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**AC-24-30 (VA-2024-00322)**

**PR 2024-011129, VA-2024-00313**

**NO PLANNING MEMO IS PROVIDED AS THE  
PLANNING DEPARTMENT IS THE APPELLANT**

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**PR-2024-011129, VA-2024-00313**  
**NOTICE OF DECISION**

PLANNING DEPARTMENT  
DEVELOPMENT SERVICES DIVISION  
600 2nd Street NW, Ground Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3946

## OFFICIAL NOTIFICATION OF DECISION

Wilke LTD Company  
2416 W Cerro Road  
Artesia, NM 87122

**Project# PR-2024-011129**  
**Application#**  
**VA-2024-00313 SIDEWALK WAIVER**

### LEGAL DESCRIPTION:

For all or a portion of:

**LOT 018 TRACT 1, BLOCK 17, UNIT 3** zoned  
**PD**, located at **9001 MODESTO AVE NE**  
containing approximately **0.8864** acre(s).  
**(B-20)**

On November 20<sup>th</sup>, 2024, the Development Hearing Officer (DHO) held a public meeting concerning the above referenced application and approved the request, based on the following Findings as determined by the DHO:

1. This is a request for a DHO Waiver from the requirement to construct sidewalk, and curb and gutter along Modesto Avenue NE, which is required per the IDO/DPM for the construction of a proposed single-family residential dwelling on the site in question at 9001 Modesto Avenue NE.
2. The DHO determined the review and decision criteria for a DHO Waiver were met per 6-6(P)(3)(a) of the IDO (the justification of the criteria are in italics):

6-6(P)(3)(a)(1)(a)

There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.

*The DHO determined that there are pre-existing obstructions (including grades, water courses and natural topographic features as asserted by the applicant) that cannot be easily or economically relocated, and adding the sidewalk, curb and gutter to the subject property would alter the path runoff and drainage onto the east and west vacant properties, causing pooling and soil erosion at each end.*

*During the hearing, the agent for the application asserted that storm drains would have to be extended approximately 1,200 feet, asserting that it would be a financial burden on the subject property to extend them.*

6-6(P)(3)(a)(1)(c)

The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.

*The DHO determined that the established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.*

3. The Applicant provided the required notice as outlined in Table 6-1-1 of the IDO.

---

## **CONDITIONS**

---

The Waiver is conditioned as follows:

- a. Per 6-6(P)(2)(e) of the IDO, any Waivers granted that are associated with a Site Plan shall be noted on the approved Site Plan.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **DECEMBER 18<sup>TH</sup>, 2024**. The date of the DHO's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to [PLNDRS@CABQ.GOV](mailto:PLNDRS@CABQ.GOV) (if files are less than 9MB in size). For files larger than 9 MB in size, please send an email to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov) and request that staff send you a link via Smartfile to upload the files to. A Non-Refundable filing fee will be calculated and you will receive instructions about paying the fee online.



Official Notice of Decision

Project # PR-2024-011129 Application# VA-2024-00313

Page 3 of 3

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Applicants submitting for building permit prior to the completion of the appeal period do so at their own risk. Successful applicants are reminded that there may be other City regulations of the IDO that must be complied with, even after approval of the referenced application(s).

Sincerely,

*Brennon Williams*

Brennon Williams (Dec 4, 2024 16:53 MST)

Brennon Williams  
Development Hearing Officer

BW/jr

Tierra West, LLC, 5571 Midway Park Pl. NE, Albuquerque, NM 87109

# APPEAL APPLICATION / REASONS FOR APPEAL



Please check the appropriate box(es) and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application. Please note that these applications are not reviewed in a public meeting.

SUBDIVISIONS	MISCELLANEOUS APPLICATIONS
<input type="checkbox"/> Major – Preliminary Plat (Forms PLT & S1)	<input type="checkbox"/> Sidewalk Waiver (Form V2)
<input type="checkbox"/> Major – Bulk Land Plat (Forms PLT & S1)	<input type="checkbox"/> Waiver to IDO (Form V2)
<input type="checkbox"/> Extension of Preliminary Plat (Form S1)	<input type="checkbox"/> Waiver to DPM (Form V2)
<input type="checkbox"/> Minor Amendment - Preliminary Plat (Forms PLT & S2)	<input type="checkbox"/> Vacation of Public Right-of-way (Form V)
<input type="checkbox"/> Minor - Final Plat (Forms PLT & S2)	<input type="checkbox"/> Vacation of Public Easement(s) DHO (Form V)
<input type="checkbox"/> Minor – Preliminary/Final Plat (Forms PLT & S2)	<input type="checkbox"/> Vacation of Private Easement(s) (Form V)
	<b>APPEAL</b>
	<input checked="" type="checkbox"/> Decision of DHO (Form A)

**BRIEF DESCRIPTION OF REQUEST**

Appeal of the November 20th, 2024 DHO approval of the Waiver from the requirement to construct sidewalk, and curb and gutter along Modesto Avenue NE along the frontage of 9001 Modesto Ave. NE per PR-2024-011129 / VA-2024-00313

**APPLICATION INFORMATION**

Applicant/Owner: Ernest Armijo, Principal Engineer, Development Review Services Division, CABQ Planning Dept.		Phone: (505) 924-3991
Address: Plaza del Sol Building, 600 Second St. NW		Email: earmijo@cabq.gov
City: Albuquerque	State: NM	Zip: 87102
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site:	List <u>all</u> owners:	

**SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)**

Lot or Tract No.: Lot 18, Tract 1	Block: 17	Unit: 3
Subdivision/Addition: North Albuquerque Acres	MRGCD Map No.:	UPC Code: 102006523901630115
Zone Atlas Page(s): B-20-Z	Existing Zoning: PD	Proposed Zoning
# of Existing Lots: 1	# of Proposed Lots: 1	Total Area of Site (Acres): 0.8864

**LOCATION OF PROPERTY BY STREETS**

Site Address/Street: 9001 Modesto Ave. NE	Between: Barstow St. NE	and: Ventura St. NE
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**CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)**

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

Signature: Ernest Armijo	Date: 12/05/24
Printed Name: Ernest Armijo	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent



**FORM A: Appeals**

**Complete applications for appeals will only be accepted within 15 consecutive days, excluding holidays, after the decision being appealed was made.**

- APPEAL OF A DECISION OF CITY PLANNING STAFF (HISTORIC PRESERVATION PLANNER) ON A HISTORIC CERTIFICATE OF APPROPRIATENESS – MINOR TO THE LANDMARKS COMMISSION (LC)
- APPEAL OF A DECISION OF CITY PLANNING STAFF ON AN IMPACT FEE ASSESSMENT TO THE ENVIRONMENTAL PLANNING COMMISSION (EPC)
- APPEAL TO CITY COUNCIL THROUGH THE LAND USE HEARING OFFICER (LUHO)

\_\_\_ Interpreter Needed for Hearing? No if yes, indicate language: \_\_\_\_\_

A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov) prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD. PDF shall be organized with the Development Review Application and this Form A at the front followed by the remaining documents in the order provided on this form.

Project number of the case being appealed, if applicable: PR-2024-011129

Application number of the case being appealed, if applicable: VA-2024-00313


Type of decision being appealed: DHO Waiver

\_\_\_ Letter of authorization from the appellant if appeal is submitted by an agent

Appellant's basis of standing in accordance with IDO Section 14-16-6-4(V)(2)

Reason for the appeal identifying the section of the IDO, other City regulation, or condition attached to a decision that has not been interpreted or applied correctly, and further addressing the criteria in IDO Section 14-16-6-4(V)(4)

Copy of the Official Notice of Decision regarding the matter being appealed

<i>I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.</i>	
Signature: <u>Ernest Armijo</u>	Date: <u>12/06/2024</u>
Printed Name: <b>Ernest Armijo</b>	<input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent
FOR OFFICIAL USE ONLY	
Case Numbers: _____	Project Number: _____
Staff Signature: _____	
Date: _____	

# CITY OF ALBUQUERQUE

PLANNING DEPARTMENT  
DEVELOPMENT REVIEW SERVICES DIVISION

600 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102  
Tel: (505) 924-3860



## APPEAL LETTER

December 9, 2024

**RE: Project# PR-2024-011129 / Application# VA-2024-00313 SIDEWALK WAIVER**

**LEGAL DESCRIPTION:**

**LOT 018 TRACT 1, BLOCK 17, UNIT 3 zoned PD,**

**ADDRESS:**

**9001 MODESTO AVE NE**

containing approximately **0.8864** acre(s) **(B-20)**

**BASIS OF STANDING FOR APPEAL**

As a Principal Engineer with the Transportation Section of the Development Review Services Division of the City of Albuquerque Planning Department and a staff member with the Development Facilitation Team (DFT), I have the responsibility of enforcing transportation-related IDO and DPM requirements, including the construction of sidewalk and curb and gutter, for site development and subdivisions.

6-4(U)(2)(a)(2) of the IDO confirms standing to appeal a final decision by a representative of a City department whose operations are affected the application as follows (in italics):

***6-4(U)(2)(a) Standing***

*Standing to appeal a final decision may be granted to any of the following parties:*

- 2. A representative of any City department, City agency, or other governmental or quasi-governmental agency whose services, properties, facilities, interest, or operations may be affected by the application.*

Per 6-4(U)(2)(a)(2) of the IDO, I appeal the DHO decision as a representative of the Planning Department. My interest and operations for enforcing transportation-related IDO and DPM requirements are affected and compromised by the decision of the Development Hearing Officer (DHO) to approve the DHO (Sidewalk) Waiver for PR-2024-01129 / VA-2024-00313.



# CITY OF ALBUQUERQUE



## PLANNING DEPARTMENT DEVELOPMENT REVIEW SERVICES DIVISION

600 2<sup>nd</sup> Street NW  
Albuquerque, NM 87102  
Tel: (505) 924-3860

### **REASONS FOR THE APPEAL**

Per Section 6-4(U)(4) of the IDO, the criteria for review of an appeal shall be whether the decision-making body or the prior appeal body made 1 of the following mistakes (in italics):

*6-4(U)(4)(a) The decision-making body or the prior appeal body acted fraudulently, arbitrarily, or capriciously.*

*6-4(U)(4)(b) The decision being appealed is not supported by substantial evidence.*

*6-4(U)(4)(c) The decision-making body or the prior appeal body erred in applying the requirements of this IDO (or a plan, policy, or regulation referenced in the review and decision-making criteria for the type of decision being appealed).*

**The DHO decision for the Waiver is not supported by substantial evidence. In addition, a critical piece of evidence supplied by the applicant team was incorrect, contributing to the DHO erring in applying the requirements of the IDO and the DPM. The claims that the DHO decisions is not supported by substantial evidence (IDO 6-4(U)(4)(b)) and that the DHO erred in applying requirements of the IDO (IDO 6-4(U)(4)(c)) are based on the review and decision criteria for a Waiver in IDO 6-6(P)(3) as outlined below:**

An application for a Waiver – DHO shall be approved if it complies with all of the following criteria (in italics):

*1. Any of the following criteria applies.*

*a. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.*

*b. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, State, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance.*

*c. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.*

*d. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.*

*2. The Waiver will not be materially contrary to the public safety, health, or welfare.*



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3. *The Waiver does not cause significant material adverse impacts on surrounding properties.*
4. *The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.*
5. *The Waiver will not conflict significantly with the goals and provisions of any City, County, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.*
6. *The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.*
7. *The Waiver will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.*
8. *The Waiver does not allow a lot or type of development that does not meet the applicable Development Standards for the zone district where the lot is located, unless a deviation to such standards is within the thresholds established by Subsection 14-16-6-4(P) (Deviations) and is granted by the DHO as part of this approval.*
9. *The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).*
10. *If the request is a for a Waiver to IDO sidewalk requirements, the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property.*

A. The DHO decision was not supported by substantial evidence.

Per 6-6(P)(3) of the IDO (Review and Decision Criteria for a Waiver – DHO), an application for a Waiver – DHO shall be approved if it complies with **all** of the criteria. The DHO focused his decision only on criterion #1 parts (a) and (c), according to the Notice of Decision and the hearing. Therefore, the decision is not supported by substantial evidence as the **DHO failed to address the full list of required criteria, specifically criteria #2-#10.**

B. The DHO erred in applying the criteria per 6-6(P)(3) of the IDO (Waiver – DHO).



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1. The DHO erred in applying Criterion 6-6(P)(3)(a)(1)(a) of the IDO. This criterion states:

*There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.*

The applicant stated in their letter (included in the application submittal) that existing grades and water courses existed. In the testimony provided by the applicant at the November 20<sup>th</sup> DHO hearing, the applicant team also asserted that they would need to extend storm drain 1,200-feet to this location should the Waiver be denied. However, it has been determined by Hydrology engineers in the Hydrology Section of the Development Review Services Division that they would not require the extension of storm drain to this area for this one property.

In a minority of applications for a Sidewalk Waiver, the criterion regarding pre-existing obstructions was justified only where there are significant existing structures such as walls or buildings which would prevent the construction of sidewalk without significant expense. However, this Modesto site (subject to this appeal) is currently undeveloped, there are no obstructions in the vicinity that would need to be moved. Any grading required would not be major and would not incur costs that would create an economic hardship on the property owner beyond what is normal for adding this type of infrastructure. Should the Waiver be denied, this property would require grading to install these improvements (sidewalks and curb and gutter), but not to the extent that the cost would be unreasonable.

2. The DHO erred in applying Criterion 6-6(P)(3)(a)(5) of the IDO, which states:

*The Waiver will not conflict significantly with the goals and provisions of any City, County, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.*

If this Waiver were allowed to stand, it would set policy contrary to IDO 1-7(B)(2)(e) of the IDO states as follows:

**1-7(B) DEVELOPMENT ON APPROVED LOT REQUIRED**

*A building permit shall not be issued by the City unless the applicant presents the following:*

*1-7(B)(2) Approval by the City Engineer that:*

*1-7(B)(2)(e) All infrastructure improvements, including but not limited to sidewalks, curb and gutter, pavement, storm drain system, water and sewer, and any other improvements required by the City Engineer, have been constructed within easements or in the public right-of-way.*



# CITY OF ALBUQUERQUE

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IDO 1-7(B)(2)(e) of the IDO requires infrastructure, including sidewalks and curb and gutter per the City Sidewalk Ordinance 6-5-5-1. The plat is the step taken by the applicant prior to seeking a building permit and is typically when infrastructure requirements are applied. In fact, plats are distinguished as major or minor depending on the need for public infrastructure. In this particular case, the 'Sidewalk Waiver' is the first application made for the development. A plat application is then expected, followed by a building permit for residential construction.

The required curb and gutter assist in proper street drainage, and the required sidewalk provides a protected space for pedestrians, children, and persons with disabilities to safely travel on the side of the street. There are no extraordinary situations with the subject property that would enable the Waiver to be justified. With the DHO decision to approve the Waiver, City policy precedence would be set where it would significantly increase the difficulty of enforcing IDO 1-7(B)(2)(e) to require sidewalk infrastructure with development and/or platting. This is true because the conditions of this property are no different from all of North Albuquerque Acres or from many other areas of the City.

3. In their application submittal as well as at the November 20<sup>th</sup>, 2024 DHO hearing, the applicant cited a previous request as precedent (the October 25<sup>th</sup>, 2023 DHO approval of a Sidewalk Waiver at 8400 Florence Avenue per PR-2023-008993 / VA-2023-00307). This request was also approved in contradiction of Transportation engineering's recommendations. Staff decided at the time not to challenge that ruling as most of the block had already been developed without sidewalk or curb and gutter. In contrast to that request, the current sidewalk waiver request is on a block that is only half developed. Approximately half of the developed properties on the block that includes the subject property have constructed sidewalk and curb and gutter, as required.

In conclusion, the DHO decision was not supported by substantial evidence as several criteria were not addressed in the decision. The DHO also erred in applying the IDO criterion IDO 6-6(P)(3)(a) as no significant economic hardship results to the property owner in building the sidewalk. Erroneous information was given to the DHO by the applicant team that a 1,200-foot storm drain was necessary for the sidewalk construction, and that information was not correct.

Sincerely,

*Ernest Armijo*

Ernest Armijo, P.E.  
Principal Engineer, Planning Department  
Development Review Services

PLANNING DEPARTMENT  
DEVELOPMENT SERVICES DIVISION  
600 2nd Street NW, Ground Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
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## OFFICIAL NOTIFICATION OF DECISION

Wilke LTD Company  
2416 W Cerro Road  
Artesia, NM 87122

**Project# PR-2024-011129**  
**Application#**  
**VA-2024-00313 SIDEWALK WAIVER**

### LEGAL DESCRIPTION:

For all or a portion of:

**LOT 018 TRACT 1, BLOCK 17, UNIT 3** zoned  
**PD**, located at **9001 MODESTO AVE NE**  
containing approximately **0.8864** acre(s).  
**(B-20)**

On November 20<sup>th</sup>, 2024, the Development Hearing Officer (DHO) held a public meeting concerning the above referenced application and approved the request, based on the following Findings as determined by the DHO:

1. This is a request for a DHO Waiver from the requirement to construct sidewalk, and curb and gutter along Modesto Avenue NE, which is required per the IDO/DPM for the construction of a proposed single-family residential dwelling on the site in question at 9001 Modesto Avenue NE.
2. The DHO determined the review and decision criteria for a DHO Waiver were met per 6-6(P)(3)(a) of the IDO (the justification of the criteria are in italics):

6-6(P)(3)(a)(1)(a)

There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.



*The DHO determined that there are pre-existing obstructions (including grades, water courses and natural topographic features as asserted by the applicant) that cannot be easily or economically relocated, and adding the sidewalk, curb and gutter to the subject property would alter the path runoff and drainage onto the east and west vacant properties, causing pooling and soil erosion at each end.*

*During the hearing, the agent for the application asserted that storm drains would have to be extended approximately 1,200 feet, asserting that it would be a financial burden on the subject property to extend them.*

6-6(P)(3)(a)(1)(c)

The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.

*The DHO determined that the established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.*

3. The Applicant provided the required notice as outlined in Table 6-1-1 of the IDO.

---

## CONDITIONS

---

The Waiver is conditioned as follows:

- a. Per 6-6(P)(2)(e) of the IDO, any Waivers granted that are associated with a Site Plan shall be noted on the approved Site Plan.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **DECEMBER 18<sup>TH</sup>, 2024**. The date of the DHO's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

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Official Notice of Decision

Project # PR-2024-011129 Application# VA-2024-00313

Page 3 of 3

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Sincerely,

Brennon Williams

Brennon Williams (Dec 4, 2024 16:53 MST)

Brennon Williams

Development Hearing Officer

BW/jr

Tierra West, LLC, 5571 Midway Park Pl. NE, Albuquerque, NM 87109

# APPLICATION SUBMITTAL TO THE DHO



**Please check the appropriate box(es) and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application. Please note that these applications are not reviewed in a public meeting.**

SUBDIVISIONS	MISCELLANEOUS APPLICATIONS
<input type="checkbox"/> Major – Preliminary Plat (Forms PLT & S1)	<input checked="" type="checkbox"/> Sidewalk Waiver (Form V2)
<input type="checkbox"/> Major – Bulk Land Plat (Forms PLT & S1)	<input type="checkbox"/> Waiver to IDO (Form V2)
<input type="checkbox"/> Extension of Preliminary Plat (Form S1)	<input type="checkbox"/> Waiver to DPM (Form V2)
<input type="checkbox"/> Minor Amendment - Preliminary Plat (Forms PLT & S2)	<input type="checkbox"/> Vacation of Public Right-of-way (Form V)
<input type="checkbox"/> Minor - Final Plat (Forms PLT & S2)	<input type="checkbox"/> Vacation of Public Easement(s) DHO (Form V)
<input type="checkbox"/> Minor – Preliminary/Final Plat (Forms PLT & S2)	<input type="checkbox"/> Vacation of Private Easement(s) (Form V)
	<b>APPEAL</b>
	<input type="checkbox"/> Decision of DHO (Form A)

**BRIEF DESCRIPTION OF REQUEST**

Requesting a Sidewalk waiver request for the property legally described as 018 017TR 1 UNIT 3 NO ALBUQ ACRES, Acres: 0.8864. The property is in an area that used to be unincorporated by the city and has predominantly rural in character. The request is to waive the standard street section of sidewalk, curb and gutter for a rural roadway.

**APPLICATION INFORMATION**

Applicant/Owner: Wilke LTD Company		Phone:
Address: 2416 W Cerro Road		Email: steve@bcc-nm.com
City: Artesia	State: NM	Zip: 87122
Professional/Agent (if any): Tierra West, LLC		Phone: 505-858-3100
Address: 5571 Midway Park PI NE		Email: dsandoval@tierrawestllc.com
City: Albuquerque	State: NM	Zip: 87109
Proprietary Interest in Site:	List <u>all</u> owners:	

**SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)**

Lot or Tract No.: Lot 018, Tract 1	Block: 17	Unit: 3
Subdivision/Addition: NO ALBUQ ACRES	MRGCD Map No.:	UPC Code: 102006523901630115
Zone Atlas Page(s): B-20-Z	Existing Zoning: PD	Proposed Zoning R1-D
# of Existing Lots: 1	# of Proposed Lots: 1	Total Area of Site (Acres): 0.8864

**LOCATION OF PROPERTY BY STREETS**

Site Address/Street: \_\_\_\_\_ Between: \_\_\_\_\_ and: \_\_\_\_\_

**CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)**

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

<b>Signature:</b>	<b>Date:</b> 10/24/24
<b>Printed Name:</b> Donna Sandoval	<input type="checkbox"/> Applicant or <input checked="" type="checkbox"/> Agent



**FORM V2: WAIVER - DHO**

*Please refer to the DHO public meeting schedule for meeting dates and deadlines. Your attendance is required.*

 **SIDEWALK WAIVER**

A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov). Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below. Divide the PDF with a title sheet for each of the three documentation sections in **bold** below.

**WAIVER DOCUMENTATION**

- 1) DHO Application form completed, signed, and dated
- 2) Form V2 with all the submittal items checked/marked
- 3) Zone Atlas map with the entire site clearly outlined and labeled
- 4) Scale drawing showing the location of the proposed waiver, as applicable

**SUPPORTIVE DOCUMENTATION**

- 5) Letter of authorization from the property owner if application is submitted by an agent
- 6) Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(P)(3)
- 7) Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)

**PUBLIC NOTICE DOCUMENTATION**

- 8) Proof of a Pre-Submittal Neighborhood Meeting per IDO 14-16-6-4(C)
- \_\_\_ Office of Neighborhood Coordination neighborhood meeting inquiry response
- \_\_\_ Proof of email with read receipt OR Certified Letter offering meeting to applicable associations
- Completed neighborhood meeting request form(s)
- If a meeting was requested or held, copy of sign-in sheet and meeting notes
- 9) Required Content of Notice at Submittal per IDO Section 14-16-6-4(K)(1) (not required for an extension)
- Office of Neighborhood Coordination notice inquiry response
- Completed notification form(s), proof of additional information provided in accordance with IDO Section 6-4(K)(1)(b)
- Proof of emailed notice to affected Neighborhood Association representatives

\_\_\_ 10) Interpreter Needed for Hearing? \_\_\_ if yes, indicate language: \_\_\_

**WAIVER - IDO**

A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov). Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. *The PDF shall be organized in the number order below.* Divide the PDF with a title sheet for each of the three documentation sections in **bold** below.

**WAIVER DOCUMENTATION**

- \_\_\_ 1) DHO Application form completed, signed, and dated
- \_\_\_ 2) Form V2 with all the submittal items checked/marked
- \_\_\_ 3) Zone Atlas map with the entire site clearly outlined and labeled
- \_\_\_ 4) Scale drawing showing the location of the proposed waiver, as applicable

**SUPPORTIVE DOCUMENTATION**

- \_\_\_ 5) Letter of authorization from the property owner if application is submitted by an agent
- \_\_\_ 6) Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(P)(3)
- \_\_\_ 7) Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)

**PUBLIC NOTICE DOCUMENTATION**

- \_\_\_ 8) Proof of a Pre-Submittal Neighborhood Meeting per IDO 14-16-6-4(C)
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  - \_\_\_ Proof of email with read receipt OR Certified Letter offering meeting to applicable associations
  - \_\_\_ Completed neighborhood meeting request form(s)
  - \_\_\_ If a meeting was requested or held, copy of sign-in sheet and meeting notes
- \_\_\_ 9) Required Content of Notice at Submittal per IDO Section 14-16-6-4(K)(1) (not required for an extension)
  - \_\_\_ Office of Neighborhood Coordination notice inquiry response
  - \_\_\_ Completed notification form(s), proof of additional information provided in accordance with IDO Section 6-4(K)(1)(b)
  - \_\_\_ Proof of emailed notice to affected Neighborhood Association representatives
- \_\_\_ 10) Interpreter Needed for Hearing? \_\_\_ if yes, indicate language: \_\_\_

**WAIVER – DPM (MUST BE HEARD WITH SUBDIVISION ACTION)**

A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov). Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. *The PDF shall be organized in the number order below.* Divide the PDF with a title sheet for each of the three documentation sections in **bold** below.

**WAIVER DOCUMENTATION**

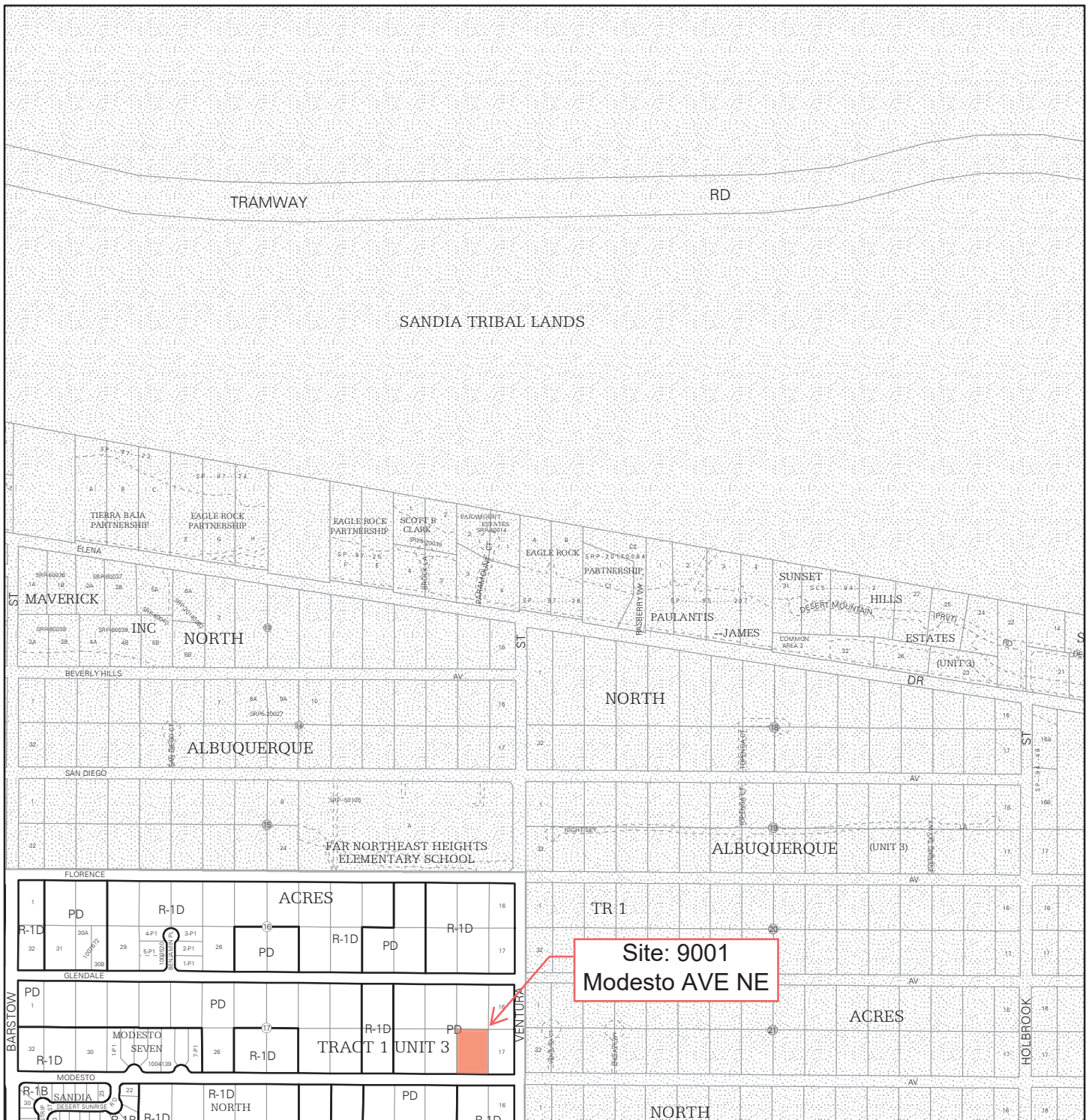
- \_\_\_ 1) DHO Application form completed, signed, and dated
- \_\_\_ 2) Form V2 with all the submittal items checked/marked
- \_\_\_ 3) Zone Atlas map with the entire site clearly outlined and labeled
- \_\_\_ 4) Scale drawing showing the location of the proposed waiver, as applicable

**SUPPORTIVE DOCUMENTATION**

- \_\_\_ 5) Letter of authorization from the property owner if application is submitted by an agent
- \_\_\_ 6) Letter describing, explaining, and justifying the request per the criteria in DPM – Chapter 2
- \_\_\_ 7) Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)

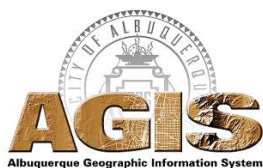
**PUBLIC NOTICE DOCUMENTATION**

- \_\_\_ 8) Sign Posting Agreement – **this step is not required if waiver is to be heard with a minor subdivision plat**
- \_\_\_ 9) Required Content of Notice at Submittal per IDO Section 14-16-6-4(K)(1)
  - \_\_\_ Office of Neighborhood Coordination notice inquiry response
  - \_\_\_ Buffer map and list of property owners within 100 feet (excluding public rights-of-way) provided by the Planning Department - **this step is not required if waiver is to be heard with a minor subdivision plat**
  - \_\_\_ Completed notification form(s), proof of additional information provided in accordance with IDO Section 6-4(K)(1)(b)
  - \_\_\_ Proof of emailed notice to affected Neighborhood Association representatives
  - \_\_\_ Proof of first class mailing to affected Neighborhood Association representatives and property owners within 100 feet – **this step is not required if waiver is to be heard with a minor subdivision plat**
- \_\_\_ 10) Interpreter Needed for Hearing? \_\_\_ if yes, indicate language: \_\_\_

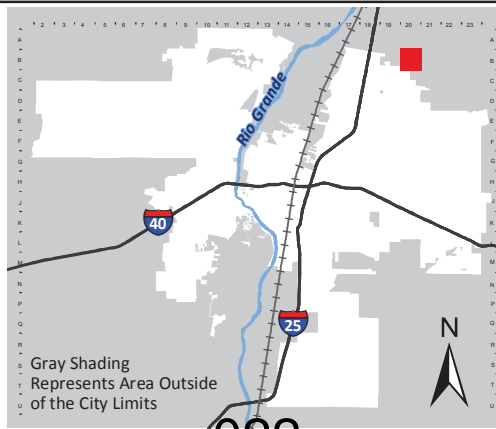


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

# IDO Zone Atlas May 2018



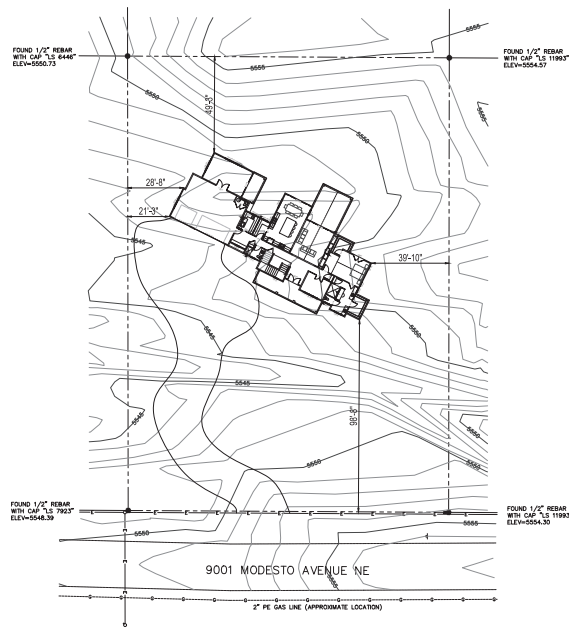
IDO Zoning information as of May 17, 2018  
The Zone Districts and Overlay Zones  
are established by the  
Integrated Development Ordinance (IDO).



Zone Atlas Page:  
**B-20-Z**

- Easement
- Escarpment
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone





SITE PLAN  
SCALE: 1"=20'

INDEX	
A1.1	COVER/SITE PLAN
A2.1	FLOOR PLAN
A3.1	DIMENSION PLAN
A4.1	ELEVATION PLAN
A5.1	FOUNDATION PLAN
A6.1	FRAMING PLAN
A7.1	ELECTRICAL PLAN
A8.1	DETAILS/SECTIONS
AB.1	BRACED WALL

ENERGY CODE	
2019 International Energy Conservation Code Climate Zone 4	
Item	R-Value or U-Value
Slab	2" Polystyrene / Rigid Insul
Floor	R-19 Batt Insulation
Walls	R-21 Bat Insulation
Roof	R-49 Batt Insulation
Doors	U: 0.32 Min.
Windows	U: 0.32 Min.
Skylights	U: 0.32 Min.

CODE COMPLIANCE	
2015 International Building Code	
2015 International Residential Code	
2015 New Mexico Residential Code	
2009 International Energy Code	
Applicable Administrative Codes	
Applicable State Codes	

LEGAL DESCRIPTION	
LOT: 18	
BLOCK: 17	
TRACT: 1	
UNIT: 3	
NORTH ALBUQUERQUE SUBDIVISION	

**DESIGNS**  
**SUMMIT**  
You Dream It, We Draw It.

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**SUMMIT DESIGNS**  
2118 Coors Rd. S.E.  
Rio Rancho, NM 87170  
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www.summitdesigns.net  
josh@summitdesigns.net

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construction.

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**TAYLOR RESIDENCE**  
9001 MODESTO AVENUE NE, ALBUQUERQUE, NM  
**COVER/SITE PLAN**

---

DESIGN DATA:  
TOTAL GROSS AREA OF LOT: 10,000 SQ. FT.  
TOTAL COVERED AREA: 2,000 SQ. FT.  
TOTAL UNCOVERED AREA: 8,000 SQ. FT.  
TOTAL GROSS AREA OF LOT: 10,000 SQ. FT.  
TOTAL COVERED AREA: 2,000 SQ. FT.  
TOTAL UNCOVERED AREA: 8,000 SQ. FT.

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DRAWN BY:  
JUSTIN EIDEM  
DATE PRINTED:  
08/05/24  
MODIFICATION DATE:  
\_\_\_\_\_

---

DRAWING SCALE:  
1/4"=1' U.O.N.  
SHEET NUMBER:  
**A1.1**



September 4, 2024

Mr. Robert Lucero  
Zoning Hearing Examiner  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, NM 87103

**RE: REQUEST FOR A FOR A SETBACK VARIANCE FOR A NEW RESIDENTIAL DWELLING AT 9001 MODESTO AVE NE ALBUQUERQUE NM 87122, LEGALLY DESCRIBED AS 018 017TR 1 UNIT 3 NO ALBUQ ACRES**

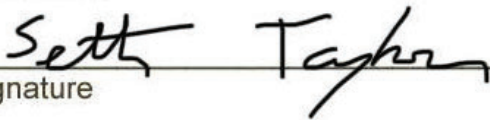
Dear Mr. Lucero:

The purpose of this letter is to authorize Tierra West LLC to act as agent on behalf of Wilke LTD Company pertaining to any and all submittals made to the City of Albuquerque for the above-referenced site.

Seth Taylor

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature



\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

8-4-24

November 11<sup>th</sup>, 2024

Mr. Robert Lucero  
 Development Hearing Officer  
 Plaza Del Sol Building  
 600 2<sup>nd</sup> NW  
 Albuquerque, NM 87102

**RE: REQUEST FOR A FOR A DHO SIDEWALK WAIVER FOR A NEW RESIDENTIAL DWELLING AT 9001 MODESTO AVE NE ALBUQUERQUE NM 87122, LEGALLY DESCRIBED AS 018 017TR 1 UNIT 3 NO ALBUQ ACRES ZONE ATLAS PAGE B-20-Z**

Dear Mr. Lucero:

Tierra West LLC is requesting a DHO – Minor Sidewalk, Curb and Gutter Waiver request for the property at 9001 Modesto Ave NE, Albuquerque, NM, 87122, legally described as 018 017TR 1 UNIT 3 NO ALBUQ ACRES, Acres: 0.8864 (the subject site). The area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property.

**Proposed Development**

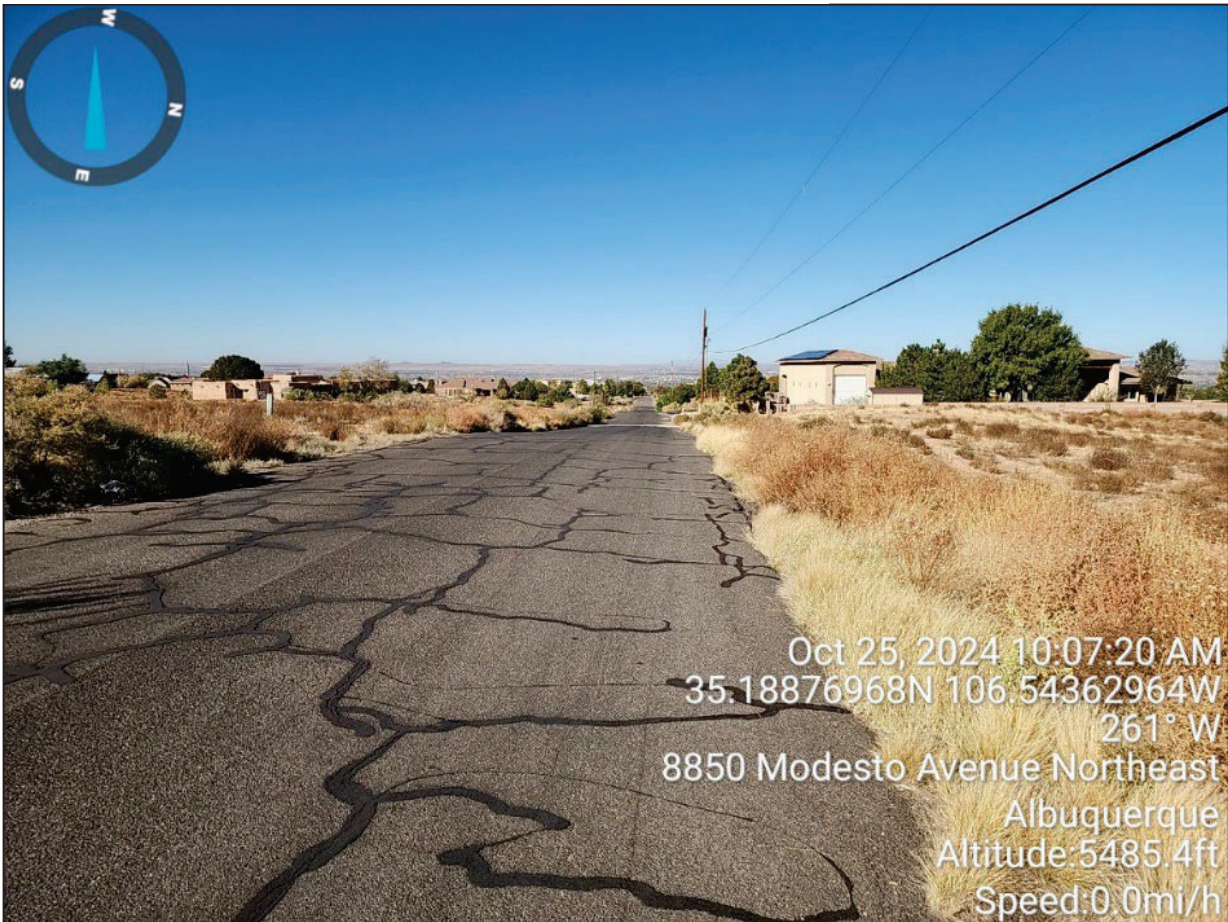
The proposed development is for the construction of a new single-family residential dwelling in Albuquerque’s North Heights. The subject site is zoned PD, and the proposed development is following R-1D design standards, see Figure 1. The property is in an area that has a predominantly natural landscaping and rural character, see Figure 2 & 3. We are also developing a grading and drainage plan that will ensure proper drainage on the subject site and nearby property.

Figure 1: New R-1D Site Plan for 9001 Modesto





Figure 2 - Rural Roadway Conditions Around the Subject Site



**Request – Sidewalk Waiver**

The request is to waive the standard street section of sidewalk, curb and gutter for the roadway on Modesto Ave. The area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property, see Figure 3.

There is support from the local Neighborhood Association – North Albuquerque Acres for the waiver as the development would be consistent with the surrounding residential dwellings and neighborhood character (letter of support attached in this submittal).

A similar residential development and waiver request was approved in the area in 2023 under project number PR-2023-008993 on Florence Ave NE between Barstow and Ventura, this site was also zoned PD and followed R-1D development standards.

Figure 3 - Lack of Sidewalk on Modesto Ave NE



### Review and Decision Criteria 6-6(P)(3)

An application for a Waiver – DHO shall be approved if it complies with all of the following criteria.

#### 1. Any of the following criteria applies.

**a. There are pre-existing obstructions that cannot be easily or economically relocate or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.**

There are pre-existing grades, water courses and natural topographic features that cannot be easily or economically relocated. Adding the sidewalk, curb and gutter to this property alone would alter the path runoff and drainage onto the east and west vacant properties, causing pooling and soil erosion at each end.

**b. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, State, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance.**



**c. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.**

The established neighborhood and roadway character on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location. The Neighborhood Association of the North Albuquerque Acres is in support of the sidewalk, curb and gutter waiver due to natural landscaping and character the area and Modesto Ave currently has.

**d. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.**

**2. The Waiver will not be materially contrary to the public safety, health, or welfare.**

The approval of the sidewalk, curb and gutter waiver request would not be materially contrary to the safety, health, or welfare of the public. Modesto Ave is not a major thoroughfare and is low-intensity land use, the absence of a sidewalk will not create a gap in an existing sidewalk system as there is no existing sidewalk system on Modesto Ave.

**3. The Waiver does not cause significant material adverse impacts on surrounding properties.**

The approval of the sidewalk, curb and gutter waiver request would not cause significant material adverse impacts on surrounding properties. Adding the sidewalk, curb and gutter to this property alone would alter the path runoff and drainage onto the east and west vacant properties, causing pooling and soil erosion at each end.

**4. The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.**

The sidewalk, curb and gutter waiver would not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.

**5. The Waiver will not conflict significantly with the goals and provisions of any City, County, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.**

The approval of the sidewalk, curb and gutter waiver request would not significantly conflict with the goals and provisions of any City, County, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.

**6. The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.**

The approval of the sidewalk, curb and gutter waiver request would not allow, encourage, or make possible undesired development in the 100-year Floodplain.

**7. The Waiver will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.**

The approval of the sidewalk, curb and gutter waiver request would not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone. The subject site is in an area of consistency, the approval of the request will ensure development is consistent with the character of the neighborhood and is supported by the North Albuquerque Acres NA.

**8. The Waiver does not allow a lot or type of development that does not meet the applicable Development Standards for the zone district where the lot is located, unless a deviation to such standards is within the thresholds established by Subsection 14-16-6-4(P) (Deviations) and is granted by the DHO as part of this approval.**

The approval of the sidewalk, curb and gutter waiver request does not allow a lot or type of development that does not meet the applicable Development Standards for the zone district where the lot is located. The lot is zoned PD – Planned Development and is following R-1D development standards.

**9. The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).**

The approval of the sidewalk, curb and gutter waiver request is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).

**10. If the request is a for a Waiver to IDO sidewalk requirements, the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property.**

The area is of low-intensity land use to an extent that the normal installation of sidewalk, curb and gutter will not contribute to the public welfare. The existing dwellings on Modesto Ave do not have a sidewalk, curb or gutter and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property. There is support from the North Albuquerque Acres Neighborhood Association for the waiver as they enjoy the natural landscaping and character of their neighborhood.

### **Conclusion**

On behalf of Wilke LTD Company, Tierra West respectfully requests that the Development Hearing Officer review and approve the requested DHO – Minor Sidewalk, Curb and Gutter Waiver. The proposed development is for a new single-family residential dwelling in Albuquerque’s North Heights located at 9001 Modesto Ave Ne Albuquerque Nm 87122, zoned PD and following R-1D development standards. The waiver request aligns with the character of the neighborhood and shows just cause given the low-intensity land use and the absence of a sidewalk system in the area.

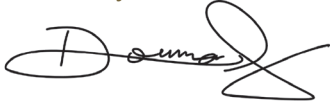
The approval of the sidewalk, curb and gutter waiver is requested due to the unique topographical and rural character of the surrounding neighborhood. The proposed waiver, along with the planned grading and drainage measures, would not be materially contrary to the safety, health, or welfare of the public. Modesto Ave is not a major thoroughfare and is low-intensity land use, the absence of a sidewalk will not create a gap in an existing sidewalk system as there is no existing sidewalk system on Modesto Ave.

Furthermore, the waiver will maintain the character of the North Albuquerque Acres in an area of consistency, has support from the local Neighborhood Association, and is consistent with the intent of the zoning regulations and is the minimum necessary to address practical difficulties.

As part of this submittal, please find the proposed scaled site plan with the waiver location called out, a letter of support from the North Albuquerque Acres Neighborhood Association and zone atlas map.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna Sandoval". The signature is stylized with a large, looped initial "D" and a long, sweeping horizontal stroke that extends to the right and then loops back under the name.

Donna Sandoval  
Planner

JN:2024002  
DS/jm/sl/rrb



## DEVELOPMENT FACILITATION TEAM REVIEW SHEET

### CASES FOR REVIEW AND COMMENT FOR:

**November 6, 2024**

**Join Zoom Meeting:**

<https://cabq.zoom.us/j/89785314995>

Meeting ID: 897 8531 4995

Dial by your location

+1 346 248 7799 US (Houston)

Find your local number: <https://cabq.zoom.us/u/kceqFf3L0L>

### **DFT - CASES FOR REVIEW AND COMMENT**

**Comments due – November 5<sup>th</sup>**

1. **[PR- 2021-006156](#)**

**SI-2024-01536 – SITE PLAN DFT (FAST TRACK)**

All or a portion of: **Lots 1 – 15 & 17 – 32, Patlilly Subdivision** zoned **R-ML**, located at **60<sup>th</sup> ST NW** between **CENTRAL** and **AVALON** containing approximately **7.0** acre(s). **(K-11)**

**REQUEST:** AHA plans to rehabilitate existing 42 units along east and west sides of 60<sup>th</sup> ST NW and construct an additional 46 units and community building on abutting vacant land west of existing units

**IDO 2023**

**Sketch 5/15/24, 5/1/24**

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2. [PR-2021-005492](#)

[SI-2024-01529](#) – SITE PLAN DFT

All or a portion of: **Tract 1, Unit 1, LADERA BUSINESS PARK** zoned **NR-C**, located at **2201 VISTA ORIENTE NW between LA MORADA PL NW and UNSER BLVD NW** containing approximately **5.2172** acre(s). (**H-9, H-10**)

**REQUEST:** Major Amendment to Site Development Plan which reduces the size of approved building ‘E’ not yet constructed on an existing slab by 14,280 square feet, and replaces proposed twenty-four indoor RV storage units with ten outdoor RV hookup spaces and one drive-thru wash bay for RV’s.

**IDO 2023**

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3. [PR- 2024-010074](#)

[SI-2024-01533](#) – EPC FINAL SITE PLAN SIGN-OFF

All or a portion of: **Lot/Tract A, Cottonwood Subd.** zoned **NR-BP**, located at **3601 SEVEN BAR LOOP between 7 BAR LOOP RD NW and MELANIE LN NW** containing approximately 1.957 acre(s). (**B-14**)

**Request:** EPC Site Plan Sign-Off For EPC Major Amendment. Amended The Controlling Site Development Plan For Subdivision To Remove Tract A & Abandon The Controlling Design Standards To Follow The Integrated Development Ordinance (IDO)

**IDO 2022**

---

4. [PR-2024-010074](#) *(Second Submittal)*

[SI-2024-01090](#) – SITE PLAN DFT

**LOT/TRACT A, COTTONWOOD** zoned **NR-BP**, located at **3601 SEVEN BAR LOOP RD NW between 7 BAR LOOP NW and MELANIE NW** containing approximately **1.957** acre(s). (**B-14**)

**REQUEST:** Proposed 3-Story Self-Storage Center. Each Floor Is Approximately 32,678 Sq Ft Totaling 98,034 Sq Ft

**IDO -2022**

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5. [PR-2021-005745](#)

[SD-2024-00155](#) – AMENDMENT TO INFRASTRUCTURE LIST

All or a portion of: **Lot/Tract A-1-A-2, Mesa Del Sol Innovation Park** zoned **PC**, located on **DIBENKORN between DIBENKORN and STRYKER** containing approximately **31.86** acre(s). (**R-15, S-15**)

**REQUEST:** Amendment to Infrastructure List. Changing Gilpin Right-of-Way width from 45' to 52'

**IDO 2023**

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6. [PR-2024-011093](#)

[PS-2024-00178](#) – SKETCH PLAT

All or a portion of: **Tract 48A, Lot 44, Block 48, Snow Heights Addition** zoned **MX-M**, located at **2900 EUBANK BLVD NE** containing approximately **1.52** acre(s). **(H-21)**

**REQUEST:** Convert existing retail/office building into a coffee shop with drive thru.  
**IDO 2023**

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7. [PR-2024-011101](#)

[PS-2024-00179](#) – SKETCH PLAT

Located at **1822 CENTRAL SE** between **UNIVERSITY** and **CENTRAL** and **YALE AND CENTRAL**.

**REQUEST:** Demolition and New Construction coffee shop with Drive-Through and Integrated Parking at 1822 Central SE (Last Undeveloped Property Facing UNM).  
**IDO 2023**

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8. [PR-2023-009204](#)

[PS-2024-00180](#) – SKETCH PLAT

All or a portion of: **38A, 38B, 35A, HUBBELL HEIGHTS** zoned **NR-C**, located at **between COORS BLVD and CENTRAL AVE** containing approximately **1.28** acre(s). **(K-10, K-11)**

**PROPERTY OWNERS:** X

**REQUEST:** Development of 5,200 sq ft convenience store and fuel station on 1.28 acres located immediately south of Central Ae between 65<sup>th</sup> and Coors Blvd. The minor subdivision process will allow for 0.23 acres of a 1.25-acre parcel, and to allow for a 0.43-acre parcel, a 0.62-acre parcel and newly created 0.23-acre lot to be replatted, to create a 1.28-acre lot. Existing parcels are presently vacant commercial and zoned MX-M and MX-L. Request to re-zone the 0.23-acre lot to MX-M.  
**IDO 2023**

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9. [PR-2024-011129](#)

[PS-2024-00181](#) – SKETCH PLAT

All or a portion of: **Lot/Tract 18, Block 17 Unit 3, North Albuquerque Acres** zoned **PD**, located at **9001 MODESTO AVE NE** between **VENTURA ST NE** and **BARSTOW ST NE** containing approximately **0.8864** acre(s). **(B-20)**

**REQUEST:** DFT Sketch Plat, pre-application Meeting for a sidewalk, curb and gutter waiver to DHO  
**IDO 2023**

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10. [PR-2024-011131](#)

[PS-2024-00182](#) – SKETCH PLAT

All or a portion of: **LT 18-A-1 PLAT OF LOTS 13-A-1 & 18-A-1 VISTA** ZONED **MX-M**, located on **CENTRAL AVE SW BETWEEN WESTLAND RD SW AND 98<sup>TH</sup> ST SW** containing approximately **0.4481** acre(s). **(K-09)**

**REQUEST:** Self Storage Facility - Questions Regarding Drainage and Setbacks  
**IDO 2023**

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11. [PR-2024-011133](#)

[PS-2024-00183](#) – SKETCH PLAT

All or a portion of: **Lots 8 & 9, block 6, WELL'S SANDIA MANOR** zoned **R-1D; NR-PO-B**, located at **400 CAMINO DE LA SIERRA NE between PIEDRAS RD NE and SIERRA COURT NE**. **(L-24)**

**REQUEST:** Lot line adjustment between two existing lots to create two new lots. One lot is privately owned by client and the other by City of Albuquerque as Open Space (foothills of Sandia Mountains)  
**IDO 2023**

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12. [PR-2024-011137](#)

[PS-2024-00184](#) – SKETCH PLAT

All or a portion of: **Lot 24, Unit 3, NORTH ALBUQUERQUE ACRES** zoned **PD**, located on **GLENDALE AVE between BARSTOW ST and VENTURA ST** containing approximately **0.8864** acre(s). **(B-20)**

**REQUEST:** Right-of-Way dedication to the City of Albuquerque  
**IDO 2023**

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13. [PR-2024-009801](#)

[PS-2024-00185](#) – SKETCH PLAT

All or a portion of: **Tracts 1 & 4, UNM GIBSON COMMERCIAL DISTRICT** zoned **MX-M**, located on **ALUMNI DR between I-25 and UNIVERSITY BLVD** containing approximately **2.06** acre(s). **(L-15)**

**REQUEST:** Lot consolidation: 2 tracts into 1 tract  
**IDO 2023**

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14. [PR-2024-011146](#)

PS-2024-00186 – SKETCH PLAT

All or a portion of: **Tract A; Tract R-A-1, Lands of James W. Jackson; Menaul Dev. Area** zoned **NR-LM**, located on **CANDELARIA RD NE** between **I-40** and **PRINCETON DR NE** containing approximately **3.4** acre(s). **(H-17)**

**REQUEST:** Sketch Plat review of proposed vacation of NMDOT Right-of-Way to consolidate with two existing tracts to create one new tract, pending NMDOT approval, sale, etc.

***IDO 2023***

---

**From:** [Donna Sandoval](#)  
**To:** [mgriffie@noreste.org](mailto:mgriffie@noreste.org); [sec.dist4@gmail.com](mailto:sec.dist4@gmail.com); [edueweke@juno.com](mailto:edueweke@juno.com); [uri.bassan@noreste.org](mailto:uri.bassan@noreste.org); [rpmartinez003@gmail.com](mailto:rpmartinez003@gmail.com)  
**Cc:** [Jay Miller](#); [Sergio Lozoya](#)  
**Subject:** RE: Requesting approval from the DHO for a Sidewalk Waiver near your Neighborhood - See information Attached  
**Date:** Thursday, October 24, 2024 5:46:00 PM  
**Attachments:** [ONC Notice Package 10.24.24 DHO Sidewalk Waiver.pdf](#)

---

Greetings,

I am requesting approval from the Development Hearing Officer (DHO) within the City of Albuquerque for a Sidewalk waiver request for the property legally described as 018 017TR 1 UNIT 3 NO ALBUQ ACRES, Acres: 0.8864. The property is in an area that used to be unincorporated by the city and has predominantly rural in character. The request is to waive the standard street section of sidewalk, curb and gutter for the roadway. The proposed development is for the construction of a new single-family residential dwelling in Albuquerque's North Heights. The area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property, (see attached site plan).

Property owner: Wilke LTD Company

Agent if applicable: Tierra West LLC

Property Address: 9001 Modesto Ave NE, Albuquerque, NM, 87122.

This letter is an offer to meet with you to provide additional information. If you wish to meet, please respond within 15 days.

If you do not want to meet, or you support the proposal, please let me know.

Thank you,

Applicant Name: Donna Sandoval - Agent

Email: [dsandoval@tierrawestllc.com](mailto:dsandoval@tierrawestllc.com)

Phone Number: 505-858-3100

Respectfully,

Donna Sandoval

Planner

Tierra West LLC

5571 Midway Park PL NE

Albuquerque, NM, 87109

505-858-3100

505-858-1118 (fax)

[dsandoval@tierrawestllc.com](mailto:dsandoval@tierrawestllc.com)  
[www.tierrawestllc.com](http://www.tierrawestllc.com)



**From:** Office of Neighborhood Coordination  
**To:** Donna Sandoval  
**Cc:** Hernandez, Diane  
**Subject:** 9001 Modesto Ave NE Public Notice Inquiry Sheet Submission  
**Date:** Monday, October 21, 2024 3:29:22 PM  
**Attachments:** image001.png  
 IDOXconsolidatePage\_B-20-Z.pdf.pdf

**PLEASE NOTE:**

The neighborhood association contact information listed below is valid for 30 calendar days after today's date.

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

Association Name	First Name	Last Name	Email	Alternative Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
District 4 Coalition of Neighborhood Associations	Mildred	Griffee	mgriffee@noreste.org	sec.dist4@gmail.com	PO Box 90986	Albuquerque	NM	87199	5052800082	
District 4 Coalition of Neighborhood Associations	Ellen	Dueweke	edueweke@juno.com		PO BOX 90986	Albuquerque	NM	87199		5055731537
Nor Este NA	Uri	Bassan	uri.bassan@noreste.org		9000 Modesto Avenue	Albuquerque	NM	87122	5054179990	
Nor Este NA	Gina	Pioquinto	rpmartinez2003@gmail.com		NE	Albuquerque	NM	87199	5052385495	5058560926

The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: [devhelp@cabq.gov](mailto:devhelp@cabq.gov), or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

Please note the following:

- You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project.
- Please use this online link to find the required forms you will need to submit your permit application: <https://www.cabq.gov/planning/urban-design-development/public-notice>.
- The Checklist form you need for notifying neighborhood associations can be found here: [https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ-Official\\_public\\_notice\\_form-2019.pdf](https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ-Official_public_notice_form-2019.pdf).
- The Administrative Decision form you need for notifying neighborhood associations can be found here: [https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ\\_Public\\_Notice\\_Checklist.pdf](https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ_Public_Notice_Checklist.pdf)
- Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s):

<http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each:

<https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>

Thank you,

Suzie



**Suzie Flores**

Senior Administrative Assistant

Office of Neighborhood Coordination (ONC) | City Council Department | City of Albuquerque

(505) 768-3334 Office

E-mail: [suzannaflores@cabq.gov](mailto:suzannaflores@cabq.gov)

Website: [www.cabq.gov/neighborhoods](http://www.cabq.gov/neighborhoods)

**From:** webmaster@cabq.gov <webmaster@cabq.gov>  
**Sent:** Monday, October 21, 2024 3:04 PM  
**To:** Office of Neighborhood Coordination <dsandoval@tierrawestllc.com>  
**Cc:** Office of Neighborhood Coordination <onc@cabq.gov>  
**Subject:** Public Notice Inquiry Sheet Submission

**[EXTERNAL]** Forward to [phishing@cabq.gov](mailto:phishing@cabq.gov) and delete if an email causes any concern.

Public Notice Inquiry For:

Zoning Hearing Examiner

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

Contact Name

Donna Sandoval

Telephone Number

5058583100

Email Address

[dsandoval@tierrawestllc.com](mailto:dsandoval@tierrawestllc.com)

Company Name

Tierra West, LLC

Company Address

5571 Midway Park Place NE

City

Albuquerque

State

NM

ZIP

87109

Legal description of the subject site for this project:

018 017TR 1 UNIT 3 NO ALBUQ ACRES

Physical address of subject site:

9001 Modesto Ave Ne, ABQ,NM,87122

Subject site cross streets:

Ventura ST NE and Modesto Ave

Other subject site identifiers:

Between Ventura ST Ne and Barstow ST NE

This site is located on the following zone atlas page:

B-20-Z

Captcha

x



OFFICIAL PUBLIC NOTIFICATION FORM
FOR MAILED OR ELECTRONIC MAIL NOTICE
CITY OF ALBUQUERQUE PLANNING DEPARTMENT



PART I - PROCESS
Use Table 6-1-1 in the Integrated Development Ordinance (IDO) to answer the following:
Application Type: Sidewalk Waiver Application
Decision-making Body: DHO
Pre-Application meeting required: Yes No
Neighborhood meeting required: Yes No
Mailed Notice required: Yes No
Electronic Mail required: Yes No
Is this a Site Plan Application: Yes No Note: if yes, see second page
PART II - DETAILS OF REQUEST
Address of property listed in application: 9001 Modesto AVE NE, ABQ, NM, 87122
Name of property owner: Wilke LTD Company
Name of applicant: Tierra West LLC - Agent
Date, time, and place of public meeting or hearing, if applicable:
November 20th @ 9:00AM, Zoom link for meeting found here: https://www.cabq.gov/planning/boards-commissions/development-hearing-officer/development-hearing-officer-agendas-archives
Address, phone number, or website for additional information:
dsandoval@tierrawestllc.com | 505-858-3100
PART III - ATTACHMENTS REQUIRED WITH THIS NOTICE
[checked] Zone Atlas page indicating subject property.
[checked] Drawings, elevations, or other illustrations of this request.
[ ] Summary of pre-submittal neighborhood meeting, if applicable.
[checked] Summary of request, including explanations of deviations, variances, or waivers.
IMPORTANT:
PUBLIC NOTICE MUST BE MADE IN A TIMELY MANNER PURSUANT TO IDO §14-16-6-4(K).
PROOF OF NOTICE WITH ALL REQUIRED ATTACHMENTS MUST BE PRESENTED UPON APPLICATION.

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

[Handwritten signature]

(Applicant signature) 10/24/20 (Date)

Note: Providing incomplete information may require re-sending public notice. Providing false or misleading information is a violation of the IDO pursuant to IDO §14-16-6-9(B)(3) and may lead to a denial of your application.



**PART IV – ATTACHMENTS REQUIRED FOR SITE PLAN & LC APPLICATIONS ONLY**

Provide a site plan that shows, at a minimum, the following:

- a. Location of proposed buildings and landscape areas.
- b. Access and circulation for vehicles and pedestrians.
- c. Maximum height of any proposed structures, with building elevations.
- d. For residential development: Maximum number of proposed dwelling units.
- e. For non-residential development:
  - Total gross floor area of proposed project.
  - Gross floor area for each proposed use.

# Language Access Notice:

We provide free interpretation services to help you communicate with us. If you need help, you can request interpretation at any service counter in our Department, located in the Plaza Del Sol building, 600 2nd Street NW, Albuquerque, NM 87102.

**Notificación de Acceso Lingüístico.**  
Ofrecemos servicios gratuitos de interpretación para ayudarlo a comunicarse con nosotros. Si necesita ayuda, puede solicitar servicios de interpretación en cualquier mostrador de servicio de nuestro Departamento, ubicado en el edificio Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

**語言輔助通知。**我們提供免費口譯服務，以幫助你與我們溝通。如果你需要幫助，你可以在我們部門的任何服務台請求口譯，服務台位於 Plaza Del Sol大樓，600 2nd Street NW，阿爾伯克基，NM 87102。

**Thông báo về cách Tiếp cận Ngôn ngữ.** Chúng tôi cung cấp các dịch vụ thông dịch miễn phí để giúp quý vị giao tiếp với chúng tôi. Nếu quý vị cần giúp đỡ, quý vị có thể yêu cầu thông dịch tại bất cứ quầy dịch vụ nào trong Sở của chúng tôi, tọa lạc tại tòa nhà Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

**Saad Hadahwiis'a O'oolkaah bee dah na'astsooz.** Nihi bik'inaasdzil t'aadoo baahilinigoo 'ata' hashne' tse'esgizii ach'i' dzaadi! Dzaadi! Danihi dahootahgoo bee nihi-. Daa' danihi bidin nishli dzaadi! Dzaadi! Danihi bineesh'a yinishkeed 'ata' hashne' -di t'aa biholniihgoo tse'esgizii ket'aaz -di nihihigii dah diikaah, -k'eh -di tsin Plaza Del Sol Kiniit'aagoo, 600 2nd Kiniit'aa NW, Albuquerque, NM 87102.

## REQUEST FOR NEIGHBORHOOD MEETING

Date: 10/24/2024

To Whom This May Concern:

I am requesting approval from the Development Hearing Officer (DHO) within the City of Albuquerque for a Sidewalk waiver request for the property legally described as 018 017TR 1 UNIT 3 NO ALBUQ ACRES, Acres: 0.8864. The property is in an area that used to be unincorporated by the city and has predominantly rural in character. The request is to waive the standard street section of sidewalk, curb and gutter for the roadway. The proposed development is for the construction of a new single-family residential dwelling in Albuquerque's North Heights. The area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property, (see attached site plan).

Property owner: Wilke LTD Company

Agent if applicable: Tierra West LLC

Property Address: 9001 Modesto Ave NE, Albuquerque, NM, 87122.

This letter is an offer to meet with you to provide additional information. If you wish to meet, please respond within 15 days. If you do not want to meet, or you support the proposal, please let me know.

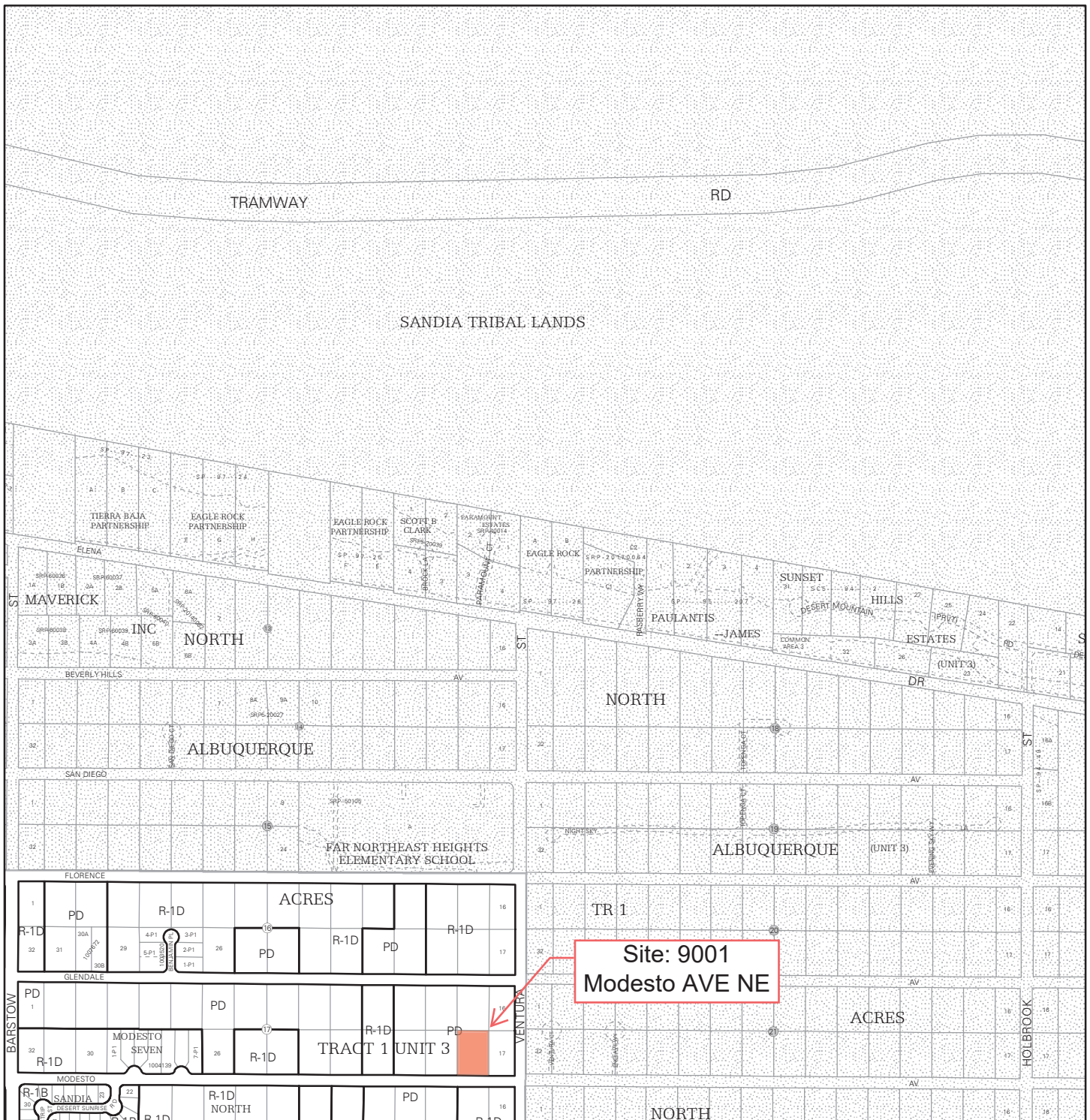
Thank you,

Applicant Name: Donna Sandoval - Agent

Email: dsandoval@tierrawestllc.com

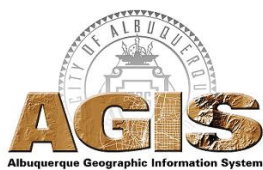
Phone Number: 505-858-3100



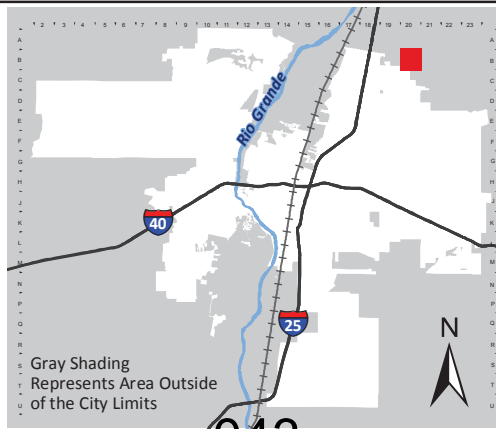


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

# IDO Zone Atlas May 2018



IDO Zoning information as of May 17, 2018  
The Zone Districts and Overlay Zones  
are established by the  
Integrated Development Ordinance (IDO).



Zone Atlas Page:  
**B-20-Z**

- Easement
- Escarpment
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone



[Note: Items with an asterisk (\*) are required.]

## Public Notice of a Proposed Project in the City of Albuquerque for Decisions Requiring a Hearing

Date of Notice\*: 10/24/24

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [§14-16-6-4\(K\) Public Notice](#). This notice is being provided to (mark as relevant):

- Neighborhood Association Representatives on the attached list from the Office of Neighborhood Coordination.<sup>1</sup>
- Property Owners within 100 feet of the Subject Property.

### Information Required by [IDO §14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address\* 9001 Modesto Ave NE, Albuquerque, NM, 87122.  
Location Description At the intersection of Modesto Ave and Ventura St
2. Property Owner\* Wilke LTD Company
3. Agent/Applicant\* [if applicable] Tierra West LLC
4. Application Type(s)<sup>2</sup>\* per IDO [Table 6-1-1](#)
  - Site Plan – EPC
  - Subdivision \_\_\_\_\_ (Minor or Major or Bulk Land)
  - Vacation \_\_\_\_\_ (Easement/Private Way or Public Right-of-way)
  - Variance – EPC
  - Waiver Sidewalk DHO (DHO or Wireless Telecommunication Facility)
  - Other: \_\_\_\_\_

Summary of project/request<sup>3</sup>\*:

The request is to waive the standard street section of sidewalk, curb and gutter for the roadway.

The location is of low-intensity land use, predominantly of rural character.

5. This application will be decided at a public meeting or hearing by\*:

- Development Hearing Officer (DHO)
- Landmarks Commission (LC)
- Environmental Planning Commission (EPC)

<sup>1</sup> If this box is marked, the Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination must be included as an attachment.

<sup>2</sup> Applications for the Zoning Hearing Examiner require a public notice form available here: <https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner>. Otherwise, mark all that apply.

<sup>3</sup> Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (\*) are required.]

Hearing Date/Time\*: November 20th @ 9:00AM

Location\*4: Zoom link for meeting found here: https://www.cabq.gov/planning/boa

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or call the Planning Department at 505-924-3860 and select the option for “Boards, Commissions, and ZHE Signs.”

6. Where more information about the project can be found\*:

Preferred project contact information:

Name: Donna Sandoval - Agent

Email: dsandoval@tierrawestllc.com

Phone: 505-858-3100

- Attachments:
  - Neighborhood Association Representative Contact List from the City’s Office of Neighborhood Coordination\*
  - Others: Site plan showing location of waiver request, elevations of proposed dwelling

Online website or project page: \_\_\_\_\_

**Project Information Required for Mail/Email Notice by [IDO §14-16-6-4\(K\)\(1\)\(b\)](#):**

1. Zone Atlas Page(s)\*5 B-20-Z

2. Project Illustrations, as relevant\*6

- Architectural drawings
- Elevations of the proposed building(s)
- Other illustrations of the proposed application

*See attachments or the website/project page noted above for the items marked above.*

3. The following exceptions to IDO standards have been requested for this project\*:

- Deviation(s)
- Variance(s)
- Waiver(s)

Explanation\*:

The area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare,  
 \_\_\_\_\_  
 and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property.  
 \_\_\_\_\_

<sup>4</sup> Physical address or Zoom link

<sup>5</sup> Available online here: <http://data.cabq.gov/business/zoneatlas>

<sup>6</sup> While not required for applications other than Site Plan – EPC, it is recommended that a site plan be included illustrating the location of existing buildings, if any, and the proposed project. For Site Plan – EPC, see additional attachments required below.

[Note: Items with an asterisk (\*) are required.]

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#):  Yes  No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

A meeting has not been requested.

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[Note: The meeting report by the Office of Alternative Dispute Resolution is required to be provided in the application materials.]

5. **For Site Plan Applications only\***, attach site plan showing, at a minimum:

- a. Location of proposed buildings and landscape areas.\*
- b. Access and circulation for vehicles and pedestrians.\*
- c. Maximum height of any proposed structures, with building elevations.\*
- d. **For residential development\***: Maximum number of proposed dwelling units.
- e. **For non-residential development\***:
  - Total gross floor area of proposed project.
  - Gross floor area for each proposed use.

**Additional Information from IDO Zoning Map<sup>7</sup>:**

- 1. Area of Property [typically in acres] 0.8864
- 2. IDO Zone District PD
- 3. Overlay Zone(s) [if applicable] \_\_\_\_\_
- 4. Center or Corridor Area [if applicable] n/a
- Current Land Use(s) [vacant, if none] Vacant

**NOTE:** Pursuant to [IDO §14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or 505-924-3860 and select option for “Boards, Commissions, and ZHE Signs.”

**Useful Links**

**Integrated Development Ordinance (IDO):** <https://ido.abc-zone.com>

**IDO Interactive Map:** <https://tinyurl.com/idozoningmap>

<sup>7</sup> Available here: <https://tinyurl.com/idozoningmap>



# Language Access Notice:

We provide free interpretation services to help you communicate with us. If you need help, you can request interpretation at any service counter in our Department, located in the Plaza Del Sol building, 600 2nd Street NW, Albuquerque, NM 87102.

## Notificación de Acceso Lingüístico.

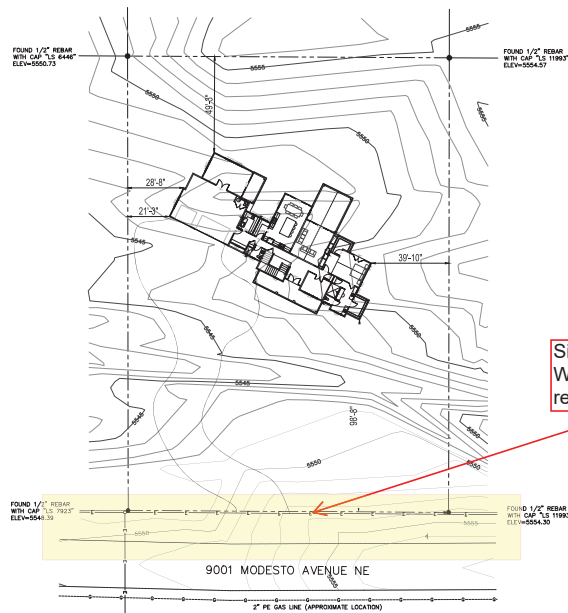
Ofrecemos servicios gratuitos de interpretación para ayudarlo a comunicarse con nosotros. Si necesita ayuda, puede solicitar servicios de interpretación en cualquier mostrador de servicio de nuestro Departamento, ubicado en el edificio Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

語言輔助通知。我們提供免費口譯服務，以幫助你與我們溝通。如果你需要幫助，你可以在我們部門的任何服務台請求口譯，服務台位於 Plaza Del Sol大樓，600 2nd Street NW，阿爾伯克基，NM 87102。

Thông báo về cách Tiếp cận Ngôn ngữ. Chúng tôi cung cấp các dịch vụ thông dịch miễn phí để giúp quý vị giao tiếp với chúng tôi. Nếu quý vị cần giúp đỡ, quý vị có thể yêu cầu thông dịch tại bất cứ quầy dịch vụ nào trong Sở của chúng tôi, tọa lạc tại tòa nhà Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

Saad Hadahwiis'a O'oolkaah bee dah na'astsooz. Nihi bik'inaaszil t'aadoo baahilinigoo 'ata' hashne' tse'esgizii ach'i' dzaadi! Dzaadi! Danihi dahootahgoo bee nihi-. Daa' danihi bidin nishli dzaadi! Dzaadi! Danihi bineesh'a yinishkeed 'ata' hashne' -di t'aa biholniihgoo tse'esgizii ket'aaz -di nihihgii dah diikaah, -k'eh -di tsin Plaza Del Sol Kiniit'aagoo, 600 2nd Kiniit'aa NW, Albuquerque, NM 87102.





The request is to waive the standard street section of sidewalk, curb and gutter for a road predominantly rural in character

SITE PLAN  
SCALE: 1"=20'

INDEX	
A1.1	COVER/SITE PLAN
A2.1	FLOOR PLAN
A3.1	DIMENSION PLAN
A4.1	ELEVATION PLAN
A5.1	FOUNDATION PLAN
A6.1	FRAMING PLAN
A7.1	ELECTRICAL PLAN
A8.1	DETAILS/SECTIONS
A9.1	BRACED WALL

ENERGY CODE	
2019 International Energy Conservation Code Climate Zone 4	
Item	R-Value or U-Value
Slab	2" Polystyrene / Rigid Insul
Floor	R-19 Batt Insulation
Walls	R-21 Batt Insulation
Roof	R-49 Batt Insulation
Doors	U: .32 Min.
Windows	U: .32 Min.
Skylight	U: .32 Min.

CODE COMPLIANCE	
2015 International Building Code	
2015 International Residential Code	
2015 New Mexico Residential Code	
2009 International Energy Code	
Applicable Administrative Codes	
Applicable State Codes	

LEGAL DESCRIPTION	
LOT: 18	
BLOCK: 17	
TRACT: 1	
UNIT: 3	
NORTH ALBUQUERQUE SUBDIVISION	

**SUMMIT**  
DESIGNS  
You Dream It, We Draw It.

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**SUMMIT DESIGNS**  
2118 Coon Rd. S.E.  
Buckhorn, NM 87120  
Phone: 505-836-0876  
Fax: 1-800-410-8880  
www.summitdesigns.net  
jaid@summitdesigns.net

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ALL RIGHTS RESERVED  
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right and hereby grants the  
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non-exclusive license to use the  
drawings for the project and to  
grant the right to reproduce the  
drawings as needed for each  
construction.

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**TAYLOR RESIDENCE**  
9001 MODESTO AVENUE NE, ALBUQUERQUE, NM  
**COVER/SITE PLAN**

---

DESIGN DATA:  
TOTAL AREA OF LOT: 10,000 SF  
2ND FLOOR AREA: 1,500 SF  
TOTAL AREA OF LOT: 10,000 SF  
TOTAL AREA OF 1ST FLOOR: 1,500 SF  
COVERED PORCH: 0 SF  
TOTAL AREA OF LOT: 10,000 SF  
TOTAL AREA OF 1ST FLOOR: 1,500 SF  
TOTAL AREA OF 2ND FLOOR: 1,500 SF  
TOTAL AREA OF COVERED PORCH: 0 SF  
TOTAL AREA OF LOT: 10,000 SF  
TOTAL AREA OF 1ST FLOOR: 1,500 SF  
TOTAL AREA OF 2ND FLOOR: 1,500 SF  
TOTAL AREA OF COVERED PORCH: 0 SF

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© COPYRIGHT - 2018 SUMMIT DESIGNS, LLC

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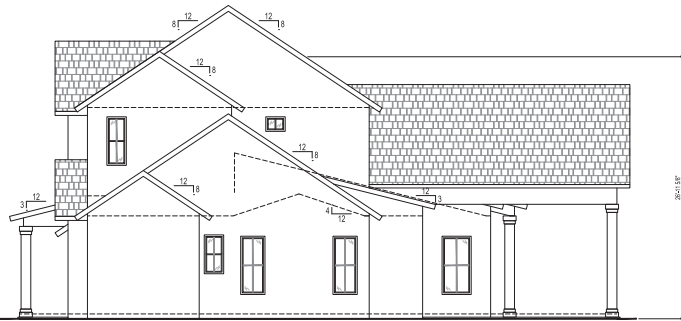
DRAWN BY:  
JUSTIN EIDEM  
DATE PRINTED:  
08/05/24  
MODIFICATION DATE:  
\_\_\_\_\_

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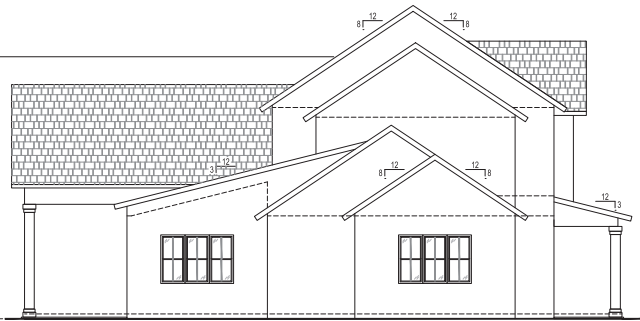
DRAWING SCALE:  
1/4"=1' U.O.N.  
SHEET NUMBER:  
**A1.1**



NORTHEAST ELEVATION



SOUTHEAST ELEVATION



NORTHWEST ELEVATION



SOUTHWEST ELEVATION



SUMMIT DESIGNS  
2118 Coon Rd. S.E.  
Buckeye, AZ 85205  
Phone: 480-438-8877  
Fax: 480-438-6880  
jordan@summitdesigns.net

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TAYLOR RESIDENCE  
9001 MODESTO AVENUE NE, ALBUQUERQUE, NM  
FRONT & REAR ELEVATIONS

DESIGN DATA:  
TOTAL AREA: 10,100 SQ. FT.  
TOTAL FLOOR AREA: 8,500 SQ. FT.  
TOTAL GARAGE AREA: 1,600 SQ. FT.  
TOTAL COVERED PORCH AREA: 1,000 SQ. FT.  
TOTAL UNCOVERED PORCH AREA: 1,000 SQ. FT.  
TOTAL UNCOVERED PATIO AREA: 1,000 SQ. FT.

DRAWN BY:  
JUSTIN EIDEM  
DATE PRINTED:  
08/05/24

MODIFICATION DATE:

DRAWING SCALE:  
1/4" = 1' U.O.N.

SHEET NUMBER:  
A4.1

**From:** [uri.bassan@noreste.org](mailto:uri.bassan@noreste.org)  
**To:** [Donna Sandoval](#)  
**Cc:** [Ron Bohannan](#); [Board](#); [mgriffee@noreste.org](mailto:mgriffee@noreste.org); [sec.dist4@gmail.com](mailto:sec.dist4@gmail.com); [edueweke@juno.com](mailto:edueweke@juno.com); [rpmartinez003@gmail.com](mailto:rpmartinez003@gmail.com); [Jay Miller](#); [Sergio Lozoya](#)  
**Subject:** Re: [#2024002 ] Requesting approval from the DHO for a Sidewalk Waiver near your Neighborhood - See information Attached  
**Date:** Sunday, November 10, 2024 7:51:33 PM  
**Attachments:** [NorEste Statement of Support.pdf](#)

---

Donna,

Please see the attached statement of support. Please let me know if there are any questions or concerns.

Thank You

Uri Bassan  
President, NorEste Neighborhood Association  
(505) 417-9990

On 2024-11-07 09:32, Donna Sandoval wrote:

> Uri,  
> Thank you for letting us know, a letter of support would be greatly  
> appreciated.  
> For reference, if needed, the Project # associated with the sidewalk  
> waiver and setback variance is PR-2024-011129.  
> I went ahead and canceled tonight's meeting.  
> If you may need anything, please feel free to reach out.  
>  
> Respectfully,  
> Donna Sandoval  
> Planner  
> Tierra West LLC  
> 5571 Midway Park PL NE  
> Albuquerque, NM, 87109  
> 505-858-3100  
> 505-858-1118 (fax)  
> dsandoval@tierrawestllc.com  
> www.tierrawestllc.com  
>  
> -----Original Message-----  
> From: Ron Bohannan <[rrb@tierrawestllc.com](mailto:rrb@tierrawestllc.com)>  
> Sent: Thursday, November 7, 2024 6:26 AM  
> To: [uri.bassan@noreste.org](mailto:uri.bassan@noreste.org); Donna Sandoval  
> <[DSandoval@tierrawestllc.com](mailto:DSandoval@tierrawestllc.com)>  
> Cc: Board <[board@noreste.org](mailto:board@noreste.org)>; [mgriffee@noreste.org](mailto:mgriffee@noreste.org);  
> [sec.dist4@gmail.com](mailto:sec.dist4@gmail.com); [edueweke@juno.com](mailto:edueweke@juno.com); [rpmartinez003@gmail.com](mailto:rpmartinez003@gmail.com); Jay  
> Miller <[JMiller@tierrawestllc.com](mailto:JMiller@tierrawestllc.com)>; Sergio Lozoya  
> <[SLozoya@tierrawestllc.com](mailto:SLozoya@tierrawestllc.com)>  
> Subject: RE: [#2024002 ] Requesting approval from the DHO for a  
> Sidewalk Waiver near your Neighborhood - See information Attached  
>  
> Uri, thanks I work with Donna and appreciate a letter of support for  
> the file. I will have Donna cancel the meeting and, in the future, if  
> you need anything please reach out to us.

>  
> Thanks  
>  
> Ronald R. Bohannon, P.E.  
> Tierra West LLC  
> 5571 Midway Parkplace NE  
> Albuquerque, NM 87109  
> Office 505-858-3100  
> Cell 505-238-5385  
>  
>  
>  
> -----Original Message-----  
> From: uri.bassan@noreste.org <uri.bassan@noreste.org>  
> Sent: Wednesday, November 6, 2024 9:34 PM  
> To: Donna Sandoval <DSandoval@tierrawestllc.com>  
> Cc: Board <board@noreste.org>; mgriffee@noreste.org;  
> sec.dist4@gmail.com; edueweke@juno.com; rpmartinez003@gmail.com; Jay  
> Miller <JMiller@tierrawestllc.com>; Sergio Lozoya  
> <SLozoya@tierrawestllc.com>; Ron Bohannon <rrb@tierrawestllc.com>  
> Subject: RE: [#2024002 ] Requesting approval from the DHO for a  
> Sidewalk Waiver near your Neighborhood - See information Attached

> Hello Ms. Sandoval,

> I am happy to report that the NorEste Neighborhood Association  
> discussed the two waiver requests tonight at our annual meeting. There  
> was unanimous consensus that we support both of the variance requests.  
> We would be happy to provide a letter to the planning department  
> expressing our support. Please cancel the scheduled meeting for  
> tomorrow night and let me know if you would like us to compose a letter  
> supporting both variance requests.

> Sincerely,

> Uri Bassan  
> President, NorEste Neighborhood Association  
> (505) 417-9990

> On 2024-11-04 19:27, Donna Sandoval wrote:

>> Good afternoon,  
>> Thursday at 6:30PM will work for us, please see the zoom link below  
>> for access to the meeting.  
>> I look forward to meeting with you on Thursday.

>> Topic: 9001 Modesto ZHE and DHO Application Information  
>> Time: Nov 7, 2024 06:30 PM Mountain Time (US and Canada)  
>>  
>> Join Zoom Meeting  
>> <https://zoom.us/j/94354792912?pwd=1dPlm1dayRfUCsCTQ2CnpXjLxG4PYF.1>

>> Meeting ID: 943 5479 2912  
>> Passcode: gdtgH5

>> Respectfully,  
>> Donna Sandoval  
>> Planner



>> Tierra West LLC  
>> 5571 Midway Park PL NE  
>> Albuquerque, NM, 87109  
>> 505-858-3100  
>> 505-858-1118 (fax)  
>> dsandoval@tierrawestllc.com  
>> www.tierrawestllc.com  
>>

>> -----Original Message-----

>> From: uri.bassan@noreste.org <uri.bassan@noreste.org>  
>> Sent: Sunday, November 3, 2024 10:45 AM  
>> To: Donna Sandoval <DSandoval@tierrawestllc.com>  
>> Cc: Board <board@noreste.org>; mgriffiee@noreste.org;  
>> sec.dist4@gmail.com; edueweke@juno.com; rpmartinez003@gmail.com; Jay  
>> Miller <JMiller@tierrawestllc.com>; Sergio Lozoya  
>> <SLozoya@tierrawestllc.com>  
>> Subject: Re: Requesting approval from the DHO for a Sidewalk Waiver  
>> near your Neighborhood - See information Attached  
>>

>> Hello,  
>>

>> We are not able to schedule a meeting for tomorrow. How about  
>> Thursday, November 7 at 6:30pm? If this date is agreeable, please  
>> provide the zoom link so that we can distribute it at Wednesday's  
>> neighborhood association meeting.  
>>

>> Thank You  
>>

>> Uri Bassan  
>> President, Nor Este Neighborhood Association  
>> (505) 417-9990  
>>

>> On 2024-11-01 14:02, Donna Sandoval wrote:

>>> Good Morning,  
>>> Apologies for the delayed reply, I have been sick and out of the  
>>> office most of the week.  
>>> If possible, would a meeting on Monday November 4th after 2pm via  
>>> Zoom work for the Nor Este Neighborhood Association to discuss the  
>>> proposed application?  
>>>

>>> Respectfully,  
>>> Donna Sandoval  
>>> Planner  
>>> Tierra West LLC  
>>> 5571 Midway Park PL NE  
>>> Albuquerque, NM, 87109  
>>> 505-858-3100  
>>> 505-858-1118 (fax)  
>>> dsandoval@tierrawestllc.com  
>>> www.tierrawestllc.com  
>>>

>>> -----Original Message-----

>>> From: uri.bassan@noreste.org <uri.bassan@noreste.org>  
>>> Sent: Saturday, October 26, 2024 12:58 PM  
>>> To: Donna Sandoval <DSandoval@tierrawestllc.com>; Board  
>>> <board@noreste.org>  
>>> Cc: mgriffiee@noreste.org; sec.dist4@gmail.com; edueweke@juno.com;

>>> rpmartinez003@gmail.com; Jay Miller <JMiller@tierrawestllc.com>;  
>>> Sergio Lozoya <SLozoya@tierrawestllc.com>  
>>> Subject: Re: Requesting approval from the DHO for a Sidewalk Waiver  
>>> near your Neighborhood - See information Attached

>>>

>>> Hello,

>>>

>>> The NorEste Neighborhood Association would like to have a meet  
>>> regarding this proposed application. You are welcome to attend our  
>>> next meeting located at the North Domingo Baca Multigenerational  
>>> Center on Wednesday, November 6th at 6:30pm. If you prefer, we can  
>>> schedule a seperate meeting to discuss the application. Please  
>>> respond within the next 7 days.

>>>

>>> Thank You

>>>

>>> Uri Bassan

>>> President, NorEste Neighborhood Association

>>> (505) 417-9990

>>>

>>> On 2024-10-24 19:46, Donna Sandoval wrote:

>>>> Greetings,

>>>>

>>>> I am requesting approval from the Development Hearing Officer (DHO)  
>>>> within the City of Albuquerque for a Sidewalk waiver request for the  
>>>> property legally described as 018 017TR 1 UNIT 3 NO ALBUQ ACRES,  
>>>> Acres: 0.8864. The property is in an area that used to be  
>>>> unincorporated by the city and has predominantly rural in character.  
>>>> The request is to waive the standard street section of sidewalk,  
>>>> curb and gutter for the roadway. The proposed development is for the  
>>>> construction of a new single-family residential dwelling in  
>>>> Albuquerque's North Heights. The area is of low-intensity land use  
>>>> to an extent that the normal installation of sidewalks will not  
>>>> contribute to the public welfare, and the absence of a sidewalk will  
>>>> not create a gap in an existing sidewalk system extended to 1 or  
>>>> more sides of the subject property, (see attached site plan).

>>>>

>>>> Property owner: Wilke LTD Company

>>>>

>>>> Agent if applicable: Tierra West LLC

>>>>

>>>> Property Address: 9001 Modesto Ave NE, Albuquerque, NM, 87122.

>>>>

>>>> This letter is an offer to meet with you to provide additional  
>>>> information. If you wish to meet, please respond within 15 days.

>>>>

>>>> If you do not want to meet, or you support the proposal, please let  
>>>> me know.

>>>>

>>>> Thank you,

>>>>

>>>> Applicant Name: Donna Sandoval - Agent

>>>>

>>>> Email: dsandoval@tierrawestllc.com

>>>>

>>>> Phone Number: 505-858-3100

>>>>

>>>> Respectfully,  
>>>>  
>>>> Donna Sandoval  
>>>>  
>>>> Planner  
>>>>  
>>>> Tierra West LLC  
>>>>  
>>>> 5571 Midway Park PL NE  
>>>>  
>>>> Albuquerque, NM, 87109  
>>>>  
>>>> 505-858-3100  
>>>>  
>>>> 505-858-1118 (fax)  
>>>>  
>>>> dsandoval@tierrawestllc.com  
>>>>  
>>>> www.tierrawestllc.com [1]  
>>>>  
>>>>  
>>>>  
>>>> Links:  
>>>> -----  
>>>> [1] <http://www.tierrawestllc.com>

To Whom It May Concern,

In reference to requests for a sidewalk waiver and setback variance for a single family home proposed to be located at 9001 Modesto Ave NE, Albuquerque, NM 87122, Project # PR-2024-011129, the NorEste Neighborhood Association, within whose boundaries this address is located, voted on these requests and are unanimously in favor of their approvals. We believe that requiring a sidewalk at this location would be out of character with all the surrounding homes, none of whom have sidewalks. Secondly, we believe the setback variance would allow for the natural flow of rainwater and provide additional distance from the existing homes on Modesto Ave. We urge you to grant both of these variance requests. Thank you.

Sincerely,

Uri Bassan  
President, NorEste Neighborhood Association  
(505) 417-9990



**From:** [Donna Sandoval](#)  
**To:** "[mgriffie@noreste.org](#)"; "[sec.dist4@gmail.com](#)"; "[edueweke@juno.com](#)"; "[uri.bassan@noreste.org](#)"; "[rpmartinez003@gmail.com](#)"  
**Cc:** [Jay Miller](#); [Sergio Lozoya](#)  
**Subject:** Submitting Application to DHO for a Sidewalk Waiver at 9001 Modesto Ave  
**Date:** Tuesday, November 12, 2024 7:48:00 AM  
**Attachments:** [image001.png](#)

---

Good Morning,

Thank you for the letter of support for our request for a Sidewalk waiver and setback variance at 9001 Modest Ave Ne.

This email is to inform you we are submitting our application for the DHO sidewalk waiver today.

If you need any information, please don't hesitate to reach out.

Have a nice day!

Donna Sandoval  
Planner



5571 Midway Park Pl., NE  
Albuquerque, NM 87109  
Office: (505)858-3100  
[www.tierrawestllc.com](http://www.tierrawestllc.com)

---

**From:** Donna Sandoval  
**Sent:** Thursday, October 24, 2024 5:47 PM  
**To:** [mgriffie@noreste.org](#); [sec.dist4@gmail.com](#); [edueweke@juno.com](#); [uri.bassan@noreste.org](#); [rpmartinez003@gmail.com](#)  
**Cc:** Jay Miller <[jmiller@tierrawestllc.com](mailto:jmiller@tierrawestllc.com)>; Sergio Lozoya <[SLozoya@tierrawestllc.com](mailto:SLozoya@tierrawestllc.com)>  
**Subject:** RE: Requesting approval from the DHO for a Sidewalk Waiver near your Neighborhood - See information Attached

Greetings,

I am requesting approval from the Development Hearing Officer (DHO) within the City of Albuquerque for a Sidewalk waiver request for the property legally described as 018 017TR 1 UNIT 3 NO ALBUQ ACRES, Acres: 0.8864. The property is in an area that used to be unincorporated by the city and has predominantly rural in character. The request is to waive the standard street section of sidewalk, curb and gutter for the roadway. The proposed development is for the construction of a new single-family residential dwelling

in Albuquerque's North Heights. The area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property, (see attached site plan).

Property owner: Wilke LTD Company

Agent if applicable: Tierra West LLC

Property Address: 9001 Modesto Ave NE, Albuquerque, NM, 87122.

This letter is an offer to meet with you to provide additional information. If you wish to meet, please respond within 15 days.

If you do not want to meet, or you support the proposal, please let me know.

Thank you,

Applicant Name: Donna Sandoval - Agent

Email: [dsandoval@tierrawestllc.com](mailto:dsandoval@tierrawestllc.com)

Phone Number: 505-858-3100

Respectfully,

Donna Sandoval

Planner

Tierra West LLC

5571 Midway Park PL NE

Albuquerque, NM, 87109

505-858-3100

505-858-1118 (fax)

[dsandoval@tierrawestllc.com](mailto:dsandoval@tierrawestllc.com)

[www.tierrawestllc.com](http://www.tierrawestllc.com)

**DHO MEETING TRANSCRIPTS, NOVEMBER 20, 2024**



**CITY OF ALBUQUERQUE**

**DEVELOPMENT HEARING OFFICER**

**MINUTES**

**November 20, 2024**

**Brennon Williams - Development Hearing Officer**

**PR-2024-011129**

**VA-2024-00313 – Sidewalk Waiver**

**TIERRA WEST, LLC** agent for **WILKE LTD COMPANY** requests the aforementioned action(s) for all or a portion of: **LOT 018 TRACT 1, BLOCK 17, UNIT 3** zoned **PD**, located at **9001 MODESTO AVE NE** containing approximately **0.8864** acre(s). **(B-20)**

**PROPERTY OWNERS:** TAYLOR SETH & ARGI

**REQUEST:** Sidewalk waiver request for property legally described as 018 017TR 1 UNIT 3 NO ALBUQ ACRES, Acres: 0.8864. The property is in an area that used to be un-incorporated by the city and has predominantly rural in character. The request is to waive the standard street section of sidewalk, curb and gutter for a rural roadway.

**STAFF**

Jay Rodenbeck, Development Services Planning Manager

Angela Gomez, Hearing Monitor

David Gutierrez, Water Authority Engineer

Ernest Armijo, Transportation Engineer

Hannah Aulick, Parks and Recreation representative

Richard Martinez, Hydrology Engineer

Jacob Boylan, Planner

**PERSONS SPEAKING ON BEHALF OF THE REQUEST:**

Donna Sandoval, Tierra West, 5571 Midway Park Place, Albuquerque, NM

Ronald Bohannon, Tierra West, 5571 Midway Park Place, Albuquerque, NM



**Development Hearing Officer, Brennon Williams:** The last item on the agenda is item number three, PR-2024-011129, VA-2024-00313, Tierra West LLC, agent for Wilkie Limited Development...excuse me, Limited Development Company request the aforementioned action, which is a Sidewalk Waiver to include sidewalk, curb and gutter for a rural roadway, for all or a portion of Lot 18, Tract 1, Block 17, Unit 3, zoned PD and located at 9001 Modesto Avenue Northeast. The subject property contains approximately 0.8864 acres in area. Ms. Sandoval, good morning again. Let me swear you in...

**Ms. Donna Sandoval, Tierra West:** Good morning...

**DHO Williams:** ...and give you an opportunity to tell us about your proposal. Do you swear, affirm the testimony you provide on this matter will be the truth?

**Ms. Sandoval:** Yes, I do.

**DHO Williams:** Thank you, ma'am. Go ahead, please.

**Ms. Sandoval:** Okay, so the proposed development is for a new single family residential dwelling in Albuquerque's North Acres. It's currently zoned PD and following the R-1D development standards. And I did want to clarify from one of the comments in the DFT that we are not seeking to replat as the current plat does show a 60 foot right of way towards Modesto, and that was one of the questions. We do have a 60 foot right away. The request for this waiver is due to the pre-existing grades, water courses, and natural topographic features that cannot be easily or economically relocated. The proposed waiver, along with the planned grading and drainage measures that we're working on would not be materially contrary to the safety, health, or welfare of the public. The installation of sidewalk, curb and gutter to this property alone would have an impact on the drainage characteristics of the site requiring storm drain installation. The area on Modesto is and the surrounding neighborhood is really low intensity land use to an extent that the normal installation of sidewalk, curb and gutter will not contribute to the public safety and the absence of it will not create a gap in an existing sidewalk system. In fact, there is no sidewalk, curb or gutter approximately 2.6 miles to the east of this property and the closest storm drain is approximately 0.3 miles to the west. There is precedent of an approved sidewalk, curb and gutter waiver within a block of this property, and we also received a letter of support from the president of the Noreste Neighborhood Association stating that the Association was unanimously in favor of the request, expressing that it aligned with the natural character of the neighborhood

**DHO Williams:** Yes, ma'am, I saw that. Thank you. All right thank you, Ms. Sandoval. Stay put for just a second. We'll come back to you. Are there any members of the public that are interested in speaking on item number three, PR-2024-011129? Not seeing anybody... last call for any members of the public interested in speaking on item number three? All right, let's jump to our DFT representatives, Mr. Gutierrez, we'll start with you again for Water Authority. Sir, do you swear affirm the testimony provided on this matter will be the truth?

November 20, 2024

**Mr. David Gutierrez, ABCWUA Engineer:** I do.

**DHO Williams:** Go ahead, please.

**Mr. Gutierrez:** Yeah, the Water Authority has no objection to the requested waiver. Thank you.

**DHO Williams:** Thank you, sir. Appreciate it. Code enforcement will be next. Mr. Boylan, do you swear affirm the testimony on this matter that you will provide will be the truth?

**Mr. Jacob Boylan, Planner:** I do.

**DHO Williams:** Thank you, sir. Go ahead, please.

**Mr. Boylan:** Yes, Mr. Hearing Officer, Code Enforcement has no comments, no objections.

**DHO Williams:** Thank you, sir. Ms. Aulick, we'll jump back to you again. Do you swear affirm the testimony you'll provide on this matter will be the truth?

**Ms. Hannah Aulick, Parks and Recreation Representative:** I do.

**DHO Williams:** Go ahead, please.

**Ms. Aulick:** Parks and Recreation has no objections to this request. Thank you.

**DHO Williams:** Thank you, ma'am. Mr. Martinez, good morning, sir. Once again, do you swear affirm the testimony you'll provide on this matter will be the truth?

**Mr. Richard Martinez, Hydrology Engineer:** I do.

**DHO Williams:** Thank you, sir. What does Hydrology have to say?

**Mr. Martinez:** Richard Martinez for Hydrology. Hydrology has no objection to the sidewalk, curb and gutter waiver request. Prior to submitting for building permit, a licensed New Mexico civil engineer will need to submit a Grading and Drainage Plan to Hydrology for review and approval. Thank you very much.

**DHO Williams:** Thank you sir, appreciate it. Mr. Armijo, good morning. Sir, do you swear or affirm the testimony you'll provide on this matter will be the truth?

**Mr. Ernest Armijo, Transportation Engineer:** I do.

**DHO Williams:** What are Transportation's comments?

**Mr. Armijo:** Transportation is not in support of the waiver of sidewalk and curb and gutter in this area. The area is not fully developed and there are several lots still available to build on. There are no physical obstructions to the sidewalk. Modesto is a minor collector and requires curb, gutter, six foot sidewalk with a five to six foot landscape buffer. Ms. Sandoval did address the right-of-way, I would ask to please make sure, because there are some plats that do show

November 20, 2024

right-of-way when it's actually easement. So we just want to make sure that's confirmed. You mentioned there were no sidewalks so many miles to the east. Well, to the east of the main intersection is all the county. If you go to the west, there are sidewalks along this side of the roadway a little bit further down. So this, a lot of this stems from a few years back in this area. A lot of homeowners, when they went to build would request waivers for sidewalk and the City was granting those. The City Council at the time basically came to Planning and said, you know, asked why we were not enforcing the rules that we have in place for sidewalks, curb and gutter in this area. And so since then we have been more stringently enforcing the sidewalk, curb and gutter rules for this area.

**DHO Williams:** This is Hearing Officer Williams. I noticed Mr. Rodenbeck, I was going to ask, but Mr. Rodenbeck apparently read my mind. He's got an aerial view of the subject site in the surrounding area on the screen. Just wondering, Mr. Rodenbeck, if you can zoom in there for... kind of give me, if possible, a street view or zoom in a little bit closer so I can...

**Mr. Jay Rodenbeck, Planning Manager:** Hey, Mr. Hearing Officer, I just want to ask Mr. Armijo, this is Jay Rodenbeck. Here, let me, I should just get sworn in here first.

**DHO Williams:** Yes. Thank you, Mr. Rodenbeck. Mr. Rodenbeck, do you swear from the testimony you'll provide on this matter will be the truth?

**Mr. Rodenbeck:** Yes I do.

**DHO Williams:** All right. Thank you, sir. Go ahead.

**Mr. Rodenbeck:** Mr. Armijo, could you confirm where that existing sidewalk is that you just mentioned?

**Mr. Armijo:** Oh, sure.

**Mr. Rodenbeck:** I've got the subject property highlighted here.

**Mr. Armijo:** If you let me share my screen, I can show you.

**Mr. Rodenbeck:** Go for it. Here, one second. You're a co-host. You can share.

**Mr. Armijo:** Okay, this is the subject property here. And if you go to the west all of this is sidewalk, curb and gutter right along here. There's also sidewalk, curb and gutter all along here. And as you see, there are quite a few still undeveloped properties in this area. So it's not quite the same as the site that they, that the applicant cited before, which was on Florence, which was, I believe, one of these two properties. Whereas most of that area had been developed. There are only a couple of lots that were not developed yet. I mean, I still asked for it there. The DHO at the time went ahead, and off, and allowed that waiver. But here it is it's completely different. There's so much undeveloped property here and we do have sidewalk along this block.

**DHO Williams:** Thank you, Mr. Armijo. Mr. Rodenbeck are you providing the Planning comments for, on this particular matter?

**Mr. Rodenbeck:** Yes, sir. Yes, I am.

**DHO Williams:** Are you ready? Are we ready to discuss those?

**Mr. Rodenbeck:** If you don't have any questions for the applicant or for Mr. Armijo, yes, I can. I see Mr. Bohannan's hand is up.

**DHO Williams:** Thank you. Let me jump to him real quick. Mr. Bohannan, let me swear you in again sir, thank you. Do you swear affirm the testimony provided on this matter will be the truth?

**Mr. Ronald Bohannan, Tierra West:** I do. Ron Bohannan, 5571, Midway Park Place.

**DHO Williams:** Thank you, sir.

**Mr. Bohannan:** Thank you. This is not quite as similar as the other previous case, but it's almost the same. So the issue here is not just the sidewalk, but it's also the change in drainage patterns that are occurring. What you would have when you put that street in, is you have a disconnected portion of all of the remaining street. Similar to that other case that was what was pointed out, was that was the major obstacle of the streets in this area, is that you really need to take a cohesive approach to the overall development of these roadways and you can't treat it case by case. Because of that, you would have to extend the storm drain at those locations, approximately 1,200 feet up to that single family residential area to incorporate the requirements of the IDO of curb and gutter, sidewalk and what-not. The development to the west was very close and was a lot larger in development. One was a subdivision to the south, and the other was also a subdivision to the north which allowed those particular uses plus the proximity to the existing facilities to do that. The drainage on this part is off of the streetway. It's actually on the site. So with those, it is following the area characteristics of the remaining lots, and is actually, would be out of characteristic to install those portions on there. So with that, we would kindly respect and ask that the City grant these waivers for these items because it would be a financial burden on this property that is not equitable as a standalone property.

**DHO Williams:** Thank you, Mr. Bohannan. Mr. Armijo, I said I didn't have any questions and I do have questions. Just very quickly and primarily for the record, but will you explain what is the process or what is the approach that the City takes in situations where like this where we have existing development, some sidewalks, some curbs, some gutter may be provided. Other areas are either not developed or there's existing development that doesn't meet those standards. Specifically, does the City go back and tell an existing or tell a property owner with existing development that doesn't have these features that they're required to, you know, put in curb and gutter years after they've you know, lived in the house or owned the property, or is that not the case?

**Mr. Armijo:** No, we do not go in after the fact and have people who have already developed go back in and add features later on. Otherwise, you know in order to enforce sidewalk ordinance and everything else, I could actually spend the next several years going around the city, having s



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sidewalks built everywhere because as you know, many sidewalks in the city are the old 3½ foot sidewalks, which don't even meet ADA anymore.

**DHO Williams:** Okay, okay. Thank you, sir. Mr. Rodenbeck, I see that your hand is raised. Let me jump to you, just remind you that you're still under oath.

**Mr. Rodenbeck:** Yes, sir. This is Jay Rodenbeck. I just wanted to point out that this is, these requirements are being triggered by the site development that is proposed for the single family residence. Any platting or site development brings into, you know, that's when these requirements are triggered.

**DHO Williams:** Okay, thank you Mr. Rodenbeck. Ms. Sandoval, I see you are... there you are. Go ahead, please, ma'am.

**Ms. Sandoval:** Yes, Mr. Hearing Officer, sorry I couldn't find the hand raise button. Going off of the economic hardship that it would cause the property owner for installing the sidewalk, curb and gutter. I just wanted to point out the additional, like, maintenance costs that it's going to require this property owner to remove snow and repair, that his adjacent neighbors are not having to deal with. And at that point, I think it is imposing an unjust economic hardship on this owner. And if you were to install this sidewalk, curb and gutter and require that of the properties adjacent to it, eventually that sidewalk is going to connect to one of these properties that do not have a sidewalk currently in place. And it will uh... change the drainage on those properties, forcing them to potentially have to install some sort of drainage or mediation.

**DHO Williams:** All right. Thank you, ma'am. Mr. Armijo, your hand is raised. Let me jump back to you.

**Mr. Armijo:** Yes, sir. Ernest Armijo, Transportation. I totally get what Ms. Sandoval is talking about there, though I do need to point out, and this has come up before in DHO, is that economic considerations cannot be considered in determining whether or not a waiver can be given.

**DHO Williams:** Thank you, Mr. Armijo. Mr. Rodenbeck, if I might pick your brain on that particular matter, I'm looking at the waiver criteria and item "A" If I can just read it for you. One of, the one of the standards that can be argued or can be met for approval is that there are pre-existing obstructions that cannot easily or economically be relocated or should not be altered. To Mr. Armijo's comment about the economics argument, the financial argument is that, is that accurate and if so, how does the criteria in the IDO comport with that argument that financial hardship is not necessarily a...an accurate justification.

**Mr. Rodenbeck:** This is Jay Rodenbeck. Well, I'll just note that that's one of the three criteria, of criterion number one that need to be met. And there's all the other criteria, the other nine criteria that need to be, you know, met for the waiver. But as far as the economic aspect of, what is it 6-6-P3A1A, you know I defer to Mr. Armijo on this on this analysis. This is a waiver that pertains to sidewalks, curb and gutter. I defer to Transportation on that interpretation of that criterion.

November 20, 2024

**DHO Williams:** All right. Thank you, Mr. Rodenbeck. Ms. Sandoval or Mr. Bohannon, let me come back to you one last time here, give you an opportunity to offer any closing remarks if you have any.

**Mr. Bohannon:** So this is Mr. Bohannon. I'll do some closing remarks as well. So the problem is it's not just the curb and gutter. It's the 1,200 feet of extension of storm drain that would go out to, just for this one house that would be probably in excess of \$150,000 to \$200,000. That particular element was actually used on the adjoining case to the south of this one as well, that it would create economic hardship on that as part of the overall ruling, it was, if my recollection was, it was the area characteristics of this the economic hardship that it would place on this one applicant, as well as the change conditions that it would create as well. So I think you have precedence before by the DHO where they did grant waivers for similar cases on this, it does create changes in this area that has impacts to the adjoining properties that it would create and basically be a continuation domino effect on this area as well. So Mr. Hearing Officer, I do believe that economic hardship can be considered under that provision that's under the IDO and has been used previously on cases up in this area, so I think you have grounds for similar waivers on this property as well. I don't believe, Donna, do you have anything else to add? I believe everything else has been covered.

**Ms. Sandoval:** No, Mr. Bohannon, this is Donna. Everything else has been covered.

**DHO Williams:** Thank you, folks. Just very quickly, I'm looking at the submittal... and either Ms. Sandoval or Mr. Bohannon, in the, I apologize here. Sorry, I'm scrolling. In the November 11<sup>th</sup> letter that's addressed to the Development Hearing Officer, page three of that, page three outlines the decision criteria from the IDO section 6-6P3 and items, there are 10 items that are listed here, and that is reference to the specific criteria as outlined within the ordinance is that, is that right?

**Mr. Bohannon:** Yes, that's correct Mr. Hearing Officer. Sorry, go ahead, Donna.

**Mr. Sandoval:** This is Donna Sandoval. Yes, that's correct.

**DHO Williams:** And in reviewing those, in reviewing your written statements, your arguments for each one of those criterion, you're arguing that the proposal meets those standards that are allowed. Is that right?

**Ms. Sandoval:** Mr. Hearing Officer, this is Donna. Yes, that's correct.

**DHO Williams:** Okay. All right. Thank you. Again, I just, I know you know that. I just want to state that for the record. And I have read the information, just giving it a cursory look one more time. All right, so I'm going to go ahead and close the floor on this particular matter. I am going to approve the requested waiver because I'm convinced that there are pre-existing obstructions that cannot easily or economically be relocated or should not be altered as is indicated in criterion "A" as well as "C", which indicates that the established neighborhood character on the site would be damaged to a degree that outweighs the normal technical standards in that

November 20, 2024

particular location. I want to thank everybody for their participation on that. But again, that will conclude the hearing on this particular item.

**Mr. Rodenbeck:** Mr. Hearing Officer?

**DHO Williams:** Mr. Rodenbeck, go ahead, sir. I'm sorry.

**Mr. Rodenbeck:** This is Jay Rodenbeck. I don't actually believe I was able to read off Planning comments and..

**DHO Williams:** Oh.

**Mr. Rodenbeck:** Normally, I would just have let this go. There is, I kind of want to put a finding in the condition of approval. I noted that for 66P2E of the IDO, any waivers granted that are associated with the Site Plan shall be noted on the approved Site Plan. So we need to have that waiver. I mean, it's going through building permit, but we need to have per the IDO, that waiver noted on the Site Plan included with the building permit.

**DHO Williams:** So let me re-open the hearing on that.

**Mr. Rodenbeck:** Sorry about that.

**DHO Williams:** No You're good... to include Mr. Rodenbeck's comments on that. Mr. Bohannan or Ms. Sandoval, is that understood?

**Mr. Bohannan:** Mr. Hearing Officer, this is Mr. Bohannan. It's understood and we will include that in this building permit application on this Site Plan.

**DHO Williams:** Okay. All right. Thank you, Mr. Rodenbeck. Thank you for that clarification. I appreciate it. And again, that will conclude the hearing on agenda item number three.

**Mr. Bohannan:** Thank you.

**DHO Williams:** Thank you, everybody, for your participation on that. That will conclude also the last item on this morning's agenda.

# **DFT/AGENCY COMMENTS, NOVEMBER 20, 2024**





## **Development Facilitation Team (DFT) – Review Comments**

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**Reviewer: David G. Gutierrez, P.E. | Phone: 505-289-3381 | [dggutierrez@abcwua.org](mailto:dggutierrez@abcwua.org)**

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**Project No: PR-2024-011129   Date: 11/20/2024   Agenda Item: #3   Zone Atlas Page: B-20**

**Legal Description: Lot 018 Tract 1, Block 17 Unit 3, North Albuquerque Acres**

**Request: DFT Sketch Plat, pre-application Meeting for a sidewalk, curb and gutter waiver to DHO 2. Requesting a Sidewalk waiver request for the property legally described as 018 017TR 1 UNIT 3 NO ALBUQ ACRES, Acres: 0.8864. The property is in an area that used to be unincorporated by the City and has predominantly rural in character. The request is to waive the standard street section of sidewalk, curb and gutter for a rural roadway.**

**Location: 9001 Modesto Ave NE**

**Application For: – VA-2024-00313 – SIDWALK WAIVER**

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1. No comments or objections.



## DEVELOPMENT HEARING OFFICER (DHO)

Parks and Recreation Department

<https://www.cabq.gov/parksandrecreation>

**PR-2024-011129**  
**VA-2024-00313 – SIDEWALK WAIVER**

*SKETCH PLAT 11-6-24 (DFT)*  
*IDO – 2023*

**TIERRA WEST, LLC agent for WILKE LTD COMPANY requests the aforementioned action(s) for all or a portion of: LOT 018 TRACT 1, BLOCK 17, UNIT 3 zoned PD, located at 9001 MODESTO AVE NE containing approximately 0.8864 acre(s). (B-20)**

**PROPERTY OWNERS:** TAYLOR SETH & ARGI

**REQUEST:** Requesting a Sidewalk waiver request for the property legally described as 018 017TR 1 UNIT 3 NO ALBUQ ACRES, Acres: 0.8864. The property is in an area that used to be unincorporated by the city and has predominantly rural in character. The request is to waive the standard street section of sidewalk, curb and gutter for a rural roadway.

### Comments

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**11-20-2024**

No objections to the requested action.

Comments provided by Whitney Phelan & Hannah Aulick, Senior Planner, CABQ Parks & Recreation Department. Please contact via [wphelan@cabq.gov](mailto:wphelan@cabq.gov) or [haulick@cabq.gov](mailto:haulick@cabq.gov) or 505-768-5378 with questions or concerns.

**DEVELOPMENT HEARING OFFICER - HYDROLOGY SECTION**  
 Richard Martinez, PE, Senior Engineer | 505-924-3362 [richardmartinez@cabq.gov](mailto:richardmartinez@cabq.gov)

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DRB Project Number: 2024-011129 Hearing Date: 11-20-2024

Project: Lot 018 Tract 1, Block 17, Unit 3  
9001 Modesto Ave, NE Agenda Item No: 3

<input type="checkbox"/> Minor Preliminary / Final Plat	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Temp Sidewalk Deferral	<input checked="" type="checkbox"/> Sidewalk Waiver/Variance	<input type="checkbox"/> Bulk Land Plat
<input type="checkbox"/> DPM Variance	<input type="checkbox"/> Vacation of Public Easement	<input type="checkbox"/> Vacation of Public Right of Way

**ENGINEERING COMMENTS:**

- Hydrology has no objection to the sidewalk, curb, and gutter waiver request.
- Comment – Prior to submitting for Building Permit, a licensed New Mexico civil engineer will need to submit a Grading & Drainage Plan to Hydrology for review & approval if one of these conditions is met. (500 cy of grading, 1,000 sf of proposed building, or 10,000 sf of proposed paving).

APPROVED  
 DENIED

DELEGATED TO:  TRANS  HYD  WUA  PRKS  PLNG  
 Delegated For: \_\_\_\_\_  
 SIGNED:  I.L.  SPSP  SPBP  FINAL PLAT  
 DEFERRED TO \_\_\_\_\_

DEVELOPMENT HEARING OFFICER

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2024-011129  
9001 Modesto

AGENDA ITEM NO: 3

SUBJECT: Sidewalk Waiver

ENGINEERING COMMENTS:

1. Transportation is not in support of the waiver of sidewalk in this area. The area is not fully developed with several lots still available to build on and there are no physical obstructions to the sidewalk. Modesto is a minor collector and requires curb, gutter, 6' sidewalk with a 5' to 6' landscape buffer.
2. Please confirm ROW limits as many of the roadways in North Albuquerque Acres area have the roadways in easement where ROW dedication would be required.

Disclaimer: The comments provided are based upon the information received from the applicant. If new or revised information is submitted, additional comments may be provided by Transportation Development.

FROM: Ernest Armijo, P.E.  
Transportation Development  
505-924-3991 or [earmijo@cabq.gov](mailto:earmijo@cabq.gov)

DATE: November 20, 2024

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ACTION:

APPROVED \_\_; DENIED \_\_; DEFERRED \_\_; COMMENTS PROVIDED \_\_; WITHDRAWN \_\_

DELEGATED: \_\_\_\_\_ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)



## DEVELOPMENT HEARING OFFICER

### Planning - Case Comments

**HEARING DATE:** 11/20/24 -- **AGENDA ITEM:** # 3

**Project Number:** PR-2024-011129

**Application Number:** VA-2024-00313

**Project Name:** Lot 18, Tract 1, Block 17, Unit 3, North Albuquerque Acres @ 9001 Modesto Ave. NE

**Request:**

*Sidewalk/DHO Waiver*

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*\*These are preliminary Planning comments. Additional reviews and/or revised comments may be needed for any modifications and/or supplemental submittals.*

#### **COMMENTS:**

##### **Background**

- This is a request for a DHO Waiver from the requirement to construct sidewalk, curb and gutter along Modesto Avenue NE, which is required per the IDO/DPM for the construction of a proposed single-family residential dwelling on the site in question at 9001 Modesto Ave. The Applicant is requesting that the noted required improvements along Modesto Ave. be waived as the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare.

##### **1. Items Needing to be Completed or Corrected and IDO/DPM Comments**

- Per 6-6(P)(2)(e) of the IDO, any Waivers granted that are associated with a Site Plan (the proposed single-family residential dwelling would require a Site Plan Administrative approval with a Building Permit(s)) shall be noted on the approved Site Plan.

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*\*(See additional comments on next page)*



## 2. Items in Compliance

- The Applicant provided justification criteria for the Waiver request per 6-6(P)(3) of the IDO. **Planning staff defer to Transportation staff regarding the justification criteria; Transportation in their memo note that they are not in support of the waiver of sidewalk in this area, noting that the area is not fully developed with several lots still available to build on and there are no physical obstructions to the sidewalk.**
  - Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.
- 



*Disclaimer: The comments provided are based upon the information received from the applicant/agent. If new or revised information is submitted, additional comments may be provided by Planning.*

FROM: Jay Rodenbeck  
Planning Department

DATE: 11/18/24

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# EMAILS / CORRESPONDENCE

**From:** [Maher, Nichole](#)  
**To:** [Armijo, Ernest M.](#)  
**Cc:** [Renz-Whitmore, Mikaela J.](#); [Coon, Andrew S.](#); [Varela, Alan M.](#); [Rodenbeck, Jay B.](#); [Wolfley, Jolene](#); [Enriquez, Jessica](#); [Montoya, Michelle M.](#); [Biazar, Shahab](#); [Webb, Robert L.](#); [Boylan, Jacob](#); [steve@bcc-nm.com](mailto:steve@bcc-nm.com); [dsandoval@tierrawestllc.com](mailto:dsandoval@tierrawestllc.com)  
**Subject:** RE: Notice of Appeal AC-24-30  
**Date:** Tuesday, December 10, 2024 4:17:52 PM  
**Attachments:** [AC-24-30 NOA.pdf](#)  
[image001.png](#)

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Hello Ernest,

There was a typo on the NOA and your name was misspelt. It is corrected and the updated NOA is attached.

Thank you,



**Nichole Maher**

Sr. Administrative Assistant  
Current Planning/EPC | UD&D  
o (505) 924-3845  
e [nmaher@cabq.gov](mailto:nmaher@cabq.gov)  
[cabq.gov/planning](http://cabq.gov/planning)

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**From:** Maher, Nichole  
**Sent:** Tuesday, December 10, 2024 3:53 PM  
**To:** Armijo, Ernest M. <[earmijo@cabq.gov](mailto:earmijo@cabq.gov)>  
**Cc:** Renz-Whitmore, Mikaela J. <[mrenz-whitmore@cabq.gov](mailto:mrenz-whitmore@cabq.gov)>; Coon, Andrew S. <[aconoon@cabq.gov](mailto:aconoon@cabq.gov)>; Varela, Alan M. <[avarela@cabq.gov](mailto:avarela@cabq.gov)>; Rodenbeck, Jay B. <[jrodenbeck@cabq.gov](mailto:jrodenbeck@cabq.gov)>; Wolfley, Jolene <[jwolfley@cabq.gov](mailto:jwolfley@cabq.gov)>; Enriquez, Jessica <[jenriquez@cabq.gov](mailto:jenriquez@cabq.gov)>; Montoya, Michelle M. <[mmmontoya@cabq.gov](mailto:mmmontoya@cabq.gov)>; Biazar, Shahab <[sbiazar@cabq.gov](mailto:sbiazar@cabq.gov)>; Webb, Robert L. <[rwebb@cabq.gov](mailto:rwebb@cabq.gov)>; Boylan, Jacob <[jboylan@cabq.gov](mailto:jboylan@cabq.gov)>; [steve@bcc-nm.com](mailto:steve@bcc-nm.com); [dsandoval@tierrawestllc.com](mailto:dsandoval@tierrawestllc.com)  
**Subject:** Notice of Appeal AC-24-30

Hello Ernest,

Attached is the Notice of Appeal, appeal application and Council Rules of Procedure for AC-24-30.

You will receive another email once this appeal has been scheduled with the LUHO.

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Michelle Montoya, Clerk to the City Council,

(505) 768-3100 or [mmmontoya@cabq.gov](mailto:mmmontoya@cabq.gov).

Thank you,



**Nichole Maher**

Sr. Administrative Assistant  
Current Planning/EPC | UD&D

o (505) 924-3845

e [nmaher@cabq.gov](mailto:nmaher@cabq.gov)

[cabq.gov/planning](http://cabq.gov/planning)

# ADDITIONAL INFORMATION



# NOTICE OF APPEAL: AC-24-30

**Planning Department**  
**Alan Varela, Planning Director**  
**Development Review Division**  
600 2<sup>nd</sup> Street NW – 3<sup>rd</sup> Floor  
Albuquerque, NM 87102



## NOTICE OF APPEAL

December 10, 2024

### TO WHOM IT MAY CONCERN:

The Planning Department received an appeal on December 9, 2024. You will receive a Notice of Hearing as to when the appeal will be heard by the **Land Use Hearing Officer**. If you have any questions regarding the appeal, please contact Nichole Maher, Planning Sr. Administrative Assistant, (505) 924-3845 or [nmaher@cabq.gov](mailto:nmaher@cabq.gov).

*Please refer to the enclosed excerpt from the Land Use Hearing Officer Rules of Procedure and Qualifications for any questions you may have about this procedure.*

Any questions you might have regarding Land Use Hearing Officer policy or procedures that are not answered in the enclosed rules can be answered by Michelle Montoya, Clerk to the City Council, (505) 768-3100 or [mmmontoya@cabq.gov](mailto:mmmontoya@cabq.gov).

**CITY COUNCIL APPEAL NUMBER: AC-24-30**

**PLANNING DEPARTMENT CASE FILE NUMBER:**

**PR-2024-011129 VA-2024-00313 (Application), VA-2024-00322 (Appeal)**

**APPLICANT: Ernest Armijo**  
**CABQ Planning Department**  
**Development Review Services**  
**600 2<sup>nd</sup> Street NW**  
**Albuquerque, NM 87102**

CC: Wilke LTD. Company, [steve@bcc-nm.com](mailto:steve@bcc-nm.com)  
Tierra West, LLC, [dsandoval@tierrawestllc.com](mailto:dsandoval@tierrawestllc.com)  
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Mikaela Renz-Whitmore, [mrenz-whitmore@cabq.gov](mailto:mrenz-whitmore@cabq.gov)  
Jolene Wolfley, [jwolfley@cabq.gov](mailto:jwolfley@cabq.gov)  
Alan Varela, [avarela@cabq.gov](mailto:avarela@cabq.gov)  
DHO File