



November 21, 2025

Robert Lucero, Esq.
City of Albuquerque, Development Hearing Officer
600 Second Street NW
Albuquerque, New Mexico 87102

RE: Request for Waiver to Required Sidewalk Provisions

Landscape Architecture
Urban Design
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Dear Mr. Lucero,

The purpose of this letter is to request a waiver for the required sidewalk for proposed lots 3-A and 3-B, Lands of Baxter and Mehl. A sketch plat has been filed to create these two lots, and a variance was approved related to the contextual lot size to allow the platting to move forward. The property is located on a private street with a twenty-five (25) foot private roadway easement that serves sixteen (16) single-family homes. The required standards for new sidewalks and landscape buffers will diminish the existing private roadway width and impede two-way traffic circulation. There are no existing sidewalks along either side of Bayita Lane.

BACKGROUND

The subject property is located within a subdivision annexed to the City of Albuquerque in 1948. Most of the properties were developed between 1950 and 1960. This subdivision was developed without any sidewalks. For perspective, the City's first zoning ordinance was adopted in 1959. This subdivision is connected to Guadalupe Trail NW. There are also no sidewalks along Guadalupe Trail NW.

The private roadway easement for this subdivision is located within the property boundary of all lots located along the north side of Bayita Lane. None of the properties along the southern boundary of Bayita Lane are encumbered with this easement. To enlarge this easement would likely require all property owners along this private roadway to participate. This private road easement is an unimproved surface with a posted speed limit of 25 miles per hour.

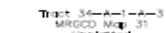
This preliminary plat request will permit the construction of a new single-family residence. On September 16, 2025, the Zoning Hearing Examiner approved a variance to the contextual lot size for residential development in areas of consistency. A single-family home will be preserved on the proposed lot 3-A. A new single-family home will be built on lot 3-B.

PRINCIPALS

James K. Strozier, FAICP

ASSOCIATES

Ken Romig, PLA, ASLA



Sketch Plat



Bayita Lane facing east



Bayita Lane facing west

REQUEST

The Applicant is requesting approval of a preliminary plat to create two lots for single-family residential uses.

In conjunction with the Preliminary Plat, the Applicant is requesting a Waiver of the following:

- 1) DPM Table 7.2.29 Street Element Table – Other Locals: Sidewalk Width 5 feet with Landscape Buffer Zone 4-6 feet.

The requested Waiver is to the required construction of a new sidewalk and buffer zone along Bayita Lane across the frontage of lots 3A and 3B.

6-6(L)(3) and 6-6(P)(3) REVIEW AND DECISION CRITERIA

The following responds to the criteria for approval of a Preliminary Plat for a subdivision of land-minor, and waiver- DHO.

Preliminary Plat Criteria 6-6(L)(3):

6-6(L)(3)(a) A preliminary plat shall be approved if it complies with all applicable provisions of the 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.

Applicant Response: The preliminary plat needs a waiver to the required sidewalk and landscape buffer to comply with all provisions of the IDO and DPM.



6-6(L)(3)(b) A Final Plat shall be approved if it includes all changes, conditions, and requirements contained in the Preliminary Plat approval.

Applicant Response: The Final Plat will comply with the requirements contained in the Preliminary Plat approval.

Waiver-DHO 6-6(P)(3):

6-6(P)(3) Review and Decision Criteria An Application for a Waiver-DHO shall be approved if it complies with the following criteria:

6-6(P)(3)(a) Any of the following applies:

1. *There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, watercourses, natural topographic features, manmade obstructions, or utility lines.*
2. *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.*
3. *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.*
4. *Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in the design of a subdivision, in accordance with accepted principles of site planning.*

Applicant Response: Criterion #3 best applies to the requested Waiver. Bayita Lane is a private roadway with no sidewalks. It has been in this condition since 1948. The placement of sidewalks in conjunction with this plat would diminish the roadway width and create a hazard for vehicular traffic. In addition, a new sidewalk would not connect to any other pedestrian linkages. Bayita Lane is a dead-end private street that commences at the intersection with Guadalupe Trail NW. Sidewalks do not exist along Guadalupe Trail either. The placement of a five-foot-wide sidewalk and a landscape buffer between four and six feet wide will damage the neighborhood's existing rural character.

In addition, the City's adopted North Valley Area Plan (pp. 172 & 173) discusses the importance of the north valley's "rural character" and includes the following, which speaks directly to this neighborhood and this waiver request:

"Rural character issues generally center on the threat of loss posed by standard development. Features that typify rural areas are usually not replicated in new development. Wide paved streets, curb, gutter and sidewalks, placement of homes toward the center of uniform lots, and yards landscaped in sod are typical of new housing subdivisions and are not typically associated with rural character."

One of the identified characteristics includes:

“Less infrastructure than is associated with urban development such as curbs, gutters, sidewalks, standard width paved streets.”

6-6(P)(3)(b) The Waiver will not be materially contrary to the public safety, health, or welfare.

Applicant Response: The requested waiver is not materially contrary to public safety, health, or welfare, as the dead-end, unimproved private roadway has a speed limit of 25 miles per hour and serves sixteen homes. This subdivision was created prior to the adoption of zoning regulations within the City of Albuquerque in 1959. Residents have been able to walk within or adjacent to the private roadway easement without any hindrance from vehicular traffic, and the requested waiver directly supports the policies in the North Valley Area Plan.

6-6(P)(3)(c) The Waiver does not cause significant material adverse impacts on surrounding properties.

Applicant Response: The requested Waiver will not have a significant, material adverse impact on the surrounding properties as there are no sidewalks within this subdivision.

6-6(P)(3)(d) The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.

Applicant Response: The requested Waiver will not impede future planning, public right-of-way acquisition, or the financing and construction of public infrastructure improvements.

6-6(P)(3)(e) 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.

Applicant Response: The requested sidewalk and landscape buffer Waivers will not conflict significantly with the goals and provisions in *the IDO Section 5-3 Access and Connectivity* because Bayita Lane roadway easement necessitates slower vehicular traffic and allows pedestrians access to all properties in the subdivision. As stated previously, the request directly furthers the goals and policies as expressed in the adopted North Valley Area Plan.

6-6(P)(3)(f) The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.

Applicant Response: Criterion (f) does not apply, as the subject property is not in the 100-year Floodplain.

6-6(P)(3)(g) The Waiver will not materially undermine the intent and purpose of this IDO or the applicable zone district.



Applicant Response: The requested Waiver will not materially undermine the intent of this IDO or the R-A zoning district and will help to preserve the neighborhood's existing rural character as defined in the North Valley Area Plan. This subdivision was created prior to the adoption of any zoning regulations in the City of Albuquerque. The developed land uses are consistent with the North Valley's rural character.

The intent and purpose of the R-A zone is to provide a low-density single-family residential and limited agricultural uses. This request does not undermine the purpose or intent of the R-A zoning district.

6-6(P)(3)(h) 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.

Applicant Response: The requested sidewalk Waiver will not contribute to the development of a lot or use not allowed within the R-A zoning district.

6-6(P)(3)(i) The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).

Applicant Response: The requested sidewalk Waiver is the minimum necessary to provide redress. This preliminary plat can comply with all other provisions of the IDO.

6-6(P)(3)(j) If the request is 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.

Applicant Response: This requested waiver is in an area of low-intensity land use, and the standard installation of sidewalks will negatively impact public welfare (and, in fact, conflict with the public welfare as outlined in the North Valley Area Plan) and will not create a gap in the existing sidewalk system. This subdivision was developed before any zoning regulations were enacted in the City of Albuquerque. No sidewalks are present along Bayita Lane, which serves sixteen homes.

CONCLUSION

The property is located within a subdivision that was developed before the City of Albuquerque adopted zoning regulations. Bayita Lane is a private roadway easement with an unimproved road surface and no sidewalks. There are also no sidewalks along Guadalupe Trail, which provides the roadway connection to this neighborhood. Bayita Lane is a dead-end street with a posted speed limit of 25 miles per hour. This waiver request will not create a gap in the pedestrian sidewalk system. The requirement to install the required sidewalk and landscape buffer will reduce the width of the current roadway easement and is in conflict with the adopted North Valley Area Plan. This would disrupt vehicular traffic flow along Bayita Lane for approximately 230 feet in the center of the subdivision.



Therefore, we respectfully request that the Development Hearing Officer approve this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Strozier', with a large, looping flourish at the end.

James K. Strozier, FAICP
Principal