

CITY OF ALBUQUERQUE

Planning Department
Alan Varela, Director



Mayor Timothy M. Keller

July 28, 2025

TPCC, LLC
808 Galacia Street SE
Albuquerque, NM 87123-4514

RE: Notice of Violation

Violation Location by UPC – Legal Description:

102305501548320605 – 010 001 REPLAT OF POR LOT 3 AND ALL OF LOTS 8 & 9 & 10 & 11 & 12 & 13 BLK 1 FOUR HILLS

102305502046720604 – 009 001 REPLAT OF POR LOT 3 AND ALL OF LOTS 8 & 9 & 10 & 11 & 12 & 13 BLK 1 FOUR HILLS

102305500546220603 – 013 001 REPLAT OF POR LOT 3 AND ALL OF LOTS 8 & 9 & 10 & 11 & 12 & 13 BLK 1 FOUR HILLS

Lamp Post Ct. – City Right-of-Way – SFHA Zone AO

Hydrology File: M23D020

To whom it may concern,

This Notice of Violation is being sent in response to grading complaints received on July 22, 2025, by the City Planning Department. The complaints were also verified by the City on July 23, 2024. It was reported that there is ongoing grading activity on the (4) above referenced lots. Three of the lots are owned by TPCC, LLC and one of the lots is owned by the City of Albuquerque as the right-of-way for Lamp Post Ct SE.

Lamp Post Ct. SE and the two eastern lots are identified by the Federal Emergency Management Agency (FEMA) to have a portion of the properties located in a floodplain (Zone AO) and per the City Flood Hazard and Drainage Control Ordinance, Floodplain Development Permits must be obtained prior to any grading activity. All three of the lots owned by TPCC, LLC are required to obtain Grading Permits for any earthwork. The City owned right-of-way for Lamp Post Ct. NE requires an approved City Work Order prior to any construction activity.

Per 14-5-2-11 of the Flood Hazard and Drainage Control Ordinance, an approved Erosion and Sediment Control (ESC) Permit is required prior to earth disturbance, Work Order approval and Building Permit approval. City records show that an ESC Permit has not been issued for construction activity for the referenced lots.

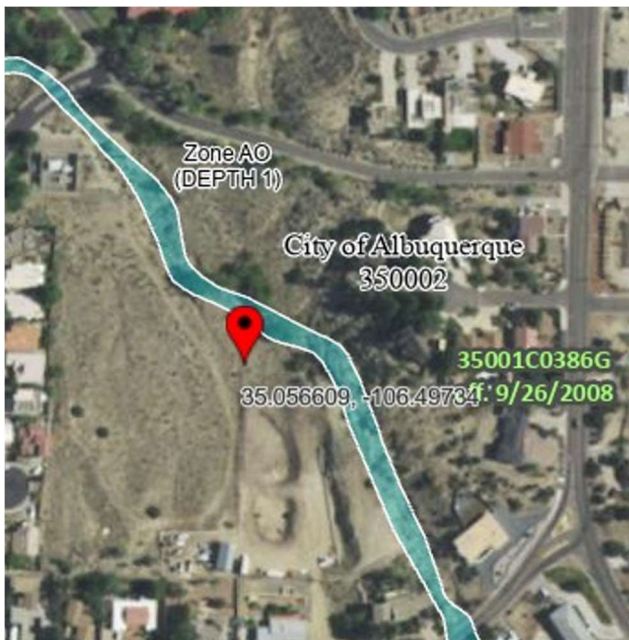
Per 14-5-2-18 of the Flood Hazard and Drainage Control Ordinance, no site clearing, grubbing, and/or dirt work are permitted prior to the approval of a site plan if a Sensitive Lands Analysis necessitates a Site Plan - EPC approval per IDO Section 14-16-5-2(C). Sensitive Lands include (but are not limited to) Arroyos, Floodplains and Special Flood Hazard Areas, Rock Outcroppings, and Steep slopes and escarpments. Due to the presence of the Special Flood Hazard Areas and other mentioned sensitive areas, a Sensitive Lands Analysis and EPC approval of a Site Plan is required.

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NM 87103

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City records show that on November 29, 2021, a Notice of Violation was sent to Mr. Tom and Carol Chavez for grading one or more of the above referenced lots without an approved Grading Permit. In that Notice, a Grading Plan was required by the City. In searching the records for these lots, an Approved Grading Plan was not able to be found. If there is an Approved Grading Plan for these lots, please provide Hydrology with a copy so the records can be updated.

For the current grading activity, an approved Grading Plan is required prior to issuance of Grading Permits, Floodplain Development Permits, and Work Orders.

Per 14-5-2-11(D)(2)(d) of the Flood Hazard and Drainage Control Ordinance: *Demand for construction or repair - The city may send written notice ("notice") to the owner requiring maintenance, construction, or repair to the drainage facility within 30 days ("deadline") of receipt of the notice, and the owner, at their expense, must comply with the requirements of the notice by the deadline provided.*

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This Notice of Violation also serves as a formal Demand for Construction or Repair of the site's Special Flood Hazard Area (Zone AO) as designated by FEMA back to the original/historic state to eliminate any changes to the drainage flow path that could result in flooding damage to neighboring properties (upstream and downstream), **with a design and construction deadline of September 1, 2025.**

Per 14-5-2-12(B)(2) of the Flood Hazard and Control Ordinance: *Construction, grading or paving on any lot within the jurisdiction of the city shall not increase the damage potential to upstream, downstream or adjacent properties or public facilities. Damages shall be defined as those caused by flooding from the 100-year design storm and all smaller storms and from erosion and sedimentation resulting from the 10-year design storm and all smaller storms.*

Given that the current grading activity could increase the damage potential to upstream, downstream, and adjacent properties or public facilities, the grading/construction activity is in violation of the Flood Hazard and Control Ordinance.

Other Ordinance Violations include:

- (1) grading without a Floodplain Development Permit in a Special Flood Hazard Area (3 locations),
- (2) grading on private property in excess of 500 cy without a Grading Permit,
- (3) performing construction activity on City owned right-of-way without a Work Order,
- (4) earth disturbance without an approved Erosion and Sediment Control (ESC) Permit,
- (5) site clearing, grubbing, and/or dirt work without the EPC approval of a site plan and a Sensitive Lands Analysis.

Per 14-5-2-99 Penalty: *A person who violates any provisions of §§ [14-5-2-1](#) et seq. shall be subject to the penalty provisions set forth in § [1-1-99](#) of this code of ordinances. Each day of violation is considered a separate offense.*

Per 1-1-99 General Penalty: *Any person who violates any provision of this code for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding \$500 or by imprisonment not exceeding 90 days or both unless a different specific penalty is provided. Each separate violation shall constitute a separate offense and, upon conviction, each day of violation shall constitute a separate offense.*

Failure to comply with the requested Demand for Construction or Repair by the stated deadline of **September 1, 2025**, will result in the filing of a criminal complaint against the property owner(s).

If you have any questions, please contact me at 505-924-3314 or amontoya@cabq.gov.

Sincerely,

Anthony Montoya, Jr., P.E., C.F.M.
Senior Engineer, Hydrology
Planning Department, Development Review Services