



MODULUS

ARCHITECTS & LAND USE PLANNING

SHAHAB BIAZAR, P.E.

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Engineering Director

City of Albuquerque, Municipal Development

Albuquerque, New Mexico

PROJECT: PASEO EAST SIDE LOTS / VOLCANO CLIFFS UNIT 26 (T/MPOS)

LOCATION: VALIENTE NW AT THE SOUTHEAST CORNER OF PASEO DEL NORTE AND KIMMICK NW

LEGAL: LOT/TRACT 1A1, VOLCANO CLIFFS UNIT 26

ZONING: MX-L, MX-M

ACREAGE: APPROXIMATELY 12.1364 ACRES

APPLICANT/AGENT: ANGELA PIAROWSKI, MODULUS ARCHITECTS & LAND USE PLANNING

RE: PR-2025-020092 | MAJOR_PLT-2025-00016 – MAJOR PRELIMINARY PLAT | SENSITIVE LANDS ANALYSIS SUPPLEMENTAL

Dear Mr. Biazar,

The IDO's Sensitive Lands framework is an **avoidance standard** intended to protect **cultural and natural resources**. For the subject property, the record establishes that the site is **neither**. First, it is **not cultural sensitive land**, as confirmed by the City's archaeological review. Importantly—and central to the “natural sensitive lands / steep slope” narrative being raised by the Neighborhood Association—the City's own **Senior Principal Investigator and Acting City Archaeologist** has documented prior disturbance on this site. Specifically, the City conducted its own survey under **NMCRIS No. 121039** and subsequently noted that the site had been **bladed, graded, and cleared by 2015**, expressly stating that the property has been **disturbed through previous land use**. This City-authored finding is critical: it substantiates that the grading and resulting slope conditions being discussed are **not naturally occurring landforms**, but rather conditions shaped by prior disturbance. **This conclusion is consistent with our independent analysis and the attached exhibits documenting the same disturbance history over time. In particular, the timing and pattern of grading visible in the historic imagery appears to coincide with construction activity associated with the Paseo del Norte extension and adjacent residential street improvements, as evidenced by both the City's lead investigator findings and the historic aerial record submitted here as Exhibits A-H.**

The IDO's Sensitive Lands framework is an **avoidance standard** intended to protect **cultural and natural resources**. For the subject property, the record establishes that the site is **neither**. First, it is **not cultural sensitive land**, as confirmed by the City's archaeological review. Importantly—and central to the “natural sensitive lands / steep slope” narrative being raised by the Neighborhood Association—the City's own **Senior Principal Investigator and Acting City Archaeologist** has documented prior disturbance on this site. Specifically, the City conducted its own survey under **NMCRIS No. 121039 (2011)** and subsequently noted that the site had been **bladed, graded, and cleared by 2015**, expressly stating that the property has been **disturbed through previous land use**. This City-authored finding is critical: it substantiates that the grading and resulting slope conditions being discussed are **not naturally occurring landforms**, but rather conditions shaped by prior disturbance.

Consistent with that record, Modulus Architects and Land Use Planning, as agent, submits this letter and exhibits as the applicant's Sensitive Lands analysis for **PR-2025-020092 / MAJOR_PLT-2025-00016**, and respectfully requests that staff accept this analysis into the case record and continue moving the Major Preliminary Plat forward consistent with the **IDO 2025**.

1) Purpose of this submittal

City staff is not asserting steep slopes as sensitive lands. Rather, the **Neighborhood Association has raised steep slope concerns**, and staff has requested that the applicant provide its analysis for the record. This letter and the attached exhibits constitute that analysis.

2) Cultural sensitive lands are not present

The project has satisfied the City's cultural resource process. The City's archaeological review resulted in a **Certificate of No Effect**, and the City's own documentation (NMCRIS No. 121039) further describes the site as previously disturbed. Accordingly, there is no basis to characterize the site as cultural sensitive lands for purposes of this platting action.

3) Natural “sensitive lands / steep slope” assertions are not supported as an intact natural landform: historic imagery documents repeated disturbance

Attached are historic aerial/photographic exhibits (Google Earth imagery) organized from oldest to newest. This is objective documentation of the site’s disturbance history and further confirms the City’s archaeological findings that the property has been repeatedly altered. To the extent localized slope conditions exist today, the record indicates those conditions are associated with prior disturbance and grading activity rather than a naturally occurring, intact sensitive landform.

Historic imagery exhibits (oldest to newest):

- **Exhibit A – 2006:** Site largely undisturbed / baseline condition.
- **Exhibit B – 2008:** Paseo extension timeframe; disturbance visible, including impacts in the northeast portion and adjoining corridor areas.
- **Exhibit C – 2012–2014:** Substantial grading activity along perimeter street corridors.
- **Exhibit D – 2014–2016:** Broad grubbing/vegetation removal across the site; clear evidence of disturbance and clearing.
- **Exhibit E – 2016–2018:** Continued grading activity, including visible earthwork patterns in the northeast and southeast portions.
- **Exhibit F – 2018–2020:** Period of limited disturbance; vegetation re-establishes across portions of the site.
- **Exhibit G – 2021–2023:** Renewed grading/grubbing activity.

Conclusion from record evidence: The subject property is a previously altered landscape—not an undisturbed natural resource area. The City’s archaeological documentation (NMCRI No. 121039) and the historic imagery both confirm extensive prior disturbance. This is the core basis for our conclusion that the grading and slope conditions being discussed are not naturally occurring “sensitive lands” landforms.

4) Engineering clarification: slope is evaluated by localized, area-specific conditions (not parcel-wide)

For completeness—and to ensure the record reflects the City’s stated methodology—during and after the hearing you clarified how the City determines “slope” for purposes of IDO application:

- **Slope is evaluated on an area-specific basis**, not site-wide.
- The presence of a small, isolated area exceeding 9% slope does **not** define the entire parcel as steep slope land; only the area exceeding 9% would constitute “steep slope.”
- **Slope is determined by localized conditions**, not average site conditions.

This clarification provides the proper framework for evaluating neighborhood assertions and confirms that any slope issue—if present—cannot be applied across the property as a whole.

5) Exhibit H – Certificate of No Affect Documenting Current Grades are NOT natural.

6) Avoidance is not a platting-stage determination (included for clarity)

While the IDO uses “avoidance” terminology, true avoidance determinations are inherently tied to **future site design and development placement** (i.e., where buildings, grading, utilities, and improvements are ultimately proposed). A **Major Preliminary Plat** does not approve building layout, grading plans, or construction disturbance limits. Accordingly, the City can appropriately accept this Sensitive Lands analysis into the plat record while recognizing that any future “avoidance” decisions—if applicable—are evaluated at the stage when a development proposal is actually placing improvements.

7) Request

Based on (1) the City’s archaeological findings documenting prior disturbance (NMCRI No. 121039, 2011; bladed/graded/cleared by 2015), (2) the Certificate of No Effect, (3) the attached historic imagery documenting long-standing disturbance, and (4) Engineering’s stated methodology (localized, area-specific slope evaluation), we respectfully request that the City:

1. **Accept this letter and Exhibits A–H as the applicant’s Sensitive Lands / slope analysis** for the record for **PR-2025-020092 / MAJOR_PLT-2025-00016**; and
2. **Proceed with scheduling and processing** of the Major Preliminary Plat consistent with the IDO 2025.

Attachments / Exhibits:

Exhibit A (2006)
Exhibit B (2008)
Exhibit C (2012–2014)
Exhibit D (2014–2016)
Exhibit E (2016–2018)
Exhibit F (2018–2020)
Exhibit G (2021–2023)

Exhibit H - Certificate of No Effect (City Archaeologist)

Thank you for your consideration.

Sincerely,

Angela M. Piarowski

Angela M. Piarowski, CEO/Managing Partner

Modulus Architects & Land Use Planning

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Exhibit A- 2006 – Site Undisturbed / Baseline Condition



Exhibit B- 2006-2008 –: Saw Disturbance in the Corners of the Site



Exhibit C - Exhibit C – 2012–2014: Substantial grading activity along perimeter street corridors.



Exhibit D – 2014–2016: Broad grubbing/vegetation removal across the site; clear evidence of disturbance.



Exhibit E – 2016–2018: Continued grading activity, including visible earthwork patterns in the northeast and southeast portions



Exhibit F – 2018–2020: Period of limited disturbance; vegetation re-establishes across portions of the site.



Exhibit G – 2021–2023: Renewed grading/grubbing activity.



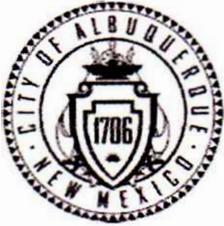


EXHIBIT H

City of Albuquerque
P.O. Box 1293 Albuquerque, NM 87103
Planning Department
Alan Varela, Interim Director

Tim Keller, Mayor
Sarita Nair, CAO

DATE: October 28, 2025

SUBJECT: Albuquerque Archaeological Ordinance - Compliance Documentation

Case Number(s): PR-2025-020092, AC-2025-00022
Agent: Modulus Architects & Land Use Planning, Inc.
Applicant: U26 VC, LLC & VOLCANO CLIFFS INC
Legal Description: LT 1A-1 & 4A-1
Zoning: MX-L and MX-M
Acreage: 12.1364 acres
Zone Atlas Page(s): C-11-Z

CERTIFICATE OF NO EFFECT: Yes No

CERTIFICATE OF APPROVAL: Yes No

SUPPORTING DOCUMENTATION:

Historic Google Earth images, ARMS/NMCRIS records

SITE VISIT: N/A

RECOMMENDATIONS:

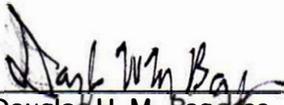
The area was surveyed under NMCRIS 121039 in 2011 with no significant finds reported. LA 69411 has been partially plotted within the property but this site appears to have been smaller and further south. The property was mostly bladed clear by 2015. Therefore:

CERTIFICATE OF NO EFFECT ISSUED-under 6-5(A) (3)(a) criterion 1 "an archaeological investigation has been conducted..." and criterion 2 "The property has been disturbed through previous land use"

SUBMITTED BY:

SUBMITTED TO:

Planning, Development Services



Douglas H. M. Boggess, MA, RPA Date
Senior Principal Investigator
Acting City Archaeologist
Lone Mountain Archaeological Services, Inc.