



CITY OF  
TUCSON

CITY MANAGER'S  
OFFICE

# Preliminary Report

March 15, 2018

Tom Warne  
On behalf of the owner  
Partners on Fourth Investments, LLC  
70 W. Cushing Street  
Tucson AZ 85701

**SUBJECT: Partners on Fourth PAD – C9-18-01**  
**4<sup>th</sup> Avenue and 8<sup>th</sup> Street - I-1 and C-3 to PAD zone (Ward 6)**  
**Public Hearing: March 1, 2018 (Continued to March 8, 2018)**

Dear Mr. Warne,

Pursuant to the City of Tucson Unified Development Code and the Zoning Examiner's Rules of Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's summary of findings for the rezoning case **C9-18-01 - Partners on Fourth PAD**. At the expiration of 14 days of the conclusion of the public hearing, the Zoning Examiner's Report (complete with background information, public hearing summary, findings of fact, conclusion, recommendation, and public hearing minutes) to the Mayor and Council shall be filed with the City Manager. A copy of that report will be available from either the Planning and Development Services Department (791-5550) or the City Clerk's office.

If you or any party believes that the Zoning Examiner's recommendation is based on errors of procedure or fact, a written request to the Zoning Examiner for review and reconsideration may be made within 14 days of the conclusion of the public hearing.

The public hearing held by the Zoning Examiner shall constitute the public hearing by the Mayor and Council. However, any person may request a new public hearing before the Mayor and Council. A request for a new public hearing must be filed in writing with the City Clerk within 14 days of the closing of the Zoning Examiner's public hearing.

## **SUMMARY OF FINDINGS**

### ***Applicant's Request***

This is a request by Thomas W. Warne, on behalf of the property owner, Partners on Fourth Investments, LLC, to rezone approximately 1.68 acres from I-1 and C-3

to Planned Area Development (PAD) zoning.

The rezoning site is located in proximity to the southwest corner of 4th Avenue and 8th Street within the National Register Warehouse Historic District and the Infill Incentive District, Downtown Links Sub-district; Warehouse Triangle Area and 4th Avenue Sub-Area (see Case Location Map). The proposed use includes market rate multi-story housing as well as commercial uses. The PAD concept plan proposes a development with building heights ranging from 30 feet adjacent to the 4th Avenue street frontage to 160 feet on the west half of the PAD.

The request to rezone to PAD, in lieu of utilizing the Infill Incentive District (IID) zoning option, is because:

- The IID zoning option specifically prohibits the demolition of contributing structures. The project includes the demolition of a substandard, contributing structure to the Warehouse Historic District.
- The maximum height allowed in the IID Fourth Avenue Sub-Area is 60 feet. The east half of the PAD located in the IID Fourth Avenue Sub-Area proposes maximum building heights of 30, 50 and 110 feet, to provide a consistent pedestrian environment along 4<sup>th</sup> Avenue and step back to greater heights away from the road frontage.

The PAD is a combination of four parcels including a vacated portion of Herbert Avenue (in progress) totaling approximately 1.68 acres. The site consists of a former warehouse constructed in 1917, which is a contributing building in the National Register District: Warehouse Historic District, with an adjacent non-contributing accessory structure and a surface parking lot. Both 4<sup>th</sup> Avenue and 8<sup>th</sup> Street are identified as local streets on the *Major Streets & Routes Plan*. The rezoning site has approximately 165 feet of frontage on 4<sup>th</sup> Avenue and approximately 190 feet of frontage along 8<sup>th</sup> Street. The Modern Street Car (MSC) route runs along 4<sup>th</sup> Avenue with a stop located just to the east of the site on 4<sup>th</sup> Avenue.

### **Planned Area Development (PAD)**

#### ***Definition***

Planned Area Development (PAD) - The purpose of the Planned Area Development (PAD) zone is to enable and encourage comprehensively planned development in accordance with adopted plans and polices.

The PAD is a zoning classification which provides for the establishment of zoning districts with distinct standards to provide regulatory clarity for future development.

A PAD may have land use regulations different from the zoning regulations in the UDC, any other PAD District, or other zoning districts.

### ***Description***

The PAD consists of a single zoning district based on modified provisions of OCR-2 zoning and the Infill Incentive District Overlay. The land uses listed are those permitted within the OCR-2 zone with the following exceptions: (Not Permitted) Restricted Adult Activities, Medical Marijuana Uses, Gun Shop, Pawn Shop, Trade Service and Repair, Manufacturing, Primary Manufacturing, Residential Care Services, Group Dwelling (See Part III, 2.B). The PAD provides maximum and minimum building heights for specific sections and identifies uses appropriate for ground and upper floors of the buildings (See Part III, 3.B.). The PAD's parking strategy is based on Urban Land Institute (ULI) best practices and strategies which encourages bicycle and mass transit use. A reduction in parking from UDC requirements is allowed in the PAD given its proximity to the MSC and as a mixed-use project consisting of residential, commercial and retail uses. Parking reductions are considered minor amendments to the PAD (See Part III, 1.1).

Signage and wayfinding will conform to the Unified Development Code as indicated in the PAD document and shall be compatible with signage along 4<sup>th</sup> Avenue. The document also encourages signage to visually enhance the streetscape and improve wayfinding for pedestrian connections on and off the site.

The PAD document provides a design review process for compliance with the PAD's development standards that is conducted by the Infill Incentive District (IID) Design Review Committee (DRC). Prior to proceeding with the design review process, the project, including building facades will be reviewed by the Tucson-Pima County Historical Commission Plans Review Subcommittee to ensure the development is compatible with the National Register listed and eligible buildings in the area. Minor amendments that include exterior modifications to any building are also subject to review by the Tucson-Pima County Historical Commission Plans Review Subcommittee. Prior to the submittal of a development package, the applicant is required to work with the City of Tucson Historic Preservation Office in assisting eligible properties currently listed as non-contributors in the Warehouse Historic District to qualify as contributors and/or finance the relocation of historic streetlights from along 6<sup>th</sup> Street to locations on 6<sup>th</sup> Avenue.

### ***Public Hearing***

At the March 1, 2018 public hearing, Planning and Development Services staff reported that there were three (3) written approvals, one (1) neighborhood approval letter and four (4) written protests.

Before the applicant made a presentation, I asked several City representatives and the traffic engineering consultant to make brief presentations so that we all could hear information which impacts this property and rezoning request.

The following City employees and consultants spoke:

Allison Diehl, with PDSO, spoke about the historic aspects of the site, buildings and project.

Zelin Canchola, with TDOT, spoke about traffic in the area in general

Blake Richards, also with TDOT, spoke about the Downtown Links project and discussed the various ways that project impacts this area.

Donovan Durband, with Park Tucson, spoke about the overall parking issues within and surrounding the Fourth Avenue and Downtown areas. He also spoke on the status of their efforts and stated that they will be ready to meet with the Mayor and the Council in about a month to begin conversations about what to possibly do.

Alejandro Angel, P.E., with Psomas who is the applicant's Traffic Engineer, made a brief presentation explaining how the *Traffic Impact Analysis* was prepared as well as describing how the proposed PAD may provide a slight improvement to the traffic situation in the Fourth Avenue area since the PAD removes a Bar/Nightclub which generated a lot of traffic.

I then asked the applicant or the applicant's representative to make his or her presentation.

Tom Warne, the applicant's representative, spoke in support of the PAD and gave a brief history of the project as well as discussing how the PAD addresses and responds to the concerns of the neighborhood. He also stated that the *Traffic Impact Analysis* was not required by the City; however, the owners felt that it was necessary. Furthermore, in addition to preparing a traffic study, the owners will also provide a follow up traffic study after the first project is completed on the site in order to determine if any remediation work is required in the area. (They have agreed to pay for such work per the PAD document.)

The applicant also talked about why they included the various proposed individual minimum building heights in the PAD. He said that this was a result from the meetings with the neighbors. Both the owners and the neighbors want to maintain a certain "minimum level of quality" which they believe will result from requiring multi-story construction vs simple 2 story construction.

Frank Mascia, the applicant's Architect who wrote the PAD, made a brief presentation and stating that he had never seen a "minimum" building height written into a PAD. He thought that it was a good idea to include this into the PAD.

No other people spoke in favor of the request.

There were 14 neighborhood area residents and business owners who spoke in opposition of the request. (3 of these witnesses spoke as "project neutral")

Below is a list of concerns which most of these people talked about:

- Why do the applicants feel that there is a 'need' for a new large scale development?

- They do not wish to lose or change the character of the Fourth Avenue area by any new “corporate” chain business. They want to see locally owned businesses in the new project.
- Every individual who spoke in opposition stated that the lack of parking in the Fourth Avenue area is the number one issue and concern regarding any new development.
- Many people talked about the overall traffic congestion which currently is a problem in the Fourth Avenue area and they were concerned that this development would severely add to the problem.

Some of the people who talked about the traffic issues specifically wanted to know how much traffic would be increased on 6<sup>th</sup> Avenue since they felt that 6<sup>th</sup> Avenue would probably be the main street that people will use when leaving the area from this new development.

- Some of the people had concerns that this would increase rent costs in the area since the applicant stated that the owners of the development wanted to provide higher quality construction to attract young professionals and older “empty nesters” from the foothills who want to downsize now.
- Certain ideas were shared at the meeting which included:
  - Is there adequate infrastructure to support such a development? Most of this area is very old and most business owners and residents have experienced problems with sewer lines, electrical services and water service pipes.
  - Will there be continued Herbert Avenue access to support the current businesses on the development block? (Garbage, Fire and Deliveries etc.)
  - Could the proposed development benefit from, or encourage the use of Zipcar or other alternative transportation?
  - Who would manage the residential uses to protect the neighbors from excessive noise and such from the balconies and roofs?
  - Access should be provided onto Aviation Parkway (Downtown Links Project).
  - There should be pedestrian access provided from Stevens Avenue
- Even though these people spoke in opposition to this request, there were some favorable comments made including:
  - Some overall support for the new development
  - Some were glad to see that the owners would respect and maintain the historic ‘character’ of the existing building’s façade facing Stevens Avenue.
  - Some were glad to find out that the PAD excludes certain uses (specifically Group Dwelling).

- The minimum building heights required by the PAD were viewed as being a good requirement.
- Some commented on the applicant's willingness to meet with the neighbors and address specific concerns.
- Many of the people who spoke mentioned that this hearing coincided with Fourth Avenue Street fair and that there were many business owners who could not attend this hearing because they were setting up for the street fair which was going to start the following day.

After everybody in the audience spoke, I asked the applicant and his Traffic Engineering Consultant to respond to some the concerns which were brought up by the group.

- He acknowledged that there is a lot of 'illegal' parking on the property that will need to be monitored and enforced when this project is built.
- Additional potential traffic on 6<sup>th</sup> Avenue was addressed by the Traffic Engineer from Psomas. He felt that most of the new traffic leaving the project would head north on Stone Avenue rather than 6<sup>th</sup> Avenue. In addition, he restated the overall traffic would probably be reduced a little due to the removal of the current bar & nightclub.
- He agreed that the use of Zipcar or other similar type of alternative transportation option was a good idea and that they would consider adding to the PAD document.
- He agreed and stated that the owners will encourage local or regionally owned businesses to move into the development.
- He agreed that no drive-through uses should be allowed in the development.
- He stated that the PAD document provides for the relocation and re-use of the historic street lights; however, the money provided for this will be spent on other "historic type of expenses" in the event that the lights cannot be reused.
- The proposed project is appropriate for this specific area in that:
  - It was one of the reasons why the streetcar was approved. Furthermore, the streetcar provides for such increased density.
- He agreed that Herbert Avenue needs to:
  - Be safe
  - There should be a pedestrian and bike path connecting the project to Stevens Avenue.
  - Existing garbage and delivery services will be continued and maintained for the existing businesses nearby; however, they may be redesigned to accommodate the new project due to partially abandoning Herbert Avenue.

At the conclusion of the applicant's responses to the audience's concerns, I asked him if he was willing to continue this case until the next scheduled Zoning Examiner's Hearing which is scheduled for March 8, 2018 since many Fourth Avenue merchants could not attend tonight's hearing. He replied that he would be happy to continue the case.

I concluded the Public Hearing by continuing this matter to March 8<sup>th</sup>.

***Continued Public Hearing on March 8, 2018***

Prior to the meeting, staff had received 2 additional written protests and a new revised letter from the Iron Horse Neighborhood Association requesting that additional on-site parking be provided and that the \$25,000.00 Dollars referenced in the PAD be a "minimum amount" and that the actual amount shall be negotiated when the updated traffic study is completed per the PAD document. In addition, Staff received a written response to my suggested revisions to the PAD based on the first public hearing.

At the public hearing, we received an additional written protest.

At the March 8, 2018 continued public hearing, the applicant, Mr. Tom Warne, addressed the proposed revisions to the PAD which I had provided staff based on the first public hearing. He also discussed two (2) additional changes to the PAD:

1. The owners want to allow flexibility in the "minimum building heights" referenced in the PAD so that the buildings could be designed with stepped set-back features and other variations in building heights to allow for more creativity and sensitivity to the neighborhood.
2. Property Management would enforce that noise would be enforced after 10 P.M.

(Refer attached responses)

Mr. Warne then stated that he had attended a meeting with the Iron Horse Neighborhood Association and that the owners agreed to the neighbor's request that the \$25,000.00 be a "minimum amount" for traffic mitigation work in the neighborhood and that the actual amount would be negotiated after the updated traffic study is completed.

He also said that the owners were willing to provide an additional ten (10) on-site parking spaces for the retail uses which would provide a total of 35 spaces for the approximate 10,000 SF of proposed retail and commercial uses. He also clarified that the 35 parking spaces exceed the City's parking requirements per the Unified Development Code (UDC). I confirmed this statement by stating that 10,000 SF of retail and commercial use requires 33 parking spaces per the code's minimum parking ratio of 1 space per 300 GFA.

One (1) person spoke in favor of this request:

Jennie Mullins, the acting Indian Hills Neighborhood Association Chairperson, spoke in support of the proposed PAD based on the following issues:

1. This was the "lesser of the evils"
2. Restricted uses

3. Did not feel that this would increase traffic through the neighborhood
4. The owners added parking
5. Noise would be managed
6. Historic preservation
7. Quality of construction by placing minimum building heights
8. Neighborhood meetings included Armory Park, West University Neighborhood Association (WUNA) and Pie Allen.

Ms. Mullins then discussed the updated letter she wrote on March 7, 2018.

There were twenty five (25) people who spoke in opposition to this request.

Below is a list of concerns which most of these people talked about:

- Most everybody feel that a new large scale development tall building is inappropriate for the area and recommended moving it 2 blocks away.
- They do not want to lose or change the character of the Fourth Avenue.
- No big national corporate chain stores. They want to only see locally “Ma & Pa” owned businesses in the new project.
- Everybody who spoke stated that the parking issue in the Fourth Avenue area is the number one issue and concern regarding any new development.
- Most spoke about the traffic problems currently existing in the Fourth Avenue area. How could 350 new units not add to the problem?
- Some of the people had concerns that this would increase rent costs in the area. One individual talked about rent costs and subsidies in Tempe (Mill Avenue).
- Individual comments and ideas where shared at the meeting which included:
  - Why not wait until the City of Tucson and Park Tucson agree on a parking garage solution for the area?
  - Traffic will not be reduced in the area by closing the bar/nightclub as mentioned by the applicant and his traffic consultant. Patrons will just relocated to other bars and clubs in the immediate area.
  - How will the 4<sup>th</sup> Avenue Street Fair impact the residents?
  - The Fourth Avenue area is now a Historic District.
  - More parking was lost by the new streetcar and not replaced.
  - Encourage more outdoor public use (ie: drinking fountains, live performance area and shaded meeting and gathering places.)
  - People in the area should “want” this, not “hate” this development.
  - Only allow it if the building heights were reduced to 2/4/6 stories.

- The project should support all human rights, including LBGT
- People will not move into this project. (Gave an example in Phoenix for a development which is vacant, developed by the same people who did “The District” and a new proposed project which would be constructed where the Fly Catcher bar is located.)
- A representative from “Local First” spoke and said:
  - There may be a legal issue by promoting local businesses only
  - Wait until the traffic and parking study is presented to the Mayor and Council.
  - Social issues need to be included into the code
  - Add public drinking fountains
- Even though these people spoke in opposition to this request, there were some favorable comments made including:
  - More parking in the area is not the solution. More parking just creates more traffic congestion and discourages alternative transportation.
  - The historic character of the existing building’s façade facing Stevens Avenue would be respected.
  - Some were happy that the PAD excludes certain uses.
  - Heavy traffic in the area is good and means that people are coming down to the area.
  - Perhaps there should be fewer restrictions to allow for more creativity. In addition, allow an increase in retail and commercial areas. Possibly revise the PAD to recommend that the 10,000 SF of retail and commercial areas shown could be a “minimum amount” and encourage more.

After everybody in the audience spoke, I asked Mr. Warne and his Traffic Engineering Consultant to respond to the concerns which were brought up by the group.

- In response to the building being too tall, Mr. Warne stated that the tallest building portion on the west side of Herbert Avenue (Section A) is located within the IID/Downtown Links Warehouse Triangle Area Overlay (WTA) which is currently zoned and allowed to be 160’ tall.
- All human rights will be supported, including LBGT.
- Agreed that the retail and commercial uses could be increased from the suggested 10,000 SF minimum, by an additional 10,000 SF.
- Introduced Alejandro Angel, P.E., the Traffic Engineering Consultant who stated in response to the comments made:
  - There would not be a significant increase of traffic on 4<sup>th</sup> Avenue since the development’s primary entrance was on 8<sup>th</sup> Street.

- He stated that there would be direct access to and from the new Downtown Links project
  - The current highest traffic congestion is at night and during the weekends. The new housing development's highest traffic would be weekday mornings and late afternoon/early evenings. This is why he felt that the 350 unit development would not significantly increase local area traffic.
  - He said that the new residents will shop and go to bars and clubs in the area without adding to the current parking problem in the area.
  - The will be removing 46 parking spaces.
  - The project will benefit from alternative transportation options which are in the immediate area.
  - Any residents in the new development which are renting will not receive free parking. (Only owner occupied units will be provided with free parking.) This will discourage renters to not own a car.
  - Current parking studies show that existing residential uses provide between 0.34 to 0.56 parking spaces per unit and they are providing 1 space per unit which he considers "over parked". The additional excess parking will be able to handle the visitor and guest parking which was brought up by several people during the hearing.
  - This proposed development is within a short walking distance from the existing El Centro public parking garage.
- Mr. Warne then concluded his presentation by clarifying the proposed building's story heights which is based on floor to ceiling heights for this type of housing and retail.
    - Section D: Single Story
    - Section C: 3 Stories
    - Section B: 7 Stories
    - Section A: 11 Stories

I then asked Don Durband a few questions regarding his report to the Mayor and Council.

- I asked him when he thought that the report was going to be presented. He responded by telling me that he thought it would be in late April or early May.
- I asked what the report was going to recommend. He said that it addresses various parking needs in Tucson and recommends possible locations for new parking structures.
- I asked him about how the report was prepared. He responded by telling me about all of the various models which were used based on a variety of information including current and anticipated occupancies, leases and tenant uses, existing and future parking demands as well as other information.

Frank Mascia, the applicant's Architect who prepared the PAD, then spoke. He reminded the audience that the PAD was not a building or a project design. It is a zoning code which will be used by the City and future Architects when the buildings are designed and reviewed.

He also reminded the audience that every site plan, building, and/or buildings, will be reviewed by several design and historic review committees when a developer proposes a project or projects for this site.

He then told the audience that felt slightly insulted by the overall sentiment which was expressed by many of the people who spoke at these hearings. He felt that the area's residents and merchants believe that Fourth Avenue belongs to them. He reminded the group that Fourth Avenue belongs to everybody in Tucson and to everybody who enjoys visiting and experiencing this very unique and treasured piece of Tucson as well as anybody who may want to live in this area.

I closed the public hearing and said that I would have my Preliminary Report prepared by March 15, 2018

***Existing Land Use***

Zoned I-1 and C-3; Bar and restaurant with parking

***Surrounding Land Uses***

North:	Zoned I-1 and C-3: Commercial
South:	Zoned I-1 and C-3: Commercial
East:	Zoned I-1 and C-3: Commercial and Residential
West:	Zoned I-1: Commercial

Developed areas adjacent to the Partners on Fourth PAD site are as follows:

Directly to the north of the PAD there is a vacant parcel currently being used as a parking area for O'Malley's bar/restaurant as well as providing access to Herbert Avenue.

To the west of O'Malley's is an equipment yard owned by the Old Pueblo Trolley, Inc.

North of the existing warehouse, across Eighth Street, is an automotive repair business.

To the west and across Stevens Avenue is the new Sun Links Operations and Maintenance Facility and the accompanying access tracks.

To the south are two single story brick buildings which are currently unoccupied. To the east, across Fourth Avenue, are a variety of single story commercial buildings which are part of the Fourth Avenue Merchants Association.

***Land Use Plans & Compatibility***

Land use policy direction for this area is provided by *Plan Tucson* and *University Area Plan*.

Plan Tucson - The proposed rezoning site is identified in *Plan Tucson (PT)* as being within the “Downtown” category, which is a vital pedestrian-oriented urban area that provides higher-density housing, retail, art and culture, and entertainment for its residents and those of greater Tucson. The goal is to develop a node that will contribute to downtown as a regional employment and administrative center. *PT* supports redevelopment downtown, including the demolition of substandard structures, which allows for the assemblage of parcels for activity center or node development. It encourages special zoning districts, such as Planned Area Developments (PAD) or overlay districts, as a way to foster mixed-use activity nodes, pedestrian and multi-modal oriented development areas, and pedestrian-oriented districts in areas suitable for redevelopment or enhancement.

University Area Plan - The *University Area Plan (UAP)* recognizes the nature and potential of the University and its immediate surroundings as a relatively compact, pedestrian-oriented, regional activity center, and works to strengthen the identity and quality of this area consistent with city-wide and neighborhood goals. *UAP* supports carefully designed and located mixed use developments as a viable means to integrate housing, employment, shopping, and related activities in a relatively compact pedestrian-oriented area, consistent with regional activity center policy.

The *UAP* policy supports projects that design and locate public and private parking facilities so as to mitigate traffic and visual impacts; and encourages the continued development of the Modern Street Car (MSC) connections between activity centers.

*UAP* mixed use development policies support development in relatively compact pedestrian-oriented areas, adjacent to regional activity centers such as Downtown. Traffic should be directed away from interior of residential neighborhoods. New development should demonstrate sensitivity to surrounding uses and compatible in massing / scale of projects utilizing building materials, architectural style and ornamentation, setbacks, step-backs, and variation in building height or mass to complement the scale and character of surrounding development and reduce the appearance of excessive height and bulk.

### **Design Considerations**

#### ***Project Description:***

This is a redevelopment of a site consisting of a former warehouse constructed in 1917, which is a contributing building in the National Register District: Warehouse Historic District, with an adjacent non-contributing accessory structure and a surface parking lot. The proposed project includes the demolition of contributing and non-contributing structures, the vacation of a portion of Herbert Avenue and the consolidation of four parcels (including the vacated portion of Herbert Avenue) to create a single parcel that will incentivize mixed-use development. The contributing structure, the warehouse, is dilapidated, largely unsafe and vastly underutilized. It is not listed on National or Arizona Register of Historic places, nor is it designated as a City Historic Landmark. The

City of Tucson Historic Preservation Office has granted permission to demolish the structures, pending full, photographic documentation of the contributing warehouse. The documentation shall be reviewed and approved by the Historic Preservation Office prior to demolition.

The proposed buildings range in height from a maximum of 30 feet along the 4<sup>th</sup> Avenue street frontage, to 160 feet west of the Herbert Avenue alignment, on the west half of the PAD district. The PAD district is divided into four sections; A, B, C, and D. Each section provides development standards for heights, setbacks and uses for ground and upper floors of the buildings. The floor uses for buildings in Section A (west half of the PAD) will support commercial, retail and parking on the ground floor, while the upper floors will allow for residential or commercial uses. Section A allows for balconies above the fourth floor on the east facade of the building only. Sections B and C (center of the PAD) have maximum building heights of 110 feet and 50 feet respectively, and similarly allow for commercial, retail and parking on the ground floor with residential or commercial on the upper floors. Section D (4<sup>th</sup> Avenue street frontage) allows a maximum building height of 30 feet and supports commercial and retail services on the ground floor that encourage street level activity, with upper floors allowing for residential or commercial uses.

Parking will be single or multi-story level depending on geometry of the parking. Access is provided from Stevens Avenue which is a right-in, right-out only given it is a one-way (northbound) street. Full access is provided north of the site along 8<sup>th</sup> Street and to the east along 4<sup>th</sup> Avenue. A drop-off/pick-up area is also provided at the north portion of Section A to help encourage residents and visitors to utilize ride-share services.

### ***Drainage & Grading***

#### Existing Hydrology

Portions of the far north of the PAD site are impacted by FEMA AE, X zones. The site currently drains in a sheet flow fashion in a southeast to northwest direction onto Eighth Street, toward what was historically the Arroyo Chico wash. There are no existing detention or retention facilities on the site. The Downtown Links project has proposed construction of a new box culvert at the north side of this lot to improve drainage in the area. A construction date has not yet been determined, however the development of this PAD will not impact that project.

#### Post-Development Hydrology

A Drainage Report to address onsite and offsite drainage and its impacts on proposed improvements may be required prior to site development. The report will detail provisions required for storm water retention and detention in accordance with the City of Tucson Storm water Retention/Detention Manual. A minimum of 5,000 cu. ft. of storm water retention/detention/water harvesting will be required for this site. Based on current FEMA maps for this site, new building finished floor elevations will be required to sit 1'-0" above the site water surface elevation on the site.

Any drainage or grading issues will be identified and resolved with the submittal of the Development Package, prior to City approval and construction.

### ***Landscaping & Screening***

#### Landscape Standards

All new landscaping for this PAD shall comply with the Unified Development Code (UDC), Section 7.6 with the following special condition:

There shall be no landscaping along the west façade of Section A, at the west side of Stevens Avenue. There have not historically been trees or landscaping of any kind in this location. This will preserve the “working warehouse” appearance at this west façade as it has appeared since the 1940’s and reflect the historic character of the Warehouse Triangle Area.

#### Screening Standards

The only screening standard to be applied within this PAD is as follows:

All new parking shall be designed so that vehicles are not visible from the adjoining street level, through incorporation of parking structure walls, occupied space, display space, pedestrian arcades, landscape elements or a combination thereof.

### ***Road Improvements/Vehicular Access/Circulation***

The site is located within the boundary of a Pima Association of Governments (PAG) downtown study which found that upon completion of the Downtown Links project it would not be necessary, nor feasible to increase road capacity (widen roads or intersections) in the downtown area because of impacts to existing property/land uses and the unreasonable costs involved. As a result, the LOS (Level of Service) analysis along with a formal Traffic Impact Analysis (TIA) is not required. However, the TIA provided includes important data that focuses on access, modes of transportation and neighborhood circulation. It also includes the combined trip generations not only from this project, but a similar project planned in the area as well (see attached Traffic Impact Analysis).

The study provides a comparison between existing and proposed uses. It is estimated that the proposed uses of the site are more likely to generate fewer trips than the existing bar uses. The project is expected to generate between 83 and 118 new weekday AM peak hour trips, between 2 and 62 new weekday PM peak hour trips, and between 105 and 171 Saturday peak hour trips. The majority of the traffic is expected to travel north, either along 6<sup>th</sup> Street or along the new Downtown Links corridor which is expected to be completed before this project is developed. However, some may travel south to the downtown area or to 9<sup>th</sup> Street to connect to Euclid Avenue. Based on the trip distribution in the study, this could result in 9 new weekday peak hour trips and up to 8 Saturday peak hour trips along 9<sup>th</sup> Street in the Iron Horse neighborhood. As a result of the potential increase in traffic through the neighborhood from the PAD district, the owner/developer agree to provide a study of the neighborhood by conducting counts at the same locations upon completion of the project. Due to the PAG study findings, the study will not include LOS evaluations, however,

owner/developer has committed to providing \$25,000 to the Ironhorse Neighborhood and/or the City of Tucson to use at their discretion to invest in addressing any neighborhood traffic issues.

The PAD district is located in both a pedestrian and transit oriented area. Access to the streetcar and Tugo bicycles (City of Tucson Bike Share Program) adjacent to the site will minimize the use of single-occupant vehicle trips. The study also recommends the PAD district provide pick-up/drop-off areas to encourage the use of ride-share programs as well.

### **CONCLUSION**

The Zoning Examiner has reviewed the evidence provided by the Applicant and Staff as well as the testimony presented at the public hearing and finds the following:

The request to rezone the site to a PAD zoning is consistent with *Plan Tucson* and *University Area Plan* which recognize this site as appropriate for a mixed-use project consisting of residential and commercial/retail uses. A plan amendment is not required. No additional conditions are recommended for the Partners on Fourth PAD. Approval of the requested Partners on Fourth PAD is appropriate.

### **RECOMMENDATION**

The Zoning Examiner recommends **approval** of this PAD rezoning.

Sincerely,



Steven C. Shell, Architect  
Zoning Examiner

### **ATTACHMENTS:**

Case Location Map  
Case Map  
Revisions to PAD document  
Preliminary Conditions

cc: City of Tucson Mayor and Council

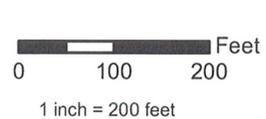
C9-18-01  
Partners on Fourth - PAD-33



 Area of Rezoning Request



Address: 213-215 N. 4th Ave.  
Base Maps: Twp.14S Range13E Sec. 12  
Ward: 6





**Letter from Zoning Examiner – in black**

March 6, 2018

Tom Warne, on behalf of the property owner, Partners on Fourth Investments, LLC 70 W. Cushing Street Tucson AZ 85701

SUBJECT: Zoning Examiners Recommended Revisions to:

C9-18-01 Partners on Fourth PAD – 4<sup>th</sup> Avenue and 8<sup>th</sup> Street I-1 and C-3 to PAD zone (Ward 6) Public Hearing: March 1, 2018 (Continued to March 8, 2018)

Dear Mr. Warne,

Based on the March 1<sup>st</sup> public hearing, I recommend that the following revisions be added to the PAD document. (Please feel free to edit these as necessary and add them in the appropriate sections of the PAD Document.) These recommended revisions should be included (or at least agreed to) in time for the continued hearing this Thursday, March 8, 2018.

**Revision 1:** Provide a requirement (or possibly an easement) for a 15' minimum wide pedestrian and bicycle pathway located approximately between Sections A and B where Herbert Avenue is shown to be abandoned. This pathway should provide safe pedestrian and bicycle access to the project from Stevens Avenue, connecting to the 15' minimum wide sidewalk shown on the PAD Concept Plan.

An access way for pedestrians and bicycles from Stevens Avenue through the building masses to Herbert Avenue, feasibility shall be explored to create through-circulation to the center of the PAD. This access way should provide safe pedestrian and bicycle access connecting to the 15' minimum wide sidewalk shown on the PAD Concept Plan. The design process shall determine whether or not security and life safety issues can be adequately addressed for such an access way.

**Revision 2:** No drive-through services shall be allowed.

Drive-Thru Service(s) [Now included under Excluded Uses section]

**Revision 3:** The Developer(s) and/or Owner(s) shall establish a Home Owner's Association for all of the residential uses and a Retail Merchant's Association for all commercial uses in order to establish and enforce written policies which shall continue with the property.

We do not believe that such associations can be enforced as zoning requirements by the City of Tucson.

**Revision 4:** Encourage the use of Zipcar (or a similar car sharing program) by adding an additional parking requirement reduction option in order to reduce the overall parking required.

A vehicle-sharing program (or other transportation efficiency innovation) will be instituted as part of the residential development on site. A minimum number of vehicles to be maintained on site for shared use will be determined during the IID DRC review process, subject to the usage anticipated by the number of residences to be developed on site.

**Revision 5:** Encourage locally or regionally owned businesses to move into the project

Fourth Avenue is noted for and appreciated as a collection of unique local and regional businesses. Locally and regionally owned businesses shall be strongly encouraged to become part of this development.

**Revision 6:** Provide for the safe and continued use and operation of the existing businesses and parking on this block. This shall include maintaining all public and employee access, all service deliveries and garbage pickup services currently being used by the existing businesses on this block.

New development on the PAD site shall provide for the safe and continued use and operation of the existing businesses and parking on this block. This shall include adequate public and employee access, all service deliveries and garbage pickup services currently being used by the existing businesses on this block.

#### **Additional Comments by CDG and Tom Warne**

Exceptions to the minimum building height requirements may be allowed where architectural design is approved by the IID DRC for architectural relief / articulation such as open space, step backs, awnings and the like.

If outdoor rooftop areas and balconies are developed as open space for the residential project(s), the managers of the property shall enforce the requirement that loud and excessive noise shall not be allowed past 10:00 PM.

Sincerely,

Steven C. Shell, Architect Zoning Examiner

The following revisions shall be included in the PAD document, listed in the appropriate section:

1. Feasibility of an access way for pedestrians and bicycles from Stevens Avenue through the building masses to Herbert Avenue, shall be explored to create through-circulation to the center of the PAD. This access way shall provide safe pedestrian and bicycle access connecting to the 15' minimum wide sidewalk shown on the PAD Concept Plan. The design process shall determine whether or not security and life safety issues can be adequately addressed for such an access way.
2. No Drive-Thru Service(s) shall be allowed.
3. A vehicle-sharing program (or other transportation efficiency innovation) will be instituted as part of the residential development on site. A minimum number of vehicles to be maintained on site for shared use will be determined during the IID DRC review process, subject to the usage anticipated by the number of residences to be developed on site.
4. Fourth Avenue is noted for and appreciated as a collection of unique local and regional businesses. Locally and regionally owned businesses shall be strongly encouraged to become part of this development.
5. New development on the PAD site shall provide for the safe and continued use and operation of the existing businesses and parking on this block. This shall include adequate public and employee access, all service deliveries and garbage pickup services currently being used by the existing businesses on this block.
6. Required on-site parking for all Non-residential uses shall be 35 spaces.
7. Increase of traffic mitigation funding:  
Providing a minimum of \$25,000 and maximum of \$35,000 to the Ironhorse Neighborhood Association (IHNA) to invest in addressing neighborhood traffic issues resulting directly from this project, if required, after the traffic counts are conducted one year after the first Certificate of Occupancy on the site is issued by the City of Tucson.
8. Exceptions to the minimum building height requirements may be allowed where architectural design is approved by the IID DRC for architectural relief / articulation such as open space, step backs, awnings and the like.
9. If outdoor rooftop areas and balconies are developed as open space for the residential project(s), the managers of the property shall enforce the requirement that loud and excessive noise shall not be allowed past 10:00 PM

10. Revisions to Ground Floor Uses at Sections B, C and D

Section B

**Ground Floor**

Commercial Services, Retail Trade Uses that encourage street level activity, as well as Parking Uses.

Section C

**Ground Floor**

Commercial Services, Retail Trade Uses that encourage street level activity, as well as Parking Uses.

Section D

**Ground Floor**

Commercial Services, Office and Retail Trade Uses that encourage street level activity.