

October 25, 2019

Maggie Gould, Planner

City of Albuquerque, Planning Department

Development Review Board

Dear Maggie:

Could you provide me with the specific language in the Sidewalk Waiver Ordinance that stipulates as to why my project does not meet any of the Chapter 12 Sidewalk Variance criteria? If you could explain why I do not meet criteria # 3, criteria # 4, criteria # 6 and criteria #8, I would appreciate that. The explanation that I was given at the last DRB Board meeting was rather confusing. Based on the conversation with staff, I was left with the impression that the city does not provide waivers for not putting in sidewalk. The only waiver Chapter 12 of the Sidewalk Variance that was applicable to my project was to request a waiver of the dimensions of the sidewalk for property owners wishing to install sidewalk, which is not my intention.

What is confusing is that you have an Ordinance Intro chapter that spells out the process and criteria for waivers for requiring Sidewalk construction and you assess a fee of \$325.00 to apply for a waiver as part of that process. From what I have read the only reference to the Development Process Manual has to do with a request to the dimension of the sidewalk to be installed. What I got out of our conversation is that the city does not provide a Variance for not putting in Sidewalks and that the criteria in Chapter 12 does not apply to my project. If I have miscommunicated my understanding of what is being communicated to me, please enlighten me so that I can clearly see the direct connection between the Chapter 12 criteria and the wording in the ordinance that disqualifies my project from Chapter 12 criteria.

I have said this before, this process for a sidewalk variance that elected officials have created, is nothing more than a process for additional taxes on a property owner and in my case, I already pay a third of my mortgage in property taxes. There is a much smarter way to achieve the cities goals of installing sidewalks throughout the Old Town area that spreads cost out over the entire area without creating a punitive process by paying an additional tax for sidewalks by the property owner. I hope you understand that I am not trying to be obstinate, I would like to be able to articulate to someone why my project doesn't meet Chapter 12 criteria and I'm unable to do that with the explanations I've been given.

Sincerely

A handwritten signature in black ink, appearing to read "Richard Chavez", with a long horizontal flourish extending to the right.

Richard G. Chavez

906 15th St NW 934-5979

CC: DRB Board Members