

November 6, 2025

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City of Albuquerque
Planning Department
Development Hearing Officer
600 2nd Street NW
Albuquerque, NM 87102

Re: 2103 Los Luceros Rd NW
Sidewalk Ordinance Waiver

Dear Hearing Officer,

Please accept this application for a waiver from the Sidewalk Ordinance for my residential property located at 2103 Los Luceros Rd NW. We are in the process of applying for a Grading and Drainage Permit and the Hydrology Section has informed us that we are required to comply with section 6-5-5-3 of the Sidewalk Ordinance.

There are no existing sidewalks on either of the roads that abut our property and sidewalks are generally not found in our historic neighborhood of Los Duranes.

As justification for this waiver I confirm that this application complies with the following criteria set forth in IDO Subsection 14-6-6-6(P):

1. Addressing IDO Subsection 14-6-6-6(P)(3)(a)(1)(b)

The area has been recognized as having historical significance and architectural significance by the City and County and a waiver is needed and appropriate to maintain the historical significance.

The subject property is located within the Los Duranes neighborhood. The Los Duranes Sector Plan, adopted by both the City Council and County Commission in 2012 explicitly recognizes the unique historic and architectural significance of the area and the subject property itself. When adopting the Plan, the City Council and County Commission stated,

“The Los Duranes Sector Neighborhood Plan...seeks to preserve and enhance the unique features of the Los Duranes community that have existed since the late 1700s, including rural characteristics such as agricultural land, acequias, and narrow streets...”

The Los Duranes Sector Plan specifically highlighted the historic nature of the subject property (p.30):

“This Folk Victorian house circa 1900 is still easily identified by its cross-gabled, or gable and wing plan, a common house type in Albuquerque at the turn of the twentieth century. Wood shingles remain in the gable end; however, the open porch that once faced the street, no doubt finished with spindles and posts, has been filled in for additional living space and the windows have been altered”

Addressing IDO Subsection 14-6-6-6(P)(3)(a)(1)(c)

The established neighborhood character and 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 roses that would have to be removed to construct a new sidewalk are Castilian roses, the variety known from the story of Our Lady of Guadalupe. The story recounts that the Virgin Mary appeared to a Mexican peasant named Juan Diego and instructed him to gather these roses, which were blooming miraculously in December on a barren hillside, and place them in his cloak as a sign for the local bishop that a shrine should be built for the Virgin Mary. When Juan Diego opened his cloak, an image of the Virgin was miraculously imprinted on the fabric, and the flowers spilled out.

The subject property is located directly across from the San Jose de los Duranes Mission and congregants at the church has regularly made note of the importance of these roses to them.

2. Addressing IDO Subsection 14-6-6-6(P)(3)(a)(2)

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

The subject property has been developed since at least the early 1900s, without a sidewalk. The nearest sidewalk is 0.3 miles away, so there is no adjacent sidewalk to tie into. If anything, having one small stretch of sidewalk may prove confusing to pedestrians.

The Los Duranes Sector Plan recognized,

“The narrow streets and acequias of Los Duranes are an essential part of our neighborhood character, which have been preserved and maintained in new developments. *We have a connected network of safe routes to schools and community facilities and provide pedestrian and biking amenities for all ages and abilities.*”

3. Addressing IDO Subsection 14-6-6-6(P)(3)(a)(3)

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

There are no sidewalks on surrounding properties. The absence of a sidewalk at the subject property has not had a materially adverse impact on any neighboring property during the past hundred plus years.

4. Addressing IDO Subsection 14-6-6-6(P)(3)(a)(4)

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

Several decades ago, the City expanded the width of streets in Los Duranes. The absence of a sidewalk at the subject property will in no way hinder any future public infrastructure improvements, indeed it may facilitate it as a sidewalk would be a physical impediment to future right-of-way acquisitions.

5. Addressing IDO Subsection 14-6-6-6(P)(3)(a)(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 is in keeping with the express intent of the City and County to preserve the historical character of Los Duranes. It does not conflict with any other City code or ordinance.

6. Addressing IDO Subsection 14-6-6-6(P)(3)(a)(6)

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

The subject property is not within the 100-year floodplain.

7. Addressing IDO Subsection 14-6-6-6(P)(3)(a)(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 undermine the City's ability to create a streamlined, transparent, and equitable framework of zoning and subdivision regulations that implements the city's long-term Comprehensive Plan. Moreover, the waiver is in accord with the intent of protecting the character of historic neighborhoods.

8. Addressing IDO Subsection 14-6-6-6(P)(3)(a)(8)

The Waiver will 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.

This waiver will not alter the lot or type of development already in place at the subject property or any other property.

9. Addressing IDO Subsection 14-6-6-6(P)(3)(a)(9)

The Waiver requested is the minimum necessary to provide redress without being inconsistent with the provisions of IDO Subsection 14-16-6-6(P).

The waiver would allow the minimal action of maintaining the status quo at this historic property and is consistent with IDO Subsection 14-16-6-6(P).

10. Addressing IDO Subsection 14-6-6-6(P)(3)(a)(10)

This request for a waiver to IDO sidewalk requirements is in an 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.

There is no existing sidewalk system on either road adjacent to the subject property. As noted above, the Sector Plan declared that Los Duranes has existing pedestrian facilities for all ages and abilities. The addition of an isolated island of sidewalk will not contribute to the public welfare.

Please note that the improvements being made to the subject property do not constitute a new public residential subdivision, nor has any of the subject property been dedicated as a public right-of-way. Therefore, IDO Subsection 14-16-5-3(D)(1)(b) does not apply.

Thank you for your kind consideration of this waiver request. Please do not hesitate to contact me with questions or concerns.

Sincerely,



Adrian Oglesby