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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
7 Plan, 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
11 proposed Open Space network is compatible with open space purposes. The
12 standards are intended to ensure a high-quality built environment
13 commensurate with the beauty of the Petroglyph National Monument, which
14 surrounds the planning area on three sides. The standards reduce the
15 dominance of auto-oriented elements of residential lots and balance the
16 competing needs of pedestrians, residents, and drivers.

17 (2) II.B.5 Developing and Established Urban Goal and
18 Policy d: Residential garage standards help ensure that the location,
19 intensity, and design of new development respects the natural environmental
20 conditions, scenic resources, and social, cultural, and recreational values and
21 opportunities 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
26 vehicle access via garages with the orientation for pedestrian access via
27 sidewalks and 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.

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

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

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

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

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

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

21 B. Rank 2 West Side Strategic Plan:

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

28 C. Rank 3 Volcano Trails Sector Development Plan:

29 (1) Goal 2: Residential garage standards help minimize
30 blank walls and the visual impact of garage doors on development adjacent to
31 the Escarpment and form a pleasant transition from the developed to the
32 natural area.

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

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

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

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

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

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

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

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

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

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

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

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

32 **2. With respect to Policy (B), the proposed requirement contributes**
33 **to the stabilization of the area by helping to preserve archaeological**

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

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

26 A. Rank 1 Comprehensive Plan:

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

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

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

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

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

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

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

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

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

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

25 **4. With respect to Policy (D), existing zoning standards are**
26 **inappropriate and inadequate because removing the 50-foot buffer for**
27 **petroglyphs and replacing it with a standard is more advantageous to the**
28 **community. The proposed standard is more flexible and can be customized**
29 **more appropriately for any archaeological resources that are discovered and**
30 **found to be significant. This flexibility is expected to remove a potential**
31 **disincentive for compliance and help ensure the protection and preservation**
32 **of archaeological resources, particularly petroglyphs, as articulated by the**
33 **preponderance of applicable goals and polices in the Comprehensive Plan,**

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1 WSSP, and NWMEP cited in Section C. The proposed zoning standard helps
2 conserve unique natural and cultural resources; preserve the connection to a
3 unique natural and cultural landscape – a large portion of which is preserved
4 in perpetuity by the Petroglyph National Monument; and maintain the cultural
5 and historical importance of these petroglyphs for the public and the Pueblo
6 people.

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

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

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

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

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 regulation has no relation
5 to the street network and is not intended to change apartment, office, or
6 commercial land uses.

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

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

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

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

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

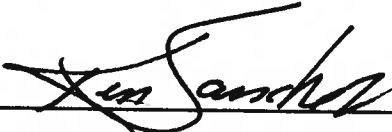
22 Section 7. SEVERABILITY CLAUSE. If any section paragraph, sentence,
23 clause, word, or phrase of this resolution is for any reason held to be invalid
24 or unenforceable by any court of competent jurisdiction, such decision shall
25 not affect the validity of the remaining provisions of this resolution.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

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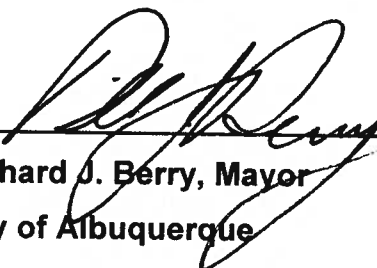
1 PASSED AND ADOPTED THIS 6th DAY OF October, 2014
2 BY A VOTE OF: 8 FOR 0 AGAINST.

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4 Excused: Garduño

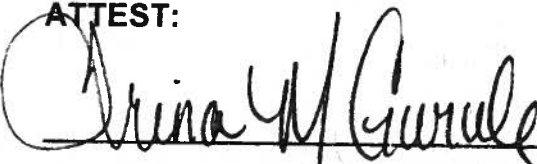
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9 Ken Sanchez, President
10 City Council

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13 APPROVED THIS 22nd DAY OF October, 2014

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16 Bill No. R-14-71

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21 Richard J. Berry, Mayor
22 City of Albuquerque

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25 ATTEST:

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28 Trina M. Gurule, Acting City Clerk

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