

December 9, 2019

Ms. Jolene Wolfley
Associate Director and Chair
Development Review Board
Planning Department, City of Albuquerque
600 Second NW
Albuquerque, NM 87102

Re: Project PR 2019-002184, 4909 Juan Tabo Blvd. NE

Dear Ms. Wolfley,

As you are aware Consensus Planning has submitted an application to the Development Review Board for a Site Plan-DRB for the property located at 4909 Juan Tabo Boulevard NE on behalf of Guardian Storage and the property owner SL Juan Tabo Land, LLC. The site plan calls for an Indoor Storage Building to be constructed on this 2.37 acre area. The site is located near: a) John Roberts Dam overseen by AMAFCA and the Bear Canyon Arroyo Resource Management Plan Area Rank III; and b) within a 100-year Federal Emergency Management Administration (FEMA) designated flood plain. The site plan review for this property is scheduled for the Wednesday, December 18, 2019 DRB meeting.

The City of Albuquerque Development Review Board (DRB) is charged with administering the Integrated Development Ordinance regulations, as revised and updated May 2018; and, in particular IDO section 1-8(B) which states:

IDO 1-8(B) If any regulation in this IDO conflicts with other applicable laws or regulations of the City, or conflicts with applicable state or federal law, the more restrictive provision shall prevail, unless the provisions of state or federal law, as interpreted by the courts, prevent that result.

The following issues have been identified relative to the applicable laws and regulations.

Location of Project in the Bear Canyon Arroyo Floodplain

Per the attached map from the FEMA National Flood Hazard Layer Firmette, the proposed project is located in a Flood Hazard Zone AE area (shaded tan on the map). In addition, John Robert Dam [ID: NM00406] is located on the Bear Canyon Arroyo River and is rated by the US Corp of Engineers in its *National Inventory of Dams* as a "High" Risk. See US Army Corp of Engineers, National Inventory of Dams --

<https://nid.sec.usace.army.mil/ords/f?p=105:113:4961665738304::NO:113,2:P113RECORDID:58226>,

Additionally, it could be said that the City of Albuquerque is in essence encouraging location of new construction in a flood prone area, by zoning the subject property as MX-L. In this document, *Floodplain Management in the United States: An Assessment Report*, Volume 2, Page 1012, it states that: "Government agencies are generally not liable for flood damage unless the flood was caused by a government action [Editor's note: government action could be interpreted as a zoning classification