

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



ENVIRONMENTAL PLANNING COMMISSION

NOTICE OF DECISION

Project Number: PR-2026-000174

Case Number: [VA-2026-00109](#) - Variance – EPC

Hearing Date: 09-17-2026

Applicant: Isaiah 61:3 Properties LLC

Subject Property: 99999 Valiente Rd NW

Case Description: Modulus Architects & Land Use Planning, agent for Isaiah 61:3 Properties LLC, requests a Variance - EPC for an exception to building height in VPO-2 for all or a portion of Lots 1A-1 and 4A-1 (Excluding the Northernly portion out to the R/W), Plat of Lots 1A-1 & 4A-1, Block 3, Volcano Cliffs Subdivision, Unit 26 (A Replat of Block 3, together with a portion of Kimmick Dr. NW & Calle Nortena NW, Volcano cliffs subdivision) and Lot 3A-2, Block 3, Volcano Cliffs Subdivision, unit 26, a replat of lots 2A & 3A, Block 3, Volcano Cliffs Subdivision., located at 99999 Valiente Rd. NW, between Kimmick and Calle Nortena, approximately 13.1-acres in total. (C-11)

Staff Planner: Daniel Soriano

On September 17, 2026, the Environmental Planning Commission (EPC) voted to APPROVE Project # PR-2026-000174, Case # VA-2026-00109, a Variance – EPC, based on the following Findings and subject to the following Conditions of Approval.

FINDINGS – VA-2026-00109 – Variance – EPC

1. This is a request for a Variance – EPC for a subject site comprised of three lots, legally described as Lot 1A-1, Block 3, Plat of Lots 1A-1 & 4A-1, Block 3 Volcano Cliffs Subdivision Unit 26 (A replat of Block 3 Together with a Portion of Kimmick Dr NW & Calle Nortena NW Volcano Cliffs Subdivision); Lot 4A-1, Block 3 (Excluding Northernly Port Out to R/W), Plat of Lots 1A-1 & 4A-1, Block 3, Volcano Cliffs

- Subdivision Unit 26 (A replat of Block 3 Together with a port of Kimmick Drive NW & Calle Nortena); and *03A20003 Lot 3A2, Block 3, Volcano Cliffs Subdivision Unit 26, Replat of Lots 2A & 3A, Block 3 Volcano, located on an unaddressed parcel on Valiente Rd. NW (the “subject site”), between Kimmick Dr. NW and Calle Nortena NW, containing approximately 13 acres in total. The subject site, which the applicant owns, is zoned MX-L (Mixed-Use Low Intensity Zone District) and contains an existing light vehicle fueling station.
2. The request is for a variance of 3’11” to the maximum building height of 15 feet, as measured from natural grade, within the height restriction sub-area of the Northwest Mesa Escarpment View Protection Overlay (VPO-2) zone [IDO § 14-16-3-6(E)(4)(a)] to allow a single building (administrative building) to be 18’11” tall, as measured from finished grade.
 3. The Environmental Planning Commission (EPC) is the decision-maker for this request because it is a Variance [§ 14-16-6-6(N)] to building height within the Height Restriction Sub-area of the Northwest Mesa Escarpment View Protection Overlay Zone (VPO-2) zone [§ 14-16-3-6(E)(4)(c)].
 4. The westernmost lot of the subject site is currently zoned Mixed-use Medium Intensity (MX-M) Zone District. The two easternmost lots of the subject site are currently zoned Mixed-use Low Intensity (MX-L).
 5. The Albuquerque/Bernalillo County Comprehensive Plan, IDO, and Development Process Manual (DPM) are incorporated herein by reference and made part of the record for all purposes.
 6. The subject site is within the boundaries of the Volcano Mesa Character Protection Overlay Zone (CPO-13). The purpose of the Character Protection Overlay (CPO) zone is to preserve areas with distinctive characteristics that are worthy of conservation but are not historical or may lack sufficient significance to qualify as Historic Protection Overlay (HPO) zones.
 7. The subject site is located in an Area of Change and located within the Northwest Mesa Community Planning Area (CPA) as designated by the Comprehensive Plan.
 8. The subject site is within the Height Restrictions Sub-area of the Northwest Mesa Escarpment View Protection Overlay Zone (VPO-2). The purpose of the View Protection Overlay (VPO) zone is to preserve areas with unique and distinctive views that are worthy of conservation, such as those from public rights-of-way to cultural landscapes identified in the ABC Comp Plan, as amended. Specifically, VPO-2 protects views looking to and from the Petroglyph National Monument.

9. Pursuant to IDO § 14-16-6-6(N)(1)(c), a Variance – EPC may be requested to the 15’ building height limit in §14-16-3-6(E)(3) (Building and Structure Height) of the Northwest Mesa Escarpment – VPO-2 for either of the following exceptions.

1. A Variance to allow up to 4 feet of additional height for nonresidential structures to screen rooftop equipment.
2. A Variance to allow up to 19 feet above finished grade where grading requirements necessitate a minimum amount of fill for proper drainage.

As required by the Development Process Manual (DPM), the applicant submitted a conceptual Grading & Drainage for review by the City’s Hydrology Division prior to EPC review. The City’s Hydrology Engineer reviewed the conceptual Grading & Drainage Plan for compliance with IDO Variance – EPC applicability requirements. The conceptual Grading and Drainage plan proposes to bring in approximately 3’9” of fill on the low side of the proposed structure and cut 3’6” under the high side for the structure to sit on leveled ground. Measuring from the mid-point of the building envelope, neither cut nor fill is required for proper drainage. While the City Hydrology Engineer determined that fill is not required for proper drainage of the site for the proposed school building, it is important to note that the City Hydrology Engineer has no objection to this EPC variance request, because the request for a variance for building height has no impact on drainage functions. EPC finds that while the fill is not needed for proper drainage, it is required because of the topographic and site conditions, specifically the basalt refusal sections.

10. Pursuant to IDO § 14-16-6-6(N)(1)(c), a Variance – EPC may be requested to the 15’ building height limit in §14-16-3-6(E)(3) (Building and Structure Height) of the Northwest Mesa Escarpment – VPO-2 for either of the following exceptions.

- A. Site Plans, site elevations, and site sections showing the location of the major public views.

Site Plans: *The applicant has provided an overall site plan for the proposed Pre-K through 12th Grade school that is being proposed on the subject site. The site plan shows the finished floor of the subject structure as well as the finished floor of other structures on the site and shows the location of the administrative building as near the center of the overall subject site, with two 12,452 sq. ft. structures to the north and an additional structure, same size, to the west. East of the subject structure is open space and a sports field.*

Site Elevations: *All four directional site elevations are provided for the subject building. The applicant provided elevations demonstrating the overall height of the proposed administrative building at 18’11” with the variance. These elevations, when combined with other required view exhibits, adequately demonstrate the impact the administrative building will have on the surrounding views. The elevations call out the structure height of 18’11”,*

as measured from the highest midpoint of the sloped roof. Additionally, elevations document the building height variance area on the structure and the elevations of the highest roof midpoint (5343.57'), and finished floor of the administrative building (5324.65').

Site Sections: *Site sections illustrate the vertical relationships of the proposed structure and surrounding terrain in order to demonstrate the potential impact of views to and from the escarpment from all cardinal directions. The applicant provided site sections that call out the "Admin Office," escarpment location, and other primary structures on the subject site, detailing the finished floor elevation, building height and total elevation of each structure, and the elevation of the nearest escarpment.*

The site sections exhibit provides elevations of the Northern Escarpment view (5270'), Southern Escarpment view (5322'), Western Escarpment view (5252'), in relation to the elevation of the administrative building (5343.56').

The eastern site section exhibit demonstrates that the administrative building is not visible when looking east from the western boundary of the site. Due to the differences in grade, elevation and terrain, the 15' tall elementary school structure (west of the administrative building) has a total elevation of 5345', taller than the 5343.56' elevation of the administrative building, rendering the administrative building, shorter than the elementary school and not visible from the western boundary, looking east.

The applicant's site sections adequately demonstrate that views to and from the escarpment are maintained, and aside from natural terrain obstructing a portion of views

- B. View analysis that illustrates the expected impact of structure height on major public views given the relationship of slopes, buildings heights, setbacks, escarpment height, and view corridors.

View Analysis: *The application provided a viewshed analysis that illustrates views to and from specific locations along the escarpment, including the existing homes and the proposed school at the subject site.*

Panoramic View from Escarpment: *The applicant provided a panoramic view spanning from the southern escarpment section to the northern escarpment section, facing west. Details on this view include elevations on all subject site buildings, surrounding future proposed apartments and townhomes, the north and south escarpment sections as well as the Petroglyph National Monument elevation.*

Southeast Escarpment View: *The applicant provided a comprehensive exhibit of views from the top of the southeast escarpment. This diagram includes the height of future, potential residential dwellings southwest of the subject site. This diagram shows that the impact from the administrative building is minimal, compared to those residential uses. The future residential uses have*

their building heights and elevations listed in the exhibit, which are generally taller than the future school buildings on the subject site. The tallest buildings are 36'2". The highest elevation varies on these structures, but most are not less than 5365 (aside from two single family dwellings that have a 15' structure height). The administrative building has a high elevation of 5348.7, which will be lower than many of the future residential uses and will not impact views in comparison.

- C. Analysis and demonstration of at least 1 of the techniques required by § 14-16-3-6(E)(3) (i.e., height/slope, view corridors, or height/slope/setback) to minimize the impact of additional structure height on views to and from the escarpment.

This analysis is found in Finding #12.

- D. A Grading and Drainage Plan that has been approved by the City Engineer.

A final Grading and Drainage Plan has not been approved by the City Hydrology Engineer, although a conceptual Grading and Drainage Plan has been reviewed and approved. The City Engineer has analyzed the conceptual Grading and Drainage Plan against the standards of the DPM and the Variance to VPO-2 requirements and determined that no fill or cut is needed for proper drainage of the site. A final Grading and Drainage Plan was requested by Hydrology, which has been submitted for review, but is not approved as of this writing. (See Condition of Approval #1.)

11. Pursuant to IDO §14-16-3-6(E)(4)(c)2, requests for additional height through a Variance – EPC must minimize the visual impact on views to and from the escarpment through one of the following techniques:

- a) **Height/Slope:** An increase in height in response to slope to produce a stepped-down effect and a smooth transition in scale.
- b) **View Corridors:** Buildings and structures that are located and designed so that massing maintains views to the escarpment at the perimeter of the site, or at the nearest public road (whichever offers the predominant public views) and views from the escarpment. The intent is to preserve the maximum amount of unobstructed lateral views to the top of the escarpment.
- c) **Height/Slope/Setback:** Buildings and/or structures set back from major public views so that building height increases in proportion to the size of the setback and the slope without increasing the visual impact from a particular vantage point.

The applicant has used the View Corridors technique to maintain unobstructed lateral views to the top of the escarpment. The administrative building is positioned to be at the center of the site plan so that predominant views from Paseo del Norte to the east are preserved. The proposed school is laid out in response to the natural terrain and environmental constraints of

the subject site, including subsurface basalt. The administrative building is centrally located on the proposed site plan, where the finished floor elevation is lower than the other school buildings. With a low finished floor, when compared to other structures, specifically the elementary school structure to the west, which is 15' in height, the 18'11" administration building will be approximately 2' lower than the elementary school structure. The design of the site plan and location of the administrative building adequately preserves views to the top of the escarpment.

12. Pursuant to IDO § 14-16-6-6(N)(3)(a) of the IDO, Review and Decision Criteria, "An application for a Variance – EPC shall be approved if it meets all of the following criteria."

- A. There are special circumstances applicable to a single lot that are not self-imposed and that do not apply generally to other property in the same zone district and vicinity, including but not limited to size, shape, topography, location, surroundings, physical characteristics, natural forces, or by government actions for which no compensation was paid. Such special circumstances of the lot either create an extraordinary hardship in the form of a substantial and unjustified limitation on the reasonable use or economic return on the property, or practical difficulties result from strict compliance with the minimum standards.

The subject site is located in the Height Restrictions Sub-area of the Northwest Mesa Escarpment View Protection Overlay zone (VPO-2). The applicant has designed the proposed school on the subject site to respond to site constraints, including uneven topography, subsurface conditions, and development standards from the IDO and DPM.

The applicant asserts that the requested Variance is justified because of the specialized functional requirements of the subject building, unique topography, and engineering constraints. Engineering constraints include shallow basalt bedrock and varying depths of basalt refusal sections, including at shallow depths. The applicant documents the high costs associated with excavating the portion of basalt refusal, which could limit the reasonable use of the property if the building is only allowed to be 15'. The applicant provided documentation that supports the special circumstances on the site.

According to the applicant, the administrative building would require greater interior volume to accommodate assembly functions, educational programming, mechanical systems, and occupant circulation.

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

The proposed Variance will have a minimal impact on the culturally significant views to and from the escarpment and the Sandia Mountains. The elevation at the top of the proposed 18'11" building is approximately 5344,

below the elevation of a proposed 15' building to the east, which has an elevation of 5345 at the top of building, due to different finished floors between the two buildings. The variance will not be materially contrary to public safety, health, or welfare; rather, it would add almost 4' in height to the subject building without increasing the visual impact on important views.

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

The subject building is located at the center of the site plan, further reducing the visual impact that could be caused by the 18'11" administrative building. This request will not affect land use, vehicle circulation, or any other incidental activities related to the proposed school that could impact surrounding properties. The applicant has demonstrated that, despite the administrative building exceeding the allowable structure height due to the varying topography and the design of the site plan, the building would appear to be vertically shorter than an adjacent 15' structure to the east.

- D. The Variance will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.

The purpose of the Northwest Mesa Escarpment VPO-2 is to protect the views looking to and from the Petroglyph National Monument. This purpose is accomplished in part by limiting structure height to 15' in the height restrictions sub-area of VPO-2. The Variance only applies to one building on the subject site, with the remainder of the site complying with IDO development standards.

The applicant is not undermining the intent and purpose of this IDO; rather, the applicant is requesting additional height through a Variance – EPC, as allowed by IDO § 14-16-3-6(E)(4)(c). The applicant has demonstrated compliance with the general purpose of VPO-2 by designing the overall site plan to minimize the potential impact and protect the views to and from the Petroglyph National Monument as demonstrated in the required view analysis pursuant to IDO 6-6(N)(2)(g) 1-3.

- E. The Variance approved is the minimum necessary to avoid extraordinary hardship or practical difficulties.

The applicant has demonstrated practical difficulties of developing on the subject site due to the varying topography and subsurface basalt refusal. The applicant explains that the costs associated with removal of basalt refusal sections, the limited configuration options for the proposed school, and the specific design and purpose of the building require the 3'11" height variance. The conceptual grading and drainage drawings and supplemental justification analysis from applicant's civil engineer demonstrates that the Variance is the minimum necessary to avoid practical difficulties of developing on the subject

site given the engineering solution surrounding environmental constraints, impacts of additional excavation, and the site design.

13. Pursuant to IDO § 14-16-6-6(N)(3)(c) of the IDO, “An application for a Variance from 15-foot structure height limit in the Height Restriction Sub-area in §14-16-3-6(E)(3) (Northwest Mesa Escarpment – VPO-2) shall be approved if it meets the criteria in Subsection (a) above and all of the following criteria.”

A. Hardship

The intent of the view regulations in § 14-16-3-6(E) (Northwest Mesa Escarpment– VPO-2) must be met. The burden is on the applicant to demonstrate that strict adherence to VPO-2 building height regulations would render the lot undevelopable because of physical and/or engineering constraints (e.g. rock outcroppings, street grades, drainage requirements, ADA compliance, utility design, etc.).

The subject site features unique environmental constraints that make the proposed project difficult to develop given varying topographical changes throughout the site and subsurface basalt bedrock refusal sections at shallow depths that impact the design of the site, its structures, and drainage methods.

In addition to the physical and engineering constraints from the basalt refusal sections, the applicant has noted that the height limitations of VPO-2 create difficulties in the development of the administrative building that requires additional height than other school buildings on the site. The applicant states that the 15’ height limitation will reduce the functionality of the proposed administrative building. The applicant asserts that relocating the subject building to a lower portion of the site, or altering the finished floor elevation to satisfy the 15’ building height maximum would require “substantially greater excavation into basalt bedrock, increased blasting or rock removal,” creating more site disturbances than the requested variance.

B. Visual Impact

The impact of the proposed development on views to and from the escarpment will be the same as, or less than, the impact if the 15-foot height limit were met.

The applicant has provided adequate evidence that supports the proposed administrative building would have the same or less impact on views to and from the escarpment if the structure was 15’ tall or 18’11”. Given the varying range of finished floor elevations throughout the site, the applicant has designed the overall site plan to locate structures in a way that responds to the natural topographical changes, strategically placing the administrative building on a lower elevation than a proposed elementary school building that is 15’ in height. In doing so, the applicant demonstrates the impact on views for these two structures at different elevations and different structure heights, remains the same.

14. Pursuant to IDO § 14-16-6-6(N)(3)(c) of the IDO, “An application for a Variance from 15-foot structure height limit in the Height Restriction Sub-area in §14-16-3-6(E)(3) (Northwest Mesa Escarpment – VPO-2) shall be approved if it meets the criteria in Subsection (a) above and all of the following criteria.” The Office of Neighborhood Coordination (ONC) verified that there is one recognized neighborhood association within 660 feet of the subject site, the Westside Coalition of Neighborhood Associations, which was notified as required. Property owners within 100 feet of the site were also notified, as required. As of this writing, staff has not received any letters in support of or in opposition to this request.
15. Pursuant to Table 6-1-1, a Variance – EPC does not require the applicant to offer a pre-submittal tribal meeting; however, the applicant has discussed this project with Indian Nations, Tribes and Pueblos, receiving a letter in support of this request from the Pueblo of Laguna, and letters expressing no concern with the project from the Navajo Nation and the Pueblo of Pojoaque.

Conditions of Approval

Plan # VA-2026-00109 – Variance – EPC

1. Pursuant to IDO section §14-16-6-4(O)(4) Any conditions shall be met within 1 year of the approval, unless stated otherwise in the approval. If any conditions are not met within that time, the approval is void. The Planning Director may extend the time limit up to an additional 1 year.
2. After approval by the Environmental Planning Commission (EPC), the applicant shall coordinate with the Staff Planner prior to submitting for Site Plan approval, to ensure that EPC conditions have been met.
3. A City Hydrology approved final Grading & Drainage Plan shall be provided, showing fill imported to construct the drainage system for the administrative building.
4. Site section diagrams shall be revised to add a scale and details are dimensioned to scale for clarity.
5. Viewshed diagrams shall be revised to add scaled, enlarged exhibits that clearly demonstrate the proposed administrative building and its impact on views.
6. The exhibit showing the panoramic view from the escarpment shall be replaced so that text is clearly readable.
7. The applicant shall work with Planning Staff to update the elevations of the Administrative Building to reflect the accurate height measurements and dimensions for all roof lines.

APPEAL

If you wish to appeal, you must do so within 15 days of the EPC's decision or by **October 2, 2026**. The date of the EPC's decision is not included in this 15-day period. If the 15th day falls on a Saturday, Sunday, or Holiday, the next working day is considered the deadline for filing an appeal.

For more information regarding the appeal process, please refer to the Integrated Development Ordinance (IDO), [§14-16-6-4\(U\)](#) (Appeals). The IDO is available online here: <https://www.cabq.gov/ido>. A non-refundable fee is required to be paid when the appeal is filed. It is not possible to appeal EPC recommendations to the City Council, because a recommendation is not a final decision.

You will receive notification if anyone files an appeal. If the decision is not appealed, you can receive building permits any time after the appeal deadline, provided all conditions of approval associated with the decision and all other applicable regulations have been met.

Sincerely,



for Alan Varela
Planning Director

AV/MJ/DS

cc: Trula Howe, Modulus Architects, trula@modulusarchitects.com
Angela Piarowski, Modulus Architects, angela@modulusarchitects.com
David Hicks, david.hicks@oakgroveowls.com
Rene Horvath, WSCONA, aboard111@gmail.com
Jane Baechle, WSCONA, jane.baechle@gmail.com
John Edward, jbedward@edwardgroup.net
City Legal, acon@cabq.gov
EPC file