

**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

Melissa Ramirez and Lolo Chavez
5909 Westward Lane NW &
4815 Northern Trail NW
Albuquerque, New Mexico 87120

Project# PR-2023-009637
Application#
VA-2024-00292 WAIVER TO THE DPM
SD-2024-00145 PRELIMINARY/FINAL PLAT

LEGAL DESCRIPTION:

For all or a portion **LOT 1 AND 14, RAY PEÑA AND QUAKER HEIGHTS SUBDIVISION** zoned **R-1C & R-A**, located at **5909 WESTWARD LN NW & 4815 NORTHERN TRAIL NW** containing approximately 0.87 acre(s). **(F-11)**

On October 30, 2024, the Development Hearing Officer (DHO) held a public hearing concerning the above referenced applications and approved the requests, based on the following Findings:

VA-2024-00292 WAIVER TO THE DPM

1. This is a request for a waiver from the IDO/DPM requirements to not construct a sidewalk on both sides of the streets/roadways within the subject properties located at 4815 Northern Trail NW and 5909 Westward Lane NW.
2. An application for a Waiver – DHO shall be approved if it complies with all of the applicable criteria per 6-6(P)(3)(a):

1. 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.**

The current neighborhood does not have sidewalk, curb or gutter. Placing these features on one property would require an engineering study to adequately manage stormwater.

- c. The established neighborhood character or landscaping on the site would be damaged to a degree that outweigh the normal technical standards in that location.**

The neighborhood was first established in the County and there are no sidewalks, curbs, or gutters. The waiver will maintain the already established neighborhood character on the site.

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

The neighborhood has existed without sidewalks, curb, gutter or a landscape buffer since the original approval of the plats in 1977 and 1962. The rights-of-way are sufficient that residents safely walk along the sides of the road. There is no through traffic through the neighborhood. The waiver will not be materially contrary to public safety, health, or welfare.

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

Maintaining the existing condition will not cause significant material adverse impacts on surrounding properties. A new sidewalk, in contrast, may cause material adverse impact to surrounding properties due to new stormwater flows.

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

Not building the sidewalk is consistent with the neighborhood character, and no infrastructure improvements are anticipated throughout the neighborhood.

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.

There is no known goal or provision with which this waiver would conflict. The DPM recognizes that the character of a certain neighborhoods may not be conducive to adding sidewalks.

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

This site 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.*

The Waiver does not materially undermine the intent and purpose of this IDO, the applicable zone district or any applicable Overlay Zone. The neighborhood as a whole does not have sidewalks, curb, gutter or landscape buffers and maintains a rural character. The IDO and DPM recognize that certain low-density neighborhoods with low traffic and pedestrianism may maintain a rural character with no sidewalks.

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.*

The Waiver will not allow a lot or type of development that does not meet the applicable Development Standards for this zone district.

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 waiver is the minimum necessary to allow the property owner relief of this requirement. The applicant's responses demonstrate compliance of Subsection 14-16-6-6(P).

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.*

This area is located within a low intensity land use and the installation of sidewalk will not contribute to the public welfare since the neighborhood does not have sidewalks, curb, gutter or landscape buffers. The installation of these features for this lot will not connect to an existing sidewalk system as the other residential lots do not have sidewalks.

CONDITIONS

- a. The date of the waiver DHO approval shall be recorded on the Plat.

SD-2024-000145 PRELIMINARY/FINAL PLAT

1. This is a request for a Preliminary/Final Plat approval by the DHO on the subject site of Lot 14 of the Quaker Height Addition. This request reduces Lot 14 by 0.212 acres and that acreage is added to Lot 1 of the Ray Pena Addition. Subject properties are currently lot 14 at 0.66 acres and lot 1 at 0.21 acres in size. This action will make new Lot 14A at 0.448 acre(s) and new Lot 1A at 0.422 acre(s), respectively.
2. On August 15, 2024 the Environmental Planning Commission (EPC) voted to approve PR-2024-010612 RZ-2024-00035- Zoning Map Amendment from R-A to R-1C for a portion of 9248 square foot (0.212 acres) reduction from Lot 14 Quaker Heights Addition at 4815 Northern Trail to be added to Lot 1 of the Ray Pena subdivision to the west at 5909 Westward Lane NW. The plat lot boundaries conform with the Zone Map Amendment.
3. A sketch plat was reviewed by the Development Facilitated Team (DFT) on May 1, 2024.
4. The subject properties are within an area of consistency, are not within any overlay zone district, and not within any special center or corridor.
5. Per 6-6(K)(3) Review and Decision Criteria, an application for a Subdivision of Land – Minor shall be approved if it complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property. This request complies with this criterion.
6. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.
7. Per 6-6(K)(2)(I), the applicant shall record the final plat with the Bernalillo County Clerk within 3 months after the date of the final signature on the plat, or the subdivision shall be voided. The applicant shall provide the City a digital copy of the recorded plat.

CONDITIONS

Final sign-off of the Plat by DFT staff is conditioned as follows:

- a. Prior to final sign off, the application number must be added to the Plat.
- b. Per 6-6(L)(2)(d)(7) of the IDO, the date of the DHO approval shall be recorded on the Plat.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **NOVEMBER 18TH, 2024**. The date of the DHO's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as 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 (if files are less than 9MB in size). For files larger than 9 MB in size, please send an email to 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 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 permit 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,

Brennon Williams

[Brennon Williams \(Nov 3, 2024 14:13 MST\)](#)

Brennon Williams

Development Hearing Officer

BW/mi/jw

JAG Planning & Zoning, LLC, P.O Box 7857, Albuquerque NM 87194







PR-2023-009637 October 30, 2024 Notice of Decision

Final Audit Report

2024-11-03

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