

From: [Aranda, James M.](#)
To: [cgjabq@gmail.com](#); [vigilmartin@hotmail.com](#); [williegochefs@yahoo.com](#); [Les Romaine](#); [warba.llp.jared@gmail.com](#); [abdunn@ablairdunn-esq.com](#); [dennis@fusionabq.org](#); [jules1101@gmail.com](#); [tcloak@unm.edu](#)
Cc: [Rodenbeck, Jay B.](#); [Sanchez, Nicole A.](#); [Armijo, Ernest M.](#); [Webb, Robert L.](#)
Subject: RE: Mediation Request
Date: Monday, March 18, 2024 10:20:53 AM
Importance: High

Esteemed Neighbors of 16th Street:

Thank you all very much for expressing your concerns about the proposed development project known as the Pearl. Your correspondence has been included in the project file associated with the project. Development Review Services (DRS) Planning Manager Jay Rodenbeck is the designated point of contact for the Planning Department. You can contact Mr. Rodenbeck for project updates by phone: 505-924-3994 or email: jrodenbeck@cabq.gov. Mr. Rodenbeck will provide final confirmation, but as of 3/15/2024, no new submittals have been made for 1701/1623 Central Ave NW. The following project reviews have taken place thus far:

- A Fire One plan was approved by the Fire Marshal's Office in May 2022.
- In August 2022, the Zoning Enforcement Officer (ZEO) issued an interpretation based on the IDO's explicit prohibition of access to non-residential development along Central from 15th Street, 16th Street, and Fruit Avenue. The ZEO found that the prohibition does not extend to residential access to the aforementioned streets.
- A Lot Consolidation was approved by the Development Hearing Officer (DHO) in March 2023.
- A conceptual Traffic Circulation Layout (TCL) was submitted and comments from staff were provided to the applicant in August 2023.
 - No new TCL addressing staff comments has been submitted, therefore, there are no official TCL approvals yet.
- A Grading & Drainage Plan was approved by Hydrology in August 2023.

PUBLIC MEETING/HEARING REQUEST

Pursuant to Subsection 14-16-6-5(G)(1)(f)2. of the IDO, the project meets the criteria for Site Plan – Administrative, which will be submitted as a component of a building permit. Per IDO Subsections 14-16-6-4(B)(1)(b) and 14-16-6-4(L)(1)(a)1, Pre-Submittal Neighborhood Meetings and Post-Submittal Facilitated Meetings are required only when a project contains more than 100 multi-family dwelling units and/or more than 50,000 square feet of non-residential development. Staff does not have the authority to require a public meeting or public hearing on any application if the project does not meet the applicable IDO criteria.

Please be aware that pursuant to IDO 14-16-6-4(V), a final decision on the application may be appealed by any party with standing to the City Council through the Land Use Hearing Officer (LUHO) [IDO 14-16-6-4(V)(2)(a)]. The appeal of the zoning approval for the Site Plan must be filed with the Planning Department within 15 calendar days (excluding holidays) of issuance of the Building Permit.

RESIDENTIAL VS NON-RESIDENTIAL

Section 7-1 of the IDO defines Non-Residential Development as: "Development of allowable land uses on a property that includes no residential development." (IDO 7-1, page 559). Multi-Family

Residential Development is defined in the IDO as: “Residential development of multi-family dwellings or uses from the Group Living category (except small community residential facilities) in zone districts as allowed per Table 4-2-1. Properties that include both multi-family dwellings and low-density residential development are considered multi-family residential development for the purposes of this IDO. *Properties with other uses accessory to residential primary uses allowed per Table 4-2-1 are still considered multi-family residential development for the purposes of this IDO.*” IDO Table 4-2-1 explicitly categorizes multi-family dwellings as a Residential Use.

TRAFFIC IMPACT STUDY

The City’s Development Process Manual (DPM) includes criteria in Section 7-5(C)(2) to determine which activities warrant a Traffic Impact Study (TIS). A TIS can only be required if the following two conditions are met:

1. The project will generate more than 100 AM or PM peak hour trips per day and is located along Commuter Corridors or non-designated or “other” corridors.
2. The project will result in more than 100 AM or PM peak hour trips per day and is located in a Center or along a Corridor where the AM or PM peak hour volume-to-capacity ratios already exceed 0.5. Exceptions include Downtown, Urban Centers, Premium Transit station areas, and Main Street Corridors.

According to the ITE Trip Generation Manual, the traffic that a development of this size (34 units) would generate would be far below the 100-trip threshold, thus unfortunately, staff does not have the authority to require a TIS as you have requested. Generally speaking, it takes an apartment complex of approximately 245 units to meet this threshold.

MEDIATION REQUEST

City staff do not determine where specific development projects are proposed and are not the applicant in this particular case. Furthermore, staff do not advocate on behalf of a particular project or applicant. Staff’s responsibility in the process is to ensure that all rules, regulations and procedures are upheld, and to review the application upon submittal to ensure that all aspects of the project meet the applicable provisions of the zoning code, DPM and Building Code. In conclusion, I strongly encourage you to establish a line of communication with the applicant and request a public meeting and/or mediation conference to discuss your neighborhood’s concerns about the development project’s impacts on 16th Street, and to explore potential paths forward.

Respectfully,

JMA

JAMES M. ARANDA, MCRP
deputy director
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cabq.gov/planning

From: Carol Gladin <cgjabq@gmail.com>

Sent: Thursday, March 14, 2024 7:33 AM

To: Martin Vigil <vigilmartin@hotmail.com>

Cc: Rodenbeck, Jay B. <jrodenbeck@cabq.gov>; williegochefs@yahoo.com; Les Romaine <les@arnmlawyers.com>; warba.llp.jared@gmail.com; abdunn@ablairdunn-esq.com

Subject: Re: Mediation Request

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

I join Martin in requesting a mediation conference. Accessing this 34 unit apt complex solely from our narrow, residential street (the 200 and 300 blocks of 16th NW) is not possible. Carol Johnson at 233 16th St, NW.

Sent from my iPhone

On Mar 13, 2024, at 6:26 PM, Martin Vigil <vigilmartin@hotmail.com> wrote:

3/13/24

Jay Rodenbeck,

Thank you for your email sent on 2/14/24. I apologize for the delay in responding. As you have been CC on the recent communications with various employees, it has become apparent the back-and-forth interactions are not leading to a resolution or clarification. I and my neighbors have spent a considerable amount of time speaking with different departments (planning, building permits, DRB, traffic and engineering, MRGCD). But so far nobody has taken responsibility for certain issues. I will be filing tort, and some of my neighbors are considering filing tort notice regarding some key issues:

1. Which CABQ employee decided to allow access on 16th St?
2. Why have requests for a mediation conference been ignored?
3. Which CABQ employee decided to not conduct a Traffic Impact Study/Analysis?

So far employees regularly shift responsibility back in forth to other departments. Please identify the employees and we can begin additional legal remedies, and avoid the counter-productive back and forth.

If you have any suggestions to resolve some of the issues, I welcome any ideas. At this time, I think a mediation conference would be beneficial to all parties.

Thanks,

Martin Vigil