



## **Development Facilitation Team (DHO) – Review Comments**

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**Reviewer: David G. Gutierrez, P.E. | Phone: 505-289-3381 | [dggutierrez@abcwua.org](mailto:dggutierrez@abcwua.org)**

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**Project No: PR-2022-006674**

**Date: 2/07/2024**

**Agenda Item: #6**

**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-2024-00015-Amendment to Preliminary/Final Plat (DHO)**

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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. No objection to the amendment.
4. 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: SD-2024-00015 – AMENDMENT TO PRELIMINARY/FINAL PLAT (DHO)**

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

**DATE:** 02/07/2024

#### **AGENDA ITEM NO: 6**

#### **DHO PROJECT NUMBER:**

**PR-2022-0006674**

**SD-2024-00015 -- AMENDMENT TO PRELIMINARY/FINAL PLAT  
IDO - 2022**

#### **PROJECT NAME:**

**CSI - CARTESIAN SURVEYS INC.** agent for **HOLLY ARROYO** requests the aforementioned action(s) for all or a portion of: **LOTS 16 & 17, LAND OF RAYMOND ORTIZ** zoned **R-A**, located at **1825 PATRICK PL NW** between **GUADALUPE TR NW** and **RIO GRANDE BLVD NW** containing approximately **0.2831** acre(s). **(F-13)**

**PROPERTY OWNERS:** ARROYO HOLLY

**REQUEST:** INTERIOR LOT LINE ADJUSTMENT BETWEEN TWO EXISTING LOTS TO CREATE 2 NEW LOTS.  
REQUEST CONFIRMATION OF DHO DETERMINATION ALLOWING RIGHT-OFWAY WIDTH OF PATRICK LANE  
NW

#### **COMMENTS:**

1. Prior comments have been addressed. Code Enforcement has no objections.

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

**DATE:** 02/07/2024

Comments from 01/10/2024 DHO Hearing:

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.
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.

DEVELOPMENT HEARING OFFICER - **HYDROLOGY SECTION**

Renée Brissette, PE, Senior Engineer | 505-924-3995, [rbrissette@cabq.gov](mailto:rbrissette@cabq.gov)

DRB Project Number: 2022-006674

Hearing Date: 02-07-2024

Project: Lot 16 & 17 Lands of Raymond Ortiz

Agenda Item No: 6

<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 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.

☐ 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: 6

SUBJECT: Amendment to Preliminary/Final Plat

ENGINEERING COMMENTS:

1. Justifications for waiving sidewalk and allowing ROW to remain as is appear to be adequate. No objection to waiver or amendment to 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](mailto:jwolfenbarger@cabq.gov)

DATE: February 7, 2024

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ACTION:

APPROVED \_\_; DENIED \_\_; DEFERRED \_\_; COMMENTS PROVIDED \_\_; WITHDRAWN \_\_

DELEGATED: \_\_\_\_\_ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)



## DEVELOPMENT HEARING OFFICER

### Planning - Case Comments

**HEARING DATE:** 2/7/24 -- **AGENDA ITEM:** # 6

**Project Number:** PR-2022-006674

**Application Number:** SD-2024-00015

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

**Request:**

*Amendment to Minor Preliminary/Final Plat*

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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.*

#### BACKGROUND

- A Minor Preliminary/Final Plat adjusting 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) was approved by the DHO on January 10, 2024 per PR-2022-006674 / SD-2023-00197. After the DHO approval, the agent for the application (Cartesian Surveys, Inc.) confirmed that a quitclaim deed (5/21/1982, Bk. 163-A, Pg. 195, Doc. No. 8226991) was discovered that incorporated an existing 14-foot private roadway and access easement into Lot 16-A. Therefore, the Applicant is requesting a minor amendment of the previously approved Plat to incorporate the 14-foot easement into Lot 16-A.
- The previous platting application for PR-2022-006674 / SD-2023-00197 included a DHO Determination request to permit the existing 25-foot right-of-way width of Patrick Avenue NW. However, the DHO did not issue an approval for the Determination with the previous platting approval. Therefore, the Applicant is requesting a DHO Determination to permit the existing 25-foot right-of-way width of Patrick Avenue NW with this amended platting application as well.

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

## 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.
- The application number needs to be corrected from SD-2023-00197 to SD-2024-00015.
- 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.
- As this request is a minor amendment of a previous platting approval, the Applicant must demonstrate that the request meets the following criteria for a minor amendment per 6-4(Y)(2) of the IDO:

#### **6-4(Y)(2) Minor Amendments**

6-4(Y)(2)(a) A minor amendment must meet all of the following criteria.

1. The amendment is necessary because of site conditions or user requirements that were not known, and could not reasonably have been known, at the time the City approved the approval that is proposed to be amended, and that were not created by the actions of the owner of the property.
2. The amendment does not increase or decrease the dimension of any standard beyond the thresholds allowed as minor amendments pursuant to Table 6-4-4 (cumulative of any earlier deviations or amendments).
3. The amendment does not decrease the total amount of open space in the development and does not reduce the size of any open space abutting a lot containing a residential use.
4. The amendment does not reduce any building setback adjacent to development containing residential uses by any amount.

5. The amendment does not increase the maximum number of residential dwelling units in the development from that shown in the existing permit, approval, or plan. If the property is located in a DT-UC-MS-PT area, the amendment does not decrease the required number of residential dwelling units in the development from that shown in the existing permit, approval, or plan.
6. The amendment does not adjust a building design standard unless doing so improves the perception of building quality, variety, durability, and articulation when viewed from adjacent streets and abutting properties.
7. The amendment does not reduce the amount of total landscaping installed on the subject property or the amount of screening or buffering required on portions of the site abutting any property containing residential dwelling units and does not waive or weaken any other landscaping or buffering requirement unless the ZEO determines that alternative building design elements included in the amendment improve the visual quality and screening and buffering effect of landscaping as viewed from adjacent streets and public areas.
8. The amendment does not increase the traffic accessing the subject property from local streets and does not increase or decrease the number of through streets, sidewalks, trails, or trail connections passing through the property or connecting to or designed to connect to abutting properties.
9. The amendment does not require major public infrastructure, significant changes to access to the subject property, or a traffic impact study, which would warrant additional review by the original decision-making body.
10. The amendment does not change a specific condition attached by a decision-making body listed in Table 6-1-1 to a prior development permit, approval, or plan for or including the subject property. For example, a specific condition attached to a prior approval requiring additional buffering to mitigate development impacts shall not be removed through a minor amendment process.
11. The amendment does not affect a property in an Overlay zone as regulated pursuant to Part 14-16-3, in which case amendments may be granted per the original approval process for the Site Plan governing the site.



12. The amendment does not approve any land use that was not authorized by the permit or approval or that is not allowed by right on the subject property.
  13. The amendment does not expand a nonconformity as regulated per Section 14-16-6-8 (Nonconformities).
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## 2. Items in Compliance

- The Applicant had obtained the required utility/AMAFCA, City Surveyor, Surveyor, and Property Owner(s) signatures on the Plat.
- 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, asserting that the existing right-of-way width of Patrick Avenue NW is in character for the area in the vicinity of the subject property and notes the roadway dead ends into a privately-held tract with a 15-foot road easement that is not currently utilized. **Planning staff defers to Transportation staff to evaluate the justification criteria.**



*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: Jay Rodenbeck  
Planning Department

DATE: 2/5/24

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