

Nob Hill Neighborhood Association Policy on Walls and Fences

Adopted April 8, 2021

In 2006 the association formally adopted the statement: *The Association believes that buildings, carports, walls and fences over 3 ft. high within the 20 ft. front setback (in the front yard of a house) injure the neighborhood by disrupting historic vistas down streets, blocking visibility of the facades of houses thus diminishing character, and allowing intruders to work without detection.*

These concepts have developed continuously since then and are expressed in the statement by the association that has appeared in our twice a year newsletter since 2014. (See Caring for our Streetscape at end.) They have been widely embraced to the point that they are codified citywide by the Integrated Development Ordinance (IDO). When the Zoning Hearing Examiner (ZHE) hears requests for Permit-Wall-Major he/she invites neighbors and neighborhood associations to express position on requests. The association supports the IDO's principles around walls and uses them to form our positions to the ZHE. *Italics are IDO quotes. Underlines are the policies of the association.*

Subsection 5-7: Walls and Fences.....5-7(A) *This section regulates walls, fences...in order to enhance the visual appearance of development in the city; establish a consistent attractive streetscape.....and promote street and neighborhood character. The IDO groups walls and fences under the term wall.*

5-7(D) (2) Wall Illustrations establishes three areas on a residential lot; front yard, side yard, and rear yard.

PERMIT-WALL-MINOR. Walls qualify for a **permit-wall-minor** if they are under these heights:

Front yard: 3 ft.

Side or rear yard: 6 ft. or 8 ft. with an engineer's stamped design.

Street side yard (on a corner): 3 ft.

When a property owner applies for a permit at Code Enforcement the IDO requires that they formally notify the affected neighborhood association (NA).

When our association receives a notice we verify that it qualifies for a **permit-wall-minor**. If so, we advise the applicant of that and offer the single request that the wall match the house in material and color. This is a request and is not required by the IDO.

PERMIT-WALL-MAJOR. An application for a wall that exceeds the heights in **5-7(D) (2) Wall Illustrations** requires a **permit-wall-major**. On application, the property owner needs to formally notify the NA and offer a meeting. Our NA will ask for a meeting with the property owner. If it appears that the request does not meet the review and decision criteria in the IDO, we prefer a facilitated meeting. After that meeting and before the request is heard by the Zoning Hearing Examiner (ZHE), we will schedule the request to be heard at a board meeting where the board will consider adopting a position to the ZHE.

If an applicant has not advised the association of the request and participated in meeting the association the association will generally request a deferral of the ZHE's hearing.

Requests for walls that have been built without a permit may be viewed negatively by the association, and the property owner's exposure to financial losses if the request is denied by the ZHE will not influence the association's position.

The IDO contains criteria for approval of an application for permit-wall-major.

6-6(H)(3) Permit-Wall or Fence-Major Review and Decision Criteria.....An application for a **Permit-Wall or Fence-Major** for a wall in the front or street side yard of a lot with low-density residential development in or abutting any Residential zone district ...shall be approved if the following criteria are met:

6-6(H) (3) (a) the wall is proposed on a lot that meets any of the following criteria:

1. The lot is a least ½ acre.
2. The lot fronts a street designated as a collector, arterial, or interstate highway.
3. For a front yard wall taller than allowed in Table 5-7-1, at least 20 percent of the properties with low-density residential development with a front yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a front yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street.
4. For a street side yard wall taller than allowed in Table 5-7-1, at least 20% of the properties with low density residential development with a side yard abutting the same street as the subject property and within 330 feet of the subject property along the length of the street the lot faces have a street side yard wall or fence over 3 feet. This distance shall be measured along the street from each corner of the subject property's lot line, and the analysis shall include properties on both sides of the street.

If a request does not meet any of the four criteria in (a) above, NHNA will oppose the request.

If a request meets one of the four criteria in (a) above, NHNA may support a request or not take a position if it also meets (b) and (c):

6-6(H) (3) (b) the proposed wall would strengthen or reinforce the architectural character of the surrounding area.

6-6(H) (3) (c) the proposed wall would not be injurious to adjacent properties, the surrounding neighborhood, or the larger community.

A wall that strengthens or reinforces the architectural character of the surrounding area (b) needs to embody the materials, finishes, and colors of other walls within 330 ft. of the subject on both sides of the street. If the proposed wall does not meet (b), NHNA will generally oppose the request. Pertaining to (c), the association will generally include questions including but not limited to injury to historic neighborhood character and opposition of neighbors in the area.

6-6(H) (3)(d) The design of the wall complies with any applicable standards in section 5-7 (walls and fences) including but not limited to (3) articulation and alignment and wall design and all of the following:

1. The wall or fence shall not block the view of any portion of any window on the front façade of the primary building when viewed from 5 ft. above the ground level at the centerline of the street in front of the house.
2. The design and materials proposed for the wall or fence shall reflect the architectural character of the surrounding area.

In all requests the association will remind the ZHE to stipulate 1 and 2 of (d) above.

5-7(D) (3)(h) Walls greater than 3 feet in height are prohibited in any front or street side yard on lots with low-density residential development in the following small areas. No Permit – Wall or Fence – Major or Variance to

this provision is allowed in the following small areas. Walls greater than 3 ft. in height are prohibited in any front or street side yard on lots with low density residential development in the following small areas. No Permit-Wall or Fence Major or Variance to this provision is allowed in the following small areas.....2. Monte Vista and College View Historic District

The ZHE does not have the authority to issue a permit or variance in this small area. If such a request is made the association will discuss this with the applicant, will cite 5-7(d)(3)(h), and note that the ZHE does not have authority to grant a permit or variance.

Adopted by unanimous vote of the board of directors April 8, 2021.

Caring for Our Streetscape

Albuquerque's Integrated Development Ordinance (IDO) fosters healthy streetscapes. This refers to the relationship between houses and the public way; what we see as we walk, bike, or drive through a neighborhood.

When Nob Hill was built in the early 20th century, architectural designers believed that houses should communicate well with the street. Looking out of our homes today we can see nearby houses, neighbors, and passersby. Eyes-on-the-street is a key component of *Crime Prevention Through Environmental Design*.

The IDO allows walls up to 6 ft. high on a lot beside and behind a residence after obtaining a *PERMIT-WALL OR FENCE-MINOR*.

In the lot area forward of the house, the front yard, the IDO allows a wall or fence 3 ft. high or less after obtaining a *PERMIT-WALL OR FENCE-MINOR*.

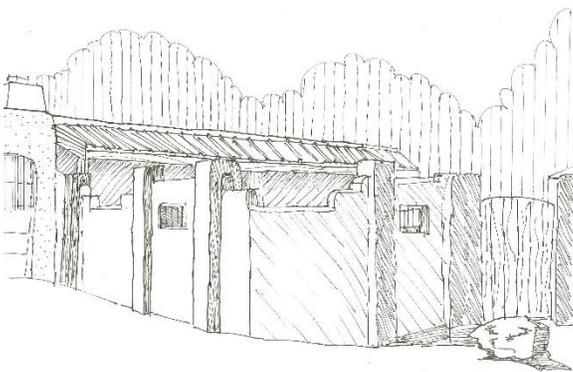
A wall or fence higher than 3 ft. in the front yard or street side yard of a residential lot requires a *PERMIT-WALL OR FENCE-MAJOR*, which is considered by the Zoning Hearing Examiner in a public hearing. If the examiner issues a permit the wall must meet standards with respect to materials and must preserve eyes-on-the-street. Such a permit is not available in several areas of the city, one of which is the Monte Vista and College View Historic District.

Because they diminish streetscape, historic character, and eyes-on-the-street, your Nob Hill Neighborhood Association discourages fences or walls higher than 3 ft. in the front yard and street side yard. Information about permits can be obtained from a reliable architect or landscape architect or from CABQ Zoning Enforcement at 924-3838. You can visit them on the ground floor of the Planning Department, 600 Second Street NW.

Consult IDO 5-7 for helpful information. Download the IDO at <https://abc-zone.com/sites/abc-zone.com/files/document/pdf/IDO-2019-ArchiveDraft-2020-11-02.pdf>



Nob Hill house from the public way; well-preserved scale, massing, materials, and details contribute to historic streetscape. Eyes-on-the-street diminish crime.



House near Nob Hill with a 6 ft. wall in the front yard diminishing streetscape, historic character, and eyes-on-the-street