

**Item #3 C8-18-05**  
**Infill Incentive District Sunset Date**  
**UDC Text Amendment**

*Review of the Infill Incentive District Ordinance to determine its effectiveness  
and if any amendments are needed prior to its scheduled Sunset Date of  
January 31, 2018*

**Planning Commission**  
Study Session  
October 24, 2018

# Background of IID

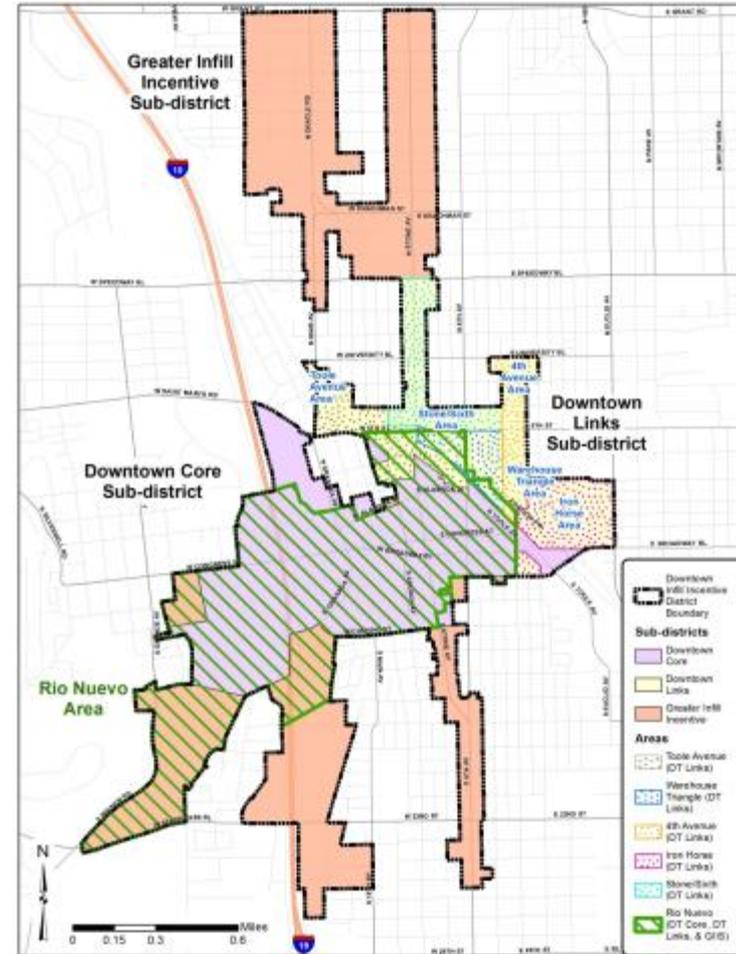


- **2010 – Public review & comment of select sections of IID 100+ meetings**
- **2013 – Mayor & Council direct staff to revise portions of UDC related to IID & to simplify & incorporate Downtown Links & Rio Nuevo District overlays**
- **2013-2015 – Analysis, deliberation & public review via:**
  - 100+ public meetings
  - Stakeholder groups
  - IID Citizens’ Task Force
  - Planning Commission IID Subcommittee
  - Planning Commission
  - Mayor & Council meetings
- **Feb 18, 2015 – Mayor & Council adopt current Infill Incentive District Ordinance setting Sunset date on January 31,2019**

# What is the IID?



- Offers **optional zoning** for property owners – **existing zoning remains in place**
- Allows zoning relief in exchange for better design
- Encourages comprehensively planned pedestrian and transit-oriented urban infill and mixed-use areas
- Provides flexible zoning solutions to deal with such issues as:
  - Parking
  - Setbacks
  - Landscaping
  - Building Height



# Why use an IID?



- Much of the IID is both close to residential neighborhoods and intensely zoned
- However, current zoning standards can make it difficult to redevelop in older and urban areas

**The IID provides a flexible code tailored to aid redevelopment in older and urban areas so that a developer chooses to use the IID process and its required design review process instead of the underlying zoning**

# Goal of 2015 Amendments



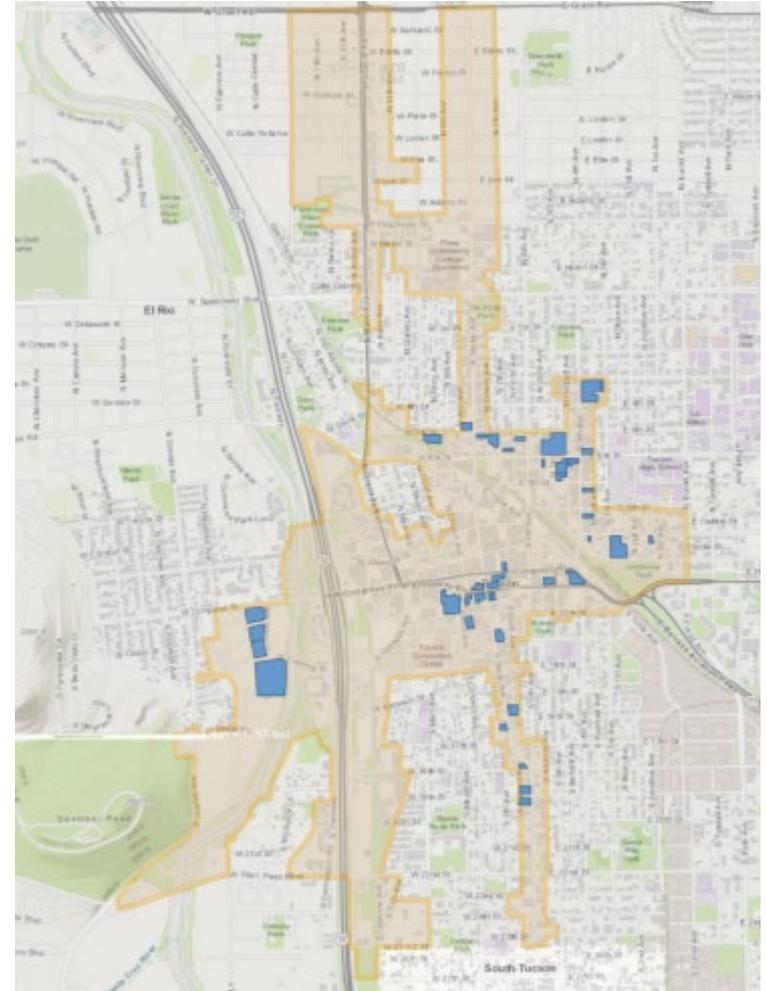
- Provide better neighborhood protection
- Clarify the role of formal commitments
- Improve design review
- Don't create redundancy with other overlays
- Ensure the IID still has incentives
- Be consistent with other City projects within the Infill Incentive District
- Simplify the review and use of the various overlays through consolidation

# How the IID is being used



Since Adoption of 2015 Ordinance

- 24 Approved Projects since adoption of 2015 Ordinance
  - 15 Minor and 9 Major
  - Mix of Residential, Retail, Food Service, and Office
- Approximately \$200 million in Valuation of projects



# How the IID is being used



## Most Requested Exceptions since 2015 Ordinance Adoption

- Parking – 18 Requests
- Landscaping and Screening – 16 Requests
- Solid Waste Collection – 12 Requests
- Change of Use – 9 Requests
- Off-Street Loading – 9 Requests
- Perimeter Yard – 7 Requests
- Prevailing Setbacks – 7 Requests



# Feedback received to date



- **Staff has held five stakeholder meetings to date**
  - **First three held on August 22, 24, & 29**
  - **Attendees and invitees included representatives from:**
    - **Neighborhood Associations within the IID**
    - **Fourth Avenue Merchants Association**
    - **Fourth Avenue Coalition**
    - **Previous IID Study Group who reviewed the 2015 ordinance Members from TRRG**
    - **Other previously interested parties**
  - **Second two held on Sept. 10 & 20 with the IID Study Group to review feedback from first three**
- **Three Public Meetings held on October 3<sup>rd</sup> , 4<sup>th</sup> and 11<sup>th</sup>**

# Overview of Stakeholder Meetings

- Is the IID Working?
- Historic Preservation
- Design Review
- Parking
- Student Housing
- Transit Oriented Development
- Design Guidelines and Overall Design
- Impact on Neighborhoods



# Feedback from IID Study Group



- **IID appears to be working as most projects that have been developed within – have used that option over the underlying zoning**
- **Suggested minimal changes at this time for clarifications**
- **Recommended extending the sunset date, with list of items to explore for next review**

# Feedback from Public Meetings



- **Parking**
- **Student Housing**
- **Tie parking reductions better to transit**
- **Spread the development to other areas**
- **More sustainable projects (LEED, Solar, rainwater harvesting)**
- **Should extend the sunset date not remove**
- **Remove Tucson Origins Heritage Park from IID**

# Proposed Text Amendments



- **Clarifications**
  - Review requirements within Rio Nuevo Overlay that would like to develop with IID
  - Pre-application conference may address potential code modifications and waivers
  - Date at which a contributing structure is demolished and a developer can use the IID
  - Appeals process
  - Amendment process for approved design packages
- **Amendments**
  - Building height and materials modification when project is within both HPZ and IID

# Overview of Proposed Amendments

## 1. Section 5.12.2.B - Review requirements within Rio Nuevo Overlay that would like to develop with IID

### 5.12.2. ESTABLISHMENT

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B. The IID contains both mandatory and optional overlay zone standards and requirements. Plans submitted in accordance with the IID shall comply with the applicable standards of this Section.

1. The requirements and standards of the RNA are mandatory for all sites proposing exterior or site modifications and are located within the RNA overlay. IID standards and regulations that apply only if a property is developed using the underlying zoning.

# Proposed Clarification



## 2. Section 5.12.6.A.3 - Pre-application conference may address potential code modifications and waivers

### 5.12.6. IID PLAN REVIEW AND APPROVAL PROCEDURES UNDER THE IID ZONING OPTION

#### A. Pre-application Conference

A pre-application conference with the PDS staff as outlined in Section 3.2.1 is required to determine the following:

1. Whether the Plan meets the IID Plan submittal requirements and the development standards of the IID and applicable Sub-District, Area or Sub-Area.
2. Whether the application will be reviewed through the Major or the Minor Design Review Procedure as described below.

3. Preliminary identification of potential code modifications or waivers that may need to be requested through the IID zoning option.

# Proposed Clarification



## 3. Section 5.12.6.E Date at which a contributing structure is demolished and a developer can use the IID

### 3. Demolition

a. Whether a proposed development is within or outside the boundaries of a HPZ, IID zoning option may not be used for a development project that proposes demolition of a historic structure that is any one or combination of the following:

- (1) A property listed or eligible to be listed in the National or Arizona Register of Historic Places, individually or as a contributing property.
- (2) Designated as a City Historic Landmark.

b. For purposes of this section, this applies to any demolition that has occurred on or after the adoption of ordinance \_\_\_\_\_.

# Proposed Clarification

## 4. Section 5.12.6.0 - Appeals process

### O. Appeals

~~1.A party of record may appeal the PDS&D Director's decision on IID developments on the grounds that the decision is not in conformance with the criteria established by the UDC. Except for a decision on a proposed group dwelling, which is approved or denied by the Mayor and Council pursuant to 3.4.4., Mayor and Council Special Exception Procedures, Notice of appeals may only be made by a party of record as defined by Section 11. A notice of intent must be made within 14 days of the PDS&D Director's decision and the final appeals packet and fees must be submitted within 30 days of the PDS&D Director's decision. All appeals must be filed and are heard in accordance with follow the following procedure:~~

~~a. Appeal to a proposed group dwelling is heard in accordance with Section 3.4.4, Mayor and Council Special Exception Procedure.~~

~~a&b. Appeals of the Director's decision for developments reviewed pursuant to a minor review process is are heard in accordance with Section 3.10.2, Board of Adjustment Appeal Procedure. The notice of intent to appeal must be filed with the PDS&D no later than five days after the effective date of the decision. The complete appeal materials must be filed with the Zoning Administrator within 14 days of the of the effective date of the decision. The appeal fees must be paid to the PDS&D at the time the complete appeal is filed.~~

~~b&c. Appeals of the Director's decision for developments reviewed pursuant to a major review process is are heard in accordance with Section 3.9.2, Mayor and Council Appeal Procedure. The notice of intent to appeal must be filed with the City Clerk no later than 14 days after the effective date of the decision. The complete appeal materials must be filed with the City Clerk within 30 days of the effective date of the decision. A copy of the complete appeal materials must be provided to the PDS&D Director at the time it is filed. The appeal fees must be paid to the PDS&D at the time the complete appeal is filed.~~

# Proposed Clarification

## 5. Section 5.12.6.Q - Amendment process for approved design packages

### Q. Amendments to the Approved Design Package

1. An ~~Am~~ Design amendment~~s~~ or revision~~s~~ to an approved IID Plan ~~is~~are subject to the ~~same~~ following approval procedure ~~as the initial approval~~, unless determined to be a non-substantive change by the designated Design Professional.

a. Amendments to the Design Package shall be processed as follows:

(1) The applicant or consultant shall provide a written report to the PDSD Director containing all of the following information: a listing, description, and exhibit of the design modification (s), modifications may be site changes, façade treatment and materials, building.

(2) A statement whether the proposal complies with the previously approved applicable design standards.

(3) The designated Design Professional shall draft a recommend outlining the following: if the design modification meets the intent of the IID, is an unsubstantial, a minor change, or a major change.

(4) The PDSD Director shall make the final decision on the design amendment or revision change.

# Proposed Amendment

## 6. Building height and materials modification when project is within both HPZ and IID

### E. IID Historic Preservation Review

#### 1. Projects in an HPZ

a. Proposed development projects within the boundaries of an HPZ must comply with HPZ Sections 5.8.7, *Permitted Uses*, 5.8.8, *Design Review*, and 5.8.9, *Design Standards*, except for building height, where projects may be allowed heights up to the equivalent of the tallest contributing structure within that HPZ. The project may also be allowed a modification for building material. Both exceptions require review from the Tucson-Pima County Historical Commission (TPCHC) Plans Review Subcommittee and the appropriate local HPZ board.

# Non-Code Items re: process

- 1. Create easy to understand checklists, timelines, and list of staff responsibilities to better inform all involved**
- 2. Coordinate with development and community stakeholders for education on tracking changes, and how to document**
- 3. Work with U of A and CAPLA to develop training programs for DRC and DP**
- 4. Review vibration study requirements for developments adjacent to historic structures**

# Issues to be addressed at later date

- 1. Monitor current parking conditions and trends to inform code and policy changes**
- 2. Conduct research to better understand areas that have seen less development**
- 3. Explore design guidelines that can guide the design process and better address transitions between different areas of the IID**
- 4. Explore a housing study to determine how to deal with student housing and affordability issues**
- 5. Seek opportunities with existing initiatives for ways to promote TOD and connectivity to transit**

# Recommendation



- **Staff recommends that the Planning Commission set this amendment to the UDC for a public hearing on December 5, 2018.**