

April 9, 2026

Development Facilitation Team
City of Albuquerque
Albuquerque, New Mexico

**RE: REQUEST FOR DEVIATION FROM SETBACK STANDARDS IN THE SUNPORT PARK PLAN Z-85-98-1 SITE PLAN ADMINISTRATIVE -ALOFT HOTEL AT UNIVERSITY BLVD SE PARCEL 2-A-2, PLAT OF PARCELS 2A1 AND 2A2, SUNPORT PARK SUBDIVISION 1.0347 ACRES
JOB NO. 2021133, PR-2021-002651, SP-2026-00013**

Dear Development Facilitation Team:

Tierra West LLC respectfully submits this letter requesting approval of a deviation in conjunction with the Site Plan – Administrative application for the proposed Aloft Hotel located on Parcel 2-A-2, Plat of Parcels 2A1 and 2A2, Sunport Park Subdivision, containing approximately 1.0347 acres (the subject site). The subject site is within the Sunport Park area and is subject to the setback standards of the Sunport Park Plan (Z-85-98-1).

Revised Site Plan – Setback Dimensions

We have clarified a dimension on the northeast corner of the building. The lot line setback previously read 29-feet instead of the corrected 28-feet. A deviation is still being requested because the southeast portion of the building is setback 23-feet. However, we wanted to make this correction and clarification.

Sunport Park Plan History and Setback Standards

The Sunport Park Plan, case Z-85-98-1, was approved in 1986 by the Environmental Planning Commission and later amended in 1999. Based on the approval history reviewed to date, the original Sunport Park Plan setback standards outlined below apply to this site.

The applicable setback standards under the Sunport Park Plan are as follows:

- Minimum front setback: 50 feet
- Minimum side setback: 25 feet
- Minimum rear setback: 25 feet

Proposed Setbacks and Lot Line Definition

Per the Integrated Development Ordinance, the subject site does not have a front lot line.

Front Lot Line: *A legal boundary of a lot that abuts a street. On a corner lot, the side with the street number address is the front lot line. For the purposes of determining setback requirements on an interior lot that does not abut a street, the lot is not considered to have*

a front lot line. In that case, all lot lines would be considered side lot lines. For a through lot, the property owner may designate which of the 2 lot lines is the front lot line.

As a result, all lot lines are treated as side lot lines, and the applicable minimum setback on all sides is 25 feet.

The proposed setbacks are as follows:

- North lot line: 24 feet minimum
- East lot line: 23 feet minimum
- South lot line: 25 feet minimum
- West lot line: 30 feet minimum

Because all lot lines are considered side lot lines, the 25-foot minimum side setback applies around the entire parcel. Based on that standard:

- The south setback meets with the required 25-foot minimum.
- The west setback exceeds the required 25-foot minimum.
- The north setback is deficient by 1 foot and requires a deviation.
- The east setback is deficient by 2 feet and requires a deviation.

Pursuant to IDO Table 6-4-1, a deviation of up to 10% may be approved for minimum side setbacks. Ten percent of the required 25-foot side setback is 2.5 feet. The requested deviations are therefore within the allowable range:

- North setback deviation: 1 foot reduction, or 4%
- East setback deviation: 2 foot reduction, or 8%

Both requested deviations are within the 10% limit allowed by IDO Table 6-4-1.

Deviation Request Justification

The site contains approximately 1.0347 acres, or 45,071.53 square feet. The proposed hotel building footprint is 15,608 square feet, which represents approximately 34.63% of the total lot area. Given the site's size, configuration, and development constraints, the requested deviation is necessary to accommodate a feasible hotel building footprint while maintaining compliance with the remainder of the applicable development standards.

The subject property is also located within the Airport Protection Overlay (APO), specifically within the Noise Contour Sub-Area. Hotels are one of the limited uses allowed within the APO Noise Contour Sub-Area pursuant to IDO Table 3-3-2. While hotel use is permissive, the APO designation limits development options and narrows the range of viable land uses for the property. These overlay constraints further support the need for modest setback relief to allow reasonable development of a permitted use on the site.

Pursuant to IDO Subsection 6-4(N)(3), the relevant decision-making body identified in Table 6-1-1 may approve a requested deviation that is within the limits listed in Table 6-4-1 if that decision-making body determines that all of the following requirements are met. This request satisfies those criteria as follows:

6-4(N)(3)(a) The applicant's site is subject to site constraints not generally shared by surrounding properties or the site was platted or developed in an unusual pattern when compared to abutting properties (e.g. the property was developed with orientation or access facing a different street than abutting lots) that would prevent the development of a permissive land use in a type of structure generally found on sites of a similar size in the surrounding area.

The subject site is constrained by its lot configuration and development context. The parcel does not abut a public right-of-way and therefore has no front lot line, which results in all lot lines being treated as side lot lines. This is an unusual condition that affects the application of setback standards across the entire site.

The site is also affected by a significant grade change from University Boulevard SE, which creates additional grading and design constraints related to access, drainage, and building placement. In addition, the parcel is platted in an unusual pattern compared to nearby properties, as it is effectively landlocked, bordered by a large stormwater pond to the east and to an existing outdoor parking facility on all other sides, and comparatively small relative to surrounding parcels.

In addition, the property is within the APO Noise Contour Sub-Area, where development opportunities are limited and hotels are among the few permissive uses. The combination of the Sunport Park Plan setbacks, the parcel configuration, and the APO constraints substantially limits the buildable area and makes it difficult to develop a hotel in a form generally found on similarly sized sites.

b. The site constraints were not created by the actions of the property owner or another interested party.

The constraints affecting the subject property are pre-existing and were not created by the current property owner or applicant. The existing platting pattern was established through the Preliminary/Final Plat approved by the Development Review Board (DRB) on June 29, 2022 (PR-2019-002651, SD-2022-00094), which subdivided Parcel 2A of the Sunport Park Subdivision (48.6595 acres) into Parcel 2A1 (47.6248 acres) and Parcel 2A2 (1.0347 acres), the subject site. At the time of approval, the property was owned by R & B LLC, not the current owners, Samir Patel and Khyati Trust. Accordingly, the subject site's size and configuration are the direct result of prior, City-approved platting actions and not the actions of the current applicant.

The site is also subject to the Sunport Park Master Plan, which establishes a coordinated development framework including fixed parcel configurations, internal circulation patterns, shared access requirements, and cross-access easements. These requirements limit the ability to alter site layout, access, and building placement, as development must remain consistent with the approved master-planned infrastructure and circulation system. These constraints were

established through prior approvals and apply uniformly to all properties within the master plan area.

Additionally, the property is located within the Airport Protection Overlay (APO), which imposes development restrictions pursuant to the Integrated Development Ordinance (IDO), including FAA-based height limitations, restrictions on potential hazards to air navigation (such as glare and lighting), and noise-related design considerations. These regulations are externally imposed and apply irrespective of ownership.

Therefore, the constraints affecting the site—including its size, configuration, access, and development limitations—are the result of prior approvals and adopted regulatory frameworks and are not self-imposed by the current property owner or applicant.

c. The request is for a single site and is not part of a pattern of similar requests for adjacent properties or for nearby sites by the same property owner or within the same subdivision, Framework Plan area, or Master Development Plan area.

This request applies only to the subject property. It is not part of a pattern of similar requests for adjacent parcels, nearby sites under the same ownership, or other lots within the Sunport Park Master Plan area. The deviation is limited to the specific circumstances of this site, and this proposed development.

d. The approval of the requested deviations will not cause material adverse impacts on surrounding properties.

Approval of the requested deviations will not cause material adverse impacts on surrounding properties. The requested relief is minor, consisting of a 1-foot reduction along the north lot line and a 2-foot reduction along the east lot line. Both are within the allowable deviation range established by IDO Table 6-4-1. The south and west setbacks comply with or exceed the required standard. The site is located in a non-residential airport-area context, and the requested reductions will not adversely affect adjacent properties or alter the development pattern of the area.

In addition, development of a hotel at this location will provide a public benefit by supporting lodging demand in close proximity to the Albuquerque International Sunport. Hotel use is an appropriate and anticipated use in this airport-area setting and will help serve travelers, visitors, and airport-related activity. The proposed development will contribute to the functionality of the area by adding a compatible commercial use near the airport without creating adverse impacts on surrounding properties.

e. The requested deviation is not for an Overlay zone standard, and the approval of any requested deviation will not result in a violation of any Overlay zone standard.

The requested deviation is not from an APO overlay standard. The deviation pertains only to setback requirements under the Sunport Park Plan as applied to this site. Approval of the request will not result in a violation of any overlay zone requirement. The proposed hotel remains a

permissive use within the APO Noise Contour Sub-Area and will continue to comply with all applicable APO standards.

Conclusion

For the reasons stated above, Tierra West LLC respectfully requests approval of the requested deviation from the Sunport Park Plan to allow a 24-foot setback along the north lot line and a 23-foot setback along the east lot line, where 25 feet is otherwise required. The requested deviations are minor, fall within the allowable limits of IDO Table 6-4-1, and satisfy all applicable criteria of IDO Subsection 6-4(N)(3).

Please contact me if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Lozoya', with a long horizontal flourish extending to the right.

Sergio Lozoya
Planning Director
Tierra West LLC

JN: 2021133

sl/RRB/djb