

DEVELOPMENT HEARING OFFICER

Code Enforcement Comments

Disclaimer: Comments provided are based upon information received from applicant/agent. If new or revised information is submitted, additional comments may be provided by Planning staff.

Jeff Palmer-Code Enforcement Supervisor
Planning Department
jppalmer@cabq.gov

DATE: 03/13/2024

AGENDA ITEM NO: 4

DHO PROJECT NUMBER:

PR-2024-009995

VA-2024-00036 – WAIVER TO IDO
IDO - 2022

PROJECT NAME:

PUBLIC SERVICE COMPANY OF NEW MEXICO requests the aforementioned action(s), located on **WEST SIDE OF UNIVERSITY BLVD** between **CLARK CARR RD SE** and **SOUTHERN CITY LIMITS (N-15, P-15)** (*deferred from 2/28/24b*)

PROPERTY OWNERS:

REQUEST: WAIVER TO UNDERGROUND REQUIREMENT OF NEW ELECTRIC DISTRIBUTION FEEDERS

COMMENTS:

1. **Code Enforcement has no comments or objections.**



Development Facilitation Team (DFT) – Review Comments

Reviewer: David G. Gutierrez, P.E. | Phone: 505-289-3381 | dggutierrez@abcwua.org

Project No: PR-2024-009995

Date: 03/13/2024

Agenda Item: #4

Zone Atlas Page: N-15, P-15

Legal Description:

Request: Waiver to Underground Requirement of New Electric Distribution Feeders

Location: West Side of University Blvd between Clark Carr Rd SE and Southern City Limits

Application for: VA-2024-00036 - WAIVER TO IDO

1. Provide proximity to the existing Water Authority infrastructure and a detail of how far PNM will remain from the infrastructure.
2. Please note that there is currently infrastructure along the West portion of University and appropriate review of plans with opportunity to comment will be required prior to installation or any approvals to ensure proximity to any public water and/or sanitary sewer infrastructure is adequate for operation and maintenance purposes.

Comment: (Provide written response explaining how comments were addressed)

DEVELOPMENT HEARING OFFICER

TRANSPORTATION DEVELOPMENT

DRB Project Number: 2024-009995
University btwn Clark Carr & City Limits

AGENDA ITEM NO: 4

SUBJECT: Waiver IDO

ENGINEERING COMMENTS:

1. Right-of-way on the west side of University appears to be pretty tight in several locations and the City has a multi-use trail on this side of the road. All poles would need to avoid the trail and any other City facilities along the roadway.
2. Please provide a diagram showing the right-of-way, roadway, trail and proposed location of your powerline at a scale where it is visible how the poles will sit in relation to the trail to help determine if this is possible.

Disclaimer: The comments provided are based upon the information received from the applicant. If new or revised information is submitted, additional comments may be provided by Transportation Development.

FROM: Ernest Armijo, P.E.
Transportation Development
505-924-3991 or earmijo@cabq.gov

DATE: March 13, 2024

ACTION:

APPROVED __; DENIED __; DEFERRED __; COMMENTS PROVIDED __; WITHDRAWN __

DELEGATED: _____ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)

DEVELOPMENT HEARING OFFICER - HYDROLOGY SECTION
Renée Brissette, PE, Senior Engineer | 505-924-3995 rbrissette@cabq.gov

DRB Project Number: 2023-008500 Hearing Date: 03-13-2024
Project: PNM University Agenda Item No: 4

<input type="checkbox"/> Minor Preliminary / Final Plat	<input type="checkbox"/> Preliminary Plat	<input type="checkbox"/> Final Plat
<input type="checkbox"/> Temp Sidewalk Deferral	<input type="checkbox"/> Sidewalk Waiver/Variance	<input type="checkbox"/> Bulk Land Plat
<input checked="" type="checkbox"/> IDO Variance	<input type="checkbox"/> Vacation of Public Easement	<input type="checkbox"/> Vacation of Public Right of Way

ENGINEERING COMMENTS:

- Hydrology has no objection to the IDO Variance.

☐ APPROVED
☐ DENIED

DELEGATED TO: ☐ TRANS ☐ HYD ☐ WUA ☐ PRKS ☐ PLNG
Delegated For: _____
SIGNED: ☐ I.L. ☐ SPSP ☐ SPBP ☐ FINAL PLAT
DEFERRED TO _____



DEVELOPMENT HEARING OFFICER

Planning - Case Comments

HEARING DATE: 3/13/24 -- **AGENDA ITEM:** #4

Project Number: PR-2024-009995

Application Number: VA-2024-00036

Project Name: South University ROW between Clark Carr Rd SE and city boundary (just north of Los Picaros Road SE)

Request: Waiver to IDO requirement that electrical distribution lines be installed underground

**These are preliminary Planning comments. Additional reviews and/or revised comments may be needed for any modifications and/or supplemental submittals.*

BACKGROUND:

***Deferred from 2/28/24.**

- This is a waiver request to the IDO 5-4(I) requirement that installation of distribution lines be underground. PNM is seeking this new line to allow for connection and continuation of overhead line within the City ROW. Specifically, the new distribution feeder, from the new Prosperity Substation (under construction on Los Picaros Road), will interconnect with feeders from the Studio Substation and the Sewer Plant Substation.
- This site is within the APO-Overlay Zone and within a mapped influence area requiring KAFB & Albuquerque Sunport to be commenting agencies.
- The installation corridor along University traverses both Areas of Change and Consistency per the Comprehensive Plan.
- The IDO requirements on Electrical Lines are below. The proposed line at just over 12 kilovolts is regulated by 5-4(I)(2), between 12 and 40 kilovolts:

**(See additional comments on next pages)*

5-4(I) ELECTRICAL AND COMMUNICATION LINES

5-4(I)(1) Distribution Lines 12 Kilovolts or Less

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 IDO.

5-4(I)(2) Distribution Lines between 12 Kilovolts and 40 Kilovolts

New electrical 3-phase distribution lines carrying above 12 kV, but less than 40 kV, shall be installed underground.

5-4(I)(3) Distribution Lines Over 40 Kilovolts

Electrical lines that carry 40 kV or more are not regulated by this IDO. See the Facility Plan for Electric System Transmission and Generation, as amended.

5-4(I)(4) Safety Clearances from Buildings and Other Structures

Safety clearances are required by the National Electric Safety Code (NESC) to ensure utility worker and public safety. Greater setbacks and/or reduced heights may be required for compliance with the National Electrical Safety Code (NESC) along lot lines that abut, are adjacent to, or within properties that contain overhead power lines and/or electric utility easements. Electric service provision from the Public Service Company of New Mexico (PNM) will also depend on adequate structure clearance requirements as outlined in the PNM Electric Service Guide.

COMMENTS:

Items is orange type need immediate attention

1. Items Needing to be Completed, Corrected, or Considered

The review criteria for a waiver requiring the underground installation of distribution lines is as follows:

6-6(P)(3)(b) Underground Installation of Distribution Lines

An application for a Waiver – DHO pursuant to Subsection 14-16-5-4(I)(1) shall be approved if the DHO determines that **no significant public purpose would be served by requiring the new construction to be placed underground and that any of the following conditions exists**, as relevant.

1. Distribution Lines 12 Kilovolts or Less
 - a. The lot is already served by an overhead distribution line.
 - b. All adjacent areas are already served by overhead distribution facilities.
 - c. Subsurface conditions make underground lines economically unreasonable.
2. Distribution Lines between 12 Kilovolts and 40 Kilovolts
 - a. **The immediate or adjacent area is presently served by overhead lines.**
 - b. **Subsurface conditions make underground lines economically unreasonable.**

- **The first review criterion is that ‘no significant public purpose would be served by requiring the new construction to be placed underground.’** The applicant response is that there are only non-residential zoning (NR-GM and NR-SU) uses in the corridor and therefore, no significant public purpose is achieved. They also point out that landscaping along University, would be damaged by trenching.

Staff review provides some additional analysis:

1. There is a public purpose to not having overhead lines in this area. There is high potential for growth along this section of University Avenue with the growing market for the Sunport, UNM, and the entrance to Mesa del Sol. The road section currently has a sense of intrigue as it traverses a unique landscape and interesting ‘snake sculptures’ in the median. In general, overhead utility lines would detract from the economic development potential of this corridor. It is important to note that the IDO criterion requiring undergrounding of distribution lines does not give nonresidential land a lesser priority for the undergrounding of distribution lines. This significant stretch of University does not currently have overhead electric lines. Therefore, there is a significant public purpose achieved by the undergrounding of the electric lines.

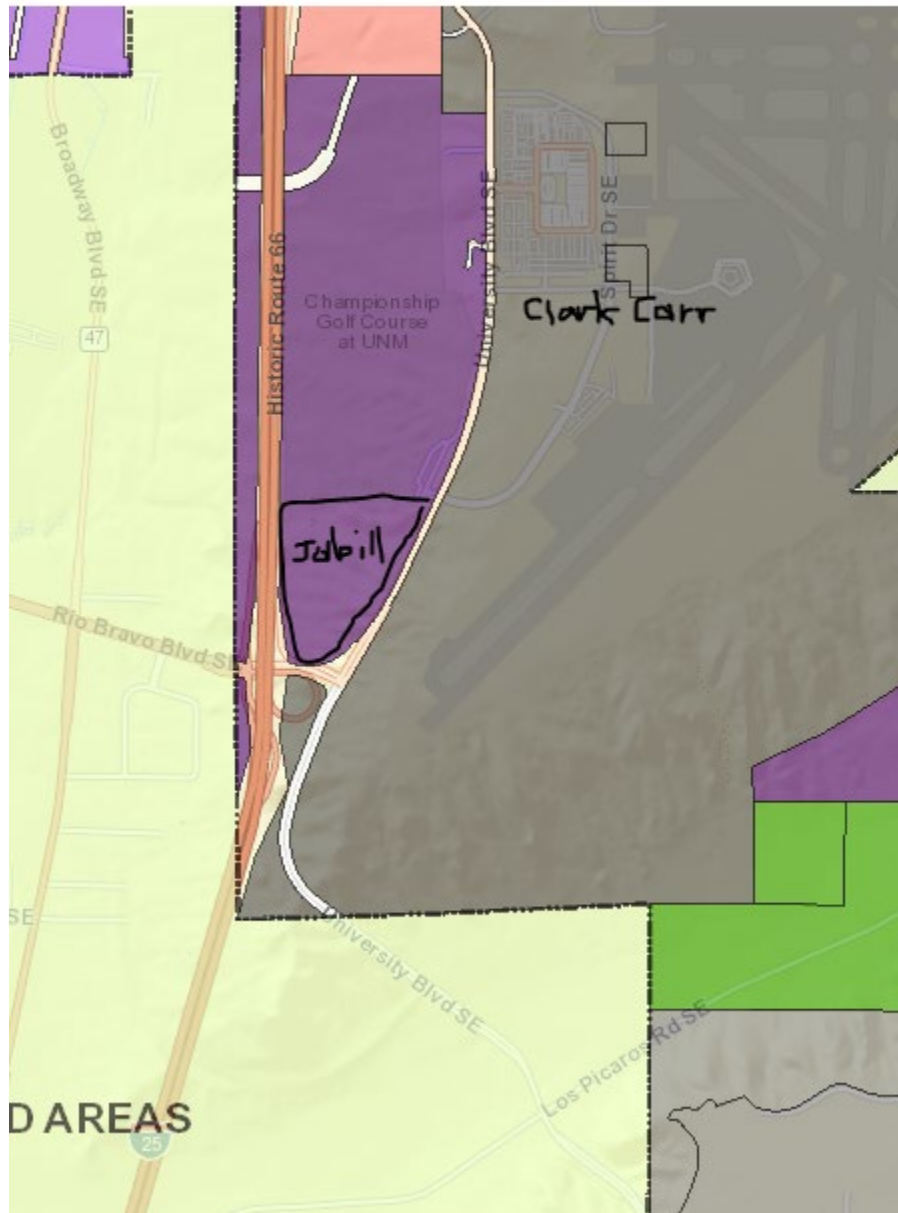


Snake Sculpture leading to Mesa del Sol



University leads through unique topography in Albuquerque with a sense of going to an intriguing place.

2. The placement of overhead lines on the west side of the University conflicts with the water and non-potable water lines already in place on the west side of the University. The applicant has failed to analyze how the distribution lines would fit with the 'as-built' conditions. The power poles cannot be placed on top of the water easement because they would interfere with maintenance of the two waterlines. The Water Utility Authority has raised concern about the distribution lines being over the water easement. **A public purpose would be served to protect the water easements without introducing conflicting electric poles that could impede maintenance of the water lines. Electric lines underground on the east side of University would avoid this utility conflicts.**
3. There is a multi-use trail from Clark Carr to Los Picaros on the west side of University. The overhead lines could be contrary to the recreational value of the trail. Parks and Recreation has indicated that a 2- foot clearance on each side of the trail must be kept for safety and maintenance. The applicant has not shown the 'as-builts' for University Avenue which would show if there is adequate room for above ground poles with proper safety clearance to the trail. Air photos show that the fencing, which may or may not indicate the ROW, is directly west of the trail in some locations. **Undergrounding would serve a public purpose to preserve the multi-use trail in this corridor.**
4. The west side of University includes the UNM Championship golf course and Jabill business. The Jabill business is the only segment where there is mature landscaping, i.e., a row a mature, tall trees, adjacent to the sidewalk/trail. The second PNM submittal shows a rerouting of the overhead lines to avoid the Jabill site which would be necessary. **The overhead distribution lines and poles would have a somewhat negative effect on the UNM Golf Course.**



It would be less disruptive to the water easements, existing landscaping, and trail if the overhead lines were placed to the east side of University where there is no trail and the land use is NR-SU for the airport. City Aviation has thus far stated that the overhead lines should be placed on the west side of University for maximum distance from the runway. Aviation has specifically indicated that the important factor is that any pole is no higher than the runway that sits on a bluff. Nonetheless, underground lines on the east side of University in the right-of-way are a possibility. Staff has asked for the ROW

limits to be shown for the west and east sides of University to clarify possibilities. Staff's general analysis is that there is more ROW to work with on the east side of University.

The first criterion, that there is no public purpose to undergrounding, does not appear to be met. This criterion must be met in order to grant a waiver per the IDO.

- In addition to the **overall criterion of no public purpose being met, any of two other criteria are met, as relevant, i.e., either 2(a) or 2(b) below.**
- **2(a) “The immediate or adjacent area is presently served by overhead lines.”**

There are overhead electrical distribution lines adjacent to the University Boulevard Corridor: to the north of the proposed line (where the Clark Carr Rd. SE connection would be) and to the south of the proposed line (where the southern point of connection north of Los Picaros Road SE would be). In the immediate area of this proposed 2 mile stretch of University Boulevard, there are no overhead lines. This criterion is partially met.

- **2(b) “Subsurface conditions make the underground lines economically unreasonable.”**

The application states that ‘undergrounding will cost three to four times as much as an overhead feeder line of the same length in this same location.’ It further states that this is an ‘inefficient expenditure of resources in an area with only non-residential zoning...’

The justification is partially met but does not rise to the level of proving that it is ‘economically unreasonable.’ The applicant has stated the overhead lines cost generally 300,000 per mile while underground lines cost 1,100,000 per mile. The underground lines, though more expensive, do not appear to be ‘economically unreasonable.’ Furthermore, the IDO provision on requiring electrical distribution lines ‘shall’ be underground does not distinguish a lesser priority for nonresidential areas.

- This request needs review from City Aviation and Kirland Air Force Base. The applicant sent the application information to both entities and no response was received from KAFB.

-The contact for **KAFB** is Lead Community Planner; Janet Cunningham-Stephens; janet.cunningham-stephens.ctr@us.af.mil, JCunningham-Stephens@asrcfederal.com

-The contact for the **Sunport** is Planning Manager for Aviation; Christina Sandoval cmsandoval@cabq.gov

Brian Boyd, Deputy Director of Aviation, provided a letter dated 1/4/24, stating:

In regards to your proposed line, as long as the top of the poles are below the grade of the mesa that Runway 3/21 is sitting on, we should be fine.

You will still need to submit a 7460 to FAA, but that should not be a major item if we are below the grade of the Runway. As to the master plan files, we can reach out to our consultant that oversees that and see if we can get you those files. Thanks

No response was received from Kirtland Air Force Base.

2. Standard Comments and Items in Compliance

- Public notice according to Table 6-1-1 was email notice to registered neighborhood associations. The applicant inquired through the Office of Neighborhood Coordination and no neighborhood associations met the criteria for notice. The notice requirement is met.

3. Future Development Guidance

- The detailed plans for the installation of the distribution lines need to be reviewed by the City Engineer.
- - 7-1 Development, dwelling and use definitions.



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FROM: Jolene Wolfley/Robert Webb
Planning Department

DATE: 3/13/2024
