
CITY OF ALBUQUERQUE

CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: LUPZ Committee

FROM: Andrew Webb, Policy Analyst/Planning, City Council
Russell Brito, Division Manager, Urban Design and Development,
Planning Department

SUBJECT: Volcano Trails Sector Development Plan (R-11-211) – Responses to
Issues raised prior to and at the Land Use, Planning and Zoning
Committee meeting on May 11, 2011

DATE: June 10, 2011

The following concerns and issues were raised, questions asked, and requests made by community members, property owners, and/or their representatives at or before the first LUPZ hearing (May 11, 2011) on R-11-211, Adoption of the Volcano Trails Sector Development Plan (VTSDP). A response to each concern, issue, question, or request is provided below and will generally follow the following format:

Issue / Question / Request

- a. Citation of content from VTSDP (where applicable)
- b. Staff's comments on and response to issue / question / request
- c. *Staff's recommendation for Council action*

General

1. **Issue: Blowing Dust / Blow Sand / Fugitive Dust needs to be mitigated.**
 - a. VTSDP (C/A version), Chapter 3 – II General Standards 7. Grading, page 50: “Graded areas shall maintain the character of the natural terrain by varying gradients, undulating contours, and rounding the toe crest of any slope greater than 10 feet in height. Fill shall be limited to the minimum required for site development and drainage. Fill shall not exceed the existing highest natural grade point on site, unless approved by the City Hydrologist for required drainage.”
VTSDP (C/A version), Chapter 4 General Regulation C – Construction Mitigation, page 60: **Standard CM-1:** Prior to beginning construction, the

property owner shall construct a temporary silt fence at the site boundary adjacent to sensitive lands (i.e. the Escarpment Buffer, Major Open Space Area, archaeological site, or public or private conservation area to be maintained in natural desert landscape) to effectively protect them from heavy equipment and vehicles. Photographs of the site in its original condition shall be submitted with the application for building permit, and subdivision and/or site development plan.”

VTSDP (C/A version), Chapter 4 General Regulation C – Construction Mitigation, page 60: “**Standard CM-3:** In the selection of alignment and in site design, grading plans shall demonstrate that cut and fill has been kept to a minimum consistent with the standards in this Plan. Generally, the overall topography of the site is not to be substantially altered.”

- b. In addition to the above protections afforded by regulations in the VTSDP, this area must comply with the joint Albuquerque and Bernalillo County Fugitive Dust Ordinance found in the New Mexico Administrative Code 20.11.20.
 - c. *Staff, per the request of a Councilor, has prepared an amendment (C/A(F)) to address fugitive dust concerns. It adds the following sentence to the end of **Standard CM-3** on page 60: “Development must comply with the joint Albuquerque and Bernalillo County Fugitive Dust Ordinance found in the New Mexico Administrative Code 20.11.20.”*
Additionally, (C/A(F)) includes a new Construction Mitigation Standard that requires the developer to obtain his commercial building permit at the time of the grading permit: “Grading permits for commercial lot developments in the Volcano Trails Sector Development Plan Area will be issued concurrently with the respective commercial building permits. Grading permits for residential developments greater than 10 acres shall require soil stabilization, approved by the Environmental Health Department, which shall be applied to the disturbed area within three months after grading of the site commences. Grading within public rights-of-way or public drainage easements is exempt.”
- 2. Concern: Are there enough schools to justify the amount of homes being planned?**
- a. School planning and construction is outside of the purview of the Sector Plan. Albuquerque Public Schools (APS) is responsible for planning and constructing adequate schools. APS uses sector plans such as the Volcano Trails SDP to anticipate population growth and plan for the future.
 - b. APS has a website connected to school planning with helpful contacts: <http://www.apsfacilities.org/> or contact Karen Alarid, Executive Director of Capital, 505-848-8810.
 - c. *No action / amendment necessary.*
- 3. Question: Will this area be under a Homeowners Association?**
- a. This is outside of the purview of a Sector Development Plan.
 - b. The developer has indicated an intention to create a Homeowners Association. Staff recommends staying in touch with the developer.
 - c. *No action / amendment necessary.*

4. Concern: I do not want to see low-income housing in this area.

- a. VTSDP (C/A version), Chapter 2 – Goals, page 14: “*Promote residential diversity:* In order to promote a range of residential housing opportunities for various ages and incomes, the Trails development will include apartments, townhouses, small-lot, and medium-lot single-family residential development to attract a diverse population.”
- b. Although the Sector Plan does not specifically call for low-income housing, it does advocate broadening residential opportunities for all income levels. Prohibiting low-income development is counter to City policy and ordinances and falls outside of the purview of a Sector Development Plan.
- c. *No action / amendment necessary.*

5. Concern: What kind of crime will this additional development attract?

- a. VTSDP (C/A version), Chapter 2 – Goals, page 14: “*Create Healthy Residential Neighborhoods.* Street- and courtyard-facing residences—with entrances and windows facing pedestrian paths—support neighborhoods and improve safety. Street-facing buildings keep ‘eyes on the street’ and deter unwanted behavior. Furthermore, when paired with calm streets, street-facing architecture can encourage neighbors to come together and socialize...”
- b. Crime can flourish in isolated areas, which includes areas where the majority of residents are away at work during daytime hours. This Plan encourages street-facing entrances, more density of residences near major roadways, minimal dead-ends and cul-de-sacs, and daytime commercial activity to increase “eyes on the street” in an effort to increase safety for the entire area.
Beyond these general efforts to minimize conditions where crime can take place in the absence of activity, preventing crime falls outside the purview of the Sector Development Plan.
- c. *Language in the Plan clearly encourages types of development that deter unwanted behavior. However, per the request of a Councilor, staff has prepared an amendment (C/A(G)) to prevent the design of new subdivisions where rear walls of residential lots face Residential Collector Streets. This type of development will further the Plan’s expressed goal to increase “eyes on the street.”*

6. Request: Residents need to be able to call a private security patrol, such as Ventana Ranch has, to respond to security situations.

- a. Providing a private security patrol falls outside the purview of the Sector Development Plan.
- b. A homeowners association and/or the developer could hire a private security firm if they feel it is warranted. Additionally, once development occurs, the neighborhood has the opportunity to create a neighborhood watch. APD has information regarding this program.
- c. *No action / amendment necessary.*

Environment and Open Space

7. Question: Are there any proposed recreational areas in the Plan area?

- a. VTSDP (C/A version), Chapter 1 – Introduction, page 8: “The Trails development features 41 acres of open space and parks, including one completed park dedicated to the City, three completed private pocket parks, and several additional pocket parks planned for new subdivision development. An open space corridor runs east-west through the development, providing trails that connect parks sites for area recreation. The corridor connects to designated open space that runs north-south the length of the Plan area along Universe Boulevard.”
VTSDP (C/A version), Chapter 1 – Introduction, Exhibit 8, page 8: shows the Volcano Mesa Bike & Trail Network and Volcano Trails Parks & Trails.
- b. The Plan clearly identifies the proposed recreational areas in the Volcano Trails Plan area.
- c. *No action / amendment necessary. Staff has prepared an amendment (C/A(X)) that, if passed, will move the mapping of proposed and existing parks to Exhibit 5 on page 6 for clarification purposes.*

8. Question: What is being done to preserve the wildlife in the area?

- a. VTSDP (C/A version), Chapter 1 – Introduction, page 8: “The Trails development features 41 acres of open space and parks.... An open space corridor runs east-west through the development, providing trails that connect parks sites for area recreation. The corridor connects to designated open space that runs north-south the length of the Plan area along Universe Boulevard.”
VTSDP (C/A version), Chapter 1 – Introduction, Exhibit 5, page 6: shows the open space corridors running east-west and north-south through the Plan area.
VTSDP (C/A version), Chapter 1 – Introduction, Exhibit 8, page 8: shows the Volcano Mesa Bike & Trail Network and Volcano Trails Parks & Trails.
- b. It is true that development will displace wildlife, just as surrounding development at Ventana Ranch and The Trails, etc., did. However, this Plan includes a significant amount of open space, as well as open space corridors that connect to the Petroglyph National Monument. In addition to providing recreational opportunities for residents, these corridors will act as de facto wildlife corridors, providing for protected wildlife movement.
- c. *No action / amendment necessary.*

9. Question: If the open space is privately owned and maintained, is there any guarantee that it will remain open and accessible to the public?

- a. VTSDP (C/A version), Chapter 1 – Introduction, Exhibit 5, page 6: shows the open space corridors running east-west and north-south through the Plan area.
VTSDP (C/A version), Chapter 3 – Zoning and General Standards Section I - Zoning, Exhibit 10, page 24: shows the zoning of these open space corridors.

- b. The open space corridor on the west side of the Plan area connecting to the Northern Geologic Window is proposed to be zoned SU-2 Volcano Trails Open Space, which will preclude it from development in the future. On the east side of the Plan area, the private open space corridor is protected from redevelopment by the platting, which carved out the corridor and designated it as private open space. The developer has indicated that the private open space and pocket parks are intended to remain open to the public and has agreed to provide a public access easement for the existing and future private open space corridors and pocket parks.
- c. *A committee amendment has been prepared (C/A(B)) to establish the fact that the private parks and open space are intended for public use and that the developer is intending to provide a public pedestrian access easement for the private open space corridors and parks.*

Transportation

10. Question: What is being done to address the additional traffic that will come to the area from this development?

- a. VTSDP (C/A version), Chapter 1 – Introduction, page 9: “Pre-existing Zoning. Until the adoption of this Plan, the Plan area was zoned for single-family residential development (Residential Developing Area – RD) at average suburban densities of 5 dwelling units (du) per acre.... The expected total build-out of the Plan area under pre-existing zoning is estimated to be 2,050 dwelling units. Expected build-out with this sector plan zoning is roughly the same, with the addition of 215,000 square feet of commercial uses.”
- b. There is a misconception that this Plan will result in “additional” residential development in the area. It is important to understand that residential development is currently the only permissive use for properties within the Volcano Trails area. The VTSDP is intended to balance residential uses with opportunities to develop commercial / retail / employment uses in specific locations that can serve new and nearby residents and help correct the imbalance of jobs / housing on Albuquerque’s East and West Sides.
Steps are being taken outside of this planning process to address traffic concerns in the area, including a traffic signal at Paseo del Norte and Rainbow Boulevard and the completion of Unser Boulevard, which will help decrease the amount of commuter traffic traveling through the area.
- c. *No action / amendment necessary.*

11. Request: Willamsburg Rd., Hearthstone Rd., and Treeline Ave. need to remain blocked off at the western edge of existing development to prevent an increase in crime, traffic, and accident rates in our neighborhood. We have a large problem of people cutting through our neighborhood and driving over sidewalks and curbs.

- a. VTSDP (C/A version), Chapter 3 – Zoning and General Standards Section I - Zoning, Exhibit 10, page 24: Hearthstone Rd. and Williamsburg Rd. are shown just south of Paseo del Norte and west of Rainbow Blvd. Treeline Rd. runs east-west through the center of the Plan area.
VTSDP (C/A version), Chapter 1 – Introduction, page 6: Treeline Rd. is identified as a collector street.
- b. Treeline Rd. is a necessary part of the area’s street network. Interconnected street networks distribute traffic and ease congestion. Traffic should improve with the improvements to the roadway by the end of the summer, (See response to Question #10 above.) Additional development that will occur over time will eliminate the incentive for people to cut through neighborhoods to access schools to the south. Staff believes these issues to be temporary and typical of newly developing areas. Subsequent development is expected to alleviate the problem as paved roads are completed to improve access to schools south of the Plan area. The developer has contacted some residents affected by these traffic complaints and addressed the issues to their satisfaction.
- c. *Staff, per the request of a Councilor, has prepared an amendment (C/A (E)) to prohibit the design of cul-de-sacs and dead-ends in new development within the VTSDP to encourage pedestrian and bicycle connectivity between adjacent neighborhoods and from those neighborhoods to transit services. The amendment includes exceptions where a dead-end street is necessary to reach land-locked parcels and/or to avoid crossing private open space.*

Zoning and General Standards

12. Request: Valle Vista at the Trails, currently shown in Exhibit 4 as exempt from the Plan, should be included in the Plan and rezoned VTRD.

- a. VTSDP (C/A version), Chapter 3, Part I – Zoning, page 24: Exhibit 10 shows proposed new zoning for the Volcano Trails area. The area in question is currently zoned SU-2 RD and is exempted from the VTSDP.
- b. Staff is pleased to change the zoning for the requested area as well as the neighboring RD that is currently unplatted in order to afford the protections of the Plan’s design regulations, prohibition against gated communities, and allowance for minor second dwelling units.
- c. *Staff has prepared an amendment (C/A(C)) to the zone map and has notified existing residents within 100 feet of the proposed zone change by letter.*

13. Comment: The language regarding lot sizes in the VTUR (Volcano Trails Urban Residential) and the VTRD (Volcano Trails Residential Developing Area) zones is inconsistent with the intent of the zone.

- a. VTSDP (C/A version), Chapter 3, Section I – Zoning, page 29 (VTUR) and page 32 (VTRD): The Plan gives minimum lot sizes of 5,000 square feet without an alley and 3,000 square feet with an alley.

VTSDP (C/A version), Chapter 3, Section I – Zoning, page 29 (VTUR) A. General Permitted Uses 1.a.: R-T development requires a minimum lot size of 20 by 90 feet.

- b. Staff agrees that it is unclear whether the lot size for townhouses in the VTUR and VTRD is per the permitted uses or per the lot size. This issue needs to be clarified in the Plan.

In the VTRD zone, the plan proposes to allow standard lot sizes for attached townhouses of a minimum 2,200 square feet per the Zone Code. In the VTUR zone, the plan proposes to allow smaller minimum lot sizes (20x 90, or 1,800 square feet) for townhouse development, because the intent of this zone is to encourage a more urban character.

In the subsection “Lot Sizes” in both the VTUR and VTRD zones, the first sentence shall be modified to read “1. The following requirements shall apply for single-family detached development.” An additional section shall be added to read, “2. The following exception shall apply for R-T development.” Subsection A.1.a shall be moved to follow the additional sentence above.

- c. *Staff has prepared an amendment (C/A(C)) to address this request.*

14. Request: Single family detached development lot size for lots without alley access in the VTUR (Volcano Trails Urban Residential), VTRD (Volcano Trails Residential Developing) and VTSL (Volcano Trails Suburban Residential – Small Lot) should be decreased from 5,000 square feet to 3,600 square feet.

- a. VTSDP (C/A version), Chapter 3, Part I – Zoning, page 34: The VTUR, VTRD and VTSL zone stipulates that on lots without alleys the minimum lot size shall be 5,000 square feet while lots with alley access shall have a minimum lot size of 3,000 square feet.
- b. While the intent of having a larger lot size for lots without alley access was to encourage the use of alleys, staff agrees that decreasing the lot size for detached single-family development will encourage a diversity of housing options / choices. Additionally, it will provide flexibility for the developer to meet market conditions and consumer choices.
- c. *Staff has prepared an amendment (C/A(C)) to address this request.*

15. Comment: 3,600 square feet is an extremely small lot size.

- a. VTSDP (C/A version), Chapter 3, Part I – Zoning, page 24, 29, 32, 34, 36: VTUR (Urban Residential), VTRD (Residential Developing), VTSL (Small-Lot), and VTML (Medium Lot) zones have minimum lot size requirements for single-family detached housing. If a proposed amendment passes, in VTRD, VTSL, and VTUR, single-family detached residential lots without alleys shall have a minimum lot size of 3,600 square feet, while lots with alley access shall have a minimum lot size of 3,000 square feet. In VTUR, townhomes are allowed with a minimum lot size of 1,800 square feet, while R-2 development is allowed with a minimum lot size of 6,000 square feet per the Zone Code.
- b. The intent of this plan is to provide a range of housing options, which includes a range of lot sizes. Existing and platted development has lot

sizes that range from above-average to average lot size. The addition of small lot, townhouse, and medium lot size provide additional diversity in order to encourage different housing options.

c. *No action / amendment necessary.*

16. Concern: Any re-zoning that allows rentals in the area will decrease our property value. Our house was almost burned down by a negligent renter, and we had to cover the cost because the city does not require people to have renters' insurance.

a. VTSDP (C/A version), Chapter 2 – Goals, page 14: “*Promote Residential Diversity*. In order to encourage a range of housing opportunities for various ages and incomes, the Trails development will include apartments, townhouses, small-lot, and medium-lot single-family residential development to attract a diverse population.”

VTSDP (C/A/ version), Chapter 1 – Introduction, page 9: “**Pre-Existing Zoning**. Until the adoption of this Plan, the Plan area was zoned for single-family residential development (Residential Developing Area - RD) at average suburban densities of 5 dwelling units per acre (du/acre). RD zoning allows uses as intense as residential townhouse (RT) or residential limited townhouse (RLT)... Because these uses that involve higher densities are allowed within the zone, the potential outcomes for development are hard to predict, and unintended negative impacts are difficult to mitigate. This Plan seeks to introduce a range of lot sizes, housing types, and densities of development and maintain flexibility in the development process, while improving the predictability of development.”

b. Because the existing zoning of this area permits townhomes, without a plan, these townhomes could develop without any order, which could have a potentially negative effect on the area. The intent of this plan is to guide development to have a positive effect on the surrounding area.

This Plan intentionally increases the range of housing options available on Albuquerque's West Side. In order to mitigate increasing traffic congestion through the Escarpment and on bridges across the Rio Grande, new development must be approached with the intention of providing a complete community on the West Side, which includes housing opportunities for people of all incomes.

In addition to multifamily housing options, such as apartments, any residential option can be rented out, whether an attached townhome or a single-family residence. Not only does preventing renters fall outside the scope of a Sector Development Plan, it undermines the intent of the Plan to broaden the diversity of housing choices for new and existing West Side residents. Finally, while individual landlords can require the purchase of renter's insurance, no government agency requires it. Similarly, while most mortgage lenders require homeowner's insurance, the government does not require homes to be insured.

c. *No action / amendment necessary.*

17. Comment: Longford Homes needs to prove to the existing residents that this rezoning will be a benefit to the people in this community.

- a. VTSDP (C/A version), Chapter 2 Goals 1-6: The entire Sector Development Plan is intended to further goals that benefit the community. In this case, the request falls exactly within the purview and purpose of the Sector Development Plan. Rather than being a responsibility of the developer, it is the City's job through the Plan to demonstrate benefit to the community.
- b. The Plan's purpose is to guide development to further the goals set out in the Plan as well as the City's policies for high-quality communities. Staff believes that providing a range of housing options, more density near major roadways, and controlled, predictable opportunities for neighborhood retail will greatly benefit an under-served area of the City; however, the Plan cannot guarantee specific benefits or outcomes, which are a result of multiple factors outside the control of a sector development plan, such as economic conditions. In addition, the Plan's open space corridors, pocket parks, and rock outcroppings protections will benefit residents as well as neighbors and wildlife.
- c. *The Notice of Decision from the Environmental Planning Commission (available at <http://www.cabq.gov/planning/long-range/pdf/EPC-NODVolcanoTrails030311.pdf>) as well as the Committee Substitute for R-11-211 explain how the Plan supports City policies, and the public is directed to details provided therein. Therefore, no action / amendment necessary.*