



Development Facilitation Team (DFT) – Review Comments

Reviewer: David G. Gutierrez, P.E. | Phone: 505-289-3381 | dggutierrez@abcwua.org

DRB Project No: PR-2020-003485 Date: 04/12/2023 Agenda Item: #2 Zone Atlas Page: J-14

Legal Description: TRACT A-1 & LOT 8-A, BLOCK N, BC METRO COURT/MANDELL BUS. & RESIDENCE ADDITION

Location: 401 LOMAS BLVD NW between 4th ST and 5th ST

Application For: SD-2023-00065-VACATION OF RIGHT-OF-WAY (DHO)

1. Coordinate with 811 and provide an exhibit showing the public water and sanitary sewer infrastructure that is within the corridor proposed to be vacated.
2. There is an existing water and an existing sanitary sewer within the public right-of-way that will require proper access to operate and maintain.
3. Provide the plat or proposed lot consolidation to demonstrate the final layout. The infrastructure on-site will require proper easement and surface access.
 - a. A 25' min easement is required for two public lines.
 - b. The easement corridor must be accessible for operation and maintenance.

Comment: (Provide written response explaining how comments were addressed)

Application For: SD-2023-00064-VACATION OF PUBLIC EASEMENT (DHO)

1. This corridor has an existing public sanitary sewer line that must have a public easement
2. A minimum 20' easement must be in place for the existing line.

Comment: (Provide written response explaining how comments were addressed)

DEVELOPMENT HEARING OFFICER

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2021-003485
412 Marble/804 5th Street

AGENDA ITEM NO: 2

SUBJECT: Vacation of Right-of-Way, Vacation of Public Easement

ENGINEERING COMMENTS:

1. No objection to the vacation of ROW or easement.

Prior to re-plat:

2. Lomas Blvd. is a regional principal arterial, and 4th Street and 5th Street are minor arterial roadways. Minimum right-of-way widths are required for the roadway classification per the DPM criteria, or an administrative width waiver is needed to justify the current widths.
3. This site is located within a downtown center where 10' sidewalk with a 6-8' landscape buffer is required on all surrounding arterial roadways.

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

DATE: April 12, 2023

ACTION:

APPROVED __; DENIED __; DEFERRED __; COMMENTS PROVIDED __; WITHDRAWN __

DELEGATED: _____ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)

DEVELOPMENT HEARING OFFICER - HYDROLOGY SECTION
 Renée Brissette, PE, Senior Engineer | 505-924-3995 rbrissette@cabq.gov

DRB Project Number: 2020-003485 Hearing Date: 04-12-2023
 Project: Bernalillo County Metro Court Agenda Item No: 2

<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 type="checkbox"/> DPM Variance	<input checked="" type="checkbox"/> Vacation of Public Easement	<input checked="" type="checkbox"/> Vacation of Public Right of Way

ENGINEERING COMMENTS:

- Hydrology has no objection to the Vacation of the Public Right of Way (16' Alley and 60' R.O.W. of Slate Road).
- Prior to platting, Hydrology will need some sort of drainage exhibit with the current drainage patterns. Public Drainage Easements over the vacated 16' Alley and 60' R.O.W. of Slate Road may be needed.

APPROVED
 DENIED

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

Emailed March 29, 2023
DHO Comments for Meeting on 4/12/2023

To: Angela Gomez, Development Review Services Hearing Monitor
City of Albuquerque

From: Jared Romero, CFM, Development Review Engineer
AMAFCA

RE: DHO COMMENTS for PR-2020-003485

**TRACT A-1 & LOT 8-A, BLOCK N, BC METRO COURT/MANDELL BUS. & RESIDENCE
ADDITION: ZAP: J-14**

- | | | |
|---------------|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SD-2023-00065 | VACATION OF
RIGHT-OF-WAY | <ul style="list-style-type: none">• City Hydrology has indicated that there is drainage infrastructure in the Slate Ave. ROW. A public drainage easement will need to be granted for access and perpetual maintenance of the drainage infrastructure before or at the time of ROW vacation. Alternatively, a private drainage easement may be granted for the drainage infrastructure and maintenance of that infrastructure would be subject to a covenant with the City of Albuquerque. |
| SD-2023-00064 | VACATION OF
PUBLIC
EASEMENT | <ul style="list-style-type: none">• No adverse comments to the vacation of the public alley easement. |



Kizito Wijenje
EXECUTIVE DIRECTOR

March 31, 2023

MEMORANDUM

To: Development Review Board
c/o Angela Gomez, Administrative Assistant, DRB Board

Cc: Kizito Wijenje AICP, Executive Director, APS Capital Master Plan
Karen Alarid, Executive Director APS Facility Planning & Construction
Amanda Velarde, Director, APS Real Estate
John Valdez, AICP, Facilities Master Planner, State of NM Public Schools Facilities Authority
Sarah Young, AICP, Senior Planner Manager, APS Capital Master Plan

From: Rachel Hertzman, AICP, Planner II, APS Capital Master Plan

Re: CABQ Development Review Board Case to be heard on April 12, 2023, Case 2 of 2, PR #2020-003485

2. Project #2020-003485

- a. DRB Description:
 - a. SD-2023-00065—Vacation of Right-Of-Way.
 - b. SD-2023-00064—Vacation of Public Easement
- b. Site Information: BC Metro Court/Mandell Business & Residence Addition.
- c. Site Location: 401 Lomas Blvd NW, between 4th St and 5th St.
- d. Request Description: Vacation of remainder of Slate Ave between 4th and 5th Streets. Public Right-of-Way vacation will be incorporated into proposed lot consolidation for the Bernalillo County Metropolitan Court.
- e. No comment.

DEVELOPMENT HEARING OFFICER

Code Enforcement Comments

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

Jeff Palmer-Code Enforcement Supervisor
Planning Department
jppalmer@cabq.gov

DATE: 4/12/2023

AGENDA ITEM NO: 2

DHO PROJECT NUMBER:

PR-2020-003485

SD-2023-00065 – VACATION OF RIGHT-OF-WAY

SD-2023-00064– VACATION OF PUBLIC EASEMENT

SKETCH PLAT 9-1-21 (DRB)

IDO – 2021

PROJECT NAME:

ARCH + PLAN LAND USE CONSULTANTS LLC agent for **BERNALILLO COUNTY METROPOLITAN COURT** requests t
aforementioned action(s) for all or a portion of: **TRACT A-1 & LOT 8-A, BLOCK N, BC METRO COURT/MANDELL I
& RESIDENCE ADDITION** zoned **MX-M, MX-H, MX-FB-UD** located at **401 LOMAS BLVD NW between 4TH ST and** **!**
containing approximately **3.9** acre(s). (J-14)

PROPERTY OWNERS: BERNALILLO COUNTY METROPOLITAN COURT

REQUEST: VACATION OF REMAINDER OF SLATE AVE BETWEEN 4TH AND 5TH STREETS. PUBLIC RIGHT-OF-
WAY VACATION WILL BE INCORPORATED INTO PROPOSED LOT CONSOLIDATION FOR THE BERNALILLO
COUNTY METROPOLITAN COURT.

Details

COMMENTS:

1. Code Enforcement has no comments and no objections.



**PNM Comments
Development Hearing Officer
Public Hearing: 12 April 2023**

**PR-2020-003485 / SD-2023-00064 & SD-2023-00065 (401 Lomas Blvd NW)
Vacations of Public Rights of Way**

1. It is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements.
2. Any existing and/or new PNM easements and facilities need to be reflected on the resulting Plat.
3. There may be existing PNM facilities located within the street and alley proposed to be vacated. Any existing PNM facilities are located per the terms and conditions of the Franchise Agreement with the City of Albuquerque for utility facilities in public rights-of-way.
4. Any existing easements may have to be revisited and new easements will need to be created for any electric facilities in the alley proposed to be vacated as determined by PNM.
5. If it is determined there are PNM facilities in either the street and/or alley proposed to be vacated, the applicant should begin the specific processes outlined in **IDO Section 14-16-6-6(M)(2)(g)2.a.ii.** as soon as possible. Contact Rodney Fuentes via email at Rodney.Fuentes@pnmresources.com.
6. Structures, especially those made of metal, should not be within or near PNM facilities and easements without close coordination with and clearance by PNM.
7. The applicant should contact the PNM New Service Delivery Department to coordinate electric service regarding this project as soon as possible. Please submit a service application at <https://pnmnsd.powerclerk.com/MvcAccount/Login> for PNM to review.
8. If existing electric lines or facilities need to be moved, then that is at the applicant's expense. Please contact PNM as soon as possible at <https://pnmnsd.powerclerk.com/MvcAccount/Login> for PNM to review.



Planning - Case Comments

Meeting Date: 4/12/23 -- **DHO AGENDA ITEM**

Project Number: PR-2020-003485

Application Number: SD-2023-00064

Project Name: 401 Lomas

Request:

Sketch Plat..

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

COMMENTS:

****Previous Sketch Plat comments from Sept 2021.***

Standard comments:

- This PR# has been assigned to this subject site. Any applications (vacations, platting, site plans, etc..) for this subject site MUST reference this PR#. It must be noted on the application with the submittal for future actions.

**(See additional comments on next page)*

- Must submit any DRB signed off site plans, variances and/or NOD with submittal for building permit.
 - Note that the document titles listed in the submitted PDF must not include symbols (+, &, etc....) and title should be a short and abbreviated as possible.
-

Please see the procedures for vacation below

6-6(M) VACATION OF EASEMENT, PRIVATE WAY, OR PUBLIC RIGHT-OF-WAY All applicable provisions of Section 14-16-6-4 (General Procedures) apply unless specifically modified by the provisions of this Subsection 14-16-6-6(M) or the DPM. 6-6(M)(1) Applicability This Subsection 14-16-6-6(M) applies to all applications for any of the following Vacations: 6-6(M)(1)(a) Vacation of Public or Private Easement or Private Way Any public or private easement or private way shown on a recorded plat. 6-6(M)(1)(b) Vacation of Public Right-of-way – Council Any public right-of-way that meets any of the following thresholds: 1. More than 500 square feet or the entire width of a platted alley. 2. More than 5,000 square feet or the entire width of a street, including any or all of the right-of-way. 6-6(M)(1)(c) Vacation of Public Right-of-way – DRB Any public right-of-way that does not meet the thresholds in Subsection (b) above.

6-6(M)(2) Procedure 6-6(M)(2)(a) The City may retain, use, or dispose of any vacated public right-ofway in any manner that the City, in its discretion, deems appropriate. 6-6(M)(2)(b) The City Planning Department staff shall review the application and forward a recommendation to the DRB. 6-6(M)(2)(c) The DRB shall conduct a public meeting on the application. 6-6(M)(2)(d) For a Vacation of Public or Private Easement or Private Way or for a Vacation of Public Right-of-way – DRB, the DRB shall make a decision on the application. 6-6(M)(2)(e) For a Vacation of Public Right-of-way – Council, the DRB shall make a recommendation and forward the application to City Council for inclusion on the consent agenda for approval without first going to any City Council committee. 6-6(M)(2)(f) If an application for a Vacation of Public Right-of-way is approved, all of the following requirements shall apply: 1. Within 7

days of the approval, the applicant shall coordinate with the Real Property Division of the City Department of Municipal Development and send notice of the approved vacation by First Class Mail to all abutting property owners. The letter shall include the contact information for the Real Property Division of the City Department of Municipal Development, as well as any other information as directed by the Real Property Division of the City Department of Municipal Development: a. Abutting property owners have 30 days from the receipt of the notice to notify the Real Property Division of the City Department of Municipal Development of the intent to purchase the vacated right-of-way, or any portion thereof, or possibly forfeit their right to do so. b. Within 7 days of receipt of the notice of intent to purchase, the Real Property Division of the City Department of Municipal Development will provide the interested property owner with a purchase price for the desired portion of the vacated public right-of-way. 2. Any property owner that purchases vacated public right-ofway shall obtain a Subdivision of Land – Minor or a Subdivision of Land – Major, as applicable, to combine the vacated rightof-way with

their property within 1 year of the approval of the Vacation or the Vacation is voided. The zone district boundary will be extended to the new lot lines established by the subdivision.

6-6(M)(3) Review and Decision Criteria An application for a Vacation of Easement, Private Way, or Public Right-of-way shall be approved if it meets any of the following criteria: 6-6(M)(3)(a) The public welfare does not require that the easement, private way, or public right-of-way be retained. 6-6(M)(3)(b) There is a net benefit to the public welfare because the development made possible by the Vacation is clearly more beneficial to the public welfare than the minor detriment resulting from the Vacation, and there is no convincing evidence that any substantial property right is being abridged against the will of the owner of the right.

Plat will require City Surveyor, Surveyor and property owner signature.

See table 6-6-1 of the IDO for notice requirements.



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: Robert Webb/Jay Rodenbeck/Jolene Wolfley
Planning Department

DATE: 1/20/23



DEVELOPMENT HEARING OFFICER (DHO)

Parks and Recreation Department

<https://www.cabq.gov/parksandrecreation>

PR-2020-003485

SD-2023-00066 – VACATION OF RIGHT-OF-WAY

SD-2023-00064– VACATION OF PUBLIC EASEMENT

SKETCH PLAT 9-1-21 (DRB)

IDO - 2021

ARCH + PLAN LAND USE CONSULTANTS LLC agent for BERNALILLO COUNTY METROPOLITAN COURT requests the aforementioned action(s) for all or a portion of: TRACT A-1 & LOT 8-A, BLOCK N, BC METRO COURT/MANDELL BUS. & RESIDENCE ADDITION zoned MX-M, MX-H, MX-FB-UD located at 401 LOMAS BLVD NW between 4TH ST and 5th ST containing approximately 3.9 acre(s). (J-14)

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Comments:

04-12-2023

No Comments.

Comments provided by Whitney Phelan, Senior Planner, CABQ Parks & Recreation Department. Please contact via wphelan@cabq.gov or 505-768-5378 with questions or concerns.