



CITY OF
TUCSON

Planning &
Development
Services
Department

February 23, 2010

Dear LUC Committee Member:

Subject: Draft Recommendations being considered for March 9th M/C Study Session on Infill Improvements

Staff has prepared a draft memorandum regarding the Infill Improvement Work Plan, which is currently being reviewed by the City Manager and City Attorney. The memorandum is subject to change based on comments from them.

For your review and comment, please find attached (Attachment A) the draft memorandum prepared by staff, which includes the policy issues being considered to better address infill development, a summary of the LUC Committee's initial comments on the proposals, and draft recommendations.

Sincerely,

Ernie Duarte, Director

Planning & Development Services Department

ATTACHMENT A: DRAFT MEMO

Subject: Potential Land Use Code and Policy Amendments on Infill Improvements. Study Session (City-Wide)

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Issue – On January 26, 2010, the Mayor and Council directed staff to analyze several policy issues for revision or creation to better address infill development. The topic areas included parking reduction, Downtown Area Infill Incentive District, certificate of occupancy performance criteria, University area analysis for infill opportunities, and revision of development review timelines. Mayor and Council also noted that recommended changes should be selected from those which can be implemented expeditiously. Further, Mayor and Council requested staff to meet with the Land Use Code Committee for their comments, concerns and recommendations on these land use policy items.

Draft Recommendations – It is recommended that the Mayor and Council direct staff to prepare Land Use Code amendments and land use plan policy amendments as noted below and further to return within recommendations for adoption as soon as possible as a group or individually:

- Revise the parking reduction ordinances as well as a minor revision to loading zone requirements;
- Revise the Downtown Area Infill Incentive District modification of development regulation provisions regarding parking, landscaping and, pedestrian access;
- Create a streamlined certificate of occupancy review procedure;
- Create an urban overlay district modeled on the Planned Area Development for transit oriented development;
- Revise timelines and expiration dates for tentative and final plats, development plans and building permits as explained below;
- Revise the land use plan policies within the West University Neighborhood Plan that are currently creating obstacles to otherwise acceptable infill development; and
- Consider as part of the above recommendations to revise the current January 2011 expiration date to January 31, 2012.

Background – At this writing, staff has met with and made presentations to the Land Use Committee on February 11, 2010 regarding the recommendations. The Committee's comments on the policy items are noted below. At the Committee's request, there is still one more LUC Committee meeting on February 25, 2010. The Committee's comments will be forwarded once the minutes are prepared. Attachment A shows a PowerPoint slide show that summarizes the recommended changes presented to the Committee. Below is a more detailed discussion of the recommendations.

Present Consideration –

Parking Reduction - In May 2009, the Mayor and Council adopted several parking reduction strategies. Because of the economic slowdown there have not been many projects to evaluate the success or failure of the changes in parking standards. The three are 1)non-conforming use

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change of use – it has been successful and no change is recommended; 2) midtown formula of 3 spaces for 1,000 square feet for existing development – some changes to standards are recommended; and 3) the individual parking plan –some changes to the standards are recommended.

Shared Parking - One recommended change is clarifying the role of shared parking in the second and third parking reduction above. The shared parking provision unintentionally became a barrier for some applicants in using the option.

Parking Mitigation Plans - In addition, there is an issue about parking mitigation plan – a standard that requires an applicant to explain that the parking reduction will not cause an off-site nuisance or safety hazard to adjacent properties. The current provision requires the City to review each one annually for the first three years. Staff recommends this regulation be changed to a department policy. Staff reviewed about 20 mitigation plans for C-1 zone restaurant/bars. None have had associated nuisance problems. The parking reduction concepts are not available to restaurant and bars. The parking mitigation plan requirement mainly applies to offices, furniture stores and general retail and service uses. These uses do not tend to cause nuisance parking problems

Minor issues – Staff also recommends eliminating the storage and wholesaling parking reduction because it is redundant with current standards. The noise and glare criteria require re-wording to be more focused and clearer in intention. Staff also recommends a small change to the loading zone standard regarding the maneuvering area. The change would create needed flexibility in designing parking and loading areas together.

Expansion of Existing Buildings - A related issue not specifically addressed by the 2009 parking reduction ordinance is to allow less than 25% expansions of existing development to only count that part of the expansion that is parking related such as added seating areas and added display areas but not count, as is now the standard, non-parking related areas such as bathrooms, storage areas, lobbies, coolers, and similar areas.

LUC Committee Comments – The Committee discussed the above items and were generally supportive of the direction staff recommended. They discussed the mitigation plan and some felt the idea was flawed. Others understood that it came from a need to balance parking reduction with concerns that the reduction may create a neighborhood nuisance. Most agreed that once the mitigation plan is accepted [after a required neighborhood meeting and a potential neighborhood challenge to Mayor and Council on the reduction] that regular zoning enforcement should assure the business complies with the mitigation plan. Everyone noted that businesses submitting mitigation plans so far are not causing problems. Regarding the other issues, including the revision to expansions of existing buildings, the Committee thought all were reasonable ideas.

Downtown Area Infill Incentive District (IID) – The IID was adopted in 2006, however, there was no regulatory relief in the original district. In September 2009, a modification of development regulations provision was added thus allowing individuals to apply for relief from certain dimensional requirements including landscaping and parking. Because of the short time

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since adoption, there have not been any applications using the IID. Staff observed after speaking to some early applicants that parking, pedestrian access, and landscaping reductions were not enough to help early infill proposals.

Parking – Having noted that current applicants could not use the IID parking reduction ideas, staff recommends allowing other reduction standards. They include allowing a 50% reduction for property in the IID, allowing parking areas to be located ¼ mile from the business, counting up to five on-street parking spaces, toward the total number, and allowing an in lieu of fee for parking spaces. The fees would be used to build public parking garages but the fee is not a purchase of a garage space but an exchange for not having an on-site space. Note these proposed standards would need to be coordinated with the current parking standards so as not to cause confusion or unintended consequences.

Parking Lot Location - An additional issue was to allow existing development to locate some parking in the front of the business. The IID encourages a pedestrian-oriented building with parking normally located to the side or rear. This recommendation relaxes that standard to allow existing businesses in the IID [especially in the Oracle and Stone corridors] to apply for some relief if the business is still accommodating a pedestrian-oriented design.

Landscaping – Staff became aware that the flexibility offered in the IID landscaping provision was still too suburban-oriented toward bufferyards and screening. The updated recommendation emphasizes shade and softening of the streetscape with appropriate urban vegetation. Existing vegetation providing shade may be acceptable and adequate. Perimeter screening would be required only to reduce privacy intrusion on existing residential property.

Pedestrian Access – A provision in current standards require a pedestrian circulation path within all development. In certain existing sites in the IID, attempting to meet such a requirement may disqualify it. The recommendation is to waive this standard unless it applies to accommodating the disabled.

LUC Committee Comments – The Committee did not spend much time discussing the recommendations above. Rather they discussed whether the IID is a worthwhile concept. One member urged the Committee to abandon the IID and support the development of a downtown overlay similar to Albuquerque, N.M. One comment was if it was not possible to do a form-based code in the downtown then zero parking in the downtown should be considered. Another member said such an effort could take several years and may have Proposition 207 issues related to it. One member did not like the itemized approach and felt more time should be spent seeking a more comprehensive solution to infill problems. Another member said the Mayor and Council should know that this Committee is ready to deal with big land use planning and zoning issues and specifically wanted that reported.

Certificate of Occupancy Criteria – Mayor and Council directed staff to review performance criteria for Certificate of Occupancy issues. The staff recommendation provides a simple method to approve new uses of existing development in nonresidential zones by adding a new section to Division 3 of the Land Use Code (LUC). The new section would specifically address

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site improvement in existence as of May 1, 2005. Excluding correctional uses, billboards, and restricted adult activities, any use allowed by right under the existing zoning would be allowed to occupy a building/site that has been in place since 2005. Existing restaurants and bars could be sold or leased to allow new operators to move in, however, a change of use for example, from a retail use to a restaurant or bar is not allowed. Aerial photos disseminated by the Pima Association of Governments (PAG) would be used to establish the existing improvements. Building safety and floodplain regulations would not be impacted. A site inspection would be conducted to ensure compliance.

LUC Committee Comments – The Committee asked why 2005 was selected. Staff explained that there are reliable aeriels circa 2005 that help confirm the building footprints as well as allowing enough time up to the present to check if there have been any zoning violations on the site that may need to be reviewed prior to waiving compliance with current code requirements. The Committee generally supported the recommendation.

Urban Overlay District (UOD) – In September 2009, when the Mayor and Council adopted the modification of development regulation for the IID, it also changed the Planned Area Development District (PAD) provisions to better facilitate new infill areas like the Downtown Links study area which runs along the Downtown Links road alignment between I-10 and Euclid Avenue.

The goal was to create a second zoning option allowing both current zoning and have a zoning option that encouraged infill development. While the revised PAD could accommodate this goal, within a PAD land use proposal document, the problem was the City's zoning map would indicate a uniform PAD area rather than showing an infill overlay option with existing underlying zoning.

Staff recommends the creation of an overlay district that is focused on pedestrian and transit-oriented development that Mayor and Council can initiate. A new Urban Overlay District could use the processing of a PAD but also indicate more clearly on a City zoning map that property has two potential uses, i.e., the underlying zoning and zoning and design regulations to accommodate an urban infill option.

LUC Committee Comments – The Committee asked what is the difference between the IID and the proposed overlay. Staff said the IID is administrative and gives dimensional relief to development proposals in existing zones. The UOD would require a rezoning with typical notification to affected and adjoining property owners. A member asked if the overlay could be applied to the Downtown and create a downtown district. Staff answered yes, if the Mayor and Council initiated such a rezoning. A member asked if such a rezoning could create Proposition 207 issues. Staff said one would have to see what the content of the overlay is and the specifics of the proposal. One member commented that he could imagine a series of overlays that addressed more urban development with rules specific to the character of that area as opposed to the current uniform car-oriented development zoning regulations. Generally, the Committee was supportive of the proposed overlay.

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Development Review Timelines – One of the items the Mayor and Council directed staff to review is the potential for making development review timelines more flexible and efficient. Staff focused on development plans and, tentative plats expiration dates and a change to the approval process for final plats. Currently, these key development documents can expire in one year. Staff recommended that the expiration dates be extended to three years especially for tentative plats and development plans. They also recommended that unless there is a statutory problem that final plats be administratively approved by the Planning and Development Services Director instead of the Mayor and Council. After further research, staff found that an administrative final plat approval is not possible, because only the legislative body can accept dedications of right of way and similar legal instruments.

Additionally, staff explained to the Committee issues related to the expiration and extension of building permits. From the current 180-day approval and subsequent approvals based on calling in for inspections, staff recommended the initial approval be for 365 days with one free 180-day extension. Additional extensions would depend on a renewal fee and compliance with current regulations. This change would reduce processing time and would allow some flexibility in adjusting to variable economic conditions.

LUC Committee Comments - The Committee was supportive of the recommendations and finding efficiency in development review timelines. One member said there needs to be greater clarity on how the final plat is approved. There was also discussion on how long a final plat is valid.

University Area Land Use Plan Policies – Mayor and Council directed staff to review the land use plans in the University area for infill opportunities. This area requires a balancing of historic preservation issues as well as infill near the University, a regional activity center. Staff recommended as a short term solution to remove the 40-foot building height policy in the West University Neighborhood Plan's transition area between Euclid and Park Avenues. Staff also mentioned there are longer term issues including analyzing the area and creating an infill map for the University Area Plan and reassessing major streets and routes right of way widths in this general area. Such a reassessment could create more flexible development opportunities in key areas where road improvements are occurring. Regarding the University Area Plan, staff recommended that a policy similar to the one developed for the Feldman's Neighborhood Preservation Zone be considered whereby internal historic buildings may have a restrictive covenant ensuring continued preservation while structures on a major arterial may be targeted for redevelopment.

LUC Committee Comments – One Committee member asked if a University representative could be present at the next meeting to discuss the University's expansion plan. Another member felt that the City needed to inform the West University Neighborhood Association about any recommendation to remove the height policy in the neighborhood plan's transition area. There was a comment about significant number of historic buildings being along arterials. One member strongly supported a map identifying infill areas. There was concern expressed that the West University neighborhood has had some inappropriate development. The vacant property on 6th Street with a large hole was pointed out as an example of neighborhood distressed property. One

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attendant living in the West University neighborhood said there is some support among residents to keep height in the neighborhood plan's transition area between Euclid and Park Avenues.

Long Term Items – There were several issues discussed by the Committee and staff that may not fit into short-term fix category. Staff mentioned a review of the University Area Plan to consider a supplemental infill area map. Such an effort would require numerous public meetings and more resources than a typical short term project. Downtown parking is an area the Committee mentioned and that is being reviewed by a subcommittee of the LUC Committee with added members from the Planning Commission and the Downtown Partnership. The subcommittee intends to address an updated downtown parking concept. The revised parking ordinance may be coming forward to public hearing by the end of the year. The Committee also mentioned a downtown form-based code district [this concepts attempts to control physical form in relation to the street primarily, with less focus on typical zoning/use regulations]. This type of development policy is normally done by professional consultants with wide experience in form-based codes. It also requires a background with an emphasis in architecture and urban design. It is typical for such consultation to be anywhere from \$250,000 to \$500,000.

Summary – Staff recommends the changes above proceed through the public process. Additionally, staff recommends the expiration date of the recommended changes be extended to January 31, 2012 to allow more time for the changes to be used and evaluated. If amendments need to be made prior to this date, they can still be done. The changes recommended are doable within a reasonable time frame so as to be useable later this year and throughout 2011.

Some changes such as downtown parking, form-based code districts, and supplemental infill map for the University Area Plan may require more time to develop. In the case of a form-based code, it would involve hiring a form-based code consultant. Note also there is an on-going revision to the parking code involving members from both the LUC Committee and Planning Commission. These long term issues should be delayed until after the current recommendations have gone through the public hearing process.

Respectfully submitted,

Richard Miranda
Deputy City Manager

RM/:Ernie Duarte/JM
Planning and Development Services Department


Attachments

- A – February 11, 2009 Powerpoint
- B- February 11, 2009 LUC Committee minutes
- C- University area analysis materials

Infill Improvements Work Plan

Infill Improvements Work Plan


- Amend the Parking Reduction ordinance
- Amend parking requirements when expanding existing structures
- Amend the Loading Zone ordinance to allow co-location
- Amend the Downtown Area Infill Incentive District ordinance
- Amend the Certificate of Occupancy policies and regulations
- Establish an Urban Overlay Zone
- Extend timelines and expiration dates
- Conduct analysis of University area plans

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Parking Reduction Ordinance

Existing Development Sites (Sec. 3.3.8.6) - Existing development may use a reduced parking formula if certain criteria are met.
Issues: Criteria/Findings, Parking Mitigation Plan, & Parking Reduction Formulas

Individual Parking Plan (LUC Section 3.3.8.7) - Allows for a customized Parking Plan with formulas that differ from the standard Parking Code requirements.
Issues: Preparation of plans

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Existing Development Sites
Issue #1: Criteria/Findings

Current Provision: Projects must meet four criteria to qualify for the parking reduction (Section 3.3.8.6.A.5).

Issues: The criteria are too narrowly written and prevent many businesses from qualifying.

Potential Solutions:

- Clarify that a shared parking agreement only required when applicable
- Clarify the intent of the noise and glare criterion



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Existing Development Sites
Issue #2: Parking Mitigation Plan

Current Provision: Projects must provide mitigation when located w/in 300 feet of R-3 or more restrictive zoning.

Issues: Annual review of the parking mitigation plan is impractical and difficult to enforce.

Potential Solutions: Change the review procedure from a codified requirement to an internal policy.



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Existing Development Sites
Issue #3: Parking Reduction Formulas

Current Provision: Storage and Wholesaling uses may request a reduction up to 1/2,000 sf GFA.

Issues: The reduced formula is the same or more restrictive than the current parking formulas.

Potential Solutions: Remove the uses from the ordinance.



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Expansions to Existing Structures: Parking Requirements

Current Provision: Parking must be provided for expansions to existing structures.

Issues: Current code does not distinguish between expansions that increase site use and non-parking related expansions that do not.



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Expansions to Existing Structures: Parking Requirements cont'd

Potential Solution: Amend the LUC to require additional parking for expansions that increase site use. Examples: adding display space, outdoor dining area, or office space for more employees.

Do not require additional parking for non-parking related expansions. Examples: coolers, accessibility improvements, lobbies, storage, and other improvements that do not result in an increase number of users.



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Loading Zones

Current Provision: Sites are required to provide a dedicated loading zone.

Issues: Loading zones require large amounts of space for an infrequent activity.

Potential Solutions: Allow co-location of loading zones within maneuvering areas for solid waste facilities, drive-thru lanes and stacking areas as long as it doesn't compromise safety and access.



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Downtown Area Infill Incentive District

Issues:

- Parking
- Landscaping
- Pedestrian Access
- Parking Area Location Requirement



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Issue #1: Parking

Current Provision: Modifications permitted according to the Parking Reduction ordinance and the Downtown Redevelopment District (DRD)

Issue: New reduction amounts are not enough for certain changes of use and expansions of nonconforming properties.



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Issue #1: Parking cont'd

Potential Solutions:

1. Amend the Parking Reduction ordinance
2. Amend the IID ordinance to allow:
 - Up to a 50% parking reduction
 - Off-site parking within 1/4 mile of the project site
 - On-street parking up to 5 spaces
 - An in-lieu fee for parking



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Issue #2: Landscaping

Current Provision: The IID allows the landscaping and screening requirements (LUC Section 3.7) to be reduced up to a twenty-five percent (25%).

Issues:

- The new requirement is still too suburban in nature.
- A 25% reduction is not sufficient for the more urban properties in the IID.



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Issue #2: Landscaping cont'd

Potential Solutions:

- Allow reductions greater than 25%, but not a full waiver. In some cases, existing landscaping may be sufficient.
- Allow flexibility in locating landscaping where it will provide shade (e.g. sidewalks, pedestrian access paths, and outdoor patios). Require buffers or screening when a project is adjacent to residential uses.
- Allow shade trees in the right-of-way to meet the requirement
- Allow landscaping in planters to meet the requirement
- Allow alternative methods of landscaping. Examples: green roofs and vegetated walls



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Issue #3: Pedestrian Access

Current Provision: Development Standard 2-08.0.0 requires a continuous pedestrian circulation path within all development.

Issue: Pedestrian access may not be feasible due to as-built conditions and dimensional constraints of the site.

Potential Solution: Allow a waiver of the standard, except as it pertains to providing an accessible path from accessible parking spaces to an entryway



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Issue #4: Parking Area Location Requirement

Current Provision: The IID ordinance requires parking areas on the side or rear of the building.

Issue: Requirement is too restrictive and could prevent the adaptive reuse of certain existing structures.

Potential Solution: Changes of use and expansions to nonconforming properties may use their current parking configuration.



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Discussion



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Certificate of Occupancy Relief

Issue:

While structures can be brought into compliance with the building code, changes to the LUC have made some developed sites unusable because required site improvements cannot be done.



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Certificate of Occupancy Relief

Issues:

- Parking, vehicular access, loading, pedestrian access, landscaping
- Un-permitted tenant improvements
- Public Safety compromised
- Blighted neighborhoods



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Certificate of Occupancy Relief

Response requirements:

- Simple, quick, sure, verifiable
- Maintain operational requirements
- Ensure buildings are safe
- Protect neighborhoods



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Certificate of Occupancy Relief

Response: "Zoning Compliance 2005"

- Existing development as of May 2005 basis of zoning approval
- Most commercial, office, industrial and mixed-use zones and uses eligible
- No expansions
- Site inspection by City staff



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Certificate of Occupancy Relief

Preserve overlay zoning, protect neighborhoods:

- Does not apply to HPZ or NPZ
- Does not waive building code requirements
- Does not waive licensure requirements
- Does not apply to certain uses



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Discussion



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Urban Overlay Zone

Issues:

- M&C can initiate a PAD rezoning over an area containing multiple property owners
- Two zoning options: 1) Rights of existing zoning & 2) Rights to an urban infill area with TOD design and uses
- PAD zoning gives the appearance that underlying zoning rights have gone away
- PAD would be operating like an overlay zone, but not calling itself an overlay zone
- True overlay zone needed where the underlying zoning remains on the map



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Urban Overlay Zone cont'd

Solutions:

- Create an overlay focused on transit and pedestrian-oriented development
- Allow only the M&C to initiate it
- Provide notation on the zoning map to indicate the overlay zone and the underlying zoning



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Urban Overlay Zone cont'd

Pros:

- Clearly indicates a property's zoning rights and urban infill zoning option
- Can be modeled on the PAD
- Can focus on urban infill development

Cons: None



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Discussion



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Approval Timelines & Expiration Dates

Issues:

- Development Plans and Tentative Plat
- Final Plats
- Building Permit Plan Approval Timeline
- Building Permit Expiration Dates



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Issue#1: Development Plan and Tentative Plat

Current Provision: Development Plans (DP) and Tentative Plats (TP) expire after one year. A one-year time extension is available for a fee and if plans are in compliance with current regulations

Issues:

- DP/TPs could expire while building plans are still being reviewed
- Protected Development Rights (PDR) must be requested within one year approval window; PDR requires Mayor and Council action
- Private Improvement Agreement (PIA), Building, Grading and Tucson Water Plans are not protected from expiration by PDR



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Issue#1: Development Plan and Tentative Plat

Solutions:

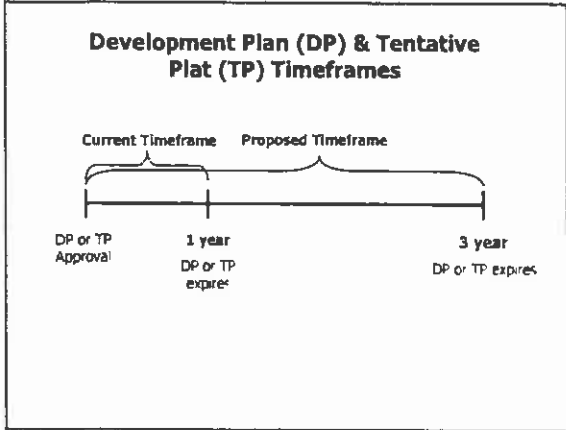
- Extend initial approval to three years
- Explore extending timelines for other plan approval processes to three years

Pros: Provides more time to obtain the necessary plan approvals and permits; reduces need to keep track of numerous timelines; extends time to comply with LUC changes

Cons: Grading can occur and if project is abandoned community is left with partially completed project



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Issue #2: Final Plat Approval

Current Provision: Final plats must go to the Mayor and Council for approval

Issues: This adds two months to the review and approval process

Solution: Don't send Final Plat to Mayor and Council for approval

Pros: Increases time to obtain information needed to approve/record final plat; PSD responsible for recordation of documents

Cons: Shift to administrative process may be perceived as less transparent

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Issue #3: Building Permit Review Timeframe

Current Provision: Applicants have 180 days to obtain a building permit with a possible 180-day extension

Issues: The review time window is insufficient

Solutions: Extend to 365 days with one free 180-day extension. Add'l extensions are possible with a renewal fee and if the plan complies with current regulations.

Pros: Reduces processing steps; allows owner/developer flexibility to adjust to economic/market conditions; allows more time to comply with Codes

Cons: Requires local amendment to Building Code

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Issue #4: Expiration of Permit

Current Provision: Once permit is issued, an inspection entry triggers automatic 180-day extension. Active permits do not require payment of additional fees.

Issues: Current provision doesn't provide flexibility to adjust to economic/market conditions.

Solutions: Grant time extensions via policy (i.e. not regulation) taking into account health and safety issues. Regional precedence exists for policy based time extensions. First extension is free; additional extensions may be granted for a fee.

Pros: Allows flexibility to conditionally grant extensions based on unique circumstances effecting the project's progress

Cons: Permits can remain open indefinitely while project is only partially completed; incomplete projects may create concerns among surrounding property owners



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Discussion



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University Area Analysis

Issues:

- Pressure for urban infill and student housing near the UA campus
- UA enrollment 44,000 in 2014
- Area/Neighborhood Plans written over 20 years ago
- Modern Streetcar route passes directly through University Area
- General Plan Identifies UA as a Regional Activity Center



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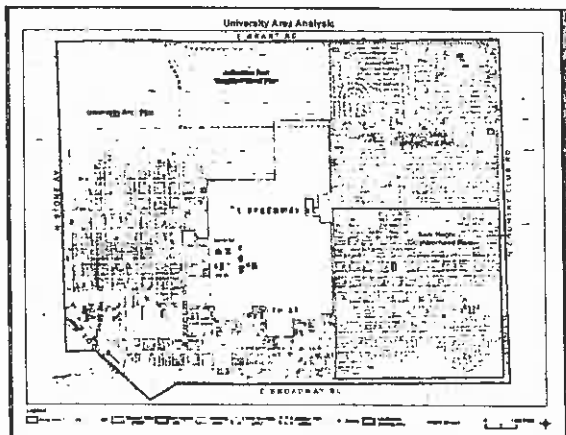
University Area Analysis

Issues:

- Balancing historic preservation with UA as an urban activity center
- Plans focus where urban density shouldn't occur, rather than where higher density supportive of transit should occur
- UA housing goal: all freshmen to live on campus (30% of undergraduates)
- Expanded options needed for remainder of students and faculty-staff



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University Area Analysis

Possible Solution (short-term): Amend WUNP 'Transition Area' 40-foot height restriction

Pros:

- Precedent for amending to higher heights, recent amendment 140'
- Modern Streetcar route planned
- Allows for transit-oriented development in appropriate areas

Cons: May lead to a conflict between historic preservation and urban infill goals



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University Area Analysis

Possible Solutions (Long-term):

- Include Map in UAP identifying where appropriate to build at a higher density
- Apply Preservation Quid Pro Quo to UAP which would allow more density along arterials if interior preservation component takes place (preservation fund)
- Re-assess MS&R Future ROW Widths



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Discussion



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Preliminary Timeline

March 9, 2010: Present Infill Improvements Work Plan to the Mayor & Council for further direction

March – May: Develop draft amendments with input/feedback from stakeholders

June – August: Study session and public hearing with the Planning Commission

October: Mayor & Council for public hearing and consideration



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ATTACHMENT B

Land Use Code Committee Meeting
February 11, 2010
5:30 pm – 7:30 pm
Pueblo Conference Room, IT Building
481 West Paseo Redondo

Committee Members in Attendance

Mike Baruch
Ruth Beeker
Jim Campbell
Karolyn Kendrick
David Godlewski
Glenn Lyons
Albert Morales
Mary Beth Savel
Teresa Vasquez
Jason Wong
Colin Zimmerman

Staff

William Balak
John Beall
Patricia Gehlen
Patricia Krausman
Jim Mazzocco
Glenn Moyer
Adam Smith
Russlyn Wells

Ward 5

Mark Kerr

Audience

Bill Ford
Three others (did not provide name or contact information)

Below is information presented about various policy items presentations followed by comments and questions made by LUC Committee members. In most cases 'Answers' are supplied by staff.

Welcome and Introductions

Staff welcomed the group and individual introductions were made by all attendants.

Infill Improvements Work Plan

Staff presented the Infill Improvements Work Plan. Suggestions being considered included:

- Amending the Parking Reduction ordinance
- Amending parking requirements when expanding existing structures
- Amending the Loading Zone ordinance to allow co-location
- Amending the Downtown Area Infill Incentive District ordinance
- Amending the Certificate of Occupancy policies and regulations
- Establishing an Urban Overlay Zone
- Extending timelines and expiration dates
- Conducting analysis of University area's land use plans

Parking Reduction

Staff presented information about current Land Use Code Parking Reduction options.

Existing Development Sites (LUC Section 3.3.8.6) and Individual Parking Plan (LUC Section 3.3.8.7.)

Staff explained the intent and exceptions to parking mitigation plans and asked for comments, questions, and suggestions from Committee Members.

Questions:

- Why are plans reviewed annually? *Answer:* Neighborhoods want a second layer of protection, an opportunity to complain and make concerns known if there are problems.
- How many parking mitigation plans have been reviewed and approved? *Answer:* The only parking mitigation plans requested have been for liquor licenses in C-1 zones within 300 feet of a residentially zoned property. Approximately 20 have been approved. There have been no complaints with any of these plans so far. The staff recommendation would remove a provision to review all mitigation plans annually for three years and instead rely on zoning complaints that the mitigation plan is not being followed.

Comments:

- They discussed the mitigation plan and some felt the idea was flawed;
- It was understood that it came from a need to balance parking reduction with concerns that the reduction may create a neighborhood nuisance;
- Once the mitigation plan is approved it should be followed but not amended to drive an existing business off of a site;
- Most agreed that once the mitigation plan is accepted it should not be amended by staff [especially after being presented at a required neighborhood meeting and withstanding a potential neighborhood challenge to Mayor and Council on the proposed parking reduction];
- Like every other zoning matter regular zoning enforcement should assure the business complies with the mitigation plan;
- There is no evidence that the current businesses with mitigation plans are causing problems.

Amending parking requirements when expanding existing structures

Staff presented a proposed amendment that would distinguish when expansions of existing buildings are parking related or are not parking related.

Questions:

- Why is expansion to existing buildings limited to 25% before it triggers full code compliance and how would the proposed change help? *Answer:* It would apply to situations where a (less than) 25% expansion is not generating a need for more parking.
- How many situations with 25% expansion would be non-parking related? *Answer:* Adding bathrooms or work areas (walk-in cooler/refrigerator space or storage rooms) that

would not result in an increase in the number of customers or employees would be examples.

Loading Zones

Staff presented a proposed amendment allowing co-location of loading zones within maneuvering areas for solid waste facilities, drive-thru lanes, and stacking areas as long as it doesn't compromise safety and access.

Question:

- Why not include co-location parking options too? *Answer:* Past attempts to share parking have generated business complaints.

Comments:

- Board of Adjustment has heard several loading zone variance requests. Staff should look at the sites where requests were granted to see how they worked out;
- This may not be a quick fix option;
- Loading zone issues may be folded in with and considered with the parking reduction process;
- This proposal looks more lenient than current code allows.

Downtown Area Infill Incentive District

Staff presented an overview of issues and suggestions. Issues included:

- Parking
- Landscaping
- Pedestrian Access
- Parking Area Location Requirement

Questions:

- How are Parking and Parking Area Location Requirements different? Could they be combined and reviewed as one issue? *Answer:* The first addresses the number of parking spaces required and the other addresses where parking can be located. They are separate provisions.
- What is the purpose of a Parking Area Location Requirement? *Answer:* The goal is to encourage buildings to have their fronts closer to the street to be more pedestrian-oriented. For new construction requesting a modification of development regulations (MDR), parking needs to be located to the side or rear of the building. Where an issue may arise is when an MDR is needed for a change of use or expansion to an existing building. In these instances, parking may already exist in the front of the building and cannot be easily moved to the side or rear. The proposal would allow at least an MDR to be considered for such projects without having them automatically denied because the parking location requirement cannot be met. The project can still be evaluated for pedestrian features.
- How hard would it be to create form-based code downtown district similar to Albuquerque, N.M.? *Answer:* It would take approximately two years. Additionally, a

committee member said, it could generate Prop 207 claims. The biggest hurdle would be getting consensus about what the new code should say.

- The City should consider a zero parking requirement within the downtown. *Answer:* This concept is being studied by a subcommittee of the LUC Committee and Planning Commission as part of the overall revision to the parking code directed by Mayor and Council.
- Would it be possible to split the downtown urban areas from areas along Oracle Road and Stone Avenue and create several Infill Incentive Districts with different requirements? *Answer:* The IID was meant as an option to encourage infill. Greater distinction of sub-districts is possible depending on what the distinctions are. The original concept was devised to encourage infill projects throughout the district that, at a minimum, encourage pedestrian-oriented development.

Committee members inquired about meeting without staff so they could prepare a plan for the downtown area and bring it back to present to the group. Staff offered to help arrange and find a room for such a meeting.

Committee members agreed that the downtown area needs differ from the Oracle and Stone area needs. Individuals expressed an interest in working as a subcommittee to help define boundaries and address parking issues.

Certificate of Occupancy Relief

Staff provided an overview of the concept of Certificate of Occupancy Relief. The following are some key points:

- Development in its current configuration as of May 2005 will be used as a basis of zoning approval;
- Most commercial, office, industrial, and mixed-use zones and uses would be eligible;
- No expansions;
- Certain uses such as billboards, blood donor centers, and bars and restaurants replacing general retail and services uses could not use this option;
- Site inspection by City staff are required.

A discussion about the difference between site compliance and building code compliance followed. There was general group consensus that this is a good solution.

Questions:

- Does this apply when the building footprint, parking area, et cetera are the same as 2005 aerials regardless of whether the site is in compliance with the LUC? *Answer:* The current proposal could accommodate these scenarios.
- Why May 2005? *Answer:* There is a good set of aerials and since 5 years have passed it will be easier to determine if there have been zoning complaints.
- Why does it expire January 2011? *Answer:* A sunset clause allows a re-evaluation to see if it is working and this date coincides with sunset clause for other parking related

provisions. *Note these sunset dates may be revised as part of the overall recommendation.*

- After the sunset will it become permanent? *Answer:* That is a possible. Staff stated that the codes were designed to maintain building safety standards and protect neighborhoods. The Certificate of Occupancy Relief concept would not apply to Special Exception land use applications.

Comments:

Some committee members expressed the opinion that the Certificate of Occupancy Relief program as outlined could solve a lot of development problems. The 2011 expiration date of the program and the necessity of an expiration date were also discussed.

Urban Overlay Zone

Staff described what an Urban Overlay Zone could cover.

- Mayor and Council can initiate a PAD rezoning over an area containing multiple property owners;
- There could be two zoning options: 1) allow existing underlying zoning or 2) allow an urban infill option requiring transit-oriented design and uses;
- PAD zoning designation on a zoning map gives the appearance that the underlying zoning rights have gone away;
- The recent PAD amendment could allow existing zoning and an infill option similar to an overlay zone, but is not technically an overlay zone;
- An actual overlay zone would signify on the City's zoning map the underlying zoning and an added zoning option. Example: Historic Preservation Zone overlay for R-1 zoning is HR-1.

Questions:

- Is this a rezoning process? *Answer:* Yes. This is a text amendment to allow a rezoning to create an overlay focused on infill using urban design.
- Why not use this instead of the Infill Incentive District (IID)? *Answer:* The IID creates flexible incentives for the underlying zoning but does not change the use of the property. This urban overlay option allows for the planning and design of an urban infill area.
- What is "Downtown Links?" *Answer:* It involves the planning of a roadway to connect State Route 210 with I-10. It also involved a land use planning study for infill in the area between I-10 and Euclid Avenue. More information can be found on Department of Transportation website.
- Could this overlay be used as a downtown overlay? *Answer:* Yes.
- Does this eliminate potential Prop 207 claims? *Answer:* Not necessarily.
- Would each neighborhood along arterials be notified and have a say? *Answer:* Yes, all property owners in the proposed overlay district, all property owners within 300 feet of the district, and neighborhood associations within a mile radius of the district would be notified.
- Comment: Hopefully there will be outreach before this step. Can't imagine rules would be the same in each area or there would have to be a half-dozen different overlays.

Overall the general Committee consensus was that this proposal is a good idea.

Approval Timelines and Expiration Dates

Staff presented proposals to:

- Extend initial approval of Development Plans and Tentative Plat to three years;
- Explore extending timelines for other plan approval processes to three years;
- Discontinue sending Final Plats to Mayor and Council for approval. *Note staff confirmed later that the change is not possible. Only the Mayor and Council can accept right of way dedication and similar instruments;*
- Extend building permit review time frame to 365 days with one free 180-day extension and additional extensions with renewal fees if plan complies with current regulations;
- Grant building permit time extensions via administrative policy vs. by regulation. An extension would still take into account health and safety issues with first extension being free and additional extensions granted for a fee.

Comments:

- Anything that can be done to reduce the timelines is an improvement.
- Agree with the need to find a way to extend building permits;
- In most jurisdictions Tentative Plats and Final Plats are tied together. In the City, the clock starts ticking when the Final Plat is approved. Need to look at changing this procedure;
- Need clarity regarding Final Plat expiration periods;
- Expressed concern about dust pollution created by grading of a site and allowing the site to sit indefinitely in a partially completed state;
- General consensus was that the proposed timeline changes are good solutions.

University Area Plan(UAP)

Staff presented some possible short term solutions for University Area Analysis:

- Amend West University Neighborhood Plan (WUNP) “Transition Area” forty-foot height limit policy;
- Include Map in UAP identifying where appropriate to build at a higher density;
- Apply Preservation quid pro quo policy [modeled on the Feldman’s NPZ arterial rezoning policy] to UAP which would allow for the consideration of more density along arterials if the Mayor and Council accepts the interior preservation component as an acceptable trade-off for a rezoning.

Comments and Questions:

- The committee requested more information from a University representative about the University of Arizona’s plan (Example: Does the projected increase to 44,000 students represent students on campus, online, or at a south or downtown campus?);

- Transition area and proposed reduction to Major Streets and Routes Plan is a good idea;
- Development between Park and Euclid Avenues needs to be sensitive to the West University Neighborhood especially west of Euclid Avenue;
- West University Neighborhood is concerned that tall buildings will cast undesired shadows on existing residential buildings. A comment was made that the West University Neighborhood currently has an unsightly vacant property with a large hole on it and that this neighborhood warrants more protection;
- Support growth along arterials;
- Significant number of historic building on arterials;
- West University Neighborhood Association (WUNA) resident at the meeting said most WUNA residents are okay with taller buildings in designated areas adjacent to the University's campus;
- The City's University Area Plan needs to be updated. It would be desirable to have a supplemental map indicating infill areas within the Plan's boundaries;
- This is an opportunity to have a density strategy to allow more students to live near campus while attracting developers to building higher density and help balance historic preservation concerns.

Preliminary Timeline

Staff presented a Preliminary Timeline. *Note every effort would be made to expedite the process and deliver items together or separately for Mayor and Council adoption as soon as possible.*

- March 9, 2010: Present Infill Improvements Work Plan to the Mayor and Council for further direction;
- March – May 2010: Develop draft amendments with input/feedback from stakeholders;
- June – August 2010: Study session and public hearing with the Planning Commission;
- October 2010: Mayor and Council Public Hearing for consideration.

Comments:

- Committee would like to know how to address issues regarding current Development Standards affecting sidewalk width requirements;
- Committee member mentioned that it appeared that City projects are not required to follow the same standards as private development.

Staff advised that the Committee's comments and suggestions would be forwarded to the Mayor and Council.

Committee members commented that this was a productive meeting and, in order to keep momentum, they would like to meet again in two weeks.

The next meeting will be on Thursday, February 25, 2010 from 5:30 to 7:30.

The meeting adjourned at 7:35 pm.

University Area Land Use Plan Policies - Attachment C

Included in **Attachment C** are several exhibits that provide an assessment of the land use policies within the University area, and how these policies direct infill opportunities.

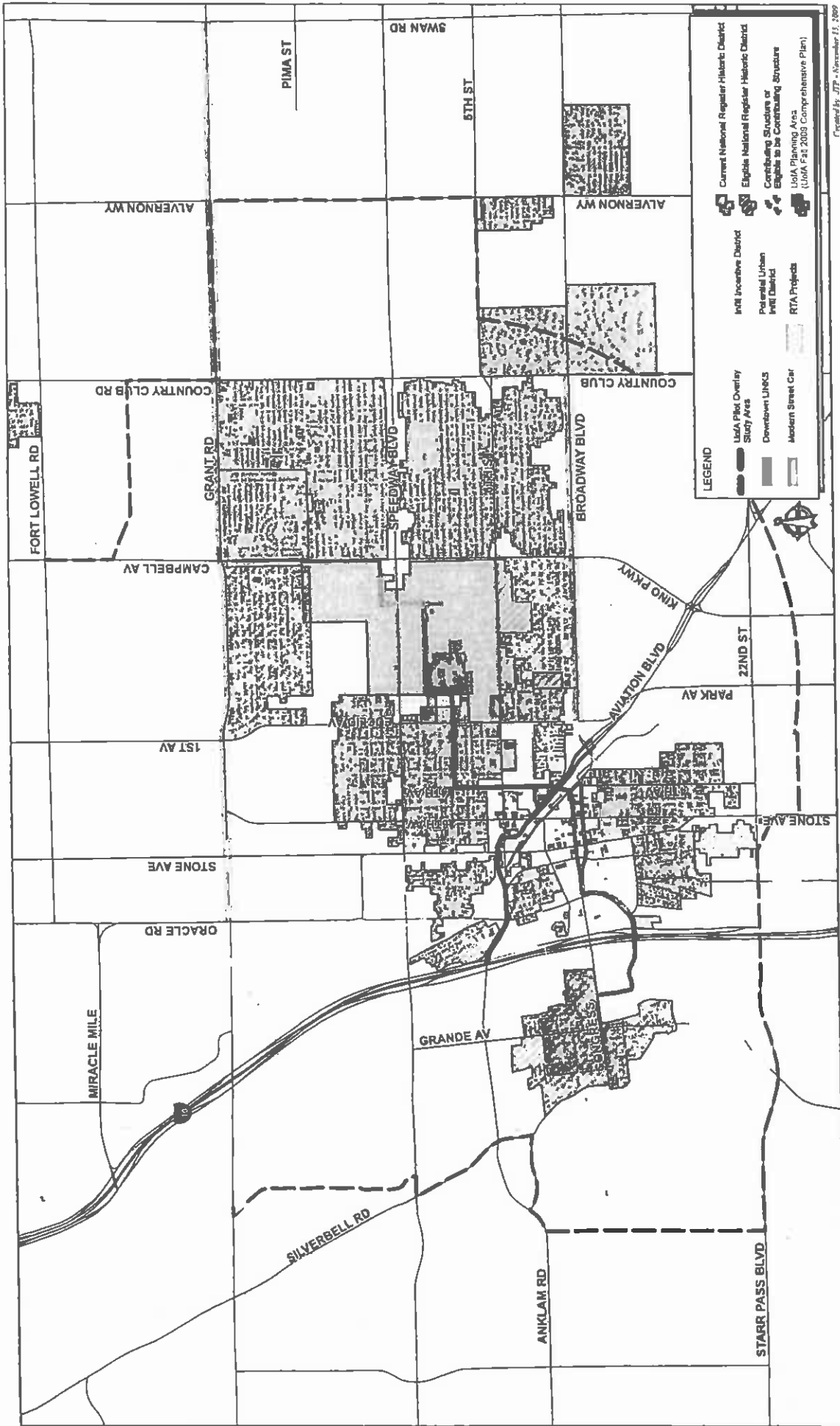
- Exhibit 1 University Area Land Use Planning Issues
- Exhibit 2 Potential Redevelopment Areas & National Registered Historic Districts.
- Exhibit 3 Proposed Generalized Future Development Concept Map -West University Neighborhood Plan (WUNP). Shows proposed land uses, densities, heights.
- Exhibit 4 WUNP 'Transition Area' between Euclid/Park – building heights
- Exhibit 5 'Transition Area' showing existing building heights

University Area Land Use Planning Issues

Issues:

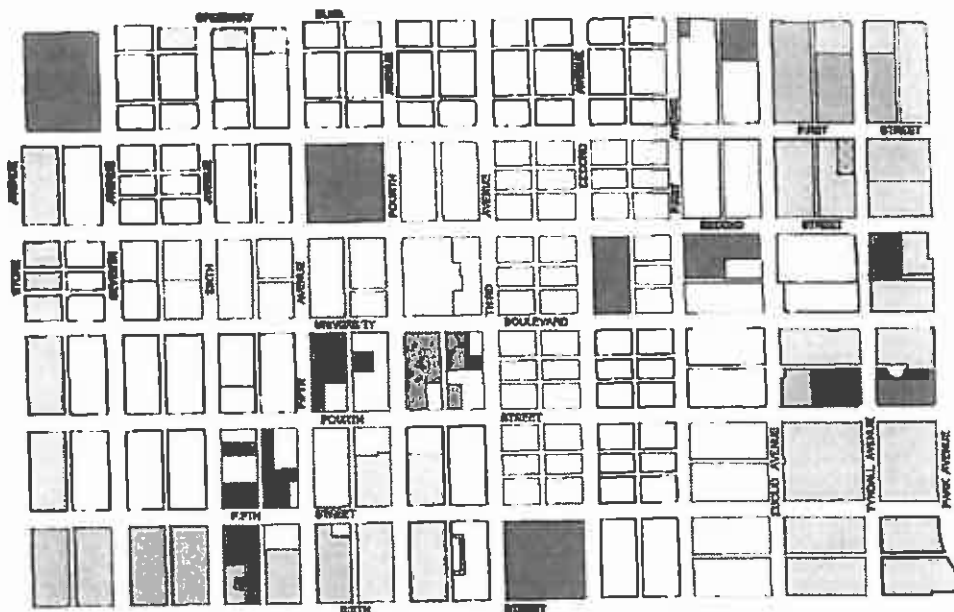
- Presently UA has 39,000 FT students, with another 14,000 faculty/staff on campus
- UA Campus Plan projects future student enrollment 44,000 in 2014
- UA housing goal: all freshmen to live on campus (30% of undergraduates)
- Expanded options needed for remainder of students and faculty-staff
- UA currently building 1100 housing units
- Modern streetcar route passes directly through the University area
- UAP and WUNP over 20 years old
 - Plans focus on where urban density shouldn't occur, rather than where higher density supportive of transit should occur
 - Conflict between balancing historic preservation and protection of single-family homes with pressure to provide denser urban infill development near UA
 - WUNP and UAP do not support or address transit oriented development along modern streetcar route

Potential Redevelopment Areas & National Register Historic Districts









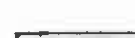




Created by JTP - November 15, 2009

West University Neighborhood Plan



PROPOSED GENERALIZED FUTURE DEVELOPMENT CONCEPT MAP

Legend

-  Maintain and Infill Low Density Residential and Related Services (1-15 Units Per Acre)
-  Maintain Moderate Density Residential (15-40 Units Per Acre)
-  New Development - Mixed Use Commercial/Residential (15-40 Units Per Acre)
-  Maintain Existing Commercial
-  University Acquisition Area
-  Maintain Existing Public and Semi-public (See Commercial and Office Development Land Use Policy 3.D for Adaptive Reuse of the Historic YWCA Building. Amended September 14, 1992, Resolution No. 16107.)
-  Amended October 12, 1987 to Allow Dormitory/Commercial Development Subject to Criteria of Subpolicy 2.A.3.B
-  Amended February 11, 1991, Resolution No. 15588, to Allow Residentially Scaled Office Uses on the Western 1/2 of Block Bordered by Speedway, Tyndall, First St., and Euclid.
-  Amended April 12, 1999, Resolution No. 18294, to allow Residentially Scaled Office Uses on 8 lots at 835, 839-41, and 843 E. Tyndall Ave.
-  Amended January 12, 2004, to allow New Development-Mixed Use Commercial/Office/Residential (up to 100 units per acre). See new Residential Development Policy 2.A.2.C., Resolution No. 19750.
-  Amended December 7, 2008, Resolution No. 21448, to allow 140' High Building in the Northwest Portion of the Block Between University Blvd. and Second Street, and Park Avenue and the Tyndall Avenue Alignment.

West University Neighborhood Plan Amendment Main Gate V - Increased Building Height



Tall Buildings



Amendment Site



1987 Plan Amendment and 1987 Rezoning



1999 Rezoning

Buildings over 40'



University of Arizona



Private Sector



September 2009

