



Development Hearing Officer (DHO)
City of Albuquerque
Plaza Del Sol, 600 Second NW
Albuquerque, New Mexico 87102

October 20, 2025

RE: DHO SIDEWALK WAIVER REQUEST – WINROCK TOWN CENTER

To Whom It May Concern,

Modulus Architects & Land Use Planning, Inc., hereafter referred to as the “Agent,” represents Winrock Partners, LLC, hereafter referred to as the “Applicant.” Modulus Architects & Land Use Planning, Inc. (“Agent”) is pleased to submit this request on behalf of Winrock Partners (“Applicant”) for a Development Hearing Officer (DHO) Sidewalk Waiver associated with the Winrock Town Center project (Project No. PR-2018-001579). This request seeks approval to maintain the existing sidewalk widths along the Louisiana Boulevard and Indian School Road frontages, consistent with previously approved site plans and existing built conditions within the Winrock Town Center development.

Project Overview: Vision for Winrock Town Center

Winrock Town Center is envisioned as a vibrant, integrated mixed-use redevelopment in the heart of Albuquerque’s Uptown Urban Center. Designed to balance retail, entertainment, office, residential, and public spaces, Winrock fosters a walkable, transit-connected community that supports the goals of the ABC Comprehensive Plan and reflects the urban character intended for this key regional destination. The 72-acre site lies south of Indian School Road and north of Interstate 40, partially within the Americas Parkway/Louisiana Blvd Major Transit Corridor. It is zoned MX-H, aligning with the IDO’s vision for high-intensity development in areas of change. The project is also located within the Mid Heights Community Planning Area and is supported by an active Tax Increment Development District (TIDD), enabling strategic reinvestment in public infrastructure.

Planning Context and Previous Approvals

The subject property lies entirely within the approved Winrock Town Center Master Development Plan Center (Project No. PR-2018-001579/ Application SD-2021-00305)/Approved June 13, 2022, previously amended by application SD-2021-00305. It includes the following parcels:

- **2160 Louisiana Blvd NE** – Parcel Z-1 and associated tracts totaling 26.02 acres
- **2100 LOUISIANA BLVD NE** – Tract H totaling 2.44 acres
- **2100 Louisiana Blvd NE** – Tract B totaling 2.47 acres
- **7500 INDIAN SCHOOL RD NE** – Tract E1A 3.3847
- **2100 LOUISIANA BLVD NE** – Tract D 2.002 acres
- **7400 INDIAN SCHOOL RD NE** – Tract D1A 4.13
- **2160 LOUISIANA BLVD NE** – Tract J 2.8397
- **2100 LOUISIANA BLVD NE** – Tract A 1.4709
- **2100 LOUISIANA BLVD NE** – Tract A2 9.689
- **2100 LOUISIANA BLVD NE** – Tract A3 5.776
- **2100 LOUISIANA BLVD NE** – Tract A1A2 0.6531
- **2100 LOUISIANA BLVD NE** – Tract A1A1B 2.1833

- **2100 LOUISIANA BLVD NE – Tract A1A1A1A2 0.5624**
- **2100 LOUISIANA BLVD NE- Tract G 4.4405**
- **2100 LOUISIANA BLVD NE – Tract F1 0.7365 acres**
- **2100 LOUISIANA BLVD NE – Tract F2 5.3295**
- **2100 LOUISIANA BLVD NE – Tract F3 0.2145**
- **2100 LOUISIANA BLVD NE – Tract E1 4.1729**
- **2100 LOUISIANA BLVD NE – Tract E2 0.7157**

These approvals have guided the site’s transformation, with various development pads constructed or under design. The current request continues this evolution, ensuring alignment with both market demands and long-term infrastructure needs. This amendment continues to implement the high-intensity mixed-use development envisioned under the MX-H zone in alignment with IDO standards and the Albuquerque/Bernalillo County Comprehensive Plan. This waiver request is tied to a Major Subdivision of Land application (PR-2018-001579/ MAJOR_PLT-2025-00009) that is currently underway with the DHO.

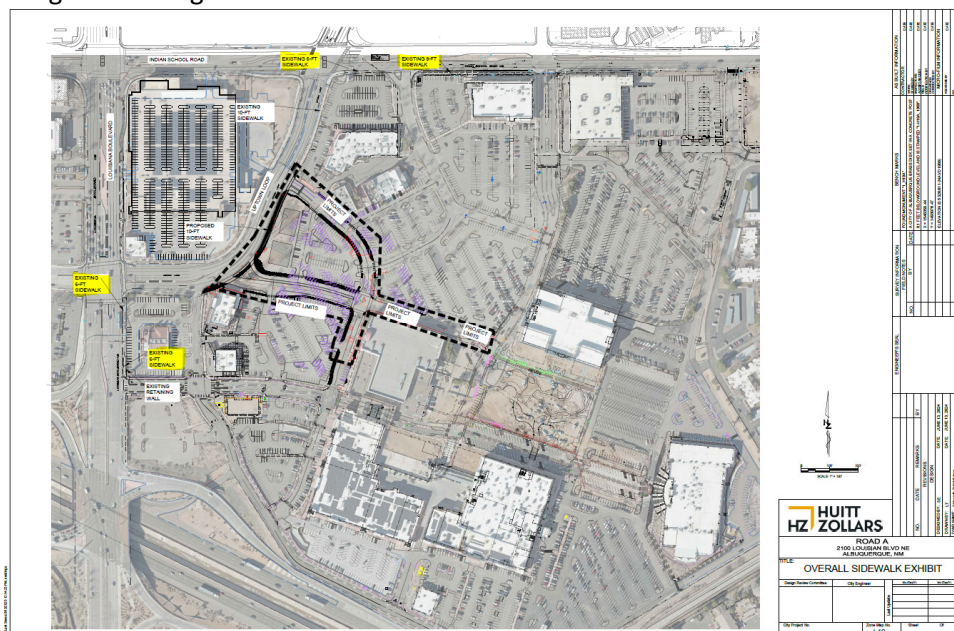
Sidewalk Waiver Request

The Applicant requests a waiver to maintain existing sidewalk widths as-is along the Louisiana Boulevard and Indian School Road frontages of the Winrock Town Center. The current sidewalk widths are 6ft. There is a 8ft section along on Indian School (See Image 1 below). In accordance with the City of Albuquerque’s Development Process Manual (DPM), sidewalks along principal arterials within Centers are required to be 10 feet in width with an adjacent 6–8-foot landscape buffer. The existing sidewalks along these frontages, however, were constructed under prior approved site plans and remain in good condition, providing safe and accessible pedestrian routes consistent with the built environment.

Due to existing retaining walls, structural foundations, utilities, and topographic constraints, the site cannot physically or economically accommodate the full DPM requirement without major reconstruction. Expanding these sidewalks would require demolition of existing walls and building foundations, extensive grading, and relocation of multiple utilities, resulting in significant disruption to the established site.

This waiver request therefore seeks approval to retain the existing sidewalk widths and configurations as they currently exist. The proposed approach maintains ADA accessibility and public safety while respecting the physical limitations and design intent of the developed urban site.

Image 1: Existing Sidewalk Widths



This request is in compliance with IDO Section 14-16-6-6(P)(3) Review and Decision Criteria.

6-6(P)(3) Review and Decision Criteria

6-6(P)(3)(a) General

An application for a Waiver – DHO shall be approved if it complies with all of the following criteria.

1. Any of the following applies:

6-6(P)(3)(a) 1. 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.

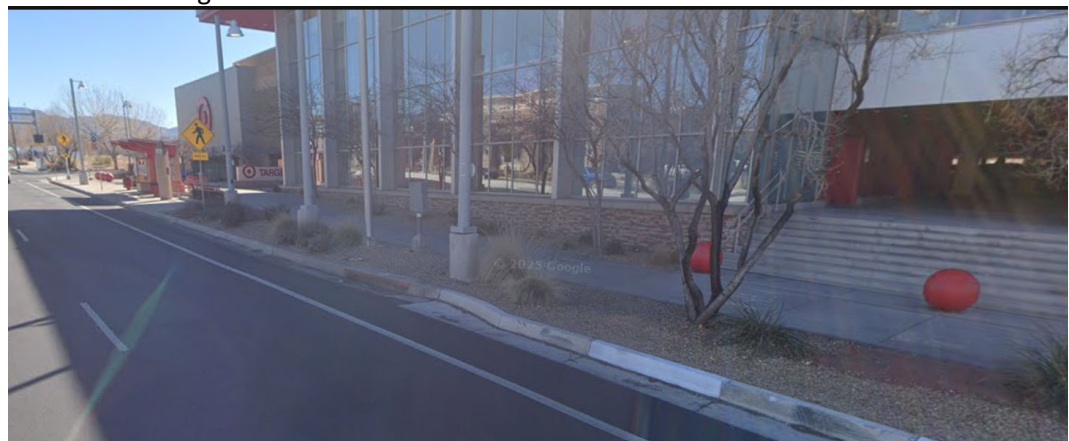
Response: The requested sidewalk waiver meets this criterion as there are pre-existing obstructions that cannot be easily or economically relocated and should not be altered. The site contains several permanent, physical conditions that cannot be easily or economically altered:

- Along **Louisiana Blvd**, the sidewalk directly abuts a **retaining wall** that supports the elevated parking and plaza areas of Winrock Town Center. This area is located in front of the existing Fidelity building. See image below.

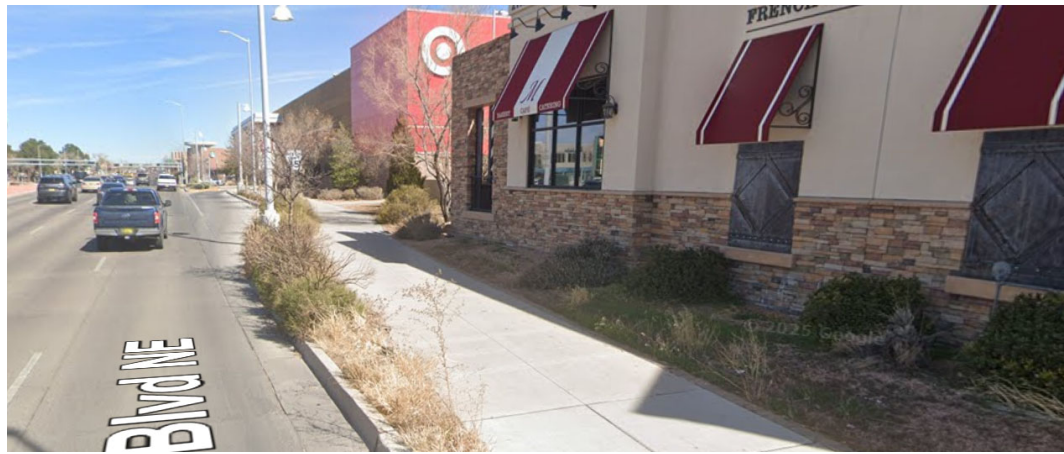
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- Along both **Louisiana and Indian School Rd**, existing **building foundations**, **mature landscaping**, **utility poles**, **electrical boxes**, and **streetlights** are located immediately behind or within the sidewalk zone. See images below:



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Expanding the sidewalks to meet the 10-foot width and 6–8-foot buffer required by the **DPM** would require major excavation, reconstruction of retaining structures, relocation of public utilities, and demolition of existing building frontage. These features represent pre-existing obstructions that should not be altered.

6-6(P)(3)(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.

Response: The existing streetscape character along both frontages is well established, with mature landscaping, lighting, and building setbacks designed under previously approved site plans. Widening the sidewalks would require removal of trees and landscape buffers that provide aesthetic continuity along Louisiana and Indian School, causing greater harm to the visual environment than benefit. Retaining existing sidewalks preserves the cohesive urban character of the Uptown area and the high-quality streetscape envisioned for Winrock Town Center.

6-6(P)(3)(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.

Response: Maintaining the existing sidewalks promotes flexibility and efficient site design by avoiding unnecessary demolition and reconstruction of functional pedestrian infrastructure. It also preserves existing utilities and vegetation while minimizing disruption to active businesses and public circulation. This approach supports the intent of the Integrated Development Ordinance (IDO) by encouraging context-sensitive development within an established urban center and ensuring that land and infrastructure resources are used efficiently.

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

Response: The requested Sidewalk Waiver will not be materially contrary to public safety, health, or welfare. The existing sidewalks along Louisiana Boulevard and Indian School Road provide safe and

accessible pedestrian routes that comply with ADA standards and were constructed under previously approved site plans. These sidewalks have been in continuous use and function effectively within the current built environment. Maintaining the existing widths avoids unnecessary demolition and construction activities that could create temporary safety hazards, disrupt pedestrian circulation, and impact surrounding businesses. The waiver ensures continued public safety by preserving existing pedestrian infrastructure, maintaining ADA-compliant ramps and crossings, and avoiding conflicts with existing utilities and retaining structures. As part of this request, the Applicant remains committed to repairing any damaged sidewalk sections and ensuring that all pedestrian routes remain safe, stable, and fully accessible to the public.

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

Response:

The requested Sidewalk Waiver will not cause significant material adverse impacts on surrounding properties. The existing sidewalks along Louisiana Boulevard and Indian School Road are consistent in width and design with adjacent developments within the Uptown area, maintaining a continuous and functional pedestrian network. Retaining the current sidewalk configuration preserves the established streetscape character and does not reduce pedestrian access or connectivity between properties. In fact, by avoiding unnecessary demolition and reconstruction, the waiver minimizes temporary construction disturbances such as noise, dust, and traffic disruption that could negatively affect neighboring businesses and visitors. The proposed waiver applies solely to existing conditions within the Winrock Town Center frontage and does not alter vehicular access, drainage patterns, or property boundaries. Overall, maintaining the existing sidewalk widths ensures compatibility with surrounding properties, preserves safe pedestrian circulation, and upholds the visual and functional integrity of the broader Uptown district.

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

Response: The requested Sidewalk Waiver will not hinder future planning, public right-of-way acquisition, or the financing or construction of public infrastructure improvements. The existing sidewalks were built within the current public right-of-way and align with previously approved site plans that reflect the City's long-term planning framework for the Winrock Town Center and Uptown Urban Center area. The waiver does not alter property boundaries, street alignments, or easement locations, nor does it prevent future infrastructure upgrades should the City or utility providers determine additional improvements are necessary.

Maintaining the existing sidewalks simply acknowledges the physical and structural constraints present today while allowing for continued coordination with future public projects. Should roadway or utility improvements occur in the future, this waiver will not impede the City's ability to acquire right-of-way or implement planned capital improvements. Therefore, the requested waiver fully supports ongoing and future planning objectives without creating conflicts with public infrastructure development.

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.

Response: The requested Sidewalk Waiver will not conflict significantly with the goals or provisions of any City, County, or AMAFCA adopted plan or policy, the Integrated Development Ordinance (IDO), or any other applicable City code or ordinance. The Winrock Town Center is located within the Uptown Urban Center, an area specifically designated in the Albuquerque/Bernalillo County Comprehensive Plan to support high-intensity, mixed-use, pedestrian-oriented development. Maintaining the existing sidewalks upholds these goals by preserving a continuous and accessible pedestrian network that already functions effectively within the established urban form.

The waiver does not reduce pedestrian connectivity, alter land use, or affect compliance with drainage or stormwater management standards under AMAFCA's jurisdiction. Rather, it allows the site to remain consistent with prior City approvals while ensuring alignment with the IDO's purpose of promoting context-sensitive development, safety, and efficiency in infrastructure use. By maintaining existing pedestrian facilities that meet ADA and safety standards, this waiver remains in harmony with all relevant City plans, codes, and policies.

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

Response: This criterion does not apply, as the property is not within 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.

Response: The requested Sidewalk Waiver will not materially undermine the intent and purpose of the **Integrated Development Ordinance (IDO)**, the **MX-H (Mixed-Use High Intensity)** zone district, or any applicable City policy or overlay. The Winrock Town Center is located within the **Uptown Urban Center**, which is specifically intended to foster a high-density, mixed-use, pedestrian-oriented environment that encourages walkability and urban connectivity. Maintaining the existing sidewalks as constructed supports these goals by preserving continuous, safe pedestrian routes that are fully integrated into the surrounding mixed-use development.

The existing sidewalk network was built under approved City plans and reflects the physical and topographic realities of the site, including existing retaining walls, building foundations, and utilities. These sidewalks provide functional pedestrian access that complements the internal circulation network within the Winrock development and connects directly to transit stops and adjacent properties. Expanding the sidewalks to meet the 10-foot DPM standard would require significant demolition and reconstruction, creating unnecessary disruption to the built environment without improving walkability or public safety.

This waiver does not reduce pedestrian access, alter zoning compliance, or diminish the intent of the **MX-H zone**, which emphasizes mixed-use, pedestrian-friendly development. Instead, it maintains safe, ADA-compliant pedestrian infrastructure consistent with the **IDO's purpose** of promoting efficient, context-sensitive urban design. By retaining the existing sidewalk widths, this waiver supports the spirit of the IDO by balancing practical site conditions with the continued goal of maintaining a high-quality, accessible, and walkable environment within Albuquerque's Uptown 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 DHO as part of this approval.

Response: The requested Sidewalk Waiver does not allow any lot or type of development that fails to meet the applicable Development Standards for the MX-H (Mixed-Use High Intensity) zone district. This waiver pertains solely to the request to maintain the existing sidewalk widths along Louisiana Boulevard and Indian School Road as currently constructed. It does not modify, reduce, or otherwise affect the permitted land uses, building heights, densities, or site design standards of the Winrock Town Center property.

The existing sidewalks were built in accordance with previously approved City site plans and infrastructure permits for the Winrock redevelopment. These facilities comply with all applicable design and accessibility requirements in place at the time of construction. Granting this waiver ensures continued consistency with the approved site design and avoids unnecessary reconstruction that would disrupt established site infrastructure, landscape features, and public access.

Furthermore, this request does not introduce any deviations beyond the thresholds established under IDO Subsection 14-16-6-4(P) (Deviations). It simply maintains the current sidewalk conditions while allowing for ongoing repairs and ADA improvements as needed to ensure public safety and accessibility. By retaining the existing sidewalk widths, this waiver remains fully consistent with the Development Standards of the MX-H zone and the intent of the Integrated Development Ordinance to promote functional, context-sensitive, and pedestrian-oriented urban environments.

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).

Response: The requested Sidewalk Waiver represents the minimum necessary relief to address the site's physical constraints while remaining fully consistent with the provisions of IDO Subsection 14-16-6-6(P). The waiver applies only to existing sidewalk widths along Louisiana Boulevard and Indian School Road, where expansion is physically infeasible due to retaining walls, existing building foundations, mature landscaping, and utility infrastructure. The request does not seek to remove or reduce pedestrian facilities, alter access patterns, or modify the public right-of-way. Instead, it preserves the functional pedestrian network that already meets ADA accessibility and public safety requirements. Expanding the sidewalks to meet current DPM standards would require extensive demolition and reconstruction, resulting in significant cost, disruption, and environmental impact with little added public benefit. Therefore, maintaining the sidewalks as currently constructed provides the least intrusive and most practical solution that achieves compliance with the intent of the IDO while minimizing adverse impacts and ensuring continued pedestrian connectivity.

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.

Response: Not applicable, the waiver request is not for sidewalk of low-intensity land use. This request is for a high-intensity use.

Conclusion

The requested Sidewalk Waiver for Winrock Town Center meets all applicable review and decision criteria under IDO Section 14-16-6-6(P). The existing sidewalks along Louisiana Boulevard and Indian School Road were constructed under previously approved City site plans and continue to provide safe, accessible, and functional pedestrian connections consistent with the intent of the Integrated Development Ordinance (IDO) and the Albuquerque/Bernalillo County Comprehensive Plan.

Physical site constraints—including retaining walls, existing building foundations, utilities, and topographic conditions—make it impractical and economically unfeasible to expand the sidewalks to the 10-foot width with a 6–8-foot landscape buffer required by the Development Process Manual (DPM) for arterials within Centers. These existing conditions qualify as pre-existing obstructions that cannot be

readily or reasonably modified without significant disturbance to established infrastructure, landscaping, and adjacent businesses.

Granting this waiver will not negatively impact public safety, health, or welfare, nor will it adversely affect surrounding properties or hinder future planning or infrastructure improvements. The request preserves a functional, ADA-compliant pedestrian environment while minimizing unnecessary reconstruction and maintaining the cohesive urban design character of the Uptown Urban Center.

By maintaining the sidewalks in their current configuration, this waiver supports the IDO's goals of encouraging context-sensitive, pedestrian-oriented development while promoting efficiency and flexibility in the use of existing infrastructure. Therefore, the Applicant respectfully requests that the Development Hearing Officer approve this Sidewalk Waiver to allow the existing sidewalks along Louisiana Boulevard and Indian School Road to remain as constructed.

Notification requirements for this request have been met per IDO Table 6-1-1. If you have any additional questions or concerns regarding this submittal, please feel free to contact me directly at (505) 338-1499 or email me at: rokoye@modulusarchitects.com.

Best regards,

Regina Okoye, Vice President

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