



CITY OF
TUCSON
ZONING
EXAMINER'S
OFFICE

Preliminary Report

December 22, 2016

Randi Dorman
R+R Develop
990 East 17th Street, Suite 100
Tucson, AZ 85719

**SUBJECT: C9-16-13 Trinity Presbyterian Church PAD – University
Boulevard and 4th Avenue Area Development (PAD)
C-3/R-3 to PAD(H) Zoning
Public Hearings: December 1, and 15 2016**

Dear Ms. Dorman,

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 rezoning case **C9-16-13 Trinity Presbyterian Church PAD – University Boulevard and 4th Avenue Area Development (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 can be obtained from either the Planning and Development Services Department (791-5550) or the City Clerk.

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 close of the Zoning Examiner's public hearing.

SUMMARY OF FINDINGS

This is a request by Randi Dorman, R + R Develop, on behalf of the property owner, Trinity Presbyterian Church, to rezone approximately 2.79 acres from C-3 and R-3 to Planned Area Development (Historic), PAD (H), zoning.

The rezoning site is located at the southeast corner of University Boulevard and 4th Avenue within the West University National Register Historic District and the West University Historic Preservation Zone. The modern streetcar route runs along both University Boulevard and 4th Avenue with a stop located east of the site along University Boulevard, and another to the south along 4th Avenue.

The preliminary development plan proposes a mixed use comprised of commercial/retail, office, and residential. It includes two new buildings viz., Building 1 - four stories/61,847 SF and Building 2 - three stories/20,924 SF. The proposal is to integrate the two new buildings into the existing historic Trinity Presbyterian Church complex.

This rezoning is a companion application to the case *C9-16-12 West University HPZ Boundary Amendment – University Boulevard*, which is a proposed amendment to the Historic Preservation Zone boundary to allow a building height for new construction proposed by the PAD(H) greater than the development zone's tallest contributing structure.

December 1, 2016 Zoning Examiner Hearing -

At the December 1, 2016 Zoning Examiner hearing it was reported that there were 16 approval letters and 12 protest letters. The west quadrant had 21% of property owners protesting and the east quadrant 22.6% protesting thus at this hearing if forwarded directly to Mayor and Council would have required a supermajority vote for approval.

Note that this rezoning and the case *C9-16-12, Boundary Amendment rezoning* involve the same property and the same future proposed land use thus some information below is the same for both cases.

It was made clear during the hearing on case *C9-16-12* that both the 61.6-foot church bell tower and 51.6-foot Donald Hitch Memorial structure were legal nonconforming structures.

While not the same speakers spoke in the separate hearings for both cases, the key points are mostly the same in that there was praise for the project as thoughtful design, and providing a safer cleaner improved development to the area, and further being a model of good sustainable development. There were comments

that the architect, Rob Paulus is an excellent designer who can be relied on to do high quality work.

Speakers in opposition expressed concern about the increase in height from the historically conforming 36 feet to about 50 feet. There was concern about noise and further 'entertainment district' development encroaching into the nearby residential area. Additionally, concern was raised about traffic and about encroachment into the historic district's boundary that may set a disturbing precedent.

The applicant made a presentation that explained the value of the project and its overall sensitive treatment of the church building as a valued historic landmark. Further, she explained how the mix of uses being considered will be compatible with both the residential surroundings and the modern streetcar. This proposal, she said, was a model of good transit-oriented development.

Staff provided additional information about the proposal's relation to the Infill Incentive District (IID). The project is within the Historic Fourth Avenue Subarea of the Downtown Links Subdistrict. It does not qualify to use the IID provisions because the HPZ standards take precedent over IID flexible standards. The IID Design Review Committee was not mentioned as a reviewer of any future PAD development.

The Zoning Examiner continued this case and the Boundary Amendment case and requested the applicant meet with both Planning and Development Services staff and representatives of the West University Neighborhood Association (WUNA).

It was requested that both sides review the special conditions submitted by WUNA to find any consensus points and asked staff to review them for enforceability.

The Zoning Examiner asked the applicant to review the viability of the proposed group dwelling use on the site, and review the design review concept that is most applicable since its in the Infill Incentive District, a special infill design area of the City.

More information on streetscape design was requested, since it may influence future Fourth Avenue streetscape design in the future.

Finally, the Zoning Examiner asked staff to review how the historic landmark process in the PAD would work.

December 15, 2016 Zoning Examiner Hearing –

It was reported that there were 17 approval letters and 12 protest letters. The west quadrant had 21% of property owners, and the east quadrant 22.6% protesting

thus if this number remains, the Mayor and Council will require a supermajority vote for approval.

The staff and the applicant gave a briefing on the points requested at the December 1, 2016 hearing.

There was agreement on various communication improvements and non-zoning issues between developer and neighbors during future construction activity and conduct of future uses. Further, they discussed issues already covered by the PAD(H) document or existing City ordinances. Below are more specific items related to zoning, design, historic preservation, and traffic.

Uses – Group Dwellings is deleted and parking structure requires a special exception.

Height – There was no consensus reached on using a rezoning to reduce the HPZ boundary to make a height adjustment. There was some agreement that a ‘variance’ procedure for such height adjustments in the HPZ development zone would be preferable but on a very limited basis.

Traffic –The PAD(H) document states the developer will work with the Department of Transportation and WUNA on relieving congestion and cut-through traffic during the development review stage of the project. The applicant mentioned enhanced bike parking availability and working with future residents in the use of hourly car rental services to reduce parking and car use. Further, coordination with the neighborhood is possible during special activities like the Fourth Avenue Street Fair. It should also be noted that the proposal has a nearby City bike boulevard - 3rd Street, a streetcar, and a network of accessible and walkable sidewalks surrounding it.

Building Volume – The applicant proposes at least a 20% building volume reduction in comparison to existing zoning’s development potential on the site.

Design Review – The PAD(H) will require the new buildings to be reviewed not only by the WUNA’s historic advisory board, the Historic Commission’s Plans Review Subcommittee following HPZ review process but also the IID’s Design Review Committee will finalize PAD(H) design guidelines and review new construction and streetscape proposals.

Streetscape –The PAD(H) document sets out pedestrian-oriented standards. The sidewalk and landscaping guidelines are outlined in greater detail. In the case that the City does not have an adopted streetscape policy for this area, the applicant stated the developer would work with City staff in developing an interim policy as has been done in other infill areas.

Historic Landmark Designation- An optional historic landmark designation process has consulted with the City Attorney's office and the HL designation process within the PAD(H) document is an acceptable alternative to an HL rezoning.

Supporters and opponents expressed similar positions as those at the December 1, 2016 public hearing. Supporters spoke about the quality of design and the need of the church to find a suitable development to ensure its survival. The opponents spoke about potential noise, parking, traffic, and general disruption of the residential area. Speakers taking a neutral position, noted concerns about the implementation of the development possibly causing parking and access issues.

Existing and Surrounding Land Uses -

The proposed rezoning site is a church complex that includes sanctuary, offices, meeting hall, surface parking lots, and two historic residences. The property is within the West University Historic Preservation Zone. It is generally surrounded by various commercial and residential development on all sides. The zoning profile includes to the north HC-3 and HR-3 zones, to the south HC-3 and HR-2 zones, to the east HC-1, HR-3 and HR-2 zones and to the west HC-3, HO-3, HR-3 and HR-2 zones.

Historic Preservation Zone (HPZ) -

As noted the proposal is within and surrounded by the West University Historic Preservation Zone.

The State Historic Preservation Office reviewed the proposal and has stated that the 1924 Spanish Colonial Revival building is listed as a contributor to the National Register West University Historic District. Further, it stated that none of the modern additions of 1937, 1948, 1955, and 1959 are within the district period of significance; and do not contribute to the characteristic features that qualify the church for listing as a contributing property in the district. As for the onsite historic duplex, the applicant proposes to re-locate it to an off-site West University location. The proposal is to both re-locate it and do it in a manner to maintain its contributing status as part of the historic district.

Building height is a key issue in the historic and development review of this proposal. The HPZ requires that the building height for new construction shall be no higher than the tallest contributing historic property located within its development zone and the proposed height shall generally conform to the historic height within the development zone. The tallest historic structure in the development zone in this case is the original 36-foot, Trinity Church sanctuary.

The current proposal is for 48-50 foot building height. The height of the on-site, non-historic structures is 61.6 feet for the church bell tower and 51.6 feet for the Donald Hitch Memorial structure.

Because the Historic Preservation Zone (HPZ) does not allow for height variances, the applicant also proposed a rezoning (C-9-16-12) on the same site to remove it from the West University HPZ boundary. The desired zone for the subject property is PAD(H).

The proposal has been through several public processes at this point. Earlier in 2016 the case was reviewed with a favorable recommendation from the West University Historic Zone Advisory Board. On May 26, 2016, it was reviewed by the Tucson Pima County Historical Commission's Plans Review Subcommittee and approved to proceed with conditions. On June 21, 2016, the Mayor and Council initiated the PAD (H) rezoning process. On October 10, 2016, there was a neighborhood meeting with the West University Neighborhood Association.

Land Use Plans -

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

Plan Tucson – *Plan Tucson* identifies the rezoning site as being in an “Existing Neighborhoods” Building Block. This category is for land that is primarily developed, and land in largely built-out residential neighborhoods and commercial districts. Some new development and redevelopment is expected in the next decade.

The goal is to maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encourage reinvestment and new services and amenities that contribute further to neighborhood stability.

Plan Tucson supports historic preservation/adaptation, economic development, infill development, new housing options, and the modern street car. It encourages special zoning districts, such as Planned Area Developments (PAD) and overlay districts, as ways to promote the reuse of historic structures, mixed-use areas, and multi-modal development.

University Area Plan (UAP) - The *UAP* promotes cooperation between neighborhoods, private developers, and the City of Tucson to ensure new development is sensitive to local neighborhood concerns while being supportive of adopted city-wide policies.

UAP supports the preservation and enhancement of historic districts and HPZ areas. It also supports pedestrian and shopping districts such as 4th Avenue with a well-defined public sidewalk system. Projects should be consolidated for better multi-modal integration of circulation and access by reducing curb cuts along streets and directing traffic away from residential neighborhoods.

High density development in an R-3 site should be predominantly surrounded by medium/high density or nonresidential with commercial zones and residential zones like R-2 and R-3.

New development should demonstrate sensitivity to surrounding uses and be compatible in the massing/scale of projects by using building materials, architectural style, 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.

West University Neighborhood Plan (WUNP) - The *WUNP* recognizes the potential for land use changes associated with the modern street car along with the *WUNP* goal to preserve the historic, residential character of the established neighborhoods west of Euclid Avenue.

The Conceptual Land Use Map identifies the proposed site as “Maintain Existing Public and Semi-Public” and refers to Commercial and Office Development, Policy D for adaptive reuse policies. This land use designation has been used in the *WUNP* for adaptive reuses in the past.

Similar to the *UAP* the plan, the policies allow for adaptive reuse. In *WUNP* adaptive reuse case, the existing principal structure on the parcel will be retained. In this proposal the site’s principal use, the church is being retained. The proposed uses should not adversely impact surrounding land uses especially residential neighborhoods. Parking and circulation is proposed to be designed to prevent negative impacts spill-over parking into neighborhoods and pass through traffic within the residential streets.

The *WUNP* policy direction limits building heights west of Euclid to that allowed by zoning on August 1, 1988; and limits residential densities to no more than 40 units per acre. *WUNP* also encourages new residential developments to incorporate landscape areas as part of the overall development. The staff report mentions that past zoning on the site would have allowed greater heights. There are also on-site two legally non-conforming building heights, namely , the 61.6 foot- bell tower and 51.6 foot - Donald Hitch Memorial structure. Those two structures already had legal non-conforming building heights in 1988.

The public review for this case involves two separate rezonings, PAD(H) rezoning and *C9-16-12 West University HPZ Boundary Amendment – University Boulevard*. Thus, there has been ample discussion of the historic preservation as well as the infill issues.

Ultimately, the PAD(H) rezoning follows an infill and adaptive use strategy that substantially complies with all three affected land use plans. The principal issue is the review of an infill development whose design and function can support and not deter its historic surroundings. The proposal if designed with historic and

design review oversight to the level described in the PAD(H) document, can preserve an historic building, and allow new development that can be compatible with the historic surroundings and support the area's multi-modal circulation.

Major Streets and Routes Plan

University Boulevard is identified as a collector road and 4th Avenue is identified as a local street on the City's Major Streets and Routes Map. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 12,231 vehicle trips per day. There are no billboards on the rezoning site.

CONCLUSION

This rezoning is a companion application to the case *C9-16-12 West University HPZ Boundary Amendment – University Boulevard*, which is an amendment to the HPZ boundary and intended to allow some building height flexibility for the project.

The preliminary development plan of this PAD(H) rezoning proposes a mixed use development comprised of commercial/retail, office, and residential. It includes two new buildings to be integrated with the existing, historic Trinity Presbyterian Church complex.

The various review bodies WUHZAB and the Historic Commission's Plans Review Subcommittee have supported the initiation of the project and the Mayor and Council initiated the proposal. The Mayor and Council clarified that this rezoning is not intended to set a precedent for future decreases of the historic boundaries going forward.

In reviewing the land use plans policy guides for this proposal, there is substantial support to do adaptive reuses and infill in this historic area when the use reduces negative impacts and is compatible with the surrounding neighborhood.

The key considerations of this rezoning, involve the following:

Infill Policy - The subject property is in a setting where the City has invested in building a new Fourth Ave underpass, initiated a modern streetcar route as well as a bike boulevard – 3rd Street, and adopted an Infill Incentive District. The design review required by the HPZ and the Infill Incentive District will be used to guide this project the same as any urban neighborhood project in this area.

Economic Development – There are economic development trends in the general area. Examples are introduction of market rate urban housing, continued growth of the University's student population, introduction of corporate headquarters, and a steady growth of dining, theater, and other entertainment venues. These changes

present both positive and negative potential for surrounding neighborhoods. This project can be seen as part of these developing trends. During the hearings residents expressed both optimism and concerns.

Neighborhood Coordination- Streetcar corridor development like the Trinity project can be desirable and offer the City opportunities to create well-designed infill. Nevertheless, the City should continue to revisit and study the impacts of such development to ensure that the quality of life of the surrounding neighborhoods is always held in high regard. Neighborhood coordination as outlined in the PAD(H) document is an essential part of any design or development review process resulting from this rezoning. The document also establishes an on-going two-way communication on the implementation of future uses to address any needed mitigation.

Parking and Traffic – Currently, the residential parking permit program is an effective way to reduce intrusive neighborhood parking. Traffic calming devices have been introduced into the neighborhood streets and should continue to be used and required to discourage non-local traffic.

The introduction of a general parking structure on the subject property caused concern of drawing regional traffic into the neighborhood. The City should continue to study the planning for parking structures north of the railroad tracks separating the Downtown from Fourth Avenue but be careful with directing general traffic into neighborhoods. There was also some discussion at the hearing about reducing neighborhood traffic by working with the school district on routing school bus traffic away from busy internal neighborhood streets as practicable

HPZ Amendment – WUNA does not support the amendment of the HPZ boundary. However, WUNA, the Trinity applicant, and the Zoning Examiner agree the City should consider a zoning text amendment for building height in an HPZ through a limited variance process. This process could be a variance or a special exception that has conditions for minor and limited height adjustments in an HPZ development zone. The non-historic structure issues in this case as well as the form-based design approach of the Downtown Links Subdistrict of the IID offer some initial ideas for consideration.

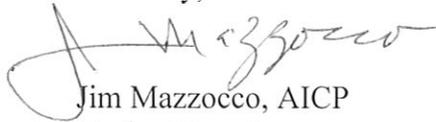
The Trinity Boundary Amendment is a case where two non-qualifying but credible historic structures could have set the height for the new construction but because of a technical issue of not qualifying as being in the church's "period of significance" forced an awkward rezoning of the HPZ boundary. While the proposed PAD would formerly be outside the HPZ boundary, the PAD(H) document does an acceptable job of creating historic preservation standards similar to those applied within an HPZ district.

Finally, the PAD(H) document has the capability of setting up a process and communication among the City, developer, and stakeholders to assure awareness and quality controls are monitored throughout the development and design review process.

RECOMMENDATION

The Zoning Examiner recommends approval of PAD(H) zoning subject to the standards, guidelines and conditions included in the PAD(H) document.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Mazzocco". The signature is written in a cursive style with a large initial "J" and "M".

Jim Mazzocco, AICP
Zoning Examiner

ATTACHMENTS:

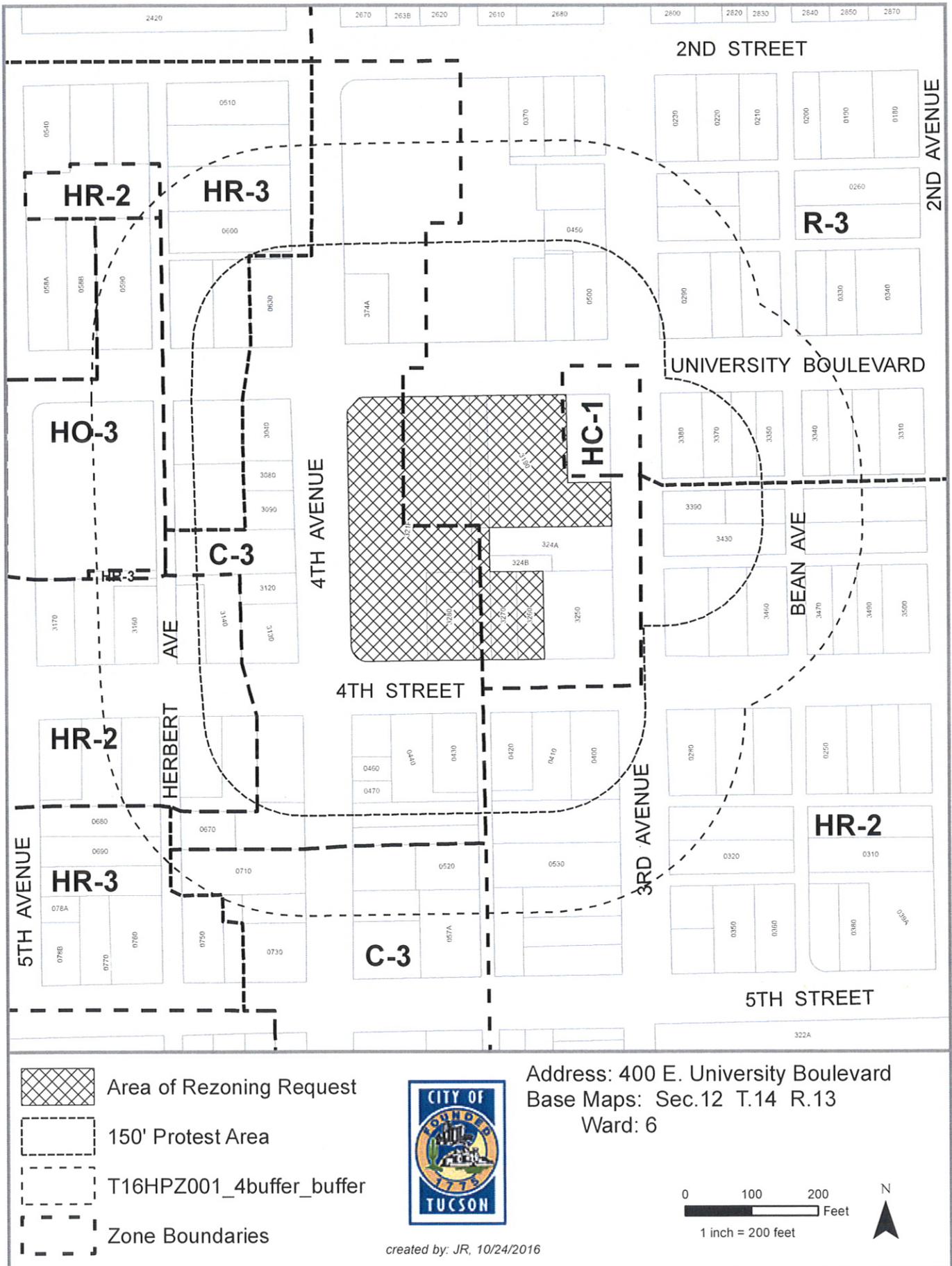
Case Location Map

Rezoning Case Map

cc: City of Tucson Mayor and Council

C9-16-13 Trinity Presbyterian Church PAD - University Boulevard

Rezoning Request: from R-3.C-3 to PAD-H



- Area of Rezoning Request
- 150' Protest Area
- T16HPZ001_4buffer_buffer
- Zone Boundaries



Address: 400 E. University Boulevard
 Base Maps: Sec.12 T.14 R.13
 Ward: 6

