

CITY of ALBUQUERQUE

TWENTY-FIRST COUNCIL

COUNCIL BILL NO. R-14-70 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis, by request

1 RESOLUTION

2 AMENDING THE VOLCANO CLIFFS SECTOR DEVELOPMENT PLAN TO
3 UPDATE THE ROAD NETWORK, RECONCILE AMENDMENTS MADE TO
4 ADJACENT PLANS, AND MAKE MINOR CLARIFICATIONS TO DEVELOPMENT
5 STANDARDS

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

11 WHEREAS, the City Council adopted the Volcano Cliffs Sector
12 Development Plan in May 2011, for an area of approximately 2,397 acres,
13 bounded generally by Volcano Trails and Volcano Heights to the north, the
14 Petroglyph National Monument to the west, south, and east; and

15 WHEREAS, Volcano Cliffs provides opportunities for a variety of housing
16 options and densities surrounding a Village Center to promote a balance of
17 jobs and housing, as well as service and retail opportunities within walking
18 and biking distance of residential neighborhoods; and

19 WHEREAS, the Rank 2 West Side Strategic Plan's 2011 Volcano Mesa
20 Amendment recommended designating the Village Center in Volcano Cliffs as
21 a Neighborhood Activity Center; and

22 WHEREAS, the Rank 2 West Side Strategic Plan's Volcano Mesa
23 Amendment establishes the policies to direct growth within the three Rank 3
24 Sector Development Plans – Volcano Cliffs, Volcano Trails, and Volcano
25 Heights; and

[Bracketed/Underscored Material] - New
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1 WHEREAS, the policies and regulations intended to be consistent among
2 the three plans were reviewed, revised, and refined throughout the process of
3 adopting the three Rank 3 plans, which were adopted in succession beginning
4 in May 2011 with Volcano Cliffs and ending in August 2013 with Volcano
5 Heights; and

6 WHEREAS, amendments are needed to reconcile the street network within
7 Volcano Mesa to incorporate cross sections for Volcano Cliffs and Volcano
8 Heights and additional intersections on Paseo del Norte and Unser Boulevard;
9 and

10 WHEREAS, amendments are needed to reconcile adjustments made to the
11 design requirements for residential garages; strengthen regulations to
12 minimize fugitive dust during construction activities; adjust regulations that
13 would have resulted in undesirable, unintended consequences; and correct
14 errata adopted in the original Plan; and

15 WHEREAS, amendments to the Volcano Cliffs Sector Development Plan
16 (VCSDP) are consistent with the applicable goals and policies of the
17 Albuquerque/Bernalillo County Comprehensive Plan, the West Side Strategic
18 Plan, the Facility Plan for Major Public Open Space, the Facility Plan: Electric
19 System Generation and Transmission, the Northwest Mesa Escarpment Plan,
20 and the Comprehensive Zoning Code.

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

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

24 1. The VCSDP area comprises 2,327 acres of land surrounding Unser
25 Boulevard and is bounded generally by Volcano Trails and Volcano Heights to
26 the north and the Petroglyph National Monument to the west, south, and east.

27 2. The Plan area is platted primarily into single-family residential lots
28 but remains largely undeveloped. Some roads and utilities are being
29 developed as part of the Special Assessment District (SAD) 228, managed by
30 the Volcano Cliffs Property Owners Association.

31 3. The Plan establishes the following SU-2 zones: Volcano Cliffs
32 Village Center (VCVC), Volcano Cliffs Urban Residential (VCUR), Volcano
33 Cliffs Mixed Use (VCMX), Volcano Cliffs Large Lot (VCLL), and Volcano Cliffs

1 Rural Residential (VCRR). No zone changes are involved in the amendments;
2 rather, revised design standards would equally affect all properties.

3 4. The VCSDP includes areas designated as Developing Urban,
4 Established Urban, or Reserve by the Rank 1 Albuquerque/Bernalillo County
5 Comprehensive Plan (Comprehensive Plan). The VCSDP amendments
6 implement and further the applicable Goals and Policies of the
7 Comprehensive Plan as follows:

8 A. Amendments to the transportation standards help protect
9 the livability and safety of residential neighborhoods and match street design
10 to community identity (II.B.5 Policy k and II.C.9 Policies b and e).

11 B. Amendments to the standards pertaining to walls and
12 fences, rock outcroppings, structure colors, plant lists, petroglyphs, and
13 grading help protect natural and cultural resources, improve the visual and
14 built environments, ensure compatibility with open space, and preserve the
15 Escarpment (II.B.1 Policies c and d, II.B.5 Policies d and m, II.C.6 Policy c,
16 II.C.8 Policy a, and II.C.9 Policy b).

17 5. The VHSDP implements and furthers the established goals and
18 policies of the Rank 2 West Side Strategic Plan as follows:

19 A. Amendments to the standards pertaining to walls and
20 fences, rock outcroppings, structure colors, plant lists, petroglyphs, and
21 grading help protect the Escarpment, view sheds, petroglyphs, and cultural
22 resources (Policies 3.99, 3.103, and 3.104).

23 B. Adequate access and transportation choices for all users
24 within Volcano Mesa are supported by multi-modal cross sections (Policies
25 3.111 and 3.112).

26 6. Amendments to the standards pertaining to walls and fences, rock
27 outcroppings, structure colors, plant lists, petroglyphs, and grading help
28 ensure development compatible with the natural landscape by minimizing
29 visual contrast, as established in the Rank 3 Northwest Mesa Escarpment
30 Plan (Policies 12, 20, and 21).

31 Section 2. The City Council makes the following findings, which are
32 supported by and further elucidated in the complete record, as to compliance

1 with R-270-1980 with respect to the amendments affecting zoning standards
2 for residential garages:

3 1. With respect to Policy (A), the proposed zoning regulations
4 contribute to the general welfare of the neighborhood, community, and the
5 city because they contribute to a safer public right-of-way, enhance the public
6 realm, and help ensure a high-quality built environment.

7 2. With respect to Policy (B), the proposed zoning regulations
8 contribute to the stabilization of the area by setting standards for all
9 residential garages to ensure high-quality design. The standards are intended
10 to create a high-quality built environment compatible with and complementary
11 to the natural beauty of the Petroglyph National Monument, which surrounds
12 Volcano Mesa on three sides and protects a unique volcanic landscape in
13 perpetuity.

14 3. With respect to Policy (C), the proposed zoning standards are
15 consistent with and implement elements of the Rank 1 Comprehensive Plan,
16 Rank 2 West Side Strategic Plan, and Rank 3 Northwest Mesa Escarpment Plan,
17 as demonstrated below.

18 A. Rank 1 Comprehensive Plan:

19 (1) II.B.1. Open Space Goal and Policy b: Standards for
20 residential garages will help ensure that development adjacent to the proposed
21 Open Space network is compatible with open space purposes. The standards
22 are intended to ensure a high-quality built environment commensurate with the
23 beauty of the Petroglyph National Monument, which surrounds the planning area
24 on three sides. The standards reduce the dominance of auto-oriented elements
25 of residential lots and balance the competing needs of pedestrians, residents,
26 and drivers.

27 (2) II.B.5 Developing and Established Urban Goal and
28 Policy d: Residential garage standards help ensure that the location, intensity,
29 and design of new development respects the natural environmental conditions,
30 scenic resources, and social, cultural, and recreational values and opportunities
31 connected to the Petroglyph National Monument.

1 (3) II.B.5 Developing and Established Urban Goal and
2 Policy f: Residential garage standards help ensure that houses are oriented
3 toward pedestrian walkways and share access with people other than drivers.
4 The proposed standards ensure facades that balance the orientation for vehicle
5 access via garages with the orientation for pedestrian access via sidewalks and
6 the public realm.

7 (4) II.B.5 Developing and Established Urban Goal and
8 Policy I: Residential garage standards encourage quality design in new
9 development and design that is appropriate to the Plan area.

10 (5) II.B.5 Developing and Established Urban Goal and
11 Policy m: Residential garage standards are an important part of the site design
12 that improves the quality of the visual environment.

13 (6) II.C.8. Environmental Protection and Heritage
14 Conservation Goal and Policy a: Residential garage standards are proposed in
15 the Plan area to respect the natural and visual environment, particularly the
16 unique Albuquerque feature that includes the volcanic landscape, of which the
17 Petroglyph National Monument is an integral part.

18 (7) II.C.8 Environmental Protection and Heritage
19 Conservation Goal and Policy e: In this highly scenic area, residential garage
20 standards ensure development design that is in harmony with the landscape.

21 (8) II.C.9 Community Identity and Urban Design Goal and
22 Policy b: Residential garage standards consider how best to design the built
23 environment to contribute to and enhance the natural environment, including
24 standards for the placement of entrances and windows, parking areas and
25 relationship to buildings, drive pads and curb cuts, and the massing of buildings.

26 (9) II.D.4 Transportation and Transit Goal and Policy g:
27 Residential garage standards help protect pedestrians in the public realm,
28 minimize opportunities for conflicts with auto access to individual properties,
29 and create pleasant non-motorized travel conditions.

30 (10) II.D.5 Housing Policy b: Residential garage
31 standards help promote quality in new housing design.

32 B. Rank 2 West Side Strategic Plan:

1 (1) Policy 3.99: The residential garage standards
2 establish design standards for developments in Volcano Mesa, which abuts
3 the Petroglyph National Monument, in order to recognize and respect the
4 sensitive ecological, historical and cultural importance of the area by ensuring
5 that development is compatible and contributes to a high-quality built
6 environment.

7 C. Rank 3 Volcano Cliffs Sector Development Plan:

8 (1) Environment and Open Space Goal 4: Residential
9 garage standards help minimize the visual impact of development adjacent to
10 the Escarpment and form a pleasant transition from the developed to the
11 natural area.

12 (2) Transportation Goal 1: Residential garage standards
13 are intended to contribute to pedestrian-friendly thoroughfares that promote
14 walking and help pedestrians feel safe and comfortable.

15 (3) Land Use and Urban Design Goal 1: Residential
16 garage standards are intended to help create safe, comfortable, and visually
17 attractive settings to support the community's long-term economic, cultural,
18 and social viability.

19 (4) Land Use and Urban Design Goal 2: These design
20 standards contribute to a walkable neighborhood, which includes proven
21 social and economic benefits resulting from better access to basic needs and
22 amenities, safer and more active streets, and improved health through
23 physical activity, particularly for segments of the population without
24 automobile access, including youth and seniors.

25 4. With respect to Policy (D), existing zoning standards are
26 inappropriate and inadequate because the proposed revisions to the existing
27 residential garage standards are more advantageous to the community, as
28 articulated by the preponderance of applicable goals and policies in the
29 Comprehensive Plan and WSSP cited in Section C above.

30 A. There is a public need for the proposed standards, as
31 they help ensure a high-quality built environment that is more compatible with
32 the sensitive and unique volcanic landscape of which this Plan area is a part and
33 the permanent open space protected in perpetuity as the Petroglyph National

1 Monument. The residential standards also improve the safety and continuity of
2 the pedestrian realm in front of these residential properties.

3 B. The location of this Plan area, with its relationship to the
4 abutting Petroglyph National Monument, makes these residential standards
5 important and appropriate to meet the public need for high-quality built
6 environments and safe and continuous pedestrian realms.

7 5. With respect to Policy (E), these zoning standards affect one
8 permissive use for properties between 48 and 70 feet wide. Residential
9 garages for three or more cars would be prohibited for properties less than 70
10 feet wide; the existing standards specify a minimum of 48 feet to allow a three-
11 car garage. The more restrictive standard is intended to minimize the
12 proportion of the lot delegated for garage façade and ensure the safety and
13 quality of the pedestrian and public realm in front of residential lots. The
14 change is not harmful to adjacent property, neighborhood, or community; rather
15 the standards benefit surrounding property by ensuring a high-quality built
16 environment and safe pedestrian realm.

17 6. With respect to Policy (F), this zoning standard does not require
18 major and unprogrammed capital expenditures by the city.

19 7. With respect to Policy (G), the cost of land and other economic
20 considerations are not the determining factor for the additional zoning
21 standards.

22 8. With respect to Policy (H), the proposed standards are not intended
23 for properties on major streets and does not affect apartment, office, or
24 commercial land uses.

25 9. With respect to Policy (I), the additional standards do not constitute
26 spot zoning.

27 10. With respect to Policy (J), the additional standards do not
28 constitute strip zoning.

29 Section 3. The City Council makes the following findings, which are
30 supported by and further elucidated in the complete record, as to compliance
31 with R-270-1980 with respect to the amendments affecting zoning standards
32 for the archaeological review of projects two or more acres in size and/or

1 properties on which a potential archaeological resource is discovered during
2 development or land disturbance:

3 1. With respect to Policy (A), the proposed zoning contributes to the
4 general welfare of the neighborhood, community, and the city. The proposed
5 zoning regulation would lower the threshold for archaeological review of site
6 development plans or master development plans and apply the Albuquerque
7 Archaeological Ordinance (City Zoning Code §14-16-3-20) on all properties,
8 regardless of size, in the event that a potential archaeological resource is
9 discovered during development or land disturbance. The proposed zoning
10 regulation would replace the existing regulation requiring a 50-foot setback from
11 any petroglyph or archaeological site. This proposed change removes a
12 potential impediment to development while protecting unique cultural and
13 historical resources, consistent with the goals and policies of the
14 Comprehensive Plan and other applicable plans. The proposed regulation has no
15 adverse effect on public facilities or services, fire and police facilities, drainage
16 facilities, or roadways. Where a petroglyph or other significant archaeological
17 resource is discovered within a proposed facility site or right-of-way, a
18 Certificate of No Effect or a treatment plan would need to be approved by the
19 City Archaeologist, but no such condition is known at this time.

20 2. With respect to Policy (B), the proposed requirement contributes to
21 the stabilization of the area by helping to preserve archaeological resources and
22 maintain a connection with the unique volcanic landscape and continuous
23 cultural and historical use by native peoples for centuries, while still allowing for
24 development on private property. The City and the federal government
25 protected much of this landscape in perpetuity by creating the Petroglyph
26 National Monument, which surrounds Volcano Cliffs on three sides. The
27 Archaeological Ordinance in City Comprehensive Zoning Code §14-16-3-20
28 defines archaeological resources of at least 75 years old that might be
29 considered significant and protects them from adverse impacts of development.
30 The Archaeological Ordinance is currently applicable for projects five or more
31 acres in size on property with SU-2 zoning requiring site plan approval, which
32 would be relevant for properties within the Volcano Cliffs Sector Development

1 Plan area zoned SU-2/VCVC, SU-2/VCMX, or SU-2/VCUR. The proposed
2 regulation would extend the applicability of this ordinance to projects 2 or more
3 acres in size requiring site plan approval as well as to any property on which a
4 potential archaeological resource were discovered. In the event that a potential
5 archaeological resource were discovered on private property of any size, the
6 proposed requirement is intended to determine its significance and encourage
7 appropriate treatment while still allowing for development on the remaining
8 portion of the property. The requirement is intended to encourage the
9 conservation of petroglyphs and other significant archaeological resources as
10 integral parts of the unique cultural, historical, and geologic landscape that
11 includes the volcanoes, basalt flow, and escarpment.

12 3. With respect to Policy (C), the proposed zoning standard is
13 consistent with and implements elements of the Rank 1 Comprehensive Plan,
14 Rank 2 West Side Strategic Plan, and Rank 3 Northwest Mesa Escarpment Plan,
15 as demonstrated below.

16 A. Rank 1 Comprehensive Plan:

17 (1) II.B.1. Open Space Goal and Policy a: Adding the
18 proposed general standard will protect and preserve a natural resource and
19 environmental feature and conserve archaeological resources.

20 (2) II.B.1. Open Space Goal and Policy d : The proposed
21 regulation is intended to preserves petroglyphs and other archaeological
22 resources connected to the landscape, geology, and cultural importance of the
23 volcanoes, basalt flow, and escarpment.

24 (3) II.C.6. Archaeological Resources Goal and Policy b:
25 In the event that a significant archaeological resource is discovered, a treatment
26 plan must be prepared and approved by the City Archaeologist, who can assure
27 that the treatment is appropriate to preserve and/or protect significant sites.

28 (4) II.C.9 Community Identity and Urban Design Goal and
29 Policy b: Preservation of petroglyphs and other significant archaeological
30 resources maintains the integrity of the volcanic landscape in a unique area of
31 Albuquerque with distinct and rich local history and cultural traditions dating
32 back to pre-historic use as prayer sites by Pueblo peoples that continues today.

B. Rank 2 West Side Strategic Plan:

(1) Policy 3.103: The proposed regulation protects and ensures conservation of archaeological and cultural resources.

(2) Policy 2.104: The proposed regulation requires the appropriate treatment of significant archaeological resources, which may include a buffer or setback from petroglyphs and archaeological sites, which would be consistent with this policy that advocates a 50-foot setback from petroglyphs for development, trails, and recreation areas.

(3) Policy 3.107: The proposed regulation would help ensure conservation of rock outcroppings containing petroglyphs.

C. Rank 3 Volcano Cliffs Sector Development Plan:

(1) Goal 2: Protecting petroglyphs and significant archaeological resources is part of respecting Albuquerque's culture and history, including Native American traditions, through contextually sensitive development of Volcano Cliffs.

(2) Goal 4: The proposed regulation helps conserve archaeological resources in Volcano Cliffs.

D. Rank 3 North West Mesa Escarpment Plan (NWMEP):

(1) Policy 10: The proposed regulation protects significant archaeological sites.

4. With respect to Policy (D), existing zoning standards are inappropriate and inadequate because removing the 50-foot buffer for petroglyphs and replacing it with a standard is more advantageous to the community. The proposed standard is more flexible and can be customized more appropriately for any archaeological resources that are discovered and found to be significant. This flexibility is expected to remove a potential disincentive for compliance and help ensure the protection and preservation of archaeological resources, particularly petroglyphs, as articulated by the preponderance of applicable goals and polices in the Comprehensive Plan, WSSP, and NWMEP cited in Section C. The proposed zoning standard helps conserve unique natural and cultural resources; preserve the connection to a unique natural and cultural landscape – a large portion of which is preserved in

1 perpetuity by the Petroglyph National Monument; and maintain the cultural and
2 historical importance of these petroglyphs for the public and the Pueblo people.

3 A. There is a public need for the proposed standard;
4 petroglyphs and other significant archaeological resources are unique and
5 irreplaceable. They are an integral part of a cultural, historical, and geological
6 landscape that contributes to the richness of Albuquerque and the value of the
7 priceless Petroglyph National Monument. It serves the public interest to
8 preserve these unique resources and help protect the integrity of this unique
9 landscape. Preserving these resources in perpetuity allows for future
10 opportunities for research, experience, and education.

11 B. The threshold for archaeological review should be
12 extended within Volcano Mesa because this area was used heavily over time by
13 Pueblo people for cultural and spiritual rituals connected to the volcanic
14 landscape. The Petroglyph National Monument preserved the most heavily used
15 and most treasured areas in perpetuity for the public. It is unlikely that most
16 private property nearby will have archaeological resources; however, where
17 archaeological resources are discovered in the area, they will likely be more
18 significant and significant more often than not, compared with archaeological
19 resources found in other areas of the City. This volcanic landscape was used in
20 place-based rituals much like a spiritual pilgrimage; therefore, archaeological
21 resources in the area are likely connected to this historical and cultural tradition.

22 5. With respect to Policy (E), this zoning standard does not affect the
23 permissive uses of the property. Preserving petroglyphs would not be harmful
24 to adjacent property, the neighborhood, or the community; rather, their
25 preservation ensures the continuity of cultural heritage and maintains the
26 integrity of this unique geological landscape.

27 6. With respect to Policy (F), this zoning standard does not require
28 major and unprogrammed capital expenditures by the city.

29 7. With respect to Policy (G), the cost of land and other economic
30 considerations are not the determining factor for the additional zoning
31 standards.

1 8. With respect to Policy (H), the proposed regulation has no relation
2 to the street network and is not intended to change apartment, office, or
3 commercial land uses.

4 9. With respect to Policy (I), the additional standard does not
5 constitute spot zoning.

6 10. With respect to Policy (J), the additional standard does not
7 constitute strip zoning.

8 Section 4. Amendments to the Volcano Cliffs Sector Development Plan,
9 attached hereto and made a part hereof, are adopted as part of this Rank 3
10 Plan with land use control pursuant to the Comprehensive City Zoning Code
11 and as a regulatory guide to the implementation of the Rank 1
12 Albuquerque/Bernalillo County Comprehensive Plan and applicable Rank 2
13 and 3 Plans as cited above.

14 Section 5. All development activities within the Volcano Cliffs Sector
15 Development Plan boundaries shall be guided and regulated by the policies,
16 standards, and regulations of the VCSDP.

17 Section 6. EFFECTIVE DATE. This resolution shall take effect five days
18 after publication by title and general summary.

19 Section 7. SEVERABILITY CLAUSE. If any section paragraph, sentence,
20 clause, word, or phrase of this resolution is for any reason held to be invalid
21 or unenforceable by any court of competent jurisdiction, such decision shall
22 not affect the validity of the remaining provisions of this resolution. The
23 Council hereby declares that it would have passed this resolution and each
24 section, paragraph, sentence, clause, word or phrase thereof irrespective of
25 any provisions being declared unconstitutional or otherwise invalid.