

1 in May 2011 with Volcano Cliffs and ending in August 2013 with Volcano
2 Heights; and

3 WHEREAS, amendments are needed to reconcile the road network within
4 Volcano Mesa to incorporate cross sections for Volcano Cliffs and Volcano
5 Heights and additional intersections on Paseo del Norte and Unser Boulevard;
6 and

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

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

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

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

21 1. The VTSDP area comprises 446 acres of land and is bounded
22 generally by Paseo del Norte to the north, the Petroglyph National Monument
23 to the west, Volcano Cliffs to the south, and Volcano Heights to the east.

24 2. The Plan area is approximately 40% developed, platted primarily
25 into single-family residential lots. Ownership is still largely held by several
26 major developers.

27 3. The Plan establishes the following SU-2 zones: Volcano Trails
28 Village Center (VTVC), Volcano Trails Urban Residential (VTUR), Volcano
29 Trails Residential Developing Area (VTRD), Volcano Trails Small Lot (VTSL),
30 Volcano Trails Medium Lot (VTML), Residential Developing area, and Volcano
31 Trails Open Space. No zone changes are involved in the amendments; rather,
32 revisions would equally affect all properties already subject to design
33 standards.

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1 4. The VTSDP includes areas designated as Developing Urban by the
2 Rank 1 Albuquerque/Bernalillo County Comprehensive Plan (Comprehensive
3 Plan). The VTSDP amendments implement and further the applicable Goals
4 and Policies of the Comprehensive Plan as follows:

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

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

13 5. Amendments to the standards pertaining to structure colors, plant
14 lists, and grading implement and further the established goals and policies of
15 the Rank 2 West Side Strategic Plan by helping protect the Escarpment, view
16 sheds, and cultural resources (Policies 3.99 and 3.103):

17 6. Amendments to the standards pertaining to structure colors, plant
18 lists, and grading implement and further the established goals and policies of
19 the Rank 3 Northwest Mesa Escarpment Plan by ensuring that development is
20 compatible with the natural landscape and that visual contrast is minimized
21 (Policies 12, 20, and 21).

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

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

30 2. With respect to Policy (B), the proposed zoning regulations
31 contribute to the stabilization of the area by setting standards for all
32 residential garages to ensure high-quality design. The standards are intended
33 to create a high-quality built environment compatible with and complementary

1 to the natural beauty of the Petroglyph National Monument, which surrounds
2 Volcano Mesa on three sides and protects a unique volcanic landscape in
3 perpetuity.

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

8 A. Rank 1 Comprehensive Plan:

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

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

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

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

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

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

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

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

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

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

23 **B. Rank 2 West Side Strategic Plan:**

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

30 **C. Rank 3 Volcano Trails Sector Development Plan:**

31 (1) Goal 2: Residential garage standards help minimize
32 blank walls and the visual impact of garage doors on development adjacent to

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1 the Escarpment and form a pleasant transition from the developed to the
2 natural area.

3 (2) Goal 4: Residential garage standards are intended to
4 ensure high-quality design for individual buildings, which contributes to a
5 sense of place and permanence.

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

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

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

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

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

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

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

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

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

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

17 1. With respect to Policy (A), the proposed zoning contributes to the
18 general welfare of the neighborhood, community, and the city. The proposed
19 zoning regulation would lower the threshold for archaeological review of site
20 development plans or master development plans and apply the Albuquerque
21 Archaeological Ordinance (City Zoning Code §14-16-3-20) on all properties,
22 regardless of size, in the event that a potential archaeological resource is
23 discovered during development or land disturbance. The proposed zoning
24 regulation would replace the existing regulation requiring a 50-foot setback from
25 any petroglyph or archaeological site. This proposed change removes a
26 potential impediment to development while protecting unique cultural and
27 historical resources, consistent with the goals and policies of the
28 Comprehensive Plan and other applicable plans. The proposed regulation has no
29 adverse effect on public facilities or services, fire and police facilities, drainage
30 facilities, or roadways. Where a petroglyph or other significant archaeological
31 resource is discovered within a proposed facility site or right-of-way, a

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1 Certificate of No Effect or a treatment plan would need to be approved by the
2 City Archaeologist, but no such condition is known at this time.

3 2. With respect to Policy (B), the proposed requirement contributes to
4 the stabilization of the area by helping to preserve archaeological resources and
5 maintain a connection with the unique volcanic landscape and continuous
6 cultural and historical use by native peoples for centuries, while still allowing for
7 development on private property. The City and the federal government
8 protected much of this landscape in perpetuity by creating the Petroglyph
9 National Monument, which surrounds Volcano Mesa on three sides. The
10 Archaeological Ordinance in City Comprehensive Zoning Code §14-16-3-20
11 defines archaeological resources of at least 75 years old that might be
12 considered significant and protects them from adverse impacts of development.
13 The Archaeological Ordinance is currently applicable for projects five or more
14 acres in size on property with SU-2 zoning requiring site plan approval. The
15 proposed regulation would extend the applicability of this ordinance to projects
16 2 or more acres in size requiring site plan approval as well as to any property on
17 which a potential archaeological resource were discovered. In the event that a
18 potential archaeological resource were discovered on private property of any
19 size, the proposed requirement is intended to determine its significance and
20 encourage appropriate treatment while still allowing for development on the
21 remaining portion of the property. The requirement is intended to encourage the
22 conservation of petroglyphs and other significant archaeological resources as
23 integral parts of the unique cultural, historical, and geologic landscape that
24 includes the volcanoes, basalt flow, and escarpment.

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

29 A. Rank 1 Comprehensive Plan:

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

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

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

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

14 B. Rank 2 West Side Strategic Plan:

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

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

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

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

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

27 4. With respect to Policy (D), existing zoning standards are
28 inappropriate and inadequate because removing the 50-foot buffer for
29 petroglyphs and replacing it with a standard is more advantageous to the
30 community. The proposed standard is more flexible and can be customized
31 more appropriately for any archaeological resources that are discovered and
32 found to be significant. This flexibility is expected to remove a potential

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1 disincentive for compliance and help ensure the protection and preservation of
2 archaeological resources, particularly petroglyphs, as articulated by the
3 preponderance of applicable goals and policies in the Comprehensive Plan,
4 WSSP, and NWMEP cited in Section C. The proposed zoning standard helps
5 conserve unique natural and cultural resources; preserve the connection to a
6 unique natural and cultural landscape – a large portion of which is preserved in
7 perpetuity by the Petroglyph National Monument; and maintain the cultural and
8 historical importance of these petroglyphs for the public and the Pueblo people.

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

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

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

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

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

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

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

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

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

19 **Section 5. All development activities within the Volcano Trails Sector**
20 **Development Plan boundaries shall be guided and regulated by the policies,**
21 **standards, and regulations of the VTSDP.**

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

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