

PLANNING DEPARTMENT
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OFFICIAL NOTIFICATION OF DECISION

June 16, 2022

City of Albuquerque
1 Civic Plaza
Albuquerque, NM 87102

Project # PR-2022-006903
RZ-2022-00022– Zoning Map Amendment (Zone Change)

LEGAL DESCRIPTION:

Consensus Planning, Inc, agent for City of Albuquerque Parks and Recreation Department, requests a zoning map amendment from R-A to NR-PO-B for all or a portion of Tract 6 correction plat for Montecito West Unit 1; Tract 11-A and Tract 11-B Replat of Tract 11 Unit 6; Tract 10-A replat of tract 10 Unit 6; Tract 13 replat of Tract 13 Unit 9; Tract 11-B replat of Tract 11 Unit 9; Tract 8-B replat of Tract 8 Unit 9, Volcano Cliffs Subdivision, located near the southwestern corner of Villareal Rd. and Quivera Dr., and just east of Quivera Rd. at the intersection with Retablo Rd., containing approximately 26 acres (D-08 and D-09)
Staff Planner: Sergio Lozoya

On June 16, 2022, the Environmental Planning Commission (EPC) voted to APPROVE PR-2022-006903/RZ-2022-00022– Zoning Map Amendment a Zoning Map Amendment (Zone Change), based on the following findings:

1. The request is for a zoning map amendment (zone change) for an approximately 26-acre site legally described as Tract 6, correction plat for Montecito West Unit 1 (being comprised of Lots 15 through 21, Volcano Cliffs Subdivision, Unit 6, together with a portion of vacated Retablo Road NW and Albericoque); Tract 8-B, replat of Tract 8, Unit 9, Volcano Cliffs Subdivision; Tract 10-A, replat of Tract 10, Unit 6 Volcano Cliffs Subdivision; Tracts 11-A and 11-B, replat of Tract 11, Unit 6, Volcano Cliffs Subdivision; Tract 11B replat of Tract 11 Unit 9; and Tract 13-A, replat of Tract 13, Unit 9, Volcano Cliffs Subdivision, located at Southwest corner of the intersection of Villareal Rd. NW and Quivira Dr. NW, and just east of the intersection of Quivira Dr. NW and Retablo Rd. NW (the “subject site”).
2. The subject site is currently vacant and adjacent to Open Space uses and low-density residential development. It is zoned R-A (Rural and Agricultural Zone District). The Boca Negra Open Space is adjacent to the subject site.

3. The applicant is requesting a zone change to NR-PO-B (Non-residential – Park and Open Space, Sub-zone B: Major Public Open Space Zone District) to reflect the current ownership and management of these properties by the City of Albuquerque and to preserve the subject site as a Major Public Open Space (MPOS).
4. The subject site is in an area that the Comprehensive Plan designated an Area of Consistency. It is not located on or in a Corridor or Center as designated by the Comprehensive Plan.
5. The Albuquerque/Bernalillo County Comprehensive Plan, the City of Albuquerque Integrated Development Ordinance (IDO), the Facility Plan for Arroyos, and the Major Public Open Space Facility Plan are incorporated herein by reference and made part of the record for all purposes.
6. The request furthers the following, applicable goals and policies from Comprehensive Plan Chapter 4: Community Identity:

A. Goal 4.1 – Character: Enhance, protect, and preserve distinct communities.

The subject site is located within an Area of Consistency, Volcano Mesa Character Protection Overlay (CPO-13), and the Northwest Mesa Escarpment View Protection Overlay (VPO-2). A zone change from R-A to NR-PO-B would generally protect, enhance and preserve the distinct Northwest Mesa community, by providing a Major Public Open Space and preserving the natural, scenic views of the Petroglyphs, the Northwest Mesa Escarpment, and the Sandias.

B. Policy 4.1.1 Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

The subject site is within the Northwest Mesa Escarpment CPO and VPO. The Northwest Mesa is a community characterized by low-density residential development, the Petroglyphs (and other natural landmarks), and scenic views. The request for a zone change would protect the natural character of the adjacent land designated as Major Public Open Space (MPOS) and would preserve the subject site for public recreation, use, and enjoyment for the surrounding neighborhoods.

C. Policy 4.1.3 Placemaking: Protect and enhance special places in the built environment that contribute to a distinct identity and sense of place.

The request would protect and enhance the Northwest Mesa Escarpment by ensuring that views of special places such as the Petroglyphs, the Volcanoes, and the Sandia Mountains are preserved. These landmarks (and views to and from them) are distinct and contribute to the surrounding communities, and the City's identity and sense of place.

D. Policy 4.1.4 – Neighborhoods: Enhance, protect, and preserve neighborhoods and traditional communities as key to our long-term health and vitality.

The Northwest Mesa Escarpment has long been characterized by the views of several natural landmarks, i.e. the Petroglyphs. Preservation of the subject site and adjacent Boca Negra

Open Space contributes to the City's and neighborhoods overall long-term health and vitality by limiting development at the fringe of the City and preserving natural landmarks.

- E. Goal 4.3 City Community Planning Areas (CPA): Protect and enhance the natural and cultural characteristics and features that contribute to a distinct identity and prioritize projects and programs to meet the needs of communities, neighborhoods, and sub-areas. The subject site is within the Northwest Mesa CPA, which is described by the Comprehensive Plan as being characterized by the Northwest Mesa Escarpment, Petroglyph National Monument, and the Volcanoes. The request would protect the natural and cultural characteristics of the subject site that contribute to the surrounding residential community and adjacent Boca Negra Open Space.

7. The request furthers the following, additional goals and policies from Comprehensive Plan Chapter 5: Land Use:

- A. Goal 5.3-Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The subject site is already served by existing infrastructure and public facilities, due to the surrounding residential community. The request would generally promote efficient development patterns and use of land by preserving land as that is adjacent to the Boca Negra Open Space and already recognized as culturally and historically relevant to the community.

- B. Policy 5.5.1 Community Green Space: Provide visual relief from urbanization and offer opportunities for education, recreation, cultural activities, and conservation of natural resources by setting aside publicly-owned Open Space, parks, trail corridors, and open areas throughout the Comp Plan.

The request would allow the subject site to become a part of the City's network of Open Space, therefore facilitating opportunities for the conservation of natural resources. IT would provide access to an additional Open Space area alongside other existing Open Space and provide an opportunity for education, recreation, cultural activities in a publicly owned MPOS in an urbanized neighborhood on the City's west side. The request would allow a culturally significant piece of land to remain consistent with its existing character as a community open space.

- C. Goal 5.6-City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is located in an Area of Consistency, where development reinforces the character and intensity of the surrounding area. The request would allow the subject site to remain consistent in character and zoning to the adjacent properties and surrounding area.

- D. Policy 5.6.3 Areas of Consistency: Protect and enhance the character of existing single-family neighborhoods, areas outside of Centers and Corridors, parks, and Major Public Open Space.

The request would protect the character of an existing single-family neighborhood, by adding the subject property to the City's publicly owned network of Open Space. The surrounding neighborhood is primarily low density residential and outside of a center and corridor. There is MPOS adjacent to the subject site as well as a drainage channel.

8. The request furthers the following policy from Comprehensive Plan Chapter 7: Urban Design:

Policy 7.3.1 Natural and Cultural Features: Preserve, enhance, and leverage natural features and views of cultural landscapes.

The Northwest Mesa Escarpment has long been characterized by the views of several natural landmarks, i.e. the Petroglyphs. Preservation of the subject site and adjacent Boca Negra Open Space would preserve the natural features and views of cultural landscapes as well as enhance and leverage the subject site as an accessible Major Public Open Space amenity.

9. The request furthers the following goals and policies from Comprehensive Plan Chapter 10: Parks & Open Space:

A. Goal 10.1 Facilities & Access: Provide parks, Open Space, and recreation facilities that meet the needs of all residents and use natural resources responsibly.

The subject site is adjacent to the Boca Negra Open Space, near the Petroglyphs and the Northwest Mesa Escarpment, all of which are recognized as cultural amenities to the surrounding community. The request would preserve natural resources and provide an accessible Open Space amenity to all residents.

B. Policy 10.1.1 Distribution: Improve the community's access to recreational opportunities by balancing the City and County's parks and Open Space systems with the built environment.

The subject site is located in an existing residential neighborhood adjacent to the Boca Negra Open Space. The request would improve the community's access to recreational opportunities because it would expand existing Major Public Open Space, that is nearby and accessible to the surround neighborhood.

C. Goal 10.3 Open Space: Protect the integrity and quality of the region's natural features and environmental assets and provide opportunities for outdoor recreation and education.

The request would protect the region's natural features such as the Petroglyphs and the Northwest Mesa Escarpment, by limiting development, and could provide opportunities for outdoor recreation and education on the subject site. The request would ensure that the subject site is preserved as an environmental asset, and would limit single-family development (and other types) on the Northwest Mesa Escarpment.

D. Policy 10.3.1 Open Space Acquisition: Acquire significant lands throughout the community to shape the urban form, conserve natural and cultural resources, and protect agricultural land.

The subject property was acquired by the City to be preserved as Open Space. The request would reflect the subject site as a city owned and maintained MPOS, and would conserve the natural and cultural resource of the subject site.

10. The request furthers the following policy from Comprehensive Plan Chapter 11: Heritage Conservation

Policy 11.3.1 Natural and Cultural Features: Preserve and enhance the natural and cultural characteristics and features that contribute to the distinct identity of communities, neighborhoods, and cultural landscapes.

The request would preserve and enhance cultural and natural characteristics such as the Petroglyphs, the Volcanos, and the Northwest Mesa Escarpment by ensuring that the subject site is maintained as a Major Public Open Space. These natural features contribute to the distinct identity of the surrounding community, and cultural landscapes.

11. The request furthers the following policy from Comprehensive Plan Chapter 13: Resilience and Sustainability:

A. Goal 13.4 Natural Resources: Protect, conserve, and enhance natural resources, habitats, and ecosystems.

The request would protect and conserve the subject site as a dedicated MPOS, and would ensure that the subject site remain dedicated to enhancing natural resources, habitat for wildlife and the ecosystem near an existing Boca Negra Open Space and other geological landmarks, i.e., the Petroglyphs.

B. Policy 13.4.4 Unique Landforms and Habitats: Protect areas with unique landforms, and crucial habitats for wildlife, through sensitive urban development or acquisition as Open Space.

The request for NR-PO-B would protect the Northwest Mesa Escarpment, which is area with unique landforms and crucial habitats for wildlife, because it would ensure that the subject site and the surrounding neighborhoods are developed in a manner that acknowledges and considers the surrounding natural features

12. The request furthers the following policies from the MPOS Facility Plan Section 2: Issues and General Policies - Resource Management:

A. Policy C.6.e- Major Public Open Space lands provide visual relief from the impacts of urban development; as such, all lands within the Network comprise a visual resource. These resources include view sheds, view corridors, mountaintops and high points, escarpments and others.

The request for NR-PO-B zoning would allow the subject site to remain undeveloped so that visual resources would remain protected and not impacted by development (although open space amenities pursuant to the MPOS Plan would be allowed). The subject site would provide visual relief from the impacts of urban development and would allow the resource to be managed in a way consistent with the City's MPOS program.

13. The Boca Negra Arroyo runs through portions of the subject site. The FPA classifies the Boca Negra Arroyo as an Urban Recreational Arroyo.

14. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:
 - A. Criterion A: Consistency with the City’s health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies (and other plans if applicable) and does not significantly conflict with them. The applicant’s policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding Community Identity, Land Use, Urban Design (Natural and Cultural Features), Parks & Open Space, and Resilience & Sustainability and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City’s health, safety, morals and general welfare.
 - B. Criterion B: The subject site is located wholly in an Area of Consistency. The applicant’s policy-based analysis (see response to Criterion A) demonstrates that the request would further a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning.
 - C. Criterion C: The subject site is located wholly in an Area of Consistency, so Criterion C does not apply.
 - D. Criterion D: The applicant compared allowable uses in the existing R-A zone district and the proposed NR-PO-B zone district. Uses allowed as permissive in the IDO are only permissive if the policies and processes outlined in the Major Public Open Space Facility Plan are met.
 - E. Criterion E: The subject site is adequately served by existing infrastructure (requirement 1) and will have adequate capacity for the purposes of this request to serve as Open Space in the future.
 - F. Criterion F: The subject site is not located on a major street, and the justification of the request does not rely upon it.
 - G. Criterion G: The request is not based on the cost of land or economic consideration, but for access to a MPOS for the community. The applicant has adequately demonstrated that the request furthers a preponderance of applicable Comprehensive Plan Goals and policies and does not conflict with them.
 - H. Criterion H: The request would not result in a “spot zone” as it is adjacent to existing NR-PO-B, zoned properties.
15. The applicant’s policy-based response adequately demonstrates that the request furthers a preponderance of applicable Goals and policies regarding Community Identity, Land Use, Urban Design (Natural and Cultural Features), Parks & Open Space, and Resilience & Sustainability and does not present any significant conflicts with the Comprehensive Plan. Therefore, the request is consistent with the City’s health, safety, morals, and general welfare.
16. The affected neighborhood organizations are the Montecito West Community Association Incorporated, the Westside Coalition of Neighborhood Associations, the Molten Rock NA,

Taylor Ranch NA, and the Montecito Estates Community Association, which were notified as required. Property owners within 100 feet of the subject site were also notified as required.

17. A pre-application neighborhood meeting was held on Monday April 25, 2022 from 6:00 pm to 8:00 pm via Zoom. Several questions and comments were made by neighbors regarding the request, which were answered during the meeting. There was no unesolved issues or concerns.
18. As of this writing, Staff has not been contacted and is unaware of any opposition.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **July 1, 2022**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(V) of the Integrated Development Ordinance (IDO), Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal an EPC Recommendation to the City Council since this is not a final decision.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the IDO must be complied with, even after approval of the referenced application(s).

Sincerely,

for Alan M. Varela,
Planning Director

AV/SL

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