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MEMO

AC-26-14

PR-2022-007712 (Project)

CU-2026-00014 (ZHE – Conditional Use)

CU-2026-00026 (Appeal)



City of Albuquerque

Planning Department

Timothy M. Keller, Mayor

Interoffice Memorandum

September 29, 2026

To: Klarissa J. Peña, President, City Council

From: Alan Varela, Director, Planning Department 

Subject: AC-26-14 (PR-2022-007712, CU-2026-00014): The West Side Coalition of Neighborhood Associations appeals the Zoning Hearing Examiner's decision to APPROVE a Conditional Use for Liquor Retail, for Tract 1-A, Block 2, Volcano Cliffs Subdivision Tract 1-A-5 consisting of approximately 1.3 acres immediately south of Paseo del Norte NW and west of Kimmick Dr., zoned MX-M.

OVERVIEW

This is an appeal of the Zoning Hearing Examiner (ZHE) decision to approve a Conditional Use for liquor retail on an approximately 1.3-acre subject site at the northwest corner of the intersection of Paseo del Norte and Kimmick Dr. NW.

The application that is subject of this appeal was submitted to the Planning Department on May 5, 2026 and accepted as complete on May 7, 2026.

The ZHE approved the Conditional Use on August 5, 2026 based on Findings #1-23 in the official Notice of Decision. The Appellants timely filed an appeal of the ZHE's decision prior to the appeal deadline on August 20, 2026.

APPELLANTS

The appeal was filed by Michael Voorhees, on behalf of the West Side Coalition of Neighborhood Associations (WSCONA). The Land Use Hearing Officer (LUHO) will need to issue a recommendation as to whether these appellants have standing as part of its quasi-judicial role.

Basis of Standing

The Appellant asserts that WSCONA has standing to appeal this decision based on IDO § 14-16-6-4(U)(2)(a)(4), as "Any other person or organization that can demonstrate that his/her/its property rights or other legal rights have been specially and adversely affected by the decision."

WSCONA asserts that its legal rights have been specially and adversely affected by the ZHE

granting a Conditional Use Permit for a property which was unlawfully subdivided in violation of the IDO while an appeal by WSCONA of a separate application is still pending in the courts.

WSCONA is not appealing based on proximity, so the appeal does not include a petition in support of the appeal signed by “property owners or tenants of a majority of Bernalillo County Assessors’ lots within 660 feet of the subject property” [IDO § 14-16-6-4(U)(2)(a)(5)b].

BASIS FOR APPEAL

IDO § 14-16-6-4(U)(4) establishes the criteria for the appeal in determining whether the ZHE 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 ZHE erred based on criteria #1 and #3.

Staff Response

The ZHE applied the requirements of the IDO based on substantial evidence in the record. The Official Notice of Decision contains 23 Findings that support the ZHE’s decision. The Findings were developed based on a thorough analysis contained in the Staff report and evidence presented at the hearing on this matter.

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

Issue 1: The Appellant asserts that the subject property was unlawfully subdivided in violation of the IDO, that WSCONA’s appeal of the Site Plan – EPC for the southern Tract 1-B is still pending in the courts, and that the City should not review/decide any other application related to the subject property until the appeal is final.

Appellant claim: The subject property for the Conditional Use was not created through a lawful subdivision, so the application does not comply with all applicable provisions of this IDO [Finding #11, IDO § 14-16-6-6(A)(3)b (Review and Decision Criteria – Conditional Use)].

Staff Response:

WSCONA appealed a Preliminary Plat to subdivide Tract 1 into Tract 1-A and 1-B and a Site Plan for Tract 1-B, which were originally approved on November 9, 2022. The Court of Appeals remanded the Site Plan to be heard by the Environmental Planning Commission but declined to review the Preliminary Plat.

The DHO approved a Final Plat [SD-2024-00019] on February 7, 2024 to subdivide Tract 1 into Tract 1-A (the subject property) and Tract 1-B (the property with a subsequent Site Plan – EPC that is under appeal).

The remanded 2022 Site Plan – DRB was withdrawn by the applicant on November 3, 2025. The applicant submitted a new application for a Site Plan – EPC, which was accepted as

complete on November 7, 2025, and approved on December 18, 2025. WSCONA appealed this approval [AC-26-01]. City Council denied the appeal, and WSCONA appealed it to District Court.

The DHO subsequently approved a Preliminary Plat on June 12, 2024 [SD-2024-00097] and a Final Plat on April 23, 2025 [MJRFNL_PLT-2025-00001] to subdivide Tract 1-A into 6 parcels. The Conditional Use was requested for Tract 1-A-5 of the subdivided Tract 1-A.

In the Notice of Decision for the Preliminary Plat, the DHO found:

Given that the prior preliminary and final plats divided the northern (Tract 1-A) and the southern property (Tract 1-B)—with Tract 1-A being the subject of this action and the southern property not being the subject of this action—and the final plat not having been appealed and standing on its own ground, and with the information in the record and submitted under oath that the court having found in litigation that the property is not adjacent to major public open space, and having no evidence in the record of any stay of further action, the DHO finds that the property that is subject of this action, approximately 8.2578 acres that is not adjacent to Major Public Open Space, is therefore ripe for decision by the DHO, and does not require an EPC Site Plan.

While multiple appeals have been filed involving this property, the courts have not issued any injunctions, stays, or remands related to platting actions. Moreover, the platting actions that have been taken on this property are not currently being appealed to any court, and the time to file any such appeals has long since expired.

Pursuant to IDO § 14-16-6-4(T)(4), “Any actions taken by an applicant or property owner after a final decision has been made by the relevant decision-making body in Table 6-1-1, but before the time for appeal of that decision has expired or before any appeal has been decided by the last appeal body, are at the risk of the applicant or property owner, and the City shall not be liable for any damages incurred for actions taken during those times.”

As such, even if the previous platting actions were being appealed to the courts, the applicant would still be able to move forward with this application at their own risk.

Issue 2: The Appellant asserts that the original property prior to the unlawful subdivision required a Site Plan – EPC because it was adjacent to Major Public Open Space.

Appellant claim: The development project did not get a Site Plan – EPC prior to subdivision as a project site 5 acres or greater adjacent to Major Public Open Space, so Finding 16 is in error because the development project is not in compliance with 14-16-6-6(I) or 14-16-6-6(I)(1)(a). The development project is also in violation IDO 14-16-1-7 and 14-16-1-8(A).

Staff Response: *See the history in the response above.*

Presumably, the Appellant cites IDO § 14-16-1-7 related to the claim that the development is in violation of the IDO by not having a Site Plan – EPC prior to subdivision [IDO § 14-16-1-7(A)(1)].

At the EPC hearing for the Site Plan – EPC on December 18, 2025, the Commission considered the status and validity of the platting action approved in November 2022 that was appealed with the Site Plan that was withdrawn after the remand order from the courts. City Legal staff advised that the court order remanding the Site Plan did not invalidate the subdivision.

EPC reviewed and approved 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).

For the Conditional Use request, Staff reviewed the review/decision criteria based on the approved Final Plat at the time the application was accepted as complete.

It is unclear how IDO § 14-16-1-8(A) would apply to this appeal. To the extent that the Appellant may be claiming that IDO § 14-16-1-8(A) was violated because the IDO conflicts with some other regulation or statute, such a claim is beyond the scope of what can be considered during an administrative appeal.

Issue 3: The Appellant asserts that the District Court’s remand of the Site Plan – DRB invalidates the preliminary plat, and subsequent subdivision of Tracts 1-A and 1-B.

Appellant claim: The ZHE erred in Finding 17 by proceeding with the Conditional Use despite the court order for remand to require a Site Plan – EPC for the 18.5-acre site before approving subdivisions, as the remanded Site Plan effectively revoked the improper subdivisions.

Staff Response: *See the history in Staff responses above.*

The Court of Appeals remanded the Site Plan approved on November 9, 2022 to be heard by the Environmental Planning Commission but declined to review the Preliminary Plat.

The DHO approved a Final Plat to subdivide Tract 1-A into 6 parcels, establishing the subject property for the Conditional Use, on April 23, 2025 [MJRFNL_PLT-2025-00001].

While multiple appeals have been filed involving this property, the courts have not issued any injunctions, stays, or remands related to platting actions. Moreover, the platting actions that have been taken on this property are not currently being appealed to any court, and the time to file any such appeals has long since expired.

EPC reviewed and approved the Site Plan on December 18, 2025.

CONCLUSION

In the Official Notice of Decision on August 5, 2026, the ZHE found that the applicant adequately justified the Conditional Use for Liquor Retail based on 23 Findings. The ZHE acted within its discretionary authority and voted to approve the request. The ZHE carefully considered all relevant

factors in arriving at its decision based on substantial evidence in the record. The Appellant believes that the ZHE decision was arbitrary, capricious, and made in error; however, the record contains substantial evidence that the ZHE's decision was neither arbitrary nor capricious and that the IDO regulations were applied correctly to the request.

/ Shannon Halley /

Shannon Halley, Principal Planner

City of Albuquerque Planning Department

Signature: 
Alan Varela (Sep 29 2026 10:34:24 MDI)

Email: avarela@cabq.gov

NOTICE OF DECISION

AC-26-14

PR-2022-007712 (Project)

CU-2026-00014 (ZHE – Conditional Use)

CU-2026-00026 (Appeal)

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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ZONING HEARING EXAMINER NOTICE OF DECISION

Special Exception Number: CU-2026-00014

Project Number: PR-2022-007712

Hearing Date: 07-21-2026

Closing of Public Record: 07-21-2026

Date of Decision: 08-05-2026

Case Description: Trula Howe - Modulus Architects and Land Use Planning, Inc (Agent) & Jubilee Development LLC (Applicant) request a Conditional Use for Liquor Retail for TRACT 1-A PLAT OF TRACTS 1-A-5 AND 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) located at 99999 Paseo del Norte NW, zoned MX-M (C-11) IDO Section 14-16- 4-3(D)(40)

On July 21, 2026, Trula Howe - Modulus Architects and Land Use Planning, Inc (Agent) & Jubilee Development LLC (Applicant) were scheduled to appear before the Zoning Hearing Examiner ("ZHE") requesting a Conditional Use Approval to allow Liquor Retail ("Application") upon the real property located at 99999 Paseo del Norte NW ("Subject Property"). Below are the ZHE's findings of fact and decision.

FINDINGS, CONDITIONAL USE APPROVAL:

1. Applicant is requesting a Conditional Use Approval for liquor retail pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance ("IDO") § 14-16-6-6(A).
2. Applicant has authority to pursue this Application, pursuant to IDO §14-16-6-4(D).
3. Applicant has duly authorized Agent to act on Applicant's behalf regarding the Application.
4. The Subject Property is located at 99999 Paseo Del Norte NW in an MX-M zone district.
5. The applicant is seeking approval for a liquor retail operation for a proposed convenience store.

6. The Planning Director's delegee has determined that the Application is complete as of May 05, 2026, pursuant to IDO §14-16-6-4(G).
7. The Application was referred to commenting agencies pursuant to IDO §14-16-6-4(I).
8. The content of the public notice of the Application satisfies IDO §14-16-6-4(J)(1).
9. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for Neighborhood Associations within 660 feet as required by IDO §14-16-6-4(J)(2).
10. A Conditional Use Liquor Retail request requires approval pursuant to IDO §14-16-6-6(A).
11. IDO §14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: "*An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:*
 - a. *It is consistent with the ABC Comp. Plan, as amended;*
 - b. *It complies with all applicable provisions of this IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
 - c. *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*
 - d. *It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;*
 - e. *On a project site with existing uses, it will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 10:00 pm and 6:00 am;*
 - f. *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation."*
12. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO § 14-16-6-4(E)(3).
13. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO § 14-16-6-4(E)(4).
14. Agent appeared at the July 21, 2026 ZHE hearing and gave evidence in support of the Application.
15. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval is consistent with the ABC Comp. Plan, as amended. Applicant submitted evidence supporting that the requested Conditional Use approval furthers the goals and policies of the ABC Comp. Plan by helping to ensure appropriate scale and location of development and character of design, placing development along corridors, and providing employment and services for the area. In addition, this request is consistent with several policies in the ABQ Comp Plan, such as:

POLICY 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods

a)Encourage development and redevelopment that brings goods, services and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

There is large residential development near the proposed convenience store, and there are few a other options for obtaining necessities nearby.

POLICY 5.6.2 – Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks...where change is encouraged

The proposed location of the convenience store/liquor retail on Paseo del Norte helps to avoid potential negative impacts on existing residential uses while providing options for nearby goods and services.

POLICY 5.6.4 – Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering and limits on heigh and massing.

The proposed convenience store/liquor retail is an appropriate scale to provide transition between the designated Area of Change where it is located and the adjacent residential development within an Area of Consistency.

16. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval complies with all applicable provisions of the IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property. Applicant testified and confirmed in written submittals that the requested Conditional Use approval would comport with all applicable requirements.
17. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community. Applicant testified and confirmed in written submittals that the requested Conditional Use approval would not create any such adverse impact. Although neighborhood association representatives opposed the Application, they did so largely on procedural grounds, arguing that the ZHE lacks jurisdiction, because a Site Plan-EPC is required before a platting action involving 5 or more acres. However, no platting action is before the ZHE – this is a conditional use application. Further, opponents point out only generalized concerns about alcohol use, which are mitigated by Applicant's proposed use and existing state and city regulations.
18. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking, congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts. Applicant confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact and would not increase traffic congestion, parking, congestion, noise, or vibration without sufficient mitigation.

19. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not increase non-residential activity within 300 feet of a lot in any residential zone district between the hours of 10:00 pm and 6:00 am. Applicant confirmed in written submittals that non-residential activity would not increase in any prohibited manner.
20. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation. Applicant confirmed in written submittals that no negative impact on pedestrian or transit connectivity would result.
21. IDO § 14-16-4-3(D)(40) requires the following Use-Specific Standards for Liquor Retail:

4-3(D)(40) Liquor Retail

4-3(D)(40)(a) Alcohol sales for off-premises consumption are allowed provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.

4-3(D)(40)(b) Alcohol sales for on-premises consumption are also allowed as an incidental activity provided that the establishment complies with all New Mexico State law requirements.

4-3(D)(40)(c) Notwithstanding other standards in this § 14-16-4-3(D)(39), this use requires a Conditional Use Approval pursuant to § 14-16-6-6(A) when proposed within 500 feet of any Residential or NR-PO zone district or any group home use, as measured from the nearest edge of the building containing the use to the nearest Residential or NR-PO zone district or lot containing a group home.

4-3(D)(40)(d) In the MX-T zone district, this use is limited to 10,000 square feet of gross floor area.

4-3(D)(40)(e) In the MX-L zone district, this use is prohibited, except in the following small areas, where it is allowed as accessory to a grocery store:

- 1. Downtown Neighborhood Area – CPO-3*
- 2. East Downtown – CPO-4*
- 3. East Downtown – HPO-1*
- 4. La Cueva Small Area.*
- 5. North 4th Corridor – CPO-9*
- 6. South Yale Small Area*

4-3(D)(40)(f) In the MX-M, MX-H, and NR-C zone districts, this use requires a Conditional Use Approval pursuant to § 14-16-6-6(A) unless accessory to a grocery store, except in the following small areas, where it is prohibited unless accessory to a grocery store as noted:

- 1. Downtown Neighborhood Area – CPO-3*
- 2. East Downtown – CPO-4*
- 3. East Downtown – HPO-1*
- 4. North 4th Corridor – CPO-9*
- 5. South Yale Small Area*

4-3(D)(40)(g) Nob Hill/Highland Small Area: This use is prohibited in the mapped area.

4-3(D)(40)(h) University Neighborhoods Small Area: This use is prohibited in the MX-M zone district in the mapped area unless associated with a grocery store west of University Boulevard.

22. Applicant has demonstrated compliance with use-specific standards applicable to the Application.
23. The City Traffic Engineer submitted a comment stating that a Traffic Impact Study would be required prior to receiving subsequent approvals.

DECISION:

APPROVAL of a Conditional Use for Liquor Retail for TRACT 1-A PLAT OF TRACTS 1-A AND 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) located at 99999 Paseo del Norte NW.

APPEAL:

If you wish to appeal this decision, you must do so by August 20, 2026. Pursuant to IDO § 14-16-6-4(U), you must demonstrate that you have legal standing to file an appeal.

PERIOD OF VALIDITY:

Approval of a Conditional Use is valid for two (2) years from date of approval.

OTHER REQUIREMENTS:

THIS NOTICE OF DECISION DOES NOT CONSTITUTE APPROVAL OF PLANS FOR A BUILDING PERMIT.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception. If your application is approved, submit this Notice of Decision when you apply for any related site plan, building permit, or occupation tax number.



Robert Lucero, Esq.
Zoning Hearing Examiner

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ZHE File

Zoning Enforcement

APPEAL APPLICATION MATERIALS

AC-26-14

PR-2022-007712 (Project)

CU-2026-00014 (ZHE – Conditional Use)

CU-2026-00026 (Appeal)

Appellant's basis of standing in accordance with IDO §14-16-6-4(U)(2) Who May Appeal

WSCONA asserts its basis of standing under IDO 14-16-6-4(U)(2)(a)(4), excerpted below, and in accordance with NM Stat § 3-21-8 (2025) and recent relevant case law.

14-16-6-4(U)(2)(a)(4)

Any other person or organization that can demonstrate that his/her/its property rights or other legal rights have been specially and adversely affected by the decision, but in no circumstances shall a person's use of public lands constitute standing. Nothing in this Section shall be construed to change any rights or obligations related to Indian Nations, Tribes, or Pueblos as established in this IDO, or to otherwise limit Tribal standing.

NM Stat § 3-21-8 (2025) B.

Any aggrieved person or any officer, department, board or bureau of the zoning authority affected by a decision of an administrative officer, commission or committee in the enforcement of Sections 3-21-1 through 3-21-14 NMSA 1978 or ordinance, resolution, rule or regulation adopted pursuant to these sections may appeal to the zoning authority.

An appeal shall stay all proceedings in furtherance of the action appealed unless the officer, commission or committee from whom the appeal is taken certifies that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property.

Upon certification, the proceedings shall not be stayed except by order of district court after notice to the official, commission or committee from whom the appeal is taken and on due cause shown.

While the City has enacted additional provisions designed to narrow and restrict standing to appeal—including those specifically relating to Neighborhood Associations asserting a right to appeal based upon specifically defined proximity and those restricting standing based upon the use of public lands—these restrictions are unlawful under state law. Our assertion is confirmed by the ruling in District Court case D-202-CV-2025-04659, further affirmed in the NM Court of Appeals, which states, in part:

“the Court determines that Section 3-21-8(A) does not authorize a zoning authority to limit standing; rather, by its plain language, it requires the zoning authority to provide “the procedure to be followed” for appeals expressly “allowed by this section.” *Cf. Bogan v. Sandoval Cnty. Plan. & Zoning Comm’n*, 1994-NMCA-157, ¶ 37, 119 N.M. 334, 890 P.2d 395 (observing that “Section 3-21-8(B) permits anyone aggrieved by a zoning officer or commission decision to appeal to the zoning authority,” and that Section 3-21-9 allows “[a]ny person aggrieved” by a decision of a zoning authority to appeal to the district court,” and concluding: “Where the class of persons entitled to review is fixed by statute, it cannot be narrowed by ordinance.”) (quoted authority omitted). Further, the IDO’s limitations on standing are inconsistent with both Section 3-21-8(B) and Section 3-21-9. *Cf.* § 3-17-1 (providing that a “municipality may adopt ordinances or resolutions not inconsistent with the laws of New Mexico”).

The City has previously argued that its home rule status empowers the City to enact zoning ordinances which conflict with the Zoning Enabling Act, NMSA 1978 Section 3-21-1 through 15. But the City's authority to enact and enforce zoning comes from and is limited to that granted by the Zoning Enabling Act. Under *Westgate Families v. County Clerk of Inc. Los Alamos County*, 1983-NMSC-061, ¶ 8, 100 N.M. 146, 667 P.2d 453, the Zoning Enabling Act imposes both procedural and substantive limitations on zoning actions. The primary conflicts between the Zoning Enabling Act and the City's IDO are: 1) the City claims neighborhood associations must satisfy the Petition Requirement to file an appeal of a development approval; and 2) the City has redefined "aggrieved" to try to intimidate and suppress appeals within the City process and to District Court. Separately, the City includes the threat to impose (and has imposed previously against WSCONA) an assessment of \$1,000 against an appellant which loses an appeal under the IDO. To justify its position, the City has previously cited *State ex rel. Haynes v. Bonem*, 1992-NMSC-062, 114 N.M. 627, 845 P.2d 150, and *New Mexicans for Free Enterprise v. The City of Santa Fe*, 2006-NMCA-007, 138 N.M. 785, 126 P.3d 1149, for its arguments that the Zoning Enabling Act is superseded by the City's home rule authority. But contrary to the City's arguments, the Zoning Enabling Act is a general law, intended to govern all exercises of zoning power in the state. The City misinterprets the difference between zoning ordinances under which local decisions are made, and state-wide requirements imposed by the Zoning Enabling Act as to zoning authority and how zoning authority throughout the state is to be exercised. The Zoning Enabling Act does not compel what zoning category the City imposes on a property, but the Zoning Enabling Act does compel how zoning may be enacted and amended and sets a standard ("aggrieved") under which a zoning authority must allow

administrative appeals. The City’s prior arguments that the IDO’s substantial conflicts with the Zoning Enabling Act do not implicate “serious concerns about non-uniformity in state law” also are not correct. If each home rule entity in the state can set its own “standing” , “fee-shifting”, and “use of public lands” provisions for administrative appeals, each such home rule entity can make appeals very difficult and unlikely of success, regardless of any appeal’s merit; and the state will face a patch-work of zoning authorities each setting its own rules as to standing, use of public lands as a basis for appeal, and fee-shifting.

Moreover, the Conditional Use Permit at issue is encumbered by the Order on Mandate following the Mandate issued by the Court of Appeals in A-1-CA-41831 on November 24, 2025, of which WSCONA was the Appellant with standing, and maintains its standing throughout any such process whereby the City is obligated to obey the Courts, conducting a Site Plan – EPC hearing for the entire unsubdivided parcel at issue in A-1-CA-41831 as directed by the Court and under IDO 14-16-5-2(J)(2)(b)(9) “Lots 5 Acres or Greater: Development on lots 5 acres or greater adjacent to Major Public Open Space shall: Be reviewed by the Environmental Planning Commission (EPC), pursuant to § 14-16-6-6(I).” And under IDO 14-16-6-6(I)(1)(a) whereby “any development on a project site 5 acres or greater adjacent to Major Public Open Space” “a Site Plan approval is required prior to a Subdivision of Land – Major.”

WSCONA therefore asserts that its legal rights have been specially and adversely affected by the by the granting of a Conditional Use Permit for a property which was unlawfully subdivided in violation of the IDO during the pendency of an Appeal by WSCONA in the courts—for which

the Courts ruled in favor of WSCONA and for which the entire risk of proceeding with such unlawful subdivision was borne by the applicant. The City has been duly and lawfully directed by the Courts, requiring that a proper Site Plan – EPC Hearing be conducted, in accordance with both the mandate of the Court and in compliance with the City’s own IDO. This ongoing defiance and contempt by the City harms WSCONA and its members and its members’ members, who have a right to due process under state law, the IDO, the U.S. Constitution and the New Mexico Constitution. The City’s irregular, precipitous, and biased process for this zoning matter harms Appellant WSCONA in reducing the quality of life, aesthetics, zoning process, and enjoyment of a built environment constant with the Comprehensive Plan by the neighborhood residents and businesses for which Appellant WSCONA is charged with representing in zoning matters.



Giving voice to the neighborhoods west of the Rio Grande in Albuquerque and Bernalillo County

August 20, 2026

In accordance with WSCONA Bylaws and the Neighborhood Association Recognition Ordinance, the Executive Committee of WSCONA voted unanimously (8 for, 0 against) on Tuesday, August 18, 2026 to approve a motion authorizing the filing of an Administrative Appeal of the 08-05-2026 Notice of Decision regarding Special Exception Number: CU-2026-00014, Project Number: PR-2022-007712, the Zoning Hearing Examiner's APPROVAL of a Conditional Use for Liquor Retail for TRACT 1-A PLAT OF TRACTS 1-A AND 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) located at 99999 Paseo del Norte NW.

Said motion authorizes WSCONA Vice President Michael T. Voorhees to act as agent for WSCONA in the filing of this Administrative Appeal.

Respectfully,


Michael T. Voorhees
Vice President
WSCONA

Appellant's Reason for the Appeal

This Appeal is the result of repeated attempts by the Applicant to circumvent the protections enacted by the City Council and incorporated into the City of Albuquerque's Integrated Development Ordinance (IDO) which establish a process whereby development near Major Public Open Space must be planned in a cohesive manner that considers the goals of the Comprehensive Plan through a Site Plan – EPC hearing. Additionally, the Applicant and the Applicant's Agent, have been “gaming the system” in the timing of applications, simultaneously planning for the location of a gas station with liquor sales on the same unsubdivided site as a state-subsidized day care facility, as well as adjacent to a new school planned to be directly across the street from the gas station with liquor sales. By attempting to rush the gas station through first, the Applicant might technically avoid the letter of the law in the protections for schools contained in NMSA § 60-6B-10, while most certainly violating the spirit of that law. Similarly, this calculated effort defies the U.S. Environmental Protection Agency's (EPA's) recommendation of a screening perimeter of 1,000 feet around prospective school locations to identify and evaluate potential environmental hazards from nearby gas stations. The Applicant, who currently operates two day care facilities, should be fully aware of the health hazards this gas station with liquor sales will pose to the children at any facility or school in such close proximity. While the disregard for such safety provisions is condemnable, the process chosen by the Applicant to achieve the objective of their zoning approval legerdemain is simply impermissible, given the clear and unequivocal requirements in the IDO and the Mandate of the Court of Appeals regarding the site upon which the Conditional Use is being granted.

The Conditional Use Permit at issue is encumbered by the Order on Mandate following the Mandate issued by the Court of Appeals in A-1-CA-41831 on November 24, 2025, of which WSCONA was the Appellant. The City is obligated to obey the Courts, conducting a Site Plan – EPC hearing for the entire unsubdivided parcel at issue in A-1-CA-41831 as directed by the Court and under IDO 14-16-5-2(J)(2)(b)(9) “Lots 5 Acres or Greater: Development on lots 5 acres or greater adjacent to Major Public Open Space shall: Be reviewed by the Environmental Planning Commission (EPC), pursuant to § 14-16-6-6(I).” And under IDO 14-16-6-6(I)(1)(a) whereby “any development on a project site 5 acres or greater adjacent to Major Public Open Space” “a Site Plan approval is required prior to a Subdivision of Land – Major.”

In the granting of a Conditional Use Permit for a property which was unlawfully subdivided in violation of the IDO during the pendency of an Appeal by WSCONA in the courts—and for which the Courts ruled in favor of WSCONA and for which the entire risk of proceeding with such unlawful subdivision was borne by the applicant—the ZHE acted arbitrarily and capriciously, and erred in applying the requirements of this IDO. The City has been duly and lawfully directed by the Courts, requiring that a proper Site Plan – EPC Hearing be conducted, in accordance with both the mandate of the Court and in compliance with the City’s own IDO. This ongoing defiance and contempt by the City harms WSCONA and its members and its members’ members, who have a right to due process under state law, the IDO, the U.S. Constitution and the New Mexico Constitution. The City’s irregular, precipitous, and biased process for this zoning matter harms Appellant WSCONA in reducing the quality of life, aesthetics, zoning process, and enjoyment of a built environment consistent with the Comprehensive Plan by the neighborhood residents for which Appellant WSCONA is charged with representing in zoning matters.

In his Notice of Decision, the ZHE entered **Finding 11**, which acknowledges:

IDO §14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: “*An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:*

b. It complies with all applicable provisions of this IDO...

However, under IDO 14-16-1-7 Compliance Required, the IDO clearly states:

(A)(1) No person shall develop *or use any land*, building, or structure within the City in violation of this IDO, regulations authorized under this IDO, including but not limited to those standards in the Development Process Manual (DPM), or the terms and conditions of permits or approvals issued under this IDO.

And additionally, under IDO 14-16-1-8(A), the IDO states:

Unless specified otherwise in this IDO, if two or more regulations in this IDO conflict with each other, the more restrictive regulation shall prevail...

Yet the ZHE subsequently entered **Finding 16**:

“Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval complies with all applicable provisions of the IDO...”

Conditional Use is by definition a type of land use under the IDO, and as the development project in question is NOT in compliance with 14-16-6-6(I) or 14-16-6-6(I)(1)(a), it is also in violation IDO 14-16-1-7 and 14-16-1-8(A). Finding 16 is arbitrary and capricious, and erred in applying the requirements of this IDO.

In **Finding 17**, WSCONA respectfully disagrees with the ZHE's summary, which ignores the detailed jurisdictional concerns raised by WSCONA in its written comments. WSCONA asks the City to follow the court orders, revoke the improper interim subdivisions, and require an EPC-approved site plan protective of the MPOS per the IDO for the 18.5-acre site before approving subdivisions and piecemeal development. For reference, we attach the “Official Withdrawal of Approved EPC Site Plan PR-2022-007712” submitted by the Agent for Applicant, Modulus Architects & Land Use Planning, which appears to assert various alleged rights to develop all or portions of the 18.5-acre site, without any required Site Plan – EPC, and in direct violation of IDO 14-16-5-2(J)(2)(b)(9) and IDO 14-16-6-6(I)(1)(a).

WSCONA therefore further puts the City on Notice that under NM Stat § 3-21-8 (2025) B: “***An appeal shall stay all proceedings in furtherance of the action appealed unless the officer, commission or committee from whom the appeal is taken certifies that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property.***” As such, the City and the Applicant must suspend all development activity on the property in question, which includes:

“Any activity that alters the ground or lot lines on a property. Development may include subdivision of land; construction of buildings, structures, or streets; installation of landscaping, infrastructure, utilities, or site features; and/or activities to prepare land for such construction or installation, such as grading. For the purposes of the IDO, this term includes new development and redevelopment on existing lots.”

From: Angela Piarowski <angela@modulusarchitects.com>

Sent: Wednesday, May 6, 2026 12:08 PM

To: Varela, Alan M. <avarela@cabq.gov>; Rose, Robyn L. <rose@cabq.gov>; Coon, Andrew S. <acon@cabq.gov>

Cc: Steele, William J. <wsteele@cabq.gov>; Jones, Megan D. <mdjones@cabq.gov>; Aleem Hasham <aleemhasham@gmail.com>; Jack Campbell <jcampbell@rattorneys.com>; Tammi Lambert <tlambert@pol-nsn.gov>

Subject: Official Withdrawal of Approved EPC Site Plan PR-2022-007712

Mr. Varela,

On behalf of Jubilee Developments LLC, Modulus Architects & Land Use Planning, Inc., as authorized agent, hereby formally withdraws the approved Site Plan – EPC for the property located at the intersection of Kimmick Drive NW and Rosa Parks Road NW, just south of Paseo del Norte NW, legally described as all or a portion of Tract 1-B, Plat of Tracts 1-A and 1-B, Block 2, Volcano Cliffs Subdivision, Unit 26.

This withdrawal applies **only** to **Project # PR-2022-007712, Plan # SP-2025-00093**, the Site Plan – EPC approved by the Environmental Planning Commission on December 18, 2025, for the proposed **238-unit multifamily residential development** on the approximately 10-acre subject site.

Please accept this letter as the applicant's official request to withdraw the above-referenced approved Site Plan – EPC in its entirety. The intent of this withdrawal is to terminate and relinquish the applicant's reliance on the approved EPC Site Plan associated with the 238-unit multifamily residential project approved under SP-2025-00093.

For clarity, this withdrawal is **expressly limited to the approved 238-unit multifamily Site Plan – EPC** and shall not be interpreted as a withdrawal, abandonment, revocation, or termination of any other approvals, entitlements, agreements, dedications, plats, infrastructure obligations, infrastructure list items, infrastructure improvements agreement, financial guarantees, easements, rights-of-way, utility approvals, drainage approvals, subdivision approvals, recorded documents, or other City approvals associated with or benefiting the subject property. Any recorded plat, infrastructure list, infrastructure improvements, public or private easements, dedications, rights-of-way, and related approvals are intended to remain valid and intact, except to the extent the City determines that a future application requires modification through the applicable City review process.

This withdrawal is being submitted voluntarily and in good faith. Should a new development proposal be pursued for the property in the future, it will be submitted as a new application and reviewed under the applicable procedures, standards, and requirements in effect at that time. Nothing in this withdrawal is intended to prejudice the applicant's ability to submit a future site plan or development application for the property, nor is it intended to disturb existing recorded or approved subdivision and infrastructure-related actions.

Please update the City's project records accordingly to reflect that the approved Site Plan – EPC for the 238-unit multifamily residential development under **Project # PR-2022-007712 / Plan # SP-2025-00093** has been formally withdrawn by the applicant, while all other recorded plats, infrastructure lists, infrastructure agreements, easements, dedications, and related approvals remain in place.

Thank you for your attention to this matter. Please contact me if any additional documentation or procedural action is required to complete the withdrawal.

Respectfully submitted,

Angela Piarowski

Angela M. Piarowski, CEO/Managing Partner

Modulus Architects & Land Use Planning

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

Website: www.modulusarchitects.com

Join us on Facebook: [Modulus Architects on Facebook](#)

Join us on Instagram: [Modulus Architects on Instagram](#)

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

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CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
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ZONING HEARING EXAMINER

NOTICE OF DECISION

Special Exception Number: CU-2026-00014

Project Number: PR-2022-007712

Hearing Date: 07-21-2026

Closing of Public Record: 07-21-2026

Date of Decision: 08-05-2026

Case Description: Trula Howe - Modulus Architects and Land Use Planning, Inc (Agent) & Jubilee Development LLC (Applicant) request a Conditional Use for Liquor Retail for TRACT 1-A PLAT OF TRACTS 1-A-5 AND 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) located at 99999 Paseo del Norte NW, zoned MX-M (C-11) IDO Section 14-16- 4-3(D)(40)

On July 21, 2026, Trula Howe - Modulus Architects and Land Use Planning, Inc (Agent) & Jubilee Development LLC (Applicant) were scheduled to appear before the Zoning Hearing Examiner ("ZHE") requesting a Conditional Use Approval to allow Liquor Retail ("Application") upon the real property located at 99999 Paseo del Norte NW ("Subject Property"). Below are the ZHE's findings of fact and decision.

FINDINGS, CONDITIONAL USE APPROVAL:

1. Applicant is requesting a Conditional Use Approval for liquor retail pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance ("IDO") § 14-16-6(A).
2. Applicant has authority to pursue this Application, pursuant to IDO §14-16-6-4(D).
3. Applicant has duly authorized Agent to act on Applicant's behalf regarding the Application.
4. The Subject Property is located at 99999 Paseo Del Norte NW in an MX-M zone district.
5. The applicant is seeking approval for a liquor retail operation for a proposed convenience store.

6. The Planning Director's delegee has determined that the Application is complete as of May 05, 2026, pursuant to IDO §14-16-6-4(G).
7. The Application was referred to commenting agencies pursuant to IDO §14-16-6-4(I).
8. The content of the public notice of the Application satisfies IDO §14-16-6-4(J)(1).
9. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for Neighborhood Associations within 660 feet as required by IDO §14-16-6-4(J)(2).
10. A Conditional Use Liquor Retail request requires approval pursuant to IDO §14-16-6-6(A).
11. IDO §14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: "*An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:*
 - a. *It is consistent with the ABC Comp. Plan, as amended;*
 - b. *It complies with all applicable provisions of this IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
 - c. *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*
 - d. *It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;*
 - e. *On a project site with existing uses, it will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 10:00 pm and 6:00 am;*
 - f. *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.*"
12. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO § 14-16-6-4(E)(3).
13. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO § 14-16-6-4(E)(4).
14. Agent appeared at the July 21, 2026 ZHE hearing and gave evidence in support of the Application.
15. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval is consistent with the ABC Comp. Plan, as amended. Applicant submitted evidence supporting that the requested Conditional Use approval furthers the goals and policies of the ABC Comp. Plan by helping to ensure appropriate scale and location of development and character of design, placing development along corridors, and providing employment and services for the area. In addition, this request is consistent with several policies in the ABQ Comp Plan, such as:

POLICY 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods

a) Encourage development and redevelopment that brings goods, services and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

There is large residential development near the proposed convenience store, and there are few other options for obtaining necessities nearby.

POLICY 5.6.2 – Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks...where change is encouraged

The proposed location of the convenience store/liquor retail on Paseo del Norte helps to avoid potential negative impacts on existing residential uses while providing options for nearby goods and services.

POLICY 5.6.4 – Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering and limits on height and massing.

The proposed convenience store/liquor retail is an appropriate scale to provide transition between the designated Area of Change where it is located and the adjacent residential development within an Area of Consistency.

16. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval complies with all applicable provisions of the IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property. Applicant testified and confirmed in written submittals that the requested Conditional Use approval would comport with all applicable requirements.
17. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community. Applicant testified and confirmed in written submittals that the requested Conditional Use approval would not create any such adverse impact. Although neighborhood association representatives opposed the Application, they did so largely on procedural grounds, arguing that the ZHE lacks jurisdiction, because a Site Plan-EPC is required before a platting action involving 5 or more acres. However, no platting action is before the ZHE – this is a conditional use application. Further, opponents point out only generalized concerns about alcohol use, which are mitigated by Applicant's proposed use and existing state and city regulations.
18. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking, congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts. Applicant confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact and would not increase traffic congestion, parking, congestion, noise, or vibration without sufficient mitigation.

19. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not increase non-residential activity within 300 feet of a lot in any residential zone district between the hours of 10:00 pm and 6:00 am. Applicant confirmed in written submittals that non-residential activity would not increase in any prohibited manner.
20. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation. Applicant confirmed in written submittals that no negative impact on pedestrian or transit connectivity would result.
21. IDO § 14-16-4-3(D)(40) requires the following Use-Specific Standards for Liquor Retail:

4-3(D)(40) Liquor Retail

4-3(D)(40)(a) Alcohol sales for off-premises consumption are allowed provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.

4-3(D)(40)(b) Alcohol sales for on-premises consumption are also allowed as an incidental activity provided that the establishment complies with all New Mexico State law requirements.

4-3(D)(40)(c) Notwithstanding other standards in this § 14-16-4-3(D)(39), this use requires a Conditional Use Approval pursuant to § 14-16-6-6(A) when proposed within 500 feet of any Residential or NR-PO zone district or any group home use, as measured from the nearest edge of the building containing the use to the nearest Residential or NR-PO zone district or lot containing a group home.

4-3(D)(40)(d) In the MX-T zone district, this use is limited to 10,000 square feet of gross floor area.

4-3(D)(40)(e) In the MX-L zone district, this use is prohibited, except in the following small areas, where it is allowed as accessory to a grocery store:

- 1. Downtown Neighborhood Area – CPO-3*
- 2. East Downtown – CPO-4*
- 3. East Downtown – HPO-1*
- 4. La Cueva Small Area.*
- 5. North 4th Corridor – CPO-9*
- 6. South Yale Small Area*

4-3(D)(40)(f) In the MX-M, MX-H, and NR-C zone districts, this use requires a Conditional Use Approval pursuant to § 14-16-6-6(A) unless accessory to a grocery store, except in the following small areas, where it is prohibited unless accessory to a grocery store as noted:

- 1. Downtown Neighborhood Area – CPO-3*
- 2. East Downtown – CPO-4*
- 3. East Downtown – HPO-1*
- 4. North 4th Corridor – CPO-9*
- 5. South Yale Small Area*

4-3(D)(40)(g) Nob Hill/Highland Small Area: This use is prohibited in the mapped area.

4-3(D)(40)(h) University Neighborhoods Small Area: This use is prohibited in the MX-M zone district in the mapped area unless associated with a grocery store west of University Boulevard.

22. Applicant has demonstrated compliance with use-specific standards applicable to the Application.
23. The City Traffic Engineer submitted a comment stating that a Traffic Impact Study would be required prior to receiving subsequent approvals.

DECISION:

APPROVAL of a Conditional Use for Liquor Retail for TRACT 1-A PLAT OF TRACTS 1-A AND 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) located at 99999 Paseo del Norte NW.

APPEAL:

If you wish to appeal this decision, you must do so by August 20, 2026. Pursuant to IDO § 14-16-6-4(U), you must demonstrate that you have legal standing to file an appeal.

PERIOD OF VALIDITY:

Approval of a Conditional Use is valid for two (2) years from date of approval.

OTHER REQUIREMENTS:

THIS NOTICE OF DECISION DOES NOT CONSTITUTE APPROVAL OF PLANS FOR A BUILDING PERMIT.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception. If your application is approved, submit this Notice of Decision when you apply for any related site plan, building permit, or occupation tax number.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: Trula Howe, Modulus Architects
trula@modulusarchitects.com
Aleem Hasham, Owner

CABQ Zoning Hearing Examiner

Notice of Decision

Page | 6 of 7

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ZHE File

Zoning Enforcement

MATERIAL SUBMITTED TO ZHE

AC-26-14

PR-2022-007712 (Project)

[CU-2026-00014](#) (ZHE – Conditional Use)

[CU-2026-00026](#) (Appeal)



City of Albuquerque Zoning Hearing Examiner



Staff Report

Hearing Date:	21 July 2026
Case #:	CU-2026-00014
Project #:	PR-2022-007712
Agent:	Trula Howe - Modulus Architects and Land Use Planning, Inc.
Applicant:	Jubilee Developments, LLC
Application:	Conditional Use – Liquor Retail
IDO Section:	§ 14-16-4-3(D)(40)
Legal Description:	TRACT 1-A PLAT OF TRACTS 1-A AND 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)
Address/Location:	99999 Paseo Del Norte NW
Property Area:	Approximately 8.25 acres
Existing Zoning:	MX-M
Staff Planner:	Shannon Halley, Principal Planner
CASE SUMMARY:	The applicant is requesting a Conditional Use Approval for liquor retail in accordance with IDO § 14-16-4-3(D)(40), situated within an MX-M Mixed-use – Medium Density Mixed-Use zone district.
STAFF RECOMMENDATION:	APPROVAL of Case CU-2026-00014 based on recommended findings in this report.

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I. Maps

Aerial Map

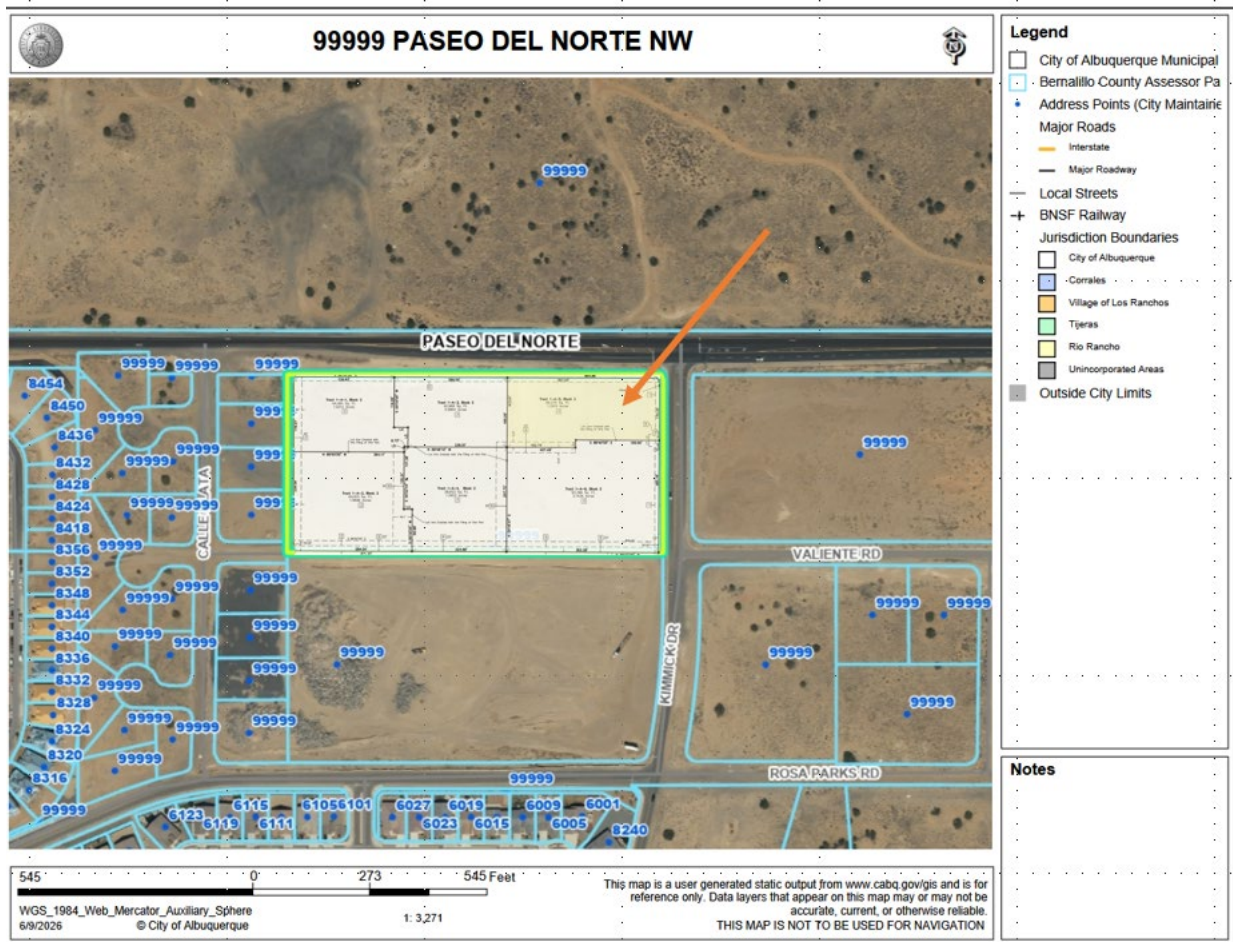
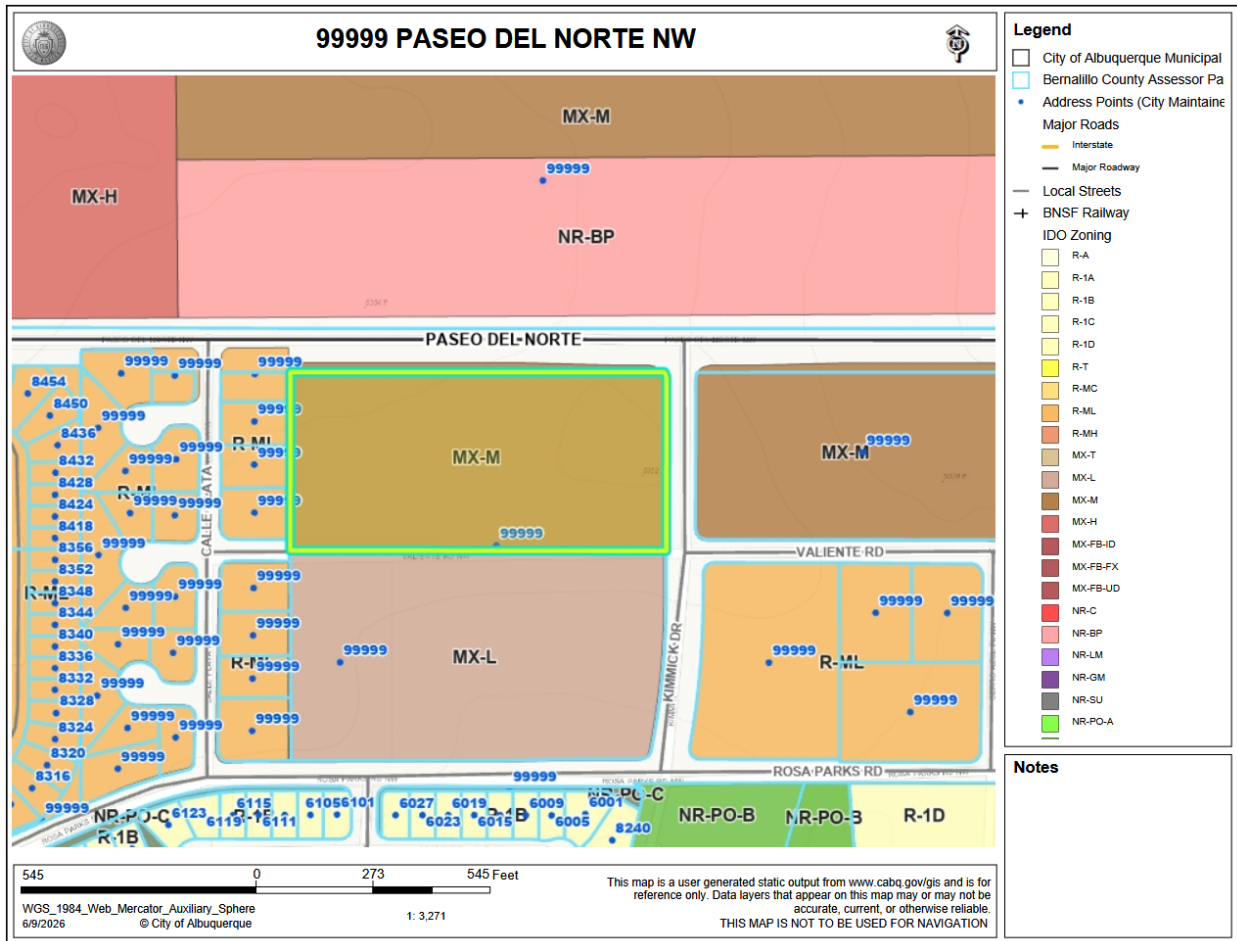
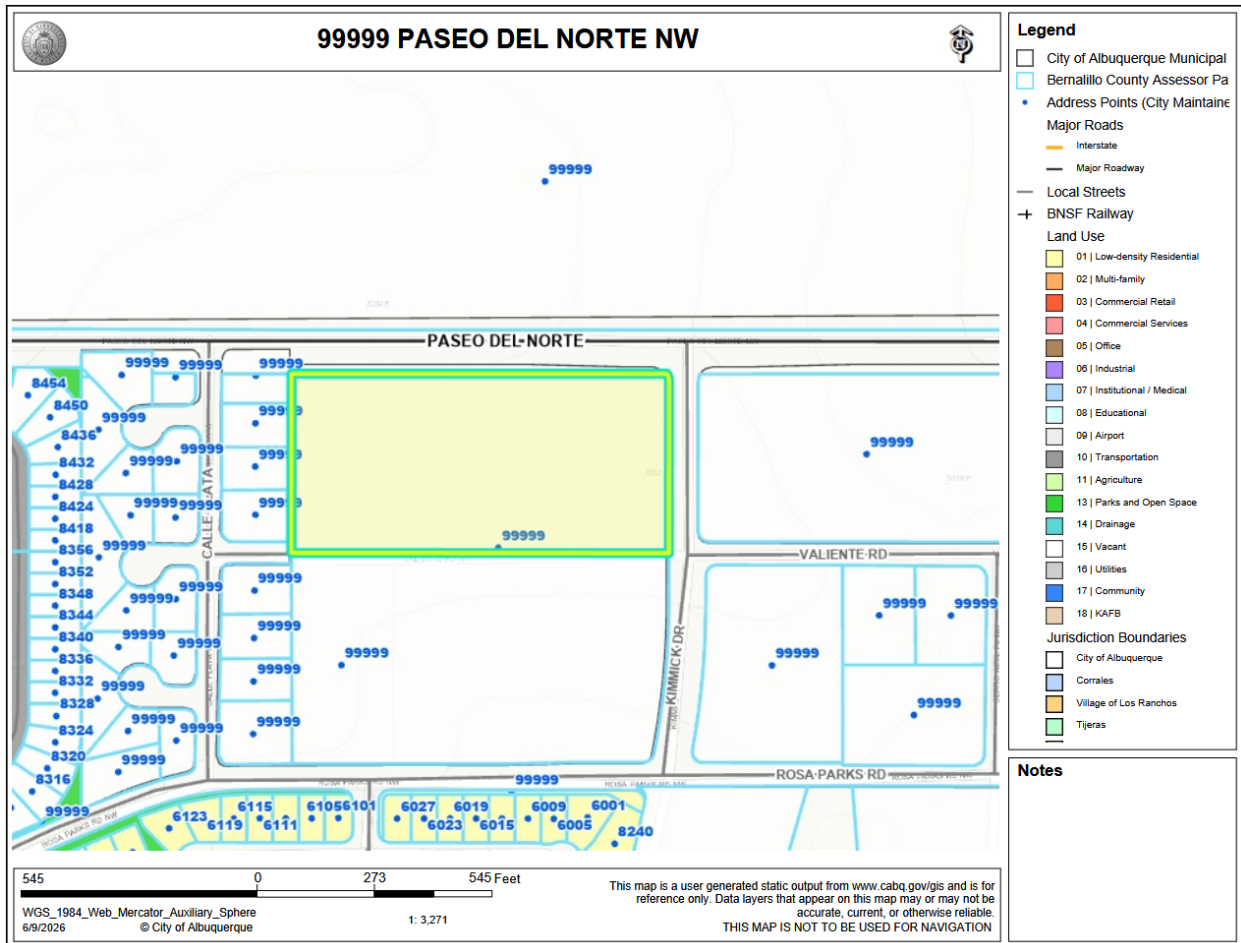


Figure 1 Highlighted is Tract 1-A, which has been subdivided into 6 smaller tracts. The proposed conditional use will be located on Tract 1-A-5 in the northeastern corner. (see Attachment D)

IDO Zoning Map



Land Use Map



II. Introduction

Request

The applicant is requesting a Conditional Use Approval to operate a liquor retail establishment at 99999 Paseo Del Norte NW, situated within an MX-M (Mixed-use Medium Intensity) zone district. The property is located at the southwest corner of Paseo del Norte NW and Kimmick Drive. As shown on the site plan in Attachment D, the parcel on which proposed conditional use will be located is the northeastern corner. Tract 1-A-5, of 6 tracts resulting from the subdivision of Tract 1-A. The proposed use will be associated with a local convenience market with liquor retail sales as a second primary use to the small general retail use, which will include groceries, household products, and convenience items intended to serve the surrounding neighborhood.

Subject Site Context

	<i>IDO Zoning</i>	<i>Comprehensive Plan Development Area</i>	<i>Existing Land Use</i>
<i>Subject Site</i>	MX-M	Area of Change	Undeveloped
<i>North</i>	NR-BP	Area of Change	Undeveloped
<i>South</i>	MX-L	Area of Change	Undeveloped
<i>East</i>	MX-M	Area of Change	Undeveloped
<i>West</i>	R-ML	Area of Change	Undeveloped

The properties bordering the east, north, and south are undeveloped, whereas a residential development is situated approximately 550 feet to southwest of the property.

Adjacent Street Designations

Kimmick Dr. is designated as a Minor Collector, and Paseo del Norte is designated a Regional Principal Arterial according to the 2040 Long Range Roadway System map, produced by the Mid-Region Council of Governments. The City is currently widening Paseo del Norte to support regional traffic infrastructure needs.

Site History / Related Requests

On October 10, 2019, the Environmental Planning Commission (EPC) approved a rezoning request for the parcel at the southwest corner of Paseo del Norte and Kimmick from MX-L to MX-M (RZ-2019-00043). The Westside Coalition of Neighborhood Associations (“WSCONA”) appealed (AC-19-17), and on February 12, 2020 City Council voted to deny the appeal and uphold the EPC decision.

In September 2022, Consensus Planning, representing Jubilee Development, LLC (“Applicant”) submitted three requests (PR-2022-007712) to the Development Review Board (DRB), namely, a Major Amendment to an existing Site Plan (SI-2022-1875), a new Site Plan (SI-2022-1874), and a Preliminary Plat (SD-2022-00143). On November 9, 2022, the DRB approved the three applications. (click [here](#) to read the related case history)

WSCONA appealed all three applications in one appeal action (AC-23-01). On February 17, 2023, the Land Use Hearing Officer (LUHO) issued a written recommendation that the Preliminary Plat was not appealable because at the time only the Final Plat was subject to appeal and that the City Council should deny the appeal for the Site Plans. On March 7, 2023, City Council voted to deny the appeal and uphold the DRB approvals.

WSCONA then appealed to District Court, challenging the substance and process of the DRB approval as well as a City Councilor's recusal (D-202-CV-2023-02637).

While the appeal was pending, the Applicant requested and received approval for the Final Plat (SD-2023-00127). WSCONA appealed the Final Plat decision to the City Council (AC-23-14). Among the LUHO's findings were 1) the DRB did not have the authority to approve the amended site plan or preliminary plat; and 2) the amended site plan and preliminary plat "shall be revoked," thus reversing the approval of the final plat. In light of the LUHO recommendation, the City Council voted to "accept the withdrawal" of the Final Plat by the Applicant on November 8, 2023.

The following day, the District Court entered an order that rejected WSCONA's arguments related to the Site Plan and affirming the City Council's approval of the applications. WSCONA filed a motion for rehearing, which the District Court denied, and WSCONA appealed.

In the District Court appeal, the previous Court's decision rejecting the WSCONA's argument about the process of the DRB approval was reversed in part, as the Court found that since the property was adjacent to Major Public Open Space and over 5 acres in size, the IDO required a Site Plan – EPC and remanded the Site Plan to the EPC. Regarding the Coalition's second argument, which pertained to height restrictions in the VPO-2, the Court upheld the City's earlier decision.

On February 7, 2024, the Development Hearing Office (DHO) approved a Final Plat, which completed the 2022 Preliminary Plat to subdivide the property into two parcels, a north and south tract (1-A and 1-B) [SD-2024-00019].

On May 20th, 2024, Planning staff accepted an application for a Preliminary Plat to subdivide the northern tract (1-A) into 6 parcels [SD-2024-00097]. The DHO approved the Preliminary Plat on June 12, 2024. WSCONA appealed the Preliminary Plat (AC-24-28). LUHO recommended denying the appeal, and City Council affirmed the DHO approval on April 7, 2025. The DHO approved a Final Plat on April 23, 2025 [MJRFNL_PLT-2025-00001].

On December 18, 2025, the Applicant submitted a request for a Site Plan – EPC for a new 238-unit multi-family residential development on the southern tract, an approximately 10-acre parcel legally described as 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), at the intersection of Kimmick Dr. NW and Rosa Parks Rd. NW, just south of Paseo Blvd. NW [SP-2025-00093]. The EPC approved the Site Plan with conditions. WSCONA appealed [AC-26-01]. LUHO recommended denying the appeal, and on March 16, 2026, City Council accepted the LUHO recommendation, upholding EPC's approval. WSCONA appealed to District Court, and that appeal is still active.

Zoning Hearing Examiner's Role

The Zoning Hearing Examiner (ZHE) holds public hearings and makes quasi-judicial decisions about special exceptions to zoning regulations in the Integrated Development Ordinance (IDO). The ZHE ensures compliance with zoning laws, considers public input, and issues written findings based on evidence presented and staff recommendations.

The ZHE is hearing this case as required by Table 6-1-1 and IDO § 14-16-6-6(H). This is a quasi-judicial matter.

III. Analysis of City Plans and Ordinances

Albuquerque / Bernalillo County Comprehensive Plan

City Development Areas

The subject site is located in an Area of Change as designated by the Comprehensive Plan. Areas of Change include Centers, Corridors, and Metropolitan Redevelopment Areas, where new development and redevelopment are desired and appropriate. These areas include undeveloped land and commercial or industrial zones that would benefit from infill or revitalization. Directing growth to Areas of Change is intended to reduce development pressure on established neighborhoods and rural areas, minimizing infill or redevelopment at a scale and density that could negatively impact their character. Areas of Change are intended to be the focus of urban-scale development that benefits job growth and housing opportunities.

Center & Corridor Designations

None.

Integrated Development Ordinance (IDO)

IDO Zoning

The subject site is zoned MX-M. "The purpose of the MX-M zone district is to provide for a wide array of moderate-intensity retail, commercial, institutional and moderate-density residential uses, with taller, multi-story buildings encouraged in Centers and Corridors" [IDO § 14-16-2-4(C)(1)].

Liquor Retail Use

Pursuant to IDO Table 4-2-1: Allowable Uses, liquor retail is a Conditional primary use in MX-M and must comply with relevant use-specific standards in IDO § 14-16-4-3(D)(40).

14-16-4(D)(40) Liquor Retail

4-3(D)(40)(a) Alcohol sales for off-premises consumption are allowed provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.

- 4-3(D)(40)(b) Alcohol sales for on-premises consumption are also allowed as an incidental activity provided that the establishment complies with all New Mexico State law requirements.
- 4-3(D)(40)(c) Notwithstanding other standards in this § 14-16-4-3(D)(39), this use requires a Conditional Use Approval pursuant to § 14-16-6-6(A) when proposed within 500 feet of any Residential or NR-PO zone district or any group home use, as measured from the nearest edge of the building containing the use to the nearest Residential or NR-PO zone district or lot containing a group home.

Overlay Zones

The subject site is located within the Volcano Mesa Character Protection Overlay zone (CPO-13), which applies additional standards to low-density residential development.

The subject site is also located within Northwest Mesa Escarpment View Protection Overlay zone (VPO-2), which protects views looking to and from the Petroglyph National Monument. This site is not located within the Height Restricted Sub-area, but additional standards govern the exterior surfaces of structures and reflectivity.

Definitions

- Allowable Use: A land use allowed in a particular zone district by Table 4-2-1 as a primary or accessory use, whether allowed permissively or conditionally. See also Use Definitions for Permissive Use, Conditional use, and Accessory Use.
- Conditional Use: A land use that is allowable in a particular zone district subject to conditional approval by the ZHE based on a review of the potential adverse impacts of the use and any appropriate mitigations to minimize those impacts on nearby properties. Table 4-2-1 specifies whether a particular conditional use is primary (listed as C) or accessory (listed as CA) or allowed conditionally in a primary building that has been vacant for a specified amount of time (listed as CV).
- Liquor Retail: A retail sales establishment licensed by the State selling packaged alcoholic liquors (including beer, wine, and spirituous liquors) for consumption off-site. Establishments that operate under a Small Brewer's, Winegrower's, or Craft Distiller's license are not considered liquor retail.

IV. Conditional Use Approval

IDO Review and Decision Criteria

Pursuant to IDO § 14-16-6-6(A) (Review and Decision Criteria), "An application for a Conditional Use Approval shall be approved if it meets all of the following criteria.

(a) It is consistent with the adopted ABC Comp Plan, as amended.

Analysis: This request is consistent with several policies in the ABQ Comp Plan.

- POLICY 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods
 - a) Encourage development and redevelopment that brings goods, services and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

There is a large residential development near the proposed convenience store, and there are few other options for obtaining necessities nearby.

- POLICY 5.6.2 – Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks...where change is encouraged

The proposed location of the convenience store/liquor retail on Paseo del Norte helps to avoid potential negative impacts on existing residential uses while providing options for nearby goods and services.

- POLICY 5.6.4 – Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering and limits on height and massing.

The proposed convenience store/liquor retail is an appropriate scale to provide a transition between the designated Area of Change where it is located and the adjacent residential development within an Area of Consistency.

The Applicant has provided additional Comprehensive Plan policies and goals that they feel are consistent with the proposed use.

(b) It complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in § 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.

Analysis: The Applicant states that the proposed use complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in § 14-16-4-3; the DPM; other adopted City regulations; and

any conditions specifically applied to development of the property in a prior permit or approval affecting the property.

- (c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.

Analysis: The use will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.

- (d) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

Analysis: The use will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration.

In addition, the Applicant states that potential impacts will be identified, evaluated, and mitigated during the Site Plan approval, which will address on-site parking and circulation designed to accommodate anticipated demand and to minimize potential conflicts and site design and operational practices that incorporate CPTED (Crime Prevention Through Environmental Design) principles to address visibility, safety, and site management.

- (e) On a project site with existing uses, it will not increase nonresidential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.

Analysis: There are no existing uses on the site, so this criterion is not applicable.

- (f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

Analysis: The Applicant states that the development will incorporate site planning and design measures intended to preserve existing access, circulation patterns, and connections to surrounding areas.

V. Agency & Neighborhood Concerns

Public Notice	Required?	Met?
<i>Email to Neighborhood Associations (NA) within 660 feet</i>	Yes	Yes
<i>Mailed Notice to Property Owners within 100 feet</i>	Yes	Yes
<i>Posted Sign</i>	Yes	Yes Posted 06/01/2026
<i>Published Legal Ad</i>	Yes	Yes Published 07/06/2026

<i>Public Notice</i>	<i>Required?</i>	<i>Met?</i>
<i>Web Posting</i>	Yes	Yes Posted 07/10/2026

Reviewing Agencies

The application was referred to all relevant agencies. The applicant states that Transportation requires a Traffic Impact Study (TIS). Transportation staff has not received the study, but does not oppose moving forward with this request. The TIS will be evaluated upon receipt and any concerns addressed through the Site Plan review and decision.

Neighborhood/Public

The Westside Coalition of Neighborhood Associations (WSCONA) is within 660 feet of the subject property and was notified by email as required.

One letter in opposition was received on June 10, 2026 and is included in Attachment E.

VI. Conclusion

Recommendation

APPROVAL of Project #: PR-2022-007712, CU-2026-00014, a request for a Conditional Use for Liquor Retail for Tract 1-A Plat of Tracts 1-A and 1-B, Block 2 Volcano Cliffs Subdivision, Unit 26, 9.5477 AC M/L, located at 99999 Paseo Del Norte NW based on recommended Findings #1-13.

Shannon Halley
Shannon Halley
Principal Planner

Findings, Conditional Use Approval

Project #: PR-2022-007712 / CU-2026-00014

1. Applicant is requesting a Conditional Use Approval for liquor retail pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance (“IDO”) § 14-16-6-6(A).
2. Applicant has authority to pursue this Application, pursuant to IDO §14-16-6-4(D).
3. Applicant has duly authorized Agent to act on Applicant’s behalf regarding the Application.
4. The Subject Property is located at 99999 Paseo Del Norte NW in an MX-M zone district.
5. The applicant is seeking approval for a liquor retail operation for a proposed convenience store.
6. The Planning Director’s delegee has determined that the Application is complete as of May 05, 2026, pursuant to IDO §14-16-6-4(G).
7. The Application was referred to commenting agencies pursuant to IDO §14-16-6-4(I).
8. The content of the public notice of the Application satisfies IDO §14-16-6-4(J)(1).
9. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for Neighborhood Associations within 660 feet as required by IDO §14-16-6-4(J)(2).
10. A Conditional Use Liquor Retail request requires approval pursuant to IDO §14-16-6-6(A).
11. IDO §14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: “An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:
 1. *It is consistent with the ABC Comp. Plan, as amended;*
 2. *It complies with all applicable provisions of this IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
 3. *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*
 4. *It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;*

5. *On a project site with existing uses, it will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 10:00 pm and 6:00 am;*
 6. *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation."*
12. The request meets the relevant criteria for a Conditional Use Liquor Retail.
 13. The City Traffic Engineer has determined that this request will require a Traffic Study. Any traffic mitigation shall be addressed during Site Plan review and decision.

VII. Attachments

A) AERIAL VIEW OF PROPOSED DEVELOPMENT



B) APPLICATION INFORMATION



ARCHITECTS & LAND USE PLANNING

April 20, 2026

Mr. Robert Lucero
Zoning Hearing Examiner
Plaza del Sol Hearing Room, Basement Level
600 Second Street NW
Albuquerque, New Mexico 87103
Phone: (505) 924-3894

Re: Justification Letter Explaining and Justifying Request for Conditional Use Permit for Liquor Retail Sales (Off-Premises Consumption)

Property Address: Volcano Cliffs Subdivision Unit 26, Lot 1-A-5, Albuquerque, NM, Zoned MX-M

Dear Mr. Lucero:

Modulus Architects, Inc., hereinafter referred to as "Agent" for the purpose of this request, represents Jubilee Developments LLC, hereinafter referred to as "Applicant." We the Agent are requesting approval of a Conditional Use for Liquor Retail Sales – Off-Premises Consumption, for the property listed above. The parcel ("subject site") is 1.2919 acres in size, zoned MX-M and is legally described as TRACT 1-A-5, BLOCK 2, VOLCANO CLIFFS SUBDIVISION, UNIT 26. This lot is located on the southwest corner of Paseo del Norte NW, and Kimmick Dr NW, and the site is currently undeveloped.

The proposed development is a local convenience market, with liquor retail sales as an ancillary component to the primary use. The primary goods and services will consist of day-to-day groceries, household needs, and convenience items intended to serve the surrounding neighborhood. This request for Conditional Use approval specifically relates to the inclusion of liquor retail within this broader neighborhood-serving use.

The proposed development is not a stand-alone liquor store, package liquor establishment, or destination liquor retailer. Rather, the proposed liquor retail component is ancillary and subordinate to the primary use of the property as a small-scale neighborhood convenience market. The primary purpose of the market is to provide nearby residents with access to everyday goods and services, including groceries, household items, convenience foods, beverages, and other neighborhood-serving retail products.

The inclusion of liquor retail represents only a small percentage of the overall sales offerings and is intended to complement, not define, the business operation. The sale of alcohol for off-premises consumption will be one limited component within a broader retail environment and will not change the character of the use from a neighborhood convenience market into a liquor-focused establishment.

This distinction is important when evaluating neighborhood compatibility and potential impacts. Because liquor retail will be incidental to the larger market use, the proposed Conditional Use is not expected to generate the type, intensity, or pattern of activity typically associated with a stand-alone liquor retailer. Customers will primarily visit the site for a range of day-to-day needs, with alcohol sales occurring as an accessory convenience within the larger store offering.

The proposed use serves a legitimate neighborhood need by allowing residents to access common household and convenience goods in close proximity to where they live. In a growing residential area, small-scale neighborhood commercial services are important to creating complete communities and reducing the need for longer vehicle trips to larger commercial centers. The availability of limited, regulated alcohol sales as part of that broader retail mix is consistent with the function of a convenience market and does not create a separate or incompatible use.

The Applicant recognizes that liquor retail can raise concerns when proposed near residential areas. However, in this case, those concerns are mitigated by the limited and ancillary nature of the alcohol sales, the scale of the overall market, the mixed-use zoning of the property, the location at a major intersection, and the Applicant's commitment to responsible operations. The site will be designed and managed to promote safety, visibility, and neighborhood compatibility, including appropriate lighting, clear storefront visibility, defined access points, and Crime Prevention Through Environmental Design principles.

The proposed liquor retail component will comply with all applicable New Mexico State law requirements, City of Albuquerque regulations, licensing standards, and operational requirements for off-premises alcohol sales. These regulatory controls, combined with the limited scale of the use, ensure that the liquor retail component can be operated responsibly and without detrimental impact to adjacent properties, the surrounding neighborhood, or the larger community.

This request is based on IDO (Integrated Development Ordinance) as amended April 2026, Table 4-2-1, which indicates Liquor Retail as Conditional Primary in the MX-**M** zone. City of Albuquerque criteria for approval per the IDO is outlined below, along with an explanation of how the Applicant fulfills these requirements and furthers policies identified in the Albuquerque & Bernalillo County Comprehensive Plan as adopted in 2025.

The subject site is located within the **Northwest Mesa Community Planning Area**, and is designated as an **Area of Change** under the Albuquerque & Bernalillo County Comprehensive Plan.

Pursuant to the IDO (Integrated Development Ordinance) as amended April 2026

Per Table 4-2-1 Allowable Uses, Liquor Retail is Conditional Primary for MX-M Zone District.

4-3(D)(40) Liquor Retail

- 4-3(D)(40)(a) Alcohol sales for off-premises consumption are allowed provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.
- 4-3(D)(40)(c) Notwithstanding other standards in this § 14-16-4-3(D)(39), this use requires a Conditional Use Approval pursuant to § 14-16-66(A) when proposed within 500 feet of any Residential or NR-PO zone district or any group home use, as measured from the nearest edge of the building containing the use to the nearest Residential or NR-PO zone district or lot containing a group home.

6-6(A)(1) CONDITIONAL USE APPROVAL - This 14-16-6-6(A) applies to all applications for a use listed as conditional...

6-6(A)(3) Review and Decision Criteria: An application for a Conditional Use Approval shall be approved if it meets all of the following criteria.

- 6-6(A)(3)(a) It is consistent with the adopted ABC Comp Plan, as amended.

Applicant Response: The request for Conditional Use Permit is consistent with the adopted ABC Comp Plan as shown by furthering, and not conflicting with, several applicable Goals and Policies in the ABC Comp Plan.

POLICY 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods

- a) Encourage development and redevelopment that brings goods, services and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

Applicant Response: The proposed project is a local convenience market, with liquor retail sales as an ancillary component to the primary use. The request for Conditional Use approval specifically relates to the inclusion of liquor retail within this neighborhood-serving market.

The inclusion of liquor retail supports Policy 5.2.1 by allowing residents to access a full range of commonly purchased goods—including regulated alcohol sales—in a single, conveniently located establishment. This supports access to goods and services within walking and biking distance of surrounding neighborhoods and reduces the need for longer trips to obtain these items elsewhere.

The subject site is well-suited for this Conditional Use due to its location at the intersection of Paseo del Norte and Kimmick Drive, within an established mixed-use context and in proximity to surrounding residential neighborhoods. The scale and design of the market, including the ancillary liquor component, are intended to serve the immediate area rather than function as a regional destination.

As proposed, the liquor retail component is integrated into a broader retail use and will operate in compliance with all applicable State and City regulations, ensuring compatibility with the surrounding neighborhood

GOAL 5.2 Complete Communities: Foster communities where residents can live, work, learn, shop and play together.

Applicant Response: The proposed Conditional Use for liquor retail, as part of a local convenience market, contributes to a more complete community by expanding access to a wider range of everyday goods within proximity to surrounding residents.

The subject site is located within an Area of Change, where the Comprehensive Plan anticipates incremental growth and a broader mix of uses over time. In this context, the inclusion of a neighborhood-serving convenience market—with ancillary liquor retail—is consistent with the Plan's intent to support evolving development patterns that increase access to goods and services.

While liquor retail requires Conditional Use approval, its inclusion as an ancillary component of a neighborhood-serving market is appropriate for this location. The use is limited in scale and integrated into a broader retail environment, ensuring that it functions as a convenience to local residents rather than as a standalone or destination-oriented use.

Policy 4.1.2 Identity and Design: Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.

Applicant Response: The proposed Conditional Use for liquor retail has been carefully considered in the context of neighborhood character and compatibility. As part of a local convenience market, the liquor retail component is integrated into a larger retail use and does not define the overall character of the development.

The Applicant acknowledges that liquor retail can raise community concerns. In response, the project will incorporate Crime Prevention Through Environmental Design (CPTED) principles, including

appropriate site lighting, clear visibility into and around the building, defined access points, and design strategies that support natural surveillance.

These design strategies, along with operational practices informed by CPTED principles, are intended to promote a safe and well-managed environment and support compatibility with surrounding development.

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

Applicant Response: The request is consistent with Policy 4.1.4, as the proposed Conditional Use for liquor retail is integrated into a small-scale, neighborhood-oriented convenience market intended to serve nearby residents.

The subject site is located within an established and developing area where neighborhood-serving commercial uses are appropriate to support surrounding residential growth. The proposed use provides convenient access to everyday goods, including regulated alcohol sales, within close proximity to nearby neighborhoods, reducing the need for residents to travel longer distances for these items.

The Applicant recognizes that liquor retail can raise concerns related to safety, neighborhood character, and compatibility with nearby residential uses. In response, the proposed use has been designed as an ancillary component of a broader convenience market, ensuring that it remains subordinate to the primary function of providing groceries and daily necessities, rather than operating as a standalone or destination-oriented liquor establishment.

In addition, the project will incorporate Crime Prevention Through Environmental Design (CPTED) principles to support a safe and well-managed environment. These measures include site design strategies that promote visibility and natural surveillance, appropriate lighting, clearly defined access points, and operational practices and staff training intended to discourage undesirable activity and support positive site conditions.

Through the combination of limited scale, integration within a neighborhood-serving use, and implementation of CPTED-based design and operational practices, the project is intended to maintain compatibility with surrounding residential areas and mitigate potential impacts, thereby supporting the long-term health, stability, and vitality of the neighborhood.

- 6-6(A)(3)(b) It complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in § 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.

Applicant Response: This request complies with applicable provisions of this IDO including but not limited to any Use-Specific Standards and other adopted City regulations. As it relates to this request, the Use-Specific Standards for Liquor Retail in an MX-M zone clearly identify areas that this use would not be allowed and this property is NOT located in one of those areas.

- 6-6(A)(3)(c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.

Applicant Response: The proposed Conditional Use will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community. To the contrary, the project helps address an existing lack of neighborhood-serving goods and services in the surrounding Westside area.

The surrounding residential neighborhoods are underserved by small-scale markets and daily-service retail options. The proposed convenience market is designed to meet this need by offering everyday goods and services in a convenient and accessible location. The liquor retail component is incidental to this broader purpose and will remain subordinate to the primary function of the business as a neighborhood market.

Because alcohol sales will comprise only a small percentage of the overall sales offerings, the proposed use is not expected to generate the impacts commonly associated with a stand-alone liquor retailer. The site will not operate as a bar, nightclub, entertainment venue, or destination liquor store. Alcohol sales will be for off-premises consumption only and will occur within a regulated retail environment as part of a larger mix of convenience goods.

The project therefore provides a needed neighborhood service while avoiding the type of intensity, activity pattern, or operational character that could be detrimental to nearby residential properties. With appropriate site design, lighting, visibility, CPTED principles, responsible management, and compliance with all applicable State and City regulations, the proposed ancillary liquor retail component will remain compatible with the surrounding neighborhood.

- 6-6(A)(3)(d) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

Applicant Response: The proposed Conditional Use for liquor retail, as part of a local convenience market, is expected to generate activity levels generally consistent with neighborhood-serving retail uses. The Applicant recognizes that potential impacts related to traffic, parking, noise, or site activity must be carefully evaluated and addressed.

A Traffic Scoping Form has been reviewed by the City of Albuquerque Traffic Engineer, who has determined that a Traffic Study is required. The Applicant will complete the required Traffic Study and will implement recommended improvements or mitigation measures identified through that process to address site access, circulation, and traffic-related impacts.

On-site parking and circulation will be designed to accommodate anticipated demand and to minimize potential conflicts. Site design and operational practices will also incorporate CPTED principles to address visibility, safety, and site management.

Through these measures, the project is designed to identify, evaluate, and mitigate potential impacts in accordance with City requirements and best practices.

- 6-6(A)(3)(e) On a project site with existing uses, it will not increase nonresidential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.

Applicant Response: This criterion is not applicable, as this project site does not have an existing use.

- 6-6(A)(3)(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation.

Applicant Response: The proposed use has been designed with consideration for maintaining and supporting pedestrian and transit connectivity. The development will incorporate site planning and design measures intended to preserve existing access, circulation patterns, and connections to surrounding areas.

Existing sidewalks, access points, and internal walkways will be maintained and integrated into the site design to support safe and convenient pedestrian movement. Where applicable, design refinements will be implemented to enhance connectivity and minimize potential conflicts between pedestrian, vehicular, and site circulation.

Should any potential impacts to pedestrian or transit connectivity be identified through the development review process, the Applicant commits to implementing appropriate mitigation measures consistent with City requirements and best practices.

As a neighborhood-serving use, the project is intended to support walkable access to goods and services and reinforce existing connectivity within the surrounding area.

In conclusion, the requested Conditional Use for liquor retail is appropriate, limited in scope, and compatible with the surrounding neighborhood. The proposed development is a small-scale neighborhood convenience market intended to provide nearby residents with access to daily goods and services. Liquor retail is proposed only as an ancillary component of the broader market and will represent a small percentage of the overall sales offerings.

The request should not be evaluated as a stand-alone liquor store or destination alcohol retailer. Instead, it should be understood as a limited, regulated retail component within a neighborhood-serving commercial use. This distinction is central to the Applicant's request and supports a finding that the proposed Conditional Use will not be detrimental to adjacent properties, surrounding neighborhoods, or the larger community.

The project supports the Comprehensive Plan's goals for complete communities by bringing everyday goods and services closer to residents in an appropriate mixed-use location. The site's MX-M zoning, location within an Area of Change, and position at a well-connected intersection support the introduction of neighborhood-serving commercial uses at this scale.

The Applicant has further demonstrated a commitment to compatibility and responsible operation through compliance with all applicable State and City regulations, completion of the required Traffic Study, incorporation of CPTED-based design principles, and implementation of appropriate operational practices. These measures ensure that potential impacts are avoided or mitigated and that the use remains safe, well-managed, and compatible with the surrounding area.

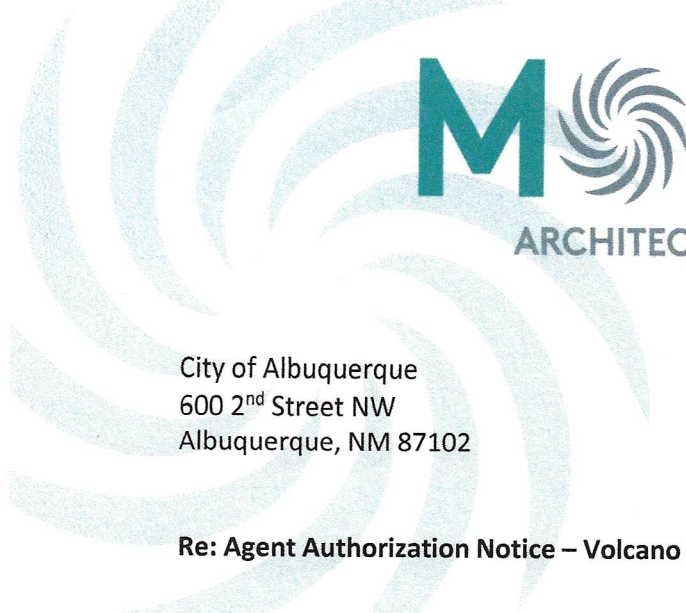
Based on the limited and ancillary nature of the liquor retail component, the neighborhood-serving purpose of the overall market, and the project's consistency with applicable IDO criteria and Comprehensive Plan policies, approval of the Conditional Use request is respectfully requested.

Trula Howe
Vice President
Modulus Architects and Land Use Planning, Inc.
8220 San Pedro Dr. NE, Suite 520 (Paseo Nuevo Building)
Albuquerque, New Mexico 87113
Office: (505) 338.1499 ext. 1001
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Email: trula@modulusarchitects.com

New Mexico | Texas | Arizona | Colorado | Florida | Utah | Illinois



The logo for Modulus Architects & Land Use Planning features a large, stylized 'M' on the left, which incorporates a circular, sunburst-like graphic. To the right of the 'M' is the word 'DULUS' in a bold, sans-serif font. Below the 'M' and 'DULUS' is the text 'ARCHITECTS & LAND USE PLANNING' in a smaller, all-caps, sans-serif font.

MODULUS

ARCHITECTS & LAND USE PLANNING

City of Albuquerque
600 2nd Street NW
Albuquerque, NM 87102

Re: Agent Authorization Notice – Volcano Cliffs Subdivision, Unit 26, Lot 1-A-5

To Whom It May Concern,

Jubilee Developments LLC, hereby authorizes Modulus Architects & Land Use Planning to perform as the Agent of Record with the City of Albuquerque. This Agent Authorization is for the property located at: Volcano Cliffs Subdivision, Unit 26, Lot 1-A-5 ALBUQUERQUE NM 87114 legally described as:

TR 1-A-5 PLAT OF TRACTS 1-A AND 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, 1.2919 acres.

This authorization is valid until further written notice from Jubilee Developments LLC or Modulus Architects & Land Use Planning (Agent). Please direct all correspondence and communication to our Agent for the purpose of this request to the Zoning Hearing Examiner and all supplemental submittals.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Aleem Hasham', is written over the printed name and contact information.

JUBILEE DEVELOPMENTS LLC
Aleem Hasham, Managing Member
4590 PARADISE BLVD NW
ALBUQUERQUE, NM 87114-4105
aleemhasham@gmail.com

C) PUBLIC NOTICE

To learn what's there, draw a shape on the map. Double-click/tap to finish. Note: Buffering is active. A buffer of 100 Feet (ft) will be applied.



I want to...

NR-BP

Paseo del Norte NW

Paseo del Norte N

R-ML

R-ML

MX-M

MX-M

MX-L

R-ML

Valiente Rd NW

Valiente Rd NW

R-ML

MX-L

R-ML

R-ML

060

mmick Dr NW

NW



0 100 200ft

Owner	Owner Address	Owner Address 2	SITUS Address	SITUS Address 2	Legal Description	Property Class	Deeded Assessed Acreage	Calculated GIS Acres
BEDROCK PARTNERSHIP & N M GEN PARTNERSHIP C/O GERALD GOLD	PO BOX 26506	ALBUQUERQUE NM 87125-6506		ALBUQUERQUE NM 87114	TRACT 2-A REPLAT OF TR 2 68.75 AC TRACT & 66.15 AC TR IN PARADISE HILLS WITHIN THE TOWN OF ALAMEDA GRANTCONT 60.6700 AC	V	60.67	60.73486573
VOLCANO CLIFFS INC	4112 BLUE RIDGE PL NE	ALBUQUERQUE NM 87111-4167	VALIENTE RD NW	ALBUQUERQUE NM 87120	LT 1A-1 BLK 3 PLAT OF LTS 1A-1 & 4A-1 BLK 3 VOLCANO CLIFFSSUBD UNIT 26 (A REPL OF BLK 3 TOGETHER WITH A PORT OF KIMMICK DR NW & CALLE NORTENA NW VOLCANO CLIFFS SUBD)	V	6.9106	6.87335266
JUBILEE DEVELOPMENTS LLC	4590 PARADISE BLVD NW	ALBUQUERQUE NM 87114-4105	PASEO DEL NORTE NW	ALBUQUERQUE NM 87120	TR 1-A PLAT OF TRACTS 1-A AND 1-B, BLOCK 2 VOLCANO CLIFFSSUBDIVISION, UNIT 26 (A REPLAT OF TRACT 1, BLOCK 2 AND LOT 5, BLOCK 6 VOLCANO CLIFFS SUBDIVISION, UNIT 26)	V	8.2545	8.25637396

Trula Howe

From: Trula Howe
Sent: Monday, May 4, 2026 4:31 PM
To: 'wescona0@gmail.com'; 'aboard111@gmail.com'; 'jane.baechle@gmail.com'
Subject: PUBLIC NOTICE - APPLICATION FOR CONDITIONAL USE FOR LIQUOR RETAIL
Attachments: PublicNoticeAttachments-Signed.pdf

Please see attached notification for public notice of hearing.

Trula M. Howe, Vice President

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

Cell + Text: (505) 267.7686

Email: trula@modulusarchitects.com

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

Website: www.modulusarchitects.com

Join us on Facebook: [Modulus Architects on Facebook](#)

Join us on Instagram: [Modulus Architects on Instagram](#)

Find me on LinkedIn: [Trula Howe](#)

New Mexico | Texas | Arizona | Colorado | Florida | Utah | Illinois



**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART I - PROCESS

Use [Table 6-1-1](#) in the Integrated Development Ordinance (IDO) to answer the following:

Application Type: Conditional Use Approval for Liquor Retail

Decision-making Body: Zoning Hearing Examiner

Pre-Application meeting required: ☐ Yes ☒ No

Mailed Notice required: ☒ Yes ☐ No

Electronic Mail required: ☒ Yes ☐ No

Is this a Site Plan Application? ☐ Yes ☐ No **Note: if yes, see second page**

PART II – DETAILS OF REQUEST

Address of property listed in application: Volcano Cliffs Subdivision, Unit 26, Lot 1-A-5

Name of property owner: Jubilee Developments LLC

Name of applicant: Modulus Architects, Inc.

Date, time, and place of public meeting or hearing, if applicable: June 16, 2026 - Online Zoom

<https://cabq.zoom.us/j/9756087372>

Address, phone number, or website for additional information: Modulus Architects - 505-338-1499

<https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner/zhe-agendas-action-sheets-decisions>

PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE

☒ Zone Atlas page indicating subject property.

☒ Drawings, elevations, or other illustrations of this request.

☐ Summary of pre-submittal neighborhood meeting, if one occurred.

☒ Summary of request, including explanations of deviations, variances, or waivers.

IMPORTANT:

**PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO [IDO §14-16-6-4\(J\)](#).
PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON
APPLICATION.**

I certify that the information I have included here and sent in the required notice is complete, true, and accurate to the extent of my knowledge.

_____ (Applicant signature) 5/4/2026 (Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO §14-16-6-9(B)(3) and may lead to a denial of your application.

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN & LC APPLICATIONS ONLY

Provide a site plan that shows, at a minimum, the following:

- ☐ a. Location of proposed buildings and landscape areas.
- ☐ b. Access and circulation for vehicles and pedestrians.
- ☐ c. Maximum height of any proposed structures, with building elevations.
- ☐ d. For residential development: Maximum number of proposed dwelling units.
- ☐ e. For non-residential development:
 - ☐ Total gross floor area of proposed project.
 - ☐ Gross floor area for each proposed use.

Language Access Notice:

We provide free interpretation services to help you communicate with us. If you need help, you can request interpretation at any service counter in our Department, located in the Plaza Del Sol building, 600 2nd Street NW, Albuquerque, NM 87102.

Notificación de Acceso Lingüístico.

Ofrecemos servicios gratuitos de interpretación para ayudarlo a comunicarse con nosotros. Si necesita ayuda, puede solicitar servicios de interpretación en cualquier mostrador de servicio de nuestro Departamento, ubicado en el edificio Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

語言輔助通知。我們提供免費口譯服務，以幫助你與我們溝通。如果你需要幫助，你可以在我們部門的任何服務台請求口譯，服務台位於 Plaza Del Sol大樓，600 2nd Street NW，阿爾伯克基，NM 87102。

Thông báo về cách Tiếp cận Ngôn ngữ. Chúng tôi cung cấp các dịch vụ thông dịch miễn phí để giúp quý vị giao tiếp với chúng tôi. Nếu quý vị cần giúp đỡ, quý vị có thể yêu cầu thông dịch tại bất cứ quầy dịch vụ nào trong Sở của chúng tôi, tọa lạc tại tòa nhà Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

Saad Hadahwiis'a O'oolkaah bee dah na'astsooz. Nihi bik'inaasdzil t'aadoo baahilinigoo 'ata' hashne' tse'esgizii ach'i' dzaadi! Dzaadi! Danihi dahootahgoo bee nihi-. Daa' danihi bidin nishli dzaadi! Dzaadi! Danihi bineesh'a yinishkeed 'ata' hashne' -di t'aa biholniihgoo tse'esgizii ket'aaz -di nihihigii dah diikaah, -k'eh -di tsin Plaza Del Sol Kiniit'aagoo, 600 2nd Kiniit'aa NW, Albuquerque, NM 87102.

[Note: Items with an asterisk (*) are required.]

Public Notice of a Hearing before the Zoning Hearing Examiner in the City of Albuquerque

Date of Notice*: May 4, 2026

This notice of an application for a proposed project is provided as required by the Integrated Development Ordinance (IDO) [§14-16-6-4\(J\) Public Notice](#). This notice is being provided to (mark as relevant):

- ☒ Neighborhood Association Representatives on the attached list from the Office of Neighborhood Coordination.¹
☒ Property Owners within 100 feet of the Subject Property.

Project Information Required by [IDO §14-16-6-4\(J\)\(1\)\(a\)](#)

- Subject Property Address*: Volcano Cliffs Subdivision, Unit 26, Lot 1-A-5_{ABQ, NM} 87114 (zipcode)
Location Description SW Corner of Paseo del Norte & Kimmick
- Property Owner*: Jubilee Developments LLC
- Agent/Contractor (if other than the property owner) Modulus Architects, Inc.
- Application Type(s)²* see IDO [Table 6-1-1](#):

- | | |
|---|--|
| ☒ Conditional Use | ☐ Carport Permit |
| ☐ Variance | ☐ Major Wall/Fence Permit |
| ☐ Other _____ | |

Summary of project/request*:

Request for Conditional Use for Liquor Retail in conjunction with Neighborhood
Convenience Market

5. This application will be decided by the Zoning Hearing Examiner at a public hearing.

Hearing Date*: June 16, 2026 (Tues day)

The hearing will begin at 9:00AM via ZOOM.

For Zoom details and the agenda, please visit the CABQ Planning Webpage:

<https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner/zhe-agendas-action-sheets-decisions>

To contact staff, email PlanningZHE@cabq.gov or call the Planning Department at 505-924-3860.

Please note: Written comments may be submitted to the Zoning Hearing Examiner up to 6 days before the hearing. (Deadline is 5 pm on the Wednesday before the hearing.)

¹ If this box is marked, the Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination must be included as an attachment.

² Other application types require separate forms available here: <https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance-1/public-notice>. Otherwise, please mark all that apply.

6. Where more information about the project can be found*:

Applicant name: Modulus Architects & Land Use Planning

Email: trula@modulusarchitects.com Phone: 505-338-1499

☐ Website or project page: _____

☒ Attachments:

☒ Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination^{3*}

☒ Other: Plat, Conceptual rendering

Project Information Required for Mail/Email Notice by [IDO §14-16-6-4\(J\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)^{*4} C-11-Z

2. Project Illustrations, as relevant^{*5}

☐ Architectural drawings

☐ Elevations of the proposed building(s)

☒ Other relevant illustrations

See attachments or the website/project page noted above for the items marked above.

3. The following exceptions to IDO standards have been requested for this project*:

☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)

Explanation*: Request for Conditional Use for Liquor Retail in conjunction with Neighborhood Convenience Market

4. Was a Pre-submittal Neighborhood Meeting held:

☐ Yes ☒ No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

[Note: If a meeting was held, the meeting report is required to be provided in the application materials.]

NOTE: Pursuant to [IDO §14-16-6-4\(K\)](#) property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting up to 15 calendar days before the public hearing date. Requests for a facilitated meeting must be submitted through ABQ-PLAN: <https://www.cabq.gov/planning/abq-plan>

Useful Links

Integrated Development Ordinance (IDO): <https://ido.abc-zone.com>

IDO Interactive Map: <https://tinyurl.com/idozoningmap>

³ Must be attached if this notice is to Neighborhood Association Representatives.

⁴ Available online here: <http://data.cabq.gov/business/zoneatlas>

⁵ While not required, it is recommended that a site plan be included showing the location of existing buildings, if any, and the proposed project.

Language Access Notice:

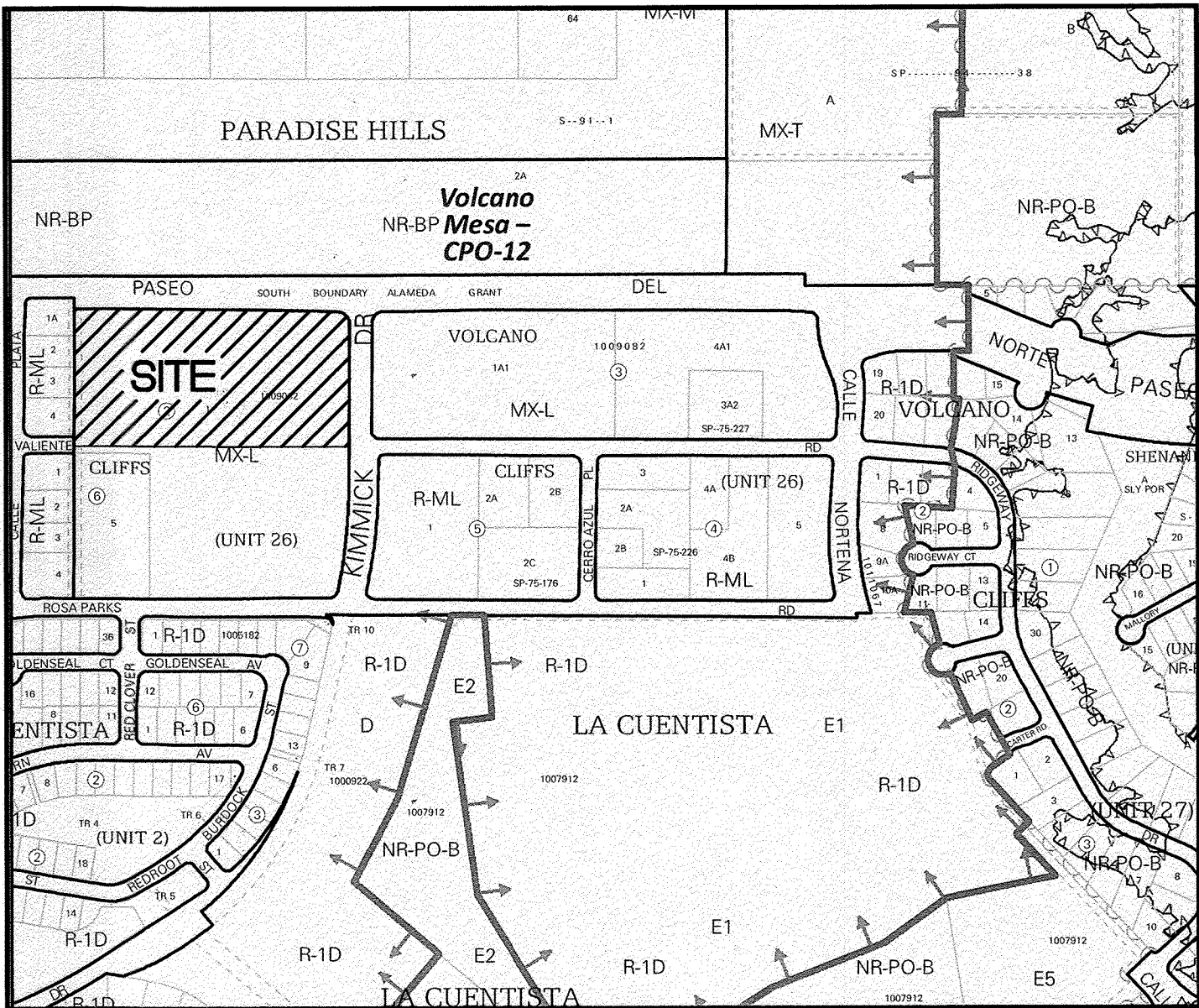
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Vicinity Map - Zone Atlas C-11-Z



Notes

- 1. FIELD SURVEY PERFORMED IN MARCH 2022 AND MARCH 2024.
- 2. ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.
- 3. THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (NAD 83-CENTRAL ZONE).
- 4. THIS PRELIMINARY / FINAL PLAT WAS APPROVED BY THE DEVELOPMENT HEARING OFFICER FOR THE CITY OF ALBUQUERQUE AT A PUBLIC HEARING HELD ON April 23, 2025.
- 5. EXISTING PUBLIC WATER AND/OR SANITARY SEWER INFRASTRUCTURE MAY NOT BE CONSTRUCTED OR SIZED TO ADEQUATELY SERVE POTENTIAL FUTURE DEVELOPMENT. IMPROVEMENT OR UPSIZING OF EXISTING PUBLIC INFRASTRUCTURE MAY BE REQUIRED AS A CONDITION OF FUTURE DEVELOPMENTAL APPROVAL.

Documents

- 1. PLAT FOR TRACTS 1-A AND 1-B, BLOCK 2, VOLCANO CLIFFS, UNIT 26, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 4, 2024, IN BOOK 2024C, PAGE 18.
- 2. SPECIAL WARRANTY DEED FOR SUBJECT PROPERTY, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 19, 2013, AS DOCUMENT NO. 2013030244.
- 3. WARRANTY DEED FOR DEDICATED ADDITIONAL RIGHT-OF-WAY TO PASEO DEL NORTE, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 7, 2024, AS DOCUMENT NO. 2024015270.
- 4. WARRANTY DEED FOR SUBJECT PROPERTY, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON AUGUST 6, 2024, AS DOCUMENT NO. 2024054245.

Indexing Information

Sections 14 & 15, Township 11 North, Range 2 East,
N.M.P.M.
Subdivision: Volcano Cliffs Subdivision, Unit 26
Owner: Jubilee Developments LLC
UPC #: TBD

Purpose of Plat

- 1. SUBDIVIDE AS SHOWN HEREON.
- 2. GRANT EASEMENTS AS SHOWN HEREON.

Subdivision Data

GROSS ACREAGE..... 8.2578 ACRES
ZONE ATLAS PAGE NO..... C-11-Z
NUMBER OF EXISTING LOTS..... 1
NUMBER OF LOTS CREATED..... 6
MILES OF FULL-WIDTH STREETS..... 0.0000 MILES
MILES OF HALF-WIDTH STREETS..... 0.0000 MILES
RIGHT-OF-WAY DEDICATION TO THE CITY OF ALBUQUERQUE..... 0.0000 ACRES
DATE OF SURVEY..... MARCH 2024

Treasurer's Certificate

THIS IS TO CERTIFY THAT THE TAXES ARE CURRENT AND
PAID ON UPC #: 1-011-064036/6400102

PROPERTY OWNER OF RECORD

Jubilee Developments LLC

BERNALILLO COUNTY TREASURER'S OFFICE

George Stone 5-9-25

DOCH 2025039960

05/09/2025 04:38 PM Page: 1 of 3 R:\$25.00
PLAT B: 2025C P: 0021 Michelle S. Kavanaugh, Bernalillo County
05/09/2025 04:38 PM Page: 1 of 3 R:\$25.00

Legal Description

TRACT ONE-A (1-A) IN BLOCK NUMBERED TWO (2), VOLCANO CLIFFS SUBDIVISION, UNIT 26, BEING A REPLAT OF TRACT 1, BLOCK 2 & LOT 5, BLOCK 6, OF VOLCANO CLIFFS SUBDIVISION, UNIT 26, WITHIN SECTIONS 14 & 15, T. 11 N., R. 2 E., N.M.P.M., CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON SAID PLAT FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON MARCH 4, 2024 AS PLAT BOOK 2024C, PAGE 18.

Flood Notes

BASED UPON SCALING, THIS PROPERTY LIES WITHIN FLOOD ZONE "X" WHICH IS DEFINED AS AN AREA OF MINIMAL FLOOD HAZARD AS DETERMINED BY F.E.M.A. AND SHOWN ON THE FLOOD INSURANCE RATE MAP NO. 35001C0112G, DATED SEPTEMBER 26, 2008.

Solar Collection Note

NO PROPERTY WITHIN THE AREA OF REQUESTED FINAL ACTION SHALL AT ANY TIME BE SUBJECT TO A DEED RESTRICTION, COVENANT, OR BUILDING AGREEMENT PROHIBITING SOLAR COLLECTORS FROM BEING INSTALLED ON BUILDINGS OR ERECTED ON THE LOTS OR PARCELS WITHIN THE AREA OF PROPOSED PLAT, THE FOREGOING REQUIREMENT SHALL BE A CONDITION TO APPROVAL OF THIS PLAT.

Plat for
Tracts 1-A-1 thru 1-A-6, Block 2,
Volcano Cliffs Subdivision, Unit 26
Being Comprised of
Tract 1-A, Block 2, Volcano
Cliffs Subdivision, Unit 26
City of Albuquerque
Bernalillo County, New Mexico
May 2024

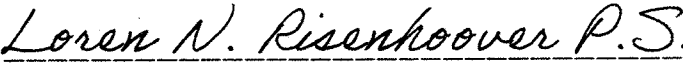
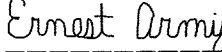
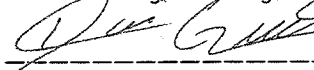
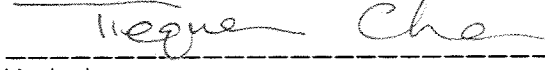
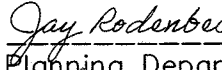
Project Number: PR-2022-007712

Application Number: MJRFNL_PLT-2025-00001

Plat Approvals:

 Rodney P. Smith (Jul 23, 2024 08:27 MDT)	Jul 23, 2024
PNM Electric Services	
 Abdul Bhuiyan (Jul 22, 2024 16:12 MDT)	Jul 22, 2024
Qwest Corp. d/b/a CenturyLink QC	
 Stephen J. Asp II (Jul 23, 2024 12:51 MDT)	Jul 23, 2024
New Mexico Gas Company	
 Mike Martus (Jul 23, 2024 09:26 MDT)	Jul 23, 2024
Comcast	

City Approvals:

 Loren N. Risenhoover P.S.	5/17/2024
City Surveyor	
 Ernest Armijo	May 8, 2025
Traffic Engineering, Transportation Division	
 Dan Galt	May 8, 2025
ABCWUA	
 Hannah Adlick	May 7, 2025
Parks and Recreation Department	
 F.P.	Jul 23, 2024
AMAFCA	
 Reggie Cho	May 8, 2025
Hydrology	
 Jeff Paez	May 8, 2025
Code Enforcement	
 Jay Rodenbeck	May 7, 2025
Planning Department	
 J.E.	May 8, 2025
City Engineer	

Surveyor's Certificate

I, BRIAN J. MARTINEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT AND DESCRIPTION WERE PREPARED BY ME OR UNDER MY SUPERVISION, SHOWS ALL EASEMENTS AS SHOWN ON THE PLAT OF RECORD OR MADE KNOWN TO ME BY THE OWNERS AND/OR PROPRIETORS OF THE SUBDIVISION SHOWN HEREON, THE UTILITY COMPANIES OR OTHER INTERESTED PARTIES AND MEETS THE MINIMUM REQUIREMENTS FOR MONUMENTATION AND SURVEYS FOR THE CITY OF ALBUQUERQUE AND FURTHER MEETS THE MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF NEW MEXICO AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.


BRIAN J. MARTINEZ
N.M.R.P.S. No. 18374

Date

5/17/24

CSI-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 896 - 3050 Fax (505) 891 - 0244
cartesianbrian@gmail.com



Sheet 1 of 3
240568

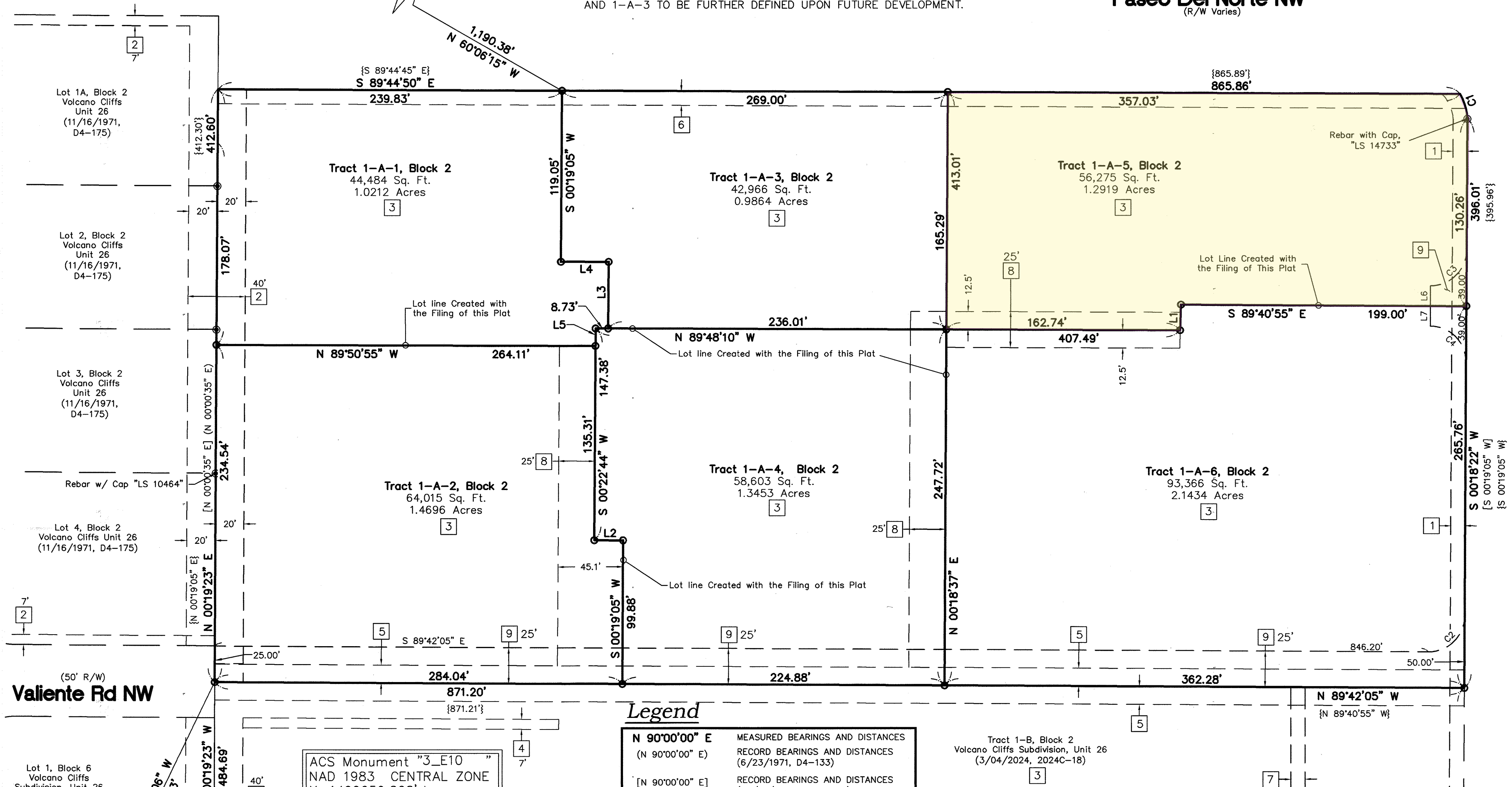
Easement Notes

- 1 EXISTING 10' P.U.E. (8/12/2013, 2013C-92)
- 2 EXISTING DRAINAGE & UTILITY EASEMENT (6/23/1971, D4-133)
- 3 EXISTING PRIVATE BLANKET CROSS LOT PUBLIC DRAINAGE AND ACCESS EASEMENT, BENEFITING TRACTS 1-A AND 1-B (8/12/2013, 2013C-92), (3/04/2024, BK. 2024C, PG. 18)
- 4 EXISTING 7' DRAINAGE & UTILITY EASEMENT (6/23/1971, D4-133)
- 5 EXISTING PUBLIC 12.5' WATER AND PUBLIC SEWER EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 6 EXISTING 10' UTILITY EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 7 EXISTING PRIVATE DRAINAGE EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 8 PRIVATE WATERLINE AND SEWER EASEMENTS BENEFITING TRACTS 1-A-1, 1-A-3, 1-A-5, AND 1-A-6, GRANTED WITH THE FILING OF THIS PLAT
- 9 PRIVATE ACCESS EASEMENT BENEFITING TRACTS 1-A-1 THRU 1-A-6, MAINTAINED BY THE UNDERLYING OWNERS, GRANTED WITH THE FILING OF THIS PLAT. ACCESS TO TRACTS 1-A-1 AND 1-A-3 TO BE FURTHER DEFINED UPON FUTURE DEVELOPMENT.

Plat for Tracts 1-A-1 thru 1-A-6, Block 2, Volcano Cliffs Subdivision, Unit 26 Being Comprised of Tract 1-A, Block 2, Volcano Cliffs Subdivision, Unit 26 City of Albuquerque Bernalillo County, New Mexico May 2024

Paseo Del Norte NW
(R/W Varies)

Kimmick Dr NW
(89' R/W)



ACS Monument "8_C10"
NAD 1983 CENTRAL ZONE
X=1502106.697 *
Y=1521538.71 *
Z=5392.936* (NAVD 1988)
G-G=0.999667901
Mapping Angle=-0°16'00.09"

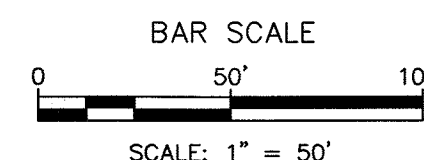
*U.S. SURVEY FEET

ACS Monument "3_E10"
NAD 1983 CENTRAL ZONE
X=1499059.808 *
Y=1512627.946*
Z=5318.888* (NAVD 1988)
G-G=0.999672416
Mapping Angle=-0°16'20.35"

*U.S. SURVEY FEET

Legend

- | | |
|-----------------|---|
| N 90°00'00" E | MEASURED BEARINGS AND DISTANCES |
| (N 90°00'00" E) | RECORD BEARINGS AND DISTANCES |
| | (6/23/1971, D4-133) |
| [N 90°00'00" E] | RECORD BEARINGS AND DISTANCES |
| | (08/12/2013, 2013C-92) |
| {N 90°00'00" E} | RECORD BEARINGS AND DISTANCES |
| | (03/04/2024, 2024C-18) |
| ● | FOUND 5/8" REBAR UNLESS OTHERWISE NOTED |
| ○ | SET 1/2" REBAR WITH CAP "LS 18374" UNLESS OTHERWISE NOTED |



CSI-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 896-3050 Fax (505) 891-0244
cartesianbrian@gmail.com

ABCWUA Public Water and Sanitary Sewer Easements

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY (ABCWUA) IS GRANTED EASEMENT(S) AND/OR USE OF PUBLIC RIGHT-OF-WAY IN THE DIMENSIONS NOTED ON THIS PLAT FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, REPAIR, MODIFICATION, REPLACEMENT AND OPERATION OF PUBLIC WATER AND SANITARY SERVICE LINES, EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE SERVICE TOGETHER WITH FREE ACCESS ON AND OVER THE EASEMENT AND/OR PUBLIC RIGHT-OF-WAY AND THE RIGHT TO REMOVE TREES, SHRUBS, UNDERGROWTH AND ANY OTHER OBSTACLES, MODIFICATIONS, OR STRUCTURES WHICH INTERFERE WITH THE OPERATION OF PUBLIC WATER AND/OR PUBLIC SANITARY SEWER INFRASTRUCTURE.

Line Table		
Line #	Direction	Length (ft)
L1	N 01°58'45" E	17.82'
L2	S 89°37'16" E	20.06'
L3	N 00°22'44" E	46.44'
L4	N 89°40'55" W	33.06'
L5	S 00°22'44" W	12.07'
L6	N 00°18'22" E	14.00'
L7	N 00°18'22" E	14.00'

Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C1	18.24' {18.25'}	36.78' {36.78'}	28°25'17"	18.06'	S 16°29'49" E
C2	39.27'	25.00'	89°59'33"	35.35'	S 45°18'09" W
C3	39.27'	25.00'	90°00'00"	35.36'	N 45°18'22" E
C4	39.27'	25.00'	90°00'00"	35.36'	N 44°41'38" W

DOCN 2025039960

05/09/2025 04:38 PM Page: 3 of 3 P: \$25.00
PLAT B-20250 P: 0021 Michelle S. Kavanaugh, Bernalillo County



Plat for
Tracts 1-A-1 thru 1-A-6, Block 2,
Volcano Cliffs Subdivision, Unit 26
Being Comprised of
Tract 1-A, Block 2, Volcano
Cliffs Subdivision, Unit 26
City of Albuquerque
Bernalillo County, New Mexico
May 2024

Public Utility Easements

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use of:

- A. Public Service Company of New Mexico ("PNM"), a New Mexico corporation, (PNM Electric) for installation, maintenance, and service of overhead and underground electrical lines, transformers, and other equipment and related facilities reasonably necessary to provide electrical services.
- B. New Mexico Gas Company for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas services.
- C. Qwest Corporation d/b/a CenturyLink QC for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide communication services.
- D. Cable TV for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.

Included, is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, replace, modify, renew, operate and maintain facilities for purposes described above, together with free access to, from, and over said easements, with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set forth herein and with the right to utilize the right of way and easement to extend services to customers of Grantee, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (aboveground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code by construction of pools, decking, or any structures adjacent to or near easements shown on this plat. Easements for electric transformer/switchgears, as installed, shall extend ten (10) feet in front of transformer/switchgear doors and five (5) feet on each side.

Disclaimer
In approving this plat, Public Service Company of New Mexico (PNM) and New Mexico Gas Company (NMGC) did not conduct a Title Search of the properties shown hereon. Consequently, PNM and NMGC do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat.

Free Consent and Dedication

THE SUBDIVISION SHOWN AND DESCRIBED HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) THEREOF. EXISTING AND/OR GRANTED PUBLIC UTILITY EASEMENTS (P.U.E) AS SHOWN HEREON, UNLESS NOTED OTHERWISE, ARE FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICES FOR BURIED AND/OR OVERHEAD DISTRIBUTION LINES, CONDUIT AND PIPES FOR UNDERGROUND UTILITIES. SAID UTILITY COMPANIES HAVE THE RIGHT OF INGRESS/EGRESS FOR CONSTRUCTION OF, MAINTENANCE OF AND REPLACEMENT OF SAID UTILITIES INCLUDING THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS WITHIN SAID P.U.E.. SAID OWNERS CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED.

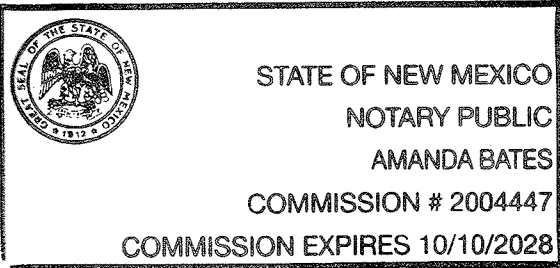
Jaymini Hasham 04/29/2025
JAYMINI HASHAM, MANAGING PARTNER DATE
JUBILEE DEVELOPMENTS LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

STATE OF NEW MEXICO }
COUNTY OF Bernalillo } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON April 29, 2025
BY: JAYMINI HASHAM, MANAGING PARTNER, JUBILEE DEVELOPMENTS LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

By Aminda Bates
NOTARY PUBLIC

MY COMMISSION EXPIRES 10/10/2028



CSI-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 896 - 3050 Fax (505) 891 - 0244
cartesianbrian@gmail.com

Sheet 3 of 3
240568

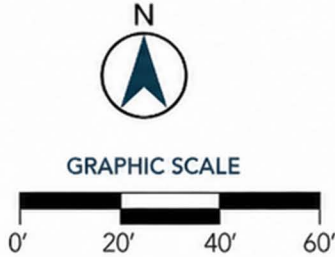


Neighborhood Convenience Market Site Plan

Paseo del Norte Blvd & Kimmick Dr NW, Albuquerque, New Mexico

Modulus Architects & Land Use Planning

- LEGEND
Building
Fuel Canopy
Drive/ Parking
Sidewalk
Landscape



Conceptual Rendering for Illustrative Purposes



MODULUS

ARCHITECTS & LAND USE PLANNING

8220 San Pedro Dr. NE Suite 520
Albuquerque, NM 87113



JUBILEE DEVELOPMENTS LLC
4590 PARADISE BLVD NW
ALBUQUERQUE NM 87114-4105

MODULUS

ARCHITECTS & LAND USE PLANNING

8220 San Pedro Dr. NE Suite 520
Albuquerque, NM 87113



BEDROCK PARTNERSHIP & N M GEN
PARTNERSHIP C/O GERALD GOLD
PO BOX 26506
ALBUQUERQUE NM 87125-6506

MODULUS

ARCHITECTS & LAND USE PLANNING

8220 San Pedro Dr. NE Suite 520
Albuquerque, NM 87113



VOLCANO CLIFFS INC
4112 BLUE RIDGE PL NE
ALBUQUERQUE NM 87111-4167



To learn what's there, draw a shape on the map. Double-click/tap to finish. Note: Buffering is active. A buffer of 100 Feet (ft) will be applied.



I want to...



orte NW

R-ML

R-ML

R-ML

Street Ba...

NR-BP

Paseo del Norte NW

Paseo del Norte N

R-ML

MX-M

MX-M

MX-L

Valiente Rd NW

Valiente Rd NW

R-ML

MX-L

076

mmick Dr NW

R-ML

R-ML

NW



Owner	Owner Address	Owner Address 2	SITUS Address	SITUS Address 2	Legal Description	Property Class	Deeded Assessed Acreage	Calculated GIS Acres
BEDROCK PARTNERSHIP & N M GEN PARTNERSHIP C/O GERALD GOLD	PO BOX 26506	ALBUQUERQUE NM 87125-6506		ALBUQUERQUE NM 87114	TRACT 2-A REPLAT OF TR 2 68.75 AC TRACT & 66.15 AC TR IN PARADISE HILLS WITHIN THE TOWN OF ALAMEDA GRANTCONT 60.6700 AC	V	60.67	60.73486573
VOLCANO CLIFFS INC	4112 BLUE RIDGE PL NE	ALBUQUERQUE NM 87111-4167	VALIENTE RD NW	ALBUQUERQUE NM 87120	LT 1A-1 BLK 3 PLAT OF LTS 1A-1 & 4A-1 BLK 3 VOLCANO CLIFFSSUBD UNIT 26 (A REPL OF BLK 3 TOGETHER WITH A PORT OF KIMMICK DR NW & CALLE NORTENA NW VOLCANO CLIFFS SUBD)	V	6.9106	6.87335266
JUBILEE DEVELOPMENTS LLC	4590 PARADISE BLVD NW	ALBUQUERQUE NM 87114-4105	PASEO DEL NORTE NW	ALBUQUERQUE NM 87120	TR 1-A PLAT OF TRACTS 1-A AND 1-B, BLOCK 2 VOLCANO CLIFFSSUBDIVISION, UNIT 26 (A REPLAT OF TRACT 1, BLOCK 2 AND LOT 5, BLOCK 6 VOLCANO CLIFFS SUBDIVISION, UNIT 26)	V	8.2545	8.25637396

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART I - PROCESS

Use [Table 6-1-1](#) in the Integrated Development Ordinance (IDO) to answer the following:

Application Type: Conditional Use Approval for Liquor Retail

Decision-making Body: Zoning Hearing Examiner

Pre-Application meeting required: ☐ Yes ☒ No

Mailed Notice required: ☒ Yes ☐ No

Electronic Mail required: ☒ Yes ☐ No

Is this a Site Plan Application? ☐ Yes ☐ No **Note: if yes, see second page**

PART II – DETAILS OF REQUEST

Address of property listed in application: Volcano Cliffs Subdivision, Unit 26, Lot 1-A-5

Name of property owner: Jubilee Developments LLC

Name of applicant: Modulus Architects, Inc.

Date, time, and place of public meeting or hearing, if applicable: June 16, 2026 - Online Zoom

<https://cabq.zoom.us/j/9756087372>

Address, phone number, or website for additional information: Modulus Architects - 505-338-1499

<https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner/zhe-agendas-action-sheets-decisions>

PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE

☒ Zone Atlas page indicating subject property.

☒ Drawings, elevations, or other illustrations of this request.

☐ Summary of pre-submittal neighborhood meeting, if one occurred.

☒ Summary of request, including explanations of deviations, variances, or waivers.

IMPORTANT:

**PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO [IDO §14-16-6-4\(J\)](#).
PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON
APPLICATION.**

I certify that the information I have included here and sent in the required notice is complete, true, and accurate to the extent of my knowledge.

_____ (Applicant signature) 5/4/2026 (Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO §14-16-6-9(B)(3) and may lead to a denial of your application.

**OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT**



PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN & LC APPLICATIONS ONLY

Provide a site plan that shows, at a minimum, the following:

- ☐ a. Location of proposed buildings and landscape areas.
- ☐ b. Access and circulation for vehicles and pedestrians.
- ☐ c. Maximum height of any proposed structures, with building elevations.
- ☐ d. For residential development: Maximum number of proposed dwelling units.
- ☐ e. For non-residential development:
 - ☐ Total gross floor area of proposed project.
 - ☐ Gross floor area for each proposed use.

Language Access Notice:

We provide free interpretation services to help you communicate with us. If you need help, you can request interpretation at any service counter in our Department, located in the Plaza Del Sol building, 600 2nd Street NW, Albuquerque, NM 87102.

Notificación de Acceso Lingüístico.
Ofrecemos servicios gratuitos de interpretación para ayudarlo a comunicarse con nosotros. Si necesita ayuda, puede solicitar servicios de interpretación en cualquier mostrador de servicio de nuestro Departamento, ubicado en el edificio Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

語言輔助通知。我們提供免費口譯服務，以幫助你與我們溝通。如果你需要幫助，你可以在我們部門的任何服務台請求口譯，服務台位於 Plaza Del Sol大樓，600 2nd Street NW，阿爾伯克基，NM 87102。

Thông báo về cách Tiếp cận Ngôn ngữ. Chúng tôi cung cấp các dịch vụ thông dịch miễn phí để giúp quý vị giao tiếp với chúng tôi. Nếu quý vị cần giúp đỡ, quý vị có thể yêu cầu thông dịch tại bất cứ quầy dịch vụ nào trong Sở của chúng tôi, tọa lạc tại tòa nhà Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

Saad Hadahwiis'a O'oolkaah bee dah na'astsooz. Nihi bik'inaasdzil t'aadoo baahilinigoo 'ata' hashne' tse'esgizii ach'i' dzaadi! Dzaadi! Danihi dahootahgoo bee nihi-. Daa' danihi bidin nishli dzaadi! Dzaadi! Danihi bineesh'a yinishkeed 'ata' hashne' -di t'aa biholniihgoo tse'esgizii ket'aaz -di nihihigii dah diikaah, -k'eh -di tsin Plaza Del Sol Kiniit'aagoo, 600 2nd Kiniit'aa NW, Albuquerque, NM 87102.

[Note: Items with an asterisk (*) are required.]

Public Notice of a Hearing before the Zoning Hearing Examiner in the City of Albuquerque

Date of Notice*: May 4, 2026

This notice of an application for a proposed project is provided as required by the Integrated Development Ordinance (IDO) [§14-16-6-4\(J\) Public Notice](#). This notice is being provided to (mark as relevant):

- ☒ Neighborhood Association Representatives on the attached list from the Office of Neighborhood Coordination.¹
☒ Property Owners within 100 feet of the Subject Property.

Project Information Required by [IDO §14-16-6-4\(J\)\(1\)\(a\)](#)

- Subject Property Address*: Volcano Cliffs Subdivision, Unit 26, Lot 1-A-5_{ABQ, NM} 87114 (zipcode)
Location Description SW Corner of Paseo del Norte & Kimmick
- Property Owner*: Jubilee Developments LLC
- Agent/Contractor (if other than the property owner) Modulus Architects, Inc.
- Application Type(s)²* see IDO [Table 6-1-1](#):

- | | |
|---|--|
| ☒ Conditional Use | ☐ Carport Permit |
| ☐ Variance | ☐ Major Wall/Fence Permit |
| ☐ Other _____ | |

Summary of project/request*:

Request for Conditional Use for Liquor Retail in conjunction with Neighborhood
Convenience Market

5. This application will be decided by the Zoning Hearing Examiner at a public hearing.

Hearing Date*: June 16, 2026 (T u e s d a y)

The hearing will begin at 9:00AM via ZOOM.

For Zoom details and the agenda, please visit the CABQ Planning Webpage:

<https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner/zhe-agendas-action-sheets-decisions>

To contact staff, email PlanningZHE@cabq.gov or call the Planning Department at 505-924-3860.

Please note: Written comments may be submitted to the Zoning Hearing Examiner up to 6 days before the hearing. (Deadline is 5 pm on the Wednesday before the hearing.)

¹ If this box is marked, the Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination must be included as an attachment.

² Other application types require separate forms available here: <https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance-1/public-notice>. Otherwise, please mark all that apply.

6. Where more information about the project can be found*:

Applicant name: Modulus Architects & Land Use Planning

Email: trula@modulusarchitects.com Phone: 505-338-1499

☐ Website or project page: _____

☒ Attachments:

☒ Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination^{3*}

☒ Other: Plat, Conceptual rendering

Project Information Required for Mail/Email Notice by [IDO §14-16-6-4\(J\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)^{*4} C-11-Z

2. Project Illustrations, as relevant^{*5}

☐ Architectural drawings

☐ Elevations of the proposed building(s)

☒ Other relevant illustrations

See attachments or the website/project page noted above for the items marked above.

3. The following exceptions to IDO standards have been requested for this project*:

☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)

Explanation*: Request for Conditional Use for Liquor Retail in conjunction with Neighborhood Convenience Market

4. Was a Pre-submittal Neighborhood Meeting held:

☐ Yes ☒ No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

[Note: If a meeting was held, the meeting report is required to be provided in the application materials.]

NOTE: Pursuant to [IDO §14-16-6-4\(K\)](#) property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting up to 15 calendar days before the public hearing date. Requests for a facilitated meeting must be submitted through ABQ-PLAN: <https://www.cabq.gov/planning/abq-plan>

Useful Links

Integrated Development Ordinance (IDO): <https://ido.abc-zone.com>

IDO Interactive Map: <https://tinyurl.com/idozoningmap>

³ Must be attached if this notice is to Neighborhood Association Representatives.

⁴ Available online here: <http://data.cabq.gov/business/zoneatlas>

⁵ While not required, it is recommended that a site plan be included showing the location of existing buildings, if any, and the proposed project.

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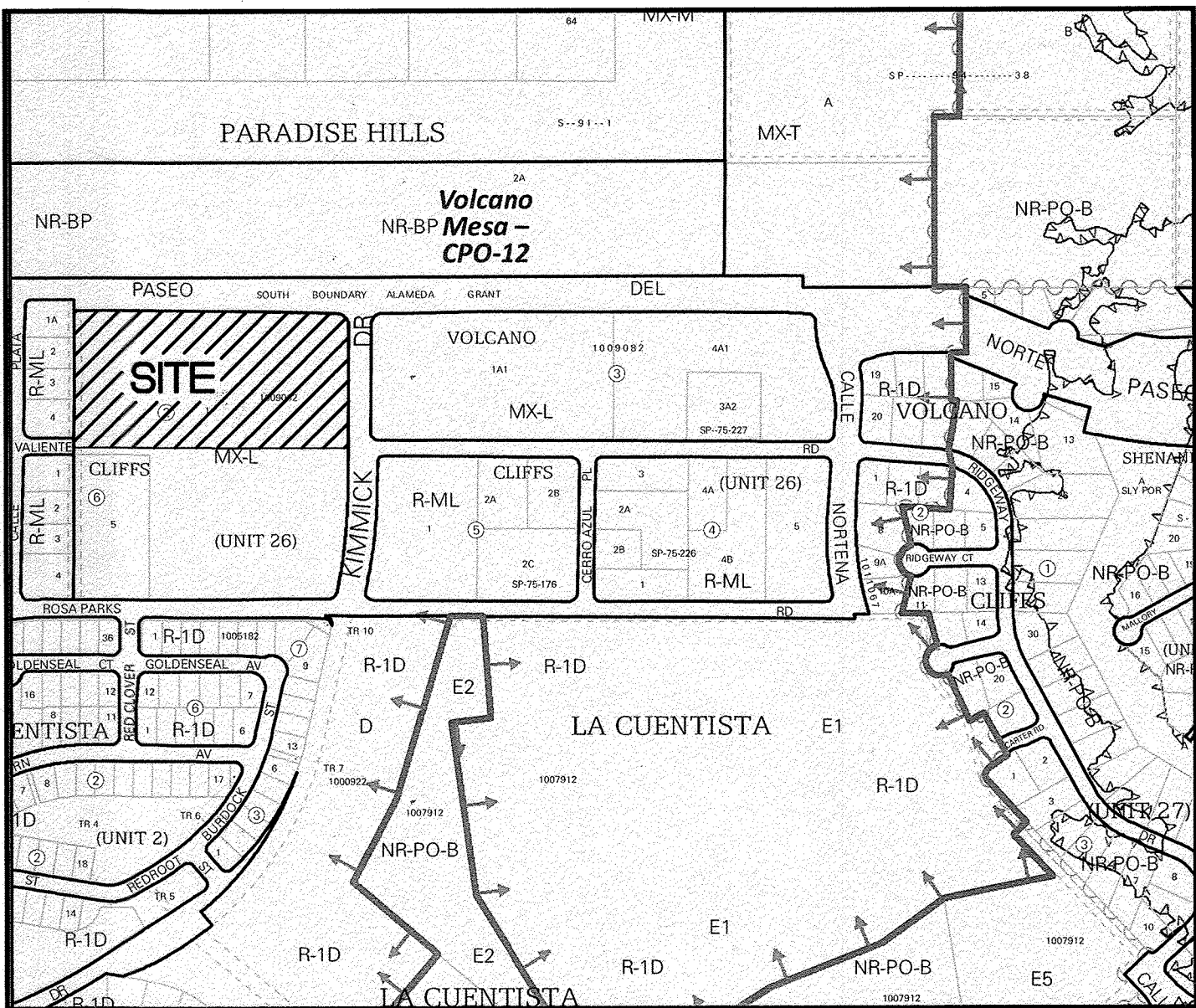
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Saad Hadahwiis'a O'oolkaah bee dah na'astsooz. Nihi bik'inaasdzil t'aadoo baahilinigoo 'ata' hashne' tse'esgizii ach'i' dzaadi! Dzaadi! Danihi dahootahgoo bee nihi-. Daa' danihi bidin nishli dzaadi! Dzaadi! Danihi bineesh'a yinishkeed 'ata' hashne' -di t'aa biholniihgoo tse'esgizii ket'aaz -di nihihigii dah diikaah, -k'eh -di tsin Plaza Del Sol Kiniit'aagoo, 600 2nd Kiniit'aa NW, Albuquerque, NM 87102.



Vicinity Map - Zone Atlas C-11-Z



Notes

- 1. FIELD SURVEY PERFORMED IN MARCH 2022 AND MARCH 2024.
- 2. ALL DISTANCES ARE GROUND DISTANCES: US SURVEY FOOT.
- 3. THE BASIS OF BEARINGS REFERENCES NEW MEXICO STATE PLANE COORDINATES (NAD 83-CENTRAL ZONE).
- 4. THIS PRELIMINARY / FINAL PLAT WAS APPROVED BY THE DEVELOPMENT HEARING OFFICER FOR THE CITY OF ALBUQUERQUE AT A PUBLIC HEARING HELD ON April 23, 2025.
- 5. EXISTING PUBLIC WATER AND/OR SANITARY SEWER INFRASTRUCTURE MAY NOT BE CONSTRUCTED OR SIZED TO ADEQUATELY SERVE POTENTIAL FUTURE DEVELOPMENT. IMPROVEMENT OR UPSIZING OF EXISTING PUBLIC INFRASTRUCTURE MAY BE REQUIRED AS A CONDITION OF FUTURE DEVELOPMENTAL APPROVAL.

Documents

- 1. PLAT FOR TRACTS 1-A AND 1-B, BLOCK 2, VOLCANO CLIFFS, UNIT 26, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 4, 2024, IN BOOK 2024C, PAGE 18.
- 2. SPECIAL WARRANTY DEED FOR SUBJECT PROPERTY, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 19, 2013, AS DOCUMENT NO. 2013030244.
- 3. WARRANTY DEED FOR DEDICATED ADDITIONAL RIGHT-OF-WAY TO PASEO DEL NORTE, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON MARCH 7, 2024, AS DOCUMENT NO. 2024015270.
- 4. WARRANTY DEED FOR SUBJECT PROPERTY, FILED IN THE BERNALILLO COUNTY CLERK'S OFFICE ON AUGUST 6, 2024, AS DOCUMENT NO. 2024054245.

Indexing Information

Sections 14 & 15, Township 11 North, Range 2 East,
N.M.P.M.
Subdivision: Volcano Cliffs Subdivision, Unit 26
Owner: Jubilee Developments LLC
UPC #: TBD

Purpose of Plat

- 1. SUBDIVIDE AS SHOWN HEREON.
- 2. GRANT EASEMENTS AS SHOWN HEREON.

Subdivision Data

GROSS ACREAGE..... 8.2578 ACRES
ZONE ATLAS PAGE NO..... C-11-Z
NUMBER OF EXISTING LOTS..... 1
NUMBER OF LOTS CREATED..... 6
MILES OF FULL-WIDTH STREETS..... 0.0000 MILES
MILES OF HALF-WIDTH STREETS..... 0.0000 MILES
RIGHT-OF-WAY DEDICATION TO THE CITY OF ALBUQUERQUE..... 0.0000 ACRES
DATE OF SURVEY..... MARCH 2024

Treasurer's Certificate

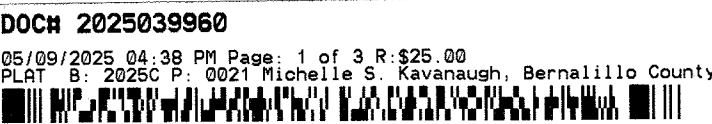
THIS IS TO CERTIFY THAT THE TAXES ARE CURRENT AND
PAID ON UPC #: 1-011-064036/6400102

PROPERTY OWNER OF RECORD

Jubilee Developments LLC

BERNALILLO COUNTY TREASURER'S OFFICE

George Stone 5-9-25



Legal Description

TRACT ONE-A (1-A) IN BLOCK NUMBERED TWO (2), VOLCANO CLIFFS SUBDIVISION, UNIT 26, BEING A REPLAT OF TRACT 1, BLOCK 2 & LOT 5, BLOCK 6, OF VOLCANO CLIFFS SUBDIVISION, UNIT 26, WITHIN SECTIONS 14 & 15, T. 11 N., R. 2 E., N.M.P.M., CITY OF ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO, AS THE SAME IS SHOWN AND DESIGNATED ON SAID PLAT FILED IN THE OFFICE OF THE COUNTY CLERK OF BERNALILLO COUNTY, NEW MEXICO ON MARCH 4, 2024 AS PLAT BOOK 2024C, PAGE 18.

Flood Notes

BASED UPON SCALING, THIS PROPERTY LIES WITHIN FLOOD ZONE "X" WHICH IS DEFINED AS AN AREA OF MINIMAL FLOOD HAZARD AS DETERMINED BY F.E.M.A. AND SHOWN ON THE FLOOD INSURANCE RATE MAP NO. 35001C0112G, DATED SEPTEMBER 26, 2008.

Solar Collection Note

NO PROPERTY WITHIN THE AREA OF REQUESTED FINAL ACTION SHALL AT ANY TIME BE SUBJECT TO A DEED RESTRICTION, COVENANT, OR BUILDING AGREEMENT PROHIBITING SOLAR COLLECTORS FROM BEING INSTALLED ON BUILDINGS OR ERCTED ON THE LOTS OR PARCELS WITHIN THE AREA OF PROPOSED PLAT, THE FOREGOING REQUIREMENT SHALL BE A CONDITION TO APPROVAL OF THIS PLAT.

Plat for
Tracts 1-A-1 thru 1-A-6, Block 2,
Volcano Cliffs Subdivision, Unit 26
Being Comprised of
Tract 1-A, Block 2, Volcano
Cliffs Subdivision, Unit 26
City of Albuquerque
Bernalillo County, New Mexico
May 2024

Project Number: PR-2022-007712

Application Number: MJRFNL_PLT-2025-00001

Plat Approvals:

	Jul 23, 2024
PNM Electric Services	
	Jul 22, 2024
Qwest Corp. d/b/a CenturyLink QC	
	Jul 23, 2024
New Mexico Gas Company	
	Jul 23, 2024
Comcast	

City Approvals:

	5/17/2024
City Surveyor	
	May 8, 2025
Traffic Engineering, Transportation Division	
	May 7, 2025
ABCWUA	
Parks and Recreation Department	
	Jul 23, 2024
AMAFCA	
Hydrology	
	May 8, 2025
Code Enforcement	
Planning Department	
	May 7, 2025
City Engineer	

Surveyor's Certificate

I, BRIAN J. MARTINEZ, A REGISTERED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT THIS PLAT AND DESCRIPTION WERE PREPARED BY ME OR UNDER MY SUPERVISION, SHOWS ALL EASEMENTS AS SHOWN ON THE PLAT OF RECORD OR MADE KNOWN TO ME BY THE OWNERS AND/OR PROPRIETORS OF THE SUBDIVISION SHOWN HEREON, THE UTILITY COMPANIES OR OTHER INTERESTED PARTIES AND MEETS THE MINIMUM REQUIREMENTS FOR MONUMENTATION AND SURVEYS FOR THE CITY OF ALBUQUERQUE AND FURTHER MEETS THE MINIMUM STANDARDS FOR LAND SURVEYING IN THE STATE OF NEW MEXICO AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

5/17/24
BRIAN J. MARTINEZ
N.M.R.P.S. No. 18374
Date

CSI-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 896 - 3050 Fax (505) 891 - 0244
cartesianbrian@gmail.com



Sheet 1 of 3
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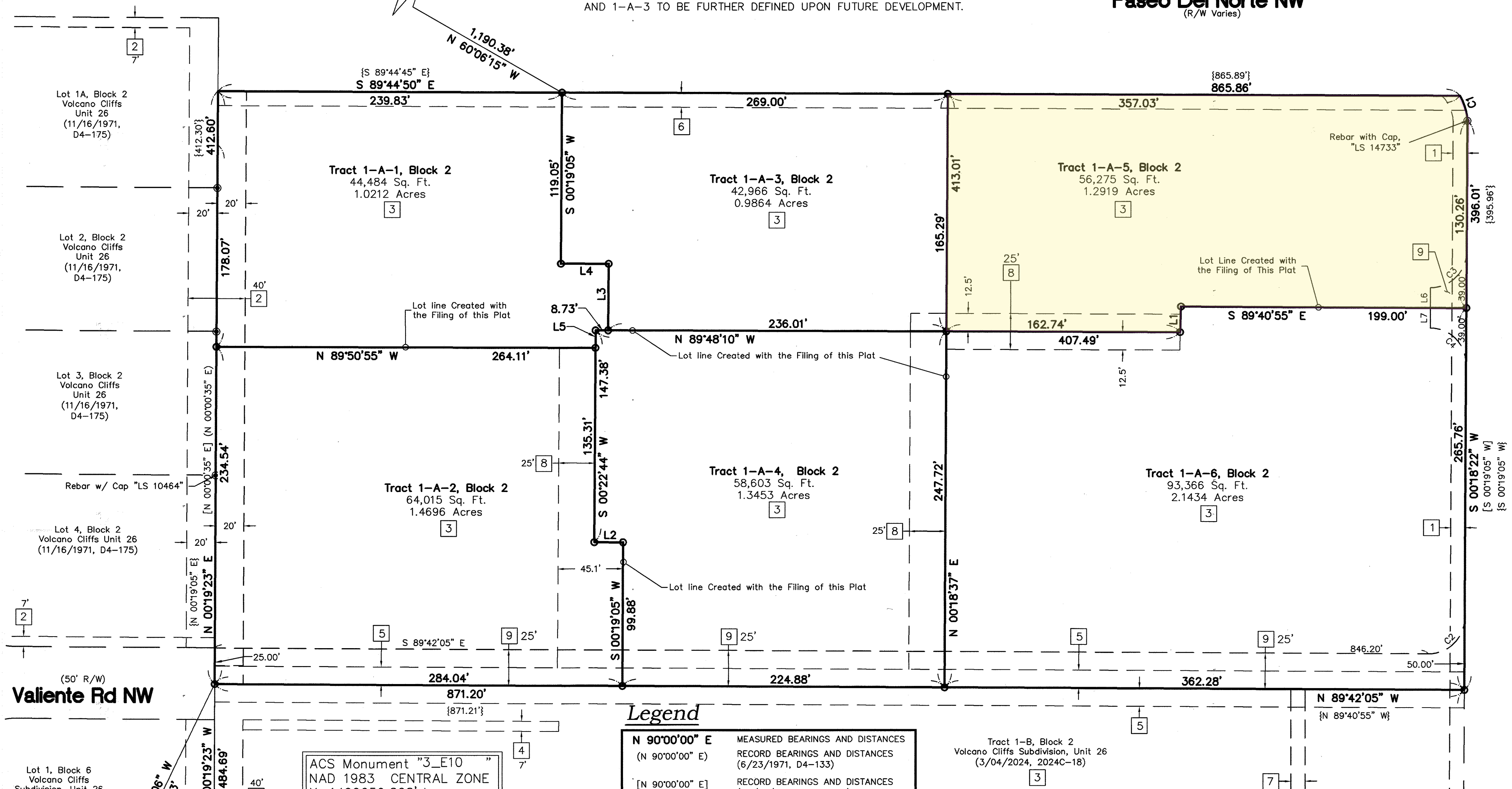
Easement Notes

- 1 EXISTING 10' P.U.E. (8/12/2013, 2013C-92)
- 2 EXISTING DRAINAGE & UTILITY EASEMENT (6/23/1971, D4-133)
- 3 EXISTING PRIVATE BLANKET CROSS LOT PUBLIC DRAINAGE AND ACCESS EASEMENT, BENEFITING TRACTS 1-A AND 1-B (8/12/2013, 2013C-92), (3/04/2024, BK. 2024C, PG. 18)
- 4 EXISTING 7' DRAINAGE & UTILITY EASEMENT (6/23/1971, D4-133)
- 5 EXISTING PUBLIC 12.5' WATER AND PUBLIC SEWER EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 6 EXISTING 10' UTILITY EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 7 EXISTING PRIVATE DRAINAGE EASEMENT (3/04/2024, BK. 2024C, PG. 18)
- 8 PRIVATE WATERLINE AND SEWER EASEMENTS BENEFITING TRACTS 1-A-1, 1-A-3, 1-A-5, AND 1-A-6, GRANTED WITH THE FILING OF THIS PLAT
- 9 PRIVATE ACCESS EASEMENT BENEFITING TRACTS 1-A-1 THRU 1-A-6, MAINTAINED BY THE UNDERLYING OWNERS, GRANTED WITH THE FILING OF THIS PLAT. ACCESS TO TRACTS 1-A-1 AND 1-A-3 TO BE FURTHER DEFINED UPON FUTURE DEVELOPMENT.

Plat for Tracts 1-A-1 thru 1-A-6, Block 2, Volcano Cliffs Subdivision, Unit 26 Being Comprised of Tract 1-A, Block 2, Volcano Cliffs Subdivision, Unit 26 City of Albuquerque Bernalillo County, New Mexico May 2024

Paseo Del Norte NW
(R/W Varies)

Kimmick Dr NW
(89' R/W)



ACS Monument "8_C10"
NAD 1983 CENTRAL ZONE
X=1502106.697 *
Y=1521538.71 *
Z=5392.936* (NAVD 1988)
G-G=0.999667901
Mapping Angle=-0°16'00.09"

*U.S. SURVEY FEET

ACS Monument "3_E10"
NAD 1983 CENTRAL ZONE
X=1499059.808 *
Y=1512627.946*
Z=5318.888* (NAVD 1988)
G-G=0.999672416
Mapping Angle=-0°16'20.35"

*U.S. SURVEY FEET

Legend

- N 90°00'00" E MEASURED BEARINGS AND DISTANCES
(N 90°00'00" E) RECORD BEARINGS AND DISTANCES
(6/23/1971, D4-133)
[N 90°00'00" E] RECORD BEARINGS AND DISTANCES
(08/12/2013, 2013C-92)
{N 90°00'00" E} RECORD BEARINGS AND DISTANCES
(03/04/2024, 2024C-18)
● FOUND 5/8" REBAR UNLESS
OTHERWISE NOTED
○ SET 1/2" REBAR WITH CAP "LS
18374" UNLESS OTHERWISE NOTED

BAR SCALE
0 50' 100'
SCALE: 1" = 50'

CSI-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 896-3050 Fax (505) 891-0244
cartesianbrian@gmail.com

ABCWUA Public Water and Sanitary Sewer Easements

ALBUQUERQUE BERNALILLO COUNTY WATER UTILITY AUTHORITY (ABCWUA) IS GRANTED EASEMENT(S) AND/OR USE OF PUBLIC RIGHT-OF-WAY IN THE DIMENSIONS NOTED ON THIS PLAT FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, REPAIR, MODIFICATION, REPLACEMENT AND OPERATION OF PUBLIC WATER AND SANITARY SERVICE LINES, EQUIPMENT AND FACILITIES REASONABLY NECESSARY TO PROVIDE SERVICE TOGETHER WITH FREE ACCESS ON AND OVER THE EASEMENT AND/OR PUBLIC RIGHT-OF-WAY AND THE RIGHT TO REMOVE TREES, SHRUBS, UNDERGROWTH AND ANY OTHER OBSTACLES, MODIFICATIONS, OR STRUCTURES WHICH INTERFERE WITH THE OPERATION OF PUBLIC WATER AND/OR PUBLIC SANITARY SEWER INFRASTRUCTURE.

Line Table		
Line #	Direction	Length (ft)
L1	N 01°58'45" E	17.82'
L2	S 89°37'16" E	20.06'
L3	N 00°22'44" E	46.44'
L4	N 89°40'55" W	33.06'
L5	S 00°22'44" W	12.07'
L6	N 00°18'22" E	14.00'
L7	N 00°18'22" E	14.00'

Curve Table					
Curve #	Length	Radius	Delta	Chord Length	Chord Direction
C1	18.24' {18.25'}	36.78' {36.78'}	28°25'17"	18.06'	S 16°29'49" E
C2	39.27'	25.00'	89°59'33"	35.35'	S 45°18'09" W
C3	39.27'	25.00'	90°00'00"	35.36'	N 45°18'22" E
C4	39.27'	25.00'	90°00'00"	35.36'	N 44°41'38" W

Plat for
Tracts 1-A-1 thru 1-A-6, Block 2,
Volcano Cliffs Subdivision, Unit 26
Being Comprised of
Tract 1-A, Block 2, Volcano
Cliffs Subdivision, Unit 26
City of Albuquerque
Bernalillo County, New Mexico
May 2024

Public Utility Easements

PUBLIC UTILITY EASEMENTS shown on this plat are granted for the common and joint use of:

- A. Public Service Company of New Mexico ("PNM"), a New Mexico corporation, (PNM Electric) for installation, maintenance, and service of overhead and underground electrical lines, transformers, and other equipment and related facilities reasonably necessary to provide electrical services.
- B. New Mexico Gas Company for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas services.
- C. Qwest Corporation d/b/a CenturyLink QC for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide communication services.
- D. Cable TV for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable services.

Included, is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, replace, modify, renew, operate and maintain facilities for purposes described above, together with free access to, from, and over said easements, with the right and privilege of going upon, over and across adjoining lands of Grantor for the purposes set forth herein and with the right to utilize the right of way and easement to extend services to customers of Grantee, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool (aboveground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electrical Safety Code by construction of pools, decking, or any structures adjacent to or near easements shown on this plat. Easements for electric transformer/switchgears, as installed, shall extend ten (10) feet in front of transformer/switchgear doors and five (5) feet on each side.

Disclaimer
In approving this plat, Public Service Company of New Mexico (PNM) and New Mexico Gas Company (NMGC) did not conduct a Title Search of the properties shown hereon. Consequently, PNM and NMGC do not waive or release any easement or easement rights which may have been granted by prior plat, replat or other document and which are not shown on this plat.

DOCN 2025039960
05/09/2025 04:38 PM Page: 3 of 3 P: \$25.00
PLAT B-20250 P: 0021 Michelle S. Kavanaugh, Bernalillo County

Free Consent and Dedication

THE SUBDIVISION SHOWN AND DESCRIBED HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNER(S) THEREOF. EXISTING AND/OR GRANTED PUBLIC UTILITY EASEMENTS (P.U.E) AS SHOWN HEREON, UNLESS NOTED OTHERWISE, ARE FOR THE COMMON AND JOINT USE OF GAS, ELECTRICAL POWER AND COMMUNICATION SERVICES FOR BURIED AND/OR OVERHEAD DISTRIBUTION LINES, CONDUIT AND PIPES FOR UNDERGROUND UTILITIES. SAID UTILITY COMPANIES HAVE THE RIGHT OF INGRESS/EGRESS FOR CONSTRUCTION OF, MAINTENANCE OF AND REPLACEMENT OF SAID UTILITIES INCLUDING THE RIGHT TO TRIM INTERFERING TREES AND SHRUBS WITHIN SAID P.U.E.. SAID OWNERS CERTIFY THAT THIS SUBDIVISION IS THEIR FREE ACT AND DEED.

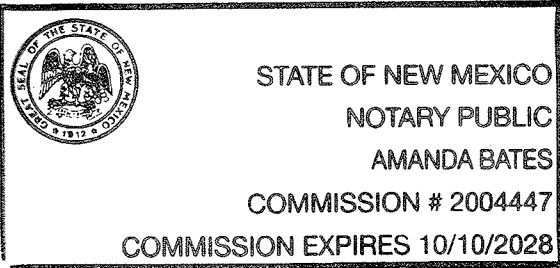
JAYMINI HASHAM, MANAGING PARTNER
JUBILEE DEVELOPMENTS LLC, A NEW MEXICO LIMITED LIABILITY COMPANY
DATE 04/29/2025

STATE OF NEW MEXICO }
COUNTY OF BERNALILLO } SS

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON April 29, 2025
BY: JAYMINI HASHAM, MANAGING PARTNER, JUBILEE DEVELOPMENTS LLC, A NEW MEXICO LIMITED LIABILITY COMPANY

BY Amanda Bates
NOTARY PUBLIC

MY COMMISSION EXPIRES 10/10/2028



CSI-CARTESIAN SURVEYS INC.

P.O. BOX 44414 RIO RANCHO, N.M. 87174
Phone (505) 896 - 3050 Fax (505) 891 - 0244
cartesianbrian@gmail.com

Sheet 3 of 3
240568



Neighborhood Convenience Market Site Plan

Paseo del Norte Blvd & Kimmick Dr NW, Albuquerque, New Mexico

Modulus Architects & Land Use Planning

LEGEND

- Building
- Fuel Canopy
- Drive/ Parking
- Sidewalk
- Landscape

GRAPHIC SCALE

0' 20' 40' 60'

Conceptual Rendering for Illustrative Purposes



MODULUS
ARCHITECTS & LAND USE PLANNING

8220 San Pedro Dr. NE Suite 520
Albuquerque, NM 87113



JUBILEE DEVELOPMENTS LLC
4590 PARADISE BLVD NW
ALBUQUERQUE NM 87114-4105

MODULUS
ARCHITECTS & LAND USE PLANNING

8220 San Pedro Dr. NE Suite 520
Albuquerque, NM 87113



BEDROCK PARTNERSHIP & N M GEN
PARTNERSHIP C/O GERALD GOLD
PO BOX 26506
ALBUQUERQUE NM 87125-6506

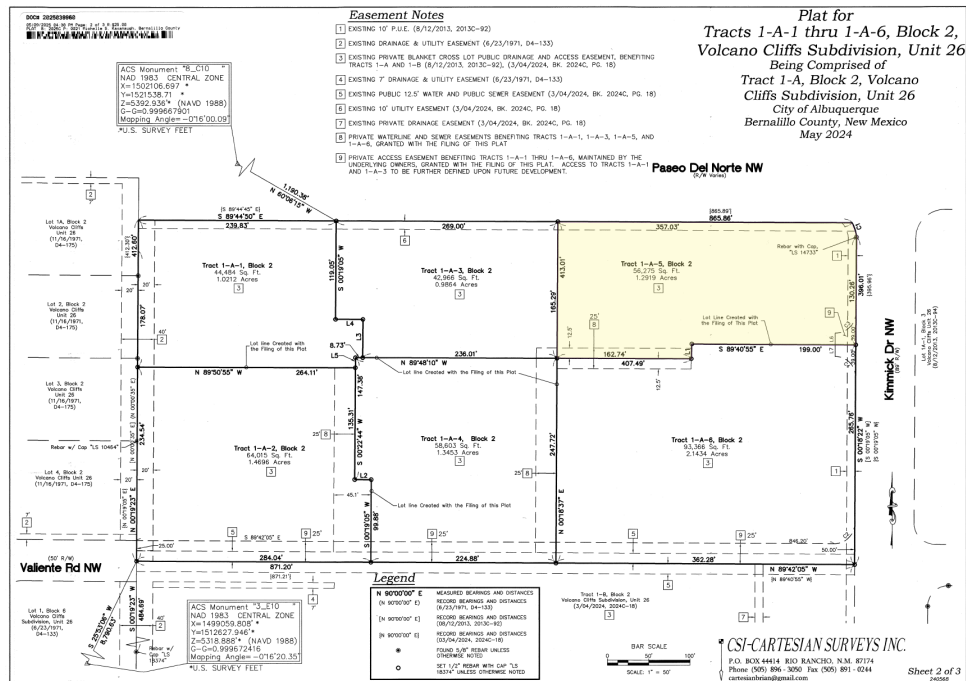
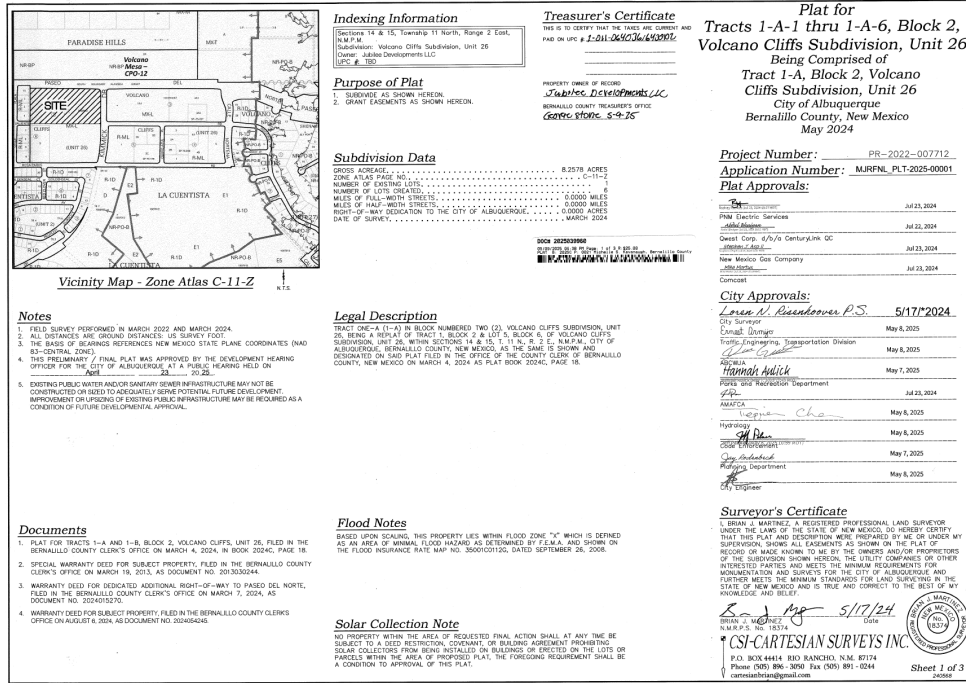
MODULUS
ARCHITECTS & LAND USE PLANNING

8220 San Pedro Dr. NE Suite 520
Albuquerque, NM 87113



VOLCANO CLIFFS INC
4112 BLUE RIDGE PL NE
ALBUQUERQUE NM 87111-4167

D) EXISTING SITE PLAN



E) PUBLIC COMMENTS



June 10, 2026

Robert Lucero, Esq.
Zoning Hearing Examiner
c/o ZHE Administrative Assistant

Via: PlanningZHE@cabq.gov

CU-2026-00014
PR-2022-007712

Conditional Use for Liquor Retail for Lot 1, Block 2, Volcano Cliffs Unit 26, located at 99999 Paseo Del Norte NE

WSCONA writes to you today to inform you that the request for Conditional Use for Liquor Retail at the locations listed on either the ZHE Agenda or in the Applicant's Notice and Application is not eligible to be heard by the ZHE at this time, as doing so would violate the following provisions of the IDO: 14-16-1-7(A)(1), 14-16-5-2(J)(2)(b)(9), 14-16-6-6(I)(1)(a).

The ZHE Agenda lists the Parcel as the unsubdivided Lot 1, Block 2, Volcano Cliffs Unit 26, whereas the Applicant in both their Notice and Application lists and depicts the Parcel as Lot 1-A-5. Lot 1-A-5 is a reference to a replat that was invalidated by the decision of the New Mexico Court of Appeals in *Westside Coalition Neighborhood Associations v. City of Albuquerque*, No. D-202-CV-2023-02639, No. A-1-CA-41831, which reversed the Site Plan – DRB, as the DRB did not have jurisdiction in light of 14-16-5-2(J)(2)(b) which requires a Site Plan EPC prior to any development, and the issue was thus remanded to the EPC for a Site Plan – EPC, due to the adjacency to Major Public Open Space, which remains the law of the case. A Site Plan – EPC is also required **prior to any platting action** for lots 5 acres or greater and adjacent to Major Public Open Space under 14-16-6-6(I)(1)(a). As a decision by an entity lacking proper jurisdiction is void ab initio, the referenced replat by the DRB is void and cannot be used as the basis of compliance with the requirements of the IDO.

14-16-1-7(A)(1)

No person shall develop or use any land, building, or structure within the City in violation of this IDO, regulations authorized under this IDO, including but not limited to those standards in the Development Process Manual (DPM), or the terms and conditions of permits or approvals issued under this IDO.

14-16-5-2(J)(2)(b)

Lots 5 Acres or Greater

Development on lots 5 acres or greater adjacent to Major Public Open Space shall:

9. Be reviewed by the Environmental Planning Commission (EPC), pursuant to § 14-16-6-6(I).

14-16-6-6(l)(1)(a)

A Site Plan – EPC may only be approved for legally platted or nonconforming lots, and may not be approved on *unsubdivided* property, except for development in the PD or NR-SU zone districts and any development on a site 5 acres or greater adjacent to Major Public Open Space, in which case a Site Plan approval is required prior to any platting action.

The IDO defines Development as “Any activity that alters the ground or lot lines on a property. Development may include subdivision of land; construction of buildings, structures, or streets; installation of landscaping, infrastructure, utilities, or site features; and/or activities to prepare land for such construction or installation, such as grading. For the purposes of the IDO, this term includes new development and redevelopment on existing lots.”

14-16-6-6(A)(1)(b) A Conditional Use Approval is only valid for the location stated in the application and cannot be transferred to a new location.

The Application lists an invalid plat which fails to conform with the IDO. Furthermore, no Site Plan — EPC exists for the replatted parcel listed, and until such time as a Site Plan — EPC is approved for the entire undivided parcel under 14-16-6-6(l)(1)(a), any related Conditional Use request would be premature.

Separate from our position cited regarding the hearing of this application at all, the WSCONA EC opposes the conditional use request itself. The totality of the project, liquor retail in a convenience market attached to a light vehicle fueling station, presents significant concerns and fails to meet the Review and Decision Criteria for Conditional Use approval. Notably, the Letter of Justification fails to mention that the convenience market cited and used to support the Conditional Use application includes the light vehicle fueling station which is effectively the main retail use in this project. In contrast to the Justification letter, a small scale neighborhood market is not “the primary use of the property.” Rather, the light vehicle fueling station or gas station is the primary use.

As such, the inclusion of liquor retail in this portion of the project does not meet the six review and decision criteria for a conditional use.

This project is *not* consistent with applicable ABC Comp Plan goals and policies:

- A gas station, particularly located in the vicinity of Paseo del Norte, a regional arterial, and Kimmick Dr., does not represent neighborhood scale retail or a desirable neighborhood amenity.
- The typical contents of a convenience market attached to a gas station do not represent a full range of commonly purchased goods and this market is unlikely to provide a viable alternative to travel to a full service market.
- A gas station represents a destination oriented use, ie fueling one’s personal vehicles, and an attached convenience market is unlikely to provide a wide range of everyday goods which the nearby neighborhood residents require.
- The majority of gas station customers will be those in transit along Paseo del Norte.
- Neither a gas station or convenience store contribute to neighborhood character and identity or increase neighborhood cohesion.
- While within walking distance of nearby neighborhoods, a gas station is intended for vehicular use and cannot be considered welcoming or easily accessible to cyclists or pedestrians.

- A gas station and convenience market with or without liquor retail does not enhance, protect or preserve any neighborhood.
- The acknowledgement of potential public safety issues is appreciated but attention to those does not change the negative impact of the entire project on the neighborhoods and surrounding area.

This project *will* create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.

- The assertion that this project, a combined gas station and retail market that provides liquor for purchase, will not harm the surrounding neighborhoods discusses only the convenience market and its anticipated convenience for those residents.
- The impact of the entire project is certainly much less benign.
- The nearby neighborhoods include protected landscapes and major public open space. As such, this project represents an adverse impact on the larger community which uses and derives economic benefit from the public lands.

This project *will create material adverse impacts on other land in the surrounding area* through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts.

- A light vehicle fueling station necessarily requires the underground storage of fuel.
- Both the construction and the underground storage represent environmental risk and damage.
- Storing petroleum in a basalt substrate poses severe environmental risks, primarily due to catastrophic groundwater contamination. Basalt is heavily fractured, highly porous, and serves as a major aquifer. If an underground storage tank (UST) leaks, toxic hydrocarbons travel rapidly through the rock, threatening municipal drinking water supplies and local ecosystems.
- Basalt is an extrusive igneous rock, but its volcanic formation process makes it a highly unpredictable substrate for industrial storage.

This project will negatively impact pedestrian or transit connectivity.

- Accessing the gas station and market will negatively impact pedestrian use of the Paseo del Norte corridor which is planned as a multi-modal corridor.
- As previously noted, the uses outlined in this project are unwelcoming, at best, and potentially hazardous to both pedestrians and cyclists.

In summary, the totality of this project for which the conditional use for liquor retail has been requested fails to meet the review and decision criteria. Liquor retail is described as an ancillary component of a neighborhood scale retail market. In fact, it is a fairly essential component of a gas station and convenience store which will not meet Comp Plan goals for enhancing neighborhoods, supporting walkability, protect the surrounding area, fostering whole communities or acknowledging the distinct identity of the area.

While the conditional use request is for liquor retail, it is impossible to separate that from the entire project the applicant plans. Indeed, it is concerning that the justification letter makes no mention of the larger project of which this conditional use is a part.

Lastly, the approval for such a light vehicle refueling station/convenience market, under 14-16-6-6(l)(1)(a) can only properly be considered by the EPC during a hearing regarding a Site Plan – EPC on the entire unsubdivided parcel, at which point the additional health impacts,

such as scientifically, peer-reviewed studies linking increases in leukemia to nearby residents when refueling stations are located in the same proximity to residential neighborhoods as is the case with this proposed development.

For the above reasons, this Application should be rejected as not within the jurisdiction of the ZHE under the IDO.



Date: July 10, 2026

To: Robert Lucero, Esq.
Zoning Hearing Examiner

From: Jane Baechle
President, WSCONA

Re: CU-2026-00014
PR-2022-007712

Dear Mr. Lucero:

I am submitting follow up written comments on behalf of the West Side Coalition of Neighborhood Associations Executive Committee regarding CU-2026-00014, PR-2022-007712, a Conditional Use request for Liquor Retail located at 99999 Paseo Del Norte NE.

Thank you for acknowledging receipt of written comments submitted by the West Side Coalition of Neighborhood Associations (WSCONA) Executive Committee on Wednesday, June 10, 2026 outlining WSCONA's opposition to this application and the basis of our position. We sincerely appreciate the responsiveness of your office.

I will not repeat the points outlined in that letter. Rather, I am writing to submit additional documentation of the decision of the NM Court of Appeals which reversed the City's approval of the Site Plan approved initially by the DRB and remanded the application to be heard by the EPC under the current IDO.

Please find included in this submission from the WSCONA EC, the Order on Mandate filed by the District Court on November 24, 2025 in response to the Opinion for the New Mexico Court of Appeals filed on September 15, 2025, included as well.

We respectfully request your review and consideration of these documents. We affirm our opposition to the approval of a Conditional Use request until a Site Plan EPC has been approved for the entire parcel as outlined under the current IDO.

Thank you for your time and consideration.

Sincerely,

Jane Baechle WSCONA President

jane.baechle@gmail.com

505-400-6516



June 10, 2026

Robert Lucero, Esq.
Zoning Hearing Examiner
c/o ZHE Administrative Assistant

Via: PlanningZHE@cabq.gov

CU-2026-00014
PR-2022-007712

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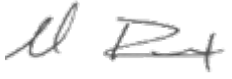
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IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

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

Court of Appeals of New Mexico

Filed 9/15/2025 12:21 PM


Mark Reynolds

Appellants-Appellants,

v.

No. A-1-CA-41831

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

Appellee-Appellee,

and

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

Interested Parties.

**APPEAL FROM THE DISTRICT COURT OF BERNALILLO COUNTY
Nancy J. Franchini, District Court Judge**

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

for Appellants

Atler Law Firm, P.C.
Timothy J. Atler
Jazmine J. Johnston
Albuquerque, NM

1 City of Albuquerque
2 Lauren Keefe
3 Devon P. King
4 Andrew S. Coon
5 Albuquerque, NM

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).¹ 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

¹The 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.”² 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.

²In 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.³

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),

³The 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.⁴ 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

⁴ 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).⁵ 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.

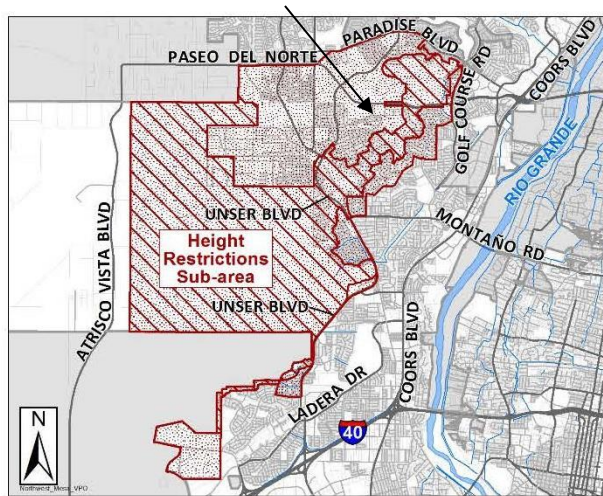
6 {16} The City and Applicant argue that the Coalition did not preserve these
7 arguments in the DRB, before the hearing officer, or in the City Council. We agree
8 that these arguments were not presented in the administrative process, though the
9 matter of adjacency was apparently considered by the 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

⁵The 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.

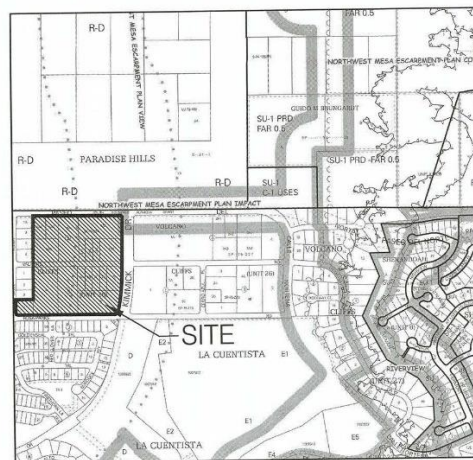
1 is marked by the word “SITE” and a blue rectangle, and the MPOS area is *inside* the
2 red lines that show arrows pointing outward. The City contends that the DRB knew
3 about the zoning change, considered the correct boundaries, and nevertheless
4 concluded that because the property was “located diagonally” 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.



(the IDO Map)



(the Orientation map)

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

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

CONCLUSION

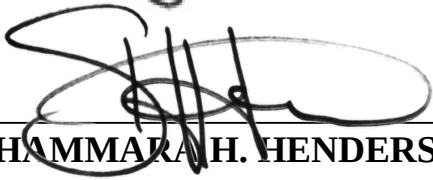
{21} We affirm in part and reverse in part the City’s approval of the amended site plan and new site plan applications.

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


KATHERINE A. WRAY, Judge

WE CONCUR:


ZACHARY A. IVES, Judge


SHAMMARA H. HENDERSON, Judge



Mark Reynolds

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

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

Appellants-Appellants,

v.

**No. A-1-CA-41831
Bernalillo County
D-202-CV-2023-02637**

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

Appellee-Appellee,

and

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

Interested Parties.

MANDATE TO DISTRICT COURT CLERK

Applicable items are indicated by an “X” below.

1. X Attached is a true and correct copy of the original decision/order entered in the above-entitled cause.
2. X This decision being now final, the cause is remanded to you for any further proceedings consistent with said decision/order.
3. Writ of Certiorari having been issued by the New Mexico Supreme Court and their decision being final, this cause is remanded to you for any further proceedings consistent with said Supreme Court decision attached hereto.
4. Cost Bill is assessed as follows:

By direction of and in the name of the Chief Judge of the Court of Appeals, this 24th
day of November, 2025.



A handwritten signature in black ink, appearing to read "Mark Reynolds", is positioned above a horizontal line.

MARK REYNOLDS
Chief Clerk of the Court of Appeals

cc: Counsel w/out attachments



Date: July 10, 2026

To: Robert Lucero, Esq.
Zoning Hearing Examiner

From: Jane Baechle
President, WSCONA

Re: CU-2026-00014
PR-2022-007712

Dear Mr. Lucero:

I am submitting follow up written comments on behalf of the West Side Coalition of Neighborhood Associations Executive Committee regarding CU-2026-00014, PR-2022-007712, a Conditional Use request for Liquor Retail located at 99999 Paseo Del Norte NE.

Thank you for acknowledging receipt of written comments submitted by the West Side Coalition of Neighborhood Associations (WSCONA) Executive Committee on Wednesday, June 10, 2026 outlining WSCONA's opposition to this application and the basis of our position. We sincerely appreciate the responsiveness of your office.

I will not repeat the points outlined in that letter. Rather, I am writing to submit additional documentation of the decision of the NM Court of Appeals which reversed the City's approval of the Site Plan approved initially by the DRB and remanded the application to be heard by the EPC under the current IDO.

Please find included in this submission from the WSCONA EC, the Order on Mandate filed by the District Court on November 24, 2025 in response to the Opinion for the New Mexico Court of Appeals filed on September 15, 2025, included as well.

We respectfully request your review and consideration of these documents. We affirm our opposition to the approval of a Conditional Use request until a Site Plan EPC has been approved for the entire parcel as outlined under the current IDO.

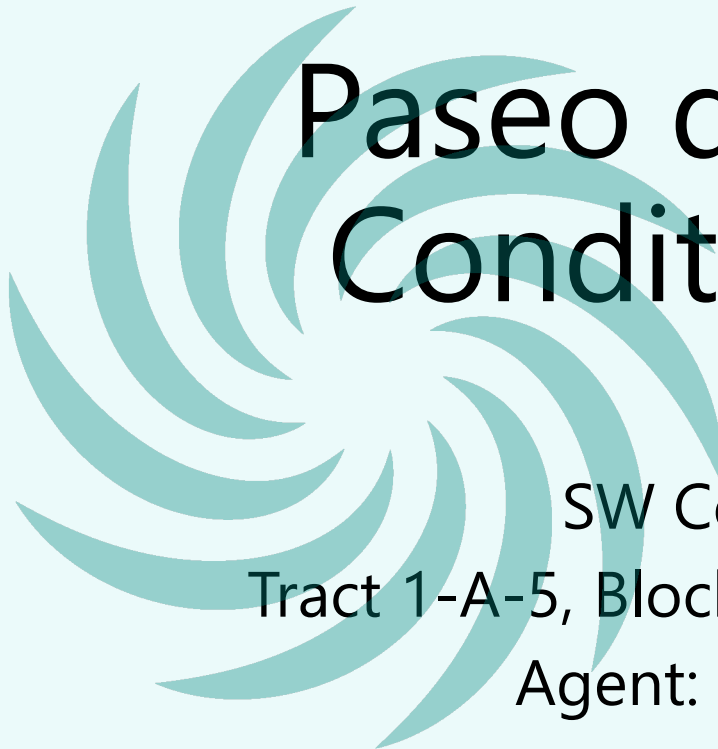
Thank you for your time and consideration.

Sincerely,

Jane Baechle WSCONA President

jane.baechle@gmail.com

505-400-6516



Paseo del Norte & Kimmick NW Conditional Use – Liquor Retail

Project #: CU-2026-00014

SW Corner of Paseo del Norte & Kimmick Drive

Tract 1-A-5, Block 2, Volcano Cliffs Subdivision, Unit 26 – 1.2919 Acres

Agent: **Modulus Architects & Land Use Planning**

Client: **Jubilee Development, LLC.**



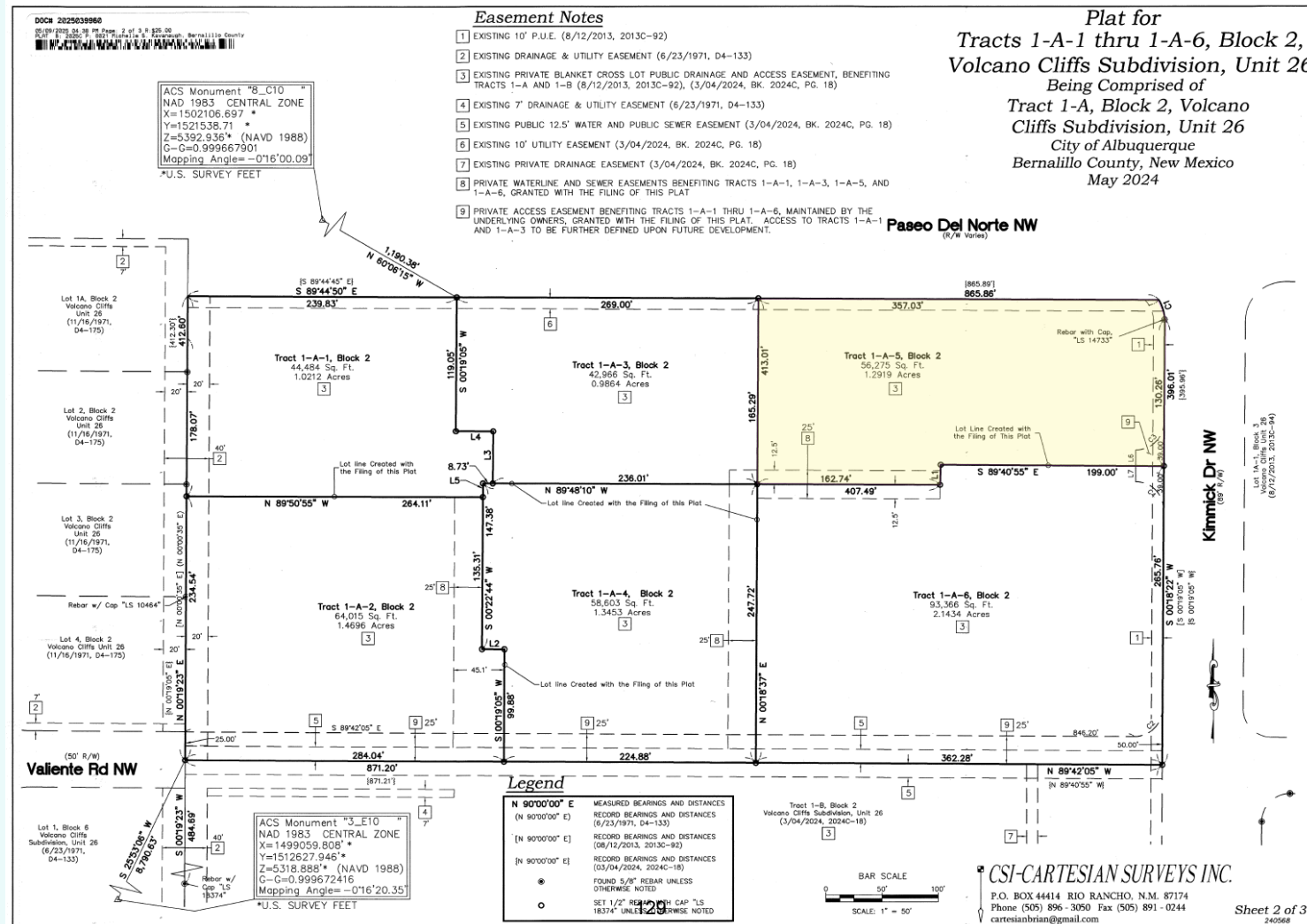
ARCHITECTS & LAND USE PLANNING

Project Location: SW Corner Paseo del Norte & Kimmick Dr NW

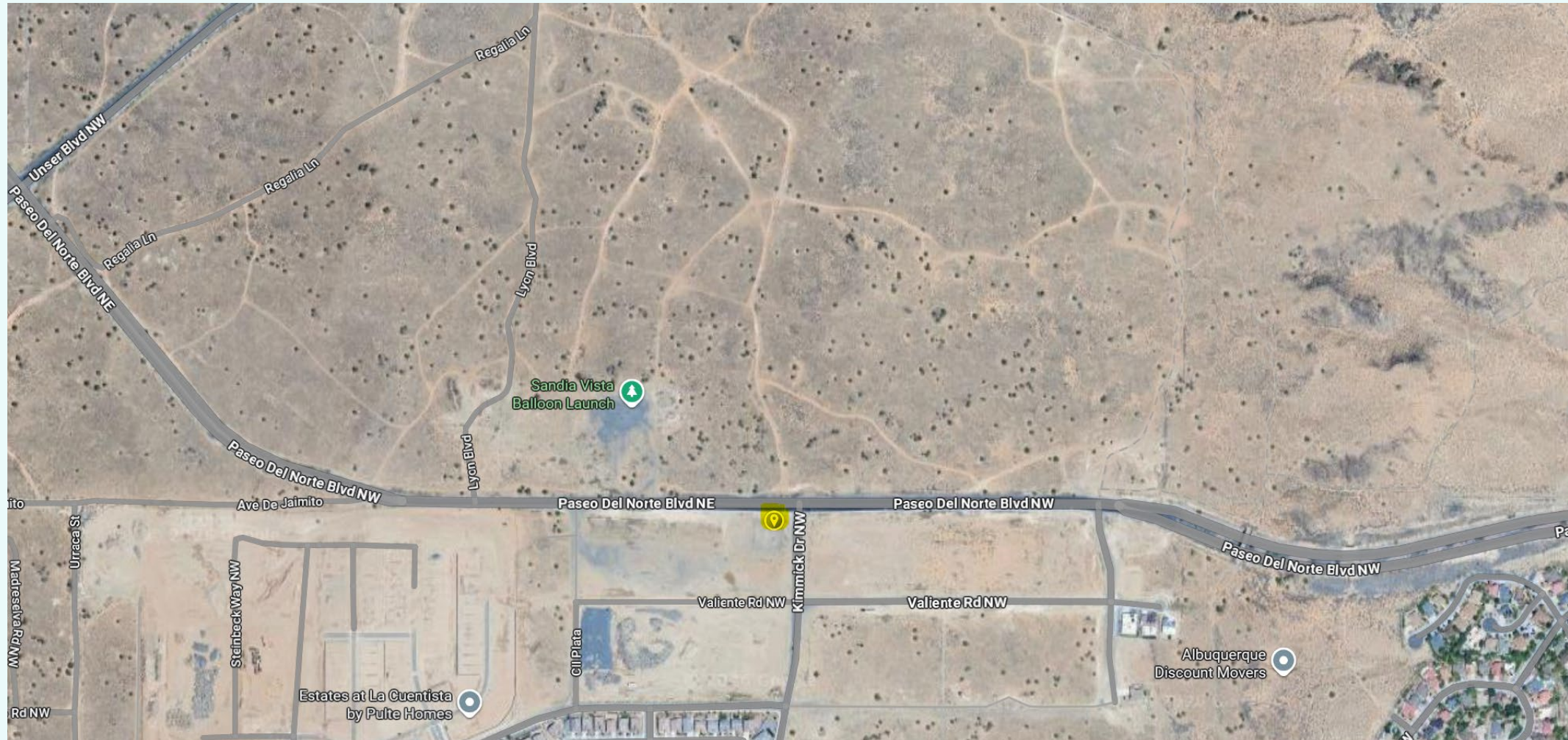


Project Location:

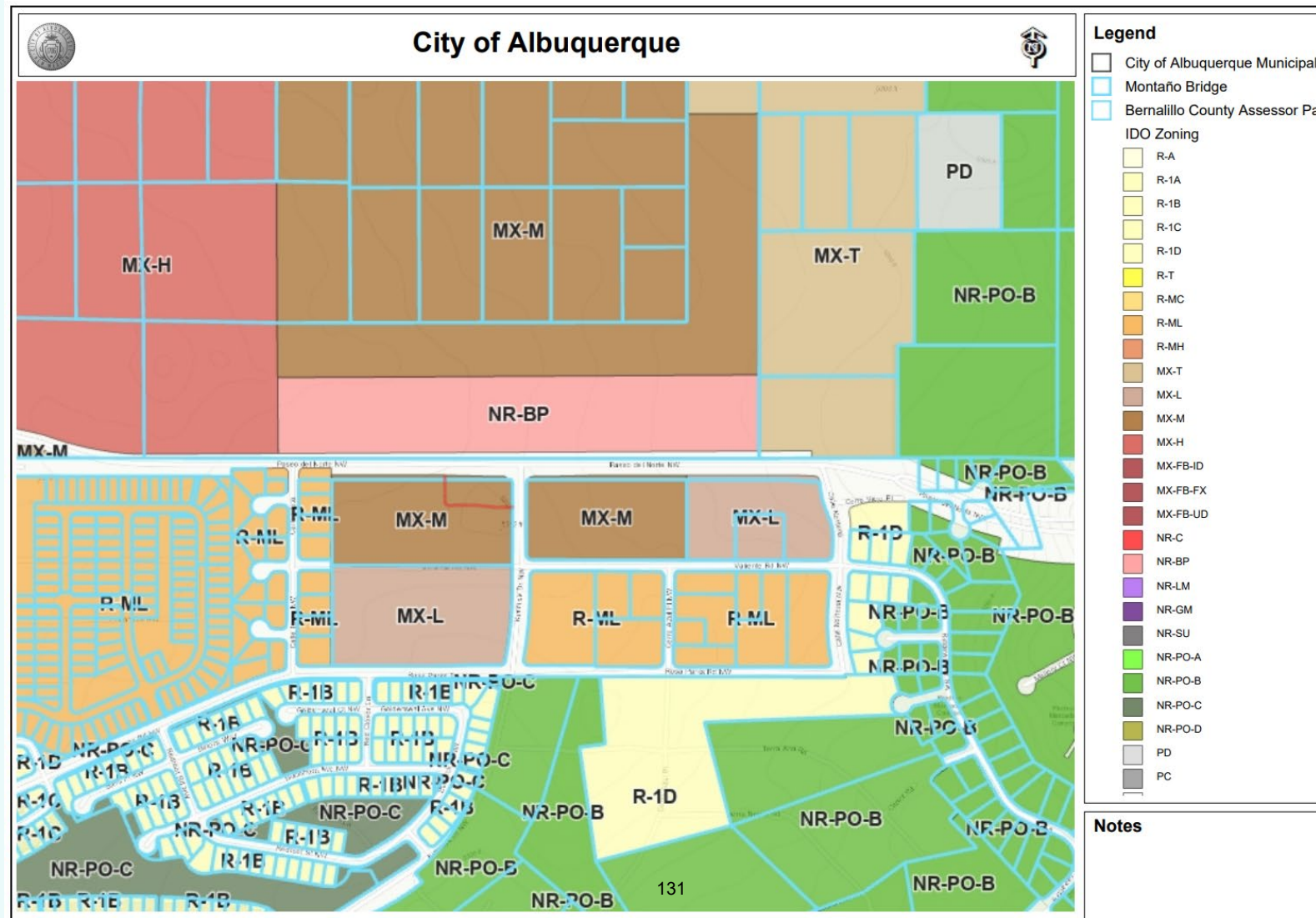
SW Corner Paseo del Norte & Kimmick Dr NW



Aerial View of Project Location



Surrounding Zoning



Project Site Plan



Request / Background

This request is for approval of a **Conditional Use Permit for Liquor Retail Sales** – Off-Premises Consumption, as an ancillary component to a local convenience market and light vehicle fueling station, located at the southwest corner of **Kimmick Dr. NW** and **Paseo del Norte Blvd. NW**. The project is located within the **Northwest Mesa Community Planning Area**, and is designated as an **Area of Change**.

Neighborhood Convenience Market with Ancillary Liquor Retail

- The proposed development is primarily a small-scale neighborhood convenience market serving nearby residents.
- Liquor retail sales are ancillary and subordinate to the primary use, intended only as a complementary offering.
- The development will primarily provide fuel, groceries, household items, convenience foods, beverages, and other day-to-day necessities.



Project Context & Compatibility

✓ Neighborhood-Serving Convenience Market

The primary purpose of the project is to provide nearby residents with convenient access to fuel, groceries, household necessities, convenience foods, beverages, and other everyday goods.

✓ Ancillary Liquor Retail

Liquor retail sales for off-premises consumption are a limited accessory component of the overall development and remain subordinate to the primary convenience market use.

✓ Appropriate Location

The project is located within the MX-M Zone District at a major arterial intersection, within an **Area of Change**, where neighborhood-serving commercial development is anticipated and supported by the Comprehensive Plan.

✓ Responsible Design & Operations

The project will incorporate CPTED principles, thoughtful site design, and compliance with applicable State and City regulations to promote safety, compatibility, and responsible operation.

IDO Compliance / Comprehensive Plan Alignment

The proposed Conditional Use – Liquor Retail is **fully consistent with the Albuquerque/Bernalillo County Comprehensive Plan** and **complies with all applicable provisions of the Integrated Development Ordinance (IDO) as amended May 6, 2026.**

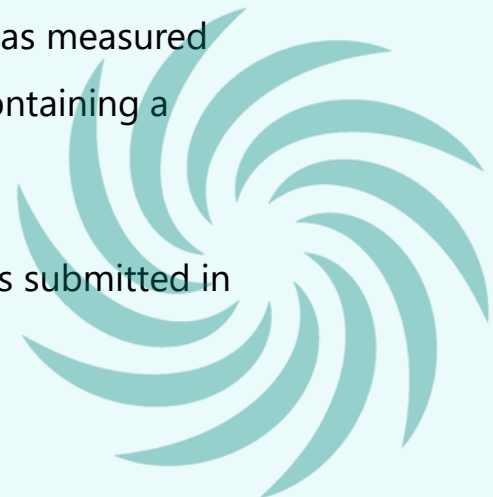
Pursuant to the IDO (Integrated Development Ordinance) as amended May 6, 2026

Per Table 4-2-1 Allowable Uses, Liquor Retail is Conditional Primary for MX-M Zone District.

4-3(D)(40) Liquor Retail

- 4-3(D)(40)(a) Alcohol sales for off-premises consumption are allowed provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.
- 4-3(D)(40)(c) Notwithstanding other standards in this § 14-16-4-3(D)(39), this use requires a Conditional Use Approval pursuant to § 14-16-66(A) when proposed within 500 feet of any Residential or NR-PO zone district or any group home use, as measured from the nearest edge of the building containing the use to the nearest Residential or NR-PO zone district or lot containing a group home.

Any application for a **Conditional Use** shall be approved if it meets IDO Criteria **146-16-6-6(A)(3)(a-f)**. The responses submitted in our application demonstrate compliance of the **Paseo & Kimmick Conditional Use Liquor Retail** with each criterion.



IDO Compliance / Comprehensive Plan Alignment

6-6(A)(3)(a) It is consistent with the adopted ABC Comp Plan, as amended

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

- Located within a designated **Area of Change**.
- Expands access to neighborhood-serving goods and services.
- Supports incremental commercial development in an established mixed-use corridor.

Goal 5.2 – Complete Communities: *Foster communities where residents can live, work, learn, shop, and play together*

- Improves access to everyday goods and services.
- Supports a more complete, walkable community.
- Liquor retail sales are ancillary to the neighborhood convenience market.



IDO Compliance / Comprehensive Plan Alignment

Policy 4.1.2 – Identity and Design: *Protect the identity and cohesiveness of neighborhoods by ensuring the appropriate scale and location of development, mix of uses, and character of building design.*

- Maintains neighborhood compatibility through appropriate scale and integration of uses.
- Liquor retail does not define the character of the development and remains subordinate to the primary convenience market use.
- Incorporates Crime Prevention Through Environmental Design (CPTED) principles, which can include:
 - Appropriate lighting
 - Clear visibility into and around the building
 - Defined access points
 - Natural surveillance strategies
- Promotes a safe and well-managed environment compatible with surrounding development.

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

- Enhances and supports surrounding neighborhoods by providing convenient access to neighborhood-serving retail uses.
- Helps meet the needs of an underserved Westside residential area.
- Minimizes potential impacts by limiting liquor retail sales as an accessory component rather than a primary use.
- Incorporates operational practices and CPTED-based design measures to support neighborhood safety and compatibility.
- Supports long-term neighborhood health, stability, and vitality through limited scale and responsible management.



IDO Compliance / Comprehensive Plan Alignment

6-6(A)(3)(b) It complies with all applicable provisions of this IDO, including but not limited to any Use-specific Standards applicable to the use in § 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in a prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2.

- *The proposed convenience market is classified as a General Retail, Small use and includes an associated Light Vehicle Fueling Station, both of which are Permissive Primary Uses within the MX-M zone district and comply with the applicable zoning and Use-Specific Standards of the Integrated Development Ordinance. This application is limited to the requested Conditional Use approval for Liquor Retail, which complies with the applicable zoning and Use-Specific Standards of §14-16-4-3.*
- *Although final site design is not part of this application, all future development of the property, as shown on eventual Site Plan application, will comply with all applicable provisions of the Integrated Development Ordinance, the Development Process Manual (DPM), all other adopted City regulations, and any applicable conditions of approval. No Variances or Waivers are identified or anticipated as part of this application.*

6-6(A)(3)(c) It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.

- *The subject property is located within the MX-M zone district at the intersection of Paseo del Norte and Kimmick Drive. Although the surrounding area remains largely undeveloped, the adopted zoning establishes a planned pattern of mixed-use, neighborhood commercial, business park, and residential development. The proposed Conditional Use is consistent with that planned development pattern.*
- *The requested Liquor Retail use is ancillary to the primary convenience market and is not intended to operate as a stand-alone liquor store or destination alcohol retailer.*
- *Compliance with all applicable IDO, DPM, and City requirements will ensure the project does not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community.*



IDO Compliance / Comprehensive Plan Alignment

6-6(A)(3)(d) It will not create material adverse impacts on other land in the surrounding area through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts

- *The project is located along an arterial corridor where convenience retail is intended to serve existing travel patterns, with a substantial portion of customer trips anticipated to consist primarily of pass-by trips rather than new vehicle trips.*
- *On-site parking, access, and site circulation will be designed to comply with applicable City requirements.*
- *Therefore, the proposed Conditional Use will not create material adverse impacts from traffic congestion, parking congestion, noise, or vibration*

6-6(A)(3)(e) On a project site with existing uses, it will not increase nonresidential activity within 300 feet in any direction of a lot in any Residential zone district between the hours of 10:00 P.M. and 6:00 A.M.

- *Criterion is not applicable because the site does not contain an existing use*

6-6(A)(3)(f) It will not negatively impact pedestrian or transit connectivity without appropriate mitigation

- *The subject site and all adjacent properties are currently undeveloped, and the proposed Conditional Use will not displace or interrupt pedestrian or transit connectivity*
- *Any required pedestrian or transit improvements will be incorporated as part of future site development in compliance with applicable City requirements.*



Request / Background

Not a Stand-Alone Liquor Establishment

- The project is not proposed as a liquor store, package liquor establishment, or destination alcohol retailer.
- Alcohol sales will represent only a small portion of the overall business operations.
- Liquor retail sales are intended for off-premises consumption and will not alter the market's neighborhood-oriented character.

Limited Operational and Neighborhood Impacts

- Because liquor retail sales are incidental to the broader market use, the project is not expected to generate the intensity or activity typically associated with stand-alone liquor retailers.
- Customers are anticipated to primarily visit the site for everyday convenience needs, with alcohol purchases occurring as an accessory use.
- The proposed use is consistent with neighborhood-serving commercial development in a growing residential area.



Request / Background

Community Benefit and Compatibility

- The market will provide residents with convenient access to everyday goods close to home.
- The property's mixed-use zoning and location at a major intersection support the compatibility of the proposed use.
- The Applicant is committed to maintaining neighborhood compatibility through responsible operations and site management.

Safety, Design, and Regulatory Compliance

- The site will incorporate safety and compatibility measures using CPTED principles, which include but are not limited to, appropriate lighting, storefront visibility, and defined access points.
- The liquor retail component will comply with all applicable New Mexico State laws, City of Albuquerque regulations, and licensing requirements.
- Regulatory oversight and the limited scale of alcohol sales will help ensure no detrimental impacts to surrounding properties or the neighborhood



Public Notice & Community Outreach

- ✓ Notice emailed to all Neighborhood Association contacts identified by the City of Albuquerque Office of Neighborhood Coordination.
- ✓ Notice mailed to all property owners within the required notification area using the official property owner list generated through ABQ-PLAN.
- ✓ Public notice sign(s) posted on the subject property within the required timeframe.
- ✓ Affidavits and proof of public notice submitted to the City of Albuquerque.
- ✓ No comments or inquiries were received in response to the mailed or emailed public notices prior to the public hearing.
- ✓ Public hearing scheduled by the City of Albuquerque before the Zoning Hearing Examiner.

CONCLUSION

Limited Neighborhood-Serving Use

- The project is a small-scale neighborhood convenience market with liquor retail as a minor ancillary component.
- The request should not be viewed as a stand-alone liquor store or destination alcohol retailer.

Compatible with Surrounding Area

- The ancillary nature of alcohol sales supports compatibility with nearby residential properties and the surrounding neighborhood.
- The project is appropriately located within MX-M zoning, an Area of Change, and at a well-connected intersection.

Consistent with the Comprehensive Plan and IDO

- Advances Comprehensive Plan Goals 5.6 and 5.2 and Policies 4.1.2 and 4.1.4.
- Supports a Complete Community by providing neighborhood-serving goods and services within a planned mixed-use growth area.
- Demonstrates compliance with all applicable IDO Conditional Use approval criteria and respectfully merits approval..

Basis for Approval

- The Liquor Retail component is limited in scale, subordinate to the primary convenience market, and compatible with the surrounding planned development pattern.
- The proposed Conditional Use advances the goals of the Albuquerque Comprehensive Plan, complies with the Integrated Development Ordinance, and satisfies all applicable Conditional Use approval criteria.

For these reasons, the Applicant respectfully requests approval of the requested **Conditional Use for Liquor Retail**.

Trula Howe
Vice President



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 2nd Floor, Albuquerque, NM 87102
PO Box 1293, Albuquerque, NM 87103
Office (505) 924-3860



ZONING HEARING EXAMINER

NOTICE OF DECISION

Special Exception Number: CU-2026-00014

Project Number: PR-2022-007712

Hearing Date: 07-21-2026

Closing of Public Record: 07-21-2026

Date of Decision: 08-05-2026

Case Description: Trula Howe - Modulus Architects and Land Use Planning, Inc (Agent) & Jubilee Development LLC (Applicant) request a Conditional Use for Liquor Retail for TRACT 1-A PLAT OF TRACTS 1-A-5 AND 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) located at 99999 Paseo del Norte NW, zoned MX-M (C-11) IDO Section 14-16- 4-3(D)(40)

On July 21, 2026, Trula Howe - Modulus Architects and Land Use Planning, Inc (Agent) & Jubilee Development LLC (Applicant) were scheduled to appear before the Zoning Hearing Examiner ("ZHE") requesting a Conditional Use Approval to allow Liquor Retail ("Application") upon the real property located at 99999 Paseo del Norte NW ("Subject Property"). Below are the ZHE's findings of fact and decision.

FINDINGS, CONDITIONAL USE APPROVAL:

1. Applicant is requesting a Conditional Use Approval for liquor retail pursuant to City of Albuquerque Code of Ordinances Integrated Development Ordinance ("IDO") § 14-16-6-6(A).
2. Applicant has authority to pursue this Application, pursuant to IDO §14-16-6-4(D).
3. Applicant has duly authorized Agent to act on Applicant's behalf regarding the Application.
4. The Subject Property is located at 99999 Paseo Del Norte NW in an MX-M zone district.
5. The applicant is seeking approval for a liquor retail operation for a proposed convenience store.

6. The Planning Director's delegee has determined that the Application is complete as of May 05, 2026, pursuant to IDO §14-16-6-4(G).
7. The Application was referred to commenting agencies pursuant to IDO §14-16-6-4(I).
8. The content of the public notice of the Application satisfies IDO §14-16-6-4(J)(1).
9. Applicant has sent an electronic mail notice to the email addresses on file with the Office of Neighborhood Coordination for Neighborhood Associations within 660 feet as required by IDO §14-16-6-4(J)(2).
10. A Conditional Use Liquor Retail request requires approval pursuant to IDO §14-16-6-6(A).
11. IDO §14-16-6-6(A)(3) (Review and Decision Criteria– Conditional Use) reads: "*An application for a Conditional Use Approval shall be approved if it meets all of the following criteria:*
 - a. *It is consistent with the ABC Comp. Plan, as amended;*
 - b. *It complies with all applicable provisions of this IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property, or there is a condition of approval that any Variances or Waivers needed to comply with any of these provisions must be approved or the Conditional Use Approval will be invalidated pursuant to Subsection (2)(c)2 above.*
 - c. *It will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community;*
 - d. *It will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts;*
 - e. *On a project site with existing uses, it will not increase non-residential activity within 300 feet of a lot in any Residential zone district between the hours of 10:00 pm and 6:00 am;*
 - f. *It will not negatively impact pedestrian or transit connectivity without appropriate mitigation."*
12. Applicant bears the burden of providing a sound justification for the requested decision, based on substantial evidence, pursuant to IDO § 14-16-6-4(E)(3).
13. Applicant bears the burden of showing compliance with required standards through analysis, illustrations, or other exhibits as necessary, pursuant to IDO § 14-16-6-4(E)(4).
14. Agent appeared at the July 21, 2026 ZHE hearing and gave evidence in support of the Application.
15. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval is consistent with the ABC Comp. Plan, as amended. Applicant submitted evidence supporting that the requested Conditional Use approval furthers the goals and policies of the ABC Comp. Plan by helping to ensure appropriate scale and location of development and character of design, placing development along corridors, and providing employment and services for the area. In addition, this request is consistent with several policies in the ABQ Comp Plan, such as:

POLICY 5.2.1 Land Uses: Create healthy, sustainable, and distinct communities with a mix of uses that are conveniently accessible from surrounding neighborhoods

a)Encourage development and redevelopment that brings goods, services and amenities within walking and biking distance of neighborhoods and promotes good access for all residents.

There is large residential development near the proposed convenience store, and there are few a other options for obtaining necessities nearby.

POLICY 5.6.2 – Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks...where change is encouraged

The proposed location of the convenience store/liquor retail on Paseo del Norte helps to avoid potential negative impacts on existing residential uses while providing options for nearby goods and services.

POLICY 5.6.4 – Appropriate Transitions: Provide transitions in Areas of Change for development abutting Areas of Consistency through adequate setbacks, buffering and limits on heigh and massing.

The proposed convenience store/liquor retail is an appropriate scale to provide transition between the designated Area of Change where it is located and the adjacent residential development within an Area of Consistency.

16. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval complies with all applicable provisions of the IDO, including, but not limited to any Use-specific Standards applicable to the use in Section 14-16-4-3; the DPM; other adopted City regulations; and any conditions specifically applied to development of the property in any prior permit or approval affecting the property. Applicant testified and confirmed in written submittals that the requested Conditional Use approval would comport with all applicable requirements.
17. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not create significant adverse impacts on adjacent properties, the surrounding neighborhood, or the larger community. Applicant testified and confirmed in written submittals that the requested Conditional Use approval would not create any such adverse impact. Although neighborhood association representatives opposed the Application, they did so largely on procedural grounds, arguing that the ZHE lacks jurisdiction, because a Site Plan-EPC is required before a platting action involving 5 or more acres. However, no platting action is before the ZHE – this is a conditional use application. Further, opponents point out only generalized concerns about alcohol use, which are mitigated by Applicant's proposed use and existing state and city regulations.
18. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not create material adverse impacts on other land in the surrounding area, through increases in traffic congestion, parking, congestion, noise, or vibration without sufficient mitigation or civic or environmental benefits that outweigh the expected impacts. Applicant confirmed in written submittals that the requested Conditional Use approval would not create any adverse impact and would not increase traffic congestion, parking, congestion, noise, or vibration without sufficient mitigation.

19. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not increase non-residential activity within 300 feet of a lot in any residential zone district between the hours of 10:00 pm and 6:00 am. Applicant confirmed in written submittals that non-residential activity would not increase in any prohibited manner.
20. Applicant has met its burden of providing evidence that establishes that the requested Conditional Use approval will not negatively impact pedestrian or transit connectivity without appropriate mitigation. Applicant confirmed in written submittals that no negative impact on pedestrian or transit connectivity would result.
21. IDO § 14-16-4-3(D)(40) requires the following Use-Specific Standards for Liquor Retail:

4-3(D)(40) Liquor Retail

4-3(D)(40)(a) Alcohol sales for off-premises consumption are allowed provided that the establishment complies with all New Mexico State law requirements, including but not limited to any required spacing from other uses or facilities.

4-3(D)(40)(b) Alcohol sales for on-premises consumption are also allowed as an incidental activity provided that the establishment complies with all New Mexico State law requirements.

4-3(D)(40)(c) Notwithstanding other standards in this § 14-16-4-3(D)(39), this use requires a Conditional Use Approval pursuant to § 14-16-6-6(A) when proposed within 500 feet of any Residential or NR-PO zone district or any group home use, as measured from the nearest edge of the building containing the use to the nearest Residential or NR-PO zone district or lot containing a group home.

4-3(D)(40)(d) In the MX-T zone district, this use is limited to 10,000 square feet of gross floor area.

4-3(D)(40)(e) In the MX-L zone district, this use is prohibited, except in the following small areas, where it is allowed as accessory to a grocery store:

- 1. Downtown Neighborhood Area – CPO-3*
- 2. East Downtown – CPO-4*
- 3. East Downtown – HPO-1*
- 4. La Cueva Small Area.*
- 5. North 4th Corridor – CPO-9*
- 6. South Yale Small Area*

4-3(D)(40)(f) In the MX-M, MX-H, and NR-C zone districts, this use requires a Conditional Use Approval pursuant to § 14-16-6-6(A) unless accessory to a grocery store, except in the following small areas, where it is prohibited unless accessory to a grocery store as noted:

- 1. Downtown Neighborhood Area – CPO-3*
- 2. East Downtown – CPO-4*
- 3. East Downtown – HPO-1*
- 4. North 4th Corridor – CPO-9*
- 5. South Yale Small Area*

4-3(D)(40)(g) Nob Hill/Highland Small Area: This use is prohibited in the mapped area.

4-3(D)(40)(h) University Neighborhoods Small Area: This use is prohibited in the MX-M zone district in the mapped area unless associated with a grocery store west of University Boulevard.

22. Applicant has demonstrated compliance with use-specific standards applicable to the Application.
23. The City Traffic Engineer submitted a comment stating that a Traffic Impact Study would be required prior to receiving subsequent approvals.

DECISION:

APPROVAL of a Conditional Use for Liquor Retail for TRACT 1-A PLAT OF TRACTS 1-A AND 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) located at 99999 Paseo del Norte NW.

APPEAL:

If you wish to appeal this decision, you must do so by August 20, 2026. Pursuant to IDO § 14-16-6-4(U), you must demonstrate that you have legal standing to file an appeal.

PERIOD OF VALIDITY:

Approval of a Conditional Use is valid for two (2) years from date of approval.

OTHER REQUIREMENTS:

THIS NOTICE OF DECISION DOES NOT CONSTITUTE APPROVAL OF PLANS FOR A BUILDING PERMIT.

Successful applicants are reminded that other regulations of the City must be complied with, even after approval of a special exception. If your application is approved, submit this Notice of Decision when you apply for any related site plan, building permit, or occupation tax number.



Robert Lucero, Esq.
Zoning Hearing Examiner

cc: Trula Howe, Modulus Architects
trula@modulusarchitects.com
Aleem Hasham, Owner

CABQ Zoning Hearing Examiner

Notice of Decision

Page | 6 of 7

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Rene' Horvath

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ZHE File

Zoning Enforcement

ZHE MINUTES

AC-26-14

PR-2022-007712 (Project)

[CU-2026-00014](#) (ZHE – Conditional Use)

[CU-2026-00026](#) (Appeal)



Zoning Hearing Examiner Hearing

MINUTES

July 21, 2026

Zoom Hearing

Robert Lucero – Zoning Hearing Examiner

City Staff Present:

Shannon Halley – Principal Planner, Planning Department

Christina Chavez – Acting ZHE Hearing Monitor

Robert Lucero, ZHE: Up next is Agenda Item 6, and that is CU-2026-00014, PR-2022-007712. Aleem Hasham, owner, and Trula Howe as agent, and I see we have Ms. Howe here with us as a participant, and they request a conditional use for liquor retail at Tract 1A5, Block 2, Volcano Cliffs Subdivision, Unit 26, That's located at unaddressed Paseo del Norte NE, zoned MX-M. Good morning, Ms. Howe.

Trula Howe: Good morning, Mr. Hearing Examiner.

Robert Lucero, ZHE: I'm just...

Trula Howe: I'm sorry.

Robert Lucero, ZHE: Oh, go ahead, before you start, I just want to see if there's any staff comments, and then I'll go... move to your presentation.

Shannon Halley: No, Mr. Lucero. We don't have a staff presentation. Once Ms. Howe concludes, I'll be available to answer any questions regarding our staff report, if there are any.

Robert Lucero, ZHE: Okay, thank you, and Ms. Howe do you please state your full name and mailing address for the record?

Trula Howe: Yes, my name is Trula Howe, and my mailing address is 8220 San Pedro Drive NE, Suite 520, Albuquerque, New Mexico, 87113.

Robert Lucero, ZHE: Thank you, and please raise your right hand, and do you swear or affirm under penalty of perjury that your testimony will be true?

Trula Howe: I do swear.

Robert Lucero, ZHE: Thank you. Go ahead. You were gonna say something.

Trula Howe: Yeah, actually, I was wondering if we could also make Angela Piarowski a panelist, and I may or may not need some clarification that she can provide, but just wanted to make sure that she'd be able to speak if necessary.

Robert Lucero, ZHE: Oh yeah, certainly.

Shannon Halley: Going to move her right now.

Trula Howe: Okay, perfect, thank you so much. If that's, if that's alright, I'll go ahead and proceed with my, presentation.

Robert Lucero, ZHE: Thank you, go ahead.

Trula Howe: Alright, I'm going to share my... oh, may I share my screen for my PowerPoint presentation?

Robert Lucero, ZHE: Yes, yes, could we please enable that?

Trula Howe: It's still saying host disabled attendee screen sharing.

Shannon Halley: Give us a second, it's...

Robert Lucero, ZHE: Go to share... (INAUDIBLE)

Shannon Halley: It is not asking me... To allow sharing, so we're gonna try to figure it out.

Robert Lucero, ZHE: While we do that, maybe we can get Ms. Piarowski sworn in. Can you hear me, Ms. Piarowski?

Angela Piarowski: Good morning, Mr. Lucero. Yes, I can hear you. This is Angela Piarowski with Modulus Architects.

Robert Lucero, ZHE: Oh, thank you. Would you please state your mailing address for the record?

Angela Piarowski: My mailing address is 8220 San Pedro Drive, Albuquerque, New Mexico, 87113.

Robert Lucero, ZHE: Thank you, and please raise your right hand, and do you swear or affirm under penalty of perjury that your testimony will be true?

Angela Piarowski: I do.

Robert Lucero, ZHE: Thank you. Oh, good, I see the PowerPoint there; glad that's working.

Trula Howe: If it's okay with you, I'll go ahead and proceed, Mr. Hearing Examiner.

Robert Lucero, ZHE: Yes, please.

Trula Howe: For the record, my name is Trula Howe, Vice President with Modulus Architects and Land Use Planning, appearing today on behalf of Jubilee Development, LLC, the applicant. Today, I'm presenting the applicant's request for approval of a conditional use for liquor retail as an ancillary component of a proposed neighborhood convenience market and light vehicle fueling station at the southeast corner of Paseo del Norte and Kimmick Drive NW. I'll briefly introduce the project, discuss the requested conditional use, and explain how the proposal satisfies the approval criteria established in the Integrated Development Ordinance.

Robert Lucero, ZHE: Okay.

Trula Howe: There we go. This is just a conceptual rendering, but the subject property consists of 1.29 acres and is located at the southwest corner of Paseo del Norte and Kimmick. The site is currently undeveloped and is designated as an area of change under the Comprehensive Plan, where the city encourages appropriately located neighborhood-serving commercial development I'm showing this exhibit here as the plat, since the GIS system does not yet show these subdivided parcels, although this has been recorded, just for your information.

This aerial illustrates the project site in relation to the surrounding road network in developing neighborhoods. Its location along a principal arterial road makes it well-suited to serve nearby residents while remaining consistent with the city's planned development pattern. This property is zoned MX-M and is surrounded by a planned mix of residential, mixed-use, and business park zoning districts. This planned zoning pattern demonstrates that the neighborhood-serving commercial development is anticipated at this location, and provides important context for evaluating the compatibility of this requested conditional use. With that planning context established, I'd like to briefly describe this proposed development.

This site plan illustrates the proposed neighborhood convenience market and light vehicle fueling station. I want to emphasize that the site plan itself, this is not before the Hearing Examiner today, it's simply shown to provide context for the conditional, requested conditional use. The only action requested today is approval of the conditional use for liquor retail, which will function as a limited ancillary component of the overall neighborhood convenience market. Any future site development will be reviewed separately through the city's site plan process. So, this request before you today is not approval of a convenience market or a light vehicle fueling station. It is approval of a conditional primary use for liquor retail that is ancillary to those permissive primary uses.

The main function of this development will be to provide nearby residents with convenient access to fuel, groceries, household necessities, and other everyday goods. The requested liquor retail use is simply a complementary service that remains subordinate to the primary convenience market... Lost my place... Oh, notably, the project will incorporate crime prevention through environmental design, or CPTED principles, and comply with all applicable state and city regulations to support safe and compatible operations. With that, I'd like to address the approval criteria. Under the IDO, liquor retail is allowed in the MX-M zone district as a conditional primary use subject to conditional use approval.

Accordingly, we evaluated this request against each of the required conditional use approval criteria, which are summarized in the following slides. The first criterion requires consistency with the Comprehensive Plan, and I'm just going to touch on a couple of these, but a full policy analysis [is] available in my submittal documents. The project supports the City's vision for an area of change under Goal 5.6 City Development Areas, by providing a neighborhood-serving commercial use where future growth is anticipated. It also advances Goal 5.2, Complete Communities, by providing nearby residents with convenient access to everyday goods and services within their community, supporting opportunities for shorter local trips and neighborhood walkability, with liquor retail remaining a limited ancillary component of the primary convenience market...And I'm going to go ahead and skip through these.

As I said, this, a more detailed policy analysis is found in my submittal documents. But the project minimizes potential impacts by limiting liquor retail as an accessory component rather than a primary use, and again, by incorporating CPTED principles and responsible operational practices that support a safe, well-managed, and compatible development. The remaining approval criteria address regulatory compliance and potential impacts, and we have demonstrated in our application that each is satisfied. With regard to Criterion B, the proposed convenience market and fueling station are permissive primary uses within the MX-M district, and the requested liquor retail use complies with all applicable use-specific standards.

Although final site design is not part of this application, all future developments of this property as will be shown on an eventual site plan application will comply with all the provisions of the IDO, DPM, and other city regulations. No variances or waivers are identified or anticipated as part of this application. With regard to... oops, I went a little bit too fast. With regard to Criterion C, because liquor use... or liquor retail is ancillary to the primary use, and the site is located within a planned mixed-use development pattern, this request will not create significant adverse impacts on the surrounding properties. Compliance with IDO, DPM, and city requirements will ensure the project does not create significant adverse impacts on adjacent properties, the surrounding neighborhood, and larger community.

With regard to Criterion D, the project is expected to primarily serve existing travel patterns through pass-by trips, and future site development will be designed to comply with all

city requirements related to parking, access, circulation, and pedestrian connectivity. Therefore, this conditional use will not create material adverse impacts.

Criterion E is not applicable because the site does not contain an existing use.

Criterion F, it will not impact pedestrian or transit connectivity, as the subject site and all adjacent properties are currently undeveloped, excuse me, and the proposed conditional use will not displace or interrupt pedestrian or transit connectivity. Any required pedestrian or transit improvements will be incorporated as part of future site development in compliance with all city requirements. I'd like to emphasize one of the most important distinctions, which I've already said, but just want to reiterate, this is not proposed as a stand-alone liquor store or a destination alcohol retailer. Customers will primarily visit the site for everyday shopping needs, with liquor retail serving only as a limited ancillary component of the overall convenience market. The project's location and limited nature of the requested conditional use are consistent with the City's plan development pattern, and the applicant is committed to responsible operations, regulatory compliance, and continued compatibility with the surrounding neighborhood.

The applicant complied with all public notice requirements established by the IDO. Required notices were mailed, emailed, and posted. All affidavits were submitted to the City, and no comments or inquiries have been received prior to today's hearing. In closing, the requested conditional use for liquor retail is limited in scale, clearly subordinate to the primary neighborhood convenience market and compatible with the City's plan development pattern. As demonstrated today, the request is consistent with the ABC Comprehensive Plan, complies with all applicable provisions of the IDO, and satisfies each of the required conditional use approval criteria. On behalf of Jubilee Development LLC, I respectfully request approval of the requested conditional use for liquor retail. Thank you for your time and consideration, and I stand for any questions.

Robert Lucero, ZHE: Thank you, Ms. Howe and I note that, as you said, a lot of this is in the letter of justification, but it's really nice to see it in the bullet format on the slides. If you wouldn't mind, if you could submit that to ZHE admin by this Friday, and since you showed it on the screen consistent with our rules of procedure, we'll accept it into the record as evidence.

Trula Howe: I'll get that sent today.

Robert Lucero, ZHE: Thank you.

Robert Lucero, ZHE: I don't think I had any questions at this time. Is there anything else that you'd like to add, before I call for public comment?

Trula Howe: I do not, I would defer to Angela to see if there's anything that, she feels is pertinent.

Angela Piarowski: Angela Porowski with Modulus Architects. No, I think, that presentation was very clear on our request, and we will stand for any questions.

Robert Lucero, ZHE: Great, thank you.

Trula Howe: Thank you.

Robert Lucero, ZHE: I'll go ahead and call for public comment, and then if there is any, you'll have the chance to respond. And again, for everyone here, this is Agenda Item 6, and it's a request for a conditional use for liquor retail. Please raise your hand if you'd like to speak on that item. I'm scrolling through the participants, and I see a John Howe... Edward, I'm sorry, John Edward with the hand raised. Could we please enable him to speak? Mr. Edward, it looks like you're on mute there.

John Edward: Morning, thank you very much.

Robert Lucero, ZHE: Thank you, sir. Would you please state your full name and mailing address for the record?

John Edward: John Edward, PO Box 26506, Albuquerque, New Mexico, 87125.

Robert Lucero, ZHE: Thank you, sir. Please raise your right hand, and do you swear or affirm under penalty of perjury that your testimony will be true?

John Edward: Yes.

Robert Lucero, ZHE: Thank you, sir. Go ahead.

John Edward: I have a couple of things to say and ask some questions about. I support development in this area. I think that the West Side... most of the lands that comprise zoning that would provide services is lacking, and so I'm excited to see that this is transpiring. I do have questions, and I do have concerns, and I want to state those now, and I might have to state them when they go in front... for a site plan. My concern with the liquor is not that liquor is being sold, but my concern is, is that even if it's not a primary goods being delivered to the public is the type of liquor or container that is being sold, miniatures, small containers, 40-ounce, malt

liquor. Those are the things that you generally see that attract an unsavory element and can cause developments in immediate areas to suffer.

To whatever degree that there can be limitations placed upon what is sold, and how it's delivered to the public, I think, would make a material impact on eliminating the negative consequences attached to something like this. I don't know what control the City has under the zoning rules relating to that. And then secondarily, I guess one of the concerns I have is that I have driven around, and you see some of the places that do sell liquor, and they do sell liquor in the format of miniatures, small containers of hard liquor, and 40-ounce containers, single-use containers. And the quality of the landscaping and the trash is well above average to that of all other uses in the immediate area. I don't think that these things are by accident, whether it's in the Southeast Heights, the Northwest Heights or the Northeast Heights, or in the Valley, these are the things that you will observe at some of these locations. So, I'd like to maybe stop right here and let the applicant, who I thought did a very nice and clean and crisp job of making a presentation, address some of these concerns.

Robert Lucero, ZHE: Thank you, Mr. Edward. I'll go ahead and turn to the applicant team.

Trula Howe: I'd like to answer in part to that, and then I'm gonna have to get... defer to Angela to flesh it out, but it's my understanding that liquor miniatures are no longer allowed to be, on sale for... I guess they're banned for...3 fluid ounces or less. I think... again, I'm kind of... I don't have the statute in front of me, so I'd like to defer to someone who's probably a bit more familiar with it.

Angela Piarowski: Hi, Mr. Lucero, this is Angela with Modulus Architects, and hey, John, how are you? Thank you for your comments about appreciating good development. I think that that really is the distinction here, is you are right, there are some bad operators in Albuquerque, and quite frankly, around the state and the country, that give these types of uses a bad name. They don't maintain their facilities. But I think that this all comes down to the operator. There are some facilities that have done a fantastic job with good architecture, good landscaping, good lighting, and I believe that this is one of those operators. It also, a big portion of your concern, a couple of things.

One, I think it was two years ago, could have been maybe three, the state, State Liquor Control Board changed the rules where miniatures and broken packages of alcohol are no longer allowed for sale. That has really helped to address a lot of the concerns that we've historically seen for these types of uses. So, I think that that will... that will definitely help to address some of those concerns, but ultimately, I do think it comes down to the operator. The operator that has really good training for their employees. You know, this... this developer, has

very strict, development standards far above what the IDO requires. And so that is the landscaping, the lighting, maintenance of the facility.

I think all of those things combined will really ensure that this remains a high-quality development. But also, if you'll remember when we met last. This project is the first going into what we call the Glyphs at Volcano Mesa, a significant investment by the developer, and so I think that we can all agree that with this type of investment being made, they are not going to allow an operator that's going to allow a shoddy development or, quite frankly, an operation that isn't managed with... with extreme care for the residents and their patrons. So, although I think all of your concerns are 100% valid, I do feel very confident that this particular project, this operator, and this developer will ensure that those things do not become an issue.

John Edward: Appreciate that. So, I want to bring up a couple other points, and the quality of the landscaping and things of this nature there are projects in Albuquerque, that have won awards and after about 5 or 10 years, they become unattractive. They are not maintained in any way, shape, or form that even closely resembles the site plan. And the City does little or nothing to enforce it. And so, we own property directly across the street, and my concerns are... they're long-term in nature, and I would agree with you. You probably are not going to have a problematic property development within the first 5 years, because you're going to be building out the rest of your project. It's after that first 5 years that the problems begin to raise their ugly heads and to the extent of what absorption is in that area, we would likely still own property five years down the road, and I don't want to have our community that we're working on and the people who live and work there negatively impacted by a poor operator and so, what protections are you gonna put in place to maintain the development and put in landscaping that is...exceeds minimum standards, and it's a place where people want to be, because people don't want to go to places that suck, they want to go to places that are nice. But yet... There's a lot of places in Albuquerque that started out nice, and they're not very attractive now, and the operators of these facilities often do sell alcohol, and they really just don't seem to care.

Angela Piarowski: Thank you, John. Again, I think those are all extremely valid points, and you do have a significant investment in this area. A couple of points I want to point out. First of all, this... this user, this operator, is working on a land lease, so they are not... the developer is not selling this property. He will maintain ownership. I believe you know who that developer and the owner is. He is a local gentleman, so he is always a phone call away. Not that you should have to babysit your neighbors, I'm not insinuating that, but should anything arise that causes you any concern, he is a local developer that is only leasing this land. But secondly, one of the things that we're really proud of at Modulus is far and above what the IDO requires, we have

developed standards for any tenant that goes into this development that, it lasts for the... the term of their lease, so whether it's... 1 year, 5 years, 10 years, or 15 years.

They're going to be bound to those standards, which are far greater than what the City of Albuquerque requires. And so, you know, we're not going to be relying on the police work of the City to enforce landscaping or upkeep on the property. We're going to be doing that ourselves. When I say ourselves, I'm speaking for the developer and being that he is local, as you are, he is in a very unique position to make sure... in fact, he's probably driving my contractors nuts, because he's on the site, like, 5 times a day right now. So, I assure you that, he will remain an owner, and that he is very carefully... this is his first project of any substance, substantive size, so he is very, very, very invested in the long-term success and, compatibility with the adjacent development that's going on, so I do believe that this is a concern that also has the best possible measures in place to protect it.

John Edward: And then I guess the last question is, is what protections are going to be put in place specifically for that of the youth of our community?

Angela Piarowski: So, we are in a very unique position at Modulus Architects, because we... I'm assuming you're... are you speaking about the school that's going across the street, or just the youth in general?

John Edward: Well, that is one, and in that area, I mean, you've got, what, 3 middle schools, 2 or 3 elementary schools, there's a property to the north and west that is owned by APS, which is approximately 10 acres in size and...and I say that because of that, but I also say that because of the fact that, I don't want to just give lip service to our youth. I want to really make sure that we're looking out for them in more than one way.

Angela Piarowski: I... this is Angela again. I think that that is so respectable, and I appreciate you for saying that. Modulus is in a unique position because we are also the architect and land use planner for the school that is going in across the street from this development, and so we have worked very closely with that school, and I use them as an example, to make sure that our site plans are compatible with some separation of uses. But to answer your question, I mean, I think that all comes down to the operator. You... if you get a very good operator, then they are going to make sure that their employees are trained, that they're checking IDs, that they're not allowing youth to hang around outside, you know, all of those things that we look for.

So I think that that all comes down to the operator, and for this particular project, you know, they had a lot of interest from multiple different operators, and they did select an operator that they felt would uphold their... their principles. Again, I defer to my developer in that he is a father with all daughters, and so to him, those things are very important to him, so he selected an operator that he felt would uphold the values and morals that he believes in and so I think with all of those things, combined with the standards you know, above the IDO and DPM regulations, all of those things, I think, lend itself to having the best possible development here at this location, that we can have.

John Edward: Right. You know, I was just in, Roseville, California...

Robert Lucero, ZHE: Mr. Edward, you've surpassed your 2-minute time limit. If you have any other comment, but there are some other people also with their hand raised, and we have a long agenda today. Is there anything you'd like to...

John Edward: I just... I just want to say that quality, quality, quality at the end of the day, is a great antidote to anything that we have in the way of ill within our community.

Robert Lucero, ZHE: Thank you, sir. Let's go...

Angela Piarowski: Thank you for your comments, John.

Robert Lucero, ZHE: Thank you. Let's go next to, I see Jane Baechle with the hand raised. Are you there?

Trula Howe: She's muted.

Robert Lucero, ZHE: Looks like you're muted there. Oh, there we go. Hello?

Jane Baechle: Yes, I am here, thank you.

Robert Lucero, ZHE: Oh, good, thank you. Would you please state your full name and mailing address for the record?

Jane Baechle: It is Jane Baechle, and the mailing address is 7021 Lamar Avenue NW; zip is 87120.

Robert Lucero, ZHE: Thank you, Ms. Baechle. Please raise your right hand, and do you swear or affirm under penalty of perjury that your testimony will be true?

Jane Baechle: I do.

Robert Lucero, ZHE: Thank you, go ahead.

Jane Baechle: So, I want to begin by indicating that I'm speaking as the representative of the Westside Coalition, and the WSCONA Executive Committee met on July the 14th of 2026. Seven of our nine EC members were present. By a vote of 7-0, the EC reaffirmed our opposition to this request and the points outlined in our two written comments submitted previously. I do not intend to repeat all that we have written. They are part of the record in the staff report. As the staff report notes, there is an active appeal in the Second Judicial District Court of a previous land use decision. Among the issues that appeal is the application of the IDO requirement that there be a Site Plan – EPC for this parcel prior to any development actions. As such, we assert that this application cannot be considered until a Site Plan – EPC for the entire 18-acre parcel has been approved by the EPC. Our fundamental position is that this application should be rejected as not within the jurisdiction of the ZHE under the IDO.

Additionally, we assert that this application fails to meet all of the review and decision criteria for approval of a conditional use. Our written comments outline those issues as well. We further note that the parcel on the southeast corner of Paseo del Norte and Kimmick is being planned to include a school and its sports field. This proposed development amplifies our position that this application, which is part of a light vehicle fueling station convenience market, can only properly be considered during a hearing regarding a Site Plan – EPC on the entire unsubdivided parcel, at which point the additional health impacts, such as scientifically peer-reviewed studies linking health risks to nearby residents. When refueling stations are located in proximity to residential neighborhoods, including schools and outdoor activity areas, as is the case with this proposed development, are included. We respectfully request that you reject this application. Thank you for your time and consideration.

Robert Lucero, ZHE: Thank you, Ms. Baechle. Excuse me, bear with me one second. Let's go next to, let's see, I saw René Horvath with the hand raised.

René Horvath: Yes, can you hear me?

Robert Lucero, ZHE: Yes, thank you. Would you please state your full name and mailing address for the record?

René Horvath: Yes, my name is René Horvath. I live at 5515 Palomino Drive in Taylor Ranch.

Robert Lucero, ZHE: Thank you. Please raise your right hand, and do you swear or affirm under penalty of perjury that your testimony will be true?

René Horvath: Yes.

Robert Lucero, ZHE: Thank you. Go ahead.

René Horvath: Okay, thank you. Yes, I just want to emphasize what Jane Baechle just said, because there is a lot of concern about this conditional use for a liquor license, and especially at a gas station, and that gas station has not been approved yet, and it turns out, it looks like, after doing some research, it looks like it will be a Circle K that they're proposing, and so there is some questions about the gas station and the refueling near the residents, near the school, on top of the basalt, on top of the mesa, there's just a lot of questions in regards to that alone, and then on top of that, the liquor license providing a conditional use liquor license before this is even approved. So, there's that concern, and it...we feel like this is really premature at this time, and I think Jane explained all that in her letters, and just to...go on the concern with liquor license at gas stations. Taylor Ranch has had an issue with the gas station on Coors and Montaña, where someone did buy liquor there, did drink it, did go up Montaña, had an accident, and hit some people on a bicycle and severely injured them. I'm not even sure if they survived. So, those were some of the concerns, you know, with liquor. So, these things need to be fleshed out, and they haven't. So that's why, Westside Coalition is opposed to this right now, so I do think this is...premature. So, thank you very much.

Robert Lucero, ZHE: Thank you, Ms. Horvath. Again, this is Agenda Item 6, and we're in the public comment period. If you'd like to make a public comment and have not yet spoken, please raise your hand.

Angela Piarowski: Mr. Lucero, while we're waiting for additional speakers, I'd like to respond to Ms. Baechle and Ms. Horvath's comments, please, for the record.

Robert Lucero, ZHE: Go ahead. Yes, please do.

Angela Piarowski: Thank you. I want to point out a number of things. First of all, we are not requesting a site plan approval or a conditional use approval for a liquor refueling station. That is not what is at hand today. We are here specifically to hear about a conditional use to allow for liquor retail. Secondly, the issues that Ms. Baechle bring that brought up in her comments

regarding District Court, the City Council has already, multiple times, denied their request for an appeal. They have filed with the District Court, but it is not relevant to my site. My site is not adjacent to Major Public Open Space, as determined by staff and the LUHO, and the City Council. So, the... yes, the outcome of the District Court, has not been determined yet, but there's no stay been ordered on my project, so we are absolutely within our legal rights to move forward with further entitlements for this project. And then the third thing I want to point out, which is extremely important, is WSCONA is coming and saying they're opposed because of the school, but what you don't see on this hearing today is the actual school here opposed to this project. I think that's very important. WSCONA is not speaking on their behalf; they do not speak for them; the school is not opposed to this project. We have been working very closely with the school to site plan their project and this project so that there are no conflicts. And we feel very confident about that, and you will see that there is no opposition from that school here today. So WSCONA does not speak for them, so I'd like those things to be made on the record, please.

Robert Lucero, ZHE: Thank you.

Angela Piarowski: Thank you.

Robert Lucero, ZHE: Let's see, I don't see anyone new indicating they'd like to speak. I'll say last call for public comment on Agenda Item 6. Okay. Well, thank you. Anything to close from the applicant team?

Trula Howe: I don't have anything additional. Thank you so much for hearing our request.

Robert Lucero, ZHE: Well, thank you for your testimony and submittals, and thank you to all the participants as well. I appreciate all of the points raised. I'll take everything under consideration, and I will issue a written decision in 15 days. Thank you, that concludes Agenda Item 6.