



Alan Varela, Director



Mayor Timothy M. Keller

February 13, 2023

James Tolman, CPESC
Inspections Plus Inc.
504 El Paraiso Rd. NE Suite B
Albuquerque, NM 87113-1590

**Re: McMahon Market Place Lots 9B, 9C, & 9D - 5760 McMahon Blvd NW
Erosion and Sediment Control Plan
Engineer's Stamp Date 11/28/2022 (A11E011I)**

Dear Mr. Tolman,

The City cannot approve any permits for this property while access is denied. The owner is required to withdraw the notification he gave the city on 1/13/23 stating "that city is denied access to the Owner's property for inspecting any purportedly required compliance pursuant to Drainage Ordinance §14-5-2-11." Access must be allowed per the EPA's Construction General Permit (CGP) Part 4.8 and City Ordinance §14-5-2-14.

This new submittal seems the same as the previous, and none of the comments have been addressed. I have attached a copy of the previous comment letter dated 12/20/22, which assumed that JMD-McMahon LLC, the property owner, would have only one SWPPP and NOI for his 2.2 acres disturbed portion of this "Common Plan of Development or Sale" (Alt #1). I also attached an email from Renee Hartman of Inspections Plus dated 1/6/23 describing the owner's intent to divide the existing permit coverage property into two separate areas of control, each with its own SWPPP and NOI, one for Lot 9B and the other for Lots 9C and 9D (Alt#2). You may construct the type of ground cover that will satisfy the Final Stabilization Criteria of CGP 2.2.14.c on the disturbed portions of Lots 9C and 9D to eliminate the need for permit coverage on those lots until further development (Alt#3).

Based upon the information provided in your submittal received on 1/30/23, it seems that you still intend to split the site into two areas of control, and you have provided a plan for lot 9B only. The above-referenced ESC Plan cannot be approved until you address the following comments.

1. You must submit a revised ESC Plan for the remainder of the disturbed portion of the McMahon Marketplace "Common Plan of Development or Sale" before the City can approve this new ESC Plan and NOI for Lot 9B. After you split the existing site into two separate areas of control, the City will review the ESC Plans side by side to ensure no gaps between them.



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2. You must include the lot numbers in the Project/Site Name on each NOI. The submitted NOI doesn't list any lot numbers.
3. The latitude and longitude on the NOI must lie within the limits of the lot(s). The coordinates on the submitted NOI are on Lot 9D instead of Lot 9B.
4. The legend includes a line type for the "Property Boundary /Limit of Disturbance" but the property boundary & limit of disturbance are at different locations on the site and the property boundaries are not accurately shown on the ESC Plan. Show the lot lines accurately using a different line type and label the lot numbers on the ESC Plan.
5. Add inlet protection at all of the inlets that this site drains to. Show storm drains and direction of surface flow.
6. The SWPPP must include site-specific interim and permanent stabilization per CGP 9.4.1.c.i. The Landscape Plan can be used to satisfy this requirement and should be submitted separate from the ESC Plan with the application to the Stormwater Quality Section of the Planning Department and they should be included in the SWPPP. Provide a specification on the ESC Plan for any disturbed areas not covered by the Landscape Plan.
7. Describe the nature and extent of construction activities (CGP 7.2.2.). Include the size of the property, and the size of the area of land disturbing activities. The estimated area to be disturbed, 8.39 acres, on sheet 2 seems excessive. It should be noted that the lot area, 0.92 acres, shown on sheet 4 is part of a 10 acre Common Plan of Development or Sale.
8. Soil information – add a table with name type, particle sizes, and Erodibility factor (CGP 2.1.1). Soil loss calculations are required in the SWPPP since this is part of a common plan of development that exceeds 5 acres.
9. Update the engineer's stamp date each time the plan is changed.

If you have any questions, you can contact me at 924-3420 or jhughes@cabq.gov .

Sincerely,

James D. Hughes

James D. Hughes, P.E.
Principal Engineer, Planning Dept.
Development and Review Services