

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

William E. Galberth Land Development Co.
LLC
4830 Juan Tabo Blvd NE Suite H,
Albuquerque, NM 87111

Project# PR-2020-004171
Application#
VA-2024-00096 SIDEWALK WAIVER
VA-2024-00098 WAIVER TO DPM

LEGAL DESCRIPTION:

For all or a portion of:

**TRACT N-7-A-1, BULK LAND PLAT OF TRACT
N-7-A-1 TANOAN PROPERTIES** zoned **R-1D**,
located at **12300 SAN ANTONIO DR** between
LOWELL DR NE and **TENNYSON ST NE**
containing approximately **6.653** acre(s).
(E-22)

On April 10, 2024, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced applications and approved the requests, based on the following Findings:

Sidewalk Waiver (VA-2024-00096)

1. This is a request for a Waiver from the IDO/DPM requirements for sidewalks.
2. Per Table 6-1-1 of the IDO, public notice requirements for the application have been satisfied by the Applicant prior to this submittal, and a pre-submittal neighborhood meeting was offered to the notified Neighborhood Association contacts.
3. The Applicant is proposing to build a five-foot crusher fine trail within the five-foot dedicated right-of-way in lieu of a concrete sidewalk. The Waiver request complies with the applicable criteria per 6-6(P)(3) of the IDO as follows:

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.

6-6(P)(3)(a) 2. The Waiver will not be materially contrary to the public safety, health, or welfare.

6-6(P)(3)(a) 3. The Waiver does not cause significant material adverse impacts on surrounding properties.

6-6(P)(3)(a) 10. 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.

Based upon these justifications, the Waiver request complies with the decision and review criteria per 6-6(P)(3) of the IDO.

4. Per IDO Table 6-4-3, if not platted, the Waiver will expire after one year from the approval date.

Waiver to DPM (VA-2024-00098)

1. This is a request for a Waiver from the IDO/DPM requirements for 48-feet of right-of-way for San Antonio Drive.
2. Per Table 6-1-1 of the IDO, public notice requirements for the application have been satisfied by the Applicant prior to this submittal.
3. The Applicant is proposing 45 feet of right-of-way for San Antonio Drive in lieu of 48 feet of right of way. The Waiver request complies with the applicable criteria per 6-6(P)(3) of the IDO as follows:

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.

6-6(P)(3)(a) 2. The Waiver will not be materially contrary to the public safety, health, or welfare.

6-6(P)(3)(a) 3. The Waiver does not cause significant material adverse impacts on surrounding properties.

6-6(P)(3)(a) 10. 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.

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Based upon these justifications, the Waiver request complies with the decision and review criteria per 6-6(P)(3) of the IDO.

4. Per IDO Table 6-4-3, if not platted, the Waiver will expire after one year from the approval date.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **APRIL 26TH, 2024**. The date of the DHO's decision is not included in the 15-day period for filing an appeal, and if the 15th 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(V) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to 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 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.

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,



[Robert Lucero \(Apr 15, 2024 17:59 PDT\)](#)

Robert Lucero, Esq.

Development Hearing Officer

RL/jr/ha

Fierro and Company, 3201 4th Street Notrhwest, Suite C, Albuquerque, NM 87107






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Final Audit Report

2024-04-16

Created:	2024-04-15
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAfrt8hoq03-HIKAQdQKQaP6mBY3xvA5yQ

"PR-2020-004171 April 10, 2024 Notice of Decision" History

-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)
2024-04-15 - 11:58:35 PM GMT - IP address: 143.120.132.76
-  Document emailed to Robert Lucero (robert@luceroLawpc.com) for signature
2024-04-15 - 11:58:39 PM GMT
-  Email viewed by Robert Lucero (robert@luceroLawpc.com)
2024-04-16 - 0:58:15 AM GMT - IP address: 192.145.119.20
-  Document e-signed by Robert Lucero (robert@luceroLawpc.com)
Signature Date: 2024-04-16 - 0:59:32 AM GMT - Time Source: server - IP address: 192.145.119.20
-  Agreement completed.
2024-04-16 - 0:59:32 AM GMT