

We are writing this letter to justify our request for a waiver to the sidewalk requirement stated in the Albuquerque Sidewalk Ordinance (6-5-5-3 PEDESTRIAN SIDEWALK, DRIVE PAD, AND CURB AND GUTTER REQUIRED). As per conversations with the principal engineer in transportation and as written in IDO 6-6(P)(3)(a), If the 10 criteria listed in the IDO are met, then the waiver shall be approved. According to our assessments at 2216 Ana Ct NW, Albuquerque, NM 87120, the site fulfills the requirements for a waiver. Following are the 10 Criteria as listed in the IDO and how we meet them.

1. Any of the following criteria applies.

a. There are pre-existing obstructions that cannot be easily or economically relocated or should not be altered, such as grades, fills, water courses, natural topographic features, man-made obstructions, or utility lines.

b. The area or site has been recognized as having historical, archeological, and/or architectural significance by the City, State, or federal government, and a Waiver is needed and appropriate to maintain such historical, archeological, and/or architectural significance.

c. The established neighborhood character or landscaping on the site would be damaged to a degree that outweighs the public interest in the City's normal technical standards in that location.

d. Varying from the normal requirements and standards will encourage flexibility, economy, effective use of open space, or ingenuity in design of a subdivision, in accordance with accepted principles of site planning.

2. The Waiver will not be materially contrary to the public safety, health, or welfare.

- Since there are no other sidewalks on the side of the block where said lot is, the Waiver will not be materially contrary to the public safety, health, or welfare.

3. The Waiver does not cause significant material adverse impacts on surrounding properties.

- The surrounding lots do not have sidewalks, so therefore, the Waiver does not cause significant material adverse impacts on surrounding properties.

4. The Waiver will not hinder future planning, public right-of-way acquisition, or the financing or building of public infrastructure improvements.

- The area where sidewalks would go will remain vacant and landscaped so the current waiver request will not restrict any future desires of the city to create sidewalks in the neighborhood.

5. The Waiver will not conflict significantly with the goals and provisions of any City, County, or AMAFCA adopted plan or policy, this IDO, or any other City code or ordinance.

- This Waiver impacts a single family infill lot and will not prevent any goals or provisions of any of these agencies.

6. The Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.

- This property does not lie within any 100 year flood plain, and all hydrology requirements are being met with an approved grading and drainage plan. Therefore, this Waiver will not allow, encourage, or make possible undesired development in the 100-year Floodplain.

7. The Waiver will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.

- The IDO and its overlay zones are interested in maintaining the character of neighborhoods. This waiver does not alter the character. None of the surrounding properties have sidewalks, and the property does not lie within any overlay. So, the Waiver will not materially undermine the intent and purpose of this IDO, the applicable zone district, or any applicable Overlay Zone.

8. The Waiver does not allow a lot or type of development that does not meet the applicable Development Standards for the zone district where the lot is located, unless a deviation to such standards is within the thresholds established by Subsection 14-16-6-4(N) (Deviations) and is granted by the DHO as part of this approval.

- This waiver is not asking for an exception to the type of development in the zone district where it is located.

9. The Waiver approved is the minimum necessary to provide redress without being inconsistent with the provisions of this Subsection 14-16-6-6(P).

- We are only requesting a sidewalk waiver and nothing more.

10. If the request is for a Waiver to IDO sidewalk requirements, the area is of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property.

- This sidewalk waiver is requested in a neighborhood of low-intensity land use to an extent that the normal installation of sidewalks will not contribute to the public welfare, and the absence of a sidewalk will not create a gap in an existing sidewalk system extended to 1 or more sides of the subject property. As stated many times in the above replies, there are no sidewalks on the surrounding properties.