



City of Albuquerque
Planning Department
Urban Design & Development Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: July 8, 2011

OFFICIAL NOTIFICATION OF DECISION

FILE: **Project # 1008746**, 11EPC-40020

City of Albuquerque
Planning Department
PO Box 1293
Albuquerque, NM 87102

LEGAL DESCRIPTION:

COA PLANNING DEPT. requests the above action for the Los Duranes area, bounded by parcels on Los Anayas Road to the north, I-40 to the south, the Albuquerque Drain to the west, and Rio Grande Blvd., Indian School Rd & Alameda Drain to the east. Area in City is currently zoned RA-1, RA-2, R-1, R-LT, R-T, R-2, O-1, C-1, C-2, P, P-R, M-1, SU-1, and proposed to be zoned RA-1, SU-1, SU-2/RA-2, SU-2/R-1, SU-2/R-LT, SU-2/R-T, SU-2/R-2, SU-2/MUD 1, SU-2/MUD 2, containing approximately 443 acres total (incl. 290 acres in the City). Carol Toffaleti, Staff Planner (Zone Atlas Maps: G-12, H-12 & H-13)

On July 7, 2011 the Environmental Planning Commission voted that a Recommendation of Approval be forwarded to City Council for Project 1008746 / 11EPC-40020, a request for a Sector Development Plan for the Los Duranes area, based on the following Findings and subject to the following Conditions:

FINDINGS – 11EPC-40020, July 7, 2011, Recommendation of adoption of the Los Duranes Sector Development Plan

1. The *Los Duranes Sector Development Plan* (LSDSP) covers an area of approximately 443 acres total, including 290 acres in the City. The plan boundaries are generally Los Anayas Rd. and Indian School Rd. to the north, I-40 to the south, Albuquerque Drain to the west and Rio Grande Blvd and the Alameda Drain to the east.
2. The *Albuquerque/Bernalillo County Comprehensive Plan* (amended through 2003), the *North Valley Area Plan* (1993), the *Rio Grande Boulevard Corridor Plan* (1989), the *Los Duranes*

Sector Development Plan (1976 as amended) and Albuquerque's *Comprehensive City Zoning Code* are incorporated herein by reference and made part of the record for all purposes.

3. The LDSDP will be submitted to the County Planning Commission and Board of County Commissioners for review, recommendation and adoption at a later date. City and County Planning staff are coordinating the two review processes with the intent of achieving a single final document.
4. The LDSDP is a significant update of the existing plan (adopted 1976, amended 1981), because it also includes land under the jurisdiction of the County of Bernalillo, and establishes zoning and standards for development and streets that are unique to the Los Duranes neighborhood.
5. Los Duranes is one of the oldest settlements in Albuquerque, dating back to the early 1770's. The neighborhood reflects this long history through the residents and property-owners, many of whom descend from the early European settlers, and its visual character. The area has a network of acequias, many narrow winding streets and a variety of building types, lot sizes and shapes. Two historic buildings, the Gavino Anaya house and Capilla (chapel) de San Jose, are registered with the federal and state government.
6. The entire area is covered by an "X Protected by Levee" Flood Zone as defined by the National Flood Insurance Program Panel 35001C0331H. This means that if the levee did not exist or was decertified the Flood Zone designation would change. There is an AO Flood Zone near the west end of Beach Rd and an AH Flood Zone on Sarita Ave.
7. The city portion of the LDSDP area currently contains the following zones: RA-1, RA-2, R-1, R-LT, R-T, R-2, O-1, C-1, C-2, P, P-R, M-1, SU-1 for Private School, SU-1 for O-1 permissive uses.
8. The LDSDP furthers the following applicable goals and policies of the *Albuquerque/Bernalillo County Comprehensive Plan*:
 - a. The properties in the Semi-Rural Area of the LDSDP retain their existing low-density residential agricultural zoning and the plan recommends non-regulatory strategies to support the area's agricultural heritage (SEMI-URBAN AREA Goal & Policies II.B.4.a & b)
 - b. The LDSDP documents the unique identity of the Los Duranes neighborhood and provides a policy and regulatory framework to guide future development in a way that respects neighborhood values and integrity. A range of urban land uses, including multi-family residential and commercial, is allowed. The plan also encourages clustered housing, with

open areas for agriculture and as visual and recreational amenities, and protects acequias, in order to preserve the social, cultural and environmental resources of the neighborhood. (DEVELOPING AND ESTABLISHED URBAN AREAS (DEUA) Goal and Policy II.B.5.a, d, e & f)

- c. New mixed use zones that include higher density housing are proposed in an appropriate location: along an arterial and where they provide a transition between single-family residential and commercial development (DEUA Policy II.B.5.h)
- d. The LDSDP proposes to maintain commercial retail and service uses on properties already used or zoned for this type of development, which are concentrated along the southern stretch of Rio Grande Blvd. (DEUA Policy II.B.5.i & j)
- e. The LDSDP encourages new development that is designed appropriately for this unique neighborhood within the Established Urban Area. Regulatory measures include: controlling the scale of buildings and enhancing the pedestrian environment throughout the neighborhood; and allowing clustered housing on smaller lots in the residential core. Development under city jurisdiction in the SU-1 zone would continue to be controlled through the site development process. (DEUA Policy II.B.5.1 & m)
- f. The LDSDP documents the evolution and architectural history of Los Duranes and proposes strategies to increase public awareness and to protect and enhance the character of the neighborhood, through: historically-appropriate streetlights (CIP project); interpretive signage for acequias, a new community plaza, an update of the historic building inventory (Implementation Matrix); and guidelines for rehabilitating older structures (Appendix B) (HISTORIC RESOURCES II.C.5.a & c)
- g. The LDSDP is formulated to support the identity of a distinct area within the city and metropolitan area. It includes measures to protect the acequias and remaining open-ness of the neighborhood, to allow for development and new streets that are scaled appropriately for the existing built environment, and to support families' ties to their neighborhood and local traditions. (CULTURAL TRADITIONS AND THE ARTS Policy II.C.7.a ; COMMUNITY IDENTITY AND URBAN DESIGN Goal & Policy II.C 9.b)
- h. The proposed LDSDP mixed use zoning supports new development and redevelopment that creates additional housing and jobs along Rio Grande Blvd., an Enhanced Transit Corridor, without destabilizing the adjacent neighborhood that is buffered by the wide Alameda Drain. (TRANSPORTATION AND TRANSIT Goal and Policy II.D.4.a, b,& c)

- i. The LDSDP promotes safer and more pleasant conditions for pedestrians and cyclists through SU-2 zoning regulations for residential and mixed use zones, capital improvement plan projects to install streetlights and rehabilitate sidewalks, and recommended strategies such as “Safe Routes to School”. (TRANSPORTATION AND TRANSIT Policy II.D.4.g & h)
 - j. The LDSDP includes goals and strategies to improve neighborhood safety and crime prevention. (PUBLIC SAFETY Goal & Policy II.D.9.d)
9. The LDSDP furthers the following applicable goals and policies of the *North Valley Area Plan*
 - a. The LDSDP strategies, including zoning, protect and enhance the character of Los Duranes, one of the historic farm settlements in the North Valley, which still retains some of that heritage through its people (descendents of local settlers and business owners), acequias, buildings and open space. (Goals 1, 2, 4 and 12)
 - b. The LDSDP mixed use zones maintain opportunities for office and commercial development in areas where they are already established through use and/or zoning. The development standards for these zones call for land uses and development that fit the needs and character of the Los Duranes neighborhood and North Valley area. (Goal 6)
 - c. The LDSDP addresses many planning issues identified in this area of the North Valley by stabilizing residential zoning and land uses and consolidating fragmented zones along Rio Grande Blvd into mixed use zones that encourage redevelopment according to Village Center principles (Zoning policies 2 & 3, Village Center policy 1)
 - d. The LDSDP codifies the existing narrow residential streets that are characteristic of the historic neighborhood, and promotes agriculture and retention of open space through clustered housing and acequia protection (Community Design policies 4 & 8, Agriculture & Rural Character policies 2 & 4)
10. The LDSDP is consistent with applicable policies in the *Rio Grande Blvd. Corridor Plan* (RGBCP): Transportation policy 1, Land Use and Zoning policy 2. It also states how possible conflicts between LDSP regulations and the RGBCP Design Overlay Zone should be handled (LDSDP General Provisions and relevant LDSDP zones).
11. The LDSDP proposes an SU-2 Special Neighborhood Zone in the city plan area. The SU-2 residential zones include modifications to the development regulations of existing residential zones. The two SU-2 mixed-use zones are based on the existing commercial zoning (C-1 or C-2) and on existing land uses. Zoning lines are adjusted to align with lot lines, and with premises (lot or contiguous lots under the same ownership) where appropriate.
12. The LDSDP is justified per Resolution 270-1980. The proposed zoning modifications and new zoning districts are the community’s response to changed conditions and are more advantageous to the community. The proposed zoning meets R270-1980 criteria as follows:

A. The zone changes proposed by the LDSDP are consistent with furthering the health, safety, morals and general welfare of the city. The purpose of changes to residential zones is to maintain open space as a visual amenity and for agricultural purposes, and to ensure that future residential development is compatible with the varied pattern of the existing built environment, which has evolved over the neighborhood's long history. The changes proposed for properties along Rio Grande Blvd. are intended to eliminate discrepancies between zoning and parcel lines, which hinders development of vacant and underutilized sites, and to support existing businesses and a range of new uses that serve the needs of local residents and the wider community. The changes do not allow more intense uses than the existing zoning, and therefore will not have a substantial adverse effect on public facilities and infrastructure. Certain uses will not be allowed, including adult establishments, which is consistent with protecting the morals of the city.

B. The proposed zoning changes will provide stability by maintaining the established land uses, and by ensuring that new development and redevelopment continue the historic pattern, scale and density of development in the neighborhood. Overall, the proposed zoning reflects the transition from a semi-rural area along the Bosque, to a mosaic of low and medium density residential properties and community facilities in the heart of the neighborhood, to higher intensity uses along Rio Grande Blvd., including commercial retail and services, which are concentrated in the segment between Indian School Rd. and I-40. The Rio Grande Blvd. frontages also contain some vacant properties. Many of them are split between two distinct zones, which restricts their full use and hinders redevelopment. By realigning zone lines to match lot and ownership lines, and by consolidating lots into larger mixed use zones, the LDSDP creates a more flexible regulatory framework for designing developments that are cohesive and sensitive to adjoining uses and zoning. A few land uses are prohibited that the community considered undesirable, unsightly (off-premise signs) or because they are car-oriented businesses, which would detract from a pedestrian-friendly environment that is desired by the community. The collaboration between the County and City on this plan ensures that the zoning of properties in the two jurisdictions is compatible.

C. The LDSDP does not conflict, and in fact furthers, applicable goals and policies in the Comprehensive Plan and North Valley Area Plan, and it complements the Rio Grande Blvd. Corridor Plan which overlaps the LDSDP plan area. (Please see the analysis above in Findings 8, 9 & 10).

D. The zone changes in the LDSDP are justified because the existing conventional zones are inappropriate, to varying degrees and for different reasons. The LDSDP creates SU-2 zoning to protect the unique character of the neighborhood in response to the community's desire to manage change brought on by development pressures since adoption of the existing plan.

The LDSDP proposes to modify the regulations, but not the uses, in existing residential zones in order to continue the historic scale and pattern of housing in the neighborhood (SU-2/RA-1, RA-2, R-1, R-T, R-LT & R-2). The LDSDP also tailors conventional Private Commons Developments to the multi-generational culture, rural heritage and development pattern of Los Duranes, by allowing PCDs on smaller lots (1 acre), encouraging family compounds (plazuelas), and locating the commons areas along acequias and where they provide a visual amenity for the community at large (see SU-2/PCD regulations). #2, changed neighborhood conditions, justify

these changes. Per #3, the changes are also more advantageous to the wider community as articulated in the Comprehensive Plan, North Valley Area Plan and Rio Grande Blvd. Corridor Plan.

The LDSDP also proposes to rezone certain properties along the southern stretch of Rio Grande Blvd. that have existing commercial uses and/or zoning, are vacant or underutilized, as new mixed use zones (SU-2/MUD 1 & 2). These zones allow office, commercial, residential and/or senior housing, in order to facilitate new development and redevelopment that fit the village scale of the neighborhood and support the Enhanced Transit status of the Corridor. The Rio Grande Blvd. corridor includes several parcels with inappropriate zoning, in that the parcels are split between two zoning categories, which hinders development. This problem is identified in the RGBCP, and resolved by adjusting zone lines to match parcel lines and by zoning the parcel for its existing or a more appropriate use, based on context and/or city policy. The new zones include regulations for drive-up service windows and residential parking, but generally rely on applicable regulations in the Zoning Code and RGBCP. Per #3, the new mixed use zones are more advantageous to the community as articulated in the Comprehensive Plan, North Valley Area Plan and the Rio Grande Blvd. Corridor Plan. (See analysis in Findings 8, 9 & 10 above)

Furthermore, because of the unique history of the area, its existing development pattern and road network, and the intent for redevelopment of properties along Rio Grande Blvd., the proposed zoning is appropriate for this area as compared to other areas in the vicinity. The proposed zoning is tailored specifically for this sector and its unique conditions.

E. The proposed zoning does not contain uses that would be harmful to adjacent properties, neighbors or the community. The proposed SU-2/MUD 1 and 2 zones, with few exceptions, reflect the existing commercial zoning and/or an established office or commercial use on the subject properties. The new zones broaden rather than intensify the types of land uses that are allowed. They do not contain uses that would be harmful to adjacent properties, neighbors or the community. Certain C-1 and C-2 uses are prohibited in the SU-2/MUD 1 and 2 zones because the community considers them undesirable, unsightly (off premise signs) or because they are car-oriented businesses (such as vehicle sales and repair), which would detract from the pedestrian-friendly environment that is appropriate in a neighborhood-scale development on an Enhanced Transit Corridor.

In addition, the LDSDP proposes to eliminate an isolated M-1 zone that allows intense industrial uses that could be harmful to the neighborhood and are not currently appropriate in this location. The area would be incorporated into an SU-2/MUD 2 zone.

F. None of the Plan's zone changes requires major capital expenditures.

G. The cost of land is not discussed in the Plan.

H. Location on a major street is not the only justification for the proposed SU-2/MUD 1 & 2 zones, that allow apartments, offices and commercial uses. The mixed use zones further the LDSDP goal (4.G p. 42) of maintaining neighborhood-scale businesses and promoting locally-owned business opportunities, as well as goals and policies in higher ranked plans. The southern stretch of Rio Grande Blvd. is an Enhanced Transit Corridor, but is fronted by several vacant

and/or underutilized buildings and land. The intention is to provide incentives for redevelopment and re-use that enhance the neighborhood and provide goods, services and other housing types, while also fulfilling the properties' potential.

I. The LDSDP does not create any spot zones, and in fact eliminates existing spot zones: P, P-R, and O-1.

J. The proposed SU-2/MUD 1 and 2 zones may be considered to perpetuate, rather than create, a pattern of strip zoning along the southern stretch of Rio Grande Blvd. However, the zone boundaries are not arbitrary but are adjusted to reflect existing zoning and land use along with lot and ownership lines. They also, by definition, provide the flexibility to develop land for one or a combination of uses, which dilutes the "strip" effect. In addition, the proposed zoning facilitates realization of the goals and policies in the Comprehensive Plan for Enhanced Transit Corridors and the NVAP goals and/or policies for commercial development, Housing and Village Centers. (see analysis in Findings 8, 9 & 10). Maintaining the strip zoning provides a buffer for the adjacent residential zones east and west of the corridor.

13. Supplemental analysis of Section D of Resolution 270-1980: The LDSDP establishes SU-2 zoning of properties under city jurisdiction, except for two existing SU-1 zones. Proposed changes to the zoning for the LDSDP are area-wide. Changes are proposed to existing residential zones throughout the area, rather than to individual properties. New mixed-use zones are proposed along Rio Grande Blvd. based on a consistent approach. The proposed change is more advantageous to the community as articulated in the analysis of applicable Rank I, II and III plans, detailed in the May 5, 2011 staff report. The public need for this change is illustrated through the policies of the Albuquerque Bernalillo County Comprehensive Plan that this plan supports. This area is distinct from other areas in the City of Albuquerque because of its history and rural legacy, which persist in the modest scale of its buildings, functional acequias and narrow winding streets. An assessment of existing land use was conducted for the area and was used in the drafting of the LDSDP. It has been suggested that some of the proposed zoning in the plan will constitute a down zoning. The proposed change from existing C-2, M-1 and R-1 to SU-2 MUD 2 (mixed use) zoning (per the proposed draft) is a decrease in land use intensity of the M-1, or a down zone, but at the same time is an increase in land use intensity of the larger R-1 zone, or an up zone. (C-2 continues to be allowed.) Overall the proposed change does not constitute a down zoning. In addition, the existing zone lines are floating lines, that split individual parcels into two zones, which discourages development. The conclusion of the analysis is that maintaining the existing conventional zoning discourages development and destabilizes the neighborhood. The zoning proposed is not a taking nor are property owners denied "substantial beneficial use of their property". Property owners still have entitlements.
14. The context-sensitive regulations for frontages and setbacks in the SU-2/R-1 and SU-2/R-2 zones are similar to regulations in adopted city plans, including the North 4th Street Corridor Plan (adopted 2010, see NMFID Infill District p. 48) and the Fourth Ward HOZ (adopted 2002, see D p. 20). They are appropriate for infill development in this historic neighborhood characterized by modestly scaled buildings.

15. A building height of 36 feet in the SU-2/MUD 2 zone is appropriate in the area within 450 ft of Interstate 40, including the off-ramp, because the area is appropriate for somewhat higher buildings than the rest of Los Duranes: the adjacent I-40 freeway is elevated; the area does not abut other zones where houses are allowed; and the 450 ft distance demarcates an area level with the existing signalized intersection at Floral Rd and Rio Grande Blvd which can provide orderly and safer access for the intensity of use that may be associated with a larger building.
16. An existing or previously approved use for gasoline, oil and liquefied petroleum gas retailing in an SU-2/MUD 1 or MUD 2 zone may be moved from its previous location to another location within the same premises. Premises are as defined in the Zoning Code.
17. A previously approved restaurant with a drive-up service window located in an SU-2/MUD 2 zone may be moved from its previous location to another location within the same premises zoned SU-2/MUD 2. Premises are as defined in the Zoning Code.
18. The prohibition on commercial parking facilities in the SU-2/MUD 1 and SU-2/MUD 2 zones does not apply to parking structures, as long as their primary function is to provide parking for specific uses on the same site.
19. Unlike the majority of Established Urban Areas of the city, the residential neighborhood of Los Duranes has developed over a two-century period to create a variety of lot sizes and configurations, and a unique network of narrow, winding streets, alleys, cul-de-sacs and pathways. These streets are one of the defining features of the development pattern in the sector development plan area. They are also considered to slow down traffic and contribute to improved road safety within the neighborhood. Protection of existing narrow streets is therefore warranted, and new residential streets will be built to specifications tailored to the character of the neighborhood, per street standards in the Plan.
20. A few technical details are outstanding and are being addressed, prior to final action by City Council, by staff in conjunction with the relevant city departments and agencies, including City Engineer/Transportation Development and MRGCD.
21. Staff is coordinating finalization of the joint LDSDP with Bernalillo County Planning staff.
22. Registered Neighborhood Associations, Coalitions, property-owners in and within 200 ft of the plan area (including both city and county portions) and residents of a mobile home park were duly notified, and a legal ad was published per requirements of the Zoning Code.

23. Comments were received from property-owners, the Board of the Los Duranes NA, the Board and members of the Steering Committee for the LDSDP, and the Near North Valley Area Association. They have been reviewed, incorporated into a matrix and have been addressed in these findings and/or in the following conditions as appropriate.

CONDITIONS – 11EPC-40020, July 7, 2011, Recommendation for adoption of the Los Duranes Sector Development Plan

Note: The page numbers referenced in the following conditions are to the April 2011 draft LDSDP.

1. P. 2 Los Duranes History - Replace existing section with the proposed text and photos provided by the city's Historic Preservation Planner on July 7, 2011.
2. P. 9 Existing Land Use, Zoning & Development Patterns, p. 9, 4th paragraph, 2nd sentence - after SU-1 insert "for private School" 3rd sentence - put a period after "zoning district"; replace remaining text with "Both are now part of the Albuquerque Public Schools system."
3. P. 11 Existing Land Use Map – Update as necessary to accurately reflect existing land uses, with changes such as replacing gray shading of industrial/manufacturing on lot south of Lilac and east of Rio Grande Blvd. with yellow shading to indicate single family residential.
4. P. 12 Existing Zoning Map - show the zoning of the lot at the northeast corner of Montoya St. and I-40 as R-1; insert "private" before "school" to the SU-1 zone on Gabaldon Rd; add "O-1 permissive uses" to the SU-1 zone on the west side of Rio Grande Blvd.
5. P. 15 Rio Grande Bosque and Acequias, 2nd paragraph, replace penultimate sentence with "The named ditches/acequias, laterals and drains, including associated easements, are facilities where MRGCD has, at minimum, an agreement for maintenance and access. They may not be owned in fee simple by MRGCD." In the last sentence, replace "are" with "may be".
6. P. 15 Rio Grande Bosque and Acequias - Add at the end of the section: "The Riverside and Albuquerque Drains west of the plan area are MRGCD facilities. Although the named drains and ditches within the plan area are primarily irrigation facilities, AMAFCA and the City of Albuquerque also use some of them, including the Alameda Drain, for drainage outfalls."
7. P. 18 Architectural History and Building Fabric - Replace existing section with proposed text and photos provided by the city's Historic Preservation Planner on July 7, 2011.
8. P. 36 - Insert an additional section on Utilities and include text provided by PNM on July 7, 2011 and the map of electric facilities provided by PNM on May 5, 2011.

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9. P. 36 - Insert an additional section on Drainage provided by the City Hydrologist on July 7, 2011, amended by deleting the last phrase in paragraph #4, i.e. "to reduce the stormwater runoff leaving the site".
10. P. 39, 40, 43, 45 Implementation Strategies & P. 90, 92, 94, 98 Implementation Matrix - amend as specified by Bernalillo County in the text provided on May 5, 2011 and July 7, 2011.
11. P. 39 & 90 - Housing, Strategy #4 - amend to read: "...installing adequate doors and locks..."
12. P. 40 & 92, 3. Streets, Sidewalks and Trails - add to Strategy #4: "Ensure pedestrian safety and security through adequate lighting and/or by encouraging opportunities for natural surveillance."
13. P. 41 & 93 3. Streets, Sidewalks and Trails - Add a strategy #15 under Streets, Sidewalks & Trails to encourage an upgrade of the #36 bus route to a 2-way service
14. P. 45 & 98 5. Community & Special Places - Add a strategy #6 to update the 1979 Historic Building Inventory.
15. P. 45 & 98 6. Neighborhood Safety & Crime Prevention - Add "and do not conflict with trees" to Strategies #1 and 2.
16. P. 46 & 98 6. Neighborhood Safety & Crime Prevention - Strategy #5 - add c) NW and Crime Free Multi-Housing (CFMH) Program; and d) Zoning, Housing Code and On-street Parking Violation Education.
17. P. 48 Proposed Zoning Map - correct zoning of lots along the east side of Amado Rd. between Duranes Rd and Serna Rd to SU-2/RA-2.
18. P. 48 Proposed Zoning Map - After p. 48 insert a second black and white zoning map in the plan to be created by AGIS that will serve as the official zoning map.
19. P. 48 Proposed Zoning Map - add "School & related facilities" after SU-1 to the label of the property on Gabaldon Rd. Add "for O-1 permissive uses" to the label of the property on the west side of Rio Grande Blvd.

20. P. 48 Proposed Zoning Map - replace SU-1 with SU-2/RA-2 zoning on the two lots to the north of the developed School property (TRACTS B and C, LANDS OF CINDY CHAVEZ, UPC# 101205932935710153 & 101205930736010159)
21. p. 48 Proposed Zoning Map – extend the SU-2/MUD 2 zone to fill the block bounded by Lilac Ave. on the north, the Alameda Drain on the south and east, and Rio Grande Blvd. on the west.
22. P. 49 Community Acequias map - Revise to exclude cultural/historic sites and to correct errors in the acequia alignments. After p. 49, insert a second black & white map without aerial that will serve as the regulatory community acequias map.
23. P. 50 COA Zoning Districts - In 1st paragraph, after "SU-1 zoning", insert an additional sentence "The SU-1 for Private School zone on Gabaldon Rd is rezoned SU-1 for School & related facilities to reflect its current status as an APS School. The SU-1 for O-1 permissive uses on the west side of Rio Grande Blvd. remains the same."
24. P. 50 COA Zoning Districts (Subdivision) - At end of paragraph beginning "The intent for residential development....", add "Future lots splits are encouraged to reinforce the traditional "lineas" pattern."
25. P. 50 COA Zoning Districts - in the first paragraph delete "and for properties west...zoned RA-1".
P. 51 - insert an additional zoning district: "SU-2/RA-1 - Design standards pertaining to use, Scale and mass amending RA-1 zoning district - The RA-1 zone pertains to properties west of Gabaldon Road annexed into the city in 1996 and any properties annexed into the city in the future zoned RA-1. The revised standards in the Los Duranes SU-2 zone are intended to ensure that new development respects the Scale and mass of the existing built environment and to encourage the preservation of visual and functional open space. City RA-1 with the following exceptions: (insert same text as in SU-2/RA-2)." P. 48 Proposed Zoning Map – replace RA-1 with SU-2/RA-1.
26. P. 51 Definition of PCA - insert "on-site ponding, " after "landscaping, ".
27. P. 51 Definitions – add a definition for “lineas”.
28. P. 51 Acequia protection - insert "excluding walls and fences" after "All structures" .
29. P. 51 General Regulations - after Acequia Protection regulations, insert language provided by PNM on July 7, 2011, and the addition "Non-permanent use of clearance, such as for parking, is permitted. Aesthetic improvements are encouraged to minimize the visual impact of ground-mounted utility equipment."

30. P. 51 - 64 Zoning Districts - delete "LDSDP" before names of all zoning districts.
31. P. 52 SU-2/RA-2 C.2. Staggered front setback - In ii) add at end "The staggering requirement shall apply to residences fronting the same street in new subdivision developments of 5 or more houses." P. 54 SU-2/R-1 D.1 Front setback - Add "In subdivision developments of 5 or more houses, front setbacks shall have a minimum 6 ft set back or set forward from front facade of principal residence located on one adjoining property fronting the same street."
32. P. 51 SU-2/Acequia Protection - move to a new sub-section entitled "General Regulations" after p. 66 and delete SU-2. P. 59 SU-2/PCD Regulations - move to General Regulations and delete SU-2. Also, add or amend page references in individual zoning districts to the applicable general regulations.
33. P. 52 SU-2/RA-2 C.3, P. 54 SU-2/R-1 & P. 55 SU-2/R-2 D.2, P. 56 SU-2/R-LT D., P. 57 SU-2/R-T C. - replace with "Garages that have doors facing the street shall be setback not less than 20' from the street."
34. P. 52 SU-2/RA-2 D., SU-2/RA-1 D. P. 54 SU-2/R-1 & P. 55 SU-2/R-2 E., P. 56 SU-2/R-LT F., P. 57 SU-2/R-T E. - at end of sentence, insert "in length".
35. P. 52 SU-2/RA-2, SU-2/RA-1 & P. 54 SU-2/R-1 A. Permissive Uses - add a second sentence "Townhouses are permitted only in conjunction with a PCD."
36. P. 54 SU-2/R-1 & P. 55 SU-2/R-2 C. Frontage 1. replace with "The front facade of new structures shall not exceed the average width of principal structures on lots within 300 ft in both directions measured from both corners of the lot line that abuts the primary public right-of-way by more than 20%." Insert associated diagram from the December 2010 draft LDSDP provided by staff on July 7, 2011
37. P. 54 SU-2/R-1 & P. 55 SU-2/R-2, D. Setbacks 1. Front setback - replace with "The building setbacks shall be substantially maintained to preserve the pattern of building fronts and setbacks from the street. Substantially maintained means that the building setback is within, plus or minus, 5 feet of existing buildings within 300 feet in both directions measured from the corners of the lot line that abuts the primary public right of way." Add "Minimum setback is 15 ft." Insert associated diagram from the December 2010 draft LDSDP provided by staff on July 7, 2011.
38. P. 55 SU-2/R-2 - move this zoning district after SU-2/R-T.

39. P. 55 SU-2/R-2 - Add "The maximum length of a building shall be 80 ft. The minimum distance between buildings shall be 15 ft."
40. P. 55 SU-2/R-2, P. 56 SU-2/R-LT, P. 57 SU-2/R-LT, Height 2. Iii) replace 65% with 75%. P. 52 SU-2/RA-2, SU-2/RA-1, P. 54 SU-2/R-1 Height 2.ii) - insert "except townhouses in a PCD shall be limited to 75% of ground floor footprint"
41. P. 56 SU-2/R-LT - B.2. ii) delete "apartments".
42. P. 59 PCD B.1. - delete "gross".
43. P. 60 F. PCA 2. - In first line, insert "on-site ponding, " after "landscaping," Before last sentence, insert "Any ponding area in the PCA shall have a minimum of 75% live vegetative cover."
44. P. 62 SU-2/MUD 1 and P. 64 SU-2/MUD 2 - Split A. into two sections, A. Permissive Uses 1. Any or a mix of permissive uses...etc. and B. Conditional Uses. 1. Any or a mix of conditional uses...etc. Insert "Senior Housing Facility" in the new A. Re-alphabetize and amend the other paragraphs as needed, per the text provided by staff on July 7, 2011.
45. P. 62 SU-2/MUD 1, A.1 – insert before colon "and subject to a maximum residential density of 20 DUs/acre"
46. P. 62 SU-2/MUD 1 A.1.ii) (3) Design Standards for Drive-up Service Windows - line 4, after "pedestrian areas" insert ", such as sidewalks and plazas,". At end of paragraph, insert "Screening may also be provided by placing the drive-up service windows and/or queue lanes between two adjacent and parallel buildings." P. 64 & 65 SU-2/MUD 2 - under C-1 and C-2, add the same new text.
47. P. 63 SU-2/MUD 1 & P. 65 SU-2/MUD 2, Senior Housing Facility - add "Height: pursuant to C-1 zone with stepback as per Rio Grande Blvd. Corridor Plan; Setbacks: pursuant to O-1 zone; Off-street parking: 1 space per 2 dwelling units or apartments, 1 space per 2 private or semi-private rooms".
48. P. 63 SU-2/MUD 1 and 65 SU-2/MUD 2 - move and reword prohibited uses as exceptions to permissive or conditional uses.
49. P. 63 SU-2/MUD 1 and p. 65 SU2/MUD 2 Senior Housing Facility - After the 1st sentence, insert "The property shall be operated only as 'Housing for Older Persons' as defined in the Federal

Housing for Older Persons Act (42U.S.S., para 3607(b)(2)) and uses will include related facilities." At the end, add "Facilities meeting the definition of a Community Residential Program cannot be included under the Senior Facility Housing use."

50. P. 63 SU-2/MUD 1 & P. 66 SU-2/MUD 2, Approval Process - Replace with "Development may only occur in conformance with a Site Development Plan for Building Permit, and a Site Development Plan for Subdivision if replatting is required and/or development will be phased. Site development plans shall be approved by the Development Review Board (DRB). Public notification of the DRB hearings is required. The Planning Director may approve minor changes to an approved Site Development Plan, per the procedure in 14-16-2-22 (A)(6) except that major changes shall be approved by the Development Review Board rather than the Planning Commission. Any conditional uses shall be approved by the Zoning Hearing Examiner prior to DRB.
51. P. 63 SU-2/MUD 1 & P. 66 SU-2/MUD 2 - Special Buffer Landscaping/Screening - add "The special landscape buffer shall be used for rainwater harvesting."
52. P. 63 SU-2/MUD 1 & P. 65 SU-2/MUD 2, R-G, Off-street Parking (a) - replace "studio" with "efficiency".
53. P. 64 SU-2/MUD 2: A.1 - insert before colon "and subject to a maximum residential density of 30 DUs/acre". 1 iv) change "R-G" to "SU-2/R-2 as regulated in the LDSDP with the following exceptions (the paragraph references are to the SU-2/R-2 zone): A Height. 2. Structure height up to 26', and up to 36' within 450' of I-40, is permitted subject to the following regulations: i) setback as per Rio Grande Blvd. Corridor Plan. C. No frontage requirement. D. Setbacks 1. Front setback: minimum 15'. F. Off-street Parking: (a) 1 space for units with 1 bedroom or for efficiency apartments; (b) 1.5 spaces for units with 2 bedrooms; (c) 2 spaces for units with 3 or more bedrooms; (d) Per design standards of the Rio Grande Blvd. Corridor Plan, where applicable."
54. P. 64 - 65 SU-2/MUD 2 - In O-1, C-1 and Senior Housing Facility, (1) Height insert after "C-1 Zone": "except within 450 ft of Interstate 40, where height up to 36' is permitted". In C-2, amend to read "except within 450 ft of Interstate 40...permitted" and insert before "with setback...".
55. P. 65 SU-2/MUD 2 - delete "adult establishments, adult store, adult material".
56. P. 50 Definitions - Add "*Commercial parking facility*: An area of land or a structure used to provide parking, as a commercial enterprise, for four or more motor vehicles for a fee. Such parking is not primarily associated with any other use on the same site." P. 63 SU-2/MUD 1 & P.

- 66 SU-2/MUD 2 - Prohibited Uses: replace Commercial parking lot with "Commercial parking facility, as defined on p. 50."
57. P. 85 Street Standards, at end of 1st sentence - insert "or private streets are converted to public streets"
58. P. 85 Street Standards – Delete last sentence. Before the sentence beginning “All existing streets...”, add the following: "The intent of the standards is to allow narrower rights-of-way and travel lanes in new developments to maintain neighborhood character. All pavement widths shown are maximum widths. The technical design details, including cross-slopes, ADA requirements, material of roadway and swale, will be determined at the time of subdivision review and approval by DRB."
59. P. 86 Street Section 1 - Add "Stripe boundary between travel lane and walkway". Move "Walkway" after "4' “. Below, add "required on one side only". Under “4' Offset”, add "optional Walkway”. Under “9’ Travel Lane” (both), replace "typical" with "maximum".
60. P. 86 Street Section 2 – Under “Swale” (both), after "varies" add ", 4' typical”. Under “9’ Travel Lane” (both), replace "typical" with "maximum".
61. P. 86 Street Section 3 - Replace “Sidewalk” with "Walkway". Under “Swale” (both), after "varies" add ", 4' typical". Under “9’ Travel Lane” (both), replace "typical" with "maximum".
62. P. 89 Implementation Matrix, strategy #6 - change timeframe to "Annually (first Tuesday of August)"
63. P. i Acknowledgments - Art De La Cruz - replace Chair with Vice-Chair; Maggie Hart Stebbins - replace Vice-Chair with Chair.
64. A red-line version of the draft plan shall be included in the packet transmitted to City Council, incorporating all EPC-recommended changes to the plan, along with minor edits and corrections.
65. The EPC recommends that the City Council rescind the existing Los Duranes sector development plan (adopted June 1976, as amended) and replace it with the draft LDSDP (April 2011, subject to amendments).

PROTEST: 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, WHICH IS BY **JULY 22, 2011**.

APPEAL: IF YOU WISH TO APPEAL A FINAL DECISION, YOU MUST DO SO BY **JULY 22, 2011** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If they decide that all City plans, policies and ordinances have not been properly followed, they shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

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 MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC.

Sincerely,

Deborah Stover
Planning Director

DS/CT/mc

cc: William C. Herring, Los Duranes NA, 3104 Coca Rd NW, Albuquerque, NM 87104

OFFICIAL NOTICE OF DECISION

PROJECT #1008746

JULY 7, 2011

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Jose Viramontes, Los Duranes NA, 1317 Gabaldon Dr. NW, Albuquerque, NM 87104
Deborah Ridley, Thomas Village NA, 3247 Calle De Deborah NW, Albuquerque, NM 87104
Susan Johnson, Rio Grande Blvd. NA, 2313 Camino De Los Artesanos NW, Alb., NM 87107
Doyle Kimbrough, Rio Grande Blvd. NA, 2327 Campbell Rd. NW, Albuquerque, NM 87107
Joe Sabatini, Near North Valley NA, 3514 6th St NW, Albuquerque, NM 87107
Marie NaVeaux, Near North Valley NA, 1028 McMullin NW, Albuquerque, NM 87107
Maggie Ramirez, Sawmill Area NA, 1020 19th St NW, Albuquerque, NM 87104
Judy Gallegos, Sawmill Area NA, 1036 18th St. NW, Albuquerque, NM 87104
Connie Chavez, Sawmill Community Land Trust, PO Box 25181, Albuquerque, NM 87125
Wendy Statkus, Sawmill Community Land Trust, PO Box 25181, Albuquerque, NM 87125
John Scholz, Villa De Paz HOA, 115 Calle Solse Mete NW, Albuquerque, NM 87120
Judy Kanester, Villa De Paz HOA, 54 Calle Monte Aplanado NW, Albuquerque, NM 87120
John Landman, West Bluff NA, 2236 Ana Ct NW, Albuquerque, NM 87120
Dr. Joe Valles, West Bluff NA, 5020 Grande Vista Ct. NW, Albuquerque, NM 87120
Gerald C. Worrall, Westside Coalition of NA's, 1039 Pinatubo Pl NW, Albuquerque, NM 87120
Candy Patterson, Westside Coalition of NA's, 7608 Elderwood NW, Albuquerque, NM 87120
Dan Serrano, North West Alliance of Neighbors, 4409 Atherton Way NW, Alb., NM 87120
D. Anthony Segura, North West Alliance of Neighbors, 2000 Selway Pl. NW, Alb., NM 87120
Jackie Fishman, 1820 Gabaldon NW, Albuquerque, NM 87104
Jason Kent, 2021 Mountain Rd NW, Albuquerque, NM 87104
Eddie J. Lopez, 1420 Delia Ct NW, Albuquerque, NM 87104
Sheilah Garcia, PO Box 26207, Albuquerque, NM 87125
Sandy Fish, 111 Union Square SE #100, Albuquerque, NM 87102
Charlie Deans, 621 Vassar Dr NE, Albuquerque, NM 87106
Theresa Anaya, 2708 Los Anayas Rd NW, Albuquerque, NM 87104
Patricia Allen, 1900 Lilac NW, Albuquerque, NM 87104
Pat & Trini Trujillo, 1722 ½ Gabaldon NW, Albuquerque, NM 87104
C David Day, 1913 Gabaldon Ct NW, Albuquerque, NM 87104
Vera Olson, 1805 Gabaldon Rd, Albuquerque, NM 87104
Carolyn Stewart & Phillip Goetze, 1714 Gabaldon NW, Albuquerque, NM 87104
Sandy Trujillo, 1722 Gabaldon Rd, Albuquerque, NM 87104
Darlene Anaya, 2000 Lilac NW, Albuquerque, NM 87104
Steve Williams, 2406 Lilac Dr NW, Albuquerque, NM 87104
Leslie & Jeff Thompson, 1821 Lenora Dr NW, Albuquerque, NM 87104
Steve Stephen & Debra Rosen, 1712 Gabaldon Rd, Albuquerque, NM 87104
Richard A. Sandoval, Near North Valley NA, PO Box 6953, Albuquerque, NM 87197
Edward M. Anaya, 2000 Lilac NW, Albuquerque, NM 87104
Ed Garcia, 4200 Aspen NE, Albuquerque, NM 87110