



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

---

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

---

**DRB Project No: PR-2022-007348 Date: 04/26/2023 Agenda Item: #1 Zone Atlas Page: H-14**

**Legal Description: LOTS 1 THRU 3 BLOCK 3, APACHE TRAIL**

**Location: 2401 6<sup>TH</sup> ST NW between PROSPECT AVE NW and TOWER AVE NW**

### **Application For: SD-2023-00070-VACATION OF RIGHT-OF-WAY (DHO)**

---

1. No objection to the proposed lot consolidation once right-of-way is vacated.
2. Please confirm the public water and public sanitary sewer infrastructure was surveyed and there is no public infrastructure within the proposed vacation area.

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

DEVELOPMENT HEARING OFFICER

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2022-007348  
2401 6<sup>th</sup> St.

AGENDA ITEM NO: 1

SUBJECT: Vacation of Right-of-Way

ENGINEERING COMMENTS:

1. 6<sup>th</sup> St. is a Principal Arterial and requires 6' sidewalk with a 5-6' landscape buffer. Prospect Ave. is a Local street and requires 5' sidewalk with a 4-6' landscape buffer. From the cross sections provided it appears that ROW dedication will not be needed to achieve this. Please add these items to an infrastructure list which must be financially guaranteed. Other than this, Transportation has no objection to the vacation.

. 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: April 26, 2023

---

ACTION:

APPROVED \_\_; DENIED \_\_; DEFERRED \_\_; COMMENTS PROVIDED \_\_; WITHDRAWN \_\_

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

**Emailed April 12, 2023**  
DHO Comments for Meeting on 4/26/2023

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

**From:** Jared Romero, CFM, Development Review Engineer  
AMAFCA

**RE: DHO COMMENTS for PR-2022-007348**

---

**LOTS 1 THRU 3 BLOCK 3, APACHE TRAIL:**

**ZAP: H-14**

SD-2023-00070 VACATION OF RIGHT-OF-WAY • No adverse comments to the vacation. •

**DEVELOPMENT HEARING OFFICER - HYDROLOGY SECTION**  
Renée Brissette, PE, Senior Engineer | 505-924-3995 [rbrissette@cabq.gov](mailto:rbrissette@cabq.gov)

---

DRB Project Number: 2022-007348 Hearing Date: 04-26-2023

Project: Eagle Ranch NMDMV & Retail Agenda Item No: 1

|   |  |   |
|---|--|---|
| <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 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.

APPROVED  
 DENIED

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



**Kizito Wijenje**  
EXECUTIVE DIRECTOR

April 17, 2023

MEMORANDUM

**To:** **Angela Gomez**, DHO Hearing Monitor, [agomez@cabq.gov](mailto:agomez@cabq.gov)  
**Robert Webb**, DHO Planner, [rwebb@cabq.gov](mailto:rwebb@cabq.gov)  
Development Facilitation Team (DFT)  
Jay Rodenbeck, Planning Department, [jrodenbeck@cabq.gov](mailto:jrodenbeck@cabq.gov)  
Ernest Armijo, P.E., Transportation Development, Planning Department, [earmijo@cabq.gov](mailto:earmijo@cabq.gov)  
Tiequan Chen, P.E., Hydrology & City Engineer's Representative, Planning Department, [tchen@cabq.gov](mailto:tchen@cabq.gov)  
David Gutierrez, P.E., Albuquerque/Bernalillo County Water Utility Authority, [dggutierrez@abcwua.org](mailto:dggutierrez@abcwua.org)  
Jeff Palmer, Code Enforcement Division's Representative, Planning Department, [jppalmer@cabq.gov](mailto:jppalmer@cabq.gov)  
Cheryl Somerfeldt, Parks and Recreation, [csomerfeldt@cabq.gov](mailto:csomerfeldt@cabq.gov)

**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 Hearing Officer Case to be heard on April 26, 2023, Case 1 of 2, PR #2022-007348

**1. Project #2022-007348**

- a. DHO Description: SD-2023-00070—Vacation of Right-Of-Way
- b. Site Information: Apache trail Lots 1 through 3, Block 3.
- c. Site Location: 2401 6<sup>th</sup> Street NW, between Prospect Ave NW and Towner Ave., NW.
- d. Request Description: Vacate portions of Right-Of –Way as part of subsequent minor subdivision to create 1 new lot 3 existing lots and the vacated portions. Area to be vacated is vacant/dirt.
- 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](mailto:jppalmer@cabq.gov)

**DATE:** 4/26/2023

### **AGENDA ITEM NO: 1**

### **DHO PROJECT NUMBER:**

**PR-2022-007348**

**SD-2023-00070 – VACATION OF RIGHT-OF-WAY**

**SKETCH PLAT 7-27-22 (DRB)**

**IDO - 2021**

### **PROJECT NAME:**

**CSI – CARTESIAN SURVEYS, INC.** agent for **ARMANDO RODRIGUES GALINDO & CECILIA CELIS RODRIGUEZ** requests the aforementioned action(s) for all or a portion of: **LOTS 1 THRU 3 BLOCK 3, APACHE TRAIL** zoned **R-1A** located at **2401 6TH ST NW between PROSPECT AVE NW and TOWNER AVE NW** containing approximately **0.1658** acre(s). **(H-14)**

**PROPERTY OWNERS:** GALINDO ARMANDO RODRIGUEZ & CECILIA CELIS

**REQUEST:** VACATE PORTIONS OF RIGHT-OF-WAY AS PART OF SUBSEQUENT MINOR SUBDIVISION TO CREATE 1 NEW LOT FROM 3 EXISTING LOTS AND THE VACATED PORTIONS

### **COMMENTS:**

1. Code Enforcement comments from a DRB Sketch Plat on 7/27/22 are acknowledged in the submittal, with the indication in the submittal, and on the Plat, that steps are being taken to obtain Variances for the required rear and side setbacks for the existing structure:
  - a. Side Setback on corner lot street side given as 6.8 feet, and 10 feet is required.
  - b. Rear Setback shows as 8.1 feet, and 10 feet is required.
2. Code Enforcement cannot approve until the Notice of Decision from the Zoning Hearing Examiner (ZHE) has been obtained and the incomplete notes on the Plat have been completed, accordingly.
3. Code Enforcement has no further comments or objections.



**PNM Comments  
Development Hearing Officer  
Public Hearing: 26 April 2023**

**PR-2020-007348 / SD-2023-00070 (2401 6<sup>th</sup> St NW)  
Vacation of Public Right 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 Prospect Ave and/or the portion of 6<sup>th</sup> Street 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 right-of-way proposed to be vacated as determined by PNM.
5. If it is determined there are PNM facilities in the street 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](mailto: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.



## DEVELOPMENT HEARING OFFICER

### Planning Dept. - Case Comments

**HEARING DATE:** 4/26/23 **AGENDA ITEM:** #1

**Project Number:** PR-2022-007348

**Application Number:** SD-2023-00070

**Request:** Vacation of Public Right of way – DHO

---

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

#### COMMENTS:

##### 1. Items that Need to be Completed or Corrected:

- The Near North Valley Neighborhood Association and North Valley Coalition are required to be offered a neighborhood meeting per Table 6-1-1 of the IDO. Staff were not able to confirm if the Near North Valley Neighborhood Association was properly offered a neighborhood meeting, nor can staff confirm if the Near North Valley Neighborhood Association desires to have a neighborhood meeting (the North Valley Coalition confirmed with staff that they don't desire to have a neighborhood meeting). **For this application to be heard by the DHO, the Near North Valley Neighborhood Association must confirm if they do or do not want a neighborhood meeting prior to the DHO hearing.**

---

##### 2. Standard Vacation Comments and Items in Compliance:

- The applicant is proposing to vacate 1,839 square feet and a portion of 6<sup>th</sup> Street NW. Per 6-6(M)(1)(b) of the IDO, as the vacation is less than 5,000 square feet and less than the entire width of 6<sup>th</sup> Street NW, the DHO will be the deciding body of this Vacation.
- The Vacation of the portion of 6<sup>th</sup> Street NW as depicted on the Vacation Exhibit is justified, as the proposed Vacation covers an area which has been curbed off and is vacant, with the Applicant seeking to use the area for off-street parking and a better area for access to the gate to their (Applicant's) back yard.



Additionally, the resulting right-of-way of the subject property would be more consistent with the right-of-way width of nearby properties to the north and the south of the subject property fronting along 6<sup>th</sup> Street. The Vacation as proposed will deter misuse of the property and be a net benefit to the public welfare per 6-6(M)(3) of the IDO.

- A Minor Preliminary/Final platting application for DHO review and approval must be submitted within one year of DHO approval of the Vacation. The platting application forms can be obtained at the following links:

DHO Application Form:

[https://documents.cabq.gov/planning/development-hearing-officer/DHO\\_Application.pdf](https://documents.cabq.gov/planning/development-hearing-officer/DHO_Application.pdf)

Form S2:

<https://documents.cabq.gov/planning/development-hearing-officer/Form%20S2.pdf>

Form S:

<https://documents.cabq.gov/planning/development-hearing-officer/Form%20S.pdf>

- For the future required platting action, all signatures from the surveyor, property owner(s), the City Surveyor, the utility companies, and AMAFCA are required on the Plat prior to the acceptance of the application file and the placement on a DHO agenda. After acceptance of the Plat application, DXF approval from AGIS must be obtained and the project and application numbers must be added to the Plat.
- The applicant will need to work with Transportation, Hydrology, and Water Authority members on submitting the required items per checklist form S for platting actions. Obtain all required signatures as a part of the application submittal process.
- Prior to the acceptance of the Minor Preliminary/Final platting application, proof of approval of a Variance(s) from the setback requirements by the ZHE must be submitted (see Code Enforcement comments).
- The applicant must consult with Real Property regarding the purchase of the right-of-way.

---

### **3. Future Development Guidance:**

- For Residential development please reference the following IDO sections that may be relevant to future projects:

- Table III – Provisions for ABC Comp Plan Centers & Corridors, MS-Main Street.
  - 5-1 Dimension Standards for R-1A and Railroad & Spur Mapped area.
  - 5-2 Drainage Area for Site Design and Sensitive Lands
  - 7-1 Dwelling and development definitions.
- Requirements of DPM Table 7.2.29 for the pedestrian realm generally require as follows:  
The subject property is not located within an Urban Center. 6<sup>th</sup> Street is an arterial street with a minimum sidewalk width requirement of 6-feet and a landscape/buffer zone width requirement of 5-6 feet. Prospect Avenue is a local street with a minimum sidewalk width requirement of 5-feet and a landscape/buffer zone width requirement of 4-6 feet.

**Cross-sections provided by the Applicant confirm that there are existing sidewalks along 6<sup>th</sup> Street and Prospect Avenue with widths of 3.5-feet and 4-feet respectively. A landscape buffer exists inside the existing sidewalk along Prospect Avenue. At the time of platting, the adequacy of existing sidewalks will be evaluated.**



*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: 4/25/23

---



## DEVELOPMENT HEARING OFFICER (DHO)

### Parks and Recreation Department

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

#### **PR-2022-007348**

SD-2023-00070 – VACATION OF RIGHT-OF-WAY  
SKETCH PLAT 7-27-22 (DRB)  
IDO - 2021

CSI – CARTESIAN SURVEYS, INC. agent for ARMANDO RODRIGUES GALINDO & CECILIA CELIS RODRIGUEZ requests the aforementioned action(s) for all or a portion of: LOTS 1 THRU 3 BLOCK 3, APACHE TRAIL zoned R-1A located at 2401 6TH ST NW between PROSPECT AVE NW and TOWNER AVE NW containing approximately 0.1658 acre(s). (H-14)

PROPERTY OWNERS: GALINDO ARMANDO RODRIGUEZ & CECILIA CELIS  
REQUEST: VACATE PORTIONS OF RIGHT-OF-WAY AS PART OF  
SUBSEQUENT MINOR SUBDIVISION TO CREATE 1 NEW LOT FROM 3  
EXISTING LOTS AND THE VACATED PORTIONS

#### **Comments:**

04-26-2023

No comments.

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