

From: [Martin Vigil](#)
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Subject: ZEO interpretation
Date: Wednesday, May 8, 2024 9:33:35 AM

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

5/8/24

James Aranda,

In your email on 3/18/24, you stated that "a Zoning Enforcement Officer issued an interpretation". It is noteworthy that the ZEO was you. You stated:

"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 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".

Your interpretation comes from an amendment that was made by my recently deceased neighbor and friend Chris Isengard. Chris suggested the amendment to the LUPZ, on Sept 12, 2011. I attached the document for your reference. Below I will cite section 2. (that is what pertains to 16th Street). This interpretation has been in effect and enforced against my property since 2011-Present:

Page 126, in the SU-2/DNA-CC (Central Corridor) zone, amend section H. Vehicular Ingress/Egress as follows:

For properties west of 14th Street, primary vehicular access shall be from Central Avenue. Non-residential vehicular access to and/or from 15th Street, 16th Street, and Fruit Avenue is prohibited."

Please note the first sentence "For properties west of 14th Street, primary vehicular access shall be from Central Avenue. Jay Rembe's lots (1623 Central/1701 Central now consolidated under 1701 Central) both have driveways on Central Ave. Central Ave has been the primary and sole access for the past 100 years. The rear portion of the property is fenced without an

opening for rear access. While I understand my property and (5 other neighbors) property is no longer zoned SU-2, the zoning regulations still apply. If the regulations were changed, please identify when, and who, and provide proof of compliance under the Open Meetings Act. All actions so far have occurred behind closed doors excluding the public (preliminary plat, final plat, site development plans). No notice has been provided for those meetings.

Your interpretation contradicts CABQ's past LUPZ explanation. I brought up the discriminatory/selective enforcement against my property via email on 3/15/23. As of 5/8/24, both you and Alan Varela failed to respond to that specific issue in violation of the Albuquerque Code of Conduct. The City of Albuquerque Planning Department and committees have exercised a repeated pattern of practice of making decisions behind closed doors, and excluding the public from the planning process. Public meetings and/or live dialogue have been refused repeatedly. The adjacent neighbors range in age from 72 to 96 years old, I made multiple requests for ADA accommodations for my senior neighbors to be able to participate in person (rather than on Zoom). Neighbors were forced to either use Zoom or not participate. Some of the mistakes you have made as ZEO could have been avoided if you properly allowed feedback from the public.

I will consult with legal counsel if violations of The Open Meeting Act occurred, I respectfully suggest you do the same. Please identify who the LUPZ hearing officer is, so the public can participate in the process. I have been requesting this information for several months without a response from you or Jay Rodenbeck. Please add this document to the case file and submit it to the LUPZ officer.

Thanks,

Martin Vigil