

CITY of ALBUQUERQUE

TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-24-13 ENACTMENT NO. 0-2024-017

SPONSORED BY: Brook Bassan, by request

1 ORDINANCE

2 ADOPTING CITYWIDE TEXT AMENDMENTS TO THE INTEGRATED
3 DEVELOPMENT ORDINANCE §14-16 FOR THE 2023 IDO ANNUAL UPDATE.

4 WHEREAS, the City Council, the governing body of the City of
5 Albuquerque, has the authority to adopt and amend plans for the physical
6 development of areas within the planning and platting jurisdiction of the City,
7 as authorized by statute, NMSA 1978 Sections 3-19-5 and 3-21-1, and by its
8 home rule powers; and

9 WHEREAS, the City's zoning powers are established by the City Charter, in
10 which Article I, Incorporation and Powers, allows the City to adopt new
11 regulatory structures and processes to implement the Albuquerque-Bernalillo
12 County Comprehensive Plan ("Comp Plan") and help guide future legislation;
13 Article IX, Environmental Protection, empowers the City to adopt regulations
14 and procedures to protect and preserve environmental features such as water,
15 air, and other natural endowments, ensure the proper use and development of
16 land, and promote and maintain an aesthetic and humane urban environment;
17 and Article XVII, Planning, establishes the City Council as the City's ultimate
18 planning and zoning authority; and

19 WHEREAS, the City Council adopted an updated Albuquerque-Bernalillo
20 County Comprehensive Plan ("ABC Comp Plan") in 2017 via R-16-108
21 (Enactment No. R-2017-026); and

22 WHEREAS, the City Council adopted the Integrated Development
23 Ordinance (IDO) to implement Comp Plan Goals and Policies; and

24 WHEREAS, the IDO establishes zone districts, overlay zones, allowable
25 uses, use-specific standards, and general regulations in Parts 1 through 5 that
26 set the bar for high-quality development that is compatible with surrounding

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1 land uses and provides appropriate transitions and buffers to lower-intensity
2 uses nearby; procedures for review and decision of applications related to
3 land use and development in Part 6; and definitions and acronyms in Part 7;
4 and

5 WHEREAS, IDO §14-16-6-3 requires the City to submit proposed changes
6 on an annual basis to further the implementation of the Comp Plan; and

7 WHEREAS, Planning staff compiled and submitted a request for
8 Amendment to IDO Text – Citywide with proposed amendments that would
9 improve the clarity and implementation of the IDO based on challenges in
10 applying regulations and neighborhood protections in real-world contexts with
11 real-world projects; and

12 WHEREAS, other proposed amendments to IDO text would establish a new
13 regulatory intent responding to changes in demands for housing and business
14 needs as well as other current trends; and

15 WHEREAS, the IDO requires an Amendment to IDO Text – Citywide to be
16 reviewed by the Environmental Planning Commission (EPC) and decided as a
17 legislative action by City Council as the City’s zoning authority in §14-16-6-
18 7(D)(2)(c) and (d); and

19 WHEREAS, the EPC found that the proposed amendments are consistent
20 with the spirit and intent of the ABC Comp Plan, including applicable goals
21 and policies relating to community identity, land use, urban design, economic
22 development, housing, and heritage conservation; and

23 WHEREAS, the City provided all required notice for an Amendment to IDO
24 Text – Citywide, including publishing a legal ad in the Albuquerque Journal,
25 emailing two representatives of each neighborhood organization registered
26 with the Office of Neighborhood Coordination (ONC), and posting notice on
27 the Planning Department website and on the project website; and

28 WHEREAS, the City provided additional notice with announcements on the
29 Planning Department webpage, and email notice sent to approximately 9,500
30 subscribers to the ABC-Z project update email list on October 27, 2023;
31 November 3, 2023; November 29, 2023; and January 5, 2024; and

32 WHEREAS, though a neighborhood meeting is not required for an
33 Amendment to IDO Text – Citywide, Planning staff held two pre-submittal

1 public review meetings in October 2023 and one post-submittal public review
2 meeting in November 2023 on the 2023 IDO Annual Update to present and
3 discuss the proposed changes, respond to questions, and gather feedback;
4 and

5 WHEREAS, the EPC held a study session for the 2023 IDO Annual Update
6 on December 7, 2023, and considered this request at two public hearings on
7 December 14, 2023 and January 11, 2024, prior to making a recommendation
8 on the proposed text amendments; and

9 WHEREAS, the EPC, following study and consideration, found that the
10 proposed amendments satisfy the review and decision criteria for an
11 Amendment to IDO Text – Citywide in §14-16-6-7(D)(3) and forwarded to the
12 City Council a recommendation of approval subject to findings and
13 recommended conditions in the record; and

14 WHEREAS, Planning staff has incorporated the proposed amendments
15 along with the EPC recommended conditions of approval into a redline draft
16 for review by City Council.

17 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
18 ALBUQUERQUE:

19 SECTION 1. The IDO text is amended as shown in Exhibit 1 (EPC Redline
20 Draft) as recommended by the EPC, except as modified by amendments
21 adopted subsequently in Section 2 and/or Section 3 below.

22 SECTION 2. The IDO text is amended from Exhibit 1 (EPC Redline Draft) by
23 Committee Amendments approved by the City Council's Land Use, Planning,
24 and Zoning (LUPZ) Committee, as shown in Exhibit 2 (LUPZ Committee
25 Amendments).

26 SECTION 3. The IDO text is amended from Exhibit 1 (EPC Redline Draft)
27 and/or from Exhibit 2 (LUPZ Committee Amendments), as relevant, by Floor
28 Amendments approved by the City Council, as shown in Exhibit 3 (Council
29 Floor Amendments).

30 SECTION 4. SEVERABILITY CLAUSE. If any section, paragraph, sentence,
31 clause, word or phrase of this ordinance is for any reason held to be invalid or
32 unenforceable by any court of competent jurisdiction, such decision shall not
33 affect the validity of the remaining provisions of this ordinance and each

1 section, paragraph, sentence, clause, word, or phrase thereof irrespective of
2 any provision being declared unconstitutional or otherwise invalid.

3 SECTION 5. COMPILATION. Sections 1, 2, and 3 of this ordinance shall be
4 incorporated in and made part of the Revised Ordinances of Albuquerque,
5 New Mexico, 1994.

6 SECTION 6. EFFECTIVE DATE AND PUBLICATION. This ordinance shall
7 take effect one month after publication by title and general summary.

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1 PASSED AND ADOPTED THIS 17th DAY OF June, 2024
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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8 Dan Lewis, President
9 City Council

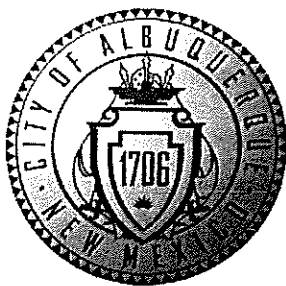
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13 APPROVED THIS _____ DAY OF _____, 2024

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17 Bill No. O-24-13

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22 _____
23 Timothy M. Keller, Mayor
24 City of Albuquerque

25 ATTEST:

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29 Ethan Watson, City Clerk



CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

February 23, 2024

TO: Dan Lewis, President, City Council

FROM: Timothy M. Keller, Mayor *TK*

SUBJECT: Project# 2018-001843 – RZ-2023-00040 (Amendment to IDO Text – Citywide): Adopting Citywide Text Amendments to the Integrated Development Ordinance (IDO) for the 2023 Annual Update

The attached, recommended legislation would enact various text amendments to the Integrated Development Ordinance (IDO). These amendments generally apply citywide and constitute the bulk of the 2023 IDO Annual Update.

BACKGROUND

IDO §14-16-6-3(D), which requires Annual Updates, establishes a regular cycle of discussion among residents, businesses, City Staff, and decision-makers to consider any suggested changes to the IDO identified over the course of the preceding year.

Portions of these required Annual Updates may take one of two types of text amendments outlined in the IDO: Amendments to IDO Text – Citywide [§ 14-16-6-7(D)] and Amendments to IDO Text – Small Areas [§14-16-6-7(E)]. Citywide text amendments apply generally throughout the City and are publicly heard using a legislative process. Text amendments to small areas apply only to particular areas within the City and must be publicly heard using a quasi-judicial process.

REQUEST

The proposed Citywide amendments in the attached legislation are the bulk of the 2023 IDO Annual Update. Separate legislation has been reviewed and is being transmitted separately for proposed small area amendments relating to design standards along the proposed Rail Trail, drive-throughs in the Volcano Heights Urban Center, and tribal engagement in the Northwest Mesa Escarpment View Protection Overlay zone. All of these bills together are collectively known as the 2023 IDO Annual Update.

Regarding the general amendments, Staff has gathered approximately 60 proposed citywide amendments. The package of proposed IDO amendments consists of clarifications and adjustments requested by neighbors, developers, and staff. One significant change included in the package is a rewrite of IDO §14-16-5-8 Outdoor and Site Lighting, for which the Planning Department hired a consultant to review and recommend the proposed changes. City Council appropriated funding for this purpose.

The requested 2023 IDO Annual Update generally furthers applicable Comprehensive Plan Goals and policies that pertain to community character, land use, implementation processes, urban design, economic development, housing, and heritage conservation as elaborated in the Official Notification of Decision.

NOTIFICATION

Pursuant to the IDO, the required notice for text amendments must be published, emailed, and posted on the web. The City published the required notice in the newspaper and sent email notice to two representatives of each registered neighborhood organization. Mailed notice was sent to neighborhood representatives without email addresses, as required, and web notice was posted on the Planning Department website and on the IDO update project website: <https://abq-zone.com/ido-annual-update-2023>.

In addition to the required notice, email notice was sent to approximately 9,500 subscribers on the ABC-Z project email list on October 27, 2023; November 3, 2023; November 29, 2023; and January 5, 2024.

Staff received many comments expressing support or opposition and recommending changes; however, there is general support for the request as a whole.

EPC PROCESS

The Environmental Planning Commission (EPC) reviewed the proposed amendments during two properly-noticed public hearings. At its December 14, 2023 hearing, the EPC discussed the proposed changes, heard public testimony, and voted to continue the Citywide updates to a special EPC hearing on January 11, 2024.

On January 11, 2024, the EPC continued its discussion of the Citywide updates, considered recommended conditions, and voted to forward a recommendation of Approval to the City Council. The Official Notification of Decision for the request contains the EPC's findings and recommended conditions, as applicable.

CONCLUSION

Regarding Project# 2018-001843, RZ-2023-00040, Adopting Citywide Text Amendments to the Integrated Development Ordinance (IDO) for the 2023 Annual Update, the EPC is forwarding a recommendation of Approval, subject to conditions.

A redline draft of the IDO that incorporates the EPC's conditions is included with this

transmittal of the record for the Council's consideration.

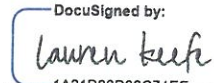
Title/ Subject of Legislation: Project# 2018-001843 – RZ-2023-00040 (Amendment to IDO Text – Citywide): Adopting Citywide Text Amendments to the Integrated Development Ordinance (IDO) for the 2023 Annual Update.

Approved:


Samantha Sengel
Chief Administrative Officer

Date


Approved as to Legal Form:

DocuSigned by:

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Lauren Keefe
City Attorney

2/26/2024 | 11:50 AM MST

Date

Recommended:

DocuSigned by:

047D8B86EF4C443
Alan Varela
Director

2/26/2024 | 9:16 AM MST

Date

Cover Analysis

1. What is it?

This legislation would amend the Integrated Development Ordinance (IDO) with amendments and technical edits vetted through the IDO annual update process for 2023.

2. What will this piece of legislation do?

This legislation would amend zoning regulations, most of which apply Citywide, to help clarify intent, improve implementation, and establish new regulations that reflect new intent. These adjustments were requested by neighbors, developers, and Staff.

3. Why is this project needed?

The changes are needed to address community-wide issues, foster economic development, and clarify regulatory procedures, while balancing these needs with the Comprehensive Plan vision of protecting and enhancing existing neighborhoods.

4. How much will it cost and what is the funding source?

There is no cost to the City.

5. Is there a revenue source associated with this contract? If so, what level of income is projected?

There is no revenue expected from this legislation.

6. What will happen if the project is not approved?

The IDO would remain as-is and not be amended. Without the amendments, additional Staff time would be needed to develop processes and/or guidance materials to explain how Staff would administer and/or interpret regulations that are not clarified.

7. Is this service already provided by another entity?

Not applicable.

FISCAL IMPACT ANALYSIS

TITLE: Adopting IDO Citywide Text Amendments for the 2023 Annual Update

R: O:

FUND: 110

DEPT: 4926000

- ☒ No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- ☐ (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	2024	Fiscal Years 2025	2026	Total
Base Salary/Wages	-	-	-	-
Fringe Benefits at	-	-	-	-
Subtotal Personnel	-	-	-	-
Operating Expenses				-
Property			-	-
Indirect Costs	-			-
Total Expenses	\$ -	\$ -	\$ -	\$ -
<input checked="" type="checkbox"/> Estimated revenues not affected				
<input type="checkbox"/> Estimated revenue impact				
Amount of Grant	-			-
City Cash Match	-	-	-	-
City Inkind Match	-	-	-	-
City IDOH *15.30	-	-	-	-
Total Revenue	\$ -	\$ -	\$ -	\$ -

These estimates do not include any adjustment for inflation.

* Range if not easily quantifiable.

Number of Positions created

0

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

This legislation would amend the IDO text with citywide amendments vetted during the 2023 annual update process. These amendments would generally make land development and redevelopment more transparent, clarify certain requirements, and help ensure that projects are reviewed using the most appropriate process.

PREPARED BY:

Debbie Dombroski 2.8.2024
FISCAL MANAGER (date)

APPROVED: DocuSigned by:

Alan Trosky 2/26/2024 | 9:16 AM MST
DIRECTOR (date)

REVIEWED BY:

Evelyn Torns 2/26/2024 | 9:19 AM MST
EXECUTIVE BUDGET ANALYST (date)

Laura Davis 2/26/2024 | 10:10 AM MST
BUDGET OFFICER (date)

Christina Bourgeois 2/26/2024 | 10:15 AM MST
CITY ECONOMIST (date)

A1 Animal Welfare

THIS AMENDMENT PASSED ON A 5-0 VOTE.

**LAND USE, PLANNING AND ZONING COMMITTEE
of the
CITY COUNCIL**

May 15, 2024

COMMITTEE AMENDMENT NO. 1 TO Exhibit 1 to O-24-13

AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn

In Exhibit 1 to O-24-13, the EPC Redline, make the following changes:

1. On page 209, Section 4-3(F)(3), Animal Keeping, add a new Use Specific Standard and renumber accordingly:
[4-3(F)(3)(c) All development applications shall require review by a representative from the City Animal Welfare Department].
2. On page 430, Section 6-4(J), add a new subsection:
[6-4(J)(XX) Animal Keeping
For development applications involving animal keeping, the City Animal Welfare Department are a commenting department, pursuant to Section 4-3(F)(3)(c).]

Explanation: This amendment proposes to add Animal Welfare Department as a commenting department for development applications that involve an animal keeping use.

A2 Areas of Change and Consistency

THIS AMENDMENT PASSED ON A 5-0 VOTE.

**LAND USE, PLANNING AND ZONING COMMITTEE
of the
CITY COUNCIL**

May 15, 2024

COMMITTEE AMENDMENT NO. 2 TO Exhibit 1 to O-24-13

AMENDMENT SPONSORED BY COUNCILOR Nichole Rogers

In Exhibit 1 to O-24-13, the EPC Redline, make the following changes:

1. On page 315, in Section 5-6(E)(5), revise as follows:
[Except in DT-UC-MS-PT areas, w] ~~[W]~~here a premises partially or completely in an Area of Change is abutting ~~[or across an alley from]~~ a premises partially or completely in an Area of Consistency (per City Development Areas in the ABC Comp Plan, as amended), the following standards shall apply on the lot(s) ~~[adjacent]~~ [abutting] to the premises partially or completely in the Area of Consistency, regardless of the proposed land use on that lot or premises, unless specified otherwise in this IDO.
2. On page 315, in Table 5-6-5, strike the column for buffering in DT-UC-MS-PT areas.

Explanation: This amendment proposes to remove the buffering requirements applicable for Areas of Change and Consistency in DT-UC-MS-PT areas. The buffering and landscaping in section 5-6(E)(1) through (4) would still apply in DT-UC-MS-PT areas. The buffering requirements in 5-6(E)(1) through (4) provide for buffers between use types and underlying zoning and ensures that more sensitive uses are buffered from more intense uses. These provisions are untouched by this proposed amendment. This amendment also strikes the requirement that properties that are in an Area of Consistency and are across an alley from an Area of Change be buffered as the alley provided a buffer of at least 16 feet. Properties in an Area of Change would only need to provide a buffer if they abut a property in an Area of Consistency.

A3 Boat and RV Parking

THIS AMENDMENT PASSED ON A 4-1 VOTE.

For: Baca, Bassan, Champine and Rogers

Against: Grout

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

May 15, 2024

COMMITTEE AMENDMENT NO. 3 TO Exhibit 1 to O-24-13

AMENDMENT SPONSORED BY COUNCILOR Brook Bassan

In Exhibit 1 to O-24-13, the EPC Redline, make the following changes:

1. On pages 272-273, Section 5-5(B)(4)(d)3, remove the red line text added at EPC as follows:
 3. The vehicle must be parked in 1 of the following areas:
 - a. Inside an enclosed structure.
 - b. Outside in a side or rear yard.
 - ~~c. In any Residential zone district or MX-T zone district with a primary residential use, the vehicle shall not be parked in any portion of a front yard, whether that portion has been improved as a driveway or not.]~~
 - c. ~~[In any MX or NR zone district with a primary nonresidential use, the vehicle may be parked o]~~ [O]outside in a front yard, with the unit perpendicular to the front curb and the body of the recreational vehicle at least 11 feet from the face of the curb.

Explanation: This amendment proposes to remove the prohibition on Boat and RV parking that was recommended by the EPC. At present, the IDO allows Boats and RVs to parking in the front, side, and rear yards. This amendment would ensure that remains.

A4 Cottage Development Maximum

THIS AMENDMENT PASSED ON A 4-1 VOTE.

For: Baca, Bassan, Grout and Rogers

Against: Champine

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

May 15, 2024

COMMITTEE AMENDMENT NO. 4 TO Exhibit 1 to O-24-13

AMENDMENT SPONSORED BY COUNCILOR Joaquin Baca

In Exhibit 1 to O-24-13, the EPC Redline, make the following changes:

1. On page 159, in Section 4-3(B)(4), revise (a) as follows:
(a) The maximum project size for a cottage development is [3] [5] [2] acres.
2. On page 159, in Section 4-3(B)(4), add a new (c) and renumber accordingly:
[4-3(B)(4)(c) Where accessed from a local street, this use is prohibited within 330 feet of any other cottage development except for the following:
 1. Up to 2 cottage development projects may be adjacent.
 2. There is no distance separation required if the subject property is within 1,320 feet (¼ mile) of UC-MS-PT-MT areas.]

Explanation: This amendment proposes to revise the maximum project size for a Cottage Development to 3 acres, limit the number of Cottage Developments that can be adjacent to each other when access to the project site is from a local street, and requires a 330 foot distance separation between cottage development projects when located on a local street. Project sites within 1,320 feet of a MT, UC, MS, or PT area are exempted from the limitations. The IDO currently has a maximum of 2 acres for a project size. EPC recommended that the project size increase to 5 acres. This amendment proposes a middle ground of 3 acres.

A8 Landscaping Applicability

THIS AMENDMENT PASSED ON A 3-2 VOTE.

For: Baca, Bassan, Rogers

Against: Champine, Grout

LAND USE, PLANNING AND ZONING COMMITTEE of the CITY COUNCIL

April 10, 2024

COMMITTEE AMENDMENT NO. 8 TO Exhibit 1 to O-24-13

AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn & Joaquin Baca

In Exhibit 1 to O-24-13, the EPC Redline, make the following changes:

1. On page 299, Section 5-6(B) APPLICABILITY revise as follows:

5-6(B)(1) The provisions of this Section 14-16-5-6 shall apply to any of the following, unless specified otherwise this IDO:

5-6(B)(1)(a) Construction of a new building containing multi-family, mixed-use, or non-residential development or an accessory parking structure.

5-6(B)(1)(b) Construction of a new parking lot containing ~~[25]~~ [20] or more spaces, or expansion of an existing parking lot by ~~[25]~~ [20] spaces or more.

5-6(B)(1)(c) Expansion of the gross floor area of an existing building containing multi-family, mixed-use, or non-residential development by ~~[2,500]~~ [2,000] square feet or more, or ~~[25]~~ [20] percent or more, whichever is less.

5-6(B)(1)(d) Renovation or redevelopment of an existing building containing multi-family, mixed-use, or non-residential development, including but not limited to reconstruction after fire, flood, or other damage, where the value of the renovation or redevelopment, indicated by building permits, is ~~[\$500,000]~~ [\$400,000] or more.

Explanation: This amendment proposes to increase the instances when landscaping would be required for existing developed properties. This amendment reduces each of the thresholds by 20%. As an urban area, Albuquerque experiences an urban heat island effect, and landscaped areas can significantly help to reduce that effect. Landscaping can also help to improve the visual landscape, to beautify. By reducing the thresholds for landscaping, this amendment will increase the instances where an existing developed property will need to provide landscaping.

B1 Alleyway Lighting

THIS AMENDMENT PASSED ON A 9-0 VOTE.

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

June 17rd, 2024

FLOOR AMENDMENT NO. 1 TO Exhibit 1, O-24-13

AMENDMENT SPONSORED BY COUNCILOR: Brook Bassan, by request

1. On page 342 of the IDO EPC Redline of the IDO Annual Update 2023, in §14-16-5-8, add a new Subsection with text as follows, renumbering subsequent sections accordingly:

[5-8 REQUIRED LIGHTING

5-8 If abutting an alley, non-residential development, multi-family development, and mixed-use development shall illuminate the building façade facing the alley, pursuant to IDO Subsection 5-8(D)(4).]

Explanation: This amendment proposes to require that commercial development, industrial development, and multi-family development provide lighting if they are abutting to an alley.

B3 Energy Storage Systems

THIS AMENDMENT PASSED ON A 9-0 VOTE.

CITY COUNCIL of the CITY OF ALBUQUERQUE

June 17, 2024

FLOOR AMENDMENT NO. 3 TO Exhibit 1 to O-24-13

AMENDMENT SPONSORED BY COUNCILOR Joaquin Baca, by request

In Exhibit 1 to O-24-13, the EPC Redline of the IDO Annual Update 2023, make the following changes:

1. On page 154 of the IDO EPC Redline of the IDO Annual Update 2023, in the Telecommunications, Towers, and Utilities sub-category in Table 4-2-1, add a new row for "Energy Storage System (ESS)" with a P (permissive primary) in all zone districts except for the NR-SU and NR-PO zone districts, where it shall be listed as A (permissive accessory).
2. On page 199 of the IDO EPC Redline of the IDO Annual Update 2023, in §14-16-4-3(E)(8), revise the text as follows:

4-3(E)(8) Electric Utility

- 4-3(E)(8)(a) ~~[A s]~~[S]ubstation ~~[shall be surrounded by perimeter]~~ walls ~~[a minimum of 12 feet high]~~ ~~[shall be]~~ set back a minimum of 10 feet from all property lines to allow for perimeter landscape. ~~[Such walls shall be a combination of split face and smooth face blocks, cast-in-place walls with a discernable pattern, and/or shall provide pilasters along the wall every 20 feet.]~~
- 4-3(E)(8)(b) ~~[Outside of the perimeter wall, a s]~~ [S]ubstation ~~[facilities]~~ shall be surrounded by a minimum 10-foot landscaped buffer area consisting of shrubs and other vegetation that complies with the safety and maintenance requirements for substations.
- ~~[4-3(E)(8)(c) Substations shall be surrounded by a wall a minimum of 12 feet high wall.]~~
- 4-3(E)(8)(~~[d]~~[c]) All existing substations that undergo expansion shall meet the design standards for new substations.
- 4-3(E)(8)(~~[e]~~[d]) All uses and associated facilities shall be subject to the terms and conditions in the Facility Plan for Electric System Transmission and Generation, as amended, ~~[except that battery storage facilities are not considered electric generation facilities and may be a primary activity in association with the electric utility use in the NR-BP, NRLM, and NR-GM zone districts]~~ [unless specified

B3 Energy Storage Systems

equipment, including without limitation any poles, as permitted by the electric utility.

4-3(E)(#)(d) All existing ESS facilities that undergo expansion beyond the perimeter wall shall meet the design standards for new ESS facilities.

4-3(E)(#)(e) In Residential zone districts, this use is limited to a maximum size of 1 acre, unless accessory to another primary use or a Conditional Use Approval is obtained pursuant to Subsection 14-16-6(A).

4-3(E)(#)(f) If this use is located on the same premises as an electric utility use, the premises must meet all use-specific standards in this Subsection 14-16-4-3(E)(#) and in Subsection 14-16-4-3(E)(8) (Electric Utility). The uses may be located inside the same perimeter wall.

4-3(E)(#)(g) If this use is located on the same premises as a geothermal energy generation use, the premises must meet all Use-specific Standards in this Subsection 14-16-4-3(E)(8) and in Subsection 14-16-4-3(E)(9) (Geothermal Energy Generation).

4-3(E)(#)(h) If this use is located on the same premises as a solar energy generation use, the premises must meet all Use-specific Standards in this Subsection 14-16-4-3(E)(8) and in Subsection 14-16-4-3(E)(10) (Solar Energy Generation).

4-3(E)(#)(i) If this use is located on the same premises as a wind energy generation use, the premises must meet all Use-specific Standards in this Subsection 14-16-4-3(E)(8) and in Subsection 14-16-4-3(E)(11) (Wind Energy Generation).

4-3(E)(#)(j) All ESS facilities that are not in use for a period of 1 year shall be removed by the owner within the following 6 months. Upon removal, the site shall be revegetated to blend with the existing surrounding vegetation. The owner shall notify the City when removal of the ESS occurs.]

4-3(E)(#) Residential District Concealment Requirements

4-3(E)(#)(a) Where allowed in a Residential zone district, this use shall be concealed to be the least visually and physically intrusive as possible and to have the least adverse visual effect on the environment and its character and nearby residences by meeting all of the following requirements.

- (I). This use shall be aesthetically integrated with the existing buildings, structures and landscaping to blend in with the nature and character of the built and natural environment in terms of height, color, architectural style, massing, and materials.
- (II). This use shall be located to avoid a dominant silhouette on escarpments and next to Major Public Open Space.
- (III). The required perimeter wall shall use the same architectural materials (e.g., stucco, brick, concrete) as properties within 330 feet of the subject property.
- (IV). No horizontal length of the required perimeter wall shall extend longer than 20 feet without the inclusion of architectural elements such as decorative grillwork, lintels, portals, windows or doors, awning, or other external features to avoid visual monotony. A change in color alone does not satisfy this requirement.]

B3 Energy Storage Systems

This amendment was proposed but withdrawn from consideration at EPC, so City staff could meet with PNM and other stakeholders, which resulted in the changes proposed herein. This amendment was also withdrawn at LUPZ to allow more discussion with PNM and to have someone from the Fire Department present to answer questions and concerns from Councilors.

B4(a) Facilitated Meetings, option 1

**THIS AMENDMENT PASSED ON A 5-4 VOTE.
For: Baca, Bassan, Champine, Grout, Lewis
Against: Fiebelkorn, Peña, Rogers, Sanchez**

CITY COUNCIL of the CITY OF ALBUQUERQUE

June 17, 2024

FLOOR AMENDMENT NO. 4 TO Exhibit 1 to O-24-13

AMENDMENT SPONSORED BY COUNCILOR Dan Lewis

In Exhibit 1 to O-24-13, the EPC Redline, make the following changes:

1. On page 403, in Table 6-1-1, rename the column labeled "Neighborhood" to "Facilitated" Meeting and revise the cross reference to 6-4(L). In the Policy Decision category, delete the "X" in Amendment to IDO Text – Small Area and Zoning Map Amendment – Council.
2. On page 421, delete §14-16-6-4(B) Pre-submittal Neighborhood Meeting in its entirety.
3. On page 436, revise §14-16-6-4(L) Post-submittal Facilitated Meeting as follows and renumber subsequent subsections accordingly:

6-4(L)(1) Requesting a Post-submittal Facilitated Meeting

6-4(L)(1)(a) Once an application for a decision listed in Table 6-1-1 is accepted as complete by the City Planning Department, property owners within 330 feet and Neighborhood Associations within 660 feet in any direction of the subject property may request a post-submittal facilitated meeting in ~~[any of]~~ the following circumstances [, as applicable]:

1. [Except Site Plan – Administrative, Table 6-1-1 indicates that a facilitated meeting is eligible for that application type.]
~~[2.] [1. The application is] [For]~~ a Site Plan – Administrative, [the application proposes] ~~[proposing]~~ a new building or multiple new buildings that include a total of any of the following:

B4(a) Facilitated Meetings, option 1

- a. More than 100 multi-family residential dwelling units.
- b. More than 50,000 square feet of non-residential development.

~~[2. The application is in the category "Decision Requiring a Public Hearing" in Table 6-1-1.~~

~~3. The application is in the category "Policy Decision" in Table 6-1-1, and Table 6-1-1 indicates that a Neighborhood Meeting is required for that application type.]~~

6-4(L)(1)(b) Requests for a post-submittal facilitated meeting shall be submitted to the Planning Director in writing and must include, at a minimum, the following:

- 1. Why a post-submittal facilitated meeting is being requested.
- 2. What specific items are requested to be discussed.
- 3. What outcomes are wanted from the discussion.

[4. A commitment to negotiating with the applicant in good faith about how the proposed development could be changed to lessen anticipated negative impacts on the surrounding area in ways that can reasonably be accommodated by the proposed development.]

6-4(L)(3) Timing of a Post-submittal Facilitated Meeting

6-4(L)(3)(a) ~~[After the City has received a]~~ ~~[Once notified by the Planning Director about the]~~ request for a post-submittal facilitated meeting, the ~~[Planning Director shall notify the]~~ applicant~~[, and]~~ ~~[shall contact the City's Alternative Dispute Resolution (ADR) office to request the post-submittal facilitated meeting within 2 business days. The]~~ ~~[the]~~ City shall assign a [neutral third party to facilitate land use discussions and document the discussion in a meeting report.] ~~[facilitator, who]~~ [A different facilitator may be used if agreed to by the applicant and the requestor. The facilitator] shall schedule the post-submittal facilitated meeting to take place within 15 calendar days of the [post-submittal facilitated meeting] request ~~[to ADR]."~~

6-4(L)(3)(c) If a post-submittal facilitated meeting occurs, the facilitator shall submit a post-submittal facilitated meeting report, including but not limited to the meeting location, date, and time; attendees; and a summary of the discussion to the Planning Department within 7 calendar days of the post-submittal facilitated meeting. [Discussions in these meetings and the meeting report have no legal binding.]

Explanation: This amendment replaces the Pre-submittal Neighborhood Meeting with the Post-submittal Facilitated Meeting and requires a commitment to negotiate in good faith.

This amendment responds to a request by the City's Alternative Dispute Resolution Office to adjust the facilitated meetings to follow the most successful negotiations since the IDO went into effect in 2018. Facilitators have found that consensus is most likely

B4(a) Facilitated Meetings, option 1

when the application is complete, development details are best known, and the interested parties are negotiating in good faith.

B5 Tribal Meeting Facilitation

THIS AMENDMENT PASSED ON A 9-0 VOTE.

CITY COUNCIL of the CITY OF ALBUQUERQUE

June 17, 2024

FLOOR AMENDMENT NO. 5 TO Exhibit 1 to O-24-13

AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn

In Exhibit 1 to O-24-13, the EPC Redline, make the following changes:

1. On page 423, revise §14-16-6-4(C)(4) Pre-submittal Tribal Meeting as follows:

6-4(C)(4) The pre-submittal tribal meeting shall be facilitated by [a neutral third party designated by the City to facilitate land use discussions and document the discussion in a meeting report] [the City's Alternative Dispute Resolution (ADR) Office]. If [a City-designated] [an ADR] facilitator is not available within the required timeframe, the applicant can facilitate the meeting or arrange for another facilitator[. A different facilitator may be used if agreed to by the applicant and the tribal representative. Discussions in these meetings and the meeting report have no legal binding.] [;-all] [All] other requirements in this Subsection shall be met.

Explanation: This amendment broadens the possible facilitators that may be utilized for pre-submittal tribal meetings to include any neutral third party designated by the City. This amendment adds language to make clear that these discussions are not legally binding and have no impact on tribal sovereignty.