



**Environmental  
Planning  
Commission**

*Agenda Number: 3  
Project Number: 1008746  
Case #: 11EPC-40063  
July 7, 2011*

**Supplemental Staff Report**

<b>Agent</b>	COA, Planning Department
<b>Applicant</b>	City of Albuquerque
<b>Request</b>	Recommend Adoption of the Los Duranes Sector Development Plan
<b>Legal Description</b>	See attached map
<b>Location</b>	Area 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
<b>Size</b>	Approximately 443 acres total (incl. 290 acres in the City)
<b>Existing Zoning</b>	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 (City portion)
<b>Proposed Zoning</b>	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 (City portion)

**Staff Recommendation**

**RECOMMENDATION OF APPROVAL TO CITY COUNCIL of 11EPC-40020 based on the Findings beginning on Page 4 and the Recommended Conditions for Approval beginning on Page 11 .**

**Staff Planner**

**Carol Toffaleti, Senior Planner**

**\* This staff report should be read in conjunction with the staff report from the first EPC hearing, dated May 5, 2011 \***

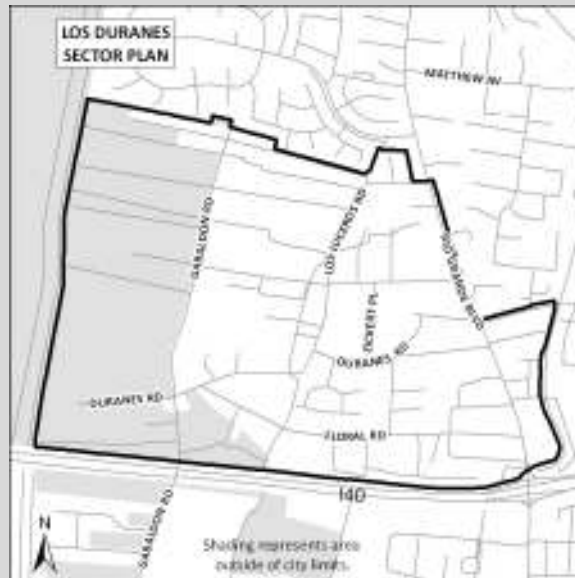
***Summary of Analysis***

The Planning Department requests an Environmental Planning Commission (EPC) recommendation to City Council to approve the Los Duranes Sector Development Plan (LDSDP).

The LDSDP is a joint County-City plan, which will also be submitted by Bernalillo Zoning & Planning for review and approval to Bernalillo County. The EPC is charged with reviewing the entire plan, with the exception of the proposed zoning regulations and strategies that relate solely to the County jurisdiction and departments.

The LDSDP provides goals and implementation strategies, including capital improvement projects, and establishes zoning regulations and street standards to guide development and redevelopment within the plan area. The purpose of the plan is to provide for growth while maintaining and respecting the existing rural character of the community and the agricultural traditions and settlement patterns that could otherwise be lost due to new development and urbanization.

**This supplemental staff report provides an update since the May 5, 2011 EPC hearing and includes a matrix of all comments received and additional issues raised by staff. The matrix addresses them in the form of recommended conditions and findings, or an explanation of why staff does not support a change.**



City Departments and other interested agencies reviewed this application from 4/4/2011 to 4/20/2011. Agency comments received since the May 5, 2011 staff report and used in the preparation of this report begin on Page 19

## **UPDATE**

### **Reviewing Agencies**

Since the May 5, 2011 staff report was issued, comments have been received from Code Enforcement/Zoning, MRGCD and PNM (beginning p. 19). Staff has followed up with these and other departments and agencies to address comments.

### **Neighborhood/Public**

Since then, comments have also been received from residents, property-owners, and the neighborhood Steering Committee for the LDSDP (see att.). Staff has also had discussions with the Steering Committee and a property-owner about elements of the draft plan, and potential changes thereto.

### **Bernalillo County**

On 7/1/11, County Planning informed staff that they anticipate submitting the draft plan to the County Planning Commission on July 25<sup>th</sup> for the hearing on September 7<sup>th</sup>. City and County Planning staff will continue their coordination efforts as the parallel review and approval processes move forward on the joint plan.

## **ISSUES FOR EPC REVIEW**

A separate matrix is attached at the end of the staff report, which lists comments received on the draft plan, and staff's response in the form of conditions, findings, or an explanation of why staff does not support a change. The matrix refers to page numbers in the April 2011 Draft Plan: <http://www.cabq.gov/planning/long-range/pdf/LosDuranasREVIEWDRAFT-0411-COA-EPC.pdf>.

The findings in the body of the report include findings from the first staff report dated May 5, 2011 and additional findings from the matrix. The May 5<sup>th</sup> findings are essentially an analysis of the LDSDP in relation to city plans and policies, per R-270-1980. The additional findings were suggested by the EPC on May 5<sup>th</sup> or address comments from agencies, stakeholders and staff. Also included is a new finding in response to R-270-1980.

The proposed conditions are taken directly from the matrix, with a few additions at the end of the list.

## **CONCLUSION**

The draft LDSDP sets out the community's vision, goals and objectives for the Los Duranes neighborhood and ways of implementing them. The plan provides policies and regulations to guide development and redevelopment within Los Duranes, as well as recommendations for capital improvement projects and other implementation strategies. The plan establishes zoning to protect the character of Los Duranes and encourage appropriately scaled new development, and standards to maintain the narrow streets unique to the neighborhood. The LDSDP celebrates the

history of the neighborhood and the diversity of its residents and architectural styles. It seeks to preserve what is best about the neighborhood, while continuing to make improvements to ensure that the residents' and property-owners' long-term vision for the neighborhood is achieved.

The draft LDSDP furthers applicable goals and policies of the Comprehensive Plan and North Valley Area Plan. The proposed zone changes are justified per R-270-1980 because of: the unique character of Los Duranes as compared to other surrounding areas; changed neighborhood conditions; and because they are more advantageous to the community.

The draft LDSDP proposes to change the existing plan's boundary to include the county portion of the neighborhood. The joint plan is proceeding through Bernalillo County's review and approval process, and staff from both jurisdictions are coordinating the parallel processes.

The Planning Department respectfully requests that the EPC forward a recommendation of approval to the City Council of the April 2011 draft Los Duranes sector development plan, subject to the proposed findings and conditions for recommendation.

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**FINDINGS – #1008746, 11EPC- 40020, May 5, 2011, Los Duranes Sector Development Plan**

1. The *updated Los Duranes Sector Development Plan* (LDSDP) covers an area of approximately 443 acres total (incl. 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 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.
3. 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.
4. 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.
5. 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.
6. 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.l & m)
  - f. 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)
  - g. 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)
  - h. 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" (Policy II.D.4.g & h)
  - i. The LDSDP includes goals and strategies to improve neighborhood safety and crime prevention (PUBLIC SAFETY Goal & Policy II.D.9.d)

7. 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 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 promote agriculture and retention of open space through clustered housing and acequia protection (Community Design policies 4 & 8, Agriculture & Rural Character policies 2 & 4)
8. 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).
9. The LDSDP proposes an SU-2 special neighborhood zone for all but the RA-1 properties in the city plan area. The SU-2 residential zones includes 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 existing land uses. Zoning lines are adjusted to align with lot lines, and premises where appropriate.
10. 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 are prohibited, including adult establishments, which is consistent with protecting 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 for moral reasons (adult establishments) 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.)*

*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, of existing residential zones in order to continue the historic scale and pattern of housing in the neighborhood (SU-2/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 and North Valley Area 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 otherwise 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 detailed policy analysis in section III 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. In fact, certain C-1 and C-2 uses are prohibited in the SU-2/MUD 1 and 2 zones because the community considers them undesirable for moral reasons (adult establishments etc.), 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 require 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 and 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 detailed analysis in section III of this report.) Maintaining the strip zoning provides a buffer for the adjacent residential zones east and west of the corridor.*

11. 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, as 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 entire 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, 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 R-1 zone, or an up zone. (C-2 continues to be allowed.) In addition, the existing zone lines are floating lines, that split individual parcels into two zones which discourages development. Overall the proposed change does not constitute a down zoning. 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.
12. 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.
13. 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.

14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. Staff is coordinating finalization of the joint LDSDP with Bernalillo County Planning staff.
20. 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.
21. 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, and have been addressed in these findings and/or in the following conditions as appropriate.

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***RECOMMENDATION – Project #1008746, Case #11EPC-40020, July 7, 2011, Los Duranes Sector Development Plan***

**That a Recommendation of Approval be forwarded to the City Council of Case #11EPC-40020, the Los Duranes Sector Development Plan, based on the preceding Findings and subject to the following Conditions for Recommendation of Approval.**

***CONDITIONS FOR RECOMMENDATION OF APPROVAL- Project #1008746, Case #11EPC-40020, July 7, 2011, 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 proposed text and photos (see Exhibit A)
2. 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.
3. 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".
4. 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."
5. P. 18 Architectural History and Building Fabric - Replace existing section with proposed text and photos (see Exhibit B)
6. P. 36 - Insert an additional section on Utilities and include text and the map of electric facilities provided by PNM (Exhibit C.a.)
7. P. 36 - Insert an additional section on Drainage to include "...."

8. P. 39, 40, 43, 45 Implementation Strategies & P. 90, 92, 94, 98 Implementation Matrix - amend as specified by Bernalillo County (Exhibit D)
9. P. 39 & 90 - Housing, Strategy #4 - amend to read: "...installing adequate doors and locks..."
10. P. 40 & 92, 3. Streets, Sidewalks and Trails - add to Strategy #3: "Ensure pedestrian safety and security through adequate lighting and/or by encouraging opportunities for natural surveillance."
11. 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
12. P. 45 & 98 5. Community & Special Places - Add a strategy #6 to update the 1979 Historic Building Inventory.
13. P. 45 & 98 6. Neighborhood Safety & Crime Prevention - Add "and do not conflict with trees" to Strategies #1, 2 & 3
14. 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.
15. 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.
16. 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.
17. 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.
18. 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)

19. 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."
20. 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.
21. 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."
22. 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."
23. 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 environmen 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)."
24. P. 51 Definition of PCA - insert "on-site ponding, " after "landscaping, " .
25. P. 51 Acequia protection - insert "excluding walls and fences" after "All structures" .
26. P. 51 - Acequia Protection - Insert a new 1. with: "MRGCD facilities: All structures excluding walls and fences must be set back a minimum of 15 feet from the outer edge of the MRGCD's right-of-way for that facility, OR 15 feet from the outer edge of the MRGCD's maintenance access as determined by the MRGCD." Renumber 1 as 2 and amend to read: "All structures.....from the centerline of any other ditch designated on the LDSDP .....(Figure U, p. 49)."
27. P. 51 after Acequia Protection regulations, insert proposed language (see Exhibit C.b.), including 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."

28. P. 51 - 64 Zoning Districts - delete "LDSDP" before names of all zoning districts.
29. 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."
30. 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.
31. 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."
32. P. 52 SU-2/RA-2 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".
33. 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 (Exhibit F)
34. 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.etc Add "Minimum setback is 10 ft." Insert associated diagram from the December 2010 draft LDSDP (Exhibit F)
35. P. 55 SU-2/R-2 - move this zoning district after SU-2/R-T.
36. 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."

37. 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, P. 54 SU-2/R-1 (and SU-2/RA-1 if recommended by EPC) Height 2.ii) - insert "except townhouses in a PCD shall be limited to 75% of ground floor footprint"
38. P. 56 SU-2/R-LT - B.2. Ii) delete "apartments".
39. P. 59 PCD B.1. - delete "gross".
40. P. 52 SU-2/RA-2 & P. 54 SU-2/R-1 A. Permissive Uses - add a second sentence "Townhouses are permitted only in conjunction with a PCD." [If EPC recommends that RA-1 become SU-2/RA-1 with PCD per LDSDP regulations, include same language.]
41. 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."
42. P. 62 SU-2/MUD 1 - 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. Realphabetize and amend the other paragraphs as needed. (See Exhibit G)
43. P. 62 SU-2/MUD 1, P. 64 SU-2/MUD 2, Height - add "Building facades on the street shall be one story. Any additional permitted stories shall be setback so that a line drawn from the first story roof line to the upper story roof line equals a 60 degree angle on sides of the building adjacent to the street or to residential properties. Building heights shall not exceed those allowed in the zone."
44. 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.
45. P. 63 SU-2/MUD 1 & P. 65 SU-2/MUD 2, Senior Housing Facility - add "Height: pursuant to C-1 zone [insert same language as in comment 61]; Setback: pursuant to O-1 zone; Off-street parking: 1 space per dwelling unit or apartment, 1 space per 2 private or semi-private rooms".



46. P. 63 SU-2/MUD 1 and 65 SU-2/MUD 2 - move and reword prohibited uses as exceptions to permissive or conditional uses.
47. 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."
48. 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. 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.
49. 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."
50. 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."
51. P. 63 SU-2/MUD 1 & P. 65 SU-2/MUD 2, R-G, Off-street Parking (a) - replace "studio" with "efficiency".
52. P. 64 SU-2/MUD 2: 1 - insert before colon "and subject to a maximum residential density of 30 DUs/acre". 1 iv) change R-G to R-2 . Amend (1) with the addition of "(a) Minimum 6' stepback from ground floor frontage abutting SU-2/R-1 or SU-2/RA-2 zoned properties" (same as SU-2/R-2 zone). Retain (2), (3) and (4). Add (5) Ground floor entrances: (same language as in SU-2/R-2 zone). P. 62 SU-2/MUD 1 - same changes as above.
53. P. 64 - 65 SU-2/MUD 2, in all the listed zoning categories, (1) Height - replace "300 ft" with "450 ft".
54. P. 64 - 65 SU-2/MUD 2 - In O-1, C-1, R-2 (amended from R-G) , (1) Height insert after "Zone": "except within .... ' of Interstate 40, where height up to 36' is permitted". In C-2, move "except within .... ' of I-40...permitted" before "with stepback...".

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. 86 Street Section 1 - add "Stripe boundary between travel lane and walkway."
59. P. 89 Implementation Matrix, strategy #6 - change timeframe to "Annually (first Tuesday of August)"
60. P. i Acknowledgments - Art De La Cruz - replace Chair with Vice-Chair; Maggie Hart Stebbins - replace Vice-Chair with Chair.
61. 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.
62. 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).

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*Carol Toffaleti*  
*Senior Planner*

***Attachments***

#1008746, Notice of Decision, dated May 6, 2011

Text Amendment to C-1 and C-2, as recommended for approval by the EPC to City Council

Agency comment: MRGCD letter 5/3/11

Stakeholder comments & letters received since May 5, 2011 staff report

Matrix of Comments and associated attachments:

Exhibit A - Los Duranes History

Exhibit B - Architectural History and Building Fabric

Exhibit C - PNM : a. background text, b. regulation

Exhibit D - changes to implementation strategies submitted by Bernalillo County (5/5/11)

Exhibit E - map of "Garcia Parcel" (property of Sheilah Garcia, Edward Garcia et al.)

Exhibit F - diagrams for SU-2/R-1 and SU-2/R-2 from Dec 2010 draft LDSDP

Exhibit G - proposed reorganization of SU-2/MUD 1 & MUD 2

Exhibit H - map showing selected distances from I-40 in the SU-2/MUD 2 zone

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## **CITY OF ALBUQUERQUE AGENCY COMMENTS**

*\* Received since May 5, 2011 Staff Report \**

### **PLANNING DEPARTMENT**

#### **Zoning Enforcement**

##### **General Structure of the Regulations**

The proposed plan lists the zone categories in the following manner: SU-2/ Acequia Protection, SU-2/RA-2, SU-2/R-1, SU-2/R-2, SU-2/R-LT, SU-2/R-T, SU-2/PCD Regulations, SU-2/ MUD 1 and SU-2/MUD 2.

The Code Enforcement Division recommends they be listed in the following manner to be consistent with how these zone categories are listed in the Zoning Code: SU-2/RA-2, SU-2/R-1, SU-2/R-LT, SU-2/R-T, SU-2/R-2, SU-2/ MUD 1 and SU-2/MUD 2.

SU-2/ Acequia Protection and SU-2/PCD Regulations are listed as if they are zone categories in themselves; however, when reviewing the text, they appear to be general regulations. If these regulations are intended to be general regulations, then they should be listed after all the zoning districts and identified as general regulations, instead of SU-2.

##### **Maps**

The plan should have an existing zoning map, which identifies the zoning of the properties prior to the adoption of the plan.

The maps shown on page 48 and 49 are not reader friendly.

The map on page 48 should have parcel lines on the map to determine the exact location of the zone line. Also, different colors should be used in case black and white copies are needed.

The map on page 49 would probably be more effective if it wasn't an aerial map. The maps look as if they are providing too much information.

##### **Definitions**

The plan should have a definition for a Senior Housing Facility.

##### **Page 51: SU-2/ Acequia Protection**

- ❖ See previous notes under General Structure of the Regulations.
- ❖ The page number on the last sentence needs to be corrected to reflect the correct page of the plan.

##### **Page 51: SU-2/RA-2**

- ❖ C. Setbacks 2.ii – The Code Enforcement Division is opposed to the regulations suggested under front yard setbacks. The regulation that requires staff to conduct a field investigation to determine the front yard setbacks for the buildings on adjacent properties creates several issues:

- The inspector will need to request from each of the property owners a copy of a certified survey to determine the exact location of the front property line. The inspector cannot determine exactly where the front property line is located by a visual inspection.
- The inspector will need to gain permission from each of the property owners to determine what the measurement is from the building to the front property line.

The location of a property line in relation to the right-of-way varies in different locations throughout the city. The use of aerial maps cannot be used for this exact location because there is a margin of error with the maps. The Code Enforcement Division recommends this issue be studied within the scope of this project to determine ahead of time what the measurements will be at each block. This language cannot be enforced as proposed.

**Page 54: SU-2/R-1**

- ❖ C. Frontage – The Code Enforcement Division is opposed to the suggested language under frontage. This division is unable to determine what the frontage measurements will be for the two adjoining properties.
- ❖ D. Setbacks 1.i – The Code Enforcement Division is opposed to the regulations suggested under front yard setbacks. The regulation that requires staff to conduct a field investigation to determine the front yard setbacks for the buildings on adjacent properties creates several issues:
  - The inspector will need to request from each of the property owners a copy of a certified survey to determine the exact location of the front property line. The inspector cannot determine exactly where the front property line is located by a visual inspection.
  - The inspector will need to gain permission from each of the property owners to determine what the measurement is from the building to the front property line.

The location of a property line in relation to the right-of-way varies in different locations throughout the city. The use of aerial maps cannot be used for this exact location because there is a margin of error with the maps. The Code Enforcement Division recommends this issue be studied within the scope of this project to determine ahead of time what the measurements will be at each block. This language cannot be enforced as proposed.

- ❖ D. Setbacks 2. – The language regarding garages that face the street needs to be clarified. Does this pertain to the garage doors or the garage itself?
- ❖ E. Are driveways supposed to be 20 in width or length?

**Page 55: SU-2/R-2**

- ❖ The description of this zone indicates that single-family is allowed, however, multiple detached dwelling units are allowed within this zone.
- ❖ C. Frontage – The Code Enforcement Division is opposed to the suggested language under frontage. This division is unable to determine what the frontage measurements will be for the two adjoining properties.
- ❖ D. Setbacks 1 – The Code Enforcement Division is opposed to the regulations suggested under front yard setbacks. The regulation that requires staff to conduct a field investigation to determine the front yard setbacks for the buildings on adjacent properties creates several issues:
  - The inspector will need to request from each of the property owners a copy of a certified survey to determine the exact location of the front property line. The inspector cannot determine exactly where the front property line is located by a visual inspection.

- The inspector will need to gain permission from each of the property owners to determine what the measurement is from the building to the front property line.

The location of a property line in relation to the right-of-way varies in different locations throughout the city. The use of aerial maps cannot be used for this exact location because there is a margin of error with the maps. The Code Enforcement Division recommends this issue be studied within the scope of this project to determine ahead of time what the measurements will be at each block.

- ❖ D. Setbacks 2. – The language regarding garages that face the street needs to be clarified. Does this pertain to the garage doors or the garage itself?
- ❖ E. Are driveways supposed to be 20 in width or length?

**Page 56: SU-2/R-LT**

- ❖ B. Height 2.ii. – indicates that apartments are allowed, however, the R-LT zone in the Zoning Code does not allow for apartments.
- ❖ D. Setbacks 2. – The language regarding garages that face the street needs to be clarified. Does this pertain to the garage doors or the garage itself?
- ❖ F. Are driveways supposed to be 20 in width or length?

**Page 57: SU-2/R-T**

- ❖ B. Height 2.ii. – indicates that apartments are allowed, however, the R-LT zone in the Zoning Code does not allow for apartments.
- ❖ D. Setbacks 2. – The language regarding garages that face the street needs to be clarified. Does this pertain to the garage doors or the garage itself?
- ❖ F. Are driveways supposed to be 20 in width or length?

**Page 59: SU-2/PCD Regulations**

- ❖ See previous notes under General Structure of the Regulations.
- ❖ If Private Commons Developments are to be allowed in the SU-2/R-1 zone, language will need to be added to SU-2/R-1 zone under permissive uses to allow this type of development.
- ❖ B. Density 1. – Does the calculation include or exclude streets?
- ❖ C. Density – This section references townhomes as permissive in the SU-2/R-1 zone. The SU-2/R-1 zone will need contain language to state that townhomes are allowed permissively or only in conjunction with a PCD.

**Page 62: SU-2/Mixed Use District 1 (MUD 1) zone**

- ❖ A. Permissive and Conditional Uses. Does this mean that both permissive and conditional uses are allowed?
- ❖ A. Permissive and Conditional Uses. 3. (Drive-Up Service) – The sentence that states, “Drive-up service windows shall be oriented away from pedestrian area,” should be clarified. Most areas could be argued as pedestrian areas.
- ❖ A. Permissive and Conditional Uses. 3. (Drive-Up Service) – The sentence that begins with, “Screening shall be provided...” needs to be clarified. What specifically needs to be screened?
- ❖ Language regarding Senior Housing Facility could fall under the description of a Community Residential Program (CRP), which is regulated with separation requirements from other CRPs

and the number allowed per City Council district. The proposed language may allow a CRP under the Senior Housing Facility without the need to meet the other standards.

- ❖ B. Prohibited Uses 1. – The prohibition language of Drive-up service windows needs to be reworded. Is the intent to allow Drive-up service windows as provided in the C-1 zone?
- ❖ B. Prohibited Uses 6. – Should be removed or language added.
- ❖ D. Approval Process. – The words “...and a Site Development Plan for Building Permit,…” should be removed since Site Development Plan is already identified earlier in the sentence. Site Development Plan means for subdivision or for building permit.
- ❖ D. Approval Process. – The words “...and a Site Development Plan for Building Permit,…” should be removed since Site Development Plan is already identified earlier in the sentence. Site Development Plan means for subdivision or for building permit.
- ❖ D. Approval Process. – It is unclear as to why the words “...(as amended) are included in this section.
- ❖ D. Approval Process. – The words “...as regulated by 14-16-3-11” does not address the procedure of how a site development plan is to be approved. It seems that the procedure section of 14-16-2-22 (with the exception of having the Development Review Board approve the site development plan) should be included to specify how one is approved or denied.

**Page 62: SU-2/Mixed Use District 2 (MUD 2) zone**

- ❖ A. Permissive and Conditional Uses. Does this mean that both permissive and conditional uses are allowed?
- ❖ A. Permissive and Conditional Uses. 3. (Drive-Up Service) – The sentence that states, “Drive-up service windows shall be oriented away from pedestrian area,” should be clarified. Most areas could be argued as pedestrian areas.
- ❖ A. Permissive and Conditional Uses. ii3. (Drive-Up Service) – The sentence that begins with, “Screening shall be provided...” needs to be clarified. What specifically needs to be screened?
- ❖ A. Permissive and Conditional Uses. iv(4)(a) should have the word “studio” removed or defined.
- ❖ Language regarding Senior Housing Facility could fall under the description of a Community Residential Program (CRP), which is regulated with separation requirements from other CRPs and the number allowed per City Council district. The proposed language may allow a CRP under the Senior Housing Facility without the need to meet the other standards.
- ❖ B. Prohibited Uses 1. – Adult Uses are already prohibited from this zone.
- ❖ B. Prohibited Uses 1. – The prohibition language of Drive-up service windows needs to be reworded. Is the intent to allow Drive-up service windows as provided in the C-1 zone?
- ❖ B. Prohibited Uses 6. – The word “Commercial” should be removed or defined in this plan. Parking lot is defined in the Zoning Code and does not include the word “commercial.”
- ❖ B. Prohibited Uses 8 & 9. – Should be removed or language added.
- ❖ D. Approval Process. – The words “...and a Site Development Plan for Building Permit,…” should be removed since Site Development Plan is already identified earlier in the sentence. Site Development Plan means for subdivision or for building permit.
- ❖ D. Approval Process. – It is unclear as to why the words “...(as amended) are included in this sentence.

- ❖ D. Approval Process. – The words “...as regulated by 14-16-3-11” does not address the procedure of how a site development plan is to be approved. It seems that the procedure section of 14-16-2-22 (with the exception of having the Development Review Board approve the site development plan) should be included to specify how one is approved or denied.

**Additional Language** [from Dec 2010 draft LDSDP]

**The Code Enforcement Division is opposed to the additional language for reasons stated above in the SU-2/R-1 zone regarding setbacks. A survey will need to be conducted to determine the setbacks of property within 300’ of an addition. Again, the Code Enforcement Division recommends this issue be studied within the scope of this project to determine ahead of time what the measurements will be at each block. This language cannot be enforced as proposed.**

***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

[see attached letter dated May 3, 2011]

***PUBLIC SERVICE COMPANY OF NEW MEXICO***

\* Received 5/31/11 \*

**Please revise the Electric Service Section of the Draft Los Duranes Sector Development Plan with the following language:**

**Electric Service**

The Public Service Company of New Mexico (PNM) provides electric service to the City of Albuquerque. PNM responds to City growth by adding or expanding the capacity of its electric facilities and plans improvements based on system demands.

Transmission facilities are an important part of the existing infrastructure system in the area and are identified as protected transmission corridors in the Rank II Plan, 1995 Facility Plan: Electric Service Transmission and Subtransmission Facilities (1995-2005).

*Existing Conditions*

One 115 kV transmission line is located along the western boundary of the Los Duranes Sector Development Plan area. The transmission voltage is “stepped down” to lower voltages at distribution substations and distribution lines, called feeders, provide electric service to residential and business customers. Distribution lines are located throughout the Plan area.

*Utility Easements*

Utility companies place lines across others’ property in public utility easements (PUEs). The landowner who grants an easement usually cannot build structures within the easement, cannot use fencing that would hinder access, or cannot plant certain types of trees and bushes.



Public utility easements exist within the Los Duranes Sector Development Plan area. Overhead and underground electric distribution lines are typically located within PUEs. They are compatible with other “dry” utilities such as cable, telephone and fiber optic facilities. The width of the PUE is typically 10 feet in order to provide necessary clearances for safety. Water lines, sewer lines and storm water drainage or “wet” utilities are not compatible with “dry” utilities and separation is required for safety purposes.

*Development Considerations*

PNM’s landscaping preference is for trees and shrubs to be planted outside the PNM easement; however, if within the easement, trees and shrubs should be planted to minimize effects on facilities maintenance and repair. New trees planted near PNM facilities should be no taller than 25 feet in height at maturity to avoid conflicts with existing electric infrastructure.

All screening and vegetation surrounding ground-mounted transformers and utility pads must allow 10 feet of clearance in front of the equipment door and 5-6 feet of clearance on the remaining three sides for access and to ensure the safety of the work crews and public during maintenance and repair. It is necessary to coordinate with all utility providers to allow for adequate width, clearance and appropriate locations for PUEs and utility rights-of-way.

Coordination is necessary to address:

- the extension of public utility facilities and to ensure the safety of the public and utility crews who maintain and repair such facilities
- projections such as canopies, portals, stoops, balconies, shop fronts and awnings in PUEs to be compatible with existing utility infrastructure
- parking areas and alleys to allow for adequate utility access
- utility easements within rear lot lines to allow adequate clearances for safe operation, repair and maintenance purposes
- tree variety height at maturity and necessary distance from existing and proposed electric utility easements
- Screening design to allow access to utility facilities

Developers are responsible for costs associated with electric utility relocation, changes or realignment associated with new development. In some cases, relocation or changes to existing facilities may not be feasible due to physical, use or safety clearance constraints. PNM will review all technical needs, issues and safety clearances for its electric power systems.

**Also, please add the following language to the Zoning and Regulations section of the Plan under a new subheading entitled, “Utilities”:**

All screening and vegetation surrounding ground-mounted transformers and utility pads shall allow 10 feet of clearance in front of the equipment door and 5 to 6 feet of clearance on the remaining three sides for access and to ensure work crew and public safety during maintenance and repair, or as specified in the *Facility Plan: Electric Service Transmission and Subtransmission Facilities*.