

From: [Wolfley, Jolene](#)
To: [Gomez, Angela J.](#)
Subject: FW: [#2020013] PR-004030/SD-2020-00540 5-7(D)(3) Exceptions to Maximum wall height 5-7(D)(3) Exceptions to Maximum wall height
Date: Monday, November 9, 2020 4:29:56 PM
Attachments: [image001.jpg](#)

Please check to see if this email made it in the record for PR 4030.

From: Richard Stevenson <rstevenson@tierrawestllc.com>
Sent: Tuesday, September 1, 2020 12:17 PM
To: Aranda, James M. <jmaranda@cabq.gov>
Cc: Wolfley, Jolene <jwolfley@cabq.gov>; Gould, Maggie S. <MGould@cabq.gov>; Ron Bohannon <rrb@tierrawestllc.com>; Garcia, Carl A. <cagarcia@cabq.gov>; Brito, Russell D. <RBrito@cabq.gov>
Subject: RE: [#2020013] PR-004030/SD-2020-00540 5-7(D)(3) Exceptions to Maximum wall height 5-7(D)(3) Exceptions to Maximum wall height

James,

Thanks for taking time to review and provide a determination.

Regards,
Richard Stevenson, PE
Tierra West LLC
(505) 858 3100

From: Aranda, James M. [<mailto:jmaranda@cabq.gov>]
Sent: Tuesday, September 1, 2020 12:12 PM
To: Richard Stevenson
Cc: Wolfley, Jolene; Gould, Maggie S.; Ron Bohannon; Garcia, Carl A.; Brito, Russell D.
Subject: RE: [#2020013] PR-004030/SD-2020-00540 5-7(D)(3) Exceptions to Maximum wall height 5-7(D)(3) Exceptions to Maximum wall height

Hello Richard,

Thank you for your request for an exception for to the provisions of IDO §5-7(D)(1) and IDO Table 5-7-1 for a proposed gated apartment complex located at the Northeast corner of Golf Course Road NW and the AMAFCA Black Arroyo. Based on the information in your email dated August 20, 2020, you are proposing a gated apartment complex, and in doing so, also proposing a 6-ft high CMU/wrought iron fencing around the perimeter (6-ft opaque wall on the east side against the residential zone) for security purposes. In justifying your request for a fence height exception, you explained that the subject property lies along a drainage channel that transients use to travel and congregate. In addition, the proposed development will also have an open pool, which in your view can potentially become an "attractive nuisance" if an adequate security fence of 6-ft is not installed in order to protect the safety of the public if trespassing occurs.

The subject property is zoned MX-M. Pursuant to IDO §5-7(D)(1) and IDO Table 5-7-1, an 8-foot tall wall/fence is permitted on the interior side or rear yard abutting a major arroyo. A 3-

foot tall wall/fence is permitted in the front yard or street side yard. Pursuant to IDO §6-5(J)(3)(a), The Zoning Enforcement Officer (ZEO) can make an exception to the height standards of 5-7(D)(1) and Table 5-7-1 for security reasons due to specific site conditions or the nature of the land use or related materials and facilities on the site pursuant to 6-5(J) (Wall or Fence Permit – Minor)

6-5(J)(3)

Review and Approval Criteria

An application for a Wall or Fence Permit shall be approved if it complies with all applicable standards in 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.

6-5(J)(3)(a)

The ZEO may approve a wall or fence that is taller than allowed by Subsection 14-16-5-7(D) if necessary for security reasons due to specific site conditions or the nature of the land use or related materials and facilities on the site.

Based upon the information provided by you, the nature of the proposed land use for the subject property is multifamily apartments and an outdoor pool. The proposed land use as detailed does not appear to require additional or heightened security above and beyond what is currently afforded under the provisions of the IDO. Furthermore there appear to be no particular site conditions, proposed materials or facilities onsite that would require heightened security or meet the criteria for an exception to the front yard wall height prescribed in IDO Table 5-7-1. Therefore, based upon my review of the request and all available information at hand, **it is my determination as ZEO that an exception to the height standards of IDO §5-7(D)(1) and Table 5-7-1 for security reasons is not warranted in this particular situation and the proposed 6-foot tall perimeter fence around the entire subject property is a not an acceptable exception to IDO §5-7(D)(1) and Table 5-7-1.** Please note that a Variance—ZHE is the appropriate path forward for approval of the proposed security fence. For additional information regarding required fence/wall permits, please contact the Building Safety and Permits Division at (505) 924-3964 or (505) 924-3320.

Respectfully,

JMA



JAMES M. ARANDA, MCRP
él/he/him/his
deputy director | planning department
o 505.924.3361
m 505.803.6378
e jmaranda@cabq.gov
cabq.gov/planning

On Aug 20, 2020, at 10:20 AM, Richard Stevenson <rstevenson@tierrawestllc.com> wrote:

PR-004030/SD-2020-00540
5-7(D)(3) Exceptions to Maximum wall height

Hello James,

We have an exciting new gated apartment development proposed on the west side of town, see attached vicinity map and site renders. We are currently tracking through the DRB review process under PR -004030.

Per Section 5-7(D)(3)(c) of the IDO on page 274, I am writing to you as the ZEO to request an exception to the maximum wall height standard listed in Table 5-7-1 for security reasons due to specific site conditions.

As mentioned the site is a gated complex, and we are proposing a 6-ft high CMU/wrought iron fencing around the perimeter (6-ft opaque wall on the east side against the residential zone) for security purposes. Per Table 5-7-1 the maximum wall height along the street side yard (being Golf Course Rd) for the mixed-use zone is restricted to 3-ft in height. Due to security reasons for this site, given that the development is under a gated condition, we are requesting an exception in height from 3-ft to 6-ft. The site lies along a drainage channel where known transients use to travel and congregate. In addition, the development will also have an open pool and we believe it will be an attractive nuisance if an adequately security fence of 6-ft is not installed in order to protect the safety of the public if trespassing occurs.

Can you please review and let me know if you need any additional information or have any questions on the exception request?

Kind Regards,

Richard Stevenson, P.E.

Tierra West LLC
5571 Midway Park Pl., NE
Albuquerque, NM 87109
505-858-3100 ext. 232

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This message has been analyzed by Deep Discovery Email Inspector.

<PR-004030 Vicinity map and renders for ZEO.PDF>

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