

Jun11, 2024



City of Albuquerque  
Albuquerque, New Mexico

Attn. : Jeff Palmer – Code Enforcement Supervisor  
Cc. : Hannah Aulick and Reviewers  
Re. : SI-2024-00597 – SITE PLAN DFT  
 : 2026 Central SW  
Project No. : PR-2023-009688

Dear Reviewers,

I would like to thank you for your time and attention in reviewing the above referenced project in accordance with IDO 2022, and for returning your staff's comments such a rapid manner.

I apologize for my lack of quality control on the last submittal as some of the items were on the drawings however on non-printing layers. We have prepared individual responses to each of your previous comments that did not receive clear and complete responses and verified that those responses are clearly reflected in the plots being submitted to you.

architecture  
design  
management

**Jeff Palmer – Code Enforcement Supervisor**

Section **jppalmer@cabq.gov**

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1 **Comment** - Property is zoned MX-M, is located in an Area of Change, and is located within the Major Transit (MT), Premium Transit (PT), and Main Street (MS) Corridors.

*Response: Concur.*

2 **Comment** - Must meet Dimensional Standards as per IDO 5-1(D), Table 5-1-2. Please show setbacks more clearly on the Site Plan.

*Response: Plan has been revised to show the dimensions of the setbacks on all sides.*

3 **Comment** -Please show calculations and/or measurements on site plan to show how you are meeting unique requirements for Urban Center, Main Street and Premium Transit Areas, IDO 5-1(D)(2), regarding (a) setback in relation to sidewalk width and (b) percent of

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front property line occupied by front building (see excerpt in notes, below).

5-1(D)(2) Urban Center, Main Street, and Premium Transit Areas

5-1(D)(2)(a) Where sidewalks are less than 10 feet wide, the minimum front setback shall be 10 feet.

5-1(D)(2)(b) A minimum of 50 percent of front property line width must be occupied by the primary building, outdoor seating and gathering area, or outdoor dining area constructed within 15 ft. of the property line.

1. On a corner lot, the required minimum of 50 percent must begin at the corner.

2. A 3-foot wall and trees spaced 20 feet on center shall be required between any outdoor seating and gathering area or outdoor dining area and a parking or loading area.

*Response: An enlarged area plan has been provided that illustrated the manner in which the project meets the unique requirements for UC, MS and PT Areas, IDO 5-1(D)(2), regarding (a) Setback in relation to sidewalk width and (b) percent of front property line occupied by front building.*

4 **Comment** - Parking calculations appear correct as cited, utilizing maximum 50% reductions allowed: 20% for MS Corridor in Area of Change, IDO 5-5(C)(5)(a), and 30% for Proximity to Transit, IDO 5-5(C)(5)(c)(1).

*Response: Noted.*

5 **Comment** - Submittal indicates how it will comply with Neighborhood Edge requirements, as per IDO 5-9(C), in regards to building height and distance requirements from the R-1 properties to the south.

*Response: Noted.*

6 **Comment** - Code Enforcement has no further comments at this time.

*Response: Noted.*

**David Guitierrez, P.E. – 505-289-3381**  
**dgguitierrez@abcwua.org**

Section

1 **Comment** - Availability Statement 230602 provides conditions for a proposed 115-room hotel.  
a. There is a requirement to upsize the existing 4-inch waterline along Willis Place.

*Response: The Civil plans show a new 6" water line being installed to replace the existing 6" line in Willis.*

2

**Comment** - Infrastructure List:

a. Please ensure the waterline also notes it is a replacement of an existing 4-inch line.

*Response: The Civil plans show a new 6" water line being installed to replace the existing 6" line in Willis.*

3

**Comment** - Utility Plan

a. The utility plan was much smaller than the rest of the sheets. Please ensure the copy submitted for signature is a more legible copy. Please also enlarge the text and bolden line types for

b. Please label all infrastructure appropriately as public or private.

c. Please add the following notes:

i. Coordination with Water Authority Cross Connection Section will be required to ensure proper backflow containment is in place prior to release of meter for the site. Contact the Cross Connection Section at 505-289-3454.

ii. Coordination with the Water Authority Pre-Treatment Engineer is required to ensure the site complies with Water Authority Sewer Use Ordinance. Contact the Pre-Treatment Engineer at 505-289-3439.

*Response:*

4

**Comment** - Provide written response explaining how comments were addressed.

*Response: Noted.*

**Renee Brissette, P.E. Senior Engineer 505-924-3995**

**rbrissette@cabq.gov**

Section

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1

**Comment** - Hydrology has an approved Grading & Drainage Plan (J13D219) with engineer's stamp 07/05/2023.

*Response: Noted.*

2

**Comment** - Hydrology has no objection to the Site Plan for Building Permit.

*Response: Noted.*

Section

**Renee Brissette, P.E. Senior Engineer 505-924-3995**

1 **Comment** - Transportation has an approved TCL dated 8/8/2023.  
No objection.

*Response: Noted.*

Section **Planning**

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1 **Comment** - Project and Application numbers must be added to the Site Plan. Application number is missing from the site plan.

*Response: The Application Number has also been added to all the plan this time.*

2 **Comment** - All Plan sheets must be sealed and signed by a design professional licensed in the State of New Mexico. Architectural plans and Elevation sheets must be signed and stamped by a design professional licensed in the state of New Mexico.

*Response: Plans have all been sealed and signed by design professionals licensed in the State of New Mexico.*

3 **Comment** -The DHO case associated to this project (PR-2023-009688 / SD-2024-00049 & VA-2024-00013 & VA-2024-00079) has not been signed off and recorded yet. All conditions of approval must be addressed and due to an existing lot line encroaching on the proposed hotel building construction area, a recorded copy of the plat will need to be submitted prior to final sign-off of the site plan. An update regarding this item is required.

*Response: Concur. This will be submitted prior to final sign-off.*

4 **Comment** - There is an existing billboard on this property along Central Ave SW. Explain any future plans for this billboard.

*Response: This billboard is scheduled to remain.*

5 **Comment** - Confirm that the Site Plan provided with this application is accurate and demonstrates the proposed project. Is the rendering the exact building for this site or a prototype?

*Response: Confirmed, the site plan is accurate and demonstrates the proposed project. This is a branded hotel but is not a prototype designed specifically for this location within the City of Albuquerque.*

6 **Comment** - Confirm gross lot area for this property: 47,860 sf or 48,174 sf. Confirm accurate building area and net lot area.

*Response: This has been resolved and all site areas indicate 1.0903 acres (47,493 sf).*

- 7 *Comment* Proposed building height: 51' > Confirm the correct height. 51 or 60 feet?

*Response: The Total building height is 60' to the top of the parapets at the stair elements.*

- 8 *Comment* - IDO 5-3(D)(2)(b) Reference DPM 7.2.29 for Sidewalk/landscape buffer widths. Parcel is outside of a Center. This location on Central is within a Premium Transit Station Area, a Major Transit Corridor, and a Main Street Corridor. Therefore, Central requires an 8–10-foot sidewalk and a 6–8-foot landscape buffer. Provide widths of existing features on the landscape plan to match the site plan and show street trees in the landscape buffer.

*Response: An enlarged area plan has been provided that illustrated the existing features at the front property line that coordinates with the landscaped plan.*

- 9 *Comment* Provide required walkways and comply with shading of walkways. Confirm compliance.

*Response: We have indicated a shading trellis along the Central Avenue façade. Also, the façade is on the north side of the building and should be in shade most of the days.*

- 10 *Comment* - 10-foot sidewalk has been provided partially along the frontage of the site. Please confirm.

*Response: Confirmed. A 10 foot sidewalk is proposed partially along the frontage of the site. The remaining site width is the drive into the site which also has a sidewalk across it.*

- 11 *Comment* - 5-5(G)(1) Crime Prevention Through Environmental Design (CPTED)

Above-ground parking structures or portions of structures occupied by automobile parking shall be designed using the principles of CPTED so as to deter crime and to facilitate security measures and shall meet all of the following standards in addition to the other standards of this Section.  
Confirm compliance.

*Response: Confirmed.*

- 12 *Comment* - 5-5(G)(3)(b) No horizontal length of any façade shall extend longer than 40 feet without the inclusion of architectural elements such as decorative grillwork, louvers, translucent screens, alternating building materials, projection of lintels, portals, and other external features to avoid visual monotony. A change in color alone does not satisfy this requirement. Confirm compliance.

*Response: Concur. The elevations have some lintels shown, but we have added some other architectural elements in the stretches of elevation that are more than 40' to avoid visual monotony.*

- 13 *Comment - 5-5(G)(3)(e) Where a parking structure is located beneath or within a primary building, if loading docks are provided, they shall be integrated into the parking structure. Confirm compliance.*

*Response: No loading dock is provided in the building design. A loading space has been provided on the south part of the site just west of the dumpster.*

- 14 *Comment - 5-5(G)(4)(a) The ground floor street-facing façade of the parking structure shall have a minimum ground floor clear height of 10 feet for a depth of at least 30 feet from the property line abutting the street to allow for conversion to a pedestrian-oriented use when the market supports that use. Confirm compliance.*

*Response: The parking structure has a clear height of 12' throughout the building.*

- 15 *Comment -5-5(G)(4)(b) Parking structure ramps shall not be visible from any public street. Confirm compliance.*

*Response: There are no ramps provided as this is a ne story parking structure.*

- 17 *Comment -1 off street Loading space is provided. Confirm the location of the Loading space.*

*Response: A loading space has been provided on the south part of the site just west of the dumpster.*

- 18 *Comment - 5-5(H)(2)(a) Loading spaces shall be located on the same lot as the use it serves, unless Subsection (b) below applies. Confirm compliance.*

*Response: A loading space has been provided on the south part of the site.*

- 19 *Comment - 5-5(H)(2)(b) Joint use of an off-street loading facility may be approved by the Planning Director provided that the applicant provides documentation demonstrating the adequacy of the facility to serve anticipated loading needs, and an executed agreement among the owners of the buildings or uses sharing the facility is submitted to and approved by the Planning Director. Confirm compliance.*

*Response: Concur, however; joint use of the loading space is not planned as a part of this project.*

- 20 *Comment - 5-5(H)(2)(c) Where a single customer entrance to a building is provided, customer loading areas shall not be located in*

front of the customer entrance or within 15 feet in any direction of the entrance. Confirm compliance.

*Response: Concur, however; there are multiple customer entrances to the building. The multiple entrances are identified as 1) from Central Ave and 2) from Willis Place. The multiple building entrances are shown on the attached site plan; one from the central drive area and the second from the garage area.*

Landscaping – Hannah Aulick/ Jolene Wolfley / Jay Rodenbeck  
Planning Department

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Section

1 **Comment** - Final Landscape plan must be signed and sealed by a Licensed Landscape Architect in the state of New Mexico.

*Response: See attached.*

2 **Comment** - Propose larger canopy deciduous trees in larger landscaping areas to provide more shade on the hardscape. Oklahoma Redbud is generally not recommended per City Forester.

**Response: See attached landscape drawings.**

3 **Comment** - Site plan shows the gross lot area at 47,860. Clarify and correct his number.

*Response: This has been resolved and all site areas indicate 1.0903 acres (47,493 sf).*

4 **Comment** - Per 5-6(C)(4)(i), shade trees planted approximately 25 feet on-center are required along all required pedestrian walkways. If the walkway is less than 25 feet long, at least one tree is required, or, where there is insufficient space for a tree, a trellis of at least 8 feet high for at least 5 feet along the walkway shall be provided. Confirm compliance.

**Response: See attached landscape drawings that show the existing 2 trees in the front walkway area.**

5 **Comment** - 5-6(C)(4)(j) In DT-UC-MS areas, landscaped areas other than street frontage shall include pedestrian furniture, pedestrian amenities, or trash receptacles to encourage pedestrian use. Confirm compliance.

**Response: See attached landscape drawings noting existing trees.**

6 **Comment** - 5-6(C)(5)(c) The use of gravel or crusher fines as ground cover is limited to a maximum of 75 percent of any landscaped area, or 50 percent in DT-UC-MS areas. Confirm compliance. Calculate the organic mulch ring around trees as your non gravel groundcover. Provide a breakdown showing square footage for both.

**Response: See attached landscape drawings.**

7

**Comment -**

*Per 5-6(C)(5)(e), organic mulch is required as ground cover under trees within a 5-foot radius around the tree trunk, but not directly against the trunk. In these areas, weed barrier fabric is prohibited. (See figure below.) Modify your tree planting detail to reflect this requirement. The organic mulch used under the trees can be counted towards non gravel mulch used on the site as discussed earlier under 5-6(C)(5)(c). Please make sure you are mention 'Organic Mulch' on your planting details.*

**Response: See attached landscape drawings.**

8

*Comment - IDO 5-3(D)(2)(b) Reference DPM 7.2.29 for Sidewalk/landscape buffer widths. Parcel is outside of a Center. This location on Central is within a Premium Transit Station Area, a Major Transit Corridor, and a Main Street Corridor. Therefore, Central requires an 8–10-foot sidewalk and a 6–8-foot landscape buffer. Provide widths of existing features on the landscape plan to match the site plan and show street trees in the landscape buffer.*

**Response: See attached landscape drawings.**

9

*Comment - Per 5-6(C)(5)(f), all landscaped areas shall be protected from vehicular encroachment by curbs or wheel stops located 2 feet outside the landscaped area, with openings to accommodate surface collection of stormwater runoff in vegetated swales and stormwater infiltration areas. Please provide more information regarding this code and storm water run-off collection for this project.*

**Response: See attached landscape drawings.**

10

*Comment - Per 5-6(C)(7)(a), vegetation required by this Section 14-16-5-6 shall be located at least 3 feet in any direction from any fire hydrants, valve vaults, hose bibs, manholes, hydrants, and fire department connections. Please confirm compliance with this code.*

**Response: See attached landscape drawings.**

11

*Comment - The clear sight triangle shall be maintained at all exits of parking areas and street intersections. Please show the site triangle on the landscape plan and demonstrate compliance with this code.*

**Response: See attached landscape drawings.**

12

*Comment - Per 5-6(C)(10)(a), trees and shrubs shall not be planted in utility easements unless there is no other practicable location on the lot where the landscaping would achieve its intended purpose. The Planning Director may adjust the location of required landscaping to avoid utility easements, provided that the total amount of landscaping and buffering required is not reduced.*



Confirm compliance with this code.

**Response:** See attached landscape drawings.

- 13 **Comment** - Per 5-6(C)(10)(b), trees shall not be planted within 10 feet in any direction of the centerline of a sewer or water line. (See figure below.) Please confirm compliance with this code. Confirm compliance with this code.

**Response:** See attached landscape drawings.

- 14 **Comment** - Confirm whether or not any existing vegetation will be maintained.

**Response:** See attached landscape drawings.

- 15 **Comment** - Per 5-6(C)(13)(a), required landscape and buffer areas shall be designed to serve as stormwater management areas to the maximum extent practicable and consistent with their required locations and vegetation. Articulate how this project has considered this code.

**Response:** See attached landscape drawings.

- 17 **Comment** -1 off street Loading space is provided. Confirm the location of the Loading space.

**Response:** Concur the loading space is provided on the south end of the parking area.

- 18 **Comment** - Per 5-6(D)(1)(a), all development shall comply with Part 6-6-2 of ROA 1994 (Street Trees) and any standards developed by the Parks and Recreation Department or other City department to implement that Ordinance. Trees are generally required along street frontages every 25 feet on center unless specified otherwise in Part 6-6-2 of ROA 1994 (Street Trees). Along street frontages where street trees are required, trees that are planted within 20 feet of the back of curb of the abutting street may fulfill this requirement. (See figure below.) Confirm compliance with this code.

**Response:** See Alternative Site Plan Application, submitted for review.

- 19 **Comment** - 5-6(D)(1)(c) Planting areas necessary for trees in the street frontage shall meet the minimum size requirements in Table 5-6-3 unless specified otherwise in this IDO. Tree grates may be used in constrained locations to accommodate pedestrian circulation, to allow the required planting areas to have a walkable surface. Confirm compliance with this code.

**Response:** See Alternative Site Plan Application, submitted for review.

- 20 **Comment** - 5-6(D)(2)(b) Downtown, Urban Centers, and Main Street and Premium Transit areas: Fifty (50) percent of any front setback

area not used for pedestrian access to the building or improved with pedestrian furniture and amenities shall be landscaped, and no part of the front setback area surface shall be asphalt. Confirm compliance with this code.

*Response: The front setback is primarily used as the primary pedestrian entrance or one of the gathering areas with seating height landscaped planters. There is no asphalt planned for this area.*

- 21 *Comment* - Confirm compliance with the buffering requirements above. More information is provided below under 5-6(E)(2) Development Next to Low-density Residential Zone Districts and 5-6(E)(3) Development Next to a Multi-family Residential Zone District.

*Response: A 6' CMU wall exists to the west between this site between the R-ML zoned lot. A 6'+ wall exists to the south of this site between this site and the R-1C zoned lots. In other locations the required buffering has been provided.*

- 22 *Comment* - If there is an existing wall between the two properties, it may count toward satisfying the requirements of Subsection 14-16-5-6(E)(2)(b)2 if it meets, or is improved to meet, the height and design standards above. Confirm compliance with the buffering requirements above.

*Response: A 6' CMU wall exists to the west between this site between the R-ML zoned lot. A 6'+ wall exists to the south of this site between this site and the R-1C zoned lots.*

- 23 *Comment* - 5-6(E)(5)(a) If the lot in the Area of Consistency is in an R-A, R-1, R-MC, or R-T zone district, the requirements of Subsections 14-16-5-6(E)(1) and 14-16-5-6(E)(2) shall apply. The requirements for this item have been discussed above under 14-16-5-6 (E)(2).

*Response: Concur. See Responses to those questions.*

- 24 *Comment* - 5-6(F)(2)(b) Downtown, Urban Centers, and Main Street and Premium Transit Areas At least 5 percent of the parking lot area of lots containing 50 or fewer spaces, and at least 10 percent of the parking lot area of lots containing 50 or more spaces, shall be landscaped. Confirm compliance.

*Response: See attached landscape drawings.*

- 25 *Comment* - At least 75 percent of the required parking area trees shall be deciduous canopy-type shade trees, capable of achieving a mature canopy diameter of at least 25 feet. Confirm compliance.

*Response: See attached landscape drawings.*

- 26 *Comment* - The minimum size of tree planters within off-street parking areas shall be 60 square feet per tree. This requirement may be reduced to 36 square feet if the surface of a parking or vehicle circulation area abutting the tree planter is of a permeable material

and, combined with the tree planter area, meets the 60 square foot per tree requirement. Confirm compliance with this code.

**Response:** See attached landscape drawings.

- 27 **Comment** - 5-6(G)(1)(b) In any R-ML, R-MH, Mixed-use, NR-C, NR-BP, NR-SU, or NR-PO zone district, roof-mounted mechanical equipment shall be screened by a parapet wall or similar feature that is an integral part of the building's architectural design. The parapet wall or similar feature shall be sufficient to screen the mechanical equipment from all sides when viewed from 5 feet above ground level at any property line abutting a City park or trail, Major Public Open Space, major arroyo, or public street classified as a collector, arterial, or interstate highway. Confirm compliance with this code.

**Response:** Confirmed. Given no changes in grade elevation, the RTUs cannot be seen from 5' above grade level.

- 28 **Comment** - Per 5-6(G)(2)(a), R-ML, R-MH, and Mixed-use Zone Districts, outdoor ground-mounted mechanical equipment shall be located where it is not visible from streets, City parks or trails, Major Public Open Space, or major arroyos adjacent to the lot or from adjacent properties to the maximum extent practicable. Confirm compliance with this code.

**Response:** There is no ground-mounted mechanical equipment scheduled for this project.

- 29 **Comment** - No screening of ground-mounted solar energy equipment that would reduce the efficiency or effectiveness of the solar energy equipment is required. Confirm compliance with this code.

**Response:** There is no ground-mounted solar energy planned for this project.

- 30 **Comment** - Per 5-6(G)(3)(a) Covering Waste Containers, all waste containers and dumpsters shall be in a roofed enclosure or be equipped with and use a lid covering and shall be designed so that stormwater runoff does not reach storm drain inlets. Confirm compliance with this code

**Response:** The dumpster incorporates the city of Albuquerque design.

- 31 **Comment** - Per 5-6(G)(3)(c) R-ML, R-MH, and Mixed-use Zone Districts Outdoor loading, service, and refuse areas shall be integrated into the building design if possible, or shall be located where they are not visible from streets, City parks or trails, Major Public Open Space, or major arroyos adjacent to the lot or from adjacent properties to the maximum extent practicable. Confirm compliance with this code. Clarify if this is going to move to the west property line and at the end of the fire lane per response memo.

**Response:** *I doubt it will be moved. (I would like to move it to the west and out of the fire lane, however this will cost a parking space and we feel that these are currently at a premium.)*

32

**Comment** - Where it is not practicable to locate the loading, service, and refuse areas pursuant to Subsections (c) and (d) above, they shall be screened from view by an opaque decorative wall or fence at least 6 feet tall but not more than 8 feet tall that incorporates at least 1 of the primary materials and colors of the nearest wall of the primary building (but excluding exposed CMU block) or a vegetative screen planted along the full length of the area to be screened and at least 8 feet high at the time of planting. Confirm compliance with this code.

**Response:** *The current design is the city of Albuquerque design.*

33

**Comment** – 5-7 WALLS and FENCES  
Please demonstrate compliance with this section if there are any walls or fences being proposed for this project. Development requires separate permitting. Height per table 5-7-1.

**Response:** *There are no new site walls proposed.*

34

**Comment** – 5-8 OUTDOOR AND SITE LIGHTING  
Please articulate how the project meets codes under this section.

**Response:** *We have met the fc requirements of the code under this section and will submit a site photometric plan for review.*

35

**Comment** - 5-11(E)(1) Ground Floor Clear Height  
□ In any Mixed-use zone district in UC-MS-PT areas, the ground floor of primary buildings for development other than low-density residential development shall have minimum clear height of 10 feet. Confirm compliance.

**Response:** *The ground-floor of the primary building has a clear height of 12'.*

**Comment** - 5-11(E)(2)(b) Urban Centers, Activity Centers, and Main Street and Premium Transit Areas

1. In new residential and mixed-use development, windows on the upper floors shall be recessed not less than 2 inches. Confirm compliance. Note must be added to the elevation sheets.

**Response:** *See notes on each elevation sheet indicating that the windows on upper floors shall be recessed not less than 2".*

**Comment** - 2. Each ground floor of a street-facing façade shall contain a minimum of 30 percent of its surfaces in transparent windows and/or doors. Confirm compliance. Numbers must be provided on the elevation sheets. a. No minimum window sill height is required. b. For commercial or office uses, interior space must be visible to a depth of 6 feet from the façade. c. For buildings in which

over 50 percent of the gross floor area of the ground floor is vacant, a Permit – Temporary Window Wrap may be granted pursuant to Subsection 14-16-6-5(E) to temporarily obscure transparent windows and/or doors with opaque window wrap. (See figure below.)

**Response:** *See the elevations with doors and storefront windows indicated with the numerical areas provided.*

36 **Comment** - Provide color rendered elevations and articulate compliance to the codes above.

**Response:** *These will be submitted.*

37 **Comment** – 5-12 SIGNS  
Please articulate how the project meets this section of the IDO. Reference table 5-12-2.

**Response:** *This will be permitted by the sign provider.*

38 **Comment** - Add the following notes to your landscaping and Irrigation plan notes:

Per 5-6(C)(4)(g), all vegetation shall comply with Article 9-12 and Parts 6-1-1 and 6- 6-2 of ROA 1994 (Pollen Control, Water Conservation Landscaping and Water Waste, and Street Trees) and Section 4 of the Albuquerque Bernalillo County Water Authority (ABCWUA) Legislation and Ordinances (Water Waste Reduction Ordinance) as applicable.

Per 5-6(C)(4)(h), all required plant materials shall be free of disease and insects and shall conform to the American Standard for Nursery Stock (ASNA) of the American Nursery and Landscape Association.

Per 5-6(C)(5)(a), all vegetated material required by this Section 14-16-5-6 shall be planted in uncompacted soil. Please add a note to the Landscape Plan general notes to reflect this code.

Per 5-6(C)(5)(b), if used, weed barriers shall be permeable to optimize stormwater infiltration and prevent runoff.

Per 5-6(C)(5)(d), a minimum of 2 inches of organic mulch is required in all planting areas, with 3-4 inches recommended.

**5-6(C)(9) Planting in or over the Public Right-of-way**

5-6(C)(9)(a) All planting of vegetated material or installation of any landscaping, buffering, or screening material in the public right-of way shall require the prior approval of the City. The property owner shall be responsible for the maintenance, repairs, or liability for all the landscaping placed in or over the public right-of way.

5-6(C)(9)(b) Any trees that overhang a public sidewalk or Major Public Open Space shall be trimmed to maintain an 8-foot clearance

over the sidewalk. Any trees that overhang a public street shall be trimmed to maintain a 9-foot clearance over the street surface.

*Per 5-6(C)(9)(c), where landscaping is installed in the public right-of-way, the applicant shall install an adequate irrigation system that meets the minimum technical requirements in Article 6-6 of ROA 1994 (Trees, Vegetation and Landscaping) and the DPM, with a separate meter for the landscape area in the public right-of-way, or a separate valve(s) at the property line allowing isolation of the irrigation to the landscape within the public right-of-way. Drip irrigation systems and artificial turf shall not be allowed within the public right-of-way.*

#### **5-6(C)(14) Irrigation Systems**

*Per 5-6(C)(14)(a), irrigation systems shall comply with Section 8 of the ABCWUA Legislation and Ordinances (Cross Connection Prevention and Control Ordinance).*

*Per 5-6(C)(14)(b), all irrigation systems shall be designed to minimize the use of water.*

*5-6(C)(14)(c), all non-residential landscape irrigation shall have automatic timers and/or programmable settings to avoid overwatering.*

*Per 5-6(C)(14)(d), the irrigation system shall not spray or irrigate impervious surfaces, including sidewalks, driveways, drive aisles, streets, and parking and loading areas.*

#### **5-6(C)(15) Installation**

5-6(C)(15)(c) Any damage to utility lines resulting from the negligence of the abutting property owner or the property owner's agents or employees in the installation and maintenance of any landscaping, screening, or buffering in a public right-of-way, private way, or easement shall be the responsibility of such property owner. Any damage to utility lines resulting from the growth of plant materials that have been approved by the applicable public utility as part of a plan for landscaping, screening, or buffering on the public right of way shall be the responsibility of such public utility. If a public utility disturbs landscaping, screening, or buffering in a public right-of-way, private way, or easement, it shall make every reasonable effort to preserve the landscaping materials and return them to their prior locations after the utility work. If the plant materials die despite those efforts, it is the obligation of the abutting property owner to replace the plant materials.

5-6(C)(15)(d) Property owners acknowledge that approved landscaping and trees installed and maintained in a public right-of-way, private way, or easement abutting private properties are the property of the City, and that that the City reserves the right to remove them if necessary for

a transportation project without compensation, but at no cost to the property owner. Landscaping installed in an abutting public right-of-way, private way, or easement by property owners and later removed by the City shall not impact previously approved net lot area calculations for required landscaping.

**5-13(B)(7) Landscaping, Buffering, and Screening**

5-13(B)(7)(a) Landscaping, screening and buffering areas shall be maintained in compliance with Articles 6-6 and 9-8 of ROA 1994 (Trees, Vegetation, and Landscaping and Weeds, Litter, and Snow) and Section 4 of the Albuquerque Bernalillo County Water Authority (ABCWUA) Legislation and Ordinances (Water Waste Reduction Ordinance).

5-13(B)(7)(b) All landscaped areas shall be maintained with a neat and orderly appearance, which includes pruning, removal and replacement of dead or diseased plants and trees, disposal of litter, repair of damaged walls and hard surface areas, and upkeep of irrigation systems.

5-13(B)(7)(d) Where landscaping was installed pursuant to a Site Plan or development approval, the landscaping shall be replaced according to any landscaping and maintenance plan under that approval.

5-13(B)(7)(e) Trees or plants that die shall be replaced by the owner as expeditiously as possible, but in no case longer than 60 calendar days after notice from the City. The replacement of dead vegetation is the responsibility of the property owner.

5-13(B)(7)(f) Street trees shall be maintained alive and healthy. Maintaining and replacing street trees or other trees planted in the public right-of-way are the responsibility of abutting property owners.

*Response: Concur.*

Once again, thank you for your time and attention to our project. If you have any questions, comments and / or concerns, please do not hesitate to contact me directly.

Respectfully,

  
J. Glenn Gigg

Cf: File