

PLANNING DEPARTMENT
DEVELOPMENT SERVICES DIVISION
600 2nd Street NW, Ground Floor, 87102
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OFFICIAL NOTIFICATION OF DECISION

Vicki Garcia Golden
1736 Central Ave NW
Albuquerque, New Mexico 87104

Project# PR-2024-010933
Application#
DHOWVR-2025-00014 SIDEWALK WAIVER

LEGAL DESCRIPTION:

For all or a portion of: **Lots/Tracts 132, 1, 2, MRGCD MAP 38, GARCIA PROPERTIES DEVELOPMENT** zoned **MX-M**, located at **1736 CENTRAL AVE** containing approximately **1.3486** acre(s) **(J-13)**

On June 11th, 2025, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced applications and approved the requests, based on the following Findings:

1. This is a request for a waiver from the IDO/DPM requirements to construct a sidewalk and landscape buffer requirement along Central Avenue NW. The Sketch Plat was reviewed by the Development Facilitating Team (DFT) ON September 25, 2024.

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.

This site was constructed prior to 1959, and the building located on the property line that prevents widening of the sidewalk. The building in this section of Central Avenue was constructed with zero building setbacks. Parcels on the west and east of the subject property also have the same narrow sidewalks and zero setbacks.

- 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.

The current sidewalk meets accessibility standards and is not contrary to public safety, health or welfare.

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

Maintaining the existing sidewalk widths will maintain the character and provide the same level of setback as other parcels in this historic section of Central Avenue.

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

Maintaining the existing sidewalk widths will maintain the character and provide the same level of setback as other parcels in this historic section of Central Avenue.

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.

There have been two City projects along Central Avenue in the recent past. The first was a Lane Diet project that reduced the travel lanes from two travel lanes each direction down to a single travel lane for east and west bound traffic. The second project was for the ART dedicated lane. Neither of those projects made any modification to the curb and gutter location or sidewalk width. Furthermore, the buildings on site along the Central Avenue were constructed prior to 1959 and the adoption of Zoning Codes and implementation of the IDO. This sidewalk waiver does not conflict with any know goals or provisions of the City, or County.

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

The parcel is not within an Area of Reduced Risk due to Levee.

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

The site is not within any Character Protection, Historic or View Protection Overlay Zones per the IDO Interactive Maps.

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 proposed Waiver would not allow development that does not meet the standards of the zone district.

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 current condition is about 6'-8" sidewalk width between the back of sidewalk and the face of the existing buildings. The waiver for the Landscaping Buffer and Frontage Zones is also the minimum that will allow the existing conditions to remain. The request is the minimum needed to provide redress without being inconsistent with the provisions of 14-16-6-6(P).

10. If the request is 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 proposed Waiver is a request to allow existing conditions that is approximately 6'-8" width to remain. The sidewalk width will match the adjacent parcels. There is no proposal to have gaps in the accessible route for the public along Central Avenue along the parcel frontage.

2. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.
3. A note must be added to the Plat regarding this Waiver request.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **JUNE 27TH, 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,

Robert L. Lucero

[Robert L. Lucero \(Jun 17, 2025 21:01 MDT\)](#)

Robert L. Lucero

Development Hearing Officer

RLL/mi /jr

Studio Southwest Architects / Dave Aube, PE, 2101 Mountain Road SW Suite B, Albuquerque, NM 87104








PR-2024-010933 June 11th, 2025 Notice of Decision - DHO

Final Audit Report

2025-06-18

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