



# City of Albuquerque

## Planning Department

Timothy M. Keller, Mayor

### Interoffice Memorandum

January 21, 2026

**To:** Klarissa J. Peña, President, City Council

**From:** Alan Varela, Director, Planning Department

**Subject:** AC-26-01 (PR-2022-007712, SP-2025-00093): The Pueblo of Santa Clara, the Pueblo of Laguna, and the West Side Coalition of Neighborhood Associations (WSCONA), appeal the Environmental Planning Commission (EPC) decision to Approve a Site Plan – EPC, for all or a portion of Tract 1-B Plat of Tracts 1-A & 1-B, Block 2, Volcano Cliffs Subdivision, Unit 26 (A Replat of Tract 1, Block 2 and Lot 5, Block 6 Volcano Cliffs Subdivision, Unit 26), containing approximately 10-acres at the intersection of Kimmick Dr. and Rosa Parks Rd., just south of Paseo del Norte Blvd. NW, zoned MX-L

**Signature:**   
Alan Varela (Jan 22, 2026 10:30:16 MST)

**Email:** avarela@cabq.gov

#### OVERVIEW

This is an appeal of the EPC's decision to approve a Site Plan – EPC for a new 238-unit multi-family residential development for an approximately 10-acre subject site at the intersection of Kimmick Dr. NW and Rosa Parks Rd. NW, just south of Paseo del Norte Blvd. NW.

The EPC approved the Site Plan – EPC on December 18, 2025 based on Findings #1-20 and Conditions of Approval #1-11 in the official Notice of Decision. The Appellants timely filed an appeal of the EPC's decision prior to the appeal deadline on January 5, 2026.

#### APPELLANTS

The appeal was filed by Rothstein Donatelli LLP., on behalf of the Pueblo of Santa Clara, the Pueblo of Laguna, and the West Side Coalition of Neighborhood Associations (WSCONA). The Land Use Hearing Officer (LUHO) will need to determine the standing of these appellants as part of its quasi-judicial role.

#### Basis of Standing

1. The Appellants assert that the Pueblo of Santa Clara and Pueblo of Laguna have standing to appeal this Site Plan – EPC decision based on IDO § 14-16-6-4(U)(2)(a)(2) as governmental agencies whose interest may be affected by the application.
2. The Appellants assert that WSCONA has standing to appeal this Site Plan – EPC decision as a Neighborhood Association within 660 feet [IDO § 14-16-6-4(U)(2)(a)(5) and Table 6-4-2].

The appellant claims that they are affected by “loss of privacy and enjoyment of their property, degradation of the cultural landscape, increased traffic and noise, interference with views, and an impact to property values.”

IDO § 14-16-6-4(U)(2)(a)(5)b requires a neighborhood association appealing based on proximity to submit a petition in support of the appeal signed by “majority of all property owners or tenants located within 660 feet of the application site.” WSCONA submitted a petition signed by 45 property owners or tenants of 45 addresses located within 660 feet of the subject property. The City does not have data on how many total property owners or tenants live within 660 feet of the subject property.

## **BASIS FOR APPEAL**

IDO § 14-16-6-4(U)(4) establishes the criteria for the appeal in determining whether the EPC erred in its decision:

1. The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or capriciously.
2. The decision being appealed is not supported by substantial evidence.
3. The decision-making body or the prior appeal body erred in applying the requirements of this IDO.

The appellants assert that the EPC erred regarding all three criteria.

## **Staff Response**

The EPC applied the requirements of the IDO based on substantial evidence in the record. The Official Notice of Decision contains 20 Findings and 11 Conditions of Approval that support the EPC’s decision. The Findings were developed based on a thorough analysis contained in the Staff report.

Appellant’s arguments have been summarized below, and Planning staff has responded in *italics*.

**Issue 1:** The Application is based upon an invalid platting action and the Notice for the Site Plan – EPC is in actuality for a Site occupying the entire unsubdivided parcels.

**Appellant claim:** Finding #1 is erroneous because it describes a smaller portion of the overall parcel.

**Staff Response:** *The application that is subject of this appeal was submitted to the Planning Department on November 6, 2025 and accepted as complete on November 7, 2025 as a new Site Plan – EPC.*

*From the City’s perspective, a prior approved Final Plat was in effect to create the subject property that was noticed and decided by the EPC on December 18, 2025. The history of a prior Site Plan – DRB that was appealed, remanded, and withdrawn and a Subdivision – Major follow.*

*The prior approved Site Plan – DRB was submitted to the Planning Department on September 30, 2022 and accepted as complete on October 6, 2022 (PR-2022-007712). On November 9, 2022, DRB approved a three-part request to:*

- 1) *Repeal the Site Development Plan for Subdivision for The Cliffs on Paseo, which was approved by the DRB on September 13, 2017 for three proposed lots consisting of retail and office uses (1009082 / 17DRB-70109).*
- 2) *Review/decide a Site Plan – DRB to construct a 238-unit multi-family residential development on the subject property on Tract B-1 consisting of 9.5 acres (PR-2022-007712, SI-2022-01874).*
- 3) *Review/decide a Subdivision – Major Preliminary Plat to adjust the boundaries of Tract 1, Block 2 and Lot 5, Block 6 of the Volcano Cliffs Subdivision, creating Tract 1-A, Block 2 at 8.2339 acres in size, and Tract 1-B, Block 2 at 9.5477 acres in size (PR-2022-007712, SD-2022-00143).*

*The DRB approved a Final Plat for the Subdivision – Major on February 7, 2024 (PR-2022-007712, SD-2024-00019). The final plat was appealed (AC-24-28), but the Land Use Hearing Officer determined that the appeal was not timely filed.*

*The IDO in effect when the original application for the 2022 Site Plan – DRB was accepted as complete [2021 IDO Annual Update – Effective Draft July 2022] specified that a subject site 5 or more acres adjacent to Major Public Open Space had to be reviewed by the EPC [IDO § 14-16-6-6(I)(1)(c)1.b], and Site Plan – EPC specified that a site plan was required prior to a platting action [6-6(J)(1)(a)]. At the time of the DRB decision in November 2022, the application was proceeding as though not adjacent to Major Public Open Space.*

*The 2022 Site Plan – DRB was appealed to the Court of Appeals, which ruled that the subject site was adjacent to Major Public Open Space to the south of the subject site. In its Memorandum Opinion, the Court of Appeals stated that “the preliminary plat was never final and is not before us. Therefore, we decline to review it.” See attached. The subsequent Order On Mandate issued by the District Court ordered that the application for Site Plan – DRB “is remanded to Appellee City of Albuquerque for new site plan and site plan amendment evaluations.” See attached. The prior platting action was not part of the appeal, nor did the Order On Mandate require the City to revisit its approval. Consequently, the November 9, 2022 preliminary plat approval and the subsequent February 7, 2024 final plat approval are still valid. Moreover, any challenge to those approvals at this time is untimely.*

*The remanded 2022 Site Plan – DRB was withdrawn by the applicant on November 3, 2025.*

*The applicant submitted a new Site Plan – EPC application, which was accepted as complete on November 7, 2025, subject to the IDO in effect as of April 2025. IDO § 14-16-6-6(I)(1)(a) specifies that a site 5 or more acres adjacent to Major Public Open Space has to have a Site Plan – EPC approved prior to any platting action.*

*At the EPC hearing regarding the new Site Plan – EPC request, the Commission considered the status and validity of the platting action that occurred subsequent to the Site Plan – DRB. Staff from City Legal confirmed that the court order remanding the Site Plan – DRB did not invalidate the subdivision. Planning staff outlined that if the subdivision was still valid, then notice for the Site Plan – EPC was proper but recommended out of an excess of caution that*

*the case be deferred and re-noticed for the original property prior to subdivision. The applicant opted to proceed at their own risk.*

*EPC reviewed the Site Plan – EPC based on the approved Final Plat and legal description for the subject site at the time that the application was accepted as complete:*

*Tract 1-B Plat of Tracts 1-A & 1-B, Block 2, Volcano Cliffs Subdivision, Unit 26 (A Replat of Tract 1, Block 2 and Lot 5, Block 6 Volcano Cliffs Subdivision, Unit 26).*

**Appellant claim:** The applicant states that the Site Plan – EPC is required prior to any platting action for lots 5 acres or greater adjacent to MPOS.

**Staff Response:** *See response above. Staff reviewed the Site Plan – EPC against Major Public Open Space Edge Standards pursuant IDO § 14-16-5-2(J) based on the Final Plat for the site at the time the application was accepted as complete.*

**Appellant claim:** The zone atlas page that was submitted with the application is correct and that the Site Plan inaccurately reflected the site as only a portion of that site.

**Staff Response:** *The IDO Zone Atlas map submitted was last updated in May 2018. The Final Plat was approved on November 9, 2022. The IDO Zone Atlas Map did not reflect the most current platting action on the subject site.*

## **Issue 2:** Violation of IDO § 14-16-6-6(I)(3) Review and Decision Criteria

**Appellant’s Claim:** The development is not protecting views to and from the escarpment due to its adjacency to Major Public Open Space.

**Staff Response:** *The subject site is adjacent to MPOS to the south, across Rosa Parks Rd. Planning staff reviewed the Site Plan for compliance with Major Public Open Space Edge standards in IDO § 14-16-6-4(J) and Northwest Mesa View Protection Overlay zone standards in in § 14-16-3-6(E).*

*The subject site is not within the VPO-2 Height Restrictions Sub-area and is therefore not subject to Building and Structure Height standards in IDO § 14-16-3-6(E)(4). The Major Public Open Space that is northeast of the Rosa Parks Rd. and Kimmick Dr. intersection is adjacent to the Petroglyph National Monument; the MPOS adjacent to the subject site to the south is not. EPC found that this development does not impact views to and from the escarpment (Findings 7, 8. C., 10. A. & B., 12. B., 13. E., and 16-3).*

**Appellant’s Claim:** Major Public Open Space is inherently a cultural landscape.

**Staff Response:** *The La Cuentista Open Space property is a 60-acre site that is located diagonally across Rosa Parks and Kimmick Rd. from the subject site. It was recently acquired by the City Parks and Recreation Department. According to the Open Space Division and the [West Mesa Trails Plan](#)<sup>1</sup>, this Major Public Open Space has three functions:*

*1: conservation.*

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<sup>1</sup> West Mesa Trails Plan: <https://www.cabq.gov/parksandrecreation/documents/west-mesa-tmp-pre-final-rev-5-2024.pdf>

2: helping define the urban edge.

3: low impact recreation.

*Although the property is geologically and geographically connected to the Petroglyph National Monument, it is not a part of the Monument itself. The property is intended to create a buffer to help protect the Monument from new residential development in the area.*

*The EPC found that the subject site is adjacent to and within 330-feet of Major Public Open Space, which is contiguous with the Petroglyph National Monument, and that it responds appropriately to the natural setting and ecosystem of the adjacent Major Public Open Space (Finding #4). The EPC found that the Site Plan complies with applicable regulations, including IDO §14-16-5-2(J) (Major Public Open Space Edges) (Finding #8.C).*

**Appellant’s Claim:** The policy analysis specific to Finding 13.A., which states that the request is generally consistent with the Comprehensive Plan, is inadequate.

**Staff Response:** *EPC used its discretionary to review Planning staff’s analysis and adopted Finding #13.A.*

*In addition to reviewing the staff report, EPC took public comment and allowed cross examination at the public hearing on December 18, 2025.*

*EPC made its decision based on the full record, including the Staff Report with recommended findings, the applicant’s Presentation, written comments from the public received prior to the hearing, and public testimony.*

### **Issue 3: Inadequate Tribal Referrals**

**Appellant’s Claim:** The referrals to the Pueblos in this case were wholly inadequate. The referral communicated very little information about the applicant’s proposed Site Plan and obscured the given information by lumping together multiple unrelated projects.

**Staff Response:** *City staff is required to refer applications for comment to Indian Nations, Tribes, or Pueblos for development within 660 feet of Major Public Open Space pursuant to IDO 14-16-6-4(I)(8). Planning staff emailed a memo to each representative listed for all Indian Nations, Tribes, or Pueblos by the City’s Tribal Liaison on November 12, 2025 for the December 18, 2025 EPC Hearing. The memo lists each application that the City is required to refer to Indian Nations, Tribes, or Pueblos for comment and includes the type of application, the legal description, the staff planner, and a link to the full application in ABQ-PLAN, the City’s online application portal. See attached. The information provided for each case in the referral memo is identical to the information sent to all other commenting agencies as required by IDO § 14-16-6-4(I).*

**Appellant’s Claim:** “Each of those attachments was uploaded ten or more day after the December 1, 2025 deadline to provide comments,” and provides a screen shot of the attachments page in the portal.

**Staff Response:** *The applications materials for cases are posted on ABQ-PLAN at least 15 days prior to the hearing for commenting agencies to review. That is the standard practice for the City, and it was followed in this case.*

*The screenshot shown by Appellants shows the ABQ-PLAN portal as it currently is rather than as it was prior to the hearing. The application was uploaded as a PDF to ABQ-PLAN on November 6, 2025, and it remained publicly viewable there until December 11, 2025, at which point it was set to “Internal Only” view. See Attached. The Staff Report was uploaded to ABQ-PLAN on the same day, which is publicly viewable and contains a copy of the application. See attached.*

*It is standard practice for initial applications to be set to “Internal Only” view when the Staff Report is uploaded to avoid confusion because the application included within the Staff Report contains any clarifying updates or corrections were made to the application from the time it was first received by Planning Staff.*

#### **Issue 4:** Height Restrictions from Site Plan Approved in 2017

**Appellant’s Claim:** Finding #19 fails to provide evidence or rationale as to how the current application complies with the height restrictions of the site plan approved in 2017.

**Staff Response:** *The Site Development Plan for Subdivision approved by the Development Review Board in 2017 (1009082 / 17DRB-70109) was repealed on November 9, 2022 (PR-2022-001112, SI-2022-01875.<sup>2</sup>*

*The Site Plan reviewed by the EPC on December 18, 2025 was a new application, not subject to the repealed prior approval.*

*The EPC acknowledged the concerns in the 48-hour submission from Mr. Vorhees by including Finding #19 in the Notice of Decision. The finding states that staff reviewed the Site Plan for compliance with the IDO and was found to meet all building height requirements. Findings #7 and #14.A. clarify that the maximum building height in the MX-L zone district is 38 feet pursuant to IDO Table 5-1-2 and that the subject site is not within the boundaries of the VPO-2 Height Restrictions Sub-area.*

**Issue 5:** Finding #20 states that no comments were received from the Pueblos. This is not supported by the record.

**Appellant’s Claim:** The EPC disregarded the comments made by the Pueblos of Santa Clara, Laguna and Cochiti. The participation of the Pueblos is belied by the NOD being sent to participating parties, including the Pueblo of Santa Clara and the Pueblo of Laguna, co-appellants.

**Staff Response:** *City staff did not receive written comments prior to the EPC hearing on December 18, 2025 in response to the referral to commenting agencies, nor were 48-hour*

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<sup>2</sup> Notice of Decision: [https://dmdmaps.cabq.gov/DRB/PR-2022-007712/Notices%20of%20Decision/PR-2022-007712\\_November\\_9\\_2022%20-%20Notice%20of%20Decision.pdf](https://dmdmaps.cabq.gov/DRB/PR-2022-007712/Notices%20of%20Decision/PR-2022-007712_November_9_2022%20-%20Notice%20of%20Decision.pdf)

*comments submitted by any Tribe, Indian Nation, or Pueblo. The recommended findings were written prior to the hearing.*

*The Pueblos of Santa Clara, Laguna, and Cochiti all provided verbal comments on the record during the December 18, 2025 EPC hearing, which are included in the transcript of the hearing, as part of the record. The EPC considered all public comments during its deliberations.*

## **CONCLUSION**

In the December 18, 2025 Official Notice of Decision, the EPC found that the applicant adequately justified the Site Plan – EPC request based on 20 Findings and 11 Conditions of Approval. The EPC acted within its discretionary authority and voted to approve the request. The EPC carefully considered all relevant factors in arriving at its decision based on substantial evidence in the record. The appellant believes that the EPC decision was arbitrary, capricious, and made in error; however, the record contains substantial evidence that the EPC’s decision was neither arbitrary nor capricious and that the IDO regulations were applied correctly to the request.



/ Megan Jones /

Megan Jones, Principal Planner

City of Albuquerque Planning Department



/ William Steele /

William Steele, Senior Planner

City of Albuquerque Planning Department

SECOND JUDICIAL DISTRICT COURT  
COUNTY OF BERNALILLO  
STATE OF NEW MEXICO

WESTSIDE COALITION OF NEIGHBORHOOD ASSOCIATIONS  
and MICHAEL T. VOORHEES,

Appellants,

vs.

No: D-202-CV-2023-02637  
Judge: Nancy J. Franchini

CITY OF ALBUQUERQUE, a New Mexico municipal corporation,

Appellee,

and

CONSENSUS PLANNING, INC. agent(s) for JUBILEE DEVELOPMENT, LLC, and  
GROUP II U26 VC, LLC,

Interested Parties.

**ORDER ON MANDATE**

This case comes before the Court following the Mandate issued by the Court of Appeals in A-1-CA-41831 on November 24, 2025. The District Court hereby orders that this matter is remanded to Appellee City of Albuquerque for new site plan and site plan amendment evaluations under Appellee's current Integrated Development Ordinance, as set out and consistent with the Memorandum Opinion entered September 15, 2025, by the Court of Appeals, copy attached.

  
NANCY J. FRANCHINI  
DISTRICT COURT JUDGE

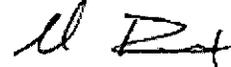
Corrections to this opinion/decision not affecting the outcome, at the Court's discretion, can occur up to the time of publication with NM Compilation Commission. The Court will ensure that the electronic version of this opinion/decision is updated accordingly in Odyssey.

1 **IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

2 **WESTSIDE COALITION OF**  
3 **NEIGHBORHOOD ASSOCIATIONS**  
4 **and MICHAEL T. VOORHEES,**

Court of Appeals of New Mexico

Filed 9/15/2025 12:21 PM



Mark Reynolds

5 Appellants-Appellants,

6 v.

**No. A-1-CA-41831**

7 **CITY OF ALBUQUERQUE,**  
8 **a New Mexico municipal corporation,**

9 Appellee-Appellee,

10 and

11 **CONSENSUS PLANNING, INC., agent(s)**  
12 **for JUBILEE DEVELOPMENT, LLC,**  
13 **and GROUP II U26 VC, LLC,**

14 Interested Parties.

15 **APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY**

16 **Nancy J. Franchini, District Court Judge**

17 Yntema Law Firm P.A.  
18 Hessel E. Yntema III  
19 Albuquerque, NM

20 for Appellants

21 **Atler Law Firm, P.C.**  
22 **Timothy J. Atler**  
23 **Jazmine J. Johnston**  
24 **Albuquerque, NM**

1 City of Albuquerque  
2 Lauren Keefe  
3 Devon P. King  
4 Andrew S. Coon  
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6 for Appellee

7 Resnick & Louis P.C.  
8 John S. Campbell  
9 Albuquerque, NM

10 for Interested Parties

11 **MEMORANDUM OPINION**

12 **WRAY, Judge.**

13 {1} Appellants Westside Coalition of Neighborhood Associations and Michael T.  
14 Voorhees (collectively, the Coalition) appeal the district court’s order affirming the  
15 decision of the City of Albuquerque (the City) to approve two applications from  
16 Consensus Planning, Inc., which represented the applicants Jubilee Development,  
17 LLC and Group II U26 VC, LLC (collectively, the Applicants). Because we  
18 conclude that substantial evidence in part does not support the City’s decision to  
19 approve the applications, we do not reach the Coalition’s process-related arguments.  
20 We affirm in part, reverse in part, and remand for a new hearing on the applications.

21 **BACKGROUND**

22 {2} Between 2015 and 2018, the City created the Integrated Development  
23 Ordinance (the Ordinance or the IDO). *See* Albuquerque, N.M., Code of Ordinances,

1 IDO ch. 14, art. 16, § 14-16-1 to -7-2 (2022).<sup>1</sup> The Ordinance incorporated City  
2 zoning regulations, use regulations, and development standards. *See* Alb. IDO ch.  
3 14, §§ 14-16-3 (zone districts); 14-16-14-3 (overlay zones); 14-16-4 (use  
4 regulations); 14-16-5 (development standards). The Ordinance also included  
5 provisions for implementing these substantive rules and outlined the roles and  
6 responsibilities of certain specialized decision-making bodies. *See* Alb. IDO ch. 14,  
7 § 14-16-6.

8 {3} At the time of the dispute in the present case, the relevant decision-making  
9 bodies included the City Council, City Staff, the Development Review Board (the  
10 DRB), the Environmental Planning Commission (the EPC), and a land use hearing  
11 officer (the hearing officer). The City Council was “the ultimate land use authority  
12 for the City,” but first referred “appeals of decisions by any lower authority” to a  
13 hearing officer for “hearing and recommendation.” *See* Alb. IDO ch. 14, § 14-16-6-  
14 2(A). The City Staff was comprised of the City Planning Department and other  
15 departments, “depending on the type of application involved and the delegation of  
16 responsibilities granted.” *See* Alb. IDO ch. 14, § 14-16-6-2(B)(1), (2). The DRB was

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<sup>1</sup>The district court and the parties cited the July 2021 Ordinance, as amended in July 2022, and it is to that Ordinance that we refer, unless otherwise noted with the 2025 update. It appears that the Ordinance and the processes described in this opinion have been substantially amended since the relevant time period. *Compare* Albuquerque, N.M. Code of Ordinances, IDO ch. 14, art. 16, § 14-16-6-1 (2025), *with* Albuquerque, N.M. Code of Ordinances, IDO ch. 14, art. 16 § 14-16-6-1 (July 2022).

1 “a board made up of staff members from City Departments and Agencies relevant  
2 to reviewing private development to ensure that technical standards, including but  
3 not limited to those regarding land use, zoning, infrastructure, and transportation,  
4 have been met.”<sup>2</sup> Alb. IDO ch. 14, § 14-16-6-2(D). The DRB had authority to make  
5 certain decisions, including approving certain site plan and preliminary plat  
6 applications. *See* Alb. IDO ch. 14, § 14-16-6-2(D)(2) (referring to the DRB’s  
7 responsibilities in Table 6-1-1); *see also* Alb. IDO ch. 14, § 14-16-6-1 (same).

8 {4} In September 2022, Applicants submitted applications to the DRB in relation  
9 to a proposed multifamily development, which requested three proposed actions: a  
10 site plan amendment, a new site plan, and a preliminary plat. *See* Alb. IDO ch. 14,  
11 § 14-16-6-1 (providing for DRB review). The DRB held two public meetings, voted  
12 to approve the applications, and issued a written notification. *See* Alb. IDO ch. 14,  
13 § 14-16-6-4(C) (providing for public meetings). According to the IDO, the  
14 preliminary plat approval was not a final decision. *See* Alb. IDO ch. 14, § 14-16-6-  
15 4(U)(1) (“A decision on any application type other than Preliminary Plat by any  
16 decision-making body shown in Table 6-1-1 is final unless appealed . . .”). For this  
17 reason, only the site plan and site plan amendment approvals were appealable  
18 decisions at that time, and the Coalition appealed those decisions to the City Council.

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<sup>2</sup>In the current IDO, the DRB no longer exists. *See* Alb. IDO ch. 14, § 14-16-6-1 (April 2025) (listing “Review and Decision-making Bodies” in the procedures table).

1 *See* Alb. IDO ch. 14, § 14-16-6-4(V)(1)(c)(1) (describing available appeals to the  
2 City Council); *see also* Alb. IDO ch. 14, § 14-16-6-1 (same). A land use hearing  
3 officer conducted a quasi-judicial hearing on the appeal under Alb. IDO ch. 14, § 14-  
4 16-6-4(V)(3)(d), and issued a written recommendation that the City Council deny  
5 the appeal, *see* Alb. IDO ch. 14, § 14-16-6-4(V)(3)(e)(1) (explaining the hearing  
6 officer process). The City Council voted to deny the appeal and as a result, approved  
7 the site plan and site plan amendment. *See* Alb. IDO ch. 14, § 14-16-6-4(V)(3)(e)(3)  
8 (explaining the City’s Council’s role on appeal).

9 {5} The Coalition again appealed, this time to the district court under Rule 1-074  
10 NMRA. In the district court, the Coalition challenged the substance of the DRB  
11 decision, the processes used to reach the decision, and whether one of the City  
12 Councilors should have recused from the decision. While the district court appeal  
13 was pending, Applicant requested and received approval of the final plat. The  
14 Coalition again appealed the final plat decision to the City Council. The hearing  
15 officer held a second quasi-judicial hearing and in the recommendation that  
16 followed, the hearing officer found that (1) the DRB did not have authority to  
17 approve the amended site plan or the preliminary plat; and (2) “[t]he amended site  
18 plan and the preliminary plat shall be revoked and the decision approving the final  
19 plat shall be reversed.” In light of the hearing officer’s second decision, the City  
20 Council voted unanimously “to accept the withdrawal by the Applicant” of the final

1 plat. The next day, the district court entered an order that rejected the Coalition's  
2 arguments relating to the site plan and amended site plan applications and affirmed  
3 the City Council's approval of the applications. The Coalition filed a motion for  
4 rehearing in the district court, based in part on the hearing officer's second decision,  
5 which the district court denied. The Coalition appealed.

## 6 **DISCUSSION**

7 {6} This appeal involves overlapping administrative processes, first for the  
8 original applications and later for the final plat. At this stage of the appeal, the  
9 overlapping proceedings implicate mootness and finality concerns, which the parties  
10 additionally tie to the question of whether the district court exercised appellate or  
11 original jurisdiction to consider the issues raised by the Coalition. We begin with  
12 these threshold issues before turning to the Coalition's arguments relating to (1) the  
13 substance of the City's decision about the site plan and site plan amendment  
14 applications and the district court's affirmance and (2) whether the processes  
15 employed by the City violated due process protections.

### 16 **I. Jurisdiction, Finality, and Mootness**

17 {7} To understand the parties' arguments related to finality and mootness, we  
18 briefly describe and determine the different sources of the district court's  
19 jurisdiction. In an administrative appeal, the district court may "simultaneously  
20 exercise its appellate and original jurisdiction." *Shook v. Governing Body of City of*

1 *Santa Fe*, 2023-NMCA-086, ¶ 9, 538 P.3d 466 (internal quotation marks and citation  
2 omitted). Our determination of the jurisdiction exercised by the district court is  
3 reviewed de novo. *Ottino v. Ottino*, 2001-NMCA-012, ¶ 6, 130 N.M. 168, 21 P.3d  
4 37. When the district court exercises its appellate jurisdiction, this Court’s review  
5 under Rule 12-505 NMRA is triggered, and our review is discretionary, because  
6 “there is no right to a further appeal in this Court . . . .” *Shook*, 2023-NMCA-086,  
7 ¶ 10 (internal quotation marks and citation omitted). But if the district court  
8 exercised its original jurisdiction, “an aggrieved party has a right to appeal to this  
9 Court by filing a timely notice of appeal in the district court and a timely docketing  
10 statement in this Court.” *Id.* (internal quotation marks and citation omitted). The key  
11 indicator of appellate jurisdiction over an administrative appeal in the district court  
12 “is whether the scope of the administrative agency’s statutory authority encompasses  
13 the issue raised by the appellant.” *Id.* ¶ 14.

14 {8} In the present case, the district court exercised original jurisdiction over the  
15 Coalition’s due process arguments, which include whether (1) the DRB was required  
16 to hold a quasi-judicial hearing; and (2) the issue of the councilor’s recusal. Although  
17 the IDO demands that the City Council comply with the New Mexico Constitution,  
18 to invoke the district court’s appellate jurisdiction, the agency’s authority must  
19 “include[] the authority for the administrative agency to evaluate the  
20 constitutionality of the process that the administrative agency is itself providing or

1 has provided.” *See id.* ¶ 16; *see also id.* ¶ 15 (determining that a statute “simply  
2 requir[ing] the [administrative agency] to hold a public hearing, provide interested  
3 parties an opportunity to be heard, and give interested parties particular notice,” was  
4 not enough to authorize the agency to review due process claims). Contrary to the  
5 City’s argument, the IDO does not explicitly mandate or permit the City Council “to  
6 evaluate the constitutionality of its own actions.” *See id.* ¶ 18; § 14-16-6-  
7 4(N)(4)(b), (V)(4). Because the City Council was not granted the authority to review  
8 the Coalition’s due process arguments, the district court acted in its original  
9 jurisdiction in addressing those arguments.<sup>3</sup>

10 {9} To decide the remaining issues, the district court exercised its appellate  
11 jurisdiction. The IDO explicitly authorized the City Council to review and evaluate  
12 the Coalition’s arguments regarding the DRB’s decision to approve the site plan and  
13 site plan amendment applications and the scope of the DRB’s authority. *See* § 14-  
14 16-6-4(V)(4) (outlining the “criteria for review of an appeal”). The City contends  
15 that because the Coalition did not file a petition for certiorari under Rule 12-505(D),

---

<sup>3</sup>The City also contends that because the Coalition did not file a declaratory judgment complaint, the district court’s original jurisdiction was not “specifically” invoked, but offers no authority that this procedure is required. *Cf. Maso v. N.M. Tax’n & Revenue Dep’t*, 2004-NMCA-025, ¶ 17, 135 N.M. 152, 85 P.3d 276 (encouraging appellants in driver’s license revocations to file only an appeal of the administrative action, as opposed to an appeal and a petition for a writ to address original jurisdiction matters, “[i]n the interest of judicial economy and to avoid a multiplicity of lawsuits”).

1 we should decline to review the issues decided under the district court's appellate  
2 jurisdiction. This Court, however, may generally construe a docketing statement,  
3 filed within the timeframes required under Rule 12-505, as a nonconforming petition  
4 for certiorari. *See Wakeland v. N.M. Dep't of Workforce Sols.*, 2012-NMCA-021,  
5 ¶¶ 17-18, 274 P.3d 766. The Coalition's docketing statement was timely, *see* Rule  
6 12-505(C), and "substantially complie[d]" with the requirements of Rule 12-505(D).  
7 *See Wakeland*, 2012-NMCA-021, ¶ 16 (construing a docketing statement "liberally"  
8 for the purposes of this analysis). As a result, these issues implicated the district  
9 court's appellate jurisdiction and are properly before us under Rule 12-505. We  
10 therefore exercise our discretion to review the issues under Rule 12-505(D)(2)(ii)  
11 (allowing for review when a final decision is in conflict with an ordinance).

12 {10} The Coalition argues that the district court did not have appellate jurisdiction  
13 because the City's decision to approve the site plan and site plan amendment was  
14 not final. *See* NMSA 1978, § 39-3-1.1(D) (1999) (providing for the district court's  
15 jurisdiction over final decisions). Specifically, the Coalition points to the pending  
16 final plat decision and the hearing officer's second recommendation and argues that  
17 the City's decisions were not final because the substantive issues the Coalition raised  
18 on appeal in the district court were "factually and legally entwined" with the ongoing  
19 final plat proceeding. The City agrees that because the approval for the preliminary

1 plat was not final, the district court did not have appellate jurisdiction over the  
2 Coalition's appeal.

3 {11} The determination of whether an administrative decision was final is made  
4 according to the law regarding the finality of decisions by the district courts. Section  
5 39-3-1.1(D). In that context, a decision is generally final if "all issues of law and fact  
6 have been determined." *Kelly Inn No. 102, Inc. v. Kapnison*, 1992-NMSC-005, ¶ 14,  
7 113 N.M. 231, 824 P.2d 1033 (internal quotation marks and citation omitted). As a  
8 result, our inquiry is whether all issues of law and fact had been determined as to the  
9 site plan and site plan amendment applications. No party has pointed to any portion  
10 of the IDO or any other law that explains how a site plan and a preliminary or final  
11 plat relate to each other. Nor has any party explained how the second hearing  
12 officer's recommendation to reject the final plat impacts the already-approved site  
13 plan and site plan amendment applications.<sup>4</sup> Absent some explanation from the  
14 parties about how the site plan and site plan amendments interact with the plat  
15 decisions, we decline to accept the City's invitation to determine, "as a practical  
16 matter," *see* § 39-3-1.1(H)(2), that the City's approvals of the site plan and site plan  
17 amendments were nonfinal decisions—particularly in light of the IDO's provision

---

<sup>4</sup> The City focuses on the interconnectedness of the final plat and the preliminary plat and argues that the withdrawal of the final plat necessarily impacts the approval of the preliminary plat. This is undoubtedly so, but the preliminary plat was never final and is not before us. Therefore, we decline to review it.

1 that all decisions on applications, except the preliminary plat, are final and  
2 appealable. *See* Alb. IDO ch. 14, § 14-16-6-4(U)(1); *cf. Citizen Action N.M. v. N.M.*  
3 *Env't Dep't*, 2015-NMCA-058, ¶ 17, 350 P.3d 1178 (noting that the “final  
4 administrative action” was not defined in the statute governing appeals from the  
5 particular administrative action, and “[t]herefore, . . . determin[ing] finality based on  
6 pragmatic consideration of the matters at issue and analysis of whether the  
7 administrative body has in fact finally resolved the issues” (internal quotation marks  
8 and citation omitted)). The City approved the site plan and site plan amendment  
9 applications and on this record, completely determined all issues of law and fact as  
10 to those applications. The decision was therefore final and appealable.

11 {12} The City argues that the district court’s decision and this appeal are  
12 nevertheless moot as a result of the second hearing officer’s recommendation. “As  
13 a general matter a case is moot when no actual controversy exists and the court  
14 cannot grant relief to the parties.” *McAneny v. Catechis*, 2023-NMCA-055, ¶ 24, 534  
15 P.3d 1007. The City argues that because Applicant withdrew the final plat  
16 application after the second hearing officer recommendation, the preliminary plat  
17 approval has expired, which in turn has eliminated the actual controversy and  
18 eliminated the available relief on appeal. The Coalition maintains that the  
19 withdrawal had no such effect because Applicant received an extension for the  
20 preliminary plat approval. We agree with the Coalition that the issues are not moot.

1 The hearing officer does not make final decisions, but instead makes  
2 recommendations to the City Council to either “affirm, reverse, or otherwise modify  
3 the lower decision to bring it into compliance with the standards and criteria of this  
4 IDO, applicable City regulation, and any prior approvals related to the subject  
5 property.” Alb. IDO ch. 14, § 14-16-6-4(V)(3)(d)(5). The City Council then makes  
6 the final decision by either accepting or rejecting the hearing officer’s  
7 recommendation. Alb. IDO ch. 14, § 14-16-6-4(V)(3)(e). According to the hearing  
8 officer’s second recommendation, the final plat was approved, and our record does  
9 not show that the City Council made a final decision to accept or reject the second  
10 hearing officer recommendation to reverse the approval. The parties have attempted  
11 to represent to this Court what has happened since the second hearing officer  
12 decision, but such matters are outside the record on appeal and no party requests, or  
13 establishes a basis for, judicial notice. *See State v. Garcia*, 2023-NMCA-010, ¶¶ 25-  
14 26, 523 P.3d 650 (describing the process for judicial notice on appeal of other  
15 proceedings). As a result, despite the various actions that the parties have taken since  
16 the district court’s decision, our record does not support the City’s assertion that  
17 subsequent actions have mooted the present appeal.

18 **II. The Decision to Approve the Applications**

19 {13} The Coalition argues that the City’s decision to approve the site plan and site  
20 plan amendment applications must be reversed because (1) the decision is not

1 supported by the evidence, is contrary to law, and is arbitrary and capricious; and  
2 (2) the process the City used to approve the applications violated due process  
3 protections. We employ the same standard of review as the district court, which  
4 “may reverse an administrative decision only if it determines that the administrative  
5 entity . . . acted fraudulently, arbitrarily, or capriciously; if the decision was not  
6 supported by substantial evidence in the whole record; or if the [c]ity did not act in  
7 accordance with the law.” *Gallup Westside Dev., LLC v. City of Gallup*, 2004-  
8 NMCA-010, ¶ 10, 135 N.M. 30, 84 P.3d 78. As we explain, (1) we determine that  
9 substantial evidence did not support part of the City’s decision; and (2) based on that  
10 determination, we need not address the Coalition’s due process arguments. Because  
11 we reverse the City’s decision, we do not consider the Coalition’s additional  
12 argument that after the second hearing officer’s recommendation, the district court  
13 should have either reconsidered its disposition of the Coalition’s appeal or remanded  
14 the application to the City to reconsider.

15 **A. The City’s Decision and the District Court’s Affirmance**

16 {14} The Coalition argues that the DRB and City Council’s decision to approve the  
17 amended and new site plans was not supported by substantial evidence. The  
18 arguments relate to the requirements set forth in the IDO for reviewing applications  
19 under a variety of circumstances, including two categories of site plans. *See* Alb.  
20 IDO ch. 14, § 14-16-6-1 (referring to Site Plan—DRB and Site Plan—EPC). In the

1 present case, Applicant checked “Site Plan-DRB” on the application and that is the  
2 review that occurred. At the time of the applications, for a Site Plan-DRB, the DRB  
3 made the approval decision based on the application’s technical compliance with the  
4 IDO, after a public meeting, and after that decision, a quasi-judicial hearing occurred  
5 only if an appeal was taken to the City Council. *See id.*; Alb. IDO ch. 14, § 14-16-  
6 6-6(I)(3). The Coalition argues in part that the location of the proposed development  
7 implicated different procedures and requirements.

8 {15} The Coalition’s arguments specifically relate to whether the lot was adjacent  
9 to the La Cuentista Major Public Open Space (MPOS) and whether the lot was  
10 within the Northwest Mesa Escarpment View Protection Overlay Zone (VPO-2). At  
11 the time of the applications, in relevant part, Alb. IDO ch. 14, Section 14-16-5-  
12 2(J)(2)(b)(9) required, that for lots greater than five acres and were adjacent to an  
13 MPOS, that applicants submit a “Site Plan-EPC,” which was subject to additional  
14 requirements. For a Site Plan-EPC, the EPC was required to review the application  
15 for technical compliance as well as more broadly for consistency with the  
16 Albuquerque and Bernalillo County Comprehensive Plan, and the decision was  
17 made after a quasi-judicial hearing. *See* Alb. IDO ch. 14, §§ 14-16-6-1; 14-16-6-  
18 6(J)(3). Different requirements also applied to the area designated as VPO-2,  
19 including standards for building and structure height, colors, reflectivity, and roof-

1 mounted equipment. *See* Alb. IDO ch. 14, § 14-16-3-6(E).<sup>5</sup> The Coalition contends  
2 that the proposed development was adjacent to the MPOS and within the VPO-2  
3 area with greater height restrictions, Applicant did not satisfy the additional  
4 requirements, and therefore substantial evidence did not support the City’s decision  
5 to approve the site plan and site plan amendment applications.

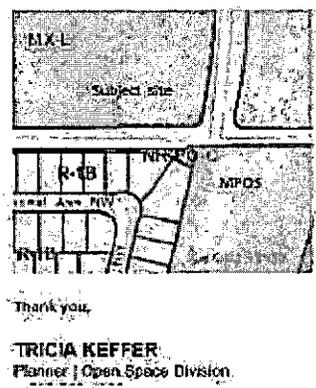
6 {16} The City and Applicant argue that the Coalition did not preserve these  
7 arguments in the DRB, before the hearing officer, or in the City Council. We agree  
8 that these arguments were not presented in the administrative process, though the  
9 matter of adjacency was apparently considered by the DRB. Nevertheless, we may  
10 review substantial evidence arguments that were not raised before the administrative  
11 body but were raised in the district court and in this Court. *See 2727 San Pedro LLC*  
12 *v. Bernalillo Cnty. Assessor*, 2017-NMCA-008, ¶ 13, 389 P.3d 287 (determining that  
13 a prior version of Rule 12-321 NMRA “is limited in the context of administrative  
14 hearings” when the question on appeal is substantial evidence); *see also Dick v. City*  
15 *of Portales*, 1994-NMSC-092, ¶ 5, 118 N.M. 541, 883 P.2d 127 (holding that  
16 substantial evidence arguments “may be reviewed despite appellant’s failure to  
17 formally preserve error at” a quasi-judicial administrative hearing (emphasis

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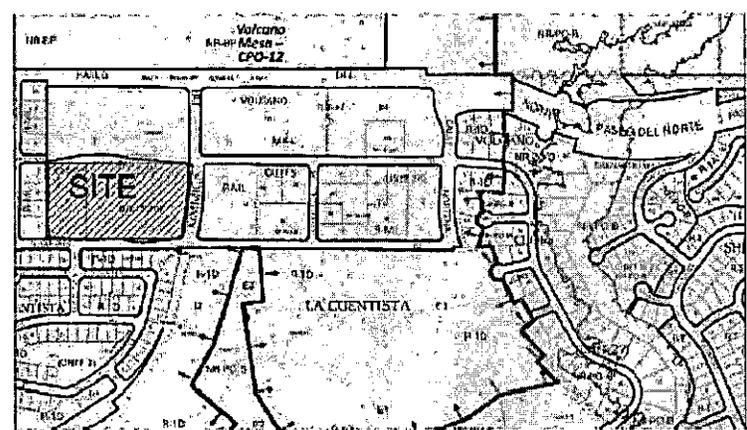
<sup>5</sup>The Coalition’s recusal argument relates to a City councilor’s efforts to amend this provision. We reiterate that we rely on the version of the Ordinance, Alb. IDO ch. 14, § 14-16-3-6(E), that was in effect at the time of the applications, which does not include the amended language that was the subject of the recusal dispute.

1 omitted)). Therefore, we consider the evidence supporting the City’s decision to  
2 approve the site plan and site plan amendment, first with respect to adjacency and  
3 second, regarding the VPO-2.

4 {17} The evidence showed that the proposed development site was adjacent to the  
5 MPOS. The IDO defines “adjacent” properties as those “that are abutting or  
6 separated only by a street, alley, trail, or utility easement, whether public or private.”  
7 Alb. IDO ch. 14, § 14-16-7-1. The parties do not dispute that in July 2022, the City  
8 changed the zoning for the MPOS and expanded the boundary for the area (shown  
9 below left, Updated map) or that the DRB considered an outdated map in its  
10 evaluation of Applicant’s September 2022 applications (shown below right,  
11 Outdated map).



12 (the Updated map)



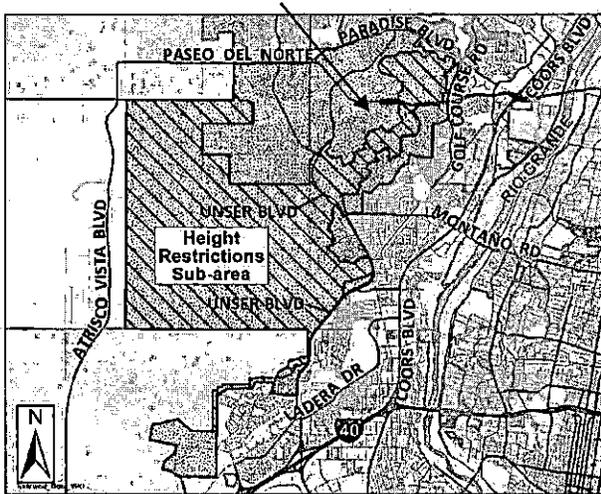
13 (the Outdated map)

13 The Updated map shows the “Subject site” in brown in the upper left corner and the  
14 MPOS designation in green in the lower right corner. In the Outdated map, the site

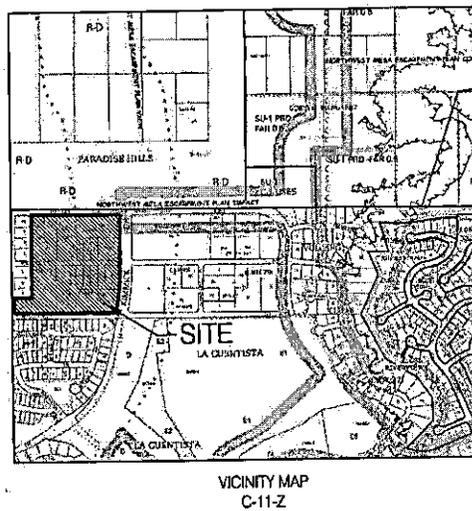
1 is marked by the word "SITE" and a blue rectangle, and the MPOS area is *inside* the  
2 red lines that show arrows pointing outward. The City contends that the DRB knew  
3 about the zoning change, considered the correct boundaries, and nevertheless  
4 concluded that because the property was "located diagonally" from the MPOS, it  
5 was not "adjacent." The IDO, however, requires that to be adjacent, the properties  
6 abut or be separated by a street. *Id.* The Updated map shows that the proposed  
7 development property and the MPOS were separated by a street and not an  
8 intersection. *See Elephant Butte Irrigation Dist. v. N.M. Water Quality Control*  
9 *Comm'n*, 2022-NMCA-045, ¶ 15, 516 P.3d 231 ("Substantial evidence requires that  
10 there is evidence that is credible in light of the whole record and that is sufficient for  
11 a reasonable mind to accept as adequate to support the conclusion reached by the  
12 agency." (internal quotation marks and citation omitted)). Accordingly, we reverse  
13 and remand, because the properties were adjacent, and the corresponding  
14 requirements and processes applied to the site plan and site plan amendment  
15 applications.

16 {18} We reach the opposite conclusion and affirm with respect to the height  
17 restrictions in the VPO-2 area. The Coalition contends that the VPO-2 map included  
18 in Alb. IDO ch. 14, Section 14-16-3-6(E) suggests that "the VPO-2 boundary may  
19 cross the [a]pplication [s]ite's boundary," Applicant provided no documentation to  
20 show that the development was not in the VPO-2 area, and the DRB did not

1 “determine on the record that the [a]pplication [s]ite was or was not within . . . VPO-  
2 height limitations.” The IDO sets out the VPO-2 area in the map below on the left  
3 (the IDO map) and the parties point us to a second map (the Orientation map) in  
4 order to orient the site plan within the VPO-2 designation—the site outlined in bold  
5 on the Orientation map aligns with the arrow that we have inserted on the IDO map.



6 (the IDO Map)



7 (the Orientation map)

8 See Alb. IDO ch. 14, § 14-16-3-6(E)(1) (the IDO map). According to the IDO map,  
9 the hash-marked area represents the “Height Restrictions Sub-area.” While many of  
10 the standards in Alb. IDO ch. 14, § 14-16-3-6(E) applied to the entire VPO-2 mapped  
11 area (the dotted area on the IDO map), the building and structure height standards  
12 applied only to a the “Height Restrictions Sub-area.” See Alb. IDO ch. 14, § 14-16-  
13 3-6(E)(3). Based on these maps, we conclude that substantial evidence supports a  
14 determination that the proposed development site was not within the VPO-2 “Height  
Restrictions Sub-area” and the additional building and structure height standards

1 therefore did not apply. *See Elephant Butte Irrigation Dist.*, 2022-NMCA-045, ¶ 15  
2 (explaining that substantial evidence, “is evidence demonstrating the reasonableness  
3 of an agency’s decision, and we neither reweigh the evidence nor replace the fact-  
4 finder’s conclusion with our own” (alteration, internal quotation marks, and citation  
5 omitted)); *see also Montano v. N.M. Real Est. Appraiser’s Bd.*, 2009-NMCA-009,  
6 ¶ 8, 145 N.M. 494, 200 P.3d 544 (“We will not disturb the agency’s factual findings  
7 if supported by substantial evidence.”).

8 {19} For these reasons, we affirm in part and reverse in part the City’s approval of  
9 the site plan and site plan amendment applications.

10 **B. Due Process: Quasi-judicial Hearing and Recusal**

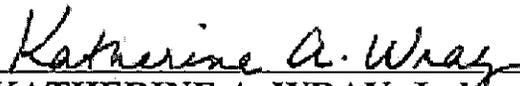
11 {20} The Coalition also argues that the City violated due process protections  
12 because (1) a quasi-judicial hearing was required in the first instance—at the DRB  
13 stage; and (2) the City should have held a hearing about whether a City councilor  
14 should have recused from the application decisions. As to the first argument, the  
15 IDO has been amended since the first approval process and the DRB no longer plays  
16 a role in the approval process for site plans and the initial decision in the EPC appears  
17 to be made after a quasi-judicial hearing. *See Alb. IDO ch. 14, §14-16-6-1* (April  
18 2025). Because we are remanding for new site plan and site plan amendment  
19 evaluations, and the proceedings will take place under the current IDO, we decline  
20 to address the prior procedures. *See Alb. IDO ch. 14, §§ 14-16-1-4(A)(1)* (April

1 2025); 14-16-1-10(A)(3) (April 2025). Similarly, because the Coalition's argument  
2 on appeal is that the City Council should have held a hearing on the recusal request  
3 and we are remanding for new proceedings, we decline to address the procedure  
4 employed by the City relating to those specific circumstances.

5 **CONCLUSION**

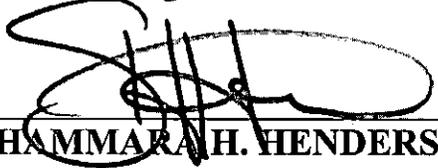
6 {21} We affirm in part and reverse in part the City's approval of the amended site  
7 plan and new site plan applications.

8 {22} **IT IS SO ORDERED.**

9   
10 KATHERINE A. WRAY, Judge

11 **WE CONCUR:**

12   
13 ZACHARY A. IVES, Judge

14   
15 SHAMMARA H. HENDERSON, Judge

---

**RE: Formal Withdrawal PR\_2022\_007712 Site Plan DFT**

---

**From** Aranda, James <jmaranda@cabq.gov>  
**Date** Mon 11/3/2025 12:16 PM  
**To** Varela, Alan M. <avarela@cabq.gov>  
**Cc** Renz-Whitmore, Mikaela J. <mrenz-whitmore@cabq.gov>; Jones, Megan D. <mdjones@cabq.gov>; Rodenbeck, Jay B. <jrodenbeck@cabq.gov>

Thank you for the update Boss! I have looped in Mikaela, Megan, and Jay so they are aware of the formal withdrawal notification as well.

JMA

**JAMES M. ARANDA, MCRP**

deputy director

o:505-924-3361

[jmaranda@cabq.gov](mailto:jmaranda@cabq.gov)

[cabq.gov/planning](https://cabq.gov/planning)

Our POSSE and AVOLVE systems have been replaced with our new software system, ABQ-PLAN. POSSE and AVOLVE users can create an ABQ-PLAN account with the same email address to access their data. We have a [user guide](#), [video tutorials in English and Spanish](#), and other resources to help you get up to speed. For more information about ABQ-PLAN please visit [cabq.gov/planning/abq-plan](https://cabq.gov/planning/abq-plan)

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**From:** Varela, Alan M. <avarela@cabq.gov>  
**Sent:** Monday, November 3, 2025 12:11 PM  
**To:** Aranda, James <jmaranda@cabq.gov>  
**Subject:** FW: Formal Withdrawal PR\_2022\_007712 Site Plan DFT

James,  
FYI, thank you,  
Alan

---

**From:** Angela Piarowski <[angela@modulusarchitects.com](mailto:angela@modulusarchitects.com)>  
**Sent:** Monday, November 3, 2025 10:55 AM  
**To:** Varela, Alan M. <[avarela@cabq.gov](mailto:avarela@cabq.gov)>; Renz-Whitmore, Mikaela J. <[mrenz-whitmore@cabq.gov](mailto:mrenz-whitmore@cabq.gov)>  
**Cc:** Aleem Hasham <[aleemhasham@gmail.com](mailto:aleemhasham@gmail.com)>; Jaymini <[jayminih@yahoo.com](mailto:jayminih@yahoo.com)>; Regina Okoye <[rokoye@modulusarchitects.com](mailto:rokoye@modulusarchitects.com)>; Brydie Clark <[brydie@modulusarchitects.com](mailto:brydie@modulusarchitects.com)>; Stephen Dunbar <[sdunbar@modulusarchitects.com](mailto:sdunbar@modulusarchitects.com)>; Jack Campbell <[jcampbell@rlattorneys.com](mailto:jcampbell@rlattorneys.com)>  
**Subject:** Formal Withdrawal PR\_2022\_007712 Site Plan DFT

This message came from outside your organization.

Good morning Mr. Varela,

This correspondence pertains to **PR-2022-007712**, for which a **Site Plan** was approved and signed by the Development Facilitation Team (DFT) on **March 5, 2024**. Modulus Architects and Land Use Planning, as the **legally authorized agent** representing the new property owner, **Jubilee Development, LLC**, is formally submitting this request to **withdraw the approved Site Plan**. This withdrawal applies **solely to that specific Site Plan approval** and does not affect any other existing or future applications related to the property. Any future applications for the site will be treated as **new applications** and will proceed under the **current provisions of the Integrated Development Ordinance (IDO)**.

All my best,

**Angela Piarowski**

**Angela M. Piarowski, CEO/Managing Partner**

**Modulus Architects & Land Use Planning**

8220 San Pedro Dr. NE, Suite 520 (Paseo Nuevo Building)

Albuquerque, New Mexico 87113

Office: (505) 338.1499 ext. 1000

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**Email:** [angela@modulusarchitects.com](mailto:angela@modulusarchitects.com)

**Meet Modulus Link Here:** [Meet Modulus Architects & Land Use Planning Here!](#)

**Website:** [www.modulusarchitects.com](http://www.modulusarchitects.com)

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**Find me on LinkedIn:** [Angela LinkedIn Profile](#)

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**CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT**

**INTER-OFFICE MEMORANDUM**

TO:

**ALL PUEBLO COUNCIL OF  
GOVERNORS  
FORT SILL APACHE TRIBE  
JICARILLA APACHE NATION  
MESCALERO APACHE TRIBE  
NAVAJO NATION  
OHKAY OWINGEH  
PUEBLO OF ACOMA  
PUEBLO OF COCHITI  
PUEBLO OF ISLETA  
PUEBLO OF JEMEZ  
PUEBLO OF LAGUNA  
PUEBLO OF NAMBE  
PUEBLO OF PICURIS**

**PUEBLO OF POJOAQUE  
PUEBLO OF SAN FELIPE  
PUEBLO OF SAN ILDEFONSO  
PUEBLO OF SANDIA  
PUEBLO OF SANTA ANA  
PUEBLO OF SANTA CLARA  
PUEBLO OF SANTO DOMINGO  
PUEBLO OF TAOS  
PUEBLO OF TESUQUE  
PUEBLO OF ZIA  
PUEBLO OF ZUNI  
TO'HAJIILEE' NAVAJO CHAPTER  
YSLETA DEL SUR**

FROM: Mikaela Renz-Whitmore, Urban Design and Development Division, Planning Department

DATE: November 12, 2025

SUBJECT: ENVIRONMENTAL PLANNING COMMISSION CASE DISTRIBUTION

The City of Albuquerque respectfully requests agency comments for the development review case below, which is within an area that requires referral for tribal engagement pursuant to the Integrated Development Ordinance §14-16-6-4(I).

Below are the legal descriptions for the cases scheduled for public hearing before the Environmental Planning Commission on **Thursday, December 18, 2025**.

Each case link will take you to the application materials in ABQ-PLAN. You can review the documents under the "Attachments" section.

Please direct questions to the case planner noted below and available by email: [PlanningEPC@cabq.gov](mailto:PlanningEPC@cabq.gov)

**All comments are due by December 1, 2025.**

**SUBMIT COMMENTS TO: <https://cabq.gov/epc-agency-comment>**

(Please submit comments via the above Agency Comment Portal link, not as email submittals.)

**Project # [SP-2025-00093](#)**

Site Plan – EPC, Major Amendment

Modulus Architects & Land Use Planning, agent for Jubilee Developments LLC requests a Site Plan EPC, for all or a portion of Tract 1-A and Tract 1-B, Block 2 of Volcano Cliffs Subdivision, Unit 26 (a replat of Tract 1, Block 2 and Lot 5, Block 6 Volcano Cliffs Subdivision, Unit 26), located at 99999 Paseo del Norte, between Paseo del Norte NW and Kimmick Dr NW, approximately 9.5477 acres

(C-11)

Staff Planner: William Steele

**Project # [SP-2025-00092](#)**

Site Plan – EPC, Major Amendment

Dekker, Ltd., agent for Coreslab Structures (Albuquerque) Inc., requests a Site Plan EPC, Major Amendment, for all or a portion of Tract B, Plat of Tracts A, B, & C Lands of Atchison Topeka & Santa Fe Railway Co & Lands of Hydro Conduit Corp, Located at 2800 2<sup>nd</sup> St SW, between 2<sup>nd</sup> Street and Broadway Blvd. SE, approximately 23 acres.

(M-14)

Staff Planner: Catherine Heyne

**Project # [VA-2025-00167](#)**

Variance - EPC

Dekker, Ltd., agent for Coreslab Structures (Albuquerque) Inc., requests a Variance - EPC, for all or a portion of Tract B, Plat of TRS A, B, & C Lands of Atchison Topeka & Santa Fe Railway Co & Lands of Hydro Conduit Corp, Located at 2800 2<sup>nd</sup> St SW, between 2<sup>nd</sup> Street and Broadway Blvd. SE, approximately 23 acres.

(M-14)

Staff Planner: Catherine Heyne

# Excerpt of ABQ-PLAN History for SP-2025-00093

**PRODUCTION ENVIRONMENT**

SP.2025.00093 (99999 PASEO DEL NORTE NW Albuquerque, NM 87120)

NEW PLAN

- Summary
- Details
- Location
- Additional Info
- Workflow
- Linked Records
- Holds
- Contacts (2)
- Fees (5)
- Bonds
- Activities
- Files (18)
- Print Documents
- Conditions
- Tasks
- Internal Notes

**History**

Changed On ↓	User	Description	Before	After	Additional Info
11/06/2025 10:23:00 AM	OKOYE, REGINA	EProjectFileVersion uploaded from online			Project File Version (Proposed Site Plan-2025-11-06-08 - Full EPC Drawing Set_v1.pdf)
11/06/2025 10:33:00 AM	OKOYE, REGINA	EProjectFileVersion uploaded from online			Project File Version (Archaeological Certificate 2025-11-06-02 - Archeological Certificate_v1.pdf)
11/06/2025 10:33:00 AM	OKOYE, REGINA	EProjectFileVersion uploaded from online			Project File Version (Zone Atlas Map-2025-11-06-IDOZoneAtlasPage_C 11 Z_v1.pdf)
11/06/2025 10:33:00 AM	OKOYE, REGINA	EProjectFileVersion uploaded from online			Project File Version (Sensitive Land Site Analysis 2025-11-06-09 - Sensitive Lands Analysis_Preliminary Platting Action_P R_2022_007712_v1.pdf)
11/06/2025 10:33:00 AM	OKOYE, REGINA	EProjectFileVersion uploaded from online			Project File Version (Traffic Scoping Form-2025-11-06-03 - TrafficScopingForm_Rosa Parks and Kimmick Multi-family_v1.pdf)
11/06/2025 10:33:00 AM	OKOYE, REGINA	EProjectFileVersion uploaded from online			Project File Version (Public Notice to Property Owners-2025-11-06-Full ONC and PO Package_v1.pdf)
11/06/2025 10:33:00 AM	OKOYE, REGINA	EProjectFileVersion uploaded from online			Project File Version (Sign Posting Agreement-2025-11-06-05 - EPC Sign Posting Agreement_v1.pdf)
11/06/2025 10:33:00 AM	OKOYE, REGINA	EProjectFileVersion uploaded from online			Project File Version (Public Notice to Neighborhood Associations-2025-11-06-Full ONC Package - Email_v1.pdf)
11/06/2025 10:33:00 AM	OKOYE, REGINA	EProjectFileVersion uploaded from online			Project File Version (Letter of Authorization from Property Owner-2025-11-06-01 - Signed Agent Authorization Letter_v1.pdf)
11/06/2025 10:33:00 AM	OKOYE, REGINA	EProjectFileVersion uploaded from online			Project File Version (Justification Letter-2025-11-06-Policy Analysis & Justification Summary_v1.pdf)
11/06/2025 10:33:00 AM	OKOYE, REGINA	System Generated Review new files task added (Review Coordinator)			Task Assigned To Team UDD - Current (Review Coordinator)
11/06/2025 10:33:00 AM	OKOYE, REGINA	eReviews Project added			Plan eReviews Project folder ERPROJ-048711
11/06/2025 10:33:00 AM	OKOYE, REGINA	Plan added			Plan (SP-2025-00093)

# Excerpt of ABQ-PLAN History for SP-2025-00093

**PRODUCTION ENVIRONMENT**

SP-2025-00093 (99999 PASEO DEL NORTE NW Albuquerque, NM 87120)

NEW PLAN

- Summary
- Details
- Location
- Additional Info
- Workflow
- Linked Records
- Holds
- Contacts (2)
- Fees (5)
- Bonds
- Activities
- Files (18)
- Print Documents
- Conditions
- Tasks
- Internal Notes

**History**

Changed On ↓	User	Description	Before	After	Additional Info
12/11/2025 03:30:41 PM	Maher, Nichole	Completed	No	Yes	Plan (SP-2025-00093)
12/11/2025 03:30:41 PM	Maher, Nichole	Plan Status	In Review	Active	Plan (SP-2025-00093)
12/11/2025 03:30:33 PM	Maher, Nichole	AttachmentGroupID	Available Online	Internal Only	Attachment (Public Notice to Property Owners-2025-11-06-Full ONC and PO Package_v1.pdf)
12/11/2025 03:30:33 PM	Maher, Nichole	AttachmentGroupID	Available Online	Internal Only	Attachment (Archaeological Certificate-2025-11-06-02 - Archeological Cert_v1.pdf)
12/11/2025 03:30:33 PM	Maher, Nichole	AttachmentGroupID	Available Online	Internal Only	Attachment (Sensitive Land Site Analysis-2025-11-06-09 - Sensitive Lands Analysis_Preliminary Platting Action_PR_2022_007712_v1.pdf)
12/11/2025 03:30:33 PM	Maher, Nichole	Attachment added			Attachment (Agenda_2_PR-2022-007712_SP-202500093_Paseo&Kimmick_Site_Plan-EPC.pdf)
12/11/2025 03:30:33 PM	Maher, Nichole	AttachmentGroupID	Available Online	Internal Only	Attachment (Sign Posting Agreement-2025-11-06-05 - EPC Sign Posting Agreement_v1.pdf)
12/11/2025 03:30:33 PM	Maher, Nichole	AttachmentGroupID	Available Online	Internal Only	Attachment (Proposed Site Plan-2025-11-06-08 - Full EPC Drawing Set_v1.pdf)
12/11/2025 03:30:33 PM	Maher, Nichole	AttachmentGroupID	Available Online	Internal Only	Attachment (Justification Letter-2025-11-06-Policy Analysis & Justification Summary_v1.pdf)
12/11/2025 03:30:33 PM	Maher, Nichole	AttachmentGroupID	Available Online	Internal Only	Attachment (Letter of Authorization from Property Owner-2025-11-06-01 - Signed Agent Authorization Letter_v1.pdf)
12/11/2025 03:30:33 PM	Maher, Nichole	AttachmentGroupID	Available Online	Internal Only	Attachment (Traffic Scoping Form-2025-11-06-03 - TrafficScopingForm_Rosa Parks and Kimmick Multi-family_v1.pdf)
12/11/2025 03:30:33 PM	Maher, Nichole	AttachmentGroupID	Available Online	Internal Only	Attachment (Public Notice to Neighborhood Associations-2025-11-06-Full ONC Package - Email_v1.pdf)
12/11/2025 03:30:33 PM	Maher, Nichole	AttachmentGroupID	Available Online	Internal Only	Attachment (Prior Approved Site Plan 2025-11-06-07 - Site Plan Checklist_v1.pdf)
12/11/2025 03:30:33 PM	Maher, Nichole	AttachmentGroupID	[none]	Internal Only	Attachment (Signature_REGINA_OKOYE_11/6/2025.jpg)