



Environmental Planning Commission

Staff Report

Agenda #: 6
Project #: PR-2023-009701
Case #: RZ-2023-00027
Hearing Date: October 19, 2023

Agent	Consensus Planning, Inc.
Applicant	Plus Power LLC
Request	Zoning Map Amendment (zone change)
Legal Description	All or a portion of Tract 7, Ladera Business Park Unit 1
Location	Located at 7301 La Morada Pl. NW, between Vista Oriente St. NW, and East Cul-de-Sac NW, north of the Mirehaven Diversion Channel.
Size	Approximately 4.5 acres
Existing Zoning	NR-C
Proposed Zoning	NR-LM

Staff Recommendation

APPROVAL of RZ-2023-00027 based on the Findings beginning on Page 21.

***Staff Planner
Seth Tinkle, MCRP***

Summary of Analysis

The request is for a zoning map amendment for an approximately 4.5-acre site located in the Ladera Business Park. The applicant intends to change the subject site's zoning to NR-LM.

The subject site is located within an Area of Change and is not along a designated Corridor or in a Center.

The applicant has adequately justified the request pursuant to the IDO zone change criteria in 14-16-6-7(G)(3). The proposed zoning would be generally more advantageous to the community overall and would clearly facilitate a preponderance of applicable Comprehensive Plan Goals and policies.

The applicant provided notice of the application to all eligible Neighborhood Association representatives and adjacent property owners (within 100 feet) via certified mail and email as required. A neighborhood meeting was not held. Staff is not aware of any opposition as of this writing.

Staff recommends approval.



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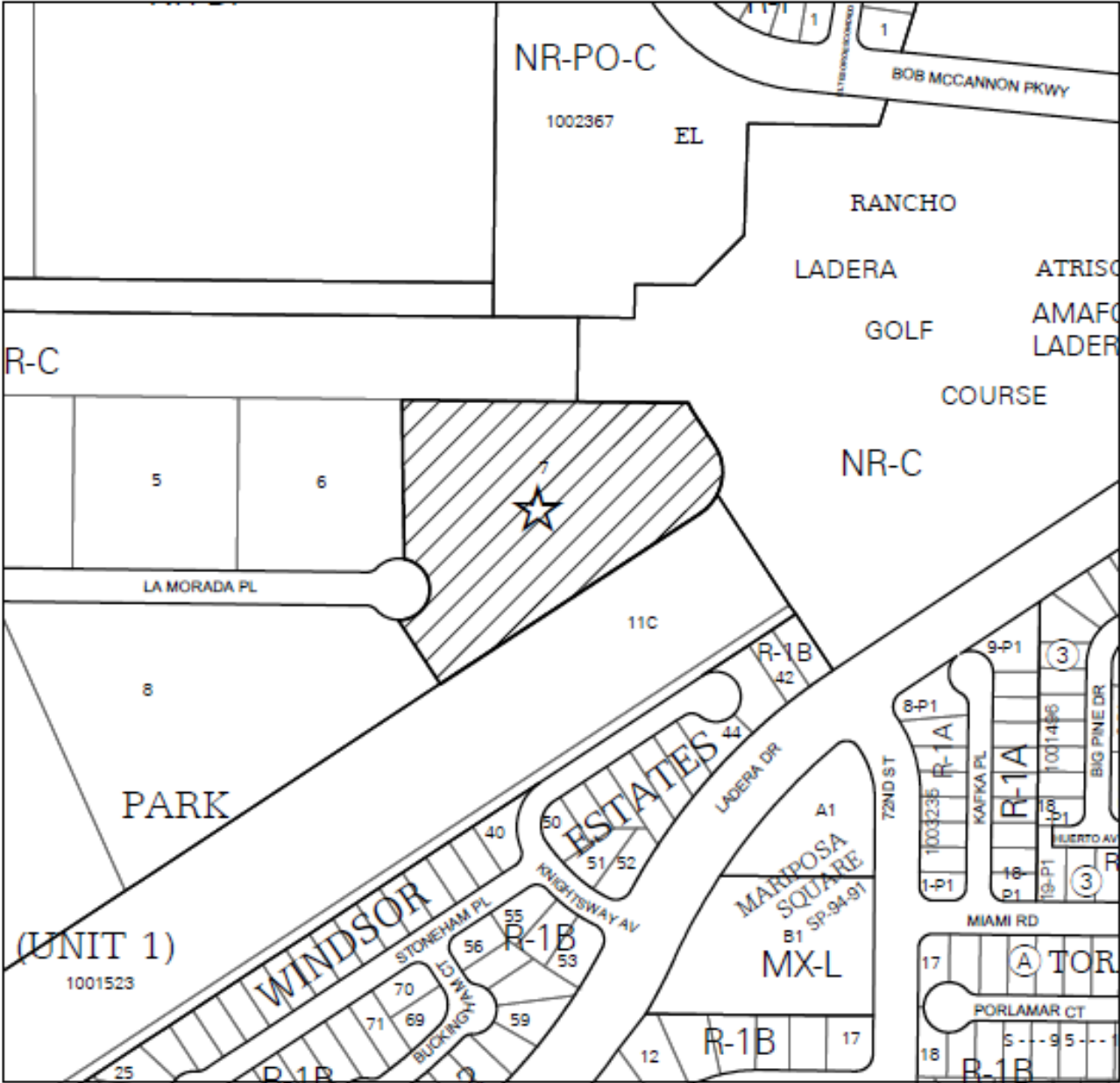
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IDO ZONING MAP

Note: Gray shading
Indicates County.



1 inch = 250 feet

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LAND USE MAP

Note: Gray shading
Indicates County.

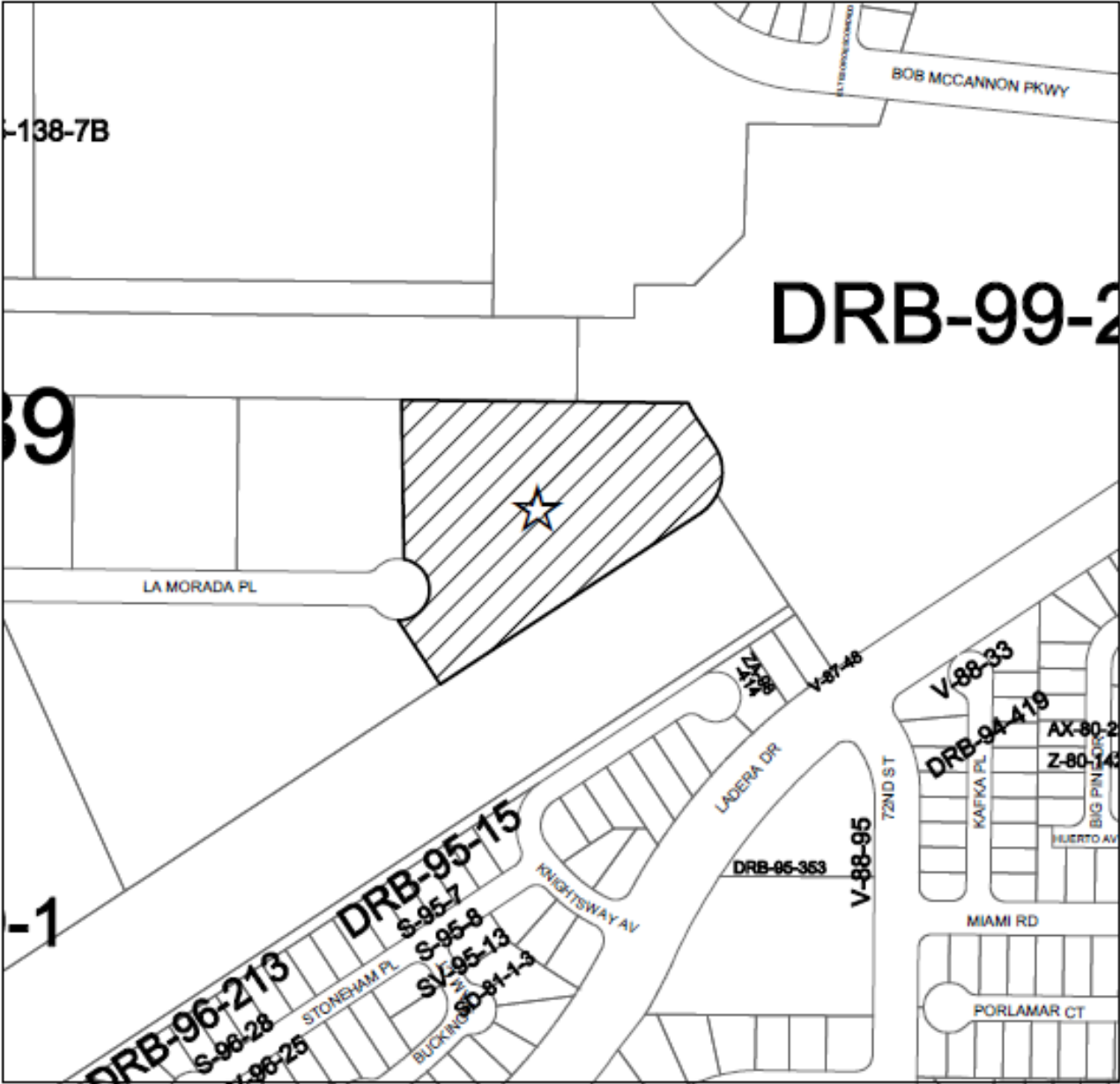
Key to Land Use Abbreviations	APRT Airport
LDRES Low-density Residential	TRANS Transportation
MULT Multi-family	AGRI Agriculture
COMM Commercial Retail	PARK Parks and Open Space
CMSV Commercial Services	DRNG Drainage
OFC Office	VAC Vacant
IND Industrial	UTIL Utilities
INSMED Institutional / Medical	CMTY Community
ED Educational	KAFB Kirtland Air Force Base



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HISTORY MAP

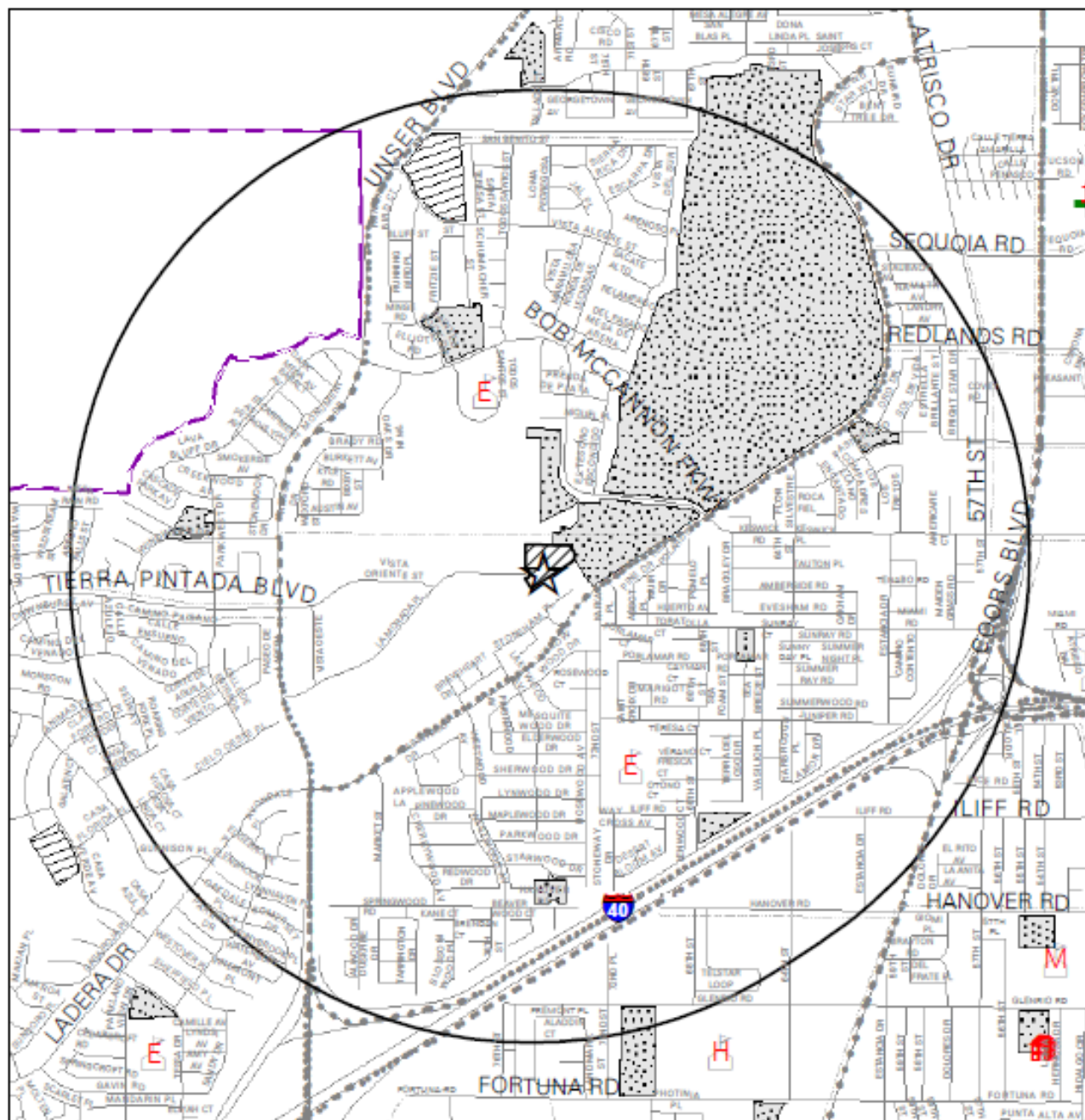
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Public Facilities Map with One-Mile Buffer

- | | | | |
|----------------------|-------------|--------------------------|-----------------------------|
| Community Center | Fire | Public School | Landfill designated by EHD |
| Multi-Service Center | Police | Proposed Bike Facilities | Landfill Buffer (1000-feet) |
| Senior Center | Sheriff | ABQ Ride Route | Developed City Park |
| Library | Solid Waste | Albuquerque City Limits | Undeveloped City Park |
| Museum | | | Developed County Park |
| | | | Undeveloped County Park |



0 0.5 1 Miles

I. INTRODUCTION

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area</i>	<i>Land Use</i>
<i>Site</i>	NR-C	Change	Vacant
<i>North</i>	NR-C	Consistency	Drainage
<i>South</i>	UNCL	Consistency	Drainage
<i>East</i>	NR-C	Consistency	Parks and Open Space (drainage)
<i>West</i>	NR-C	Change	Industrial (warehousing), Vacant

Request

The request is for a zoning map amendment (zone change) for an approximately 4.5-acre site legally described as all or a portion of Tract 7, Ladera Business Park, located at 7301 La Morada Pl. NW, between Vista Oriente St. NW, and East Cul-de-Sac NW, north of the Mirehaven Diversion Channel (the “subject site”).

The subject site is located within the Ladera Business Park.

The applicant is requesting a zone change from NR-C zoning to NR-LM zoning to facilitate development of a Battery Energy Storage System (BESS) on the approximately 4.5-acre site.

EPC Role

The EPC is hearing this case because the EPC is required to hear all zone change cases, regardless of site size, in the City. The EPC is the final decision-making body unless the EPC decision is appealed. If so, the Land Use Hearing Officer (LUHO) would hear the appeal and make a recommendation to the City Council. The City Council would then make the final decision. The request is a quasi-judicial matter.

Context

The subject site is located within the Ladera Business Park, which is regulated by the Ladera Industrial Park Master Development Plan (2003). The Ladera Industrial Park Master Development Plan establishes additional standards meant to create a high quality commercial and industrial development. The Ladera Business Park currently contains a mix of commercial and light industrial land uses, some educational land uses, and vacant land.

The subject site is surrounded by drainage easements and currently vacant land. The subject site abuts a drainage easement to the north, which separates it from the adjacent PNM West Mesa Substation. The Mirehaven Diversion Channel abuts the subject site to the south, separating it from the adjacent single-family residential housing. The Ladera Pond, which collects drainage

from the abutting easements, is located to the east of the subject site. One of the properties to the west of the subject site has industrial (warehousing) land uses; the other is currently vacant.

History and Background

The subject site is within the Ladera Business Park, which is bounded by Unser Blvd. NW to the west, a drainage easement (featuring 60' of AMAFCA R.O.W.) to the north, the Mirehaven Diversion Channel to the south, and the Ladera Pond to the east. The Ladera Industrial Park Master Development Plan, which establishes standards for development within the Business Park, received final approval by the DRB in 2004.

The only history number on the subject site is Project # 1001523, which is a DRB file from 2003. Project # 1001523 included a Major-Vacation of Public Easements, Major-Preliminary Plat Approval, and Minor-Site Development Plan Subdivision/EPC. The subject site is currently vacant.

At the time that the IDO was adopted (2017), the subject site's zoning district was changed from SU-1 for Light Industrial to NR-C pursuant to the City Council's zone conversion rules. This legislative change was based upon "light industrial" as a use. "Light industrial" corresponded with "light manufacturing" in the IDO, and the NR-C Zone is the first district that allows light manufacturing permissively.

In 2023, the applicant met with City Planning Staff and the Zoning Enforcement Officer (ZEO) to seek a determination regarding the allowed use status and approval process for a Battery Energy Storage System (BESS) located at 7301 La Morada Pl. NW (the subject site). The IDO was amended during the 2021 IDO Annual Update (effective July 28, 2022) to address BESS. It was determined at this time that BESS is a permissive use in the NR-BP, NR-LM, and NR-GM zone districts. Given this context, the ZEO determined that the most appropriate process to allow uses of the NR-BP zone (the equivalent of the sites former zone category) would be via an application for a Zoning Map Amendment.

Based on this determination, the applicant submitted a request to change the subject site's zoning from NR-C to NR-BP. However, upon review of this request, Planning Staff determined (based on Agency comments) that the subject site is ineligible to be rezoned to NR-BP pursuant to IDO 14-16-2-5(B)(3)(a), which states that "the minimum total contiguous area eligible for an NR-BP zone designation is 20 acres." Because the subject site is approximately 4.5 acres, this makes the site ineligible for a zone conversion from NR-C to NR-BP.

Planning staff immediately informed the applicant of this discovery and recommended that the applicant revise the request to change the proposed zoning to NR-LM, because the NR-LM Zone District would also allow development of a BESS facility, but would not require the subject site to be a minimum of 20 contiguous acres. The applicant submitted a one-month deferral request from the September 21st EPC hearing to the October 19th EPC hearing and submitted a revised request based upon Staff recommendations.

Transportation System

The Long-Range Roadway System (LRRS) map, produced by the Mid-Region Metropolitan Region Planning Organization (MRMPO), identifies the functional classifications of roadways. La Morada Pl. NW is not classified on the LRRS map, and therefore is a local street.

Comprehensive Plan Designations

The subject site is located wholly in an Area of Change as designated by the Comprehensive Plan and is not within a designated Center or along a Corridor. The subject site is included in the West Mesa Community Planning Assessment (CPA) area.

Trails/Bikeways

La Morada Pl. NW does not feature any bike lanes/routes or paved/unpaid multi-use trails, so the subject site is not currently served by nearby trails or bikeways. There is a proposed paved trail between the subject site and the Ladera Pond according to the [Multi-Use Trail Map](#) located on the Parks and Recreation Department's webpage.

Transit

The subject site is not located on a transit route. Bus Stop Route 94 is the closest transit facility to the subject site and it is approximately half a mile away. Bus Stop Route 94 serves commuters along Bus Route 94, the "Unser Express."

Public Facilities/Community Services

Please refer to the Public Facilities Map (see attachment), which shows public facilities and community services located within one mile of the subject site.

II. ANALYSIS of APPLICABLE ORDINANCES, PLANS, AND POLICIES

Integrated Development Ordinance (IDO)

Definitions:

Abut

To touch or share a property line.

Adjacent

Those properties that are abutting or separated only by a street, alley, trail, or utility easement, whether public or private.

Area of Change

An area designated as an Area of Change in the Albuquerque/Bernalillo County Comprehensive Plan (ABC Comp Plan), as amended, where growth and development are encouraged, primarily in Centers other than Old Town, Corridors other than Commuter Corridors, Master Development Plan areas, planned communities, and Metropolitan Redevelopment Areas.

Electric Utility

A facility used or designed to provide electricity services to the city or part of the city that is regulated as a public utility by the New Mexico Public Regulation Commission. Back-up generators and battery storage are incidental to this use.

Master Development Plan

A plan created by an applicant and approved by the City to achieve a coordinated private development, such as a business or industrial park, on larger sites that comprise more than one lot and building. A Master Development Plan may include standards that implement a cohesive design on the site.

Non-residential Development

Development of allowable land uses on a property that includes no residential development.

Zone District

One of the zone districts established by the IDO and the boundaries of such zone districts shown on the Official Zoning Map. Zoning regulations include the Use Regulations, Development Standards, and Administration and Enforcement provisions of the IDO.

Zoning

The subject site is zoned NR-C [Non-Residential – Commercial, IDO 14-16-2-5(A)], which was assigned upon adoption of the IDO as a conversion from the former SU-1 for Light Industrial. The purpose of the NR-C zone district is to accommodate medium-scale retail, office, commercial, and institutional uses, particularly where additional residential development is not appropriate or not desired because of a deficit of jobs or services in relation to housing units in the area. Primary land uses include a wide spectrum of retail and commercial uses intended to serve both neighborhood and area-wide needs, as well as some light industrial uses. Specific permissive uses are listed in Table 4 2-1: Allowable Uses, IDO pg. 145.

The request is to change the subject site's zoning to NR-LM (Non-Residential – Light Manufacturing, IDO 14-16-2-5(C)). The purpose of the NR-LM zone district is to accommodate moderate-intensity commercial, light assembly, fabrication, and manufacturing uses, while buffering adjacent lower-intensity, Residential and Mixed-use zone districts from the traffic, noise, and other impacts of those uses. Specific permissive uses are listed in Table 4-2-1 of the IDO.

Generally, the permissive uses allowed in the NR-C zone district are similar to those allowed in the NR-LM zone district, with some exceptions. For a discussion of specific uses that would become permissive if the request is approved, please refer to the discussion of zone change criterion 14-16-6-7(G)(3)(d) in this report.

ALBUQUERQUE / BERNALILLO COUNTY COMPREHENSIVE PLAN

The subject site is located wholly in an area that the 2017 Albuquerque/Bernalillo County Comprehensive Plan has designated an Area of Change. Applicable Goals and Policies are listed below. Staff analysis follows in bold italic text.

In this case, the Goals and policies below were included by the applicant in the justification letter. Staff finds them all applicable and adds four policies denoted with a * before the citation.

Applicable Goals and Policies

Chapter 4: Character

Goal 4.1 Character: Enhance, protect, and preserve distinct communities

The request would enhance a distinct community because the NR-LM Zone District and its allowed uses are cohesive with the stated goals and objectives of the Ladera Industrial Park Master Development Plan. The request would protect and preserve surrounding communities given the purpose of the NR-LM Zone District, which is to accommodate moderate-intensity commercial and industrial uses “while buffering adjacent lower-intensity, Residential and Mixed-use zone districts from traffic, noise, and other impacts of those uses.” The request clearly facilitates Goal 4.1 Character.

Policy 4.1.1 Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

The request would encourage quality development that is consistent with the distinct character of the surrounding community because uses allowed in the NR-LM Zone District are appropriate within the context of the Ladera Business Park and do not conflict with any surrounding or adjacent land uses. The request clearly facilitates Policy 4.1.1 Distinct Communities.

Chapter 5: Land Use

Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The subject site is already served by existing infrastructure and public facilities. Any development made possible by the request would promote efficient development patterns and use of land. Future development on the subject site featuring uses allowed in the NR-LM Zone District would support the public good in the form of economic development, job creation, and an expansion to the tax base. The request clearly facilitates Goal 5.3 Efficient Development Patterns.

Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The subject site is an infill site located in an area already served by existing infrastructure and public facilities. The request would support development on the project site, and therefore clearly facilitates Policy 5.3.1 Infill Development.

*Policy 5.3.2 Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

The subject site is located in an area already served by existing infrastructure and public facilities. Any development made possible by the request would result in in-fill development in

an area that has experienced leapfrog development in the past. This request clearly facilitates Policy 5.3.2 Leapfrog Development.

*Policy 5.4.2 West Side Jobs: Foster employment opportunities on the West Side.

The subject site's location is on the West Side of Albuquerque, so any development made possible by the request would foster employment opportunities on the West Side. This request clearly facilitates Policy 5.4.2 West Side Jobs.

Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is located wholly in an Area of Change, where growth is both expected and desired. The request would encourage, enable, and direct growth to this Area of Change. It would also reinforce the character and intensity of the surrounding area given the compatibility between the uses allowed in NR-LM and the land uses nearby and adjacent to the subject site. The request clearly facilitates Goal 5.6 City Development Areas.

*Policy 5.6.2 Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The request would facilitate growth and more intense development of the subject site, which is located in the Ladera Business Park and within an Area of Change. The request clearly facilitates Policy 5.6.2 Areas of Change.

Chapter 8: Economic Development

*Policy 8.1.5 Available Land: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.

The request would result in land that is appropriately zoned to accommodate employment growth in a targeted area because any development that would occur due to this request would promote job growth on the West Side of Albuquerque, which is a stated Goal (5.4) and Policy (5.4.2) within the Comprehensive Plan. The request clearly facilitates Policy 8.1.5 Available Land.

Chapter 12: Infrastructure, Community Facilities & Services

Goal 12.1 Infrastructure: Plan, coordinate, and provide for efficient, equitable, and environmentally sound infrastructure to support existing communities and the Comp Plan's vision for future growth.

The request would result in efficient, equitable, and environmentally sound infrastructure because it would facilitate the development of uses allowed in the NR-LM Zone District, such as a BESS, which is a permissive use in the NR-LM Zone District, but not in the NR-C Zone District. The request clearly facilitates Goal 12.1 Infrastructure.

Policy 12.1.6 Energy Systems: Coordinate with energy providers to safeguard essential infrastructure to serve existing development and ensure a safe, adequate, and reliable supply to support growth.

The request would facilitate development of uses allowed in the NR-LM Zone District, such as a BESS facility, which is appropriate in the context of the subject site's close proximity to the PNM West Mesa Substation and location within the Ladera Business Park. Development of the subject site would require coordination with energy providers to serve existing development and ensure a safe, adequate, and reliable supply to support growth because of its proximity to the PNM West Mesa Substation. The request clearly facilitates Policy 12.1.6 Energy Systems.

Integrated Development Ordinance (IDO) 14-16-6-7(G)(3)-Review and Decision Criteria for Zone Map Amendments

Requirements

The review and decision criteria outline policies and requirements for deciding zone change applications. The applicant must provide sound justification for the proposed change and demonstrate that several tests have been met. The burden is on the applicant to show why a change should be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: 1) there was an error when the existing zone district was applied to the property; or 2) there has been a significant change in neighborhood or community conditions affecting the site; or 3) a different zone district is more advantageous to the community as articulated by the Comprehensive Plan or other, applicable City plans.

Justification & Analysis

The zoning map amendment justification letter analyzed here, received on September 29, 2023, is a response to Staff's request for a revised justification (see attachment). The subject site is currently zoned NR-C (Non-Residential – Commercial) The requested zoning is NR-LM (Non-Residential – Light Manufacturing). The reason for the request is to facilitate the development of a battery energy storage system (BESS) on the subject site.

The applicant believes that the proposed zoning map amendment (zone change) meets the zone change decision criteria in IDO §14-16-6-7(G)(3) as elaborated in the justification letter. The citation is from the IDO. The applicant's arguments are in *italics*. Staff analysis follows in ***plain text***.

- A. A proposed zone change must be found to be consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comp Plan, as amended, and other applicable plans adopted by the City.

Applicant: The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering the City's goals and policies listed below: (Analysis above)

Staff: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies and does

not significantly conflict with them. Because this is a spot zone, the applicant must further “clearly facilitate” implementation of the ABC Comp Plan (see Criterion H). The applicant’s policy-based responses adequately demonstrate that the request clearly facilitates a preponderance of applicable Goals and policies in the Comprehensive Plan. Therefore, the request is consistent with the City’s health, safety, morals and general welfare. The response to Criterion A is sufficient.

Applicable citations: Goal 4.1-Character, Policy 4.1.1-Distinct Communities, Goal 5.3-Efficient Development Patterns, Goal 5.3.1-Infill Development, Policy 5.3.2-Leapfrog Development, Policy 5.4.2-West Side Jobs, Goal 5.6-City Development Areas, Policy 5.6.2-Areas of Change, Policy 8.1.5-Available Land, Goal 12.1-Infrastructure, Policy 12.1.6-Energy Systems

B. If the proposed amendment is located wholly or partially in an Area of Consistency (as shown in the ABC Comp Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria:

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site.
3. A different zone district is more advantageous to the community as articulated by the ABC Com Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant: The subject site is located entirely in an Area of Change; therefore, this criterion does not apply.

Staff: The subject site is located wholly in an Area of Change, so this criterion does not apply. The response to Criterion B is sufficient.

C. If the proposed amendment is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets at least one of the following criteria:

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.
3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City

plan(s).

Applicant: The subject site is located wholly in an Area of Change and the requested NR-LM will reinforce the existing character and intensity of the area because the subject property is within the boundary of an existing business park master development plan. The existing zoning district, NR-C, is inappropriate since it is not consistent with the original intent of the zoning and uses as defined in the Ladera Business Park Master Plan. Amending the subject site to NR-LM I will return the site to a zoning district consistent with the intent of the original Sector Plan and Business Park Master Plan.

This request further meets criterion 3 because the proposed NR-LM zone is more advantageous to the community as shown per the policy analysis provided above and because it will create consistency with the original intent of the Ladera Business Park Master Plan. The change to NR-LM will allow the development of a new BESS facility adjacent to the existing PNM West Mesa Substation. The area between the subject site and the substation is a drainage easement and right-of-way. Since the subject site is an infill parcel that is not adjacent to any residential zones, the NR-LM zone is more advantageous to the community because it will ensure that allowable uses such as the BESS facility and other industrial uses are kept away from residents. PNM, as a public electric utility serving Albuquerque residents, released a request for proposals for projects to grow and stabilize its electric grid.

Part of this request emphasized the public need for projects to improve reliability and stability of the grid in Albuquerque's West Mesa. The planned BESS project directly satisfies this need by providing storage of energy in conjunction with the PNM West Mesa Substation, which will provide greater responsiveness and stability at the source. A BESS facility will also improve PNM's flexibility to use intermittent energy. In reviewing potential locations that could meet this need, Oso Negro Energy Storage LLC identified that proximity to the substation is critical. The subject site is uniquely situated for the BESS project.

Staff: The subject site is located wholly in an Area of Change. The applicant's policy-based analysis demonstrates that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning. The response to Criterion C is sufficient.

- D. The zone change does not include permissive uses that would be harmful to adjacent property, the neighborhood, or the community, unless the Use-specific Standards in Section 16-16-4-3 associated with that use will adequately mitigate those harmful impacts.

Applicant: The requested NR-LM zoning does not include permissive uses that would be harmful to adjacent properties, neighborhoods, or communities because there are no adjacent neighborhoods or residential communities, and the surrounding context is an established industrial/business park area. The permissive, conditional, accessory, and temporary uses are very similar between NR-C and NR-LM. The following table shows the limited uses that are different between NR-C and NR-LM.

P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory CV = Conditional if Structure Vacant for 5+ years T = Temporary CT = Conditional Temporary Blank Cell = Not Allowed

Allowable Use	NR-C	NR-LM
General Agriculture		P
Adult Entertainment*		P
Heavy vehicle and equipment sales, Rental, fueling, and repair	P	P
Health club or gym	P	P
Blood services facility	C	P
Adult retail*		P
Art gallery	P	P
General Retail Medium	P	C
Grocery store	P	P
Freight terminal or dispatch center		P
Helipad	A	P
Park and Ride Lot	C	C
Railroad yard		P
Salvage yard		C
Outdoor storage	C	P
Outdoor Animal Run	CA	A
Open air market	T	

**Adult uses are not permitted in the Ladera Business Park per the neighborhood agreement that was completed, signed, and recorded as part of the original approval of the Ladera Business Park.*

Staff: The applicant stated that the NR-LM Zone District does not include permissive uses that would be harmful to adjacent properties, neighborhoods, or communities. They compared uses within the existing NR-C zone and the proposed NR-LM zone, discussed the context surrounding the subject site, and indicated how harmful uses would be mitigated per the neighborhood agreement that was completed, signed, and recorded as part of the original approval of the Ladera Industrial Park Master Development Plan. Staff finds that the Use-specific Standards in Section 16-16-4-3 of the IDO that are associated with new permissive uses will adequately mitigate harmful impacts associated with those uses. The response to Criterion D is sufficient.

- E. The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems meet 1 of the following requirements:

1. Have adequate capacity to serve the development made possible by the change of zone.
2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement.
4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City- approved Development Agreement between the City and the applicant.

Applicant: This request meets criterion 1 because the subject site is an infill parcel that is well-connected to existing city infrastructure. There are existing sidewalks and roadways as well as nearby connectivity to I-25 via Unser Boulevard, and access to public utilities including water, sewer, and electric. Additionally, there is an existing multi-use trail on the east side of Unser Boulevard. The infrastructure within the Ladera Business Park was constructed by the master developer and not the City.

Staff: The subject site is an infill site that is adequately served by existing infrastructure (requirement 1). The response to Criterion E is sufficient.

- F. The applicant's justification for the requested zone change is not completely based on the property's location on a major street.

Applicant: This request is not based on the property's location on a major street because the subject site is not located on a major street. Rather, the justification for the proposed zone change is based on the advantages it will bring to the community by locating a new BESS facility adjacent to the PNM substation and away from established and emerging residential communities. It is also important to note that while the property is not located on a major street, the access into the Ladera Business Park is from Unser Boulevard and there are no street connections through any of the adjacent residential neighborhoods.

Staff: The applicant is not completely basing the justification for the request upon the subject site's location on a Major Collector roadway. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies. The response to Criterion F is sufficient.

- G. The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

Applicant: This request is not based on the cost of land or other economic considerations rather the request is based on the numerous advantages it proposes for the community by locating a BESS facility within an existing business park that is separated from residential areas. Additionally, the request is based on the site's connectivity to existing power infrastructure. The BESS facility will improve the City's power resiliency and facilitate the efficient use of intermittent energy.

Staff: The applicant's justification is not completely or predominantly based upon economic considerations. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies. The response to Criterion G is sufficient.

- H. The zone change does not apply a zone district different from surrounding zone districts to one small area or one premises (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the change will clearly facilitate implementation of the ABC Comp Plan, as amended, **and** at least one of the following applies:
1. The area of the zone change is different from surrounding land because it can function as a transition between adjacent zone districts.
 2. The site is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
 3. The nature of structures already on the premises makes it unsuitable for the uses allowed in any adjacent zone district.

Applicant: This request will create a spot zone; however, it is a justifiable spot zone because:

- *Land uses north of the subject site are consistent with the NR-LM zone (drainage and substation);*
- *The subject site will function as a transition between the existing Ladera Business Park and the substation to the north;*
- *NR-LM zoning is consistent with the uses in the area; and*
- *The NR-LM zone is the most appropriate zoning district for the proposed BESS facility, which furthers numerous comprehensive plan policies as enumerated above.*

Staff: The request would result in a spot zone because it would apply a zone different from surrounding zone districts. The applicant acknowledges that the request would create a spot zone, but explains that it would be justified because the subject site will function as a transition between adjacent zone districts and would clearly facilitate implementation of the Comprehensive Plan as shown in the response to Criterion A.

The subject site will function as a transition between the existing Ladera Business Park and the substation to the north. The subject site is abutted by properties zoned NR-C, however, the property north of the site (Tract 8) is a drainage easement. The property abutting Tract 8 to the north (the PNM West Mesa Substation) is zoned NR-BP. Because the subject site is separated from the PNM West Mesa substation by only a drainage easement, it is considered adjacent to the PNM West Mesa substation according to the IDO's definition of "adjacent" (see Definitions above). Therefore, the requested NR-LM Zone District would serve as a transition between the PNM West Mesa Substation located north, the Ladera Business Park, and the residential neighborhoods south. This is appropriate given that the NR-LM Zone District is meant to buffer "adjacent lower-intensity, Residential and Mixed-use zone districts from traffic, noise, and other impacts (14-16-2-5(C))."

As required, the applicant has shown that the request will clearly facilitate implementation of the ABC Comp Plan and is applicable to sub-criteria number one. The response to Criterion H is sufficient.

III. AGENCY & NEIGHBORHOOD CONCERNS

Reviewing Agencies

City departments and other agencies reviewed this application.

Albuquerque Public Schools (APS) noted that “the location is under half of a mile from Susie Rayos Marmon Elementary School. The IDO states, 14-16-2, 2-5(B)(3)(a)), under Eligibility for Rezoning to NR-BP, “the minimum total contiguous area eligible for an NR-BP zone designation is 20 acres.” However, the parcel in question is approximately 4.5 acres, within the 116.6-acre Ladera Business Park which is designated NR-C; the PNM facility next to this area is designated NR-BP.”

This comment was the impetus for the original deferral and revision of this request. ABCWUA, AMAFCA, PNM, Solid Waste, MRMPO, and ABQ RIDE provided no adverse comments. Agency comments begin on p. 27.

Neighborhood/Public

The applicant provided notice of the application to all eligible Neighborhood Association representatives and adjacent property owners (within 100 feet) via certified mail and email as required. The applicant notified the Ladera West Neighborhood Association and the Westside Coalition of Neighborhood Associations of the request.

No pre-submittal neighborhood meeting was requested; however, questions were received regarding the height of the structures, distance to the dog park, security, noise generation, and emissions. Each of these questions were answered by the applicant. The applicant provided re-notification to the property owners and Neighborhoods Associations after the original request was deferred so that they could be aware of this context and the change to the request.

Staff is not aware of any opposition to the request.

IV. CONCLUSION

The request is for a zoning map amendment (zone change) for an approximately 4.5-acre site legally described as all or a portion of Tract 7, Ladera Business Park, located at 7301 La Morada Pl. NW, between Vista Oriente St. NW, and East Cul-de-Sac NW, north of the Mirehaven Diversion Channel (the “subject site”). The subject site is located within the Ladera Business Park.

The applicant is requesting a zone change from NR-C zoning to NR-LM to facilitate development of a Battery Energy Storage System (BESS) on the approximately 4.5-acre site.

The applicant has adequately justified the request based upon the proposed zoning being more advantageous to the community than the current zoning because it would clearly facilitate a preponderance of applicable Goals and policies. The applicant’s responses to the Review and

Decision Criteria for Zone Map Amendments established in 14-16-6-7(G)(3) of the IDO are sufficient.

The applicant provided notice of the application to all eligible Neighborhood Association representatives and adjacent property owners (within 100 feet) via certified mail and email as required. Staff is not aware of any opposition as of this writing.

Staff recommends approval.

FINDINGS - RZ-2023-009701, October 19, 2023- Zoning Map Amendment (Zone Change)

1. The request is for a zoning map amendment (zone change) for an approximately 4.5-acre site legally described as all or a portion of Tract 7, Ladera Business Park, located at 7301 La Morada Pl. NW, between Vista Oriente St. NW, and East Cul-de-Sac NW, north of the Mirehaven Diversion Channel (the “subject site”).
2. The subject site is zoned NR-C (Non-Residential – Commercial) and is currently vacant. The applicant is requesting a zone change to NR-LM (Non-Residential – Light Manufacturing) to facilitate development on the subject site.
3. The subject site is in an area that the Comprehensive Plan designates an Area of Change. It is not within a designated Center or along a designated Corridor.
4. The subject site is in the Ladera Business Park. The Ladera Industrial Park Master Plan applies.
5. The City of Albuquerque Integrated Development Ordinance (IDO) and the Comprehensive Plan are incorporated herein by reference and made part of the record for all purposes.
6. The request clearly facilitates the following applicable Policies from Comprehensive Plan Chapter 4: Character:

A. Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

The request would enhance a distinct community because the NR-LM Zone District and its allowed uses are cohesive with the stated goals and objectives of the Ladera Industrial Park Master Development Plan. The request would protect and preserve surrounding communities given the purpose of the NR-LM Zone District, which is to accommodate moderate-intensity commercial and industrial uses “while buffering adjacent lower-intensity, Residential and Mixed-use zone districts from traffic, noise, and other impacts of those uses.”

B. Policy 4.1.1 Distinct Communities: Encourage quality development that is consistent with the distinct character of communities.

The request would encourage quality development that is consistent with the distinct character of the surrounding community because uses allowed in the NR-LM Zone District are appropriate within the context of the Ladera Business Park and do not conflict with any surrounding or adjacent land uses.

7. The request clearly facilitates the following applicable Goals and Policies regarding complete communities and efficient development patterns from Comprehensive Plan Chapter 5: Land Use:

- A. Goal 5.3 Efficient Development Patterns: Promote development patterns that maximize the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

The subject site is already served by existing infrastructure and public facilities. Any development made possible by the request would promote efficient development patterns and use of land. Future development on the subject site featuring uses allowed in the NR-LM Zone District would support the public good in the form of economic development, job creation, and an expansion to the tax base.

- B. Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

The subject site is an infill site located in an area already served by existing infrastructure and public facilities. The request would support development on the project site.

- C. Policy 5.3.2 Leapfrog Development: Discourage growth in areas without existing infrastructure and public facilities.

The subject site is located in an area already served by existing infrastructure and public facilities. Any development made possible by the request would result in in-fill development in an area that has experienced leapfrog development in the past.

8. The request clearly facilitates the following applicable Goal and Policy in Comprehensive Plan Chapter 8-Economic Development:

- A. Policy 5.4.2 West Side Jobs: Foster employment opportunities on the West Side.

The subject site's location is on the West Side of Albuquerque, so any development made possible by the request would foster employment opportunities on the West Side.

- B. Goal 5.6-City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

The subject site is located wholly in an Area of Change, where growth is both expected and desired. The request would encourage, enable, and direct growth to this Area of Change. It would also reinforce the character and intensity of the surrounding area given the compatibility between the uses allowed in NR-LM and the land uses nearby and adjacent to the subject site.

- C. Policy 5.6.2 Areas of Change: Direct growth and more intense development to Centers, Corridors, industrial and business parks, and Metropolitan Redevelopment Areas where change is encouraged.

The request would facilitate growth and more intense development on the subject site, which is located in the Ladera Business Park and within an Area of Change.

9. The request clearly facilitates the following applicable Goal and Policy in Comprehensive Plan Chapter 8-Economic Development:

Policy 8.1.5 Available Land: Maintain sufficient land that is appropriately zoned to accommodate projected employment growth in targeted areas.

The request would result in land that is appropriately zoned to accommodate employment growth in a targeted area because any development that would occur due to this request would promote job growth on the West Side of Albuquerque, which is a stated Goal (5.4) and Policy (5.4.2) within the Comprehensive Plan.

10. The request clearly facilitates the following applicable Goal and Policy from Comprehensive Plan Chapter 12-Infrastructure, Community Facilities & Services:

- A. Goal 12.1 Infrastructure: Plan, coordinate, and provide for efficient, equitable, and environmentally sound infrastructure to support existing communities and the Comp Plan's vision for future growth.

The request would result in efficient, equitable, and environmentally sound infrastructure because it would facilitate the development of uses allowed in the NR-LM Zone District, such as a BESS, which is a permissive use in the NR-LM Zone District, but not in the NR-C Zone District. The request generally furthers Goal 12.1 Infrastructure.

- B. Policy 12.1.6 Energy Systems: Coordinate with energy providers to safeguard essential infrastructure to serve existing development and ensure a safe, adequate, and reliable supply to support growth.

The request would facilitate development of uses allowed in the NR-LM Zone District, such as a BESS facility, which is appropriate in the context of the subject site's close proximity to the PNM West Mesa Substation and location within the Ladera Business Park. Development of the subject site would require coordination with energy providers to serve existing development and ensure a safe, adequate, and reliable supply to support growth because of its proximity to the PNM West Mesa Substation.

11. The applicant has adequately justified the request pursuant to the Integrated Development Ordinance (IDO) Section 14-16-6-7(G)(3)-Review and Decision Criteria for Zoning Map Amendments, as follows:

- A. Criterion A: Consistency with the City's health, safety, morals and general welfare is shown by demonstrating that a request furthers applicable Comprehensive Plan Goals and policies and does not significantly conflict with them. Because this is a spot zone, the applicant must further "clearly facilitate" implementation of the ABC Comp Plan (see Criterion H). The applicant's policy-based responses adequately demonstrate that the request clearly facilitates a preponderance of applicable Goals and policies in the Comprehensive Plan. Therefore, the request is consistent with the City's health, safety, morals and general welfare.
- B. Criterion B: The subject site is located wholly in an Area of Change, so this criterion does not apply.
- C. Criterion C: The subject site is located wholly in an Area of Change. The applicant's policy-based analysis demonstrates that the request clearly facilitates a preponderance of applicable

Comprehensive Plan Goals and policies and therefore would be more advantageous to the community than the current zoning.

- D. Criterion D: The applicant stated that the NR-LM Zone District does not include permissive uses that would be harmful to adjacent properties, neighborhoods, or communities. They compared uses within the existing NR-C zone and the proposed NR-LM zone, discussed the context surrounding the subject site, and indicated how harmful uses would be mitigated per the neighborhood agreement that was completed, signed, and recorded as part of the original approval of the Ladera Industrial Park Master Development Plan. Staff finds that the Use-specific Standards in Section 16-16-4-3 of the IDO that are associated with new permissive uses will adequately mitigate harmful impacts associated with those uses.
- E. Criterion E: The subject site is an infill site that is adequately served by existing infrastructure (requirement 1).
- F. Criterion F: The applicant is not completely basing the justification for the request upon the subject site's location on a Major Collector roadway. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies.
- G. Criterion G: The applicant's justification is not completely or predominantly based upon economic considerations. Rather, the applicant has adequately demonstrated that the request clearly facilitates a preponderance of applicable Comprehensive Plan Goals and policies.
- H. Criterion H: The request would result in a spot zone because it would apply a zone different from surrounding zone districts. The applicant acknowledges that the request would create a spot zone, but explains that it would be justified because the subject site will function as a transition between adjacent zone districts and would clearly facilitate implementation of the Comprehensive Plan as shown in the response to Criterion A.

The subject site will function as a transition between the existing Ladera Business Park and the substation to the north. The subject site is abutted by properties zoned NR-C, however, the property north of the site (Tract 8) is a drainage easement. The property abutting Tract 8 to the north (the PNM West Mesa Substation) is zoned NR-BP. Because the subject site is separated from the PNM West Mesa substation by only a drainage easement, it is considered adjacent to the PNM West Mesa substation according to the IDO's definition of "adjacent" (see Definitions above). Therefore, the requested NR-LM Zone District would serve as a transition between the PNM West Mesa Substation located north, the Ladera Business Park, and the residential neighborhoods south. This is appropriate given that the NR-LM Zone District is meant to buffer "adjacent lower-intensity, Residential and Mixed-use zone districts from traffic, noise, and other impacts (14-16-2-5(C))."

As required, the applicant has shown that the request will clearly facilitate implementation of the ABC Comp Plan and is applicable to sub-criteria number one.

12. The applicant provided notice of the application to all eligible Neighborhood Association representatives and adjacent property owners (within 100 feet) via certified mail and email as required. The applicant notified the Ladera West Neighborhood Association and the Westside Coalition of Neighborhood Associations of their request.
13. No pre-submittal neighborhood meeting was requested; however, questions were received regarding the height of the structures, distance to the dog park, security, noise generation, and emissions. Each of these questions were answered by the applicant. The applicant provided re-notification to the property owners and Neighborhoods Associations after the original request was deferred so that they could be aware of this context and the change to the request.
14. As of this writing, Staff is unaware of any opposition.

RECOMMENDATION - RZ-2023-009701, October 19, 2023

APPROVAL of Project #: 2023-009701, Case #: 2023-00027, a zoning map amendment from NR-C to NR-LM for all or a portion of Tract 7, Ladera Business Park, located at 7301 La Morada Pl. NW, between Vista Oriente St. NW, and East Cul-de-Sac NW, north of the Mirehaven Diversion Channel, approximately 4.5 acres., based on the preceding Findings.

Seth Tinkle

***Seth Tinkle, MCRP
Long Range Planner***

Notice of Decision cc list:

Consensus Planning, Inc., cp@consensusplanning.com
Plus Power, LLC, cknopp@pluspower.com
Ladera West NA, Hope Eckert, heckert@swcp.com
Ladera West NA, Steven Collins, slcnalbq@aol.com
Westside Coalition of Neighborhood Associations, Elizabeth Haley, elizabethkayhaley@gmail.com
Westside Coalition of Neighborhood Associations, Rene Horvath, aboard111@gmail.com
EPC file
Legal, dking@cabq.gov

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

Long Range Planning

CITY ENGINEER

Transportation Development

Hydrology Development

New Mexico Department of Transportation (NMDOT)

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

Traffic Engineering Operations (Department of Municipal Development)

Street Maintenance (Department of Municipal Development)

RECOMMENDED CONDITIONS FROM THE CITY ENGINEER:

WATER UTILITY AUTHORITY

1. No objections to proposed zone map amendment.
2. For information purposes only:
 - 2a. Future developments seeking water and sanitary sewer service from ABCWUA shall require an Availability Statement.
 - 2b. Statements can be requested at the following link: <https://www.abcwua.org/info-for-buildersavailability-statements/>

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

City Forester

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

No comment at this time.

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

No adverse comments to the zone change. AMAFCA will require review and approval of any development and/or grading and drainage plan for this lot due to the proximity to AMAFCA's Ladera System facilities and an existing access easement granted to AMAFCA on this property.

ALBUQUERQUE PUBLIC SCHOOLS

- a. EPC Description: RZ-2023-00027, Zoning Map Amendment (Zone Change).
- b. Site Information: Ladera Business Park, Tract 7, Unit 1.
- c. Site Location: 7301 La Morada NW, between Vista Oriente NW, and East Cul-de-Sac NW.
- d. Request Description: Zoning map amendment from NR-C to NR-BP for the development of a utility-scale battery storage (BESS) facility to supply the adjacent PNM substation.
- e. APS Comments: The location is under half of a mile from Susie Rayos Marmon Elementary School. The IDO states, 14-16-2, 2-5(B)(3)(a)), under Eligibility for Rezoning to NR-BP, "the minimum total contiguous area eligible for an NR-BP zone designation is 20 acres." However, the parcel in question is approximately 4.5 acres, within the 116.6-acre Ladera Business Park which is designated NR-C; the PNM facility next to this area is designated NR-BP.

Kirtland Air Force Base

MID-REGION METROPOLITAN PLANNING ORGANIZATION (MRMPO)

MRMPO has no adverse comment. For informational purposes:

The MTP identifies Cottonwood Mall as a Regional Center which is defined as a, “Large regional market with existing employers and mix of uses. Currently served by public transit, or close to a regional transit station.”

Appendix G of the MTP supports the following as it relates to the subject property: Encourage a mix of land uses (retail, housing, entertainment, etc.) and multimodal facilities in appropriate locations to encourage shorter and more active trips.

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

There are PNM facilities and/or easements around the La Morada Pl frontage, within the site’s western, northern, and eastern portions and along the southeastern side of the site. It is the applicant’s obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements. Any existing easements may have to be revisited and/or new easements may need to be created for any electric facilities as determined by PNM. Any existing and/or new PNM easements and facilities need to be reflected on any Site Plan and any resulting Plat. Typical electric utility easement widths vary depending on the type of facility. On-site transformers should have a five-foot clear area on the sides and rear and ten-foot in front to allow for access and maintenance. Structures, especially those made of metal like storage buildings and canopies, should not be within or near PNM easements without close coordination with and agreement from PNM. Perimeter and interior landscape design should abide by any easement restrictions and not impact PNM facilities. The applicant should contact PNM’s New Service Delivery Department as soon as possible to coordinate electric service regarding any proposed project. Submit a service application at <https://pnmnsd.powerclerk.com/MvcAccount/Login> for PNM to review. If existing electric lines or facilities need to be moved, then that is at the applicant’s expense. Please contact PNM as soon as possible at <https://pnmnsd.powerclerk.com/MvcAccount/Login> for PNM to review.



Figure 1: Looking NE at the subject site from La Morada Pl. NW. The sign posting is seen here.

Figure 2: Looking west from the subject site towards the PNM Substation.



Figure 3: Looking SE from the subject site towards the Mirehaven Diversion Channel (abutting the subject site) and residential housing (adjacent to the subject site, directly east of the Mirehaven Diversion Channel).



Figure 4: Looking SW at the Mirehavent Diversion Channel, which abuts the subject site.

Figure 5: Looking east of the subject site towards the Ladera Pond.



Figure 6: Looking west of the subject site towards a property that features industrial (warehousing) development.

ZONING

Please refer to IDO Section 14-16-2-5(A) for the NR - C Zone District

Please refer to IDO Section 14-16-2-5(C) for the NR - LM Zone District

HISTORY

PLANNING DEPARTMENT
URBAN DESIGN & DEVELOPMENT DIVISION
600 2nd Street NW, 3rd Floor, Albuquerque, NM 87102
P.O. Box 1293, Albuquerque, NM 87103
Office (505) 924-3860 Fax (505) 924-3339



OFFICIAL NOTIFICATION OF DECISION

September 21, 2023

Plus Power LLC
1780 Hughes Landing Blvd.
Suite 675
Woodlands, TX 77380

Project # PR-2023-009701
RZ-2023-00027– Zoning Map Amendment
(Zone Change)

LEGAL DESCRIPTION:

Consensus Planning, Inc., agent for Plus Power LLC, requests a zoning map amendment from NR-C to NR-BP, for all or a portion of Tract 7, Ladera Business Park, located at 7301 La Morada Pl. NW, between Vista Oriente St. NW, and East Cul-de-Sac NW, north of the Mirehaven Diversion Channel, approximately 4.5 acres. (H-10)
Staff Planner: Seth Tinkle

On September 21, 2023 the Environmental Planning Commission (EPC) voted to DEFER Project # PR-2023-009701, RZ-2023-00027– Zoning Map Amendment (Zone Change) for one month to the October 19, 2023 regular EPC hearing.

APPEAL: If you wish to appeal this decision, you must do so within 15 days of the EPC's decision or by **October 6, 2023**. The date of the EPC's decision is not included in the 15-day period for filing an appeal, and if the 15th day falls on a Saturday, Sunday or Holiday, the next working day is considered as the deadline for filing the appeal.

For more information regarding the appeal process, please refer to Section 14-16-6-4(V) of the Integrated Development Ordinance (IDO), Administration and Enforcement. A Non-Refundable filing fee will be calculated at the Land Development Coordination Counter and is required at the time the appeal is filed. It is not possible to appeal an EPC Recommendation to the City Council since this is not a final decision.

You will receive notification if any person files an appeal. If there is no appeal, you can receive Building Permits at any time after the appeal deadline quoted above, provided all conditions imposed at the time of approval have been met. Successful applicants are reminded that other regulations of the IDO must be complied with, even after approval of the referenced application(s).

Sincerely,

Catalina Lehner

for Alan M. Varela,
Planning Director

AV/CL/ST

cc: Power Plus LLC, cknopp@pluspower.com
Consensus Planning, Inc., cp@consensusplanning.com
Ladera West NA Hope Eckert heckert@swcp.com
Ladera West NA Steven Collins, slcnalbq@aol.com
Westside Coalition of Neighborhood Associations Elizabeth Haley elizabethkayhaley@gmail.com
Westside Coalition of Neighborhood Associations Rene Horvath aboard111@gmail.com
Legal, dking@cabq.gov
EPC File

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT ADMINISTRATION

600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102
Tel: (505) 924-3339



INTER-OFFICE MEMORANDUM

January 31, 2022

TO: Alan M. Varela, Interim Planning Director

FROM: James M. Aranda, Deputy Director and Zoning Enforcement Officer (ZEO)

SUBJECT: Declaratory Ruling regarding Battery Electric Storage Facilities

Consensus Planning has made a request for a Declaratory Ruling regarding the allowed use status approval process for Battery Electric Storage Facilities pursuant to the Integrated Development Ordinance (IDO).

BACKGROUND

Consensus Planning is the agent for the developer of a proposed standalone Battery Electric Storage System (BESS) project, referred to in this Declaratory Ruling as Battery Electric Storage Facilities—to be located at 7800 and 7850 Jacs Lane NE. The subject property is zoned NR-GM (Non-residential, General Manufacturing) and is not subject to any Overlay Zones or other Small Area standards. A PRT review was conducted on April 16, 2021 (PA# 21-049) and a sketch plat review and comment on June 30, 2021 (PR-2021-005627).

The purpose of this Declaratory Ruling request is to confirm the interpretations, IDO amendments, and other discussions the applicant has had since these original reviews and provide concrete direction for the current Battery Electric Storage Facility project, as well as any future BESS projects that may be developed under the current IDO definitions and procedures.

DEFINITIONS

IDO Section 14-16-7-1, Definitions, Electric Utility: A facility used or designed to provide electricity services to the city or part of the city that is regulated as a public utility by the New Mexico Public Regulation Commission. Back-up generators and battery storage are incidental to this use. See also *Geothermal Energy Generation*, *Major Utility*, *Solar Energy Generation*, and *Wind Energy Generation*.

IDO Section 14-16-7-1, Definitions, Major Utility: A facility sized or designed to serve the entire city, or a wide area of the city, and regulated as a public utility or common carrier by the State or other relevant jurisdiction or agency, including but not limited to major telephone facilities, natural gas facilities, water treatment plants, sewage treatment plants, and similar public services, but not including mass transit or railroad depots or terminals or any similar traffic generating activity, any facility that provides wireless telecommunications services to the public, or any use listed separately in Table 4-2-1. See also *Drainage Facility*, *Electric Utility*, and *Major Public Infrastructure*.

IDO Section 14-16-7-1, Definitions, Utility: See *Drainage Facility*, *Electric Utility*, *Major Public Infrastructure*, and *Major Utility*.

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT ADMINISTRATION

600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102
Tel: (505) 924-3339



ANALYSIS

“Battery storage” is not a listed use in IDO Table 4-2-1. However, “Battery Storage” is listed in IDO Part 7 definitions as “incidental” to several listed uses, including: Electric Utility, Geothermal Energy Generation, Solar Energy Generation, and Wind Energy Generation.

In conducting a thorough review of the provisions, defined land uses, and definitions contained in the Integrated Development Ordinance, 2010 Electric System Transmission and Generation Facility Plan, and common language definitions and descriptions of battery electric storage facilities, it has been determined that the IDO-defined and regulated use that is most similar to battery electric storage facilities in terms of function, operation, and impacts on surrounding property is Electric Utility.

The Use-Specific Standard for Electric Utilities, IDO Subsection 14-16-4-3(E)(8)(e), states in regard to battery storage facilities: *“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.”*

The language as constructed in IDO Subsection 14-16-4-3(E)(8)(e) clearly considers battery electric storage facilities as uses that are distinct from electric generation facilities. The referenced subsection also considers Battery Electric Storage Facilities as primary activities in association with the overall electric utility use. This standard also provides for standalone battery storage facilities to be a primary use when associated with an electric utility use and is a permissive use in the NR-BP, NR-LM, and NR-GM zone districts.

The second purpose of this Declaratory Ruling is to determine the appropriate Site Plan review process in accordance with IDO Part 14-16-6 Administration and Enforcement. Prior to the 2020 IDO Annual Update, all electric utility approvals were approved per the 2010 Electric System Facility Plan. With new technologies and projects being proposed that further the region’s renewable energy goals, the IDO was updated to allow for more administrative approvals for electric utility uses. As a result of those IDO changes, Battery Electric Storage Facilities are not considered electric generation facilities, and are no longer subject to the approval processes as prescribed in Table I and II of the 2010 Electric System Facility Plan.

IDO Section 14-16-6-5(G) Site Plan – Administrative, provides for administrative approvals for certain types of projects, regardless of size, based on use or zoning, if the use meets one of two criteria. The allowance for administrative approval contained in IDO 14-16-6-5(G)(1)(e) states, in part:

- 6-5(G)(1)(e) This Subsection 14-16-6-5(F) applies to any development that meets any of the thresholds in Subsections 1 or 2 below:
2. Any of the following:
 - d. All electric utilities except Electric Generation Facilities, as defined by the Facility Plan for Electric System Transmission and Generation, as amended, which require a Site Plan – DRB pursuant to Subsection 14-16-6-6(I).

CITY OF ALBUQUERQUE

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As previously established in IDO 14-16-4-3(E)(8)(e) and clarified in this Declaratory Ruling, Battery Electric Storage Facilities are not considered electric generation facilities. Therefore, standalone Battery Electric Storage Facilities are subject to Site Plan – Administrative review and approval pursuant to the criteria and procedures in IDO Section 6-5(G) Site Plan – Administrative.

CONCLUSION

It is my official determination as ZEO that Battery Electric Storage Facilities—also referred to as BESS—are considered an Electric Utility land use under the IDO. In making this determination, Battery Electric Storage Facilities are subject to all Electric Utility Use-Specific Standards in IDO Subsection 14-16-4-3(E)(8), as well as all applicable Development Standards in Part 5 of the IDO – specifically all edge buffer landscaping requirements included in IDO Section 14-16-5-6(E). Standalone Battery Electric Storage Facilities are subject to Site Plan – Administrative review and approval pursuant to the criteria and procedures in IDO Section 6-5(G) Site Plan – Administrative.

Respectfully,

James M. Aranda, MCRP
Deputy Director and Zoning Enforcement Officer
Albuquerque Planning Department

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT ADMINISTRATION

600 2nd Street NW, 3rd Floor
Albuquerque, NM 87102
Tel: (505) 924-3339



May 22, 2023

Jim Strozier, FAICP
Consensus Planning, Inc.
302 Eighth St. NW
Albuquerque, NM 87102

Mr. Strozier:

Thank you for requesting a determination regarding the allowed use status and approval process for the proposed Oso Negro Battery Electric Storage Facility pursuant to the Integrated Development Ordinance (IDO). The proposed facility will be located at 7301 La Morada Pl NW. The subject site is zoned NR-C and located within the Ladera Business Park. The 116.6-acre Ladera Business Park received final approval by the DRB in 2004. The site was zoned SU-1 for Light Industrial Uses under the previous zoning code.

The May 31, 2001 determination letter from Zoning Enforcement Manager Ellen Concini you graciously furnished stated that the prior SU-1 Light Industrial zone designation corresponded to the IP zone in the former Comprehensive Zoning Code. Unfortunately, when the Integrated Development Ordinance (IDO) was adopted and became effective in 2018, the City Council adopted a new updated zoning map based upon a conversion of the old zoning designations. At that time of the zoning conversion, the zoning of this property was legislatively changed to the current NR-C (Non-Residential Commercial) designation based upon "light industrial" as a use, rather than an equivalent previous zoning district (such as IP). Light industrial corresponded with light manufacturing in the IDO and the NR-C Zone is the first district that allows light manufacturing permissively. This was a choice made by staff, and ultimately the City Council, with how to treat the entirety of the Ladera Business Park and the SU-1 Light Industrial zone. While it is theoretically possible that further discussion and knowledge of this zoning letter from 2001 might have influenced the zoning conversion in 2017-18, that is not what occurred. Therefore, it does not seem appropriate to administratively allow a different set of uses than what was applied through the legislatively adopted zoning map.

Based on the above consideration, it is my determination that the most appropriate process to allow uses of the NR-BP zone on the subject site would be via an application for a Zoning Map Amendment where the relevant decision-making bodies can review all available evidence and make an official change to the adopted zoning map. Please note that once the zoning is changed to allow the proposed use, Battery Electric Storage Facilities are subject to Site Plan – Administrative review and approval pursuant to the criteria and procedures in IDO Section 6-5(G) Site Plan – Administrative.

Please feel free to reach out if you have questions or require any additional information regarding this matter.

Respectfully,

James M. Aranda, MCRP
Deputy Director and Zoning Enforcement Officer,
Albuquerque Planning Department

APPLICANT INFORMATION



Please check the appropriate box and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application.

Administrative Decisions	Decisions Requiring a Public Meeting or Hearing	Policy Decisions
<input type="checkbox"/> Archaeological Certificate (Form P3)	<input type="checkbox"/> Site Plan – EPC including any Variances – EPC (Form P1)	<input type="checkbox"/> Adoption or Amendment of Comprehensive Plan or Facility Plan (Form Z)
<input type="checkbox"/> Historic Certificate of Appropriateness – Minor (Form L)	<input type="checkbox"/> Master Development Plan (Form P1)	<input type="checkbox"/> Adoption or Amendment of Historic Designation (Form L)
<input type="checkbox"/> Alternative Signage Plan (Form P3)	<input type="checkbox"/> Historic Certificate of Appropriateness – Major (Form L)	<input type="checkbox"/> Amendment of IDO Text (Form Z)
<input type="checkbox"/> Minor Amendment to Site Plan (Form P3)	<input type="checkbox"/> Demolition Outside of HPO (Form L)	<input type="checkbox"/> Annexation of Land (Form Z)
<input type="checkbox"/> WTF Approval (Form W1)	<input type="checkbox"/> Historic Design Standards and Guidelines (Form L)	<input type="checkbox"/> Amendment to Zoning Map – EPC (Form Z)
<input type="checkbox"/> Alternative Landscaping Plan (Form P3)	<input type="checkbox"/> Wireless Telecommunications Facility Waiver (Form W2)	<input type="checkbox"/> Amendment to Zoning Map – Council (Form Z)
		Appeals
		<input type="checkbox"/> Decision by EPC, DHO, LC, ZHE, or City Staff (Form A)

APPLICATION INFORMATION

Applicant: , LLC		Phone: (858) 414-1145
Address: 1780 Hughes Landing Blvd, Ste 675		Email: cknopp@pluspower.com
City: The Woodlands	State: TX	Zip: 77380
Professional/Agent (if any):		Phone:
Address:		Email:
City:	State:	Zip:
Proprietary Interest in Site:		List <u>all</u> owners:

BRIEF DESCRIPTION OF REQUEST

Zoning Map Amendment to allow development of a utility scale battery storage facility (BESS) within the Ladera Business Park.

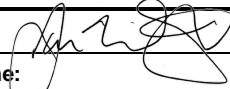
SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

Lot or Tract No.:	Block:	Unit:
Subdivision/Addition:	MRGCD Map No.:	UPC Code:
Zone Atlas Page(s):	Existing Zoning:	Proposed Zoning:
# of Existing Lots:	# of Proposed Lots:	Total Area of Site (acres):

LOCATION OF PROPERTY BY STREETS

Site Address/Street:	Between:	and:
----------------------	----------	------

CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

Signature: 	Date:
Printed Name:	<input type="checkbox"/> Applicant or <input type="checkbox"/> Agent

FOR OFFICIAL USE ONLY

Case Numbers	Action	Fees	Case Numbers	Action	Fees

Meeting/Hearing Date:	Fee Total:
Staff Signature:	Date: Project #

Form Z: Policy Decisions

Please refer to the EPC hearing schedule for public hearing dates and deadlines. Your attendance is required.

A single PDF file of the complete application including all plans and documents being submitted must be emailed to PLNDRS@cabq.gov prior to making a submittal. Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided on a CD.

☒ **INFORMATION REQUIRED FOR ALL POLICY DECISIONS (Except where noted)**

- ☒ Interpreter Needed for Hearing? No ☐ if yes, indicate language: _____
- ☒ Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)
- ☒ Letter of authorization from the property owner if application is submitted by an agent
- ☒ Traffic Impact Study (TIS) form (not required for Amendment to IDO Text)
- ☒ Zone Atlas map with the entire site/plan amendment area clearly outlined and labeled (not required for Amendment to IDO Text) NOTE: For Annexation of Land, the Zone Atlas must show that the site is contiguous to City limits.

☐ **ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN**

☐ **ADOPTION OR AMENDMENT OF FACILITY PLAN**

- ☐ Plan, or part of plan, to be amended with changes noted and marked
- ☐ Letter describing, explaining, and justifying the request per the criteria in IDO Sections 14-16-6-7(A)(3) or 14-16-6-7(B)(3), as applicable
- ☐ Required notices with content per IDO Section 14-16-6-4(K)(6)
 - ☐ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - ☐ Proof of emailed notice to affected Neighborhood Association representatives
 - ☐ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

☐ **AMENDMENT TO IDO TEXT**

- ☐ Section(s) of the Integrated Development Ordinance to be amended with changes noted and marked
- ☐ Justification letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(D)(3)
- ☐ Required notices with content per IDO Section 14-16-6-4(K)(6)
 - ☐ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - ☐ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing

☒ **ZONING MAP AMENDMENT – EPC**

☐ **ZONING MAP AMENDMENT – COUNCIL**

- ☒ Proof of Neighborhood Meeting per IDO Section 14-16-6-4(C)
- ☒ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(F)(3) or Section 14-16-6-7(G)(3), as applicable
- ☒ Required notices with content per IDO Section 14-16-6-4(K)(6)
 - ☒ Office of Neighborhood Coordination notice inquiry response, notifying letter, and proof of first class mailing
 - ☒ Proof of emailed notice to affected Neighborhood Association representatives
 - ☒ Buffer map and list of property owners within 100 feet (excluding public rights-of-way), notifying letter, and proof of first class mailing
- ☒ Sign Posting Agreement

☐ **ANNEXATION OF LAND**

- ☐ Application for Zoning Map Amendment *Establishment of zoning must be applied for simultaneously with Annexation of Land.*
- ☐ Petition for Annexation Form and necessary attachments
- ☐ Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-7(E)(3)
- ☐ Board of County Commissioners (BCC) Notice of Decision

I, the applicant or agent, acknowledge that if any required information is not submitted with this application, the application will not be scheduled for a public meeting or hearing, if required, or otherwise processed until it is complete.

Signature: 

Date: August 8, 2023

Printed Name: James K. Strozier, FAICP

☐ Applicant or ☒ Agent

FOR OFFICIAL USE ONLY

Project Number:

Case Numbers

-

-

-

Staff Signature:

Date:



UNSER/ 98TH STREET PTNS LLC

PO BOX 90548

Albuquerque, New Mexico 87199

July 28, 2023

City of Albuquerque Planning Department
600 North 2nd Street NW
Albuquerque, NM 87102

Re: Tract 7, Ladera Business Park, Unit 1

To whom it may concern:

As owner of the subject property, I hereby authorize Consensus Planning, Inc. to act as our agent regarding any zoning and entitlement applications related to the above referenced property located on La Morada Place NW, within the Ladera Business Park Master Plan. This approval covers all applications and meetings related to an amendment to the Zoning Map and subsequent approvals with City staff, the Environmental Planning Commission, Development Facilitation Team, and the Development Hearing Officer.

Please contact me if you have any questions or require any additional information.

Sincerely,



Bob Sparling
Unser/98th Partnership, LLC



City of Albuquerque

Planning Department
Development Review Services Division

Traffic Scoping Form (REV 12/2020)

Project Title: Plus Energy (BESS) **Building Permit #:** _____ **Hydrology File #:** _____
Zone Atlas Page: H-10 **DRB#:** _____ **EPC#:** Pre-Application **Work Order#:** _____
Legal Description: Tract 7, Ladera Business Park, Unit 1
City Address: La Morada Place NW
Applicant: Consensus Planning, Inc. **Contact:** Jim Strozier
Address: 302 Eighth Street NW
Phone#: (505) 764-9801 **Fax#:** _____ **E-mail:** cp@consensusplanning.com

Development Information

Build out/Implementation Year: 2024 **Current/Proposed Zoning:** Proposed NR-BP
Project Type: New: ☒ Change of Use: ☐ Same Use/Unchanged: ☐ Same Use/Increased Activity: ☐
Proposed Use (mark all that apply): Residential: ☐ Office: ☐ Retail: ☐ Mixed-Use: ☐ NA - Energy Facility
Describe development and Uses:
Utility scale battery storage (BESS) facility

Days and Hours of Operation (if known): NA - Unmanned Facility

Facility

Building Size (sq. ft.): There may be an unmanned maintenance/storage building
Number of Residential Units: NA
Number of Commercial Units: NA

Traffic Considerations

Expected Number of Daily Visitors/Patrons (if known):* Only as needed for maintenance.
Expected Number of Employees (if known):* NA
Expected Number of Delivery Trucks/Buses per Day (if known):* NA
Trip Generations during PM/AM Peak Hour (if known):* Not applicable for this type of facility
Driveway(s) Located on: Street Name La Morada Place NW

Adjacent Roadway(s) Posted Speed:	Street Name <u>La Morada Place NW</u>	Posted Speed <u>Not posted</u>
	Street Name <u>Vista Oriente NW</u>	Posted Speed <u>Not posted</u>

* If these values are not known, assumptions will be made by City staff. Depending on the assumptions, a full TIS may be required

Roadway Information (adjacent to site)

Comprehensive Plan Corridor Designation/Functional Classification: None
(arterial, collector, local, main street)

Comprehensive Plan Center Designation: None
(urban center, employment center, activity center)

Jurisdiction of roadway (NMDOT, City, County): City

Adjacent Roadway(s) Traffic Volume: NA Volume-to-Capacity Ratio: NA
(if applicable)

Adjacent Transit Service(s): Over 1/2 mile/Unser Nearest Transit Stop(s): Over 1/2 mile/Unser

Is site within 660 feet of Premium Transit?: No

Current/Proposed Bicycle Infrastructure: Multi Use Trail and Bike Lane along Unser Boulevard
(bike lanes, trails)

Current/Proposed Sidewalk Infrastructure: NA

Relevant Web-sites for Filling out Roadway Information:

City GIS Information: <http://www.cabq.gov/gis/advanced-map-viewer>

Comprehensive Plan Corridor/Designation: <https://abc-zone.com/document/abc-comp-plan-chapter-5-land-use> (map after Page 5-5)

Road Corridor Classification: <https://www.mrcog-nm.gov/DocumentCenter/View/1920/Long-Range-Roadway-System-LRRS-PDF?bidId=>

Traffic Volume and V/C Ratio: <https://www.mrcog-nm.gov/285/Traffic-Counts> and <https://public.mrcog-nm.gov/taqa/>

Bikeways: http://documents.cabq.gov/planning/adopted-longrange-plans/BTFP/Final/BTFP%20FINAL_Jun25.pdf (Map Pages 75 to 81)

TIS Determination

Note: Changes made to development proposals / assumptions, from the information provided above, will result in a new TIS determination.

Traffic Impact Study (TIS) Required: Yes [] No ☒ Borderline []

Thresholds Met? Yes [] No ☒

Mitigating Reasons for Not Requiring TIS: Previously Studied: []

Notes:

 P.E.

7/31/2023

TRAFFIC ENGINEER

DATE

Submittal

The Scoping Form must be submitted as part of any building permit application, DRB application, or EPC application. See the Development Process Manual Chapter 7.4 for additional information.

Submit by email to the City Traffic Engineer mgrush@cabq.gov . Call 924-3362 for information.

Site Plan/Traffic Scoping Checklist

Site plan, building size in sq. ft. (show new, existing, remodel), to include the following items as applicable:

1. Access -- location and width of driveways
2. Sidewalks (Check DPM and IDO for sidewalk requirements. Also, Centers have wider sidewalk requirements.)
3. Bike Lanes (check for designated bike routes, long range bikeway system) ([*check MRCOG Bikeways and Trails in the 2040 MTP map*](#))
4. Location of nearby multi-use trails, if applicable ([*check MRCOG Bikeways and Trails in the 2040 MTP map*](#))
5. Location of nearby transit stops, transit stop amenities (eg. bench, shelter). Note if site is within 660 feet of premium transit.
6. Adjacent roadway(s) configuration (number of lanes, lane widths, turn bays, medians, etc.)
7. Distance from access point(s) to nearest adjacent driveways/intersections.
8. Note if site is within a Center and more specifically if it is within an Urban Center.
9. Note if site is adjacent to a Main Street.
10. Identify traffic volumes on adjacent roadway per MRCOG information. If site generates more than 100 vehicles per hour, identify v/c ratio on this form.



September 29, 2023

Mr. David Schafer, Chair
City of Albuquerque Environmental Planning Commission
600 2nd Street NW
Albuquerque, NM 87102

RE: Request for a Zoning Map Amendment

Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102

(505) 764-9801
Fax 842-5495
cp@consensusplanning.com
www.consensusplanning.com

Dear Mr. Chairman:

The purpose of this letter is to request a Zoning Map Amendment – EPC on behalf of Oso Negro Energy Storage LLC. The subject site is legally described as Tract 7, Plat for Ladera Business Park Unit 1 and contains approximately 4.5 acres (Figure 1). The property is located at the eastern end of the cul-de-sac on La Morada Place NW. The subject site is currently zoned Non-Residential Commercial (“NR-C”). Oso Negro Energy Storage LLC requests a zone change to Non-Residential – Light Manufacturing (NR-LM) to accommodate the construction of a utility scale battery energy storage system (“BESS”). BESS is a permissive use in NR-LM.

The subject site meets NR-LM zoning requirements for the following reasons:

- *Land uses north of the subject site are consistent with the NR-LM zone (drainage and substation);*
- *The subject site will function as a transition between the existing Ladera Business Park and the substation to the north;*
- *NR-LM zoning is consistent with the uses in the area; and*
- *The NR-LM zone is the most appropriate zoning district for the proposed BESS facility, which furthers numerous comprehensive plan policies as enumerated above.*

Below we summarize in detail how the subject site meets the zoning amendment criteria in IDO section 14-16-6-7(G) and meets NR-LM zoning district requirements. Based on this analysis, we believe the request is subject to approval by the EPC as a Zoning Map Amendment – EPC and does not require City Council approval.



PRINCIPALS

James K. Strozier, FAICP
Jacqueline Fishman, AICP

ASSOCIATES

Ken Romig, PLA, ASLA

Figure 1 Site Location

PLANNING CONTEXT:

The subject site is located at the eastern edge of the Ladera Business Park. At the time the IDO was adopted, the zoning was changed from SU-1 for Light Industrial to NR-C. Prior to the IDO conversion, the Zoning Enforcement Manager, Ellen Concini issued a zoning determination letter dated May 31, 2001 that stated that the equivalent zoning for the Ladera Business Park is the Industrial Park (IP) zone. After the initial zoning conversion, the IDO was amended as part of the IDO-2021 annual update (effective July 28, 2022) to address BESS . It was determined that BESS is a permissive use in NR-BP, NR-LM, and NR-GM. While NR-BP is the IDO equivalent of the IP zone from the City’s previous zoning code, the NR-LM zone has very similar permissive uses, but does not include a 20 acre minimum size requirement. The subject site is less than 20 acres.

After meeting with City Planning Staff and the current Zoning Enforcement Officer, James Aranda, it was determined that “the most appropriate process to allow uses of the NR-BP zone on the subject site would be via an application for a Zoning Map Amendment changing the zoning from NR-C to NR-BP”. Copies of the 2001 and 2023 letters are attached to this letter and included in the application for reference. NR-BP would be an ideal zone for this subject site, which is why our initial zoning map amendment application requested a change to the NR-BP zone. However, the subject site does not meet the NR-BP zone’s size criteria. The subject site does meet the NR-LM size criteria. . Therefore, we respectfully request that the City designate the subject site to be in the NR-LM zoning district.

Additionally, the subject site is located in a City Development Area of Change. The Comprehensive Plan defines Areas of Change to “encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area”. The subject site is not located adjacent to any residential zones or land uses and is surrounded by existing industrial uses and large drainage and utility easements. Therefore, the proposed NR-LM zone is compatible with the adjacent commercial zone (including NR-BP located just north of the drainage channel) and the surrounding industrial land uses and will not negatively impact surrounding properties.

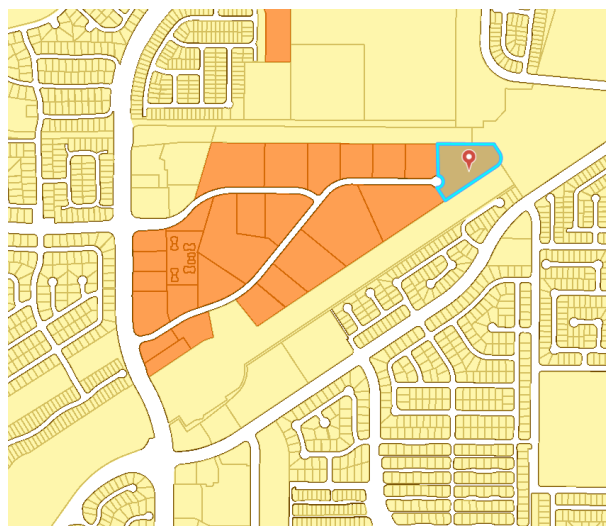
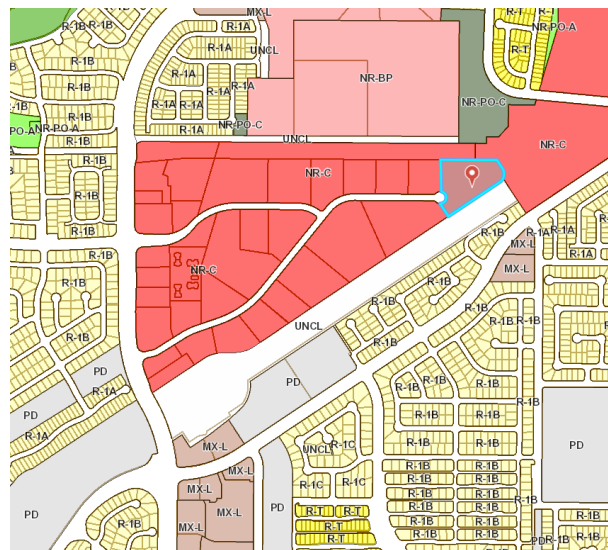


Figure 2 Area of Change (orange)

ZONING AND LAND USE:

The subject site is currently zoned NR-C. The purpose of the NR-C zone district is to accommodate medium-scale retail, office, commercial, and institutional uses, particularly where additional residential development is not appropriate or not desired because of a deficit of jobs or services in relation to housing units in the area. Primary land uses include a wide spectrum of retail and commercial uses intended to serve both neighborhood and area-wide needs, as well as some light industrial uses. The IDO discusses that the NR-LM zone district is to accommodate moderate-intensity commercial, light assembly, fabrication, and manufacturing uses, while buffering adjacent lower-intensity, residential and mixed-use zone districts from traffic, noise, and other impacts of those uses. Allowable uses include a wide variety of office, commercial, research, industrial, distribution, showroom, processing, and institutional uses. While the Ladera Business Park was converted to the NR-C zone, based on the prior approval of the Site Plan for the Ladera Business Park (a Master Development Plan), the appropriate zone for this property is NR-LM.

The area to the north of the property is zoned NR-BP and is home to PNM's West Mesa Substation, which is why this property is suitably located for a BESS facility. The BESS will interconnect to PNM's West Mesa Substation. The land south of the drainage channel (approximately 250 feet) is zoned R-1. The land west of the subject site is part of the Ladera Business Park and is zoned NR-C. Land east, north, and south of the subject site are existing drainage facilities, which are zoned either unclassified parcels or NR-C (Figure 3).



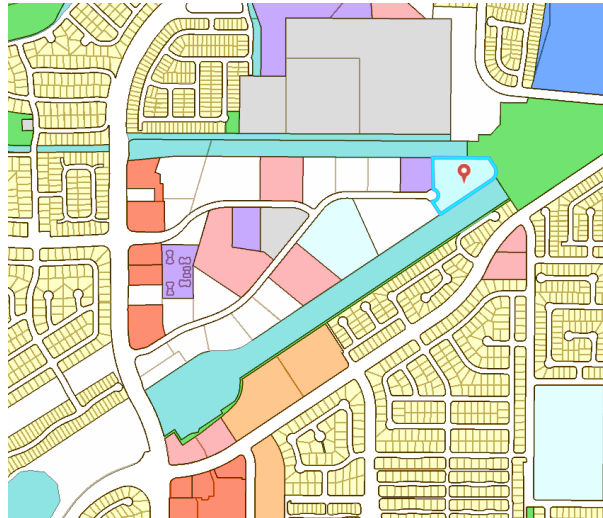


Figure 4 Surrounding Land Uses

TABLE 1. Surrounding Zoning and Land Use		
NORTH	NR-BP	Existing PNM Substation and drainage
SOUTH	R-1 and Unclassified	Drainage and single-family homes
EAST	NR-C	Drainage
WEST	NR-C	Commercial, RV storage, vacant and Industrial

THE REQUEST

The request is seeking approval for a Zoning Map Amendment to change the current NR-C zoning to NR-LM for the 4.5-acre subject site. The subject site is located within an industrial area that is adjacent to several large drainage channels and a drainage pond. The requested NR-LM zone district will create consistency between the adjacent parcel to the north which is zoned NR-BP.

INTEGRATED DEVELOPMENT ORDINANCE JUSTIFICATION CRITERIA

The following explanation summarizes how the request for a Zoning Map Amendment meets the IDO criteria pursuant to IDO Section 14-16-6-7(G) Zoning Map Amendment – EPC.

6-7(G)(3) An application for a Zoning Map Amendment shall be approved if it meets all of the following criteria:

6-7(G)(3)(a): The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering (and not being in conflict with) a preponderance of applicable Goals and Policies in the ABC Comprehensive Plan, as amended, and other applicable plans adopted by the City.

Applicant response: *The proposed zone change is consistent with the health, safety, and general welfare of the City as shown by furthering the City's goals and policies listed below:*

ALBUQUERQUE/BERNALILLO COUNTY COMPREHENSIVE PLAN

This request is aligned with the scale, character, and current land uses of the surrounding area. Approval of the requested zone change from NR-C to NR-LM is advantageous to the surrounding communities as conveyed by the ABC Comprehensive Plan. The following section provides an analysis of the relevant ABC

Comprehensive Plan goals and policies that confirm the advantages of the proposed zone change for the surrounding communities.

Goal 4.1 Character: Enhance, protect, and preserve distinct communities.

Applicant Response: *This request helps to enhance, protect, and preserve distinct communities because the property is within the Ladera Business Park Master Plan, and the proposed NR-LM zone is an appropriate zoning district. There are no residential neighborhoods adjacent to the subject site.*

Policy 4.1.1 Distinct Communities: Encourage quality development that is consistent with the distinct character of the communities.

Applicant Response: *This request helps to encourage clean energy development that is consistent with the distinct character of this sub-area of the community because the surrounding land uses are business park uses and the PNM West Mesa Substation. If approved, the NR-LM zone district is the appropriate zoning designation for a BESS facility that will support the continued safe and reliable distribution of electricity on the power grid that is now relying more and more on intermittent power. A BESS facility in this location is consistent with the distinct industrial character planned for and established within the Ladera Business Park and adjacent utility uses to the north, with minimal to no typical undesirable industrial use impacts (noise, visual impact, emissions, traffic).*

Goal 5.3 Efficient Development Patterns: Promote development that maximizes the utility of existing infrastructure and public facilities and the efficient use of land to support the public good.

Applicant Response: *This request helps to promote development that maximizes the utility of existing infrastructure because the subject site is an infill parcel that is connected to existing infrastructure and public facilities. Connectivity to the site is provided by existing local roadways with infrastructure in place. The proposed NR-LM zone district will allow construction of a needed energy management facility providing critical electric grid infrastructure and services to the adjacent PNM West Mesa substation. The property's height will not exceed approximately 9 feet, will be behind a secure wall, and is located away from existing residential zoning.*

Policy 5.3.1 Infill Development: Support additional growth in areas with existing infrastructure and public facilities.

Applicant Response: *This request helps to support additional growth in areas with existing infrastructure and public facilities because the subject site is an infill parcel that is connected to existing roads, sidewalks, and public utilities (PNM Substation). Furthermore, it provides a critical management tool for sustained delivery of electric power (including new solar generated power) serviced by the PNM Substation that would be required by any additional growth in the area (reliable electricity attracts development).*

Goal 5.6 City Development Areas: Encourage and direct growth to Areas of Change where it is expected and desired and ensure that development in and near Areas of Consistency reinforces the character and intensity of the surrounding area.

Applicant Response: *The subject site is located entirely within an Area of Change. This request helps to ensure that development in the Area of Change allows for appropriate new development that reinforces the existing character and intensity of the surrounding area because the subject site is located in an established industrial*

and commercial service area and buffered from nearby residential zones. Additionally, the allowable uses in the NR-LM zone are complementary to the existing character and intensity of the surrounding Ladera Business Park., NR-LM zone is consistent with the surrounding character of development (including the Ladera Business Park and PNM West Mesa substation) and will benefit from the existing drainage buffers between the development and the residential Area of Consistency.

Goal 12.1 Infrastructure: Plan, coordinate, and provide for efficient, equitable, and environmentally sound infrastructure to support existing communities and the Comp Plan's vision for future growth.

Applicant Response: *The development of a state-of-the-art BESS facility will provide for efficient, equitable, and environmentally sound power management to assist PNM in the storage and distribution of energy to serve the community. It produces no emissions, almost no noise, and requires no water for operation. Recognizing the critical aspects of emergency services, the applicant and their consultants met with Lt. Brian Barnes from the Fire Marshal's office on April 21, 2023, to review the project and appropriate emergency response to BESS facilities.*

POLICY 12.1.6 Energy Systems: Coordinate with energy providers to safeguard essential infrastructure to serve existing development and ensure a safe, adequate, and reliable supply to support growth.

- a) Maintain an economical and environmentally-sound supply of energy through energy conservation and the use of alternative and renewable energy sources.
- b) Communicate with energy service providers about new development proposals and growth trends to optimize the efficiency of the development process and long-term planning for the community's energy needs.

Applicant Response: *The proposed BESS facility works directly with PNM and provides an integral part of the infrastructure necessary to ensure a safe, adequate, and reliable energy supply and enhances PNM's ability to utilize renewable energy and implement the State's Energy Transition Act to assist in long-term planning for energy needs and the use of clean energy technologies.*

6-7(G)(3)(b) If the subject property is located partially or completely in an Area of Consistency (as shown in the ABC Comprehensive Plan, as amended), the applicant has demonstrated that the new zone would clearly reinforce or strengthen the established character of the surrounding Area of Consistency and would not permit development that is significantly different from that character. The applicant must also demonstrate that the existing zoning is inappropriate because it meets any of the following criteria.

1. There was typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site.
3. A different zone district is more advantageous to the community as articulated by the ABC Comprehensive Plan, as amended (including

implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant Response: *The subject site is located entirely in an Area of Change; therefore, this criterion does not apply.*

6-7(G)(3)(c) If the subject property is located wholly in an Area of Change (as shown in the ABC Comp Plan, as amended) and the applicant has demonstrated that the existing zoning is inappropriate because it meets any of the following criteria:

1. There was a typographical or clerical error when the existing zone district was applied to the property.
2. There has been a significant change in neighborhood or community conditions affecting the site that justifies this request.
3. A different zone district is more advantageous to the community as articulated by the ABC Comp Plan, as amended (including implementation of patterns of land use, development density and intensity, and connectivity), and other applicable adopted City plan(s).

Applicant Response: *The subject site is located wholly in an Area of Change and the requested NR-LM will reinforce the existing character and intensity of the area because the subject property is within the boundary of an existing business park master development plan. The existing zoning district, NR-C, is inappropriate since it is not consistent with the original intent of the zoning and uses as defined in the Ladera Business Park Master Plan. Amending the subject site to NR-LM I will return the site to a zoning district consistent with the intent of the original Sector Plan and Business Park Master Plan.*

This request further meets criterion 3 because the proposed NR-LM zone is more advantageous to the community as shown per the policy analysis provided above and because it will create consistency with the original intent of the Ladera Business Park Master Plan. The change to NR-LM will allow the development of a new BESS facility adjacent to the existing PNM West Mesa Substation. The area between the subject site and the substation is a drainage easement and right-of-way. Since the subject site is an infill parcel that is not adjacent to any residential zones, the NR-LM zone is more advantageous to the community because it will ensure that allowable uses such as the BESS facility and other industrial uses are kept away from residents. PNM, as a public electric utility serving Albuquerque residents, released a request for proposals for projects to grow and stabilize its electric grid.

Part of this request emphasized the public need for projects to improve reliability and stability of the grid in Albuquerque's West Mesa. The planned BESS project directly satisfies this need by providing storage of energy in conjunction with the PNM West Mesa Substation, which will provide greater responsiveness and stability at the source. A BESS facility will also improve PNM's flexibility to use intermittent energy. In reviewing potential locations that could meet this need, Oso Negro Energy Storage LLC identified that proximity to the substation is critical. The subject site is uniquely situated for the BESS project.

6-7(G)(3)(d) The requested zoning does not include permissive uses that would be harmful to the neighborhood or the community. As stated previously, the NR-LM

zone is consistent with the original Sector Plan, zoning (SU-1 for Light Industrial), and Master Development Plan for the Ladera Business Park.

Applicant Response: *The requested NR-LM zoning does not include permissive uses that would be harmful to adjacent properties, neighborhoods, or communities because there are no adjacent neighborhoods or residential communities, and the surrounding context is an established industrial/business park area.*

The permissive, conditional, accessory, and temporary uses are very similar between NR-C and NR-LM. The following table shows the limited uses that are different between NR-C and NR-LM.

P = Permissive Primary C = Conditional Primary A = Permissive Accessory
CA = Conditional Accessory CV = Conditional if Structure Vacant for 5+ years
T = Temporary CT = Conditional Temporary Blank Cell = Not Allowed

Allowable Use	NR-C	NR-LM
General Agriculture		P
Adult Entertainment*		P
Heavy vehicle and equipment sales, Rental, fueling, and repair	P	P
Health club or gym	P	P
Blood services facility	C	P
Adult retail*		P
Art gallery	P	P
General Retail Medium	P	C
Grocery store	P	P
Freight terminal or dispatch center		P
Helipad	A	P
Park and Ride Lot	C	C
Railroad yard		P
Salvage yard		C
Outdoor storage	C	P
Outdoor Animal Run	CA	A
Open air market	T	

**Adult uses are not permitted in the Ladera Business Park per the neighborhood agreement that was completed, signed, and recorded as part of the original approval of the Ladera Business Park.*

6-7(G)(3)(e) The City's existing infrastructure and public improvements, including but not limited to its street, trail, and sidewalk systems, meet any of the following criteria:

1. Have adequate capacity to serve the development made possible by the change of zone.

2. Will have adequate capacity based on improvements for which the City has already approved and budgeted capital funds during the next calendar year.
3. Will have adequate capacity when the applicant fulfills its obligations under the IDO, the DPM, and/or an Infrastructure Improvements Agreement (IIA).
4. Will have adequate capacity when the City and the applicant have fulfilled their respective obligations under a City approved Development Agreement between the City and the applicant.

Applicant Response: This request meets criterion 1 because the subject site is an infill parcel that is well-connected to existing city infrastructure. There are existing sidewalks and roadways as well as nearby connectivity to I-25 via Unser Boulevard, and access to public utilities including water, sewer, and electric. Additionally, there is an existing multi-use trail on the east side of Unser Boulevard. The infrastructure within the Ladera Business Park was constructed by the master developer and not the City.

6-7(G)(3)(f) The applicant's justification for the Zoning Map Amendment is not completely based on the property's location on a major street.

Applicant's Response: This request is not based on the property's location on a major street because the subject site is not located on a major street. Rather, the justification for the proposed zone change is based on the advantages it will bring to the community by locating a new BESS facility adjacent to the PNM substation and away from established and emerging residential communities. It is also important to note that while the property is not located on a major street, the access into the Ladera Business Park is from Unser Boulevard and there are no street connections through any of the adjacent residential neighborhoods.

6-7(G)(3)(g) The applicant's justification is not based completely or predominantly on the cost of land or economic considerations.

Applicant's Response: This request is not based on the cost of land or other economic considerations rather the request is based on the numerous advantages it proposes for the community by locating a BESS facility within an existing business park that is separated from residential areas. Additionally, the request is based on the site's connectivity to existing power infrastructure. The BESS facility will improve the City's power resiliency and facilitate the efficient use of intermittent energy.

6-7(G)(3)(h) The Zoning Map Amendment does not apply a zone district different from surrounding zone districts to one small area or one premise (i.e. create a "spot zone") or to a strip of land along a street (i.e. create a "strip zone") unless the requested zoning will clearly facilitate implementation of the ABC Comprehensive Plan, as amended, and at least one of the following applies:

1. The subject property is different from the surrounding land because it can function as a transition between adjacent zone districts.
2. The subject property is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
3. The nature of structures already on the subject property makes it unsuitable for the uses allowed in any adjacent zone district.



Applicant Response: *This request will create a spot zone; however, it is a justifiable spot zone because:*

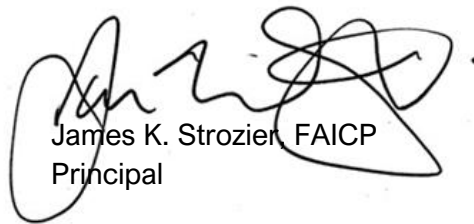
- Land uses north of the subject site are consistent with the NR-LM zone (drainage and substation);
- The subject site will function as a transition between the existing Ladera Business Park and the substation to the north;
- NR-LM zoning is consistent with the uses in the area; and
- The NR-LM zone is the most appropriate zoning district for the proposed BESS facility, which furthers numerous comprehensive plan policies as enumerated above.

Conclusion

We request a Zoning Map Amendment to change the subject site's zoning from NR-C to NR-LM. The subject site is located in an existing business park with prior approval of a Master Development Plan and is adjacent to the existing PNM West Mesa Substation (north of the intervening drainage channel). This zone change will facilitate the community's transition to sustainable energy tied directly to the PNM West Mesa Substation and electric grid. The subject site is located entirely in an Area of Change and the request facilitates new development in an area served by existing infrastructure.

Based on the information provided in this report, including explanations regarding how the request meets and/or is consistent with numerous Comprehensive Plan goals and policies, we respectfully request your approval to change the subject site's zoning district from NR-C to NR-LM.

Sincerely,



James K. Strozien, FAICP
Principal

Attachments: May 31, 2001 Letter from Ellen Concini, Zoning Enforcement Manager
May 22, 2023 Letter from James M. Aranda, Zoning Enforcement Officer

STAFF INFORMATION

August 28, 2023

TO: James K. Strozier, FAICP
Consensus Planning, Inc.

FROM: Seth Tinkle, Planner
City of Albuquerque Planning Department

TEL: (505) 924-3345

RE: PR-2023-009701, Ladera Business Park ZMA

I've completed a first review of the proposed zoning map amendment. I would like to discuss the request and have a few questions. I am available to answer questions about the process and requirements. Please provide the following:

⇒ A revised project letter (one electronic copy)

by 12 pm on August 31, 2023.

Note: If you have difficulty with this deadline, please let me know.

1) Introduction:

- A. Though I've done my best for this review, additional items may arise as the case progresses. If so, I will inform you immediately.
- B. This is what I have for the legal description:
 - a. All or a portion of Tract 7, Ladera Business Park, located at 7301 La Morada, between Vista Oriente NW, and East Cul-de-Sac NW, approximately 4.5 acre (H-10)
- C. It is my understanding that you have submitted a zoning map amendment request from NR-C to NR-BP for Tract 7 within the Ladera Business Park to allow the development of a utility scale battery storage facility (BESS) within the Ladera Business Park.
- D. Zone changes must be consistent with the health, safety, and general welfare of the City as shown by furthering a preponderance of applicable Goals and Policies in the ABC Comprehensive Plan, as amended, and other applicable plans adopted by the City.
- E. The justification letter currently contains insufficient responses to Criterion A, C, D, and H. These responses will need to be revised based upon the information located in this memo.

2) Process:

- A. Information regarding the EPC process, including the calendar and current Staff reports, can be found at: <http://www.cabq.gov/planning/boards-commissions/environmental-planning-commission>
- B. Timelines and EPC calendar: the EPC public hearing for September is on the 21st. Final staff reports will be available about one week prior, on September 14th.
- C. I will email you a copy of the agency comments once they are received and will forward any late ones to you.

3) Notification & Neighborhood Issues:

Notification requirements for a zone change are explained in Section 14-16-6-4(K), Public Notice (IDO, p. 378). The required notification consists of: i) an offer of neighborhood meeting, ii) an emailed letter to neighborhood representatives indicated by the ONC, iii) a mailed letter (first-class) to property owners within 100 feet of the subject site, and iv) yellow sign posting.

- A. It appears that the applicant has provided notice of the application to all eligible Neighborhood Association representatives and adjacent property owners via certified mail and email as required by the IDO.
- B. It appears that no pre-submittal neighborhood meeting was requested, however, questions were received regarding the height of the structures, distance to the dog park, security, noise generation, and emissions. It appears that each of these questions were answered.
- C. Please let me know if you receive any additional comments. If you do, these will be included in our staff report.
- D. The sign posting period is 15 days prior and after the EPC hearing date from Wednesday September 6, 2023 to Friday October 16, 2023.

4) Project Letter:

- A. The project letters are off to a good start, though I have revisions to some sections of narrative and several of the responses to Criterion. Specifically, responses to Criterion A, C, D, and H will need to be reworked in a revised justification letter. The specifics of these revisions are discussed below.
- B. The narrative in the **Zoning and Land Use** section (p. 2-4) needs to reflect that the property located to the north of the subject site is zoned NR-C. It is fine to include context about nearby properties zoned NR-BP, but all surrounding properties are zoned NR-C, with the exception of the unclassified diversion channel bordering the subject site to the south. This should be reflected in both the narrative and accompanying visuals and graphics.

- C. The last sentence in the **The Request** section (p. 4) contains an error. It states that “the requested NBP zone district will create consistency between the abutting parcel to the east which is zone NR-BP.” The parcel to the east is zoned NR-C and this is reflected in the table provided in the justification letter.

5) Justification Criteria, goals & policies:

- A. The task in a zone change justification is to choose applicable Goals and Policies from the Comprehensive Plan and demonstrate how the request furthers each applicable Goal and Policy. Furthering is shown by providing explanations using “because” statements and tailoring the response to match the wording of the Goal or Policy.

- B. Please note: Responding to the zone change criteria is more of a legal exercise than anything else. It is critical to “hit the nail on the head” both conceptually and in terms of form. This can be done by:

1. answering the questions in the customary way
2. using conclusory statements such as “because_____”.
3. re-phrasing the requirement itself in the response, and
4. choosing an option when needed to respond to a requirement.

- C. Criterion A: Please revise your response to Criterion A in your justification letter based on the following information:

1. This request would create a “spot zone,” so the justification letter must “clearly facilitate” implementation of the ABC Comp Plan throughout. Therefore, the response needs to cite more applicable Goals and policies to show that the request “clearly facilitates” implementation of the ABC Comp Plan.

- D. Criterion C: Please revise your response to Criterion C in your justification letter based on the following information:

1. The conversion from SU-1 to NR-C was not the result of a typographical or clerical error. Rather, the conversion was pursuant to City Council’s conversion rules at that time. This narrative should be excluded from your revised justification letter.
2. The response simply needs to demonstrate that a different zone district is more advantageous to the community as articulated by the ABC Comp Plan. This is adequately demonstrated in the second paragraph of the applicant’s response to Criterion C. This narrative should be kept in your revised justification letter.

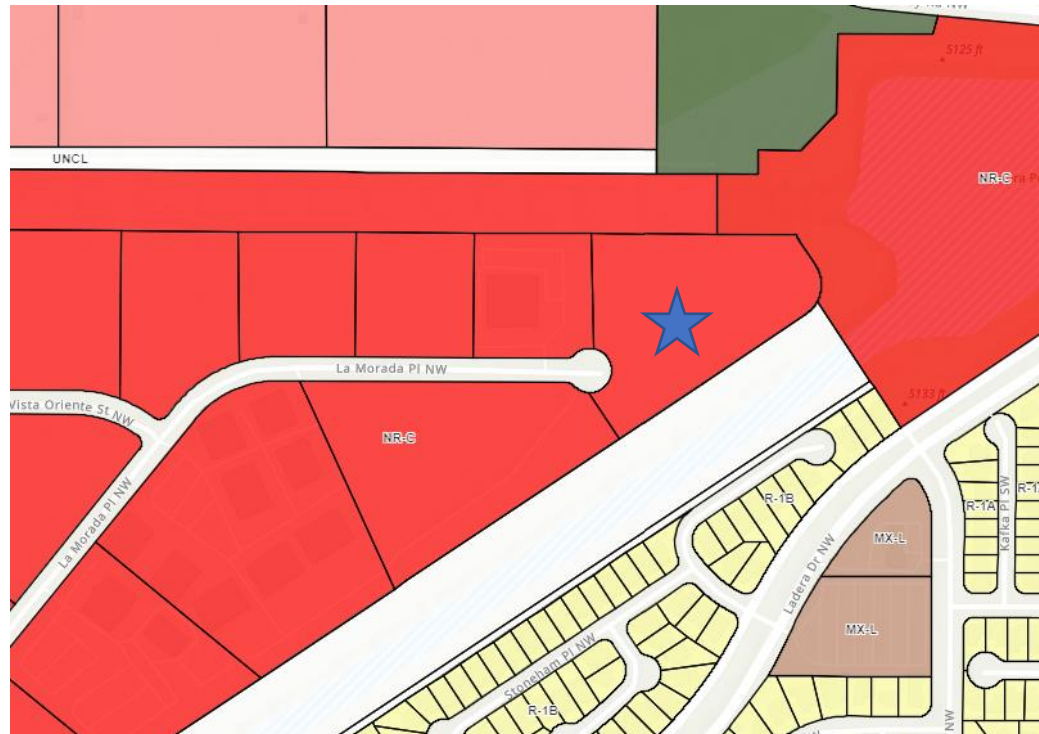
- E. Criterion D: Your responses to Criterion D need to be reworked, with the following information addressed:

1. The response to Criterion D is currently insufficient because it does not discuss harm or the mitigation of potential harm through the Use-specific Standards

located within the IDO. Your revised response should discuss how these Use-specific Standards would mitigate or eliminate potentially harmful uses that would be made permissive in the NR-BP zone district.

F. Criterion H: Please revise your response to Criterion H in your justification letter based on the following information:

1. According to the IDO, this request would result in a “spot zone,” wherein the zoning map amendment would “apply a zone district different from surrounding zone districts to one small area or one premises.” According to the Merriam-Webster Dictionary, “surrounding” is defined as “to enclose on all sides.” For the purpose of our analysis, we interpret “surrounding” to include only the parcels that directly border (and thus enclose) the subject site. Every parcel “surrounding” the subject site is zoned NR-C with the exception of the unclassified diversion channel bordering the subject site to the south.



2. Because this request would create a “spot zone,” your revised response must “clearly facilitate implementation of the ABC Comp Plan, as amended,” and include one of the following criteria, as applicable:
 1. The subject property is different from surrounding land because it can function as a transition between adjacent zone district.
 2. The subject property is not suitable for the uses allowed in any adjacent zone district due to topography, traffic, or special adverse land uses nearby.
 3. The nature of structures already on the subject property makes in unsuitable for the uses allowed in any adjacent zone district.

Relevant Communications

TR Tinkle, Seth R.
To: Jim Strozier <cp@consensusplanning.com>
Cc: Jones, Megan D.; Lehner, Catalina L.
Tue 9/5/2023 4:02 PM

Agency Comments-PR-2023-...
74 KB

Hi Jim,

I've attached a compilation of agency comments to this email.

Please reference the agency comment received from APS (highlighted with red text) regarding eligibility for rezoning to NR-BP. According to section 14-16-2, 2-5(B)(3)(a) of the IDO, "the minimum total contiguous area eligible for an NR-BP zone designation is 20 acres." Because the subject site is roughly 4.5 acres, this would make the site ineligible for a zone conversion from NR-C to NR-BP.

I immediately brought this issue to the attention of Megan and Catalina once recognizing it, and upon discussion, we believe that it would be most appropriate for you to revise the request from NR-BP to NR-LM, which would also accommodate the future desired uses on this site. Would you be open to revising your request in this manner?

Since we caught this issue late in the process, please let us know if you would like to discuss options moving forward since a zone change to NR-BP will not be possible. Please see allowable use Table 4-2-1 and the letter from James Aranda determining the battery Storage Facility as a permissive use in the NR-BP, NR-LM or NR-GM zone districts.

JS Jim Strozier <cp@consensusplanning.com>
To: Tinkle, Seth R.
Cc: Jones, Megan D.; Lehner, Catalina L.
Tue 9/12/2023 4:20 PM

L - ZMA Amendment and De...
108 KB

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Seth,

See the attached letter. As you might imagine, our client wants to make sure that they understand these next steps and what the change in zoning category means for the process. Both Jenica Jacobi with Rodey Law Firm and I met with them this afternoon. They are comfortable moving forward.

Let me know if you have any questions.

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

JS Jim Strozier <cp@consensusplanning.com>
To: Tinkle, Seth R.
Cc: Jones, Megan D.
Tue 10/3/2023 8:43 AM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Thanks Seth.

That makes perfect sense. The sign is being posted tomorrow and we will send a photo. We are also doing a courtesy re-notification to the property owners and NAs to make sure they are aware of the deferral and the change to our request.

Also, please let me know if you receive any comments or questions from any of the agencies or the public.

Thanks.

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

JS Jim Strozier <cp@consensusplanning.com>
To: Jones, Megan D.; Tinkle, Seth R.
Fri 9/29/2023 2:09 PM

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Also, FYI I reached out to APS to see if they had any additional concerns or if they would like to meet and get a briefing on the project. I also spoke with Kizito Wijenje and he wasn't aware of any concerns. They have not responded and requested any additional information or a meeting.

Please let me know if anyone reaches out with any questions or concerns. We are happy to follow up with them.

Thank you.

Jim Strozier, FAICP
Consensus Planning, Inc.
302 8th Street NW
(505) 764-9801

NOTIFICATION

From: Carmona, Dalaina L.
To: Jim Strozier
Subject: 7301 La Morada Place NW Public Notice Inquiry Sheet Submission
Date: Monday, August 7, 2023 8:22:58 AM
Attachments: jmaoe001.png
jmaoe002.png
jmaoe003.png
jmaoe004.png
jmaoe007.png
PN172nnb814ePage_H-10.pdf

PLEASE NOTE:

The neighborhood association contact information listed below is valid for 30 calendar days after today's date.

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

Association Name	First Name	Last Name	Email	Address Line 1	City	State	Zip	Mobile Phone	Phone
Ladera West NA	Hope	Eckert	heckert@swcp.com	3300 Ronda De Lechusas NW	Albuquerque	NM	87120		5054808580
Ladera West NA	Steven	Collins	sicnalbq@aol.com	7517 Vista Alegre Street	Albuquerque	NM	87120	5052694604	5053441599
Westside Coalition of Neighborhood Associations	Elizabeth	Haley	elizabethkayhaley@gmail.com	6005 Chaparral Circle NW	Albuquerque	NM	87114	5054074381	
Westside Coalition of Neighborhood Associations	Rene	Horvath	aboard111@gmail.com	5515 Palomino Drive NW	Albuquerque	NM	87120	5059852391	5058982114

The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, pre-construction meetings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: devhelp@cabq.gov, or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

Please note the following:

- You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project.
- Please use this online link to find the required forms you will need to submit your permit application: <https://www.cabq.gov/planning/urban-design-development/public-notice>.
- The Checklist form you need for notifying neighborhood associations can be found here: https://documents.cabq.gov/planning/online-forms/PublicNotice/CABQ-Official_public_notice_form-2019.pdf.
- The Administrative Decision form you need for notifying neighborhood associations can be found here: <https://documents.cabq.gov/planning/online-forms/PublicNotice/Emailed-Notice-Administrative-Print&Fill.pdf>.
- Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

If your application requires you to offer a neighborhood meeting, you can click on this link to find required forms to use in your e-mail to the neighborhood association(s):

<http://www.cabq.gov/planning/urban-design-development/neighborhood-meeting-requirement-in-the-integrated-development-ordinance>

If your application requires a pre-application or pre-construction meeting, please plan on utilizing virtual platforms to the greatest extent possible and adhere to all current Public Health Orders and recommendations. The health and safety of the community is paramount.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each:

<https://ido.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>

Thank you.



Dalaina L. Carmona

Senior Administrative Assistant
Office of Neighborhood Coordination
Council Services Department
1 Civic Plaza NW, Suite 9087, 9th Floor
Albuquerque, NM 87102
505-768-3334
dlcarmona@cabq.gov or ONC@cabq.gov
Website: www.cabq.gov/neighborhoods



Confidentiality Notice: This e-mail, including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited unless specifically provided under the New Mexico Inspection of Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

From: webmaster@cabq.gov <webmaster@cabq.gov>
Sent: Sunday, August 6, 2023 1:21 PM
To: Office of Neighborhood Coordination <cp@consensusplanning.com>
Cc: Office of Neighborhood Coordination <onc@cabq.gov>
Subject: Public Notice Inquiry Sheet Submission

[EXTERNAL] Forward to phishing@cabq.gov and delete if an email causes any concern.

Public Notice Inquiry For:

Environmental Planning Commission

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

Contact Name

Jim Strozier

Telephone Number

5057649801

Email Address

cp@consensusplanning.com

Company Name

Consensus Planning, Inc.
Company Address
302 8th Street NW
City
Albuquerque
State
NM
ZIP
87102
Legal description of the subject site for this project:
Lot 7, Unit 1, Ladera Business Park
Physical address of subject site:
7301 La Morada Place NW
Subject site cross streets:
East end of La Morada Place NW
Other subject site identifiers:
Vacant
This site is located on the following zone atlas page:
H-10
Captcha
x

From: [Jim Strozier](#)
To: heckert@swcp.com; slcnalbg@aol.com; elizabethkayhaley@gmail.com; aboard111@gmail.com
Subject: IDO Notice of Application for ZMA - EPC
Date: Tuesday, August 8, 2023 8:38:00 AM
Attachments: [Emailed Mailed Notice of EPC Hearing.pdf](#)

Dear Neighborhood Representatives,

This email is notification that Consensus Planning is preparing a Zone Map Amendment application on behalf of Plus Power to the Environmental Planning Commission (EPC) for the property located at the east end of La Morada Place NW (which is currently vacant) and located within the Ladera Business Park (see attached Zone Atlas Map).

The project will have to comply with the design standards provided within the Ladera Business Park and all the necessary infrastructure needed to support this project was built as part of the business park plans. The subject property is legally described as *Tract 7 Plat for Ladera Business Park Unit 1 containing 4.4847 acres*. The property is currently zoned Non-Residential – Commercial (NR-C). Our request will be to change the zoning from NR-C to Non-Residential Business Park (NR-BP).

The applicant is proposing to develop a battery energy storage system (BESS) that will help store and manage energy and help to stabilize PNM's power grid. This use is not considered an electric generation facility but is not a permitted use within the NR-C zone. The property to the north is the site of the PNM sub-station, which is currently zoned NR-BP. This BESS facility needs to be located in close proximity to the existing substation. The nearest residential property is over 240 feet away. If approved, this facility will support Albuquerque's clean energy infrastructure and continue New Mexico's leadership in energy independence. The property will be completely secured with a secure fence and the battery storage units are less than 10 feet in height. The project will generate minimal traffic or noise.

As part of the IDO regulations, we are providing you an opportunity to discuss the application prior to submittal. Should you desire to request a meeting regarding this request, please do not hesitate to email us at cp@consensusplanning.com or contact us by phone at 505-764-9801. Per the IDO, you have 15 days to request a meeting. If you do not want to schedule a meeting, please let us know so that we can continue our application process.

Jim Strozier, FAICP

Consensus Planning, Inc.

302 8th Street NW

(505) 764-9801

From: [Mail Delivery Subsystem](#)
To: heckert@ebi5.swcp.com
Subject: Delivered: IDO Notice of Application for ZMA - EPC
Date: Tuesday, August 8, 2023 8:38:33 AM
Attachments: [IDO Notice of Application for ZMA - EPC.msg](#)

Your message has been delivered to the following recipients:
heckert@ebi5.swcp.com <<mailto:heckert@ebi5.swcp.com>>
Subject: IDO Notice of Application for ZMA - EPC

From: [Microsoft Outlook](#)
To: elizabethkayhaley@gmail.com; aboard111@gmail.com
Subject: Relayed: IDO Notice of Application for ZMA - EPC
Date: Tuesday, August 8, 2023 8:38:25 AM
Attachments: [IDO Notice of Application for ZMA - EPC.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
elizabethkayhaley@gmail.com (elizabethkayhaley@gmail.com) <<mailto:elizabethkayhaley@gmail.com>>
aboard111@gmail.com (aboard111@gmail.com) <<mailto:aboard111@gmail.com>>
Subject: IDO Notice of Application for ZMA - EPC

From: [Microsoft Outlook](#)
To: slcnalbq@aol.com
Subject: Relayed: IDO Notice of Application for ZMA - EPC
Date: Tuesday, August 8, 2023 8:38:23 AM
Attachments: [IDO Notice of Application for ZMA - EPC.msg](#)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:
slcnalbq@aol.com (slcnalbq@aol.com) <mailto:slcnalbq@aol.com>
Subject: IDO Notice of Application for ZMA - EPC

[Note: Items with an asterisk (*) are required.]

Neighborhood Meeting Request for a Proposed Project in the City of Albuquerque

Date of Request*: June 21, 2023

This request for a Neighborhood Meeting for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: Ladera West and Westside Coalition

Name of NA Representative*: Hope Eckert, Steven Collins, Elizabeth Haley, and Rene Horvath

Email Address* or Mailing Address* of NA Representative¹: See Email.

The application is not yet submitted. If you would like to have a Neighborhood Meeting about this proposed project, please respond to this request within 15 days.²

Email address to respond yes or no: cp@consensusplanning.com

The applicant may specify a Neighborhood Meeting date that must be at least 15 days from the Date of Request above, unless you agree to an earlier date.

Meeting Date / Time / Location:

Project Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* La Morada Place NW
Location Description At the east end of the cul-de-sac for La Morada Place (Dead End).
2. Property Owner* 98th Street Partners LLC
3. Agent/Applicant* [if applicable] Consensus Planning, Inc.
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]
 - ☐ Conditional Use Approval
 - ☐ Permit _____ (Carport or Wall/Fence – Major)
 - ☐ Site Plan
 - ☐ Subdivision _____ (Minor or Major)

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² If no one replies to this request, the applicant may be submitted to the City to begin the review/decision process.

[Note: Items with an asterisk (*) are required.]

- ☐ Vacation _____ (Easement/Private Way or Public Right-of-way)
- ☐ Variance
- ☐ Waiver
- ☒ Zoning Map Amendment
- ☐ Other: _____

Summary of project/request^{3*}:

5. This type of application will be decided by^{*}: ☐ City Staff
OR at a public meeting or hearing by:
☐ Zoning Hearing Examiner (ZHE) ☐ Development Review Board (DRB)
☐ Landmarks Commission (LC) ☒ Environmental Planning Commission (EPC)
☐ City Council
6. Where more information about the project can be found^{*4}:

Project Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)^{*5} H-10
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant^{*}: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards will be requested for this project^{*}: NA
☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)

Explanation:

4. An offer of a Pre-submittal Neighborhood Meeting is required by [Table 6-1-1](#)^{*}: ☒ Yes ☐ No

³ Attach additional information, as needed to explain the project/request. Note that information provided in this meeting request is conceptual and constitutes a draft intended to provide sufficient information for discussion of concerns and opportunities.

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

⁵ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

5. **For Site Plan Applications only***, attach site plan showing, at a minimum:

- ☐ a. Location of proposed buildings and landscape areas.*
- ☐ b. Access and circulation for vehicles and pedestrians.*
- ☐ c. Maximum height of any proposed structures, with building elevations.*
- ☐ d. **For residential development***: Maximum number of proposed dwelling units.
- ☐ e. **For non-residential development***:
 - ☐ Total gross floor area of proposed project.
 - ☐ Gross floor area for each proposed use.

Additional Information:

1. From the IDO Zoning Map⁶:

- a. Area of Property [typically in acres] +/- 4.5 acres _____
- b. IDO Zone District NR-C _____
- c. Overlay Zone(s) [if applicable] NA _____
- d. Center or Corridor Area [if applicable] NA _____

2. Current Land Use(s) [vacant, if none] Vacant _____

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ [Other Neighborhood Associations, if any]

⁶ Available here: <https://tinurl.com/idozoningmap>

[Note: Items with an asterisk (*) are required.]

Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed/Emailed to a Neighborhood Association

Date of Notice*: August 8, 2023

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Neighborhood Association (NA)*: Ladera West and Westside Coalition

Name of NA Representative*: Hope Eckert, Steven Collins, Elizabeth Haley, and Rene Horvath

Email Address* or Mailing Address* of NA Representative¹: See Email.

Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 7301 La Morada Place NW
Location Description East of the cul-de-sac at the end of La Morada Place NW
2. Property Owner* Unser/98th Partnership, LLC
3. Agent/Applicant* *[if applicable]* _____
4. Application(s) Type* per IDO [Table 6-1-1](#) *[mark all that apply]*
☒ Zoning Map Amendment
☐ Other: _____

Summary of project/request²*:

Requesting a Zoning Map Amendment from Non-Residential - Commercial to Non-

Residential - Business Park for a vacant 4.5 acre property within the Ladera Business

Park to allow construction of a Battery Storage (BESS) Facility.

5. This application will be decided at a public hearing by*:

☒ Environmental Planning Commission (EPC) ☐ City Council

This application will be first reviewed and recommended by:

☐ Environmental Planning Commission (EPC) ☐ Landmarks Commission (LC)

☐ Not applicable (Zoning Map Amendment – EPC only)

¹ Pursuant to [IDO Subsection 14-16-6-4\(K\)\(5\)\(a\)](#), email is sufficient if on file with the Office of Neighborhood Coordination. If no email address is on file for a particular NA representative, notice must be mailed to the mailing address on file for that representative.

² Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (*) are required.]

Date/Time*: September 21, 2023 at 8:30 am

Location*³: Via Zoom at <https://cabq.zoom.us/j/2269592859>

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found*⁴:

Email and attached.

Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)*⁵ H-10 (see attached)
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant*: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project*:

☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)

Explanation*:

No deviations, variances, or waivers are anticipated.

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): ☐ Yes ☐ No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

No meeting was requested.

We received questions regarding the height of the structures = 9 feet, distance to the dog
Park = 475 feet, if the property will be secured = yes, and monitored remotely, does the
project generate noise = no, and are there any emissions = no.

³ Physical address or Zoom link

⁴ Address (mailing or email), phone number, or website to be provided by the applicant

⁵ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

Additional Information [Optional]:

From the IDO Zoning Map⁶:

1. Area of Property [typically in acres] +/- 4.5 acres _____
 2. IDO Zone District Existing NR-C, proposed NR-BP _____
 3. Overlay Zone(s) [if applicable] NA _____
 4. Center or Corridor Area [if applicable] NA _____
- Current Land Use(s) [vacant, if none] Vacant _____
-

NOTE: For Zoning Map Amendment – EPC only, pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

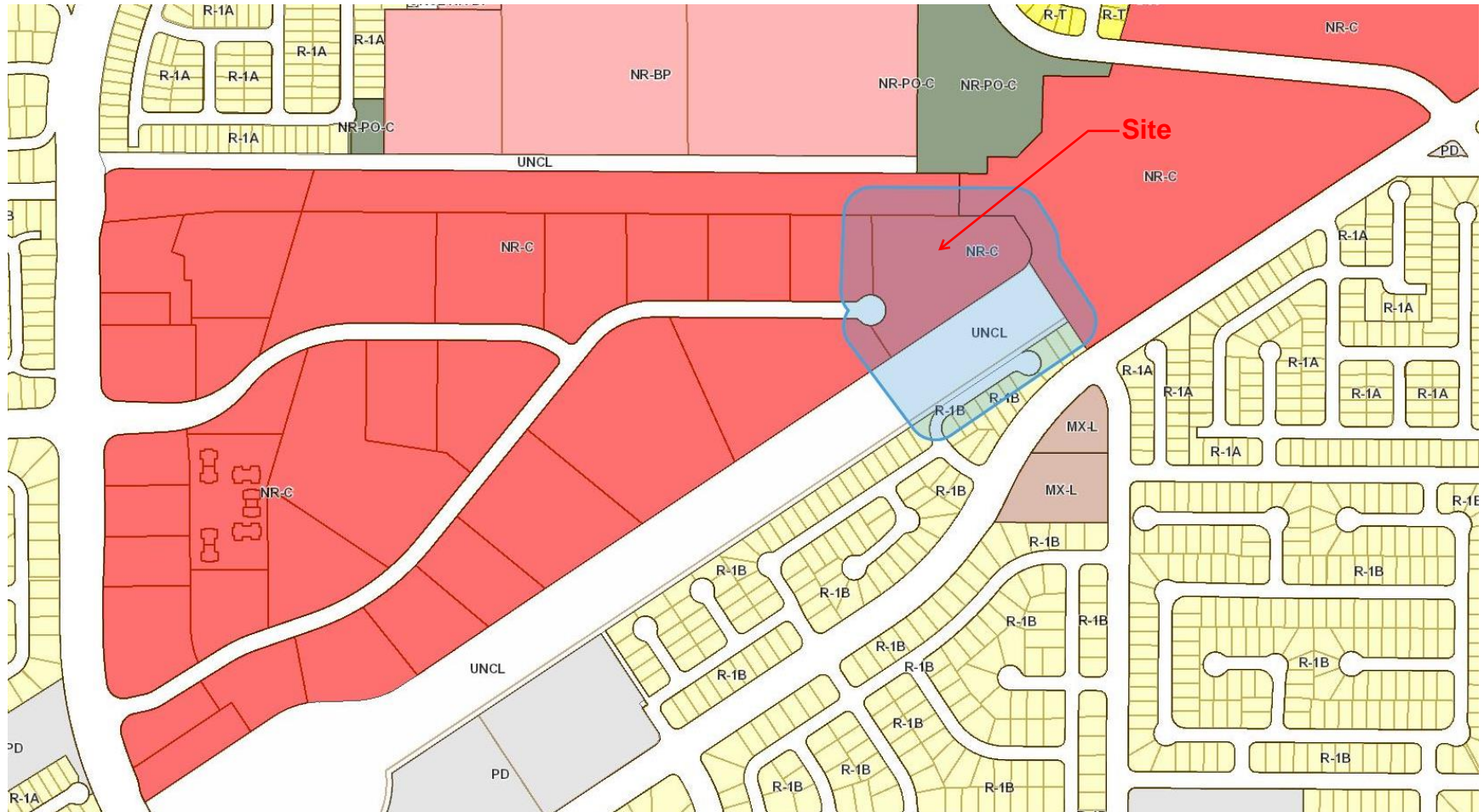
<https://ido.abc-zone.com/>

IDO Interactive Map

<https://tinyurl.com/IDOzoningmap>

Cc: _____ [Other Neighborhood Associations, if any]

⁶ Available here: <https://tinurl.com/idozoningmap>



Plus Energy - ZMA Application
Property Owners within 100 feet

Owner	Owner Address	Owner Address 2	SITUS Address
EARLIER LEARNING SOLUTIONS FOUNDATION INC	7500 LA MORADA NW	ALBUQUERQUE NM 87120-1765	LA MORADA PL
UNSER/ 98TH STREET PTNS LLC	PO BOX 90548	ALBUQUERQUE NM 87199	OLD OURAY RD NW
SHOEMAKER SUSAN B & SHOEMAKER CHRISTOPHER	15 COLBY CT	EDGEWOOD NM 87015-8136	2324 STONEHAM PL NW
GLENNON KIARA & JUAN	2336 STONEHAM PL NW	ALBUQUERQUE NM 87120-4711	2336 STONEHAM PL NW
UNSER/ 98TH STREET PTNS LLC	PO BOX 90548	ALBUQUERQUE NM 87199	LA MORADA
CITY OF ALBUQUERQUE	PO BOX 1293	ALBUQUERQUE NM 87103	N/A
VIGIL RAYMOND J & MARINA M	8615 WILD DUNES RD NW	ALBUQUERQUE NM 87120-4315	2320 STONEHAM PL NW
MURILLO JESICA	2328 STONEHAM PL NW	ALBUQUERQUE NM 87120-4711	2328 STONEHAM PL NW
OTERO ANTHONY S & DOLORES J	2304 STONEHAM PL NW	ALBUQUERQUE NM 87120-4711	2304 STONEHAM PL NW
PINO JERRY & ANGELINA	2316 STONEHAM PL NW	ALBUQUERQUE NM 87120	2316 STONEHAM PL NW
CHAVEZ-MARTINEZ ALEJANDRO	2332 STONEHAM PL NW	ALBUQUERQUE NM 87120-4711	2332 STONEHAM PL NW
WESTERN UNITED ELECTRIC SUPPLY CORP	100 BROMLEY BUSINESS PKWY	BRIGHTON CO 80603	7311 LA MORADA PL NW
SUAREZ MATTHEW J	2312 STONEHAM PL NW	ALBUQUERQUE NM 87120	2312 STONEHAM PL NW
LEIJA JAMES A & ALMA A	2308 STONEHAM PL NW	ALBUQUERQUE NM 87120	2308 STONEHAM PL NW
MARTINEZ JERRY D & LINDA S	2300 STONEHAM PL NW	ALBUQUERQUE NM 87120	2300 STONEHAM PL NW
LUCERO ROBERT K	2219 STONEHAM PL NW	ALBUQUERQUE NM 87120-4716	2219 STONEHAM PL NW
UNSER/98TH STREET PARTNERSHIP LLC	PO BOX 90548	ALBUQUERQUE NM 87199-0548	LA MORADA PL NW



CONSENSUS

August 8, 2023

Re: IDO Notice of Zoning Map Amendment Application

Landscape Architecture
Urban Design
Planning Services

302 Eighth St. NW
Albuquerque, NM 87102

(505) 764-9801
Fax 842-5495
cp@consensusplanning.com
www.consensusplanning.com

Dear Neighboring Property Owners,

This email is notification that Consensus Planning has submitted a Zone Map Amendment application on behalf of Plus Power to the Environmental Planning Commission (EPC) for the property located at the east end of La Morada Place NW (which is currently vacant) and located within the Ladera Business Park (see attached Notice Form and Zone Atlas Map).

The project will have to comply with the design standards provided within the Ladera Business Park and all the necessary infrastructure needed to support this project was built as part of the business park plans. The subject property is legally described as *Tract 7 Plat for Ladera Business Park Unit 1 containing 4.48 acres*. The property is currently zoned Non-Residential – Commercial (NR-C). Our request will be to change the zoning from NR-C to Non-Residential Business Park (NR-BP).

The applicant is proposing to develop a battery energy storage system (BESS) that will help store and manage energy and help to stabilize PNM's power grid. This use is not considered an electric generation facility, but is not a permitted use within the NR-C zone. The property to the north is the site of the PNM sub-station, which is currently zoned NR-BP. This BESS facility needs to be located in close proximity to the existing PNM substation. The nearest residential property is over 240 feet away. If approved, this facility will support Albuquerque's clean energy infrastructure and continue New Mexico's leadership in energy independence. The property will be completely secured with a secure fence and the battery storage units are less than 10 feet in height. The project will generate minimal traffic or noise.

As part of the IDO regulations, we are providing you notification of this application. If you have any questions or need more information regarding this request, please do not hesitate to email us at cp@consensusplanning.com or contact us by phone at 505-764-9801.


PRINCIPALS

James K. Strozier, FAICP
Jacqueline Fishman, AICP

ASSOCIATES

Ken Romig, PLA, ASLA

Sincerely,



James K. Strozier, FAICP
Principal

[Note: Items with an asterisk (*) are required.]

Public Notice of a Proposed Project in the City of Albuquerque for Policy Decisions Mailed to a Property Owner

Date of Notice*: August 8, 2023

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [Subsection 14-16-6-4\(K\) Public Notice](#) to:

Property Owner within 100 feet*: See attached.

Mailing Address*: See attached.

Project Information Required by [IDO Subsection 14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address* 7301 La Morada Place NW
Location Description East of the cul-de-sac at the end of La Morada Place NW
2. Property Owner* Unser/98th Partnership, LLC
3. Agent/Applicant* [if applicable] Consensus Planning, Inc.
4. Application(s) Type* per IDO [Table 6-1-1](#) [mark all that apply]

☒ Zoning Map Amendment

☐ Other: _____

Summary of project/request¹*:

Requesting a Zoning Map Amendment from Non-Residential - Commercial to Non-Residential - Business Park for a vacant 4.5 acre property within the Ladera Business Park to allow construction of a Battery Storage (BESS) Facility.

5. This application will be decided at a public hearing by*:

☒ Environmental Planning Commission (EPC)

☐ City Council

This application will be first reviewed and recommended by:

☐ Environmental Planning Commission (EPC)

☐ Landmarks Commission (LC)

☐ Not applicable (Zoning Map Amendment – EPC only)

Date/Time*: September 21, 2023 at 8:30 am

Location*²: Via Zoom at <https://cabq.zoom.us/j/2269592859>

¹ Attach additional information, as needed to explain the project/request.

² Physical address or Zoom link

[Note: Items with an asterisk (*) are required.]

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email devhelp@cabq.gov or call the Planning Department at 505-924-3860.

6. Where more information about the project can be found^{*3}:

See attached letter and attachments.

Project Information Required for Mail/Email Notice by [IDO Subsection 6-4\(K\)\(1\)\(b\)](#):

1. Zone Atlas Page(s)^{*4} H-10 (see attached)
2. Architectural drawings, elevations of the proposed building(s) or other illustrations of the proposed application, as relevant^{*}: Attached to notice or provided via website noted above
3. The following exceptions to IDO standards have been requested for this project^{*}:

☐ Deviation(s) ☐ Variance(s) ☐ Waiver(s)

Explanation^{*}:

No deviations, variances, or waivers are anticipated.

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#): ☒ Yes ☐ No

Summary of the Pre-submittal Neighborhood Meeting, if one occurred:

No meeting was requested.

We received questions regarding the height of the structures = 9 feet, distance to the dog
Park = 475 feet, if the property will be secured = yes, and monitored remotely, does the
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³ Address (mailing or email), phone number, or website to be provided by the applicant

⁴ Available online here: <http://data.cabq.gov/business/zoneatlas/>

[Note: Items with an asterisk (*) are required.]

Additional Information:

From the IDO Zoning Map⁵:

1. Area of Property [typically in acres] +/- 4.5 acres _____
 2. IDO Zone District Existing NR-C, proposed NR-BP _____
 3. Overlay Zone(s) [if applicable] NA _____
 4. Center or Corridor Area [if applicable] NA _____
- Current Land Use(s) [vacant, if none] Vacant _____
-

NOTE: For Zoning Map Amendment – EPC only, pursuant to [IDO Subsection 14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at devhelp@cabq.gov or 505-924-3955.

Useful Links

Integrated Development Ordinance (IDO):

<https://ido.abc-zone.com/>

IDO Interactive Map

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Plus Energy - ZMA Application
Property Owners within 100 feet

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UNSER/98TH STREET PARTNERSHIP LLC	PO BOX 90548	ALBUQUERQUE NM 87199-0548	LA MORADA PL NW

Oct 3, 2023 at 11:07:37 AM
N 3886715 E 343113
7301 La Morada Pl NW
Albuquerque NM 87120
United States

REQUEST

A ZONE MAP AMENDMENT FROM
NR-C -TO- NR-LM

The City of Albuquerque Environmental Planning Commission will hold a
public hearing

Via Zoom- <https://calag.zoom.us/j/2269592859> Meeting ID: 226 959 2859

To call in: (301) 715-8592, on OCTOBER 19th, 2023 at 8:30 AM. All persons

have a right to appear at such a hearing. For information on this case or
other instructions on filing written comments, call the Planning
Department at (505) 924-3860 or contact the applicant.

Required to be posted from OCTOBER 4th, 2023 to NOVEMBER 3rd, 2023

by CONSENSUS PLANNING 505-764-9801
applicant/agent

REFER TO FILE# PR-2023-009701/RZ-2023-00027 ^{phone}

It is illegal for an unauthorized person to remove or tamper with this sign