



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: 3/13/2024

Agenda Item: #5

Zone Atlas Page: C-20

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

Request: Subdivision of 2 Lots into 8 Lots with Right-of-Way Dedication.

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: 03/13/2024

AGENDA ITEM NO: 7

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, 2/7/24b]

PROPERTY OWNERS: AL-SABASSI ABDUL FATTAH

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

COMMENTS:

1. There appear to be several side or rear yard walls that may go up to 8 feet in height, which is allowed if not in the street side yard. Please note that any wall over 6 feet in height and any retaining wall over 2 feet in height will require a building permit - wall. Any wall up to 6 feet or retaining wall up to 2 feet in height must obtain a small wall permit.
2. Landscape maintenance requirements must be made clear to owners of lots prior to purchase, and documentation as shown for landscaping and landscaped maintenance requirements must be submitted with residential building plan for each lot affected in this subdivision.
3. Please clarify location of retaining walls in Lot 8. If I am not mistaken, the interior yard retaining walls are not visible from the street side yard – but simply step down into the yard. Please confirm.
4. Submittal appears to meet all prior requirements. No further comments at this time.

DEVELOPMENT HEARING OFFICER

Code Enforcement Comments

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

DATE: 03/13/2024

Comments from 2/7/24 DHO Hearing:

- 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.*

Comments from 1/24/24 DHO Hearing:

- 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.*

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.*

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: 03/13/2024

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 HEARING OFFICER

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2022-006568
9200 Wilshire

AGENDA ITEM NO: 7

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: March 13, 2024

ACTION:

APPROVED __; DENIED __; DEFERRED __; COMMENTS PROVIDED __; WITHDRAWN __

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

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

DRB Project Number: 2022-006568 Hearing Date: **03-13-2024**

Project: Lots 4 & 5, Block 16, Tract 3, NAA Agenda Item No: 7

<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.
- Hydrology has no objection to the platting action.
- 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

Planning - Case Comments

HEARING DATE: 3/13/24 -- **AGENDA ITEM:** #7

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.

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

- DHO should determine if landscaping occurs behind Lots 2 and 3. (See table below.)
- DHO should determine if dripline irrigation is required for the first two years or if hand watering is acceptable for 18 months. (See table and discussion below.)

**(See additional comments on next pages)*

- **Condition #1:** A note is required on the wall exhibit to show how the east wall will be raised 1-2 courses during construction. Wall permits must be submitted by the current owners of the wall.
- **Condition #2:** The landscaping exhibit is an approved additional sheet to the plat that will be shared with Code Enforcement as the subdivision builds out. The plant species is to generally follow that submitted, but can be changed with final plat showing additional concurrence between developer and neighbors. The Palm Yucca is to be replaced by Adams Needle (*Yucca filamentosa*).
- **Condition #3** The wall exhibit is an approved additional sheet to the plat that will be shared with Code Enforcement as the subdivision builds out. The exact materials and design of the wall is to generally follow that submitted, but can be changed with final plat showing additional concurrence between developer and neighbors. The safety wall shown on the exhibit is to be placed just inside the retaining wall.

Updated 3/12/24:

- Wall sections and heights for retaining and privacy walls have been corrected to comply with IDO.
- The applicant has created a landscaping plan and wall plan to comply with IDO 4-7(F)(1)(b) which emphasize the need to “minimize visual impacts on residents, neighboring properties...”

The applicant, neighbors, and staff have met in two zoom meetings since the last hearing of the case on February 7th. There have also been emails and one-on-one discussions between the applicant and neighbors. Progress has been made in clarifying how the terraced walls will be constructed and the terraces landscaped. Some areas of disagreement remain as outlined in a table below. Some of the areas of disagreement should be resolved at the preliminary plat application those are highlighted in blue typeface. A few other areas could be resolved prior to the final plat application highlight in purple typeface.

New submittals were received with the latest on 3/11/24.

It should be noted that all walls now shown on the xx exhibit are compliant with the IDO.

Table on Issues Related to Walls, Terraces, Landscaping and Irrigation

Issue	Applicant latest Submittal	Neighbors comments	Staff recommendation	
West and South Wall material	Light Brown Split-face block with pattern of some flat-face block	Initially for split-faced block in zoom meeting, no response to latest proposal.	Concur with neighbors request regarding wall material.	
East Wall	Will raise wall 1-2 courses along Handling & Lydia boundary. Placed requirement in CCRs	Want it clear that this will occur.	Make a note on the wall exhibit that 1-2 courses will be added so it is clear to future staff reviewing walls.	
Two Terraces along Wilshire and Southern Property Line, Lots 1 and 4	Lot 1 and Lot 4 owner to maintain terraces. Establishment of vegetation by hand watering 18 months; then rain water.	Concern about how hand watering would work. Want drip irrigation.	Recommend a drip system with 2 year useful life, then rely on rainwater. Vegetate two perimeters on Lots 1 and 4 that are also responsible for	

	Developer will need to hand water for 1 st year while construction is going on and no water sources is yet established.		providing water source for first 2 years, as home is built.	
Terraces along Lots 2 and 3	Open to vegetation as long as hand watered.	Owners requested vegetation in 2/24 meeting. Did not want gates in new owner wall that would open directly to terraces.	Recommend landscaping of a two type of rock pattern on terrace with neighbors choosing taller boulders or other landscape sculptures to give interest to terrace but require little maintenance or irrigation. If the terraces are vegetated, then drip irrigation is needed for 2 years and a clear walking path for new owners to access terrace for maintenance. Gate is likely needed.	
Maintenance	Maintenance responsibilities detailed in the CCRs.	Want to make sure maintenance is clear to the new lot owners	The responsibility for maintenance of the terraces needs to be listed on the plat in addition to the CCRs.	
Plant Palette	Proposed landscaping plan 3/xx/24.	Generally like plants on landscaping plan. Open to changes or amounts.	Suggest replacing Palm Yucca with Adams Needle.	
Safety steel post fence atop retaining wall adjoining existing wall with terraces	Wall exhibit shows the 3.5 foot wall to be added atop the first retaining wall with abutting property	Neighbors requested this feature and generally concur.	Staff concurs.	

Updated 3/12/24 Additional Information from Staff experts on landscaping and maintenance of the terraces.

In order of importance...

- 1) Currently the plans are calling for no irrigation to be added to the terraces. While the plants being called for in the design will need little more than rainwater while established, there is still a period of establishment (minimum 1 growing season) that will need to be considered. By installing a proper irrigation drip system, the developer can ensure that all of the plants will be watered appropriately and given the highest probability of successful establishment of the root systems. This also mitigates the potential for over/underwatering and or neglect from potential homeowners that will have the responsibility to ensure the terraces are being taken care of.
- 2) Construction documents on the walls, need to note that an irrigation system is getting installed on the terraces. The mentioned note on the wall construction plan must give assurance that the wall is engineered taking this irrigation addition into consideration and to drain the excess water away and outside of the wall. The Landscape Plan note also needs to mention the proposed irrigation system and must mention that the design and engineering of the walls were not done by the landscape architect and therefore they are not responsible for those walls and any damages caused to the walls.
- 3) Access to the plants will be a challenge for the owners regardless of position within the community. Lots 2 and 3 will have an especially hard time getting to their plants for proper maintenance. Not only will they be expected to go through their neighbor's property but they will also be contending with a 6ft drop off into neighboring property on one side and a series of plants intended to mitigate foot traffic on the other. This raises some safety concerns for whoever will be caring for the plants.
- 4) The plant palette will work, but staff has concerns regarding the viability of the palm yuccas listed on the graphic. Possibly switch out the palm yucca with a different variety such as Adams Needle (*Yucca filamentosa*). The site design calls for the yuccas to be installed in the terraces of the development which we feel the palm yuccas could become a challenge for the owners to care for due to its large size when fully established.
- 5) The developer made a note in the landscape drawing that says: "All dead and dying plants shall be replaced annually". How long does the developer intend to fulfill this promise? As it reads currently this would be the equivalent of a lifetime warranty and they would be expected to deliver and install the plants at no cost to the owner. This alone will be more expensive over time and less cost effective than if the developer installs irrigation and provides a 1–2-year warranty for the plants while they establish.

With the combined factors above, we strongly believe that the plants intended to go in the terraces will not be properly maintained by the owners as they will be expected to water it with no irrigation in place

and a difficult path just to get to the plants in question. We believe that by installing irrigation with the intent to abandon in place following the establishment of the plants is the best path forward not only for ease of maintenance but also to give the highest success rate for the plants possible.

Background information retained:

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.

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.)

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.

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).



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FROM: Jolene Wolfley
Planning Department

DATE: 3/13/24
