



## **Development Facilitation Team (DFT) – 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-2024-009929   Date: 05/08/2024   Agenda Item: #1   Zone Atlas Page: J-14**

**Legal Description: Lots 19 thru 21, block 9, Homestead and Garden Spot Addition**

**Request: Proposed Vacation of a portion of remaining public alleyway from the southeast of subject lots. Preliminary/Final Plat review of proposed minor subdivision to create one new lot from 3 existing lots. Request determinations from alleyway width adjoining lots and from landscape buffer along 3<sup>rd</sup> St Frontage given existing 6ft sidewalk and buildings at property lines.**

**Location: 816 3<sup>rd</sup> ST NW between Marble Ave NW and Slate Ave NW**

### **Application For: SD-2024-00073 – VACATION OF PUBLIC RIGHT-OF-WAY**

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1. The plat does not indicate any vacation. Please clarify.

### **Application For: SD-2024-00071 – PRELIMINARY/FINAL PLAT**

2. No objection to the proposed lot consolidation.
  - a. The site has an existing account for water and sanitary sewer service.
  - b. For any future development, please request an availability/serviceability statement online at the following link: [http://www.abcwua.org/Availability\\_Statements.aspx](http://www.abcwua.org/Availability_Statements.aspx). Requests shall include fire marshal requirements.

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

# 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: 05/08/2024

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

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

**PR-2024-009929**

**SD-2024-00073 – VACATION OF PUBLIC RIGHT-OF-WAY**

**SD-2024-00071 – PRELIMINARY/FINAL PLAT**

**SKETCH PLAT 2-14-24 (DFT)**

**IDO – 2022**

#### **PROJECT NAME:**

**CSI – CARTESIAN SURVEYS, INC.** agent for **CONTEXT HOLDING, LLC** requests the aforementioned action(s) for all or a portion of: **LOTS 19 thru 21, BLOCK 9, HOMESTEAD AND GARDEN SPT ADDITION** zoned **MX-M** located at **816 3RD ST NW** between **MARBLE AVE NW** and **SLATE AVE NW** containing approximately **0.2697** acre(s). (J-14)

**PROPERTY OWNERS:** CONTEXT HOLDING LLC

**REQUEST:** PROPOSED VACATION OF A PORTION OF REMAINING PUBLIC ALLEYWAY FROM THE SOUTHEAST OF SUBJECT LOTS. PRELIMINARY/FINAL PLAT REVIEW OF PROPOSED MINOR SUBDIVISION TO CREATE 1 NEW LOT FROM 3 EXISTING LOTS. REQUEST DETERMINATIONS FROM ALLEYWAY WIDTH ADJOINING LOTS AND FROM LANDSCAPE BUFFER ALONG 3RD ST FRONTAGE GIVEN EXISTING 6FT SIDEWALK AND BUILDINGS AT PROPERTY LINES.

#### **COMMENTS:**

1. Code Enforcement has no comments and no objections.



## DEVELOPMENT HEARING OFFICER (DHO)

### Parks and Recreation Department

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

**PR-2024-009929**

SD-2024-00073 – VACATION OF PUBLIC RIGHT-OF-WAY

SD-2024-00071 – PRELIMINARY/FINAL PLAT

SKETCH PLAT 2-14-24 (DFT)

IDO - 2022

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**Comments:**

05-08-2024

No objections to the request.

Note: Per [§ 6-6-2-4 REQUIRED STREET TREES](#) in the COA Code of Ordinances, referenced in IDO Subsection 14-16-5-6(D), any application for a building permit to construct a new building or building addition of 200 SF or more will require a street tree plan. You may contact [bstrange@cabq.gov](mailto:bstrange@cabq.gov) (Bonnie Strange) with City Forestry to discuss further if any new construction occurs.

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.

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

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DRB Project Number: 2024-009929 Hearing Date: 05-08-2024  
Project: Lot 19-A, Block 9, Homestead and Garden Spot Addition Agenda Item No: 1

<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"/> 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 platting action.
- Hydrology has no objection to the Vacation of the portion of Public alleyway.

☐ 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: 2024-009929  
816 3<sup>rd</sup> NW

AGENDA ITEM NO: 1

SUBJECT: Preliminary/Final Plat, Vacation of Easement

ENGINEERING COMMENTS:

1. Justifications for alley width and landscape buffer are acceptable to Transportation. No objection.

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: May 8, 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:** 5/8/24 -- **AGENDA ITEM:** #1

**Project Number:** PR-2024-009929

**Application Number:** SD-2024-00071 and SD-2024-00073

**Project Name:** 816 3<sup>rd</sup> St NW (3<sup>rd</sup> St and Marble)

**Request:**

*Preliminary/Final Plat. Vacation of Public Alleyway, DHO Determination.*

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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 comprising the subject property was reviewed by Development Facilitation Team (DFT) staff, with comments provided to the Applicant in February of 2024.
- Applicant is requesting a Preliminary/Final Plat to consolidate 3 lots into one, eliminating interior lot lines. Additionally, the Applicant is requesting to vacate the remaining portion of a public alleyway (less than 500 square feet), and a DHO Determination to the Landscaping Buffer requirement.
- The IDO zone district for the subject site is MX-M. It is in an area of Change, MT-Major Transit Corridor, Railroad & Spur mapped area and McClellan Park mapped area.

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

- **Please confirm the details of the proposed Preliminary/Final plat for the DHO. Lot consolidation, Vacation & dimensions/Sq. Ft., and the Determination detail.**
- **Please confirm that the dimensional standard requirements for the existing development will not be affected by the replat nor create a nonconformity.**

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

- Demonstrate compliance with **Section 7 of the DPM Table 7.2.29** and Required Improvements section from 5-4(N) of the IDO. *\*Regarding Sidewalk width requirements and the landscape buffer.*  
***\*Verification of standards per Transportation\****  
*3rd is a Principal Arterial and requires 6' sidewalk and a 5' to 6' landscape buffer.*
- The Vacation request is less than 500 square feet, so would not need to go to City Council for final approval. *\*However, clarify the previous vacation action documentation and how that affects the current request.*
- *\*Clarify & confirm the Vacation communication/coordination with the abutting neighbors. Also clarify the status of the right-of-way acquisition with the Real Property Division.*
- The existing configuration of a hammerhead at the end of the alley provides a turnaround mechanism. An existing building is now encroaching in the public ROW (area hatched in black below).  
*\*Planning defers to Transportation to determine if remainder of alley area is sufficient for turnaround of vehicles.*
- Clarify the location of solid waste pick up and if it encroaches into the alleyway.
- The Project and Application numbers must added to the plat before final sign-off.
- A copy of the AGIS-approved DXF file must be submitted prior to the 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.
- After DHO approval and final sign off, a recorded copy of the Plat must be sent to Jay Rodenbeck at [jrodenbeck@cabq.gov](mailto:jrodenbeck@cabq.gov) and Angela Gomez at [agomez@cabq.gov](mailto:agomez@cabq.gov).
- Per 6-6(K)(2)(l) 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.

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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 prior to 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.*
- Signatures from the surveyor, property owner(s), the City Surveyor, the utility companies, and AMAFCA were all provided on the plat sheet.

- The Alleyway vacation was justified per 6-6-M-3 and the Landscape Buffer Determination was justified per IDO section 6-6-P-3. Public welfare does not require either action and approvals would not be contrary to public safety. The justification letters were included in the submittal.
- 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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### **3. 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 must meet all applicable standards and provisions of the IDO (*per MX-M*) and the DPM. *\*Along with any applicable mapped areas with the IDO. Railroad & Spur, McClennan Park, Etc.*  
***\*Submitted plans should demonstrate how standards are being met for any applicable & previous approvals and/or current standards.***
- ❖ **4-2 Allowed Uses**, table 4-2-1.  
 Follow the Use Specific Standards per section **4-3** of the **IDO** for any proposed development/uses per MX-M.
- ❖ **5-1 Dimension Standards for MX-M**. 5-1-G Exceptions and Encroachments.  
*\*Plans should include measurements for setback, separation, height elevations, etc.*  
*All will need to show standards and requirements are being met.*
- ❖ **5-2 Site Design and Sensitive Lands, Drainage Area.**
- ❖ **5-3 Access & Connectivity requirements.**
- ❖ **5-4 Subdivision of Land.**
- ❖ **5-5 Parking and loading.**
- ❖ **5-6 Landscaping, buffering, and Screening.** *Plans will need to demonstrate compliance of landscaping requirements. Provide calculations & detail.*  
*Be aware of several sections related to new development –*  
*5-6-C General Landscaping, 5-6-D Required Street Trees, 5-6-F Parking Lot Landscaping, 5-6-G Equipment/Support areas, and 5-6-E Edge buffer requirements.*
- ❖ **5-7 Walls/Fences**, table 5-7-1. ***\*Development requires separate permitting.***
- ❖ **5-8 for Outdoor Lighting** requirements.
- ❖ **5-11-E Building/Façade Design.**
- ❖ **5-12 Signage.**
- ❖ **5-13 Operation and Maintenance**



- ❖ **Section 6-1, table 6-1-1 for public notice requirements.**
- ❖ **6-4(R) Dedications.**
- ❖ **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 and use definitions.**



*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: Robert Webb/Jay Rodenbeck  
Planning Department

DATE: 5/7/24



**Kizito Wijenje**  
EXECUTIVE DIRECTOR

May 2, 2024

**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  
Serina Gallegos, APS Real Estate  
Margaret Callahan, 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  
Cordell Bock, Planner II, APS Capital Master Plan  
Hodgin Serrullo, Planner II, APS Capital Master Plan

**From:** Rachel Hertzman, AICP, Planner II, APS Capital Master Plan

**Re:** CABQ Development Hearing Officer Case May 8, 2024, PR #2024-009929  
(Case 1 of 3)

**1. Project #2024-009929**

- a. DHO Description:
  - a. SD-2024-00073, Vacation of Public Right-Of-Way
  - b. SD-2024-00071, Preliminary/Final Plat
- b. Site Information: Homestead and Garden Spt Addition, Lots 19 – 21, Block 9.
- c. Site Location: 816 3<sup>rd</sup> Street NW between Marble Ave NW and Slate Ave NW.



**Kizito Wijenje**  
EXECUTIVE DIRECTOR

- d. Request Description: Proposed vacation of a portion of remaining public alleyway from the Southeast of subject lots. Preliminary/final plat review of proposed minor subdivision to create 1 new lot from 3 existing lots. Request determinations from alleyway width adjoining lots and from landscape buffer along 3<sup>rd</sup> St. frontage given existing 6 ft sidewalk and buildings at property lines.
- e. No comment.



**PNM Comments  
Development Hearing Officer  
Public Hearing: 08 May 2024**

**PR-2024-009929 / SD-2024-00073 / SD-2024-00071 (816 3<sup>rd</sup> Street NW)  
Vacation of Public Right of Way (Alleyway)**

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 are existing PNM facilities located within or adjacent to the portion of the alley proposed to be vacated. These existing PNM facilities may be located per the terms and conditions of the Franchise Agreement with the City of Albuquerque for utility facilities in public rights-of-way or in existing easements on the adjacent property.
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 right-of-way proposed to be vacated, the applicant should begin the specific processes outlined in **IDO Section 14-16-6(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 new or expanded 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.

**Emailed April 26, 2024**  
DHO Comments for Meeting on 5/8/2024

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

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

**RE: DHO COMMENTS for PR-2024-009929**

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**LOTS 19 thru 21, BLOCK 9, HOMESTEAD  
AND GARDEN SPT ADDITION**

**ZAP: J-14**

SD-2024-00073 –  
VACATION OF  
PUBLIC

- No adverse comments to the vacation

RIGHT-OF-WAY

SD-2024-00071 –  
PRELIMINARY/FINAL  
PLAT

- No adverse comments to the subject plat.