

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

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

1 toward pedestrian walkways and share access with people other than drivers.
2 The proposed standards ensure facades that balance the orientation for
3 vehicle access via garages with the orientation for pedestrian access via
4 sidewalks and the public realm.

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

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

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

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

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

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

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

31 B. Rank 2 West Side Strategic Plan:

32 (1) Policy 3.99: The residential garage standards
33 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 Cliffs Sector Development Plan:

(1) Environment and Open Space Goal 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 Goal 1: 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 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 2: These design standards contribute to a walkable neighborhood, which includes 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.

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.

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

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

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

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

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

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

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

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

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

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

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

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

15 A. Rank 1 Comprehensive Plan:

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

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

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

28 (4) II.C.9 Community Identity and Urban Design Goal
29 and 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
33 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 perpetuity by the Petroglyph National Monument; and maintain the cultural

1 and historical importance of these petroglyphs for the public and the Pueblo
2 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
7 the 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
13 by Pueblo people for cultural and spiritual rituals connected to the volcanic
14 landscape. The Petroglyph National Monument preserved the most heavily
15 used and most treasured areas in perpetuity for the public. It is unlikely that
16 most private property nearby will have archaeological resources; however,
17 where archaeological resources are discovered in the area, they will likely be
18 more significant and significant more often than not, compared with
19 archaeological resources found in other areas of the City. This volcanic
20 landscape was used in place-based rituals much like a spiritual pilgrimage;
21 therefore, archaeological resources in the area are likely connected to this
22 historical and cultural tradition.

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

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

30 7. With respect to Policy (G), the cost of land and other economic
31 considerations are not the determining factor for the additional zoning
32 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.

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