

PLANNING DEPARTMENT
DEVELOPMENT SERVICES DIVISION
600 2nd Street NW, Ground Floor, 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3946

OFFICIAL NOTIFICATION OF DECISION

Context Holding, LLC
816 3rd St. NW
Albuquerque, NM 87102

Project# PR-2024-009929
Application#
SD-2024-00071 PRELIMINARY/FINAL PLAT
SD-2024-00073 VACATION OF PUBLIC RIGHT-OF
WAY

LEGAL DESCRIPTION:

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)

On May 8, 2024, the Development Hearing Officer (DHO) held a public meeting concerning the above referenced applications and approved the requests, based on the following Findings:

SD-2024-00071 PRELIMINARY/FINAL PLAT

1. This is a request to consolidate three lots in the Homestead and Garden Spot Addition subdivision into one lot (Lot 19-A, Block 9). The lot consolidation will eliminate an existing nonconformity.
2. The property is zoned MX-M (Medium Intensity Zone District). Future development must be consistent with the underlying zone district.
3. The application included two DHO determination requests, one for the landscape buffer requirement and another for the alleyway width requirement. Each were justified per 6-6(P)(3) of the IDO:

- a. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.
 - b. The Determinations will not be materially contrary to the public safety, health, or welfare. It does not cause significant material adverse impacts on surrounding properties.
4. The Applicant satisfied the public notice requirements in compliance with Table 6-1-1 of the IDO prior to this submittal.
 5. Per 6-6(K)(3) Review and Decision Criteria, an application for a Subdivision of Land – Minor shall be approved if it complies with all applicable provisions of this IDO, the DPM, other adopted City regulations, and any conditions specifically applied to development of the property in a prior permit or approval affecting the property. The review and decision criteria for a Subdivision of Land-Minor were met by this project per 6-6(K)(3) of the IDO.
 6. Per IDO 6-6(K)(2)(I), the applicant shall record the final 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.
 7. All signatures from the surveyor, property owner(s), the City Surveyor, Real Property Division, the utility companies, and AMAFCA are provided on the Plat.
 8. The Applicant previously submitted a Sketch Plat for review of the proposed Vacation on 2/14/24 as required per Table 6-1-1 of the IDO.

CONDITIONS

Final sign-off of the Plat by the DFT staff is conditioned as follows:

- a. The project and application numbers must be added to the Plat.
- b. A copy of the AGIS-approved DXF file must be submitted.
- c. The date of DHO approval shall be recorded on the Plat per 6-6(L)(2)(d)(7) of the IDO.

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

1. This is a request to vacate a portion of a remaining public alleyway. The vacation will complete the vacation of an alleyway that was previously partially vacated through a previous action from 1960.

2. The Alleyway vacation was justified per 6-6(M)(3) of the IDO:
 - a. The public welfare does not require the action and the approval would not be contrary to public safety. The public welfare does not require that the public right-of-way be retained.
 - b. 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.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the DHO's decision or by **MAY 24TH, 2024**. The date of the DHO's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(U) of the Integrated Development Ordinance (IDO). Appeals should be submitted via email to PLNDRS@CABQ.GOV (if files are less than 9MB in size). For files larger than 9 MB in size, please send an email to PLNDRS@cabq.gov and request that staff send you a link via Smartfile to upload the files to. A Non-Refundable filing fee will be calculated and you will receive instructions about paying the fee online.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Applicants submitting for building permit prior to the completion of the appeal period do so at their own risk. Successful applicants are reminded that there may be other City regulations of the IDO that must be complied with, even after approval of the referenced application(s).

Sincerely,



[Robert L. Lucero, Jr. \(May 14, 2024 20:37 MDT\)](#)

Robert L. Lucero, Jr.
Development Hearing Officer

RL/rw/jr







PR-2024-009929 May 8th, 2024 Notice of Decision

Final Audit Report

2024-05-15

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