

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 December 17, 2025

Julieta Chavez
3506 12th Street NW
Albuquerque, NM 87107

Project# PR-2021-005863
Application#
DHOWVR-2025-00033 DHO WAIVER

LEGAL DESCRIPTION:

For all or a portion of:

**Lots/Tracts 89B3A, 89B1B1, MRGCD MAP
33 zoned R-1C, located at 3506 12TH ST NW
between MCMULLEN AVE and MILDRED
AVE containing approximately 0.4959
acre(s). (G-14)**

On December 17, 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 for the approval of a DHO Waiver to the required sidewalk and landscape buffer requirements for McMullen Drive along the frontage of the subject property located at 3506 12th Street NW.
2. A Minor Platting action was applied for and heard alongside the DHO Waiver request, but was deferred until the January 7, 2026 DHO meeting. The deferral of the platting action will not impact the waiver request.
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 site along McMullen Drive currently has no sidewalks, reflecting its development before modern DPM and IDO sidewalk requirements. The subdivision was built without curbs, gutters, or sidewalks, and adding these features would alter the neighborhood's character and further narrow the limited street right-of-way. Existing obstructions prevent standard sidewalk construction, and installing a concrete sidewalk would disrupt current drainage patterns, potentially damaging the roadway and causing erosion or flooding to downstream properties.

- 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.

This waiver request and approval will encourage flexibility to best adapt to existing development patterns and character of this older, established neighborhood. Moreover, approval of the waiver will provide flexibility, allowing new development to provide additional housing in a way that remains consistent with the established character of the neighborhood.

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

The requested waiver is not materially contrary to the public safety, health, or welfare. The right-of-way width of McMullen is wide enough to allow residents to walk safely along the side of the road. Additionally, this is a low-speed dead-end street with minimal traffic.

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

Granting the waiver will not harm surrounding properties, while denying it could create negative impacts by altering stormwater runoff and drainage patterns if curb, gutter, and sidewalk improvements are built on only one property. Proper sidewalk and drainage design should be evaluated for the entire street, not parcel by parcel. The existing walkable areas match the neighborhood's established character, and installing an isolated, unconnected sidewalk would provide little public benefit while potentially harming adjacent properties and disrupting the neighborhood's unique character.

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

The waiver will not affect future planning, right-of-way acquisition, or public infrastructure development. The property owner has dedicated additional right-of-way to the City of Albuquerque as part of the replat, and recent City-completed roadway and curb ramp improvements along Twelfth Street—including at McMullen—support this request.

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 waiver is consistent with City, County, and AMAFCA plans and policies, the IDO, and all applicable City codes and ordinances. It does not conflict with IDO Section 5-3 on Access and Connectivity or DPM Part 7-4 on Pedestrian Facilities, and it supports preserving the existing character of the street and neighborhood.

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

The waiver is not within an approved 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 waiver does not undermine the intent of the IOD and instead supports its goals by preserving the quality, character, and continuity of the residential neighborhood. It respects the existing identity and cohesiveness of the North Valley alder area and will not alter its character. Additionally, the waiver advances the Comprehensive Plan's housing policies by enabling the future development of a new dwelling unit, while contextual lot size restrictions endure that any lots remain consistent with the surrounding neighborhood.

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(N) (Deviations) and is granted by the DHO as part of this approval.

The requested waiver does not permit development that fails to meet R-1C zone district standards. The project remains fully subject to IDO requirements, including residential dimensional standards, which regulate lot size, width, height, access, and setbacks. The proposed lots comply with all applicable R-1C development standards, and no additional waivers or variances are requested.

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 waiver is the minimum necessary to provide administrative relief. The absence of sidewalks throughout the subdivision is an existing condition in the area, and approval of the waiver will result in development that is consistent with all of the surrounding properties in the neighborhood.

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 designated for low-intensity land use, and installing sidewalks would not benefit public welfare. The neighborhood lacks sidewalks, curbs, gutters, and landscape buffers, and the street was intentionally designed without sidewalks. Because McMullen is a dead-end street and there are no existing sidewalks on either side, adding a sidewalk on this lot would not connect to any sidewalk network or fill a gap.

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 **JANUARY 5, 2026**. 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.

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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).

Sincerely,

Robert L. Lucero, Jr.

Robert L. Lucero, Jr. (Dec 22, 2025 21:13:50 MST)

Robert L. Lucero, jr.

Development Hearing Officer

RLL/mi/jr

Jonathan Turner, Consensus Planning, 302 8th St NW Albuquerque, NM 87102







PR-2021-005863_DHO_Waiver_December_17_2025_Notice_of_Decision_DHO

Final Audit Report

2025-12-23

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