

THIS AMENDMENT PASSED ON A 9-0 VOTE.

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

January 6, 2025

FLOOR AMENDMENT NO. 1 TO O-24-69

AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn

In O-24-69, Page 1, Lines 9-11, delete the following language:

~~**[WHEREAS, wholesale replacement of the City's zoning code has had some unintended consequences, which have imposed substantial burdens on City staff and developers; and]**~~

Explanation: This amendment removes the whereas clause above from this Ordinance.

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

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

January 6, 2025

FLOOR AMENDMENT NO. 2 TO O-24-69

AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn

In O-24-69, Page 1, Lines 12-13, amend the following language:

[WHEREAS, the City has a housing and homelessness crisis that has been exacerbated by the IDO annual update and the static policy making that occurs with this practice ~~[some provisions in the IDO]~~; and

Explanation: This amendment amends the existing whereas clause to show concern around the practice of the IDO annual update rather than the IDO as a whole.

THIS AMENDMENT PASSED ON A 9-0 VOTE.

CITY COUNCIL
of the
CITY OF ALBUQUERQUE

January 6, 2025

FLOOR AMENDMENT NO. 3 TO O-24-69

AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn

In O-24-69, Page 1, starting on line 16, delete and amend the following:

~~[WHEREAS, a City Council cannot constrain the ability of a future City Council to make laws outside of the methods established by the Charter; and]~~

SECTION 1. Section 14-16-1-4 APPLICABILITY is amended as follows:

1-4(C) This IDO is ~~[not]~~ applicable to City activities or development on properties owned or leased by the City ~~[except that Section 14-16-6-4(U) shall not apply and approvals of City activities or development on properties owned or leased by the City are deemed final for appeal purposes.]~~

Explanation:

This amendment's purpose is to hold the City accountable to all IDO regulations apart from Section 6-4(U) which governs and lays out the details for appeals and the appeals process. Any approved City project is deemed a final administrative decision that can be only appealed at District Court.

THIS AMENDMENT PASSED ON A 9-0 VOTE.

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

January 6, 2025

FLOOR AMENDMENT NO. 4 TO O-24-69

AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn and Nichole Rogers

In O-24-69, Page 2, Line 16, add the following language:

- 4. Any other person or organization that can demonstrate that his/her/its property rights or other legal rights have been specially and adversely affected by the decision [but in no circumstances shall a person's use of public lands constitute standing.] [Nothing in this section shall be construed to change any rights or obligations related to Indian Nations, Tribes, or Pueblos as established in this IDO, or to otherwise limit Tribal standing.]**

Explanation: As written, this bill is intended to prevent appellants from arguing that their ordinary use of public lands creates standing for an appeal. This amendment makes clear that this would not limit the ability of an Indian Nation, Tribe or Pueblo to bring an appeal.

THIS AMENDMENT PASSED ON A 8-1 VOTE.
For: Baca, Bassan, Fiebelkorn, Grout, Lewis, Peña, Rogers, Sanchez
Against: Champagne

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

January 6, 2025

FLOOR AMENDMENT NO. 5 TO O-24-69

AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn

In O-24-69, Page 2, Line 28 through Page 3, line 2, amend Section 14-16-6-4(U)(2)(a)-5-b.:

b. Distances for neighborhood Associations are based on the boundary on file with the ONC at the time the application for decision related to the subject property was accepted as complete. [Additionally, for standing to appeal, a Neighborhood Association must submit a petition in support of the appeal, signed by a majority of all property owners **[or tenants] located within 660 feet of the application site, inclusive of all rights-of-way.]**

Explanation: This amendment allows neighborhood associations to gather signatures of tenants within the 660 ft. boundary of the proposed development application in order to reach the majority needed to submit an appeal.

THIS AMENDMENT PASSED ON A 9-0 VOTE.

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

January 6, 2025

FLOOR AMENDMENT NO. 6 TO O-24-69

AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn

In O-24-69, Page 3, Line 32, delete the following word:

[6-4-(U)(4)(d) The applicant failed to comply with notice requirements for neighboring property owners, except that ~~alleged~~ failure to notify a neighborhood association is not sufficient grounds to uphold an appeal or remand a decision for further consideration]

Explanation: This amendment deletes the word “alleged” for clarity purposes.

THIS AMENDMENT PASSED ON A 9-0 VOTE.

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

January 6, 2025

FLOOR AMENDMENT NO. 7 TO O-24-69

AMENDMENT SPONSORED BY COUNCILOR Joaquín Baca

In O-24-69, make the following changes to Table 4-2-1 on page 6, line 5:

SECTION 5. The IDO Table 4-2 Allowable Uses is amended as follows:

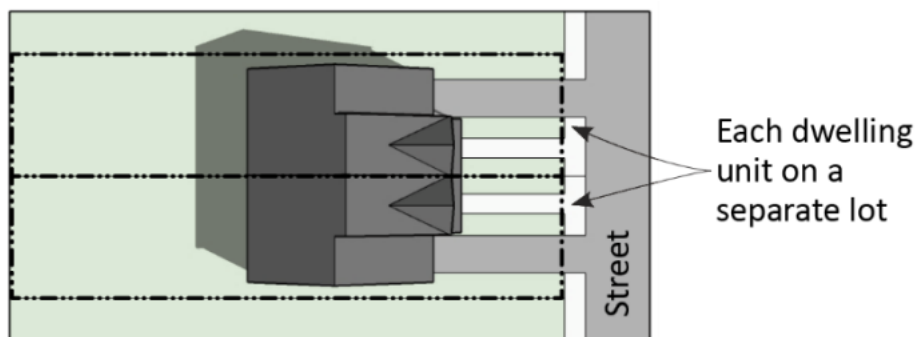
Table 4-2-1: Allowable Uses																			
P = Permissive Primary C = Conditional Primary A = Permissive Accessory CA = Conditional Accessory CV = Conditional if Structure Vacant for 5+ years T = Temporary CT = Conditional Temporary Blank Cell = Not Allowed																			
Zone District >>	Residential						Mixed-use				Non-residential					Use-specific Standards			
	R-A	R-1	R-MC	R-T	R-ML	R-MH	MX-T	MX-L	MX-M	MX-H	NR-C	NR-BP	NR-LM	NR-GM	NR-SU		A	B	C
PRIMARY USES THAT MAY BE ACCESSORY IN SOME ZONE DISTRICTS																			
RESIDENTIAL USES																			
Household Living																			
Dwelling, two-family detached (duplex)	[P]	P	[P]	P	P		P												4-3(B)(5)
Dwelling, townhouse	[P]	[P]	[P]	P	P	P	P	P	P										4-3(B)(6)
Dwelling, multi-family	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	P	P	P	P		CV								4-3(B)(8)

In O-24-69, amend and add the following language starting on Page 6, line 6:

SECTION 6. Amend Section [s] 4-3(B)(5) Dwelling, two family detached (duplex), 4-3(B)(6) Dwelling, townhouse, and 4-3(B)(8) Dwelling, Multi-Family of the IDO as follows and reassign subsequent sections as needed:

4-3(B)(5)(b) This use is prohibited in the [R-A,] R-1[, and R-MC] zone district[s], except [within 1,320 feet of MS-PT areas] [or] [in R-1A] where 1 two-family detached dwelling is permissive on 2 lots [where] [and] the building straddles the

lot line **[and] [, with]** each dwelling unit **[is]** on a separate lot. (See figure below.)



[4-3(B)(6)(f) This use is prohibited in the R-A, R-1, and R-MC zone districts except within 1,320 feet of the MS-PT areas.]

Explanation:

This amendment allows duplexes and townhomes to be permissive in the zone districts highlighted above in the table, within 1,320 ft. of a Main Street Corridor and Premium Transit Station Area. Essentially, it's the same change being conducted for Multi-family, but also including duplexes and townhomes to be permissive in the same areas.

For townhomes, the specific zone districts that would now be permissive within 1,320 ft. of MS-PT areas are R-A, R-1 and R-MC. For Duplexes, the new districts would be R-A and R-MC.

THIS AMENDMENT PASSED ON A 8-1 VOTE.
For: Baca, Bassan, Fiebelkorn, Grout, Lewis, Peña, Rogers Sanchez
Against: Champagne

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

January 6, 2025

FLOOR AMENDMENT NO. 8 TO O-24-69

AMENDMENT SPONSORED BY COUNCILOR Fiebelkorn

- 1. Beginning on page 4, line 3, amend Section 6-4(U)(5) Appeal Costs as follows:

[6-4(U)(5) Appeal Costs

(a) For ~~[a LUHO appeal of a denial]~~ ~~[an appeal to the LUHO related to an application that was denied]~~, all parties shall be responsible for their own costs.

(b) For ~~[a LUHO appeal of an approval]~~ ~~[an appeal to the LUHO related to an application that was approved]~~, if ~~[the]~~ appellant loses ~~[their appeal,]~~ they shall be responsible for paying the reasonable costs, including attorneys' fees of the appellee. A finding on the reasonableness of proposed costs shall be made by the LUHO.]

Explanation: This amendment proposes to add clarifying language to the new "Appeal Costs" section of O-69. This amendment does not change the substance of this section, which will still provide that:

(a) When an application has been denied, and the applicant files an appeal to the LUHO, all parties to the appeal will be responsible for their own costs. Here, the parties would likely be the property owner/developer vs the Planning Department.

(b) When an application has been approved, and someone with standing (the appellant) files an appeal to the LUHO contesting that approval, if the appellant ultimately loses their appeal, they will be responsible for paying the reasonable costs of the other party. Here, the parties could be a neighbor (appellant) vs property owner/developer (appellee).

THIS AMENDMENT PASSED ON A 7-2 VOTE.
For: Baca, Bassan, Fiebelkorn, Grout, Peña, Rogers, Sanchez
Against: Champine, Lewis

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

January 6, 2025

FLOOR AMENDMENT NO. 9 TO O-24-69

AMENDMENT SPONSORED BY COUNCILOR Tammy Fiebelkorn

In O-24-69, create a new Section 8 with the language below and renumber all subsequent sections:

1. Revise §14-16-5-9(B)(2) Regulated Lots as follows:

5-9(B)(2) “Lots regulated by this Section 14-16-5-9 (Neighborhood Edges) include all those in any Residential, ~~R-ML~~, ~~R-MH~~, Mixed-use, or Non-residential zone district that are adjacent to a Protected Lot.”

Explanation: This amendment applies a building height stepdown to new multi-family dwellings constructed in R-A, R-1, R-MC, and R-T zone districts. Without this amendment, multi-family dwellings constructed in Mixed-use zone districts would have to step down building height within 50 feet of MS-PT areas, while multi-family dwellings constructed in R-A, R-1, R-MC, and R-T zone districts would be allowed with unlimited building height within 50 feet of low-density residential development. This amendment extends the same protections to low-density residential development next to all zone districts.

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

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

January 6, 2025

FLOOR AMENDMENT NO. 10 TO O-24-69

AMENDMENT SPONSORED BY COUNCILOR Joaquín Baca

In O-24-69, create a new Section 8 and renumber subsequent sections as needed:

SECTION 8. Amend Sections 5-5(C)(5)(a) and 5-5(C)(5)(d)3 as follows:

5-5(C)(5)(a) General Reductions for centers and Corridor Areas

In UC-AC-EC-MS areas or in MT areas in Areas of Change, where Table 5-5-1 and Table 5-5-2 do not specify a different parking requirement for the relevant Center or Corridor area, a ~~[20]~~ **[50]** percent reduction in required off-street parking spaces shall apply to properties in those areas.

5-5(C)(5)(d) Reduction for Proximity to Transit

3. Where Table 5-5-1 and Table 5-5-2 do not specify a different parking requirement for PT areas, the minimum number of off-street parking spaces required may be reduced by ~~[50]~~ **[60]** percent if the proposed development is located within a PT area.

Explanation:

This amendment would reduce parking within Urban Centers (UC), Activity Centers (AC), Employment Centers (EC), Main Street Corridors (MS), and Major Transit (MT) Corridors in areas of change from the current reduction of 20 percent to 50 percent. So, if a development generally is required to provide 10 parking spaces, it would now only be required to provide 5 if this amendment passes.

Premium Transit (PT) has a separate section for parking reduction in the IDO based on the policy guidance of parking reduction around transit centers, thus the reason for an increased percentage from 50 to 60 percent.

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

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

January 6, 2025

FLOOR AMENDMENT NO. 11 TO O-24-69

AMENDMENT SPONSORED BY COUNCILOR Klarissa Pena

In O-24-69, amend and add the following language starting on Page 6, line 8:

SECTION 6. Amend Section 4-3(B)(8) Dwelling, Multi-Family of the IDO as follows and reassign subsequent sections as needed:

4-3(B)(8)(a) This use is prohibited in the R-A, R-1, R-MC and R-T zone districts except within 1,320 feet of MS-PT areas.

4-3(B)(8)(b) [South of Central Avenue and West of the Rio Grande River this use is prohibited in the R-A, R-1, R-MC and R-T zone districts.]

Explanation:

This amendment allows duplexes and townhomes to be permissive in the zone districts highlighted above within 1,320 ft. of a Main Street Corridor and Premium Transit Station Area north of Central and east of the Rio Grande.

It also prohibits multi-family within the zone districts listed above south of Central Avenue and west of the river.

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

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

January 6, 2025

FLOOR AMENDMENT NO. 12 TO O-24-69

AMENDMENT SPONSORED BY COUNCILOR Klarissa Peña

In O-24-69, amend and add the following language starting on Page 6, line 8:

SECTION 6. Amend Section 4-3(B)(8) Dwelling, Multi-Family of the IDO as follows and reassign subsequent sections as needed:

4-3(B)(8)(a) This use is prohibited in the R-A, R-1, R-MC and R-T zone districts except within 1,320 feet of MS-PT areas [if comprised of 51 percent of market rate residential units].

Explanation:

This amendment allows multi-family developments within R-A, R-1, R-MC and R-T zone districts within 1,320 feet of MS-PT areas as long as those developments are made up of 51% market rate units.

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

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

January 6, 2025

FLOOR AMENDMENT NO. 13 TO O-24-69

AMENDMENT SPONSORED BY COUNCILOR Klarissa Pena

In O-24-69, make the following changes to Table 5-1-4 on page 6, line 11:

Table 5-1- (2)(4): Allowed Exceptions and Encroachments	
Structure or Feature	Conditions or Limits
Exceptions to Building Height Limits	
<u>Within 1,320 feet of MS-PT Areas</u>	<u>There shall be no building height limit for any dwelling, multi-family structure or [premises], unless comprised of 51 percent of market rate residential units.</u>

Explanation:

This amendment removes the word premises to clarify that the height exemption doesn't pertain to any other structure or type of development other than dwelling, multi-family. It also requires any multi-family, dwelling development that gets the height exemption to be comprised of 51% of market rate residential units.

THIS AMENDMENT FAILED ON A 3-6 VOTE.
For: Bassan, Grout, Peña
Against: Baca, Champine, Fiebelkorn, Lewis, Rogers, Sanchez

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

January 6, 2025

FLOOR AMENDMENT NO. 14 TO O-24-69

AMENDMENT SPONSORED BY COUNCILOR Klarissa Pena

In O-24-69, make the following changes to Table 5-1-4 on page 6, line 11:

Table 5-1- (2)(4): Allowed Exceptions and Encroachments	
Structure or Feature	Conditions or Limits
Exceptions to Building Height Limits	
<u>Within 1,320 feet of MS-PT Areas</u>	<u>There shall be no building height limit for any dwelling, multi-family structure [or premises], except west of the Rio Grande River and South of Central Avenue].</u>

Explanation:

This amendment removes the word premises to clarify that the height exemption doesn't pertain to any other structure or type of development other than dwelling, multi-family. It also corrects the title of the Table to 5-1-4, as it exists in the IDO currently. It also places language in the ordinance that exempts the area of the city south of Central Ave. and west of the river from the unlimited building height exemption within a quarter mile of MS-PT areas.