

Applicant: Wilke LTD Company
Agent: Tierra West LLC

Project:
Sidewalk Waiver - DHO

PR-2024-011129 / VA-2024-00313

3/26/2025

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CASE OVERVIEW

DHO November 20th, 2024

Sidewalk Waiver heard by the DHO. Request was found to meet all criteria for waivers per IDO 6-6(P)(3)(a).

LUHO February 6, 2025

CABQ Staff filed an appeal December 10, 2024. Land Use Hearing Officer remands the request to be heard by DHO for *De novo* hearing. Applicant to provide further evidence to show compliance with IDO 6-6(P)(3)(a)

DHO March 26, 2025

De novo Hearing. Tierra West to provide evidence to demonstrate compliance with IDO 6-6(P)(3)(a).

Location



Location



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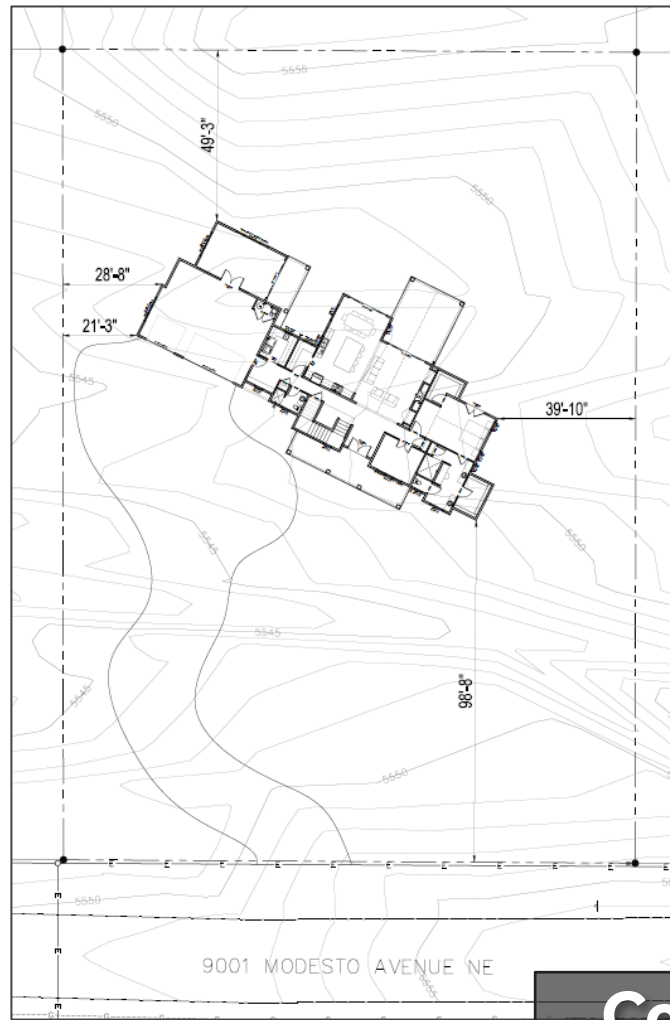
Sidewalk Waiver - DHO

Sidewalk Waiver - Request

- Proposed Single-family dwelling
- Parcel zoned P-D for R1-D
- Requesting waiver on sidewalk, curb and gutter required of typical development
- Sidewalk, curb, and gutter would create unforeseen problems with grading and drainage by interrupting existing flow paths, which would be exacerbated in a 100-year rain/flood event
- Development of sidewalk, curb and gutter would cause significant material adverse impact on subject site and surrounding properties

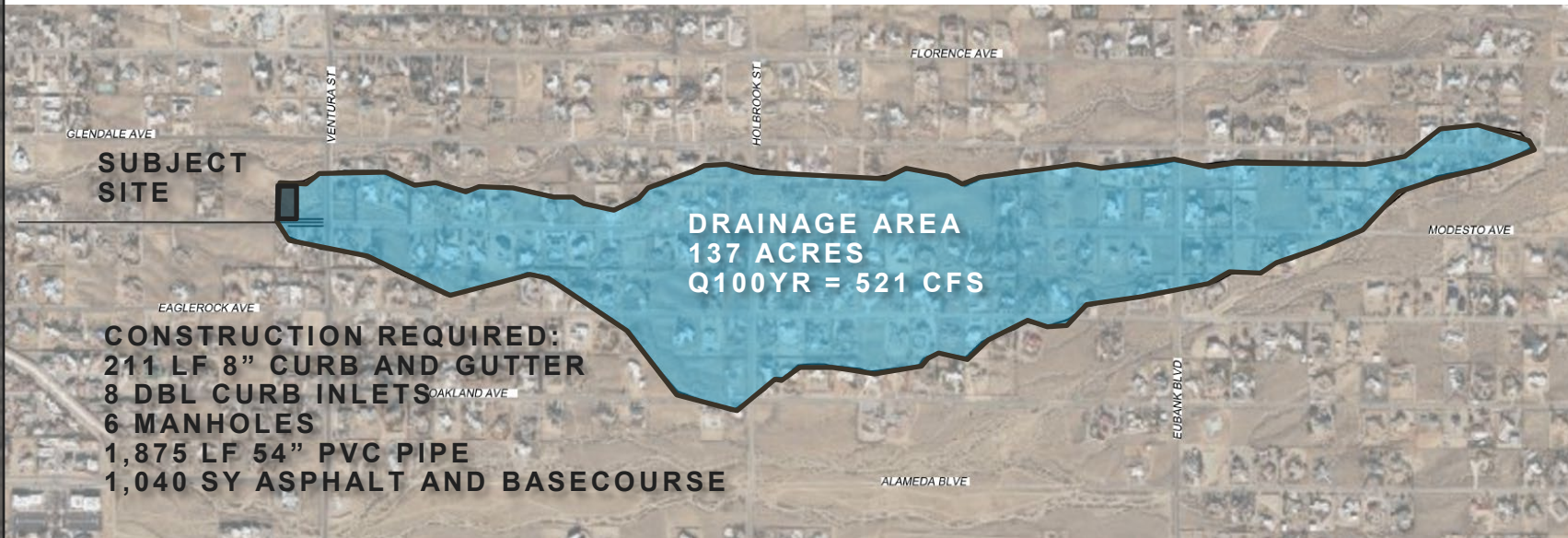
Request

PROPOSED PLANS



Conceptual Site Plan

DRAINAGE ANALYSIS



Conceptual Drainage

Waiver - DHO

Drainage Summary

The subject site is in a drainage basin that is 137 acres in area. The flow within the basin during a 100-year event would be 521 CF. To properly accommodate these flows the following infrastructure would be required:

- 211 LF of 8" curb and gutter
- 8 DBL Curb inlets
- 6 Manholes
- 1,870 LF 54" PVC Pipe
- 1,040 SY HMA & BC
- **OPC - \$1,316,257.78**

Request

Waiver - DHO

Drainage Summary : OPC

OPINION OF PROBABLE COST
PROJECT: 2024002
9001 MEDESTO AVE



Date: 3/25/2025
Eng.: Brandice Long
Rev.: 0

DESCRIPTION	UNIT	UNIT COST	BUDGET	
			Quantity	CAL. COST
8" CURB AND GUTTER	LF	60.00	211.00	\$ 12,660.00
3" HMA	SY	170.00	1,040.00	\$ 176,800.00
8" BASE COURSE	SY	22.00	1,040.00	\$ 22,880.00
DOUBLE CURB INLET, TYPE A	EA	13,000.00	8.00	\$ 104,000.00
MANHOLE, 6' DIA, TYPE C, <6' DEEP	EA	21,000.00	2.00	\$ 42,000.00
MANHOLE, 6' DIA, TYPE C, 6' - 10' DEEP	EA	24,000.00	4.00	\$ 96,000.00
54" PVC PIPE	LF	396.00	1,870.00	\$ 740,520.00
			SUBTOTAL	\$ 1,194,860.00
	SUBTOTAL			\$ 1,194,860.00
Staking 1.43%				\$ 17,086.50
Survey 0.74%				\$ 8,841.96
Mobilization 4.26%				\$ 50,901.04
Demobilization 0.3%				\$ 3,584.58
Construction Traffic Control & Barricading 3.43%				\$ 40,983.70
	SUBTOTAL			\$ 1,316,257.78
CONTINGENCY 30%				\$ 394,877.33
	SUBTOTAL			\$ 1,711,135.11
NMGRT 7.625%				\$ 130,474.05
	SUBTOTAL			\$ 1,841,609.16
Engineering Design Fees & Miscellaneous (10%)				\$ 184,160.92
Testing Fee By City (2.0%)				\$ 36,832.18
	TOTAL			\$ 2,062,602.26
TOTAL FG Amount (125% of Total)				\$ 2,578,252.83

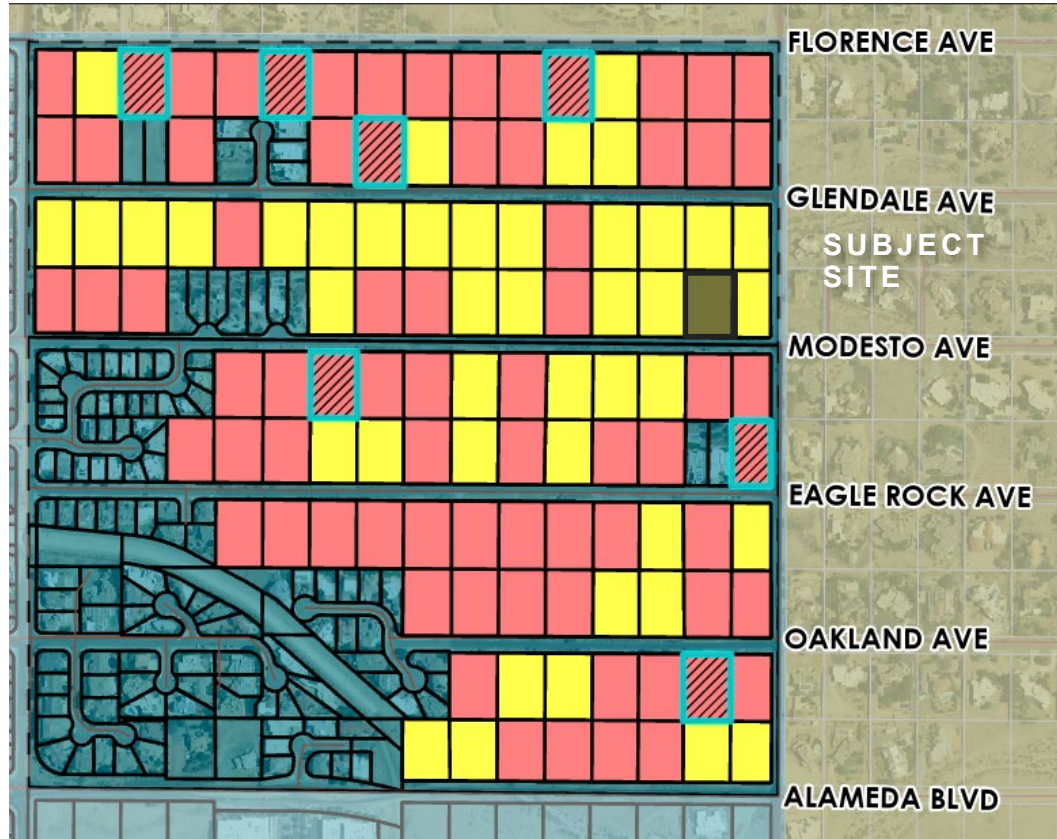
ENGINEER'S DISCLAIMER ON THE ENGINEERING ESTIMATE OF PROBABLE COST

This Engineer's opinion of probable construction cost is made on the basis of Engineer's experience and qualifications and represents the Engineer's best judgment as an experienced and qualified professional generally familiar with the industry. However, since the Engineer has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding on market conditions, Engineer cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from opinions of probable construction costs as prepared by Engineer. If Owner wishes greater assurance as to probable construction costs, Owner shall employ in independent cost estimator or contractor. Prices for the extension of private utilities (i.e. electrical, gas, phone, cable tv, etc.) are not included in

OPC

Waiver - DHO

Sidewalk System OPC



Request

Waiver - DHO

Sidewalk System OPC

Addresses for BP not covered by FG

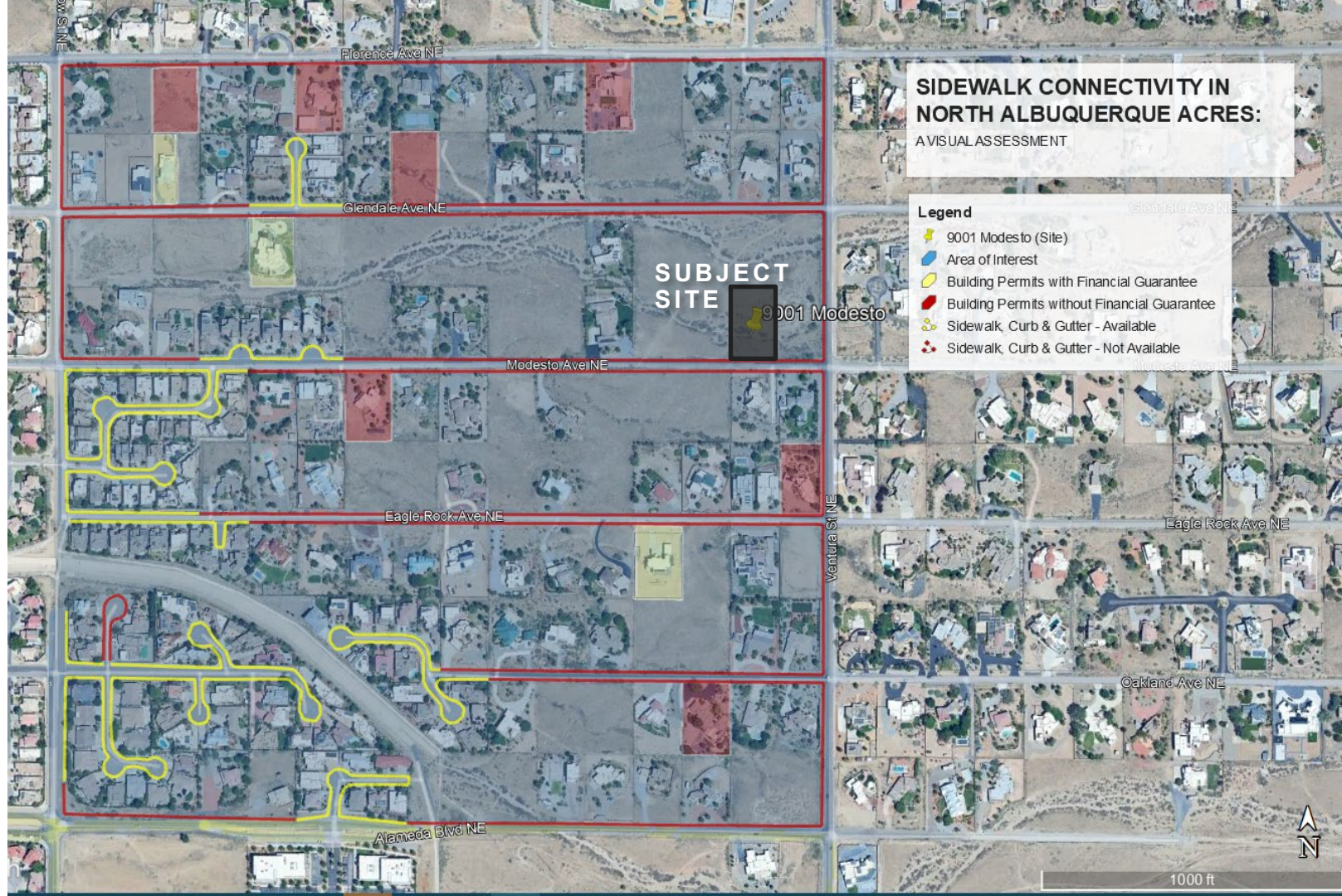
9007	EAGLE ROCK	AV	NE
8820	FLORENCE	AV	NE
8516	FLORENCE	AV	NE
8400	FLORENCE	AV	NE
8621	GLENDALE	AV	NE
8700	MODESTO	AV	NE
9020	OAKLAND	AV	NE

SCG Waiver/Variance Granted:

8400 FLORENCE AVE NE (PR-2023-008993)
GLENDALE AVE NE (#1007566)

Request

SIDEWALK ANALYSIS



Waiver - DHO

Sidewalk for Interior Lot : OPC

OPINION OF PROBABLE COST				
PROJECT: 2024002				
1 ACRE LOT, 181 LF WIDE				
<div> <div>Date: 3/25/2025</div> <div>Eng.: Brandice Long</div> <div>Rev.: 0</div> </div>				
DESCRIPTION	UNIT	UNIT COST	BUDGET	
			Quantity	CAL. COST
6" CURB AND GUTTER	LF	60.00	181.00	\$ 10,860.00
4" CONCRETE SIDEWALK	SY	167.00	85.22	\$ 14,232.11
18" WIDE, 6" DRIVE PAD	SY	280.00	37.44	\$ 10,484.44
CURB RAMP	EA	3,800.00		\$ -
				\$ -
			SUBTOTAL	\$ 35,576.56
			SUBTOTAL	\$ 35,576.56
Staking 1.43%				\$ 508.74
Survey 0.74%				\$ 263.27
Mobilization 4.26%				\$ 1,515.56
Demobilization 0.89%				\$ 106.73
Construction Traffic Control & Barricading 3.43%				\$ 1,220.28
			SUBTOTAL	\$ 39,191.13
CONTINGENCY 30%				\$ 11,757.34
			SUBTOTAL	\$ 50,948.47
NMGR 7.625%				\$ 3,884.82
			SUBTOTAL	\$ 54,833.29
Engineering Design Fees & Miscellaneous (10%)				\$ 5,483.33
Testing Fee By City (2.0%)				\$ 1,096.67
			TOTAL	\$ 61,413.29
			TOTAL FG Amount (125% of Total)	\$ 76,766.61
ENGINEER'S DISCLAIMER ON THE ENGINEERING ESTIMATE OF PROBABLE COST				
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OPC

Sidewalk for Corner Lot : OPC

OPINION OF PROBABLE COST PROJECT: 2024002				
CORNER 1 ACRE LOT, 181 LF WIDE X 240 LF LENGTH				
Date:	3/25/2025			
Eng.:	Brandice Long			
Rev.:	0			
DESCRIPTION		UNIT	UNIT COST	BUDGET
				Quantity CAL. COST
6" CURB AND GUTTER		LF	60.00	421.00 \$ 25,260.00
4" CONCRETE SIDEWALK		SY	167.00	218.56 \$ 36,498.78
18" WIDE, 6" DRIVE PAD		SY	280.00	37.44 \$ 10,484.44
CURB RAMP		EA	3,800.00	2.00 \$ 7,600.00
				\$ -
				SUBTOTAL \$ 79,843.22
		SUBTOTAL		\$ 79,843.22
	Staking 1.43%			\$ 1,141.76
	Survey 0.74%			\$ 590.84
	Mobilization 4.29%			\$ 3,401.32
	Demobilization 0.6%			\$ 239.53
	Construction Traffic Control & Barricading 3.43%			\$ 2,738.62
		SUBTOTAL		\$ 87,955.29
	CONTINGENCY 30%			\$ 26,386.59
		SUBTOTAL		\$ 114,341.88
	NMGR 7.625%			\$ 8,718.57
		SUBTOTAL		\$ 123,060.45
	Engineering Design Fees & Miscellaneous (10%)			\$ 12,306.05
	Testing Fee By City (2.0%)			\$ 2,461.21
		TOTAL		\$ 137,827.70
TOTAL FG Amount (125% of Total)				\$ 172,284.63

ENGINEER'S DISCLAIMER ON THE ENGINEERING ESTIMATE OF PROBABLE COST

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OPC

Waiver - DHO

Sidewalk System OPC

Total 1 Acre lots = 117

Developed = 70

Vacant = 47

*City on the hook for SCG = 70 Developed lots + 2 lots with
Waivers granted (RED)

*City not on the hook for SCG = 45 (YELLOW)

OPC for the 72 lots the City is on the Hook for:

Inner 1 Acre lot: $63 \times (\$76,766.61) = \$4,836,296.43$

Corner 1 Acre lot: $9 \times (172,284.63) = \$1,550,561.67$

*This approximate cost does not account for storm drainage
improvements throughout the area

Request

Waiver - DHO

Review and Decision Criteria

The request meets all criteria found in IDO Section 14-6(P)(3) per justification by applicant:

The request meets criteria 1a – 1d as follows:

1a The preexisting grades, water courses and natural topographic features cannot be *economically* re-located.

1c Building sidewalk would damage the established neighborhood character. Seven properties have received building permit approval without a financial guarantee as discussed in the provided justification letter. Those properties are listed in the submittal.

1d. Varying from the requirements encourages flexibility and economy in design in accordance with site planning. The site plan carefully considers existing water flow pathways.

Request

Waiver - DHO

Review and Decision Criteria

The request meets criteria 210 as follows:

2. The request would not be materially contrary to the public safety, health, or welfare because disturbing the existing flow paths would have adverse consequences during ~~100~~ 100-yr storm events.
3. Approval of the waiver would prevent material adverse impacts on surrounding properties by ensuring that longstanding and existing pathways for stormwater flows are maintained and not inappropriately altered by misplaced curb and gutter systems.

Request

Waiver - DHO

Review and Decision Criteria

4. Infrastructure in the area would need to be retrofitted to accommodate the stormwater flows as shown in the drainage OPC and summary.

5. The waiver supports the IDO, DPM, and Comprehensive Plan. Seven permits have been approved without requiring infrastructure or financial guarantees. In addition, sidewalk waivers have already been approved in this area. The City has set precedence by allowing the seven permits to proceed and granted the variances on the others

6. The waiver will not allow or encourage unwanted development in the 100-year floodplain. The request ensures that development respects natural drainage paths.

Request

Waiver - DHO

Review and Decision Criteria

7. The waiver does not undermine the intent of the IDO, or zone district. The request aligns with existing character of the neighborhood and is supported by the North Albuquerque Acres Neighborhood Association and promotes public safety by preserving natural flow paths and reducing flood risk during 100-year storm events.

8. The waiver does not allow development that fails to meet applicable zoning standards. Design follows PDPS standards, and no other deviations are being requested.

Request

Waiver - DHO

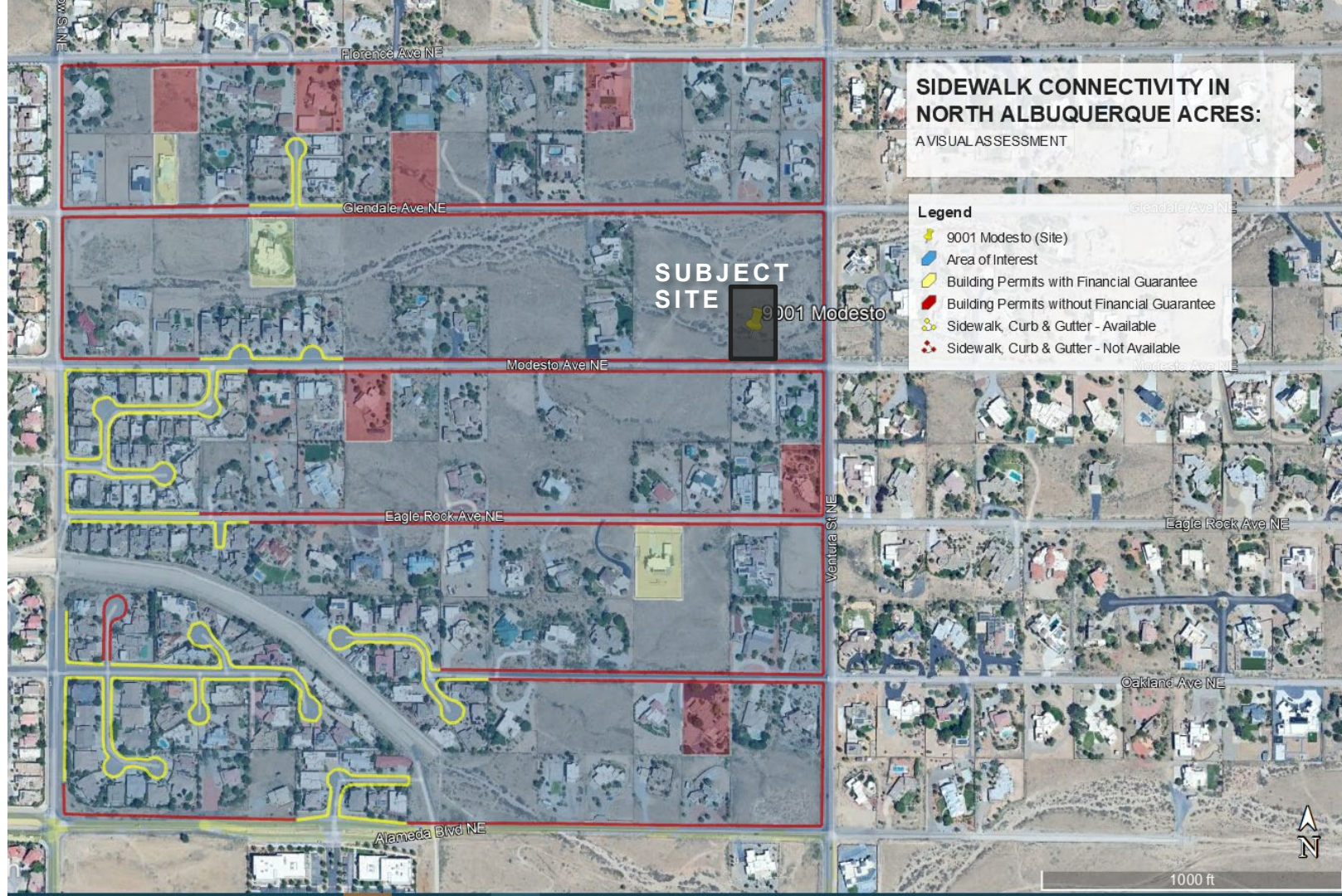
Review and Decision Criteria

9. The waiver is the minimum required to address the issue.

10. Sidewalk installation in this low intensity area would not contribute to the public welfare. In addition it would alter the historical character which is the rural roadway and lack of sidewalks. Providing sidewalk without revisiting a master drainage plan would cause harm to the public welfare.

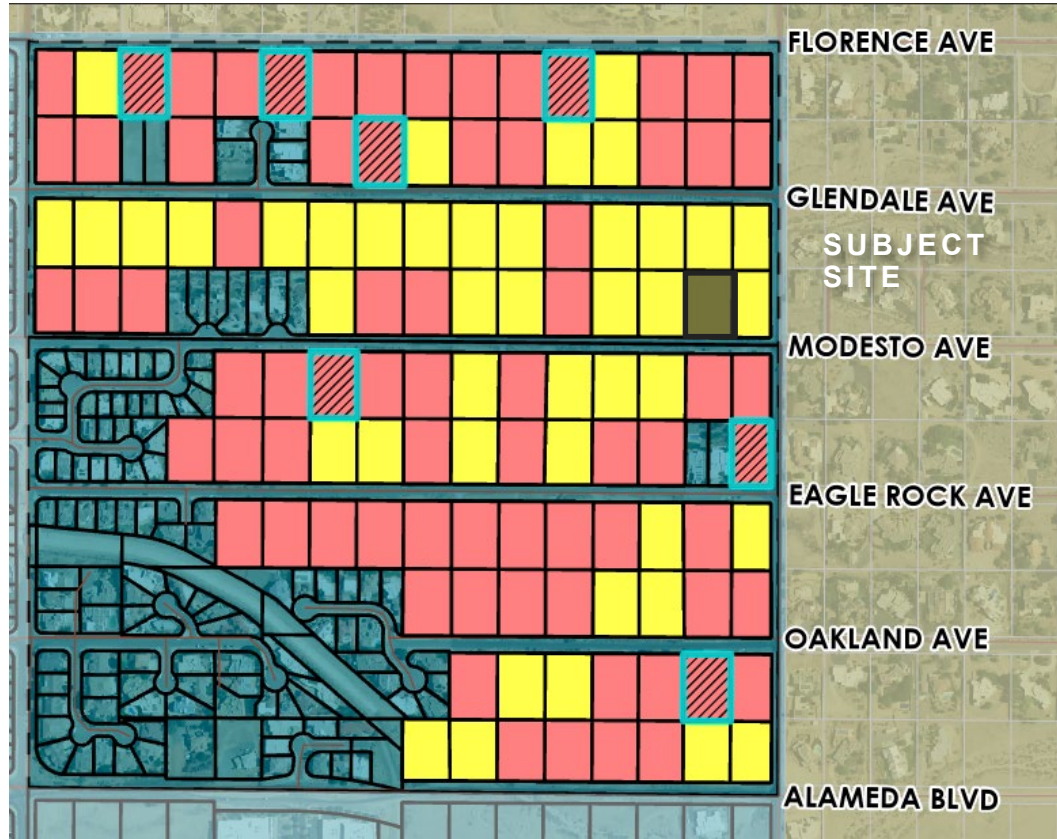
A majority of the lots in North Albuquerque Acres are developed lacking sidewalk, curb and gutter infrastructure as shown in the sidewalk exhibit provided. The City has already created gaps in existing/future sidewalk system due to sporadic requirement of sidewalk in the area. We are not creating any new gaps. This is a policy issue that should be address by City Council.

SIDEWALK ANALYSIS



Waiver - DHO

Sidewalk System OPC



Request

Sidewalk Waiver - DHO

Sidewalk Waiver - Request

- The request for the Waiver – DHO meets all criteria per IDO 6-6(P)(3)(a)
- No new gaps in sidewalk system have been created. Development in the area contains sporadic sidewalk placement and has existing gaps in sidewalk system.
- Financial burden is too high for single property owner and the City
- OPC for infrastructure at 9001 Modesto
\$1,316,257.78
- OPC for the 72 lots the City is on the Hook for:
Inner 1 Acre lot: $63 \times (\$76,766.61) = \$4,836,296.43$
Corner 1 Acre lot: $9 \times (172,284.63) = \$1,550,561.67$
- This is a larger issue that should be addressed by policy change, DHO is the only avenue available at this time
- We respectfully request approval.

Conclusion

THANK YOU

Questions?

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