



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

OFFICIAL NOTICE OF DECISION

August 13, 2014

Project# 1010164

14DRB-70255 SUBDIVISION DESIGN VARIANCE FOR OVERHEAD ELECTRICAL
LINE LOCATION

PNM requests the referenced/ above action for an Overhead Distribution Line to be located on the East Side of JEFFERSON STREET NE from the south side of ELLISON ST NE to MASTHEAD ST NE.
(D-17)

At its August 13, 2014 meeting, the Development Review Board found that the requested variance would be injurious to the public safety, welfare and adjacent property, and would conflict significantly with the Comprehensive Plan and Electrical Facilities Plan [§14-14-6-3 of the Subdivision Ordinance], and the variance was denied based on the following:

- 1) This segment of Jefferson Street is designated an *Enhanced Transit Corridor* in the City of Albuquerque/Bernalillo County Comprehensive Plan. It is also being considered for future bus rapid transit (BRT) service; the proposed distribution line may impinge upon future transit service and the pedestrian environment needed to accommodate such service.
- 2) Public testimony from adjacent property owners indicated that the visual impact of overhead lines would be incompatible with the developed landscape and negatively affect land use values.
- 3) The existing overhead lines in the immediate area are predominantly in easements and only cross the City public right of way latitudinally.
- 4) It would serve a significant public purpose in accordance with the Subdivision Ordinance to require new distribution lines to be installed underground, similar to existing lines in public right of way along Jefferson Boulevard.

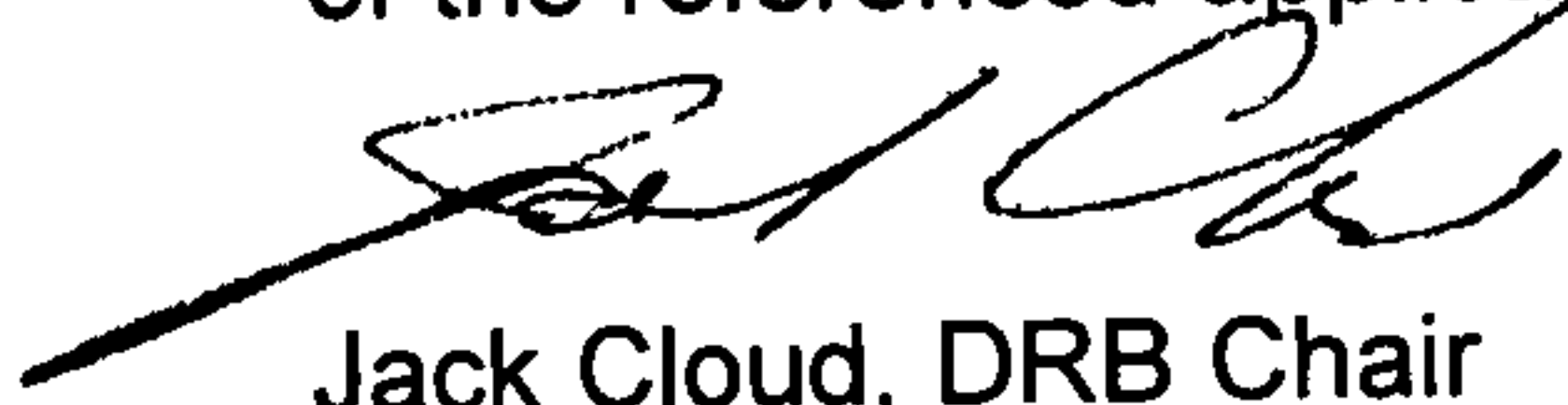
If you wish to appeal this decision, you must do so by 4:45 PM on August 28, 2014, in the manner described below per Part 14-14-8 of the Subdivision Ordinance.

Appeal is to the City Council via the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form with a total fee of \$240, to the Planning Department. Applications for an appeal shall clearly articulate the reasons for the appeal; appellants shall specifically cite and explain one or more alleged errors, as follows:

- (A) Error in applying adopted city plans, policies, and ordinances;
- (B) Error in the appealed action or decision, including its stated facts;

(C) Error in acting arbitrarily or capriciously or being manifestly abusive of discretion.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).



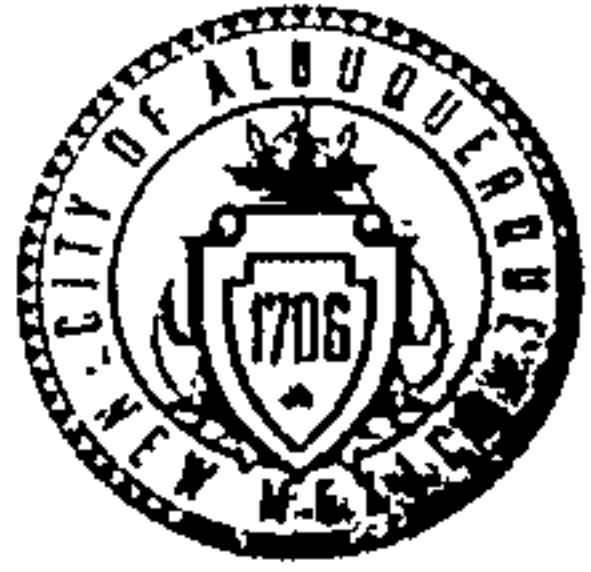
Jack Cloud, DRB Chair

CC:

PNM

Lowell A. Hare – 7777 Jefferson St NE 87109

Matt Lammers – Suite #200 - 6300 Riverside Plaza Ln NW 87120



DRB PUBLIC HEARING SIGN IN SHEET

Project #: 1010164

Date: 8/13/14

9:12 and 1010165
NAME: LOWELL A. HARR ADDRESS: 7777 JEFFERSON ST NE ALBUQUERQUE NM ZIP: 87103

9:14 NAME: Matt Lammers ADDRESS: 6300 Riverside Plaza Lane #200 Albuquerque ZIP: 87120

9:29 NAME: TOM BERNADETTE ADDRESS: 4915 PAN AMERICAN PLACE NE ZIP: 87109

NAME: 1010165 ADDRESS: _____ ZIP: _____

~~NAME: _____ ADDRESS: _____ ZIP: _____~~

NAME: _____ ADDRESS: _____ ZIP: _____

NAME: _____ ADDRESS: _____ ZIP: _____

NAME: _____ ADDRESS: _____ ZIP: _____

2



DRB PUBLIC HEARING SIGN IN SHEET

Project #: 1010165

Date: 8/13/14

9:25

NAME: Lodell A. Hale ADDRESS: 7775 Jefferson St NE Albuquerque NM ZIP: 87103

NAME: _____ ADDRESS: _____ ZIP: _____

NAME: _____ ADDRESS: _____ ZIP: _____

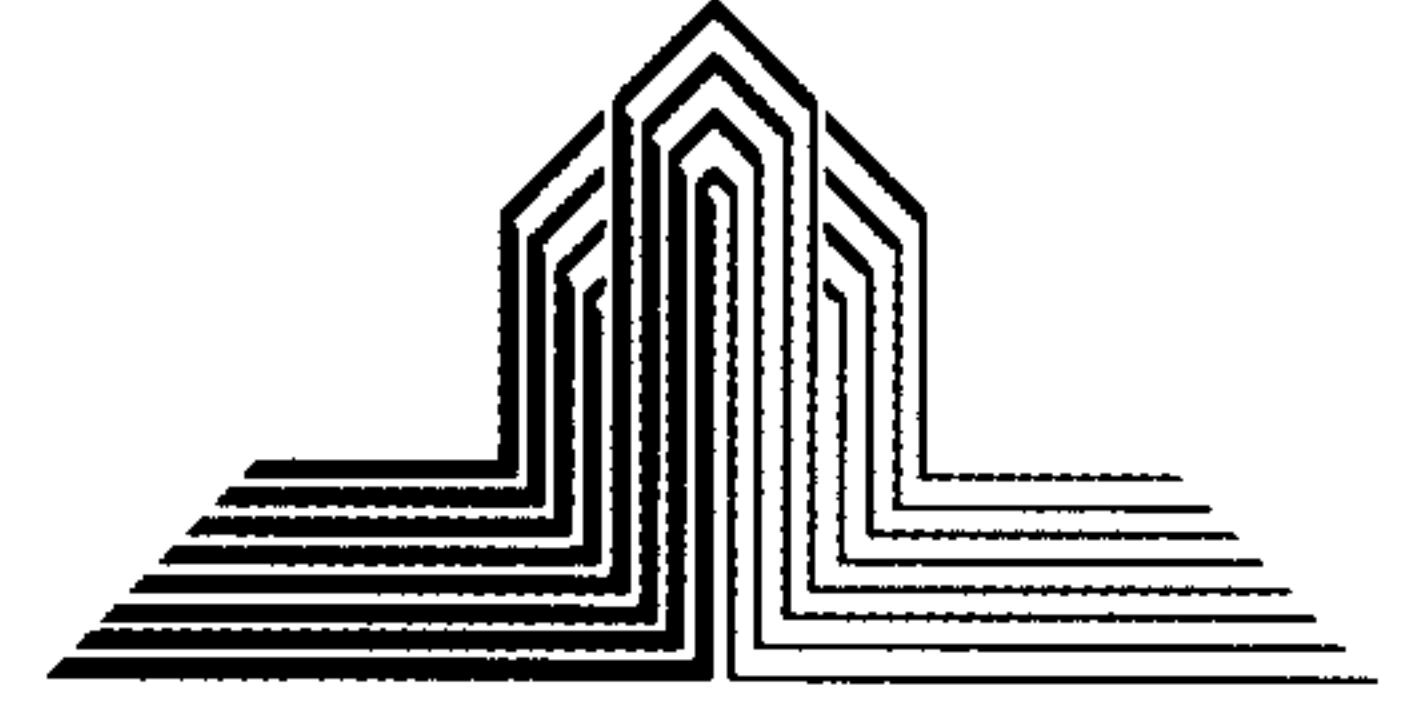
NAME: _____ ADDRESS: _____ ZIP: _____

NAME: _____ ADDRESS: _____ ZIP: _____

NAME: _____ ADDRESS: _____ ZIP: _____

NAME: _____ ADDRESS: _____ ZIP: _____

NAME: _____ ADDRESS: _____ ZIP: _____



August 12, 2014

Jack Cloud, AICP
Development Review Board Chair
City of Albuquerque
600 2nd Street NW
Albuquerque, NM 87103

Re: Objection to Applicant PNM Variance Request – Hawkins 22 Electric Feeder
Project City Project numbers 1010164 and 1010165

Dear Mr. Cloud:

It has just come to our attention that PNM has applied to the City of Albuquerque DRB for Variance related to the subject City Project Numbers to be allowed to install overhead power lines rather than underground. This variance effects two of our properties and if granted would have a negative effect on both and we strongly oppose either requested variance be approved by the DRB.

The Journal Center – Jefferson Street NE and Masthead Street NE Area

Journal Center Corporation, the owner and developer of The Journal Center (JC), strongly opposes granting PNM a variance for the use of overhead power lines for the following reasons:

1. The Journal Center office park covenants and development standards have been in place for over 30 years and do not allow overhead utility lines. There are no overhead utility lines along Jefferson Street NE or any other streets within The Journal Center.
2. JC disagrees with the applicant's statement that "no significant public purpose would be served by requiring these new distribution lines to be placed underground." Instead, the visual impact will cause significant negative impact to the property owners, their visitors and employees in the area. The proposed overhead utility lines would be located at the only intersection with a traffic signal in Journal Center and also would be one block from the building that the GAP is relocating to from downtown.
3. These new overhead utility lines will negatively impact the visibility of existing businesses in the area.
4. The City's own Subdivision Ordinance, referenced by the applicant, requires new distribution lines to be place underground (Par. 14-14-4-9(B)). This requirement was put in place with one goal being to help mitigate the negative

P.O. Drawer J 7777 Jefferson Street, N.E. Albuquerque, NM 87103
(505) 823-7000 FAX (505) 3413

visual impact of overhead distribution lines. We have complied with this ordinance as we have reviewed and approved development projects at The Journal Center. Approving this PNM variance request would conflict with the ordinance's goals.

5. It is interesting that PNM cites additional cost, which it can recover from its customers, as the reason for the variance request. It is our experience that if a private development company or property owner were to request the use of overhead lines the likely response from PNM would be "the City Ordinance requires underground power line installation, regardless of the cost implications."

**Number Ten Pan American Building Partnership and Starline Printing Company –
Pan American Place NE Area**

Number Ten Pan American Building Partnership and its tenant Starline Printing Company, a subsidiary of Journal Enterprises, Inc., strongly opposes granting PNM a variance to use overhead power lines for the same reasons as set forth above as items #2 - #5.

Granting PNM the variance to use overhead power lines for the subject project to save \$153,753 (certainly less than 15% of one months PNM charges just to the businesses located in Journal Center) is not worth the visual damage. This area is part of the North I-25 Corridor, one of the most successful business and employment locations in the city. To grant this would be a major step back and the requested variance for the entire project area should be denied.

Respectfully submitted,

Journal Center Corporation

By: 


Lowell A. Hare
President & CEO

Number Ten Pan American Building Partnership

By: 

Lowell A. Hare
Managing Partner

Starline Printing Company

By: 

Lowell A. Hare, CPA CGMA
Executive Vice President & CFO

City of Albuquerque Planning Department

DEVELOPMENT AND BUILDING SERVICES

STANDARD APPLICATION, Paper Plans Required

DEVELOPMENT REVIEW BOARD

Category Code **910**
2014 070 255

07/16/2014 Issued By: BLDAVM 246612

Application Number: 14DRB-70255, Subdn Design Variance From Min Dpm Stds

Address:

Location Description: JEFFERSON AND ELLISON

Project Number: 1010164

Applicant
PNM

Agent / Contact
LAURIE MOYE

2401 AZTEC NE- MS Z-200
ALBUQUERQUE NM 87107

2401 AZTEC NE-MS Z-200
ALBUQUERQUE NM 87107
5052412792

Application Fees

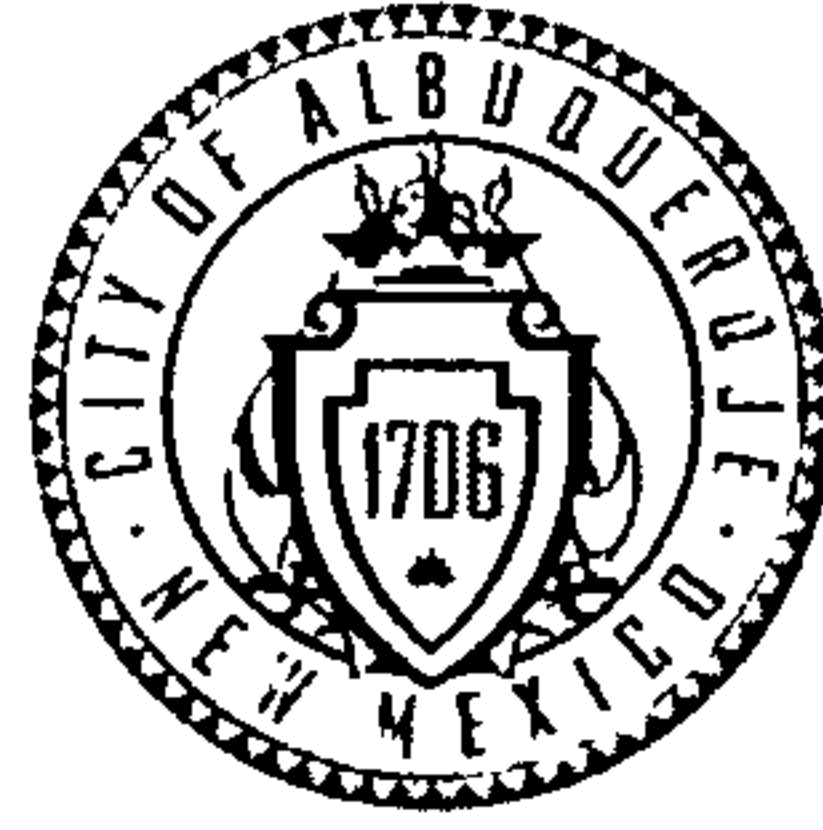
APN Fee

Conflict Mgmt Fee **\$20.00**

DRB Actions

TOTAL: \$20.00

City of Albuquerque Treasurer
06/27/16/2014 OFFICE: AMHEX
CASHIER: TRSDLF
PAGE: 5431
DATE: 7/16/2014
PERM #: 2014070255
RECEIPT NUM: 10212139
PAYMENT TOTAL: \$20.00
3901 Conflict Mgmt. Fee
PAST DUE: 1 needed = \$20.00



INTER-OFFICE MEMORANDUM

COMMENTING AGENCIES

TRANSPORTATION DEVELOPMENT*John MacKenzie*
TRANSIT & PARKING DEPARTMENT*Shabih Rizvi*
COUNCIL OF GOVERNMENTS.....*Kendra Watkins/Andrew Gingerich*
AMAFCA.....*Lynn Mazur*
APD CRIME PREVENTION.....*Steve Sink*
OPEN SPACE DIVISION.....*Kent Reed Swanson*
FIRE DEPARTMENT.....*Antonio Chinchilla*
ZONING ENFORCEMENT INSPECTOR.....*David Kilpatrick*
NEIGHBORHOOD COORDINATION.....*Stephani Winklepleck*
PNM.....*Daniel Aragon*
NEW MEXICO GAS COMPANY.....*Patrick Sanchez*
ALBUQUERQUE PUBLIC SCHOOLS.....*April Winters*
COMCAST CABLE.....*Mike Mortus*
Mid.Rio Grande Conserv. Dist. (MRGCD).....*Ray Gomez*
ENVIRONMENTAL HEALTH.....*Paul Olson*

Your comments on the following case(s) are requested. Board hearing date:

PROJECT # 1010164

WEDNESDAY, August 13, 2014

Comments must be received by:

Monday, July August 8, 2014



Supplemental Form (SF)

SUBDIVISION

- Major subdivision action
- Minor subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment/Approval (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- Annexation
- Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
- Adoption of Rank 2 or 3 Plan or similar
- Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
- Street Name Change (Local & Collector)
- APPEAL / PROTEST of...**
 - Decision by, DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102.
 Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements

APPLICATION INFORMATION:

Professional/Agent (if any): LAURIE MOYE PHONE: 241-2792
 ADDRESS: 2401 AZTEC NE - MS Z-200 FAX: _____
 CITY: ALBUQUERQUE STATE: NM ZIP: 87107 E-MAIL: Laurie.Moye@pnm.co

APPLICANT: PNM PHONE: 241-2792
 ADDRESS: 2401 AZTEC NE - MS Z-200 FAX: _____
 CITY: ALBUQUERQUE STATE: NM ZIP: 87107 E-MAIL: _____
 Proprietary interest in site: EASEMENT List all owners: N/A

DESCRIPTION OF REQUEST: VARIANCE REQUEST OF 1414 4.9 (B) ELECTRICAL AND COMMUNICATION LINE LOCATION FOR OVERHEAD LINE - HAWKINS 22

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes No

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. _____ Block _____ Unit _____
 Subdiv/Addn/TBKA: ROAD RIGHT OF WAY, PRIVATE EASEMENT
 Existing Zoning _____ Proposed zoning: _____ MRGCD Map No _____
 Zone Atlas page(s): D-17-Z UPC Code: N/A

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj, App, DRB-, AX_Z_, V_, S_, etc.): _____

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: N/A No. of proposed lots: N/A Total site area (acres) N/A

LOCATION OF PROPERTY BY STREETS: On or Near: _____
 Between: _____ and _____

Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: _____

SIGNATURE Laurie Moye DATE 7/16/14
 (Print Name) Laurie Moye Applicant Agent

FOR OFFICIAL USE ONLY

Revised: 4/2012

<input type="checkbox"/>	INTERNAL ROUTING	Application case numbers	Action	S F.	Fees
<input checked="" type="checkbox"/>	All checklists are complete	<u>14 DRB - 70255</u>	<u>SV</u>	_____	\$ <u>0</u>
<input checked="" type="checkbox"/>	All fees have been collected	_____	<u>CMF</u>	_____	\$ <u>20.00</u>
<input checked="" type="checkbox"/>	All case #s are assigned	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/>	AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/>	Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/>	Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/>	F.H.D.P. density bonus	_____	_____	_____	Total
<input type="checkbox"/>	F.H.D.P. fee rebate	_____	_____	_____	\$ <u>20.00</u>

Hearing date August 13, 2014
7-16-14 Project # 1010164
 Staff signature & Date

FORM V: SUBDIVISION VARIANCES & VACATIONS

- BULK LAND VARIANCE (DRB04)** (PUBLIC HEARING CASE)
 - ___ Application for Minor Plat on FORM S-3, including those submittal requirements **24 copies**
 - ___ Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived
 - ___ Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
 - ___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - ___ Sign Posting Agreement
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application

DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

- VACATION OF PUBLIC EASEMENT (DRB27)**
 - VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)**
 - ___ The complete document which created the public easement (folded to fit into an 8 5" by 14" pocket) **24 copies.**
(Not required for City owned public right-of-way)
 - ___ Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8 5" by 11") **24 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the request
 - ___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - ___ Sign Posting Agreement
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

- SIDEWALK VARIANCE (DRB20)**
 - SIDEWALK WAIVER (DRB21)**
 - ___ Scale drawing showing the proposed variance or waiver (not to exceed 8 5" by 14") **6 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the variance or waiver
 - ___ List any original and/or related file numbers on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

- SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25) (PUBLIC HEARING)**

ELECTRICAL DISTRIBUTION LINE

 - Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the variance
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Sign Posting Agreement
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- DRB meetings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

- TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)**
 - EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)**
 - ___ Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the deferral or extension
 - ___ List any original and/or related file numbers on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

- VACATION OF PRIVATE EASEMENT (DRB26)**
 - VACATION OF RECORDED PLAT (DRB29)**
 - ___ The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
 - ___ Scale drawing showing the easement to be vacated (8 5" by 11") **6 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**
 - ___ Letter of authorization from the grantors and the beneficiaries (private easement only)
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

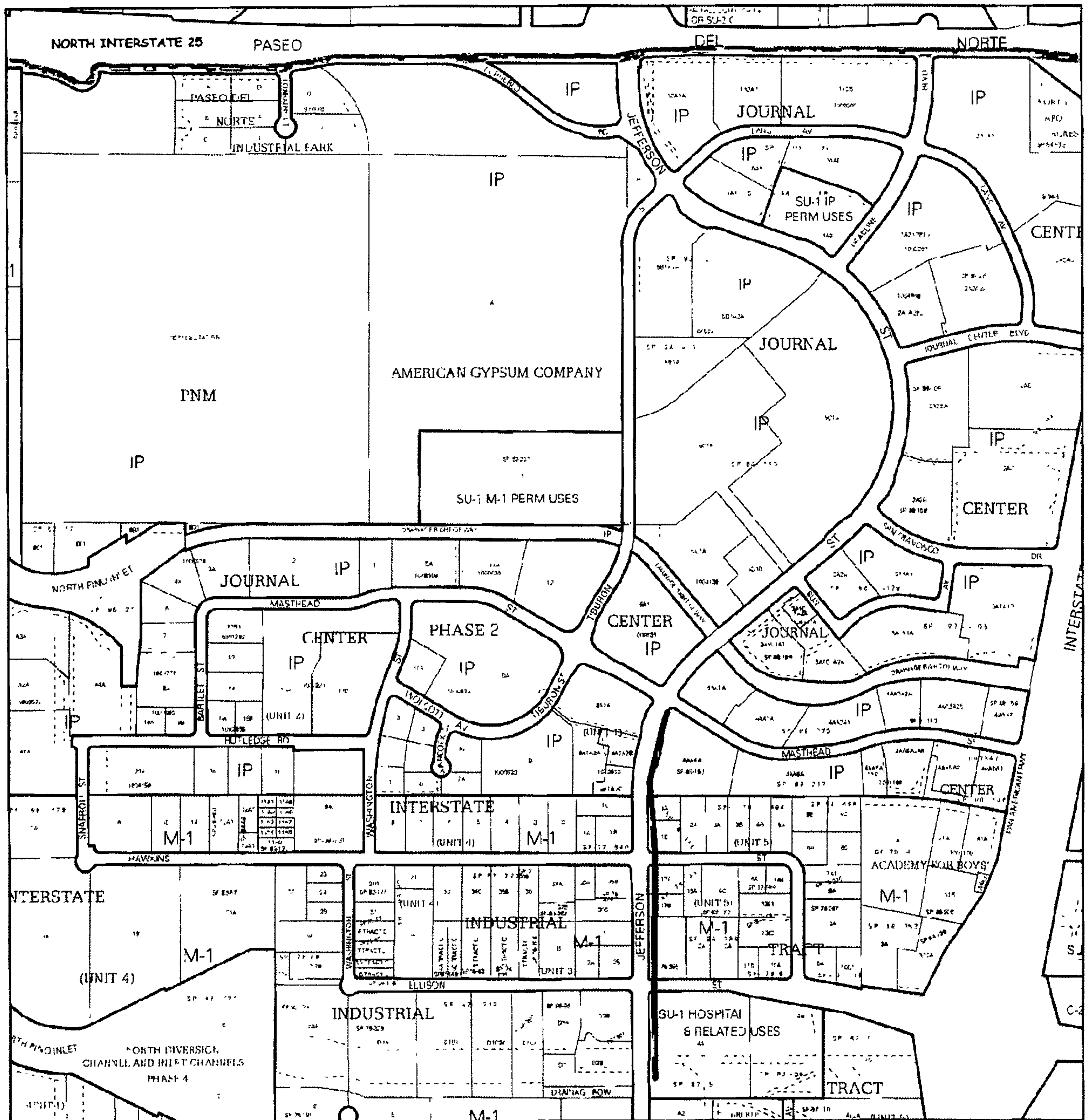
I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Laurie Moya
 Applicant name (print)
Laurie Moya 7/16/14
 Applicant signature / date

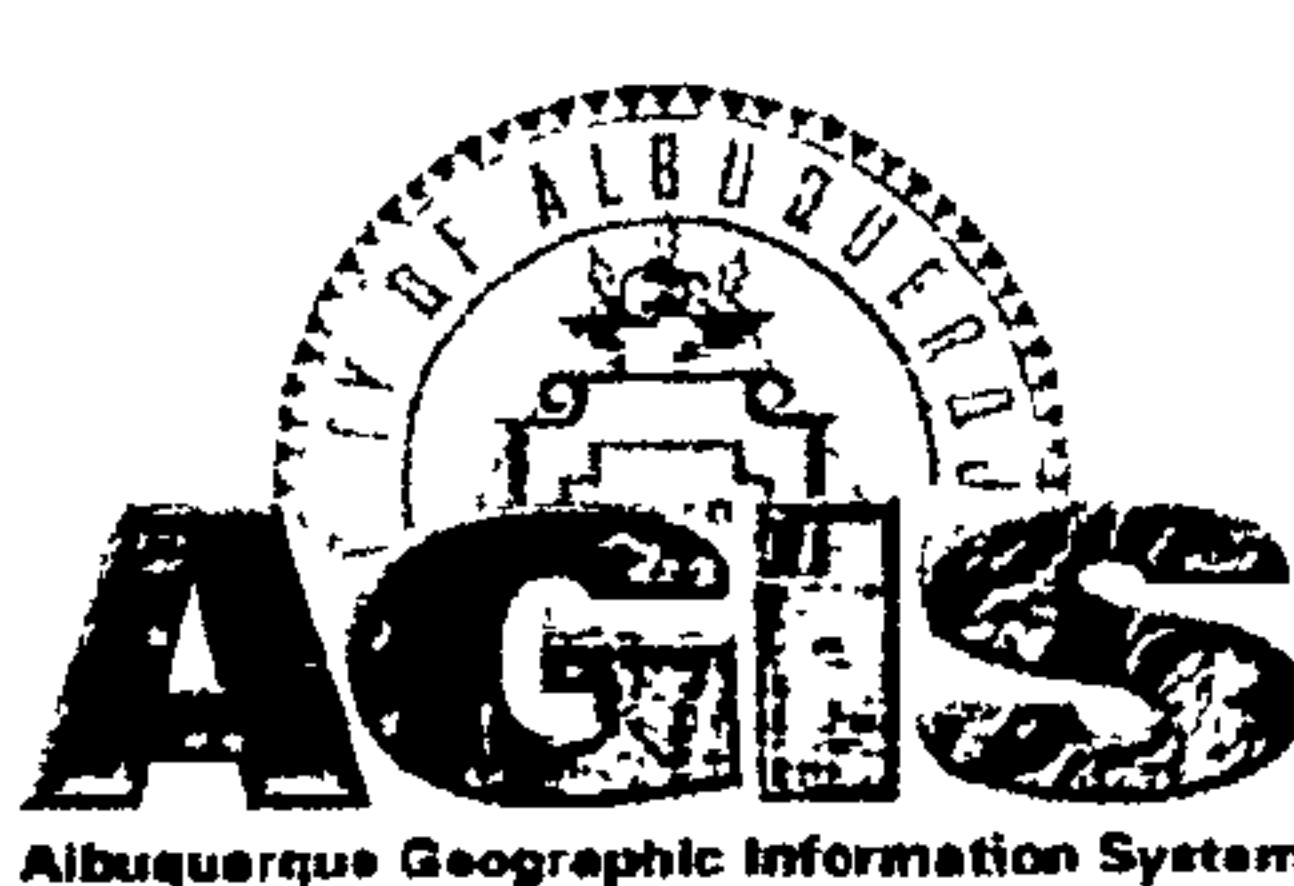


Form revised 4/07

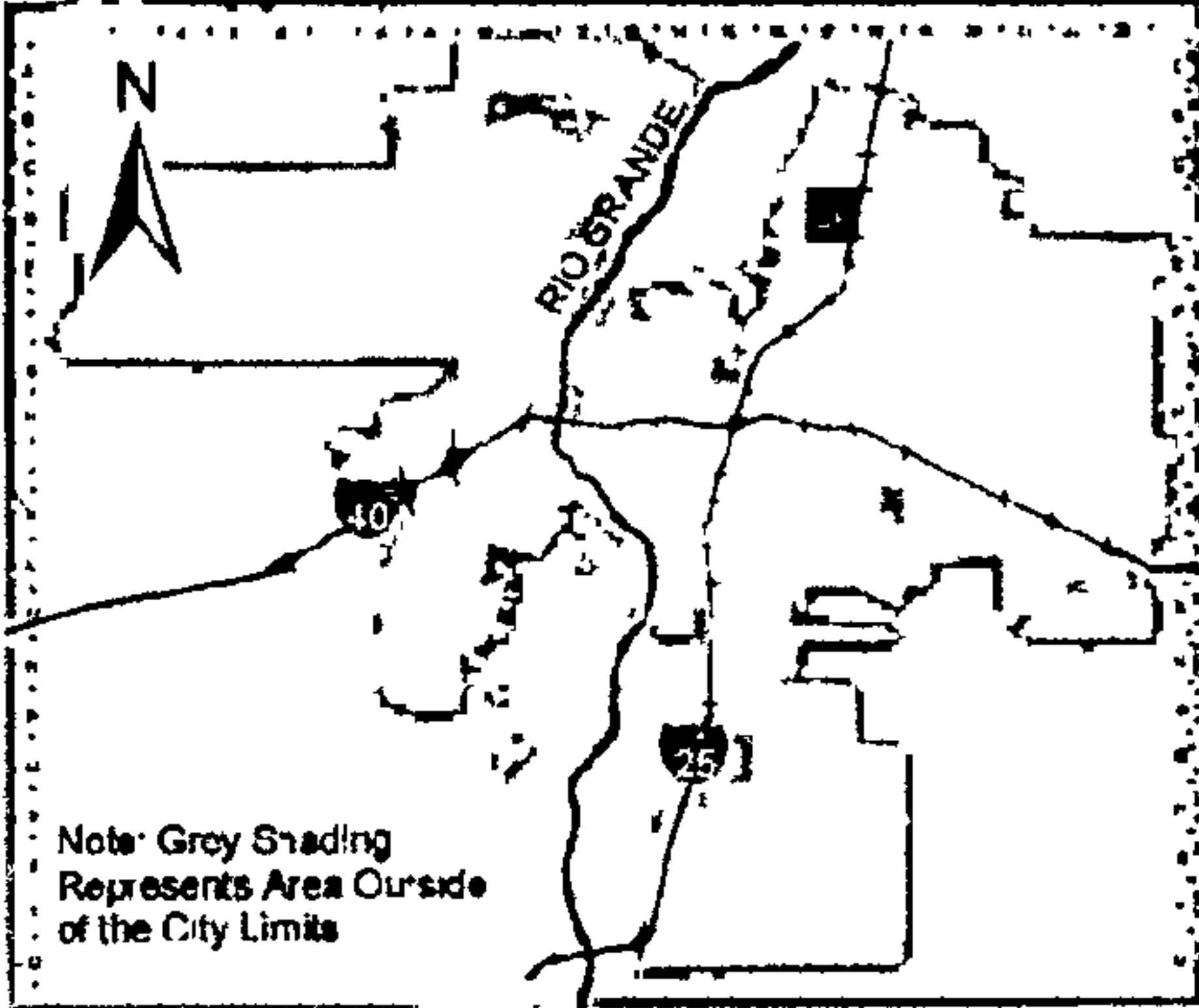
<input checked="" type="checkbox"/> Checklists complete	Application case numbers	<u>14 - DRB - 70255</u>	<u>[Signature]</u> <u>7-16-14</u>
<input checked="" type="checkbox"/> Fees collected			Planner signature / date
<input checked="" type="checkbox"/> Case #s assigned			Project # <u>1010164</u>
<input checked="" type="checkbox"/> Related #s listed			



For more current information and details visit: <http://www.cabq.gov/gis>



Map amended through: 6/7/2013



Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
D-17-Z

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon
- Proposed Overhead Distribution Line
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone

0 760 1500 Feet

Figure 10

Hawkins Distribution Feeder 22
Zone Atlas Map

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from July 29, 2014 To August 13, 2014

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Lucia Moly (Applicant or Agent) 7/16/14 (Date)

I issued 2 signs for this application, 7-16-14 (Date) [Signature] (Staff Member)

DRB PROJECT NUMBER: 1010164

Hawkins 22

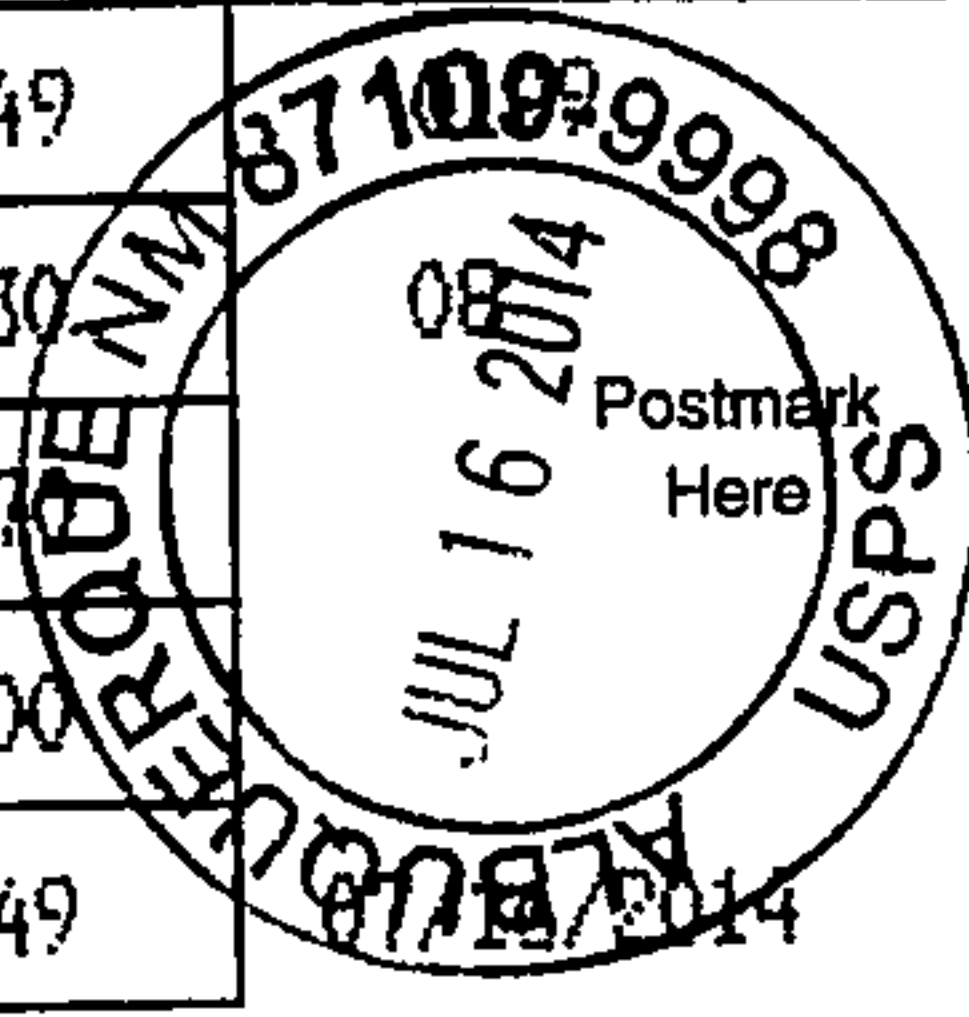
7006 3450 0000 4947 6007

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

ALBUQUERQUE NM 87199 **OFFICIAL USE**

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$2.70
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.49



Sent To: Jacob Telic
 Street, Apt. No., or PO Box No. PO Box 90601
 City, State, ZIP+4 Abq, NM 87199

PS Form 3800, August 2006 See Reverse for Instructions

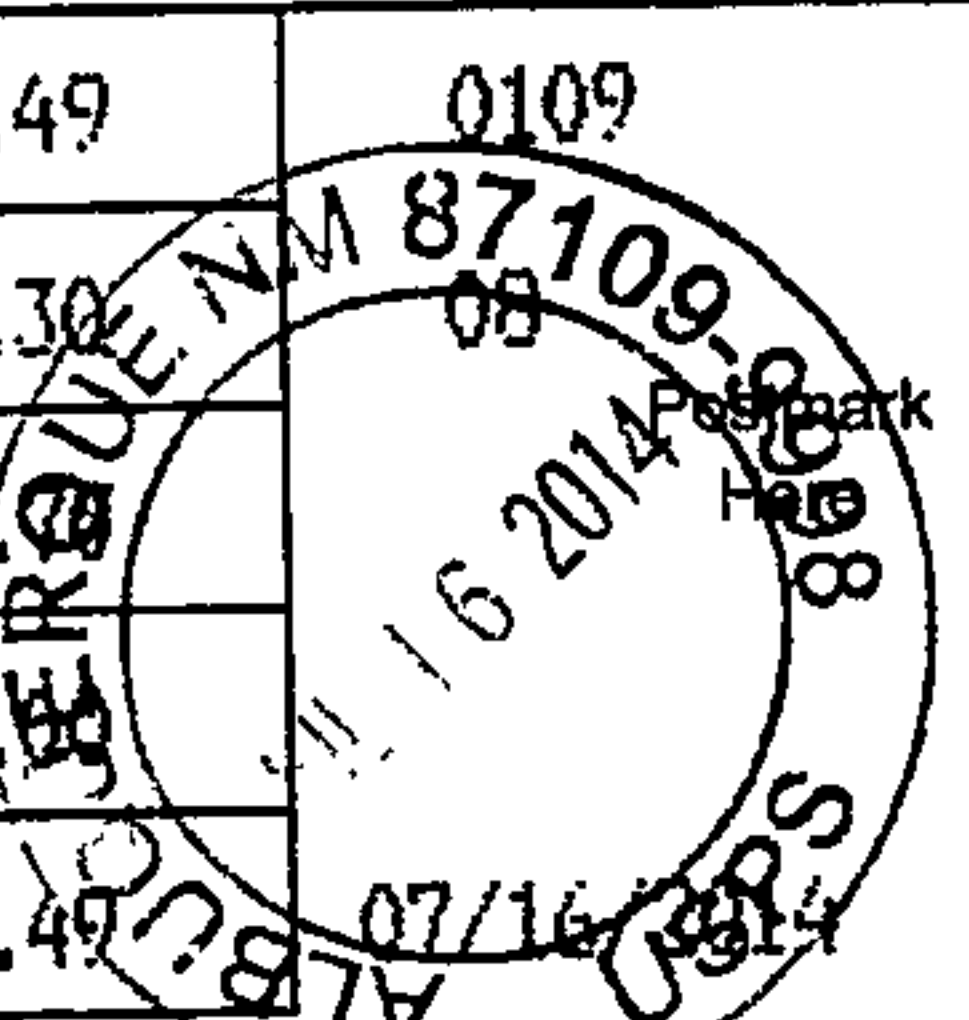
7006 3450 0000 4947 6036

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

ALBUQUERQUE NM 87184 **OFFICIAL USE**

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$2.70
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.49



Sent To: Mark Rupert
 Street, Apt. No., or PO Box No. PO Box 10454
 City, State, ZIP+4 Abq, NM 87184

PS Form 3800, August 2006 See Reverse for Instructions

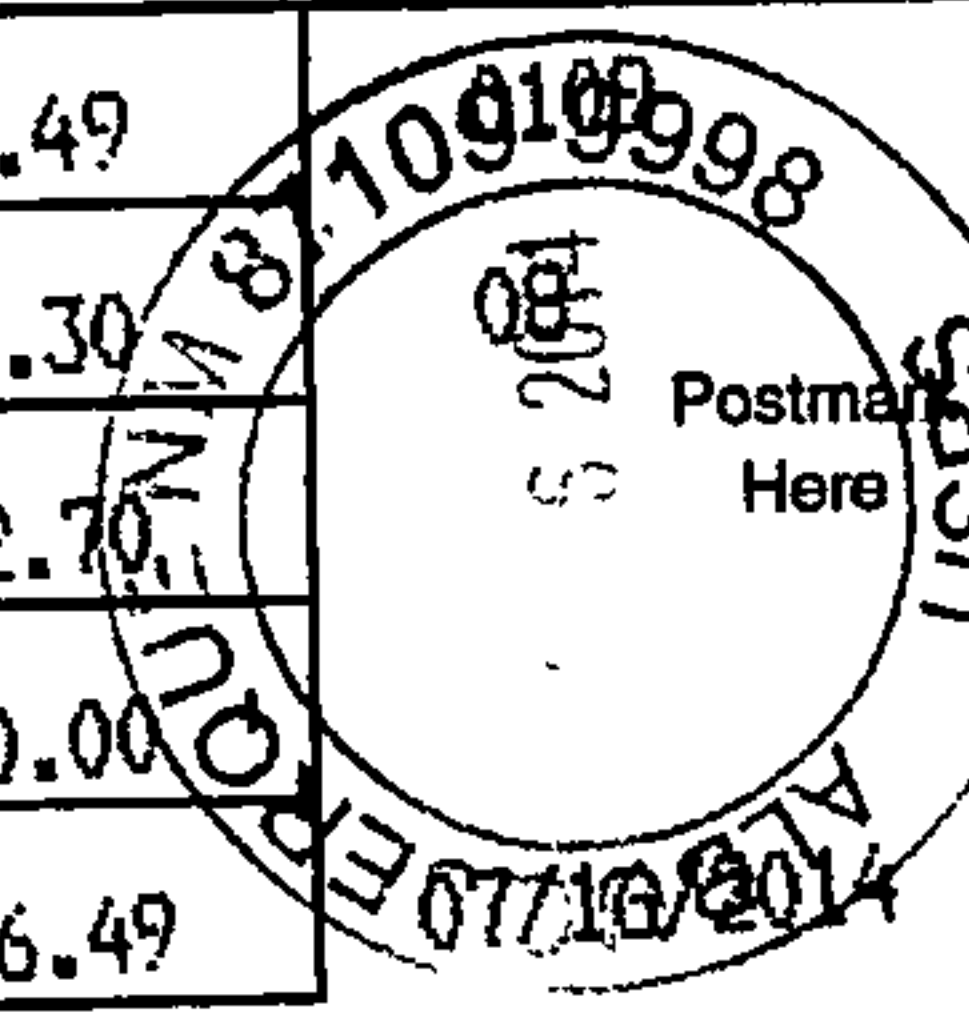
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U.S. Postal Service™
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For delivery information visit our website at www.usps.com

ALBUQUERQUE NM 87109 **OFFICIAL USE**

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$2.70
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.49



Sent To: Irene Minkc
 Street, Apt. No., or PO Box No. 6509 Burdian NE
 City, State, ZIP+4 Abq, NM 87109

PS Form 3800, August 2006 See Reverse for Instructions

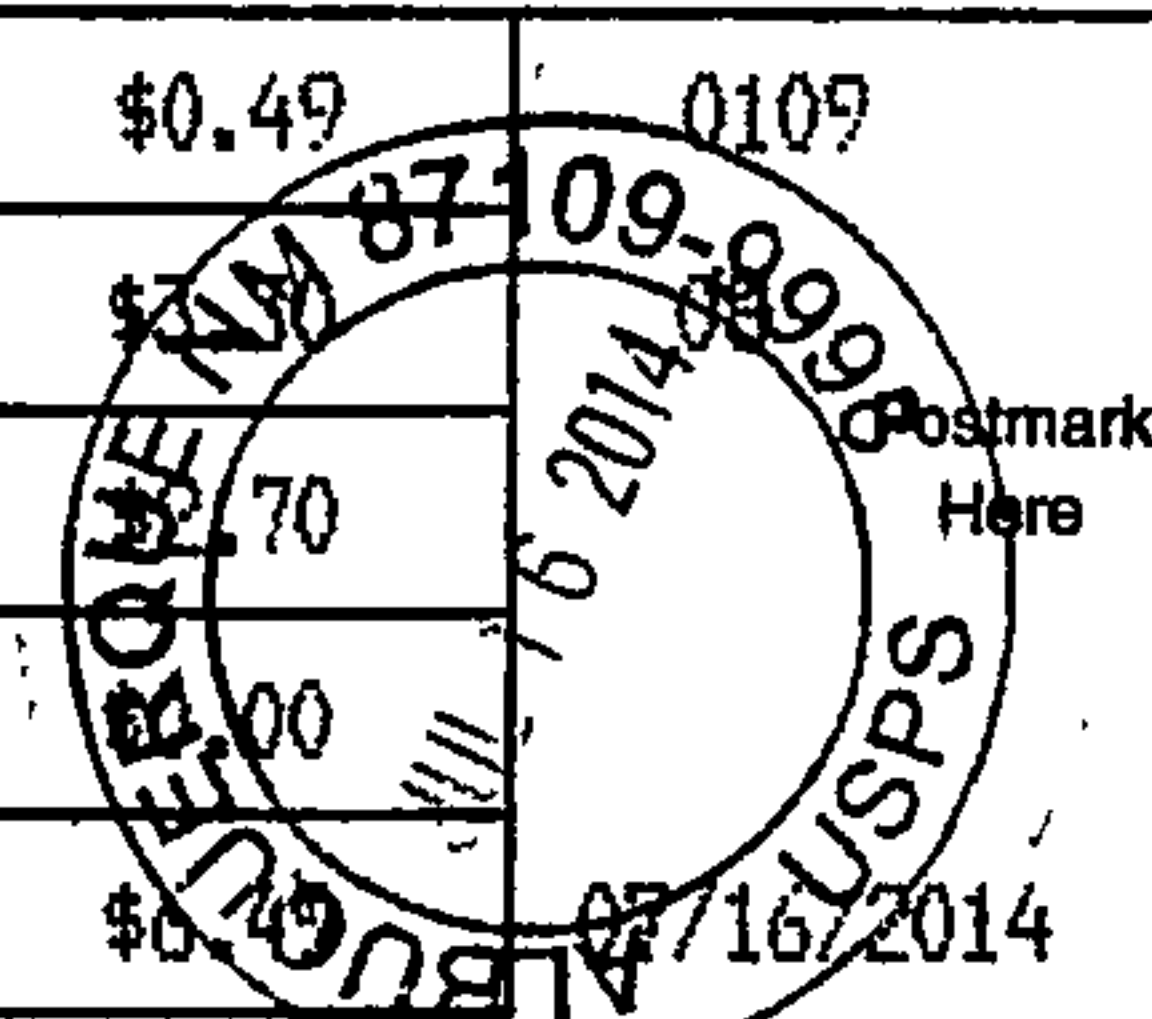
7006 3450 0000 4947 6014

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

ALBUQUERQUE NM 87113 **OFFICIAL USE**

Postage	\$	\$0.49
Certified Fee		\$3.30
Return Receipt Fee (Endorsement Required)		\$2.70
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$6.49



Sent To: Steve Wentworth
 Street, Apt. No., or PO Box No. 8919 BOC LN NE
 City, State, ZIP+4 Abq, NM 87113

PS Form 3800, August 2006 See Reverse for Instructions



Supplemental Form (SF)

SUBDIVISION

- Major subdivision action
- Minor subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment/Approval (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- Annexation
- Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plans)
- Adoption of Rank 2 or 3 Plan or similar
- Text Amendment to Adopted Rank 1, 2 or 3 Plan(s), Zoning Code, or Subd. Regulations
- Street Name Change (Local & Collector)
- L A APPEAL / PROTEST of...**
 - Decision by: DRB, EPC, LUCC, Planning Director, ZEO, ZHE, Board of Appeals, other

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): LAURIE MOYE PHONE: 241-2792
 ADDRESS: 2401 AZTEL NE - MS Z-200 FAX: _____
 CITY: ALBUQUERQUE STATE NM ZIP 87107 E-MAIL: Laurie.Moye@pnm.co

APPLICANT: PNM PHONE: 241-2792
 ADDRESS: 2401 AZTEL NE - MS Z-200 FAX: _____
 CITY: ALBUQUERQUE STATE NM ZIP 87107 E-MAIL: _____

Proprietary interest in site: EASEMENT List all owners: N/A

DESCRIPTION OF REQUEST: VARIANCE REQUEST OF 14:14.4.9(B) ELECTRICAL AND COMMUNICATION LINE LOCATION FOR OVERHEAD LINE - HAWKINS 22

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. _____ Block: _____ Unit: _____
 Subdiv/Addn/TBKA: ROAD RIGHT OF WAY, PRIVATE EASEMENT
 Existing Zoning: _____ Proposed zoning: _____ MRGCD Map No _____
 Zone Atlas page(s): D-17-Z UPC Code: N/A

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): _____

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: N/A No. of proposed lots: N/A Total site area (acres): N/A
 LOCATION OF PROPERTY BY STREETS: On or Near: _____
 Between: _____ and _____

Check if project was previously reviewed by: Sketch Plat/Plan or Pre-application Review Team(PRT) Review Date: _____

SIGNATURE Laurie Moye DATE 7/16/14
 (Print Name) Laurie Moye Applicant: Agent:

FOR OFFICIAL USE ONLY

Revised: 4/2012

<input type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> All checklists are complete	<u>14 DRB - 70255</u>	<u>SV</u>	_____	\$ <u>0</u>
<input checked="" type="checkbox"/> All fees have been collected	_____	<u>CMF</u>	_____	\$ <u>20.00</u>
<input checked="" type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> AGIS copy has been sent	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> Case history #s are listed	_____	_____	_____	\$ _____
<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	Total
<input type="checkbox"/> F.H.D.P. fee rebate	_____	_____	_____	\$ <u>20.00</u>

Hearing date August 13, 2014

7-16-14
Staff signature & Date

Project # 1010164

FORM V: SUBDIVISION VARIANCES & VACATIONS

- BULK LAND VARIANCE (DRB04)** **(PUBLIC HEARING CASE)**
 - ___ Application for Minor Plat on FORM S-3, including those submittal requirements. **24 copies**
 - ___ Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.
 - ___ Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
 - ___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - ___ Sign Posting Agreement
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application
- DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

- VACATION OF PUBLIC EASEMENT (DRB27)**
 - VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)**
 - ___ The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies.**
(Not required for City owned public right-of-way.)
 - ___ Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the request
 - ___ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - ___ Sign Posting Agreement
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

- SEWAGE VARIANCE (DRB20)**
 - SEWAGE WAIVER (DRB21)**
 - ___ Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the variance or waiver
 - ___ List any original and/or related file numbers on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

- SUBDIVISION ~~DESIGN~~ VARIANCE FROM MINIMUM DPM STANDARDS (DRB25) (PUBLIC HEARING)**

ELECTRICAL DISTRIBUTION LINE

 - Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the variance
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Sign Posting Agreement
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application
- DRB meetings are approximately 30 DAYS after the filing deadline. Your attendance is required.**

- TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)**
 - EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)**
 - ___ Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter briefly describing, explaining, and justifying the deferral or extension
 - ___ List any original and/or related file numbers on the cover application
- DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.**

- VACATION OF PRIVATE EASEMENT (DRB26)**
 - VACATION OF RECORDED PLAT (DRB29)**
 - ___ The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
 - ___ Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
 - ___ Zone Atlas map with the entire property(ies) clearly outlined
 - ___ Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**
 - ___ Letter of authorization from the grantors and the beneficiaries (private easement only)
 - ___ Fee (see schedule)
 - ___ List any original and/or related file numbers on the cover application
- Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Laurie Moyer
Applicant name (print)
Laurie Moyer 7/16/14
Applicant signature / date



Form revised 4/07

<input checked="" type="checkbox"/> Checklists complete	Application case numbers	<u>14 - DRB - 70255</u>	<u>[Signature]</u>	<u>7-16-14</u>
<input checked="" type="checkbox"/> Fees collected				Planner signature / date
<input checked="" type="checkbox"/> Case #s assigned			Project #	<u>1010164</u>
<input checked="" type="checkbox"/> Related #s listed				

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from July 29, 2014 To August 13, 2014

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Jamie Moyle (Applicant or Agent) 7/16/14 (Date)

I issued 2 signs for this application, 7-16-14 (Date) [Signature] (Staff Member)

DRB PROJECT NUMBER: 1010164



July 14, 2014

Alameda North Valley Association

Mr. Steve Wentworth, President
8919 Boe Ln. NE
Albuquerque, NM 87113-2328

Mr. Mark Rupert
P.O. Box 10454
Albuquerque, NM 87184

Academy Acres North Neighborhood Association

Mr. Jacob Tellier, President
P.O. Box 90601
Albuquerque, NM 87199

Ms. Irene Minke
6504 Dungan NE
Albuquerque, NM 87109

Dear Neighbors,

PNM has a new distribution line project called the Hawkins Feeder 22 (Project) in your area. A distribution line provides connections between substations and provides electric service to homes and businesses. A Project Location Map is included with this letter. The Project is needed to balance the electric load and voltages in the area for more reliable service by allowing Hawkins Feeder 22 to be backed up from surrounding electric substations during a planned or unplanned outage.

The Project could be built either overhead or underground with underground rate rider cost recovery. An application request for variance is being submitted to the City of Albuquerque Development Review Board in accordance with the New Mexico Public Regulation Commission's (NMPRC) approval of a stipulation in NMPRC Case No. 10-00100-UT Amended and Restated Stipulation between PNM and the City of Albuquerque (City) regarding rate recovery for certain distribution facilities.

The project will begin along the southeast corner of Masthead Street NE and Jefferson Street NE. From there, it parallels the east side of Jefferson Street NE to the diversion channel south of Ellison NE. At the HealthSouth facility parking lot, it will connect with an existing overhead electric distribution line feeder and the existing Hawkins Substation located west of Jefferson NE and north of the drainage channel. Eight new wood or self-weathering poles approximately 35 to 36 feet above ground in height will be installed following the alignment shown in the enclosed Project Location Map. The total length of the distribution feeder line is approximately 1,930 feet.

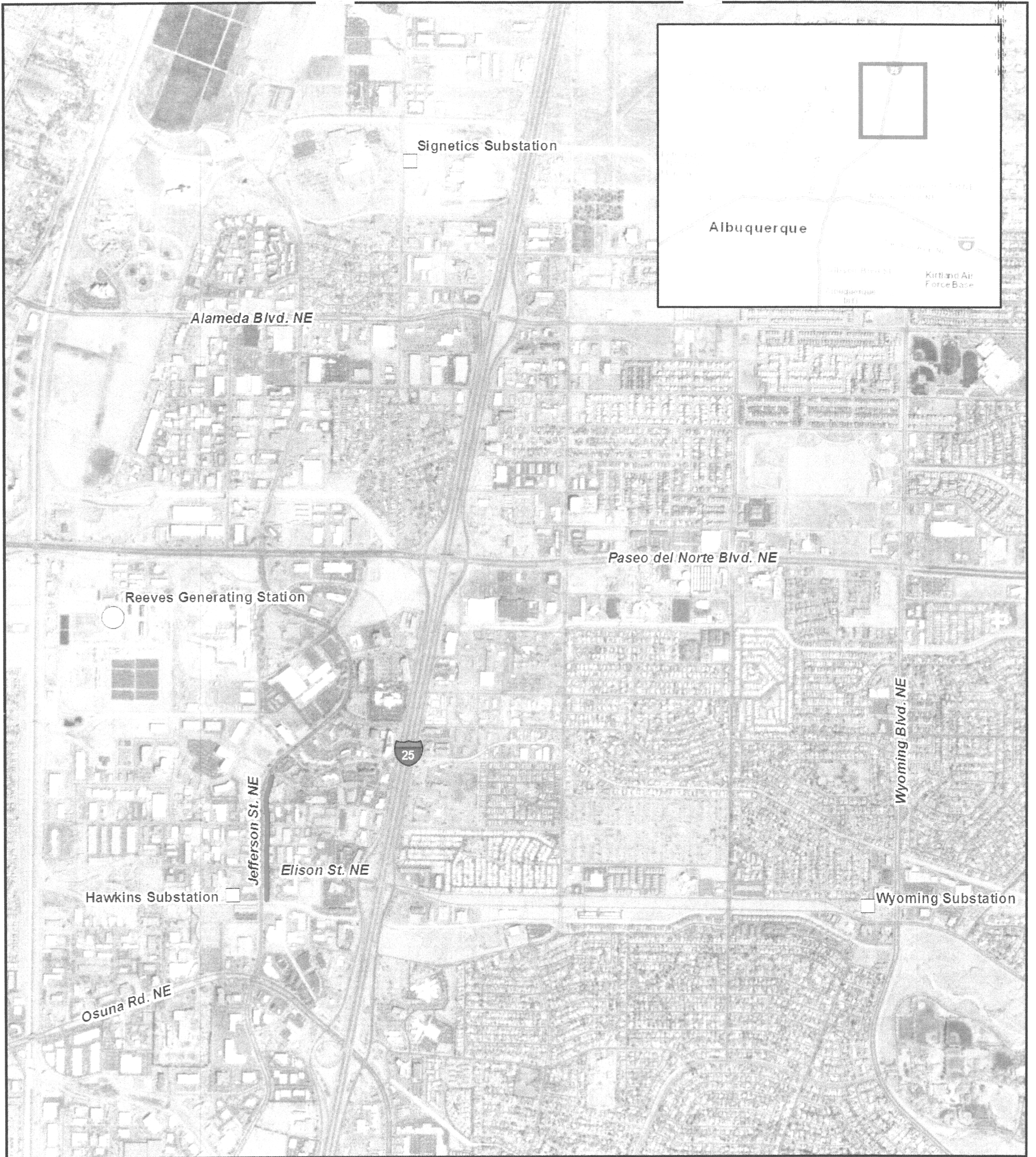
If you have any questions or need additional information, please contact me at (505) 241-2792. I am always willing to meet with you to discuss this project and answer any questions or concerns you may have.




Sincerely,

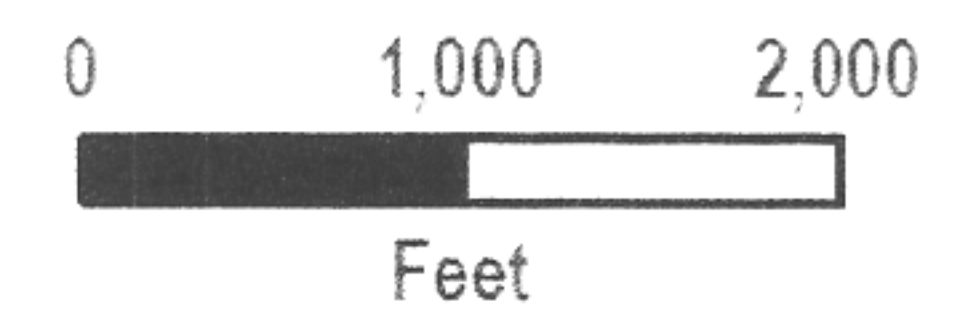
A handwritten signature in black ink that reads "Laurie W. Moye". The signature is fluid and cursive.

Laurie W. Moye
Coordinator, Regulatory Project and Public Participation

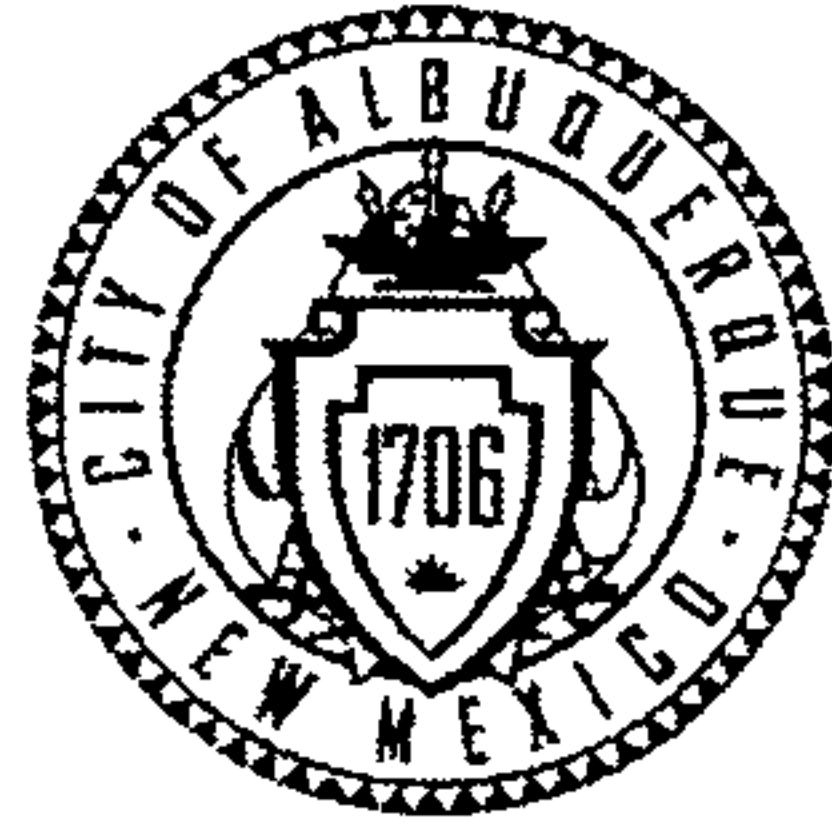
PROJ. #
1010164



-  Generating Station
-  Substation
-  Proposed Overhead Distribution Line



Hawkins Distribution Feeder 22
Project Location Map



City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

PLEASE NOTE: The Neighborhood and/or Homeowner Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office

July 14, 2014

Laurie W. Moye
PNM
2401 Aztec NE
Albuquerque, NM 87110
Phone: (505) 241-2792/Fax: (505) 241-2344
E-mail: Laurie.Moye@pnmresources.com

Dear Laurie:

Thank you for your inquiry of **July 14, 2014** requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of *§14-8-2-7 of the Neighborhood Association Recognition Ordinance* by your proposed project at **(DRB SUBMITTAL) – ROAD RIGHT-OF-WAY EASEMENT LOCATED ON JEFFERSON NE, PAN AMERICAN PL. NE, PAN AMERICAN FRONTAGE ROAD NE BETWEEN MASTHEAD NE AND BEAR ARROYO DRAINAGE EASEMENT** zone map **D-E-17**.

Our records indicate that the **Neighborhood and/or Homeowner Associations** affected by this submittal and the contact names are as follows:

See “Attachment A” for the names of the neighborhood and/or homeowner associations to contact in regards to this DRB Submittal – swinklepleck

Please note that according to *§14-8-2-7 of the Neighborhood Association Recognition Ordinance* you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Stephani Winklepleck

Stephani I. Winklepleck

Neighborhood Liaison
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

**LETTERS MUST BE SENT TO BOTH
CONTACTS OF EACH
NEIGHBORHOOD AND/OR
HOMEOWNER ASSOCIATION.**

planningrnaform(03/20/14)

!!!Notice to Applicants!!!

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify all affected neighborhood and/or homeowner associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT**. Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
 - a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
 - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describes the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.>").
 - c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
 - d) The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

Information from the Office of Neighborhood Coordination

The following information should always be in each application packet that you submit for an EPC or DRB application. Listed below is a "Checklist" of the items needed.

- ONC's "Official" Letter to the applicant (if there are associations). A copy must be submitted with application packet -OR-**
- The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.
- Copies of Letters to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**
- Copies of the certified receipts to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**

Just a reminder - Our ONC "Official" Letter is only valid for a one (1) month period and if you haven't submitted your application by this date, you will need to get an updated letter from our office.

Any questions, please feel free to contact Stephani at 924-3902 or via an e-mail message at swinklepleck@cabq.gov.

Thank you for your cooperation on this matter.

(below this line for ONC use only)

Date of Inquiry: **07/14/14** Time Entered: **11:05 a.m.** ONC Rep. Initials: **siw**

ATTACHMENT A

Laurie W. Moye
PNM
2401 Aztec NE
Albuquerque, NM 87110
Phone: (505) 241-2792/Fax: (505) 241-2363
E-mail: Laurie.Moye@pnmresources.com
Zone Map: H-19

ALAMEDA NORTH VALLEY ASSN. "R"

***Steve Wentworth**

8919 Boe Ln. NE/87113-2328 897-3052 (h)

Mark Rupert

P.O. Box 10454/87184 792-0942 (h)

ACADEMY ACRES NORTH N.A. "R"

***Jacob Tellier**

P.O. Box 90601/87199 821-0393 (h)

Irene Minke

6504 Dungan NE/87109 828-9810 (h)

*** PRESIDENT OF ASSOCIATION/COALITION**



July 15, 2014

Mr. Jack Cloud, AICP
Development Review Board Chair
City of Albuquerque
600 2nd Street NW
Albuquerque, NM 87103

Subject: Variance Request – Hawkins 22 Electric Distribution Feeder Project

Dear Mr. Cloud:

PNM is seeking a decision regarding a variance request for the Hawkins Electric Distribution Feeder Project (Project). This application request is being submitted to the Development Review Board (DRB) in accordance with the New Mexico Public Regulation Commission's (NMPRC) approval of a stipulation in NMPRC Case No. 10-00100-UT Amended and Restated Stipulation between PNM and the City of Albuquerque (City) that provided, among other things: "... (i) whereas the result of the City's subdivision ordinance, PNM will first file a variance application with the City, seeking a variance from the undergrounding requirement of the subdivision ordinance; and (ii) the City will make a good faith effort to reach a decision on the merits of the PNM variance application within 45 days of the variance filing date" as shown in **Appendix A**.

This request is for a variance from City of Albuquerque Subdivision Ordinance §14-14-4-9 (B), Electrical and Communication Line Location, which requires that all new electrical three-phase distribution lines carrying 12 kilovolts but less than 40 kilovolts shall be installed underground unless a variance is granted, see **Appendix B**.

Purpose and Need

In order to balance both the electric load and the voltages in the area for more reliable service, a new connection is necessary between the Hawkins Substation and three other supporting substations, **Figure 1**. Three-phase distribution lines, called feeder ties, provide these connections. The Project is needed to strengthen the PNM electric distribution system serving PNM customers between Paseo del Norte and Montañó Road in Albuquerque's North I-25 corridor area in the event of a planned or unplanned outage. The Project will allow existing feeders to be backed up from supporting substations.

The Project will provide much needed electric distribution feeder tie capacity and voltage support in the area. The area is served by PNM's Hawkins Substation located west of Jefferson Street NE by the drainage channel south of Ellison NE. The proposed project has an anticipated in-service date of fourth quarter 2014.

Project Description

The Project variance request consists of an overhead three-phase distribution line to be located in the North I-25 corridor area in Albuquerque. It begins along the southeast corner of Masthead Street NE and Jefferson Street NE. From there, it parallels the east side of Jefferson Street NE to the diversion channel south of Ellison NE. At the HealthSouth facility parking lot, it will connect with an existing overhead electric distribution line feeder and the existing Hawkins Substation located west of Jefferson NE and north of the drainage channel.

The existing overhead and underground distribution infrastructure is shown in **Figure 2**.

These new distribution poles will be adjacent to Jefferson NE following the alignment shown in **Figure 2**. The total length of the distribution feeder line to be located within the City of Albuquerque is approximately 1,930 feet.

PNM typically locates its facilities within road right-of-way or in private easement. PNM has either acquired private easement or has identified public utility easement for the entire route of the Project. Some existing trees will be trimmed and/or removed. Some signage may be removed and/or relocated for electric line safety clearance requirements.

The Project would be constructed using steel and wood structures approximately 35-36 feet above ground in height. Typical structure configurations to be used for the proposed project are shown in **Figure 3**, **Figure 4**, and **Figure 5**. The Project consists of 8 new distribution feeder poles along the east side of Jefferson NE in the City of Albuquerque.

The Project is located in a developed commercial area with mature street trees and extensive landscaping. Views northbound and southbound on Jefferson Street NE are focused along the urban minor arterial and are bounded by trees on both sides of the street.

Figure 6 shows the camera location viewpoints for the visual simulations. **Figure 7** illustrates existing conditions and a visual simulation from the Camera 1 viewpoint of the proposed facilities, Jefferson Street NE at the drainage channel facing northeast. **Figure 8** illustrates existing conditions and a visual simulation from the Camera 2 viewpoint of the proposed facilities, the intersection of Jefferson Street NE and Masthead Street NE facing south. **Figure 9** illustrates existing conditions and a visual simulation from the Camera 3 viewpoint of the proposed facilities, the intersection of Jefferson Street NE near Hawkins Street NE facing south.

Figure 10, Zone Atlas Map, shows the proposed project and zoning.

Conformity with Existing Plans: North Valley Area Plan, adopted 1993

The North Valley Area Plan, a Rank II area plan, identifies the North I-25 Corridor area as appropriate for commercial and industrial development noted in Goal 11 on page 7, and in the Preferred scenario for Commercial Uses and Industrial and Heavy Commercial on page 38.

The Project will serve development in the North I-25 Corridor area and strengthen the PNM electric distribution system serving PNM customers between Paseo del Norte and Montañó Road in the event of an outage.

Variance Request of §14-14-4-9 (B) Electric and Communication Line Location

The City of Albuquerque Subdivision Ordinance addresses new three-phase electric distribution line location in §14-14-4-9 (B) as follows, see Appendix B:

“(B) New electrical three phase distribution lines carrying above 12 kilovolts (kV), but less than 40 kilovolts (kV) shall be installed underground within subdivisions which have underground distribution lines, unless a variance is granted. The Development Review Board may grant a variance if it is determined that no significant public purpose would be served by requiring that the new lines be placed underground and that one or more of the following conditions exists:

- (1) The immediate or adjacent area is presently served by overhead lines; or
- (2) Subsurface conditions make under-ground lines economically unreasonable.”

Reasons which Fulfill Conditions: §14-14-4-9 (B) Electrical and Communication Line Location

PNM’s variance request addresses §14-14-4-9 (B) conditions with the following responses:

B. PNM believes that no significant public purpose would be served by requiring new distribution lines to be placed underground and should be granted a variance for the following determination.

(1) PNM believes that no significant public purpose would be served by requiring these new distribution lines to be placed underground as the immediate or adjacent area is presently served by both overhead and underground lines. There are existing overhead distribution lines that serve the adjacent and immediate area. **Figure 2** illustrates the locations of the existing overhead and underground distribution lines.

(2) The subsurface conditions do not apply to this project.

Cost Differential

PNM is responsible for the overhead cost amount; the difference between the overhead and underground cost is the cost differential. The estimated overhead cost is \$138,006. The estimated underground cost is \$291,759. The cost differential between the overhead construction and underground construction costs for this project is estimated to be \$153,753.

Subject to a filing with the NMPRC under PNM’s Revised Rate 22, the cost differential will be borne by all PNM electric customers within the City of Albuquerque city limits.

PNM has estimated a 5-month recovery period with the following temporary estimated monthly charges: Residential – \$0.06 cents/month, Small Power – \$0.19/month, General Power - \$4.39/month, Large Power - \$39.31/month, Water & Sewage - \$6.22/month and Universities - \$557.73/month.

Appendix C identifies the specific overhead and the underground alignments. These alignments were used in developing the construction Task Cost Statements provided in **Appendix D** which list cost estimates for the overhead and underground construction designs.

Summary

PNM is seeking a decision regarding a variance request for the Project as agreed to in NMPRC Case No. 10-00100-UT Amended and Restated Stipulation between PNM and the City of Albuquerque shown in **Appendix A**.

Please refer to the attached documents to assist with your review and consideration. If you have any questions or need additional information, please contact me at (505) 241-2792.

Sincerely,



Laurie W. Moyer
Coordinator, Regulatory Policy and Public Participation

Attachments:

Appendix A – NMPRC Case No. 10-00100-UT Amended and Restated Stipulation
Appendix B – City of Albuquerque Subdivision Ordinance §14-14-4-9 (B), Electrical and
Communication Line Location

Figure 1 – Project Location Map

Figure 2 – Existing Distribution Infrastructure Map

Figure 3 – Typical Structure Configurations – Three Phase Tangent Pole

Figure 4 – Typical Structure Configurations – Three Phase Angle Pole

Figure 5 – Typical Structure Configurations – Deadend Riser Pole

Figure 6 – Visual Simulation Camera Location Map

Figure 7 – Visual Simulation Camera Location 1 Facing NE from Jefferson St. NE and
Flood Channel

Figure 8 – Visual Simulation Camera Location 2 Facing South from Jefferson St. NE and
Masthead St. NE

Figure 9 – Visual Simulation Camera Location 3 Facing NE from Jefferson St. NE and
Near Hawkins St. NE

Figure 10 – Zone Atlas Map

Appendix C – Overhead and the Underground Alignments

Appendix D – Task Cost Statements for Overhead and Underground Construction

APPENDIX A

Alvarado Square
Albuquerque, NM 87158-0810
P 505 241-2700
F 505 241-2386
PNM.com

August 6, 2010



*A personal commitment
to New Mexico*

Mr. Ronald X. Montoya
New Mexico Public Regulation Commission
1120 Paseo de Peralta
Santa Fe, NM 87501

Re: Case No. 10-00100-UT – Amended and Restated Stipulation

Dear Mr. Montoya:

Public Service Company of New Mexico ("PNM") hereby submits its Amended and Restated Stipulation ("Stipulation").

Included in this filing are the original plus six copies of the Stipulation. Please conform the extra copy of the Stipulation for our files and return it with our courier. If you have any questions, please contact me at 505-241-4733.

Sincerely,

A handwritten signature in black ink, appearing to read "Carey Salaz".

Carey Salaz
Regulatory Affairs Research Analyst

Enclosures

GCG#503611

APPENDIX A

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION)
OF PUBLIC SERVICE COMPANY OF NEW)
MEXICO FOR APPROVAL OF THE CITY OF)
ALBUQUERQUE 2010 UNDERGROUND) Case No. 10-00100-UT
PROJECT RIDER PURSUANT TO ADVICE)
NOTICE NO. 391,)
)
)
PUBLIC SERVICE COMPANY OF NEW)
MEXICO,)
Applicant.)

AMENDED AND RESTATED STIPULATION

Pursuant to the New Mexico Public Regulation Commission's ("Commission" or "NMPRC") Rule 1.2.2.20(A) NMAC, Public Service Company of New Mexico ("PNM") and the City of Albuquerque (the "City") agree and stipulate as follows:¹

INTRODUCTION

1. On August 29, 2008, PNM and the City entered into an Unopposed Stipulation (the "2008 Stipulation") to resolve the issues in NMPRC Case 07-00463-UT (the "Rider 21 Case"). PNM had filed the Rider 21 Case, seeking Commission approval of PNM's Rider 21 to allow PNM to recover the excess costs associated with the underground installation of the Unser 12 distribution line within the City. The City initially opposed PNM's Rider 21 Case, but PNM and the City ultimately entered into the 2008 Stipulation to resolve their differences. The 2008 Stipulation was approved by the Commission in the Rider 21 Case. *See* Final Order Approving Stipulation, dated December 11, 2008, with attached Certification of Stipulation dated November 25, 2008. PNM and the City desire now to amend and restate the 2008 Stipulation and to replace the 2008 Stipulation with this Amended and Restated Stipulation.

¹ Prior to filing, this Amended and Restated Stipulation was provided to the Commission's Utility Division Staff ("Staff").

APPENDIX A

2. The 2008 Stipulation provided, among other things, that the City would withdraw its objections to the Rider 21 Case. In exchange, PNM agreed to detailed procedures it would follow in future City of Albuquerque cases before PNM made an underground rate rider filing under the Company's First Revised Rate 22 ("Rate 22").

3. Specifically, PNM agreed that, in the future, where as a result of the City's subdivision ordinance PNM would normally file a rate rider application under Rate 22, PNM would first file a variance request with the City, seeking a variance from the undergrounding requirement of the subdivision ordinance. If the City's Development Review Board ("DRB") denied the variance application, PNM agreed that it would seek administrative review of the DRB decision to the City Council, i.e., that it would appeal the DRB decision to the City Council.

4. The 2008 Stipulation provided that the City would make a good faith effort to reach a decision on the merits of a PNM variance application within ninety (90) days of the variance filing date. If the City Council failed to reach a decision on a PNM variance filing within one hundred and twenty (120) days after the variance filing date, PNM could make a Rate 22 filing with the NMPRC to recover any excess costs PNM would incur in complying with the undergrounding requirement of the City's subdivision ordinance. It was understood that PNM could provide the 60-day notice required by Rate 22 on the sixtieth (60th) day after the date of the variance filing so that the sixty (60) days under PNM's 60-day notice would expire on the one hundred and twentieth (120th) day after the date of the variance filing.

5. The 2008 Stipulation further provided that, assuming PNM's compliance with the requirement that it apply for a variance, and that PNM had withheld submission of its 60-day notice under Rate 22 for at least sixty (60) days following the date of the variance filing, the City

APPENDIX A

would not oppose a PNM rate rider filing under Rate 22 on the basis that the PNM variance filing was still pending before the DRB or the City Council, nor would the City oppose a rate rider filing under Rate 22 on the basis that PNM had failed to seek or exhaust administrative remedies.

6. The 2008 Stipulation also provided that if, during the pendency of a Rate 22 proceeding before the NMPRC, the City were to grant PNM's variance application, PNM would file a motion with the NMPRC to withdraw its Rate 22 application and would proceed to construct the project above ground. The City agreed to support, or not oppose, such a PNM motion to withdraw its Rate 22 application.

7. Additionally, PNM committed in the 2008 Stipulation that its contractors and employees would comply with the City's Excavation and Barricade ordinance and regulations in relation to the installation of electric distribution lines within the City.

8. The procedures agreed to in the 2008 Stipulation were first implemented when PNM made a variance filing with the City in anticipation of the filing of the present case, NMPRC Case 10-00100-UT. As described in the Direct Testimony of Gerard T. Ortiz, PNM applied for a variance from the City on December 4, 2009. Ortiz Direct at 6. The variance was heard and denied by the DRB on January 6, 2010. PNM then appealed the variance denial on January 14, 2010, and the appeal was heard on March 4, 2010 by the City's Land Use Hearing Officer ("LUHO"). The LUHO issued a recommended decision that the City Council deny the appeal and on April 5, 2010, the City Council accepted the LUHO's recommendation, thereby requiring that the project that is the subject of this case, i.e., the Black Ranch 12 project, be installed underground. *Id.* at 6-7.

APPENDIX A

9. As the result of experience gained by application of the 2008 Stipulation, PNM and the City desire to amend and restate the 2008 Stipulation. Among other things, PNM and the City desire to eliminate the requirement of the 2008 Stipulation that PNM must appeal actions of the DRB to the City Council as a condition of being able to make a rate rider filing under Rate 22.

10. PNM and the City believe that this Amended and Restated Stipulation is fair, just and reasonable and consistent with the public interest.

AMENDED AND RESTATED STIPULATION

11. As of the date of the Commission's Final Order in this Case 10-00100-UT, the 2008 Stipulation is superseded and replaced in its entirety, and shall be of no further force or effect. Any future PNM underground rate rider applications under Rate 22 pertaining to the City shall thereafter be governed exclusively by this Amended and Restated Stipulation.

12. Where, as a result of the City's subdivision ordinance, PNM would normally file a rate rider application under Rate 22, PNM will first file a variance request with the City, seeking a variance from the undergrounding requirement of the City's subdivision ordinance. PNM shall not, however, be required to appeal any decision of the DRB as a condition of filing a rate rider application under Rate 22.

13. The City shall make a good faith effort to reach a decision on the merits of a PNM variance application within forty-five (45) days of the variance filing. Thirty (30) days after the variance filing date, PNM may provide the 60-day notice to the City of PNM's intent to seek recovery of the excess costs through a rate rider application at the NMPRC. PNM will therefore be able to make a rate rider filing under Rate 22 ninety (90) days after the variance filing date. If PNM requests a deferral of the variance process, the 45-day period herein provided, for the City

APPENDIX A

to reach a decision on the variance filing, will be extended by the amount of the deferral requested by PNM.

14. Assuming PNM's compliance with the requirement that it apply for a variance, as provided for in paragraph 12, the City will not oppose a PNM rate rider filing under Rate 22 on the basis that the PNM variance filing is still pending.

15. If, during the pendency of a Rate 22 proceeding before the NMPRC, but prior to the start of construction of a new PNM underground project, the City grants PNM's variance application, or otherwise permits the project to be constructed above ground, PNM shall file a motion with the NMPRC to withdraw its Rate 22 application and shall proceed to construct the project above ground. The City shall support, or not oppose, such a PNM motion to withdraw its Rate 22 application.

16. PNM commits to assuring that its contractors and employees will comply with the City's Excavation and Barricade ordinance and regulations in relation to the installation of electric distribution lines within the City.

17. PNM and the City waive any objection to the jurisdiction of the Commission to enter a Final Order approving this Amended and Restated Stipulation, to the extent the Commission may deem its approval is required of this Amended and Restated Stipulation. PNM and the City also waive any objection to the jurisdiction of the Commission to enforce any Final Order incorporating the terms of this Amended and Restated Stipulation. PNM and the City agree that the Commission may enforce this Amended and Restated Stipulation by, among other things: (i) deferring the consideration of, or declining to consider, a PNM rate rider filing under Rate 22 that is inconsistent with PNM's agreements in this Amended and Restated Stipulation, or (ii) declining to consider any City objection or protest to a PNM rate rider filing that is

APPENDIX A

inconsistent with the City's agreements in this Amended and Restated Stipulation. PNM and the City acknowledge that nothing in this paragraph 17 binds the Commission to any particular course of action in future cases or limits the Commission's exercise of its discretion in future cases.

18. Except as specifically stated in the language of this Amended and Restated Stipulation, PNM and the City agree that the provisions hereof shall have no precedential effect (including as to allocation methodology) and PNM and the City do not waive any rights they may have in any other pending or future proceeding and they will not be deemed to have approved, accepted, agreed to or consented to the application of any concept, principle, theory or method in any future proceeding.

19. In accordance with 1.2.2.20(D) NMAC, the Commission's approval of this Amended and Restated Stipulation shall not be construed to either grant any approval or create any precedent regarding any principle or issue in this or any other proceeding.

20. This Amended and Restated Stipulation reflects a negotiated settlement, and if the Amended and Restated Stipulation is not executed or is not adopted in its entirety by the Commission (to the extent Commission approval may be required), without additions or deletions, the Amended and Restated Stipulation will be void and any statements made or positions taken by PNM and the City during the course of the negotiations that led to the execution of this Amended and Restated Stipulation shall not be admissible before any court or regulatory agency. This Amended and Restated Stipulation constitutes the entire agreement between PNM and the City concerning the subject matter hereof, and contains the full intent and understanding of PNM and the City. No implication should be drawn concerning any matter not

APPENDIX A

addressed herein. There are not, and have not been, any representations, warranties or agreements other than those specifically set forth above.

21. This Amended and Restated Stipulation may be executed in any number of counterparts, including by fax, each of which shall be deemed to be an original and all of which together shall constitute one and the same agreement.

Respectfully submitted,

MILLER STRATVERT P.A.

By: 

Robert H. Clark
P.O. Box 25687
Albuquerque, NM 87125-0687
Telephone (505) 842-1950

Attorneys for Applicant Public Service
Company of New Mexico

CITY OF ALBUQUERQUE

By: [electronic concurrence given 8/4/10]
Robert D. Kidd, Jr.
Kevin J. Curran
City of Albuquerque Legal Department
P.O. Box 2248
Albuquerque, New Mexico 87103-2248
(505) 768-4500

APPENDIX A

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF PUBLIC SERVICE COMPANY OF NEW)
MEXICO FOR APPROVAL OF THE CITY OF)
ALBUQUERQUE 2010 UNDERGROUND)
PROJECT RIDER PURSUANT TO ADVICE)
NOTICE NO. 391,)
)
PUBLIC SERVICE COMPANY OF NEW)
MEXICO,)
)
Applicant)
)**

Case No. 10-00100-UT

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of **Public Service Company of New Mexico's Amended and Restated Stipulation** was delivered by courier to the New Mexico Public Regulation Commission, and mailed by first class mail, postage prepaid to the following individuals on August 6, 2010:

Benjamin Phillips, Esq.
PNM Resources, Inc.
Alvarado Square, MS-1200
Albuquerque, NM 87158

Robert D. Kidd, Jr., Esq.
City of Albuquerque
PO Box 2248
Albuquerque, NM 87103

Kevin Curran
City of Albuquerque
PO Box 2248
Albuquerque, NM 87103

Robert H. Clark, Esq.
Brian J. Haverly,
Miller Stratvert, PA
PO Box 25687
Albuquerque, NM 87125-0687

HAND DELIVERED:
Jack Sidler
New Mexico Public Regulation Commission
1120 Paseo De Peralta
Santa Fe, NM 87501

HAND DELIVERED:
Joan Ellis
New Mexico Public Regulation Commission
1120 Paseo De Peralta
Santa Fe, NM 87501

HAND DELIVERED:
Lee W. Huffman, Esq.
NMPRC – Hearing Examiner
1120 Paseo De Peralta
Santa Fe, NM 87501

Dated this 6th day of August, 2010.

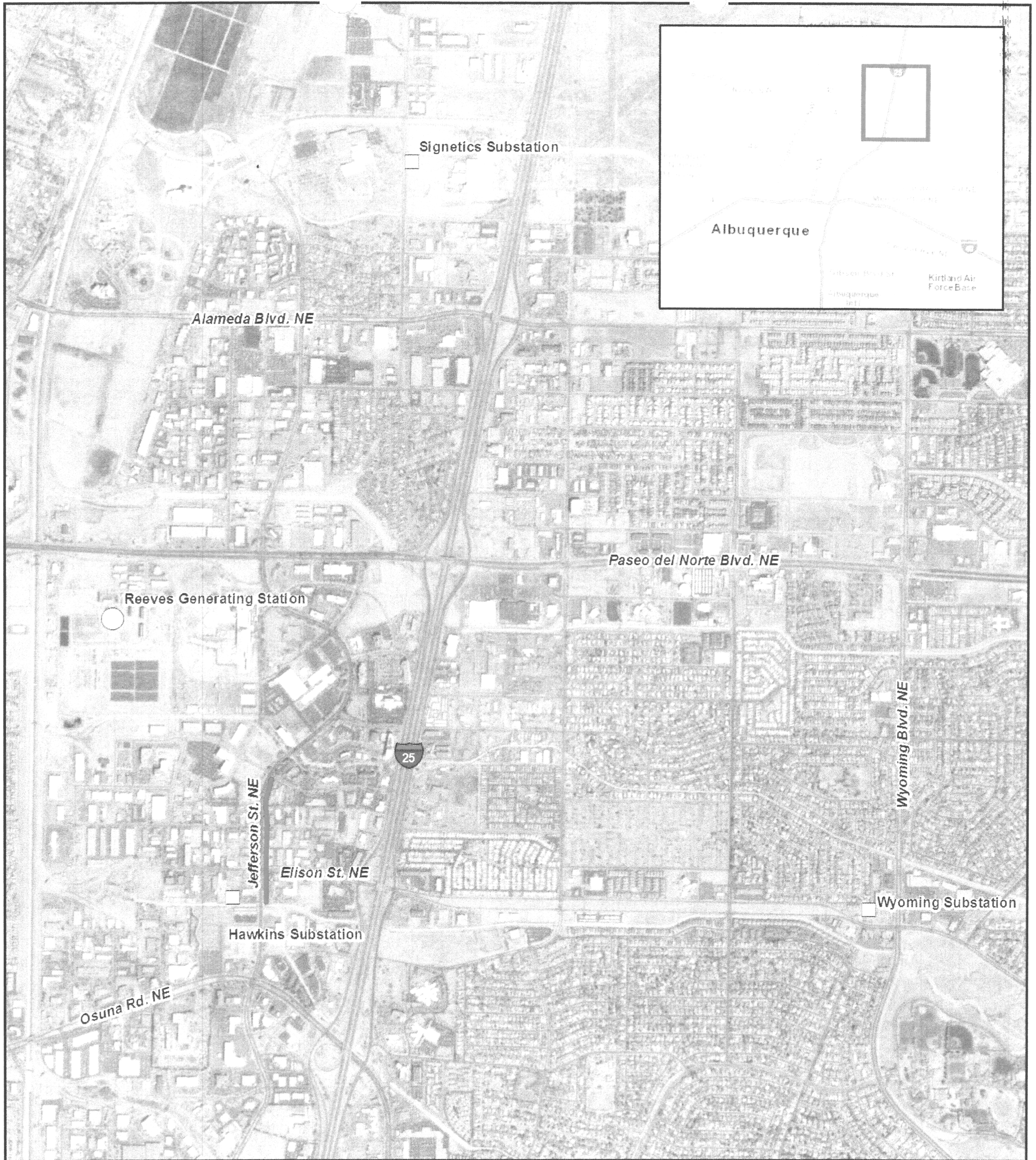
By: 
Carey Salaz
Regulatory, Affairs Research Analyst




APPENDIX B

§ 14-14-4-9 ELECTRICAL AND COMMUNICATION LINE LOCATION.

- (A) New communications lines, new single phase electrical distribution lines carrying 12 kilovolts (kV) or less, and all other lower voltage electrical lines shall be installed underground within subdivisions approved under this article. The Development Review Board may grant a variance in accordance with Part 6 of this article if it is determined that no significant public purpose would be served by requiring the new construction to be placed underground and that one or more of the following conditions exists:
- (1) The lot is already served by an overhead distribution line;
 - (2) All adjacent areas are already served by overhead distribution facilities; or
 - (3) Subsurface conditions make underground lines economically unreasonable.
- (B) New electrical three phase distribution lines carrying above 12 kilovolts (kV), but less than 40 kilovolts (kV) shall be installed underground within subdivisions which have underground distribution lines, unless a variance is granted. The Development Review Board may grant a variance if it is determined that no significant public purpose would be served by requiring that the new lines be placed underground and that one or more of the following conditions exists:
- (1) The immediate or adjacent area is presently served by overhead lines; or
 - (2) Subsurface conditions make under-ground lines economically unreasonable.
- (C) Electrical lines carrying 40 kilovolts (kV) or more are governed by the portion of the facility plan dealing with them, not by this article.

('74 Code, § 7-16-5H) (Am. Ord. 37-2006)



-  Generating Station
-  Substation
-  Proposed Overhead Distribution Line

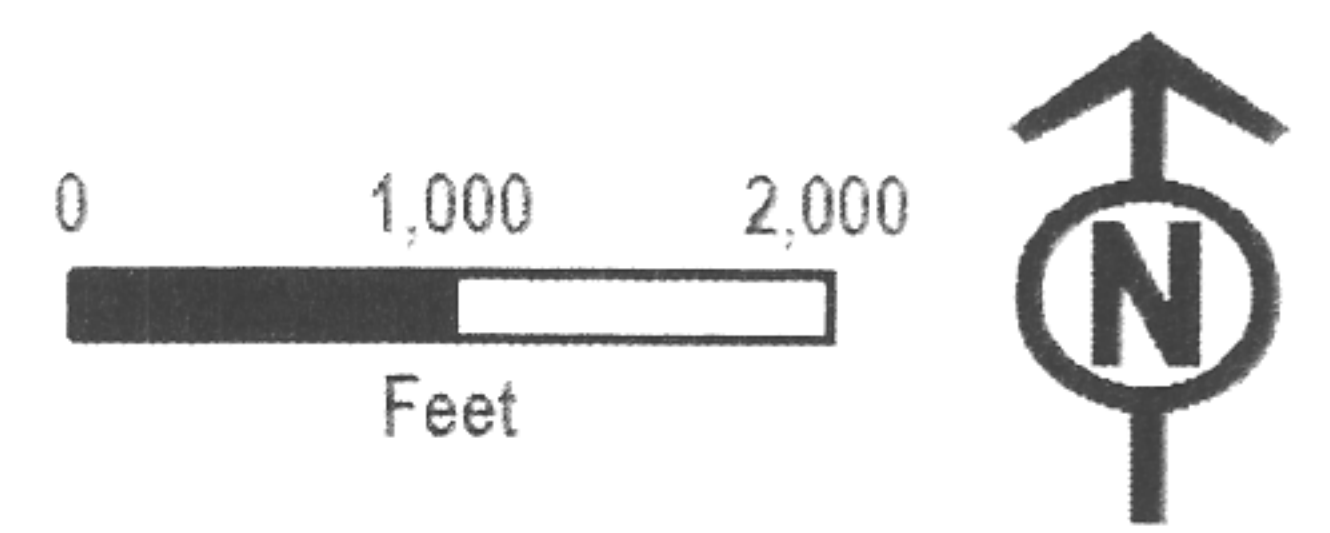


Figure 1

Hawkins Distribution Feeder 22
Project Location Map

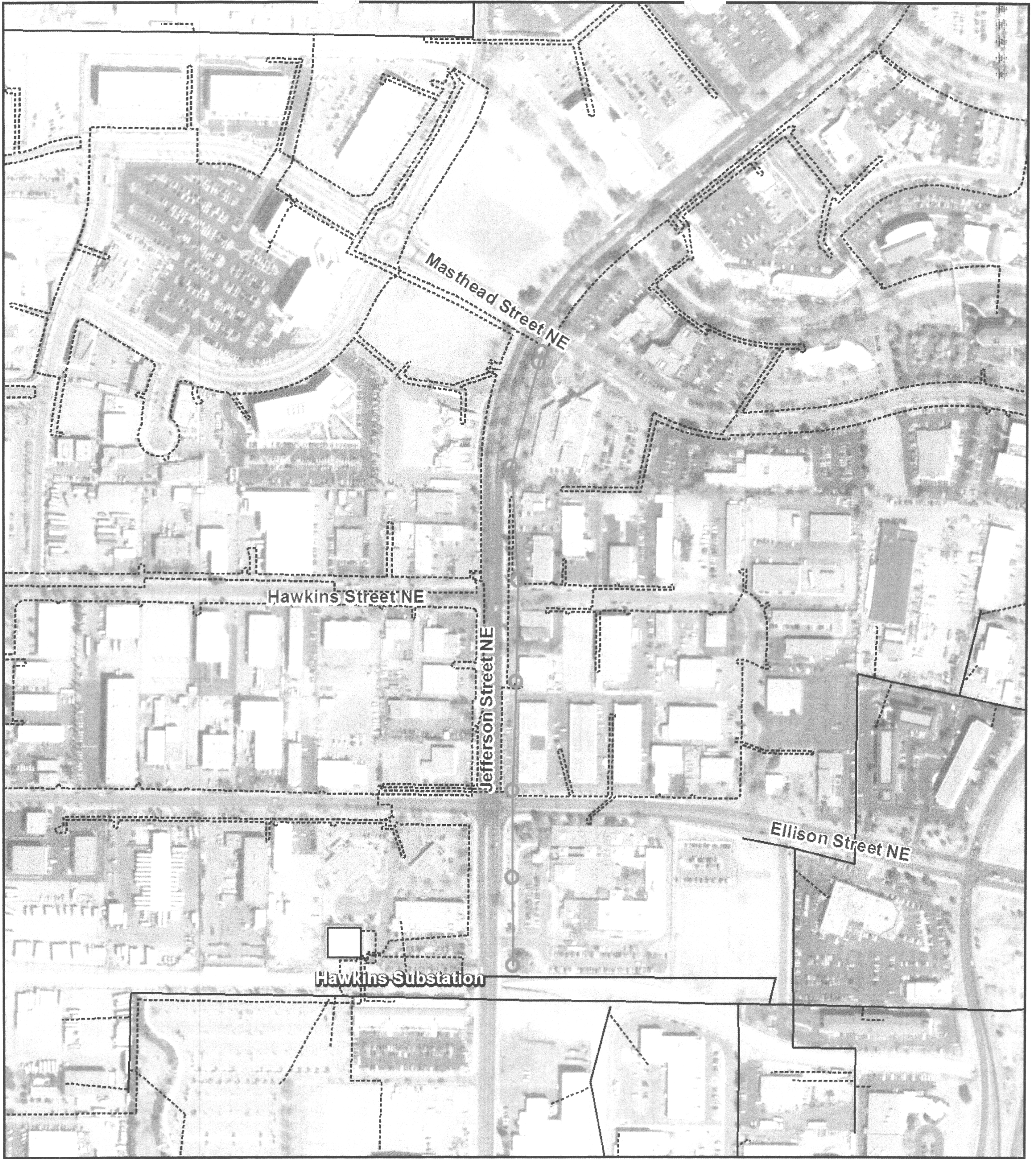


Figure 2

Hawkins Distribution Feeder 22
Existing Distribution Infrastructure

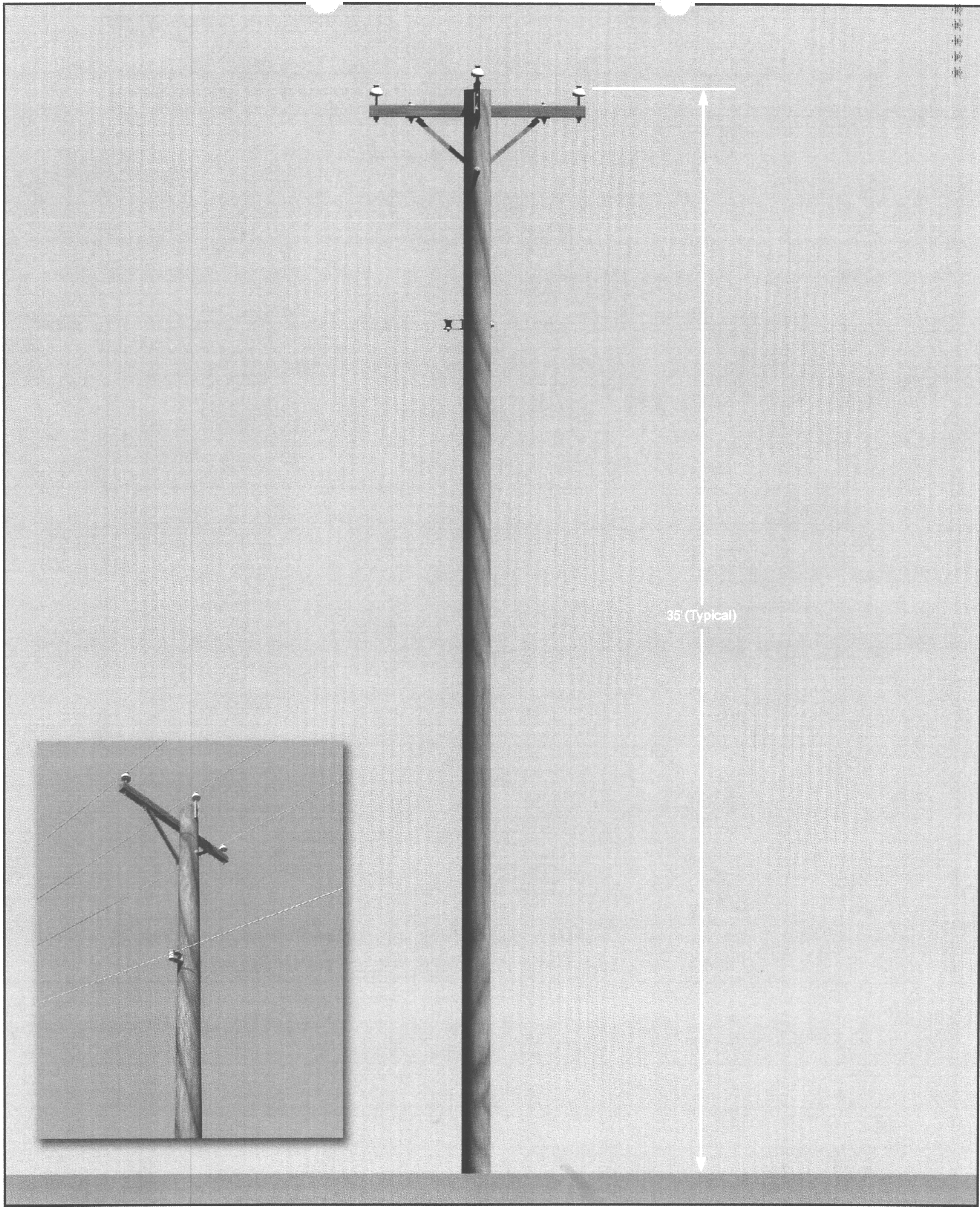


Figure 3

Hawkins Distribution Feeder 22
Three Phase Tangent Pole

Typical Distribution Pole Configuration
Direct bury, Wood
Distribution Standards DS-2-4.0

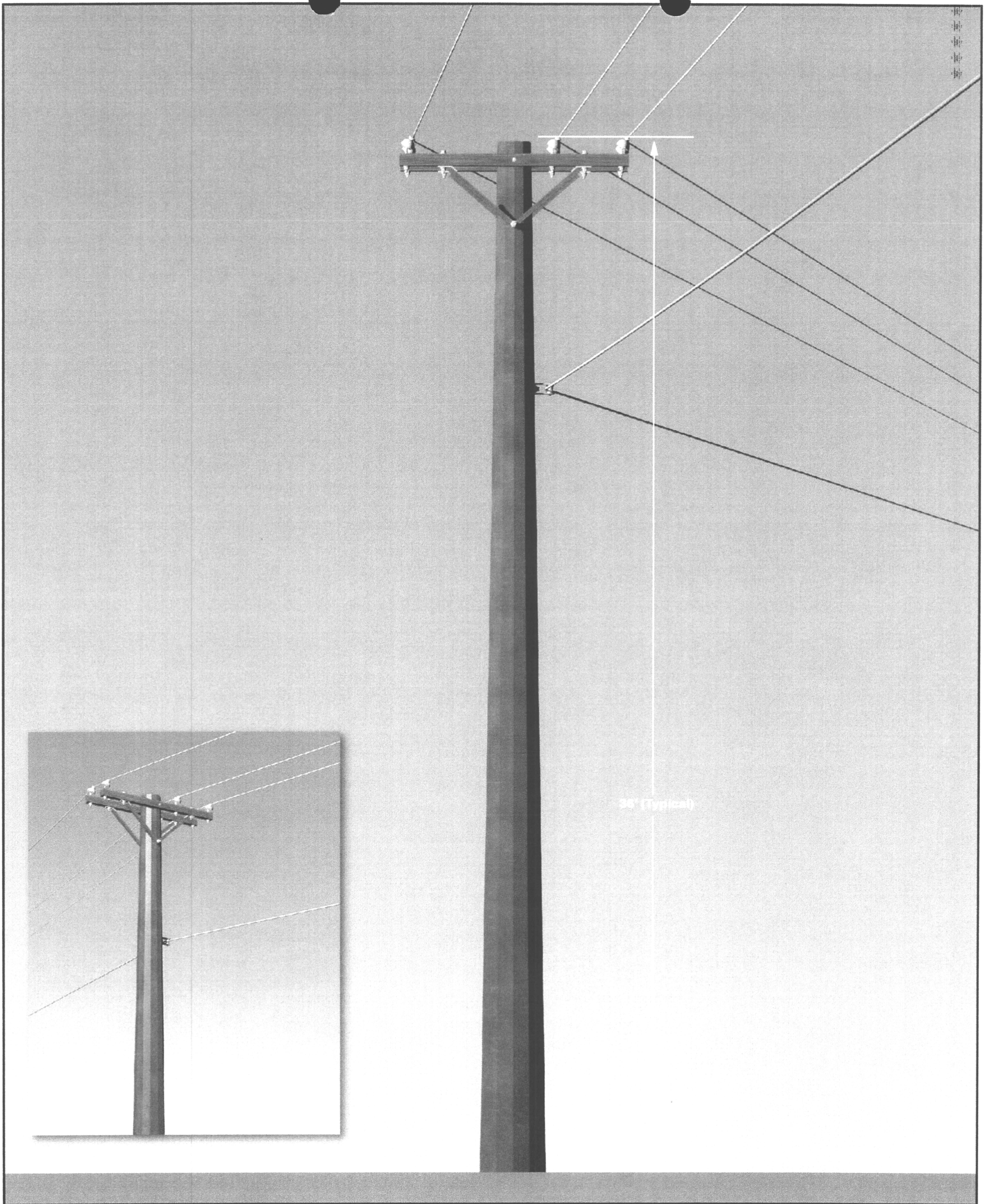


Figure 4

Hawkins Distribution Feeder 22

Three Phase Angle Pole

Typical Distribution Pole Configuration
Direct bury, Self-Weathering Steel
Distribution Standards DS-2-4.6

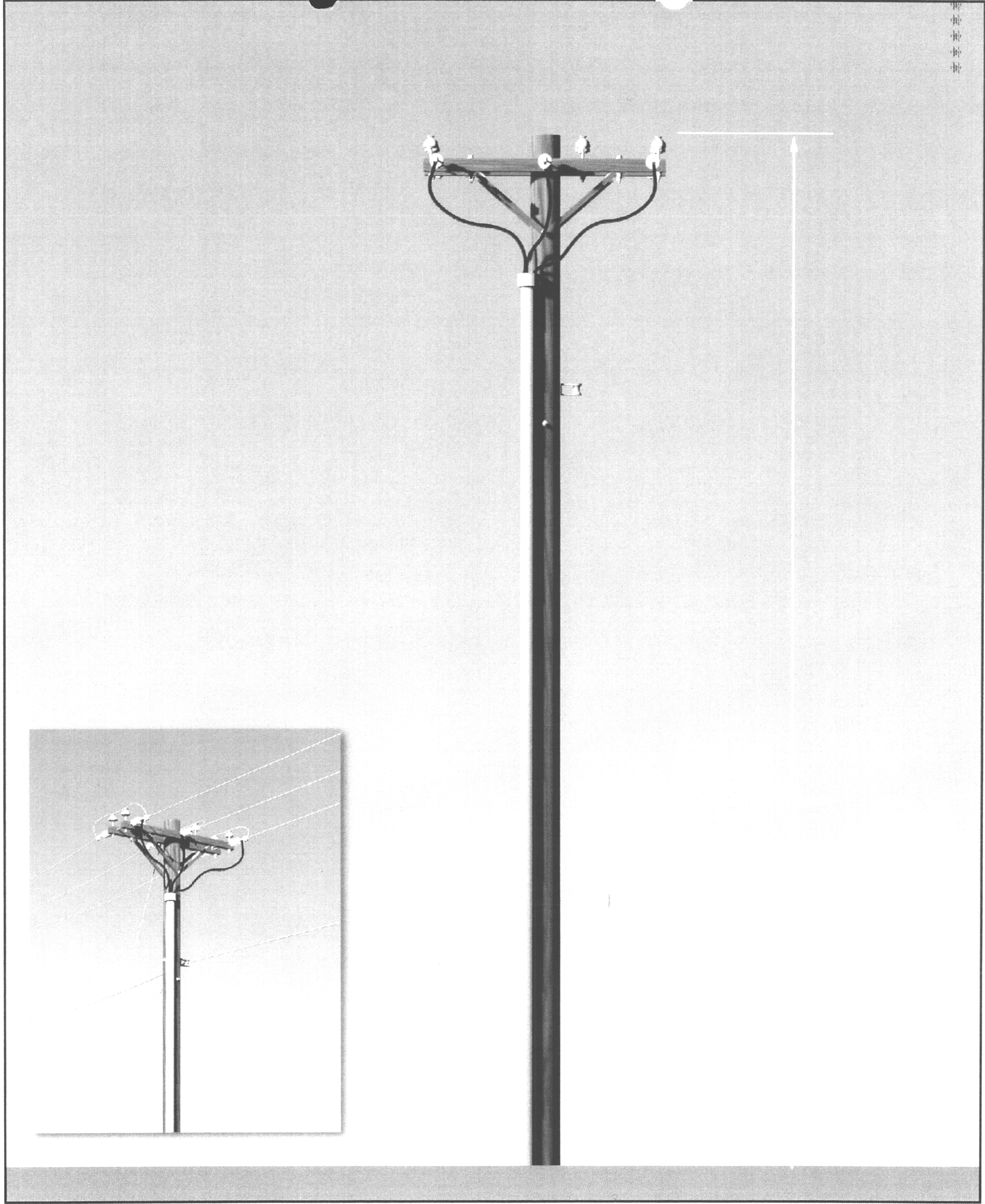
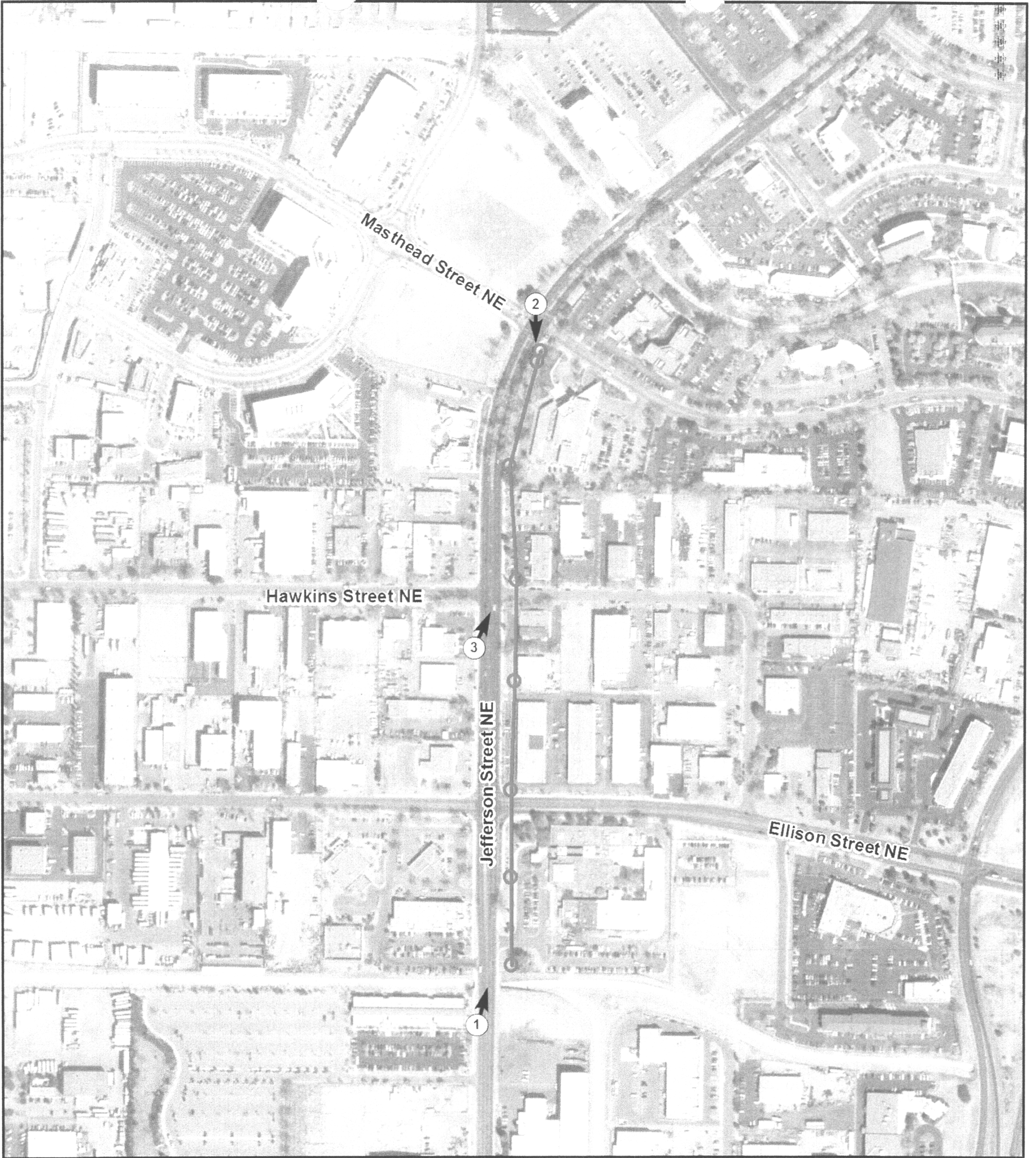





Figure 5

Hawkins Distribution Feeder 22

Three Phase Dead End Riser Pole

Typical Distribution Pole Configuration
Direct bury, Wood
Distribution Standards DS-2-3.7



-  Camera Location and View Direction
-  Proposed Distribution Pole Location
-  Proposed Overhead Distribution Line

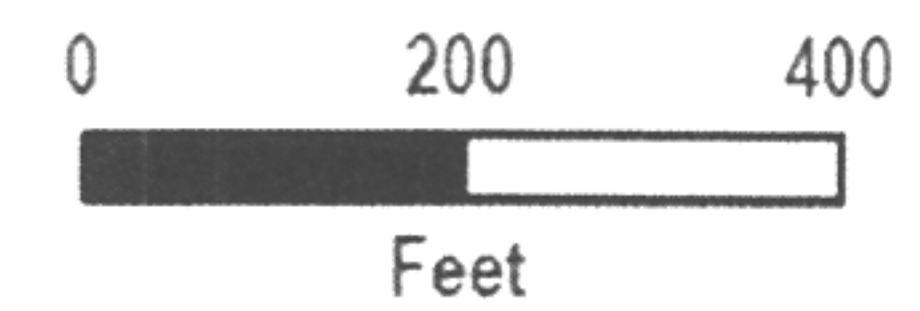


Figure 6
Hawkins Distribution Feeder 22
Simulation Camera Location Map



Existing Conditions



Proposed Facilities



Existing Conditions



Proposed Facilities

Hawkins Feeder 22
Visual Simulation

Camera Location 2
Facing South from Jefferson St NE
and Masthead St NE

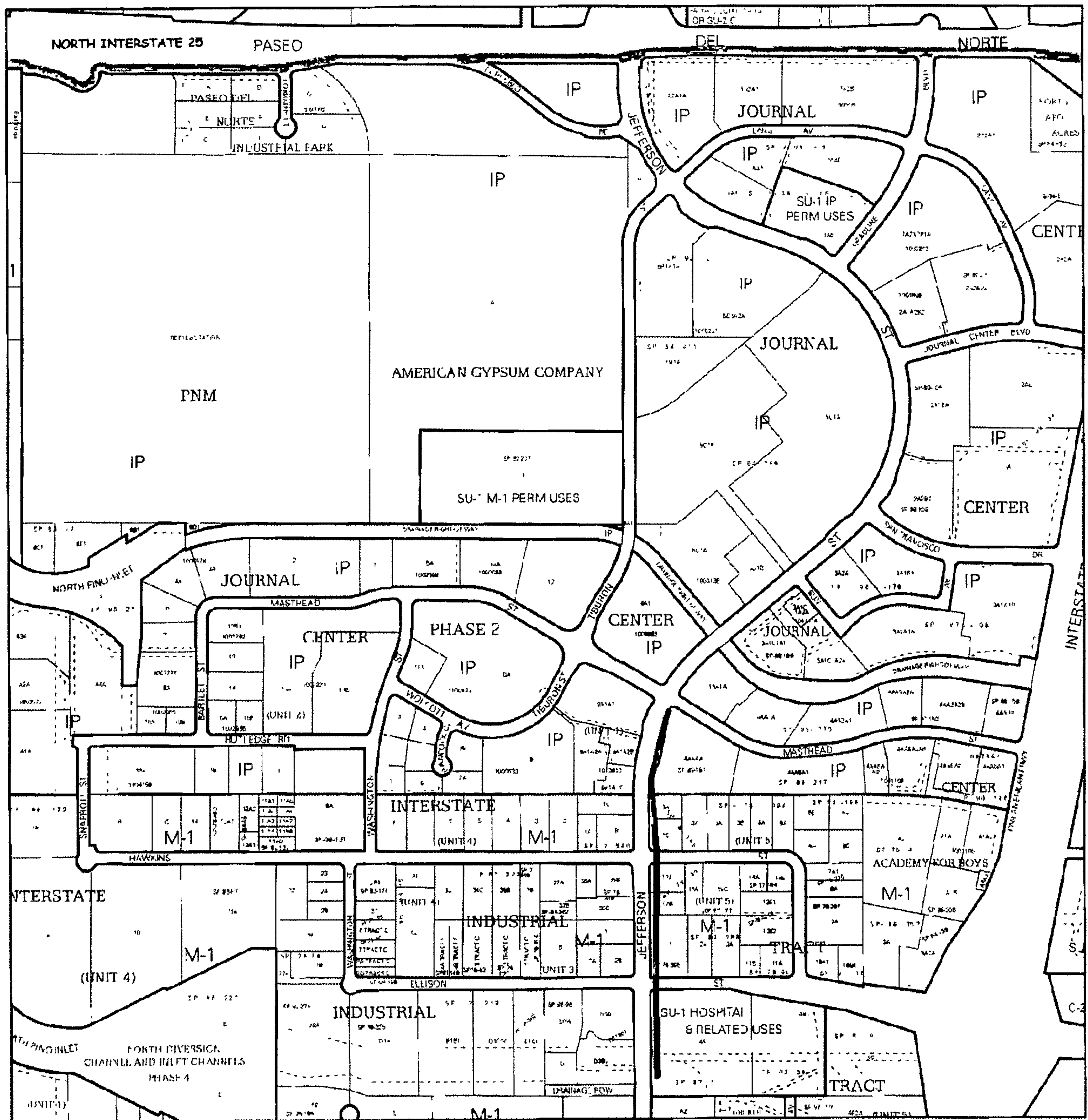
Reasonable efforts to provide an accurate visual simulation have been made. However, this computer-generated rendering should be considered an approximate representation of how the facilities will appear.



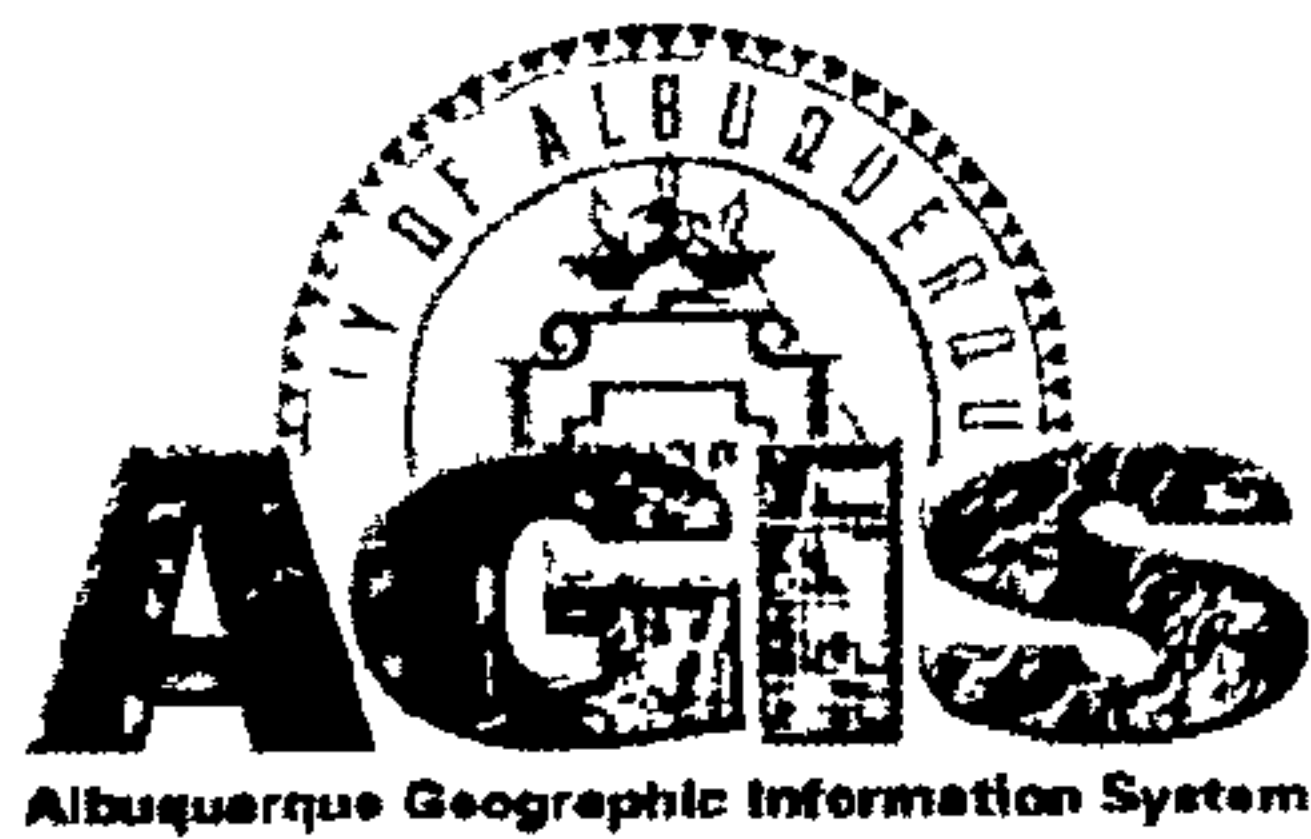
Existing Conditions



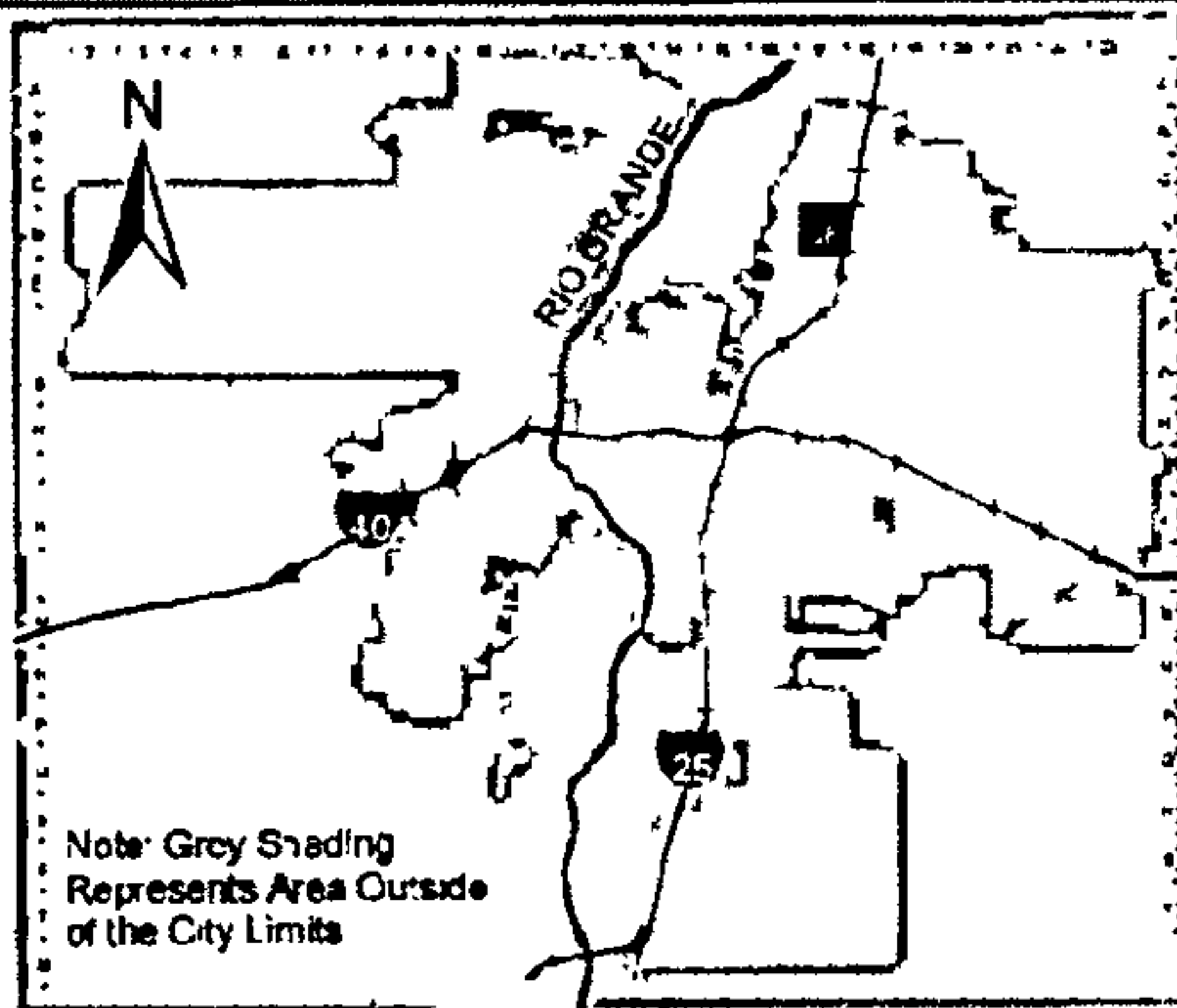
Proposed Facilities



For more current information and details visit: <http://www.cabq.gov/gis>



Map amended through: 6/7/2013



Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:

D-17-Z

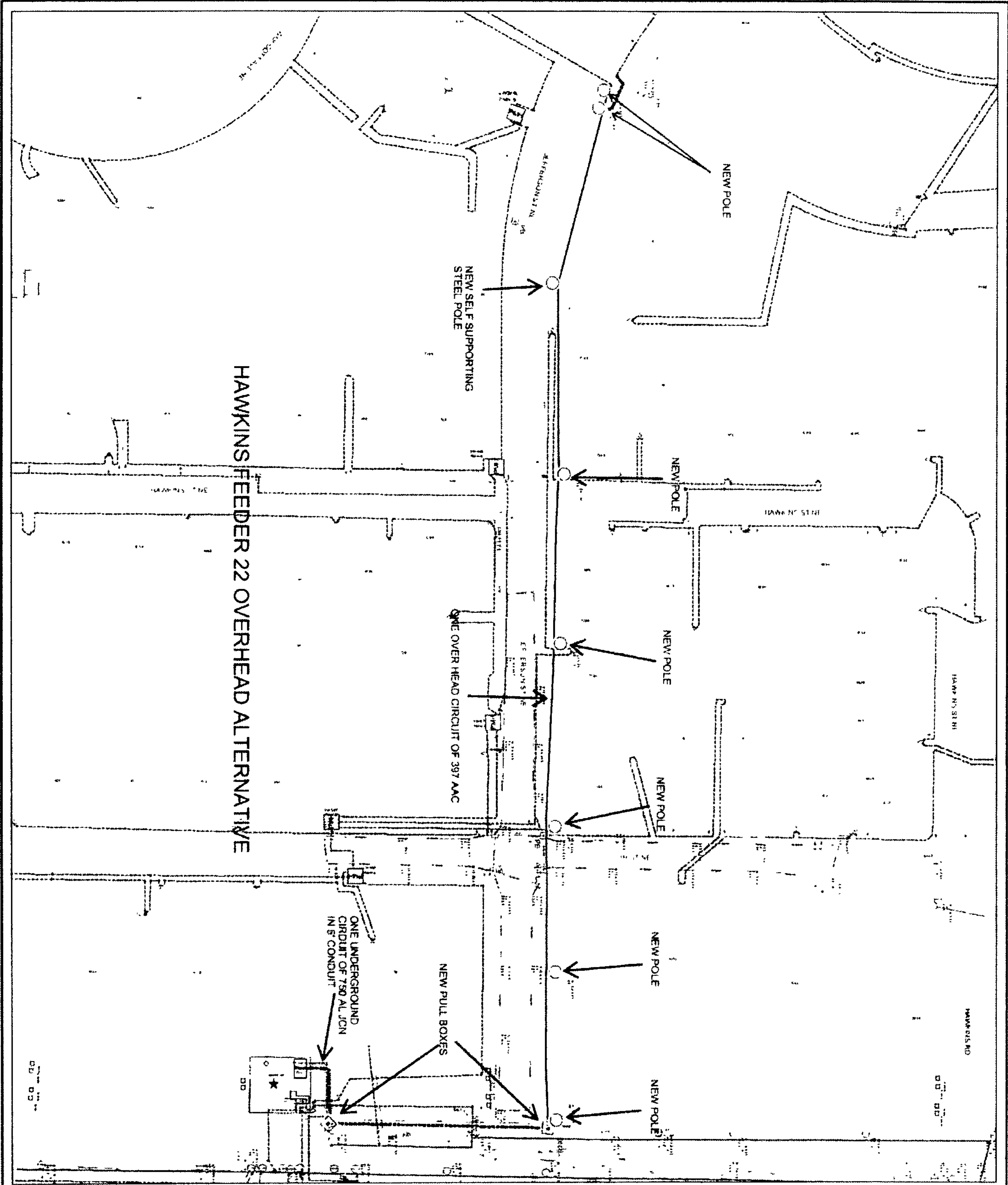
Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon
- Proposed Overhead Distribution Line
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone



Figure 10

Hawkins Distribution Feeder 22
Zone Atlas Map



HAWKINS FEEDER 22 OVERHEAD ALTERNATIVE

**APPENDIX C
HAWKINS 22 DISTRIBUTION FEEDER
OVERHEAD ALTERNATIVE**



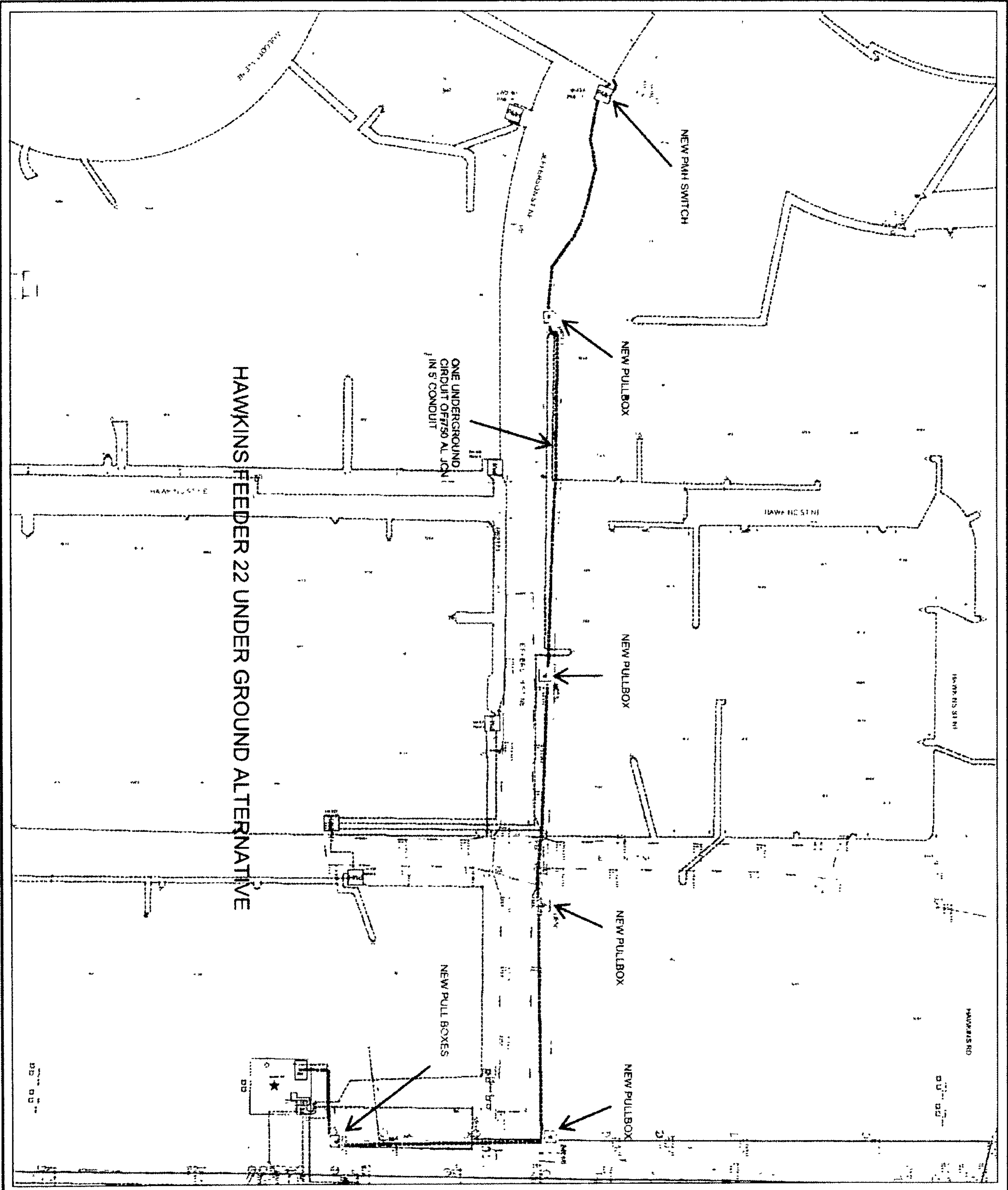
75 37.5 0 75 Feet

PROJECT

NAME



DATE	BY	CHKD	APP'D



HAWKINS FEEDER 22 UNDER GROUND ALTERNATIVE

APPENDIX C

HAWKINS 22 DISTRIBUTION FEEDER UNDERGROUND ALTERNATIVE



PROJECT NAME



DATE	BY	CHECKED	APPROVED

Public Service Company Of New Mexico

Task Cost Statement

APPENDIX D: HAWKINS 22 DISTRIBUTION FEEDER - OVERHEAD

Description: OVERHEAD INSTALLATION

Labor	\$28,384.06
Material	\$69,033.50
Meters	\$0.00
Services	\$0.00
Transportation	\$9,606.49
Vegetation Management	\$0.00
Contract Work	\$0.00
Misc. Expenses	\$30,981.65
Total Cost of Work	\$138,005.70
Customer Credit	\$0.00
Lot Credit	\$0.00
Salvage Credit	\$0.00
Sys Improvement Credit	\$0.00
Transformer-Meter Credit	\$0.00
Subtotal Credits	\$138,005.70
Profit	\$0.00
Subtotal Profit	\$138,005.70
Tax	\$0.00
Subtotal Tax	\$138,005.70
Construction Amount	\$0.00
Less Pre-Paid Design Cost	\$0.00
Final Billable Amount	\$0.00

Authorized Date:

Authorized By:

Public Service Company Of New Mexico

Task Cost Statement

APPENDIX D: HAWKINS 22 DISTRIBUTION FEEDER - UNDERGROUND

Description: UNDERGROUND INSTALLATION

Labor	\$23,977.89
Material	\$128,073.00
Meters	\$0.00
Services	\$0.00
Transportation	\$8,115.22
Vegetation Management	\$0.00
Contract Work	\$0.00
Misc. Expenses	\$131,593.36
Total Cost of Work	\$291,759.47
Customer Credit	\$0.00
Lot Credit	\$0.00
Salvage Credit	\$0.00
Sys Improvement Credit	\$0.00
Transformer-Meter Credit	\$0.00
Subtotal Credits	\$291,759.47
Profit	\$0.00
Subtotal Profit	\$291,759.47
Tax	\$0.00
Subtotal Tax	\$291,759.47
Construction Amount	\$0.00
Less Pre-Paid Design Cost	\$0.00
Final Billable Amount	\$0.00

Authorized Date:

Authorized By:

PROJECT #
1010164

August 13, 2014

SDV