

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

October 7, 2026

Tobias Gallegos
10621 Easy St. NW
Albuquerque, NM 87114

Project# PR-2024-010884
Application#
DHOWVR-2026-00016 DHO WAIVER
MINOR_PLT-2026-00045 MINOR PLAT

LEGAL DESCRIPTION:

For all or a portion of:

Lot/Tract 168A4, 173B, MRGCD MAP 31
zoned R-A located at 4219 SAN ISIDRO ST
NW containing approximately 0.969429
acres. (F-13, G-13)

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

DHOWVR-2026-00016 DHO WAIVER

1. An application for a Waiver – DHO shall be approved if it complies with all of the criteria within IDO section 6-6(P)(3)(a). **This request complies with all the criterion and was detailed within the Justification Letter.**

6-6(P)(3)(a) Any of the following 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, manmade obstructions, or utility lines.

Existing utility poles, overhead utility lines, walls, fences, mature trees, and the existing dwelling along Calle Pequeno NW are pre-existing obstructions that cannot be easily or economically relocated or altered.

- b. The area or site has been recognized as having historical, archaeological, 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.

The subject property, nor any of the surrounding area has been designated or listed as a historic area; therefore, this criterion is not applicable.

- 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 surrounding local and private roadways lack sidewalks with landscape buffers, and installing a 5-foot sidewalk along Calle Pequeno NW would be inconsistent with the established neighborhood character and development pattern.

- 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 lot line adjustment maintains the existing number of lots and retains irrigation water rights associated with the adjacent acequia. No sidewalk exists along the west side of San Isidro St NW, so a sidewalk along Calle Pequeno NW would not connect to an existing sidewalk or pedestrian network.

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

This waiver will not be materially contrary to public safety, health or welfare.

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

There are no material adverse impacts on surrounding properties, since this private drive serves only to provide access to properties situated at the far west end of the drive.

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

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

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 sidewalk waiver does not conflict with the goals and provisions of any City, County, or AMAFCA adopted plan or policy, the IDO, or any other code or ordinance.

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

This criterion is not applicable as the subject property is within an area protected from the 1% annual change flood hazard by levee, dike or other structure and therefore is not within the 100-year floodplain.

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

The sidewalk waiver will not materially undermine the IDO or the R-A zone district.

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 DRB as part of this approval.

The Final Plat facilitates lot line adjustments to bring the property into better conformance with building setback requirements within the R-A zone. It also provides a means for legal fire department access to the properties situated at the end of the private drive, known as, Calle Pequeno NW.

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 Applicant is requesting a sidewalk waiver only to allow the private drive Calle Pequeno NW, to remain as is, which is only to provide access to the dwellings and future dwellings situated at the end of the existing private drive. The Final Plat will facilitate the lot line adjustment for two existing lots.

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.

The absence of a sidewalk in this location does not create a gap in the sidewalk system as there is no sidewalk to connect to on the western side of San Isidro St NW.

- b. The City's right-of-way is insufficient in width to allow the construction of a sidewalk of standard dimension and placement, but there is sufficient right-of-way to meet minimum ADA or PROWAG guidance. **N/A**
- c. The adjoining sidewalks are non-standard as to width and/or location, and the Waiver would enable the new and existing sidewalks to match in width and/or location, or could create a smooth transition between areas of different width and/or character. **N/A**

Based on the justification presented above, the Applicant respectfully requests approval of a sidewalk waiver only. The waiver is consistent with Calle Pequeno NW, being characterized as a private drive, rather than a residential roadway, such as San Isidro St NW.

MINOR_PLT-2026-00045 MINOR PLAT

1. This is a request for a replat (Minor-Preliminary/Final) for two lots addressed as 4219 San Isidro St, Map 31 Tracts 173B & 173C (*Lot 168A4). This will eliminate and relocate property lines, creating two new lots from two existing lots. The new tract 173B1(.6183 acres) & 173B2(.3333 acres) and grant relevant easements. This action would also eliminate an existing nonconforming property line.
2. Per 6-6(K)(3) Review and Decision Criteria, an application for a Subdivision of Land – Minor shall be approved if it complies with all applicable provisions of the IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property. This request complies with this criterion.
3. A pre-application Sketch Plat was completed in July of 2026.
4. The site is in the R-A zone district, in an Area of Consistency, and within two overlay zones. CPO-6 and CPO-11. Abutting & adjacent lots are also zoned residential R-A.
5. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.
6. All signatures from the surveyor, property owner(s), the City Surveyor, the utility companies, and AMAFCA are provided on the Plat.
7. Per 6-6(K)(2)(I), the applicant shall record the final plat with the Bernalillo County Clerk within 3 months after the date of the final signature on the plat, or the subdivision shall be voided. The applicant shall provide the City a digital copy of the recorded plat.

CONDITIONS

Final sign-off of the Plat by DFT staff is conditioned as follows:

Planning

- a. MRGCD must sign the plat.
- b. The Project and Application numbers must be added to the plat before final sign-off.
- c. The date of the DHO approval shall be recorded on the Plat, per 6-6(L)(2)(d)(7) of the IDO.
- d. A copy of the AGIS-approved DXF file must be submitted prior to the final sign-off of the Plat.
- e. A note with the Waiver detail added to the plat.
- f. After approval, and as a part of the final revised submittal, please ensure the final version of the plat has all signatures on one sheet and the DHO signature block for sign-off.

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

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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,

Brennon Williams

Brennon Williams

Development Hearing Officer

BW/am/jr

Cartesian Surveys, Inc., P.O. Box 44414, Rio Rancho, NM 87174

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 về cách Tiếp cận Ngôn ngữ. Chúng tôi cung cấp các dịch vụ thông dịch miễn phí để giúp quý vị giao tiếp với chúng tôi. Nếu quý vị cần giúp đỡ, quý vị có thể yêu cầu thông dịch tại bất cứ quầy dịch vụ nào trong Sở của chúng tôi, tọa lạc tại 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-2024-010884_October_07_2026_Notice_of_Dcision_DHO

Final Audit Report

2026-10-20

Created:	2026-10-20
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