

July 11,2023

Re: 7-12-23 DHO Hearing/Agenda item #1: PR-2022-007712, SD-2023-00127-
Final Plat, IDO 2021

Dear Mr. Campbell DHO officer and DHO staff team,

What does approval of the Final Plat mean?

Does this mean that this site is finalized in approvals which will give the go ahead for development?

Will this approval affect the boundaries of the site so that our appeal is void?

Our Appeal is mainly based on building height. The mesa top is a significant geographical and cultural area due to the basaltic flows from the volcanoes and a sacred site to the pueblos, where numerous petroglyphs are located along the 17 mile escarpment and along rock out crops and pathways that lead from the escarpment to the volcanoes. Because of the natural terrain and cultural significance of this area a National Monument was created that attracts visitors from all around the world. The mesa top is a valuable resource to Albuquerque. The goal was to protect it through land purchase, or to design and build sensitively for the lands where the property owners did not want to sell. The IDO has made a lot of changes to our prior plans which has created a lot conflicts for this site. The building height is the main issue in this case. The 2017 site plan that was approved, was for the whole site with design standards that are more appropriate, as it reflected the prior sector plan, with more appropriate building height requirements. The recently approved one-size-fits-all Citywide IDO regulations do not protect this landscape. This site is near the escarpment, Petroglyph National Monument and across the street from the La Cuentista open space. We do not want to undo years of work in creating standards that helped design the development that would better blend with the natural landscape. Overall, this approval process and notification has been piecemeal.

Our appeal is to bring awareness to these issues and to ensure appropriate design standards are in place for this site. We question whether approval of a Final Plat would undermine the appeal and efforts to maintain the general 2017 design standards, which are more appropriate, as well as other issues that are currently under appeal. Therefore, should a Final Plat be approved at this time when our appeal case is in District Court to resolve these issues?

We feel the final plat should be deferred or denied at this point because:

1. The Preliminary Plat approval is under appeal in the Bernalillo County District Court, D-202-CV-2023- 02637, and it would be premature to approve the Plat while the appeal is pending.
2. The currently unsubdivided subject site is “adjacent” to the La Cuentista Major Public Open Space (see attached, pp. 432-435 of the record in the pending appeal). Under IDO Section 5-4(C)(6), an approved Site Plan - EPC is required for this site before any platting action.
3. Bias by the City in favor of Consensus Planning projects is an issue in the pending appeal. It seems that this project site has received very fast and unsupervised tracking from the City, including for this hearing today.
4. We object to the piecemeal approval hearings for the development of this entire parcel. The IDO under its “Project Site” definition contemplates that regulations will apply for the entirety (largest geography) of the property described in the earliest request for decision.
5. Consensus Planning’s submission letter (p. 33 of the record available for this hearing) does not provide an adequate history and geography of all the pending matters relevant to this proposed subdivision. Consensus Planning was the City’s agent for the MPOS designation which applies to the development of the entirety of the subject site and apparently also represented the landowners in previous including pre-IDO applications. There appear to be numerous other cases relevant to this application.
6. We request that we be timely notified in writing of the DHO’s decision in this matter with notice of appeal rights.
7. There is another pending court appeal of the recent amendment to the IDO’s VPO-2 provisions (D-202-CV-2023-03961), not clear how that might affect this Plat.

Thank you,
Rene' Horvath,
Land Use Director for WSCONA