

**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 21, 2026**

RJ Chess
1907 Buena Vista Dr SE
Unit OFC 100
Albuquerque, NM 87106

**Project# PR-2026-000001
Application#
DHOWVR-2026-00001 DHO WAIVER**

LEGAL DESCRIPTION:

For all or a portion:
**Lot/Tract 1, Block 9, FOUR HILLS VILLAGE
FIRST INSTALLMENT** zoned **R-1D**, located at
908 FOUR HILLS RD SE containing
approximately **0.73979** acre(s). **(M-23)**

On January 21, 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 DHO waiver to the sidewalk and associated landscape buffer IDO/DPM requirements. Four Hills Road is a Major Collector and requires 6' sidewalks and 5'-6' landscaping buffers.
2. The subject property is zoned R-1D, is located within an Area of Consistency, and is subject to review by Kirtland Air Force Base as a commenting agency.
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) any Waivers granted that are associated with a Subdivision shall be placed on the Final Plat and on a separately recorded document **[within one year of approval otherwise the Waiver becomes void if not associated with a Building Permit, Plat or Site Plan]**.

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.
 - 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.

The neighborhood character of Four Hills would be adversely [affected] with the addition of a sidewalk. There are no sidewalks on this street and sidewalks are out of character for the neighborhood. All the other houses have landscaping that goes to the curb.
 - 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.

This waiver will not be materially contrary to the public safety, health, or welfare. The streets are plenty wide for pedestrians and cars to share the road and cars tend to drive carefully as the lot is adjacent to the [golf] course.
 3. The Waiver does not cause significant material adverse impacts on surrounding properties.

The waiver would not cause significant material adverse impacts on surrounding properties. None of the other houses have sidewalks and waiving the sidewalk will have no 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 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 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.

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.

This lot is low intensity and the sidewalk requirement is only on one side of the property. There are no sidewalks that would connect to it.

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APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **FEBRUARY 6, 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. (Jan 26, 2026 16:21:12 MST)

Robert L. Lucero, Jr.
Development Hearing Officer

RLL/am/jr

Notice of Decision

Final Audit Report

2026-01-26

Created:	2026-01-24
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAA_NuaWoMhli_H2wS6I_2gwpidPtt4NTTk

"Notice of Decision" History

-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)
2026-01-24 - 0:42:16 AM GMT
-  Document emailed to Robert Lucero (robert@lucerolawpc.com) for signature
2026-01-24 - 0:42:21 AM GMT
-  Email sent to Jay Rodenbeck (jrodenbeck@cabq.gov) bounced and could not be delivered
2026-01-24 - 0:42:27 AM GMT
-  Email viewed by Robert Lucero (robert@lucerolawpc.com)
2026-01-26 - 11:18:29 PM GMT
-  Signer Robert Lucero (robert@lucerolawpc.com) entered name at signing as Robert L. Lucero, Jr.
2026-01-26 - 11:21:10 PM GMT
-  Document e-signed by Robert L. Lucero, Jr. (robert@lucerolawpc.com)
Signature Date: 2026-01-26 - 11:21:12 PM GMT - Time Source: server
-  Agreement completed.
2026-01-26 - 11:21:12 PM GMT



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