

CITY OF ALBUQUE

Planning Department
Allen Varela, Director



Mayor Timothy M. Keller

December 6, 2023

Kelly Fetter
E2RC
439 South Hill Rd.
Bernalillo NM, 87004

**Re: Calle Cuarta Townhomes at 420 Fitzgerald Road NW
Erosion and Sediment Control Plan for Work Order
Engineer's Stamp Date 3/9/2023 (G14E097)**

Dear Mr. Fetter,

Based on the information in your submittal received on 12/4/2023, the above-referenced ESC Plan can't be approved until the following comments are addressed.

1. Every property owner must have an NOI approved by the City 14 days prior to earth disturbance and prior to obtaining Work Order (WO) or Building Permit (BP) approval per City Ordinance § 14-5-2-11(A). "Yes Housing, Inc." owned the entire 5-acre site when they obtained the first NOI certified on 1/24/23, but that NOI limited the estimated area to be disturbed to the 2.5 acres that was submitted to the City for ESC Plan approval for the east half of the site where the Apartments are being constructed. The city approved the 2.5-acre NOI and ESC Plan for the Apartments on 2/17/23 "for BP only." Four days later, "Yes Housing Inc." corrected the area on the NOI to 5 acres but did not provide that NOI or an ESC Plan for the additional 2.5 acres to the City until this submittal on 12/4/23. Meanwhile, "Yes Housing Inc. subdivided the property and transferred ownership of the townhome lots to "Yes Calle Cuarta TH, LLC.", and the apartments to "Yes, Calle Cuarta LLC." according to the Bernalillo County tax records. The deadline for the two new owners to obtain permit coverage is 14 days prior to the transfer of ownership per CGP 1.4.3 Table 1. Your resubmittal must include copies of the deeds or other mechanisms used to transfer property ownership to the two new owners, NOIs for the two new owners, and documentation that the persons who certify the NOIs comply with the requirements of CGP Appendix G 11.1.
2. Separate ESC Plans should be prepared for the two properties to clarify the areas of responsibility of each of the two owners/operators. That way, the NOTs may be filed at different times independently.

3. Since this plan doesn't provide a phase of BMPs for the Building Permits on the townhome lots, a separate NOI and ESC Plan submittal will be required for that phase of the development. The notes on sheets 8 and 9 indicate a variety of circumstances that may satisfy CGP 8.2 "Conditions for Terminating CGP Coverage". Doesn't Yes Calle Cuarta TH, LLC know who will build the townhouses and when, so the sequence of construction can be better defined? If so, then the notes on sheets 8 & 9 should be coordinated with the sequence/phasing plan on sheet 2.
4. The sheet numbers of the first three sheets are missing and should be added.
5. The City Standard Notes (March 24, 2021) on Sheet 3 are not current and need to be revised to the 6/16/23 version (attached).
6. Temporary sediment basins and/or sediment traps are required for sites 5 acres or larger, and for sites that are part of a Common Plan of Development that is 5 acres or larger per DPM Part 6-14(D) and CGP 2.2.12. The first flush ponds approved by Hydrology on the Grading and Drainage plans are designed for a much smaller volume than that required by CGP 2.2.12, so larger temporary sediment ponds must be provided during construction. The ESC Plan must include dimensions of the temporary sediment ponds, details of the embankment and overflow structures with volume and hydraulic design calculations, construction specifications, maintenance schedules, and criteria for inspections, per CGP 9.6.1(C)(i). Include a narrative description of the conditions that must exist prior to the removal of the temporary pond and the procedure for converting the area to the final stabilized condition.
7. Update the engineer's stamp date on all sheets 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