

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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CABQ Zoning Hearing Examiner

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ZHE File

Zoning Enforcement

