

Vos, Michael J.

From: ALICE BERGMAN <aliceebergman@gmail.com>
Sent: Thursday, July 06, 2017 4:35 PM
To: Vos, Michael J.
Subject: Rio Grande Crossing

July 6, 2017

EPC Cair Karen Hudson
Mchael Vos, Staff Planner

Project #1011232, EPC Case #17EPC-40011

To: Michael Vos

From: DNA

The Downtown Neighborhoods Association (DNA) is in opposition to the scale of Project 1011232, Case Number 17EPC-40011 which would change zoning in the Garcia property from M-1 to C-2 and R-1 to R-2 and change the character of the neighborhood. We are opposed to the use of the Campbell Ditch as an emergency exit from the project.

We are worried that the Traffic Impact Study graded the site as D and concerned that the I40/Rio Granded entrance/exit ramps will not be able to handle the traffic this project will generate. The increase in traffic will impact all of the surrounding neighborhoods. We are against using a U Turn Bump Out as a solution to exiting the project if you wish to go south.

We are against a big box grocery store (or a any big box store for that matter) going into the site which will change the feel of the community and hurt surrounding groceries like Loew's Corner Store, the Coop, John Brooks and the Fruit Basket.

We would like to see greater park-like open space designated as a buffer between commercial space and R-2 multi-family housing and to see the whole project scaled down.

The DNA would like to work with the Garcias in a collaborative effort to identify what's lacking in the community and to achieve a goal that's good for the Garcias and good for the DNA.

Thank you.

Alice E Bergman

=====
This message has been analyzed by Deep Discovery Email Inspector.

Received 7/17/17

July 5, 2017

Karen Hudson, Chair.
Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

Re: Rio Grande Crossing Zone Map Amendment

Dear Commissioners,

The purpose of this letter is to express my support for the Rio Grande Crossing zone map amendment currently being considered by the Environmental Planning Commission (EPC). I live on Menaul Blvd. NW., just east of 12th Street and support having a walkable, mixed use project where surrounding neighborhood residents such as myself, can walk, bike, or drive to buy groceries, have a meal, and access other commercial services.

I strongly favor replacing the existing M-1 zone with the proposed C-2 zone. I appreciate that the Garcia's requested a 30-day deferral to complete the draft Traffic Impact Studies. I believe that the improvement to the interchange proposed by the Rio Grande Complete Street Concept Plan will greatly help with addressing any increase in traffic counts due to the Rio Grande Crossing project.

Rio Grande Crossing will provide commercial uses that serve the general area. Of concern to me is the need for a grocery store in this area and I understand that the Garcia's have agreed to limit the size of any single store to avoid big box retail. I applaud the Garcia's have agreement to improve and maintain the North Valley Alameda Drain.

Thank you for your consideration of my viewpoint. I urge your support for the zone map amendment.

Sincerely,
Larry Ulibarri

A handwritten signature in cursive script that reads "Larry Ulibarri". The signature is written in black ink and extends across the width of the page with a long horizontal stroke at the end.



1728 Ocean Ave., # 240 | San Francisco, CA 94112
Tel: (505) 333-9529 | edward@anayalawllc.com

Edward M. Anaya
Licensed to practice Law in California
and New Mexico.

July 7, 2017

VIA E-MAIL AND U.S. MAIL Mr. Michael Vos, Staff Planner Environmental Planning Commission Planning Department 600 2 nd Street NW, Third Floor Albuquerque, NM 87102	VIA CERTIFIED, RETURN RECEIPT [# 7015-3430-0000-1955-4883] Middle Rio Grande Conservancy District <u>Attn:</u> Mr. Mike A. Hamman, CEO 1931 Second St. SW Albuquerque, NM 87102
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Re: Campbell Ditch
Project #1011232: 17EPC-40011 Zone Map Amendment
(Rio Grande Crossing)

Dear Mr. Vos and Mr. Hamman,

We understand that the MRGCD gave a talk before the North Valley Coalition on or about June 22, 2017, regarding, among other things, possible ditch closures or alterations as a result of the above-referenced zone map amendment. We are also in receipt of a June 23, 2017, email from Mr. Hamman of the MRGCD to Ms. Peggy Norton of the Coalition regarding the Campbell Ditch, in particular.

As you may know, this office represents Darlene M. Anaya, the property owner of 2000 Lilac Drive, NW, in Albuquerque ("Anaya Property").

Please be advised that Ms. Anaya has water and ditch rights related to the Campbell Ditch. These rights have been **adjudicated** by the Second Judicial District Court. Attached as Exhibit A is a July 23, 2012, Order by the Second Judicial District Court discussing Ms. Anaya's water and ditch rights.¹ Also attached as Exhibit B is a copy of a "Declaration of Ownership of Water Right Perfected Prior to March 19, 1907" filed by my client in August 2000 as it relates to the Campbell Ditch.

Be advised that Ms. Anaya retains all rights and remedies with respect to her water and ditch rights as the relate to the Campbell Ditch and the Anaya Property.

Very Truly Yours,

Edward M. Anaya

EMA:

[2017.07.07.Letter.to.Planning.and.MRGCD.re.Water.Rights.doc]

¹ Anaya v. Padilla, D-202-CV-2011-11819, 2nd Judicial District Court, filed November 29, 2011. Given the voluminous nature of the case file, this matter is hereby incorporated by reference.

EXHIBIT A

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

DARLENE M. ANAYA

Plaintiff,

vs.

Case No. D-202-CV-2011-11819

DANIEL C. PADILLA and
LINDA K. PADILLA, husband and wife,

Defendants.

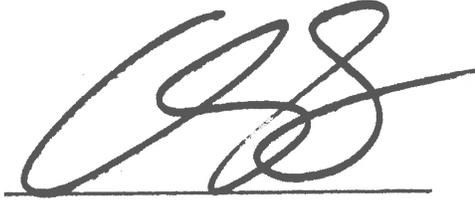
**ORDER GRANTING IN PART AND DENYING IN PART
PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

The matter came before the court for hearing on June 19, 2012. Plaintiff's counsel, Edward M. Anaya (Anaya Law, LLC), appeared on behalf of Plaintiff. Defendants' counsel, Kenneth Swain (Swain & Associates, LLC), appeared on behalf of Defendants.

THE COURT, having reviewed the briefings filed by all parties to this matter, and having heard oral argument, hereby ORDERS:

- (1) Plaintiff's Motion for Partial Summary Judgment is hereby GRANTED IN PART as to liability and DENIED IN PART as to its request for injunctive relief.
- (2) Defendants have not, nor have attempted to, controvert Facts No. 1 through 10 of Plaintiff's Motion for Partial Summary Judgment. Accordingly, Facts No. 1 through 10 making up Plaintiff's Partial Motion for Summary Judgment are hereby adjudicated to be true and shall be considered incontrovertible by the parties. (Attached as **Exhibit A** to this Order are Facts No. 1 through 10.)

(3) However, the request for injunctive relief set forth in Plaintiff's Motion for Partial Summary Judgment is denied. The court lacks sufficient evidence from the pleadings to make the requested ruling.

A handwritten signature in black ink, appearing to be 'CC', written over a horizontal line.

Clay Campbell
District Court Judge

Electronically Signed:

Edward M. Anaya

Edward M. Anaya
Anaya Law, LLC
715 Tijeras Avenue, NW
Albuquerque, NM 87102
(505) 515-3482 (phone)
(505) 242-3125 (facsimile)

Mr. Kenneth J. Swain, Esq.
Swain & Associates, LLC
P.O. Box 67756
Albuquerque, N.M. 87193

EXHIBIT A

III. STATEMENT OF UNDISPUTED MATERIAL FACTS

1. Plaintiff is the executor and heir of the estate of Margarita Garcia Anaya, which includes the property located at 2000 Lilac Avenue NW, Albuquerque, N.M. 87104 (hereinafter, "Anaya Property"). (Affidavit of Darlene M. Anaya, ¶ 2 and Exhibit A).

2. The Anaya Property is located in the historic Los Duranes neighborhood. (Affidavit of Darlene M. Anaya, ¶ 3).

3. An irrigation acequia easement has been used to draw water to the Anaya Property for over 80 years. (Affidavit of Darlene M. Anaya, ¶¶ 3, 4, 5, 6 and Exhibits B, C, D; Affidavit of Edward M. Anaya, ¶¶ 2, 3, 4, 5, 6, and Exhibits A, B, C).

4. Plaintiff was raised on the Anaya Property. Her children were raised on the Anaya Property. Ms. Anaya's parents and grandparents irrigated this land. When Ms. Anaya was growing up in the 1950's and 1960's, water drawn from the irrigation acequia easement was used to irrigate crops and raise livestock on the Anaya Property. When my children were being raised, water from the same acequia was used to raise crops, fruit trees, and livestock which supplemented the family's diet. Organic crops included corn, greens, chili, melons, tomatoes, squash, and alfalfa were harvested, some of which became entries in the New Mexico State Fair, as part of my children's involvement with the local 4-H club. (Affidavit of Darlene M. Anaya, ¶¶ 3, 4, 5, 6 and Exhibits B, C, D; Affidavit of Edward M. Anaya, ¶¶ 2, 3, 4, 5, 6, and Exhibits A, B, C).

5. The irrigation acequia easement runs from the Campbell Ditch and past Defendant's residence located at 1930 Indian School Road, NW, Albuquerque, N.M. 87104.

(Affidavit of Darlene M. Anaya, ¶ 7 and Exhibits B, E; Affidavit of Edward M. Anaya, ¶ 5 and Exhibit C).

6. The easement is also reflected on the official recorded plat for Defendant's property, Lot 1 of LANDS OF CORRIZ, under Note 13, which states: "10' DITCH EASEMENT." (Affidavit of Edward M. Anaya, ¶ 5 and Exhibit C).

7. Defendants have erected two fences over the irrigation acequia easement where it flows by their residence, one on either side of their residence. (Affidavit of Darlene M. Anaya, ¶¶ 8, 9, 10 and Exhibit E).

8. The fences interfere with the use and maintenance of the acequia and prevent passage when walking the route of the acequia from the Campbell ditch to the Anaya Property. (Affidavit of Darlene M. Anaya, ¶¶ 8, 9, 10 and Exhibit E).

9. In letters dated June 1, July 18, and September 26, 2011, this office wrote to Defendants asking them to remove the fencing that they erected over the acequia. No response to any of the letters was received. (Affidavit of Edward M. Anaya, ¶ 7 and Exhibit D).

10. After initiating this action, in a January 25, 2012, telephone conversation this office had with defendant's counsel, Mr. Kenneth Swain, Mr. Swain stated that the fences had been erected because the Defendants have "small dogs" that they didn't want to get out. (Affidavit of Edward M. Anaya, ¶ 8).

EXHIBIT B

\$1.00
HC 23336

DECLARATION OF OWNERSHIP OF WATER RIGHT
PERFECTED PRIOR TO MARCH 19, 1907

242-1295
TRN Nbr. 189088
WR-1
REVISED 8/1/88

(FORM TO BE EXECUTED IN DUPLICATE AND ACCOMPANIED BY A FEE OF \$1.00)

Date of receipt 11 August 2000 Declaration No. SD-04800
resident of Darlene M Anaya Mailing Address 2000 Lilac Ave. N.W.
Residents of Albuquerque, County of Bernalillo
State of New Mexico 87104, being first duly sworn, upon my oath declare that
(ZIP CODE) our respective oaths,
I am the sole Owner of a right to make beneficial use of water from _____
(SOLE OR PARTIAL) OWNERS
tributary of The Rio Grande on certain lands in the County of Bernalillo, State of New
Mexico, lying under the Angostura Diversion Works and make these several statements relative thereto:
(NAME OF CANAL, COMMUNITY DITCH, ETC.)
The Durane's Lateral was initiated by starting construction on or about
(NAME OF DITCH OR IRRIGATION SYSTEM) (BY SURVEY, BY FILING, BY STARTING CONSTRUCTION)
prior to 1907, and work thereon was diligently prosecuted and carried to completion and water was
(YEAR AND MONTH, IF POSSIBLE)
applied to beneficial use on 1.22 acres of land on the _____ day of prior to 1907, described hereinafter.

THIS COPY TO BE RETAINED BY YOU SO THAT YOU CAN CHECK THE ACCURACY OF THE NEWS PAPER PUBLICATION.

1. a. If the system was subsequently extended, fill in following:

The Campbell Ditch was extended or enlarged on or about
(NAME OF DITCH OR IRRIGATION SYSTEM)
_____ and water was applied to beneficial use on an additional _____ acres of land on the
(YEAR AND MONTH, IF POSSIBLE) _____ day of _____, described hereinafter.
(IF SYSTEM WAS EXTENDED OR ENLARGED MORE THAN ONCE REPEAT THIS PARAGRAPH PROPERLY FILLED IN AND ATTACH HERETO.)

2. Location of point of diversion or outlet from channel-reservoir storage: NW quarter of the SE quarter of the
SE quarter of Section 3, Township 13N, Range 4E, N.M.P.M., at a point whence the
_____ corner of Section _____, Township _____, Range _____,
_____ feet distant.

3. The constructed works consist of: _____
(ENUMERATE DIVERSION DAMS, MAIN CANALS, HEADGATES, PIPELINES, FLUMES, RESERVOIRS, LATERALS, ETC.)

4. Hydraulic properties of main canal or conduit: bottom width 6 feet; depth of water at full operating capacity 3.6
feet; total depth including freeboard 7 feet; side slopes 2:1 horizontal to 1 vertical; diameter (pipe line or circular flume) _____ feet; slope 5 feet per 1000 feet; hydraulic radius 2.37 feet; coefficient of roughness (n) 0.025; velocity at full capacity 2.63 feet per second; capacity 162.85 cubic feet per second; length of canal _____; and is constructed of earth.
(EARTH, CONCRETE, PIPE, ETC.)

5. Hydraulic properties of storage dam (if any): Maximum height above foundation _____ feet; length of crest _____ feet; maximum width at base _____ feet; crest width _____ feet; slope of upstream face _____ horizontal to 1 vertical; maximum storage capacity _____ acre feet; freeboard (above high water line at maximum spill) _____ feet; width of spillway _____ feet; maximum discharge capacity of spillway _____ cubic feet per second; size and character of outlet conduit _____; maximum discharge capacity of outlet _____ cubic feet per second; type of dam, construction material, etc. _____; reservoir is filled on an average of _____ times per year.

all
ditch
ditch
ditch

00 AUG 1 11 10 AM '00

Thomas C. Turney
State Engineer



Albuquerque Office
121 TIJERAS NE, SUITE 2000
ALBUQUERQUE, NM 87102

**STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER**

Trn Nbr: 189088
File Nbr: SD 04800

Sep. 11, 2000

DARLENE M. ANAYA
2000 LILAC AVE NW
ALBUQUERQUE, NM 87104

Greetings:

Enclosed is your copy of Declaration of Owner of the Water Right numbered above,
which has been accepted for filing.

Under New Mexico Law, a Declaration is only a statement of declarant's claim.
Acceptance for filing does not constitute approval or rejection of the claim.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mara Smith".

Mara Smith
Water Resource Technician
(505) 841-9480

MS:cp
Enclosure
cc: Santa Fe Office

declare



New Mexico Office of the State Engineer

Water Right Summary



WR File Number: SD 04800
Primary Purpose: IRR IRRIGATION
Primary Status: DCL DECLARATION
Total Acres: 1.22
Total Diversion: 3.66
Owner: DARLENE M ANAYA

Documents on File

Doc	File/Act	Status			Transaction Desc.	From/To	Acres	Diversion	Consumptive
		1	2	3					
DCL	2000-08-11	DCL	PRC	PRC	04800	T	1.22	3.66	2.562

Point of Diversion

(NAD83 UTM in meters)

POD Number	Source	Q	Q	Q	Sec	Tws	Rng	X	Y	Other Location Desc
SP 01690 2		3	4	4	03	13N	04E	363856	3916198	ANGOSTURA DIVERSION

Priority Summary

Priority	Status	Acres	Diversion	Pod Number	Source
12/31/1906	DCL	1.22	3.66	SP 01690 2	

Place of Use

Q	Q	Q	Q	Sec	Tws	Rng	Acres	Diversion	CU	Use	Priority	Status	Other Location Desc
256	64	16	4	07	10N	03E	1.22	3.66	2.562	IRR	12/31/1906	DCL	MRGCD MAP 35 TR 223C1

Source

Acres	Diversion	CU	Use	Priority	Source Description
1.22	3.66	2.562	IRR	12/31/1906	SW CAMPBELL DITCH

The data is furnished by the NMOSE/ISC and is accepted by the recipient with the expressed understanding that the OSE/ISC make no warranties, expressed or implied, concerning the accuracy, completeness, reliability, usability, or suitability for any particular purpose of the data.

Judith Phillips DESIGN OASIS/Judith Phillips INK

1840 Zearing Avenue NW

Albuquerque, New Mexico 87104

July 9, 2017

Ms. Karen Hudson, Chair
Environmental Planning Commission
City of Albuquerque
600 Second St. NW
Albuquerque, NM 87102

RE: Project # 1011232 /Case No. 17 EPC-40011

Dear Ms. Hudson and Members of the EPC:

I am writing regarding the Rio Grande Crossing development proposed by the Garcia family north of I-40 and east of Rio Grande Boulevard. My home and studio are in the Sawmill Community Land Trust, and while I do not have the tenure in this neighborhood that many of my neighbors do, the history and culture of this place are the reasons I chose to buy a home and work space here. While I have reservations about the preliminary site plans described at neighborhood meetings including changes to the acequias and cookie-cutter new urbanist concepts that do not consider the cultural history of the north valley, my main concern is traffic.

Before granting any zone change or site plan approval, I hope the EPC will consider the traffic impacts on the entire nearnorth valley Rio Grande corridor by the development as it is described. The Traffic Impact assessment presented at the Duranes meeting grossly underplays the present congestion— I already have difficulty getting home between 4:00 and 6:00 pm regardless of the direction I am coming from despite creative detouring. The intersection of I-40 and Rio Grande Blvd. traffic backs up onto Central, Lomas and Mountain. The ART Project aside, Rio Grande to I-40 is the major west side access route so the ongoing issue centers on the Rio Grande at I-40 standstill that blocks access to and from side streets from both north and south of the Interstate.

I know from prior interactions with him that Ed Garcia values the history and culture of the area. The City of Albuquerque has failed to effectively address quality of life issues in established neighborhoods such as ours. Grossly increasing vehicle traffic on Rio Grande Blvd. will make a bad situation intolerable. Impinging on ditch and drain access undermines the MRGCD Trail proposal which would formalize use greatly valued in the north valley. The North Valley Sector Plan and other documents recognizes the value of the character of our historic neighborhoods. Tourism is based on it.

I am not anti-development. For more than 40 years I have been a residential landscape designer and author of books focusing on water conservative and climate adapted landscapes, and I teach regionally appropriate plant selection in the Landscape Architecture Program at the University of New Mexico because the quality of life in New Mexico is important to me. I support appropriate infill as a means of

making our neighborhoods richer and I although there are disparate concerns to address, profitable development in the area is certainly possible, but only if the real negative impacts on the lives and livelihoods of residents are addressed in an honest manner.

Respectfully,

Judith Phillips

Karen Hudson, Chair
Environmental Planning Commission
City of Albuquerque
600 Second Street, NW
Albuquerque NM 87102

Re: Project #1011232 17EPC-40011 Zone Map Amendment

Dear Madam Chair:

I live in the gated community of Symphony. The Symphony community is located south of Indian School Road, east of Rio Grande Boulevard, situated between the Alameda Drain on the west and Campbell Ditch on the east, and 185 feet north of the Rio Grande Crossing project. I submit this letter regarding Project #1011232, a Zone Map Amendment for the area called Rio Grande Crossing located generally east of Rio Grande Boulevard and north of Interstate 40.

My main concern about the project is the use of the Campbell ditch road that runs to the east of Symphony. This is concerning because of the potential environmental, economic, cultural, recreational, and aesthetic impacts that change would have on Symphony and the North Valley communities. The Traffic Impact Study results, which the development team shared with during the June 29th facilitated meeting, indicated that Rio Grande Boulevard has the capacity to carry the traffic generated by the development.

The answers to questions asked at both facilitated meetings about the developers intended use of the ditch were confounding: there were denials made of the intent to use the ditch; then said that if they had to they would; they may be required by City Marshalls to develop the road for emergency access; the team was not being forthwith about meeting with the MRGCD; stating at the 2nd meeting that the Campbell Ditch could be covered to make way for a road. The Garcia family has communicated directly about the Campbell ditch attempting to ensure the public it is not their intent to use the ditch. However a clarification to the discussion at the June 29 meeting it was stated that despite the Garcia family has a historical access rights to the roadway along the Campbell ditch it is not their intention to pursue access along g the ditch to accommodate the new development. The clarification ended with stating the Garcia has not given any consideration to materially altering the Campbell ditch or trying to abandon it.

The developers should further clarify their intentions about the ditch. As long as Campbell Ditch **is left in its natural state**, most particularly not covering the ditch, and if required, used **ONLY** as an emergency access I can be supportive of the Zone Map Amendment.

I like the idea of a mix use on the property that proposes to be walkable and bikeable. I do like the idea that this property will one day contain a mix of uses that is connected to several North Valley neighborhoods, including Symphony, via Alameda Drain and Campbell Ditches fostering walkability and bikeability in our neighborhood. The zoning changes allow for a range of retail services and community services. It appears that the zoning plans exhibit an appropriate

transition function from the commercial to residential. I also favor the development team's commitment to improving and maintaining the Alameda Drain per the Trail Master Plan.

With the commitment from the Garcia development team that they will not consider using Campbell Ditch as a secondary ingress/egress to their development, a commitment by the development team to continue to work with the neighborhoods as a site plan is developed, and a commitment to offering goods and services that will improve, enhance and bring value to the neighborhoods, I can support the Rio Grande Crossing Zone Map Amendment.

Sincerely,

Michele Lombard
Symphony Homeowner
1512 Presto Way NW
Albuquerque, NM 87014



NEW MEXICO
SYMPHONIC
CHORUS
Roger Melone, Music Director

Received 7/10/17

July 8, 2017

Ms. Karen Hudson, Chair
Environmental Planning Commission
City of Albuquerque
600 Second Street NW
Albuquerque, NM 87102

**Re: Project #1011232: 17EPC-40011 Zone Map Amendment
Submitted by Garcia Family and Design Workshop, Inc.**

Dear Ms. Hudson:

Our office and chorus library is at 1210 Rio Grande Blvd. NW. We have this wonderful location because of the generosity of the Garcia family. We are just one beneficiary of this family's history of giving back to our community. Albuquerque is very much their community; the Garcia family's roots are right here.

The Range Cafe is a needed addition to our Rio Grande/I-40 area. The Rio Grande Crossing development will enhance this somewhat bleak area. We need this improvement for all of us in this corridor. The Traffic Impact Study indicates that more traffic can be facilitated here. I believe an inviting group of shops and businesses will help deter crime and further our sense of community.

I recommend the approval of this Zone Map Amendment.

Sincerely,

Roger Melone
Music Director/Executive Director

Vos, Michael J.

From: sara stewart <sararain@icloud.com>
Sent: Monday, July 10, 2017 10:07 AM
To: Vos, Michael J.
Subject: Rio Grande Crossing

Mr. Voss,

As an architect and a Duranes property owner, I am writing to express my opposition to the proposed Rio Grande Crossing development.

The goal of a walkable center with more amenities for the neighborhood is commendable, however it needs to be done with a sensitive approach, scaled appropriately for the existing community. Large, big box stores (Walmart, Whole Foods) would be completely inappropriate. The Lowe's grocery store at 12th and Lomas is an example of a small local shop that fits in the neighborhood. There are plenty of big box opportunities within a short drive and adding one just off Rio Grande would clog the roads and be totally out of scale.

I urge the Zoning Commission to carefully assess impacts of the proposed changes on the current traffic levels, and to reject any zoning changes that would open the door for big box stores or development that is not within the vocabulary already present in the neighborhood.

Thank you,
Sara

sara rain stewart, AIA, CSI
avocet design & consulting, llc
energy audits, quality assurance observations & envelope consulting
714 roma ave nw
albuquerque, nm 87102
505.242.7627 cell

www.avocetdesign.com

=====
This message has been analyzed by Deep Discovery Email Inspector.

Vos, Michael J.

From: Philip Crump <phcrumpsf@gmail.com>
Sent: Monday, July 10, 2017 12:47 PM
To: Carla Baron
Cc: Vos, Michael J.
Subject: Re: comment on facilitator report

Thank you for your scrutiny of the report.

At the first meeting, the attendees asked that the hearing be postponed so that they could review the results of the TIS. The applicant agreed to do so.

The study was, indeed, underway--in anticipation that it would be needed for the next phase of application, but the second meeting was a response to the request for public review. The TIS was not in response to request; the public review was the response to request.

Respectfully,
Philip



PHILIP CRUMP, Mediator & Facilitator

1301-B Luisa Street Santa Fe, NM 87505

Skype: phcrump philip@pcmediate.com

www.pcmediate.com (505) 989-8558

When I walked out of the gate, I knew that if I continued
to hate these people, I would still be in prison. --Nelson Mandela

On 07/10/2017 12:11, Carla Baron wrote:

Hello Phillip,

I am writing to you about a correction to the Facilitator Report for the meeting regarding the proposed Garcia development held on 6/29/2017. The second sentence in the report says, "The intent was to review two traffic studies that the Applicant commissioned *in response to neighbor requests from the previous meeting.*" The Facilitator Report then reiterates the same point in #1. in the 'Meeting Specifics – Overview of Studies' section of the report. **This is a misrepresentation of the truth.** During the comment section of the 6/29 meeting, a community member pointed out that *the TIS was already in progress on the date of the May 23rd meeting and that conducting the study had nothing to do with neighbor requests.* In response to this comment, Terry Brown acknowledged that he had begun work on the TIS before the meeting on May 23rd.

Please correct on the online version of the Facilitator Report by deleting this statement and make sure the Commissioners on the EPC are aware of the correction. Thank you very much.

Sincerely,

Carla Baron

Barb & Hunter Ten Broeck
1109 La Poblana Rd NW
Albuquerque, NM 87107

July 10, 2017

Ms. Karen Hudson, Chair
Environmental Planning Commission
600 2nd St NW
Albq., NM 87102

Sent via e-mail to Michael Vos, Staff Planner, mvos@cabq.gov

Re: Project #11011232, 17EPC-40011; Zone Map Amendment

Dear Ms. Hudson,

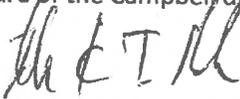
After reading the Staff report for the Garcia Property Zone Amendment Hearing and the Garcia's clarification letter concerning the Campbell Ditch (attached), I would like to add to my written comments submitted June 30, 2017 with specific regard to the Campbell Ditch. I appreciate the Garcia family's interest in keeping the Ditch open. However, as their letter states, the City Fire Marshall ultimately deems how the ditch is used for emergency access. I am concerned that with the zone amendment buildout proposed, the Campbell Ditch may need to be "piped" to accommodate even a "gated" emergency service road .

Many in the surrounding community use the Campbell Ditch recreationally as well as for its water. To pipe the ditch will mean the loss of large shade trees, wildlife habitat and a cool quiet, calm oasis for walking. I have attached pictures showing the beauty this ditch brings to the area. As it runs the full N/S length of the eastern end of the Garcia property, it could be linked to the Alameda Drain with a walking path at the far south end. Creative trail design using this ditch could expand the north valley and the Bosque trail system for users from the downtown area south of I-40. It could also provide a pleasant loop trail for the development within and adjacent to the Garcia tract.

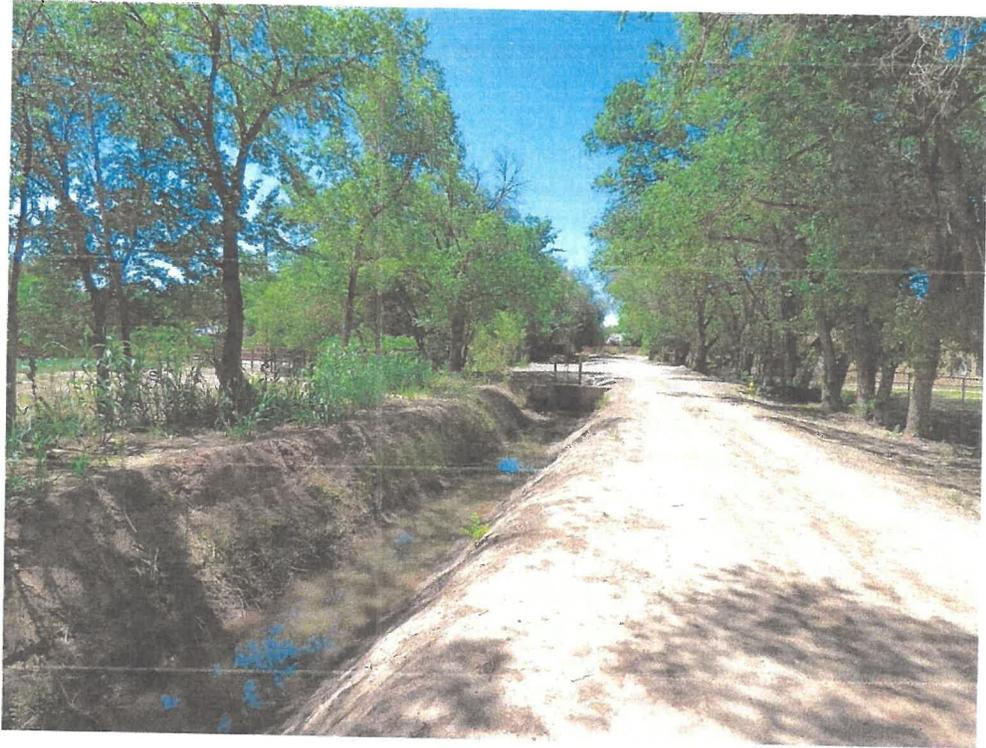
A common theme found in comments concerning the Garcia property zone change stress the importance of keeping the North Valley's rural feel. A critical aspect of preserving that "feel" is preserving open ditches. I am not opposed to development. I would like more information regarding what level of build out will ensure the ditch to stays open / above ground.

Please defer zone amendments for the Garcia property until the circumstances for closing or not closing the Campbell Ditch are clearly and completely explained / defined. The development permitted by the proposed zone changes has not been fully presented to the community. The TIS was explained; however clarification of buildout from R-2 & C-2 development on the Garcia property has never been fully presented. The community deserves to clearly understand what the proposed zone changes will mean for the future of the Campbell ditch. More time is needed from community consideration.

Sincerely,



Barb Ten Broeck (Campbell Ditch picture attachments follow)







Marit Tully <marit.tully@gmail.com>

1011232 Campbell Ditch clarification

Philip Crump <phcrumpsf@gmail.com>

Wed, Jul 5, 2017 at 2:23 PM

Reply-To: philip@pcmediate.com

To: hamhar@aol.com, historicoldtown@gmail.com, hmd@denishconsulting.com, insurance@askbelinda.com, jacobfirs91@gmail.com, jaimemj@comcast.net, emeraldprops@aol.com, janiwa@cabq.gov, jeanlouiseleger@gmail.com, jeanne@thundertek.net, jendeeme@hotmail.com, jkent@nmlx.com, jlnavarrete@comcast.net, joleneatron@gmail.com, jporterlara@gmail.com, jrs2368@gmail.com, jsabatini423@gmail.com, jtccubb2@gmail.com, juanita.griego56@gmail.com, julialaneyclarke@comcast.net, kallenmd@gmail.com, kathy@bottger.com, kcalander@hotmail.com, kculbertson@designworkshop.com, kdodgebro@gmail.com, kimberleyjmartinez@gmail.com, ldnoevacacion@gmail.com, lee@lgnm.com, lindalpcik@yahoo.com, mamocana8@yahoo.com, marit.tully@gmail.com, mdickinson8@comcast.net, meanniejarie202@gmail.com, menudochuy@q.com, mgree64@yahoo.com, mgrundell@outlook.com, mlombard23@comcast.net, mmatih22@gmail.com, nancyo@unm.edu, nathandavidbush@gmail.com

Below is a note from the applicant team, addressing some of the concerns that have been raised regarding Campbell Ditch.

They asked me to forward this note to all who attended the meeting last week.

Philip Crump, Facilitator

CAMPBELL DITCH CLARIFICATION – 7/3/2017

There may have been some confusion or misunderstanding during the hypothetical discussion at the July 29th facilitated meeting about possible emergency access using the roadway alongside the Campbell ditch. The Garcia family would like to clarify what was stated at the meeting regarding this issue.

As demonstrated by the draft Traffic Impact Study, secondary access to Indian School Road is not mandatory from a traffic standpoint. Although the Garcia family has a historical access right to Indian School using the roadway along the Campbell Ditch, their plan is not to use that access for the new multi-family and commercial development at Rio Grande Crossing (with the possible exception of the lots which will stay R-1). In addition to the fact that the Rio Grande Blvd. access appears sufficient under the TIS, access to Rio Grande Blvd. functions better for the development. For these reasons, and out of respect for the concerns of neighbors in the eight “1900's” lots lying east of the ditch, the Garcia family does not intend to pursue access along Campbell ditch to accommodate the new development.

At the facilitated meeting, members of the project team attempted to explain that the City Fire Marshal could, nevertheless, require secondary, emergency-only access to Indian School for the development. In that event, the Campbell Ditch roadway could become a gated emergency access point. Any design for emergency access via the Campbell Ditch would be coordinated with the adjacent neighborhood.

The Garcia family has not given any consideration to materially altering the Campbell ditch or trying to abandon it. Any interpretation to that effect is mistaken.

Vos, Michael J.

From: Julie Kutz <jukutz@yahoo.com>
Sent: Monday, July 10, 2017 9:20 PM
To: Vos, Michael J.
Cc: North Valley Coalition
Subject: Comment for zone change request for Garcia property

Ms. Karen Hudson, Chair,
Environmental Planning Commission

Dear Ms. Hudson,

I have lived northeast of the intersection of Indian School and Rio Grande for over 20 years and am very interested in the proposed development of the vacant land northeast of Rio Grande and I40. My general sense of the whole proposal for a zone change is that above all, we must preserve the historical character of the Rio Grande corridor and be very cautious in rezoning any of the property such that it ruins this historical neighborhood. There are two historical acequias, the Alameda Drain and the Campbell ditch, both of which serve not only the farms of the region, but also the whole reason we love the North Valley - they add a uniqueness that one cannot find in any other part of the city. We must not lose this. There are also historic buildings along Rio Grande Boulevard, too many of which have already been torn down, that add so much to the visual cultural history of the Boulevard, we need to preserve their nature and the thriving businesses that are occupying them (Tony's Tire Shop, the tiny barber shops, dog groomer shop, etc.).

My concerns are as follows:

- The majority of the land is currently zoned R-1, with just over five acres zoned M-1. The proposal is for roughly 11-3/4 acres of C-2 (“community commercial”) and 7-3/4 acres of R-2 (apartments), with the remaining 2 acres left as R-1. That is a big change – going from over 15 acres residential to just two acres. This will cause huge impacts – primarily to traffic flow but also to that historical character of the neighborhood.
- What is going to happen to the historical Alameda Drain and Campbell Ditch? This is very concerning as there is talk that they would want to put the ditches into pipes so that they can pave over them and use them as roads. This is the most horrifying proposal of all! This would RUIN our neighborhood. We love our acequias and use them extensively to walk on, walk our dogs on, and ride our bikes on. We in the Abq valley pay the vast majority of taxes for these ditches and it would be absolutely infuriating for them to be turned into roads to

serve some developers huge development. Paving our ditches to turn them into roads would set a terrible precedent.

- I understand that the Garcias commissioned a traffic study, but it seems highly premature because they haven't even defined what the development is going to be. So for the traffic study to have come out with the conclusion that there won't be any impact seems ludicrous. Are they going to have a high-traffic flow Walmart or a relatively low-traffic boutique hotel? There can be a lot of retail to pack in to almost 12 acres, I can't imagine that traffic wouldn't increase exponentially and especially dependent on what commercial businesses they put in there. They also base their opinion on the fact that the Rio Grande interchange is outdated and can't handle the capacity it currently gets. How can a 26-acre development right next to that interchange not impact an already overloaded interchange? We already have times where traffic backs up on the interstate for cars exiting onto Rio Grande. For those reasons I really don't see how that traffic study can have any bearing on a zone change request and common sense tells one that traffic, already bad, is going to get worse, much worse.
- Besides the big increase in traffic problems, a large commercial development zone could bring in more crime, especially, I hate to generalize, if it were a Walmart. A Walmart would be horrible for this neighborhood! We don't need any more, there is already one just a few minutes away on the other side of the river.
- A large commercial development would also ruin the character of the neighborhood by increasing light pollution and noise pollution. This is the heart of Albuquerque, near Old Town where tourism is one of the biggest economies of the city. People come to this area to catch a bit of the city's past, it's agricultural ambiance and view the beautiful old, small adobes that make Albuquerque (and New Mexico) so great.
- We are already seeing large tracts of land being developed right in our area – the Pueblo-owned land by I40 and 12th Street and now commercial development south of I40, east of Rio Grande. What is the justification and the reason for changing the zoning of the Garcia property to have more commercial development?

I am not saying that I am against the Garcias developing their land, but what I want is for it to be done right and with the least negative impact to the neighborhood and historical character as possible. I think that asking to change so much of the land to commercial zoning is too much. And I am concerned about the zoning to R-2.. More apartments, depending on what they are, will add tremendously to traffic congestion and potentially to crime. What I would urge the city to do is carefully consider the type of development that would go in here. If it is as carefully planned as, say the Sawmill neighborhood south of I40, then I will be more supportive. But as it appears now, this zone change is taking the development in a disastrous direction that has a lot of potential to ruin this vital part of Albuquerque's heritage and the treasure of having a small piece of rural nature in the heart of the city.

Thank you,
Julie Kutz

2317 Krogh Ct. NW
Albuquerque, NM 87104

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This message has been analyzed by Deep Discovery Email Inspector.

Vos, Michael J.

From: cobblebk <cobblebk@aol.com>
Sent: Monday, July 10, 2017 9:36 PM
To: Vos, Michael J.
Subject: Garcia property

Dear Ms. Hudson: Under no circumstances should the Alameda Drain or the Campbell ditch be used as access roads for this development. Paving our acequias is a terrible idea, a bad precedent, and a outrage to the history and culture of the valley. Dumping the kind of traffic this development will bring, with acres of apartments and commercial properties (Walmart?) onto an already overcrowded Rio Grande Blvd would bring gridlock during much of the day. And trying to route that traffic onto Indian School via a paved over ditch would be equally awful. As someone who has lived in this area of the valley for 20+ years, I has seen much of the rural character erode, and many of the old buildings disappear overnight. A development this close to Old Town, and at the southern tip of the North Valley should do its utmost preserve the best aspects of both. No box houses and no box stores. Thanks, Brian Cobble

Sent from my Galaxy Tab® A

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This message has been analyzed by Deep Discovery Email Inspector.

Vos, Michael J.

From: Tamara Righettini <trighettini1@yahoo.com>
Sent: Monday, July 10, 2017 9:44 PM
To: Vos, Michael J.
Subject: Project # 1011232

Dear Ms Karen Hudson, Chair Environmental Planning Commission,

I am writing to express my concern about the Rio Grande Crossing Development Project. I am opposed the the current plan as is although I am not opposed to the idea of development of this area.

My concerns are:

-Our neighborhood does not need a Walmart or similar big box store. This would not provide jobs that pay enough to our residents and would not serve our community.

-Our neighborhood needs a quality grocery store. Our current options are the Coop (while lovely, is not affordable to many community members) and Lowe's (poor quality and also expensive). A grocery that serves us all is what we should work for if a large retail operation is under consideration. I would love to be able to stay in my community and walk or bike to a quality store. As it stands, I must drive to them.

-Development of the ditches. This is a great community gathering spot and outdoor space that should be preserved. I am opposed to developing the ditches to provide business access.

-Traffic. Have you been through the I40/Rio Grande intersection lately? It's a mess and this project would add to the mess.

I believe we need a multi use, walkable shopping area which provides good housing, space for small and local business and a grocery store that serves our community as well as affordable high quality housing. This would create the space for fostering a cohesive community.

Thank you for your consideration.

Tamara Righettini

903 Forrester Ave NW.

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This message has been analyzed by Deep Discovery Email Inspector.

Vos, Michael J.

From: Brad Otis <brad.otis@outlook.com>
Sent: Monday, July 10, 2017 10:47 PM
To: Vos, Michael J.
Subject: Comments on the Rio Grande Crossing Development Proposal

Dear Ms. Karen Hudson, Chair, Environmental Planning Commission,

I am writing to provide my input regarding the proposed plan for project #1011232. I am opposed to the idea of strip malls and big box stores. I am not opposed to development of this area but I believe our community would not benefit from the addition of a Walmart or other similar store.

As a resident of the downtown neighborhood I have a vested interest in this project. Old town is almost 100 years older than our nation's capital. Therefore, we should be very thoughtful about what we place in the area. We should be sensitive to tourists and the community. I believe what we need in this part of town is a grocery store that offers quality without ridiculous prices. I also believe we should have mixed use properties that combine business (on ground floors) and high quality housing above. The businesses should be not be generic box stores but those that are interesting which will attract tourist and local spending. I think the community and visitors would like to see a multi-use project with a grocery store, interesting local businesses, some green space that is connected to adjacent bike trails. Let's make it hip, not boring. We can do this.

Remember this is the entrance to a very old historic portion of town. Let's treat it with some respect.

Thank you for your consideration.

Sincerely,

Brad Otis
Phone: (505) 322-8389
Address: 903 Forrester Ave NW, Albuquerque NM 87102

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This message has been analyzed by Deep Discovery Email Inspector.

July 10, 2017

Dear Karen Hudson and Michael Vos,

I am writing to you with my concerns surrounding project no. 1011232, case no. 17-EPC-40011.

My name is Janet Harman and for the past 29 years I have resided and run a small business on Rose Ave. in Duranes. My main concern is the way the Traffic Impact Study was conducted and how the results of that study are being presented. The TIS conducted by Terry Brown is flawed in the following areas:

#1. Nowhere in the study does it mention the Old Town events that happen often or other special attractions such as River of Lights that seem to be very popular with our fellow Albuquerqueans who use I-40. It is not uncommon when trying to exit I-40 at Rio Grande (heading westbound) that the traffic is backed up from the off ramp back onto freeway. This is a serious safety concern.

#2. It mentions that it factored in additional traffic when schools are in session. I hope the formula was a smart one that knew that the main school that impacts this area is a charter school that is tucked away in Duranes. Charter schools do not have bus service. The students are all transported in their family's cars. Floral Ave. sees an additional 100-200 cars every weekday two times a day -one of those being at peak hours. That's at least 100 cars during peak hours that were not present during this traffic study.

#3. The TIS recommends at U Turn lane at Floral to alleviate problems when leaving Duranes and heading north. This would mean a U Turn lane right where the main entrance to the Rio Grande Crossing would be. This does not seem to be well thought out.

I ask that you read the TIS carefully. I quote: "Apart from I-40 capacity issues there is sufficient capacity on Rio Grande to handle the new trips from Rio Grande Crossing". Please pay attention to the first part of this statement – it states that there ARE capacity problems pertaining to I-40. This is a serious concern. My understanding is that the highway department would need to redesign/rebuild the on/off ramps. The Garcias would reap money from their development but us taxpayers would have to foot the bill for their profits. And what guarantee do we have that the highway department would reconfigure the ramps? And when?

In the Garcia Plan, it states, "The developer opted to prepare the TIS to meet the requirements of the City of Albuquerque so that a second study would not be required later". So now a second study will not need to be completed after the property is developed and my neighbors and I are stuck in traffic all because of a plan that was not well thought out?

For the record I would like to include the following: In a letter that Ed Garcia wrote to the community he states that he is willing to commit to not sell or lease to Walmart.

I ask that you please take into consideration the very real concerns of my neighbors and me. Do not rezone this property before we definitely know what will be built on it, and a realistic traffic analysis is conducted.

Thank you,
Janet Harman
2432 Rose Ave. NW, Albuquerque, NM 87104



NNVNA
PO Box 6953
ALBUQUERQUE, NM
87197

MARIT TULLY,
PRESIDENT, 385-7863

JOE SABATINI
SECRETARY, 344-9212

NEARNORTHVALLEYNA
@GMAIL.COM
WWW.NNVNA.ORG

Copy:
Ed Garcia
Herb Denish
Jackie Fishman
North Valley Coalition

NEAR NORTH VALLEY NEIGHBORHOOD ASSOCIATION

**VOLUNTEERS WORKING INCLUSIVELY TO PROTECT,
PRESERVE, AND ENHANCE THE COMMUNITY**

July 11, 2017

Ms. Karen Hudson, Chair
Environmental Planning Commission
Planning Department
600 2nd St NW, Third Floor
Albuquerque, NM 87102

Sent via e-mail to Michael Vos, Staff Planner, mvos@cabq.gov

Re: Project #1011232, 17EPC-40011; Zone Map Amendment

Dear Chairperson Hudson and Commissioners:

We write today to again urge you to either deny this zone change request or defer the hearing.

In our first letter, we discussed the inappropriate intensity of the proposed zone change and the threat it poses to the Campbell Ditch. We also addressed reasons why deferral is appropriate: our good faith desire to continue negotiations with the development team, the inadequate notice for the second facilitated meeting, and the need to correct misinformation about the nature of the zone change request.

In this letter, we urge you to determine that the Traffic Impact Study (TIS), in its *final* form, should be taken into consideration in your decision whether to grant the zone change or not.

It was an error not to require a TIS for this zone change request. The volume of additional traffic is the number one concern of the community. It is a primary factor in determining the effect of the proposed zone change on the quality of life in this area. The elements of R 270-1980 cannot be fairly analyzed without knowing how much additional traffic will be generated and how it will be managed and dispersed.

In a June 27 meeting with Planning and Council Services staff, we were advised that a TIS was not required in this case because the zone change would not affect the number of trips in any significant way and that the change was only to a small portion of the site. This is belied by the *draft* TIS itself which indicates at least a 20% increase in peak hour traffic. Furthermore, the requested zone change affects approximately 91% of the site; only two acres are left with their original R-1 zoning.

In the Executive Summary of the *draft* TIS (on page 5), the development team states that "much of the project could be constructed under existing zoning." With approximately 75% of the property currently zoned R-1, this is simply not accurate. The conceptual plan for the project includes two grocery stores, a hotel, an assisted living facility and several acres of multi-family apartments. These can't possibly fit on the 5.29 acres currently zoned M-1.

It will require a deferral for the EPC to take the TIS into consideration. Contrary to various statements and revised findings in the Supplemental Staff Report (pages 1, 7, and 12) posted on July 6, the TIS has *not* been completed. It is in *draft* form as was made clear during the June 29 facilitated meeting. Furthermore, it is likely to be revised, making any conclusions based upon the draft premature. Traffic engineer Racquel Michel informed us at the end of June that it will take at least three to four weeks for the City to review the draft after which the City and the development team will engage in "negotiations," working toward a *final* TIS. Presumably it will be during these negotiations that it will be determined whether the Campbell Ditch will be used for traffic and, if so, to what extent.

The development team is relying on its recommended solutions, like the "U-Turn bump-out" at Floral to make the additional traffic load work. These solutions are subject to City approval. We won't know the extent to which the traffic can and will be managed until the TIS is completed.

Another way to look at it is this: the zone change would cause the additional traffic which in turn would cause negative impacts to Rio Grande Boulevard, the Campbell Ditch, and the rural/semi-rural character of the North Valley, all contrary to R 270-1980, the Comprehensive Plan, and the North Valley Area Plan. It's only with a *final* TIS that the EPC can

reasonably and definitively determine whether or not the zone change is supportable.

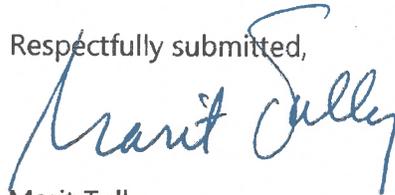
Furthermore, only a deferral will allow the community sufficient time to review and provide input on the *draft* TIS. Laypersons will need at least as much time as professional City staff—three to four weeks.

We also note that the development team continues to give inconsistent information about their plans to use the Campbell Ditch for traffic from the development. On June 29, the development team indicated that they did not intend to use the ditch for ingress/egress, but if mandated by the City, might have to use it for emergency access. On July 5, the facilitator circulated an unsigned "clarification" from the development team (copy attached) in which they state they might use the ditch for access for the R-1 lots in the project. The true extent of the use of the Campbell Ditch for access, and therefore the impact on the trees, wildlife, and quality of life in the area, cannot be known until the TIS is finalized.

In closing, we urge you to exercise your discretion, find that the *final* TIS is necessary to determine whether the proposed zone change is appropriate, and defer this hearing until the TIS is finalized.

Thank you for your consideration.

Respectfully submitted,

A handwritten signature in blue ink that reads "Marit Tully". The signature is written in a cursive style with a large, looping initial "M".

Marit Tully
President



Marit Tully <marit.tully@gmail.com>

1011232 Campbell Ditch clarification

Philip Crump <phcrumpsf@gmail.com>

Wed, Jul 5, 2017 at 2:23 PM

Reply-To: philip@pcmediate.com

To: hamhar@aol.com, historicoldtown@gmail.com, hmd@denishconsulting.com, insurance@askbelinda.com, jacobfirs91@gmail.com, jaimemj@comcast.net, emeraidprops@aol.com, janiwa@cabq.gov, jeanlouiseleger@gmail.com, jeanne@thundertek.net, jendeeme@hotmail.com, jkent@nmlex.com, jlnavarrete@comcast.net, jolenecatron@gmail.com, jporterlara@gmail.com, jrs2368@gmail.com, jsabatini423@gmail.com, jtccubb2@gmail.com, juanita.griego56@gmail.com, julialaneyclarke@comcast.net, kallenmd@gmail.com, kathy@bottger.com, kcalander@hotmail.com, kculbertson@designworkshop.com, kdodgebro@gmail.com, kimberleymartinez@gmail.com, ldnoevacacion@gmail.com, lee@lganm.com, lindalpcik@yahoo.com, mamocana8@yahoo.com, marit.tully@gmail.com, mdickinson8@comcast.net, meanniejerie202@gmail.com, menudochuy@q.com, mgree64@yahoo.com, mgrundell@outlook.com, mlombard23@comcast.net, mmatih22@gmail.com, nancyo@unm.edu, nathandavidbush@gmail.com

Below is a note from the applicant team, addressing some of the concerns that have been raised regarding Campbell Ditch.

They asked me to forward this note to all who attended the meeting last week.

Philip Crump, Facilitator

CAMPBELL DITCH CLARIFICATION – 7/3/2017

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The Garcia family has not given any consideration to materially altering the Campbell ditch or trying to abandon it. Any interpretation to that effect is mistaken.

Vos, Michael J.

From: Marit Tully <marit.tully@gmail.com>
Sent: Tuesday, July 11, 2017 8:09 AM
To: Philip Crump; Vos, Michael J.
Cc: Nathan Bush; Joe Sabatini
Subject: #1011232 - corrections to facilitator's report on 6-29-17 meeting

Good morning Philip,

I attended the June 29 facilitated meeting about the Rio Grande Crossing project. I have corrections and suggestions for your and David's report.

1. The date was June 29, not July 29. (page 1)

2. The traffic studies were not commissioned in response to neighbor requests. Rather, as was clarified by Terry Brown later in the meeting, the June 8 hearing on this case was deferred to allow time for the draft TIS to be completed and shared with the public. The issue of waiting for the draft to be completed and shared prior to the EPC hearing was raised during the first facilitated meeting on May 23, 2017. The scoping meeting for the traffic study occurred May 2, 2017. (page 1)

3. It would be helpful to revise your heading at the top of page 2 to "Meeting Specifics – Overview of Studies by Terry Brown and Development Team" or something similar so that it's clear where the information in sections 1 through 5 is coming from.

4. I cannot find my first question/comment in the report. On page 6, a question/comment should be inserted between question/comments 7 and 8, and should read as follows, and the following questions/comments renumbered accordingly:

#. During a discussion with Council Services and Planning staff earlier this week, we were told that because the Traffic Impact Study was not required for the zone change, that consideration of the TIS by the Environmental Planning Commission in its decision about the zone change was discretionary. Could someone please address this?

Answer provided by Jackie Fishman:

1. Yes, it's discretionary. They won't decide based upon the TIS.

5. On page 6, question/comment 8 should read as follows:

#. *At the first facilitated meeting, the development team said that C-2 zoning is "neighborhood commercial," and that the primary difference between C-1 and C-2 is that the sale of full service alcohol is allowed. Could someone address the differences between C-1 and C-2?*

Answer provided by City Code Enforcement staff:

- 1. C-2 is "community commercial," not "neighborhood commercial."*
- 2. There are quite a few differences between C-1 and C-2.*
- 3. C-1 allows institutional uses like nursing homes, etc.*
- 4. C-1 allows on-premise beer and wine, and conditionally liquor. C-2 allows on-and off-premise consumption.*
- 5. C-1 allows drive-throughs for banks, and conditionally other drive-throughs. C-2 is permissive for banks and all other drive-throughs.*
- 6. C-1 has limited retail uses. C-2 allows any type of retail or service, so most activities are allowed.*

I have copied Michael Vos on this email so that it is made part of the record.

Thank you for your consideration.

Marit Tully

385-7863

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This message has been analyzed by Deep Discovery Email Inspector.

RIO GRANDE CROSSING

OVERVIEW OF TRAFFIC IMPACT STUDIES



TRAFFIC IMPACT STUDY SUBMITTAL

- Not required by City of Albuquerque for zone change.
- City policy requires one at the Site Development Plan level later in the process.
- Developer volunteered to prepare and submit a Traffic Impact Study.
- TIS submitted to the City of Albuquerque the week of June 27, 2017.

TRAFFIC IMPACT STUDY SCOPING MEETING

- Scoping Meeting with City of Albuquerque on May 2, 2017.
- City determines the requirements of the Traffic Impact Study.
- Even though the Traffic Impact Study is not required for the zone change, the study performed was designed to meet the requirements of the City of Albuquerque for such studies.
- Current Traffic Impact Study is DRAFT and will undergo changes as a result of Governmental Agency reviews and neighborhood input.

TRAFFIC IMPACT STUDY SCOPE

- Intersections to be studied in the Traffic Impact Study:
 - I-40 EB & WB Ramps / Rio Grande Blvd.
 - Rose Ave. / Rio Grande Blvd.
 - Floral Rd. / Rio Grande Blvd.
 - Lilac Dr. / Rio Grande Blvd.
 - Indian School Rd. / Rio Grande Blvd.
 - Menaul Blvd. / 12th St.

TRAFFIC IMPACT STUDY SCOPE (CONTINUED)

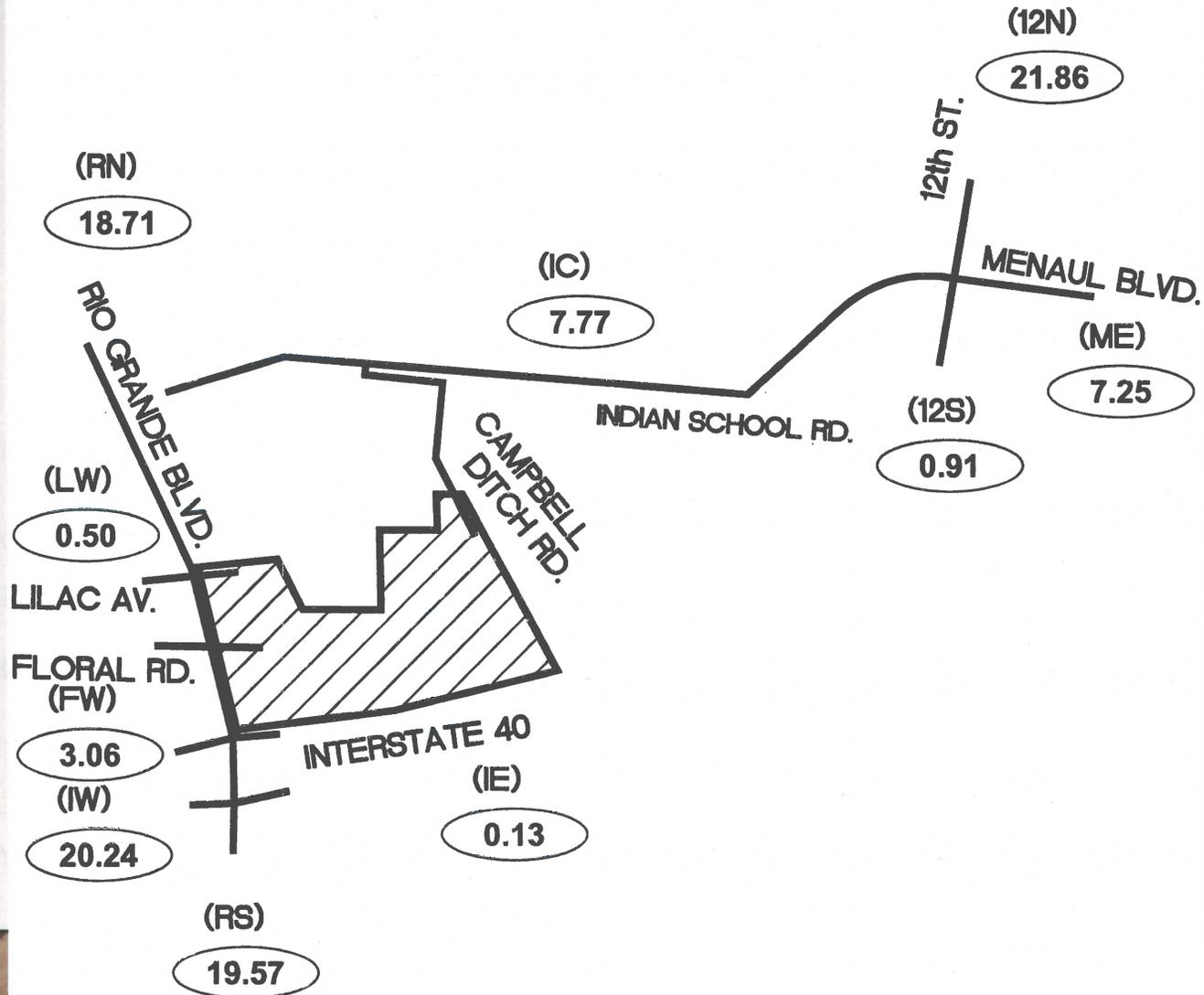
- City requested a second Traffic Impact Study to compare results for proposed plan considering an additional direct access to Indian School Rd. along the Campbell Ditch alignment.
- City requested an Executive Summary for the Traffic Impact Studies.

TRAFFIC IMPACT STUDY METHODS

- New traffic counts were utilized and correlated with Mid-Region Council of Governments' tube count data from March, 2016 (School in session).
- Calculated trip generation rates were determined using Institute of Transportation Engineers' TRIP GENERATION Manual, current edition.
- Traffic Impact Studies are based on Institute of Transportation Engineers (ITE) criteria.
- The two Studies meet City requirements for Traffic Impact Studies.

TRAFFIC IMPACT STUDY FINDINGS & RESULTS

- Calculated trip generation rate (**NEW** trips):
 - AM Peak Hour Entering Trips – 293 vehicles per hour
 - AM Peak Hour Exiting Trips – 261 vehicles per hour
 - PM Peak Hour Entering Trips – 332 vehicles per hour
 - PM Peak Hour Exiting Trips – 292 vehicles per hour
- Those trips are disbursed onto the public transportation system:



TRAFFIC IMPACT STUDY FINDINGS & RESULTS (CONTINUED)

- Two criteria for measuring traffic:
 - Calculated average delays (Levels-of-Service A, B, C, D, E, & F)
 - Queuing
- Analysis Conditions Evaluated:
 - 2022 AM Peak Hour NO BUILD Condition (without project traffic)
 - 2022 AM Peak Hour BUILD Condition (with project traffic)
 - 2022 PM Peak Hour NO BUILD Condition (without project traffic)
 - 2022 PM Peak Hour BUILD Condition (with project traffic)

TRAFFIC IMPACT STUDY FINDINGS & RESULTS (CONTINUED)

- Calculated delays and Levels-of-Service in the Traffic Impact Study were generally acceptable.
- Signalized intersections were at Level-of-Service D or better.
- Considerable average delays (up to 68 seconds) for residential side street traffic turning left onto Rio Grande.
- Significant queuing on Rio Grande Blvd. primarily for southbound traffic.
 - Bottleneck is primarily at the I-40 Interchange.
 - Southbound traffic backs up through intersections on Rio Grande.

TRAFFIC IMPACT STUDY FINDINGS & RESULTS (CONTINUED)

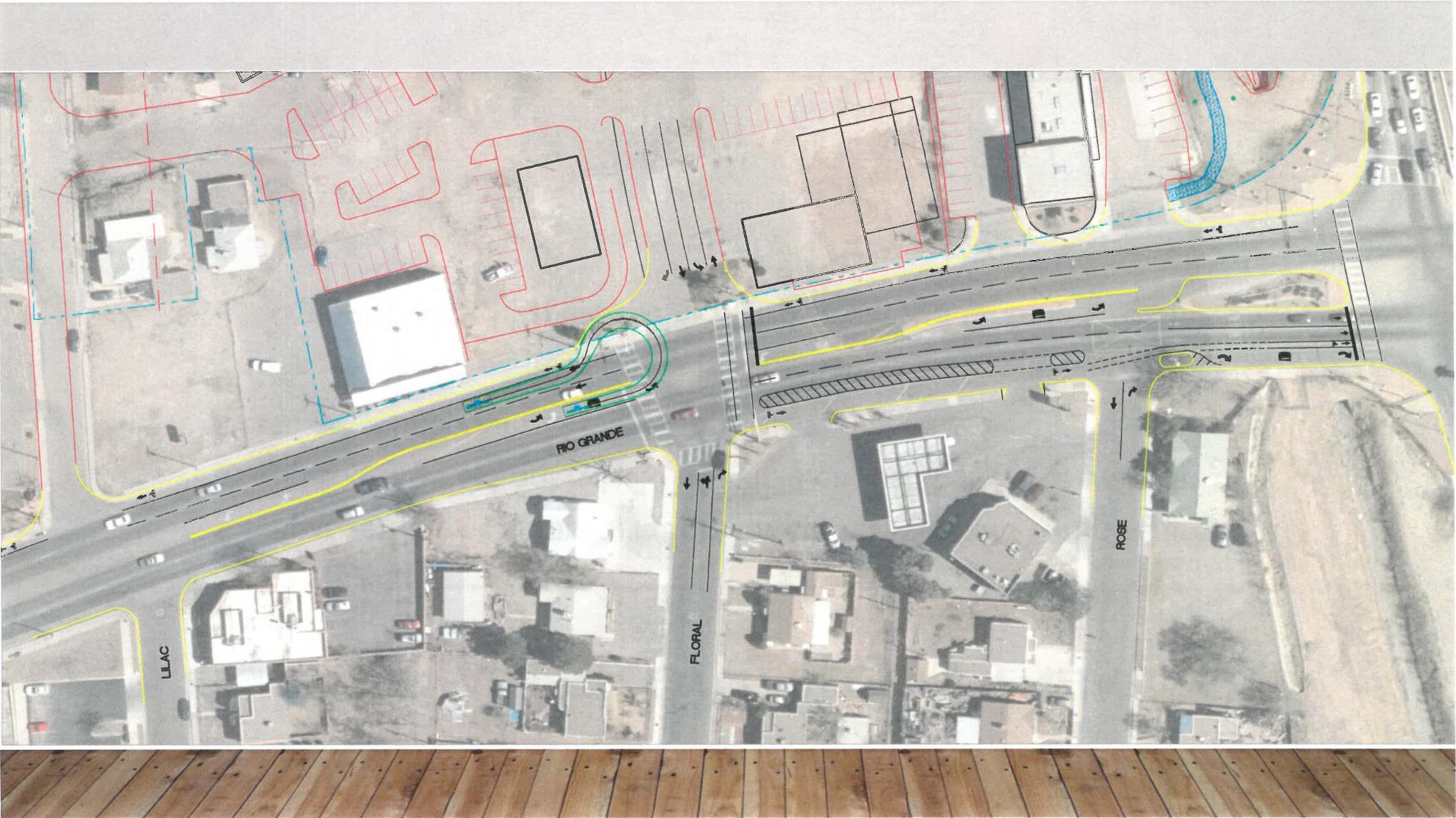
- Interchange is old and outdated – in need of improvements.
 - *Rio Grande Complete Streets Plan* (Kimley Horn) recommends that the interchange be reconfigured into a Diverging Diamond Interchange.
 - It is our opinion that a Diverging Diamond Interchange, if implemented, would significantly improve interchange operation and reduce queuing issues for southbound traffic on Rio Grande Blvd.
 - Major reconfiguration of the interchange is a regional issue that should be addressed by public agencies.

NEIGHBORHOOD CONCERNS

- Based on the Facilitated Neighborhood Meeting on May 23, 2017, there was concern expressed regarding making left turn movements from the side streets along the west side of Rio Grande Blvd. onto northbound Rio Grande. There were also concerns from bicyclists.
- Those concerns are addressed in the Traffic Impact Study Recommendations.

TRAFFIC IMPACT STUDY #1 RECOMMENDATIONS

- Const. improvements at Rio Grande / Floral including NB/SB LT arrows.
- Consider U-Turn bump-out to accommodate southbound U-Turns at intersection of Floral Rd. / Rio Grande subject to City of Alb. approval.
- Proposed Bicycle Lane Improvements:
 - Overlay
 - ensure bicycle compatible drainage inlets
 - elimination of curb jog out on east side of Rio Grande.
 - Install bicycle lane pavement markings.



TRAFFIC IMPACT STUDY #2 RECOMMENDATIONS

- Comparison of the transportation conditions with and without direct access to Indian School Rd. did not yield enough benefit to warrant the alternate connection.
 - Apart from the I-40 capacity issues, there is sufficient capacity on Rio Grande Blvd. to handle the new trips from Rio Grande Crossing.

GOVERNMENTAL REVIEW

- The two Traffic Impact Studies and the Executive Summary are under review by the City of Albuquerque.
- Comments and concerns from the neighborhood have been considered in the Traffic Impact Study, and included in the Recommendations.

Ms. Karen Hudson, Chair
EPC
600 2nd St. NW
Albuquerque, NM 87102

Dear Chairperson Hudson and EPC Members,

I am writing regarding the application Project # 10/1232, Case # 17EPC-40811, which requests zone changes for a 21.45 A land-locked parcel located immediately east of the intersection of Rio Grande Blvd. and I-40.

The requested zoning changes would result in a parcel that is now almost entirely R-1 becoming a parcel with just over 50% of it being C-2, and 7.85 A converting to R-2. These changes would result in greatly increased vehicular traffic. This major increase - and just imagine the additional amount of semi-truck traffic deliveries to a grocery store would entail - would have to be absorbed by Rio Grande Blvd., a street that already has serious congestion issues, mainly caused by the I-40/Rio Grande Blvd. interchange. Exacerbation of an already serious and sometimes scary traffic problem is not a positive outcome, and is the main basis for my opposition to the zone changes. Intensifying an already problematical situation is not consistent with R-270-1980 (policies for zone changes). The first ("A") policy listed states, "a proposed zone change must be found to be consistent with the ... safety ... of the city."

I want to make some comments regarding the Traffic Impact Study (TIS). I live in Duranes, just off of Floral. So to access Rio Grande Blvd. (RGB) (the only reasonable way to regress to anywhere from Duranes) I use Floral Rd. This could be considered an advantage, since Floral at RGB is the only signalized regress route to RGB from Duranes.

During a portion of the day, and on weekends,

(that is, in the pre ART construction era) traffic on RGB is manageable. But twice a day, without fail, Mon. thru Fri. for 2 or 2 1/2 hours each time, it becomes a nightmare. Sometimes on Sat. nights, also, as well as when there are major events in Old Town (e.g., Fiesta, Founders Day). Because there is such extreme traffic backup ("queuing" is the term used in the TIS), even though the (extremely short) green signal tells me to proceed from Floral onto RGB, I can't, because the intersection is blocked by backed up SB traffic on RGB. Drivers who are trying to exit Duranes using side roads other than Floral find it virtually impossible to make a left turn (go north) onto RGB. Another really dangerous area is where the I-40 off ramp empties onto RGB.

The statement in the TIS Executive Summary (p. 4) (I could not access the full study) that Rio Grande Blvd. can accommodate all the additional traffic the proposed development would generate is only understandable if the author is in denial as to the real traffic situation on RGB. Which I think is actually the case, based on some of the text on p. 5 of the Executive Summary (attached).

I am not opposed to development per se, and have always advocated for infill, not sprawl. But infill must be appropriate with the surrounding neighborhoods, preserving their characteristics and cultures. Rio Grande Crossing as currently proposed, does not do that. I think an alternative proposal (ideally, jointly conceived collaboratively by the developers and a small representative group from the neighborhoods) which could preserve more of the existing R-1 and perhaps SU-2 for what is now M-1, with some small microchman into existing R-1, would be much more appropriate.



Mimi Lopez
1209 Amado St NW
Albuquerque, NM 87104-2607

Sincerely,

Mimi Lopez

existing design of the interchange. The I-40 / Rio Grande Interchange is a standard diamond interchange that was constructed more than 20 years ago and is in need of upgrading. The recently released *Rio Grande Complete Streets Plan* prepared by Kimley Horne recommends that the interchange be reconstructed as a Diverging Diamond Interchange. While it is beyond the purview of this study, it is probably the case that implementing a properly designed Diverging Diamond Interchange at this location will remedy many of the existing queueing issues along Rio Grande Blvd. near the interchange since such an interchange eliminates conflicts for both left and right turning traffic from Rio Grande Blvd. onto I-40. Ramp and freeway improvements may also be necessary.

The purpose of the Traffic Impact Study is to define and quantify the effect of the new project traffic on the adjacent transportation system. Thus, it isolates the effects of the new traffic from the existing transportation issues which can often be regional issues that are normally addressed as a part of the regional planning process by public agencies such as the Mid-Region Council of Governments, the City of Albuquerque, the County of Bernalillo, the Department of Transportation, etc. The regional transportation issues need to be addressed by those public agencies. The current queueing issues on Rio Grande Blvd. are a result of the outdated interchange / freeway design and, therefore, addressed as part of the regional and local public process (i.e., should be addressed by public agencies since the problem is an existing public and regional issue not created by this project). As demonstrated in the two Traffic Studies, the effect of the Rio Grande Crossing traffic does not significantly affect the operation of the interchange and, therefore, should not be the responsibility of the developer.

In summary, the two Traffic Impact Studies associated with this project are characterized by the following:

- 1) They were based on actual recent traffic count data at the intersections analyzed
- 2) Evaluation methods utilized in the two Traffic Impact Studies are based on accepted Institute of Transportation Engineers (ITE) criteria.
- 3) The two Studies are designed to meet the requirements of the City of Albuquerque for Traffic Impact Studies.
- 4) Based on a facilitated neighborhood meeting on May 23, 2017, options are being considered to facilitate eastbound traffic west of Rio Grande Blvd. near this project to travel north on Rio Grande Blvd. by first turning right and then making a U-Turn at Floral for safer access to northbound Rio Grande Blvd.
- 5) Based on the same facilitated neighborhood meeting, improvements are being recommended for the existing bicycle lane on the east side of Rio Grande Blvd. to improve bicycle travel.

It should be noted that the two Traffic Impact Studies for the proposed Rio Grande Crossing project take into consideration the totality of traffic that will be generated by the project. Therefore, the Traffic Impact Studies consider the impact of the site development plan including all uses proposed and, therefore, qualifies as valid Traffic Impact Studies for the site development plan when the project is considered at that level. The impact of the zone amendment, however, would yield a lesser impact since much of the project could be constructed under existing zoning. For example, all of the commercial uses along the east side of Rio Grande Blvd. and much of the M-1 zoned land along the north side of I-40 could be implemented with retail uses without the zone amendment. Therefore, the actual impact of the zone amendment itself would be much less than the impact indicated in the two Traffic Impact Studies.

The Findings, Conclusions, and Recommendations of the two Traffic Impact Studies are as follows:

Traffic Impact Study for Rio Grande Crossing Development:

Feedback from the neighborhoods along the west side of Rio Grande Blvd. from I-40 to Indian School Rd. showed a concern with regard to eastbound vehicles on the residential streets encountering difficulty in turning left (northbound) onto Rio Grande Blvd. during peak periods. The proposed solution to this problem is to design the signalized intersection of Floral Ave. / Rio Grande Blvd. to accommodate southbound U-Turns in the southbound left turn bay during the protected left turn phase. The intersection would need to be designed with a bump-out on the east curb-line north of Floral to provide additional turning radius for U-Turning vehicles. The signalized U-Turn movement will be easier to accomplish than the eastbound left turn from the residential streets along the west side of Rio Grande onto northbound Rio Grande Blvd.

In summary, the proposed plan for the Rio Grande Crossing Development presents no significant adverse impact to the adjacent transportation system provided that the following recommendations are followed:

RECOMMENDATIONS

- All site design and construction including driveways and landscaping shall maintain adequate sight distances at the driveways and the existing intersections.
- Access to the site should be via three intersections, Floral Rd. / Rio Grande Blvd. (full access), Lilac Ave. / Rio Grande Blvd. (full access), Rose Ave. / Rio Grande Blvd. (right-in, right-out, southbound left-in, only as per the recently implemented improvements constructed by the City of Albuquerque) and one driveway, Driveway "A" (right-in, right-out, only) as defined on the conceptual site plan on Page A-3 of the Appendix of this report.
- **Floral Rd. / Rio Grande Blvd.** – construct the east leg of the intersection so that the east and west leg curb-lines are aligned in such manner that exclusive eastbound and westbound left turn lanes can be incorporated in the future.
 - Reconstruct the intersection to incorporate a southbound U-turn / left turn.
 - Construct a raised median on Rio Grande Blvd. for at approximately 250 feet to the north and 100 feet to the south to provide a barrier for the northbound and southbound left turn lanes on Rio Grande Blvd. at Floral Rd.
 - Reconstruct the east leg of the intersection to provide 30 feet minimum radius curb returns to facilitate the main street of access off of Rio Grande Blvd.
 - Alignment and configuration of the new east leg should allow for future configuration of the east and west legs of the intersection to have an exclusive left turn lane plus a thru / right turn lane. The current configuration of the west leg with the thru / left turn lane works with a single phase movement for east-west traffic, but will not work well if the City decides in the future to incorporate a left turn arrow at the signal for the side streets.
 - Construct northbound and southbound left turn arrow to provide permitted / protected left turn movements off of Rio Grande Blvd. onto Floral Rd.
 - Consideration should be given to constructing a U-Turn bump-out to accommodate southbound U-Turns at the signalized intersection of Floral Rd. / Rio Grande Blvd. (see further discussion under Conclusions Section.) The U-Turn concept is subject to City of Albuquerque approval.
- **Northbound Bicycle Lane from I-40 WB Ramp to Lilac** – Make improvements to northbound bicycle lane to include overlay, ensuring bicycle compatible drainage inlet grates, and