

# 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: 11/13/2024*

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

### **DHO PROJECT NUMBER:**

**[PR-2023-009652](#)**

SD-2024-00148 Vacation of Right of Way

SKETCH PLAN 1-10-24 (DFT)

SKETCH PLAT 7-24-24 (DFT)

IDO – 2023

### **PROJECT NAME:**

CONSENSUS PLANNING, INC. agent for JLM LIVING / BEDROCK INVESTORS requests the aforementioned action(s) for all or a portion of: Tract 1, UNPLATTED PARADISE HILLS zoned MX-T located between AVENIDA DE JAIMITO and PASEO DEL NORTE containing approximately 19.7 acre(s). (C-10)

### **PROPERTY OWNER:**

Bedrock Investors

### **REQUEST:**

Vacation of Public Right-of-Way

### **COMMENTS:**

1. Code Enforcement has no comments or objections.



## DEVELOPMENT HEARING OFFICER (DHO)

Parks and Recreation Department

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

**PR-2023-009652**

**SD-2024-00148 – VACATION OF RIGHT OF WAY**

*SKETCH PLAN 1-10-24 (DFT)*

*SKETCH PLAT 7-24-24 (DFT)*

*IDO – 2023*

**CONSENSUS PLANNING, INC.** agent for JLM LIVING / BEDROCK INVESTORS requests the aforementioned action(s) for all or a portion of: Tract 1, UNPLATTED PARADISE HILLS zoned MX-T located between AVENIDA DE JAIMITO and PASEO DEL NORTE containing approximately 19.7 acre(s). (C-10)

**PROPERTY OWNERS:** Bedrock Investors

**REQUEST:** Vacation of Public Right-of-Way

### Comments

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**11-13-2024**

No objections to the requested action.

### Background

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**07-24-2024**

Did DMD request any additional ROW per previous comments?

**01-17-2024**

The Long Range Bikeway System Map (LRBS) shows proposed 10' wide multi-use paved trail. Phase 1 of the City's Unser Widening project will include trail on both sides of Unser just south of Paseo del Norte. The project site is not located within the Phase I termini. Please coordinate with DMD – Jill Cuppernell. It is likely there will need to be

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



## DEVELOPMENT HEARING OFFICER (DHO)

### Parks and Recreation Department

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

paved trail included on the infrastructure list – and it could be processed as a Procedure C for the City to build at a future date, or the applicant may be required to build. See below reference to the IDO.

#### 5-3(D)(4) Trails

Trails shall be dedicated on alignments that connect to any planned or existing trails on adjacent properties, as necessary to serve the residents, occupants, and users of the proposed development, and shall be constructed pursuant to the DPM.

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

**DEVELOPMENT HEARING OFFICER - HYDROLOGY SECTION**  
Richard Martinez, PE, Senior Engineer | 505-924-3362 [richardmartinez@cabq.gov](mailto:richardmartinez@cabq.gov)

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DRB Project Number: 2023-009652

Hearing Date: 11-13-2024

Project: Vacation of Right-of-Way  
Tract 1, Un-platted Paradise Hills  
Avenida de Jaimito & Unser Blvd.

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 a Preliminary Approved Concept Grading and Drainage Plan for JLM LIVING dated 09/12/2024 (Hydrotrans No. A10D003) with engineer's stamp dated 08/26/2024.
- Hydrology has no objection to the Vacation of Public R/W action.
- An approved Grading and Drainage plan is required prior to Grading Permit or Building Permit if one of these conditions is met: (500 cy of grading, 1,000 sf of proposed building, or 10,000 sf of proposed paving).

☐ 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: 2023-009652  
Avenida Jaimito and Unser Blvd.

AGENDA ITEM NO: 1

SUBJECT: Vacation of Right of Way

ENGINEERING COMMENTS:

1. No objection to the vacation. Please continue coordinate with Real Property on vacation of ROW for Avenida Jaimito.
2. Prior to site plan or building permit an approved TCL will be required. Also, the Traffic Study needs to be approved.

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: November 13, 2024

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ACTION:

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

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



## DEVELOPMENT HEARING OFFICER

### Planning Comments

**HEARING DATE:** 11/13/24 -- **AGENDA ITEM:** #1

**Project Number:** PR-2023-009652

**Application Number:** SD-2024-00148

**Project Name:** Avenida De Jaimito, west of Paseo and Unser.

**Request:**

*Vacation of Right of Way-Council*

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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.*

**COMMENTS:**

Items in **orange type** need comment or corrections.

**Background:**

- A Sketch Plat for the subject property was reviewed by Development Facilitation Team (DFT) staff, with comments provided to the Applicant on both 01/10/24 and 07/24/24.
- The connecting subject property consists of approximately 19.8 acres and is currently zoned MX-T. It is within CPO-13, VPO-2, and the Volcano Heights Urban Center.
- The Applicant is requesting a Vacation of Public Right-of-Way for a property located at the corner of Avenida de Jaimito and Unser Boulevard. The legal description of the site is Tract 1 (westerly portion) Summary Plat 68.75 acre Tract & 66.15 Acre Tract Paradise Hills (excluding portions out to right-of-way). The vacated section is approximately 72,213 sf or 1.6 acres.
- A zone change from MX-M to MX-T was approved by the EPC on May 16, 2024, correcting the floating zone line on the property (PR-2023-009652/RZ-2024- 00023).  
\*Residential Multi-Family Development was proposed and reviewed during sketch plat
- A Conditional Use for Multi-family Ground-floor Residential within the Volcano Heights Urban Center was approved on May 21, 2024 (VA-2024-00092).

- Future development must meet all applicable standards and provisions of the IDO (per the MX-L zone district) and the DPM. The following are links to both:

<https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance-1>

<https://www.cabq.gov/planning/boards-commissions/development-process-manual-executive-committee>

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### 1. **Items that need to be completed or corrected**

- Please explain and confirm the details of the Vacation request for the DHO.
- **Confirm how utilities that were planned for Avenida de Jaimito will still be accommodated in the corridor that is being vacated. Planning seeks response from WUA.**
- Clarify and confirm communications with any of the abutting property owners, along with the communication with Real Property regarding the purchase of the vacated ROW, and with DMD regarding any possible road extensions for Woodmont and/or Avenida De Jaimito.
- Please continue to coordinate the purchase and sign-off with Real Property Division of DMD.
- The Project and Application numbers must be added to the Vacation exhibit.
- The submittal included justification for the Vacation action per **6-6(M)(3)(a)**.  
*The public welfare does not require that the easement, private way, or public right-of-way be retained, and 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.*
- A platting application for DHO review and approval must be submitted within one year of City Council approval of the Vacation, and the platting application will not be accepted and placed on a DHO agenda until/unless the City Council approves the ROW Vacation.
- A Sensitive Lands Analysis and Architectural Certificate will be needed for the next steps (platting and site development actions).
- For the future platting and development actions, compliance will be required with *Section 7 of the DPM Table 7.2.29* and the Required Improvements section from 5-4(N) of the IDO. \*Regarding Sidewalk width requirements and the landscape buffer.  
**\*Verification of standards per Transportation\***  
*Unser Blvd. is a Principal Arterial and the northern half of the property is within a center. Roadway widening along the full frontage will be required to meet full build out mentioned along with curb and gutter. Along the portion within a center 10' sidewalks with 6' – 8' landscape buffers are required. Along the portion not within a center 6' sidewalks with 5' – 6' landscape buffer is required. Please list ROW width at narrowest point along frontage to ensure ROW meets required width listed in DPM.*

*There are proposed bike lanes along Unser, please ensure ROW will hold these and this is included in roadway widening. There is also a proposed paved trail along here. Please coordinate with Parks on whether this is planned for this side of the roadway. Paved trail can take the place of the required sidewalk.*

*Woodward is a proposed Major collector within a center and will require construction of the half of the roadway fronting this property including curb and gutter, required 10' sidewalk with 5' – 6' landscape buffer. Please list proposed ROW width to ensure it meets requirements listed in the DPM. There is also a proposed paved trail along here. Please coordinate with Parks on whether this is planned for this side of the roadway. Paved trail can take the place of the required sidewalk.*

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## **2. Standard Comments and Items in Compliance**

- All public notice requirements of IDO Section 6, Table 6-1-1, have been completed for this submittal. Related documents are included in the submittal package.
- *\*Applicant/Agent to ensure all final submitted documents are sealed and signed by a design professional licensed in the State of New Mexico.*
- All standards within IDO section 5-4-C (Subdivision of Land Compliance) apply to all re-platting actions. Re-platting action cannot increase any existing nonconformity or create a new nonconformity.

*\*\*Project has been reviewed to the standards and provisions within the IDO-Integrated Development Ordinance and the standards within the DPM-Development Process Manual.*

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## **Future Development Guidance**

***Please reference the following development standards from the IDO. Subject to change pending formal submittal or change in development type/use.***

***Future development is subject to the standards and provisions within the IDO and the DPM.***

***\*Submitted plans should demonstrate how standards are being met.***

- ❖ **Table III: IDO Provisions for ABC Comp Plan Centers and Corridor Areas. \*UC-Urban Center.**
- ❖ **3-4(N) VOLCANO MESA – CPO-13.**
- ❖ **3-6(E) NORTHWEST MESA ESCARPMENT – VPO-2.**
- ❖ **4-2 Allowed Uses, table 4-2-1, per MX-T.**
- ❖ **4-3 Use Specific Standards for 4-3(B)(8) Dwelling, Multi-family. (Reference table above).**

*\*The formal submittal will need to demonstrate and explain how the proposed development will meet all of those standards.*



- ❖ **5-1 Dimension Standards for MX-T.**  
5-1-G Exceptions and Encroachments.  
*\*Plans should include measurements for setback, separation, height elevations, etc.*  
*Plans will need to demonstrate clearly how standards and requirements are being met.*
- ❖ **5-3 Access & Connectivity requirements.** Circulation and Connections.
- ❖ **5-4 Subdivision Of Land.** 5-4(K) Dedication of Land For Public Purposes, 5-4(N) Improvements Required, 5-4(P) Additional Design Criteria and Construction Standards  
*In addition to the standards set forth in this Section 14-16-5-4, the City shall maintain technical standards for infrastructure improvements in the DPM, pursuant to Subsection 14-16-1-7(A)(4). Such technical standards for infrastructure improvements shall contain the minimum acceptable design criteria and specifications for the construction of such improvements.*
- ❖ **5-5 Parking & Loading requirements,** Table 5-5-1  
*\*Plans will need to demonstrate compliance of parking requirements.*  
*Provide calculation detail and any shared parking agreement information.*
- ❖ **5-6 Landscaping, Buffering, and Screening standards and requirements.**  
*\*Plans will need to demonstrate compliance of landscaping requirements.*  
*Provide a landscaping plan that includes calculations, buffer areas & detail.*  
*\*Be aware of several sections related to new development –*  
*5-6-C General Landscaping, 5-6-C-2 Minimum Landscape Area, 5-6-D Required Street Trees, 5-6-F Parking Lot Landscaping, 5-6-G Equipment/Support areas.*
- ❖ **5-7 Walls/Fences,** table 5-7-1. *\*Development requires separate permitting.*
- ❖ **5-8 for Outdoor Lighting requirements.** *\*Lighting plan required.*
- ❖ **5-9 Neighborhood Edges.**
- ❖ **5-11 Façade and Building design. 5-11(E) MULTI-FAMILY RESIDENTIAL DEVELOPMENT - UC.**  
*\*Please provide detailed elevations and a detailed explanation letter and include site plan notes as to how the proposed elevation meets all applicable sections.*
- ❖ **5-12 SIGNS.** Per MX-T-signage type, and any CPO/VPO standards.
- ❖ **5-13 OPERATION AND MAINTENANCE**
- ❖ **Section 6-1, table 6-1-1 for public notice requirements.**
- ❖ **6-4-R Dedications.**
- ❖ **6-4(J)(8) Development in the Northwest Mesa Escarpment View Protection.**
- ❖ Platting actions per **6-6-K Subdivision of Land-Minor** or **6-6-L Subdivision of Land-Major.**
- ❖ **Vacations per 6-6-M.**
- ❖ **7-1 Development, Dwelling, and use definitions.**



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FROM: Robert Webb/Jay Rodenbeck/Jolene Wolfley  
Planning Department

DATE: 1/12/24

**Emailed November 12, 2024**  
DHO Comments for Meeting on 11/13/2024

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

**From:** Jared Romero, P.E., CFM, Drainage Engineer  
AMAFCA

**RE: DHO COMMENTS for PR-2023-009652**

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**Tract 1, UNPLATTED PARADISE HILLS:**

**ZAP: C-10**

SD-2024-00148 -  
VACATION OF  
RIGHT OF WAY

- AMAFCA has no adverse comments to the request for vacation of ROW.

This site falls within the areas of the Volcano Heights Drainage Compilation Report (Wilson, 2011), the Upper Piedras Marcadas DMP Alternative 3 (Wilson, 2017), and the Boca Negra DMP Above Unser Blvd (Bohannon Huston, 2024) and any development on this tract must show compliance with these effective drainage plans. AMAFCA will require review of any grading plan or drainage report for the development of the tract.



November 12, 2024

Angela Gomez  
Administrative Assistant Development Review Services  
City of Albuquerque  
P.O. Box 1293  
Albuquerque, New Mexico 87103

**Subject: Comments for Development Hearing Officer on  
November 13, 2024  
Albuquerque, Bernalillo County, District Three**

Dear Ms. Gomez:

Attached are the New Mexico Department of Transportation (NMDOT) comments on the cases that were submitted by your department for our input.

**Project Number: PR-2023-009652**

**Case Description:** Vacation of public right-of-way (Avenida de Jaimito)

**Location:** tract 1, un-platted Paradise Hills zoned MX-T located between Avenida De Jaimito and Paseo Del Norte

**Type of Development (Residential/Commercial):** Mixed

**Possible Impacted NMDOT roadway(s):** NM 423 (Paseo Del Norte)

**Department Comments:**

- NMDOT District 3 has no comments at this time.

If there are any questions, please feel free to contact Keith Thompson at 505.490.3752 or [keith.thompson@dot.nm.gov](mailto:keith.thompson@dot.nm.gov)  
Sincerely,

Keith

Thompson

Digitally signed by  
Keith Thompson

Date: 2024.11.12  
14:01:32 -07'00'

Keith Thompson, D3 Support Engineer  
cc: Nancy Perea, D3 Traffic Engineer (email)  
cc: Margaret Haynes, D3 Assistant Traffic Engineer (email)

**Michelle Lujan  
Grisham**  
Governor

**Michael R. Sandoval**  
Cabinet Secretary

**Commissioners**

**Jennifer Sandoval**  
Commissioner, Vice-Chairman  
District 1

**Bruce Ellis**  
Commissioner  
District 2

**Hilma Espinoza  
Chynoweth**  
Commissioner  
District 3

**Walter G. Adams**  
Commissioner, Chairman  
District 4

**Thomas C. Taylor**  
Commissioner  
District 5

**Charles Lundstrom**  
Commissioner, Secretary  
District 6