

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

January 7, 2026

Tyler Conger
Lomas Tower Apartments, LP
200 Lomas Blvd. NW
Albuquerque, NM 87102

Project# PR-2019-002639
Application#
DHOWVR-2025-00034 DHO WAIVER
DHOWVR-2025-00035 DHO WAIVER
DHOWVR-2025-00036 DHO WAIVER

LEGAL DESCRIPTION:

For all or a portion:

Lot/Tracts as listed in application, ARMIJO-FRANCISCO Y OTERO zoned MX-FB-UD, located at 200 LOMAS BLVD NW containing approximately 2.42692 acre(s). (J-4)

On January 7, 2026, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced applications and approved the requests, based on the following Findings:

DHOWVR-2025-00034 DHO WAIVER

1. This is a request for a sidewalk waiver to maintain the existing 7-foot-wide sidewalk width on Lomas Blvd NW and the landscape buffer.
2. The subject property is zoned Form-based Urban Development (MX-FB-UD) and is located within 1,320 feet ($\frac{1}{4}$ mile) of a Premium Transit Station. The property also lies within the Downtown Small Area, the Railroad and Spur Small Area and Fast-Track Housing.
3. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.

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4. Per 6-6(P)(2)(d) of the IDO, any Waivers granted that are associated with a subdivision shall be placed on the Final Plat and on a separately recorded document.

5. **Per 6-6(P)(3) Review and Decision Criteria**, an application for a DHO Waiver shall be approved if it complies with all of the criteria of this IDO provision; the applicant has provided justification for all the 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.

Along Lomas Blvd, the subject site contains a pre-existing 7-foot sidewalk built directly against the curb, with a 0-foot landscaped buffer. This sidewalk configuration is part of the established right-of-way conditions along this segment of Lomas. Relocating or reconstructing the sidewalk to meet current IDO standards would require removal of existing hardscape, and reconstruction in an area with limited available space. There are landscaped areas on the corners of Lomas and 2nd, and Lomas and 3rd.

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.

There are landscaped areas on the corners of Lomas and 2nd, and Lomas and 3rd. which would be damaged to a degree that outweighs the City's public interest. There are mature outcrops of landscaping that have been long established.

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 existing 7-foot sidewalk provides safe, unobstructed pedestrian circulation.

Although the IDO standard calls for a 10'-0" wide sidewalk, the current 7'-0" configuration does not create any public safety hazards, and pedestrian visibility remains high. Granting the Waiver maintains a functioning, accessible pedestrian zone without introducing risks to health or welfare.

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

The requested Waiver simply preserves the existing streetscape. No changes are proposed that would affect drainage, access, visibility, traffic, or pedestrian flow. Surrounding properties along Lomas Blvd exhibit similar sidewalk conditions; therefore, granting the request does not create any adverse impacts.

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

The Waiver preserves existing improvements within the current right-of-way footprint and does not add any permanent barrier that would prevent the City from pursuing future roadway or streetscape projects. If future planning efforts call for a revised sidewalk/buffer layout, the City will still retain full flexibility to redesign the corridor.

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 does not impact any existing adopted plans or policies. The request maintains existing pedestrian capacity and does not conflict with multimodal goals. The Waiver is consistent with the IDO's intent to promote functional, context-appropriate streetscapes.

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

The site is not located within the 100-year Floodplain, and the request has no relationship to floodplain development. The existing curb and gutter is sufficient to address stormwater requirements.

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

The purpose of the IDO standards is to ensure safe, attractive, and accessible pedestrian environments. The existing 7-foot sidewalk already meets this intent by providing a wide, comfortable walking area.

Although it does not meet the current 10'-0" width requirement, the sidewalk still functions safely and effectively, and therefore the intent of the IDO is not undermined.

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 applies only to the sidewalk width requirement and does not result in a lot or type of development failing to meet other applicable standards. All other Development Standards in the zone district are met or exceeded.

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 request seeks only to maintain the existing sidewalk and streetscape configuration, avoiding unnecessary demolition and reconstruction. No additional waivers are requested. Therefore, the Waiver represents the minimum necessary relief.

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.

Granting the Waiver will not create a gap in the pedestrian system. The existing 7-foot sidewalk provides continuous pedestrian connectivity along Lomas Blvd, consistent with adjacent properties. Introducing a landscaped buffer at this single site would create an awkward, inconsistent condition along a major corridor without improving public welfare.

DHOWVR-2025-00035 DHO WAIVER

1. This is a request for a sidewalk waiver to maintain the existing 7-foot-wide sidewalk width on 2nd St NW and the landscape buffer.
2. The subject property is zoned Form-based Urban Development (MX-FB-UD) and is located within 1,320 feet (¼ mile) of a Premium Transit Station. The property also lies within the Downtown Small Area, the Railroad and Spur Small Area and Fast-Track Housing.
3. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.

4. Per 6-6(P)(2)(d) of the IDO, any Waivers granted that are associated with a subdivision shall be placed on the Final Plat and on a separately recorded document.
5. **Per 6-6(P)(3) Review and Decision Criteria**, an application for a DHO Waiver shall be approved if it complies with all of the criteria of this IDO provision; the applicant has provided justification for all the 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.

There is an existing ATM drive-through area along 2nd street. One of the ATM's is directly up against the existing 7'-0" sidewalk, widening the sidewalk would require the removal / relocation of this machine.

- 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.

There is existing landscaping along the entire length of the east frontage (2nd Street) of the subject site. The landscaping includes shrubs and bushes and mature trees.

- e. 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 existing 7-foot sidewalk provides safe, unobstructed pedestrian circulation. Although the IDO standard calls for a 10'-0" wide sidewalk, the current 7'-0" configuration does not create any public safety hazards, and pedestrian visibility remains high. Granting the Waiver maintains a functioning, accessible pedestrian zone without introducing risks to health or welfare.

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

The requested Waiver simply preserves the existing streetscape. No changes are proposed that would affect drainage, access, visibility, traffic, or pedestrian flow. Surrounding properties along Lomas Blvd exhibit similar sidewalk conditions; therefore, granting the request does not create any adverse impacts.

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

The Waiver preserves existing improvements within the current right-of-way footprint and does not add any permanent barrier that would prevent the City from pursuing future roadway or streetscape projects. If future planning efforts call for a revised sidewalk/buffer layout, the City will still retain full flexibility to redesign the corridor.

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 does not impact any existing adopted plans or policies. The request maintains existing pedestrian capacity and does not conflict with multimodal goals. The Waiver is consistent with the IDO's intent to promote functional, context-appropriate streetscapes.

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

The site is not located within the 100-year Floodplain, and the request has no relationship to floodplain development. The existing curb and gutter is sufficient to address stormwater requirements.

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

The purpose of the IDO standards is to ensure safe, attractive, and accessible pedestrian environments. The existing 7-foot sidewalk already meets this intent by providing a wide, comfortable walking area. Although it does not meet the current 10'-0" width requirement, the sidewalk still functions safely and effectively, and therefore the intent of the IDO is not undermined.

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 applies only to the sidewalk width requirement and does not result in a lot or type of development failing to meet other applicable standards. All other Development Standards in the zone district are met or exceeded.

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 request seeks only to maintain the existing sidewalk and streetscape configuration, avoiding unnecessary demolition and reconstruction. No additional waivers are requested. Therefore, the Waiver represents the minimum necessary relief.

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.

Granting the Waiver will not create a gap in the pedestrian system. The existing 7-foot sidewalk provides continuous pedestrian connectivity along 2nd Street NW, consistent with adjacent properties. Introducing a landscaped buffer at this single site would create an awkward, inconsistent condition along a major corridor without improving public welfare.

DHOWVR-2025-00036 DHO WAIVER

1. This is a request for a sidewalk waiver to maintain the existing 7-foot-wide sidewalk width on 3rd St NW and the landscape buffer.
2. The subject property is zoned Form-based Urban Development (MX-FB-UD) and is located within 1,320 feet ($\frac{1}{4}$ mile) of a Premium Transit Station. The property also lies within the Downtown Small Area, the Railroad and Spur Small Area and Fast-Track Housing.
3. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.
4. Per 6-6(P)(2)(d) of the IDO, any Waivers granted that are associated with a subdivision shall be placed on the Final Plat and on a separately recorded document.
5. **Per 6-6(P)(3) Review and Decision Criteria**, an application for a DHO Waiver shall be approved if it complies with all of the criteria of this IDO provision; the applicant has provided justification for all the 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.

3rd street runs along the western frontage of the subject site. This area already has a 7'-0" sidewalk. The sidewalk is part of the established right-of-way conditions along this segment of 3rd street. Relocating or reconstructing the sidewalk to meet current IDO standards would require removal of existing hardscape, and reconstruction in an area with limited available space. The subject site has utility connections to infrastructure along this western boundary. This utility infrastructure would have to be removed or relocated.

- 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.

There is existing landscaping along the entire length of the west frontage (3rd Street) of the subject site. The landscaping includes shrubs and bushes and mature trees.

- 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 existing 7-foot sidewalk provides safe, unobstructed pedestrian circulation. Although the IDO standard calls for a 10'-0" wide sidewalk, the current 7'-0" configuration does not create any public safety hazards, and pedestrian visibility remains high. Granting the Waiver maintains a functioning, accessible pedestrian zone without introducing risks to health or welfare.

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

The requested Waiver simply preserves the existing streetscape. No changes are proposed that would affect drainage, access, visibility, traffic, or pedestrian

flow. Surrounding properties along Lomas Blvd exhibit similar sidewalk conditions; therefore, granting the request does not create any adverse impacts.

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

The Waiver preserves existing improvements within the current right-of-way footprint and does not add any permanent barrier that would prevent the City from pursuing future roadway or streetscape projects. If future planning efforts call for a revised sidewalk/buffer layout, the City will still retain full flexibility to redesign the corridor.

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 does not impact any existing adopted plans or policies. The request maintains existing pedestrian capacity and does not conflict with multimodal goals. The Waiver is consistent with the IDO's intent to promote functional, context-appropriate streetscapes.

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

The site is not located within the 100-year Floodplain, and the request has no relationship to floodplain development. The existing curb and gutter is sufficient to address stormwater requirements.

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

The purpose of the IDO standards is to ensure safe, attractive, and accessible pedestrian environments. The existing 7-foot sidewalk already meets this intent by providing a wide, comfortable walking area. Although it does not meet the current 10'-0" width requirement, the sidewalk still functions safely and effectively, and therefore the intent of the IDO is not undermined.

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 applies only to the sidewalk width requirement and does not result in a lot or type of development failing to meet other applicable standards. All other Development Standards in the zone district are met or exceeded.

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 request seeks only to maintain the existing sidewalk and streetscape configuration, avoiding unnecessary demolition and reconstruction.

No additional waivers are requested. Therefore, the Waiver represents the minimum necessary relief.

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.

Granting the Waiver will not create a gap in the pedestrian system. The existing 7-foot sidewalk provides continuous pedestrian connectivity along 2nd Street NW, consistent with adjacent properties. Introducing a landscaped buffer at this single site would create an awkward, inconsistent condition along a major corridor without improving public welfare.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **JANUARY 26, 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.

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).

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Sincerely,

Brennon Williams

Brennon Williams (Jan 12, 2026 16:36:27 MST)

Brennon Williams
Development Hearing Officer

BW/am/jr

Tierra West, Sergio Lozoya, 5571 Midway Park PL NE, Albuquerque, NM 87109

PR-2019-002639_DHOWVR-2025-00034,35,36_NOD_1.07.2026

Final Audit Report

2026-01-12

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