



Development Facilitation Team (DFT) – Review Comments

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

Project No: PR-2022-006674

Date: 1/10/2024

Agenda Item: #5

Zone Atlas Page: F-13

Legal Description: LOT 16 & 17, LAND OF RAYMOND ORTIZ

Location: 1825 PATRICK PLACE NW between GUADALUPE TR NW and RIO GRANDE BLVD NW

Application For: SD-2023-00197-PRELIMINARY/FINAL PLAT (DHO)

Previous comments still apply: verification they have been addressed will be required prior to final sign off.

1. Availability Statement #230830 has been executed and provides conditions for service.
2. Plat:
 - a. Separate accounts shall be established for those proposed lots containing the existing dwellings prior to approval. Separate water and sanitary sewer services shall also be installed for the lots with existing dwellings prior to approval. Confirmation of both the separate accounts and separate services is required prior to plat approval.
3. For information only:
 - a. Property is within Established Service Area.
 - b. Pro-Rata is not Owed.

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

Application For: VA-2023-00311-SIDEWALK WAIVER (DHO)

1. No objection to sidewalk waiver.

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

DEVELOPMENT HEARING OFFICER (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*

DATE: 01/10/2024

AGENDA ITEM NO: 5

DRB PROJECT NUMBER:

PR-2022-006674

SD-2023-00197 – PRELIMINARY/FINAL PLAT

VA-2023-00311 – SIDEWALK WAIVER

IDO - 2022

PROJECT NAME:

CSI – CARTESIAN SURVEYS, INC. agent for **HOLLY ARROYO** requests the aforementioned action(s) for all or a portion of: **LOT 16 & 17, LAND OF RAYMOND ORTIZ** zoned **R-A**, located at **1825 PATRICK PLACE NW between GUADALUPE TR NW and RIO GRANDE BLVD NW** containing approximately **0.2831** acre(s). **(F-13)** [Deferred from 10/25/23b]

PROPERTY OWNERS: ARROYO HOLLY

REQUEST: INTERIOR LOT LINE ADJUSTMENT BETWEEN TWO EXISTING LOTS TO CREATE TWO NEW LOTS, SIDEWALK WAIVER FOR PATRICK AVE

COMMENTS:

1. Lot 17-A: Lot Width required is 75 ft per Table 5-1-1 for RA-zone.
 - Lot 17-A Deviation of 4.2 feet proposed for width of Lot 17-A is recommended for approval.
2. Lot 16-A: Lot Width required is 75 ft per Table 5-1-1 for RA-zone. This lot appears to be legally non-conforming as to size, with an existing structure that also appears to be legally non-conforming. This would qualify for exceptions allowed under IDO 6-8(E), Non-Conforming Lots, and appears to meet the following requirement:

6-8(E)(2)(a) Complies with the dimensional standards for the zone district where the lot is located to the maximum extent practicable.

The Width is significantly less than the required 75 feet, and the proposed width reduces the extent of the existing non-conformity by both extending the width and taking the lot line outside of the existing structure.

Continued next page

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DATE: 01/10/2024

3. Lot 17-A Deviation: Request deviation of 0.3 feet of the required 20 feet for the Front Setback of Lot 17-A, recommended for approval.
4. Lot 16-A: Deviation. Requested deviation of 0.9 feet for the West side setback of Lot 16-A. This is not required, as it is covered by Variance VA-2023-00284, allowing a reduction of 1 foot to the 10 ft Side Yard Setback of Lot 16. Deviation note should be removed and replaced with the applicable Variance note.
5. Lot 16-A East side yard setback is deficient, showing 8.4 ft of a required 10 ft setback. However, as this structure appears to be an existing nonconforming structure, the existing non-conforming side setback is allowed to continue under IDO 6-8(D) Nonconforming structures, with the following condition outlined as per IDO 6-8(D)(4), regarding future addition or enlargement:
*6-8(D)(4) Setback Nonconformance
A structure nonconforming as to setback regulations cannot be added to or enlarged unless the addition conforms to all the regulations of the zone district in which the structure is located.*
6. CE has no objections to the proposed Sidewalk Waiver, and no further comments.

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DATE: 01/10/2024

Comments from DHO 12/20/2023:

1. Property is located in an Area of Consistency, but the adjustment of lot lines for existing structures would not require area of consistency standards, as this does not involve a vacant lot or new construction as per IDO section 5-1(C)(2)(b).
2. Property is zoned R-A, and must meet Dimensional standards of Table 5-1-1. Deviations from these standards will require Variance or Deviation approval for each.
3. Lot size, minimum 10890 sq ft = 0.25 acre; Not required as per IDO 5-4(C)(1)(b),
5-4(C)(1)(b) Nonconforming lots may be replatted without requiring Variance to lot size if the replat meaningfully decreases the degree of already existing nonconformity.
4. Lot Width = 75' – Both Lots 17-A and 16-A need Variances and/or Deviation approvals to meet required width. These are not sufficiently provided. As per IDO Definition, page 578:
Lot Width: The length of a straight line between the mid-points of each of the side lot lines.
 - Please provide measurements at mid-point of side lot lines for determination as to lot width, and for purposes of pursuing Variances or Deviations as required.
 - All applicable Variances or Deviations for lot width must be obtained prior to approval of re-plat.
5. Front = 20' – Lot 16-A, Variance for apparent future expansion into front lot area, VA-2023-002282.
6. Front = 20' – Lot 17-A; A Deviation is submitted for the deficiency in the front lot setback, though not specifically identified in amount, but specified in general being less than 10% in deviation. I would recommend approval of the Deviation, but would prefer it is specified as to the amount of deviation.
7. Rear = 25' – Lot 16-A, VA-2023-002283; Lot 17-A, VA-2023-002285
8. Side = 10' – Lot 17-A, VA-2023-002286; Lot 16-A, VA-2023-002284 west side
9. Side, Lot 16-A, 8.4 ft, east side – No Variance. This side is an existing nonconforming side setback. Not affected by moving of interior side lot line – as long as the existing structure does not expand into the area of non-conformance into the side setback, this will be legally non-conforming to required 10' setback.
10. Future additions for Lot 16-A may need to seek prior approval through Variance or Expansion of a Nonconforming structure, if not meeting required setbacks, as per IDO 6-8(D)(4) Setback Nonconformance, and 6-8(D)(5) and 6-6-6(C), Expansion of a Nonconforming Structure.
11. Deviation applications received are not sufficiently described, and have no site plan accompanying to show which areas they are specifically addressing. These all need to be clarified – specific notes below:
 - Deviation for lot width, Lot 17-A – appears to be specifically for the front lot line, but it is not clear. Please see Comment #4, regarding determination of Lot Width, and re-submit with clarity as to

DEVELOPMENT HEARING OFFICER (DHO)

Code Enforcement Comments

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DATE: 01/10/2024

amount of deviation requested for true lot width determined.

- Deviation for Lot 17-A, Front setback, discussed in Comment #6. Needs specification as to amount.*
- Deviation for Lot 16-A, Side setback, but outlines lot width in course of statement. Needs to be clarified as to what Deviation is being requested, and for what purpose.*

12. Variations presented all have the same Decision page, which only appears to address VA-2023-00282. Need to re-submit copies of Variances with correct documentation for each. In addition, it would be helpful if a drawing is provided showing where each of the Variances apply on each lot, for ease of reference.

Comments from 10/25/23 DHO Preliminary Plat:

- Property is zoned R-A, and must meet Dimensional standards of Table 5-1-1.
- Property is located in an Area of Consistency, but the adjustment of lot lines for existing structures would not require area of consistency standards, as this does not involve a vacant lot or new construction as per IDO section 5-1(C)(2)(b).
- However, Setback and Dimensional standards for R-A zone per IDO Table 5-1-1 are applicable for all affected lot lines. Deviations from these standards will require Variance or Deviation approval for each:
Front = 20', Rear = 25'; Not affected by moving of interior side lot line – as long as the existing structures do not expand into the area of current non-conformance, whether to the front or rear, they are legally non-conforming to lot line setback. Future additions may need to seek prior approval through Variance or Expansion of a Nonconforming structure, if not meeting required setbacks.
Side = 10'; Need Variance for any interior side lot line that is less than 10' setback (for each lot).
Lot Width = 75'; Need variance for lot that is less than 75' width.
Lot size, minimum 10890 sq ft = 0.25 acre; Need variance for each proposed lot.
- Agent Comments in submittal for 10/25/23 P/F Plat, in response to CE comments for 9/9/22 Sketch Plat:
“Noted, our client has scheduled ZHE variances for November 21, for the side (Lot 16-A east side), lot width (Lot 16-A), and lot sizing of both of these lots. We request deviations from the side lot (east of 17-A and west of 16-A), given these are largely existing conditions being improved by our proposed lot line adjustment and are within 10% of the required standards.”
- Code Enforcement recommends approval of the Deviations requested in submittal for interior side setbacks east of structure on 17-A and west of structure on 16-A.
- Code Enforcement cannot approve until Variances are obtained for the other dimensional standard deficiencies, as noted in submittal.
- No further comments at this time.

DEVELOPMENT HEARING OFFICER (DHO)

Code Enforcement Comments

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

DATE: 01/10/2024

Comments from 3/9/2022 Sketch Plat:

1. Property is Zoned R-A (Residential/Agricultural), and is located in an Area of Consistency.
2. Proposed adjustment of lot line for existing structures would not require area of consistency standards, as this does not involve a vacant lot or new construction as per IDO section 5-1(C)(2)(b).
3. However, Setback and Dimensional standards for R-A zone, as per IDO Table 5-1-1, are applicable for all affected lot lines. Deviations from these standards will require Variances for each:
Front = 20'; Not affected by moving of lot line – as long as structures do not expand to the rear, they are legally non-conforming to rear lot line setback.
Rear = 25'; Same as above.
Side = 10'; Need Variance for Garage on West side, and for any interior side lot line that is less than 10' setback (for each lot).
Lot Width = 75'; Need variance for lot that is less than 75' width.
Lot size, minimum 10890 sq ft = 0.25 acre; Need variance for each proposed lot.
4. Further development must meet all standards/requirements of the IDO, DPM, and other City regulations.

DEVELOPMENT HEARING OFFICER - **HYDROLOGY SECTION**

Renée Brissette, PE, Senior Engineer | 505-924-3995, rbrissette@cabq.gov

DRB Project Number: 2022-006674 Hearing Date: 01-10-2024

Project: Lot 16 & 17 Lands of Raymond Ortiz

Agenda Item No: 5

<input type="checkbox"/> Sketch Plat	<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"/> Site Plan for Bldg. Permit <input type="checkbox"/> Site Plan for Subdivision	<input type="checkbox"/> Bulk Land Plat
<input type="checkbox"/> SIA Extension	<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 no comments to the platting action.
- Hydrology defers to Transportation for the sidewalk waiver.

☐ 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: 2022-006674
1825 Patrick Place

AGENDA ITEM NO: 5

SUBJECT: Preliminary/Final Plat, Sidewalk Waiver

ENGINEERING COMMENTS:

1. Justifications for waiving sidewalk and allowing ROW to remain as is appear to be adequate. No objection to waiver or plat.

. 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 jwolfenbarger@cabq.gov

DATE: January 10, 2024

ACTION:

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

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



DEVELOPMENT HEARING OFFICER

Planning - Case Comments

HEARING DATE: 1/10/24 -- **AGENDA ITEM:** # 5

Project Number: PR-2022-006674

Application Number: SD-2023-00197, VA-2023-00311

Project Name: Lots 16-A and 17-A, Land of Raymond Ortiz

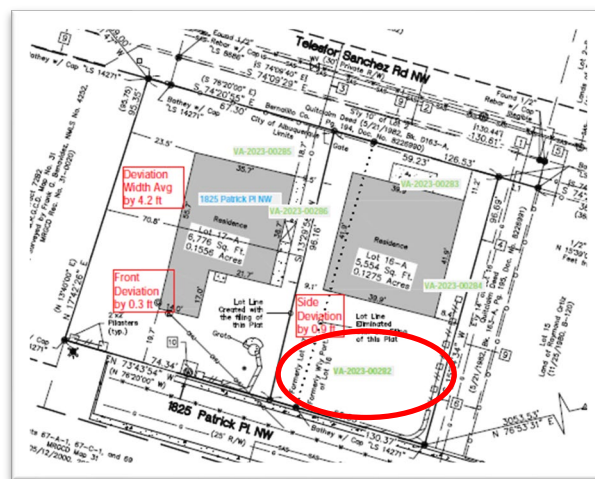
Request:

Minor Preliminary/Final Plat, Sidewalk Waiver

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

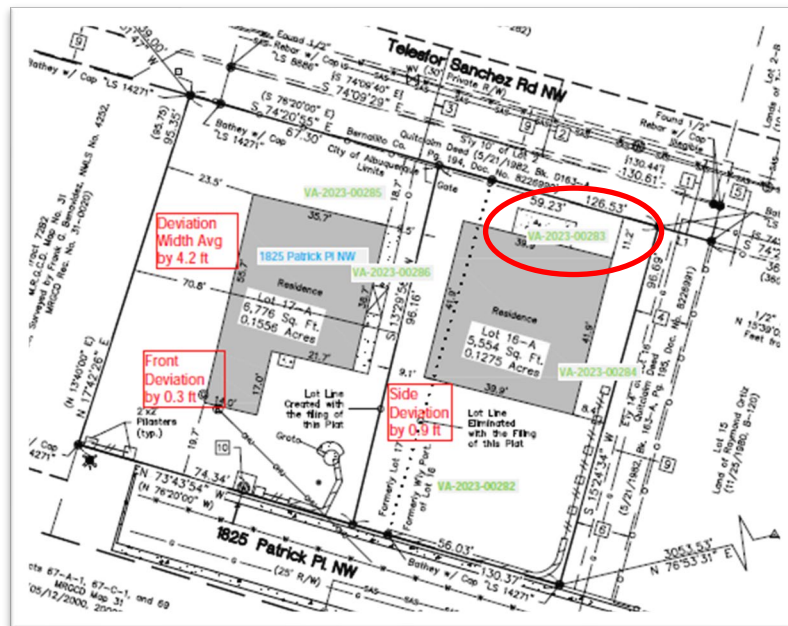
BACKGROUND

- This proposed Minor Preliminary/Final Plat would adjust the boundary between two existing lots (Lot 16 and Lot 17 of the Land of Raymond Ortiz), creating two new lots (Lots 16-A at 6,776 square feet in size and 17-A at 5,554 square feet in size).
- On December 6, 2023, the Zoning Hearing Officer (ZHE) approved five Variances:
 1. **VA-2023-00282**: Variance of 2 ft. to the required 20 ft. front yard setback for Lot 16-A.

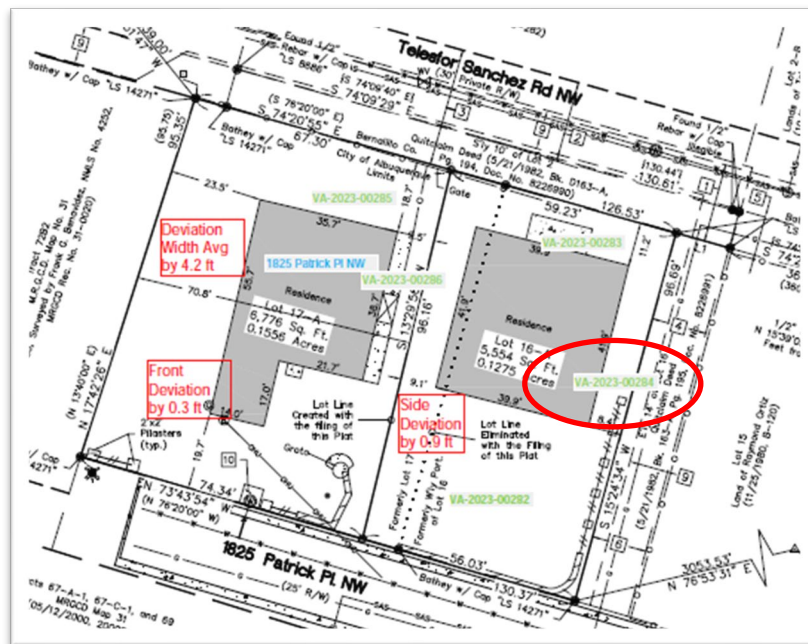


**(See additional comments on next pages)*

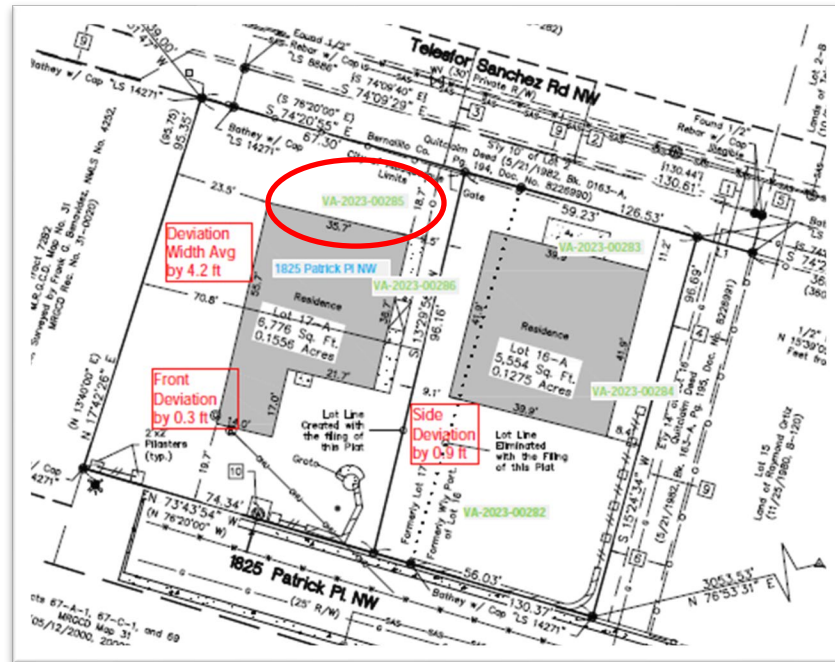
2. **VA-2023-00283:** Variance of 14-ft. to the required 25 ft. rear yard setback for Lot 16-A



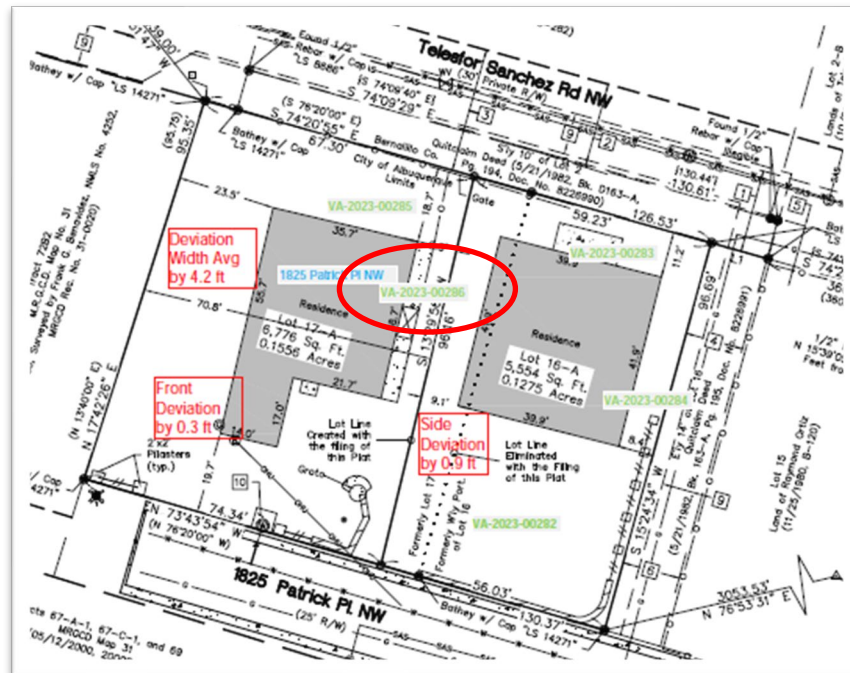
3. **VA-2023-00284:** Variance of 1 ft. to the required 10 ft. side yard setback for Lot 16-A.



4. **VA-2023-00285:** Variance of 7 ft. to the required 25 ft. rear yard setback for Lot 17-A.



5. **VA-2023-00286:** Variance of 5 ft. to the required 10 ft. side yard setback for Lot 17-A.



- A DHO Determination is being proposed to permit the existing 25-foot right-of-way width of Patrick Avenue NW.
- A Sidewalk Waiver is requested to not construct a sidewalk along the frontage of the subject site along Patrick Avenue NW.
- The subject site went through Sketch Plat review by the Development Review Board (DRB) on March 9, 2022.

COMMENTS:

Items in **Orange** color need to be addressed.

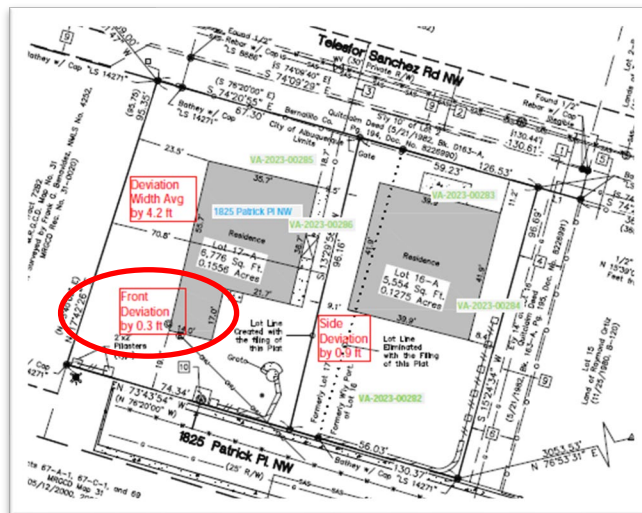
1. Items Needing to be Completed or Corrected and IDO/DPM Comments

- The AGIS office must approve the DXF file and proof of approval must be provided prior to final sign-off of the Plat.
- 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.

2. Items in Compliance

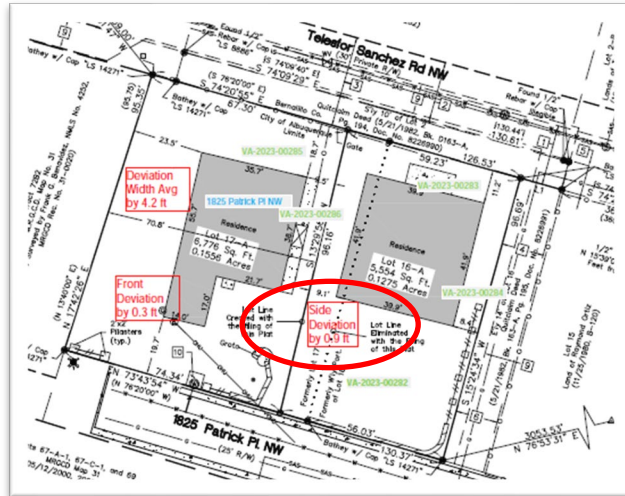
- Three DHO Deviation applications have been submitted with this platting application:

1. Deviation of 0.3 ft. to the required 20 ft. front yard setback for Lot 17-A.



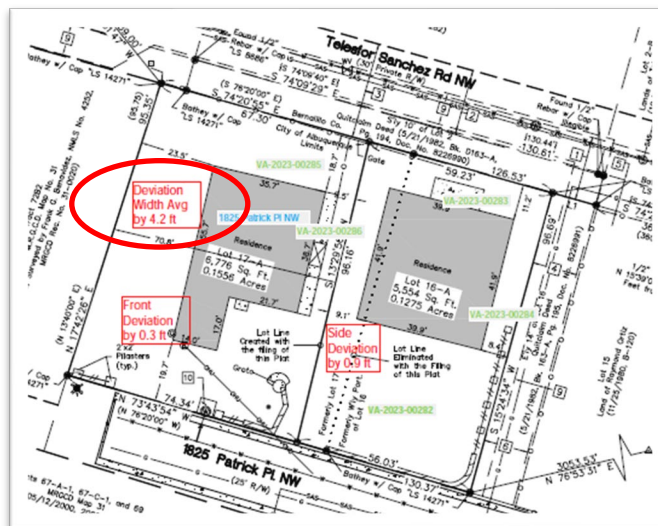
The Deviation is justified per 6-4(O)(3) of the IDO, as it's an existing non-conformity that's not created by the proposed replat. Additionally, the proposed Deviation will not cause material adverse impacts on surrounding properties.

2. Deviation of 0.9 ft. to the required 10 ft. side yard setback for Lot 16-A.



The Deviation is justified per 6-4(O)(3) of the IDO, as the lot line is currently encroaching on the existing residence on Lot 16-A. Moving the lot line further west as proposed will reduce the existing non-conformity. Additionally, the proposed Deviation will not cause material adverse impacts on surrounding properties.

3. Deviation of 4.2 ft. to the required 4.2 ft. for the minimum 75 ft. lot width for Lot 17-A.



The Deviation is justified per 6-4(O)(3) of the IDO, as the lot line between Lots 16-A and 17-A is currently encroaching on the existing residence on Lot 16-A. Moving the lot line further west as proposed will reduce that existing non-conformity. Additionally, the proposed Deviation will not cause material adverse impacts on surrounding properties.

- The Applicant had obtained the required utility/AMAFCA, City Surveyor, Surveyor, and Property Owner signatures on the Plat.
- The Applicant received signatures from Hydrology, Transportation, and ABCWUA, on Form S confirming that any associated application submittals required from them have been submitted and approved.
- The Applicant properly notified the Neighborhood Associations sent by ONC and offered a pre-application neighborhood meeting per Table 6-1-1 of the IDO.
- All standards within IDO section 5-4 Subdivision of Land and 5-4(C) Compliance with Zoning Requirements apply to platting actions.
- **After DHO approval and final sign off, a recorded copy of the plat must be sent to the Planning Manager-Jay Rodenbeck and PLNDRS@cabq.gov.**
- The Applicant provided justification for the DHO Determination proposed to permit the existing 25-foot right-of-way width of Patrick Avenue NW per 6-6(P)(3) of the IDO.
Planning staff defers to Transportation staff to evaluate the justification criteria.
- The Applicant provided justification for the Sidewalk Waiver to construct a sidewalk along the frontage of the subject site along Patrick Avenue NW per 6-6(P)(3) of the IDO.
Planning staff defers to Transportation staff as to evaluate the justification criteria.



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FROM: Jay Rodenbeck/Jolene Wolfley
Planning Department

DATE: 1/9/24
