

PLANNING DEPARTMENT
DEVELOPMENT SERVICES DIVISION
600 2nd Street NW, Ground Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
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OFFICIAL NOTICE OF DECISION December 3, 2025

Adrian Oglesby
2103 Los Luceros Rd. NW
Albuquerque, New Mexico 87104

Project# PR-2019-002186
Application#
DHOWVR-2025-00021 DHO WAIVER

LEGAL DESCRIPTION:

For all or a portion of: **Lot/Tract 51,**
MRGCD MAP 35 zoned **R-A**, located at
2103 LOS LUCEROS containing
approximately **0.45** acre(s). **(H-12)**

On December 3, 2025, 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 for a waiver from the IDO/DPM requirements to construct a sidewalk and landscape buffer requirement along Los Luceros Rd. and Carlota Rd. NW. The Sketch Plat was reviewed by the Development Facilitating Team (DFT) on November 5, 2025.

6-6(P)(3) Review and Decision Criteria

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.

- 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.

The subject property is located in the historic Los Duranes neighborhood, whose unique rural, architectural, and cultural character the 2012 Los Duranes Sector Plan aims to preserve. The Plan—adopted by both the City Council and County Commission—emphasizes longstanding community features such as agricultural land, acequias, and narrow streets. It specifically identifies the subject property as a notable historic resource: a circa-1900 Folk Victorian house with a classic cross-gabled (gable-and-wing) design. Although original elements such as wood shingles in the gable end remain, the former open front porch has been enclosed for added living space and the windows have been modified.

- 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.

The roses that would need to be removed for the new sidewalk are Castilian roses—the same variety featured in the story of Our Lady of Guadalupe, in which Juan Diego gathered miraculously blooming roses as a sign for the bishop. Because the property sits across from the San José de los Duranes Mission, church congregants have expressed that these roses hold special religious and cultural significance to them.

- 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.

The property has existed without a sidewalk since the early 1900s, and the nearest sidewalk is 0.3 miles away, leaving nothing for a new sidewalk segment to connect to. Installing a short, isolated sidewalk could confuse pedestrians. The Los Duranes Sector Plan emphasizes preserving the neighborhood's narrow streets and acequias while maintaining safe, connected routes for walking and biking that fit the area's traditional character.

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

There are no sidewalks on surrounding properties. The absence of a sidewalk at the subject property has not had a materially adverse impact on any neighboring property during the past hundred plus years.

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

Several decades ago, the city expanded the width of streets in Los Duranes. The absence of a sidewalk at the subject property will in no way hinder any future public infrastructure improvements, indeed it may facilitate it as a sidewalk would be a physical impediment to future right-of-way acquisitions.

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.

The waiver is in keeping with the express intent of the City and County to preserve the historical character of Los Duranes. It does not conflict with any other City code or ordinance.

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

The subject property 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 will not undermine the City's ability to create a streamlined, transparent, and equitable framework of zoning and subdivision regulations that implements the city's long-term Comprehensive Plan. Moreover, the waiver is in accord with the intent of protecting the character of historic neighborhoods.

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.

This waiver will not alter the lot or type of development already in place at the subject property or any other property.

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 would allow the minimal action of maintaining the status quo at this historic property and is consistent with IDO 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.

There is no existing sidewalk system on either road adjacent to the subject property. As noted above, the Sector Plan declared that Los Duranes has existing pedestrian facilities for all ages and abilities. The addition of an isolated island of sidewalk will not contribute to the public welfare.

2. Per Table 6-1-1 of the IDO, public notice requirements have been satisfied by the Applicant prior to this submittal.
3. Once the Development Hearing Officer (DHO) approves the sidewalk waiver, the approval documentation must be attached to the Site Plan sheet when it is submitted for the building permit.
4. 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.

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APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **DECEMBER 18, 2025**. 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(U) of the Integrated Development Ordinance (IDO). Appeals should be submitted electronically to [ABQ-PLAN](#) (*place mouse cursor over hyperlink, right-click, choose "open hyperlink"*). A Non-Refundable filing fee will be calculated by staff in the Development Review Services Division of the City of Albuquerque Planning Department and will be payable online at [ABQ-PLAN](#) (*place mouse cursor over hyperlink, right-click, choose "open hyperlink"*).

The appeal fee must be paid in full no later than 48 hours after the appeal deadline, or the appeal will be rejected as untimely. 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 \(Dec 12, 2025 17:53:40 MST\)](#)

Brennon Williams

Development Hearing Officer

BW/mi/jr

Adrian Oglesby, 2103 Los Luceros Rd. NW, Albuquerque, NM 87104







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Final Audit Report

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