

February 6, 2020

*Via electronic mail*

Mr. Scott Clark  
Director  
Planning and Development Services  
City of Tucson  
201 N. Stone Ave.  
Tucson, Arizona 85701

Re: Aspire 2, Case No. T19SA00088 – Best Practices Alternative Stepback Design

Dear Scott:

Sterling Tucson 2, LLC (“Sterling”) is developing the Aspire 2 project at 947 N. Park Ave. (the “Project”) in the City of Tucson (“City”).<sup>1</sup> The Project is zoned C-1 and in the optional Main Gate Overlay District (“MGO”), which Sterling is using. Sterling received its MGO Design Package approval on June 20, 2019 (“Approval”), and recently submitted a design change request to memorialize design adjustments resulting from the building plans submittal. Sterling anticipates a Design Review Committee (“DRC”) meeting to be held the week of February 10<sup>th</sup> to discuss the design changes.

In preparation for the DRC meeting, Sterling discovered that while the Project’s east façade exceeds the area of the MGO’s form-based massing requirements (described below), the façade does not technically meet the stepback depth requirement. This oversight was not identified during the Approval process, which included Design Professional review and a DRC recommendation to approve. To resolve this oversight, we request you approve the Project’s Park Ave. stepback design as shown in the Approval and subsequent design change submittal, pursuant to the MGO’s Urban Design Best Practices option, § B-3.

***A. Project & Property background.***

The Project is a mixed-use student housing complex located adjacent to the University of Arizona (“University”) and the modern streetcar, and near the Main Gate entertainment district. The Project will be eight-stories, with ground-level residential amenity space and commercial on the corner of Park Ave. and 1<sup>st</sup> St. The commercial space will be the home of Chase Bank, which formerly occupied the property. The upper levels will contain approximately 130 residential units and 486 beds. The Project will also have an underground parking garage, and rooftop residential amenities. Sterling has begun construction, and the Project is scheduled to open in Fall 2021.

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<sup>1</sup> The Project is on Pima County Assessor’s Parcel Nos. 124-04-097D and -098A.

***B. MGO design setback and urban best practices design alternative.***

The MGO requires buildings to “setback,” or recess from the outer façade, to provide a massing transition from a street frontage.<sup>2</sup> This setback must cover at least 25 percent of the length of the street, and recess at least 12 ft. from the building façade. Setbacks are only required above two stories or 26 feet, whichever is less. The intent of this massing reduction is to make buildings appear less imposing from the pedestrian level and provide additional building separation and air/light circulation.<sup>3</sup>

The MGO allows alternatives to its development regulations, including massing reductions, to accommodate creative solutions for design and development issues.<sup>4</sup> An alternative regulation must be consistent with urban design best practices (“Best Practices”), which include adopted urban design standards for a comparable-sized American city. The Director of Planning and Development Services may approve an alternative regulation if it is consistent with a Best Practice.

***C. Request for alternative Speedway setback dimensions.***

*1. Strict adherence to the MGO setback limits the Project’s design.*

If Sterling had followed the prescribed MGO’s setback requirement for the Park Ave. façade, that elevation would have had massing typical to many MGO projects: one or more standard 12-foot setback inserts covering 25 percent of the façade. While this would have met the technical requirements of the MGO, it did not satisfy Sterling’s goal of designing a creative and interesting Park Ave. frontage to face the University campus.

Instead, Sterling has created a unique massing design on the Park Ave. façade that incorporates a variety of massing transitions unlike any other Main Gate project. See **Enclosure 1**, Massing Exhibit and Renderings. Specifically, Sterling has introduced both horizontal and vertical massing elements while varying the setback depths between 3.5 and 15.5 feet. This massing provides a setback that covers 56 percent of the Park Ave. façade. Of this 56 percent setback, 17 percent is over 12 feet deep and 39 percent 3.5 feet deep. The area of the 3.5-foot setback is also enhanced by floor-to-ceiling windows that cover the area. This combination of setback and glazing creates a significant massing transition from the remaining façade, and significantly enhances the overall Project design.

Based on this massing, the Project meets the intent of the MGO’s massing provisions. It provides significant massing relief, with over half of the Project’s Park Ave. façade being stepped back. Within these setbacks are a variety of massing elements that provide a unique frontage within the Main Gate district. These massing transitions break up the Project’s façade to make it less imposing from both the pedestrian level and from across the street on the University campus.

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<sup>2</sup> MGO § C-17.c.

<sup>3</sup> MGO § C-17.a.

<sup>4</sup> MGO § B-3.

While this design far exceeds the MGO’s 25 percent area requirement, only 17 percent of the setback is 12-foot deep or more. This request will allow the remaining 39 percent of the setback to be 3.5 feet deep instead of 12-foot deep, as described below.

*2. Alternative to Setback through Urban Design Best Practices.*

The Project’s massing design, including the 3.5-foot setback, is supported by Best Practices from other western city development codes. The Project’s 3.5-foot setback is typical according to Portland’s Eastbank Redevelopment Plan, which requires setbacks between two-and-five feet. *See Enclosure 2*, p. 12. At this depth a building’s scale is preserved, which maintains the human scale at the street while providing visual massing transitions at the upper levels. The Project’s deeper setbacks provide more dramatic transitions that accentuate the massing.

Both the cities of Phoenix and Sacramento also support setback depths less than 12 feet. The Phoenix Zoning Ordinance has a Transit-Oriented Development Overlay District One (“TOD-1”) for projects along the Central Phoenix/East Valley Light Rail Corridor. *See Enclosure 3*, TOD-1 Code. TOD-1 has no minimum street setback, while limiting the maximum street setback if the development is within 2000 ft. of a transit stop.<sup>5</sup> In addition, the Sacramento Central Core Design Guidelines (“CCDG”) also encourage narrow street setbacks and no building setbacks. *See Enclosure 4*, CCDG Ch. 4 Excerpts.<sup>6</sup> Specifically, CCDG recommends that areas with high levels of public activity and transit use should have little to no street setbacks (i.e., between zero and 10 feet).<sup>7</sup>

Here, the Project’s 3.5-foot setback provides ample massing relief to make the façade less imposing from the street and break up the overall façade. This extensive setback area, when combined with the floor-to-ceiling windows, further sets this area apart from the other elements on the east façade. As indicated by the above Best Practices, the Project’s setback is sufficient to meet the intent of the MGO massing requirements.

***D. Conclusion.***

Pursuant to the MGO Urban Design Best Practices option, Sterling requests your approval of its alternative setback design that will allow the Project’s Park Ave. setback to range between 3.5 and 15.5 feet. This adjustment will allow the Project’s varied and unique massing profile on Park Ave., significantly improving this façade and making the upper floors less imposing. This request complies with the intent of the MGO and will significantly improve the Project’s design.

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<sup>5</sup> Phoenix Zoning Ordinance § 622 (I)(1), Table 1 (2018).

<sup>6</sup> The full CCDG Ch. 4 can be found at [www.cityofsacramento.org/-/media/Corporate/Files/CDD/Planning/Major-Projects/Central-City-Specific-Plan/Chapter-4---Central-Core-Private-Realm-Design-Guidelines.pdf?la=en](http://www.cityofsacramento.org/-/media/Corporate/Files/CDD/Planning/Major-Projects/Central-City-Specific-Plan/Chapter-4---Central-Core-Private-Realm-Design-Guidelines.pdf?la=en).

<sup>7</sup> Ch. 4.B.1-1, p. 4-4; *see also* Sacramento Planning and Development Code § 17.216.850(A), stating that the Central Business District has no minimum street setback and a maximum 10-foot setback.

Please let me know if you need any additional information or have any questions. As always, thank you for your time and attention to our request.

Sincerely,

A handwritten signature in blue ink that reads "Rory Juneman". The signature is stylized with a large "R" and "J".

Rory Juneman, Esq.  
Lazarus & Silvyn, P.C.

Enclosures:   1 – Massing Exhibit and Renderings  
                  2 – Portland’s Eastbank Redevelopment Plan, Design Guidelines  
                  3 – Phoenix, TOD-1 Excerpts  
                  4 – Sacramento, CCDG Ch. 4 Excerpts.

cc:     Maria Gayosso, City of Tucson  
       Nick Ross, City of Tucson  
       Josh Vasbinder, Sterling Tucson 2, LLC  
       Lynton Smith, Sterling Tucson 2, LLC