

# CITY OF ALBUQUERQUE



**PLANNING DEPARTMENT**  
**URBAN DESIGN & DEVELOPMENT DIVISION**  
600 2nd Street NW, 3rd Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3860 Fax (505) 924-3339

## OFFICIAL NOTIFICATION OF DECISION

July 11, 2019

PV Trails Albuquerque, LLC  
303 Roma Ave. NW  
ABQ, NM 87102

**Project #2018-001198**  
SI-2019-00149 – Site Plan  
VA-2019-00188 – Variance  
VA-2019-00189 – Variance  
VA-2019-00190 – Variance

For all or a portion of Tract 1 and Tract 2, Bulk Land Plat of The Trails Unit 3A, zoned R-1B and R-1D, located on Woodmont Avenue NW, between the Petroglyph National Monument and Paseo del Norte Boulevard NW, containing approximately 20.5 acres. (C-8)  
Staff Planner: Cheryl Somerfeldt

On July 11, 2019 the Environmental Planning Commission (EPC) voted to APPROVE Project 2018-001198 / SI-2019-00149, a Site Plan-EPC, VA-2019-00188, a Variance, and VA-2019-00190, a Variance; and to WITHDRAW VA-2019-00189, a Variance, based on the following Findings.

### FINDINGS, SITE PLAN-EPC, SI-2019-00149

Albuquerque

1. This is a request for a Site Plan-EPC for all or a portion of Tract 1 and Tract 2, Bulk Land Plat of The Trails, Unit 3A located on Woodmont Avenue NW, between Paseo del Norte Boulevard NW and Major Public Open Space and containing approximately 20.5 acres.

NM 87103

2. This request is in association with three Variances:

- VA-2019-00188, a Variance to IDO 3-4(M)(4)(b);
- VA-2019-00189, a Variance to IDO 3-4(M)(5)(a)2; and
- VA-2019-00190, a Variance to IDO 3-4(M)(5)(c).

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3. This is a request for a Site Plan-EPC, a Major Amendment to a conditionally approved Site Plan-EPC from February 2019, in order to add the Variance approvals to the Site Plan notes.

4. The conditionally approved Site Plan required EPC review, because the subject site is over 5 acres and adjacent to Major Public Open Space (MPOS) pursuant to IDO Section 6-6(H)(1)(b)3. Compliance with IDO Section 5-2, Site Design and Sensitive Lands, is required and the subject site was found to be in conformance to those regulations during EPC review and approval in February, 2019.

5. The subject site is required to meet Review and Decision Criteria for Site Plan-EPC pursuant to IDO Section 6-6(H)(3), and the subject site was found to be in conformance during EPC review and approval in February, 2019.

6. The subject site for the request is currently zoned R-1D within 200 feet from Major Public Open Space and R-1B for the remainder, which both permit the proposed single-family use.

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7. The subject site is located in an Area of Consistency as designated by the Comprehensive Plan which has policies to protect and enhance the character of existing single-family neighborhoods, parks, and MPOS.
8. The subject site is within the Volcano Mesa Character Protection Overlay (CPO-12), and the Northwest Mesa View Preservation Overlay (VPO-2). The associated Variance requests are to regulations within IDO Section 3-4(M), Volcano Mesa, CPO-12.
9. The applicable Comprehensive Plan policies are consistent with the Site Plan-EPC:
  - **Policy 4.1.1 Distinct Communities:** Encourage quality development that is consistent with the distinct character of communities.  
The Site Plan-EPC is consistent with the existing character of the surrounding community and consistent with Policy 4.1.1.
  - **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.
    - b) Ensure that development reinforces the scale, intensity, and setbacks of the immediately surrounding context.  
The Site Plan reinforces the scale, intensity, and setbacks of the immediately surrounding context, which is an Area of Consistency, and is consistent with Policy 5.6.3 and 5.6.3 b).
  - **Goal 9.1 Supply:** Ensure sufficient supply and range of high-quality housing types that meet current and future needs at a variety of price levels to ensure more balanced housing options.  
The Site Plan-EPC will ensure sufficient supply and range of housing types that meet current and future needs at a variety of price levels with the existing R-1B (5,000 sf lots) and R-1D (10,000 sf lots) Zone Districts. The Site Plan-EPC is consistent with Policy 9.1.
10. The Site Plan-EPC has been evaluated for conformance with applicable goals and policies in the Comprehensive Plan and the IDO. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Integrated Development Ordinance (IDO) are incorporated herein by reference and made part of the record for all purposes.
11. The subject site is zoned R-1D within 200-feet from the Major Public Opens Space and R-1B for the remainder of the property. In the R-1D area, the site plan meets the minimum lot size of 10,000 square feet, a minimum lot width of 70-feet, and minimum setbacks of front 20-feet, side 10-feet, and rear 25-feet. In the R-1B area, the Site Plan meets the minimum lot size of 5,000 square feet, a minimum lot width of 37.5-feet, and minimum setbacks of front 15-feet, side 5-feet, and rear 15-feet.
12. The Applicant contacted the Westside Coalition of Neighborhood Associations as well as property owners within 100 feet of the property as required.
13. The Applicant and agent attended a Neighborhood Association Pre-Application Meeting on May 29, 2019. The Westside Coalition of Neighborhood Associations, the Valle Prado Neighborhood Association, the Taylor Ranch Neighborhood Association, and the Petroglyph Estates Homeowners Association attended the meeting. Participants had concern over the strain on schools, traffic, and incomplete construction.

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14. There is both support for and opposition to this request.

**CONDITIONS OF APPROVAL, SITE PLAN-EPC, SI-2019-00149**

1. The applicant shall coordinate with the staff planner to ensure that all Conditions of Approval are met and then submit it to the DRB for final review and sign-off, including review and approval of technical issues/requirements.
2. The proposed lot layout shown on the site, including but not limited to Lot 32 and other nearby lots, shall be adjusted to ensure that all Zone Boundaries correspond to a lot line.
3. The Site Plan shall maintain a minimum 20-foot buffer from Major Public Open Space at the southwest corner of the development, where there is not a single-loaded street, per 14-16-5-2(H)(2)(a)1.
4. Submit evidence of delineation of the rock outcropping for the record to include the topographic survey, aerial photographs, and site visit photographs.
5. Notes shall be added to the Site Plan to reflect any approved Variances and relevant Conditions of Approval, including 7 and 8 below.
6. Conditions of Approval from other Departments and Agencies:
  - a) Transportation Development:
    - Developer is responsible for permanent improvements to the transportation facilities adjacent to the proposed development site plan, as required by the Development Review Board (DRB)
    - Site plan shall comply and be in accordance with all applicable City of Albuquerque requirements, including the Development Process Manual and current ADA criteria.
  - b) ABC Water Utility Authority (ABCWUA):
    - A Serviceability letter was issued (Serviceability Letter 190126) 05/22/2019 which outlined the conditions for service.
    - The subject property is outside of the Service Area.
    - Master Plan infrastructure will be required prior to sale of service.
    - A Development Agreement will be required as part of requirements for service.
  - c) Public Service Company of New Mexico (PNM):
    - It is the Applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
    - It will be necessary to contact the PNM New Service Delivery Department to coordinate electric service regarding this project. Contact: Andrew Gurule, PNM Service Center, 4201 Edith Boulevard NE, Albuquerque, NM 87107, Phone: (505) 241-0589.
7. Two-story buildings are limited to only 60% of the lots in the R-1B zone.
8. Any lots over 10,000 square feet in the existing R-1B or R-1D zones shall be one-story buildings.

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FINDINGS, VARIANCE-EPC, 2019-00188

1. This is a request for a Variance for all or a portion of Tract 1 and Tract 2, Bulk Land Plat of The Trails, Unit 3A located on Woodmont Avenue NW, between Paseo del Norte Boulevard NW and Major Public Open Space and containing approximately 20.5 acres.
2. This request is in association with three other requests:
  - SI-2019-00149, a Site Plan-EPC;
  - VA-2019-00189, a Variance to IDO 3-4(M)(5)(a)2; and
  - VA-2019-00190, a Variance to IDO 3-4(M)(5)(c).
3. This is a request for a Variance-EPC to IDO Section 3-4(M)(4) which states that the Building height, maximum is 18 feet but may be increased to 26 feet on a maximum of 50% of the building footprint. The Applicant requested a Variance to permit 75% of the building footprint to be two-story instead of 50% for the R-1B zoned portion of the subject site. The EPC voted to allow only 60% of the lots in the R-1B zoned portion of the Site Plan to have two-story houses.
4. The subject site for the request, Tract 2, is currently zoned R-1D within 200 feet from Major Public Open Space and R-1B for the remainder, which both permit the proposed single-family use.
5. The subject site is located in an Area of Consistency as designated by the Comprehensive Plan which has policies to protect and enhance the character of existing single-family neighborhoods.
6. The subject site is within the Volcano Mesa Character Protection Overlay (CPO-12), and the Northwest Mesa View Preservation Overlay (VPO-2). The associated Variance requests are to regulations within IDO Section 3-4(M), Volcano Mesa, CPO-12.
7. Similar properties in the same zone district and vicinity (Ventana Ranch and Ventana West) are not subject to the restrictions imposed by CPO-12.
8. An application for a Variance-EPC shall be approved if it meets all of the following criteria:
  1. *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*

The property is unique and has special circumstances due to its location and surroundings within The Trails master-planned community and Public Improvement District, and the adjacency to the Petroglyph National Monument. These special circumstances are amplified by the adoption of the IDO and CPO-12 to this property that are not consistent with the characteristics of the existing 1,100+ homes in The Trails community. The application of these regulations to the subject property create an unnecessary hardship in the applicant's ability to develop a single family neighborhood with one and two stories that is consistent with its location, surroundings, and market demand.

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2. *The Variance will not be materially contrary to the public safety, health, or welfare.*

The requested Variance will not be materially contrary to public safety, health, or welfare. Increasing the square footage allowed on the second story will only occur on each individual lot, not affect surrounding neighborhoods, and will be similar to other development in the community.

3. *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*

The requested Variance will not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity. Increasing the square footage allowed on the second story will only occur on each individual lot, not affect surrounding neighborhoods, and will be similar to other development in the community. A Variance to increase the square footage allowed on the second story would make the proposed homes similar to many of the constructed homes in the area which vary from 60% to 100% two-story.

4. *The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district.*

Pursuant to IDO 1-3, the purpose of the IDO is to:

1-3(A) Implement the adopted Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.

1-3(B) Ensure that all development in the City is consistent with the spirit and intent of any other plans and policies adopted by City Council.

1-3(C) Ensure the provision of adequate public facilities and services for new development.

1-3(D) Protect the quality and character of residential neighborhoods.

1-3(E) Promote the economic development and fiscal sustainability of the City.

1-3(F) Provide for the efficient administration of City land use and development regulations.

1-3(G) Protect the health, safety, and general welfare of the public.

1-3(H) Provide for orderly and coordinated development patterns.

1-3(I) Encourage the conservation and efficient use of water and other natural resources.

1-3(J) Implement a connected system of parks, trails, and open spaces to promote improved outdoor activity and public health.

1-3(K) Provide reasonable protection from possible nuisances and hazards and to otherwise protect and improve public health.

1-3(L) Encourage efficient and connected transportation and circulation systems for motor vehicles, bicycles, and pedestrians.

Pursuant to IDO 2-3(B)(1), the purpose of the R-1 zone district is to provide for neighborhoods of single-family homes on individual lots with a variety of lot sizes and dimensions. When applied in developed areas, an additional purpose is to require that redevelopment reinforce the established character of the existing neighborhood.

Pursuant to IDO 3-4(A) the purpose of the Character Protection Overlay (CPO) zone is to preserve areas with distinctive characteristics that are worthy of conservation but are not historical or may lack sufficient significance to qualify as Historic Protection Overlay (HPO) zones.

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CPO-12 is a Character Protection Overlay area because it mirrors the boundaries and intent of the three Sector Development Plans designed to recognize neighborhood identity and character. Regulations cited in the Variance request were part of a Sector Development Plan that did not encompass the subject site, however, a process was established to integrate the Sector Development Plans into the IDO, which prioritized neighborhood character and protection. The intent to protect the City's established neighborhoods and streamline the City's development review and approval procedures was implemented. Since the Volcano Trails SDP did not include the regulations requested to be varied from, the requested Variances do not "materially undermine" the intent and purpose of this IDO. In fact, the requested Variances further the IDO purpose and policies as stated above.

5. *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*

Evaluation of the "minimum necessary to avoid extraordinary hardship or practical difficulties" is designed to result in similar built conditions as other neighborhoods within The Trails that were governed by the previous Sector Development Plan. The changes will allow reasonable development of the entire neighborhood, which is appropriate and consistent with the context of the surrounding neighborhoods. It imposes extraordinary hardship and practical difficulties to apply the CPO 12 regulations related to second story massing and garage setbacks to this entire neighborhood in contrast to the characteristics of the surrounding neighborhoods.

9. The Applicant contacted the Westside Coalition of Neighborhood Associations as well as property owners within 100 feet of the property as required.
10. The Applicant and agent attended a Neighborhood Association Pre-Application Meeting on May 29, 2019. The Westside Coalition of Neighborhood Associations, the Valle Prado Neighborhood Association, the Taylor Ranch Neighborhood Association, and the Petroglyph Estates Homeowners Association attended the meeting. Participants had concern over the strain on schools, traffic, and incomplete construction.
11. There is both support for and opposition to this request.

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**FINDINGS, VARIANCE-EPC, 2019-00189**

1. This is a request for a Variance for all or a portion of Tract 1 and Tract 2, Bulk Land Plat of The Trails, Unit 3A located on Woodmont Avenue NW, between Paseo del Norte Boulevard NW and Major Public Open Space and containing approximately 20.5 acres.
2. This request is in association with three other requests:
  - SI-2019-00149, a Site Plan-EPC;
  - VA-2019-00188, a Variance to IDO Section 3-4(M)(4)(b); and
  - VA-2019-00190, a Variance to IDO 3-4(M)(5)(c)
3. VA-2019-00189 - Variance from IDO Section 3-4(M)(5)(a)2 to simplify the options required for homes to address the street, to include a porch, courtyard, or window on the front facade.
4. The Applicant requests withdrawal of this request.

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FINDINGS, VARIANCE-EPC, 2019-00190

1. This is a request for a Variance for all or a portion of Tract 1 and Tract 2, Bulk Land Plat of The Trails, Unit 3A located on Woodmont Ave. NW, between Paseo del Norte NW and Major Public Open Space and containing approximately 20.5 acres.
2. This request is in association with three other requests:
  - SI-2019-00149, a Site Plan-EPC;
  - VA-2019-00189, a Variance to IDO 3-4(M)(5)(a)2; and
  - VA-2019-00190, a Variance to IDO 3-4(M)(5)(c).
3. This is a request for a Variance-EPC to IDO Section 3-4(M)(5)(c) to decrease the garage setback from the front facade from 5 feet to 2 feet.
4. The subject site for the request, Tract 2, is currently zoned R-1D within 200 feet from Major Public Open Space and R-1B for the remainder, which both permit the proposed single-family use.
5. The subject site is located in an Area of Consistency as designated by the Comprehensive Plan which has policies to protect and enhance the character of existing single-family neighborhoods.
6. The subject site is within the Volcano Mesa Character Protection Overlay (CPO-12), and the Northwest Mesa View Preservation Overlay (VPO-2). The associated Variance requests are to regulations within IDO Section 3-4(M), Volcano Mesa, CPO-12.
7. Similar properties in the same zone district and vicinity (Ventana Ranch and Ventana West) are not subject to the restrictions imposed by CPO-12.
8. An application for a Variance-EPC shall be approved if it meets all of the following criteria:
  1. *There are special circumstances applicable to the subject property that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, and physical characteristics, and such special circumstances were created either by natural forces or by government eminent domain actions for which no compensation was paid. Such special circumstances of the property either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or return on the property, or practical difficulties result from strict compliance with the minimum standards.*

The property is unique and has special circumstances due to its location and surroundings within The Trails master-planned community and Public Improvement District, and the adjacency to the Petroglyph National Monument. These special circumstances are amplified by the adoption of the IDO and CPO-12 to this property that are not consistent with the characteristics of the existing 1,100+ homes in The Trails community. The application of these regulations to the subject property create an unnecessary hardship in the applicant's ability to develop a single family neighborhood with one and two stories that is consistent with its location, surroundings, and market demand.

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2. *The Variance will not be materially contrary to the public safety, health, or welfare.*

The requested Variance will not be materially contrary to public safety, health, or welfare. Increasing the square footage allowed on the second story will only occur on each individual lot, not affect surrounding neighborhoods, and will be similar to other development in the community.

3. *The Variance does not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity.*

The requested Variance will not cause significant material adverse impacts on surrounding properties or infrastructure improvements in the vicinity. Increasing the square footage allowed on the second story will only occur on each individual lot, not affect surrounding neighborhoods, and will be similar to other development in the community. A Variance to increase the square footage allowed on the second story would make the proposed homes similar to many of the constructed homes in the area which vary from 60% to 100% two-story.

4. *The Variance will not materially undermine the intent and purpose of this IDO or the applicable zone district.*

Pursuant to IDO 1-3, the purpose of the IDO is to:

- 1-3(A) Implement the adopted Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended.
- 1-3(B) Ensure that all development in the City is consistent with the spirit and intent of any other plans and policies adopted by City Council.
- 1-3(C) Ensure the provision of adequate public facilities and services for new development.
- 1-3(D) Protect the quality and character of residential neighborhoods.
- 1-3(E) Promote the economic development and fiscal sustainability of the City.
- 1-3(F) Provide for the efficient administration of City land use and development regulations.
- 1-3(G) Protect the health, safety, and general welfare of the public.
- 1-3(H) Provide for orderly and coordinated development patterns.
- 1-3(I) Encourage the conservation and efficient use of water and other natural resources.
- 1-3(J) Implement a connected system of parks, trails, and open spaces to promote improved outdoor activity and public health.
- 1-3(K) Provide reasonable protection from possible nuisances and hazards and to otherwise protect and improve public health.
- 1-3(L) Encourage efficient and connected transportation and circulation systems for motor vehicles, bicycles, and pedestrians.

Pursuant to IDO 2-3(B)(1), the purpose of the R-1 zone district is to provide for neighborhoods of single-family homes on individual lots with a variety of lot sizes and dimensions. When applied in developed areas, an additional purpose is to require that redevelopment reinforce the established character of the existing neighborhood.

Pursuant to IDO 3-4(A) the purpose of the Character Protection Overlay (CPO) zone is to preserve areas with distinctive characteristics that are worthy of conservation but are not historical or may lack sufficient significance to qualify as Historic Protection Overlay (HPO) zones.

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CPO-12 is a Character Protection Overlay area because it mirrors the boundaries and intent of the three Sector Development Plans designed to recognize neighborhood identity and character. Regulations cited in the Variance request were part of a Sector Development Plan that did not encompass the subject site, however, a process was established to integrate the Sector Development Plans into the IDO, which prioritized neighborhood character and protection. The intent to protect the City's established neighborhoods and streamline the City's development review and approval procedures was implemented. Since the Volcano Trails SDP did not include the regulations requested to be varied from, the requested Variances do not "materially undermine" the intent and purpose of this IDO. In fact, the requested Variances further the IDO purpose and policies as stated above.

5. *The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.*

Evaluation of the "minimum necessary to avoid extraordinary hardship or practical difficulties" is designed to result in similar built conditions as other neighborhoods within The Trails that were governed by the previous Sector Development Plan. The changes will allow reasonable development of the entire neighborhood, which is appropriate and consistent with the context of the surrounding neighborhoods. It imposes extraordinary hardship and practical difficulties to apply the CPO 12 regulations related to second story massing and garage setbacks to this entire neighborhood in contrast to the characteristics of the surrounding neighborhoods.

9. The Applicant contacted the Westside Coalition of Neighborhood Associations as well as property owners within 100 feet of the property as required.
10. The Applicant and agent attended a Neighborhood Association Pre-Application Meeting on May 29, 2019 (see attached Meeting Minutes). The Westside Coalition of Neighborhood Associations, the Valle Prado Neighborhood Association, the Taylor Ranch Neighborhood Association, and the Petroglyph Estates Homeowners Association attended the meeting. Participants had concern over the strain on schools, traffic, and incomplete construction.
11. There is both support for and opposition to this request.

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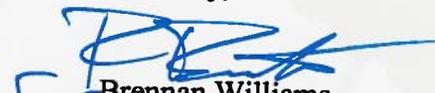
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**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **JULY 26, 2019**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls 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 of the 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 EPC Recommendations to City Council; rather, a formal protest of the EPC's Recommendation can be filed within the 15 day period following the EPC's recommendation.

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 City Zoning Code must be complied with, even after approval of the referenced application(s).

Sincerely,

  
for Brennan Williams  
Acting Planning Director

BW/CS

cc: PV Trails Albuquerque, LLC, 303 Roma Ave. NW, ABQ, NM 87102  
Consensus Planning, Inc., 302 8<sup>th</sup> St., NW, ABQ, NM 87102  
Harry Hendrikson, Westside Coalition of NA's, 10592 Rio Del Sol NW, ABQ, NM 87114  
Rene Horvath, Westside Coalition of NA's, 5515 La Palomino Dr. NW, ABQ, NM 87120  
Paul Wymer, [paul-wymer@putegroup.com](mailto:paul-wymer@putegroup.com)  
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