




# MEMORANDUM

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DATE: February 7, 2012

TO: Linus Kafka  
Zoning Examiner

FROM: Jim Mazzocco   
Planning Administrator

SUBJECT: C9-12-01 – Main Gate UOD Updates to the Main Gate District Development Document

At the January 26, 2012 public meeting, the Zoning Examiner continued this case until February 9, 2012. Staff has met with or had discussions with stakeholders including representatives from the West University Neighborhood Association, two members of the Plan Review Subcommittee of the Tucson-Pima County Historic Commission (Terry Majewski Jon Mirto, and Damion Clinco) referred to in this memo as the Historic Commissioners, representatives from the University of Arizona, Campus Acquisitions, the Marshall Foundation and Bill Viner and Steve Schenitzer, property owners on west Tyndall Avenue.

Below are a list of issues that have been reviewed. In most cases suggested changes have been made to the draft Main Gate District Development Document. In other cases, staff has not made the change but by this memo hopes to identify the issue for you and the Mayor and Council to consider.

1. 1.(A-4) The Historic Commissioners requested several clarifications in this section and they were made. In addition they requested an added sentence that stated, "Any existing property on which an existing historic property is demolished is ineligible for the UOD."

Staff did not make this change. Staff responded in an email to Chair Terry Majewski that we had not included the comment whereby a Mayor and Council approved demolition may not use the U zoning option.

We said that the process we discussed with West University Neighborhood Association (WUNA) representatives whereby the HPZ demolition process and the basic parts of the rezoning process is used together to review the demolition and the replacement plan is appropriate. We said we prefer this approach because the Mayor and Council less than two months ago approved a land use plan policy for the Euclid properties for multi-story development. This issue may need to be reviewed within the public hearing process. We further said that if Mayor and Council want to modify the policy direction of the land use plan within this rezoning and not allow the U zoning option when a demolition is approved they can do that.

2. (B-1.e) WUNA requested that any property using the U zoning option that is located in a HPZ retain the H. This edit has been made.
3. (B-1k) - Staff is recommending adding a section that allows the document to be updated with current citations to the anticipated adoption of the Unified Development Code. This change would improve the ability of the public and staff to use the document with whatever are the most current requirements' citations.
4. (B-2.d.1) This section was revised per the Historic Commissioners to note that contributing properties within a Historic Preservation Zone (HPZ) and outside the HPZ still require a review in accordance with the HPZ.
5. (B-2.d.2) The Design Review Committee (DRC) section has been edited per the request of the WUNA and the University of Arizona to assure that WUNA members of the DRC are appointed by the Association, and that there are two members from the University of Arizona.
6. (B-2.d.4 and 5) These sections clarify that the DRC may comment on items within the MGD document that are outside of the design standards.
7. (B-2.f) This section places property owners on notice that there will be a transportation analysis of the Urban Overlay District (UOD) and the costs of certain infrastructure requirements may be assessed to those using the Main Gate District (MGD) zoning option. The upcoming Streetcar Land Use Plan has a significant task requiring a transportation analysis of the UOD that includes setting boundaries of the study area and the potential for development fees to be charged to property owners taking advantage of the UOD zoning option. Campus Acquisitions has expressed concerns how these potential fees might work in relation to other development fees the property owner must pay and further they wanted assurance that any potential fees would be used in the specific UOD area.

Staff believes this subsection is intended mainly to alert property owners that fees may be charged for using the zoning option. However, the study has not been performed and there are no recommendations. The Mayor and Council will eventually have to weigh in on whether fees should or can be charged in this area once the study is presented to them.

8. (C-1) A definition was added per the request of the Historic Commissioners on the term 'contributing property.'
9. (C-9.j) Per the request of the Historic Commissioners, wording was added to assure historic landscaping is mentioned as an alternative in certain situations and further historic landscaping is not inadvertently prohibited in the MGD.

10. (Potential C-9.k) The Historic Commissioners asked to add wording whereby, “ A complete or partial exemption from the landscape and screening requirements (Land Use Code Section 3.7) may be granted when shade is provided for pedestrians such as along sidewalks, pedestrian circulation paths, and open space.” Staff did not include this section because the MGD substantially provides for the same issue through the MGD standards which supersede the LUC standards when there is a conflict between the two.
11. (C-17.b) The Historic Commissioners requested a provision requiring the step-back of buildings be applied to property lines adjacent to a contributing property. Staff added this standard ‘as required by the director’ to address specific issues involving the surroundings when a proposal is being reviewed.

In talking to property owners with land on the west side of Tyndall Avenue, that provision would affect their proposed project and they are very concerned that a multi-story building would be difficult to develop along the west side of Tyndall. The front building façade on Tyndall and the rear building façade facing the alley would both have step-backs along 25% of both of those two sides.

This provision is a debatable point in the MGD. If the historic bungalow properties along Euclid that trigger this requirement develop as restored non-residential uses do they require the same adjacency protection as contributing properties being used as residential uses? During the December 2011 plan amendment that affected both Euclid and Tyndall properties, all of the Euclid bungalow property owners except one supported the plan amendment without an adjacency policy. On the other hand, the historic preservation community sees this provision as a minimum requirement when building multi-story development next to any type of contributing property.

12. (C-18.a.) The Historic Commissioners requested clarification that any development on contributing properties outside the HPZ must go through the LUC historic review and this provision requires that certain development criteria are reviewed for compliance. Another MGD provision clarifies that for property within the HPZ, there will be a neighborhood meeting, West University Zone Advisory Board review of the proposal, and LUC Section 2.8.8.5 review which entails review of certain development criteria. As requested by WUNA, the applicant shall send a mailing to all the property owners in WUNA advising of a historic review of a MGD development within the HPZ areas.
13. (C18.b) The Historic Commissioners requested that not only contributing properties in an HPZ go through historic review but also non-contributing properties. The request reflects current HPZ policy that is followed by non-contributing properties in the West University HPZ prior to this rezoning initiation.

14. (C-18.c.2) The Historic Commissioners requested a change to insert "with the exception of low-rise additions, alterations, and infill within the Historic Preservation Zone. In these cases, the setback, site utilization, and proportion shall remain in effect." We have modified the request that alterations will not cause a de-listing of a contributing property. Staff added that the applicant can appeal a decision of the director to Mayor and Council per 23A-62. This provision is already used for appeals from HPZ decisions.
  
15. (C-18.e.) This section describes the demolition process which requires eventual decision by Mayor and Council. Similar to the Historic Commissioners' request in A-4 above staff did not add the phrase "Any property on which contributing properties are demolished are not eligible to opt into the MG UOD." However, for increased height requests for demolitions or for modern additions, the applicant must go through the Zoning Examiner Legislative Procedure (ZELP). The demolition process' replacement plan must be reviewed through this ZELP process. This process will allow for more input from the neighborhood and will also allow the Mayor and Council to approve a height that is less than the heights listed in Figure 3 of the MGD Development Document.
  
16. (C-18.j) Staff did not insert the following as requested by the commissioners: "C-18.j. Alternate Standards. In all cases within the HPZ and for Contributing Properties within the West University National Register District when development criteria cannot be complied with because of incentives [TM1] offered by the UOD, the Secretary of the Interior's Standards for Historic Preservation shall be applied in the context of the review described in LUC Section 2.8.8.9.G (Historic Preservation Zone--Demolition of Historic Properties--Mayor and Council)."

The Historic Commissioners further commented "This is really critical for us to have these standards, when the more restrictive design guidelines are taken away for certain things. Using these, it is possible to work with developers to achieve their goals."

Staff understands that where a demolition is considered acceptable is if the property will suffer an unreasonable economic hardship. We assume that part of that rationale may be that the building is an imminent safety hazard. We would support that the demolition be reviewed in the same manner that all HPZ demolitions are reviewed by the City per LUC Section 2.8.8.9.G.