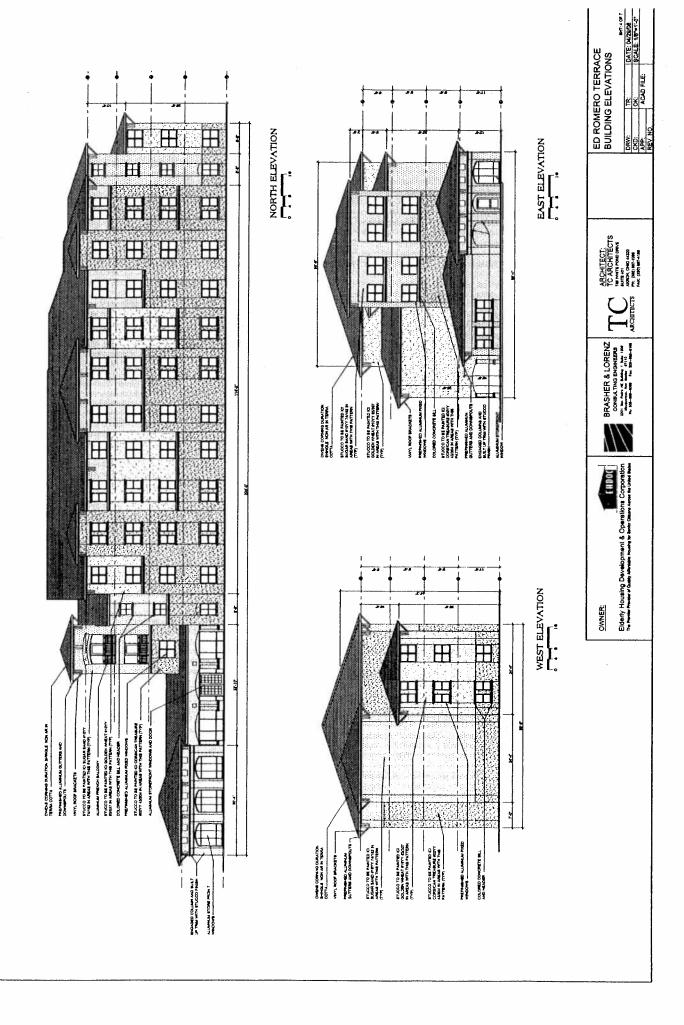
Homeowner Associations need to be notified.

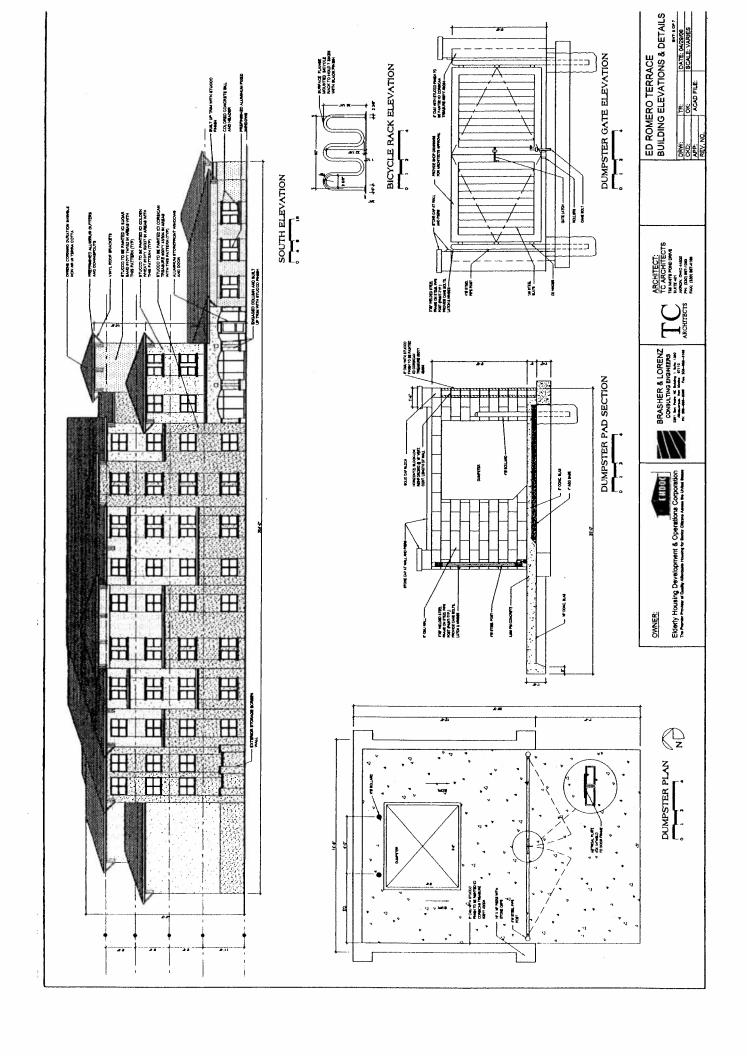
Date: April 28, 2008	in a deferral of your case.
the state of the s	
TO CONTACT NAME: Karen Arfman	
COMPANY/AGENCY: Myers Oliver +	Price P.C.
ADDRESS/ZIP: 1401 Central Ave. NW	247.9109
Thank you for your inquiry of April 28	requesting the names of ALL Affects
Neighborhood and/or Homeowner Ass provisions of O-92 by your proposed project a	t Lots 1, 2, 17 and 18, Block 3 Oritz Hadit
Located on Central tre. St between To	exas St. SE and Tennessee SE
zone map page(s)	
Our records indicate that the Affected Neig	hborhood and/or Homeowner Associations
affected by this proposal and the contact name	La Nesa Comm-Improv. Assoc.
Trumbull Village Assoc.	
Neighborhood or Homeowner Association	Neighborhood or Homeowner Association
Contacts: Joanne Landry	Contacts: Charlie Bennett LOO San Pablo NE 87108
7501 Trumbull SE 87108	
604.6761 (c)	254·7841 (h)
Angelic Senteno	Tommie Jewell Sr.
7934 Bell Ave. SE 87108	912 Utoh NE 87108
266:3536 (C)	268.7198(Y)
See reverse side for additional Neighborho	od and/or Homeowner Associations
Information:	YES { } NO {\}
Please note that according to $\phi$ -92 you are req	uired to notify each of these contact persons by
CERTIFIED MAIL, RETURN RECEIPT REQUE	STED, BEFORE the Planning Department will accept
your application filing. IMPORTANT! FAILUI	RE OF ADEQUATE NOTIFICATION MAY RESULT IN
YOUR APPLICATION HEARING BEING DEFE	RRED FOR 30 DAYS. If you have any questions
about the information provided, please contact	t our office at (505) 924-3914 or by fax at 924-3913.
Sincerely,	
Klank (1)	ATTENTION: Both contacts for
Tenan la	each Neighborhood and/or
OFFICE OF NEIGHBORHOOD COORDINATION	Homeowner Associations need

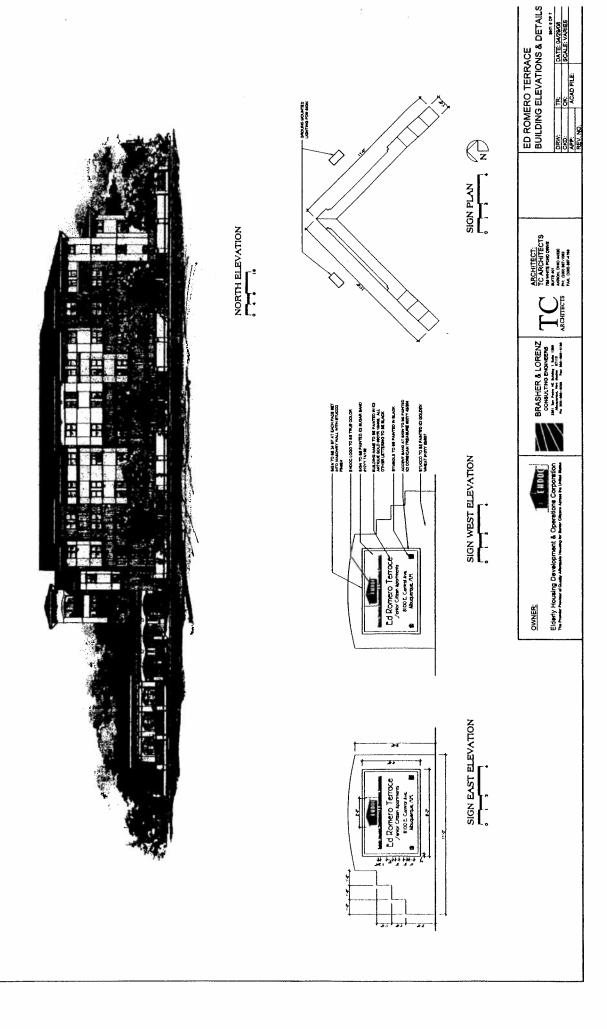


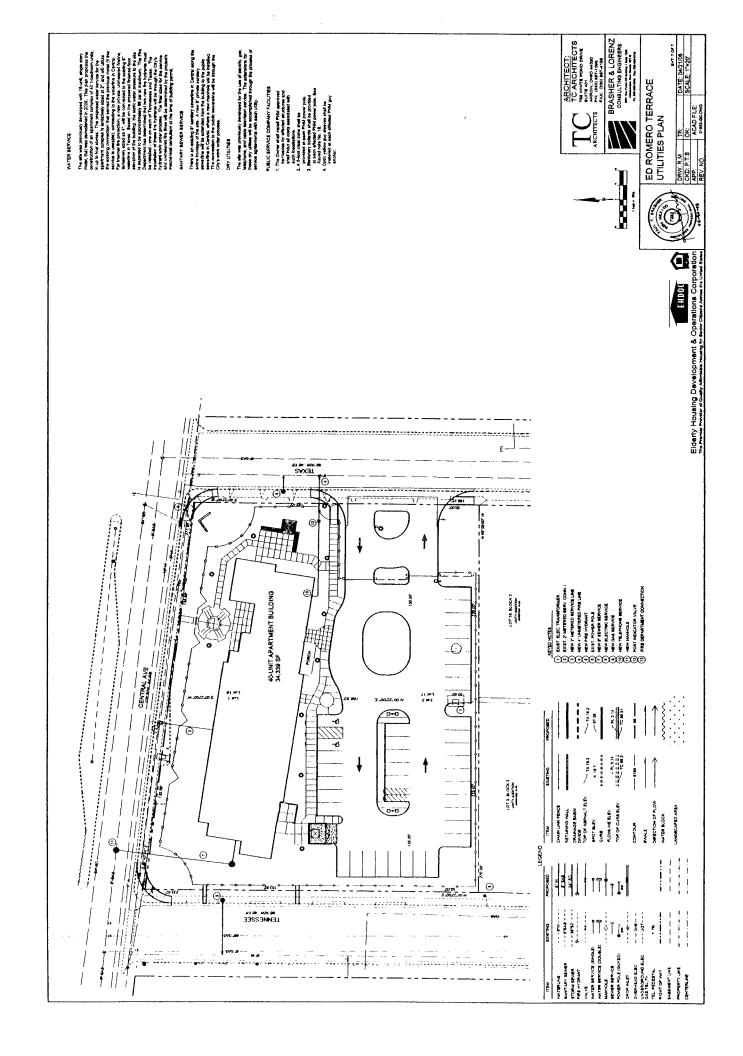


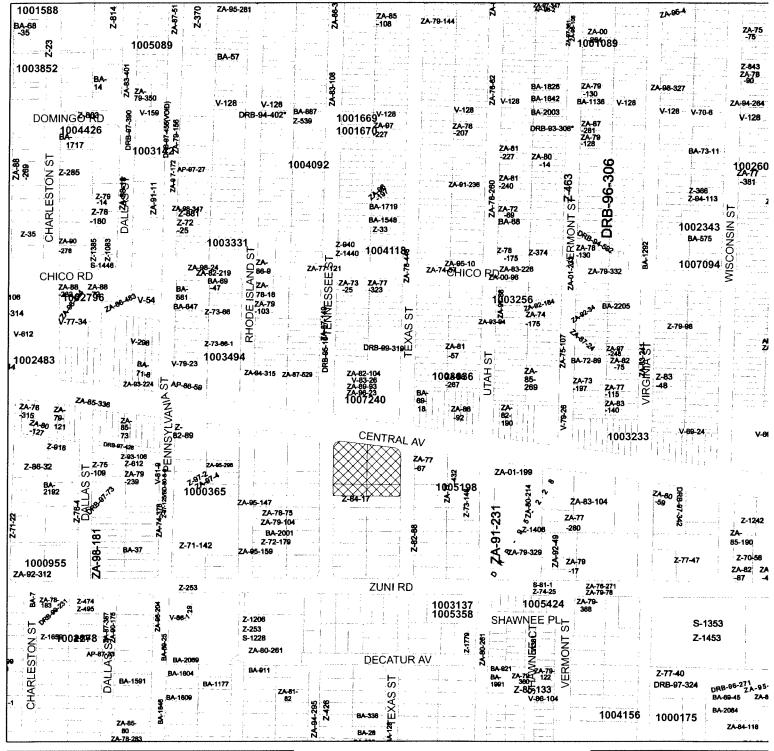


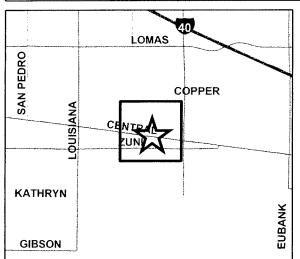










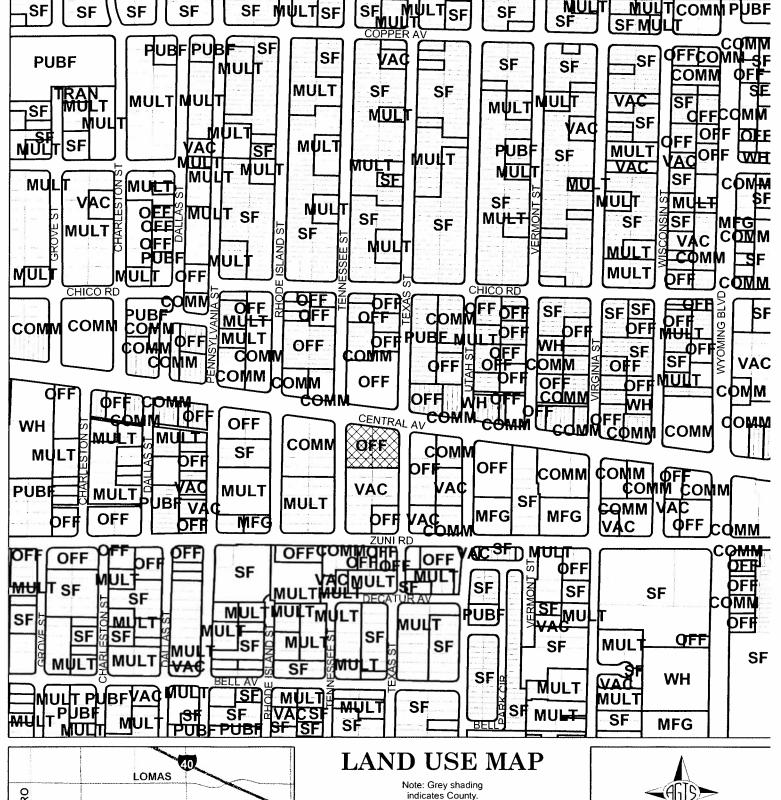


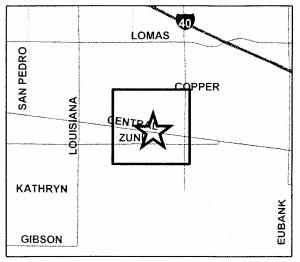
#### HISTORY MAP

Note: Grey shading indicates County.



1 inch equals 400 feet
Project Number:
1007267
Hearing Date:
June 19, 2008
Zone Map Page:
K-19
Additional Case Numbers:
08EPC-40050
08EPC-40054





KEY to Land Use Abbreviations

AGRI Agricultural COMM Commercial - Retail DRNG Drainage MFG Manufacturing or Mining MULT Multi-Family or Group Home OFF Office PARK Park, Recreation, or Open Space PRKG Parking **PUBF** Public Facility SF Single Family TRAN Transportation Facility VAC Vacant Land or Abandoned Buildings WH Warehousing & Storage

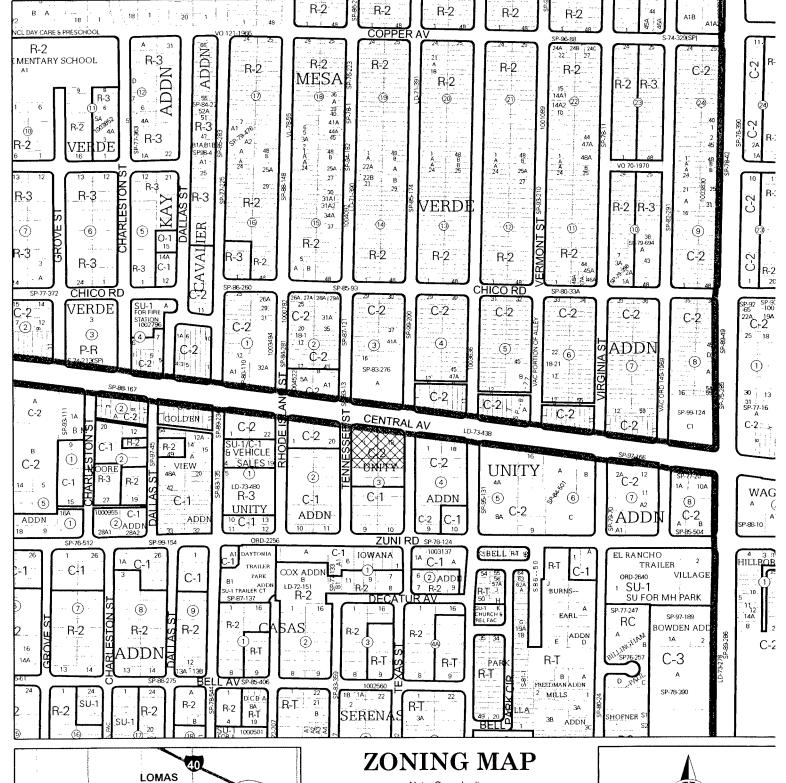


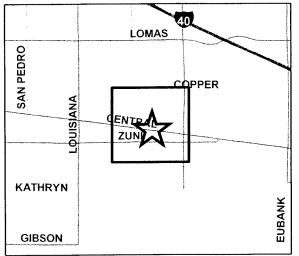
1 inch equals 500 feet

**Project Number:** 1007267 Hearing Date: June 19, 2008 Zone Map Page: K-19

**Additional Case Numbers:** 08EPC-40050

08EPC-40054





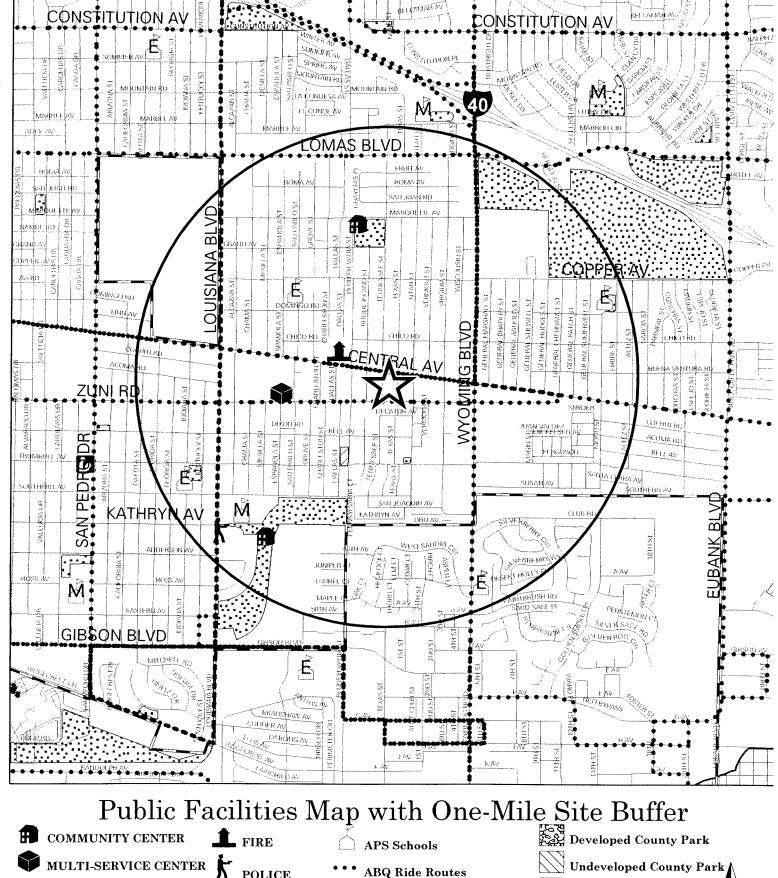
Note: Grey shading indicates County.

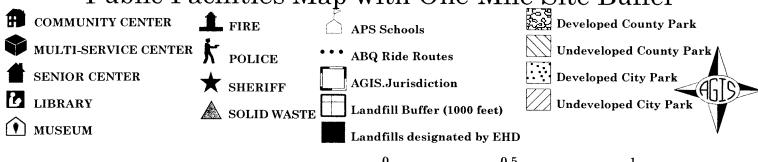


1 inch equals 500 feet

Project Number: 1007267 Hearing Date: June 19, 2008 Zone Map Page: K-19

Additional Case Numbers: 08EPC-40050 08EPC-40054





Project Number: 1007267 0 0.5 1 Miles

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