

## **Attachment J – Summary of Legal Action Reports from Review by HPZ Boards**

### **Barrio Historico HZAB MEETING MARCH 12, 2018**

Item 8. PDS Staff presented a proposal for an option to allow for building heights of 48' and alternate building materials if favorably recommended by the TPHC and the associated HPZ Advisory Board for properties within the HPZ and the Infill Incentive District.

MOTION 9 - Karen Costello moved and Mary Lou Heuett seconded to reject the proposal.

VOTE 9 – The vote was 5 yes and 0 no to reject the proposal

### **West University HZAB MEETING MARCH 20, 2018**

ITEM 4. Height Modification Proposal (Taku)

Presentation by COT PDS for proposed height and material modifications to IID. Rusk motioned to deny revisions to current language as presented, Fajardo seconded. Motion approved 5 to 1 (Wilhelm dissenting vote).

### **Armory Park HZAB MEETING MARCH 20, 2018**

ITEM 3. HPZ Height Modification Analysis (M. Taku)

The City Staff presented their proposal for a text amendment that would allow for a height and materials variance option in HPZs, at the direction of Mayor and Council. The proposal limits the height to 48 feet (height of the tallest building in historic preservation districts) and also allows for modern building materials, and be further limited to undeveloped commercial areas of HPZs that also have the IID optional overlay zoning. The text amendment is within UDC 5.12, not in UDC 5.8 and would only be allowed on largely vacant properties and no contributing historic building could be demolished. Staff asked for both feedback and possibly support (or opposition) on the text amendment as presented.

Action Taken: After a lively discussion of the pros and cons of such a change, the following motion was made in support: While there is considerable concern about any negative changes that impact our historic zone by a loss of restrictions this text amendment allows for, the Board supports the proposed language as presented in that it is restricted (height 48' and modern building materials) only to the IID overlay zone when located within an HPZ. Nine votes in favor, two opposed.

### **El Presidio HZAB MEETING APRIL 23, 2018**

2. Presentation of HPZ Height Modification Proposal: Michael Taku, Dan Bursuck, Allison Diehl

City Planning is proposing an option for the modification of allowed building heights on vacant land within Historic Preservation Zones where they are overlaid by the Infill Incentive District (IID), and asks for feedback from HPZs before finalizing the proposal and forwarding to Mayor and Council. If favorably recommended by TPHC and the affected HPZ, the heights could go up to 48' (which is "based on tallest existing contributing structure," as noted in the proposal). El Presidio will be one of the HPZs potentially affected. Discussion followed. Some initial concerns emerged. It was pointed out that the 48' height was based on taller structures in other HPZs, and that the tallest structure in El Presidio also affected by the IID overlay was only two stories. C. Domin noted a concern that taller structures could cast shadows on historic structures.

D. Bursuck responded that IID rules already have set-back and other qualifying restrictions to prevent negative impact on historic structures. Because the Board had received these proposed changes too recently to have adequate time to evaluate them fully, it was moved that we table the discussion and hold another meeting with city staff in May, considering the specific ways in which the proposed changes would affect El Presidio HPZ.

Discussion followed.

Motion to extend discussion to a meeting for May 21, 2018. Approved unanimously.

### **El Presidio HZAB MEETING MAY 21, 2018**

Presentation of HPZ Height Modification Proposal:

Dan Bursuck gives overview of history, rationale and proposed amendments of height restrictions in HPZs where the HPZ coincides with the Infill Incentive District (IID) overlay.

#### **Discussion**

Peggy Wilder asks for a summary of Armory Park's (AP's) take on the proposed amendments.

John Burr gives additional history and rationale for APHPZ approval and notes that West University and Barrio Viejo (BV) are in opposition.

Martha McClements reiterates the APHPZ Board rationale and support of amendments, noting that they were judged to be the best that could be worked out in a challenging situation. The height recommendation in the amendment was based on greatest heights within in AP and BV:

48' AP

42' BV

Joe Wilder points out these reference heights are nearly twice the height of structures within EP.

Halley Freitas suggests modifying the proposed amendment to be specific to each particular Historic Zone, as each has distinct characteristics and differing existing heights.

Peggy Wilder suggests it would be best to specify the heights for each HPZ and that City of Tucson clarify tallest building height for EP, taken from street front façade, measured from the base of the street level elevation.

Christopher Domin points out that only the Tucson Museum of Art property is currently affected. It is the only property in EP which coincides with the IID overlay.

Joe Wilder asks what Tucson Museum of Art feels regarding this.

Alison Diehl responds that she and Marty McKuen will be meeting with TMA later in the week.

Susan Aiken inquires about the city staff's time frame for response and action on the amendment before it goes to Mayor and Council.

Michael Taku answers that there are many steps in the review process before finalized recommendations go to M&C: TPHC, Planning, Board of Adjustments, etc.

Christopher Domin recommends spelling out specific transitional standards within IID that would take into consideration compatibility with existing structures and character of the HPZ, i.e, mass, volume, scale, setbacks, etc.

John Burr responds that section 5.1.2 of Unified Development Code requires this for HPZ and supersedes the IID, so that even with new height amendments a proposed project would require HPZ review and approval, and approval by M&C.

Susan Aiken reviews possible EPHPZ Board options:

1. Oppose current amendment
2. Modify height restrictions specific to EPHZ.
3. Approve in concept but customize and specify heights relevant to EP and other HPZs.

Susan Aiken thanks Attendees and City Staff and calls for executive session for further discussion and vote.

Joe Wilder suggests that we determine heights from street level and street front. Owls Club and Hereford House are identified as tallest structures within EP.

Christopher Domin suggests seeking a professional to determine exact height of the Owl's Club.

Discussion follows about determining the appropriate point from which height should be measured. Some possible individuals who might donate service are mentioned.

Susan Aiken suggests that we try to determine accurate height measurements and compose a letter defining our position.

Christopher Domin notes that it is wise to be slow and deliberative in this process.

The Board consensus is that we should agree in principle to permitting modest height modifications on vacant land in which the IID overlays the HPZ (a modification that presently would affect only the lots adjacent to TMA, as shown on the proposal), but only on the condition that height limitations must be specifically appropriate to EPHPZ (roughly, no more than two to two-and-a-half stories, as based on the height of the Owl's Club measured from sidewalk level on Main Avenue).

**Motion:** Susan Aiken moves that we write a letter summarizing this position, to be forwarded to the Board for review. Johna Cronk seconds.

Motion approved unanimously.