

# CITY of ALBUQUERQUE

## TWENTIETH COUNCIL

COUNCIL BILL NO. F/S R-13-132 ENACTMENT NO. \_\_\_\_\_

SPONSORED BY: Lewis, by request

1 RESOLUTION  
2 FOR AN AREA OF APPROXIMATELY 569.1 ACRES, BOUNDED GENERALLY  
3 BY PASEO DEL NORTE AND EXISTING DEVELOPMENT TO THE NORTH,  
4 UNIVERSE BLVD. TO THE WEST, VOLCANO CLIFFS AND PASEO DEL NORTE  
5 TO THE SOUTH AND THE PETROGLYPH NATIONAL MONUMENT TO THE  
6 EAST; ADOPTING THE VOLCANO HEIGHTS SECTOR DEVELOPMENT PLAN  
7 AS A RANK THREE PLAN AND CHANGING ZONING FROM R-D, SU-1 FOR PRD  
8 AND SU-1 FOR C-1 USES TO SU-2/VHTC (VOLCANO HEIGHTS TOWN  
9 CENTER), SU-2/VHRC (VOLCANO HEIGHTS REGIONAL CENTER), SU-2/VHVC  
10 (VOLCANO HEIGHTS VILLAGE CENTER), SU-2/VHMX (VOLCANO HEIGHTS  
11 MIXED USE), SU-2VHNT (VOLCANO HEIGHTS NEIGHBORHOOD TRANSITION)  
12 AND SU-2/VHET (VOLCANO HEIGHTS ESCARPMENT TRANSITION).

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

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

24 WHEREAS, the Rank Two West Side Strategic Plan's 2011 Volcano Mesa  
25 Amendment recommended the designation of a new Major Activity Center at  
26 this location; and

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WHEREAS, this plan’s vision for a Major Activity Center would also benefit the regional traffic network served by Paseo del Norte and Unser Blvd. by bringing goods, services and employment opportunities closer to existing predominately residential areas, reducing the number and length of trips on already-congested roads, and helping to alleviate the need for commutes east across the Rio Grande to existing job centers; and

WHEREAS, existing zoning would only allow low-density development, similar to what is already found in abundance on the West Side; and

WHEREAS, the Volcano Heights Sector Development Plan (VHSDP), attached hereto, provides a flexible, balanced approach to address the challenge of multiple property owners and undeveloped land with tailored land-use and transportation regulations that emphasize coordination across property lines, along corridors, and over time; and

WHEREAS, the VHSDP represents years of coordination and compromise between property owners, neighbors and other stakeholders regarding predictability of development, compatibility with the natural environment, and preservation of key features such as rock outcroppings, sensitive lands and views; and

WHEREAS, the Plan’s approach seeks a balance between regulation and incentive to accomplish its vision and goals for high-quality development; and

WHEREAS, approval of the Volcano Heights Sector Development Plan (VHSDP) is 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, the Comprehensive Zoning Code, and R-270-1980.

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

Section 1. The ~~City of Albuquerque~~City Council ~~Ad~~opts the following findings:

1. The proposed VHSDP area comprises 569.1 acres of land surrounding the intersection of two significant regional roads, Unser Blvd.

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1 and Paseo del Norte~~;~~ and is bounded generally by existing development in  
2 Paradise Hills and part of Paseo del Norte to the North, Universe Boulevard to  
3 the west, the Volcano Cliffs Sector Plan area and part of Paseo del Norte to  
4 the south, and the Petroglyph National Monument to the east.

5 2. The Plan area is primarily undeveloped except for the two regional  
6 roads that traverse it. It is surrounded by existing residential subdivisions and  
7 areas of platted land awaiting development. It is divided into approximately  
8 100 properties ranging from 2.5 acres to 68 acres, which are held-owned by  
9 about 35 different property owners. Five large property owners account for  
10 approximately 75% of the Plan area.

11 3. There are approximately 10 acres of basalt rock outcroppings  
12 scattered throughout the Plan area, many of which have cultural, historical  
13 and geological significance related to their spiritual use by the area's earliest  
14 inhabitants. The Plan area also has significant views of the Sandia Mountains  
15 to the east.

16 4. The Plan area currently contains the following zones: Residential  
17 and Related Uses, Developing Area (R-D), SU-1 for Planned Residential  
18 Development (PRD) and SU-1 for C-1 neighborhood commercial uses.

19 5. The majority of the VHSDP Area is within a part of the city  
20 designated Developing or Established Urban by the Rank One  
21 Albuquerque/Bernalillo County Comprehensive Plan (Comprehensive Plan).  
22 The VHSDP implements and furthers the applicable Goals and Policies of the  
23 Comprehensive Plan as follows:

24 A. The VHSDP's zoning and design standards will protect and  
25 preserve open space areas, including the Escarpment, Petroglyph National  
26 Monument, and basalt rock outcroppings. Community open areas that tie into  
27 the open space network are encouraged through a combination of  
28 regulations, standards, and incentives in the Plan, including, in particular, the  
29 single-loaded Park Edge Road that serves as a buffer to the Petroglyph  
30 National Monument and the bonus height criteria that incentivize protections  
31 of the natural environment (II.B.1 Policies c, d, f, g, h, j).

32 B. The West Side Strategic Plan's Volcano Mesa community  
33 and its Major Activity Center (MAC) designation and policies address the

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1 existing conditions of the Volcano Heights Plan area to ensure compatibility  
2 of development on vacant land with existing neighborhoods, urban services  
3 and facilities, and natural features (II.B.5 Policies c, d, e, g, n).

4 C. Higher-density housing in the Volcano Heights MAC, with  
5 access to Paseo del Norte and Unser Boulevard, is appropriate to support  
6 employment and service uses. The MAC’s development pattern, Transition  
7 zones, and proposed densities along arterial and collector streets will protect  
8 existing residential areas and views, minimize traffic, and enhance livability  
9 via context sensitive design standards and a mandatory comprehensive street  
10 network of primary and secondary streets (II.B.5 Policies h, i, k, l, m).

11 D. The Volcano Heights MAC will provide a way to address the  
12 jobs/housing imbalance in the area with new job opportunities, densities, and  
13 structure sizes that are appropriate to and buffered from nearby low-density  
14 residential areas via Transition zones (II.B.7 Policies c, e, f, and II.D.6 Policies  
15 a and g).

16 E. More compact development, coupled with a multi-modal  
17 transportation system, will improve air quality compared to what could be  
18 developed under the pre-existing zoning (II.C.1 Policies b and d).

19 F. The VHSDP contains a combination of regulations and  
20 incentives to protect, preserve, and enhance the area’s unique archaeological  
21 resources, including an incentive for interpretive signage to educate visitors  
22 and residents about the area’s history, culture, and geology (II.C.6 Policy c).

23 G. The VHSDP, particularly its zoning and design standards  
24 that include native plant lists and streetscape standards, will lead to a quality  
25 developed landscape that preserves and enhances the natural and built  
26 environments. Building, streetscape, and site development standards will  
27 ensure a quality developed landscape that preserves and enhances this  
28 community’s identity via a high-quality built environment that is in harmony  
29 with the area’s unique natural setting (II.C.8 Policies a, d, e, and II.C.9 Policies  
30 b, c, e).

31 H. The VHSDP’s incentives built into the height bonus system,  
32 its multi-modal street network, and transit-supportive development pattern  
33 promote energy efficiency, variety of transportation, and expansion of transit

1 corridors and service. The plan’s multi-modal cross sections, **mandatory**  
2 **street-comprehensive** network **of primary and secondary streets**, and transit  
3 corridor – coordinated with ABQ Ride, the City’s Department of Municipal  
4 Development, and the Mid-Region Council of Governments (MRCOG) – will  
5 serve existing and future transportation needs for all users and, in  
6 conjunction with the compact development pattern, reduce peak hour  
7 demands in the morning hours on regional roads (II.D.3 Policies a and d, and  
8 II.D.4 Policies c, f, o).

9 6. The VHSDP implements and furthers the established goals and  
10 policies of the Rank Two West Side Strategic Plan as follows:

11 A. The Plan’s proposed density, mixed-use development  
12 pattern and scale, location at the intersection of major arterials, and multi-  
13 modal street network create the appropriate conditions to support a Major  
14 Activity Center on the West Side that provides opportunities for employment  
15 to address the existing jobs/housing imbalance (Policies 1.1, 1.9, 1.18, 3.85,  
16 3.95, 3.96).

17 B. The Plan’s implementation strategies encourage the  
18 creation of Public Improvement Districts, Special Assessment Districts, and  
19 public/private partnerships, as well as further collaboration with implementing  
20 agencies such as Albuquerque/Bernalillo County Water Utility Authority,  
21 Albuquerque Metropolitan Area Flood Control Authority, ABQ Ride, Mid-  
22 Region Council of Governments, and City Department of Municipal  
23 Development (Policy 3.98).

24 C. ~~Mandatory~~ **The Plan’s comprehensive** street networks,  
25 requirements for usable and detached open space, and regulatory and  
26 incentive-based protections for archaeological and geological resources,  
27 native plant lists, grading and construction mitigation standards, and context-  
28 sensitive zoning and design standards will work together to protect the area’s  
29 sensitive resources and encourage development in harmony with the unique  
30 natural setting (Policies 3.99, 3.100, 3.101, 3.103, 3.104, 3.105, 3.106, 3.107,  
31 3.108).

32 D. Adequate access and transportation choices for all users  
33 are supported by **recommended-additional** intersections along Paseo del

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1 Norte and Unser Boulevard, proposed high-capacity transit corridor and  
2 transit-supportive densities, land uses, and development patterns, and multi-  
3 modal cross sections (Policies 3.110, 3.111, and 3.112).

4 7. The Plan implements the Rank Two Facility Plan for Major Public  
5 Open Space as follows:

6 A. The Escarpment Transition zone limits building height,  
7 scale, massing, building color, and density adjacent to the Petroglyph  
8 National Monument to ensure compatible development. The transition zone  
9 works with the proposed single-loaded Park Edge Road to protect visual  
10 access and view corridors (Design Guidelines for Development Adjacent to  
11 Major Public Open Space B.3.A and B.3.B; Resource Management C.6.E, West  
12 Side Open Space, Section 4, Policy C.1).

13 B. Grading and construction mitigation regulations, the Park  
14 Edge Road and associated bioswale/linear pond, and coordination with a  
15 future drainage management plan by AMAFCA will protect the escarpment by  
16 managing stormwater and controlling erosion (West Side Open Space,  
17 Section 4, Policy D.1).

18 8. The Plan implements policies in the Rank Two Facility Plan:  
19 Electric System Generation and Transmission (2010-2020) by limiting  
20 electrical uses in the Escarpment and Neighborhood Transition zones to  
21 ensure the appropriate siting of electrical facilities away from residential  
22 areas, sensitive lands, and highly visible topographic areas (Standard III.A.1,  
23 III.A.9, and III.A.10).

24 9. The Plan's height limits, color restrictions, drainage and  
25 construction mitigation regulations, reflectivity limits, Park Edge Road,  
26 Escarpment Transition zone, bonus height system, and multi-modal street  
27 network, ~~and sign standards~~ complement many policies of the Rank Three  
28 Northwest Mesa Escarpment Plan (NWMEP) (9, 11, 12, 15, 19, 20, 21, 23, and  
29 35).

30 10. The Plan's sign standards ~~and~~ are generally consistent with the  
31 Unser Boulevard Design Overlay Zone (DOZ) and address the regulation of  
32 signs in a more holistic and context sensitive way.

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1 Section 2. The City Council makes the following findings, which are  
2 supported by and further elucidated in the complete record, as to compliance  
3 with R-270-1980 for the zone changes with respect to the VHSDP's new zones:

4 1. With respect to Policy (A), the zoning established in the VHSDP is  
5 consistent with the health, safety, morals, and general welfare of the city  
6 because it helps ensure that future development within the Plan area furthers  
7 the goals and policies of the Comprehensive Plan and other applicable plans.  
8 Specifically, it provides opportunities for sustainable, mixed-use development  
9 and additional employment on the West Side that can help address the  
10 imbalance of jobs to housing that creates significant traffic congestion and  
11 negatively impacts quality of life for West Side residents.

12 2. With respect to Policy (B), the VHSDP's zoning creates  
13 predictability for future development and, thus, brings stability to this largely  
14 undeveloped area. The new zoning established in this Plan is needed in order  
15 to implement established policies in the Rank One Comprehensive Plan, Rank  
16 Two West Side Strategic Plan, Rank Two Facility Plan for Major Public Open  
17 Space, and Rank Three Northwest Mesa Escarpment Plan that; existing  
18 zoning does not further adopted City policies and should, thus, be changed.

19 3. With respect to Policy (C), the VHSDP's zoning poses no  
20 significant conflict with adopted elements of the Comprehensive Plan or other  
21 city master plans and amendments as outlined in Findings 5 through 9 in  
22 Section 1 of this Resolution.

23 4. With respect to Policy (D), the existing R-D zoning in the area is  
24 inappropriate and new zones are needed because community conditions have  
25 changed, including existing and anticipated traffic congestion and a  
26 preponderance of single-family residential uses without the balance of nearby  
27 employment opportunities. Furthermore, the new zones are more  
28 advantageous to the community, as articulated in the Comprehensive Plan  
29 and other adopted City plans as cited above, than existing zoning since they  
30 provide the opportunity for a range of uses, including employment, retail, and  
31 services, in close proximity to existing residential areas and future residents  
32 in the Plan area.

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1           5. With respect to Policy (E), permissive uses in the VHSDP’s zones  
2 would not be harmful to adjacent property, the neighborhood, or the  
3 community because the mix of uses and the urban form resulting from the  
4 design standards create compatibility within the Plan area and with adjacent  
5 development. The Plan’s proposed development pattern of walkable and  
6 transit supportive retail, employment, and residential uses provides benefits  
7 for existing and future residents. Additionally, permissive uses at the edges  
8 of the Plan area in the Transition zones are limited to those that are  
9 compatible with existing nearby development.

10           6. With respect to Policy (F), the establishment of new zones in the  
11 VHSDP does not require major and unprogrammed capital expenditures by  
12 the City. The plan suggests various strategies to finance infrastructure,  
13 including Public Improvement Districts (PIDs), Tax Increment Development  
14 Districts (TIDDs), or Special Assessment Districts (SADs), which all require  
15 property owners to collaborate, vote to institute the mechanism, and work  
16 with the City to implement the agreed-upon infrastructure improvements. The  
17 Plan also identifies potential priority capital improvement projects, such as  
18 the full build out of regionally-significant roadways, that are essential to  
19 implementing the development vision of the Plan, but the Plan in no way  
20 obligates the City to make or fund any capital improvements. Decisions about  
21 future City participation in the provision of infrastructure to support  
22 development in Volcano Heights should assess the potential return on  
23 investment of the improvements and take into consideration both the  
24 economic and community benefits that would result from creating an area  
25 well-served by infrastructure.

26           7. With respect to Policy (G), the cost of land or other economic  
27 considerations are not the determining factor for the zone changes. The most  
28 significant factor is that the changes are more advantageous to the  
29 community as articulated in adopted City plans.

30           8. With respect to Policy (H), the VHSDP does not use “location on a  
31 collector or major street” as the justification for establishing mixed-use  
32 zoning within the Plan area; rather the location of mixed-use and higher-



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1 density residential zoning is related to the vision proposed for the whole  
2 Volcano Mesa area.

3 9. With respect to Policy (I), the Plan does not establish spot zones;  
4 rather the Plan contains a rational nesting of zone categories, with the most  
5 dense and intense at the center, and least dense and intense at the borders  
6 where the boundaries abut existing single-family residential areas or the  
7 Petroglyph National Monument. Additionally, the Plan does not allow the use  
8 of SU-1 Special Use zones, which are inherently spot zones and would  
9 undermine the Plan’s comprehensive, yet flexible, zoning strategy.

10 10. With respect to Policy (J), the Plan does not establish strip  
11 zones; rather the Plan ~~coordinates land use and establishes~~ zoning in  
12 accordance with a ~~mandatory comprehensive~~ transportation network to allow  
13 the development of all properties, create transitions between zones, and  
14 implement adopted City policies.

15 Section 3. The Volcano Heights Sector Development Plan, attached hereto  
16 and made a part hereof, is adopted as a Rank Three Plan with land use control  
17 pursuant to the Comprehensive City Zoning Code and as a regulatory guide to  
18 the implementation of the Rank One Albuquerque/Bernalillo County  
19 Comprehensive Plan and applicable Rank Two and Three Plans as cited  
20 above.

21 Section 4. All development activities within the Volcano Heights Sector  
22 Development Plan boundaries shall be guided and regulated by the policies,  
23 standards, and regulations of the VHSDP.

24 Section 5. The Zone Map, adopted by Article 14-16-4-9 ROA 1994, is hereby  
25 amended to reflect the rezoning in the map contained in Chapter 2, Section 54  
26 of the Volcano Heights Sector Development Plan.

27 Section 6. With respect to any overlap that exists between the Volcano  
28 Heights Sector Development Plan and any other Rank Three Plan, where the  
29 regulations conflict, the Volcano Heights Sector Development Plan shall  
30 prevail.

31 Section 97. EFFECTIVE DATE. This resolution shall take effect five days  
32 after publication by title and general summary.

1 Section ~~108~~. SEVERABILITY CLAUSE. If any section paragraph, sentence,  
2 clause, word, or phrase of this resolution is for any reason held to be invalid  
3 or unenforceable by any court of competent jurisdiction, such decision shall  
4 not affect the validity of the remaining provisions of this resolution. The  
5 Council hereby declares that it would have passed this resolution and each  
6 section, paragraph, sentence, clause, word or phrase thereof irrespective of  
7 any provisions being declared unconstitutional or otherwise invalid.

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