August 10, 2016

 Richard J. Berry, Mayor

Mr. Tom & Carol Chaves

829 Stagecoach Rd SE

808 Galacia St SE

Albuquerque, NM, 87123

**RE:** **Unpermitted Grading Activity**

 **808 Galacia St SE**

Dear Mr. Chaves:

It has come to the City’s attention that Grading activity is taking place at 808 Galacia St. The activity appears to be continuous, based on field visits.

There is no record of an approved Grading Permit, or any active Grading & Drainage Plan submittals to the City’s Hydrology/Stormwater Quality Departments.

**It is a violation of the City’s “Drainage Ordinance”, Chapter 14, Article 5, Part 2, ROA 1994 to initiate unpermitted Grading activities of a site larger than an acre, or involving more than 500 cubic yards of dirt material. It is also a violation of the Ordinance to grade, cut, fill, or import material on sites that are a part of a larger project (such as a subdivision), and/or in steep topography without an Erosion and Sediment Control Permit.**

The activity appears to involve more than 500 cubic yards of material, and it is upstream of existing homes. Grading in this part of the City can significantly impact the characteristics of Stormwater runoff velocity, direction, erosion potential, and discharge rate.

If the unpermitted changes in drainage patterns adversely affect other properties, you will likely be liable for damages.

§ 14-5-2-12 of the Drainage Ordinance, GENERAL ADMINISTRATION reads in part as follows:

*(4)      Grading, cut, fill or importation of material in excess of 500 cubic yards or grading of any area of one acre or more shall conform to drainage control, flood control, stormwater control, and erosion control policies and to standards, criteria and procedures established by the City Engineer with respect to drainage, flood control, stormwater control, and erosion control.  A grading permit, issued by the City Engineer, shall be required for projects involving more than 500 cubic yards of material or one acre or more in area.  Applications for development of areas known to have been sanitary landfills shall be accompanied by a report which discusses potential health and soil mechanics problems and their solutions.  Such reports shall be prepared by a New Mexico Professional Engineer competent in soil mechanics.*

*(5)         Where practicable, active construction sites shall utilize non-structural controls, such as phased construction, dust control, good housekeeping practices, and spill prevention and response.*

*(6)         Sites with less than one acre of total land disturbance shall be required to obtain a Stormwater Control Permit-Erosion and Sediment Control if:*

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*(a)          The site is part of a larger common plan of development;*

*(b)          The site is identified as having a significant potential for erosion, based on observation or site characteristics including very steep topography;*

*(c)       The site is known to contain contaminated soils; or*

*(d)      The site is directly adjacent to receiving waters such as directly connected storm drains, directly connected concrete arroyos or the Rio Grande.*

*(9)     The City Engineer shall not issue a grading permit, paving permit, or Stormwater Control Permit-Erosion and Sediment Control unless the proposed permit is in compliance with the policies of §§ 14-5-2-1 et seq. and the standards and criteria of the City Engineer as provided for by § 14-5-2-13.*

The complete ordinance language can be found online at <https://cabq.legistar.com/legislation.aspx> , by searching 0-13-47 under Year: 2013.

Please contact my office at 505-924-3986, acarrillo@cabq.gov, or the City Engineer, Shahab Biazar, at 505-924-3999 to resolve this matter as soon as possible.

Sincerely,

Abiel Carrillo, P.E.

Principal Engineer, Planning Dept.

Development Review Services

**Cc: City Engineer**

**Orig: Drainage file**