

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

DBG Properties, LLC  
Attn: Eric Grodahl  
2164 SW Park Place  
Portland, OR 97205

**Project# PR-2021-005630**  
**Application#**  
**VA-2025-00002 WAIVER TO IDO**

### LEGAL DESCRIPTION:

For all or a portion of:

**TRACT RR3B1, WESTLAND SOUTH** zoned  
**R-ML**, located between **98th ST SW** and  
**118th ST SW** containing approximately  
**11.19** acre(s). **(P-09)**

On January 8<sup>th</sup>, 2025, 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 Waiver from the EV Charging Station parking spaces requirement in association with a Site Plan Administrative DFT per PR-2021-005630 / SI-2024-01679 for a multi-family residential development.  
Per IDO section 5-5-C-9 for Electric Vehicle Parking:  
**5-5(C)(9)(a):** *When more than 200 off-street parking spaces are constructed, at least 5 percent of the vehicle parking spaces shall include electric vehicle charging stations installed with a rating of 240 volts or higher.*  
**5-5(C)(9)(c):** *All new multi-family residential developments containing more than 100 dwelling units shall meet both of the following requirements.*
  - *At least 5 percent of the required off-street parking spaces shall have electric vehicle (EV) charging stations installed with a rating of 240 volts or higher.*
  - *At least 25 percent of the required off-street parking spaces shall be provided as EV capable. \*(#2 is being met)*
2. The request is for a waiver of the entire 5% requirement for the EV Charging Station spaces.

3. The DHO approved a waiver for a reduction of 8 EV charging stations from the required 20 EV charging stations. Therefore, the applicant must provide a total of 12 charging stations for the Site Plan Administrative DFT per PR-2021-005630 / SI-2024-01679. The Waiver will not undermine the building code standard from the New Mexico Commercial Energy Conservation Code, which is adopted as the City's Energy Code.
4. An application for a Waiver – DHO shall be approved if it complies with all of the applicable criteria per 6-6(P)(3)(a):

6-6(P)(3)(a)(2)

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

*Putting in the charging stations now will allow the tenants to participate in sustainability.*

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

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

*The provision of EV charging stations does not affect surrounding properties.*

6-6(P)(3)(a)(4)

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

*The EV charging stations do not affect the public right of way or the building of infrastructure.*

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

*This Waiver achieves EV parking stations for the property in compliance with city goals. However the waiver recognizes limited current demands for EV charging stations on the project site. It is anticipated that demand will grow and the EV capable spaces will be converted to charging stations.*

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

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

*The Waiver has no affect on the 100-year floodplain.*

6-6(P)(3)(a)(7)

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

*This Waiver achieves EV parking stations for the property in compliance with city goals. However the waiver recognizes limited current demands for EV charging stations on the project site. It is anticipated that demand will grow and the EV capable spaces will be converted to charging stations.*

6-6(P)(3)(a)(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 Waiver to EV parking stations does not affect the other applicable building standards for which the project is compliant. Requiring the 12 EV charging stations on site maintains compatibility with the City Building Code/State Energy Code.*

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

*Staff recommends the partial waiver of 8 charging stations as the minimum required to achieve redress without being inconsistent with the Building/Energy Codes.*

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

*This Waiver does not affect sidewalk requirements.*

5. The Applicant provided communication from the Office of Neighborhood Coordination (ONC) per the public notice requirement of Table 6-1-1 in the IDO. It noted that as of August 22<sup>nd</sup>, 2024 there are no Neighborhood Associations to notify.

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**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **JANUARY 24<sup>TH</sup>, 2025**. 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(V) 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.

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. \(Jan 14, 2025 20:55 MST\)](#)

Robert L. Lucero, Jr.

Development Hearing Officer

RLL/rw/jr

Consensus Planning, Inc., 302 8<sup>th</sup> St. NW, Albuquerque, NM 87102







# PR-2021-005630 January 8th, 2024 Notice of Decision

Final Audit Report

2025-01-15

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