

**RAIL YARDS ADVISORY BOARD
OF THE
CITY OF ALBUQUERQUE**

November 21, 2013

AMENDMENT NO. 1 TO 9-26-13 Draft Master Plan

AMENDMENT SPONSORED BY E. Griego

1. Amend Policy 2.1.2 on page 40 as follows:

“Policy 2.1.2 – Locate housing along 2nd Street, to become part of the neighborhood: Housing ~~should be~~ is considered an appropriate land use along the 2nd Street frontage of the site in order to relate to development...”

2. Amend Policy 4.1.3 on page 42 by adding the following sentence at the end of the policy:

“Since existing development on the west side of 2nd Street is predominantly residential in character, the 2nd Street frontage of the site is considered an appropriate location for housing, mixed with retail where appropriate, to serve as an area of transition between the site and the neighborhood to the west.”

3. On page 79, in the Parcel 9 section, amend the first sentence as follow:

“Located north-south along Second Street, Parcel 9 is the primary retail parcel of the site an appropriate place to integrate retail with housing as part of a mixed-use development.”

EXPLANATION: This amendment reflects the Board’s discussion regarding the treatment and location of housing in the Draft Master Plan. The Board expressed a desire to identify more locations in the Plan where housing would be considered an appropriate use and unanimously voted to amend the Plan to recognize, in particular, the area identified by the Plan as Parcel 9 as an additional location where it would be appropriate to develop housing as part of a mixed-use area of the site.

Part 1 of the amendment, which amends one of the Housing policies, captures the essence of the Board’s change by identifying that housing is considered an appropriate use along the 2nd St. frontage.

Part 2 expands the language of the Land Use policy that discusses the integration of new development with established development. The additional sentence that is proposed to be added is in keeping with the Board’s amendment to identify additional locations for housing.

Part 3 amends the description of Parcel 9 in Section 6.7, Parcel Characterizations, to reflect the other changes made by this amendment. Instead of identifying Parcel 9 as “the primary retail parcel of the site,” the characterization is proposed to be revised to acknowledge the potential for housing to be developed alongside retail in the northwest corner of the site.

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AMENDMENT NO. 2 TO 9-26-13 Draft Master Plan

AMENDMENT SPONSORED BY D. Dorn Jones

On page 41, insert the following new Policy 3.2.3 and renumber the subsequent policy accordingly:

Policy 3.2.3 – Balance commercial and residential on-street parking needs: On-street parking in appropriate locations contributes to a vibrant urban environment. Commercial and residential parking needs must both be accommodated, which can be accomplished through a mix of metered and permit parking.

Policy 3.2.3.1 – Maximize the availability of and direct visitors to on-street parking along non-residential frontages by providing metered parking and wayfinding: The City should install meters, signage, and other measures as appropriate on adjacent and nearby streets.

Policy 3.2.3.2 – Implement on-street residential permit parking for surrounding neighborhoods, as needed: Since on-site parking will be limited, the City and Master Developer should work closely with adjacent neighborhoods to monitor the impacts of off-site parking as the redevelopment of the site progresses and determine if/when a Neighborhood Permit Parking program should be implemented. The standard requirement for a license plate survey, which determines if the threshold of on-street parking spaces used by persons who are not residents of the area has been met, shall be waived.

EXPLANATION: This amendment reflects the Board’s discussion regarding the potential negative impact of parking on residential neighborhoods and its unanimous vote to include language in the Plan to accommodate a permit parking system in the future.

Staff is recommending the multi-part policy above, which takes a holistic approach to addressing concerns about off-site parking in the neighborhoods. New Policy 3.2.3 describes the need to strike a balance between allowing on-street parking in appropriate locations to help support redevelopment and protecting the character and functionality of nearby residential neighborhoods. Sub-policy 3.2.3.1 supports the implementation of metered parking in order to avoid an on-street parking free-for-all, and sub-policy 3.2.3.2 allows for a residential permit parking program to be put in place without having to follow the standard City process. This accommodation is being made in recognition of the unique conditions being created by the redevelopment of a constrained site in the heart of the city that sits between historic neighborhoods.

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AMENDMENT NO. 3 TO 9-26-13 Draft Master Plan

AMENDMENT SPONSORED BY L. Freed

1. On page 39, insert a new Policy 1.3.2 as follows:

“Policy 1.3.2 – Demonstrate financial sustainability: All uses, features and projects will demonstrate that they are either financially self-sustaining or have sufficient public financial assistance to provide for their construction, development and/or sustained operation, and maintenance.”

2. On page 76, in the first paragraph of the Parcel 1 description, delete the last three sentences, beginning with “The historic Turntable...”, and insert in lieu thereof the following:

“The historic Turntable must remain in active operation since adjacent landowner BNSF retains an easement for its use. The design of future cultural facilities shall not limit or preclude access to or use of the Turntable.

“Any future use that requires access to the existing railway, such as the WHEELS Museum or a rail equipment maintenance facility, shall have access to the tracks and Turntable contained on Parcel 1. As such, land between the Turntable and the Storehouse is an appropriate area for future expansion of the WHEELS Museum.”

3. Starting on the bottom of page 76 and continuing on the top of page 78, delete the entire Parcel 3 description and insert in lieu thereof the following:

“Parcel 3 contains the historic Storehouse structure and is the current home of the WHEELS Museum’s warehouse. Similar to Parcel 1, Parcel 3 supports culturally significant uses and, due to its significant frontage along 2nd Street, will act as the public face of the onsite cultural facilities to the larger community. Subject to the terms of its lease with the City of Albuquerque as it may be amended, the WHEELS Museum will continue to operate in the Storehouse and, as described in Parcel 1, will be provided with the opportunity to expand to the east.

Parcel 3 is uniquely situated to contain cultural facilities connected to those anticipated to be developed in Parcel 1 or, alternatively, be adaptively reused as housing to relate to existing development across 2nd Street and the Workforce Housing anticipated to be developed on Parcel 2 to the south. Should the WHEELS Museum in the future move its operations, the Storehouse is an appropriate location for adaptive reuse for other cultural uses or housing that may include live-work.

“Parking for Parcel 3 users will be accommodated within the subterranean structure on Parcel 1 with an easement provided across Parcel 3 for access.”

EXPLANATION: This amendment reflects amendment #3 that was voted on and unanimously approved by the Board on 10-29-13. The Board’s discussion related to the WHEELS Museum specified that amendments to the Plan must accomplish the following things: 1) reaffirm that WHEELS has a space on the site, 2) clarify/specify that WHEELS will have access to the Turntable and rail line, 3) clarify WHEELS’ opportunity to expand beyond the Storehouse, and 4) explain that, as with all components of the redevelopment project, WHEELS must be able to demonstrate financial sustainability.

Part 1 of the amendment proposes to add a new policy under Guiding Principle #1 (Job Generation, Economic Development & Economic Viability) that establishes that all uses, features, and projects will need to demonstrate economic sustainability.

Part 2 revises the “Parcel 1” description to specify that WHEELS and other possible future uses require rail access will have access to the Turntable and that the functionality of the Turntable is not to be compromised. It also addresses future expansion opportunities for WHEELS.

Part 3 revises the “Parcel 3” description to more clearly define the possibilities with respect to the future use of the Storehouse building while maintaining flexibility.

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AMENDMENT NO. 4 TO 9-26-13 Draft Master Plan

AMENDMENT SPONSORED BY G. Montano

1. On page 43, amend the heading for Policy 5.2.2 as follows:

Policy 5.2.2 – Preserve the ~~human and architectural histories~~ history of the Rail Yards site for future generations:

2. On page 43, add a new Policy 5.2.3 as follows:

“Policy 5.2.3 – Honor the human history of the Rail Yards site through the creation of an on-site memorial: The Rail Yards redevelopment will recount the history of the Rail Yards and its relationship to Albuquerque and New Mexico in a number of ways, including but not limited to an oral history project, a transportation museum, and an on-site memorial to the workers with special acknowledgement of those who were injured or killed there. The memorial to the workers will be located at or near the entrance from each neighborhood.”

EXPLANATION: This amendment reflects the Board’s unanimous vote to support an amendment to add a policy that calls for the establishment of an on-site memorial to the workers at each of the main entrances to the site from the South Broadway and Barelas neighborhoods.

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AMENDMENT NO. 5 TO 9-26-13 Draft Master Plan

AMENDMENT SPONSORED BY E. Griego

The Plan shall provide a framework for a proposed financial structure for the project, including the required Workforce Housing and WHEELS Museum components, other proposed components, and the project as a whole. The proposed financial structure shall fully characterize any public sector participation, including the identification of specific financing tools that the public sector may be asked to employ in the implementation of this Plan.

The purpose of including this information is to determine financial feasibility of the Plan as proposed and is not intended to bind or commit the City or other public entities to the terms proposed.

EXPLANATION: This amendment reflects the Board's vote (5-2) to require the master developer to submit a financial plan with the Master Plan, as required by the RFP. The language in this amendment is taken from the RFP and the master developer's response to the RFP.

The RFP specified that the Master Plan, itself, "shall provide a framework for a proposed financial structure for the project, at a minimum including the required Workforce Housing and Museum components. If the proposal contains components over and above the required Workforce Housing and Museum components, a proposed financial structure for each component of the project and the project as a whole shall be proposed" (RFP2011-003-JR, p. 28, Section 3.2.2). It should be noted that this requirement was separate from and in addition to the requirement under Part 2 of the RFP, which required offerors to provide general information demonstrating the offeror's financial capability to undertake redevelopment projects but was not specific to the project proposed for the Rail Yards.

The master developer's response to the RFP included the following statements: "Phase 2 [development of the Master Plan] also includes details of Samitaur's proposed approach to the financing of the components of the Project...Any public sector financial participation will also be fully characterized and vetted during Phase 2, along with the identification of financing 'tools' we may ask the public sector to employ" (Samitaur RFP response, p. 175).

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AMENDMENT NO. 6 TO 9-26-13 Draft Master Plan

AMENDMENT SPONSORED BY I. Benton

1. On page 42, insert a new Policy 4.1.1 as follows and renumber subsequent sections accordingly:

“Policy 4.1.1 – Celebrate and emphasize the historic railroad function of the site: Cultural and employment uses that relate to rail operations, such as transportation museums or compatible and suitable rail equipment maintenance facilities, are encouraged and shall not be precluded. Proximity to the operative Turntable and BNSF switching yard make the south end of the Rail Yards site particularly suitable for such uses.”

2. On page 118, in the second paragraph of section 8.1.1, delete the sentence that begins “However, the Master Plan...” and insert in lieu thereof the following:

“However, the Master Plan recommends that the Barelás Sector Development Plan be amended to make “laboratory” a permissive use and “railroad repair shop” a conditional use in the SU-2/HLS zone.”

EXPLANATION: This amendment reflects the Board’s discussion regarding maintaining the possibility of incorporating compatible and suitable rail-related operations and facilities into the redevelopment of the site in keeping with the site’s original and historic function.

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AMENDMENT NO. 7 TO 9-26-13 Draft Master Plan

AMENDMENT SPONSORED BY R. Miera

The Plan will be revised to clarify which sections and elements of the Plan are regulatory and which are advisory.

Under the definitions of “Master Development Plan” and “Site Development Plan for Subdivision” in the Comprehensive City Zoning Code (§14-16-1-5), the required elements of a Master Development Plan include the following:

1. Circulation plan (pedestrian and vehicular)
2. Maximum building height
3. Minimum building setback
4. Maximum Floor Area Ratio
5. General building locations
6. General parking locations
7. Design requirements for:
 - a. Buildings
 - b. Landscaping
 - c. Lighting
 - d. Signage

Language within any section related to these required elements will be revised so that the standards contained therein are clearly understood to be regulatory where that is the intent.

Throughout the Plan, clarify that certain proposed features, namely the Acoustic Mounds, Glass Canopy (a.k.a. “the Scoop”), Rebuilt Smokestack, Turntable Amphitheater, and Transfer Table Pool, are illustrative/conceptual only.

EXPLANATION: This amendment attempts to provide general guidance, rather than specific revisions, for how the Plan needs to be amended to address legal staff’s concerns about the Plan’s overall vagueness, specifically with respect to the “standards” it sets forth. For example, the “Design Performance Standards” in Section 8 as currently written are vague, confusing, and unclear. Standards must be written in a clear, concise, and consistent way in order to be enforceable. “Shall” is the preferred term to use in order to indicate that a standard is regulatory. Seemingly interchangeable terms, such as “will” and “must,” are not considered acceptable alternatives. Use of the terms “should,” “may,” “recommended,” and “intended,” all of which appear in Section 8, render standards unenforceable.

Another issue is that many sections contain both regulatory and non-regulatory components. Section 10, for example, mixes presumably regulatory components – Development Approval Process (10.4) and the Preliminary Phase Parking Plan (Tableau 8) – with non-regulatory discussions – Project Phasing (10.6), Interim Use (10.8), Case Study (10.9). This is confusing and must be addressed through revisions.

From an overall organizational and enforceability standpoint, the Plan needs to be reorganized to keep like discussions and standards within the same section. For example, “access” is addressed in no less than six different sections of the Plan: Tableau 6, Sections 6.3.4, 8.5, 8.7, 9.5, and 10.2. Parking-related issues are addressed in at least seven different sections: 6.3.2, 6.7, Tableau 6, 8.1.10, 8.6, Tableau 8, and 9.5.9. This makes it difficult to understand how the Plan intends to treat each of these elements and, generally, what is required by vs. merely advisory in the Plan.

Additionally, this amendment addresses the Board’s discussion of the detailed architectural features – specifically the acoustic mounds, glass canopy, rebuilt smokestack, Turntable amphitheater, and Transfer Table pool – proposed in the Draft Plan. The Board’s original amendment #7 (which has been combined with and replaced by this new amendment #7) related to clarifying that particular design concepts, which have raised concerns with the public and the State Historic Preservation Office, are illustrative only and not to be considered compulsory or approved elements of the Plan. The Board discussed the possibility of moving “illustrative design concepts” to an appendix as one possible way of accomplishing this.

City staff is available to assist the master developer in developing specific revisions as the Plan moves through the adoption process.