

# DEVELOPMENT FACILITATIVE TEAM (DHO)

## 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](mailto:jppalmer@cabq.gov)

**DATE:** 05/07/2025

### **AGENDA ITEM NO: 4**

### **PROJECT NUMBER:**

**[PR-2021-004967](#)**

**MINOR\_PLT-2025-00019 – PRELIMINARY/ FINAL PLAT**

**DHOWVR-2025-00013 – SIDEWALK WAIVER**

**SKETCH PLAT 5-1-24 (DFT)**

**IDO – 2025**

### **PROJECT NAME:**

**JAG PLANNING & ZONING | JUANITA GARCIA** agent for **JOE P GRADY** requests the aforementioned action(s) for all or a portion of: Tract 107-A-2-A & Tract 107 A-1-A-1, MRGCD Map 31 zoned R-A, located at **3815 PEDRONCELLI RD NW** between **RIO GRANDE BLVD NW AND ELFEGO RD NW** containing approximately **1.2324** acre(s). **(F-13)**

**PROPERTY OWNERS:** Joe P Grady

**REQUEST:** Waiver to the Sidewalk Requirements along Pedroncelli Road

### **COMMENTS:**

1. Variance obtained for contextual lot size, VA-2024-00056. Must include variance in notes on final plat, as the variance affected the approval of the proposed lot sizes, accordingly, as per IDO 6-6(O)(2)(f):  
“Any Variances granted that are associated with a Site Plan or other approval shall be noted on the approved Site Plan or other approval.”
2. Code Enforcement has no further comments and no objections.

## DEVELOPMENT FACILITATIVE TEAM (DHO)

### Code Enforcement Comments

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Jeff Palmer-Code Enforcement Supervisor  
Planning Department  
[jppalmer@cabq.gov](mailto:jppalmer@cabq.gov)

**DATE:** 05/07/2025

**NOTE: VARIANCE cited these comments as basis for contextual lot size requirements. Jpalmer, 5/6/25**

*Comments from 11/1/23 DFT Sketch Plat:*

**CREATE THREE LOTS FROM TWO EXISTING LOTS, GRANT PRIVATE AND PUBLIC EASEMENTS:**

1. *Property is zoned R-A, and must meet all Dimensional Standards of IDO 5-1(C), Table 5-1-1.*
2. *Property is located in an Area of Consistency, and must meet contextual lot size standards as per IDO 5-1(C)(2). Calculations were based on 16 properties addressed from 3800 through 3843 Pedroncelli Rd NW and 2414 Griegos Rd NW, all of which are fronting onto the same block of Pedroncelli Rd NW:*
  - *Average lot size = 0.2265 acre;*
  - *Minimum lot size (75%) = 0.1699 acre;*
  - *Maximum lot size (125%) = 0.2839 acre.**Proposed lot sizes will require obtaining a Variance to contextual lot size prior to replat.*
3. *Must meet all other requirements of IDO 5-3 Access & Connectivity and 5-4 Subdivision of Land.*
4. *Existing home on 3815 Pedroncelli is not meeting setback requirements on the north side and front, but is allowed as legally nonconforming as the proposed lot changes do not affect those areas. Prior to any addition, it must obtain approval as per IDO 6-8(D)(5) Expansion of Nonconforming Structure and pursuant to IDO 6-6(C). If that structure is removed, new construction will be required to meet all required setbacks.*
5. *CE has no further comments at this time.*



## DEVELOPMENT FACILITATION TEAM

### Parks and Recreation Department

**PR-2021-004967**

MINOR\_PLT-2025-00019 – PRELIMINARY/ FINAL PLAT  
DHOWVR-2025-00013 – SIDEWALK WAIVER

JAG PLANNING & ZONING | JUANITA GARCIA agent for JOE P GRADY requests the aforementioned action(s) for all or a portion of: Tract 107-A-2-A & Tract 107 A-1-A-1, MRGCD Map 31 zoned R-A, located at 3815 PEDRONCELLI RD NW between RIO GRANDE BLVD NW AND ELFEGO RD NW containing approximately 1.2324 acre(s). (F-13)

REQUEST: Waiver to the Sidewalk Requirements along Pedroncelli Road  
IDO - 2025

#### COMMENTS

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**5.06.2025**

No comments or objections to the requested actions.

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**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: PR-2021-004967 Hearing Date: 05-07-2025  
Tract 107-A-2-A & Tract 107 A-1-A-1, MRGCD Map 31 located at  
3815 PEDRONCELLI RD NW  
between RIO GRANDE BLVD NW  
Project: AND ELFEGO RD NW Agenda Item No: 4

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

**ENGINEERING COMMENTS:**

- Hydrology has an approved Grading & Drainage Plan (HT# F13D038) with engineer's stamp 04/02/2025.
- Hydrology has no objection to the platting action.
- Hydrology has no objection to the Vacations.

☐ 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: 2021-004967  
3815 Pedroncelli

AGENDA ITEM NO: 4

SUBJECT: Sketch Plat

ENGINEERING COMMENTS:

1. Transportation has no objection to the waiver for sidewalk, curb and gutter. Though, Transportation does not agree with some of the language used in explanations for criteria 1a and 3 which reference drainage as this is the responsibility of the applicant to prove. Transportation agrees to the waiver but asks that these items be not considered as part of the approval.
2. Transportation has no objection to the determination for the ROW width or private access width.
3. As a condition for approval, please provide dimensions of the alternate hammerhead to ensure it meets Fire standards for a turn around.

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: May 7, 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:** 5/7/25 -- **AGENDA ITEM:** #4

**Project Number:** PR-2021-004967

**Application Numbers:** MINOR\_PLT-2025-00019

DHOWVR-2025-00013

**Project Name:** 3815 Pedroncelli Rd NW

**Request:**

*Preliminary Final Plat and Sidewalk waiver along Pedroncelli Rd*

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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.**

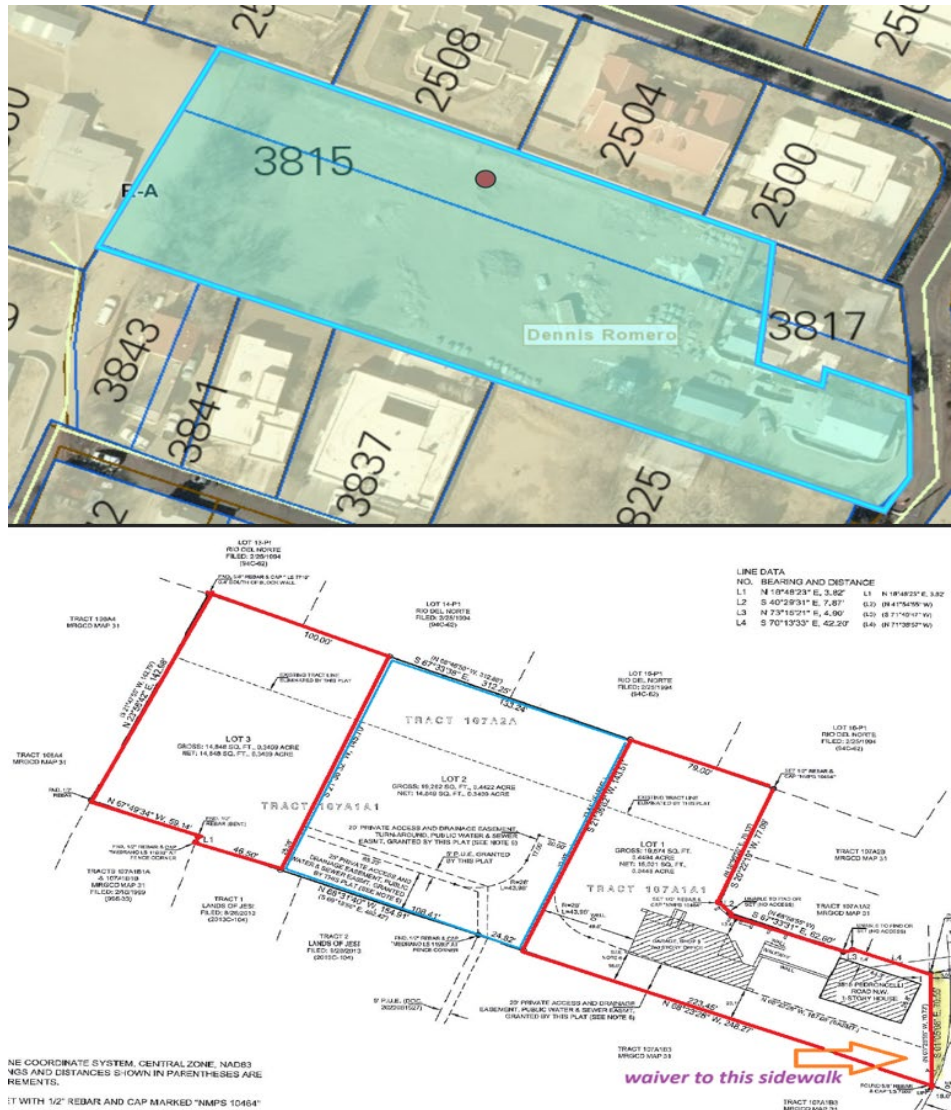
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### BACKGROUND

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- The Applicant is seeking Preliminary/Final Plat approval by the Development Hearing Officer (DHO). The Sketch Plat was reviewed by the Development Facilitation Team (DFT) on May 1, 2024.
- The property owner proposed to subdivide two existing lots into three new lots and construct an access road and easements on Lot 107A1A1 of the MRGCD MAP 31 subdivision. This application also includes a request for a **waiver** from the DHO regarding sidewalk and landscape buffer requirements along Pedroncelli Rd NW.
- These properties are located in an area of consistency and are not within any overlay zone, special corridor, designated center or within 1/4mile of an Urban Center (UC), Main Street (MS), or Premium Transit (PT) corridor. They are located within the boundaries of the Rio Grande Boulevard Neighborhood Association and the Near North Valley Community Planned Areas (CPA).
- This site is located within R-A zone district (Residential – Rural and Agricultural zone district).

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



## ITEMS THAT NEED TO BE CORRECTED/COMPLETED

- Application number must be added to all documents.
- The DXF file must be approved by AGIS, and the approval email from AGIS needs to be submitted as proof by the applicant.
- Per 6-6(L)(2)(d)(7) of the IDO, the date of the DHO approval shall be recorded on the Plat. Therefore, prior to final sign-off of the Plat, the date of the DHO approval must be added to the Plat.
- After DHO approval and final sign off, a recorded copy of the plat must be sent to Angela Gomez at [agomez@cabq.gov](mailto:agomez@cabq.gov) and to Jay Rodenbeck at [jrodenbeck@cabq.gov](mailto:jrodenbeck@cabq.gov).

- Per 6-6(K)(2)(I) of the IDO, the applicant shall record the Plat with the Bernalillo County Clerk within 3 months after the date of the final signature on the Plat, or the subdivision shall be voided.
- A note must be added to the Plat regarding the request (approval) of this waiver from the Development Hearing Officer (DHO) to allow no sidewalks, curb or gutters along Pedroncelli Rd 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.

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#### *Determination of Right-of Way (ROW) width requirements DPM*

- The applicant is requesting that the DHO approve the existing right-of-way (ROW) width of 18.6 feet at its narrowest point rather than the 22-foot width typically required by the Development Process Manual (DPM) – due to current site development constraints. The proposed access easement will serve three dwelling units. Planning staff defer to Transportation staff on this Determination.
- The applicant states that the request meets approval criteria, since an existing garage prevents expanding the easement to the standard width.
- A note must be added to the Plat regarding the request (approval) of this determination from the Development Hearing Officer (DHO).

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#### *Sidewalk Waiver*

- The Applicant justified 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.***

The area is primarily single-family homes with existing utility lines, fences, and walls. Installing sidewalks, curbs, and gutters could affect water drainage, requiring an engineering study to prevent flooding. Expecting the applicant to initiate such a project for the entire neighborhood would be burdensome.



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

The neighborhood has existed without sidewalks, curb, gutter or a landscape buffer since the original approval of the plats for this area, reflecting its rural character and variable right-of-way (ROW) widths. The road adjacent to the site ranges from 41.6 feet to 18 feet wide, which is sufficient for safe pedestrian use. Therefore, granting the waiver will not negatively impact public safety health, or welfare.

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

Not granting a waiver may cause material adverse impacts on surrounding properties, since some of the adjacent properties will be impacted by the water flows that will occur with the construction of sidewalks. The placement of sidewalks and associated curb, gutters and landscape buffers in this area will need to be studied and determined how the overall system should be designed and not just with an individual property owner.

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

The waivers will not hinder future planning, public right-of-way (ROW) acquisition, or the financial of building of public infrastructure improvements since there are no planned improvements. The right-of-way (ROW) width along the southern edge. The applicant is requesting a DHO Determination to allow the right-of-way (ROW) to remain, as commented by Transportation Department.

***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.***

This waiver will not conflict significantly with the goals and provisions of any City, County or MAFCA adopted plan or policy, this IDO or any City code or ordinance. There is no known adopted policy, goal or provision in an adopted plan that specifically applies to the subject property.

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

This section does not apply to this site.

**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 does not materially undermine the intent and purpose of this IDO, the applicable zone district or any applicable Overlay Zone. There are no sidewalks, curb, gutter or landscape buffers within this neighborhood. All neighborhoods could benefit from these features; however, in instances where they do not exist, the best approach would be to have an overall plan that provides these features so that grading and drainage will not affect the subject properties or adjacent properties. The IDO does allow for waivers to these types of standards on case-by-case basis without undermining the intent and purpose of the IDO. The applicable zone district does not require the sidewalk, and there is no applicable Overlay Zone.

**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 Waiver will not allow a lot or type of development that does not meet the applicable Development Standards for this zone district.

**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 applicant is seeking the minimum necessary to allow the property owner relief of this requirement. The applicant's responses demonstrate compliance of 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.***

This area is located within a low intensity land use, but installation will not contribute to the public welfare since the neighborhood does not have sidewalks, curb, gutter or landscape buffers. The installation of these features will not allow for a connection to an existing infrastructure system does not exist.

- Based on the justification analysis provided by the applicant in response to the criteria of 6-6(P)(3) of the IDO, staff do not object to the request for the waiver.

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#### ITEMS IN COMPLIANCE/STANDARD COMMENTS

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- **The Applicant team submitted proof of (3) approved variances for 2,654 square feet to the allowed contextual lot size standards for re-platting, a variance of 15 feet to the required 20 feet front yard setback and 6 feet to the required 10 feet side yard setback.**
- A Waiver DHO application with justification letter was received and being processed along this platting application request to avoid building the required sidewalks and landscape buffers.
- Signatures from Utility companies, AMAFCA, City Surveyor, Surveyor, and property owner have been obtained on the plat. Signatures from Hydrology, Transportation, and Water Utility Authority are obtained on Form PLT.
- 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>
- An approved and recorded Financial Guaranty/Infrastructure Improvements Agreement was submitted with the Final Plat application submittal.

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#### FUTURE DEVELOPMENT

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- Future development must meet all applicable standards and provisions of IDO (R-A) and the DPM. **\*Plans should demonstrate how standards are being met.**

***\*Please reference the following development standards from the IDO.  
Subject to change pending formal submittal and/or proposed development types/uses.***

- **4-2 Allowed Uses, table 4-2-1. \*Reference Use table and Use Specific Standards for proposed development standards, requirements, and restrictions.**  
4-3(B)(1)(a) In the R-A zone districts, only 1 single-family detached dwelling is allowed per lot unless the units are part of a cottage development, in which case the provisions of Subsection 14-16-4- 3(B)(4) apply.

- **5-1 Dimension Standards for R-A. 5-1-G Exceptions and Encroachments. Table 5-1-4**  
***\*Plans should include relevant measurements for setback, height, elevation, Etc.***
- **5-3 Access & Connectivity requirements.**  
***\*Clarify if access is affected by replat.***
- **5-5 Parking & Loading requirements, Table 5-5-1.**  
***\*Plan demonstrate that all required parking standards. Include calculations.***
- **5-6 Landscaping, Buffering, and Screening standards and requirements.**  
***\*Be aware of several sections related to new development –***  
5-6-C General Landscaping, 5-6-D Required Street Trees, 5-6-F Parking Lot Landscaping, 5-6-G Equipment/Support areas. 5-6-E Edge buffer requirements
- **5-7 Walls/Fences, table 5-7-1. *\*Development requires separate permitting.***
- **5-8 for Outdoor Lighting requirements.**
- **Section 6-1, table 6-1-1 for public notice requirements.**
- **Platting actions per 6-6-K Subdivision of Land-Minor or 6-6-L Subdivision of Land-Major.**
- **Vacations per 6-6-M. *\*May require additional approvals.***
- **7-1 Development, dwelling and use definitions.**



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FROM: Marcelo Ibarra/Jay Rodenbeck  
Planning Department

DATE: 5/6/25