

**CITY OF ALBUQUERQUE  
NINETEENTH COUNCIL**

COUNCIL BILL NO. R-11-279 ENACTMENT NO. R. 2012. 033

SPONSORED BY: Debbie O'Malley

**RESOLUTION**

**FOR AN AREA OF APPROXIMATELY 443 ACRES (INCLUDING 290 ACRES IN THE CITY AND THE REMAINDER IN BERNALILLO COUNTY) AND BORDERED GENERALLY BY PARCELS ON LOS ANAYAS ROAD ON THE NORTH, RIO GRANDE BLVD. , INDIAN SCHOOL RD. AND THE ALAMEDA DRAIN ON THE EAST, INTERSTATE 40 ON THE SOUTH AND THE ALBUQUERQUE DRAIN ON THE WEST, AND, ADOPTING THE LOS DURANES SECTOR DEVELOPMENT PLAN AS A RANK 3 PLAN; CHANGING EXISTING ZONING FROM RA-1, RA-2, R-1, R-LT, R-T, R-2, O-1, C-1, C-2, P, P-R, M-1, AND SU-1 TO SU-2/RA-2, SU-2/RA-1, SU-2/R-1, SU-2/R-LT, SU-2/R-T, SU-2/R-2, SU-2/MUD 1, SU-2/MUD 2, AND SU-1.**

**WHEREAS, the City Council, the governing body of the City of Albuquerque, has the authority to adopt and amend plans for the physical development of areas within the planning and platting jurisdiction of the City authorized by Statute, Section 3-19-1 et. seq., NMSA 1978, and by its home rule powers; and**

**WHEREAS, on July 07, 2011, the Environmental Planning Commission, in its advisory role on land use and planning matters, recommended that City Council adopt the Los Duranes Sector Development Plan; and**

**WHEREAS, the Environmental Planning Commission found approval of the Los Duranes Sector Development Plan consistent with applicable goals and policies of the Albuquerque / Bernalillo County Comprehensive Plan, the North Valley Area Plan, the Rio Grande Blvd. Corridor Plan, the Comprehensive City Zoning Code and R-270-1980.**

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

**Section 1. The City Council adopts the following findings:**

1           **A. The Los Duranes Sector Development Plan covers an area of**  
2 **approximately 443 acres, including 290 acres in the City of Albuquerque. The plan**  
3 **boundaries are generally Los Anayas Rd. to the north, Rio Grande Blvd., Indian**  
4 **School Rd. and the Alameda Drain to the east, I-40 to the south, and Albuquerque**  
5 **Drain to the west.**

6           **B. The Albuquerque/Bernalillo County Comprehensive Plan (amended**  
7 **through 2003), the North Valley Area Plan (1993), the Rio Grande Boulevard**  
8 **Corridor Plan (1989), the Los Duranes Sector Development Plan (1976 as**  
9 **amended), North 4th Street Corridor Plan (2010), Fourth Ward HOZ (2002) and**  
10 **Albuquerque’s Comprehensive City Zoning Code are incorporated herein by**  
11 **reference and made part of the record for all purposes.**

12           **C. The LDSDP will be submitted to the County Planning Commission and**  
13 **Board of County Commissioners for review, recommendation and adoption at a**  
14 **later date. City and County Planning staff are coordinating the two review**  
15 **processes with the intent of achieving a single final document.**

16           **D. The LDSDP is a significant update of the existing plan (adopted 1976,**  
17 **amended 1981), because it also includes land under the jurisdiction of the County**  
18 **of Bernalillo, and establishes zoning and standards for development and streets**  
19 **that are unique to the Los Duranes neighborhood.**

20           **E. Los Duranes is one of the oldest settlements in Albuquerque, dating**  
21 **back to the early 1770's. The neighborhood reflects this long history through the**  
22 **residents and property-owners, many of whom descend from the early European**  
23 **settlers, and its visual character. The area has a network of acequias, many**  
24 **narrow winding streets and a variety of building types, lot sizes and shapes. Two**  
25 **historic buildings, the Gavino Anaya house and Capilla (chapel) de San Jose, are**  
26 **registered with the federal and state government.**

27           **F. The entire area is covered by an “X Protected by Levee” Flood Zone as**  
28 **defined by the National Flood Insurance Program Panel 35001C0331H. This**  
29 **means that if the levee did not exist or was decertified the Flood Zone**  
30 **designation would change. There is an AO Flood Zone near the west end of**  
31 **Beach Rd and an AH Flood Zone on Sarita Ave.**

1           **G. The city portion of the LDSDP area currently contains the following**  
2 **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**  
3 **School, SU-1 for O-1 permissive uses.**

4           **H. The LDSDP furthers the following applicable goals and policies of the**  
5 **Albuquerque/Bernalillo County Comprehensive Plan (CP):**

6           **1. The properties in the Semi-Rural Area of the LDSDP retain their**  
7 **existing low-density residential agricultural zoning and the plan recommends**  
8 **non-regulatory strategies to support the area's agricultural heritage (CP, SEMI-**  
9 **URBAN AREA Goal & Policies II.B.4.a & b)**

10           **2. The LDSDP documents the unique identity of the Los Duranes**  
11 **neighborhood and provides a policy and regulatory framework to guide future**  
12 **development in a way that respects neighborhood values and integrity. A range**  
13 **of urban land uses, including multi-family residential and commercial, is allowed.**  
14 **The plan also encourages clustered housing, with open areas for agriculture and**  
15 **as visual and recreational amenities, and protects acequias, in order to preserve**  
16 **the social, cultural and environmental resources of the neighborhood. (CP,**  
17 **DEVELOPING AND ESTABLISHED URBAN AREAS (DEUA) Goal and Policies**  
18 **II.B.5.a, d, e & f)**

19           **3. New mixed use zones that include higher density housing are**  
20 **proposed by the LDSDP in an appropriate location: along an arterial and where**  
21 **they provide a transition between single-family residential and commercial**  
22 **development (CP, DEUA Policy II.B.5.h)**

23           **4. The LDSDP proposes to maintain commercial retail and service**  
24 **uses on properties already used or zoned for this type of development, which are**  
25 **concentrated along the southern stretch of Rio Grande Blvd. (CP, DEUA Policies**  
26 **II.B.5.i & j)**

27           **5. The LDSDP encourages new development that is designed**  
28 **appropriately for this unique neighborhood within the Established Urban Area.**  
29 **Regulatory measures include: controlling the scale of buildings and enhancing**  
30 **the pedestrian environment throughout the neighborhood; and allowing clustered**  
31 **housing on smaller lots in the residential core. Development under city**  
32 **jurisdiction in the SU-1 zone would continue to be controlled through the site**  
33 **development process. (CP, DEUA Policies II.B.5.i & m)**

1           **6. The LDSDP documents the evolution and architectural history of**  
2 **Los Duranes and proposes strategies to increase public awareness and to**  
3 **protect and enhance the character of the neighborhood, through: historically-**  
4 **appropriate streetlights (CIP project); interpretive signage for acequias, a new**  
5 **community plaza, an update of the historic building inventory (see**  
6 **Implementation Matrix in LDSDP); and guidelines for rehabilitating older**  
7 **structures (see Appendix in LDSDP) (CP, HISTORIC RESOURCES Policies II.C.5.a**  
8 **& c)**

9           **7. The LDSDP is formulated to support the identity of a distinct area**  
10 **within the city and metropolitan area. It includes measures to protect the**  
11 **acequias and remaining open-ness of the neighborhood, to allow for**  
12 **development and new streets that are scaled appropriately for the existing built**  
13 **environment, and to support families' ties to their neighborhood and local**  
14 **traditions. (CP, CULTURAL TRADITIONS AND THE ARTS Policy II.C.7.a ; CP,**  
15 **COMMUNITY IDENTITY AND URBAN DESIGN Goal & Policy II.C 9.b)**

16           **8. The proposed LDSDP mixed use zoning supports new**  
17 **development and redevelopment that creates additional housing and jobs along**  
18 **Rio Grande Blvd., an Enhanced Transit Corridor, without destabilizing the**  
19 **adjacent neighborhood that is buffered by the wide Alameda Drain. (CP,**  
20 **TRANSPORTATION AND TRANSIT Goal and Policies II.D.4.a, b,& c)**

21           **9. The LDSDP promotes safer and more pleasant conditions for**  
22 **pedestrians and cyclists through SU-2 zoning regulations for residential and**  
23 **mixed use zones, capital improvement plan projects to install streetlights and**  
24 **rehabilitate sidewalks, and recommended strategies such as "Safe Routes to**  
25 **School". (CP, TRANSPORTATION AND TRANSIT Policies II.D.4.g & h).**

26           **10. The LDSDP includes goals and strategies to improve**  
27 **neighborhood safety and crime prevention. (CP, PUBLIC SAFETY Goal & Policy**  
28 **II.D.9.d)**

29           **I. The LDSDP furthers the following applicable goals and policies of the**  
30 **North Valley Area Plan (NVAP):**

31           **1. The LDSDP strategies, including zoning, protect and enhance the**  
32 **character of Los Duranes, one of the historic farm settlements in the North Valley,**  
33 **which still retains some of that heritage through its people (descendents of local**

1 **settlers and business owners), acequias, buildings and open space. (NVAP,**  
2 **Goals 1, 2, 4 and 12)**

3 **2. The LDSDP mixed use zones maintain opportunities for office and**  
4 **commercial development in areas where they are already established through use**  
5 **and/or zoning. The development standards for these zones call for land uses and**  
6 **development that fit the needs and character of the Los Duranes neighborhood**  
7 **and North Valley area. (NVAP, Goal 6)**

8 **3. The LDSDP addresses many planning issues identified in this area**  
9 **of the North Valley by stabilizing residential zoning and land uses and**  
10 **consolidating fragmented zones along Rio Grande Blvd into mixed use zones that**  
11 **encourage redevelopment according to Village Center principles (NVAP, Zoning**  
12 **policies 2 & 3, Village Center policy 1)**

13 **4. The LDSDP codifies the existing narrow residential streets that are**  
14 **characteristic of the historic neighborhood, and promotes agriculture and**  
15 **retention of open space through clustered housing and acequia protection**  
16 **(NVAP, Community Design policies 4 & 8, Agriculture & Rural Character policies 2**  
17 **& 4)**

18 **J. The LDSDP is consistent with applicable policies in the Rio Grande Blvd.**  
19 **Corridor Plan (RGBCP): Transportation policy 1, Land Use and Zoning policy 2.**  
20 **The zoning section of the LDSDP also states (under General Provisions and in**  
21 **individual zones where relevant) how possible conflicts between LDSP**  
22 **regulations and the RGBCP Design Overlay Zone should be handled.**

23 **K. The LDSDP proposes an SU-2 Special Neighborhood Zone in the city**  
24 **plan area. The SU-2 residential zones include modifications to the development**  
25 **regulations of existing residential zones. The two SU-2 mixed-use zones are**  
26 **generally based on the existing commercial zoning (C-1 or C-2) and on existing**  
27 **land uses. Zoning lines are adjusted to align with lot lines, and with premises (lot**  
28 **or contiguous lots under the same ownership) where appropriate.**

29 **L. The LDSDP is justified per Resolution 270-1980. The proposed zoning**  
30 **modifications and new zoning districts are the community's response to changed**  
31 **conditions and are more advantageous to the community. The proposed zoning**  
32 **meets R-270-1980 criteria as follows:**

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

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

1           **C. The LDSDP does not conflict, and in fact furthers, applicable goals**  
2 **and policies in the Comprehensive Plan and North Valley Area Plan, and it**  
3 **complements the Rio Grande Blvd. Corridor Plan which overlaps the LDSDP plan**  
4 **area. (see the analysis above in Findings H, I & J).**

5           **D. The zone changes in the LDSDP are justified because the existing**  
6 **conventional zones are inappropriate, to varying degrees and for different**  
7 **reasons.**

8           **Per #2, changed neighborhood conditions justify these**  
9 **changes. The LDSDP creates SU-2 zoning to protect the unique character of the**  
10 **neighborhood in response to the community's desire to manage change brought**  
11 **on by development pressures since adoption of the existing plan that threaten**  
12 **this character. The LDSDP proposes to modify the regulations, but not the uses,**  
13 **in existing residential zones in order to continue the historic scale and pattern of**  
14 **housing in the neighborhood (SU-2/RA-1, RA-2, R-1, R-T, R-LT & R-2). The LDSDP**  
15 **also tailors conventional Private Commons Developments to the multi-**  
16 **generational culture, rural heritage and development pattern of Los Duranes, by**  
17 **allowing PCDs on smaller lots (1 acre), encouraging family compounds**  
18 **(plazuelas), and locating the commons areas along acequias and where they**  
19 **provide a visual amenity for the community at large (see SU-2/PCD regulations in**  
20 **the LDSDP).**

21           **Per #3, the changes to residential zoning, described above**  
22 **under D#2, are also more advantageous to the wider community as articulated in**  
23 **the Comprehensive Plan, North Valley Area Plan and Rio Grande Blvd. Corridor**  
24 **Plan. In addition, The LDSDP proposes to rezone certain properties along the**  
25 **southern stretch of Rio Grande Blvd. that have existing commercial uses and/or**  
26 **zoning, or are vacant or underutilized, as new mixed use zones (SU-2/MUD 1 & 2).**  
27 **These zones allow office, commercial, residential and/or senior housing, in order**  
28 **to facilitate new development and redevelopment that fit the village scale of the**  
29 **neighborhood and support the Enhanced Transit status of the Corridor. The Rio**  
30 **Grande Blvd. corridor includes several parcels with inappropriate zoning, in that**  
31 **the parcels are split between two zoning categories, which hinders development.**  
32 **This problem is identified in the RGBCP, and resolved by adjusting zone lines to**  
33 **match parcel lines and by zoning the parcel for its existing or a more appropriate**

1 use, based on context and/or city policy. The new zones include regulations for  
2 drive-up service windows and residential uses, but generally rely on applicable  
3 regulations in the Zoning Code and RGBCP. These new mixed use zones are  
4 more advantageous to the community as articulated in the Comprehensive Plan,  
5 North Valley Area Plan and the Rio Grande Blvd. Corridor Plan. (See analysis in  
6 Findings H, I & J above)

7 Furthermore, because of the unique history of the area, its  
8 existing development pattern and road network, and the intent for redevelopment  
9 of properties along Rio Grande Blvd., the proposed SU-2 zoning in the LDSDP is  
10 appropriate for this area as compared to other areas in the vicinity. The proposed  
11 zoning is tailored specifically for this sector and its unique conditions.

12 E. The proposed zoning in the LDSDP does not contain uses that  
13 would be harmful to adjacent properties, neighbors or the community. The  
14 proposed SU-2/MUD 1 and MUD 2 zones, with few exceptions, reflect an existing  
15 O-1, C-1 or C-2 zoning and/or an established office or commercial use on the  
16 subject properties. The new mixed use zones broaden rather than intensify the  
17 types of land uses that are allowed, and enable cohesive development with a mix  
18 and location of uses that are sensitive to adjoining uses and zoning. The uses in  
19 the SU-2/MUD 1 and MUD 2 zones would not be harmful to adjacent properties,  
20 neighbors or the community, since certain C-1 and/or C-2 uses are prohibited in  
21 these zones because the community considered them undesirable, unsightly (off  
22 premise signs) or because they are car-oriented businesses (such as vehicle  
23 sales and repair), which would detract from the pedestrian-friendly environment  
24 that is appropriate in a neighborhood-scale development on an Enhanced Transit  
25 Corridor. In addition, the LDSDP proposes to eliminate an isolated M-1 zone in the  
26 southeast corner of the plan area that allows intense industrial uses that could be  
27 harmful to the neighborhood and are not currently appropriate in this location.  
28 The area would be incorporated into an SU-2/MUD 2 zone.

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

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

32 H. Location on a major street is not the only justification for the  
33 proposed SU-2/MUD 1 & 2 zones, that allow apartments, offices and commercial



1 uses. The mixed use zones further the LDSDP goal (4.G p. 42 in LDSDP) of  
2 maintaining neighborhood-scale businesses and promoting locally-owned  
3 business opportunities, as well as goals and policies in higher ranked plans. The  
4 southern stretch of Rio Grande Blvd. is an Enhanced Transit Corridor, but is  
5 fronted by several vacant and/or underutilized buildings and land. The intention is  
6 to provide incentives for redevelopment and re-use that enhance the  
7 neighborhood and provide goods, services and diverse housing types, while also  
8 fulfilling the properties' potential.

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

11 J. The proposed SU-2/MUD 1 and 2 zones may be considered to  
12 perpetuate, rather than create, a pattern of strip zoning along the southern stretch  
13 of Rio Grande Blvd. However, the zone boundaries are not arbitrary but are  
14 adjusted to reflect existing zoning and land use along with lot and ownership  
15 lines. The extent of the mixed use zoning along Rio Grande Blvd. reinforces the  
16 historic evolution of this area as the commercial center of the Los Duranes  
17 neighborhood and as an important gateway to the North Valley. The SU-2/MUD 1  
18 and MUD 2 zones also, by definition, provide the flexibility to develop land for one  
19 or a combination of uses, which dilutes the "strip" effect. In addition, the  
20 proposed zoning facilitates realization of the goals and policies in the  
21 Comprehensive Plan for Enhanced Transit Corridors and the NVAP goals and/or  
22 policies for commercial development, Housing and Village Centers (see analysis  
23 in Findings H, I & J). Maintaining the strip zoning provides a buffer for the  
24 adjacent residential zones east and west of the corridor.

25 M. Supplemental analysis of Section D of Resolution 270-1980: The LDSDP  
26 establishes SU-2 zoning of properties under city jurisdiction, except for two  
27 existing SU-1 zones. Proposed changes to the zoning for the LDSDP are area-  
28 wide. Changes are proposed to existing residential zones throughout the area,  
29 rather than to individual properties. New mixed-use zones are proposed along Rio  
30 Grande Blvd. based on a consistent approach. The proposed change is more  
31 advantageous to the community as articulated in the analysis of applicable Rank  
32 I, II and III plans, detailed in Findings H, I & J. The public need for this change is  
33 illustrated through the policies of the Albuquerque Bernalillo County

1 **Comprehensive Plan that this plan supports. This area is distinct from other**  
2 **areas in the City of Albuquerque because of its history and rural legacy, which**  
3 **persist in the modest scale of its buildings, functional acequias and narrow**  
4 **winding streets. An assessment of existing land use was conducted for the area**  
5 **and was used in the drafting of the LDSDP. The proposed change from existing**  
6 **C-2, M-1 and R-1 to SU-2 MUD 2 mixed use zoning in the southeast area of the**  
7 **plan does not constitute a down-zoning, because the decrease in land use**  
8 **intensity of the existing M-1 is compensated for by an increase in land use**  
9 **intensity of the existing larger R-1 zone, while the existing C-2 is maintained. In**  
10 **addition, the existing zone lines are floating lines, that split individual parcels into**  
11 **two zones, which discourages development. The conclusion of the analysis is**  
12 **that maintaining the existing conventional zoning discourages development and**  
13 **destabilizes the neighborhood. The zoning proposed is not a taking nor are**  
14 **property owners denied “substantial beneficial use of their property”. Property**  
15 **owners still have entitlements.**

16 **N. The context-sensitive regulations for frontages and setbacks in the**  
17 **LDSDP, including in the SU-2/R-1 and SU-2/R-2 zones, are similar to regulations**  
18 **in adopted city plans, such as the North 4th Street Corridor Plan (adopted 2010,**  
19 **see NMFID Infill District p. 48) and the Fourth Ward HOZ (adopted 2002, see D p.**  
20 **20). They are appropriate for infill development in this historic neighborhood**  
21 **characterized by modestly scaled buildings.**

22 **O. A building height of 36 feet in the SU-2/MUD 2 zone is appropriate in the**  
23 **area within 450 ft of Interstate 40, including the off-ramp, because the area is**  
24 **appropriate for somewhat higher buildings than the rest of Los Duranes: the**  
25 **adjacent I-40 freeway is elevated; the area does not abut other zones where**  
26 **houses are allowed; and the 450 ft distance demarcates an area level with the**  
27 **existing signalized intersection at Floral Rd and Rio Grande Blvd., which can**  
28 **provide orderly and safer access for the intensity of use that may be associated**  
29 **with a larger building.**

30 **P. An existing or previously approved use for gasoline, oil and liquefied**  
31 **petroleum gas retailing in an SU-2/MUD 1 or MUD 2 zone may be moved from its**  
32 **previous location to another location within the same premises. This facilitates**  
33 **comprehensive site design of future development, including the most appropriate**

1 location of the use for access and circulation and relative to adjacent land uses.  
2 Premises are as defined in the Zoning Code.

3 Q. A previously approved restaurant with a drive-up service window  
4 located in an SU-2/MUD 2 zone may be moved from its previous location to  
5 another location within the same premises zoned SU-2/MUD 2. This facilitates  
6 comprehensive site design of future development including the most appropriate  
7 location of the use for access and circulation, and relative to adjacent land uses.  
8 Premises are as defined in the Zoning Code.

9 R. The prohibition on commercial parking facilities in the SU-2/MUD 1 and  
10 SU-2/MUD 2 zones does not apply to parking structures, as long as their primary  
11 function is to provide parking for specific uses on the same site. A parking  
12 structure has the potential to reduce the potential negative impacts of an  
13 equivalent amount of surface parking on the appearance of the site and the  
14 pedestrian environment.

15 S. Unlike the majority of Established Urban Areas of the city, the residential  
16 neighborhood of Los Duranes has developed over a two-century period to create  
17 a variety of lot sizes and configurations, and a unique network of narrow, winding  
18 streets, alleys, cul-de-sacs and pathways. These streets are one of the defining  
19 features of the development pattern in the sector development plan area. They  
20 are also considered to slow down traffic and contribute to improved road safety  
21 within the neighborhood. Protection of existing narrow streets is therefore  
22 warranted, and new residential streets will be built to specifications tailored to the  
23 character of the neighborhood, per street standards in the Plan.

24 T. City Planning Department Staff is coordinating finalization of the joint  
25 LDSDP with Bernalillo County Planning Staff.

26 U. The Environmental Planning Commission has treated this application in  
27 a quasi-judicial manner, including but not limited to the absence of ex parte  
28 communication and the swearing in of staff, interested parties and the public to  
29 speak at the hearings. Prior the hearings, registered neighborhood associations  
30 (NAs), coalitions, property-owners in and within 200 ft of the plan area (both city  
31 and county portions) and residents of a mobile park were duly notified, and a  
32 legal ad was published, per requirements of the Zoning Code.

1           **V. The Environmental Planning Commission reviewed the Los Duranes**  
2 **Sector Development Plan, Planning Staff analysis and written comments and/or**  
3 **oral testimony from Planning staff, commenting City departments and other**  
4 **agencies, the neighborhood Steering Committee for the LDSDP, the Los Duranes**  
5 **NA, the Near North Valley Area Association, property owners, other interested**  
6 **parties and the general public at two separate, public hearings on 05 May 2011,**  
7 **and 07 July 2011, and forwarded a recommendation of Approval of the LDSDP to**  
8 **the City Council at its 07 July 2011 hearing.**

9           **Section 2. The Los Duranes Sector Development Plan, attached hereto and**  
10 **made a part hereof, is adopted as a Rank 3 Plan with land use control pursuant to**  
11 **the Comprehensive City Zoning Code and as a regulatory guide to the**  
12 **implementation of the Rank 1 Albuquerque / Bernalillo County Comprehensive**  
13 **Plan and the applicable Rank 2 plan, and is consistent with applicable Rank 3**  
14 **plans, as cited above.**

15           **Section 3. All development activities within the Los Duranes neighborhood**  
16 **shall be guided and regulated by the provisions of the Los Duranes Sector**  
17 **Development Plan.**

18           **Section 4. The Zone Map, adopted by Article 14-16-4-9 ROA 1994, is hereby**  
19 **amended to reflect the rezoning in the map contained in Section 3 of Attachment**  
20 **B.**

21           **Section 5. EFFECTIVE DATE. This resolution shall take effect five days after**  
22 **publication by title and general summary.**

23           **Section 6. SEVERABILITY CLAUSE. If any section, paragraph, sentence,**  
24 **clause, word or phrase of this resolution is for any reason held to be invalid or**  
25 **unenforceable by any court of competent jurisdiction, such decision shall not**  
26 **affect the validity of the remaining provisions of this resolution. The Council**  
27 **hereby declares that it would have passed this resolution and each section,**  
28 **paragraph, sentence, clause, word or phrase thereof irrespective of any**  
29 **provisions being declared unconstitutional or otherwise invalid.**

30  
31 **Attachment A: Environmental Planning Commission Findings and Conditions,**  
32 **July 07, 2011.**

33 **Attachment B: April 2011 Draft Los Duranes Sector Development Plan**

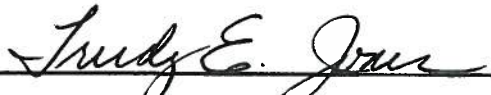
1 **Attachment C: COA Red-line Version August 2011 Draft Los Duranes Sector**  
2 **Development Plan**

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32 **X:\SHARE\Legislation\Nineteen\IR-279final.doc**

1 PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF April, 2012  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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Trudy E. Jones, President  
City Council

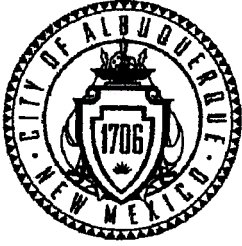
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012

Bill No. R-11-279

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Richard J. Berry, Mayor  
City of Albuquerque

ATTEST:  
  
\_\_\_\_\_  
Amy B. Bailey, City Clerk

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# City of Albuquerque

## Office of the City Clerk

Richard J. Berry, Mayor

Amy B. Bailey, City Clerk

### Interoffice Memorandum

May 10, 2012

To: CITY COUNCIL

From: AMY B. BAILEY, CITY CLERK

Subject: BILL NO. R-11-279; ENACTMENT NO. R-2012-033

I hereby certify that on April 30, 2012, the Office of the City Clerk received Bill No. R-11-279 as signed by the president of the City Council, Trudy E. Jones. Enactment No. R-2012-033 was passed at the April 16, 2012 City Council meeting. Mayor Berry did not sign the approved Resolution within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Resolution is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. R-11-279.

Sincerely,

  
Amy B. Bailey  
City Clerk