

November 17, 2014

Mr. Mark Fink
Planning Commissioner
City of Tucson

SUBJECT: INFILL INCENTIVE DISTRICT – November 13th DRAFT

Commissioner Fink;

I am writing in response to the request you made for more detailed information regarding my statements at the October 15th, 2014 Planning Commission meeting. I stated at that time that there were items in the September draft of the Infill Incentive District (IID) that were disincentives. I understand the significant undertaking to update the current IID and to incorporate the Downtown Links (DLS) in to document and think Jim and Carolyn are doing their best to accommodate the suggestions that I have made over the last 66 days since the first complete draft of the IID was available on September 10th.

At the October 27th meeting of the IID Sub-committee/Joint Task Force meeting I was able to point out and explain many of the concerns that I had, which were in my 9/25 redlined version of the 9/10 draft that I sent to staff. Over the weekend I was glad to find that the latest draft, from last Thursday, November 13th, included many of my suggestions. That said, there are still issues that I think need to be worked on.

I was asked by the sub-committee members on October 27th, what were my concerns and what I thought were the major disincentives. Since that date all of the sections with those concerns have been either modified or one case deleted:

1. Section 5.12...6.B Major Design Review. I thought that the criterion for a Major Design Review was too restrictive, because any project over 2-stories or 25' required a major design review. I pointed out that there are many locations in the IID that should not have to go through a major review process because of height only.

I suggested that height requirement be removed, because the remaining five location criteria would apply and cover all of the problem cases. I still feel that would be the best solution. Instead, two new height criteria were added to the text in the November 5th draft. I believe that the new criteria of four stories or 49', is still a disincentive in a large part of the GIIS.

2. Section 5.12.2.6.G and H - The section on the DRC had no rules, regulations, meeting time frames, etc. that would not allow the reader to determine how the process would work. Additional information has been added over the last drafts, but as of the neighborhood meeting on November 13th, the schedule for meetings was unknown. I understand will be added to the next draft. I also believe the neighbors asked about how to address a conflict of interest at the joint meeting.

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3. Figure 5.12-DLS-B – The visual standards for the DLS are more restrictive than the rest of the City. This exhibit was finally removed in the November 5 draft.
4. DLS Building Placement Standards. The figures and text refer to a “build to line”. This criterion very was confusing with no definition or discussion of how to use the “build to line”. There is now an explanation of the build to line in most sub-sections of the DLS, but not all. I believe that it would be helpful to state in the text and figures that the property line and build to line are coincident sub-sections where setbacks are 0”.

There are other areas where I think additional information, clarification, coordination would be helpful

1. Section 5.12.2.B and C – I believe these sections are still confusing.
 - a. Section 5.12.2.B.1 - I think it should clarify that property within the boundaries of the Rio Nuevo Area (RNA) property cannot be developed using only the underlying zoning standards. It can be developed with the underlying zoning and the additional RNA standards or alternately by using IID standards.
 - b. Section 5.12.2.C.1.b. (2) – This section seems to conflict with Section 5.12.7.F – RNA Review
2. Section 5.12.6.B.1.b (1) – It is unclear if this applies to project sites on arterials when they aren't at intersection?
3. Section 5.12.6.B.3.a and C.3.2.a – Add text to clarify that the neighborhood meeting is a pre-application meeting.
4. Section 5.12.6.H.3 – This section is a disincentive. Not having a quorum for two consecutive meetings could add months to a timeline.
5. Section 5.12.6.L – There is no Notice of Decision Section that states how long the director has to make a decision after he gets the recommendations. A Notice of Decision Section can be found in RNA Review Section 5.12.7.F.4.
6. Section 5.12.6.L.1.e – What are the standards for the shade study? Is the shade study per Section 7.3.2 of the UDC?
7. Section 5.12.6.P – Is the timeframe in Section 3.02 (65 days) long enough for this new process.
8. Section 5.12.7.F.2 – Is the RNA review process per 5.12.5?
9. Section 5.12.7.F.3 – Add a note to point people to PDS for DRB schedules.
10. Section 5.12.7.F.4 – Add a note to point people to PDS for TPCHC schedules.

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11. Section 5.12.9.C.1.a. – The building height in the IID is limited to 60-feet in the GIIS. In many cases this is lower than what is allowed in the underlying zone. This is a change from the current IID.
12. Table 5.12-WTA-2. The ground floor is only allowed commercial or retail uses. There is no minimum area allowed. There is the potential that a mixed use project may not be able to support an entire floor of commercial or retail uses. Other subsections where Floor Uses are called out commercial or retail uses as preferred uses, “but office and residential may be used if the uses meet the street activity goals”. I think it will be hard for a lot projects to meet the definition of the “street level activity goal” in the DLS because of the required mix of uses.

General Comments:

1. Is the intent was to replace all references to “abuts” with “adjacent” when associated with developing property?
2. Is the intent to have a different definition for lot coverage in the DLS? The description of Lot Coverage in the DLS is different than the definition in the UDC.
3. Is the intent to use “development zones” in the RNA? The rest of the IID refers to the “adjacent” definition.
4. I believe the sub-committee agreed that all references to “historic”, when associated with setbacks, should be replaced with “prevailing”.
5. What if a project only needs a single modification and fits the criteria for a major review?

I by no means was able to thoroughly review the content of this document in its entirety. I have done this review on behalf of the MPA and I have not been compensated for this effort. My comments do not in any way reflect the views of my employer, Rick Engineering.

As a code user, the intent of my comments is to try to clarify the process for the future users, the neighbors and staff. None of us wants to be surprised by different interpretations of the intent of the code after a project is submitted. Although I heard some people (on both sides of the issue) asking to move this forward, even if it had to be revised or updated soon after adoption. I would hope that some additional time will be given so that The Commission can make a recommendation and the Mayor and Council can vote on a completed document.

Thank you for your consideration of my comments.



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