



## Development Facilitation Team (DFT) – Review Comments

**Reviewer: David G. Gutierrez, P.E. | Phone: 505-289-3381 | [dggutierrez@abcwua.org](mailto:dggutierrez@abcwua.org)**

**Project No: PR-2024-009995      Date: 03/27/2024      Agenda Item: #1      Zone Atlas Page: N-15, P-15**

**Legal Description: University Blvd.**

**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. There is existing Non-Potable water infrastructure behind the curb on the west side of University north of Rio Bravo. South of Rio Bravo this infrastructure crosses and there is infrastructure along both the West and East of University and it varies throughout the proposed alignment. Currently there is some indication that the non-potable waterline (24" is under the trail)
  - a. Line spots will be necessary as well as the potential need for potholes to acquire a sufficient layout.
2. Without further detail and survey information the Water Authority cannot make recommendations and will need an exhibit to be provided that includes proposed locations of poles, a detail at each location of how far the non-potable waterline is from each proposed pole along with a trench prism to show potential excavation affects of any proposed poles.
3. To make any recommendations without this information would be premature and any approval at this point without detailed information could result in allowing a process to move forward that may end up not receiving future approvals due to field findings. It would be beneficial for PNM and the Water Authority to know all the details to ensure a good engineering decision can be made.

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

## 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](mailto:jppalmer@cabq.gov)

**DATE:** 03/27/2024

#### **AGENDA ITEM NO: 1**

#### **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 HEARING OFFICER - HYDROLOGY SECTION**  
Renée Brissette, PE, Senior Engineer | 505-924-3995 [rbrissette@cabq.gov](mailto:rbrissette@cabq.gov)

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DRB Project Number: 2023-008500 Hearing Date: **03-27-2024**  
Project: PNM University Agenda Item No: **1**

<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 (DHO)

### Parks and Recreation Department

<https://www.cabq.gov/parksandrecreation>

#### **PR-2024-009995**

VA-2024-00036 – WAIVER TO IDO

IDO - 2022

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 2/28/24, 3/13/24L]

#### PROPERTY OWNERS:

REQUEST: WAIVER TO UNDERGROUND REQUIREMENT OF NEW ELECTRIC DISTRIBUTION FEEDERS

#### **Comments:**

##### 03-27-2024

Additional Comments – Any planned construction will require construction mitigation to preserve trail. Any damage to trail will need to be repaired in coordination with Park Management. Any closure of trail or work crossing trail will require barricading, detour, flaggers as applicable. PRD requires 2 weeks of VMB for any trail closures as well as notification for our website and social media.

##### 03-13-2024

There is paved multi-use trail along the west side of University from Clark Carr Rd SE south to Bobby Foster Rd SE. Please reference Chapter 7-4(F)(6) Paved Trails of the Development Process Manual (DPM) for trail considerations. No vertical obstructions may be within 2 feet of either side of the pavement.

Comments provided by Whitney Phelan, Senior Planner, CABQ Parks & Recreation Department. Please contact via [wphelan@cabq.gov](mailto:wphelan@cabq.gov) or 505-768-5378 with questions or concerns.

DEVELOPMENT HEARING OFFICER

TRANSPORTATION DEVELOPMENT

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

AGENDA ITEM NO: 1

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](mailto:earmijo@cabq.gov)

DATE: March 27, 2024

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ACTION:

APPROVED \_\_; DENIED \_\_; DEFERRED \_\_; COMMENTS PROVIDED \_\_; WITHDRAWN \_\_

DELEGATED: \_\_\_\_\_ TO: (TRANS) (HYD) (WUA) (PRKS) (CE) (PLNG)



## DEVELOPMENT HEARING OFFICER

### Planning - Case Comments

**HEARING DATE:** 3/27/24 -- **AGENDA ITEM:** #1

**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

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*\*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 and 3/7/24.**

- 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 right-of-way (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*

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

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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.

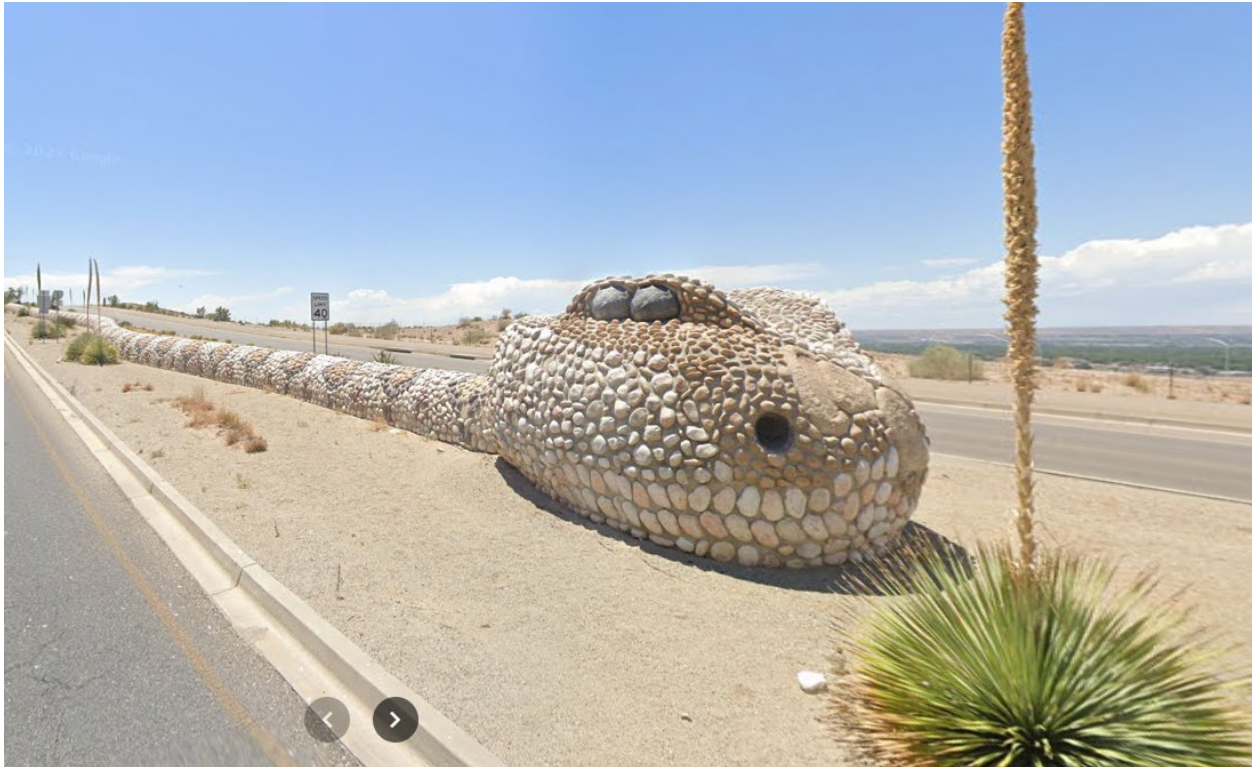
Staff review provides some additional analysis:

1. Economic Development. There is a significant public purpose to not having overhead lines in this area related to economic development. In general, overhead utility lines detract from the attractiveness of a corridor or parcel because the overhead lines are aesthetically unappealing. That is why the City’s IDO requirement is for underground lines. This waiver request affects a 2-mile corridor of an emerging development corridor.

There is high potential for business growth along this section of University Avenue with the developing business markets 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 one of a kind ‘snake sculptures’ in the median.



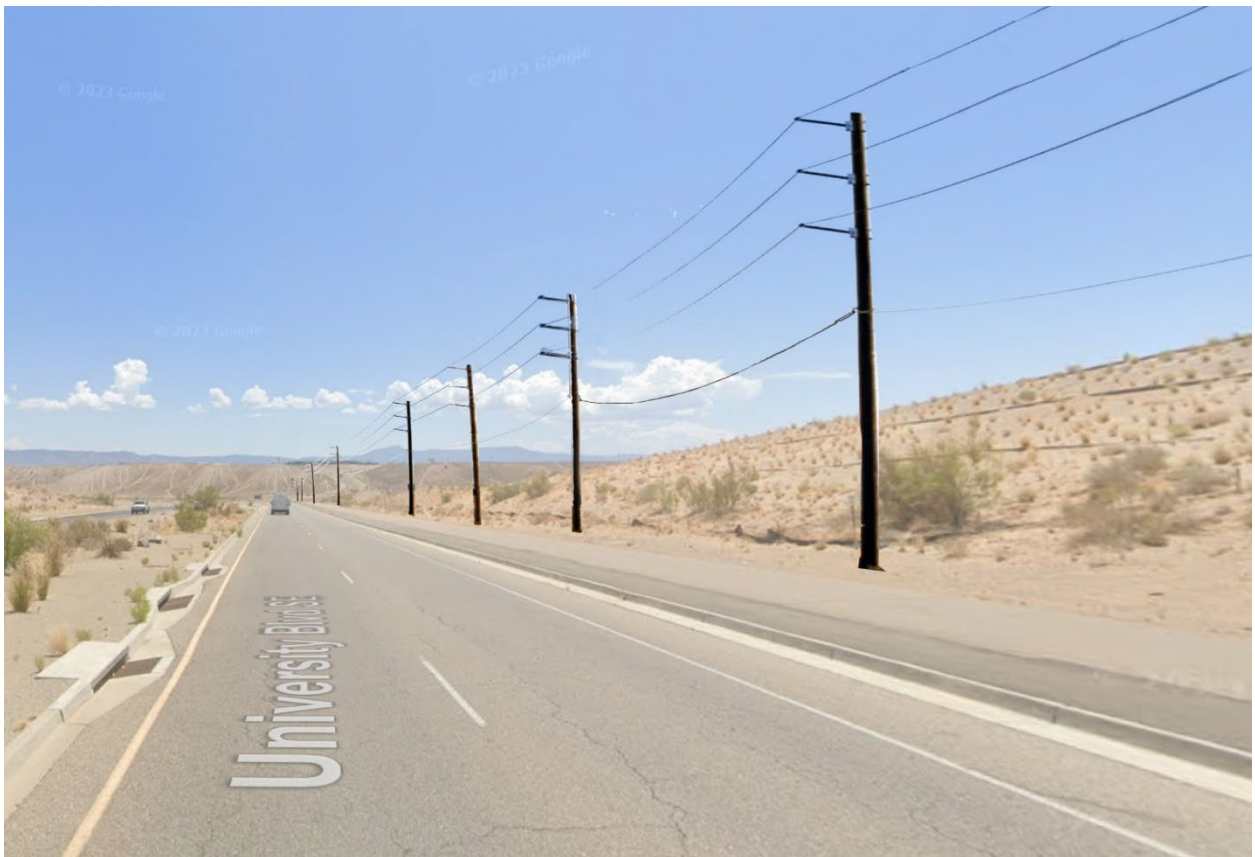
It is important to note that the IDO criterion requiring undergrounding of distribution lines does not give nonresidential land a lesser priority for the undergrounding of distribution lines. This significant stretch of University does not currently have overhead electric lines. Therefore, **there is a significant public purpose achieved for aesthetics and economic development and by the undergrounding of the electric lines. Please note the scenes where electric poles and lines are photoshopped into the scene.**



Snake Sculpture leading to Mesa del Sol



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



The electric distribution lines are photoshopped into the scene, roughly to scale.

2. **WUA water line.** The placement of overhead lines on the west side of the University likely conflicts with the non-potable water lines already in place on the west side of the University. WUA staff's informed supposition is that they are most likely under the trail when on the west side of University, but this is not true all along the corridor. (See the three graphics below of sections of University with the non-potable water line roughed out in blue.)

The applicant has failed to analyze how the distribution lines would fit into the existing ROW where PNM has its franchise agreement to place this utility. The 'as-built' conditions, line spots, and/or potholes are required to guarantee there are no conflicts. The power poles cannot be placed on top of the water easement because they would interfere with maintenance and create unsafe conditions for maintenance. The easement is the water line and 7 feet of clearance from the water line to any power pole. PNM may be able to show that there is space for the electric line in the ROW on the west of University and some of that information could be presented at the hearing.

A significant 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 utility conflicts, except for the section shown below where the non-potable line in on the east side of University.

Staff's cursory analysis with the City Engineer, without being supplied with the 'as-builts', is that there is more ROW to work with on the east side of University.

The Water Utility Authority has reported the following:

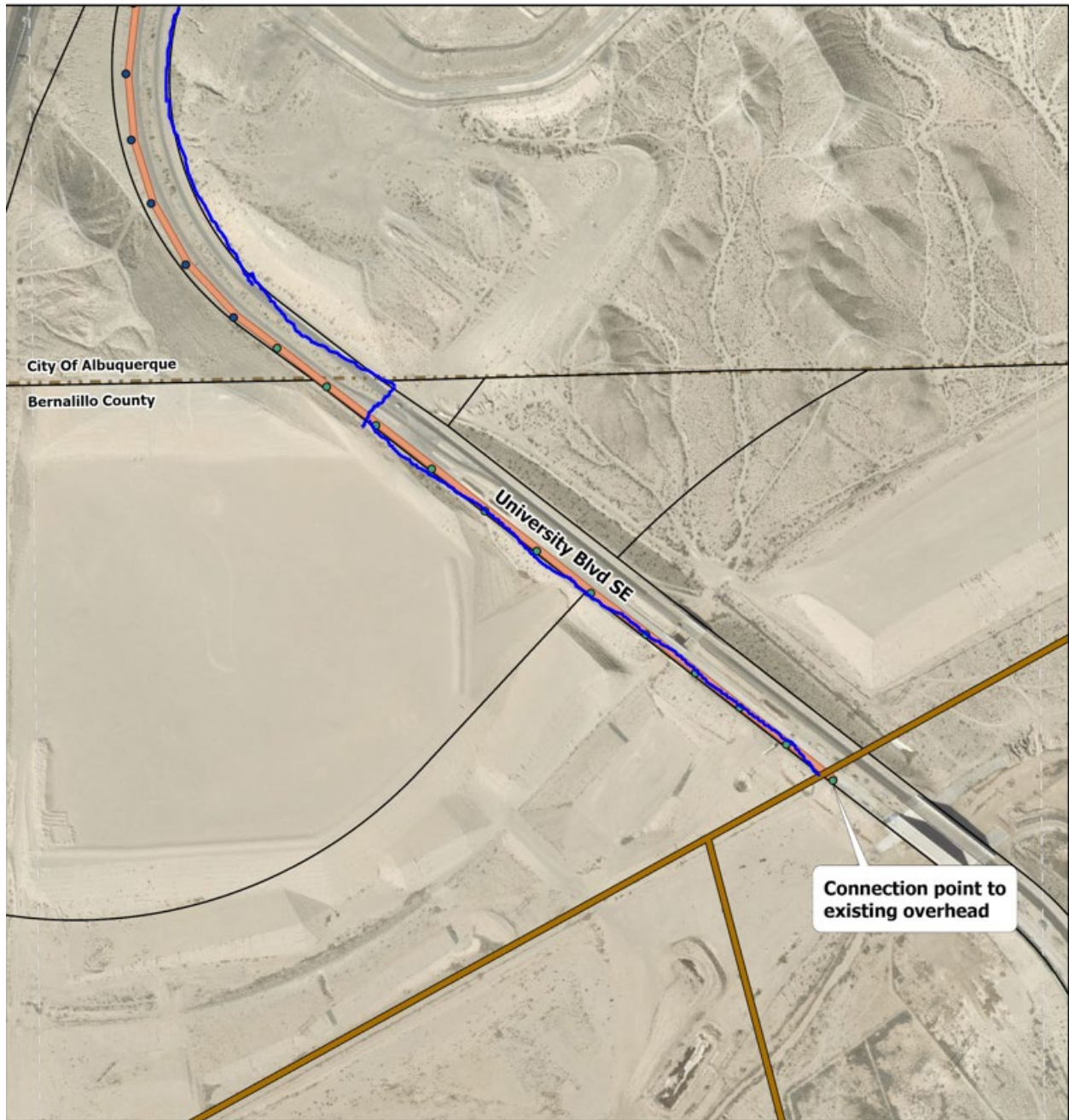
Please note that utility lines change locations throughout this section of University. The Blue line shown on the graphic below is the approximately the location of the Non-potable Water Line. This is a large non-potable water line. The water line is in the roadway approximately just east of the west curb. The sewer line is in the median.





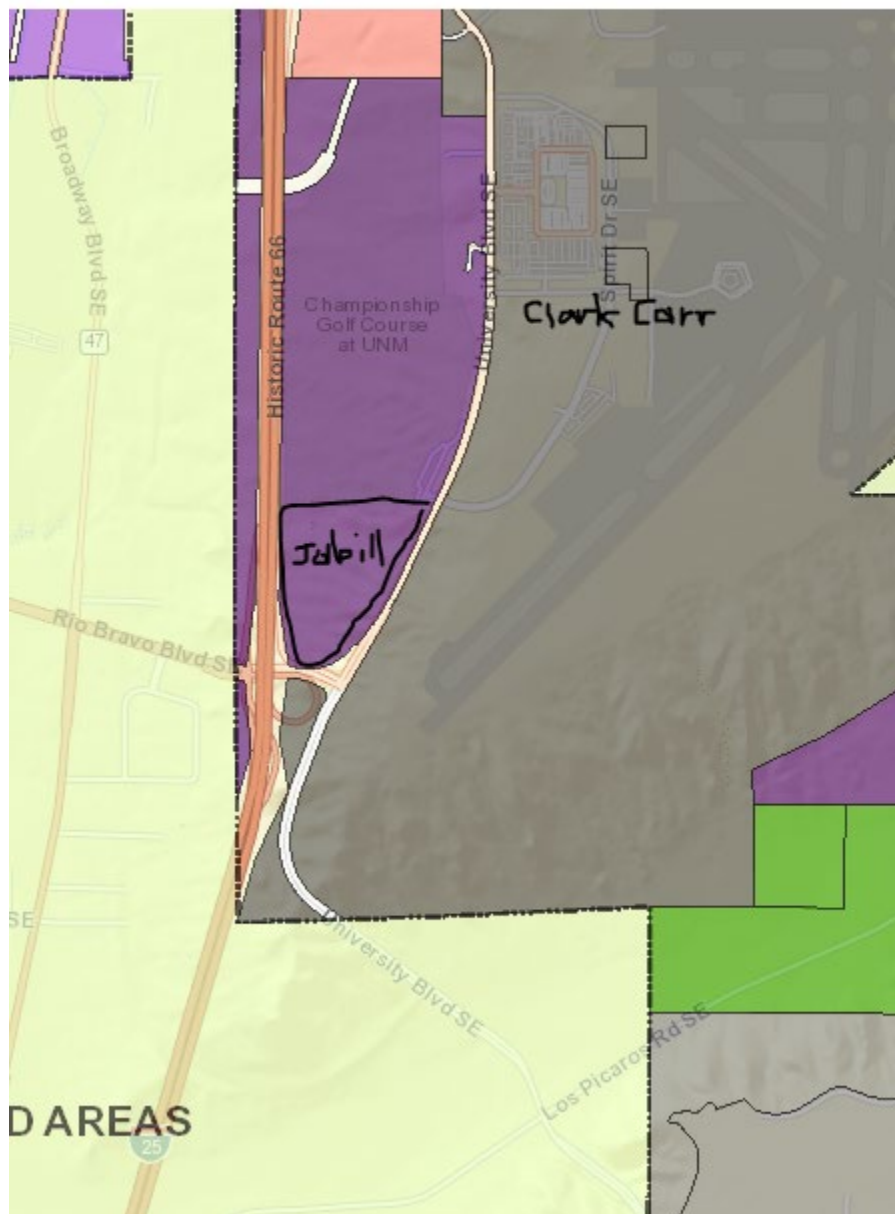






3. **Multi-Use Trail.** There is a multi-use trail from Clark Carr to Los Picaros on the west side of University. The overhead lines could be contrary to the recreational value of the trail. Parks and Recreation has indicated that a 2- foot clearance on each side of the trail must be kept for safety 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 abutting the trail on the west 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 aesthetic effect on the UNM Golf Course or any other development anticipated by UNM for this area.



It would be less disruptive to the water easements, existing landscaping, and trail if the overhead lines were placed in the **ROW** on the east side of University lanes where there is no trail and the land use is NR-SU for the airport.

- City Aviation has reported that FAA has approved the overhead lines and they do not represent a safety issue for the Sunport.
- The first criterion, that there is no significant public purpose to undergrounding, relies on determining if the economic development of the corridor being affected by overhead lines or the likely conflict in sharing a limited right-of-way in some segments of University with the WUA non-potable water line and trail constitutes a significant public purpose. The criterion that ‘no significant public purpose’ exists for the underground requirement 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 not met because the application has not provided clear evidence that ‘subsurface conditions’ would be prohibitive in this corridor making the underground line ‘economically unreasonable.’ The applicant has reported that landscaping along Jabill affects undergrounding on the west side. The applicant has not provided any information about the ‘subsurface conditions’ on the other segments west of University. In addition, the applicant has not provided information about subsurface conditions on the east side of University to determine that underground lines are ‘economically unreasonable.’ The IDO provision requires a linkage be shown between subsurface conditions and that those conditions make the underground lines to be economically



unreasonable.

The applicant has stated the overhead lines generally cost 300,000 per mile while underground lines cost 1,100,000 per mile. The IDO provision on requiring electrical distribution lines 'shall' be underground does not distinguish a lesser priority for nonresidential areas. The underground lines, though more expensive, do not appear to have 'subsurface' conditions that make them 'economically unreasonable.'

- The Aviation Department has communicated both FAA approval of the overhead lines on the east side of University and the Department's approval of the same.

The response from the FAA on 2/14/24 for the review of the overhead electric lines was "Determination of No Hazard to Air Navigation."

- Kirtland Air Force Base response is pending. The applicant has notified KAFB twice. Planning staff has reached out by email and phone call (3/26/24) and gotten no response.  
-The contact for **KAFB** is Lead Community Planner; Janet Cunningham-Stephens; [janet.cunningham-stephens.ctr@us.af.mil](mailto:janet.cunningham-stephens.ctr@us.af.mil), [JCunningham-Stephens@asrcfederal.com](mailto:JCunningham-Stephens@asrcfederal.com)

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## 2. Standard Comments and Items in Compliance

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- 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.

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## 3. Future Development Guidance

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- 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.**



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

FROM: Jolene Wolfley/Robert Webb  
Planning Department

DATE: 3/26/2024