

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

DATE: 01/24/2024

AGENDA ITEM NO: 3

DHO PROJECT NUMBER:

PR-2022-006568

SD-2023-00147 - REHEARING OF PRELIMINARY PLAT

SKETCH PLAT 8-16-23 (DFT)

IDO - 2022

PROJECT NAME:

THE GROUP | RON HENSLEY agent for **DESIGN DEVELOPMENT GROUP LLC** requests the aforementioned action(s) for all or a portion of **LOTS 4 AND 5, BLOCK 16 TRACT 3, NORTH ALBUQUERQUE ACRES** zoned **R-1C** located at **9200 WILSHIRE AVE NE** between **VENTURA** and **HOLBROOK** containing approximately **1.99** acre(s).
(C-20) [Deferred from 8/23/23b, 9/13/23, 9/27/23, 10/11/23]

PROPERTY OWNERS: AL-SABASSI ABDUL FATTAH

REQUEST: SUBDIVISION OF 2 LOTS INTO 8 LOTS WITH RIGHT-OF-WAY DEDICATION

COMMENTS:

1. Development observation: Installation of walls as shown may require obtaining a Variance to Wall Height on the southernmost front yards, at the end of the cul-de-sac, as well as other approvals per City Engineer.
2. We recommend that a note is added to clarify that all walls/retaining walls will be submitted under separate permit and will meet all requirements of the IDO for walls and retaining walls, as per IDO 14-16-5-7.
3. Code Enforcement wants to make it clear that regardless of what is reflected on the approved plat documentation, any separate approvals of height from the City Engineer, for retaining walls, and/or ZHE Variances to height for other walls must be sought as required and, if denied, plans must be adjusted, accordingly, prior to submittal for the required wall permits.
4. No further comments at this time.

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Jeff Palmer-Code Enforcement Supervisor
Planning Department
jppalmer@cabq.gov

DATE: 01/24/2024

Comments from 1/10/2024 DHO Hearing:

1. Based on Supplemental Submittal from 10/11/2023, the minimum lot size for the R-1C zone of 7000 sq ft, or 0.1606 acre, is now shown as being met for all lots proposed.
2. Deferring to Planning for summary of concerns regarding walls as presented on plan submittal.

Comments from DHO Hearing 10/11/2023:

1. *Property is located in an R-1C zone, and must meet all dimensional standards of IDO 5-1(C), Table 5-1-1.*
2. *Minimum lot size in R-1C is 7000 square feet, or 0.1606 acre. Lot 3 & Lot 6 are 0.1583 acre, 6895 sq. ft..
Must increase size, seek deviation from DHO, or seek Variance from ZHE prior to platting.*
3. *CE has no further comments at this time.*
(Deferred to 9.13.23 prior to 8.23.23 Hearing)



Development Facilitation Team (DFT) – Review Comments

Reviewer: David G. Gutierrez, P.E. | Phone: 505-289-3381 | dggutierrez@abcwua.org

Project No: PR-2022-006568

Date: 1/24/2024

Agenda Item: #3 Zone Atlas Page: C-20

Legal Description: LOTS 4 AND 5, BLOCK 16 TRACT 3, NORTH ALBUQUERQUE ACRES

Location: 9200 WILSHIRE AVE NE between VENTURA and HOLBROOK

Application For: SD-2023-00147- REHEARING OF PRELIMINARY PLAT (DHO)

1. Availability Statement 220926 provides conditions for service for the proposed subdivision.
 - a. No objection to the proposed layout as previously approved. However, if the site changes, it may warrant the need for a new Availability Statement request if any of the currently proposed connections change or the lot configuration changes.

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

DEVELOPMENT HEARING OFFICER

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2022-006568
9200 Wilshire

AGENDA ITEM NO: 3

SUBJECT: Preliminary/Final Plat

ENGINEERING COMMENTS:

1. All comments have been addressed. No objection.

. 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

DATE: January 24, 2024

ACTION:

APPROVED __; DENIED __; DEFERRED __; COMMENTS PROVIDED __; WITHDRAWN __

DELEGATED: _____ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)



DEVELOPMENT HEARING OFFICER

Planning - Case Comments

HEARING DATE: 1/24/24 -- **AGENDA ITEM:** #3

Project Number: PR-2022-006568

Application Number: SD-2023-00147

Project Name: 9200 Wilshire Subdivision

Request:

Rehearing of Preliminary Plat – to focus on Retaining and Privacy Walls

**These are preliminary Planning comments. Additional reviews and/or revised comments may be needed for any modifications and/or supplemental submittals.*

BACKGROUND

- The DHO decided on January 10, 2024 to rehear this preliminary plat. The DHO directed that the applicant provide clear wall exhibits for retaining and privacy walls on a new submittal to ascertain if the walls are compliant with the IDO.
- The proposed Preliminary Plat was approved on October 25, 2023 with the condition that the proposed wall heights would not need a variance or the plat would need to be reapplied for. DFT staff requesting a rehearing of the subdivision because the applicant did not provide clear information about wall heights and that the walls along Wilshire may need a variance.

COMMENTS:

Items in **Orange** color should be addressed in a new submittal.

Items in **Green** color have been made to be compliant.

Deferral recommended: The case is recommended for deferral because the wall exhibits remain unclear and new information is now being show for retaining walls taller than 6 feet which were not shown on previous submittals. (More discussion on wall heights follows.)

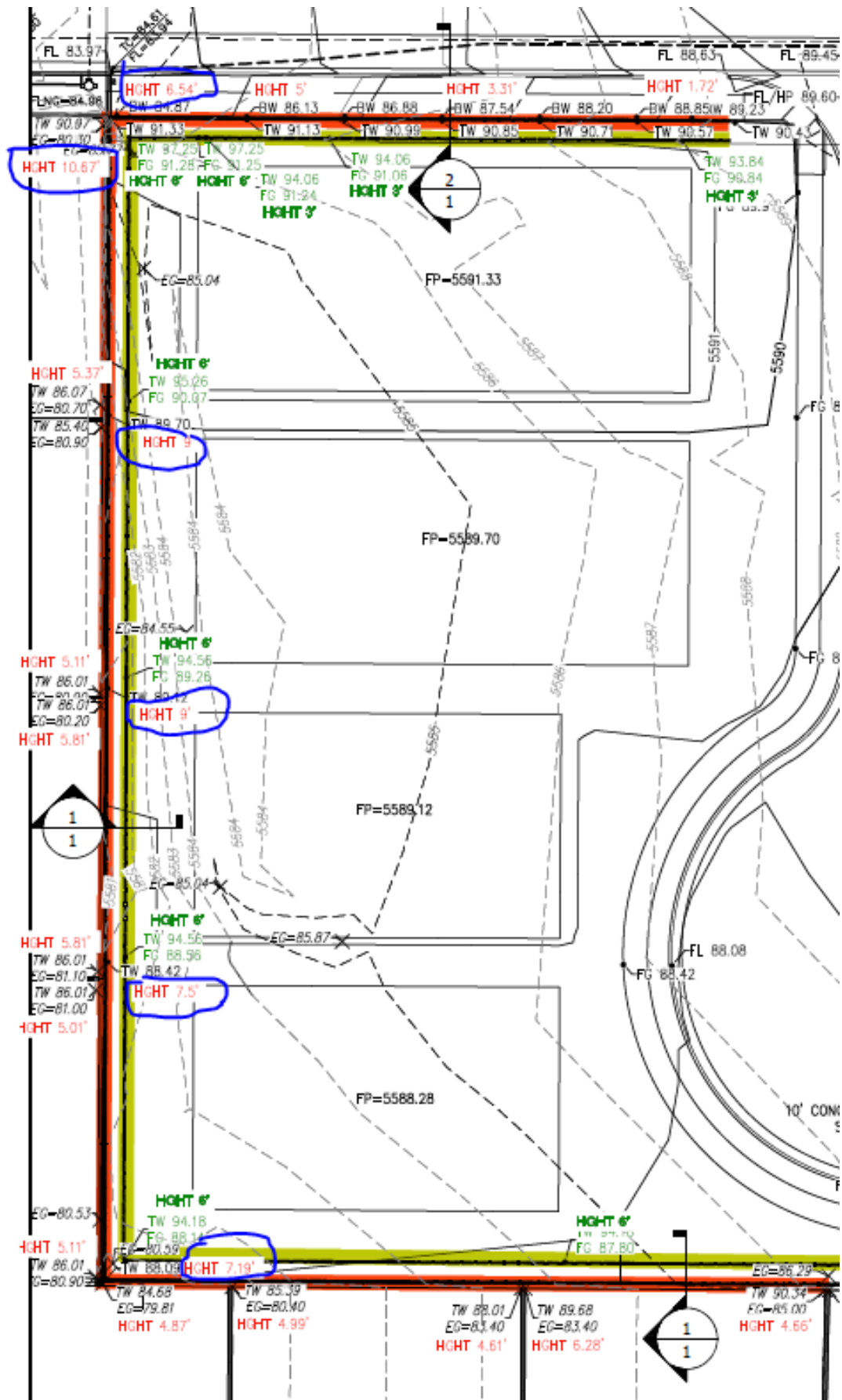
- The subdivision grading plan with height of fill remains out of compliance with IDO 5-4(J)(1)(b) below.

**(See additional comments on next pages)*

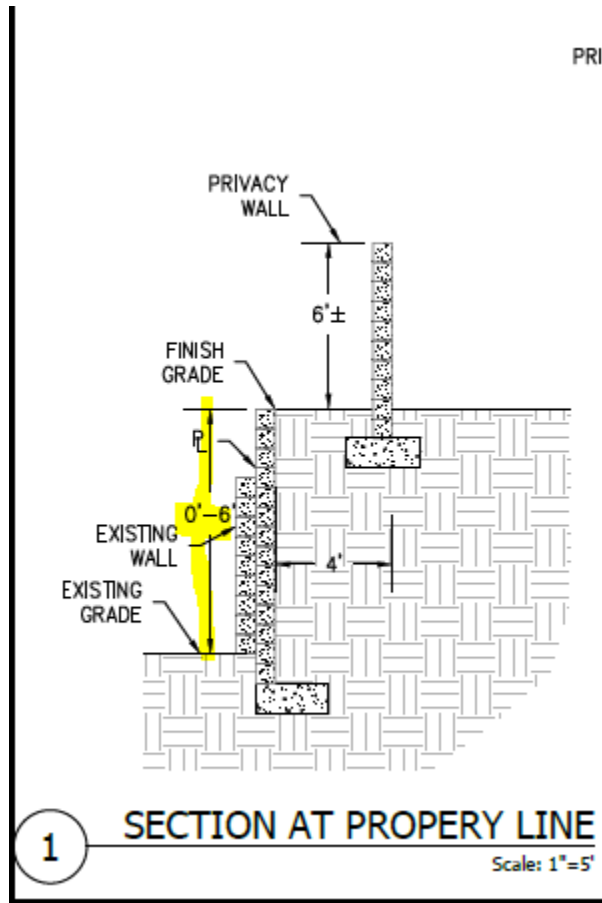
5-4(J)(1)(b) New subdivisions shall blend development into the adjacent environment with a minimum of grade change. Extensive fill that raises the grade for proposed lots at the edge of a proposed subdivision above the grade of nearby property shall be avoided. Significant cuts near the edges of a proposed subdivision to lower the grade within the development shall be avoided.

- The applicant provided a new submittal to more accurately report retaining and privacy wall heights per the DHO instruction. Some retaining walls do not meet IDO requirements. The submittal was difficult to interpret. The applicant then submitted a new submittal Monday. Some of the notable revelations from the new submittal include. (Please note wall heights circled in blue.):

- 1) A retaining wall height of 10.67 feet is shown on the northwest property line. The previous figure for the Wall Figure #1 shows a range of 0-6 feet. The original submittal provided information that was erroneous. Per IDO 5-7(F)(1)(b) a retaining wall higher than 6 feet shall be terraced. (see cite below). Applicant must redo this retaining wall design to meet the IDO.
- 2) Other retaining walls of 7.19, 7.5 and 9 feet are shown on the west property line, extending to the south lot. The previous figure for the Wall Figure #1 shows a range of 0-6 feet. The original submittal provided information that was erroneous. Per IDO 5-7(F)(1)(b) a retaining wall higher than 6 feet shall be terraced. (see cite below). Applicant must redo this retaining wall design to meet the IDO.



The Exhibit below is from the Applicant's original and current submittals and shows a range from 0 to 6 feet for retaining walls. The actual height shown in resubmittals reveals that the retaining walls were planned in many locations to range from 7.19-10.67 feet.



- 3) Clarification is needed for the wall in 'butterscotch' color below. The retaining portion of these walls cannot be taller than 6 feet without a terrace.
- 4) The applicant had previously shown a stacked wall, see Wall height #3 along the eastern portion of Wilshire. This wall was not in compliance with the IDO for wall height along the street-facing front or side yard. The applicant has made modifications so that the retaining wall and privacy wall are not separated by a terrace, bringing these wall sections into compliance.

5-7(F) RETAINING WALL STANDARDS

5-7(F)(1) Maximum Height

5-7(F)(1)(a) Retaining walls shall have a maximum height as specified in Section 14-16-5-7(D) (Maximum Wall Height) unless a higher wall is approved by the City Engineer as necessary on a particular lot.

5-7(F)(1)(b) Retaining walls higher than 6 feet tall shall be terraced to minimize visual impacts on residents, neighboring properties, and the public realm. Terracing shall be limited to 3 tiers.

5-7(F)(2) Terracing

5-7(F)(2)(a) A terrace at least 4 feet wide, with a maximum slope of 1:3 (rise:run), shall be provided between each tier to create pockets for landscaping. Reduced terrace depths may be administratively approved by the City Engineer where site constraints limit the amount of space available to accommodate the minimum required width.

5-7(F)(2)(b) Terraces between retaining wall tiers shall be vegetated with permanent landscaping to screen retaining walls and provide visual interest unless soil conditions are determined by a licensed engineer to be unsuitable due to geologic hazards.

5-7(F)(3) Setback

Retaining walls must be set back so that the underground footing does not encroach on any abutting public right-of-way.

- Condition #1: Prior to final plat, the applicant must submit a landscaping plan for all terraced areas per IDO 5-7(F)(2)(b). Applicant is encouraged to work with those property owners that the terrace will face to ascertain their preferences. That landscaping plan should include measures to make the elevated terrace area safe, e.g. additional wrought iron fencing atop the retaining wall to keep people from slipping off terrace and the potential for perpendicular walls at property lines along the width of the terrace to deter trespassing. The plan should also detail maintenance responsibilities and if each lot should include a gate to facilitate the property owner's ability to maintain their land that is behind the privacy wall.
- Condition #2: Prior to final plat, the privacy walls should be established on an exhibit for the final plat to show the exact wall heights along the perimeter of each lot so that staff can ascertain if the wall heights are compliant with IDO Table 5-7-1. No privacy walls should be shown on the subdivision documents that require a variance unless the variance has been obtained.

Table 5-7-1: Maximum Wall Height	
Zone Category	Residential
Standard Wall Height	
Wall in the front yard or street side yard ^{[2][3][4][5]}	3 ft.
Wall in other locations on the lot ^{[6][7]}	8 ft.



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FROM: Jolene Wolfley
Planning Department

DATE: 1/23/24



DEVELOPMENT HEARING OFFICER (DHO)

Parks and Recreation Department

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

PR-2022-006568

SD-2023-00147 – REHEARING OF PRELIMINARY PLAT

SKETCH PLAT 8-16-23 (DFT)

IDO - 2022

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PROPERTY OWNERS: AL-SABASSI ABDUL FATTAH

REQUEST: SUBDIVISION OF 2 LOTS INTO 8 LOTS WITH RIGHT-OF-WAY DEDICATION

Comments:

01-24-24

No comments or objections to the requested action.

Comments provided by Whitney Phelan, Senior Planner, CABQ Parks & Recreation Department. Please contact via wphelan@cabq.gov or 505-768-5378 with questions or concerns.