

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

Sean McCullough  
PO Box 50381  
Albuquerque, NM 87181

**Project# PR-2025-020120**  
**Application#**  
**DHOWVR-2025-00022 DHO SIDEWALK WAIVER**

### LEGAL DESCRIPTION:

For all or a portion of:

**Lot/Tract 1, A T & S F RAILWAY PROPERTY,  
2A, B N & S F RAILWAY CO, zoned NR-GM,  
located at 2510 2ND ST containing  
approximately 0.995881 acre(s). (M-14)**

On October 8, 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 a DHO Waiver from the IDO/DPM requirements from constructing the east half of 2nd Street improvements, including curb and gutter, sidewalk, and landscape buffer, along the property frontage.
2. The subject property is zoned NR-GM (Non-residential General Manufacturing), and is located at 2510 2nd St, in an Area of Change.
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.
- 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.

***The requested improvements would create an isolated segment of roadway inconsistent with the surrounding rural street character and existing development pattern along 2nd Street.***

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

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

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

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

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 hinder future planning or infrastructure improvements, nor will it interfere with public right-of-way acquisition or financing of future roadway projects.***

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 request does not conflict with adopted City or AMAFCA plans or policies; 2<sup>nd</sup> Street currently features no curb and gutter, sidewalk, or landscape buffer approximately 2,400 feet to the north and 2,500 feet to the south of the subject property.***

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

***The Waiver will not allow, encourage, or make possible undesired development in 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 Waiver will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.***

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 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.***

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 Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).***

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.

***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.***

4. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.
5. Per 6-6(P)(2)(e) of the IDO, any Waivers granted that are associated with a Site Plan shall be noted on the approved Site Plan.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **OCTOBER 24, 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(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. (Oct 16, 2025 20:27:56 MDT)

Robert L. Lucero, Jr.

Development Hearing Officer

RLL/am/jr

Justin Simenson, 128 Monroe St. NE, Albuquerque, NM 87108

# PR-2025-020120 Notice of Decision - DHO

Final Audit Report

2025-10-17

|                 |                                              |
|-----------------|----------------------------------------------|
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## "PR-2025-020120 Notice of Decision - DHO" History

-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)  
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-  Signer Robert Lucero (robert@lucerolawpc.com) entered name at signing as Robert L. Lucero, Jr.  
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-  Document e-signed by Robert L. Lucero, Jr. (robert@lucerolawpc.com)  
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