



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: 2/07/2024

Agenda Item: #1 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

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: 02/2024

AGENDA ITEM NO: 1

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 1/24/24]

PROPERTY OWNERS: AL-SABASSI ABDUL FATTAH

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

COMMENTS:

1. For development, the 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, at the Northwest corner property front yard, as you enter the cul-de-sac, and other retaining wall heights requiring approvals per City Engineer.
2. Upper retaining wall outlined in drawing #2 is showing 8 ft plus or minus...but must be terraced if over 6 feet. Need to clarify what is going to be done.
3. 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.
4. There are a lot of "plus or minus" measurements exhibited for wall heights. Code Enforcement wants to make it clear that regardless of what is reflected on the approved plat documentation, any separate approvals of height required from the City Engineer for retaining walls and/or the ZHE for Variances to height for other walls must be obtained and, if denied, plans must be adjusted accordingly prior to submittal for the required wall permits.
5. No further comments at this time.

DEVELOPMENT HEARING OFFICER - HYDROLOGY SECTION
Renée Brissette, PE, Senior Engineer | 505-924-3995 rbrissette@cabq.gov

DRB Project Number: 2022-006568 Hearing Date: 02-07-2024
Project: Lots 4 & 5, Block 16, Tract 3, NAA Agenda Item No: 1

<input type="checkbox"/> Minor Preliminary / Final Plat	<input checked="" 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 type="checkbox"/> Vacation of Public Right of Way

ENGINEERING COMMENTS:

- Hydrology has an approved Grading & Drainage Plan (C20D089) with engineer's stamp date of 05/01/2023 and the supplemental submittal dated 01/18/24.
- A retaining wall higher than 3 feet must be approved by the City Engineer (IDO 14-16-5-7(F)(1)(a)) and higher than 6 feet shall be terraced (IDO 14-16-5-7(F)(2)(b)).
- Comment – Please send the updated Grading & Drainage Plan with all corrections associated with this project during the Preliminary Plat approval for Grading Permit and Work Order approval.

☐ 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: 2022-006568
9200 Wilshire

AGENDA ITEM NO: 1

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: February 7, 2024

ACTION:

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

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



DEVELOPMENT HEARING OFFICER

Planning - Case Comments

HEARING DATE: 2/7/24 -- **AGENDA ITEM:** #1

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 requested 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.

Updated 2/5/24: The applicant submitted an updated purchase agreement extension to show owner concurrence with the subdivision application.

- The subdivision grading plan must comply with IDO 5-4(J)(1)(b) below.

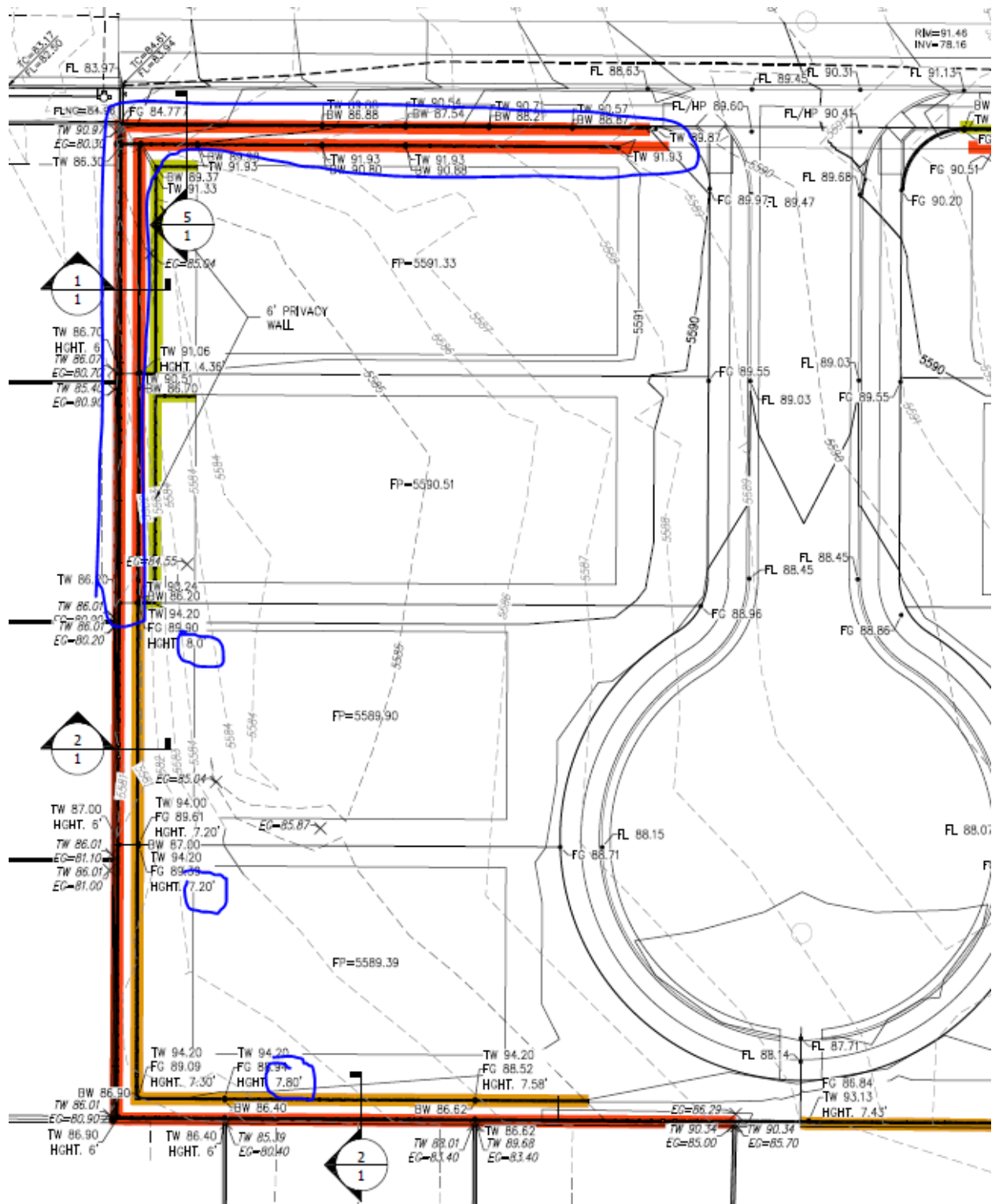
**(See additional comments on next pages)*

- 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.

Updated 2/4/24:

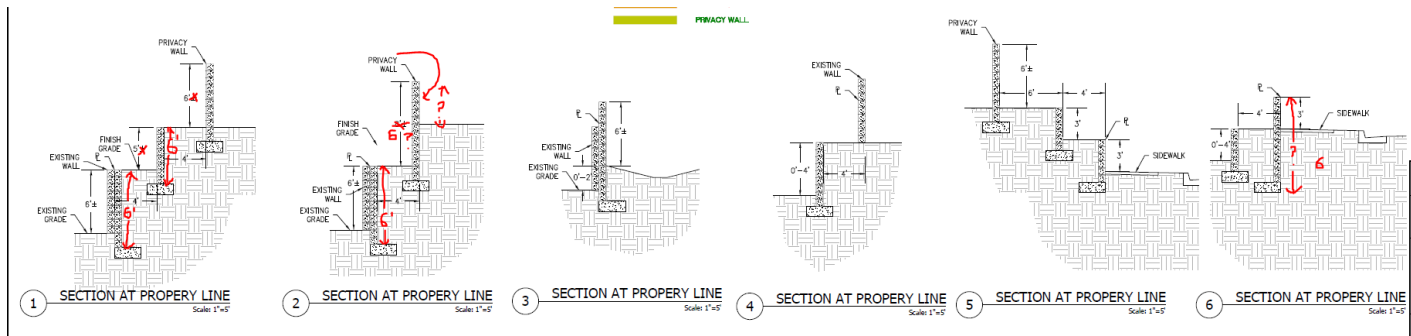
The IDO does not clearly cover a situation where the terraces of a tall wall face the backyard of the adjoining property owner. The new lot owner would own the terraced-land, but would be physically separated from them by a privacy wall. The IDO speaks to this situation and refers to 'minimizing the visual impact on neighboring properties.' (IDO 5-7) The DHO has discretion to consider the impact on adjacent property owners and require steps be completed to show that the walls are safe and there is a mechanism for maintenance. IDO 5-7 also requires landscaping of the terraces and a landscaping plan is a valid submittal document for the subdivision. The major subdivision process is an appropriate time to clarify wall heights and, where terraces are allowed, it is the time to establish the landscaping and maintenance for those terraces. In subsequent processes, e.g., wall permitting, the wholistic view of the subdivision is not made and it is likely adjacent property owners would not be consulted or would their 'visual impact be considered' as the wall permit is an administrative process.

A new submittal was received on 2/2/24. The retaining walls greater than 6 feet along the western property line have been changed so that there is a second terrace. The final retaining wall heights are not listed and they need to be listed. Some of the figures remain confusing. Please clean up this exhibit for clear review of retaining wall heights AND show the height of a joint retaining/privacy wall that is retaining wall. All walls must be compliant with IDO 5-7(F) below. (Areas of concern are highlighted in blue circles below.)



- RETAINING WALL
- PRIVACY / RETAINING WALL
- PRIVACY WALL

- New wall sections are shown at the bottom of the wall height diagram. **Please make the following corrections:**



Wall Section 1: The wall height for the retaining wall should be shown separately from the existing wall. The retaining wall needs to show a limit of 6 feet (do not use plus or minus; you can use minus only). For the second terrace, the retaining wall needs to show a limit of 6 feet (you can use 5-6 feet, but not 5 feet plus or minus). The Privacy Wall should show a limit of 6 feet (anything over 6 feet as the third wall would create 20-feet of total wall height in an area that is not topographically dramatic). A privacy wall of 6 feet atop 12 feet grade change is sufficient.

Wall Section 2: The wall height for the retaining wall should be shown separately from the existing wall. The retaining wall needs to show a limit of 6 feet (do not use plus or minus; you can use minus only). The second wall, shown only as Privacy Wall, needs to show the height of the portion that is a retaining wall (limited to 6 feet). Overall wall height cannot be higher than 8 feet (remove plus or minus; you can use minus only).

Wall Section 6: Show height of retaining wall.

- The DHO should require that each of the new lots allow for the maintenance of the terraces that belong to their respective lot; the terraces are visually and physically separated by the proposed privacy walls. The new lots should have a gate from the backyard wall to allow access for the owner to maintain the terrace. Where there is a terrace, steps need to be created between the two terraces for the homeowner to have access for maintenance. Maintenance responsibilities need to be called out on the plat.
- The DHO should require a landscaping plan and specify a wall material for any and all walls facing existing owners and Wilshire based on IDO 4-7(F)(1)(b) which emphasize the need to “minimize visual impacts on residents, neighboring properties...”

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.

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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.

If the DHO were to decide on the subdivision as presented, the following conditions are recommended as conditions of approval to ensure full compliance.

- Condition #1: 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.

- Condition #2: Each lot that has 1 or 2 terraces, shall include a gate in all walls that would be necessary to allow the owner of that lot to maintain the terrace and stairs to reach the lower terrace.
- Condition #3: Prior to Final Plat, the privacy wall heights and materials 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.
- Condition #4: The wall material that is visible to existing residential owners shall be determined by consultation with the owners who the wall faces. The wall material along Wilshire is recommended to be colored, split-face block.

Other relevant information on walls:

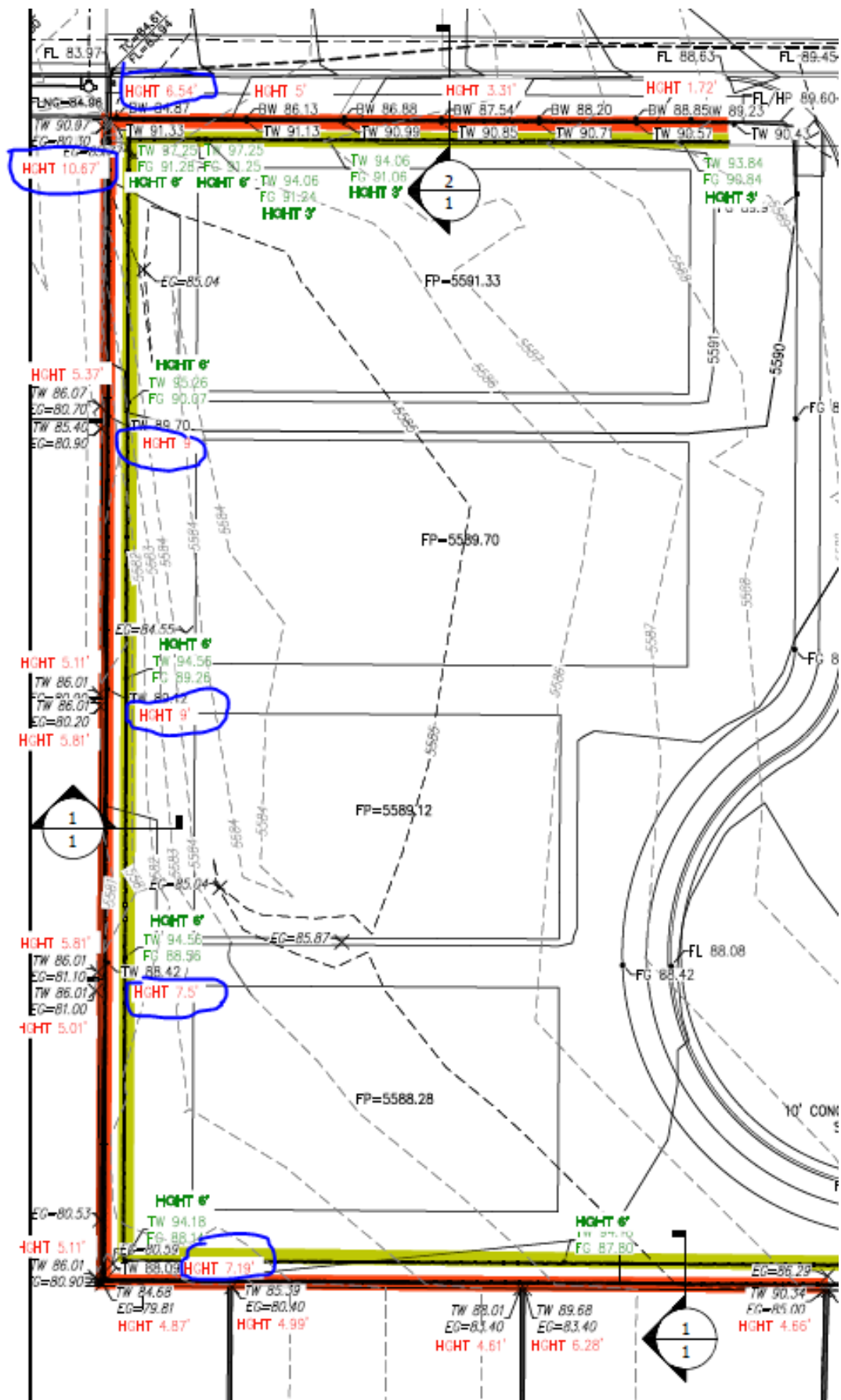
Any wall height that exceeds maximum wall height limits shall incorporate features to break up the wall massing.

5-7(E)(2) Articulation and Alignment

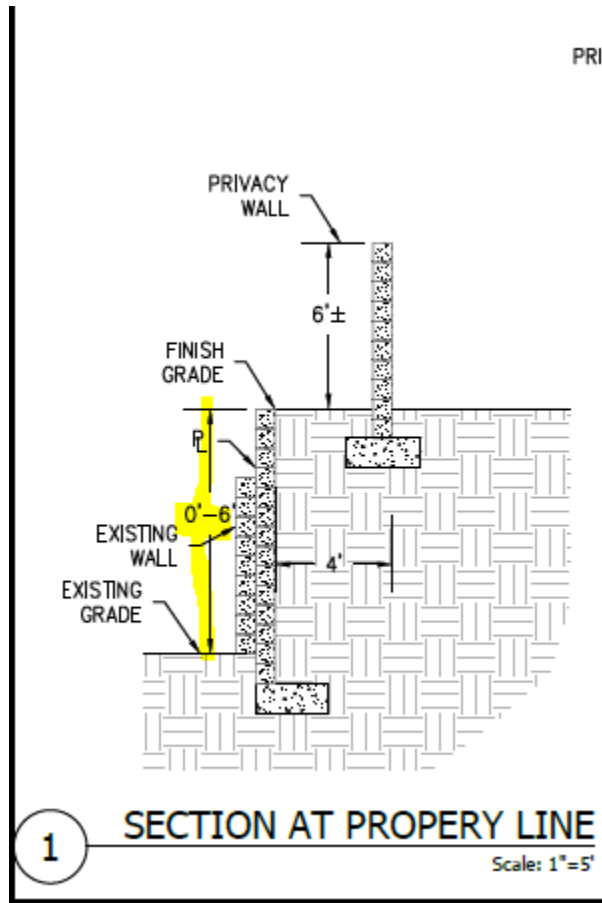
Portions of walls that obtain approval for a wall that exceeds the maximum height limits in Subsection 14-16-5-7(D) (Maximum Wall Height) or are required to exceed those limits and that face any public street, City park or trail, Major Public Open Space, or major arroyo, shall incorporate at least 1 of the following features to break up the massing of the wall. (See figure below for illustrations of each option).

**Past Comments from 2/24/24 Hearing
Retained to Provide Context**

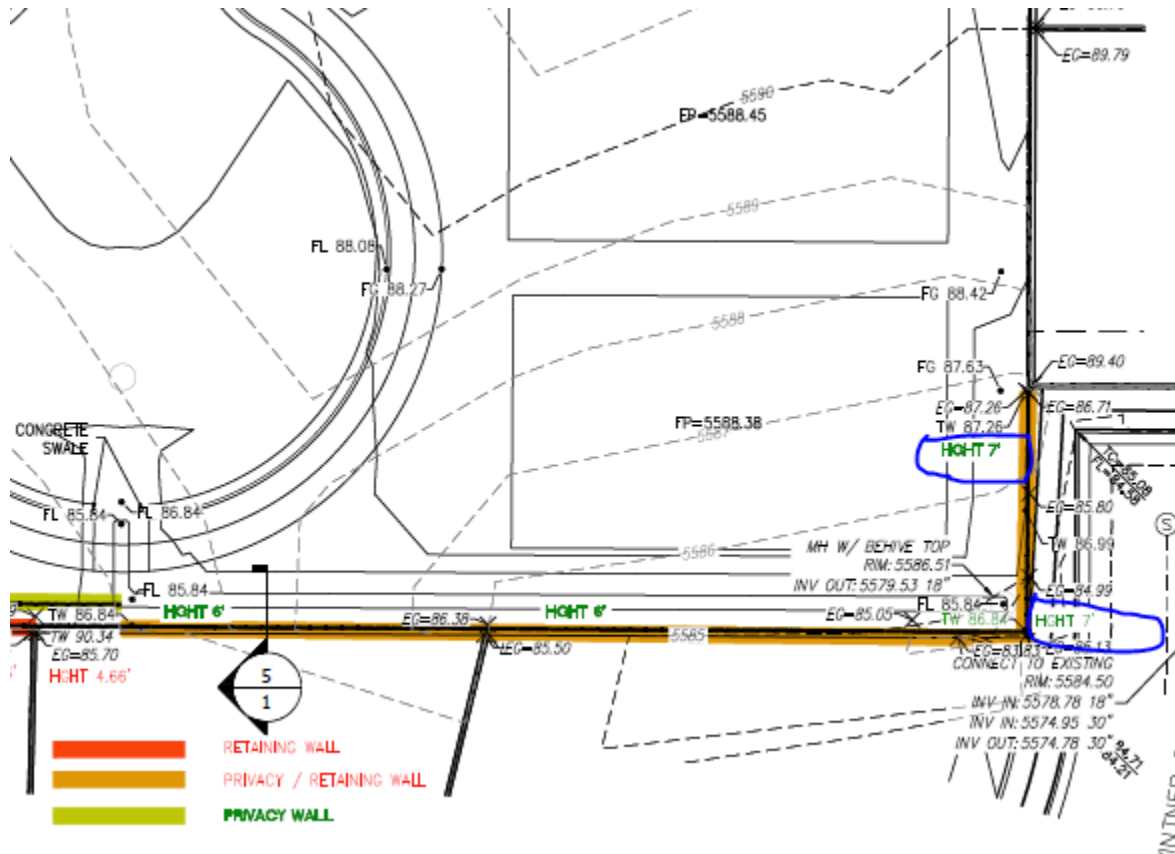
- 1) A retaining wall height of 10.67 feet is shown on the northwest property line. The previous figure for the Wall Figure #1 shows a range of 0-6 feet. The original submittal provided information that was erroneous. Per IDO 5-7(F)(1)(b) a retaining wall higher than 6 feet shall be terraced. (see cite 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 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.):



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.



- The applicant submitted a general request for consideration by the City Engineer of retaining walls higher than show in Table 5-7-1. This general request should be detailed to show each area where a retaining wall is requested that is higher than Table 5-7-1.



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: Jolene Wolfley
Planning Department

DATE: 2/5/24