

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

OFFICIAL NOTICE OF DECISION

CPP Paseo I LLC & CPP Paseo II LLC
6191 State HWY 161 Suite 100
Irving, TX 75038

Project# PR-2021-005508
Application#
DHOWVR-2025-00020 SIDEWALK WAIVER

LEGAL DESCRIPTION:

For all or a portion of: **Lot/Tract A1A1,**
PLAZA AT PASEO DEL NORTE zoned **MX-M,**
located at **9311 COORS BLVD NW**
containing approximately **25.9752** acre(s).
(C-13)

On August 27, 2025, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced application and approved the request, based on the following Findings:

1. This is a request to waive certain IDO/DPM requirements in order to allow the construction of narrower sidewalks and to maintain the current width of the existing sidewalks.
2. The subject property comprises Tract A-1-A-1, Plat of Tract A-1-A-1 The Plaza at Paseo del Norte at approximately 25.9752-acres in size.
3. **6-6(P)(3) Review and Decision Criteria**
6-6(P)(3)(a) General

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 relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.

The sidewalk waiver is justified due to several physical and practical constraints. There are significant elevations changes and mature trees whose roots are close to the sidewalk-expanding it would damage the trees and require major grading. Additionally, numerous utilities (like light poles and manholes) would be costly and disruptive to relocate.

- 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 current sidewalk was built according to an approved site plan and meets NMDOT standards (5-6 feet wide). Expanding it to 10 feet would cause major disruption to businesses traffic, and pedestrians. The waiver proposes keeping the existing sidewalk width while making repairs and ADA upgrades, offering a reasonable solution that preserves the environment and existing infrastructure.

- 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 requested sidewalk waiver does not pose a risk to public safety, health, or welfare. NMDOT confirmed that the existing 5-6-foot sidewalk width meets their standards. Instead, the applicant plans to repair and upgrade the current sidewalks, including ADA-compliant ramps, which will improve safety and accessibility. The site is already a developed shopping center with pedestrian infrastructure in place. Maintaining the current width ensures continuity, preserves the natural environment, and avoids unnecessary disruptions.

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

The requested sidewalk waiver will not relatively impact surrounding properties. The existing 5-6-foot sidewalk widths match nearby infrastructure and comply with NMDOT standards. The waiver applies only to the site frontage and won't affect neighboring properties or disrupt access or circulation. Since the site is already developed, maintaining current sidewalk widths avoids unnecessary demolition and minimizes disruption to nearby businesses. Overall, the waiver will enhance pedestrian safety and accessibility without causing adverse effect, supporting a safe and functional environment for the community.

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

The requested sidewalk waiver will not interfere with future planning, right-of-way acquisition, or public infrastructure improvements. The existing sidewalks were built according to an approved site plan and meet NMDOT standards. The waiver applies only to the site's frontage, does not alter the public right-of-way, and will not hinder future expansions. Instead, it supports infrastructure goals by improving the sidewalks with repairs and ADA-compliant upgrades, all without impacting future projects or funding.

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 requested sidewalk does not conflict with any adopted City, County, or AMAFCA plans, the IDO, or other City codes. The existing sidewalks were built per an approved site plan and meet NMDOT standards. Maintaining them supports pedestrian connectivity without unnecessary disruption. The waiver does not affect land use, zoning, or infrastructure plans and aligns with the goals of the Coors/Paseo del Norte Activity Center. Planned repairs and ADA upgrades will further enhance accessibility while remaining consistent with long-term planning objectives.

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

This criterion does not apply, as the property is not within 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 requested sidewalk waiver aligns with the intent of the IDO, the MX-M zone and the Coors Boulevard Overlay Zone (CPO-2), which aim to support pedestrian-friendly development while accommodating existing site conditions. The existing sidewalks were built according to an approved site plan, comply with zoning requirements—including the CPO-2's 35-foot landscape setback, and have functioned without issue for years. The waiver does not conflict with any specific sidewalk width requirements and helps preserve mature trees that would be damaged by sidewalk expansion. Rather than reducing pedestrian access, the waiver enables improvements like crack repairs and ADA-compliant ramps, enhancing accessibility while minimizing disruption to traffic and the nearby businesses.

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 requested sidewalk waiver does not permit any development that violates the MX-M zone's Development Standards. It solely concerns maintaining the existing sidewalk width and does not affect land use, density, or site design. The sidewalks were built under an approved site plan and comply with the COP-2 Overlay Zone, which regulates building height and setbacks but not sidewalk widths. The waiver also supports preserving mature street trees, as expanding the sidewalk would damage their roots—something both Planning and Parks and Recreation have asked to avoid. No deviations beyond allowed thresholds are proposed; instead, the waiver allows for sidewalk repairs, ADA upgrades, and overall infrastructure improvements, while staying fully compliant with all applicable 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 requested sidewalk waiver is the minimum necessary to address site conditions while remaining consistent with Subsection 14-6-6-6(P). It proposes maintaining the existing 5-6-foot sidewalk widths to avoid unnecessary demolition and protect mature trees whose roots would be damaged by expansion.

The waiver does not reduce pedestrian access—instead, it improves sidewalk conditions through repairs and ADA-compliant upgrades. With confirmation from NMDOT that the current widths are sufficient, this request offers a practical solution that maintains safe, accessible infrastructure without compromising the natural environment or existing development.

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.

Not applicable, the waiver request is not for sidewalk of low-intensity land use. This request is for high-intensity use.

4. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **SEPTEMBER 15TH, 2025**. 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(U) of the Integrated Development Ordinance (IDO). Appeals should be submitted electronically to [ABQ-PLAN](#) (place mouse cursor over hyperlink, right-click, choose "open hyperlink"). A Non-Refundable filing fee will be calculated by staff in the Development Review Services Division of the City of Albuquerque Planning Department and will be payable online at [ABQ-PLAN](#) (place mouse cursor over hyperlink, right-click, choose "open hyperlink"). The appeal fee must be paid in full no later than 48 hours after the appeal deadline, or the appeal will be rejected as untimely.

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).

Official Notice of Decision

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Sincerely,

Brennon Williams

[Brennon Williams \(Sep 4, 2025 16:36:19 MDT\)](#)

Brennon Williams

Development Hearing Officer

BW/mi/jr

Modulus Architects and Land Use Planning / Regina Okoye, 8220 San Pedro Dr NE Suite 520, Albuquerque, NM 87113







PR-2021-005508 August 27, 2025 Notice of Decision - DHO (Waiver)

Final Audit Report

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