



**Development Facilitation Team (DFT) – Review Comments**

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**Reviewer: David G. Gutierrez, P.E. | Phone: 505-289-3381 | [dggutierrez@abcwua.org](mailto:dggutierrez@abcwua.org)**

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**Project No: PR-2024-010933    Date: 6/11/2025    Agenda Item: # 10    Zone Atlas Page: J-13**

**Legal Description: Lots 132, 1 and 2, MRGCD MAP 38, Garcia Properties**

**Request: Waiver to DPM Section 7.2(D) and Specifically Table 7.2.29.**

**Location: 1736 Central Ave SW between Central Ave. and Chacoma Pl SW 2.394 acres**

**Approved No Conditions**       **Approved W/Conditions**       **Not Approved**

**Application For: DHOWVR-2025-00014 – DHO WAIVER**

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1. No objection



## DEVELOPMENT FACILITATION TEAM

Parks and Recreation Department

**PR-2024-010933**

**DHOWVR-2025-00014 – DHO WAIVER**

SKETCH 9-25-24 (DFT)

IDO - 2025

DAVE AUBE agent for VICKI GARCIA GOLDEN requests the aforementioned action(s) for all or a portion of: Lots/Tracts 132, 1, 2, MRGCD MAP 38, GARCIA PROPERTIES DEVELOPMENT zoned MX-M, located at 1736 CENTRAL AVE containing approximately 1.3486 acre(s). (J-13) [Deferred from 5/21/25]

PROPERTY OWNERS: Vicki Garcia Golden

REQUEST: Waiver to DPM Section 7.2(D) and Specifically Table 7.2.29

**Comments:**

**06.11.2025**

Parks and Recreation has no objections to this request.

**DEVELOPMENT HEARING OFFICER - HYDROLOGY SECTION**  
Anthony Montoya, Jr., PE, Senior Engineer | 505-924-3314 [amontoya@cabq.gov](mailto:amontoya@cabq.gov)

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DRB Project Number: 2024-010933 Hearing Date: **06-11-2025**  
Project: 1736 Central SW Agenda Item No: **10**

<input type="checkbox"/> Minor Preliminary / Final Plat	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Temp Sidewalk Deferral	<input type="checkbox"/> Sidewalk Waiver/Variance	<input type="checkbox"/> Bulk Land Plat
<input checked="" type="checkbox"/> DPM Variance	<input type="checkbox"/> Vacation of Public Easement	<input type="checkbox"/> Vacation of Public Right of Way

**ENGINEERING COMMENTS:**

- Hydrology has no objection to the request for a variance to the IDO and a waiver to the DPM.
- Prior to submitting for a Grading Permit or a Building Permit for any site upgrades, a licensed New Mexico civil engineer will need to submit a Grading & Drainage Plan to Hydrology for review & approval if one of these conditions is met: (500 cy of grading, 1,000 sf of proposed building, or 10,000 sf of proposed paving).

APPROVED  
 DENIED

DELEGATED TO:  TRANS  HYD  WUA  PRKS  PLNG  
Delegated For: \_\_\_\_\_  
SIGNED:  I.L.  SPSP  SPBP  FINAL PLAT  
DEFERRED TO \_\_\_\_\_

DEVELOPMENT HEARING OFFICER

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2024-010933  
1736 Central SW

AGENDA ITEM NO: 10

SUBJECT: Sidewalk Waiver

ENGINEERING COMMENTS:

1. Central is a Main Street and requires 10' to 12' sidewalk with a 6' to 8' landscape buffer. Please provide a diagram with existing sidewalk and buffer widths. Your waiver request did not address any of the ten criteria listed in IDO 6-6(P)(3). Unfortunately, all ten criteria must be met to be granted a waiver. Please resubmit with these criteria addressed.
2. An approved TCL will be required prior to site plan or building permit. Also, please fill out and submit a Traffic Scoping Form to determine if a traffic study will be required.

Disclaimer: The comments provided are based upon the information received from the applicant. If new or revised information is submitted, additional comments may be provided by Transportation Development.

FROM: Ernest Armijo, P.E.  
Transportation Development  
505-924-3991 or [earmijo@cabq.gov](mailto:earmijo@cabq.gov)

DATE: June 11, 2025

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ACTION:

APPROVED \_\_; DENIED \_\_; DEFERRED \_\_; COMMENTS PROVIDED \_\_; WITHDRAWN \_\_

DELEGATED: \_\_\_\_\_ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)



## DEVELOPMENT HEARING OFFICER

### Planning Comments

**MEETING DATE:** 6/11/25 -- **AGENDA ITEM:** #10

**Project Number:** PR-2024-010933

**Application Numbers:** DHOWVR-2025-00014

**Project Name:** 1736 Central Ave SW between Central and Chacoma Pl SW

**Request:**

*Sidewalk (DHO) waiver along Central Ave*

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*\*These are preliminary Planning comments. Additional reviews and/or revised comments may be needed for any modifications and/or supplemental submittals.*

**Comment in orange require a response.**

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### BACKGROUND

- The Applicant is requesting for a waiver from the Development Hearing Officer (DHO) regarding a sidewalk and landscape buffer requirements along Central Ave SW. The Sketch Plat was reviewed by the Development Facilitation Team (DFT) on September 25, 2024.
- The subject property is zoned MX-M (Mixed-Use – Medium Intensity Zone District) and is located in an area of change within the Huning Castle Neighborhood Association. Central Avenue NW, which borders the property, includes a bike lane and is classified as a Principal Arterial Street in the Long-Range Roadway System (LRRS).
- Although the property is not within any overlay zone, it is situated within the boundaries of Major Transit Corridor (MT), 1,300 feet or ¼ of a mile of Main Street (MS) corridor, within ¼ mile of Premium Transit (PT) corridor and within the boundaries of the Central Albuquerque Community Planned Areas (CPA).
- The properties involved in this request are Lots 1 & 2 of the Garcia Properties Development Subdivision and Lot 132 of the MRGCD map 38 Subdivision.

*\*(See additional comments on next pages)*



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#### ITEMS THAT NEED TO BE CORRECTED/COMPLETED

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- A note must be added to the Plat regarding the request (approval) of this waiver from the Development Hearing Officer (DHO) to allow narrower sidewalk along Central Ave. NW.
- Per Table 6-4-3 of the IDO, a Sidewalk Waiver expires within 1-year if not platted and expires with associated Site Plan if approved by the DHO.

#### *Sidewalk Waiver*

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- **The Applicant must properly justify the Waiver per 6-6(P)(3) of the IDO per the following:**  
**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 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.***

This site was constructed prior to 1959 with a public ROW that is only approximately 80' wide along the parcel frontage. Central Avenue previously had parallel parking on both sides as well as two travel lanes each direction. Based on that the space remaining for the sidewalk on each side is approximately 6'-8" (from back of curb to face of the building). The building in this section of Central Avenue were constructed with Zero Building Setbacks. Parcels on the west and east of the subject property also have the same narrow sidewalks and zero setbacks.

- b. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, State, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance.***
- 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.***
- d. 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.***

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

This section of Central Avenue was established with 80' public right-of way. The existing developed site adjacent to the project site contain the same 6'-8" wide public sidewalks. By maintaining the existing sidewalk widths will maintain the character and provide the same level of public safety as other parcels in this historic section of Central Avenue.

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

This section of Central Avenue was established with 80' public right-of way. The existing developed site adjacent to the project site contain the same 6'-8" wide public sidewalks. By maintaining the existing sidewalk widths will maintain the character and provide the same level of public safety as other parcels in this historic section of Central Avenue.

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

This section of Central Avenue was established with an 80' public Right-of-Way. The existing developed site adjacent to the project site contain the same 6'-8" wide public sidewalks. By maintaining the existing sidewalk widths will maintain the character and provide the same level of setback as other parcels in the historic section of Central Avenue. Public

Infrastructure improvements within this section of Central are already in place and if alterations are proposed, will need to be contained within the public Right-of-Way.

**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 have been two City projects along Central Avenue in the past. The first was a Lane Diet project that reduced the travel lanes from two each direction down to a single travel lane for east and west bound traffic. The second project was for the ART dedicated lane. Neither of those projects made any modifications to the curb and gutter location or sidewalk width. Furthermore, the buildings on site along the Central Avenue were constructed prior to 1959 and the adoption of Zoning Codes and implementation of the IDO. The sidewalk waiver does not conflict with any known goals or provisions of the City, or County.

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

The parcel is not within an Area of Reduced Risk due to Levee.

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

The site is not within any Character Protection, Historic or View Protection Overlay Zones per the IDO Interactive Maps.

**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 are within the thresholds established by Subsection 14-16-6-4(P) (Deviations) and is granted by the DHO as part of this approval.***

The proposed Waiver are to allow an existing condition to remain. We are not seeking a Deviation.

**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 proposed Waiver are to allow an existing condition to remain. The request is to allow for the existing sidewalk to remain, without the need to encroach into Central Avenue and creating a drainage concern/issue. The current condition is about 6'-8" sidewalk width between the back of sidewalk and the face of the existing building. The waiver for the Landscaping Buffer and Frontage Zones is also the minimum that will allow for the existing condition to remain.

**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.***

The proposed Waiver is a request to allow existing conditions that is approximately 6'-8" width to remain. The sidewalk width is matching the adjacent parcels. We are not proposing to have gaps in the accessible route for the public along Central Avenue along the parcel frontage.

Criteria questions #2 and #3 have the same answer.

Planning staff defer to Transportation staff for evaluating the justification of the waiver. **Transportation staff stated in their memo that the waiver criteria were not met and that the application must be resubmitted with all the criteria fully addressed.**

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#### ITEMS IN COMPLIANCE/STANDARD COMMENTS

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- A Waiver DHO application with justification letter was received and being processed to avoid building a wider sidewalk in front of their property along Central Avenue NW.
- Links to the IDO and DPM are featured below:  
<https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance-1>  
<https://www.cabq.gov/planning/boards-commissions/development-process-manual-executive-committee>



*Disclaimer: The comments provided are based upon the information received from the applicant/agent. If new or revised information is submitted, additional comments may be provided by Planning.*

FROM: Marcelo Ibarra/Jay Rodenbeck  
Planning Department

DATE: 6/10/25

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