



REGULATORY ANALYSIS, SITE RISK FACTORS, ADVERSE IMPACTS FOR SENSITIVE LANDS

AND SUBSEQUENT

REQUEST FOR DISALLOWANCE OF PERMITTING FOR PROPOSED DEVELOPMENT OF SELF-STORAGE LOCATED AT 4909 JUAN TABO BLVD. (PR:2019-002184-ON-18DEC2019)

Cover Letter

Date: December 11, 2019

To: Development Review Board (DRB)

From: Oso Grande Neighborhood Association (OGNA)

Please accept, for DRB's consideration, this document submitted by Oso Grande Neighborhood Association (OGNA). OGNA objects to the development of the subject 2.3-acre parcel which applicant intends to use for self-storage. The lot is a FEMA designated area of flood hazard and it has problematic encroachments from John B. Robert dam which is safety-rated as high hazard potential. Currently, it's valuable and functional flood mitigation capacity for the public which should not be displaced. Applicant's intended use is not related to flood infrastructure and is unacceptable socially and economically in relationship to the hazards, environmental disturbances, and hardship imposed on surrounding residents.

The proposed self-storage building through infilling and displacement would disrupt the floodway channels and increase runoff to the point that public safety becomes issue. The likelihood of residential property damage from flood and even loss of life is increased during a large storm event that exceeds the capacities of the floodplain to accommodate. The Oso Grande Floodplain is already experiencing some flood damage even in small storms. Private residences adjacent to the proposed site should not be forced to bear the extra impacts and risks associated with development.

Flood insurance risk is expected to increase and residents would experience a diminishment of peace-of-mind, hardship and suffering through increased likelihood of floodplain and/or dam failure. These adverse impacts should not be borne by Bear Canyon residents. It is unnecessary to expose residents to added risk. Regulation exists to mitigate this risk. There are solutions and alternatives to satisfy the claims of the applicant without causing hardship. The DRB has ample justification through IDO conflicts and legal authority to disallow this permitting.

CABQ via mutual agreement and ordinance, acquiesces to a considerable body of regulations, ordinances, rules, resolutions and management best practices regards floodplain and dam management. We request that all pertinent regulation is applied regards the disposition of this property. As well, the application of regulations precludes development of the property.

FEMA is the chief Federal floodplain and dam catastrophic risk and disaster recovery agency. Oso Grande residents also concede to FEMA's risk mitigation processes by purchasing flood insurance. Development of the subject lot would increase risk for flood in adjacent properties hence increasing the costs to mitigate personal residential flood risk. Yet flood is not fully

mitigatable through insurance. Loss of life or loss of property brings intense suffering and hardship that is unnecessary. Self-storage units pose an unreasonable threat to quality of life to all users of Oso Grande, residential and recreational.

Development of the lot would not only diminish existing capacity of the lot to function as valuable flood control but would increase flood related risks to surrounding residential property owners. Oso Grande downstream residents should not be forced to bear additional burdens of risk to life and property damage because upstream development of self-storage has removed valuable flood control capability and replaced it with development that exacerbates and intensifies flood risks.

The self-storage application, as submitted, with its site design, imposes additional threat to residential property with noise, traffic, land usage, environmental degradation, and through loss of enjoyment by residents utilizing the nearby trail system. These threats will be detailed below and when combined with the floodplain and dam risks constitute untenable losses for area residents and recreational users which number in the tens of thousands of Albuquerque residents.

Significantly, the applicant failed to meet sensitive lands requirements established in IDO and reinforced by ZHE to conduct analyses and studies of site constraints prior to preparation of the site plan. If conducted adequately, many risk factors and constraints would have surfaced. Analysis conducted by applicant's professional engineer and landscape architect were wholly inadequate, omitted calculations and analyses, and denied presence of floodplain and John Robert Dam which are major issues. To bring clarity to this complex situation, OGNA has conducted high-level analysis to identify applicable regulation, risk factors, and constraints and adverse impacts affecting the sensitive lands' site and has made suggestions. DRB Review and Decision Criteria IDO-6-6(G)(3) which calls for compliance with all IDO provisions provides justification to nullify the application on this ground alone.

We are looking to the DRB to fairly assess our claims, verify our facts, analyze applicable regulation, and validate our conclusion that flood management and a large building cannot coexist in this ecologically sensitive and flood intensive parcel of land without seriously harming the public.

Following are details which illustrate Oso Grandes position on the application and development proposal.

1) OGNA Requests Adherence to More Restrictive Codes : IDO Code # 14-16-1-8-B states that any regulation in IDO that conflicts with federal or state regulation, would default to the more restrictive regulation. OGNA contends that the more restrictive regulations are justified because of the intensely complex regulatory landscape, and serious risk factors the subject lot and application poses to neighborhoods. These regulations are meant to protect the public and we ask they be applied.

- OGNA observes conflict in federal and state floodplain regulation, especially that for FEMA and for State Dam Safety regulation. These are applied in the analysis offered subsequently.
- OGNA finds IDO codes conflicting with procedures. These will be highlighted subsequently.

OGNA requests that all pertinent Federal and State regulations, generally being more comprehensively promulgated, be applied to our request. Our case in point is FEMA, NFIP, regulation for floodplain management and State Dam Safety Regulations.

2) Sensitive Lands Ordinance & Regulation. These are three applicable regulations regards avoidance and legal duty to not cause damage to others in lands' development. "Avoidance" means just that. Self-storage is not related to flood management and has no possible benefit to flood infrastructure, federal floodway management, the public, the environment, or to recreational users of the Trail nor to downstream residents. Alternatives do exist for the applicant. It's up to CABQ to determine these alternatives in coordination with OGNA and the applicant. OGNA does not consent to any variance from regulation or best practice nor to the deliberate intensification of flood risk intended to be borne by downstream residents.

- a. IDO calls for Avoidance of Sensitive Lands (IDO 5-2(C)(1). "site design processes shall begin with an analysis of site constraints related to sensitive lands. To the maximum extent possible ...site design shall avoid locating in sensitive lands....."
- b. Federal Register, Executive Order # 11988; May 24, 1977; (Floodplain Management) requires executive departments and agencies to avoid to the extent possible the long and short-term impacts associated with the occupancy and modification of floodplains and to avoid direct or indirect support of floodplain development wherever there is a practicable alternative.

- c. AMAFCA Resolution No 1980-15 Drainage Policy states: compliance with this regulation will not relieve any person or public body from any legal duty to pass and discharge storm water runoff in a manner which will not cause damage to the person or property of another.
- 3) Sensitive Lands Requirements Have Not Been Observed by Applicant. ZHE Notice of Decision, May 1, 2019, Conclusion states that applicant must provide analysis regards sensitive lands. Applicant has failed to disclose, much less comprehensively analyze both the presence of floodplain and the encroachment of the dam onto the private lot, despite being notified of such by OGNA. Attachment contains these notifications during ZHE process and through LUHO hearing. These omissions are so egregious as to constitute negligence to public safety and are meant to mislead the DRB. IDO Review and Decision Criteria 6-6(G)(3)(a) requires that applicant meet all requirements of ZHE and of IDO for approval.
- 4) Applicant Has Not Provided Adequate Analysis or Studies of Sensitive Lands as Directed by the ZHE. Instead, applicant provided statement by a landscape architect that “steep slopes” were the only type of sensitive land present on site with no backup documentation. The steep slope mentioned is the downstream embankment of Robert Dam and is highly sensitive regards overall dam safety and the source for embankment failures already experienced recently in the US in other flood prone areas. The statements and site renderings are narrowly focused on cosmetic aspects of landscape issues, do not consider site constraints, and do not cover the scope or complexity of these sensitive lands involved, excavation issues, drainage issues, nor safety and risk factors. The applicant did not meet the requirements of ZHE because omission of key sensitive lands’ factors did not inform the site design processes. The submitted site plan is a mockery of extensive FEMA rules and regulations meant to protect the public and, if the site plan is executed, could lead to untold ecological devastation to the Oso Grande floodplain and adjacent homes.
- 5) John B. Robert Dam Ownership Issues.
 - a. The steep slope landscape architect refers to as the only operant sensitive land issue is the western embankment of John Robert Dam. This assertion remains to be qualified by AMAFCA and State Engineers Office because of the problematic legal questions this presents. Rectification could take years since this may be newly discovered information. The steep slope, regardless of ownership functions as dam infrastructure and is nonetheless subject to failure during flood events at this high-hazard potential dam (NID.gov).

- b. 4909 Juan Tabo is John B. Robert dam embankment, toe, and toe blanket drainage region as best as can be determined by statements made by third party experienced reservoir engineer and P.E. upon visual inspection of the dam. (See Attachment). Entire property could function as dam subsurface drainage. Applicant conducted geotechnical core sampling of the site in Oct. 2019 in preparation for the DRB deadline. It does not appear that the geotechnical summary and report were made available to CABQ in the application. Core sampling could possibly constitute damage to the sensitive dam blanket drain if one exists. OGNA requests that summary report of geotechnical sampling on-site be made available to all parties for examination. OGNA requests that qualified, experienced independent dam inspectors conduct evaluation of the western embankment, toe and subsurface drainage. Unintended consequences of dam failure could mean catastrophe for many. Publicly available Robert Dam construction site designs of dam are not currently available for inspection at State Engineer's Office and can be made available to CABQ in the future upon request.
- c. 4909 Juan Tabo is John B. Robert dam toe region: much of the dams' functionality is underlying the subject private property. This means a federally regulated dam, the bulk of which is owned and managed by AMFACA, is technically and partially privately owned by SL Properties Juan Tabo, LLC. Private owners of dams must observe all State Dam Regulations and Rules (State of NM, Rules & Regulations Governing Dam Design, Construction, and Dam Safety, 12-31-2010). Private owners of subject lot have no known history of observing dam regulation. Dam owners must comply with Rule: 19.25.12.11.F establishing dam boundaries and Rule 19.25.12.12A requires owner certification.
- d. Ownership of a dam requires owner to conduct maintenance, NM State: 19.25.12.17 of it. Maintenance of the "steep slope" embankment, it's toe, and any toe drainage was not considered by landscape architect during Site design. To be clear, a landscape architect is not the right professional to make assessments better suited to a reservoir engineer. The PE who did make a statement in the application process denied impacts associated with the dam and claimed that he was in "certainty state" that drainage plans would not affect drainage plans. Maintenance planning would be a key feature of the resultant site design. Non-disclosure of these dam drainage constraints and adequate maintenance of the dam is highly important. It's equivalent to safety management. Applicant should have coordinated with AMAFCA to strategize the entire dam maintenance program for the AMAFCA managed dam/floodplain complex. Instead applicant chose to hide the highly-visible facts, and expose downstream residents to future

safety risks. It's disingenuous. The property functions as flood infrastructure and is not a vacant lot as contended.

- e. With the possibility of dam failures at John Robert Dam being high (NID.gov), any excavation of toe regions could precipitate an internal failure of the dam. (Western Dam Engineering Technical Note: Vol. 4, August 2016).
- f. Applicant Civil Engineer, PE, RESPEC, Applicant Planner with Consensus Planning disclosed in a credential-stamped letter to ZHE and to LUHO that he was certain that there would be no impacts to the dam with the grading and drainage plan. Nobody can be in "certainty state" about such matters of dam failure, especially when the dam, overdue for inspection, has not been inspected by AMAFCA in 6 years. Greer provided no known calculation package, nor a risk-assessment for dam or floodplain failure with his statement which should invalidate his submission. Therefore, it should be disallowed. His statement is irresponsible and was misleading when presented to LUHO in July 2019, who, subsequently made a decision in-part based on this falsehood. Consensus developer was notified in advance by OGNA of such serious dam issues and were ignored in the application. Attached is presentation made by OGNA to LUHO in July 2019 on the matter. It was dismissed as hearsay. Alternatively, OGNA submits a PE statement, by an experienced reservoir engineer and engineering risk manager speaking to the matter. (See attachment). Stakes are quite high for downstream residents. Unintended consequences of breaching the dam embankment include death to downstream residents. OGNA takes this matter extremely seriously.
- g. Dam owners who intend on breaching, modifying or removing a dam that is considered high-hazard potential must submit plan to State Engineer (19.25.12.19B). (B-7) calls for only registered PE's to supervise breach or removal of dam slopes. Landscape architect, is not qualified to evaluate or assess slopes that are functioning as dam embankments, nor conduct highly specific engineering analysis.
- h. Dam owners contemplating modification of a dam must comply with 19.25.12.11-20 NMAC. Applicant has submitted no known dam alteration permit supplied by State Engineers office.
- i. Dam owners, LS Juan Tabo Properties, LLC, have supplied no emergency action plan for their portion of John Robert Dam as called for in 19-25-12-21F. It's noted that dam failures often occur on downstream embankments such as those located on proposed site.

- 6) Sensitive Lands: Floodplain Issue: Applicant offered non-factual commentary to LUHO in July that denied the subject self-storage lot at 4909 Juan Tabo Blvd. is in floodplain. OGNA has found the following floodplain designations and contends that subject lot IS in FEMA designated floodplain. Denial of basic constraints of floodplain parameters is contrary to ZHE requirement for analysis of sensitive lands.
- a. Article 5, Albuquerque Code of Ordinances, Flood Hazard & Drainage Control. 14-5-1-6; FEMA designated flood areas are identified by FIS report, City of Albuquerque: Shows FIRMette: subject lot is identified as: in 1) area of flood hazard; 2) .2% annual chance flood hazard. 3) Zone X (shaded) to confer “moderate” flood risk.
 - b. www.fema.gov; flood maps: shows 4909 Juan Tabo lot as 100% shaded as flood hazard area.
 - c. IDO (14-16-7) Definitions: further confers the area as floodplain, flood fringe, and floodway.
 - d. FEMA additionally identifies complex or confined flood areas such as this as being flood prone, and a flood hazard area.
- 7) Applicant site plan should be subjected to the most restrictive practices found in both FEMA floodplain management rules and the CABQ Article 5: Ordinance on flood control because of the complex and interdependent floodway (44 CFR 59.1), encroachment (44 CFR 60.3 (d) (3), and hazard risks presented in the confined location. The subject lot is exceptional in the number and effect of the risk factors presented and cumulative risk from multiple factors being operative in the confined space of the water complex. Sensitive lands’ analysis should have identified the following risk factors, but did not. These risk factors include:
- a. Parcel east boundary is high hazard Robert Dam embankment.
 - b. increased erosion and sedimentation of all involved and adjacent infrastructure imposed by AMAFCA, federal waterway near southern boundary.
 - c. Changing and variable water paths in the floodway.
 - d. greater flood volume due to removed absorption capacity introduced by storage units.
 - e. removal of catchment of dam downstream reservoir by infilling conducted by storage units.
 - f. AMAFCA concrete channel back flowing or bottleneaking during storm due to downstream obstructions.
 - g. diminished permeability of soils due to drought.
 - h. adjacent street storm sewers rated as 100-yr are known to overflow in small rains.

- i. upstream development of High Desert neighborhoods increase downstream flood volumes in shorter periods of time.
- j. risks for contamination of ABCWUA adjacent water wells with hazardous material runoff from storage units and from existent contamination from known on-site illegal landfill from the 1970's. Point source discharge permit, MS4, of Clean Water Act should be applicable with all terms and conditions, just as CABQ discharge in the same area is applicable. NMED administers the federal regulation and permitting.
- k. sedimentation of AMAFCA channel decreases capacity of the channel leading to greater likelihood of channel overflow.
- l. presence of dam spillway introduces non-controllable risk during heavy storm.
- m. Site contribution towards downstream erosion, presence of adjacent underground ABCWUA tanks cause Oso Grande floodplain obstruction and increase erosion and earth drifting diminishing the functionality of flood plain.

Comprehensive risk and decision analysis, by qualified professionals regards floodplain management is called for. The cumulative nature of these risk factors require analysis and study that is comprehensive and accounts for all hazards. These are not theoretical risks rather each are real and known to be operant as observed by residents traversing the floodplain on daily recreational walks.

- 8) Higher Regulatory Standards Needed for Floodplain Management. FEMA has established minimum floodplain management requirements for communities participating in NFIP. Communities must also enforce more restrictive State requirements. NFIP requires communities to at least consider additional measures which are found in 44CFR 60.22. Planning Considerations for Floodprone Areas. These considerations are comprehensive and include: 1) permit only in areas taking into consideration probability of flood damage, 2) is socially and economically acceptable in relation to the hazards involved 3) does not increase danger to human life 4) preservation of floodprone areas for open space purposes 5) prohibition of facilities with hazardous substances 6) acquisition of land for public purposes. OGNA is not knowledgeable of CABQ efforts to aspire to the higher regulatory standards for floodplain management established by NFIP; but, it requests this degree of consideration. It's noted that downstream residents of floodplains are required to comply with NFIP regulation when purchasing flood insurance products and CABQ should follow suit. OGNA request that for the good of the public, that NFIP standards are adhered to throughout Albuquerque's numerous floodplains where applicable.
- 9) Oso Grande (and Amberglen) Residents Have the Most to Lose From Self-Storage development. And, it's unfair to saddle residents with extra risk. Oso Grande

understands dam and flood safety. They are guided by document: FEMA: Living With Dams, which is a grim and frank assessment of existing dam and floodplain risks to downstreamers. FEMA asks residents to purchase flood insurance as does CABQ. Depending on the degree of risk FEMA and NFIP assign to a locality, flood insurance can range from low hundreds to thousands per annum. Since the proposed development increases the likelihood of a property claim from flood (FEMA does not reimburse families for flood deaths), why should residents have to bear extra expense for flood insurance? Why should residents lose peace of mind because, now, flood risks are increased? Some flood insurance premiums will not be affordable by homeowners. FEMA only gives one chance to make a claim and then cuts off their risk by terminating coverage, hence, forcing homeowners into the more costly commercial markets. What do Oso Grande residents do when repeated floods affect their homes? The logical solution is to tear down the building which is the cause of the flood exacerbation? Who are the liable parties when the cause is a newly operating commercial establishment with no stakes whatsoever in public safety?

- a. Extra Space Storage, Inc. Should Be Liable, But Their Name Does Not Appear on the Application. Apparently they are/ plan to have financial interest in the development. Shouldn't CABQ know the name of parties that can be found negligent in creating public flood hazards? Extra Space (NYSE EXR, BBB rated (lowest for investment grade) could be held liable). Extra Space, Inc. appears to be building a monopoly in self-storage in Albuquerque, Rio Rancho, and Corralles. Does CABQ know this? Has CABQ Economic Development become involved? CABQ has justified to OGNA that IDO codes can be set-aside to assist mom and pop ventures in order to give them a leg-up in their enterprise. Yet, Extra Space is no mom and pop venture as evidenced by their NYSE trading status. They fully intend to leverage, for profit, anomalies and mistakes found in zoning code, even at the expense of neighbors, should they be allowed. Make no mistake, the MX-L designation of this floodplain property is a mistake and anomaly and residents are vulnerable to predatory development practices. Oso Grande NA requests that CABQ follow all federal regulation to protect vulnerable residents from predatory development practices. DRB is justified in disallowing the application in its existent state. Additionally; Order and Sections 102, 202,205 of Flood Protection Act of 1973, as amended, (42 U.S.C. 4012a, 4106, and 4128) require any agency involved in area subject to base-flood, shall inform all private parties of the hazards of locating structures in the area of the base flood.

10) Who Is Liable for Added Flood Risk? If permitting commences, Extra Space Storage Inc. should be prepared to indemnify Oso Grande residents for all liability arising out of their construction and operations. Indemnification would be costly because the estimated 125 Oso Grande homes affected with increased flood risk have a combined estimated replacement value of \$30M. CABQ through Article 5 , Flood Hazard and Drainage Control, and through Federal Register: Executive Order, same as above, (floodplain management) Is required to notify all parties to include Extra Space, Inc. of all transactions regards floodplain property. The reasons for this are clear and understandable. The public liability associated with building in floodplains should be borne by those who are creating the risk. The same executive order referenced earlier allows CABQ to avoid transferring risk to downstreamers. OGNAs request that CABQ utilize existing regulation to avoid public liability issues and prevent inappropriate development on behalf of residents who should not be expected to bear added risk and adverse impact.

11) Development of Self-Storage Adversely Impacts Residents and Users of Oso Grande in Several Quality-of-Life and Environmental Measures other than floodplain and dam risks. Existing Code, and adherence to established CABQ procedure and best practice, when applied, should disallow such usage as proposed. OGNA does not consent to variance from any IDO code or ordinance and expects fair application and comprehensive accounting for the exceptional and complex nature of the issues the self-storage proposal presents.

a. Character of the Dam/Floodplain Complex is Chiefly Recreational Rather Than Industrial-like. Footpaths, and nature trails, extend between Oso Grande Park and Bear Canyon Public Open Space and Arroyo of which the subject site sits entirely within. Tens of thousands of pedestrians, bicycle commuters utilize the adjacent trail yearly. The proposal calls for obliterating the sweeping view of the Sandias for each of these users as they walk past the proposed 35+ ft. metal structure with one of its two noise-intense loading docks squeezed into the Trail so closely that trucks backing out of the loading dock, beeping as they go, could alarm , scare and break the peace of pedestrians only feet away. Approximately 75 recreational users have submitted into CABQ Zoning processes mindfully prepared comments objecting to this out-of-character imposition. This should be observed by CABQ as a significant indicator that there is something terribly wrong with the proposal. One woman confided that “my psychological and spiritual health depend on my daily walk accross the Trail. It’s now going to be gone”. There is no way to mitigate an inappropriately conceived, 1.3 acre-sized, loud, busy, traffic filled operation with industrial-type activity as a replacement for an experience of peace that so many have come to depend as valued sanctuary in their lives. This

illustrates the problematic nature of attempting to insert industrial activity into residential and recreational space. The two uses are contrary to one another. ZHE, May 1, 2019, NOD commented that: paraphrasing “adverse impact might occur and mitigations should be able to compensate”. We respectfully disagree about mitigations, in this case being compensatory and agree that adverse impacts are operant and contrary to IDO in this case. We request, on behalf of tens of thousands of Park and Trail visitors, that the proposal be dismissed as not meeting the Character-of-Place requirements of the IDO and or MPOS plans. This imposition is very real in the daily lives of thousands of people who depend on the Nature Trail as a counterpoint to urban experience.

- b. When Noise Becomes A Health Issue for Thousands. Self-storage proposal discloses an estimated traffic volume of 50 vehicles /day visiting the operations. This amounts to 17,500 vehicle visits per year. If each vehicle unloads or loads for a mere 30-min. each, then the equivalent average noise duration per each 12 hour day is two vehicles continuously in activity. And, each making some level of code-exceeding noise and vibration. Each vehicle would be arriving at one of two loading docks...each pointed towards, and within feet of the nearby Trail or into the downstream residential neighborhoods which start at between 100ft and 300ft away. To provide context and perspective, Univ. of CA, Santa Barbara, sound contour studies have measured car decibel levels in parking lots as follows: car horn chirps, 70-75 dBA ; slow drive-by of car, 70-75dbA; squeeling tires, 90dbA. These are cars, not trucks which are expected to have higher DbA levels. The Site operations call for loading docks, which can be noise -exceeding. The reference level in CABQ Ordinance, Article 9: Noise Control; 9-9-4 General Noise, Table 1 (A-weighted measurements in decibels (dB)) as both source and receptor premises is not to exceed 55dBA day, and 50dBA night. Clearly, the industrial-like activity of the proposed operations do not mix with residential and recreational uses.
- c. The noise issue is further compounded by Bear Canyon acoustic profile where noise dampens less than expected the further away it travels. This means more residents are subjected to the excessive noise. Noise, particularly intermittent noise is a psychological and physical health issue, at the very least creating stress. Oso Grande is specifically utilized for stress-relief by thousands of users. Nearby Trail users and residents should not be subjected to continuous DbA levels that exceed ordinance. This is an egregious incursion into the peace-of-mind of neighbors. Oso Grande is a sensitive noise area which further compounds the issue. ZHE requested that applicant conduct sensitive lands studies. Noise abatement was never considered. OGNA request that applicant retain the

services of a qualified acoustic engineering service to document the intended levels of noise from operations and abatement measures if at all mitigatable.

- d. Noise mitigation in such confined spaces, when mixing industrial-like usage with residential and recreational is not anticipated to be possible. CABQ noise ordinance calls for the cessation of operations that cannot meet noise regulation. Noise is a very real issue for any resident. Example: one resident residing 300ft. away from a proposed loading dock, a paramedic, needs to sleep during the day, with his livelihood depending on his quality of sleep. Should this resident be expected to sacrifice his health and livelihood as a first-responder for the sake of an inappropriately sited operation? OGNA does not consent to any variance or relaxed standards for noise ordinance and will vigorously advocate for enforcement of noise codes should the permit be approved, and especially without required noise studies and a construction noise abatement plan.

- e. When Self-Storage Becomes Warehousing. In accordance with the IDO, MX-L can be used for self-storage only, and explicitly excludes warehousing. The Site design, which was changed from the originally presented application, called for indoor storage corridors which allowed for noise suppression. The new Site Design calls for exterior loading docks with echo producing insets. This makes the structure appear as if it can be utilized more for warehousing rather than self-storage. OGNA does not consent to warehousing activity as a casually applied variance. Industrial-like operations such as warehousing defy the character of the neighborhood as residential and recreational. IDO codes are not in compliance in several areas regards site design and usage.
 - i. IDO 14-16-4-3(D)(28)(e) calls for “access to storage units shall be through interior corridors”. While Site Plan may indeed call for interior corridors, the most important portion of the access, the exterior, is the noisiest part. Loading dock access on the exterior accounts for about 10% of access but is 100% of the loading noise. Site Plan defies the intent of interior corridors by utilizing exterior loading docks, hence is out-of-compliance. It suggests that much more intensive warehousing activity is planned.

 - ii. How intensive would activity be? True self-storage would have each of 600 rentals being visited approximately 4x per year or 2400 customer visits per year. Yet, applicant is calling for 17,500 customer visits per year. That’s about one visit per every two weeks for every customer. How is this discrepancy in use reconciled? Warehousing could account for it.

Distribution, shipping, third-party retailing etc. IDO does not allow this activity for self-storage.

- iii. After reviewing Guardian promotional materials warehousing activity is suggestive through Twitter Feed, which features: 1) storage of hazardous materials 2) provision of rental space for unsheltered individuals, 3) distribution activity. All these activities are disallowed on-site per IDO. If applicant's business model indeed is dependent on conducting IDO disallowed operations, which exacerbate the publicly affective noise and traffic issues previously identified, then they should seek alternative locations to conduct business and respect the intent of the IDO.
- iv. Guardian submitted a sample lease agreement (Extra Space Storage, Inc. lease) which disallows storage of hazardous materials but, it does not specify how the rules would be enforced. Any storage units present the ever-present circumstance of unenforceable lease terms. While storage of illicit goods like drugs, explosives, fuels, corpses, pesticide, and unsheltered people don't affect applicant, they certainly would affect neighbors if something went wrong...like a fire, explosion or contamination of groundwater. This is not a fabricated risk, Dept. of Homeland Security names storage units as significant environmental hazards and scenes for crime. NFIP : 44CFR 60.22. addresses storage of hazardous substances in floodplains. OGNA does not consent to casual variance from IDO standards regards hazardous material storage because they have the most to lose from this inappropriate development. Floodplains, Dam sites, and federal waterways are no places for environmental accidents.
- v. Self-storage which calls for (in IDO, 14-16-7) "three or more small,...units", yet proposed structure calls for 600 units, some not small at all. Technically, it qualifies, yet, there is a large differential of scale, threeish vs. 600 or more. OGNA calls for the intent of self-storage to not be bent beyond reason. Overambitious development should not be tolerated in a confined, sensitive lands' site.

12) Zoning Procedure and Process Contain Discrepancies and Conflict.

- a. Destination Uses Are Contrary to IDO. 14-16-2-4(B)(1) Mixed-Use Low Intensity Zone District (MX-L) describes the purpose of the area for neighborhood-scale, "non-destination" commercial uses serving the surrounding area. The mega-

proportions of the storage would call for destination visits for customers. This is conflicting in the IDO and should be disallowed.

- b. Required Traffic Study Has Not Been Conducted. Contrary to statements made by applicant a traffic study is specified in Official Notification of Decision, EPC, Project 1001993, [regards tracks F & G, Academy Place Subdivision---4909 Juan Tabo] ; Sept. 20, 2002; FINDINGS: Part (6) (a). " A traffic impact study for the C-1 parcel shall be deferred until DRB submittal". OGNA does not consent to relief from this requirement. Traffic study should have been included in the application per IDO criteria for approval. (6-6-G,3,a). In order to comply with IDO condition that a for prior approval the traffic study w Intersection at Osuna/ Juan Tabo is difficult in any circumstance, much less, for destination travelers in non-familiar territory. Additionally, vibration studies should be made part of the traffic studies as Dam infrastructures can be sensitive to vibration and become damaged..... leading to a potential catastrophic embankment failure.
 - c. A Variance Between ROW on Sketch Plat for Zone Variance and ROW from Site Plan-DRB contains a 4ft. discrepancy. DRB site-plan deliberations should be based on accurate information. The four-foot discrepancy must be offset against the right of way for Osuna. Osuna which is already too narrow to accommodate large trucks. Site Design should be reworked to account for the discrepancy and shortage.
- 13) Widespread Concern Over Proposal. OGNA is not alone with deep concern over the proposal. OGNA's Social Media Chair has observed that since Jan. 2019 when the application surfaced that commentary on NextDoor.com in the 40+ neighborhoods of NE Heights, increased from 3,000 to over 10,000 subscribers. Many commentaries on Oso Grande NextDoor have centered around the self-storage proposal with unanimous objection on very reasonable grounds of adverse impact. Neighbors know something is terribly wrong with storage units in the natural space.

OGNA requests that CABQ acknowledge the efforts of Oso Grande in patiently and fairly answering questions of neighbors who are not in understanding of floodplain and dam hazard issues, and to do so without bias. District 8 Coalition of Neighborhoods is deeply concerned as to send a letter to DRB supporting fair regulatory treatment of the proposal. Attached is an email chain of issues and homeowner FAQ sheetlh meant to educate residents on pertinent floodplain, dam, FEMA, NFIP, environmental, noise, and insurance risks. As a measure of

reciprocity, OGNA requests equitable assessment during DRB's evaluation of self-storage permit approval and recognition of myriad State and Federal regulation.

CONCLUSION: IDO 6-6(G) (3) Review and Decision Criteria requires strict standards for approval. All criteria, not selective compliance. OGNA has documented considerable inconsistency, conflict, and contrary usage with IDO.

As well, regulatory analysis clearly shows that attempts to build in sensitive lands' which are regulatorily intensive and complex regards with State and Federal statutes are to be avoided. Applicant failed to meet requirements for sensitive lands analysis based on ZHE conditions. Approval cannot be granted based on selective compliance.

Most significantly, the plan calls for residents of Oso Grande to shoulder multitudes of adverse impacts ranging from increased flood risk, property damage, and loss of peace-of-mind over irresponsible dam embankment issues which could lead to life-threatening failure.

Applicant has options for cost-effectively locating to alternative locations where they would thrive. OGNA respectfully suggests that DRB is fully justified in disqualifying the application.

ATTACHMENT

REGARDING OGNA REQUEST FOR DISALLOWANCE OF PERMITTING FOR PROPOSED DEVELOPMENT LOCATED AT 4909 JUAN TABO BLVD.

Risk Factors for Storage Unit Site

by

David Quinones, P.E. License C56025

I am a professional California civil engineer having worked as a project manager on 6 of San Francisco's dam rehabilitation/construction projects over a period of 23 years. Below I make some observations, make some suggestions, and point out some risk factors regarding the proposed construction of a large self-storage building on west side of the John B. Robert Dam (referred to as Robert Dam), an Albuquerque flood control dam.

The Robert Dam is classified by the U.S. Army National Inventory of Dams (NID) [NID number NM 00406] <https://nid.sec.usace.army.mil/ords/f?p=105:113:17301439009808::NO::> as a high hazard dam due to downstream loss of life and property damage following a potential dam failure.

High hazard dams are supposed to be inspected periodically and Robert Dam has not been inspected in over 5 years per the NID database. The dam embankment, outlet tunnel, outlet channel, and spillway require inspection to ensure safe operation.

The effective toe of the dam embankment is on the west side of Juan Tabo Boulevard N.E. in Albuquerque. Generally, when the dam embankment or the dam embankment toe region is excavated, special dam stability calculations are necessary which are reviewed by the State Engineer. These calculations need to address the case of a full dam when the downstream water level is higher than for the normal case of an empty dam.

Placement of about 1.5 acres of impermeable building and pavement in Bear Canyon Arroyo increases the flow into the dam outlet channel/arroyo during a rainstorm event. This increase in flow impedes the dam outlet facility and increases the downstream flood risk.

Suggestions:

The building permit approval should be delayed until which time that the past-due dam safety inspection has been performed by a qualified dam engineer under the supervision of the dam owner.

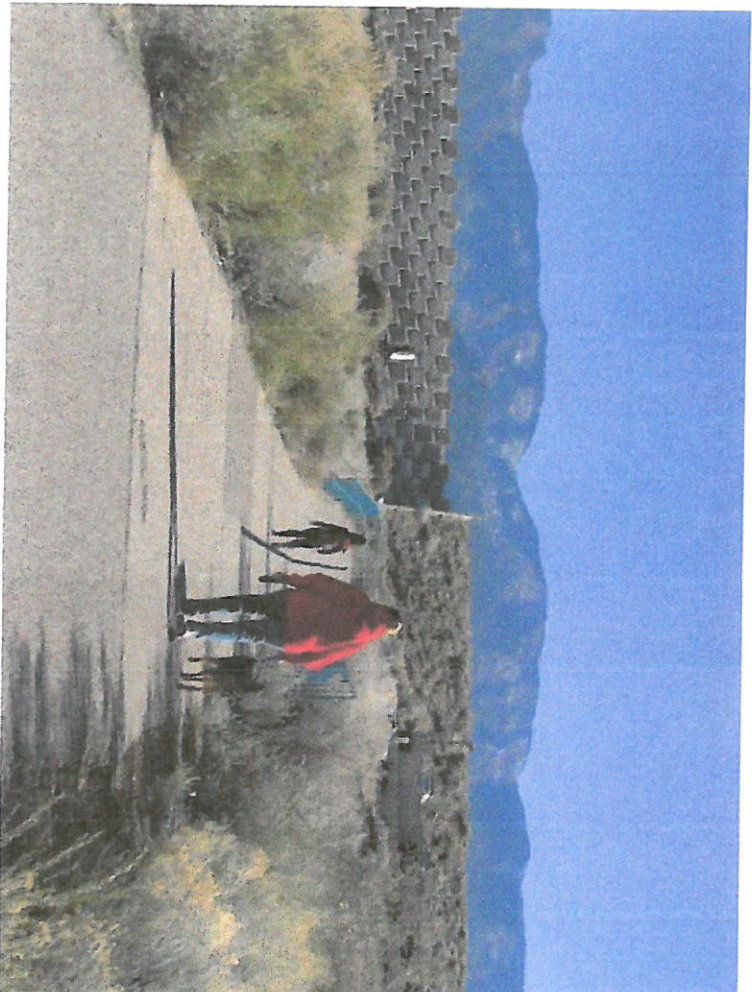
The building permit approval should be delayed until which time that the developer has prepared a P.E. stamped report demonstrating that the grading and excavation at the building site will not destabilize the dam embankment when the dam is full. This report should be approved by the State Engineer.

The building permit approval should be delayed until which time that the developer addresses the flood impact of proposed building and addresses the associated risks of construction of impermeable surfaces in Bear Canyon Arroyo.

The developer should hire a qualified professional engineer to review the dam geotechnical data, the hydraulic/hydrology data of the dam vicinity, the dam design criteria, the dam operations plan, the dam as-built construction drawings, and the dam instrumentation data (if any) to better ascertain the suitability of building a large building in the flood plain below a high hazard dam.

Regards

David Quinones, PE, Reservoir Engineer



Oso Grande Neighborhood Association Appeal and Opposition To Notice of Decision to Approve Storage Units

We have demonstrated significant adverse impact, on a post-mitigation basis, to surrounding residents and request that permit not be granted based on two grounds.

- Regulation, complexities and constraints of trying to locate a building in front of John Roberts' high hazard potential dam, which is sensitive land, imposes flood risk for surrounding residents through property damage and potential loss of life.
- Procedures and processes surrounding application were improper.

See Basis for OGNA Appeal : 12 Point
Summary

“Character” of Area Is About Flood & Drainage Control & Water Infrastructure. Regulated Floodplain Management Needs First and

Surrounded by Water & Flood Infrastructure, Open Space, Conservation Area ;

Proposed Storage Units to Impose On Important Location to Safely Funnel Flood Waters into Floodplain: too tight to fit.



4/16/2019

Environmental Neighborhood Association Board Meeting Statement, VA JUDICIAL BRANCH ZHU, Shan Huihua, CAI

OGNA LUHO Appeal- 7-1-2019-AC-19-9-

PR-2019-002184 VA-2019-00086-VA-

2019-00176

June 6, 2019
Aired on KUNM Radio

“New Mexico Engineer Warns Of Dam Risks After Wet Winter – Santa Fe New Mexican, Associated Press

New Mexico's engineer says dams are at risk of overflowing or bursting following the wet winter and strong spring runoff.

The Santa Fe New Mexican reports state engineer John D'Antonio told lawmakers Tuesday that one or more of the approximately 300 dams in the state could have problems that could lead to flooding.

D'Antonio says 170 dams are considered "high hazard," meaning a failure at one of these dams would likely result in at least one death.

He says 33% of these dams are in satisfactory shape and 30% are in poor or unsatisfactory condition.

He says the state is working to repair some of the most at-risk dams, but there is not a state fund dedicated to address the problem.”

John Roberts Dam is rated as a High Risk Hazard dam

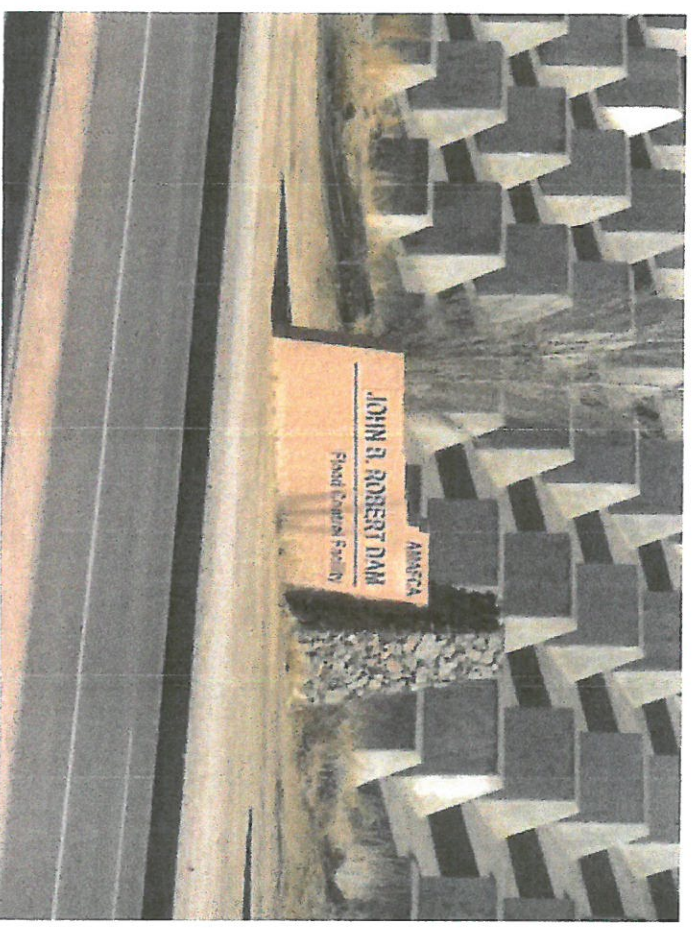
Source: National Dam Inventory; <https://mid.sec.usace.army.mil/ords/>

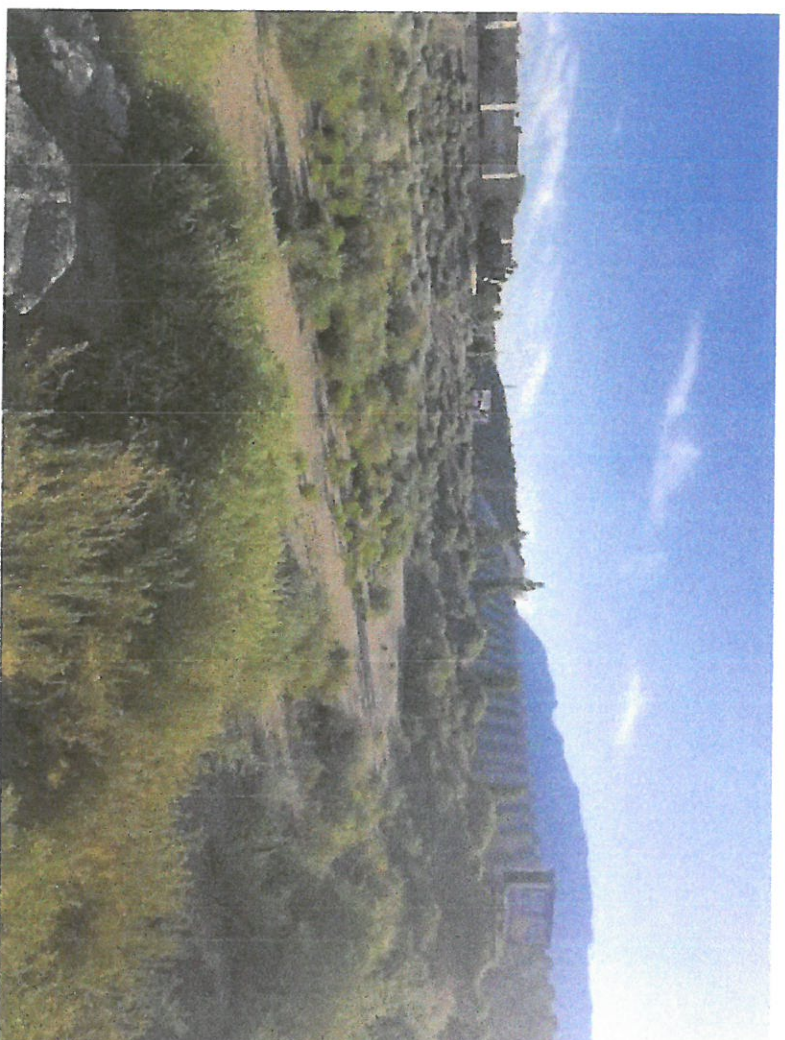
OGNA LUHO Appeal-7-1-2019-AC-19-9-
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2019-00176



Climate change is anticipated to continue into the foreseeable future. Drought punctuated by high intensity rainfall causes erosive runoff, greater sedimentation, and diminishes the carrying capacity of Oso Grande floodplain: it can not afford to sacrifice 12% of its capacity for non-vital development activity. Property damage and potential loss of life are cited by State Engineer. Downstream populations should not be required to pay unfair and disproportionate price of development not related to water management.

Jerry Lovato, P.E. Executive Engineer, AMAFCA, stated on KNME Public Television that flood channel sedimentation is a major challenge for floodplain and drainage management. These sediment deposits, shown near southern edge of subject property, occur regularly with snow and rainfall at AMAFCA's JRDam. With enough sediment the channel can and does overflow, and has flooded crucial ABCWUA pumping equipment, Oso Grande Park and private property. Subject lot is needed to continue moderating sediment driven rain and flood waters to prevent ongoing property damage during any size storm.





CAUTION
Digging at the downstream toe of an embankment dam for investigation or remediation can initiate an unfiltered seepage exit. Particularly if the pools, or was recently full. This can quickly trigger internal erosion failure modes and require quick response. Uncontrolled seepage can be triggered by simply removing the vegetation layer which can serve as a cap on pervious soils. Know where the water table is before you dig and have a pre-planned emergency response action ready to implement.

Source: Western Dam Engineering Technical Note: Vol. 4, August 2016

Out of Sequence Decision-Making: Greater information and understanding is needed before prudent decision-making can occur. With the possibility of dam failures, the Notice of Decision, Conclusion calling for an analysis of site constraints by the applicant prior to design is out of sequence and ignores existing regulations and federal risk and safety standards. Dam and Floodplain regulators and engineers should conduct due diligence first to determine applicable regulation, risks, costs, and safety considerations to determine the feasibility of such a project. All affected parties should be informed and should have a deciding voice. Downstream populations need to be educated about the consequences of dam failures and floodplain overflow. No permit should be allowed. (Point 6)

OGNA LUHO Appeal-7-1-2019-AC-19-9-

PR-2019-002184 VA-2019-00086-VA-

2019-00176

- “Sensitive Lands (IDO 5-2(C)(1):** Avoidance of Sensitive Lands sit shall begin with an analysis of site constraints related to sensitive lands. To practicable ...site design shall avoid locating....in the following sensitive land
- Floodplains & flood hazard areas (Oso Grande floodplain serves the fede storm catchment, storm diversion, absorption of flood waters)
 - Steep Slopes (eastern slope of lot is in toe region of dam... functions as dam stc
 - Unstable Soils (potential high water table, uncertain geology is slated for 20:
 - Wetlands (lot is 12% of 20ac. floodplain and is likely last remaining opportunity cost-effectively)
 - Arroyos (AMAFCA historically recommended no construction within 125ft. of ai on the centerline)
 - Irrigation Facilities (AMAFCA concrete flood channel to Rio Grande & major within too close range)
 - Escarpments (State Engineer Office is determining if eastern escarpment fun
 - Rock Outcroppings (Dam is major structural outcropping & its associated c should be allowed to function as intended, safely, and without diminishment to e capacities)

Sensitive land deserves sensitive deliberation. We request that seriousness be applied making surrounding this cumulative set of highly interdependent constraints. There be off-limits to further development because it's already functioning as floodplain c high-density downstream populations.

Application Process Contained Irregularities in Procedures. Call to I

- *Double standards are applied for protection of property rights. While Consensus required to notify neighbors of proposed development. Properly submitted and from NA's and individuals were ignored and not made part of record, per procedure*
- *OGNA Impact Statement was disregarded: Notice of Decision made no reference Statement with subsequent Conclusion lacking acknowledgement of the gravity constraints and risks associated with development. Finding #51 noted the Bear failed to acknowledge and deliberate policy promulgated in the Plan. Point 4, F*
- *Notice of Decision, Conditions, lacks redress procedures and lacks accountability in conducting an analysis of site constraints. Imposition of subsequent risks for Point 11.*
- *Application changes after submission deadline: Zoning admin allowed application after submission date. Point 3, Point 6*
- *Failure to elevate high-risk, complex decision-making to upper levels of CABQ and administrators for factual information and understanding of risk and safety issues*

Conclusion:

- ZHE admitted that adverse impact can occur, (finding #72) and suggested that mitigations would be effective. ZHE grossly underestimated and trivialized the risk associated with the project. OGNA has amply demonstrated that adverse impacts are significant but also a serious and costly safety threat. Deny the Permit.
- The complexity and importance of this decision reaches far into the future and the safety and property of many. All stakeholders including regulators, administrators and floodplain engineers should have been consulted. The most important factors in determining the feasibility and consequences of such a project have been side-lined in the Permit.
- There were too many irregularities in the application to consider it valid. Deny the Permit.

Senator William Tallman:

I can not tell you how appreciative Oso Grande Neighborhood Assn. (OGNA) is to hear from you and your offer to assist regards the proposed storage unit proposal in Bear Canyon Arroyo and John Robert Dam area.

To Directly Answer Your Questions:

On Dec. 18, 9:00am the application for permit to proceed on the storage units will go before the Development Review Board (DRB). DRB has the option to elevate it to City Council or to EPC at that meeting, or they can just approve the permit.

Dec. 11, 5:00 pm is the last day the DRB will take public comment on the matter. Dist. 8 Coalition of 22+ NE Heights neighborhoods, with approx.35,000 homes has approved, via Board vote, to object to the permitting application with a letter to be sent to DRB and City Council.

To Inform You of the Main Issues :

We are Oso Grande Neighborhood Assn. (OGNA) of 452 homes that is located directly downstream of John B. Roberts Dam, partially in floodplain of Bear Canyon Arroyo. FEMA maps show that 125+ of these homes are in or near a FEMA designated flood hazard area and could likely be subject to loss of life (per the State Engineer, John, D'Antonio) and to property damage should a significant flood event occur. Estimated Oso Grande residential property replacement value from such an event, should it occur, is in the \$30 million range for these at-risk properties. The proposed storage unit property has a BERNCO assessed tax valuation of approx. \$25,000. The property owner of the proposed development has voiced to us that she had been trying to get CABQ to buy the property for decades.

Is there possibility that our State representatives and senators can gain an appropriation from the NM legislature to acquire the property located at 4909 Juan Tabo? The flood mitigation value of the acquisition is clear and justifiable. In addition, AMAFCA and State Engineers Office needs funding to address the high-hazard potential of John Roberts Dam; that is to conduct independent inspections and to implement safety monitoring systems, and any required dam stabilization measures, which would warn of potential dam failures, estimated to be about \$1.2 million.

I suspect Sen. Martin Heinrich should be informed of this situation because it involves federally regulated water and flood infrastructure and public safety matters. His offices, in early 2019, have promoted watershed reclamation grants which could be applicable in this situation. We'd welcome such assistance should his offices become responsive.

We think the risks of significant flood events are actually higher than FEMA's estimates due to climate change, and the observation that our Oso Grande floodplain is filling up with sediment and drought-driven accretion of dirt which diminishes the capacity of the floodplain to work properly during flood events. We have already observed not-insignificant property damage during even small rains because the Oso Grande floodplain is not working as designed. This is climate change in action,

right here in Bear Canyon Arroyo and Watershed!

There is a federally regulated floodway (WOTUS) directly south of the property which the storage unit proposal calls for discharging runoff which is anticipated to be contaminated. EPA's, MS4 permitting regulation (administered by NMED) should be adhered to, but, CABQ has made no known movement to apply Federal or State regulation to matters regarding the storage unit proposal.

The storage units will increase the likelihood that downstreamers will experience flood damage to homes as a result of a flood event. The storage units, are proposed to remove some acre-feet of existing and functional floodplain capacity and increase the runoff during storm, exacerbating the matter. The adverse impacts imposed by the proposed development to affected downstream residents is unconscionable.

If this is not bad enough, we have been advised by an independent third party professional engineer that the Army Corps of Engineers, in 1974, likely encroached on this storage-unit proposed private property and built the toe region of the dam on top of this private property. Excavation and grading of such an environmentally sensitive, and unstable soil region is strongly discouraged by Federal dam administrators. We did notify the Land Use Hearing Officer (LUHO) about this encroachment, but, OGNA's testimony was dismissed as hearsay.

We may be a bit naive as neighborhood stakeholders, but, we are absolutely shocked that CABQ has been unwilling to acknowledge and observe State and Federal regulation, all while dismissing their own IDO codes and Ordinance. Human lives and residential property damage is at stake, not to mention environmental degradation during times when planning for climate change and for disaster planning is either called for or mandatory. Your assistance on this matter would be greatly appreciated. While federal and state regulation might be sidestepped, we are interested in our government applying and enforcing all pertinent regulations and best practices towards floodplain and dam infrastructure management as well as environmental regulation.

You are welcome to respond to this email with any questions and our knowledgeable OGNA Zoning Committee would be happy to meet with you for further discussion. We've evaluated, risk-assessed, and conducted regulatory analysis on this situation since Jan. 2019 and have gained valuable insights into the state of floodplain and dam risk management and flood infrastructure in Bear Canyon Arroyo.

Sincerely,
Oso Grande Neighborhood Association, Board of Officers
President,
Alicia Quinones, BSEngr., MBA, Certified Engineering Risk Manager;
Principal, AMQuinones Energy Advisory Services, LLC

P.S. I've attached below a homeowner FAQ sheet about the storage unit proposal and floodplain and dam issues because they are complex and not readily understood.

Since your home is in a “FEMA designated flood hazard area”, your voices should have primary weight (rather than little weight) because you have much to lose during a significantly-sized flood event. Here are some talking points regards the situation at hand.

- CABQ must not give away 12 % of its publicly owned floodplain capacity (thats 2.3acre parcel/ 20 acres of floodplain in Oso Grande between Morris and Juan Tabo = 12%) . Oso Grande floodplain was originally placed and planned to be public flood water management and John B. Robert dam infrastructure.

- State Engineer, John D'Antonio, testified to NM Legislature earlier in 2019 that human lives were at risk at high-hazard potential dams. John B. Robert dam is safety rated as high-hazard potential. [verified on NID.gov] This means what it says: downstream residents in Oso Grande are at risk of losing life from a dam failure. An emergency action plan has not been filed to-date as required by State of NM Dam Safety Regulations. The NM State Dam Safety Office in the State Engineers Office is grossly underfunded and do not have the capacity to enforce their own regulation. NM Legislature has responsibility in seeing that residents' concerns are mitigated through sound engineering risk-management practices. CABQ has no business whatsoever interfering with State and Federal initiatives to manage flood infrastructure; nor by making matters worse by removing the flood capacity permanently from the valuable Bear Canyon Arroyo. Yet, CABQ persists that development at any cost is justified, even to the extent of giving away, for free, this floodplain capability by converting it to commercial use.
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- FEMA flood map is dated 2008. It's outdated. Hence, floodplain mapping parameters are underestimated. Actual residential flood risks are likely much higher than shown on official mapping. One of many reasons is that climate change is causing rainfall variability, with extremes occurring more frequently; hence greater chances for losses. Another reason is that the 20-acre Oso Grande floodplain is subject to wind driven erosion and flood-driven sedimentation; hence, causing the floodplain to fill up with dirt, redirect waters towards valued properties, and have reduced absorption capacity. AMAFCA is in receipt of a \$100M bond funded by taxpayers. A portion of this bond money is slated to be used for flood inundation studies in John Robert Dam area, to map locations of potential future flooding. The inundation studies are not known to be underway. Therefore, AMAFCA and CABQ and City Hydrologist has no business whatsoever making decisions regards human life and property risk utilizing outdated mapping and without competently prepared adverse impact or risk analysis.
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- CABQ asks at-risk residents to purchase flood insurance from FEMA's insurance program or from a commercial carrier. Insurance premiums increase as risk increases. While residents are fully aware that proposed storage units are not fully responsible for area-wide flood risks, this particular development is responsible for a significant increase in flood risk due to the crucial location of the proposed property. Downstream residents should not have to shoulder the extra expense of flood insurance brought about by CABQ decision to INCREASE flood risk and hence associated property damage and risks to human life. Currently, flood insurance yearly premium is estimated at \$480. www.FEMA.gov . With risk-based increases based on actual calculated impacts, annual premiums could be in the \$3,000 range given the extra risk imposed by commercial development on dam and floodplain infrastructure. These adverse impacts disclosed to Zoning Hearing Examiner (ZHE) in May, 2019 were disregarded as being hearsay to CABQ's decisions regards the development. Residents demand that CABQ observe all IDO processes meant to consider adverse impact to others as both material and significant and observant of all pertinent regulation.
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- FEMA is known to be functionally insolvent. FEMA has a history of resisting payments to residential

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- Juan Tabo drainage from upper Bear Canyon has drained into the reservoir at 4909 Juan Tabo for 44 years without the original property owners objecting to this use of their land. In fact, the drainage infrastructure was designed to flow into this property as it is a FEMA defined floodway and FEMA defined flood prone area. The lot is not “vacant” as developers contend. Rather it’s important infrastructure capacity for Bear Canyon residents.
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- Since CABQ is required to observe FEMA federal regulation and FEMA floodplain management practices, then CABQ should not be allowed to give away this taxpayer owned regulated infrastructure capacity to commercial parties as removed capacity.
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- FEMA, is a floodplain administrator, and is a responsible agency for catastrophic risk and natural disaster management. Just because CABQ City Hydrologist justifies that floodplain standards are being met, it does not mean that FEMA required risk-based standards and best practice are being met. NEPA Federal regulation (ask for specifics) requires consideration of environmental risks, beyond any arbitrarily set standards during decision-making. Federal Executive Orders (ask for citation) requires that development avoid locating in floodplain properties. That means exactly what it says. Avoid Locating!
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- IDO Sensitive Lands ordinance (14-16-5-2(C)(1)) also calls to avoid locating on floodplain sensitive lands. Since this particular parcel qualifies for several categories of sensitive lands such as: steep slopes, unstable soils, arroyos, irrigation facility, escarpment, dam proximity, then the cumulative effects of harmful and crucial adverse impacts or risk on this sensitive land should cause decision makers to be far more observant of the IDO and other regulation.....not less.
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- 4909 Juan Tabo undeveloped lot has a BERNCO assessed property value of approx. \$25,000. FEMA estimates of at-risk homes in Oso Grande area is 125 homes. Collectively, these carry a replacement value of approx. \$30+ million dollars. Why would CABQ even consider risking such large losses to residential properties when the legally justified mitigation solution is to disallow all development. There is a gross inequity operating as downstream residents are imposed upon to pay for poor decision making caused by CABQ’s lack of initiative in observing all regulation. CABQ must do the right thing and acquire the property they've been freely utilizing for 44 years, with owner consent, as flood containment infrastructure.
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- CABQ did not conduct long-term planning or zoning analysis on this parcel prior to designating it inappropriately as MX-L, hence allowing it to be utilized as self-storage. This is despite Oso Grande’s active participation in zoning processes. Oso Grande’s voices, warning of floodplain risk, were dismissed in the 2016-2018 timeframe when CABQ should have been conducting due diligence on this particular parcel.
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- 4909 Juan Tabo is John B. Robert dam toe region; much of the dams functionality is underlying the