



December 2nd, 2025

Development Hearing Officer
Plaza Del Sol Building
600 2nd NW
Albuquerque, NM 87102

RE: DHO SIDEWALK WAIVER FOR ALL OF BLK 5 FRANCISCO ARMIJO Y OTERO ADDN & VAC PORT OF FRUIT AVE NW LYING BETWEEN 2ND & 3RD ST'S & A VAC ALLEY AND ALL OF BLK 4 FRANCISCO ARMIJO Y ORTEO ADDN & A VAC ALLEY

Dear Development Hearing Officer,

Tierra West LLC is requesting a DHO – Waiver application on the western frontage of a subject site located at 200 Lomas NW. The eastern frontage is 3rd Street NW. The subject is legally described as BLK 5 FRANCISCO ARMIJO Y OTERO ADDN & VAC PORT OF FRUIT AVE NW LYING BETWEEN 2ND & 3RD ST'S & A VAC ALLEY AND ALL OF BLK 4 FRANCISCO ARMIJO Y ORTEO ADDN & A VAC ALLEY (the subject site).

The subject site is zoned MX-FB-UD and will be redeveloped into a commercial / office space on the first floor (approximately 24,000 square feet) and multi-family dwellings on the remaining levels (approximately 100 units).



Figure 1: Subject Site and Zoning

Future Request –Subdivision

The subject site is currently comprised of 48 lots. Following this DHO – Waiver application, we will be seeking to consolidate the existing 48 lots into two (2) lots to facilitate redevelopment of the existing building.

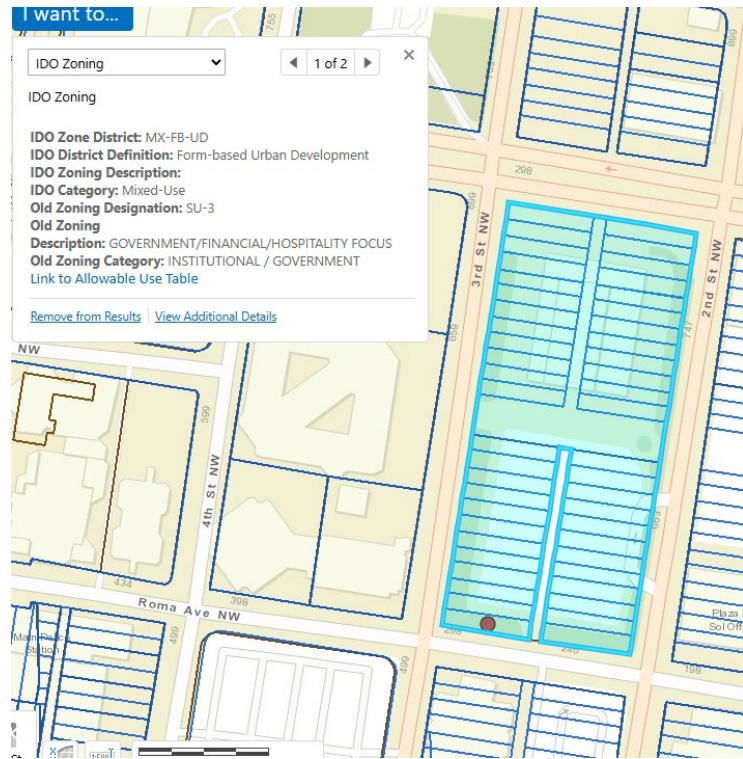


Figure 2: Existing Subdivision Showing 48 Lots

Request – Waiver

Tierra West requests a DHO Waiver from provisions found in IDO 5-3 Access and Connectivity. Specifically, from IDO 5-3(D)(2)(b) Sidewalks. This section of the IDO refers to the DPM (Table 7.2.29 Street Element Dimensions) to establish required sidewalk widths. The DPM calls for 10'-0" sidewalk along 3rd St NW, which is the east frontage of the subject site.

There is currently an existing 7'-0" sidewalk along 3rd St NW. The Development Process Manual requires a 10'-0" required per the Development Process Manual (DPM) *TABLE 7.2.29 Street Element Dimensions*.

Tierra West is applying for a waiver of 3'-0" from the 10'-0" sidewalk width along 3rd Street, to allow a 7'-0" sidewalk.

The subject site at 200 Lomas Blvd contains a pre-existing 7-foot sidewalk built directly along the curb, consistent with the established streetscape along this corridor.

This configuration reflects long-standing right-of-way constraints and existing utility placements, making relocation or reconstruction of the sidewalk to meet current IDO standards impractical. The proposed Waiver seeks to maintain these existing conditions without requiring demolition of functional infrastructure or removal of mature landscaping. Preserving the current layout ensures continuity with adjacent properties, avoids unnecessary disturbance, and continues to provide wide, safe pedestrian access along 3rd street.

IDO 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 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.*

3rd street runs along the western frontage of the subject site. This area already has a 7'-0" sidewalk. The sidewalk is part of the established right-of-way conditions along this segment of 3rd street. Relocating or reconstructing the sidewalk to meet current IDO standards would require removal of existing hardscape, and reconstruction in an area with limited available space. The subject site has utility connections to infrastructure along this western boundary. This utility infrastructure would have to be removed or relocated.



Figure 3: ATM Machine on subject site

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.*

There is existing landscaping along the entire length of the west frontage (3rd Street) of the subject site. The landscaping includes shrubs and bushes and mature trees.



Figure 4: Existing established landscaping

- 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.

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

The existing 7-foot sidewalk provides safe, unobstructed pedestrian circulation. Although the IDO standard calls for a 10'-0" wide sidewalk, the current 7'-0" configuration does not create any public safety hazards, and pedestrian visibility remains high. Granting the Waiver maintains a functioning, accessible pedestrian zone without introducing risks to health or welfare.

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

The requested Waiver simply preserves the existing streetscape. No changes are proposed that would affect drainage, access, visibility, traffic, or pedestrian flow. Surrounding properties along 3rd street NW exhibit similar sidewalk conditions; therefore, granting the request does not create any adverse impacts.

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

The Waiver preserves existing improvements within the current right-of-way footprint and does not add any permanent barrier that would prevent the City from pursuing future roadway or streetscape projects. If future planning efforts call for a revised sidewalk/buffer layout, the City will still retain full flexibility to redesign the corridor.

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 does not impact any existing adopted plans or policies. The request maintains existing pedestrian capacity and does not conflict with multimodal goals. The Waiver is consistent with the IDO's intent to promote functional, context-appropriate streetscapes.

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

The site is not located within the 100-year Floodplain, and the request has no relationship to floodplain development. The existing curb and gutter is sufficient to address stormwater requirements.

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

The purpose of the IDO standards is to ensure safe, attractive, and accessible pedestrian environments. The existing 7-foot sidewalk already meets this intent by providing a wide, comfortable walking area. Although it does not meet the current 10'-0" width requirement, the sidewalk still functions safely and effectively, and therefore the intent of the IDO is not undermined.

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 Waiver applies only to the sidewalk width requirement and does not result in a lot or type of development failing to meet other applicable standards. All other Development Standards in the zone district are met or exceeded.

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 request seeks only to maintain the existing sidewalk and streetscape configuration, avoiding unnecessary demolition and reconstruction. No additional waivers are requested. Therefore, the Waiver represents the minimum necessary relief.

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.*

Granting the Waiver will not create a gap in the pedestrian system. The existing 7-foot sidewalk provides continuous pedestrian connectivity along 3rd Street, consistent with adjacent properties. Introducing a landscaped buffer at this single site would create an awkward, inconsistent condition along a major corridor without improving public welfare.

Conclusion

In summary, the request for a Waiver at 200 Lomas Blvd is justified based on the unique existing conditions of the site and the surrounding corridor. The pre-existing 7-foot sidewalk constructed directly against the curb reflects long-standing right-of-way constraints and established streetscape character along this portion of 3rd Street. Reconstructing the sidewalk to meet current IDO standards would require unnecessary removal of functional infrastructure and would not meaningfully improve public safety, welfare, or multimodal access.

The Waiver meets all applicable criteria in the IDO: it does not create adverse impacts, does not hinder future planning or infrastructure improvements, does not conflict with adopted plans or policies, and maintains the intent and purpose of the zone district and the IDO. The existing sidewalk continues to provide safe, continuous pedestrian connectivity consistent with the corridor and meets the community's needs without disruption.

For these reasons, the requested Waiver represents the minimum necessary relief and is appropriate for approval.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,



Sergio Lozoya
Sr. Planner

JN: 2025015
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