APPENDIX

to

Garcia Entities’ Position Letter – July 29, 2019

Re: OC-19-31 - Remand for Supplemental Findings on Two Issues
AC-17-7; Project #1011232; 17EPC-4001
Rio Grande Blvd. NW at I-40, between Alameda Drain and Campbell Ditch

INDEX

Exhibit No.

1. Before/after map of property
2. NVAP Excerpts
3. 2017 EPC Testimony by Planning Dept. (Vos/Michel)
4. 2017 LUHO Testimony by Vos/Michel
Exhibit 1
Before Map at Top -- After Map at Bottom
North Valley Area Plan Summary

The North Valley is a precious area, cherished in the minds of all. The metropolitan area has a real opportunity to retain a special and unique character, distinct from other cities. The mountains, the volcanoes, and pueblo lands define our limits. The ribbon of valley piercing the city offers a startling possibility of refreshing change within the metropolitan matrix. Few metropolitan areas have a comparable resource. And the forward thinking among those cities have acted to preserve and enhance their assets. This plan attempts to protect and enhance the unique qualities of the valley, simultaneously enriching the metropolitan area as a whole.

Jonathan Siegel, CATF Member

Goals and Issues

Goals and issues related to the plan area were identified by the North Valley Citizens' Advisory Task Force and technical staff and published in January 1988. The North Valley Area Plan Goals are listed below.

1. To recognize the North Valley area as a unique and fragile resource and as an inestimable and irreplaceable part of the entire metropolitan community.

2. To preserve and enhance the environmental quality of the North Valley Area by:
   a) maintaining the rural flavor of the North Valley
   b) controlling growth and maintaining low density development
   c) providing a variety of housing opportunities and life styles including differing socioeconomic types
   d) reducing noise level impacts

3. To preserve air, water and soil quality in the North Valley area. To prohibit hazardous waste disposal sites and transfer stations and solid waste disposal sites; and to address problems of individual waste disposal systems on lots of inadequate size.
4. To increase and improve public recreation and open space areas (including MRGCD - maintained ditches) compatible with neighborhood desires.

5. To reduce or eliminate flooding and improve ponding and drainage capacities in the plan area.

6. To encourage quality commercial/industrial development and redevelopment in response to area needs in already developed/established commercial industrial zones and areas. To discourage future commercial/industrial development on lots not already zoned commercial/industrial.

7. To develop a strategy for arterial roadways that creates a transportation system compatible with a semi-rural lifestyle.

8. To designate and preserve sites of historic and archaeological significance.

9. To establish area beautification standards and designate sites for beautification through community neighborhood input.

10. To incorporate the Rio Grande and its bosque into the North Valley planning process to protect the natural qualities of the river corridor while providing low-impact recreational opportunities.

11. To locate commercial and industrial development within the I-25 corridor, and selected areas along the I-40 corridor, especially as an alternative to extensive lower valley commercial/industrial development.

12. To develop incentives to preserve farmland and open space and to maintain ditches and acequias for agricultural and low-impact recreational purposes.
North Valley Area Plan

Exhibit 2
NVAP Excerpts
a. Encourage rezoning land in the Edith Boulevard, and Mid-North Valley East subareas for residential and mixed uses.

3. The City and County shall promote lower-income rehabilitation projects in neighborhoods with existing moderately-priced homes and areas vulnerable to speculation, redevelopment, and displacement of lower-income residents.

a. Expand efforts to leverage private investment in housing programs for lower-income North Valley residents and target resources to assistance of very low-income renters.

b. Study the implications and impacts of accessory apartments in some residential areas.

c. Undertake a survey to compile reliable data on incomes and housing cost burdens for North Valley households.

4. The County and City shall remove disincentives, provide incentives, and/or require housing development which meets the Cluster Housing Principles of preserving open land, providing new housing at appropriate densities, lower infrastructure costs, and design flexibility and creativity.

a. Amend the City Zoning Ordinance to add cluster principles and reduce the cluster housing district “minimum district size” in RA-2 to two acres.

b. Amend the County Zoning Ordinance to add cluster principles and to include Cluster Housing as a Special Use.

c. Provide for densities greater than 1 dwelling unit/acre in Rural and Semi-Urban Areas through adoption and promotion of Cluster Housing Principles.

d. Adopt standards for homeowner associations, including provisions which would enable the City or County to bill the association for maintenance costs if necessary and requirements for open space in perpetuity.

Village Centers

1. The City and County shall encourage new development and redevelopment that incorporates Village Center Principles including: pedestrian attraction and accessibility, mixed use development, and valley scale and character.
January 1993  

PREFERRED SCENARIO  
LAND USE PLAN  

North Valley Area Plan  

Exhibit 2  
NVAP Excerpts
Albuquerque/Bernalillo County Comprehensive Plan

Housing

Under the Comprehensive Plan Scenario, new residential growth in the Semi-Urban and Rural portions of the North Valley would be integrated into existing neighborhoods and clustered to retain open land. In suitable areas, such as village centers, higher density townhomes would provide a more affordable housing option.

Commercial Uses

Most commercial development in the valley would be oriented to the local service needs of residents and located at major intersections in Village Centers. Pedestrian and bicycle access and access to mass transit, mixed uses, and smaller scale retail would typify Village Centers. Older storefronts would be preserved as structures which reflect the history and scale of the valley.

Industrial and Heavy Commercial Uses

Large scale industrial development would continue in the North I-25 area under the Comprehensive Plan Scenario. These areas would be appropriately landscaped and linked to residential areas through effective transit, paratransit and trails. A planning effort would result in a mixed use or multipurpose site in the northern portion of the North I-25 area. Smaller scale manufacturing and “cottage industries” would be located in the valley. There would be a compatible mixing of different land uses in the North I-25 area which would reduce the need for motorized travel. Vacant properties unsuitable for heavy commercial and industrial uses would be rezoned to allow residential uses.

Agriculture and Rural Character

In the Comprehensive Plan Scenario a limited amount of agricultural land in the Rural and Semi-Urban areas would be maintained through a combination of methods including transfer of development rights and conservation easements. Remaining agriculture in the Comprehensive Plan Established and Developing Urban Areas, however, would not be specifically addressed. The requirement for clustering housing would retain some land in common ownership for gardens, vineyards, and orchards.
Preferred

Housing

Under the Preferred Scenario, the City and County would assist residents and businesses with efforts to organize and address issues such as buffering between residences and heavy commercial and industrial properties along the mesa edge. The Second Street Corridor would mark the edge of the mixed heavy commercial and housing area between the tracks and Second north of Candelaria with the Alameda Drain and Second Street improvements serving to buffer the housing west of the Drain.

The area of the Mid North Valley East, Second & Fourth Streets, and Edith Subareas with an unstable mix of housing and heavy commercial and industrial uses would be subject to further planning efforts aimed at non-conforming uses, retention and provision of affordable housing and application of Village Center principles. Vacant manufacturing zoned parcels in these areas would be targeted for housing and mixed use projects. Housing should be the predominant use north of Candelaria with the exception of existing business which front the east side of Second Street. In general, the zoning of properties in these areas should be consistent with existing uses. Regulations would be strengthened to provide for buffering between residences.

The east side of the Edith Corridor north from Montaño Road to Osuna Road would be recognized and retained as a residential area with the exception of business which front the roadway. The zoning for these businesses would be consistent with their use (commercial zoning for commercial uses). North of Osuna Road, the Edith Corridor would be retained as residential. Efforts to enhance the appearance of Edith Boulevard and recognize the history of the roadway would be made.

Cluster housing principles would be applied where new housing is proposed. Existing features that distinguish the valley, such as narrow roads and ditches, would be retained in all new development. Features that typify rural character such as mixed lot sizes and setbacks would be replicated in new development. "Common interest communities" would be encouraged to provide for open space and retention of agriculture.

Land adjacent to irrigation ditches would be retained for small scale agriculture through development of cluster housing or retention of A-1 zoning and ditch access. A continued and enhanced mix of neighborhood commercial and higher density residential uses would be encouraged along Fourth Street. Application of Village Center principles would result in a comparable mix and scale of uses, and pedestrian improvements.
Commercial Uses

New commercial uses in the valley would meet local neighborhood needs and would be oriented to those neighborhoods through provision of access to pedestrians and bicyclists. These businesses would be smaller scale and would incorporate Village Center Principles of pedestrian access, mixed use and valley scale and character. Existing small scale commercial uses would be revitalized through public/private efforts to provide pedestrian and bicycle amenities, shared parking, promotion, and landscaping. Mixed commercial and residential use patterns would continue to exist along Fourth Street with enhancements to the pedestrian paths and details, especially transit amenities. Present disincentives and barriers to development of Village Centers would be removed. Such disincentives include reliance on automobile use for local neighborhood, commercial, social and civic functions. Providing for alternative modes of travel and safe pedestrian routes and paths will be an incentive to private investment in Village Centers.

Larger scale community or regional commercial development would be located in the available areas within the North I-25 Corridor. This area is also appropriate for heavy commercial and large scale industrial development served with transit and Ridepool alternatives. Improved non-vehicular connections to and from residential areas on the valley floor would also be made to improve the potential for non-vehicular work travel.

Industrial and Heavy Commercial

Large scale uses would be located only on the east mesa and would be served with transit. County SUP's for these purposes would be limited. Businesses would be assisted in efforts to improve and create non-vehicular connections to residential areas on the valley floor and to the east of I-25. Landscaping to control water erosion and dust and to create a visually pleasing environment would be encouraged. The edges between residences and industries would be designed to buffer residences and eliminate traffic from businesses through the neighborhoods.

Public Uses

Village Center principles would be applied with the location and construction of public facilities. The park and ride station for a Santa Fe/Albuquerque rail line would be located so as to foster successful and necessary redevelopment in the Central Urban area. Transit would extend bus service to County areas under a revised joint powers agreement between the City and County. Intracity rail and transit service would be planned to reduce the impacts of cross-valley automobile travel.
CITY OF ALBUQUERQUE

ENVIRONMENTAL PLANNING COMMISSION

MINUTES

Agenda Item 1
Project # 1011232
17EPC-40011

July 13, 2017

COMMISSION MEMBERS:
Karen Hudson, Chair
Derek Bohannon, Vice Chair (Recused)
James Peck, Member
Maia Mullen, Member
Moises Gonzalez, Member
Bill McCoy, Member (Absent)
Peter Nicholls, Member
Dan Serrano, Member

STAFF PRESENT:
Michael Vos, Planner
Racquel Michel, Principal Engineer
Dora Henry, Recording Secretary

Exhibit 3
EPC Testimony by Planning Dept. (Vos/Michel)
Minutes
July 13, 2017

CHAIRWOMAN HUDSON: Commissioner Bohannan.

COMMISSIONER BOHANNAN: Yes. I would just like to let everyone know that I need to recuse myself from Cases 1 and 2 due to a conflict of interest for business reasons. So I will remove myself from the chambers and return for Case Number 3.

CHAIRWOMAN HUDSON: Thank you.

All right. So it's obvious that we have a packed room today, and I know a lot of you want to speak. So what I'd like to do first is I want to lay out the rules of conduct for everyone, if I may.

We're going to offer everyone an opportunity to be able to speak. If you know -- if you haven't already, you can sign in with Ms. Henry to speak. And what we will do is we will offer you -- if you're representing yourself, you will have two minutes to speak. If you're representing a neighborhood association, as the president of the association or the designated representative for the neighborhood association, you will have five minutes to speak.

Being that we have so many people in the room, I ask you to please, please be respectful of that time frame. There will be a bell that goes off at the end of your time frame, and I will ask you to be finished by that time. And that's just for -- for mere sake of -- of the fact that we have so many people in here today.

I'm also going to ask you to only speak when you're at the microphone, and I will -- anyone who speaks out of turn from the audience when you're not called upon to speak and it's not your turn to speak will be removed from the room. And I'm going to have zero tolerance for that today, because we're not going to have anyone speaking out of line, speaking out of turn, and they're going to be -- and this is the one and only time I'm going to say it. There's not going to be a second chance.

So you will be removed from the room and then you will be escorted out of the building. So I ask you to please, please be respectful of our process. I really don't want to have to impose that on anyone, but it's very, very important that you understand there will be zero tolerance today. Okay?

All right. With that being said, Commissioner -- Commissioner Gonzalez.

COMMISSIONER GONZALEZ: Could I also add that conversations should be done outside if there's something that you want to discuss with somebody else. We're recording and it gets picked up. So if you need to talk to somebody else in the room, if you can just go outside the chambers and have your conversations there.

CHAIRWOMAN HUDSON: Thank you. And as you can see, the doors are open because we have standing room only. So I'd ask you also if you will silence your telephones and any other conversations, as Commissioner Gonzalez, please take it out of the room.

Commissioners, anyone else have anything else for rules of conduct that you'd like to share?

Mr. Voss, let's begin.

MR. VOS: Good morning, Chair and Commissioners. The first item on the agenda is Project Number 1011232, (inaudible) Number 17EPC 4011, a request for a zone map amendment for 21 contiguous
parcels of land within MRGCD Map Number 35, totaling approximately 20 acres. This item was deferred from your June 8th hearing.

The subject properties are located northeast of the Rio Grande Boulevard and Interstate 40 interchange between the Alameda Drain and the Campbell Ditch. The applicant has requested a zone change from about five and a half acres of M-1 light industrial, and the remainder of the 20 acres being R-1 to approximately 11.61 acres of C-2 community commercial and 7.85 acres of R-2 residential. A small portion of the site at the northern edge, abutting neighboring single-family homes, will remain R-1.

The requested zones will offer a variety of commercial, retail and service uses and varying densities of residential development.

The EPC is hearing this case and is the final decision-making body, unless the decision is appealed, and it's a quasi-judicial matter.

As the proposed commercial zoning for the site is over five acres in size, it qualifies as a shopping center under the current zoning code, and those regulations would apply to its development, including a return to EPC with a site development plan for future build-out at the site. The R-2 zoning would go straight to building permit, per our regulations.

The existing R-1 zoning of the subject site is the original zoning of the properties, and the M-1 dates nearly that far back to 1957, when it was rezoned to allow for a junkyard. Maps from the 1957 case file show that properties there existed prior to the construction of Interstate 40 and other changes in the area.

The subject site of this zone change request is part of a larger development division by the applicant that includes properties located to the west, along Rio Grande, that are zoned SU-2, MUD 1 and MUD 2 within the Los Duranes sector plan.

Those sites are not a part of this zone change request and will remain zoned as is. The MUD 1 and 2 zones within the plan refer to the C-1 and C-2 zones of the comprehensive zoning code, respectively. To the east of the subject site are existing apartment complexes that are zoned R-3 and to the north are existing residences zoned R-1.

The city uses a centers and corridors framework within its comprehensive plan, and the Rio Grande I-40 interchange is the nexus of three different corridor types. North to the interchange on Rio Grande and then turning onto Indian School is a multi-modal corridor. South of the interchange and heading west on I-40 is a major transit corridor. And east on I-40 is a commuter corridor.

There's transit service along Rio Grande as part of a one-directional loop southbound, the buses travel north on 12th Street and loop around at Indian School.

The transit department gave comment generally supportive of additional density along transit routes that can support increased ridership, and that the department has also considered two-way'ing in this route.

The applicant has justified the zone change pursuant to R-270-1980 based on change community conditions and the request being more advantageous to the community, as articulated by the
The site is within both the area of change and the area of consistency in the updated 2017 comp plan.

The applicant's justification letter cited 26 policies or sub-policies of the newly updated comprehensive plan that are furthered by this request as showing in the analysis section of the staff report and the proposed findings.

Those policies furthered by this request include infill development and corridors, mix of uses, increased housing options, convenient access, higher densities and multi-family in appropriate locations, productive use of vacant land, utilizing existing infrastructure, improving community green space, supporting transit, land use compatibility, appropriate transitions, and discouragement of incompatible land uses, among others.

The application also generally furthered the North Valley Area Plan by providing a variety of choices in housing and lifestyles, planning to address land use conflicts between residential and industrial, redevelopment of vacant land, promoting higher density where there is existing infrastructure, encouraging mixed uses and sustainable transportation options.

The proposed development also supports the Alameda Drain and Trail Master Plan as it would enhance the trail experience up to and at the subject site, which is in the southern portion of the trail, while also providing a starting point and destination for trail users.

The justification letter and the numerous comp plan policies furthered by this request substantiate the applicant's claim that it is consistent with the health, safety, morals and general welfare of the city as required by R-270-1980.

The Near North Valley, Sawmill area, Los Duranes and West Old Town Neighborhood Associations, Symphony HOA and the North Valley Coalition were notified of this request, as were properties owners within 100 feet, as required.

A facilitated meeting was recommended and held on May 23, 2017. The meeting report attached to the original June 8 staff report showed the primary concern was with traffic and the impact the proposed development would have on the Rio Grande/I-40 interchange. Other concerns included permissive uses of the requested zones, heights, density, et cetera.

The applicant requested a 30-day deferral from June 8 in order to complete a traffic study that was under way, even though that study was not required for the zone change request by the city's transportation development section. They did this in response to neighbors who wanted that study completed.

That TIS was completed and a second facilitated meeting was held on June 29th to discuss the results of that study. The report from that meeting was attached to the supplemental staff report, along with an executive summary of the TIS. Considerable concern remains over traffic.

Staff has talked to numerous individuals on the phone and in person both in support and opposition to this request. Twelve letters or e-mails of support were received prior to issuance of the supplemental staff report, and approximately 24 letters and e-mails were in option or asked for another deferral. A few letters took a way more neutral tone. And additional input was forwarded to you per the 48-hour rule.
Generally, concerns remain with regard to traffic, the future of the Campbell Ditch, scale and density, and uses of the proposed development, and the rural character of the North Valley.

Staff is recommending approval of this request based on the updated findings in the supplemental staff report, and one condition of approval, that the applicant replat the properties to align the new zone boundaries prior to the zoning becoming effective.

And I will stand for any questions you have.

CHAIRWOMAN HUDSON: Commissioners, anyone have any questions of Mr. Voss?

Thank you very much.

MR. VOS: And I will note that Racquel Michel from transportation is here if there are questions regarding traffic.

CHAIRWOMAN HUDSON: Okay. Very good. Thank you.

All right. We'd like to hear from the applicant, please.

Good morning.

MR. CULBERTSON: How are you?

CHAIRWOMAN HUDSON: Hi. Hi. Could you if you'd state your name and address for the record.

MR. CULBERTSON: I am -- my name is Kurt Culbertson. I live at 366 Meadow Road, Snowmass Village, Colorado. And I'm the agent for the project from the Garcia family.

(Witness sworn.)

CHAIRWOMAN HUDSON: Very good. Go ahead, sir.

MR. CULBERTSON: Before I get started, the Garcias would like to make a few statements, so if I might, I'll yield the floor to them.

CHAIRWOMAN HUDSON: Sure.

MS. GARCIA: I guess I should start to say I (inaudible) --

CHAIRWOMAN HUDSON: Excuse me. Just a second. I need to swear you in first. So I need your name and address for the record.

MS. GARCIA: Sheila Garcia. 200 Laguna Boulevard, Southwest, Albuquerque, 87104.

(Witness sworn.)

CHAIRWOMAN HUDSON: Is this picking up on the recording?

MS. HENRY: I (inaudible) move the microphone.

CHAIRWOMAN HUDSON: Try that a little bit. We just need to make sure it gets picked up on the --

MS. GARCIA: Thank you very much, Chair Hudson, Commissioners, staff and members of the audience for taking time out from your busy lives to listen to our -- our project.
MR. BLATCHFORD: Hello. My name is Christina Blatchford Flores. I live at 1009 18th Street.

(Witness sworn.)

CHAIRWOMAN HUDSON: And who are you representing?

MR. BLATCHFORD: I represent myself.

CHAIRWOMAN HUDSON: Okay. You'll have two minutes.

MR. BLATCHFORD: I am the fifth generation in my family to live in the Sawmill, so we have a very long history there. And my grandparents and great grandparents have passed on a beautiful tradition to us.

I care very much about my community and currently I'm living in the Sawmill development. My grandma was here before the freeway was built, and many of them built their homes around their work, which was the sawmill.

And so it's very concerning to me with previous comments saying that neighborhood associations are micromanaging issues. Just to make that very clear, I think that that's very shameful for someone to say something like that. Residents and citizens can and will think critically for themselves and we do have a voice, so I appreciate being able to come up and voice my concerns. Suggesting otherwise is very ignorant and offense is taken.

Now, concerning traffic. Traffic, I personally have had my life literally at risk several times just trying to turn off of Rio Grande onto Zearing to get myself home. This is a daily issue. It's already overburdened on Rio Grande, and I don't think that a larger development would, you know, help that situation at all.

Most importantly, though, I think that we do need to leave behind a beautiful cultural legacy, and we have to think about our children and our grandchildren. And my family does not plan on moving away. We have our roots there, and we're very happy to be, you know, part of Albuquerque's history. We want to make sure and leave the charm and a beautiful legacy for our grandchildren.

So I am in support of a small development, but a large development would not be sustainable or match with the charm of our community.

Thank you very much.

CHAIRWOMAN HUDSON: Thank you very much.

All right. Well, that ends our public comment. I thank everyone for your comment today and coming out and sharing with us your concerns.

I think at this point perhaps we'd like to have -- we'd like to have staff maybe come up for their closing statements.

MR. VOS: Madam Chair, Commissioners, just a few things in closing. And at first, actually I'd actually like Racquel Michel to come up and see -- say about -- more about the traffic concerns that have been talked about extensively.

CHAIRWOMAN HUDSON: Okay. Ms. Michel. This seems to be a big
topic, so this is appropriate.

**MS. MICHEL:** I just wanted to address a couple of things that were brought up by the neighbors.

**CHAIRWOMAN HUDSON:** She needs to -- she's not quite hearing you. If you'll just talk a little bit closer into microphone.

**MS. MICHEL:** First of all, with reference to the gate on Campbell, again, that's completely hypothetical. We would never hinder someone's existing access. So if there would be a gate required on Campbell, it would be at the beginning of the R-2 section. It would not hinder any of the R-1 that is existing or the small piece that the remaining R-1.

Secondly, I was very careful to call it a draft TIS because, as I mentioned before, we are still in the process of reviewing it. We've already found some things that we need to have addressed.

The DOT has requested additional information because most of the problems are due to the DOT facilities along Rio Grande. It backs up on westbound I-40, as someone mentioned. It backs up Rio Grande because people are trying to get onto I-40. So we're trying to -- we're trying to address DOT's requirements and trying to find the best way to affect -- affect the city's facilities as well as the DOT facilities to best help the ridership on both transportation systems.

Also -- actually no, I think that was it. I just wanted to correct (inaudible).

**CHAIRWOMAN HUDSON:** Commissioner Gonzalez.

**COMMISSIONER GONZALEZ:** Could you tell us in that study, as you've understood it so far, where exactly the access points are?

**MS. MICHEL:** Sure. So this site plan is very preliminary. But I believe it's the -- you know, the closest we have to what will be coming in with the site plan application. So --

**CHAIRWOMAN HUDSON:** Do you have a pointer up there or -- there should be a pointer right -- oh, you can do it that way.

**MS. MICHEL:** Right here is the Range Cafe, where there's two existing accesses in and out the restaurant. Their main access will be off of Floral, right here, and a secondary one off of Lilac.

We're still, again, going through with the requirements. DMD just came in and restricted the access right here at Rose. So we need -- so that was included in the study, however there was a study proposing a diversion diamond under the interstate. We -- they had that in the study, however we're telling them to take it out because it's not a programmed improvement. There's no money for it right now, and it was just in the study. So we need to -- we need to have the study include things that are actually on the system right now.

Again, right here, let's see -- here is all the R-1 that they are -- you know, that is already existing, the R-1 existing, and this is the beginning of the R-2 section. So as I was saying before, any gate would be back here. It would not affect any of the existing residences up here.

**CHAIRWOMAN HUDSON:** Are all the access roads that you're addressing, are they two-lane?
MS. MICHEL: Yes. And just point of information, there were more accesses off of Rio Grande today existing, so this would remove a lot of those small driveways along every -- you know, all these little.

CHAIRWOMAN HUDSON: Ms. Michel, when a traffic-impact study is done for this area, what are the boundaries that are taken into account for the traffic-impact study?

Because we're hearing from Old Town, which is south of I-40. So how large an area does the traffic-impact study impact?

MS. MICHEL: So the study -- the properties that the study is prepared for is everything that is under the control of the applicant. So right now, it's everything on this site plan. However, I think what you're asking is what -- the trips -- the area in the city that affects the study.

It depends on the type of development. So for residential, we assume that trips are going and coming from residential throughout the entire city. So the entire city is -- is involved in where those trips are distributed.

For commercial, we chose -- those are -- are a radius from the site. And I believe we chose a two-mile radius from the site, which is very standard. We -- it usually goes between two and three, however there are barriers because there's a river right there. There's -- there's a lot of existing infrastructure, so we chose to do a two-mile for commercial uses.

CHAIRWOMAN HUDSON: And how is NMDOT tied into all of this?

MS. MICHEL: Because it is right around that facility, they are -- they asked that we consult with any infrastructure and any development that's within a half mile of their facility. So we -- they have requested additional information for, I believe, I-40 and 12th Street and I-40 and Coors, how the development affects those two off ramps and intersections as well.

CHAIRWOMAN HUDSON: Commissioner Gonzalez.

COMMISSIONER GONZALEZ: Can you tell me if -- right now, we've heard from a lot of people, you know, about what happens at rush hour at Rio Grande and the highways. Is that considered a failing intersection right now?

MS. MICHEL: Absolutely, yes. And as I was mentioning before, most of it is due to the impact of having the interstate right there. All of -- all of the backup -- the backup all these neighbors were talking about, where you can't get onto Rio Grande from the neighborhoods is because there is that backup going trying to get onto I-40. And then the backup off of westbound I-40.

Anyone that drives through it in the afternoon sees that you're stuck there for a while. So it's -- it's an existing condition. This development is -- you know, it's just -- it is burdening an overburden area, so why I say that it's still in draft is because we still need to negotiate with the applicant how -- how their development will prepare to mitigate that as much as possible.

So we have not come up with good requirements yet because we still need to look at the fact that the diversion diamond idea is not in place and will not be in place within the near future. We need to look at the fact that the access at Rose, who was just...
changed. So we're still trying to work through that.

That's why I'm cautioning you not to -- that even though it is still in draft form, even though it is being worked through, this is not something that is unique to this situation. This is happening all over the city. All kind of developments have it.

And we, as a city, try to make sure that the safety of the transportation users are paramount when figuring out what kind of infrastructure is required.

CHAIRWOMAN HUDSON: Commissioner Peck.

COMMISSIONER PECK: Thank you, Madam Chair.

So, Ms. Michel, so when the -- should this be approved, when the C-2 portion comes back before us, that traffic mitigation plan will be part of that something else, correct?

MS. MICHEL: Yes. So when the site development plan is approved, we will require a finalized -- or not finalized. We will require a TIS that is --

COMMISSIONER PECK: Specific to C-2?

MS. MICHEL: Yeah, exactly. Specific to the actual request.

COMMISSIONER PECK: Gotcha. Thank you.

CHAIRWOMAN HUDSON: But while we're on that topic, let's talk about the R-2. So, again, we talked about this earlier. The R-2, they just need to go -- the applicant -- if we chose to do this, the applicant just goes to building permit.

But a TIS is still going to be required for the entire site, correct?

MS. MICHEL: The entire site creates over the threshold -- over the 100 trips in and out in the peak hours. The entire site creates that -- or is above that threshold, so we would require the TIS anyway.

CHAIRWOMAN HUDSON: And, again, if we were to -- if this were to be approved, it would just need to go to building permit for the R-2, would you need to know exactly what's going to be placed on the C-2 in order to have an accurate traffic-impact study.

MS. MICHEL: Yes. Absolutely.

CHAIRWOMAN HUDSON: Very good.

Anybody else have any questions for Ms. Michel regarding the traffic-impact study?

Okay. Thank you very much.

Okay. Mr. Voss.

MR. VOS: From planning, the urban design's development section's review side of the traffic issues, the applicant's traffic engineer in the study, I believe, said that the resulting traffic could be a D level of service, which is considered acceptable in urban areas. And in -- in line with that, the city's updated comprehensive plan, Chapter 6 is transportation, has policies specific to corridor types.
I mentioned earlier there are three different corridors here, with major transit, multi-modal and commuter.

Policy 6.1.6, for major transit, would even be a Level E service, with the acceptable minimum. 6.1.7, multimodal, a Level E minimum, and 6.1.8 from the commuter corridor, a B level of service is an acceptable minimum.

There was some discussion about why didn't the applicant submit for special use zoning or why are we not bringing a site plan at this point in time. Well, first of all, the applicant, they submit for what they choose to submit for and the city reviews it. They're the ones who made their application and provided justification.

If there is some sort of similarity between my staff analysis and the report and the applicant's justification letter, that's because the justification letter, in my opinion, was very strong and the policies cited are furthered by this request. And that would satisfy RR, Policy E, Number 3, that it is more advantageous to the community as articulated by the comprehensive plan. That is the standard by which this request was judged and analyzed by myself.

If uses are able to be accomplished by state zoning, that is the preference of the city. The comprehensive plan has a policy that says we should limit the use of SU-1 zones to where they're absolutely necessary, essentially.

And then with regard to the rural character of the North Valley and concerns with this application being in conflict with the North Valley Area Plan, the North Valley Area Plan did have policies or does have policies to protect rural character. The North Valley is a very large area. And those policies were to protect the existing rural areas and agricultural zoning areas.

Goal Number 11 of the overall goals of the plan states to locate commercial and industrial development within the I-25 corridor and selected areas along the I-40 corridor, especially as an alternative to excessive lower valley commercial or industrial development.

The subject site is in the I-40 corridor, and promoting commercial development here rather than farther north in the more rural part of the valley is appropriate.

Under the zoning and land use section, Policy 1(A), the North Valley Area Plan stated specific areas where the former, not in (inaudible) plan, but the former comp plan development areas should be lowered from established urban to semi urban, or from semi urban to rural.

This subject site was not within any of those areas to be lowered in their development area designation. In fact, it remains as central urban, the most intense central urban core of the city.

In Policy 2(E), was to retain the low density character of rural areas of the North Valley. Again, because this area was central urban, my analysis would be that this is not the rural parts of the valley that were most important to protect, and that this development is appropriate in this location next to interstate highway and an arterial roadway and major corridors of the city.

With that, I'll be happy to answer any other questions you have. And we'll go from there.
CHAIRWOMAN HUDSON: Commissioners, anybody have any questions?

Mr. Voss, can you just address for us, it was brought up and I'm curious to know, this area is in both an area of change and area of consistency in the comprehensive plan, so can you address for us justification for this being an area of consistency with your recommendation for approval?

MR. VOS: So there -- in the policy analysis, in the staff report, there are both policies for areas of change and areas of consistency mentioned. The comp plan wants to promote growth in areas of change. The portion of this site, that's an area of change, the existing industrial zoning, so it's an -- already a nonresidential use, and it's in proximity to a major transit corridor at the interchange.

The areas of consistency, the idea of the comprehensive plan is to protect our existing residential neighborhoods and those other lower intensity areas of the city. That doesn't mean we should prevent development from happening in proximity to those.

Policy cited in their -- in the applicant's justification letter and in the staff report, is that we should carefully consider zone changes from residential to nonresidential zones. This application, in my analysis, was carefully considered.

The applicant has placed the nonresidential uses adjacent to the interstate and have set the intensity bounds to multi-family, and has left on -- you can see this map -- the northern portion that is immediately adjacent to the existing homes as R-1.

So I believe they -- that the applicant has carefully considered it. I've carefully analyzed it, and the (inaudible) don't do zone changes or don't allow development in the areas of consistency (inaudible).

CHAIRWOMAN HUDSON: Thank you for that explanation. Anyone else? Commissioner Gonzalez.

COMMISSIONER GONZALEZ: So one of the suggestions that was made was -- or one of the questions that was asked was: Why C-2 and not C-1? Why make that jump? So I'm just wondering if you have any comment on that?

MR. VOS: That's probably a better question to ask the applicant for why they've chosen the zone district to apply for that they have.

Generally, I would probably say there are uses within the C-2 zone that they would like that maybe are not allowed in the C-1 neighborhood commercial zone.

COMMISSIONER GONZALEZ: I'll ask them.

CHAIRWOMAN HUDSON: All right.

Anyone else have any questions for Mr. Voss? Thank you very much.

All right. We'd like to hear from the applicant, closing statements, please.
In Re:
AC-17-7 and AC-17-8

TRANSCRIPT OF PROCEEDINGS

Thursday, September 21st, 2017
9:04 a.m.
CITY OF ALBUQUERQUE
CITY COUNCIL CHAMBERS
One Civic Plaza, Northwest, Ninth Floor
Albuquerque, New Mexico 87102

HELD BEFORE: MR. STEVEN CHAVEZ
LAND USE HEARING OFFICER

COPY

REPORTED BY: MICHELE M. TRUJILLO, CCR No. 226
WILLIAMS & ASSOCIATES, LLC
1608 Fifth Street, Northwest
Albuquerque, New Mexico 87102

Exhibit 4
One of the EPC commissioners aptly described I-40, and that's really what we're talking about when we're talking about traffic, by the way, which is where I'll end up. He described it as a river of cars. If there is -- with an allusion to the Rio Grande River that's so close and so beautiful, and the contrast that the river of cars isn't, but it's -- it isn't beautiful, but it's necessary. The problem we have is that, with I-40, it's a DOT issue. It's not a City of Albuquerque issue, per se.

And the key thing about the traffic issue is that, if it wasn't required for purposes of the zone change, that the Garcias agreed to provide it, because it was such a touch point with the neighbors, especially when there was still some hope that maybe something could be resolved through a consensus, including even an SU; and, of course, the Garcias need to know what the infrastructure on Rio Grande Boulevard itself will support.

The conclusion that there isn't a significant adverse impact is critical, and I would like, without going into those details, simply to say that one should look at that as though it was an effort to go beyond the call of duty and what will really happen if this zone change becomes final is that the Garcias will then have to do some very rigorous site planning and determination of what actual densities will allow and to work carefully with the transportation engineering department and the transportation engineer, Michelle (sic) Michel, and through the approval process, to make sure that what actually happens with traffic will work. They don't want us -- a C-2 or R-2 that doesn't work.

And just for illustration purposes, there's no desire to put a bunch of high-density apartments here, but to allow for flexibility in R-2 uses. And if you're going to have senior housing, where there aren't as many cars as normally people have, you're actually reducing traffic loads. But you've got to have access to it.

MR. CHAVEZ: Thank you, Mr. Kent.
MR. KENT: Yes, I can.
MR. CHAVEZ: Thank you.
MR. KENT: The case law, the Duke City case, says that opinion about harm, traffic, is not evidence. There is evidence, and it was not contradicted with an alternative traffic study. It was nothing other than opinion, generalized assertions about harm, that the EPC properly determined that this would not cause relative harm, and it's the right thing to do under the plans, and therefore we ask for a recommendation that the EPC's decision be upheld.

Thank you,
MR. CHAVEZ: Thank you, Mr. Kent.
MR. ANAYA: No, Your Honor.
MR. CHAVEZ: Thank you.
Certainly, you can, but what I'd like to do is get the City up here, real quick.
MR. EWING: Sure.
MR. CHAVEZ: And then you can have some time rebuttal -- in your rebuttal.
Good morning, Mr. Vos.
MR. VOS: Good morning.
MR. CHAVEZ: I'm going to swear you in.
MR. ANAYA: No, Your Honor.
MR. CHAVEZ: Thank you.

If you could address those points, I'd appreciate it.
Mr. Vos.
1. MR. VOS: Yeah, I can begin. I'll keep this fairly brief. I believe the parties have addressed the issues of changed conditions in the staff analysis and in the EPC's findings, that they agreed with the Applicant that there were changed conditions that justified the zoning change.
2. MR. CHAVEZ: And the analysis for the changed conditions is regarding the enactment of the zoning for that particular site, correct?
3. MR. VOS: Correct. The changed conditions are -- go from when the zoning was first established for the site. So, in this instance, the R-1 is the original zoning, when zoning was very first established in Albuquerque, and the M-1 from 1957, prior to the Interstate.
4. MR. CHAVEZ: The M-1 from 1957, yes. Thank you. I was starting to doubt myself. Mr. Ewing had me concerned that I'm getting a little senile. I was starting to believe he was correct.
5. MR. VOS: I'm sorry. Go ahead.
6. MR. VOS: Yeah, and I believe there's been lots of discussion about the areas of change and areas of consistency. The areas of consistency do not prohibit zone changes from occurring. As you mentioned, it's more of a test of compatibility.
7. CHAVEZ: I believe that was a significant finding.
8. MR. VOS: Yes. The areas of consistency in the Comp Plan was established to protect established neighborhoods. Those neighborhoods in this area primarily exist to the north of this site, and the Applicant made an application where they stepped down their zoning and created buffers to the adjacent R-1 properties to the north.
9. But in terms of the carefully considered context, you don't just consider the adjacent R-1 properties, that the surrounding context includes the R-3 high-density residential to the east and the existing commercial zoning to the west, along Rio Grande Boulevard.
10. So, taking the entire context of the subject site, the analysis and the EPC's findings found that it satisfied the policies of the Comp Plan for areas of consistency.
11. MR. CHAVEZ: Why did you use the language that it generally satisfies the NVAP? I'm curious why you used the "general." Is there aspects that weren't satisfied?
12. MR. VOS: I believe there -- the North Valley Area Plan, most policies within it are -- speak generally to the North Valley, as a whole. The North Valley is a very large area.
13. I believe they're more -- the analysis is more generalized, as parts of the Valley are more rural. Others are more urban. Some policies -- the Appellants listed policies that they don't believe were satisfied. There's wording in the finding made by the EPC of mixed uses, encouraging development in appropriate locations that are satisfied. I think there's some give-and-take there.
14. MR. CHAVEZ: There are policies that are inapplicable to this site, and there are policies that are applicable.
15. MR. VOS: Correct.
16. MR. CHAVEZ: Did the -- in your opinion and in your review, did the proposal -- does the proposal satisfy, substantially satisfy, the applicable policies to this site?
17. MR. VOS: I believe it does. In my review, I reviewed the North Valley Area Plan policies against what was being proposed and believe that it does substantially comply with the applicable ones.
18. MR. CHAVEZ: And how much did the central urban designation play into your analysis?
19. MR. VOS: I believe that was a significant part of it. Its location along the interstate corridor as well as that central urban designation were important factors in my review in making a recommendation to the EPC.
20. The North Valley Area Plan recognizes that development may occur and wants to encourage those to not spread into the lower Valley. It was made mention of, believe, page seven of the plan, earlier, that stated the semi-urban area and established urban area was downgraded to semi-urban. That is located west of this subject site, between Gabaldon River and the road.
21. So the plan specifically recognized areas that needed more of the rural protection and made those changes, and that change did not occur for this subject site area.
22. MR. CHAVEZ: Is there a conflict in the Comprehensive Plan with the North Valley Area Plan, in terms of the area of consistency, and, if so, I mean, how did you reconcile that?
MR. VOS: The --
MR. CHAVEZ: The Comprehensive Plan designates this generally as an area of consistency, while the NVAP specifically says this is an urban -- central urban area.

MR. VOS: Correct. The previous Comprehensive Plan, prior to March 2017, used the central urban, established urban designations. That is a policy change that the City Council has made, and so, this North Valley Area Plan being from 1993, that's a remnant.

The idea of changing is that the established urban or central urban areas sometimes would allow inappropriate development. So putting an area of consistency is areas of change can offer a little more guidance in where we need to more carefully consider things. So I don't believe that there's a conflict, per se. It's -- because we are able to look at the context, and it allows more of that analysis, I believe, to occur than maybe would have occurred before.

So this entire site for the zone change is designated as a shopping center site?

MR. VOS: The five -- or the 11 acres of proposed C-2 would be designated as a shopping center site. The R-2 uses would just be -- move forward 1 MR.

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MR. VOS: Correct.
MR. CHAVEZ: Okay. And it -- you'll -- the Planning Department would never allow a large retail facility at this site, correct?

MR. VOS: I do not believe it --
MR. CHAVEZ: I guess that's a question for Ms. Michel.
MR. VOS: And I don't believe it has access.
MR. CHAVEZ: Because, if there's not a collector that has an -- it's not adjacent to a collector, and it does not have direct access to a collector.

MS. MICHEL: That's exactly correct.
MR. CHAVEZ: So it's not the intent of the City to allow a large retail facility?

MS. MICHEL: Correct.
MR. CHAVEZ: Okay. Thank you.
I'm sorry. Go ahead, Mr. Vos.

MR. VOS: I'll continue a little bit more

1 With the changed conditions.

2 In addition to when the zoning was first established, the North Valley Area Plan was dated in 1993. The City's Comprehensive Plan, I believe the year to 2002 is when the centers and corridors concept was first introduced, even though we do see village centers as a concept in the North Valley Area Plan, and then the new Comprehensive Plan offering more of a focus on infill development, as opposed to development on the edges of our developed urban area.

So there has, over the years, been more of a shift toward seeing these sort of center-type developments that are within the city that potentially offer more benefits than automobile-oriented sprawl.

MR. CHAVEZ: Was the LD-MUD designation, for those properties along the Rio Grande -- those were done through the Los Duranes Sector Development Plan, correct?

MR. VOS: Correct. Those designations are with -- are because of the Los Duranes Sector Development Plan, that -- a change that occurred near to the site.

MR. CHAVEZ: What was the zoning before that at those sites?

MR. VOS: I do not recall, off the top of my head.

MR. CHAVEZ: Okay.

MR. VOS: The Los Duranes Sector Development Plan, there's been some mention that -- of whether or not it applies or why weren't policies cited. This specific subject site is straight zoned. It is actually -- it is not within the boundaries of the sector development plan.

So, insofar as changed conditions, the sector development plan, as the EPC found, applies to changes in the area, but those policies were not analyzed, in terms of the "more advantageous" argument, because the site is not within the plan area.

MR. CHAVEZ: Right. The policies of the plan don't apply, because the boundaries don't reach the site.

MR. VOS: Correct.
MR. CHAVEZ: But the actual installment or the actual approval of the plan that changed the zoning for the -- for those lots, those parcels, certainly apply to the "changed conditions" analysis --

MR. VOS: That's correct.

MR. VOS: My last point may be regarding the adoption of the new Comp Plan and whether or not that reaffirms the R-1 and M-1 zoning argument that was made. The Comp Plan is just a policy document.

It is not the zoning. Zoning may still change in accordance with R270-1980 and the policies that get analyzed.

So the Comp Plan, the area of consistency, area of change, policies guide us in our analysis and guided the EPC in making their decision, but they do not necessarily affirm or -- the existing zoning that's on the ground.

MR. CHAVEZ: Ms. Michel.

MS. MICHEL: I just had a couple of clarifications from things that came up earlier. One was regarding the level of service allowable in the city. I just want to make it clear that the level of service shown in the DPM today is for the level of service for automobiles.

MR. CHAVEZ: Right, right.

MS. MICHEL: So, for any roads controlled by traffic-control devices, a level of service D is acceptable. Anything else, a level of service C is acceptable. And just as a matter of point, most local roads are A and B.

MR. CHAVEZ: Oh, are they?

MS. MICHEL: Yeah.

MR. CHAVEZ: How come I have never seen A's and B's?

MS. MICHEL: Because most analysis is done on the major roads.

MR. CHAVEZ: You know, I should -- I apologize for wrongly assuming. It's just that I don't think I've ever seen an A or a B.

MS. MICHEL: Well, in -- within the city, most major roads are a C or worse.

MR. CHAVEZ: Right.

MS. MICHEL: And then I do want to, I guess, just explain that since that's the level of service for automobiles, that means that the level of service for pedestrians and bikes is also the higher the level of service for autos, the worse the level of service for bikes and pedestrians.

MR. CHAVEZ: Sure. It makes it more dangerous.

MS. MICHEL: So it's a balancing process.

MR. CHAVEZ: Of course.

MS. MICHEL: One question was whether -- or why the TIS was not required for a zone change, and that is a typical process our group does. If we know that a site plan will be forthcoming, which we know in this instance there will be, we think it's more prudent to get the finer details of the site when a zone change has already occurred to be able to have a better analysis for the TIS.

MR. CHAVEZ: Mr. Vos, I have a -- I'm sorry to jump around.

MS. MICHEL: That's all right.

MR. CHAVEZ: Are you finished, Ms. Michel?

MS. MICHEL: No, I have a couple things, but we can come back.

MR. CHAVEZ: Let's finish. I need to write my question, because I will forget. Go ahead.

MS. MICHEL: One thing that was mentioned was, no matter if the -- if the zone change does not go through, the road conditions, the failed conditions on the road, they will persist, and it's a system-wide condition. It's not -- it's not a situation that is being introduced by this development. It's just -- as I mentioned at the EPC hearing, it's just getting worse.

So we have had meetings with DOT to try to alleviate these system-wide problems, and since it's a system-wide situation, this is something, again, we...
1 Is we are still waiting on additional analysis that
2 was required by the DOT. So it's not a full picture
3 yet. It's not something that even I'm ready to
4 approve.
5 MR. CHAVEZ: Right, and I understand that.
6 But because the Executive Summary is based on that,
7 it really should be in the record --
8 MS. MICHEL: Okay.
9 MR. CHAVEZ: -- whether it's final or not.
10 And I want to make sure the City Council has the
11 ability to review it, if necessary. I certainly want
12 to review it.
13 MS. MICHEL: Okay.
14 MR. CHAVEZ: So if you could get that in
15 the record. Send it to Mandy Hinojos, and I will --
16 and she will send it to me.
17 MR. TEBO: Mr. Chavez, if I might just
18 interject something here at this point, with regard
19 to the --
20 MR. CHAVEZ: Mr. Tebo.
21 MR. TEBO: Yes. Thank you, sir.
22 With regard to the TIS, I think what was
23 trying to be conveyed by our traffic engineer is the
24 fact that she doesn't have a final TIS. There was an
25 Executive Summary provided and considered by the EPC.

1 It would be helpful, though, for purposes
2 of the record, to understand -- I understand what
3 you're saying about an Executive Summary was
4 reviewed, but is there actually the basis for the
5 EPC's approval of the zone change that incorporates
6 the traffic study? Because I don't believe that
7 from the perspective of the traffic study and the
8 traffic analysis, that the EPC's basis for approval
9 of the zone under R270-1980 incorporated that.
10 And so I just want to make sure, for
11 purposes of the record, we're adding a fairly
12 substantive piece of material that may not actually
13 be relevant to the zone change. It may be very
14 relevant to the sit plan for site development that
15 may arise at some point in time in the future, if the
16 zone change is upheld.
17 MR. ANAYA: Mr. Chavez, if I may speak to
18 this?
19 MR. CHAVEZ: Yes, please, Mr. Anaya.
20 MR. ANAYA: I certainly agree with you
21 that, because the Executive Summary is a part of the
22 EPC's considerations and findings, that the draft
23 traffic study should be in there. I think that's
24 really important. So I would ask that it be included
25 in the record.
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| 1 document. And I don't know what's in the additional document. I know what's in the Executive Summary. I know that the Executive Summary was included in the EPC's consideration. 
2 I also know, as has been pointed out, no traffic-related issue needed to be presented to the EPC for the basis of a zone change. 
3 MR. CHAVEZ: That's true. 
4 MR. TEBO: And so I'm cautious about 
5 opening up an ancillary issue that actually doesn't have a basis in what's before the LUHO, nor what should be before counsel. 
6 Did the EPC, in approving the zone changes -- did they act arbitrary and capricious? 
7 Was there an error of the law or ordinance? That's what's before the LUHO. I think including a draft collection of traffic studies, notwithstanding the Executive Summary -- but I think including that material, it's ancillary, it's confusing, and frankly, sir, I do believe it's irrelevant to your consideration. 
8 MR. CHAVEZ: Okay. Thank you. 
9 MR. Ewing? 
10 MR. EWING: I understand that I agree. I mean, now I'm just even more curious. It sounds -- there is an aura of secrecy. I mean, that's what it sounds like. And certainly I can get admonished by the City Council, 
11 if they so choose, but I think it needs to be in the record, because it wasn't relevant to their decision, 
12 but they considered the Executive Summary. And the Executive Summary is based on the analysis, and so I believe it needs to be in the record, and so I'm not going to hear any more argument. 
13 MS. MICHEL: Okay. I -- 
14 MR. CHAVEZ: Thank you. 
15 MS. MICHEL: Okay. 
16 MR. CHAVEZ: Did you have more to add? 
17 MS. MICHEL: No, I was just going to say, 
18 it's two studies. It's not just one. It's not just one, and it's fairly thick. 
19 MR. CHAVEZ: And the EPC referred to both of them in their findings. 
20 MS. MICHEL: Okay. 
21 MR. CHAVEZ: So -- and I know it's a lot of stuff to read, but wait until you see the next appeal. Have you seen that? 
22 MS. MICHEL: Yeah. 
23 MR. CHAVEZ: Okay. 
24 So anything else, Ms. Michel? 
25 MS. MICHEL: I don't have anything else. 
26 MR. CHAVEZ: And I'm just warning you, Mr. Vos, that the next one is just huge, and so -- okay. Mr. Vos, I have a question for you. Regarding the straight zoning that was approved by the EPC, 
27 because it's straight zoning, when they re-plat, are they going to plat individual lots, having C-2 and R-2? 
28 
29 | Page 158 | Page 160 |
|----------|----------|
| 1 presented to the public. There is no reason for confidentiality. There is no reason to keep it secret. It should be part of the record. 
4 MR. CHAVEZ: I agree. I mean, now I'm just even more curious. It sounds -- there is an aura of secrecy. I mean, that's what it sounds like. And certainly I can get admonished by the City Council, 
5 if they so choose, but I think it needs to be in the record, because it wasn't relevant to their decision, 
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15 MS. MICHEL: Okay. 
16 MR. CHAVEZ: So -- and I know it's a lot of stuff to read, but wait until you see the next that it's a shopping center, I believe, and counsel can -- 
3 MR. CHAVEZ: There has to be a site plan 
4 with that shopping center. 
5 MR. VOS: There has to be a shopping center site plan, even if they were to put the C-2 into multiple tracts. 
8 MR. CHAVEZ: Okay. Good. 
9 MR. VOS: That would be my interpretation. 
10 MR. CHAVEZ: That answers my -- that was the next question, because the straight zoning would theoretically allow certain parcels to be done without site planning, and I want to make sure that you're not allowing this to be done without site planning. 
16 MR. VOS: I believe, with the findings 
17 saying that that commercial is a shopping center site, regardless of how they plat it, they would have to go through the shopping center site plan process for the whole C-2. 
21 MR. CHAVEZ: Okay. Thank you. Great. 
22 Cross-examination, Mr. Anaya? 
23 MR. ANAYA: Nothing. 
24 MR. CHAVEZ: Thank you, Mr. Ewing?