



PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

DATE: November 13, 2019

TO: Planning Commission

FROM: Scott Clark
Executive Secretary

SUBJECT: *Kino Area Plan Amendment PA-19-01, Amendment to Allow Residential Uses Public Hearing (Ward 5)*

Issue: This is a request for a plan amendment to the *Kino Area Plan (KAP)* submitted by Rory Juneman, Lazarus, Silvyn & Bangs PC, on behalf of the property owner, Campbell at the Airport, L.L.C. The proposed amendment is to allow residential uses in an area currently designated in the *KAP* for commercial, industrial, and park industrial uses. The entire site, which is located at the northwest corner of Valencia Road and Campbell Avenue approximately 150 feet from Tucson International Airport, is approximately 33 acres of which approximately 22 acres is proposed for rezoning if the *KAP* amendment is approved. The site has been vacant since 1997. (See Attachment A and B for site location and Attachment C for applicant's complete application.)

Recommendation: Staff recommends the Planning Commission forward the proposed plan amendment to the Mayor and Council with a recommendation to amend the *KAP* by making a change to the Residential Map and adding policy language that allows residential uses with provisions as to how such residential should be developed and information prospective homebuyers and tenants should be given regarding the subject site's close proximity to Tucson International Airport and potential impacts of that adjacency. (See Attachments D1 and D2 for existing and proposed *KAP* Residential Maps and Attachment E for proposed *KAP* policy language.)

Study Session: The Planning Commission held a study session on July 10, 2019. Both staff and the applicant made presentations. Following the presentations, Planning Commission members asked questions seeking clarification and additional information.

The Commission requested a second study session to address issues that had arisen at the first study session. The second study session was held on August 21, 2019, at which time staff and the applicant made presentations to address issues raised at the July 10, 2019, study session, including runway expansion, development "creep" toward airport; public health /housing; TAA's position of preferring industrial, but not opposing residential; and the Authority's requirements that prospective homebuyers or tenants sign a disclosure statement.

At the conclusion of the second study session, the Planning Commission voted 7 - 0 to set this item for a public hearing on Wednesday, September 25, 2019

Existing Zoning and Land Uses:

The approximately 33-acre subject site, which is vacant, includes commercial (C-2), industrial (I-1), and park industrial (P-1) zones. (*See Attachment F for zoning map.*) The site is zoned C-2 along Valencia Road at a depth of approximately 300 feet. A large portion of the site's interior is zoned I-1, and a P-1 zone is found at the north, east, and west edges of the site. Commercial C-2 permits a range of commercial, as well as residential, uses. Industrial (I-1) allows a range of light industrial uses that do not have offensive characteristics, as well as other uses permitted in more restrictive nonresidential zones. Park industrial (P-1) permits such uses as corporate business centers, wholesaling, and manufacturing activities, as well as select other nonresidential uses.

The properties surrounding the subject site contain residential and industrial uses in R-2, R-3, I-1, and P-1 zones, specifically:

- North of the subject site, the properties are zoned residential (R-2 and R-3) and include single family housing immediately adjacent to the subject site and multi-family housing further north.
- South of the subject site, across Valencia Road, the land is zoned industrial (I-1), and is the location of the Tucson International Airport and Tucson Air National Guard Base.
- East of the subject site, across Campbell Road, the land is zoned park industrial (P-1), industrial (I-1), and residential (R-2). The property immediately to the east is occupied by an industrial warehouse, and the property to the northeast is vacant.
- West of the subject site, the property is zoned park industrial (P-1) and is occupied by a combination of residential and industrial uses.

The subject site is located within the Airport Hazard District of the Airport Environs Overlay Zone. The Airport Environs Zone (AEZ) restricts the heights of structures, use of land, and trees as specified in UDC Section 5.6.11. The UDC Section 5.6 describes the AEZ as comprised of districts and zones for TIA and for Davis-Monthan Air Force Base. The districts and zones within the AEZ that are applicable to TIA address compatibility, noise, and airport hazards. The subject site is located outside all the districts and zones that make up the AEZ with the exception of the Airport Hazard District. This district restricts heights on the subject site to 50 – 80 feet (depending on proximity to airport) and prohibits uses that could be hazardous to aircraft, such as incinerators, smoke stacks, and petroleum storage. (*See Attachment G for the Airport Environs Overlay Zone map.*)

Land Use Policy Direction:

Policy direction is provided by *Plan Tucson, City of Tucson General & Sustainability Plan* and the *Kino Area Plan (KAP)*. *Plan Tucson* policies are long-term, broad-based, and apply

to the entire city, whereas *KAP* policies are more narrowly focused and apply only in the area covered by the plan. Key policies are summarized below.

Plan Tucson, City of Tucson General & Sustainability Plan (2013). *Plan Tucson* contains a variety of elements that are categorized in four focus areas, including the Social Environment, the Economic Environment, the Natural Environment, and the Built Environment. Each focus area contains specific goals and each element contains specific policies many of which complement each other. The Built Environment Focus Area includes a Future Growth Scenario Map (p. 3.144) that provides guidance for determining the general location of development opportunities and patterns, land use, and transportation concepts through a series of Building Blocks. Guidelines for reviewing development proposals are associated with each of the Building Blocks. The subject site is located within the Existing Neighborhood Building Block and adjacent to the Industrial Building Block. The Existing Neighborhood Building Block is described as “primarily developed and largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades.” The Industrial Building Block is described as “...areas strategically located for efficient handling of intermodal freight movements. These areas support national and international freight movement through Tucson by connecting existing major regional commercial transportation routes, including railway, major highways, and the airports.”

Plan Tucson also contains several policies that address airport-related issues as presented below:

The Economic Environment Focus Area / Regional & Global Positioning

- **RG4** Support existing and potential commercial, industrial, and other land use activity in and around Davis-Monthan Air Force Base (DMAFB) and Tucson International Airport (TIA) that: is compatible with military and aviation operation, contributes to the long-term viability of DMAFB and TIA; is enhanced by proximity to air service; produces a public benefit in regard to employment and revenues generated; and does not diminish existing neighborhood viability or negatively impact the health, safety, and welfare of existing residents, their homes, and their neighborhoods.

The Natural Environment Focus Area / Environmental Quality

- **EQ4** Reduce and mitigate noise in neighborhoods, along roadways, and near industrial and airport zones through enforcement of existing codes, use of noise reducing and mitigating materials and designs, and deliberative decisions regarding compatible land uses and related zoning.

The Built Environment Focus Area / Environmental Quality

- **LT24** Coordinate a comprehensive revision of the Airport Environs Plan including areas beyond the current Airport Environs Zone, taking into account noise and the public health, safety, and welfare of Tucson residents.

Kino Area Plan (1980): The overall goal of the *Kino Area Plan (KAP)* is: “To establish guidelines for the future growth of the Kino area and to provide a balance of uses and a wide range of activities, including employment, shopping, housing, and recreation.”

The proposed subject site is within “Site 1” on the *KAP* Industrial Map (pg. 16), which shows areas for which the *KAP* identifies industrial as the appropriate future use. (*See Attachment D1.*) The introduction to the *KAP* section on industrial uses notes features in the area conducive to industrial uses, including good accessibility to airport, railroad, Interstate 10 and truck facilities; relatively inexpensive vacant land; and large amounts of industrial zoned land.

The *KAP* also notes that the Kino area is suitable for residential development given its low land prices, large tracts of vacant land, and closeness to major employers, and family/cultural ties. There have been several amendments to the *KAP* that, similar to this proposed amendment, allow residential uses in places either depicted on the *KAP* Industrial Map as suited for industrial uses and/or where the underlying zoning is for industrial uses. These include:

- an amendment for residential on a portion of the northeast corner of Campbell Avenue and Ajo Way (July 1, 2002, Resolution No. 19280), which continues to be depicted for industrial uses on the *KAP* Industrial Map
- an amendment that allows consideration of residential uses at the southwest corner of Drexel Road and Tucson Boulevard if industrial uses as permitted by the underlying zoning are not developed (March 27, 2000 Resolution No. 21143)

Public Contact:

The applicant’s public contact including the required meeting with the neighborhood, as well as communication with both the Tucson Airport Authority and the Tucson Air National Guard Base, is summarized below:

Neighborhood Meeting: The applicant held the required neighborhood meeting on Wednesday, April 17, 2019, at Residence Inn, 2660 E. Medina Road, 6:00 pm to 7:15 pm. Eight people signed in. Attendees asked whether apartments would be developed in the medium-density area; whether sound attenuation would be provided for the existing homes; whether existing home values would decrease with the addition of apartments; whether the proposed projects could be constructed so people cannot pass through the existing community; whether there was a restriction on residential use due to fuel contamination in the area; how many homes would be built; what kind of lighting would be provided; whether the

subject site was in the flight path; and whether new residents would fight the heavy industrial uses being developed across Campbell Avenue to the east. Other issues raised included: disturbance of wildlife on the subject site, increased traffic on Valencia Road, and the blockage of the view to TIA from the proposed development.

Tucson Airport Authority: The applicant approached the Tucson Airport Authority (TAA) to determine whether there were objections to considering residential uses for the subject site. TAA provided a letter to the City of Tucson, Rezoning Section, dated May 30, 2019. In summary the letter states that “The proposed plan amendment is not recommended since there are many potential impacts to residential related uses, as described earlier, which would need to be mitigated.” The letter then goes on to say, “TAA will not oppose the subject request contingent upon the inclusion of the following conditions of approval in any City approval of the Kino Area Plan amendment and the rezoning application that may follow.” (See Attachment H for the complete TAA letter, including conditions.)

Tucson Air National Guard Base: The applicant also reached out to the Tucson Air National Guard and was told the Guard would likely defer to TAA on this matter.

Present Considerations

This plan amendment request requires deliberately weighing a variety of issues. Industrial uses are described in the *KAP* “as having long-term compatibility with airports.” Amending the *KAP* to indicate residential uses, particularly single-family residential with likely outdoor spaces, as an acceptable future use for the subject site seems counterintuitive given the site’s close proximity to Tucson International Airport (TIA) and the Tucson Air National Guard Base. In fact, in the early 2000’s there was a similar rezoning request that staff did not support and which was later withdrawn.

Therefore, staff’s first question to the applicant was in regard to the industrial market for which the subject site is largely zoned and which the *KAP* identifies as the desired future use (*KAP* Industrial Map, Site 1). The applicant undertook research regarding the real estate market, which was presented to the Planning Commission at the July 10, 2019, study session. In summary the research indicated that there was a limited market for industrial uses and an active market for residential uses in areas surrounding TIA. More specifically the research results showed:

- The area surrounding the amendment site has evolved as a mix of industrial, commercial, office, and residential uses. The applicant notes that since 2005, 72% of the Certificates of Occupancy issued in this area were for either commercial or office uses and the remaining 28% were for industrial uses. North of the mix of industrial and commercial is a mix of residential development, including single-family, multi-family, and mobile home subdivision.

- There is at least a 40-year supply of industrial sites south of Golf Links Road. This supply of industrial sites allows for purchasers to be more selective in choosing sites, while also keeping the prices for industrially zoned properties lower. Additionally, the most in-demand areas for industrial uses are those near I-10 or I-17 with larger tracts or potential assemblages of land that can accommodate large distribution centers. Industrial sites near airports are typically not in high demand as shipping by air freight is costly and infrequently used. In the area north of Tucson International Airport, there were at the time of the applicant's research 105 industrial sites for sale. Currently, the average time on the market for industrial sites is a little over five years.

It should be noted that the applicant can already construct residential uses on the portion of the site along Valencia Road, which is zoned for commercial uses,

Staff talked to TAA directly about the Authority's position as stated in its letter of May 30, 2019, not to oppose the plan amendment given that the letter says "Residential related uses are not a preferred use since this property is located in close proximity to Tucson International airport (this property is located approximately 150 feet north of Tucson International Airport). Individuals within these residential uses have a greater likelihood to be subjected to elevated aircraft noise, fumes, and other impacts from aircraft operations and other activities at Tucson International Airport through being in close proximity to the airport. There is the potential for residential uses to be determined to be incompatible with Tucson International Airport in the future due to increases in noise contours (increases to day night average sound level [DNL] to a level of 65 DNL or greater) through changes in the aircraft fleet mix, changes to FAA arrival and departure procedures, and increased aircraft operations at Tucson International Airport." In conjunction with that discussion, TAA provided City staff with a map of the Airport Environs Zone, which is titled "TIA Policy - Residential Uses in Incompatible Areas" and includes the caption "Tucson International Airport Oppose Change to Residential or Increased Residential Density." The subject site is not within the boundaries of the Compatibility Use Zones of the Airport Environs Zone. (*See Attachment I for the TIA Policy Map.*)

Staff also requested the applicant provide expert information regarding potential air quality impacts, an issue raised when a Planning Commission member provided some air quality related data he had generated using the U.S. Environmental Protection Agency (EPA) EJSCREEN: Environmental Screening and Mapping Tool found at <https://www.epa.gov/ejscreen>. The data suggested that there could be some air quality concerns in the area of the subject site. The applicant retained an air quality expert who generated data using the EJSCREEN tool for both the subject site and, for comparison, other locations in Tucson. The air quality expert evaluated the generated data and provided a written report (*see Attachment J*) that contained the following conclusions:

"The EPA's EJSCREEN is not a direct indicator of poor air quality. The report simply provides a way of comparing environmental and demographic indicators for the areas selected to state, regional and national averages for the same reported variables. The

EJSCREEN data above shows that the Campbell Parcel air quality is comparable to other residential areas in Tucson away from Tucson International Airport. [Note: “Campbell Parcel” is the expert’s reference to the subject site.]

Based solely on the current EPA limits for PM 2.5, Ozone and Diesel PM, the data from the EJSCREENS ... do not support the need for additional onsite air quality testing at this time.

- The current EPA annual standard for PM 2.5 is 12 $\mu\text{g}/\text{m}^3$. The data for all of the examples above is well below the EPA PM 2.5 limit.
- The current EPA acceptable ozone limit is 70 ppb. The data for all of the examples above is well below the EPA’s limit.
- The EPA’s guidelines for Diesel PM is 5 $\mu\text{g}/\text{m}^3$. The data for all of the examples above is well below the EPA’s guidelines for Diesel PM.”

Staff consulted with Pima County Department of Environmental Quality staff, who said the County does not have air quality regulations or policies that are applicable to the subject site.

Staff followed up on the Planning Commission’s inquiries about TAA’s future plans for airport runway expansion. TAA informed City staff the TIA master plan includes a “special planning area” that is envisioned to accommodate a third runway many decades from now.

Finally, City staff learned in discussion with TAA that the Authority is planning to review the Airport Environs Zone in the next three to four years. TAA recently reached out to the City about meeting to discuss this future review, which would be in keeping with *Plan Tucson* Policy #LT24: “Coordinate a comprehensive revision of the Airport Environs Plan including areas beyond the current Airport Environs Overlay Zone, taking into account noise and the public health, safety, and welfare of Tucson residents.”

The above paragraphs highlight the issues staff weighed in ultimately making a recommendation of support for the plan amendment. However, if there were an opportunity for industrial uses on the subject site, such uses would be preferred given the site’s adjacency to TIA and the Tucson Air National Guard Base and given that the underlying zoning supports such uses on the subject site.

Conclusion: Staff recommends the Planning Commission forward the proposed plan amendment to the Mayor and Council with a recommendation to amend the *KAP* by making a change to the Residential Map and adding policy language that allows residential uses with provisions as to how such residential should be developed and information prospective homebuyers and tenants should be given regarding the subject site’s close proximity to Tucson International Airport and potential impacts of that adjacency.

Findings:

- The subject site has stood vacant for over 20 years.
- The demand for industrial uses in the area has declined since the original industrial and park industrial zoning was identified in the *KAP* for the subject site.
- Housing developments in the area of Tucson International Airport have increased in recent years, and the market for housing in the vicinity of TIA appears active.
- The portion of the subject site that is currently zoned C-2 can currently be developed with residential uses.
- Residential uses are found immediately to the north of the subject site.
- The subject site lies outside the boundaries of the Airport Environs Zone Compatibility Use Zones in which TIA has a policy of opposing new or higher density residential uses. The subject site is also outside of the AEZ TIA Noise Control District. The subject site is within the AEZ Airport Hazard District for which there are height restrictions specified in the UDC.
- Tucson Airport Authority says that any plans for runway expansion are many years away.
- Tucson Airport Authority does not oppose the plan amendment request contingent upon the following conditions being met:
 - Having the owner/developer/applicant record an Avigation Easement, which discloses the existence and operational characteristics of TAA to future owners or tenants of the property.
 - Having the applicant file a Federal Aviation Administration (FAA) Form 7460, which applies to possible interference of a development project with navigation signal reception.
 - Having the developer provide the Airport Disclosure Statement form to new property owners, as well as new tenants of rental units.
 - Including noise attenuation features in all residential uses to reduce interior noise levels to a level not to exceed a day night average sound level of 45 decibels.
 - Forming an Homeowners Association with specific language in the CC&Rs regarding noise attenuation for residential uses that are subsequently reconstructed, repaired, replace, modified, or expanded, and specifying that “All owners, tenants, residents and any other user of the residential property subject to these CC&Rs specifically acknowledge and agree that any and all aircraft operations, noise, emissions or other impacts from airport related activities in proximity to the property...are not a violation to the resident’s, user’s owner’s or tenant’s quiet enjoyment of the property.....”

- TAA is preparing for a review of the Airport Environs Plan in the next three to four years, which should provide an opportunity to think further about the issues that arose in thinking through this plan amendment request.

Attachments:

- A: Context Map
- B: Aerial Location Map
- C: Applicant's Application
- D1: Existing Kino Park Residential Map
- D2: Proposed Amended Kino Park Residential Map
- E: Proposed Additional Policy under KAP Residential Section
- F: Zoning Map
- G: Airport Environs Overlay Zone Map
- H: Tucson Airport Authority Letter, May 30, 2019
- I: TIA Policy Map
- J: Air Quality Report