



City of Albuquerque

City of Albuquerque
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6/16/2014	1	President	Referred	
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CITY of ALBUQUERQUE TWENTY-FIRST COUNCIL

COUNCIL BILL NO. R-14-72 ENACTMENT NO. _____

SPONSORED BY: Dan Lewis, by request

RESOLUTION

Amending The Volcano Heights Sector Development Plan To Update The Road Network, Reconcile Amendments Made To Adjacent Plans, And Make Minor Clarifications To Development Standards (Lewis, by request)

AMENDING THE VOLCANO HEIGHTS SECTOR DEVELOPMENT PLAN TO UPDATE THE ROAD NETWORK, RECONCILE AMENDMENTS MADE TO ADJACENT PLANS, AND MAKE MINOR CLARIFICATIONS TO DEVELOPMENT STANDARDS.

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, The City Council adopted the Volcano Heights Sector Development Plan in August 2013, for an area of approximately 569 acres, bounded generally by Paseo del Norte and existing development to the north, Universe Boulevard to the west, Volcano Cliffs to the south, and the Petroglyph National Monument to the east; and

WHEREAS, this Plan seeks to capitalize on Volcano Heights' location at the intersection of two regional transportation corridors, which represents a unique opportunity to address the imbalance of jobs and housing on the City's West Side by enabling the development of a mixed-use, urban, walkable and transit-friendly environment that attracts employers and destination retail and provides higher-density residential living options; and

WHEREAS, the Rank 1 Comprehensive Plan's update in 2013 designated Volcano Heights as a Major Activity Center, as recommended by the Rank 2 West Side Strategic Plan's 2011 Volcano Mesa Amendment; and

WHEREAS, the Rank 2 West Side Strategic Plan's Volcano Mesa Amendment establishes the policy to direct growth within the three Rank 3 Sector Development Plans - Volcano Cliffs, Volcano Trails, and Volcano Heights; and

WHEREAS, the policies and regulations intended to be consistent among the three plans were reviewed, revised, and refined throughout the process of adopting the three Rank 3 plans, which were adopted in succession beginning in May 2011 with Volcano Cliffs and ending in August 2013 with Volcano Heights; and

WHEREAS, amendments are needed to reconcile the street network within Volcano Mesa to

incorporate cross sections for Volcano Cliffs and Volcano Heights; and

WHEREAS, amendments are needed to reconcile adjustments made to the design requirements for residential garages; strengthen regulations to minimize fugitive dust during construction activities; organize regulations regarding blasting in the Escarpment Transition zone; adjust regulations that would have resulted in undesirable, unintended consequences; and correct errata adopted in the original Plan; and

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

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

Section 1. The City Council adopts the following findings:

1. The VHSDP area comprises 569 acres of land surrounding the intersection of two significant regional roads, Unser Blvd. and Paseo del Norte, and is bounded generally by existing development in Paradise Hills and part of Paseo del Norte to the north, Universe Boulevard to the west, the Volcano Cliffs Sector Plan area to the south, and the Petroglyph National Monument to the east.

2. The Plan area is primarily undeveloped except for the two regional roads that traverse it. It is surrounded by existing residential subdivisions and areas of platted land awaiting development. It is divided into approximately 100 properties ranging from 2.5 acres to 68 acres, which are owned by about 35 different property owners. Five property owners account for approximately 75% of the Plan area.

3. The Plan establishes the following SU-2 zones: Volcano Heights Town Center (VHTC), Volcano Heights Regional Center (VHRC), Volcano Heights Mixed Use (VHMX), Volcano Heights Escarpment Transition (VHET), and Volcano Heights Neighborhood Transition (VHNT). No zone changes are involved in the amendments; rather, revised design standards would equally affect all properties.

4. The majority of the VHSDP area is within a part of the city designated Developing or Established Urban by the Rank 1 Albuquerque/Bernalillo County Comprehensive Plan (Comprehensive Plan). The VHSDP amendments implement and further the applicable Goals

and Policies of the Comprehensive Plan as follows:

A. Amendments affecting blasting within the SU-2/VHET (Volcano Heights Escarpment Transition) zone, fugitive dust, and perimeter walls will protect and preserve natural and cultural resources, vistas, and the visual environment; provide visual variety in this Major Activity Center; and emphasize new employment opportunities (II.B.1 Policy d, II.B.5 Policy d, II.B.7 Policy c, II.C.8 Policy a, II.C.9 Policy b, and II.D.6 Policy a).

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

5. The VHSDP amendments implement and further the established goals and policies of the Rank 2 West Side Strategic Plan as follows:

A. Amendments affecting blasting within the SU-2/VHET (Volcano Heights Escarpment Transition) zone, fugitive dust, and perimeter walls are intended to help protect the Escarpment, view sheds, and cultural resources (Policy 3.99).

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

6. The amendment to reorganize and consolidate blasting regulations within the SU-2/VHET (Volcano Heights Escarpment Transition) zone helps ensure appropriate construction mitigation near the Escarpment, as set out in Policy 11 in the Rank 3 Northwest Mesa Escarpment Plan (NWMEP).

Section 2. The City Council makes the following findings, which are supported by and further elucidated in the complete record, as to compliance with R-270-1980 with respect to the amendments affecting zoning standards for residential garages:

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

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

3. With respect to Policy (C), the proposed zoning standards are consistent with and

implement elements of the Rank 1 Comprehensive Plan, Rank 2 West Side Strategic Plan, and Rank 3 Northwest Mesa Escarpment Plan, as demonstrated below.

A. Rank 1 Comprehensive Plan:

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

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

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

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

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

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

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

(8) II.C.9 Community Identity and Urban Design Goal and Policy b:

Residential garage standards consider how best to design the built environment to contribute to and enhance the natural environment, including standards for the placement of entrances and windows, parking areas and relationship to buildings, drive pads and curb cuts, and the massing of buildings.

(9) II.D.4 Transportation and Transit Goal and Policy g: Residential

garage standards help protect pedestrians in the public realm, minimize opportunities for conflicts with auto access to individual properties, and create pleasant non-motorized travel conditions.

(10) II.D.5 Housing Policy b: Residential garage standards help promote

quality in new housing design.

B. Rank 2 West Side Strategic Plan:

(1) Policy 3.99: The residential garage standards establish design

standards for developments in Volcano Mesa, which abuts the Petroglyph National Monument, in order to recognize and respect the sensitive ecological, historical and cultural importance of the area by ensuring that development is compatible and contributes to a high-quality built environment.

C. Rank 3 Volcano Heights Sector Development Plan:

(1) Environment and Open Space Goal 12.1.4: Residential garage

standards help minimize the visual impact of development adjacent to the Escarpment and form a pleasant transition from the developed to the natural area.

(2) Transportation Goals 12.3.1 and 12.3.3: Residential garage standards

are intended to contribute to pedestrian-friendly thoroughfares that promote walking and help pedestrians feel safe and comfortable.

(3) Land Use and Urban Design Goal 12.4.1: Residential garage

standards are intended to help create safe, comfortable, and visually attractive settings to support the community's long-term economic, cultural, and social viability.

(4) Land Use and Urban Design Goal 12.4.2: These standards are part of

a strategy to promote walking and create a walkable district within Volcano Heights. Walkable neighborhoods have proven social and economic benefits resulting from better access to basic needs and amenities, safer and more active streets, and improved health through physical activity, particularly for segments of the population without automobile access, including youth and seniors.

(5) Land Use and Urban Design Goal 12.4.3: Residential garage standards are intended to ensure high-quality design for individual buildings, which contributes to a sense of place and permanence.

(6) Land Use and Design Policy 13.4.3: These standards are intended to contribute to a high-quality built environment, with particular emphasis on providing visual interest at the scale of the pedestrian in order to create a walkable district for residents, employees, and visitors.

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

A. There is a public need for the proposed standards, as they help ensure a high-quality built environment that is more compatible with the sensitive and unique volcanic landscape of which this Plan area is a part and the permanent open space protected in perpetuity as the Petroglyph National Monument. The residential standards also improve the safety and continuity of the pedestrian realm in front of these residential properties.

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

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

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

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

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

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

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

Section 3. The City Council makes the following findings, which are supported by and further elucidated in the complete record, as to compliance with R-270-1980 with respect to the amendments affecting zoning standards for the archaeological review of projects two or more acres in size and/or properties on which a potential archaeological resource is discovered during development or land disturbance:

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

2. With respect to Policy (B), the proposed requirement contributes to the stabilization of the area by helping to preserve archaeological resources and maintain a connection with the unique volcanic landscape and continuous cultural and historical use by native peoples for centuries, while still allowing for development on private property. The City and the federal government protected much of this landscape in perpetuity by creating the Petroglyph National Monument, which surrounds Volcano Mesa on three sides. The Archaeological Ordinance in City Comprehensive Zoning Code §14-16-3-20 defines archaeological resources of at least 75 years old that might be considered significant and protects them from adverse impacts of development. The Archaeological Ordinance is currently applicable for projects five or more acres in size on

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

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

A. Rank 1 Comprehensive Plan:

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

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

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

(4) II.C.9 Community Identity and Urban Design Goal and Policy b: Preservation of petroglyphs and other significant archaeological resources maintains the integrity of the volcanic landscape in a unique area of Albuquerque with distinct and rich local history and cultural traditions dating 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 Heights Sector Development Plan:

(1) Environment and Open Space Goal 12.1.3: 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 Heights.

(2) Environment and Open Space Policy 13.1.3: The proposed regulation provides flexibility that will help incentivize various methods to conserve archaeological resources in Volcano Heights.

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

A. There is a public need for the proposed standard; petroglyphs and other significant archaeological resources are unique and irreplaceable. They are an integral part of a cultural, historical, and geological landscape that contributes to the richness of Albuquerque and the value of the priceless Petroglyph National Monument. It serves the public interest to preserve

these unique resources and help protect the integrity of this unique landscape. Preserving these resources in perpetuity allows for future opportunities for research, experience, and education.

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

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

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

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

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

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

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

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

Section 5. All development activities within the Volcano Heights Sector Development Plan boundaries shall be guided and regulated by the policies, standards, and regulations of the VHSDP.

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

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

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