

WEST UNIVERSITY NEWS ITEM

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As WUNA Protests, Council's 4-3 Vote Lifts Height Limit from 90 to 130 Feet.; a finger in the eye to Kozachik, neighborhoods and backers of historic zoning

In a stunning setback for city council members Steve Kozachik and Karin Uhlich, Mayor Jonathan Rothschild on Tuesday broke a 3-3 tie at the City Council in favor of developers of a Main Gate Area property. Rothschild voted for a surprise deal on building height that gave the developers an extra 40 feet, up to 130 feet. The off-stage deal was only announced when a developer mentioned it in remarks to the council shortly before the vote, saying the proposed 90-foot limit set for a vote, which appeared almost a sure-thing, would not provide enough financial benefits. "I vote yes," the mayor said. He argued that his vote was only about a few more feet on an already tall building. "No, it's not," said Kozachik, referring to a hearing process lasting several months. "It is about credibility."

Shouts of "Betrayal" and "Shame, shame" and "That's not leadership, it's betrayal" echoed through the hall from a handful of West University Neighborhood Association members and supporters, some of whom had taken part in a lengthy process of hearings supported by Kozachik. Kozachik seemed almost speechless. He was clearly blind-sided. Kozachik is a Republican; Uhlich and Rothschild are Democrats. Some moments were confusing to an observer. "I want certainty and finality," the mayor said before his vote. "This compromise, 10 stories, is in the spirit of what WUNA asked for." It was not clear exactly how the 130-foot limit translated into 10 stories or how WUNA could be seen as favoring it. Nor was the WUNA position consistently presented.

At one point, a council member who voted with Rothschild suggested that WUNA favored even taller buildings, up to 159 feet, allowed in a city plan. "Didn't WUNA support this?" asked Fimbres. "No, no," several WUNA members shouted. City officials did not correct him, saying only that the plan came from the city itself. The now-defunct proposal for a 90-foot limit, recommended by the city zoning examiner after several hearings, would have applied to the tallest high-rises on one block at Speedway at Euclid, which also includes the one-story historic Udall Center and a string of small bungalows. Kozachik held up approval of the original 159 feet limit for that block and called for hearings by a group called the Design Review Committee. The hearings produced few compromises and became largely a forum for the pleas of developers for the full 159 feet proposed by the city in February. Kozachik supported the lower 90-foot limit as a transition to the single-story bungalows of the West University historic area. Before the recent changes in a rezoning tactic called an overlay, height limits were 40 feet. On Tuesday night, Kozachik was supported only by council members Regina Romero, a Democrat, and Uhlich. He was opposed by Shirley Scott, Richard Fimbres and Paul Cunningham, all Democrats, before Mayor Rothschild cast the deciding vote for Scott's motion favoring the developers.

Here are some highlights from the presentations: Albert Marsh, a WUNA resident, reminded the council that a WU petition drive had gathered 12,000 signatures of voters opposing the tallest buildings. The petitions were rejected for format errors. "Where is the citizen support for this height and destruction of historic buildings?" he asked. One person held up a hand when he asked for a showing of what ordinary citizens backed the developers. Marsh called for approval of 90 feet. One of the developers and owners, Bill Viner, repeated earlier arguments that his project should be in keeping with area projects of 14 stories, namely the Marriott tower and the Campus Acquisitions dormitory going up just east of his own site. Those projects, he said, "have in fact established a precedent for heights in this area. ... Almost every city has high rise structures next to historic buildings." Then, he surprised the audience, and perhaps some officials and council members, when he said, "We ask the council to approve a modified height of to 130 feet for our property." The other owner, Steve Shenitzer, also endorsed the new 130 limit. He recalled that in February, the council voted 6 to 1 in favor of a 159 feet limit. He said he and Viner have a partner

for the project, but only at 130 feet. "We are in favor of compromising to 130 feet," he said. He said that west of his project's site, there were few owner occupied parcels. "The entire first block is other uses, not residential," he said. "Our parcel is really a campus development. This is strictly a university area with office use and some residential use." The dean of architecture at the UA, Janice Cervelli, repeated her earlier views in support of the taller height limits. She said the long hearing process had worked. "There were very important compromises and it led to a good solution," she said. She added, "There needs to be consideration for the property owners, relative to heights. We can debate 159 feet, 130 feet, 56 feet, 40 feet. It boils down to the architectural quality. The massing, the fenestration, the context around it." The Viner property should not be restricted to 90 feet, she said. Chris Gans, the WUNA president, backed the 90 foot limit. "An option for greater heights there is inappropriate." He added, "This process was too quick and too incomplete." He said WUNA supported change of use of some of the area's bungalows, "But if it goes through as proposed it will set a precedent that overlays will override historic zoning." Tom Warne, a WUNA board member who works with the Marshall Foundation on Main Gate development, endorsed Viner's proposal for 130 feet. "I recommend and suggest a 130 foot height. That's 30 feet below what was discussed in February." He endorsed Cervelli's comments, saying, "At the end of the day, this area will have the most strict design guidelines in the city of Tucson." John Patterson, a WUNA resident in a 99-year-old house since 1986, said the overlay zoning changes in the WU historic area was wrong. "The overlay ordinance was advanced by and for developers giving them up-zoning without any compromises. The developers drew up their dream plan and saw it adopted." He added that talk of a 130-foot limit was a surprise to the WU neighborhood. "This is the first we've heard of this tonight," he said. He urged the council to endorse the 90-foot limit. Demion Clinco, president of the Tucson Historic Preservation Foundation, said of the overall process in the Main Gate area: "It sets a very dangerous precedent. This was a horrific process." As to building heights, the proposed limits are "still taller than the bulk of Paris. It is a false argument to say we need 150 feet to reach architectural capacity." Diana Lett, of Feldman's Neighborhood Association, just north of the WU area, urged a vote for the 90-foot limit. "We oppose an increase to 130 or 159 feet." The recent WU process is a red flag for her historic area, she said. "The main gate has impacted us in that it's a perceived green light to the development community. We feel that the original Main Gate overlay was a disastrous mistake. These are the pernicious tools of neighborhood destruction." The developers are "transforming the urban core around the university into a student ghetto. It's not good for the city to allow the urban core to be renter dominated ☐ It is bad public policy."

With the public hearing period closed, Kozachik waded in. "There's been a lot of talk tonight about good public process," he said. "Now the developers have cut a deal at 130 feet. That raises questions about how transparent and above board the DRC process would be." He proposed that the council reject the deal and made a motion to stick with the proposals of May 8 for a 90-foot limit. Karin Uhlich came to his support for 90 feet. She said that in May the council did not want to appear to be "going one step forward and five steps back. We said no." She added: "What I am hearing Mr. Kozachik say is, 'We are sticking with that.' I would support that motion." She seconded Kozachik's motion. As support seemed to be fading, Shirley Scott said the council should support the limit of 130 feet mentioned by the developers. Uhlich asked, "Is this a backroom number? Where did this number come from? This has implications for whether we are going to, as a community, plan for infill." She said the latest twist in the process "could undermine any hope that we have of really planning infill well and making progress in the future." She cited Rio Nuevo and said the council faced a dilemma. "We are going to spend next decade saying, 'We won't cut backroom deals.'" But the new talk of 130 feet was, she said, "a number nobody heard of before this meeting. "Mr. Viner, we want you to have a project that is successful ☐. But this path will not get us there." Kozachik picked up the theme. "Let's talk about good public process," he said. "It was clear that the conversations have been happening. ☐ If you want to ruin the public's trust, they go ahead and do this. You won't have engaged the people on this. We have got a trust issue with this governing body and how you spend your dollars." He added: "That stinks guys." Regina Romero noted that the city faces new transport choices, "But we really have to do it right. I don't agree with mayor and council making one decision, going back, hearing from the community to bring the heights down, and now today going back and changing it again, without the public process. For us to continue densifying up, we have to do it right

this time." On creating density, Romero said, "We made a mistake once with his Main Gate district. We wanted to rectify our mistake. We can't make another mistake tonight." She said she wanted to send a message "that my neighbors are going to be listened to." "Let's not ruin the opportunity for densification in the future because we are doing this wrong.

We have an opportunity with this motion by Mr. Kozachik to renew the faith in the mayor and council. I must try and convince you to stay with what we have presented to us. There is room to grow up. There is a 14-story building going up. Let's try and keep it to the process," Romero said. "I am going to be ruling with the proposal that Mr. Kozachik has in front of us," she said. Council member Richard Fimbres seemed to suggest that what was unfolding had support of the West University Neighborhood. He said a 14-story building on the Area 1 block could move forward "under the West University Neighborhood plan." Council member Paul Cunningham seemed to regret the way developers had treated the WU residents. "I will say, it is disappointing that no one told the neighbors about the 130 foot compromise. That is very disappointing to me." But he added that he feared lack of density in the WU area. "If we continue to turn our backs on the ability of developers to do anything we will have subdivisions in the middle of the desert." As the vote on Scott's motion neared, Mayor Rothschild summarized, "We could have a maximum of 130 feet." Kozachik ruefully added: "And 84 feet and 56 feet, or is there a deal cut on those as well?" The vote on Scott's motion came next with Romero, Uhlich and Kozachik voting no, and Cunningham, Scott and Fimbres voting yes. The mayor gave a brief comment that pointed to his "yes" vote. He noted that some council members were "substituting their own aesthetics" for the work on the city transportation and development services officials. "This is the hardest decision I have had to make on this council," Rothschild said. He said it came to down a difference between 7 stories that Kozachik supported and "the 10 stories where it's going tonight." Within the council, he said the matter was painful. "In this case, it has torn us up as a group more than any other we have had. I want certainty and finality. The compromise, 10 stories, is in the spirit of what WUNA asked for." He then voted yes.

From Ford Burkhart, writing as a resident of the West University area, in no official capacity