



Environmental Planning Commission

**Agenda Number: 01
Project Number: 1005135
Case Number: 14EPC-40026
June 12, 2014**

Supplemental Staff Report

Agent	City of Albuquerque Planning Department
Applicant	City of Albuquerque
Request	Text Amendment to the SU-2/HLS zone in the Barelás Sector Development Plan
Location	Area bounded by the railroad tracks on the east, Bridge St. on the south, Tingley Drive on the west and Alcalde on the north.
Zoning	SU-2/Historic Locomotive Shops

Staff Recommendation

That a recommendation of APPROVAL of 14EPC-40026 be forwarded to the City Council based on the Findings beginning on Page 15.

Staff Planners

***Maryellen Hennessy and Petra Morris,
Senior Planners***

Summary of Analysis

This request is for a recommendation to the City Council regarding proposed text amendments to the SU-2 Historic Locomotive Shops (SU-2/HLS) zone of the Barelás Sector Development Plan, 2008. The proposed amendments affect only the SU-2/HLS zone in the plan. This property is more commonly known as the "Rail Yards". The Rail Yards site is currently undergoing a master planning process, with the draft Albuquerque Rail Yards Master Development Plan now at the City Council for review and adoption. The intent of these text amendments is to coordinate the Master Plan with the Barelás Sector Development Plan, as some relevant regulations associated with the Master Plan are legally required to be implemented by the Sector Plan that provides the zoning for the site. The amendments to the SU-2/HLS zone address:

- 1) Update the zone subsequent to the adoption of a master plan to govern the Rail Yards site.*
- 2) Revise the permissive uses for the Rail Yards site.*
- 3) Clarify the off-street parking regulations for the Rail Yards site.*
- 4) Provide a development approval process for the Rail Yards site.*
- 5) Provide an amendment and deviation process for the Master Plan for the Rail Yards site.*

The proposed text amendments will provide consistency between the zoning and the master development plan, ensuring a smoother development process. Staff has received no comments from the neighborhood associations or the reviewing agencies. Staff recommends a recommendation of approval for the proposed changes.

City Departments and other interested agencies reviewed this application from 3/31/14 to 4/11/14. Agency comments used in the preparation of this report begin on Page 18.

I. INTRODUCTION

Request

This request is for a recommendation to City Council for proposed amendments to the SU-2/Historic Locomotive Shops (SU-2/HLS) zone in the Barelás Sector Development Plan (BSDP). The BSDP was adopted in 2008 and amended the SU-2/HLS was amended in 2012.

Intent & Purpose

The proposed text amendments (the “2014 amendments”) to the SU-2/HLS zone in the BSDP intend to:

- Update the zone subsequent to the adoption of a master plan to govern the Rail Yards site, as provided for in the existing zoning
- Revise the permissive uses for the Rail Yards site.
- Clarify the off-street parking regulations for the Rail Yards site.
- Provide a development approval process for the Rail Yards site.
- Provide an amendment and deviation process for the Rail Yards site.

In general, the purpose of the 2014 amendments is to update, revise and clarify the SU-2/HLS zone subsequent to the master planning process and adoption of a master development plan for the Rail Yards site. This amendment was anticipated at the time the SU-2/HLS zone was adopted as the intent for the zone currently includes the following language, “*Upon approval of a Master Site Development Plan- see section J below- this zone will be amended to adopt the Master Plan.*”

EPC Role

Regarding text amendments to the Barelás Sector Development Plan, the Environmental Planning Commission (EPC) is a recommending body to the City Council. After the EPC hearing, the case will proceed to the Land Use Planning and Zoning Committee (LUPZ) of City Council, and then the Council will make the final decision. This request is a legislative matter that would apply City-wide.

II. BACKGROUND

History and Context

In 2008, the Barelás Sector Development Plan was adopted. The 2008 BSDP replaced the prior plan from 1993. The plan “*aims to create a strategy for stabilizing, preserving, developing and revitalizing the commercial and residential area of Barelás.*” The BSDP provided zoning for the Rail Yards site, replacing the SU2 Heavy Manufacturing and M2 zones with SU-2/HLS (Historic Locomotive Shops). In 2012, the SU-2/HLS zone was amended to provide for a range of appropriate interim uses for the site, as well as a process for the establishment of interim uses on the site. Since that amendment, the Blacksmith Shop has been improved as an event space, also

called the Yards, that has to date included a classical music concert and a weekly market that have brought thousands of interested Albuquerque residents to the property.

The SU-2/HLS zone anticipated that the zoning would require revisions subsequent to the master planning process. The master planning process began in August 2012, with a series of community meetings. The Rail Yards Master Development Plan (RYMDP) was brought to the EPC for their review and recommendation in December 2013. The EPC voted unanimously to send the Rail Yards Master Development Plan on to the City Council with a recommendation of approval. The plan is currently with the City Council, scheduled for its third Land Use Planning and Zoning subcommittee of the City Council (LUPZ) hearing on June 11th and anticipated to move on to the full City Council for adoption on June 16th. In the months between the first LUPZ hearing and the June LUPZ hearing, city staff has been working with the master developer's team to edit and revise the plan to address concerns raised by the Legal Department. The Legal Department noted that the RYMDP included language that would be more appropriately authorized by the zoning- i.e. the SU-2/HLS zone- rather than by the master plan document.

In May, staff requested that the text amendments be deferred for 30 days to allow time for Planning Department and Council staff to continue working with the Legal Department to clarify and refine the Master Plan, and to provide time to incorporate any additional recommended language into the proposed amendments. The language to be reviewed in this staff report includes revisions from the language as submitted with this application to the EPC in April.

Zoning

The SU-2/HLS zone provides regulations for land use, height, lot size, setbacks, off-street parking, landscaping, orientation, master plan approval and interim uses. The SU-2/HLS zone is mapped between the railroad tracks and 1st and 2nd Street, between Coal Avenue and Bridge Boulevard. The majority of the land in the SU-2/HLS zone is the City-owned Rail Yards site, however to the north and to the south of the Rail Yards site is property owned by BNSF.

III. ANALYSIS OF COMPLIANCE WITH APPLICABLE ORDINANCES, PLANS & POLICIES

Applicable ordinances, plans, and policies are in regular text followed by Staff analysis in ***bold italics***.

A. Charter of the City of Albuquerque

The citizens of Albuquerque adopted the City Charter in 1971. Applicable articles include:

ARTICLE I, INCORPORATION AND POWERS

“The municipal corporation now existing and known as the City of Albuquerque shall remain and continue to be a body corporate and may exercise all legislative powers and perform all functions not expressly denied by general law or charter. Unless otherwise provided in this Charter, the power of the city to legislate is permissive and not mandatory. If the city does not legislate, it may nevertheless act in the manner provided by law. *The purpose of this Charter is*

to provide for maximum local self-government. A liberal construction shall be given to the powers granted by this Charter.” (emphasis added)

Amendment of the SU-2/HLS zone in the Barelás Sector Development Plan is an exercise in local self-government and falls within the City’s powers.

ARTICLE IX, ENVIRONMENTAL PROTECTION

“The Council (City Commission) in the interest of the public in general shall protect and preserve environmental features such as water, air and other natural endowments, *ensure the proper use and development of land, and promote and maintain an aesthetic and humane urban environment.* To affect these ends the Council shall take whatever action is necessary and shall enact ordinances and shall establish appropriate Commissions, Boards or Committees with jurisdiction, authority and staff sufficient to effectively administer city policy in this area.”

Amending the SU-2/HLS zone to compliment the master plan for the Rail Yards site ensures the proper use and development of the site, promoting the an aesthetic and humane urban environment. Staff finds that the request is consistent with the City Charter.

B. Comprehensive City Zoning Code

Authority and Purpose (summarized): The Zoning Code is Article 16 within Chapter 14 of the Revised Code of Ordinances of Albuquerque, New Mexico, 1994 (often cited as ROA 1994). The administration and enforcement of the Zoning Code is within the City’s general police power authority for the purposes of promoting the health, safety, and general welfare of the public. As such, the Zoning Code is a regulatory instrument for controlling land use activities for general public benefit.

Amendment Process (summarized): The City Council is the zoning authority for the City of Albuquerque and has sole authority to amend the Zoning Code. Through the City Charter, the City Council has delegated broad planning and zoning authorities to the Environmental Planning Commission (EPC). The EPC is advisory to the City Council regarding proposed text amendments to the Zoning Code.

The proposed text amendments to the Barelás Sector Development Plan, SU-2/HLS zone, are an exercise of local regulatory authority. The application was duly filed in accordance with Zoning Code requirements. Subsequent hearing and recommendation by the EPC will precede a final decision by the City Council, as required.

C. Albuquerque/Bernalillo County Comprehensive Plan

The Comprehensive Plan, the Rank I planning document for the City, contains goals and policies that provide a framework for development and service provision. The Plan’s goals and policies are used to evaluate development proposals. Applicable goals and policies include:

Land Use

Section II.B.6- Central Urban Areas, Goal: The Goal is “to promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the city.”

The proposed amendments to the SU-2/HLS zone in the Barelás Sector Development Plan provide consistency between the Rail Yards Master Development Plan and the zoning for the site. Such consistency encourages the redevelopment of the site. The historic A.T. & S.F. locomotive shops are an important historic and cultural resource. Redevelopment of the site proposes a mix of employment and cultural uses. The redevelopment of this centrally located property is something that the adjacent neighborhoods— Barelás and South Broadway— have actively been interested and involved in for a number of years. The redevelopment of the Rail Yards has the potential to enhance the character of both of these neighborhoods. The proposed text amendment furthers the Central Urban Area land use Goal (Section II.B.6.).

Section II.B.6. Policy b: Upgrading efforts in neighborhoods within the Central Urban Area should be continued and expanded and linkages created between residential areas and cultural/arts/recreation facilities.

The proposed text amendments to the SU-2/HLS zone in the Barelás Sector Development Plan provide consistency between the zoning and the Rail Yards Master Development Plan. The Rail Yards site was purchased by the City of Albuquerque in 2007 for a number of reasons, historic preservation and economic development among them. The Rail Yards are envisioned to redevelop as a mixed use employment and cultural center. Redevelopment of site will provide a vital link between the downtown, and the Barelás and South Broadway neighborhoods. The proposed text amendments further Policy II.B.6.b by promoting the redevelopment of the site and the link it will provide to the surrounding residential areas.

D. Barelás Sector Development Plan

The Barelás Sector Development Plan was adopted in 2008. The BSDP is a Rank 3 plan that includes land use policy and regulations. The BSDP states “Stabilization, preservation, development, and revitalization are the primary goals of this Sector Development Plan”.

An amendment to the SU-2/HLS zone in the BSDP was anticipated at the time the plan was adopted as indicated by the following language, “Upon approval of a Master Site Development Plan- see section J below- this zone will be amended to adopt the Master Plan.” This request furthers the goals of the Barelás Sector Development Plan by providing consistency between the Rail Yards Master Development Plan and the underlying zoning, thereby ensuring a smoother redevelopment process. The Rail Yards site was bought by the City of Albuquerque for reasons of both preservation and revitalization.

E. Resolution 270-1980 (Policies for Zone Map Change Applications)

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan. **Note:** Policy is in regular text; ***Applicant's justification is in bold italics***

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the city.

The proposed text amendments to the SU-2/HLS zone of the Barelás Sector Development Plan are consistent with the health, safety, morals and general welfare of the City by furthering applicable Master Plan Goals and Policies and ensuring consistency between the zoning and the Rail Yards Master Development Plan.

- B. Stability of land use and zoning is desirable; therefore the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not on the city to show why the change should not be made.

The proposed text amendments will not destabilize land use or zoning. While the request does propose a change to the range of permissive uses (including rather than excluding wireless telecommunications facility and laboratory as permissive uses), this change will not destabilize the area. A wireless telecommunications facility would be regulated per the Zone Code and an architecturally integrated facility could be an appropriate feature on an active employment and cultural center with tall buildings such as the Rail Yards property. Some types of laboratory uses could also be appropriate on the site.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other city master plans and amendments thereto, including privately developed area plans which have been adopted by the city.

The proposed amendments do not in conflict with, but rather support, adopted elements of the Comprehensive Plan and the Barelás Sector Development Plan as analyzed above.

- D. The applicant must demonstrate that the existing zoning is in appropriate because:

- 1) there was an error when the existing zone map pattern was created, or
- 2) changed neighborhood or community conditions justify the change, or

3) a different use category is more advantageous to the community, as articulated in the comprehensive Plan or other City master plan, even though (1) and (2) above do not apply.”

The Barelás Sector Development Plan adopted in 2008 anticipated that an amendment would be appropriate upon adoption of a master plan for the Rail Yards property: “Upon approval of a Master Site Development Plan- see section J below- this zone will be amended to adopt the Master Plan.” The master planning process is nearing completion as a proposed plan is currently at the City Council pending adoption. This constitutes a changed condition and amendments to the sector plan to coordinate the zoning with the master plan are more advantageous to the community.

E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood or the community.”

The proposed text amendments will not introduce a use that would be harmful to adjacent properties, the neighborhood or the community. Wireless Telecommunication Facilities are governed by the Zone Code and such a facility would need to meet the regulations of the Zone Code. The site is a former industrial site, a laboratory is an appropriate use on such a site.

F. A proposed zone change which, to be utilized through land development, requires major and un-programmed capital expenditures by the City may be:

- 1) denied due to lack of capital funds, or
- 2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.

The proposed text amendments will not require major or un-programmed capital expenditures.

G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

Economic considerations are not the determining factor for the proposed text amendments.

H: Location on a collector or major street is not in itself sufficient justification of apartment, office or commercial zoning.

1st and 2nd Streets are designated as principal collector streets. This condition is not germane to this request. The existing zoning already allows for a range of residential and commercial uses.

I: A zone change request which would give a zone different from surrounding zoning to one small area, especially when only premise is involved, is generally called a ‘spot zone’. Such a change of zone may be approved only when:

- 1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, or

2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic or special adverse land uses nearby, or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.”

The amendments do not create a spot zone. The existing zoning provides for a range of residential, cultural and commercial uses.

J: A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called ‘strip zoning’. Strip commercial zoning will be approved only where:

- 1) the change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, and
- 2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.”

The amendments will not create a strip zone. The existing zoning provides for a range of residential, cultural and commercial uses.

IV. PROPOSED TEXT AMENDMENTS & DISCUSSION

The text below contains the SU-2/HLS zone, including the 2012 amendment for interim uses. The amendment to the zone is noted as follows: New language is underlined. ~~Deleted language is struck through.~~ Where Planning staff’s analysis is inserted, the analysis will be in ***Bolded Italics***. The attachments to this report include a version of the text changes as originally submitted with this application and as revised subsequent to the deferral (shown in blue) as well as a version of the SU2/HLS zoning regulations with all proposed amendments incorporated.

SU-2/HLS Historic Locomotive Shops Zone

The SU-2/HLS Zone provides suitable sites for a mix of commercial, residential, and light industrial uses on the historic locomotive shops site. The zone provides for flexibility of land use and design within the property and compatible orientation to the neighborhood and buffering between the locomotive shops complex and residential areas. ~~(Upon approval of a Master Site Development Plan see section J below this zone will be amended to adopt the Master Plan.)~~

The proposed text amendment is the amendment referenced here.

A. Permissive Uses.

1. Uses permissive in the R-3 zone.
2. Uses permissive in the C-2 zone. ~~with the following exceptions:~~

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- ~~a. Wireless telecommunications facility is not a permissive use.~~
 - ~~b. Laboratory is not a permissive use.~~
 3. Uses permissive in the IP zone with the following exception:
 - a. (Change to BULLET)
 - Air separation plant is not permitted.
 4. Iron or steel foundry or fabrication plant, forging, rolling or heavyweight casting, as regulated by the Master Development Plan and provided that such use is buffered from abutting residential zones or residential uses, as approved in the Master Development Plan.
 5. Railroad repair shop
 6. Signs as regulated in the IP Zone, or as specified further restricted in the Master Development Plan.

The current zoning states that wireless telecommunications facilities and laboratory uses are not permissive. This language is both unclear- are they then prohibited or conditional- and inappropriate for a site that will include employment uses. A wireless telecommunications facility will be governed by the Albuquerque Comprehensive Zone Code, which requires that facilities be architecturally integrated and/or concealed. The Master Development Plan includes more restrictive regulations for signage than the IP zone provides, the language proposed directs the reader to the Master Development Plan for further detail. The more restrictive regulations were proposed by the Master Developer for the property.

B. Conditional Uses.

1. Uses conditional in the C-2 Zone.
2. Uses conditional in the R-3 Zone.
3. The location of conditional uses and their relationship to the other uses on the site must be shown on the Master Development Plan.

C. Prohibited Uses.

1. Emergency shelter is not allowed.
2. Retail sale of alcoholic beverages for consumption off-premise is not allowed.
3. Off-premise signs are not allowed.
4. The sale of gasoline and liquefied petroleum gas is not allowed.
5. Adult amusement establishment and adult store are not allowed.
6. Cold storage plant is not allowed.
7. Pawnshop is not allowed.

D. Height.

1. Same as O1 of the City Zoning Code, except height up to 67 feet (five stories) is allowed at a minimum distance of 100 feet from any single family residential zone.

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- E. Lot size. No requirement. See ~~Item~~ section J for Master Development Plan approval requirement for the entire site.
- F. Setbacks.
1. Setback along Second Street is a minimum of 10 feet.
- G. Off-street Parking.
1. Parking should be screened by buildings where possible and not front on streets. Parking that is adjacent to the street because of the configuration of existing buildings must be screened by landscaping or a solid wall or fence 3 feet in height.
 2. Due to the size of the existing historic buildings, new uses will require more parking than can be physically accommodated on the site. A minimum of one thousand (1,000) spaces shall be provided on the site for off-street parking at full build-out of the entire site subject to the Master Development Plan (MDP).
 3. Improved surface and/or structured parking spaces may be provided incrementally.
 - a. Upon application for a Site Development Plan for Building Permit, the applicant shall demonstrate that spaces provided will be adequate for the new use(s) and shall be provided as required by the Development Review Board (DRB). Information provided to the DRB shall detail uses, parking amount, layout and the potential for shared parking agreements and any other relevant data.
 - b. Interim parking lot trees, buffer landscaping and pedestrian walkways may be required as deemed necessary by the DRB.
 - c. Permanent parking lot trees, buffer landscaping and pedestrian walkways may be phased as deemed necessary by the DRB.
 - d. Surface parking may be supplemented with pedestrian, bicycle and transit access.
 - e. Cross parking and cross access agreements between individual parcels shall be provided as determined by the DRB to ensure adequate access and parking for all parcels and the entire site subject to the Master Development Plan.

Regulations that provide more flexibility on parking are legally required to be part of the zoning rather than the Master Development Plan. Redevelopment of this site will require a more flexible approach to parking than the Zone Code typically requires. The existing historic buildings provide a physical challenge, yet the preservation of the buildings and their adaptive reuse is the reason for this project.

- H. Landscaping.
1. Landscaping shall meet the requirements of the City Zoning Code, or as specified in the Master Development Plan. The intent of landscaping of the locomotive shops site is to provide a visually attractive edge and streetscape between it and the neighborhood and provide an attractive environment within the property, including color and shade.

2. Perimeter landscaping should be consistent with the character of the adjacent neighborhood, with an emphasis on drought tolerant plants to minimize water consumption.
3. A public gathering area shall be designed into commercial uses on the site. These might include porticos along commercial storefronts or an open plaza with seating and/or outdoor dining. Shade should be provided by landscaping or shade structures.

I. Orientation.

1. New residential and commercial development along First Street or Second Street shall orient entrances to the street.
2. Buildings along the street frontage shall include entries and windows open to the street.
3. Where possible, public access to the property shall be provided, and the use of existing buildings for uses accessible to the public is encouraged.
4. The entrance to the locomotive shops property should open to the neighborhood and provide access to public areas of the property.
5. Where buildings orient to First or Second Street, development should be open to the street.

J. (Correct editorial mistake. Change from K to J) Master Development Plan Approval.

1. Master Plan review by the Rail Yards Advisory Board and Environmental Planning Commission and approval by the City Council is required for the entire site before a building permit is issued for any portion of the site. Exceptions include a museum project and a City-sponsored housing project, both of which may receive approvals and building permits prior to the adoption of a Master Plan, subject to an agreement with the City that has been reviewed by the Rail Yards Advisory Board and approved by the Council being in place. ~~In addition, building permits may be issued for repairs and/or improvements that are needed so that interim or long-term uses that are allowed by existing zoning and are consistent with the direction of the Master Plan, as determined by both the City and selected Master Developer, can be established on the site.~~

~~INTERIM USES: Building permits for work to be completed in order to establish interim uses may only be issued after the Mayor and City Council have approved a formal plan, which shall be submitted to the Council via Resolution, that includes, at a minimum, the following information:~~

- ~~a. The specific site improvements to be completed;~~
- ~~b. The cost of improvements and funding source(s) to be used to make improvements;~~
- ~~c. Expected operating or other recurring costs;~~
- ~~d. The type(s) of interim use(s);~~
- ~~e. The general logistics of operating the facility that houses the interim use(s), including, but not limited to, the permitting process for use of the facility, hours of operation, access to the facility and the provision of on-site parking, and security;~~

- ~~f. A marketing plan that describes the expected demand for use of the facility and anticipated number of annual events;~~
- ~~g. A description of the public benefits of the interim use activities; and~~
- ~~h. The process that will be used to notify affected neighborhood associations and immediate neighbors of events that may generate impacts, such as traffic and noise, and how those impacts will be mitigated.~~
- ~~i. The Council may choose to seek the input of the Rail Yards Advisory Board prior to acting on any proposal submitted for the development of interim uses.~~

~~OTHER USES: Other projects that would establish long-term or permanent uses on the site may receive approvals and building permits prior to the adoption of a Master Plan, subject to an agreement with the City that has been reviewed by the Rail Yards Advisory Board and approved by the Council and Mayor being in place.~~

Interim uses text moved to its own section within the SU-2/HLS zone.

2. The Master Development Plan (MDP) must include appropriate strategies for buffering and transitions between residential and non-residential uses on the site and the surrounding residential neighborhoods that incorporate and address the required design standards listed in previous sections of the SU-2/HLS zone.
3. Development Approval Process: Specific projects at the Rail Yards property are required to complete a Site Development Plan for Building Permit, as defined by the Comprehensive City Zoning Code. The Site Development Plan for Building Permit shall include a Site Development Plan, landscape plan, grading and drainage plan, utility plan and building elevations. Approval of the site development plan for building permit will occur through a public hearing process before the Development Review Board (DRB). The public hearing process requires notification to the affected neighborhood associations, including Barelás and South Broadway and any other impacted neighborhood as determined through the Office of Neighborhood Coordination. In order for the Site Plan for Building Permit to be approved, the applicant must demonstrate that the project and proposed use are consistent with the goals, policies, and the design standards contained in the MDP. A pre-application review meeting and/or design review meeting with the Urban Design and Development Division of the Planning Department is required to ensure a smooth site development plan approval process.

As part of the DRB approval process, the review of Site Plans for Building Permit shall include review and comment by a City Landmarks and Urban Conservation Commission (LUCC) planner and a Metropolitan Redevelopment planner for consideration by the DRB. The intent is to ensure proposed projects at the Rail Yards property comply are consistent with the MDP and any additional requirements due to the historic designation of the property.

4. Amendments and Deviations to the Master Development Plan:

- a. Deviations to Measurable Standards: Deviations to the SU-2/HLS Zone, the Master Plan and to the Site Development Plans for Subdivision: The MDP is intended to provide the framework for development of the Rail Yards over time. However, it is recognized that conditions may require a deviation to the MDP. A deviation to the MDP is defined as any departure from the measurable standards in the Development Performance Standards section of the MDP. Deviations shall require review and approval by the Planning Director (or his/her designee) and be in accordance with the intent of the MDP. Deviations from the MDP will be presented at the pre-application meeting. Approvals of deviations from the MDP by the Planning Director (or his/her designee) shall accompany the Site Development Plan for Building Permit application to DRB.
- b. The Planning Director, or her/his designee, may approve deviations from any dimensional standard that is less than or equal to 25%. Any deviation greater than 25% and up to 50% from any dimensional standard shall be reviewed by the EPC. Deviations over 50% are not allowed.
- c. Amendments to the Site Development Plan for Subdivision and Site Development Plans for Building Permit: The Planning Director or her/his designee may review and approve amendments to approved site development plans for subdivision and/or building permit as follows:
 - i. Administrative Amendments per the SU-1 zone (§14-16-2-22).
 - ii. Site Development Plans: As determined by the Planning Director, the Development Review Board (DRB) may approve changes to DRB-approved site development plans that go beyond an Administrative Amendment and/or that require technical review.
 - iii. Major Amendments: the Planning Director may refer site development plan amendments to the Environmental Planning Commission (EPC) for review at a public hearing if there are known aggrieved parties and/or if the proposed changes may adversely affect the site, the adjacent properties, and/or the community.
- d. Amendments to the Master Development Plan: The MDP is intended to provide the framework for development of the Rail Yards over time. However, it is recognized that conditions may require an amendment to the MDP. An amendment to the MDP is defined as any change to the Goals and Policies section or the Development Regulations section of the adopted MDP. Proposed amendments to the Development Regulations, including but not limited to the Approved Uses by Parcel, shall require

the approval of the EPC. Proposed amendments to the Goals and Policies shall require review and recommendation of the Rail Yards Advisory Board prior to the submittal to the EPC.

5. Deviations to the SU-2/HLS Zone, the Master Plan and to Site Development Plans for Building Permit: The MDP is intended to provide the framework for development of the Rail Yards over time. However, it is recognized that conditions may require a deviation to the MDP. A deviation to the MDP is defined as any departure from the measurable standards in the Development Performance Standards section of the MDP. Deviations shall require review and approval by the Planning Director (or his/her designee) and be in accordance with the intent of the MDP. Deviations from the MDP will be presented at the pre-application meeting. Approvals of deviations from the MDP by the Planning Director (or his/her designee) shall accompany the Site Development Plan for Building Permit application to DRB.

The Planning Director, or her/his designee, may approve deviations from any dimensional standard that is less than or equal to 25%. Any deviation greater than 25% and up to 50% from any dimensional standard shall be reviewed by the EPC. Deviations over 50% are not allowed.

The language providing an approval process and a deviation and amendment process for the Rail Yards Master Development Plan was originally located in the Master Development Plan. Legal counsel has recommended that the appropriate place for such language is in the zoning for the site. The language was removed from the plan and re-located here in the SU-2/HLS zone. The language provides the parameters for the development process, as well as language to address deviations and amendments to the Master Development Plan. Redevelopment of the site may be lengthy and complicated; therefore it would be shortsighted to not provide any relief mechanism for the Master Development Plan.

- K. Interim Uses (New section and name for this existing text (per 2012 amendment to address interim uses), moved from section J above and renumbered to match the formatting of the BSDP)
1. Building permits may be issued for repairs and/or improvements that are needed so that interim or long-term uses that are allowed by existing zoning and are consistent with the direction of the Master Plan, as determined by both the City and selected Master Developer, can be established on the site.
 2. INTERIM USES: Building permits for work to be completed in order to establish interim uses may only be issued after the Mayor and City Council have approved a formal plan, which shall be submitted to the Council via Resolution, that includes, at a minimum, the following information:

- i. The specific site improvements to be completed;
- ii. The cost of improvements and funding source(s) to be used to make improvements;
- iii. Expected operating or other recurring costs;
- iv. The type(s) of interim use(s);
- v. The general logistics of operating the facility that houses the interim use(s), including, but not limited to, the permitting process for use of the facility, hours of operation, access to the facility and the provision of on-site parking, and security;
- vi. A marketing plan that describes the expected demand for use of the facility and anticipated number of annual events;
- vii. A description of the public benefits of the interim use activities; and
- viii. The process that will be used to notify affected neighborhood associations and immediate neighbors of events that may generate impacts, such as traffic and noise, and how those impacts will be mitigated.

The Council may choose to seek the input of the Rail Yards Advisory Board prior to acting on any proposal submitted for the development of interim uses.

- 3. OTHER USES: Other projects that would establish long-term or permanent uses on the site may receive approvals and building permits prior to the adoption of a Master Plan, subject to an agreement with the City that has been reviewed by the Rail Yards Advisory Board and approved by the Council and Mayor being in place.

V. CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

Staff received no comments or concerns from reviewing agencies.

VI. NEIGHBORHOOD & OTHER CONCERNS

A letter containing the draft amendments was certified mailed to the entire Downtown Neighborhood notification list. This list includes eleven neighborhood associations, including Barelás and South Broadway, the two neighborhoods that border the Rail Yards property. Staff received no comments or concerns from the neighborhoods.

VII. CONCLUSION

The proposed text amendments to the SU-2/HLS zone in the Barelás Sector Development Plan were anticipated at the time of adoption of the SU-2/HLS zone. The amendment provides consistency between the Master Development Plan and the zoning for the Rail Yards site. Staff has received no comments or objections from the public or reviewing agencies. Staff recommends a recommendation of approval for the proposed text amendment.

RECOMMENDED FINDINGS – 14EPC-40026 –May 15, 2014 –Text Amendment to the Barelas Sector Development

1. This is a request for Text Amendments to the SU-2/HLS (historic locomotive shops) zone in the Barelas Sector Development Plan. The plan area is the area bounded by the railroad tracks on the east, Bridge St. on the south, Tingley Dive on the west and Alcalde on the north.
2. The SU-2-HLS zone is limited to Tract A of the Plat of Tract A A.T. & S.F. Railway Co. Machine Shop, a 27+/- acre City-owned property that contains the historic Atlantic Pacific and Santa Fe Railway locomotive shops, and platted and unplatted parcels of land owned by the Atchison, Topeka and Santa Fe Railway Company adjacent to the railroad tracks.
3. A Master Plan has been developed for the 27+/- acre City-owned property that contains the historic Atlantic Pacific and Santa Fe Railway locomotive shops, and the Albuquerque Rail Yards Master Development Plan is currently at the City Council for review and adoption.
4. The intent of the text amendments is to coordinate the Master Plan with the Barelas Sector Development Plan, specifically, relevant regulations associated with the Master Plan are legally required to be implemented by the Sector Plan.
5. The proposed text amendments further the Comprehensive Plan Land Use Goal for the Central Urban Area Section II.B.6. The proposed amendments to the SU-2/HLS zone in the Barelas Sector Development Plan provide consistency between the Rail Yards Master Development Plan and the zoning for the site. Such consistency facilitates the redevelopment of the site. The redevelopment of the City's cultural and historic resource commonly known as the Rail Yards, with the proposed mix of employment and cultural uses, has the potential to enhance the character of both the adjacent South Broadway and Barelas neighborhoods.
6. The proposed text amendments further the Comprehensive Plan Land Use Goal for the Central Urban Area Section II.B.6. Policy b. The proposed text amendment to the SU-2/HLS zone in the Barelas Sector Development Plan provides consistency between the property's zoning and the Rail Yards Master Development Plan. The Rail Yards site was purchased by the City of Albuquerque in 2007, for a number of reasons, historic preservation, economic development among them. The Rail Yards are envisioned to redevelop as a mixed use employment and cultural center. Redevelopment of site will provide a vital link between the downtown and the Barelas and South Broadway neighborhoods.

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7. The proposed amendments to the Barelás Sector Development Plan are consistent with Resolution 270-1980. The proposed text amendments to the SU-2/HLS zone of the Barelás Sector Development Plan are support the health, safety, morals and general welfare of the City by furthering applicable Master Plan Goals and Policies and ensuring consistency between the zoning and the Rail Yards Master Development Plan. The proposed text amendments will not destabilize land use or zoning. While the request does propose a change to the range of permissive uses (including rather than excluding wireless telecommunications facility and laboratory as permissive uses), this change will not destabilize the area. A wireless telecommunications facility would be regulated per the Zone Code and an architecturally integrated facility could be an appropriate feature on an active employment and cultural center with very tall structures such as the Rail Yards. Some types of laboratory uses would also be appropriate on the site. The existing zoning provides for a range of uses including residential, cultural and commercial. The amendment will not create a new spot or strip zone.

RECOMMENDATION – 14EPC-40026 – June 12, 2014 –Sector Plan Amendment

That a recommendation of APPROVAL of 14EPC-40026, Text Amendment to Barelás Sector Development Plan, SU-2/Historic Locomotive Shops, be forwarded to the City Council based on the preceding Findings.

Maryellen Hennessy and Petra Morris, Senior Planners
Urban Design and Development

cc: COA City Council, Attn: Chris Melendrez, PO Box 1293, Albuquerque, NM 87103 *(by e mail)*
COA Legal Department, Attn: Jenica Jacobi, PO Box 1293, Albuquerque, NM 87103 *(by e mail)*
COA Planning, Attn: Brennon Williams, 600 2nd St. NW, Albuquerque, NM 87103 *(by e mail)*
Dorothy Chavez, Barelás Neighborhood Association 610 10th SW, 87102 *(by e mail)*
Javier Benavidez, Barelás Neighborhood Association 1115 Barelás SW, 87102 *(by e mail)*
David Mahlman, BCCP, 206 Broadway SE, 87102 *(by e mail)*
Rob Dickson, BCCP, 401 Central NE, Suite D, 87102 *(by e mail)*
Frank Martinez, Citizens Information Committee of Martineztown, 501 Edith NE, 87102 *(by e mail)*
Sergio Viscoto, Citizens Information Committee of Martineztown 700 Don Cipriano Ct. NE, 87102 *(e mail)*
Reba Eagles, Downtown Neighborhood Association, 1500 Lomas NW, Suite B, 87104 *(by e mail)*
Sue Brych, Downtown Neighborhood Association, 927 11th NW, 87102 *(by e mail)*
Kathy Grassel, Huning Highland Historic District Association, 510 Edith SE, 87102 *(by e mail)*
Ann. L Carson, Huning Highland Historic District Association 416 Walter SE, 87102 *(by e mail)*
Loretta Naranjo Lopez, Martineztown Work Group, 1127 Walter NE, 87102 *(by e mail)*
Ivan Westergaard, Martineztown Work Group, 1008 Calle Garza NE, 87113 *(by e mail)*

Bob Tilley, Raynolds Addition N.A., 806 Lead Ave SW, 87102 *(by e mail)*
Deborah Foster, Raynolds Addition N.A., 1307 Gold SW, 87102 *(by e mail)*
Carol Carrillo Pimentel, Santa-Barbara-Martineztown Assoc., 340 Prospect Ave. NE, 87102 *(by e mail)*
Christina Chavez, Santa-Barbara-Martineztown Assoc., 517 Marble NE, 87102 *(by e mail)*
Lorraine Smith, South Broadway N. A., 1123 William SE, 87102 *(by e mail)*
Debbie Stover, Downtown Action Team, 100 Gold St. SW Suite 204, 87102 *(by e mail)*
Todd Clarke, Downtown Action Team, 100 Gold St. SW Suite 204, 87102 *(by e mail)*
Kyle Silfer, North Valley Coalition, 4465 Jupiter St. NW, 87107 *(by e mail)*
David Wood, North Valley Coalition, 158 Pleasant NW, 87107 *(by e mail)*

Attachments:

1. Proposed text amendment, revised from original application submittal.
2. Proposed text amendment with all proposed revisions incorporated in clean document.

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Enforcement

No comment

Office of Neighborhood Coordination

Long Range Planning

Metropolitan Redevelopment

CITY ENGINEER

Transportation Development Services:

Transportation Development (City Engineer/Planning Department):

Hydrology Development (City Engineer/Planning Department):

Transportation Planning (Department of Municipal Development):

Traffic Engineering Operations (Department of Municipal Development):

Street Maintenance (Department of Municipal Development):

New Mexico Department of Transportation (NMDOT): No objections to the text amendment.

RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT and NMDOT:

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Open Space Division

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

ALBUQUERQUE PUBLIC SCHOOLS (APS)

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

No Comment