

EPC Hearing June 11, 2020

Submitted by Richard G. Chavez

906 15th ST NW

ARBITRARY as defined by WEBSTER'S On-line 1913 dictionary

Depending on will or discretion not governed by any fixed rules

ARBITRARY as defined by Merriam –Webster

Existing or coming about seemingly at random or by chance

ARBITRARY as defined "Your Dictionary" On-Line

Arbitrary is defined as something that is determined by judgment or whim not for any specific reason or rule

If you can't Dazzle them with Brilliance, Baffle them with Bulls__

Line 21 of HO report, However, there is no record of the DRB Process included in this Appeal Record"

Line 24-line 29 This record does not include any records of the decision and admonished the Director of Planning by reminding the Planning Director that he shall prepare and transmit a record of the appeal with all appeal material received..." This record that was transmitted to the City Council is INADEQUATE and INCOMPLETE.

Lin 32, when the EPC sits as an appellate body, it "shall make finding exclusively on the record." Ass indicated above, although the EPC sat as a body in this matter, it failed to take any substantive findings in its Official Notification of Decision

Line 39-40 Without any substantive findings from EPC, other than its denial, I find that the EPC's decision is deficient. At every step of the way in this process the facts did not bear out the Planning staff positions and at each step of the process I was urge by Planning staff and DRB members to drop my request for a waiver and request a variance.

I've been contesting Planning staff's recommendations since 9-11-19. It is 6-11-29 and I'm still waiting for a fair and reasonable decision. I'm still waiting for an explanation as to why, nowhere in the staff report do they address the issue of, what part of my request meets the IDO definition of Development? What I have been given is a process where at every step of the way, each decision body as represented by the Planning staff failed to do their job. The HO was very clear in providing an unbiased, legal review and basically said that the decision and review process failed to comply with your own ordinance. Although this is not relevant to my request, this speaks volumes to the negligence and incompetence on the part of the staff and Planning Director in administering this particular type of request. What I

experienced by the Planning staff was a flippant attitude towards my application request that didn't require much effort and I was given a lazy and undisciplined effort as determined by lack of submitted evidence and materials the HO had questions about. The Planning staff's assertion that because the city didn't do its job to require me to re-Platt and install sidewalks is not relevant to this request. I am not responsible or do I need to make amends for the city's ineptness in administering its own ordinances.

With regard to the HO's instructions to address the non-conforming issues, around the block on 14th and Mountain Rd, there's a 2 story duplex going up and they are not required to install sidewalk on west side of 14th, because you have a non-conforming lot owned by Gas Co. Of NM. I'm sure the city engineer can send the Gas Company of New Mexico to request/require them to install sidewalks to complete the sidewalk system from Granite to Mountain Rd. on 14th. So for trying to consolidate 4 lots to 2 and providing 2 conforming lots at that, the Planning staff would want to punish me by forcing the sidewalk down my throat. This is a very relevant point: the city has been surveying Granite from 1st through 4th Street for sidewalk installation to meet ADA compliance. They were also surveying from 11th St. to 15th ST. for sidewalk installation to meet ADA compliance. Once you begin surveying the next step is installation, which means coming up with funding. If the Planning Department is planning on working with the CIP division of the city as Maggie Gould expressed, then the corridor that is currently being surveyed along Granite will be one of the first areas to get sidewalks because all preliminary surveying and engineering will have been completed with the next phase being installation.

My question is, when did the city Planning Department know about these proposed upgrades and why is the Planning staff insistent on me having to pay for sidewalk installation when the city is planning on installing sidewalks in the not too far future? The Planning staff has successfully taken a Mole issue and made it into a Mountain of an issue that has dragged on for nine (9) months now.

What you are witnessing in my case is called a "Bureaucratic Calcification Syndrome". Identifying symptoms include. 1.) "This is how we've always done it"; 2.) Rigidity of policies and criteria, no flexibility to unique situations, based on years of neglect in not upgrading ordinances; 3.) Deny, Deny Deny, because you never admit you're wrong because of ego and potential legal liability. Based on my experience with the Planning Department and staff over last nine (9) months, I no confidence in the staff or EPC to make the right decision, when you can't get it right the first time with a Property Owner that pays over \$6000.00 in taxes a year and is treated as nothing more than a Revenue Source for the city, that leaves me wondering why would a body of citizens serve on the EPC if they don't bother to critic and review staff recommendations with the same degree of skepticism they show the Property Tax Paying Applicant? What has happened is that by following staff's recommendations without the facts as stated by the Hearing Officer, you have turned this process into a joke, the question becomes, will the City Council be laughing?