

DEVELOPMENT HEARING OFFICER  
SUPPLEMENTAL SUBMITTAL

(Deadline is Friday at noon unless noted on DHO calendar – late submittals will not be accepted unless approved by the DHO)

PROJECT NO. PR 2023-008235  
Application No. SD 2024-00054

TO:

- Planning Department
- Hydrology
- Transportation Development
- ABCWUA
- Code Enforcement
- Parks & Rec
- City Engineer

\*(Please attach this sheet with each collated set for each DFT member)

**NOTE: ELECTRONIC VERSION is Required. Submittal will not be accepted without.**

DHO SCHEDULED HEARING DATE: APRIL 10, 2024 HEARING DATE OF DEFERRAL: MAR 27, 2024

SUBMITTAL DESCRIPTION: \_\_\_\_\_

**TRANSPORTATION: AMENDED WAIVER ALONG BUENA VISTA DRIVE TO INCLUDE BOTH SIDEWALK & LANDSCAPE BUFFER**

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**ARCH+PLAN**  
**LAND USE CONSULTANTS**  
**ALBUQUERQUE NM**

April 8, 2024

Development Hearing Officer and Facilitation Team  
Planning Department / Development Services Division  
600 Second Street NW  
Albuquerque NM 87102

**RE: A request for waiver to the required 5 foot wide sidewalk and the 5-6 foot wide landscape buffer width  
along Buena Vista Drive  
PR 2023-008235**

Development Hearing Officer,

ARCH+PLAN Land Use Consultants, agent for Richard Chess respectfully request your review and consideration of a waiver to the required 5 foot wide sidewalk and the 5-6 foot wide required landscape buffer along Buena Vista Drive. The existing sidewalk is 4.3 feet wide and short by 7 inches to the required 5 feet. There is presently no landscape buffer along this designated Local Street.

The subject application is connected to a subdivision (1 lot into 2 lots). The existing mobile home park, known as University Village will continue on one of the proposed lots. The second lot will be the site of a proposed medical clinic operated by the University of New Mexico Medical Group.

The ability to comply with extending the sidewalk and the landscape buffer along Buena Vista Drive poses a challenge due to existing conditions such as utility poles, wrought iron fence and topography as the site slopes in some portions of the property complicating the ability for consistent compliance.

Subject to §14-16-6-6(P)(3) Review and Decision Criteria for an application for a Waiver, the application complies in the following manner:

1. Any of the following criteria applies.
  - 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.

**Response:** *Establishing a 5-6 foot landscape buffer in addition to extending the existing sidewalk width will impact and affect the established neighborhood character of the immediate area along Buena Vista Drive. The constructed sidewalk at 4.3' functions effectively for the designated local street. A landscape buffer next to the sidewalk would require significant alteration along the property. Issues pertaining to right-of-way width and sidewalk extension would modify the existing consistency. At the property line there is an existing wrought iron fence and just inside the property along the fence is a dedicated 12' wide PNM easement recorded in 1969 and is the location of five utility poles. The established sidewalk in the immediate area, reflect and maintain character. Application of the City's normal technical standards for landscape width would compromise and impact the five (5) existing light and electrical poles abutting the sidewalk, which can't be easily or economically relocated.*

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

**Response:** *The Waiver will not be materially contrary to the public safety, health or welfare in that the existing sidewalk at 4.3 feet without an adjacent landscape buffer has not compromised the public in a*

*negative manner. The existing sidewalk width is consistent and functions effectively. Sidewalks also exist on both sides of Buena Vista Drive.*

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

**Response:** *Approval of the Waiver will not cause significant material adverse impacts on surrounding properties in that the lack of a landscape buffer is consistent throughout the neighborhood. All along Buena Vista Drive, there are existing sidewalks at 4.3 feet without a landscape buffer on both sides. The lack of a landscape buffer has not created nor responsible for any potential adverse impacts.*

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

**Response:** *As part of Development Review Board and Development Facilitation Team review the Waiver will not hinder future planning, public right-of-way acquisition or the financing or building of public infrastructure improvements. Comments from those responsible City departments have determined no objection to the subdivision action including non issue with lack of a landscape buffer and existing sidewalk width.*

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 Waiver will not conflict significantly with the goals and provision of any City, County or AMAFCA adopted plan or policy, the IDO or any other City code of ordinance in a property that is located in an Area of Consistency. Analysis and review with a lack of a landscape buffer and existing sidewalk width did not expose any concern either through code or policy but also by the reviewing agency as part of the subdivision application understanding the complications related to the relocation of utility poles that have been in place for several decades, existing wrought iron fence and topography inconsistency.*

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

**Response:** *The Waiver will not allow, encourage or make possible undesired development in the 100-year flood plain as evidenced by review and non issue by AMAFCA and City Hydrology. Review of the subdivision also revealed non issue with the lack of a landscape buffer and historic acceptance of the existing sidewalk width.*

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

**Response:** *Support of the Waiver will not materially undermine the intent and purpose of the IDO including impact Development Standards of the underlying R-MC and PD zone. The lack of a landscape buffer and 4.3 foot wide sidewalk has been the condition for several decades without issue. The subdivision of the property is to support redevelopment improvements for a much needed health care service facility on one of the proposed lots. The existing and proposed permissive uses have included review by the Development Review Board (DRB) and Development Facilitation Team (DFT) process for compliance supporting the IDO and the applicable zone district.*

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 Waiver will not create a lot or support development that will not meet applicable or the ability to achieve development standards for the zone district in that the subdivision will create legal lots of record from one existing lot. There land use is currently in place for one of the proposed lots and completion of the process, including the Waiver will further support improvements to the property and the proposed UNM Medical Health Groups proposed medical clinic.*

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 approved waiver is the minimum necessary to not only to the lack of a landscape buffer and existing sidewalk width reflect consistency and character of the immediate area. The intent is to maintain consistency of the sidewalk widths along Buena Vista Drive corridor in this area while supporting through neighborhood character, the lack of a landscape buffer as proposed and recognizing existing obstructions such as utility poles, wrought iron fence and the topography along the property line which fluctuates.*

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.

**Response:** *The Waiver is not a waiver to IDO sidewalk requirements but only seeking to maintain the existing sidewalk width in the immediate area through approval and accepting the lack of a landscape buffer. There will not be an absence of a sidewalk along this Local Street and will not effect the existing sidewalks that currently surround the property.*

The application has achieved all other requirements of IDO that are connected to these properties except for the subject application. As previously mentioned, the lack of a landscape buffer along Buena Vista Drive on those properties with existing sidewalk width development and surrounding land uses exist with non-issue.

Approval of the Waiver will allow the applicant's to complete subdivision and redevelopment of the property and proceed with the completion of the project.

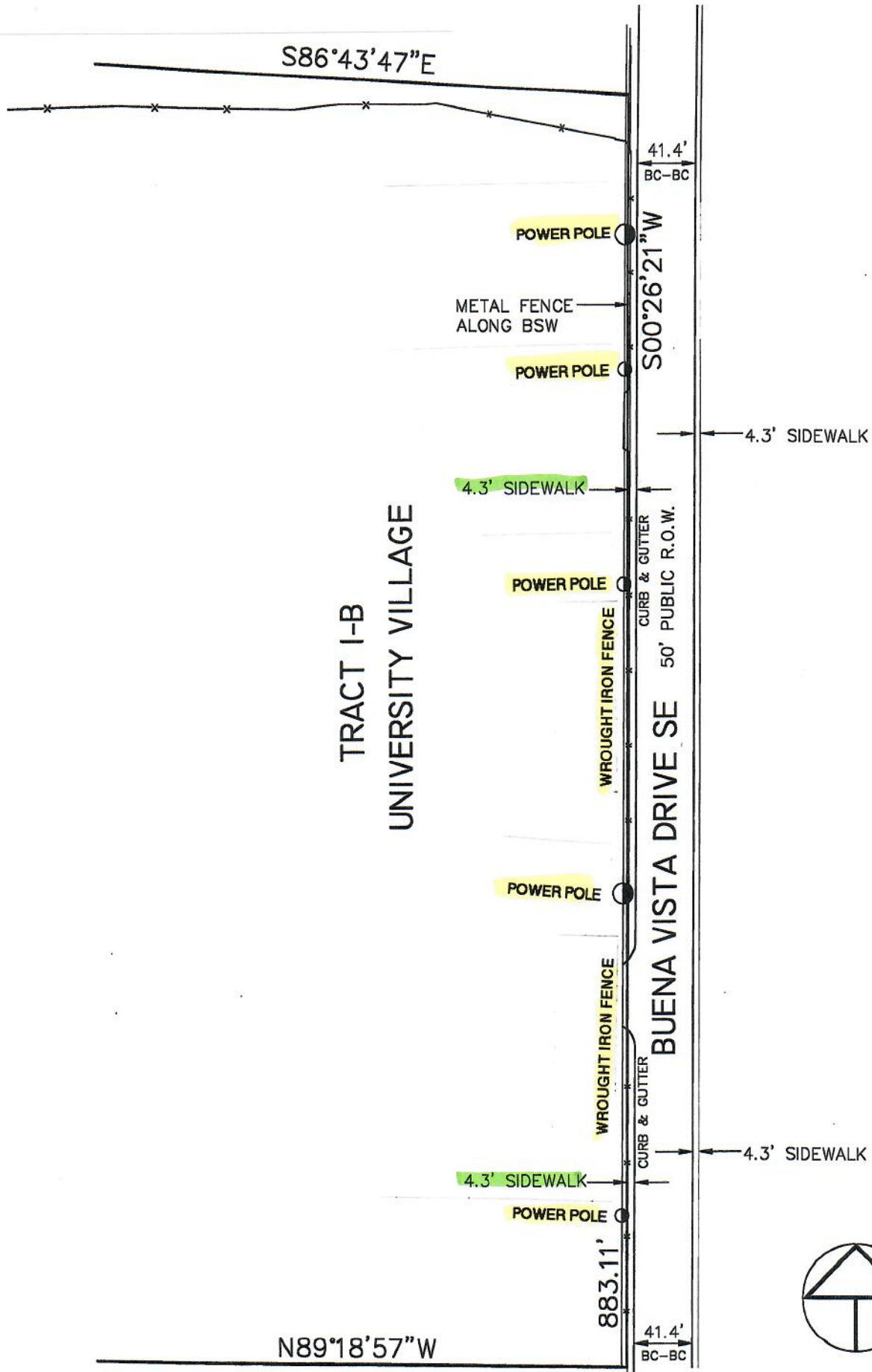
We respectfully request your review and approval of this Waiver.

Sincerely,



Derrick Archuleta, MCRP

# WAIVER EXHIBIT



Albuquerque, New Mexico



Jul 2023 [See more dates](#)

