



MAYOR & COUNCIL MEMORANDUM

Subject: STUDY SESSION- Historic Preservation Zone (HPZ) Height Modification Unified Development Code Text Amendment (City Wide) Page: 1 of 3

Issue – The purpose of this study session is to provide a progress report to the Mayor and Council regarding a proposed amendment to the Unified Development Code to allow for modification of building heights within an Historic Preservation Zone (HPZ). This is in response to the rezoning of Trinity Presbyterian Church to a PAD(h), which resulted in the church being removed from the West University HPZ and the proposed rezoning for the Baffert project in the Armory Park Historic Zone C9-18-02. Over the past year, staff has conducted an analysis and worked with the associated parties to provide a solution to the limited building heights currently allowed in HPZs.

City Manager's Office Recommendation – Mayor and Council direction is requested regarding the next steps to amend the Unified Development Code (UDC) to address building height modification within an HPZ.

Background – On February 22, 2017, the Mayor and Council voted 7-0 to adopt ordinance 11437 to approve the C9-16-12 rezoning of the Trinity Presbyterian Church to a Planned Area Development. To accommodate the applicant's request for additional building height and the use of alternative materials, M&C amended the boundary of the West University Neighborhood Historic Preservation Zone, thus removing the Church from the HPZ. Given the difficulty of the process and concerns raised by the historic preservation community, the Mayor and Council directed staff to initiate a text amendment process to provide a mechanism for processing height adjustments in the HPZ without having to amend the HPZ boundary.

Since the February 22nd meeting, staff has worked to provide a solution that allows for additional building height for developments within the Historic Preservation Zones. The following location criteria were analyzed:

- On an arterial road and within an HPZ
- On a collector or arterial road and within an HPZ
- On a collector, arterial, or street car line and within an HPZ
- On an arterial road and with an underlying zone of commercial and within an HPZ
- On a collector or arterial road and with an underlying zone of commercial and within an HPZ
- Within the Infill Incentive District or on a collector, arterial, or street car line and within an HPZ
- Within the Infill Incentive District and within an HPZ
- And several other combinations of the above

These options were presented to stakeholders including local designers, developers, residents, and a selection of members from the affected HPZ boards to determine an appropriate mechanism for

building height adjustments in the HPZ. The option determined to be most reasonable was the following:

- Allows for a building height of up to 48' (tallest existing contributing structure), and alternative building materials if favorably recommended by the Tucson-Pima County Historical Commission (TPC-HC) and the associated local Historic Preservation Zone (HPZ), when located within an HPZ and the Infill Incentive District (IID). In general, this proposed amendment only applies to vacant lots (17 total) and those utilizing this option must adhere to demolition regulations within both the IID and the applicable HPZ.

The proposal applies to very limited area (Attachment A) and will have an impact only in areas where the IID overlaps with an HPZ. The stakeholder group recommended this option as the IID is an area that the council has specifically created to direct growth and the provisions of the IID. This would result in development which is more sensitive to the existing neighborhoods. An exhibit depicting the proposed option was presented to each of the HPZ boards for feedback.

The proposed amendment has received limited support amongst the Historic Advisory Boards. Barrio Historico and West University HPZ Boards voted to recommend denial of the proposed amendment; El Presidio voted to recommend approval with the condition that the tallest height allowed was no greater than the tallest building in the El Presidio HPZ – approximately 24 feet. Armory Park was the only Board to recommend approval of the amendments. The two HPZ boards (Barrio Historico and West University) that voted against the proposed amendment suggested that even with the revisions offered by El Presidio, they would still recommend denial preferring the applicant go through the rezoning process to remove a property from the HPZ. For a review of the Legal Action Reports from those meetings refer to Attachment B.

Present Consideration(s) –

At this time, staff requests direction from Mayor and Council to determine if they would like to continue with the current text amendment as is and move it to the Tucson-Pima County Historical Commission – Plans Review Subcommittee for a recommendation or if they would like to consider other alternatives. Should Mayor and Council like proceed differently, staff requests direction on how they shall handle this situation. The following are a few options for moving this item forward:

- Revise the proposal and return to HPZ boards with a revised plan reflecting M&C feedback.
- Discontinue the text amendment and continue using the current case-by-case procedure.

Should Mayor and Council direct staff to continue with the current text amendment for consideration, the next steps would be:

- Review by the Tucson-Pima County Historical Commission – Plans Review Subcommittee for a recommendation
- Review by the Planning Commission at a study session
- Review by the Planning Commission at a public hearing for a recommendation to Mayor and Council

- Review by the Mayor and Council at a public hearing for adoption

Plan Tucson Consideration(s) – This item is related to the Elements of (1) Business Climate, (2) Land Use, Transportation, & Urban Design, and (3) Tourism & Quality of Life. Specifically, this item is supported by the following policies:

BC – 1 Recognize that government plays an instrumental role in creating a business supportive climate through investment in public infrastructure and services, through its regulations and policies, and in building public-private partnerships.

LT – 28.2.14 Protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill and appropriate nonresidential uses.

TQ4 – Promote and preserve Tucson’s cultural heritage and historic resources, including archaeology, architecture, performance, art, landmarks, and events.

Financial Consideration(s) – N/A

Operating Cost and Maintenance Input – N/A

Legal Consideration(s) –

Respectfully submitted,

Albert Elias
Assistant City Manager

AE/SC/db
PLANNING AND DEVELOPMENT SERVICES

Attachment:

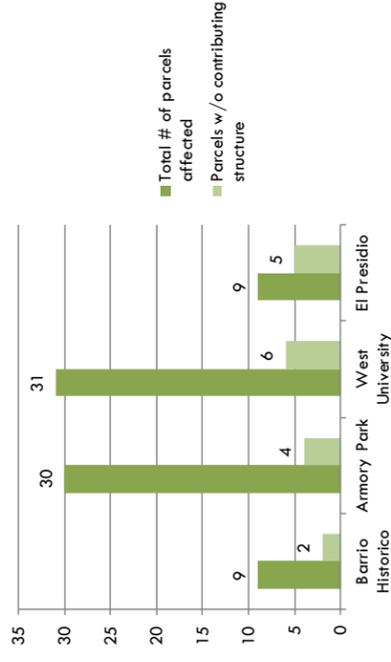
A – HPZ Height Modification Exhibit 3.9.18

B – Legal Action Reports from review of HPZ Boards

HPZ Height Modification Analysis

Goal: To provide an option for the modification of allowed building height within Historic Preservation Zones when deemed appropriate.

Proposal: The following option allows for a building height of up to 48' (tallest existing contributing structure), and alternative building materials if favorably recommended by the Tucson-Pima County Historical Commission (TPC-HC) and the associated local Historic Preservation Zone (HPZ), when located within an HPZ and the Infill Incentive District (IID).



5.1.2.6. IID PLAN REVIEW AND APPROVAL PROCEDURES UNDER THE IID ZONING OPTION

E. IID Historic Preservation Review

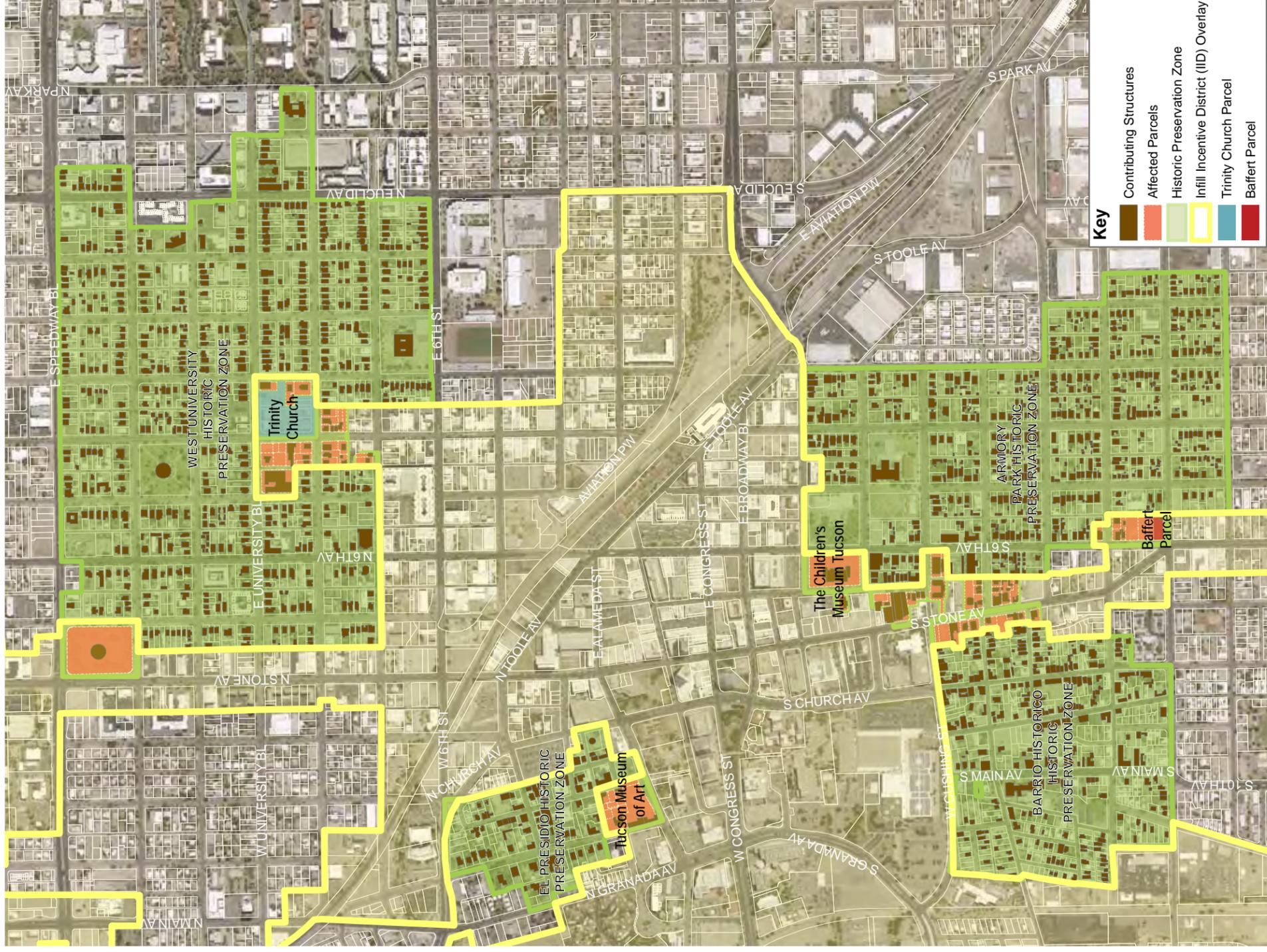
1. Projects in an HPZ
 - a. Proposed development projects within the boundaries of an HPZ must comply with HPZ Sections 5.8.7, Permitted Uses, 5.8.8, Design Review, and 5.8.9, Design Standards, except for building height, where projects may be allowed up to 48 feet, and building material type. Both exceptions require review from the Tucson-Pima County Historical Commission (TPCHC) and the appropriate local HPZ review board.

5.1.2.14 FOURTH AVENUE AREA (FAA)

A. Fourth Avenue Historic Sub-Area (FHS)

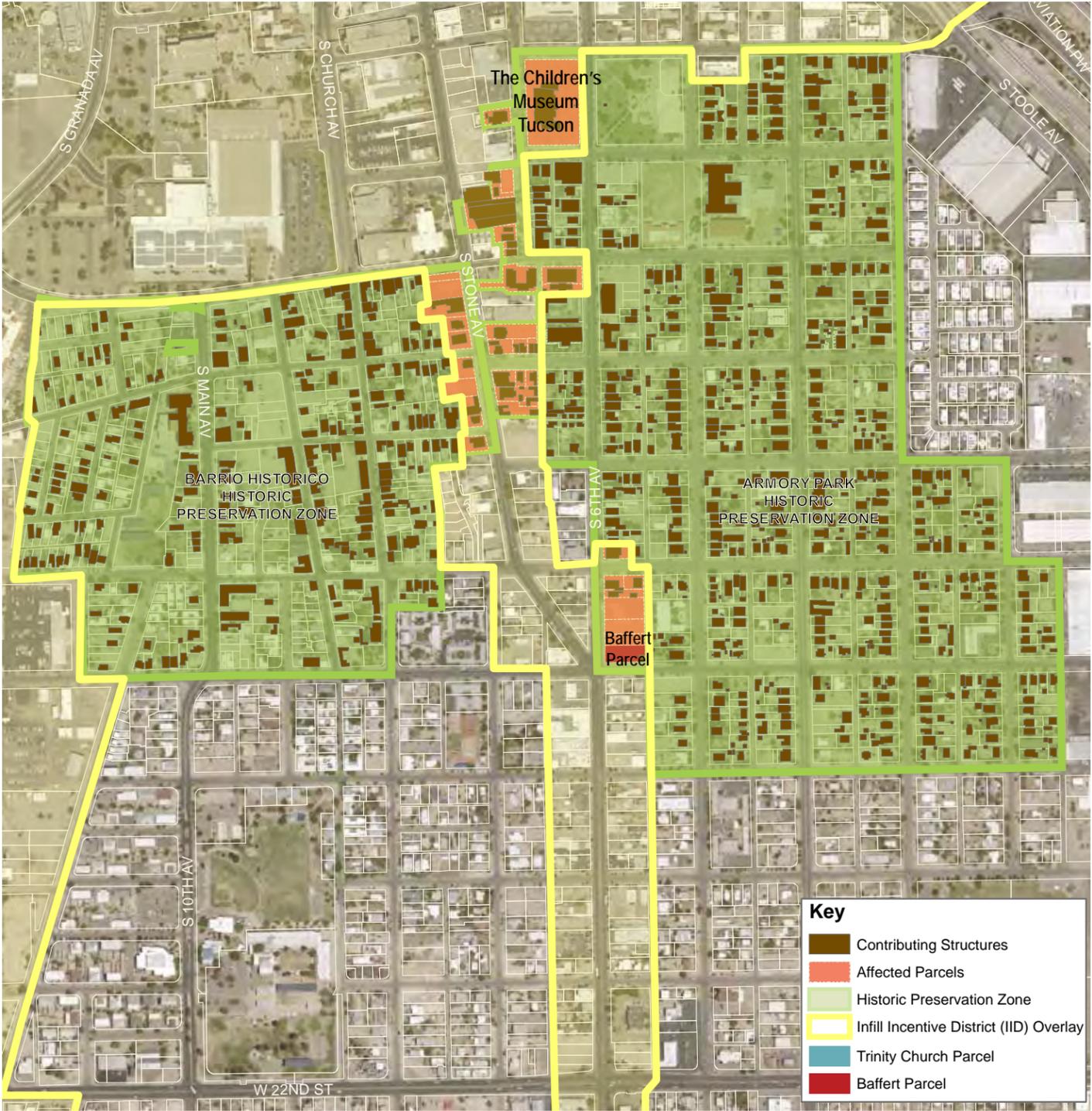
1. Standards

The Fourth Avenue Historic Sub-Area includes portions of the West University Historic Preservation Zone that overlap with the Downtown Links Sub-District. Properties within these areas may be developed using the optional parking standards contained herein, but remain subject to all other underlying zone requirements including, but not limited to, historic preservation zone design standards and design review. An exception to these requirements may be made for building height, where projects may be allowed up to 48 feet, and building material type. Both exceptions require review from the Tucson-Pima County Historical Commission (TPCHC) and the appropriate local HPZ review board.

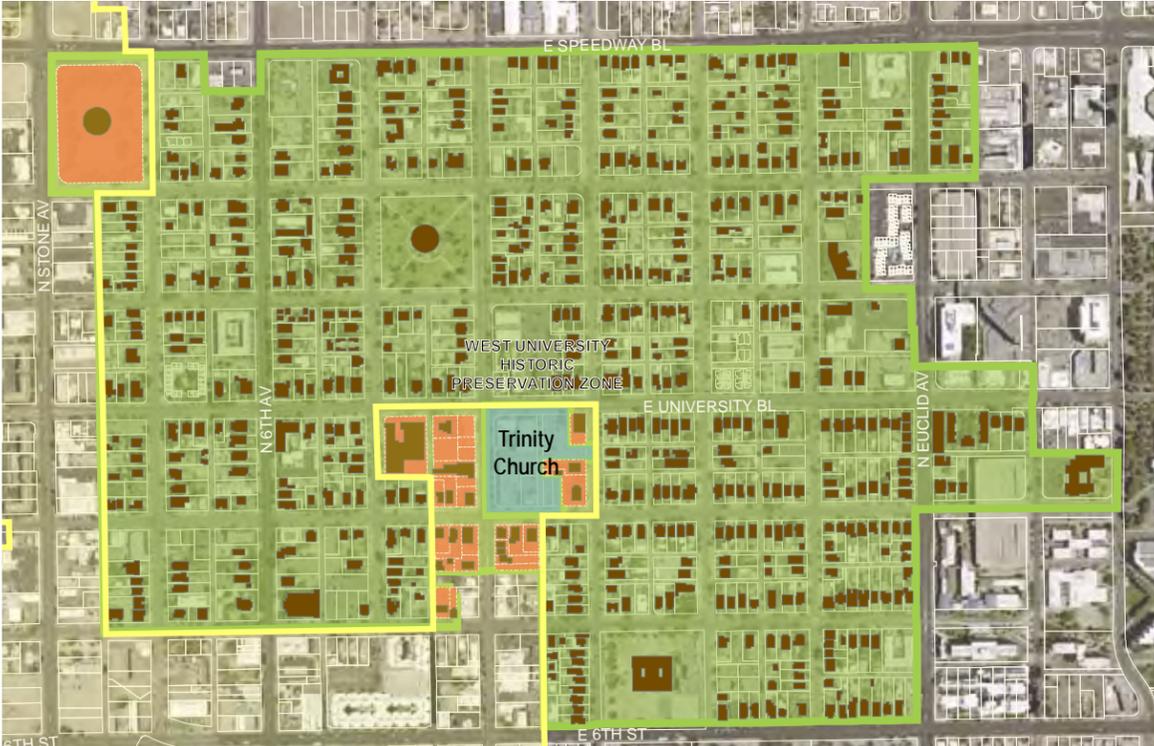


HPZ Height Modification Analysis - Map Details

Barrio Historico Historic Preservation Zone and Armory Park Historic Preservation Zone



West University Preservation Zone



El Presidio Preservation Zone



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.