IMPROVING THE GREATER INFILL INCENTIVE DISTRICT

An Official Position Paper of the Feldman's Neighborhood Association Board
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Vision

Feldman's Neighborhood Association has a vision for the future of Tucson's urban core that combines neighborhood preservation with appropriate infill. We do not see these goals as antagonistic. Looking around our neighborhood and the larger community, we see many appropriate parcels for dense residential, commercial, or multi-use projects. With suitable transitions to nearby low-intensity uses, we would welcome densification of commercial lots that are currently vacant or contain blighted buildings. Tucson has an embarrassment of riches when it comes to such sites.

The Greater Infill Incentive District as a Tool

Unfortunately, the Greater Infill Incentive District (GIID) is a rather blunt instrument for achieving a balanced approach to redeveloping Tucson while respecting our history, our residents, and our locally-based businesses. The GIID makes no distinction between commercial properties and residential properties, whether based on zoning or actual use; between vacant/distressed properties and viable homes and businesses; or between ugly cinder-block boxes and historic structures. All three are important distinctions to the residents and business owners in the GIID. The revised GIID should contain mechanisms for allocating incentives for redevelopment to vacant and blighted parcels, while protecting historic resources and existing uses.

Neighborhood Protection: Excluding Classes of Buildings from the GIID

At the September 9 meeting of the GIID Subcommittee of the Planning Discussion, we discussed classes of buildings that might be removed from eligibility for GIID incentives. There are several possible approaches, each with advantages and disadvantages:

- **Properties already included in an HPZ or NPZ could be removed from eligibility for GIID incentives.** This approach is logical, because two zoning overlays working at cross purposes should not be applied to the same parcel. This approach is also consistent with the policy that the most restrictive zoning should apply. In Feldman's Neighborhood, the effect of NPZ exclusion would be enhanced protection of an additional eight properties that are currently in both the NPZ and GIID: 23 E. Adams Street, 29 E. Adams Street, 33 E. Adams Street, 35 E. Adams Street, 49 E. Adams Street, 1525 N. Seventh Avenue, 20 E. Lee Street, 30 E. Lee Street, 42 E. Lee Street, and 52 E. Lee Street. These lots are adjacent and take up over half of one city block. Feldman's Neighborhood Association supports removing these lots from the GIID.

  However, it is important to understand the limitations of this approach. For the Armory Park HPZ, a policy of HPZ exclusion would have to be applied on a lot-by-lot basis, or it would

have the effect of making the GIID non-contiguous, in violation of state law. In order to preserve the GIID at all, it would then be necessary to remove the southern tip of the Armory Park "leg" from the GIID, withdrawing incentives from an area where they are greatly needed.

For the Feldman's NPZ, a policy of NPZ exclusion is necessary but not sufficient to protect existing residences. Because NPZ protections only apply where the underlying zoning is R-1 or R-2, the policy would not protect residences on commercially zoned lots. The policy would also fail to protect the residences at 44 and 50 E. Adams Street. These residentially zoned lots qualified for NPZ protection. They were excluded from the NPZ as part of the political process surrounding the adoption of the Feldman's Design Manual by Mayor and Council. Feldman's Neighborhood Association supports removing 44 and 50 E. Adams Street from the GIID.

- **Contributing properties in a National Register Historic District could be removed from eligibility for GIID incentives.** This was discussed in the context of the Armory Park HPZ exclusion. The obvious advantage is that a combination of HPZ exclusion and lot-by-lot evaluation of properties could potentially keep the GIID contiguous.

  There are serious disadvantages to this approach. Allowing GIID incentives to apply to some, but not all, properties within an HPZ would accelerate the degradation of the entire district, by continuing the perverse incentives under the GIID to delist or demolish contributing structures.

  There is the further difficulty of defining what constitutes a contributing structure. Will the city rely on the determination made at the time of the historic district survey? Will the city Historic Preservation Officer or a Design Professional make a fresh determination when new development is proposed? These points must be clarified if contributing properties are to be excluded from the revised GIID.

  What should be done with properties that are currently non-contributors, but could easily be restored to contributing status? The contributors in Feldman's National Register District have already been excluded from the GIID, so this issue does not directly impact us. However, we note the presence in our historic district of numerous former contributors that have become non-contributors, although the buildings have not been modified. In some cases, the change in status was due to differences of interpretation on the part of the professionals conducting our 1989 and 2004 historic surveys. In other cases, contributing status was lost due to a minor and reversible modification, such as a block wall or sheet-metal fence. We suspect that contributing status is equally vulnerable, for equally trivial reasons, in other National Register Districts. Failing to take this into account might allow the demolition of historic structures that could easily be restored to contributing status.

  While Feldman's Neighborhood values its National Register District and NPZ, we are painfully aware that these designations do not adequately protect our neighborhood's historic resources. Nor do the nearby HPZs confer adequate protection on West University and Armory Park Neighborhoods. We would like to see a more thoughtful approach to preservation of all historic buildings, whether they have HPZ status, NPZ status, National

Register District contributor status, or no formal status. The historicity and integrity of a building are not dependent on its formal status. In Feldman's Neighborhood, National Register Historic District boundaries were drawn with an eye to likely future demolitions and the resulting risk of losing the entire district. The GIID in Feldman's includes at least three buildings that, had they been within the district boundaries, would easily have qualified as contributing structures: 1418 N. Stone Avenue, 1440 N. Stone Avenue, and 1448 N. Stone Avenue. These structures are, respectively, a California bungalow in residential use and two Spanish Colonial Revival buildings in commercial use. It is a sad commentary on decades of weak preservation policies on the part of our city that Feldman's Neighborhood did not dare include the historic buildings on Stone Avenue in Feldman's Historic District. It's not too late to protect these and many other historic resources by enhancing the review process for all projects involving historic structures, broadly defined, in a manner that encourages the adaptive reuse of the buildings, rather than their demolition.

Other possible approaches to enhanced neighborhood protection:

- **Residentially zoned parcels could be removed from eligibility for GIID incentives.**
- **Properties in residential use, regardless of zoning, could be removed from eligibility for GIID incentives.**

If we are serious about protecting the urban core, we cannot allow residential neighborhoods to be pockmarked with inappropriate development. Feldman's Neighborhood is the poster child for this type of neighborhood degradation. In 1990, we were 54% owner-occupied. In 2010, we were 18% owner-occupied. Long before Tucson became a national target for rental property investors, homeowners fled Feldman's in response to the construction of mini-dorms. The community of people who knew each other over the course of decades, who attended weddings and funerals, and who cared for elders in their homes, has been decimated. We are now largely a neighborhood of transients, with negative impacts on every aspect of our lives. This includes costs borne by the entire city, such as increased crime. One way to prevent this from happening throughout our city is to remove incentives for the redevelopment of residences.

Ensure the GIID Stays an Incentive

Feldman's and other historic neighborhoods contain sites that are ripe for development, but are surrounded by historic homes that are zoned commercial or industrial. Feldman's Neighborhood Association is concerned that contextually appropriate adaptive reuse of these sites has been a hit-or-miss affair. Historic homes downtown and along Speedway have become law offices, often with substantial investment in preservation. This is an excellent model, but not one that fits all sites. We need more innovative, neighborhood-enhancing projects like the Whistle Stop Depot at 5th Street and 9th Avenue in Dunbar Spring Neighborhood, now an industrial-chic performance space. We need transition zones between old and new development that are more than just a no-man's-land. We envision financially sustainable transition zones that contain fine new context-supportive residences. To these ends, Feldman's Neighborhood advocates the creative use of incentive strategies and financial trade-offs, so that investor-owner-developers

don't believe they've been cheated of their property rights when required to respect historicity and collaborate with the community.

Provide a Design Review Element and Avoid Redundancy with Downtown Links

Feldman's and other neighborhood associations continue to press for an inclusive and transparent design review process. In our experience, a collaborative process is vastly superior to adversarial processes, such as lawsuits and petition drives, that leave a lasting aftertaste of rancor in our community. Developer representatives state that any review process involving community participation is time-consuming, has uncertain results, and is a disincentive. There are certainly cases that support this view, such as the One West project that failed due to resistance by Dunbar Spring Neighborhood Association. On the other hand, there are cases where the property owner and neighborhood resolved their differences in a single meeting, such as the Casa de los Niños PAD in Feldman's Neighborhood. The difference between a successful community process and a failure for all involved is often a skilled mediator trusted by both sides.

To some extent, events have overtaken the GIID Subcommittee's analysis of design review. Mayor and Council are now considering an enhanced review process modeled on the Downtown Links Urban Overlay District (DLUOD). However, it is important to note that the expansion of the DLUOD proposed by Corky Poster and Linda Morales does not cover the entire GIID. To maximize consistency and transparency, the DLUOD review process could be applied to the entire GIID. Alternatively, another review process might be implemented for the remainder of the GIID. Some possibilities derived from existing processes are:

- **Review could be done by a Design Professional, as in NPZs; or**
- **Review could be done by a District Advisory Board, as in HPZs; or**
- **Review could be done by the Historic Preservation Officer, as when demolition of a contributing structure is proposed.**

Under any of these options, it would be critically important for the reviewer to have the ability to declare a historic property, broadly defined, ineligible for GIID incentives, with the sole exception of adaptive reuse. It is also important that the reviewer have the ability to condition approval of a project on appropriate buffers and transitions to adjacent lower-intensity uses. Again, there is precedent for this in existing city policies, as set forth in the applicable overlay district design guidelines and, in some cases, in the underlying zoning. For example, the Main Gate Urban Overlay District specifies stepped-down building heights as a transition element. More broadly, the Design Review Board operates on the principle that regulatory relief for a developer should be paired with benefit for the community. This principle should guide all changes to overlay districts.