



May 12, 2025

Mr. Robert Lucero, Esq.  
Development Hearing Officer  
City of Albuquerque  
600 Second Street NW  
Albuquerque, New Mexico 87102

RE: Sombra del Oeste Subdivision – DHO Waiver to Driveway Length

Landscape Architecture  
Urban Design  
Planning Services

302 Eighth St. NW  
Albuquerque, NM 87102

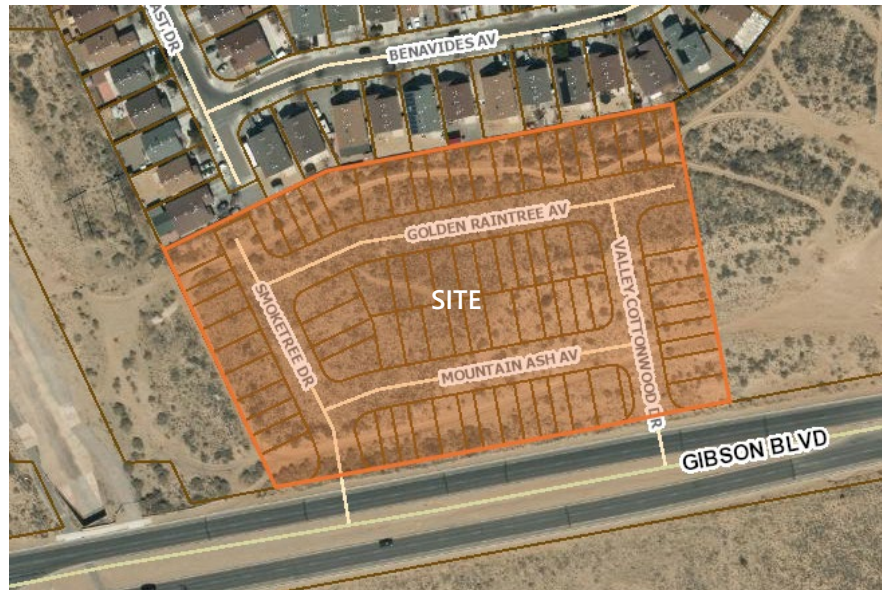
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Dear Mr. Lucero:

The purpose of this letter is to request a Waiver-DHO to the 20-foot driveway length for a Low Density Residential development (Townhouses) for the Sombra del Oeste Subdivision on behalf of Homewise, Inc. The subject property is located at the northeast corner of Gibson Boulevard just east of 98<sup>th</sup> Street and is zoned Mixed Use-Medium Intensity (MX-M).

The subject property is legally described as follows:

- *Lots 1 - 75 Plat for Sombra del Oeste (being comprised of Tracts 12-B-1-A AND 12-B-1-B El Rancho Grande I)*
- *Tract 1 Plat for Sombra del Oeste (being comprised of Tracts 12-B-1-A AND 12-B-1-B El Rancho Grande I) CONT .0696 AC*
- *Tract 2 Plat for Sombra del Oeste (being comprised of tracts 12-B-1-A AND 12-B-1-B El Rancho Grande I) CONT .0146 AC*
- *Tract 3 Plat for Sombra del Oeste (being comprised of tracts 12-B-1-A AND 12-B-1-B El Rancho Grande I) CONT .0532 AC*
- *Tract 4 Plat for Sombra del Oeste (being comprised of tracts 12-B-1-A AND 12-B-1-B El Rancho Grande I) CONT .0869 AC*



Project Location

#### PRINCIPALS

James K. Strozier, FAICP  
Jacqueline Fishman, AICP

ASSOCIATES  
Ken Romig, ASLA  
Margaret Ambrosino, AICP

## PROJECT DESCRIPTION

The Sombra del Oeste subdivision is approximately 4.8 acres and will provide 72 affordable townhouse units, of which 30 will be income restricted. Each lot complies with the MX-M Dimensional Standards by providing the minimum front and rear yard requirements and meets the minimum usable open space requirement. The townhouse units will be two stories and in three different designs. Type A units will contain a one car garage, while Types B and C units will include a two-car garage. The garages will measure at least 22-feet in depth, accommodating large trucks or SUVs. Homewise will establish a Homeowners Association (HOA) with covenants for this project, like those used in their previous developments. This covenant will require that residents park their cars in the garage or in one of the seven visitor parking areas located throughout the site. Specific acknowledgement of this requirement will be included in the homeowner documents provided with the purchase.

## REQUEST

The Applicant is requesting a waiver to the IDO for a driveway length as noted below:

- 1) *IDO 5-3(C)(3)(b) For all low-density residential development, driveways accessed from the front or street side of the property shall be at least 20 feet long, exclusive of the sidewalk or drive pad.*

The applicant is requesting waivers to allow driveways that are shorter than 20 feet for all units. The proposed driveways range in length from 10 to 15 feet. These driveways are not meant for parking vehicles; instead, they serve as a safe ingress and egress to the garages for each unit, where vehicles must be parked in accordance with the HOA covenants.

## 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.

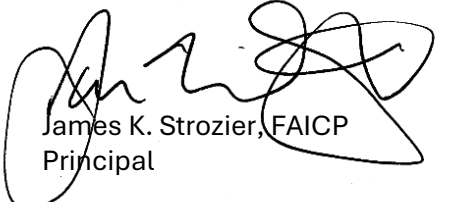
10. *If the request is for a Waiver to IDO sidewalk requirements, the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or 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.

Sincerely,



James K. Strozier, FAICP  
Principal