

2019-002629

Garcia



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Copy:  
North Valley Coalition

**NEAR NORTH VALLEY NEIGHBORHOOD ASSOCIATION**  
**VOLUNTEERS WORKING INCLUSIVELY TO PROTECT,**  
**PRESERVE, AND ENHANCE THE COMMUNITY**

December 10, 2019

Dan Serrano, Chair  
Environmental Planning Commission  
City of Albuquerque  
600 Second Street, 3rd Floor  
Albuquerque, NM 87102

Sent via e-mail to Russell Brito

Re: Project #2019-002629 (formerly #1011232); zoning for the Garcia property north of I-40, west of the Alameda Drain

Dear Mr. Serrano:

On behalf of Near North Valley Neighborhood Association's board, I request that the EPC reverse its prior decisions and deny the rezoning of the Garcia property north of I-40, east of the Alameda Drain and west of the Campbell Ditch. In the alternative, we request that the EPC defer its decision of the potential harm from redevelopment made permissible by the 2017 rezoning until the *draft* traffic impact study is completed and properly analyzed and taken into consideration.

The property falls entirely within our association's boundaries. Like numerous neighborhood groups and individuals, we were actively involved during the EPC hearings which resulted in the EPC's July 2017 rezoning of most of the property from M-1 and R-1 to C-2 and R-2. We followed the North Valley Coalition's appeal of the original EPC decision. We supported the NVC's successful appeal of the EPC's August 8, 2019, decision because of failure to give proper notice of the August 8, 2019 hearing.

We reaffirm our long-held position that the expansion of C-2 zoning beyond the original M-1 zone and the rezoning of all but two of the remaining acres as high-density housing will have an excessive negative

effect on neighboring residential and business communities through traffic congestion, air pollution, light pollution, and degradation of the existing environment supporting irrigators, the City's tree canopy, wildlife, and the historic and continued use of the Drain and Ditch for low-impact recreation. We concur with the NVC's December 1, 2019 statement submitted to the EPC in opposition to the rezoning of M-1/R-1 to C-2.

The EPC should give deference to the City's 2017 Comprehensive Plan's designation of the majority of the property (all but the M-1 strip) as an "Area of Consistency" and to the North Valley Area Plan's policy of locating intense commercial uses along I-25. Several of the permissive uses allowed in a C-2 zone would have harmful effects on the surrounding area, including the heavy-traffic uses such as drive-through restaurants and gas stations. Furthermore, it is crucial to the health and quality of life in the area to reduce the scale of development impacting the overburdened Rio Grande Boulevard, and to protect and retain the Campbell Ditch.

We also note:

- The applicant's characterization of its proposed "Rio Grande Crossing" as a "Village Center" as contemplated by the North Valley Area Plan is not appropriate. None of the examples listed in the NVAP as representing existing Village Centers, like the small shopping areas at Matthew Ave/Rio Grande Blvd or 12th Street/Candelaria Rd, are comparable in scale to the proposed hotel, regional supermarket, assisted living facility, and shops planned for the Garcia property east of the Alameda Drain (NVAP, p. 134). Furthermore, the large signs, standardized architecture, and large expanses of parking typically associated with major supermarkets and hotels are in direct conflict with Village Center principles (NVAP, p. 136).
- The applicant's characterization of the property subject to rezoning as part of a "corridor" is not appropriate. While the land west of the Alameda Drain is part of the corridor along Rio Grande Blvd, the interior land east of the Drain is not.

- The applicant's statement that their proposal to more than double the acreage for C-2 uses (from 5-plus acres to almost 12 acres) "doesn't materially increase the intensity or impacts to the neighborhood" (July 29, 2019, letter, p. 8) defies logic.
- The applicant's analysis of the impacts of permissive C-2 uses and the likelihood of which uses would be constructed is highly subjective (July 29, 2019, letter, pp. 5-8) and irrelevant. In determining potential harm, the EPC should consider all of the possible permissible uses under the C-2 zone. The proposed conceptual site plan is not binding and after all, the property could be sold to another developer.
- The marketing video provided as a courtesy to neighborhood groups is not helpful to an understanding of the impacts of the C-2/R-2 zoning. First, the video focuses on the development west of the Alameda Drain, along Rio Grande Blvd, and doesn't provide any detail for the property that is the subject of this case. Second, the video indicates that the Alameda Drain will be lined with concrete which will negatively impact the trees growing along the Drain as well as wildlife and the rural character. Third, the video mentions the Campbell Ditch in a subject line, but that's it—no detail whatsoever on how the Ditch will be protected and maintained.

We could support rezoning of the M-1 parcel to C-2 provided demonstrably traffic-intense uses, like drive-through restaurants, are prohibited, and the Campbell Ditch is not used for ingress/egress to the development. We ask that you deny the C-2/R-2 zoning under consideration in this matter.

Respectfully submitted,

*Marit Tully by Joe DeBartolo, Secretary*

Marit Tully  
President

December 9, 2019

Russell Brito, Division Manager (via email [rbrito@cabq.gov](mailto:rbrito@cabq.gov))  
Urban Design & Development  
Planning Department  
City of Albuquerque  
600 Second Street, 3rd Floor  
Albuquerque, NM 87102

Dan Serrano, Chair  
Environmental Planning Commission  
City of Albuquerque

Re: PR-2019-002629; OC-19-31 (Project #1011232); Remand (2nd Hearing) for Supplemental Findings on Two Issues; VA-2019-00270; VA-2019-00274; AC-19-14; AC-19-15; AC-17- 7; AC-17-8; 17-EPC- 40011 - AC-17-7; Rio Grande Blvd. NW at 1-40, between Alameda Drain and Campbell Ditch

Dear Chair Serrano and Commissioners and Mr. Brito:

We are neighbors to the above-referenced property where a zone change request is again considered by the Environmental Planning Commission. My wife and I live on a half-acre parcel among other half-acre residential parcels that are adjacent the development, and we are also located between the Alameda Drain and the Campbell Ditch (tract 224-D2). Our only access to our home is via a dirt/gravel ditch road that runs south from Indian School Rd. NW along the Campbell Ditch before that access road turns west across the ditch access to our home and six other homes in the same predicament. I would like to underscore that our property is immediately adjacent to the proposed development in question where a zone change is requested. I want to be clear that we are NOT asking for paved access to our home, and we staunchly oppose any significant changes to the Campbell Ditch, since our neighbors and resident wildlife – including seasonally nesting birds – depend on that water. This letter addresses the potential for negative impacts that we assert will be caused by approval of zone changes that allow for greatly increased density in residential and commercial activity between our property and I-40 to our south, as is the issue currently before you now.

As a historical point-of-reference, I came before the Environmental Planning Commission in the year 2000 (EPC case # 0011000000462) when a similar zone change request involving much higher densities was being considered for what eventually became the Symphony subdivision, a gated community accessed via Indian School Rd. NW. This project 19 years ago was also represented by Tierra West, LLC. At the time, high-density apartments were being considered for that proposed development. The proposed large-scale increase in density was opposed by me and my neighbors. Eventually, and thankfully, the Environmental Planning Commission came to reason that high-density apartments were not appropriate for this area.

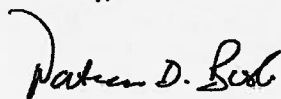
At the time I argued the above case, the EPC record reflects our concerns were for the precarious access to our homes and also our intentions to defend the rural character and history of our property and the

surrounding properties. In those deliberations, I specifically asked that the City consider the impacts on our access and our quality-of-life. In regards to this matter before your now, those concerns have not changed. What has changed in the last 19 years is that our access and quality of life have been further degraded since our access along the Campbell Ditch road was re-routed along the chain link fence that forms the wboundary of the Valley Apartments. Promises from the City and the Symphony project developer to preserve our access have not been kept. In recent months and years, we have seen the Valley Apartments stacking mattresses next to their dumpsters along our road that they say need to be disposed of due to bedbugs. Homeless camps in the area have recycled those unsafe resources to establish more camps in the area. To exit our properties, we now must navigate a gauntlet of homeless camps, garbage, gun violence, and occasional muddy impasses that make vehicle travel difficult and pedestrian or bike access dangerous and/or impossible. Furthermore, once the Symphony project re-routed the Campbell Ditch (and, consequently, our sole access road) along Indian School Rd. NW and the Valley Apartments to accommodate the Symphony subdivision, no landscaping or erosion control was put in place to control the dirt embankment that holds back the elevated Campbell Ditch, meaning that mud from the raised ditch completely washes down over our access road and also the main sidewalk along the south side of Indian School Rd. NW, to the north of the Symphony subdivision, covering the pavement and making any westbound foot traffic for us difficult and dangerous from the point that our ditch access road connects to Indian School NW. In short, at times, we can't walk or bike to Old Town or local businesses even if we tried. And we do try.

We raise these concerns if only to demonstrate that, in the course of approving large-scale developments in our immediate area, the City has not established a historical ability to work with developers to ensure the preservation of our quality of life, our property values, and our "connectedness" to other parts of our neighborhood, and the negative impacts referenced above were the result of only modest-density residential infill that was eventually approved for the Symphony project in 2000, after our earlier objections. This sets a dangerous precedent for the much-higher density infill (both commercial and residential) being currently proposed by Tierra West on behalf of the developer as part of this project now under your consideration.

We respect the Garcia Family as one of our neighbors in the area and their interest in increasing the value of their properties. But zone changes that allow for much higher density should not be allowed at the expense the quality of life of surrounding neighbors. Therefore, we respectfully ask that the zone changes currently being considered not be approved by the Environmental Planning Commission until negative impacts on the integrity and quality of life of the existing neighborhood are appropriately considered and addressed.

Sincerely,



Nathan D. Bush  
1920 Indian School Rd. NW  
Albuquerque, NM 87104  
Ph. 505.453.2655  
Email: nathandavidbush@gmail.com

## **Rio Grande Boulevard Neighborhood Association**

**December 9, 2019**

**Russell Brito, Division Manager  
Planning Department  
City of Albuquerque  
600 Second Street, NW, 3rd Floor  
Albuquerque, NM 87102**

### **EPC PR2019-002629, Garcia zone map amendment, I-40/Rio Grande Blvd**

**Dear Chair Serrano and Commissioners:**

The Rio Grande Neighborhood Association received a mailing from Jason Kent, P.C. giving written notice of an upcoming December 12, 2019 EPC meeting regarding a remand of PRC-2019-002629.

One of those remand issues is whether some of the permissive uses of the proposed C-2 zone would be harmful to adjacent property, the neighborhood, or the community. In Jason Kent's letter of July 29, 2019 to the EPC, Mr. Kent argues that numerous permissive uses that are allowed in C-2 zoning are an unlikely use in the village center. We reject that premise. The Garcia Entity may not currently plan on including one of those uses, but there is no guarantee that a permissive use won't happen in the future. Who can say a particular use won't be practical or economic in the future? He further states that "Each such use coexists with adjacent and nearby neighborhoods in many areas throughout Albuquerque." We would like to point out that there are very few areas in Albuquerque that are similar to the North valley.

He also states that the "additional 6.32 acres of C-2 zoning allows a neighborhood scale infill redevelopment site to be built containing a modern grocery store." This additional 6.32 acres is not needed for a grocery store as there is plenty of room in the 5.29 acres of M-1 to be rezoned to C-2.

Mr. Kent's letter also states that "all C-2 permissive uses will be buffered by R-2 from all nearby property. No property owned by anyone other than the Garcia Entities themselves will adjoin the new C-2 property." First of all there is no guarantee that the Garcia Entities will be the future developer of the property. Once it is rezoned, it could be sold. Also, don't future R-1 and R-2 property owners deserve the same protection as existing R-1 owners?

The letter also references a Traffic Impact Study (TIS) paid for by the Garcia Entities. The inference is that this study shows that there will be no adverse effect to the traffic. In fact this study was done to justify not having an entrance from Indian School Road.

From the 06/23/17 Rio Grande Crossing Development with Indian School Rd. Connection (Rio Grande Blvd. / Interstate 40)1 Traffic Impact Study

**"Rio Grande Crossing Development with Indian School Rd. Connection (Rio Grande Blvd. / Interstate 40)**

**TRAFFIC IMPACT STUDY**

**STUDY PURPOSE**

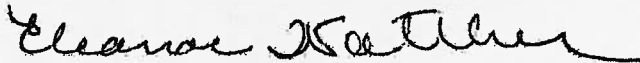
This study is being conducted as a supplement to the Rio Grande Crossing Development Traffic Impact Study (dated June 2017) and will determine whether there is any benefit to creating a connection from the proposed retail and residential development such as the one shown in the Appendix (Pages A-3 thru A-4) to Indian School Rd. This study is being submitted to satisfy the requirements of the City of Albuquerque Transportation Development Section and the New Mexico Department of Transportation, District 3 Office. This study refers to Case N, the proposed development without a connection to Indian School Rd. and Case Y, the proposed development with a connection to Indian School Rd."

This study did not address the impact of added traffic on the Rio Grande/I-40 corridor. Previous studies have already established that the traffic at this intersection is unsatisfactory. We want to note that under the 2017 IDO conversions, the R-1 property would be zoned at R-1d, i.e. 10,000 square foot lots. Rezoning to R-2 density already increases density on the property substantially. R-2 zoning is converted to R-M1, which allows for 3 story structures (residential low density). In addition, impacts to pedestrian traffic and bicycle traffic should be considered. The intersection at Rio Grande and I-40 is already treacherous for both pedestrians and cyclists.

Anyone who lives in the North Valley knows that any slowdown on I-40 westbound creates a traffic standstill on both Indian School and southbound Rio Grande.

In summary, The Rio Grande Boulevard does not oppose the rezoning of some R-1 property to R-2 property. It does not oppose the rezoning of M-1 to C-2. It does oppose the rezoning of the rezoning of an additional 6.32 acres of adjoining R-1 to C-2.

Rio Grande Boulevard Neighborhood Association



Eleanor Walther, President