



Alan Varela, Director

Mayor Timothy M. Keller

March 13, 2024

Stephen T. Marcum, PE
Skyline Civil Group, LLC
4414 82nd Street
Lubbock, TX 79424

**Re: McDonald's Restaurant at 9500 Universe Blvd NW
Erosion and Sediment Control Plan
Engineer's Stamp Date 3/19/2024 (B10E003C3B)**

Dear Mr. Marcum,

Based upon the information provided in your submittal received on 3/27/24, the above-referenced ESC Plan is acceptable, however the ESC Plan cannot be approved until the following comments on the NOI are addressed.

1. "JCJ, LLC." is still the property owner, according to Bernalillo County Records, but the start and end dates on their NOI are old and haven't been updated. City ordinance § 14-5-2-11 requires the property owner to provide their NOI 14 days prior to obtaining a Building Permit. The ESC Plan cannot be approved for Building Permit until the property owner's NOI is up-to-date.
2. The accurate name and contact information for the entity in control of the property rights are required on the NOI and the Information Sheet. The speculative information in McDonald's purchase agreement Property rights may have changed hands recently, if so, please provide documentation in the form of a recorded deed or lease.
3. The city doesn't require McDonald's NOI for Building permits until they purchase the land. According to Resolutions of the Board of Directors of McDonald's USA, LLC, Adopted July 24, 2020, their NOI must be certified by an Officer of McDonald's USA, LLC, by the Managing Council of McDonald's Corporation, or by the Senior Council of McDonald's Corporation to be sure that it complies with the EPA's Construction General Permit Appendix G Part G 11.1. Robin King certified the NOI (NMR1006BQ) as a US Field Execution Construction Manager of McDonald's USA, LLC., which doesn't satisfy the requirements of CGP G11.1, which allows a manager of a manufacturing, production, or operating facility. Ms. King isn't a manager of one of those facilities, and the regulated facility isn't one of those facilities either. The regulated facility is currently a vacant lot. Ms. King isn't the particular kind of Manager allowed by the EPA's CGP G11.1. The person who signs the certification statement at the end of the NOI must be a "responsible corporate officer," as required by CGP G.11.1.

If you have any questions, 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