



Development Facilitation Team (DFT) – Review Comments

Reviewer: David G. Gutierrez, P.E. | Phone: 505-289-3381 | dggutierrez@abcwua.org

Project No: PR-2019-002042 Date: 05/21/2025 Agenda Item: #7 Zone Atlas Page: MX-M

Legal Description: Lots/Tracts as listed in Application within the Sombra Del Oeste subdivision

Request: Request for an Application within the Sombra Del Oeste Subdivision

Location: 1802 SMOKETREE DR CONTAINING

☒ **Approved No Conditions**

☐ **Approved W/Conditions**

☐ **Not Approved**

Application For: DHOWVR-2025-00016 – DHO WAIVER

1. No objection



DEVELOPMENT FACILITATION TEAM

Parks and Recreation Department

PR-2019-002042

DHOWVR-2025-00016 – DHO WAIVER

CONSENSUS PLANNING | JIM STROZIER & CHARLENE JOHNSON agents for EUGENE CHAVEZ requests the aforementioned action(s) for all or a portion of: Lots/Tracts AS LISTED IN APPLICATION WITHIN THE SOMBRA DEL OESTE SUBDIVISION zoned MX-M, located at 1802 SMOKETREE DR CONTAINING approximately X acre(s). (M-09)
PROPERTY OWNERS: Eugene Chavez
REQUEST: Request for a Waiver-DHO to the 20-foot driveway length for a Low-Density Residential development (Townhouses) for the Sombra del Oeste Subdivision

SKETCH 7-24-24 (DFT)

IDO – 2025

Comments:

5.20.2025

Parks and Recreation has no objections to this request.

DEVELOPMENT HEARING OFFICER - HYDROLOGY SECTION
Richard Martinez, PE, Senior Engineer | 505-924-3362 richardmartinez@cabq.gov

DRB Project Number: PR-2019-002042

Hearing Date: 05-21-2025

Project: Lots/Tracts as Listed in the
Application Within the
SOMBRA DEL OESTE
Subdivision
1802 Smoketree Dr. SW

Agenda Item No: 8

<input type="checkbox"/> Minor Preliminary / Final Plat	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Temp Sidewalk Deferral	<input type="checkbox"/> Sidewalk Waiver/Variance	<input type="checkbox"/> Bulk Land Plat
<input checked="" type="checkbox"/> DHO Waiver	<input type="checkbox"/> Vacation of Public Easement	<input type="checkbox"/> Vacation of Public Right of Way

ENGINEERING COMMENTS:

- Hydrology has an Approved Grading & Drainage Plan (HT# M09D032) for Sombra Del Oeste with an engineer's stamp date of 12/20/2024.
- Hydrology has no objection to the proposed DHO Waiver.
- Comment - Prior to submitting for Building Permit, a licensed New Mexico civil engineer will need to submit a Grading & Drainage Plan to Hydrology for review & approval if one of these conditions is met. (500 cy of grading, 1,000 sf of proposed building, or 10,000 sf of proposed paving).

☐ APPROVED
☐ DENIED

DELEGATED TO: ☐ TRANS ☐ HYD ☐ WUA ☐ PRKS ☐ PLNG
Delegated For: _____
SIGNED: ☐ I.L. ☐ SPSP ☐ SPBP ☐ FINAL PLAT
DEFERRED TO _____

DEVELOPMENT HEARING OFFICER

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2019-002042
8801 Gibson

AGENDA ITEM NO: 7

SUBJECT: Driveway Waiver

ENGINEERING COMMENTS:

1. Transportation does not support this waiver. Specifically, criteria #9 is not met, as this is not the minimum required to make the site work. This is a new development where the applicant is on control of all aspects of the site design, as such the site should be designed to meet all current standards.

. If new or revised information is submitted, additional comments may be provided by Transportation Development.

FROM: Ernest Armijo, P.E.
Transportation Development
505-924-3991 or earmijo@cabq.gov

DATE: May 21, 2025

ACTION:

APPROVED __; DENIED __; DEFERRED __; COMMENTS PROVIDED __; WITHDRAWN __

DELEGATED: _____ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)



DEVELOPMENT HEARING OFFICER

Planning - Case Comments

MEETING DATE: 5/21/25 -- **AGENDA ITEM:** #7

Project Number: PR-2020-002042

Application Numbers: DHOWVR-2025-00016

Project Name: Sombra Del Oeste Subdivision (just east of 98th and Gibson)

Request:

5-3 Driveway development Waiver to (townhouse) Low Density residential requirement.

**These are preliminary Planning comments. Additional reviews and/or revised comments may be needed for any modifications and/or supplemental submittals.*

Comment in orange require a response or revision.

BACKGROUND:

- This is a request for a Development Waiver to IDO section 5-3-C-3, Driveway requirements for Low Density Residential. Requires a 20ft driveway length, not including right-of-way.
- From 2019-2024, this development has been through several different file reviews that included pre-application submittals and platting action approvals from both the DRB and DHO. There was also a previous EPC approval for a Zone Map Amendment.
- The IDO Zone District for the subject property is MX-M. The site and development are subject to the standards of the IDO and DPM.
- Links to the IDO and DPM are featured below:
<https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance-1>
<https://www.cabq.gov/planning/boards-commissions/development-process-manual-executive-committee>

- The Applicant provided justification to the Parking Development Waiver request per 6-

**(See additional comments on next pages)*

6(P)(3) of the IDO, which included the following:

RESPONSE TO CRITERIA

Per IDO 6-6(P)(3)(a) - An application for a Waiver – DHO shall be approved if it complies with the following criteria:

1. 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, watercourses, natural topographic features, manmade 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.

d. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in the design of a subdivision, in accordance with accepted principles of site planning.

Applicant Response: Criterion "d" best applies to this Waiver request. Varying from the normal requirements of a 20-foot driveway, encourages flexibility by allowing a medium density, affordable housing development that provides parking garages per unit, a useful amenity providing safety and security for residents. The property is adjacent to a Charter School, a multi-use trail on Gibson Boulevard, the Amole Arroyo and Trail, and a 10 minute walk to the Silver Tree Neighborhood Park. Each unit provides a 15-foot backyard which allows usable open space for residents. The subdivision provides ingenuity of design by increasing density, as desired in the MX-M zone, with narrow lots and two and three-bedroom townhouses that include garages.

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

Applicant Response: The requested waiver will not be materially contrary to public safety, health, or welfare. By facilitating the development of a moderately dense and affordable townhouse subdivision, this project aims to enhance the area and provide a unique and attainable housing option in this area of the City. It will provide both front and rear yards, private garages, guest parking, and will prohibit parking in driveways, as outlined in the HOA covenants. Parking vehicles in garages contributes to safety by offering a secure location for vehicles, thereby reducing the risk of vandalism and theft. This approach will improve safety on the street for pedestrians, bicyclists, and others, making the homes and street more visible instead of obscured by parked cars. The homeowners will be able to safely get in and out of their garages with the shorter drive pads that are not encumbered with parked vehicles. The result will be a more open and spacious streetscape, which encourages healthy activities and foster community interaction.

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

Applicant Response: The requested Waiver will not cause significant material adverse impacts on surrounding properties. The short driveways are integrated throughout the subdivision, creating a cohesive design that is intended to create efficient and safe vehicular and pedestrian circulation. The subdivision backs up to the neighborhood to the north, has a large utility corridor, trail, and drainage facility to the west, and a Charter School to the east.

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

Applicant Response: The requested Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements. All necessary right-of-way and improvement to Gibson Boulevard have been addressed with the subdivision. The Waiver is limited to driveways on private property.

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.

Applicant Response: The requested Waiver to driveway length will not conflict with the goals and provisions outlined in Section 5-3 of the IDO regarding Access and Connectivity. These goals focus on providing sufficient street connectivity and ensuring convenient and efficient access to both current and future neighborhoods. The shorter driveways will not impact on these objectives, as they do not affect the connectivity of the street network within the Sombra del Oeste subdivision, nor will they hinder access to existing or future neighborhoods. By requiring parking exclusively in garages, any encroachment onto the right-of-way will be minimized. Designated visitor parking spaces are located throughout the subdivision, to discourage parking in driveways. All sidewalks and streets will be constructed in accordance with IDO and Development Process Manual (DPM) requirements, thereby ensuring that the neighborhood access will not be impacted.

The City's Comprehensive Plan includes the following Housing Chapter's Equity Guiding Principles (emphasis added) that will be furthered by this project and the requested waiver:

- A mix of high-quality housing serves a range of household types at all income levels and helps maintain affordability over time.
- Reducing regulatory barriers to affordable housing – such as minimum housing unit and lot size – reduces the cost of development and helps make units more affordable.

- Ensuring all people have fair and equal access to housing consistent with the federal Fair Housing Act and the HUD Rule on Affirmatively Furthering Fair Housing.

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

Applicant Response: *Criterion (f) does not apply, as the subject property is not in the 100-year Floodplain.*

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

Applicant Response: *The requested Waiver will not materially undermine the intent of the IDO to “encourage efficient and connected transportation and circulation systems for motor vehicles, bicycles, and pedestrians” or the MX-M zone “to provide for a wide array of moderate-intensity retail, commercial, and institutional, and moderate density residential uses, with taller, multi-story buildings encouraged in Centers and Corridors.”*

The Waiver will support the development of a moderate-density residential with an efficient transportation circulation system that connects to the bike path and trail along Gibson Boulevard, which connects to the Amole Arroyo Multi-use trail and the 98th Street Trail. The driveway Waiver will not impede these systems but contribute to the network by installing a portion of the Gibson multi-use trail including landscape.

The Waiver will meet the intent of the MX-M zone by supporting a medium-density development in an area of the City that is in need of affordable housing. The MX-M zone dimensional standards do not require 20-foot driveways; rather, they only require a minimum of 5-foot setback, which the developments on the site meet. The driveway length is a requirement for low-density residential development, which townhomes are classified as in the IDO. The 20-foot setback is contrary to the goal of the MX-M zone, which is to provide moderate-density development with narrower setbacks, encouraging walkability and vibrant streets. Parking cars in the garages and avoiding a 20-foot setback meets the intent of the MX-M zone and will support the development of an ideal MX-M medium-density residential development.

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.*

Applicant Response: The proposed subdivision is allowed in the MX-M zone. The 20-foot driveways are not required by MX-M dimensional standards, as stated above.

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).

Applicant Response: The requested Waiver is the minimum necessary to provide redress. The proposed driveway lengths vary, depending on the location within the subdivision. The following is the breakdown of the driveway widths as shown on the Driveway Length Exhibit submitted with this application:

10-foot driveway length – 42 units

12-foot driveway length – 18 units

13-foot driveway length – 4 units

14-foot driveway length – 4 units

15-foot driveway length – 4 units

The installation of a 20-foot driveway on each lot would significantly change the project and result in delays and additional cost that are not warranted as described above. The change could reduce the rear yards and the usable open space requirements for the MX-M zone resulting in variances to both. To meet these and the 20-foot driveway requirement for low-density residential development, each townhome would need to be three-stories, making the project untenable as an affordable housing project. The driveway lengths provided allow for safe vehicle exit from garages and still allow the development to meet other requirements that are beneficial to residents' quality of life.

10. If the request is 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.

Applicant Response: This criterion is not applicable, as it is not for a Waiver for sidewalk requirements.

CONCLUSION

Based on the justification presented above, on behalf of Homewise, Inc. we respectfully request that you approve this Waiver-DHO for driveway lengths. Thank you for your consideration of this request.

1. ITEMS TO BE COMPLETED OR CORRECTED

- Planning agrees with Transportation and the City Engineer that the applicant can more effectively explain why this Waiver should be granted. It is not clear as to how this is a unique circumstance and how this would not create a negative impact for the entire development.

The IDO requirement is referenced in IDO section 5-3-C-3 and again in 5-5-f-2.

- The driveway requirement was noted and mentioned in previous pre-application and platting action review memos. In addition, several other subdivision sites have had complaints related to the development of shorter driveways that resulted in parking violations, zoning code violations, and/or an encroachment that crosses or blocks public right-of-way area.
- An alternative solution would be to submit a ZHE variance request to the rear setback requirement. This would potentially allow the proposed floor plans to proceed while meeting all other dimensional standard requirements.

1. ITEMS IN COMPLIANCE OR STANDARD COMMENTS

- A Notice of Decision for this request will be posted online within three business days of a DHO decision of this request per 6-4(L)(6) of the IDO.
- The Office of Neighborhood Coordination (ONC) noted that as of April 28th, 2025 there are no Neighborhood Associations to notify.



Disclaimer: The comments provided are based upon the information received from the applicant/agent. If new or revised information is submitted, additional comments may be provided by Planning.

FROM: Robert Webb/Jay Rodenbeck
Planning Department

DATE: 5/21/25
