

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

September 16, 2026

Mohammad Tahat
Prestige Custom Design
12300 Del Rey Ave NE
Albuquerque, NM 87122

Project# PR-2026-000118
Application#
DHOWVR-2026-00012 DHO WAIVER

LEGAL DESCRIPTION:

For all or a portion of: **Lot/Tract 216,**
MRGCD MAP 37 zoned MX-M located at
510 SLATE AVE NE containing
approximately 0.066112 acres. (J-14)

On September 16, 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. This is a request for a waiver to the IDO/DPM sidewalk requirements for the property located at 510 Slate Ave NE.
2. The applicant's team received initial DFT comments from a Sketch Plat review provided on July 22nd, 2026.
3. The subject property is made up of two separate parcels shown as Tract of Land in Map 37 and Tract of Land 50 x 35 being part of Tract 216 Map 37.
4. The subject property is zoned MX-M (Mixed Use – Medium Intensity) and it is not located within any noted city centers. The subject property is shown as being wholly located within an Area of Change.
5. The subject property is located within a Major Transit Corridor which requires 6'-10' sidewalks with 6'-8' wide landscape buffer.

6. Per 6-6(P)(3)(a) 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 request satisfies Criterion 1(a) due to severe, unalterable, pre-existing topographic grading obstructions. The current street profile is heavily sloped toward the middle to serve as the central water collection channel. Existing obstructions like walls, fences and the church parking lot will block the construction of the sidewalk.

- 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 waiver will not be materially contrary to public safety, health, or welfare. Existing obstructions like walls, fences and the church parking lot will block the construction of the sidewalk.

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

Granting this waiver will not cause significant material adverse impacts on surrounding properties. It allows the street to continue functioning exactly as it does today, preserving the existing master drainage patterns of the neighborhood.

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

This waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements. It simply recognizes a unique physical roadway asset constraint.

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 waiver does not significantly conflict with the goals and provisions of any City, County, AMAFCA adopted plans, or the IDO. It protects downstream drainage assets by respecting established flow lines.

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

This waiver will not allow, encourage, or make possible undesired development within a 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 the IDO, the underlying zone district, or any applicable Overlay Zones.

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.

The waiver does not seek to permit an unallowed land use or lot type; it strictly addresses a technical engineering deviation from standard edge-of-roadway infrastructure.

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

The requested waiver is the absolute minimum necessary to provide redress. It is limited strictly to the infrastructure standards rendered unbuildable by the unique mid-street slope profile.

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.
 - 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.
 - 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.

The request complies with the IDO sidewalk requirements under this criterion. Because the street is centrally sloped for water collection, the local right-of-way conditions match the low-intensity, non-standard, or narrow geometric parameters outlined in the ordinance, making standard installation impractical without creating public welfare or drainage conflicts.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **OCTOBER 2, 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,

Brennon Williams

Brennon Williams

Development Hearing Officer

BW/jb/jr

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.

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Final Audit Report

2026-09-22

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