

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

June 24, 2026

Rivera Timothy J & Muscari Jason L
7901 Marigold Dr. NW
Albuquerque, NM 87120-3279

Project# PR-2026-000077
Application#
DHOWVR-2026-00008 DHO WAIVER

LEGAL DESCRIPTION:

For all or a portion:

Lot/Tract 11, RIVERVIEW ACRES UNIT 2 zoned
R-A, located at **3401 CALLE VIGO NW**
containing approximately **0.4999** acre(s).
(H-12)

On June 24, 2026, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced application and approved the request, based on the following Findings:

1. The Applicant is requesting review and approval of a waiver to the sidewalk requirements for the property located at 3401 Calle Vigo. The subject property is located within a master plan community whose sidewalks do not conform to the design standards outlined by the Development Process Manual (DPM).
2. The subject property is zoned Residential – Agricultural (R-A) and is located within an area of Consistency. The property is not located within any noted city centers, premium transit, major transit, or main street corridor areas. Additionally, the property is not located within any overlay zones.
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)(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. This application has provided adequate justification per the review and decision criteria.

1. Any of the following criteria applies.
 - 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.

The site being gated prevents public access. The neighborhood characteristic does not allow for sidewalk. The road section and low intensity development allows the front yards to be depressed and landscaped that collects the water from the roadways. This is the 3rd to the last of 25 units of which none have sidewalks.

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

Existing access to the lot and surrounding area has been sufficient for homeowners.

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

Waivers would allow for lot to match existing surrounding properties.

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

All future developments nearby will be in the HOA which sets neighborhood design.

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 conflict with any adopted plan, and it supports the concept of areas of consistency.

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

Drainage plan has been previously approved for the property and no development is located in the floodplain.

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 does not undermine any intent or purpose of the IDO, zoning or overlays and it supports the stability and consistency of the area.

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 § 14-16-6-4(N) (Deviations) and is granted by the DHO as part of this approval.

This Waiver does not allow such development.

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

This Waiver does not request more than the minimum.

10. Any request for a Waiver to IDO sidewalk requirements shall comply with all of the following requirements.
 - a. 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 area is low intensity use and there are no existing sidewalks in the vicinity, the master-planned development provides full pedestrian amenities is the framework of the Plan.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **JULY 13, 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).

Sincerely,

Robert L. Lucero, Jr.

Robert L. Lucero, Jr. (Jun 29, 2026 14:08:27 MDT)

Robert L. Lucero

Development Hearing Officer

RL/jb/jr

Luke Soule, 15 Frost Rd, Sandia Park, NM 87047

Language Access Notice. We provide free interpretation services to help you communicate with us. If you need help, you can request interpretation at any service counter in our Department, located in the Plaza Del Sol building, 600 2nd Street NW, Albuquerque, NM 87102.

Notificación de Acceso Lingüístico. Ofrecemos servicios gratuitos de interpretación para ayudarlo a comunicarse con nosotros. Si necesita ayuda, puede solicitar servicios de interpretación en cualquier mostrador de servicio de nuestro Departamento, ubicado en el edificio Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

Saad Hadahwiis'a O'oolkaah bee dah na'astsooz. Nihi bik'inaasdzil t'aadoo baahilinigoo 'ata' hashne' tse'esgizii ach'i' dzaadi! Dzaadi! Danihi dahootahgoo bee nihi-. Daa' danihi bidin nishli dzaadi! Dzaadi! Danihi bineesh'a yinishkeed 'ata' hashne' -di t'aa biholniihgoo tse'esgizii ket'aaz -di nihihigii dah diikaah, -k'eh -di tsin Plaza Del Sol Kiniit'aagoo, 600 2nd Kiniit'aa NW, Albuquerque, NM 87102.

Thông báo v? cách Ti?p c?n Ngôn ng?. Chúng tôi cung c?p các d?ch v? thông d?ch mi?n phí d? giúp quý v? giao ti?p v?i chúng tôi. N?u quý v? c?n giúp d?, quý v? có th? yêu c?u thông d?ch t?i b?t c? qu?y d?ch v? nào trong S? c?a chúng tôi, t?a l?c t?i tòa nhà Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

語言輔助通知。我們提供免費口譯服務，以幫助你與我們溝通。如果你需要幫助，你可以在我們部門的任何服務台請求口譯，服務台位於Plaza Del Sol大樓, 600 2nd Street NW, 阿爾伯克基, NM 87102.

PR-2026-000077_DHOWVR-2026-00008_6.24.26_DHO

Final Audit Report

2026-06-29

Created:	2026-06-26
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-  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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