

From: [Armijo, Ernest M.](#)
To: [Martin Vigil](#); [Carol Gladin](#); williegochefs@yahoo.com; [Les Romaine](#); warba.llp.jared@gmail.com; abdunn@ablairdunn-esq.com
Subject: RE: The Pearl Project
Date: Tuesday, January 9, 2024 3:48:08 PM

Mr. Vigil,

Sorry for the delay in responding to you. I needed to check with other people so I could properly respond to your questions. Here are the replies:

1. Has your department approved using 16th St for access? If so, who approved those plans, and when did that occur? – No building applications have been submitted, so no final approvals have been issued. The Fire Marshal's Office reviewed and approved a Fire One Plan for the site on May 2, 2022 which will also be included in any subsequent Building Permit. On August 4, 2023, the applicant submitted a Traffic Circulation Layout (TCL) to our Transportation Engineering Division, they were given comments on August 10, 2023 to address. No resubmittal of the TCL has been made, so there are no official approvals of the TCL as of yet. A Grading & Drainage plan was reviewed and approved by our Hydrology Division on August 31, 2023. In my role as Principal Transportation Engineer, I do not have the authority to deny access to City right-of-way that fronts their property so long as there are no existing rules for limited or no access in place for the roadway. There are no such current rules in place for 16th Street.
2. Has your department been provided (Cease and Desist letters for creating a dangerous road condition, petition of neighbors opposing the project, request for a mediation conference/meeting to discuss the access issues)? – I am not aware of any official Cease and Desist orders, but Planning Staff has informed me that all pertinent documentation and information submitted by concerned neighbors have been included in the case file for the replat (which has been approved). Unless a cease-and-desist order were issued through the proposer legal channels, I would not be able to act on it other than forward it to City Legal. Any mediation/meeting should have been requested during the replat. The replat has already been approved, signed off, and recorded. The applicant is preparing for Building Permit. They have not yet applied for the permit and we have noted to inform you when this occurs so you may try meeting once an application is made.
3. Who have you spoke with in Planning/or other CABQ departments regarding the 16th St access issue? – I have spoken with Planning Staff on this, but only within the last few days as I didn't realize there were issues with this site. All of them advised

me that the surrounding neighbors have concerns about the traffic impacts of the proposed project. The IDO prohibits commercial access to 16th Street, but not residential access. Multifamily apartments are classified as a residential use in the IDO. The applicant has so far met the applicable City standards as to access off 16th Street.

4. I have sent various CABQ departments (photos, measurements) were these provided to you? – I have not personally received any, but I am familiar with the area and have reviewed aerial photos and street view photos of the area. After speaking with Planning Staff, they informed me that all pertinent documentation and information submitted by concerned neighbors have been included in the case file for the replat.

5. Have you considered AFR Lt. Antonio Chinchilla's assessment he provided last year that 16th St is too narrow for traffic to flow north/south at the same time, he indicated CABQ would likely remove parking on one side of the street". Lt. Chinchilla was assigned to the preliminary sketch plat. He also stated a skilled operator needs a minimum of 13 ft to squeeze into the proposed development (myself and none of my neighbors have ever disputed that). We are concerned with the traffic/flow and the dangerous road condition that would be created. – The Fire Marshall has approved the Fire One on this site. The Fire One plan is the plan that the Fire Marshall's office uses to determine if they have adequate access to site to respond to an emergency situation. Any other opinions have not been shared and should be only considered as such, opinions. The developer can only be required to address problems that their development is responsible for creating.

6. Have you reviewed the DPM rule that driveways must have 5' between driveways? Jay Rembe's proposed driveway does not meet that standard. – I am very familiar with the DPM and the purpose of the 5' between driveways is to allow a 5' flat area on the sidewalk for ADA accessibility. Currently there is no sidewalk at the drive adjacent to this property. Although, if there were a sidewalk at this portion of the cul-de-sac, the 5' spacing is not necessary because the mountable curb and sidewalk behind mountable curb do not dip to meet the roadway.



ERNEST ARMIJO, P.E., C.F.M.

principal engineer

transportation

o 505.924.3991

e earmijo@cabq.gov

cabq.gov/planning

From: Martin Vigil <vigilmartin@hotmail.com>

Sent: Friday, December 22, 2023 11:33 AM

To: Armijo, Ernest M. <earmijo@cabq.gov>; Carol Gladin <cgjabq@gmail.com>; williegochefs@yahoo.com; Les Romaine <les@arnmlawyers.com>; warba.llp.jared@gmail.com; abdunn@ablairdunn-esq.com

Subject: The Pearl Project

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

12/22/23

Ernest Armijo,

Thank you for speaking with me and my neighbor Carol Johnson on 12/6/23. I hope you can clarify a few questions me and my neighbors have:

1. Has your department approved using 16th St for access? If so, who approved those plans, and when did that occur?
2. Has your department been provided (Cease and Desist letters for creating a dangerous road condition, petition of neighbors opposing the project, request for a mediation conference/meeting to discuss the access issues)?
3. Who have you spoke with in Planning/or other CABQ departments regarding the 16th St access issue?
4. I have sent various CABQ departments (photos, measurements) were these provided to you?
5. Have you considered AFR Lt. Antonio Chinchillas assessment he provided last year that

16th St is too narrow for traffic to flow north/south at the same time, he indicated CABQ would likely remove parking on one side of the street". Lt. Chinchilla was assigned to the preliminary sketch plat. He also stated a skilled operator needs a minimum of 13 ft to squeeze into the proposed development (myself and none of my neighbors have ever disputed that). We are concerned with the traffic/flow and the dangerous road condition that would be created.

6. Have you reviewed the DPM rule that driveways must have 5' between driveways? Jay Rembe's proposed driveway does not meet that standard.

My neighbors and I have sent over a dozen requests for a mediation conference/or informal meeting. CABQ has negligently ignored all requests. You have indicated CABQ will not be removing parking on one side of 16th St. If CABQ is certain of that stance then the legal standard is a written agreement. When are you or the CABQ legal department available to provide that for my neighbors?

My property stretches from Central to 16th St in the same manner Jay Rembe's does. My property has two tracts and I own ½ portion of the Abandoned Albuquerque Ditch. Bell Trading Post also quitclaimed to me their ½ portion. The rear tract is landlocked because CABQ has refused to provide formal access since around 2015. You can consult with Mellisa Lazoya regarding this issue:

1. My property has 4 units and I requested emergency use-only access. All requests were done via email and all were denied.
2. Jay Rembe has 34 units and is requesting sole ingress/egress for The Pearl.

If 16th St access is granted to Jay Rembe this is formal notice that I will be filing a complaint for damages for discriminatory and capricious planning decisions. I prefer CABQ stop ignoring requests for a meeting/mediation conference to hopefully reach an amicable resolution for all parties. This is also a formal request for a public hearing to be held for the Pearl Project.

Thanks,

Martin Vigil
505-659-1547