

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

November 12, 2025

Bernalillo County Metropolitan Court
P.O. Box 133
Albuquerque, NM 87103

Project# PR-2020-003485

Application#

VAC-2025-00043 VACATION OF PUBLIC ACCESS
EASEMENT

DHOWVR-2025-00028 DHO WAIVER

MINOR_PLT-2025-00057 MINOR
PRELIMINARY/FINAL PLAT

LEGAL DESCRIPTION:

For all or a portion of:

**Lot/Tract A1, BERNALILLO COUNTY
METROPOLITAN COURT** zoned **MX-H, MX-
FB-UD, MX-M**, located at **801 4TH ST NW
between LOMAS BLVD NW AND MARBLE
AVE NW** containing approximately **3.9
acre(s). (J-14)**

On November 12, 2025, 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:

VAC-2025-00043 VACATION OF PUBLIC ACCESS EASEMENT

1. This request includes a Vacation of Public Access Easement, that is located east of the vacated 16' alleyway. The proposed vacated area is approximately 409.55 square feet and will be dedicated as a Public Utility Easement (P.U.E) with the filing of the Minor Preliminary/Final Plat accompanying these requests.

2. The subject property is zoned MX-M and MX-FB-UD and is located at the Bernalillo County Metropolitan Court at 801 4th Street, containing approximately 3.9 acres.
3. The property is within the Downtown Center, Major and Main street corridors an Area of Change and the Railroad and Spur Small area.
4. The proposed Vacation meets the review and decision criteria of 6-6(M)(3) and shall be approved if it meets any of the following criteria:

6-6(M)(3)(a) The public welfare does not require that the easement, private way, or public right-of-way be retained.

The applicant's request meets Section 6-6(M)(3)(a) because the public welfare does not require the easement to be retained. The easement, located east of the recently vacated alley, was originally intended to provide pedestrian access between the courthouse and parking structure. However, the pedestrian connection was never constructed, and the area is currently occupied by utilities. Public access is instead accommodated through the established pedestrian path on the south side of the parking structure, east of the vehicular entrance and exit.

6-6(M)(3)(b) There is a net benefit to the public welfare because the development made possible by the Vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the Vacation, and there is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

The request also satisfies Section 6-6(M)(3)(b) because vacating the easement provides a net public benefit by removing an unused and unnecessary encumbrance on the property, enabling redevelopment that supports the site's active use without impairing public access or infringing on any property rights. No substantial property rights are being abridged, and there is no convincing evidence of adverse impact to the public welfare.

DHOWVR-2025-00028 WAIVER

1. This is a request for a Development Hearing Officer (DHO) Waiver to the sidewalk requirements of 10' wide sidewalks on arterial roadways within the Downtown Center.
2. The current sidewalks are: Lomas Blvd which had 7.5' wide sidewalks, 4th Street NW –with 8' 4" to 6' wide sidewalks and 5th Street NW with 6' wide sidewalks.
3. The proposed DHO Waiver meets the review and decision criteria of 6-6(P)(3) and shall be approved if it meets 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.

Pre-existing obstructions on the site include buildings, granite walls, large concrete planters, street trees along Lomas, 4th, and 5th Streets, and a wall along 5th Street.

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

Although, the site does not fully meet the IDO's current standards for sidewalk width and landscaping, the existing conditions feature 6- to 7.5-foot-wide sidewalks, a large plaza along 4th Street, and landscaped areas with mature trees that together provide safe and functional pedestrian access; therefore, the request is not materially contrary to public safety, health, or welfare.

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

These waivers will not result in significant adverse impacts on surrounding properties, as the adjacent Anson Flats development at the southeast corner of 5th Street and Marble Avenue features sidewalk widths consistent with those surrounding the Bernalillo County Metropolitan Courthouse, ensuring a uniform transition between properties.

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

These waivers will not hinder future planning, public right-of-way acquisition, or the financing of building of public infrastructure improvements as there are no planned improvements at this time.

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 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. There is no known adopted policy, goal or provision in an adopted plan that specifically applies to the subject property.

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

Not applicable.

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

The IDO permits such waivers on a case-by-case basis, and neither the zone district nor an Overlay Zone requires wider sidewalks in this location.

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 existing uses are permissive within the site's zoning categories.

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 only the minimum necessary from the sidewalk requirements and has demonstrated compliance with 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.

The subject property is not within a low-intensity land use area; therefore, this section does not apply.

Determinations to allow: existing landscape buffer widths and the existing widths of right-of -way

1. This is a request for Determinations to allow the existing landscape buffer widths along Lomas Boulevard and 4th Street, as well as the right-of-way widths along Lomas, 4th, and 5th Streets, to remain as they exist.

2. The existing tree wells along Lomas and 4th Street are approximately 4 feet wide and do not meet the DPM's 6–8-foot minimum requirement, but the site contains ample landscaping in planters that fulfills the intent of the IDO by providing shade and a pleasant streetscape.
3. Existing structures along these streets make it impractical to meet the minimum landscape buffer or right-of-way widths. As shown on the submitted exhibits, Lomas Boulevard is 100' wide (DPM requires 106'–156'), and 4th and 5th Streets are 60' wide (DPM requires 82'–124'), and the existing structures prevent expansion to meet these standards.

MINOR_PLT-2025-00057 MINOR PRELIMINARY/ FINAL PLAT

1. This is a minor platting action which incorporates; the vacation of easement, the DHO waiver, determinations, approved vacations by City Council, and a zoning map amendment for Tract A-1, Bernalillo County Metropolitan Court.
2. The platting application has been submitted within one year of City Council approval of the Vacations (in accordance with Table 6-4-3 of the IDO).
3. 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 this 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 these criteria.
4. 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.
5. All signatures from the surveyor, property owner(s), the City Surveyor, the utility companies, and AMAFCA are provided on the Plat.
6. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.

CONDITIONS

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

- a. Vacation Reference numbers on the Plat need to reflect the correct numbers EC-25-494.
- b. Add Vacation and waiver numbers to the plat, as well as the dates of approval by the DHO.

- c. Place the Zoning Map Amendment note on the plat with the reference of ZMA-2025-00015.
- d. The Albuquerque Geographic Information System (AGIS) office must approve the DXF file and proof of approval must be provided.
- e. The Real Property Division must sign the plat.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **DECEMBER 2, 2025**. 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 \(Nov 14, 2025 07:35:15 MST\)](#)

Brennon Williams

Development Hearing Officer

BW/am/jr

JAG Planning and Zoning / Juanita Garcia, P.O. Box 7857, Albuquerque, NM 87194







PR-2020-003485_November_12_2025_NOD_D HO

Final Audit Report

2025-11-14

Created:	2025-11-13
By:	Jay Rodenbeck (jrodenbeck@cabq.gov)
Status:	Signed
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-  Document created by Jay Rodenbeck (jrodenbeck@cabq.gov)
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-  Document emailed to brennonwilliams295@gmail.com for signature
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-  Signer brennonwilliams295@gmail.com entered name at signing as Brennon Williams
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