

**PLANNING DEPARTMENT  
DEVELOPMENT SERVICES DIVISION  
600 2nd Street NW, Ground Floor, 87102  
P.O. Box 1293, Albuquerque, NM 87103  
Office (505) 924-3946**

## **OFFICIAL NOTIFICATION OF DECISION**

Cedar Investors LLC C/O Titan Development  
6300 Riverside Plaza Lane NW, Suite 200  
Albuquerque, NM 87120

**Project# PR-2023-008552**

**Application#**

**VA-2023-00171 – IDO WAIVER TO SIDEWALK AND  
BUFFER WIDTHS**

### **LEGAL DESCRIPTION:**

For all or a portion of:

**TRACT 4 PLAT OF THE HIGHLANDS** zoned  
**MX-M** located **NORTH OF CENTRAL and WEST  
OF CEDAR** containing approximately **1.71**  
acre(s). **(K-15)**

On July 12, 2023, the Development Hearing Officer (DHO) held a public hearing concerning the above-referenced application and approved the request, based on the following Findings:

1. This is a request to waive the IDO/DPM requirements to permit a 6-foot to 6.8-foot wide sidewalk in lieu of the requirement to construct a 10-foot to 13-foot wide sidewalk along Central Avenue (which is a Main Street and Premium Transit-designated street). The construction of the 10-foot to 13-foot wide sidewalk along Central was required per a Site Plan Administrative DFT application submittal for a proposed food hall and hotel on Tract 4 Plat of the Highlands (PR-2023-008552 / SI-2023-00780).
2. The applicant justified the Waiver request pursuant to 14-16-6-6-(P)(3) of the IDO. The City improvements constructed along Central Avenue related to the ART project provide a built condition that impacts the project; the proposed development will remove a vacant property; and the Waiver will not have any adverse impacts on surrounding properties.

3. A DHO Determination was approved permitting a 3.2-foot to 4.0-foot wide landscape buffer zone in lieu of the guidelines for a 6-foot to 8-foot wide landscape buffer zone per Table 7.2.29 of the DPM. The Applicant justified the Determination per 6-6(P)(3) of the IDO. The City improvements constructed along Central Avenue related to the ART project provide a built condition that impacts the project; the proposed development will remove a vacant property; and the Waiver will not have any adverse impacts on surrounding properties.
4. The applicant provided notice as required in Table 6-1-1 of the IDO.
5. The Waiver and DHO Determination must be noted on the Site Plan Administrative DFT for PR-2023-008552 / SI-2023-00780.

**APPEAL:** If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **JULY 28, 2023**. The date of the DHO's decision is not included in the 15-day period for filing an appeal, and if the 15<sup>th</sup> day falls on a Saturday, Sunday, or Holiday, the next working day is considered the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(V) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to [PLNDRS@CABQ.GOV](mailto:PLNDRS@CABQ.GOV) (if files are less than 9MB in size). For files larger than 9 MB in size, please send an email to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov) and request that staff send you a link via Smartfile to upload the files to. A Non-Refundable filing fee will be calculated and you will receive instructions about paying the fee online.

You will receive a notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Applicants submitting for building permits prior to the completion of the appeal period do so at their own risk. Successful applicants are reminded that there may be other City regulations of the IDO that must be complied with, even after approval of the referenced application(s).

Sincerely,

David S. Campbell  
Development Hearing Officer

DSC/jr

Consensus Planning, Inc., 702 Eighth Street NW, Albuquerque, NM 87102