



Development Hearing Officer (DHO)  
City of Albuquerque  
Plaza Del Sol, 600 Second NW  
Albuquerque, New Mexico 87102

August 18, 2025

**RE: DHO SIDEWALK WAIVER – 9311 COORS BLVD NW ALBUQUERQUE NM 87114**

To Whom It May Concern,

Modulus Architects & Land Use Planning, Inc., hereafter referred to as the “Agent,” for the purpose of this request, represents CPP PASEO I LLC & CPP PASEO II LLC hereafter referred to as “Property Owner”. We, Agent are requesting approval of a Sidewalk Waiver. The parcel (the “subject site”) is +/- 26 acres in size and is located at 9311 COORS BLVD NW ALBUQUERQUE NM 87114. The subject site is currently developed as a Shopping Center and has a legal description of the following:

Tract A

TR A-1-A-1 PLAT OF TR A-1-A-1 THE PLAZA AT PASEO DEL NORTE(A REPL OF TR A-1-A THE PLAZA AT PASEO DEL NORTE)CONT 25.9752 AC

**Site Zoning**

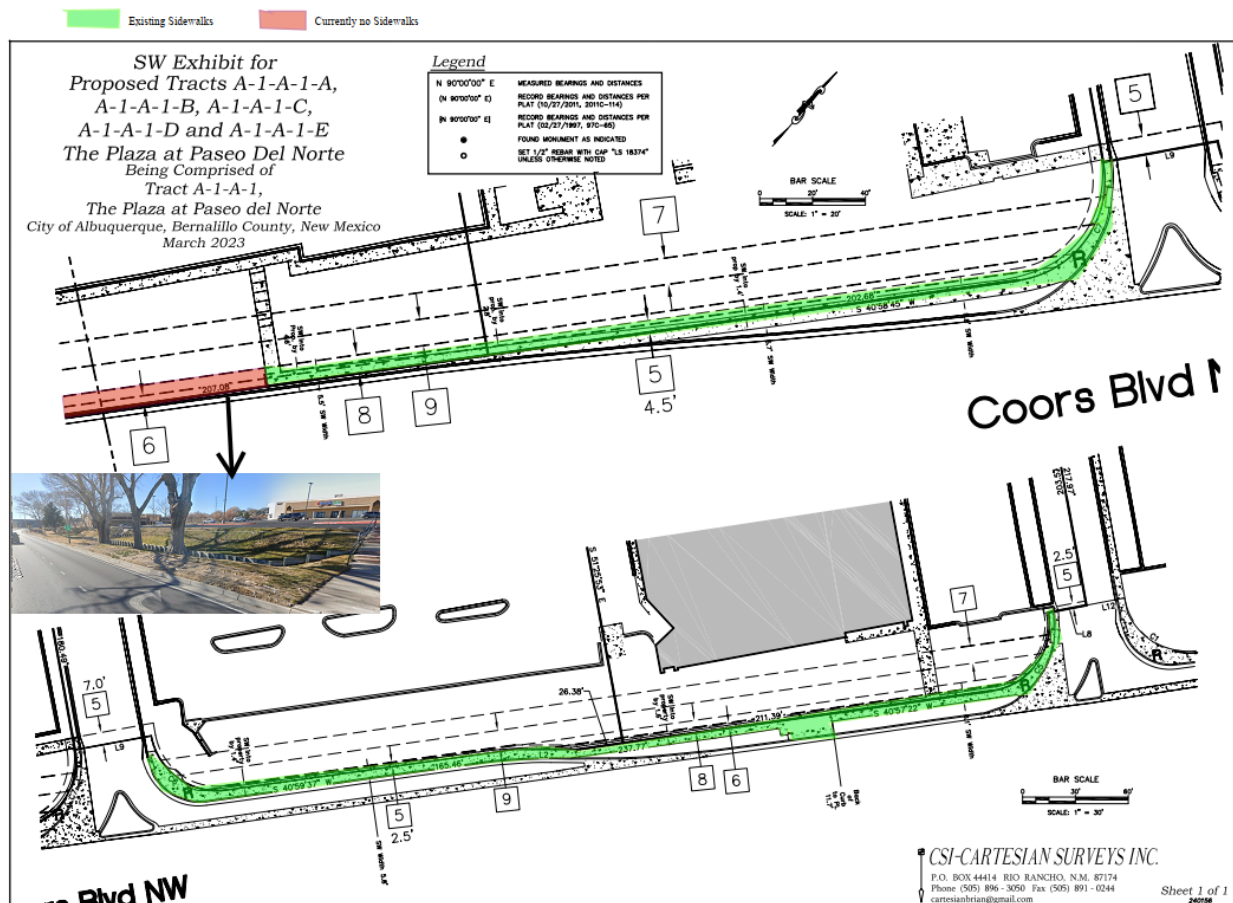
The site is zoned MX-M, located within the Coors Blvd Major Transit Corridors, within CPO-2 Coors Boulevard Overlay Zone, within an Area of Change and within the Coors/Paseo del Norte Activity Center, as designated in the Albuquerque Comprehensive Plan. The site is also within the Northwest Mesa Community Planning Area. There is a controlling Site Development that exists on the site that was approved through the Environmental Planning Commission the delegates to the DRB for final approval in 1987 (File: Z-83-93-1/DRG 87-0621).

**Sidewalk Waiver Request**

Coors and Paseo del Norte are both Principal arterials and are within a Center and in a transit corridor 10' minimum sidewalks are required per the DPM. This request is twofold. Below are the two requests.

1. The DPM requires 10' sidewalks along Coors and the narrowest point is 5.5' (further north) and the widest is 6.1'. The sidewalk gradually widens going south along Coors. See Image 1 below. We are requesting a waiver to keep the existing sidewalks at the existing width.
2. There are currently no existing sidewalks past the sidewalk leading up to the SEC of Coors and the Paseo Del Norte Ramp. We are requesting a sidewalk waiver to construct 6' wide sidewalks to currently match what exists, to remain consistent.

Image 1: Existing and Propose Sidewalk Widths



This request is in compliance with IDO Section 14-16-6-6(P)(3) 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 applies:

6-6(P)(3)(a) 1. 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.

Response: The requested sidewalk waiver meets this criterion as there are pre-existing obstructions that cannot be easily or economically relocated and should not be altered. Along the sidewalk, there is a significant grade change between the walkway and the abutting landscape strip. Expanding the sidewalk would require extensive grading and reconfiguration of the landscape area.

Additionally, mature trees along the sidewalk have grown in such a way that their roots abut the existing pavement. Expanding the sidewalk would require cutting into these roots, which could compromise the health and stability of the trees. Preserving these mature trees is essential, as they provide environmental benefits, enhance the pedestrian experience, and contribute to the overall character of the area.

Furthermore, there are various underground and above-ground utilities throughout the length of Coors Boulevard that would be impacted by sidewalk expansion. Utilities include bull box, light pole, manholes,

electric cabinet, and an irrigation box. Relocating these utilities would be costly and could cause unnecessary disruptions to existing infrastructure and services.

The existing sidewalk was constructed per an Approved Site Plan. The existing sidewalk are within NMDOT's jurisdiction and the existing widths align with their standards of 5-6-foot. These widths were deemed sufficient by the NMDOT representative that we have been coordination with. Reconstructing the sidewalks to meet the 10-foot requirement would not only be costly but also create disruptions to businesses, pedestrian movement, and traffic along Coors Boulevard and Paseo del Norte.

By maintaining the existing sidewalk width while making necessary repairs and ADA-compliant upgrades, this waiver provides a practical solution that balances infrastructure improvements with the preservation of natural and built elements that should not be altered.

**6-6(P)(3)(d) 4. 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.**

Response: The requested sidewalk waiver encourages flexibility, economy, and effective use of open space in line with accepted principles of site planning. By maintaining the existing sidewalk width of 5-6 feet, we avoid costly and disruptive reconstruction while preserving the landscape's natural features, including mature trees and the existing grade change. This flexibility allows for the efficient use of the site without compromising pedestrian safety or accessibility.

Additionally, the waiver minimizes unnecessary alterations to the environment and built infrastructure. The current sidewalk conditions, which align with NMDOT's code requirements, are functional and sufficient for pedestrian traffic. Expanding the sidewalk would require significant grading and the relocation of utilities, which would introduce unnecessary costs and complications.

Rather than strictly adhering to the standard sidewalk width, this waiver promotes ingenuity in preserving natural features like the mature trees and minimizing disruption to both the pedestrian network and surrounding infrastructure. The applicant will by improving the sidewalks that existing and placing in additional sidewalks. By focusing on improving the existing sidewalks through crack repairs, ADA-compliant ramp installations, and overall enhancements, the design maintains the integrity of the site while optimizing the use of open space and ensuring the effective functioning of pedestrian pathways.

These sidewalks were constructed long before this request came to pass. There are also existing obstructions on the sidewalk that cannot be easily relocated. This waiver request will also encourage flexibility in accordance with site planning process and encourage flexibility in accordance with existing site conditions.

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

Response: The requested sidewalk waiver will not be materially contrary to public safety, health, or welfare. We met with the New Mexico Department of Transportation (NMDOT), which confirmed that the existing 5-6-foot sidewalk widths are sufficient and align with their code requirements. This ensures that the current sidewalk conditions meet established safety and accessibility standards. The sidewalks have been in place for decades and maintaining their existing width will preserve continuity and prevent disruption to pedestrian traffic.

Additionally, this waiver supports the preservation of mature trees along the sidewalk. Over time, tree roots have grown to the point where they abut the existing sidewalk. Expanding the sidewalk would require cutting or damaging these roots, which could compromise the health and stability of the trees. By

maintaining the current sidewalk width, we are protecting these established trees, which contribute to the area's aesthetics, environmental benefits, and overall pedestrian experience.

As part of the overall request, we will improve the sidewalks by repairing cracks and buckles, enhancing pedestrian safety and accessibility. We will also install ADA-compliant ramps at access points to improve mobility for all users, ensuring smoother, more stable walking surface. The subject site is a developed shopping center with controlled access points, designated pedestrian crossings, and existing safety measures. Given the high traffic volume on Coors Boulevard and Paseo del Norte, maintaining the current sidewalk width minimizes unnecessary construction impacts that could disrupt both traffic flow and pedestrian movement.

Approving this waiver will also ensure consistency with the existing pedestrian infrastructure, avoiding abrupt width changes that could create confusion or pinch points. By maintaining and upgrading the sidewalks while preserving mature trees, this request supports public safety, enhances accessibility, and protects the natural landscape that contributes to the character of the area.

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

Response: The requested sidewalk waiver will not cause significant material adverse impacts on surrounding properties. The existing sidewalk widths of 5-6 feet are consistent with the surrounding pedestrian infrastructure and align with NMDOT's sidewalk ordinances. This waiver does not create inconsistencies or disruptions in pedestrian movement along Coors Boulevard and Paseo del Norte. Additionally, the waiver does not reduce or eliminate pedestrian access but instead maintains the existing, functional sidewalk network. In fact, we will be upgrading the sidewalks by repairing cracks, fixing buckled areas, and installing ADA-compliant ramps at access points, enhancing accessibility for all users.

Furthermore, the waiver applies only to the sidewalks within the subject site's frontage and does not encroach upon or negatively impact adjacent properties. The proposed improvements will ensure a safe and stable pedestrian environment without altering neighboring land uses, access, or circulation patterns. Since the shopping center is already developed, maintaining the existing sidewalk width will not create any new conflicts with pedestrian traffic. Instead, it will prevent unnecessary demolition and reconstruction that could cause temporary disruptions to nearby businesses and property owners.

Rather than creating any adverse impacts, the requested waiver will ultimately improve pedestrian conditions in the area. The planned repairs and ADA enhancements will provide a safer, more accessible experience for residents, shoppers, and visitors. By maintaining the existing sidewalk widths while making necessary improvements, this waiver request ensures that pedestrian infrastructure remains functional, safe, and beneficial to the surrounding community.

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

Response: The requested sidewalk waiver will not hinder future planning, public right-of-way acquisition, or the financing or construction of public infrastructure improvements. The sidewalks were built in accordance with an Approved Site Development Plan, ensuring they align with existing development standards. Additionally, NMDOT has confirmed that the current 5-6 foot widths are sufficient, meaning the waiver does not conflict with future transportation or infrastructure plans.

The waiver applies only to the subject site's frontage and does not alter the existing public right-of-way or impede potential future expansions. Furthermore, by maintaining the current sidewalk widths while making improvements—such as repairing cracks, addressing buckling, and adding ADA-compliant ramps—the waiver enhances pedestrian infrastructure without affecting future public projects or funding allocations.

**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.**

Response: The requested sidewalk waiver will not conflict significantly with the goals and provisions of any City, County, or AMAFCA adopted plan or policy, the IDO, or any other City code or ordinance. The sidewalks were constructed per an Approved Site Plan and align with NMDOT's sidewalk ordinance. Maintaining the existing sidewalks supports pedestrian connectivity while avoiding unnecessary demolition and disruption.

Additionally, this waiver does not alter land use, zoning, or infrastructure plans and remains consistent with the intent of the Coors Boulevard Major Transit Corridor and the Coors/Paseo del Norte Activity Center. By upgrading the sidewalks with repairs and ADA-compliant ramps, this request enhances pedestrian accessibility while staying in compliance with applicable regulations and long-term planning goals.

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

Response: This criterion does not apply, as the property is not within the 100-year floodplain.

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

Response: The requested sidewalk waiver will not materially undermine the intent and purpose of the IDO, the applicable zone district, or any applicable Overlay Zone. The site is located within the MX-M zone, the Coors Boulevard Major Transit Corridor, and the Coors Boulevard Overlay Zone (CPO-2). The intent of these designations is to support pedestrian-friendly development while balancing existing conditions and infrastructure needs. The sidewalks were constructed per an Approved Site Plan and have been in place for years without issue, ensuring they align with prior planning approvals and land-use objectives.

The CPO-2 Overlay Zone primarily regulates building height and requires a 35-foot landscape setback from Coors Boulevard, which this site fully complies with. There are no specific sidewalk width requirements within CPO-2 that conflict with this waiver request. Additionally, this waiver allows for the preservation of mature trees along the sidewalk, as expanding the sidewalk would require cutting or damaging their roots, potentially compromising their health and stability. By maintaining the existing sidewalk width, we are protecting these trees while ensuring continued pedestrian access and safety.

This request does not reduce pedestrian access but instead provides an opportunity to improve existing infrastructure. We will repair cracks, address buckled areas, and add ADA-compliant ramps at access points, enhancing accessibility for all users. Additionally, maintaining the current sidewalk width prevents unnecessary disruptions to businesses and traffic along Coors Boulevard and Paseo del Norte.

By upholding the intent of the IDO and applicable zoning regulations, and meeting all CPO-2 landscape setback requirements, this waiver ensures that pedestrian infrastructure remains functional, safe, and in harmony with both the built and natural environment.

**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.**

Response: The requested sidewalk waiver does not allow a lot or type of development that fails to meet the applicable Development Standards for the MX-M zone district. The waiver pertains only to maintaining the existing sidewalk widths and does not alter the permitted uses, density, or site design standards of the property. Additionally, the sidewalks were constructed per an Approved Site Plan, ensuring compliance with prior planning approvals.

The site is fully compliant with the CPO-2 Overlay Zone requirements, including the 35-foot landscape setback from Coors Boulevard. The overlay primarily regulates building height and does not impose specific sidewalk width requirements that conflict with this waiver request. Furthermore, granting this waiver prevents unnecessary disruption while preserving mature trees whose roots have grown to abut the sidewalk. Expanding the sidewalk would require damaging these roots, which could negatively impact the health of the trees and the site's overall landscaping. As part of our initial planning, the Planning and Parks and Recreation Department commented and wanted the applicant to preserve all the trees along the street frontage. The agent has taken every precaution to ensure there will be no interruption of the mature trees. This application is another measure to ensure that the trees are not disturbed.

This request does not introduce any deviations beyond the thresholds established by Subsection 14-16-6-4(P) (Deviations). Instead, it maintains consistency with the existing pedestrian infrastructure while enhancing it through repairs, ADA-compliant ramp installations, and overall improvements to sidewalk conditions. By keeping the existing sidewalk width while making necessary upgrades, the waiver remains within the scope of the Development Standards and does not permit any non-compliant development on the site.

**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).**

Response: The requested sidewalk waiver is the minimum necessary to provide redress without being inconsistent with Subsection 14-16-6-6(P). The waiver seeks only to maintain the existing 5-6-foot sidewalk widths. This approach ensures that the existing pedestrian infrastructure remains functional while preventing unnecessary demolition and disruption.

Additionally, this waiver is necessary to preserve mature trees along the sidewalk. Expanding the sidewalk would require cutting into tree roots, which could compromise their health and stability. By maintaining the current sidewalk width, we are protecting these trees while ensuring continued pedestrian accessibility and safety.

Furthermore, this waiver does not reduce pedestrian access but instead improves existing conditions. As part of this request, we will repair cracks, address buckled areas, and install ADA-compliant ramps at access points to enhance accessibility for all users. Given that NMDOT has confirmed the sufficiency of the existing sidewalk widths, this waiver strikes the appropriate balance between compliance and practicality, ensuring that public infrastructure remains safe and effective without unnecessary alterations.

**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.**

Response: Not applicable, the waiver request is not for sidewalk of low-intensity land use. This request is for a high-intensity use.

**Conclusion**

This request is in compliance with IDO Section 14-16-6-6(P)(3) Waiver DHO. All subsequent development will comply with all IDO, DPM, and other City regulations. This submittal includes all items from Form V2.

Notification requirements for this request have been met per IDO Table 6-1-1. If you have any additional questions or concerns regarding this submittal, please feel free to contact me directly at (505) 338-1499 or email me at: [rokoye@modulusarchitects.com](mailto:rokoye@modulusarchitects.com).

**Best regards,**

**Regina Okoye, Vice President**

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