

Land Use Code (LUC) Committee
November 5, 2009
5:30 pm – 7:30 pm
Pueblo Conference Room, IT Building
481 West Paseo Redondo

Summary of Comments

Committee members in attendance

Ruth Beeker
Jim Campbell
David Godlewski
Michael Guyman
Karolyn Kendrick
Albert Morales
Jim Portner
Mary Beth Savel
Rick Volk
Teresa Vasquez
Jason Wong
Colin Zimmerman

Facilitator

Irene Ogata

Staff

Jim Mazzocco
Adam Smith
Pat Krausman
Jonathan Mabry

1. Introduction and Welcome

Irene Ogata started the meeting at 5: 35.

2. Update on the Land Use Code Reformat Project

Jim Mazzocco presented an update on the LUC Reformat Project. He advised that staff is currently reviewing Article 3.

Mary Beth Savel asked if Chapter 23A will be included.

Jim Mazzocco assured the group that Chapter 23A, as well as the current Development Standards and the Land Use Code are being merged. He advised that a memo about the development designator strategy will be available in about a month for committee input. He said that the Mayor and Council has been updated and we have received Mayor and Council direction to proceed, clarify, and consolidate the code. The Mayor and Council have requested that he return to future meetings to identify any issues or concerns from staff and committee members. Subdivision standards are being looked at right now.

Emerging goals presented. Cross referencing should be limited and efficient.

So far, Article 3 includes Chapter 23A public notice procedures and contains reference tables. Problems with typos in cross references are being worked out. The draft still requires too much flipping and there is too much cross referencing. Staff is working to clarify and consolidate public notice procedures.

Jim Mazzocco provided an evolving timeline and advised that the goal is to bring the Article 3 draft to the January meeting. Development Designators will be the next project.

Karolyn Kendrick asked if anything is being changed or is this just a streamline?

Jim Mazzocco explained that the policies would be the same but changes are needed to consolidate procedures. He provided revisions to parking requirements as an example. He stated that the whole rezoning procedure will need to be looked at and recommendations reviewed.

Karolyn Kendrick suggested that the powers of Zoning Administrator need to be examined.

Ruth Beeker suggested that meeting requirements for area plan change and neighborhood plan changes need to be simplified and consolidated with the rezoning meeting requirements.

Jim Mazzocco stated that staff is going through public notice and neighborhood meeting issues and recommending addressing the requirements in uniform procedures. Staff has found that mailed notice requirements alone have over 20 rules. This needs simplification. Staff is trying to clean up the procedure so there are fewer rules. Flow charts are to be addressed as recommended.

Jim Mazzocco suggested moving to the next topic but encouraged anyone with questions or suggestions to call or e-mail him or staff.

3. Proposed Architectural Documentation LUC Amendment

Jonathan Mabry presented the proposed amendment to the LUC to require some basic documentation of historic buildings before they are demolished. The previous demolition requirements were adopted in 2007 and located in the Building Code. It was challenged in court case and judge ruled it should be in LUC. Staff is working with attorneys' office to amend the LUC. MC directed staff to make sure that the procedure is streamlined and not an onerous requirement for property owners. Staff's research found that other cities across the country have very similar documentation requirements to the ones being proposed. The new requirements are based on National Standard for Level One. Mabry wants to make clear that intent is not to block or significantly delay permits but to create a permanent record of resources. For example, a large portion of the barrio downtown was demolished and there are no records of the historic adobe buildings that were taken down. A draft code amendment was distributed.

Jonathan Mabry summarized if you're required to do full documentation, it includes photographs of interior and exterior, measured floor plan, and brief description of materials and any known events associated with the building. A couple of hours with a camera, tape measure, paper and pencil should be all it takes. The amendment applies to 50-year old or older buildings, contributing to existing or pending historic districts.

Minor documentation for any building 50-years old or older includes photographs of the exterior. If photographs show building has been changed significantly, it doesn't meet criteria.

Jonathan Mabry advised that the three criteria are: age, integrity, and significance. Staff has worked to develop a simple, streamlined process to ensure records created.

Karolyn Kendrick asked if a time limit was provided previously.

Jonathan Mabry responded that there is not a time limit. The City Attorneys advised not to have a built in delay.

Karolyn Kendrick asked what if a neighbor might want to know about it so they could approach the property owner and ask about preservation.

Jim Mazzocco said that applications are available for review by address on web and staff may try to maintain neighborhood web site.

Karolyn Kendrick inquired about LUC notification requirements. Could there be more proactive neighborhood notification of permit applications for demolition?

Jim Mazzocco reiterated that we can't build in a delay.

Karolyn Kendrick asked if the neighborhood president could be notified.

Jim Mazzocco responded that that recommendation could be made.

Mary Beth Savel asked if neighborhoods are currently notified of building, grading permits, et cetera.

Jim Mazzocco told her that they are not.

Mary Beth Savel suggested that notification would be similar to other permits.

Karolyn Kendrick requested staff check to see if notice may already be required in existing LUC.

Jim Mazzocco advised this topic would be discussed with the city attorneys.

Jason Wong asked where "minor" and "full" are defined.

Jonathan Mabry told him to flip farther in the draft behind attachment A. He advised the group that staff presented the draft to Planning Commission last night and they wanted language tightened up to be made consistent with rest of LUC. Jonathan said this item will not going to Planning Commission for a public hearing until January.

Jason Wong asked if any lay person would be able to complete the requirements and wanted to know if there are resources available.

Jonathan Mabry advised that no resources should be needed. The requirements are to describe the building; provide the construction date listed on Pima County Assessor's web site, and provide photographs of the building and a drawing with dimensions.

Jim Portner clarified that whatever a lay person submits would be acceptable.

Jonathan Mabry agreed that staff is trying to keep submittal requirements simple.

Albert Morales indicated that his experience has been that the less experienced get away with providing less than trained architects.

Jonathan Mabry clarified that staff is just trying to create records.

Jason Wong asked about the requirement to include historic people.

Jonathan Mabry explained that, if the information is known it should be included. He reminded the group that a completed form for contributing properties will be on city website and the information would be available there.

Colin Zimmerman asked if the procedure applies to partial demolitions too and provided the example of a garage.

Jim Mazzocco explained that it applies to any demo.

Colin Zimmerman asked if once the documentation is submitted the permit is issued.

Jonathan Mabry said it may take five days.

Mary Beth Savel pointed out that the language says it may take five days to determine completeness of application.

Jonathan Mabry thanked her for identifying this and made note to tighten up the language and clarify the five days is for review.

Mary Beth Savel asked if a site plan would be required to get a demo permit, and, if so, if a sample site plan could be posted online.

Jonathan Mabry explained that staff will need to define terms and explained that what would be needed is a measured floor plan.

Mary Beth Savel said the dates of additions may be unknown if the buildings are historic.

Jonathan Mabry responded that contributing historic properties will have completed registry information and staff will accept construction dates from the Pima County Assessor's Office.

Mary Beth Savel suggested that the minor documentation review is where most flexibility will be needed.

Jonathan Mabry agreed and stated the first review is to weed out minors.

Jim Campbell asked if the historic buildings that were protected by the alignment of Grant Road could be demolished.

Jim Portner stated that the amendment applies to every building over 50 years old.

Albert Morales requested clarification of what architectural documentation is required.

Jonathan Mabry advised that the site plan requirement would be taken out.

Rick Volk suggested using an aerial photograph to show what is on the parcel.

Jonathan Mabry explained that a building may be so altered it doesn't meet criteria. He gave the example that boxes with nothing special would not meet criteria and reiterated that the purpose of the review is to create records of buildings 50 years old or older with significance.

Colin Zimmerman asked if a 300 foot survey would be required.

Jonathan Mabry said that it would not in this draft.

Jim Campbell asked what the trigger would be to start the review.

Jonathan Mabry said minor review will be done by person doing HPZ reviews and they will consult with Historic staff as needed.

Jim Campbell asked what the submittal requirements would be.

Jonathan Mabry said they would start with pictures and a floor plan.

Rick Volk asked if any building over 50 years old would need pictures.

Jim Campbell requested that the requirements be very clear to staff as current reviews are a struggle and some staff may interpret requirements to include cad drawing etcetera. Jim Campbell wanted to know how long the process would take and suggested that it could slow review down if every building over 50 years old would require review.

Jonathan Mabry said that he researched how many reviews would have been required in recent history and a quick look revealed that of the 100 to 150 demo permits issued in the last five years, only 38 were contributing properties.

Jim Campbell suggested that the review really just needed to see pictures.

Mary Beth Savel agreed that a floor plan wouldn't be as useful as pictures.

Karolyn Kendrick suggested keeping the floor plan requirement when the full documentation review is required.

Jim Portner advised pre-submittals requires copies, application, et cetera and suggested amending just using pictures.

Mary Beth Savel suggested that clarification should be made that pictures must be taken from some specific distance.

Irene Ogata asked if there were any other comments or questions.

Jonathan Mabry thanked everyone for their suggestions.

4. Amendments to the Parking Code (Formulas and Uses)

Adam Smith provided handouts and a presentation of the Parking Code revision project. He directed those interested in more detail to the website where the LUC Simplification and the Parking Code Revision projects are set up. He advised that meeting minutes and notices are available on the website.

Handouts reviewed included the Draft Organization of the Revised Parking Code, the Parking Comparison Table, Best Practices – Planned Related Publications, and Parking Code Use and Parking Code Formulas tables.

Jim Portner asked if Adam would distill the information and asked if there are any emerging trends rising to the top.

Adam Smith advised that he included only articles about currently used practices in the handouts.

Jim Portner asked if there was a parking comparison table in the handouts.

Adam Smith responded by saying that a parking comparison table is in the packet.

Jim Portner asked if, after viewing other city's requirements, staff saw any big, new ideas.

Adam Smith explained that cities are seeing reduced demand for parking and are providing incentives to use mass transit including providing free bus passes.

Adam Smith directed attention to the Draft Organization of the Revised Parking Code and asked if there were any comments or questions.

Ruth Beeker responded that she found the drinking and food establishment link disturbing. She advised that neighbors are concerned about adequate parking for enlarged bars. She explained some of the problems neighborhood face when there is not enough onsite parking for bars.

Mary Beth Savel explained that the LUC has a specific large bar definition. She suggested that the committee think about clustering uses.

Albert Morales observed that the university has a lot of people walking. Different areas of town have different parking needs.

Rick Volk suggested that it may not be good to combine parking for restaurants and bars.

Ruth Beeker suggested closing bars at 10:00. She said living near a party house gives a different perspective of what goes on at 2:00 in the morning.

Mary Beth Savel asked how the new parking code would be applied and if it would apply to expansions of existing structures.

Rick Volk observed that strip malls have a lot of required but unneeded parking.

Colin Zimmerman asked the committee to consider their parking philosophy. He asked what the code is trying to encourage.

Adam Smith explained that some objectives are simplification and reducing urban heat island effect and to ensure we have enough parking and avoiding spill over into neighborhoods.

Karolyn Kendrick said she thought Tucson is under parked for college towns.

Colin Zimmerman advised that the focus needs to remain on parking issues. He cautioned against trying to regulate bars and drinking with a parking code

Ruth Beeker said that the bar parking problems spill over into neighborhoods.

Colin Zimmerman suggested that to encourage mass transit, parking requirements should be reduced.

Albert Morales noted that adult uses are the most heavily regulated.

Adam Smith said the committee can recommend splitting restaurant and bar parking requirements.

Jim Portner asked if the landscaping for the parking is being reviewed.

Adam Smith said that landscaping is being looked at by another committee.

Karolyn Kendrick suggested looking at parking from an overall standpoint to determine what is intended.

Mary Beth Savel observed that the less parking required the less asphalt is used. She also asked that the parking requirements for personal services be updated.

Rick Volk said that several retail uses are over parked in the current code.

Adam Smith said that staff is trying to come up with formulas applicable to local uses.

Ruth Beeker suggested a review of Attachment 2, Amendments to the Parking Code: Formulas.

Jim Mazzocco asked Rick Volk how the personal services preliminary recommendation of 1/200 square feet of gross floor area sounds.

Mary Beth Savel suggested the two tables have the columns displayed in the same format.

Adam Smith asked everyone to keep track of their questions and e-mail them to him.

Rick Volk suggested that retail sales parking requirements be condensed more.

It was suggested that recreational uses be combined or more broadly defined.

Ruth Beeker asked about stand alone and shopping center theatre parking requirements. She also wanted to know what defined a shopping center.

Colin Zimmerman said builders don't know what uses may occupy vacant or new structures.

Mary Beth Savel said the shopping center regulation in the definition and as the tenants and land uses change, the parking formulas change.

Ruth Beeker advised that a lot of Board variances are parking related.

Mary Beth Savel suggested more transparent rules.

Rick Volk explained that a tenant change in an anchor space could change parking requirements.

Mary Beth Savel said this also resonates in C of O problems in central part of city.

Adam Smith advised that the Individual Parking Plans were designed to address some problems.

Mary Beth Savel requested that formula be upfront and suggested that the more blending of uses the fewer problems there would be. An example is the waste of required parking in movie theaters.

Karolyn Kendrick suggested getting industry input with data.

Rick Volk asked if shopping center needs to be re-defined.

Albert Morales suggested that the initial build requires parking, changes shouldn't.

Rick Volk asked how many instances of shopping center parking problems are currently affecting neighborhoods. He suggested for example that El Con is never parked on the east side.

Ruth Beeker inquired about the difference between shopping centers and strip malls and if parking calculations included basements.

Mary Beth Savel explained shopping center and regional mall differences and how the differences are defined in the definitions.

Rick Volk said that every time someone needs a C of O, the parking goes up.

Adam Smith said the shopping center preliminary recommendations are based on most current studies. Pima County based their standards on an urban land use study based on most current shopping center requirements.

Rick Volk suggested looking at some of the development plans that have been approved and how they are being used.

Ruth Beeker asked why drop off area requirements are being eliminated from school use. Major problems are created when drop offs start blocking streets.

Adam Smith explained there will be a new section called vehicle stacking that includes drop off zones.

Rick Volk said there is a problem with charter school parking requirements when they are trying to locate in shopping centers.

Mary Beth Savel said that shouldn't be a problem any more.

Jim Mazzocco explained the City's standard for charter schools.

Mary Beth Savel and Ruth Beeker agreed that the focus should be on safety.

Mary Beth Savel advised that drop offs cause problems for the landlords because of the parking and striping requirements.

Adam Smith asked if the key items had been discussed.

Karolyn Kendrick said more discussion is needed on residential requirements.

Mary Beth Savel said nursing home and assisted living uses need to be looked at.

Ruth Beeker suggested a need to meet again soon.

Adam Smith agreed and added that the written comments from Mary Beth Savel, general comments and comments from staff still need to be addressed.

Ruth Beeker recommended a meeting for parking code discussion only.

Jim Mazzocco asked if a meeting should be scheduled every month and cancelled if not needed. He asked the committee to keep their written materials and try to send comments to staff over the next week and a half. He acknowledged everyone's schedules and suggested that we try to meet in December.

5. Call to the Audience

Adam Smith suggested that if the parking issue bogs the process down, a sub-committee be formed.

Jim Campbell requested a more consistent meeting schedule, day, and time.

Karolyn Kendrick asked if the committee could suggest ways to streamline process and recommend training.

Jim Mazzocco advised that staff is trying to accomplish as much as possible with this project. He said that he has been given direction to go to Mayor and Council to provide updates and to ask to include additional topics.

The meeting was adjourned at 7:28.