

Jane Baechle  
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Date: December 16, 2025

To: Daniel Aragon, Chair  
EPC Commissioners

Re: Site Plan EPC  
SP-2025-00093-Kimmick Dr. and Rosa Parks Rd.

This letter outlines my individual comments regarding this application based on extensive review of proposals for this area and following review and consideration of the Staff Report.

The public record on multiple development and zoning applications amply document my commitment to ABC Comp Plan Goals and Policies calling for the protection of our heritage landscapes, including and especially the area surrounding the Petroglyph National Monument.

“POLICY 11.3.4 Petroglyph National Monument: Regulate adjacent development to protect and preserve the Petroglyph National Monument – its volcanoes, petroglyphs, and Northwest Mesa Escarpment – as a priceless cultural landscape and community resource that provides physical, cultural, and economic benefits. [A]”

To be clear, this project reflects compliance with multiple goals and policies defined by Policy 11.3.4. Having said that, the planned building heights remain a point of disagreement. No matter the color or LRV of a structure, building heights impact “views to and from the black Escarpment face,” views which the Comp Plan notes gives physical order to the community and acts as a visual reference point.” Thus, protection of the view shed while developing the area around Petroglyph National Monument remains an issue of paramount importance.

I was one of the WSCONA representatives who participated in the engagement process cited in this application. We provided feedback and comments on multiple aspects of the proposed development and many of those were accepted and incorporated into the design before you. The conversations were respectful. We remained steadfast in our view that building heights across this property, from Paseo del Norte to Rosa Park to Kimmick, should be limited to protect the view shed consistent with the height restrictions of the VPO-2 or previous site plans.

The convenient narrative is that neighborhood associations, including WSCONA, reflexly oppose development. I do not and believe the time invested by myself and others from WSCONA reflects our commitment to both development *and* preservation of the cultural landscape surrounding Petroglyph National Monument. It is not necessary to sacrifice a priceless cultural landscape, sacred to Tribal Nations and providing physical, cultural and economic benefits to all the people of Albuquerque.

Given that these are my individual comments, they do not address issues arising from the Appeals court ruling or the basis of initial administrative appeals. Those are addressed in other comments.

I respectfully request that the Commission ensure that any consideration of proposals in this sensitive area meaningfully protect the view shed that represents our heritage landscape, uphold all the protections of the area surrounding Petroglyph National Monument outlined in the IDO and other applicable provisions and include robust engagement with the NPS and with Tribal Nations for whom this area and the views hold deep spiritual meaning.

Thank you for your consideration.

Sincerely,  
Jane Baechle  
ABQ Resident

## **Maher, Nichole**

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**From:** Mike T. Voorhees <mike@cyonic.com>  
**Sent:** Tuesday, December 16, 2025 12:00 AM  
**To:** PlanningEPC  
**Cc:** Jane Baechle; Hessel Yntema  
**Subject:** 48 Hour Rule Comments  
**Attachments:** Site Plan – EPC 48 Hour Rule Comments.pdf

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Please provide the attached pdf to the EPC under the 48 Hour Rule and acknowledge receipt.

Thank you,  
Michael T. Voorhees  
Vice President  
WSCONA

## **48 Hour Rule Comments**

Date: December 15, 2025

To: Environmental Planning Commission

From: Michael T. Voorhees, Vice President, WSCONA

Re: Site Plan – EPC Application

Hearing Date: December 18, 2025

Address: 99999 Paseo del Norte NW and 99999 Rosa Parks Rd NW

Location: Southwest corner of Paseo del Norte NW & Kimmick Dr NW

Applicant: Jubilee Developments LLC

Chair Aragon and Commissioners:

### **ISSUE 1.**

It is highly irregular to attempt to engage in zoning hearings that are governed by court decisions prior to receipt of the Order on the Mandate from the Court. The Applicant makes claims regarding the substance of the court rulings, that at the very least we dispute. In appellate cases, an Order on the Mandate is the document by which the court formally notifies the lower body of the substance and scope of the decision and by which jurisdiction for any necessary additional proceedings is conferred upon the lower body. When an appellate court remands the case, the lower court must execute the mandate's directions via an Order on the Mandate. In this case, under NMRA Rule 1-085, the proposed Order on the Mandate is not due until December 24. For this reason, a hearing of the EPC on this issue on December 17, a week before the proposed order is even considered by the District Court is premature.

### **NMRA, Rule 1-085**

#### **RULE 1-085. JUDGMENTS OR ORDERS ON MANDATE**

**A. Party Responsible.** Within thirty (30) days after an appellate court has sent its mandate to the district court, the prevailing party on appeal shall either:

(1) present to the court a proposed judgment or order on the mandate containing the specific directions of the appellate court; or

(2) if necessary, request a hearing.

**B. Service.** The proposed judgment or order on the mandate shall be served on all parties.

For this reason, we respectfully request that any remanded proceeding for a Site Plan – EPC be deferred until after receipt of the Order on the Mandate, and then, only upon proper notice to all interested parties and referring agencies.

The prior approved project consisted of a Site Plan for Subdivision for The Cliffs on Paseo, which was approved by the DRB on September 13, 2017 per 1009082 / 17DRB-70109 for three proposed lots consisting of retail and office uses on proposed Lot 1, multi-family residential use on proposed Lot 2, and office use on proposed Lot 3, as well as the listed requirements on the Site Plan for Subdivision. Those listed requirements include “Existing Zoning: SU-2 for VCMX & SU-2 for VCUR.” That zoning was specified in the Volcano Cliffs Sector Development Plan, and included the following specified building height limitations:

**d.** Where a site is adjacent to a site zoned R-1, SU-2/VCLL, or SU-2/VCRR, height is limited to 26 feet.

**b. Maximum: 26 feet**

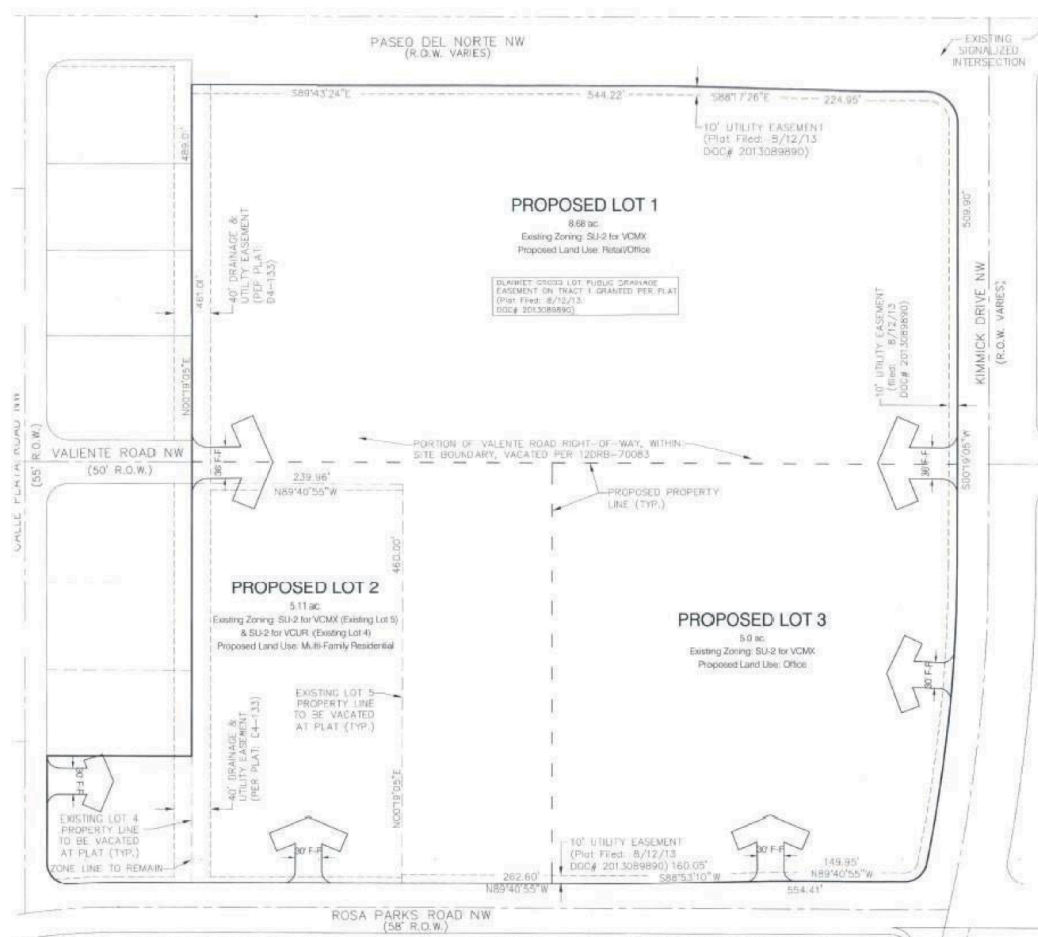
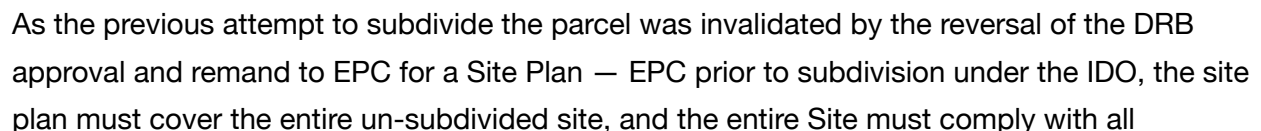


Diagram from prior approved 1009082 / 17DRB-70109



applicable provisions of this IDO, the DPM, other adopted City regulations, and any terms and conditions specifically applied to development of the property in a prior permit or approval affecting the property.

#### **ISSUE 4.**

Failure to fully and completely comply with the referral requirements further invalidates the legitimacy of this Application. Our communication with Indian Nations, Tribes, and Pueblos indicates that the required referrals for this Application to commenting agencies under 14-16-6-4(l)(8), (9), & (10) appear to have neglected contacting the Acoma, Cochiti, & Ohkay Owingeh Pueblos, the Jicarilla Apache, Mescalero Apache, & Ft. Sill Apache Tribes, and the Navajo Nation. It also appears that neither the 19 Pueblos District or the All Pueblos Council of Governors was contacted and that there is a discrepancy between the City's published NM Tribes and Leaders List 2025 and the addresses the City used to notify Tribal nations as required by the IDO.

14-16-6-4(l)(8)

Development in the Northwest Mesa Escarpment View Protection Overlay Zone (VPO-2)

*6-4(l)(8)(a) Indian Nations, Tribes, or Pueblos.*

*6-4(l)(8)(b) Tribal Representatives.*

14-16-6-4(l)(9)

Development within 660 feet of Major Public Open Space

*6-4(l)(9)(a) Indian Nations, Tribes, or Pueblos.*

*6-4(l)(9)(b) Tribal Representatives.*

Partial Compliance is Not Compliance.

#### **Conclusion**

For the forgoing reasons, this application should be deferred, as the issue is not ripe until receipt of the Order on the Mandate, and cannot be heard until the City fully complies with its obligations under 14-16-6-4(l)(8) & 14-16-6-4(l)(9). At such time as consideration is proper, the Application should be denied based upon the noncompliance of the proposed plan with required height limitations from both the VPO-2 height restriction subarea and the limitations imposed in the prior approved site plan 1009082 / 17DRB-70109.

Respectfully,

Michael T. Voorhees  
Vice President  
West Side Coalition of Neighborhood Associations