

CORE-BaNC

CORE Barrios & Neighborhoods Coalition

September 4, 2013

Recommendations for Needed Changes to the IID/GIID Legislation For Consideration by the Planning Commission Infill Incentive Subcommittee and the COT PDS.

Dear Commissioners and PDS Staff:

CORE-BaNC has a simple mission: To enhance and protect the quality of life in our neighborhoods and barrios. Over the last two years its members have recognized that land use changes are one of the most important common shared issues we face. As members of the public, residents of the city, and members of core city neighborhoods, we collectively see that new zoning overlay districts implemented by the City of Tucson over the past few years have the potential to substantially change the fabric of our neighborhoods and change the paradigms that have allowed them to flourish over the many preceding years and decades. The creation of the earlier neighborhood residential historic districts (RHD) that led to the formation of preservation zones (HPZ), in conjunction with downtown districts and urban core zones had been an equal partnership of stakeholders enabling the larger revitalization of the entire downtown area. The guarantee of safeguards, protections, and a design review process allowed individual investment to revitalize the central historic neighborhoods over a period of more than thirty years.

The Downtown CBD, El Centro, Old Pueblo South, Rio Nuevo and Downtown Zone, and many neighborhood area plans all were created by staff and stakeholders with significant input and direction given by resident stakeholder committees and groups. Sadly, that shared process now no longer appears to be the case.

The IID was initially instituted with no formal public hearing. Its expansion and extensions did merit hearings, but few changes were made because no one had yet seen the unintended consequences of flaws to that legislation that lead to recent inappropriate development projects. We are grateful that Mayor and Council has now seen the need to direct you to correct and mitigate its inherent problems that are now recognized.

We hope this letter will emphasize specific recommendations we can make at this time to help address and correct the specific deficiencies of the IID in context of the six parameters identified by the PDS as your scope of work. Please note that this is a working document and will require further recommendation and refinements as the process unfolds.

Our goal in making these recommendations is to reinforce the public-private partnership that created a revitalized downtown over a decades long process and restore the equilibrium that we feel is necessary for continued growth, stability, livability, and vitality that benefits all stakeholders--existing and new.

Below are the six parameters and our current specific recommendations for each.

1. Give more prominence to neighborhood protections

- **Remove all properties in HPZ's and NPZ's from eligibility for the IID option.**
- Mandate at least two neighborhood meetings, and require that initial input is considered, respected and included during and throughout the planning process.
- Require equal notice of proposed and pending projects, in addition to approved projects so better options may be developed before planning approval of completed designs.
- Require transitional buffer zones between incompatible uses.
- Use neighborhood historic districts (current, pending, and actual) as guides to appropriate developer buffer zones, as they were intended.
- Require additional criteria, such as actual/grandfathered use of properties rather than current strict zoning classifications in consideration of appropriate new development.
- Require proof of contractual obligations to participate in ParkWise programs and structures to mitigate claims of no impact to adjoining area residents by the granting of MDR's that eliminate parking requirements.
- Create criteria that must be met for planning approval by including traffic, noise, viewshed and solar conditions, ingress and egress, and parking among others.
- Because the IID is optional, require development agreements between developers, the COT and neighborhoods that are legally enforceable and transferable with the property.

2. Clarify the role of any formal commitments between the owners/developers and neighbors

- **Again, require that both HPZ and NPZ properties are ineligible for IID MDR's.**
- Create legal process for binding developer agreements between new developments and surrounding stakeholders.
- **Mandate that all historic eligible properties cannot be modified in any way that makes them ineligible (using the Secretary of the Interior's Standards) nor demolished to participate in the IID MDR process. (See DLUOD language for clarification).**
- **Create an appropriate Design Review Process that requires public engagement.**
- **Create, institute and clarify built in safeguards, design principles, and development criteria as mandatory considerations and processes required to participate in a modified IID MDR.**

3. Ensure the IID stays an incentive

- The modified IID MDR process will still be a useful, and streamlined development process for properties that should be granted MDR's because of their unique placement within the downtown district and GIID subdistricts, because new restrictions have eliminated probable conflicts of interests. A Design Review Process is in place in all other competing overlay zonings. Expanded guidelines will enhance long term community benefits rather than create short-term economic benefits that may lead to near-term blight because of inappropriate planning. Also by merging the IID/GIID overlays with such overlays as RND (Rio Nuevo District, EL Centro, DLUOD and Streetcar Land Use Districts into one combined development option, that now requires a Design Review Process, the overall uncertainties and requirements will ensure the process will be streamlined for appropriate Infill Development, but requiring area planning.

4. Provide for an enhanced design review element

- Use the DLUOD planning process as a guide to create an enhanced design review element for the entire area, because it encourages an engaging public process.
- Use the RND as a guide in the creation of new area-wide Design Principles, Criteria, and Design Review through the DRB or other appropriate public bodies.
- Allow the DLUOD process to expand to all areas where appropriate.

5. Eliminate redundancy with other overlay zones/plans in the area, as practical

- Mandate and list the appropriate hierarchy of Zoning within the actual IID legislation, so that it is clear what trumps what. The term "most restrictive zoning prevails" clause in the UDC has left staff, developers, and residents to question interpretations.
- **We request that HPZ and NPZ zoning is listed as highest and over-riding, because it is the only zoning that required direct approval and participation by its affected property owners.**
- We note that underlying zoning, R, C, O, I, etc was put in place without much public participation starting in 1948 in Tucson, and was largely at the behest of politicians and staff wanting to tear down and rebuild a new inner city from scratch, by destroying past development that was considered out of date. Most of the core downtown neighborhoods were developed decades before zoning laws. Most have homes that have been rezoned as commercial, office, and even industrial. This must be recognized as an existing factor that should be included in the criteria for specific new developments.
- Residential Historic Districts were first created in the 1970's as areas that had common development and integral characteristics. The city later recognized the HPZ's as the core district of those RHD's but considered the RHD's as appropriate and intended buffers to the HPZ's. It is only a recent trend to consider resident historic districts not fully protected by HPZ status as acceptable losses for redevelopment

potential, instead of the intended revitalization of those areas, as well. This attitude is similar to what destroyed Tucson's historic Barrios more than 40 years ago.

- **The IID is the first zoning overlay that incorporated HPZ areas, NPZ areas, most RDH areas and removed all design review standards for their protections. This MUST be Corrected.**

6. Work with the Streetcar Land Use Plan consultant team to ensure consistency with that effort

- We recognize the Streetcar Land Use Plan process to date, has sought to fix the deficiencies of the DL-UOD by identifying all specific problems unique to each property within its purview. We are pleased that street-scape design is being considered as a new design criteria required for redevelopment in the area, and feel it should be included as a required element in redevelopment along its principle corridor. We believe it is possible to include a streetcar corridor plan into the process required within the DL UOD design process option, but also request the creation of design principles; a mandatory design review process--that includes public engagement, participation, and oversight; and the creation of design/approval criteria be required within the entire IID and GIID districts.
- We encourage a larger public discussion on parking issues that mutually benefits all stakeholders, mandates compliance with an area wide parking plan for all new development, including its limitations and costs before the parking relief MDR's within the current legislation can or should be approved.
- We request that dimensional (height and lot coverage) MDR's be scaled back with appropriate transition areas to immediately adjoining properties. (I.E. a 100% lot coverage MDR is inappropriate adjoining an individual residential unit.)

These recommendations note possible corrections to the observed problems created by the IID/GIID to date that we have identified. We also request that a condition of further review and refinement on a regular basis be included in the enabling legislation. Also a process for de-inclusion should be identified and defined.

To illustrate the significant problems created by overlaps or adjoining zoning problems within the 15 principle neighborhoods impacted by the IID legislation, and to clarify the HPZ, NPZ, and HRD conflicts within the IID/GIID we have included 26 maps required to illustrate those problems that are not clarified in the documentation staff has so far provided for your review. They shall constitute the appendices to this letter. We encourage each of you to visit each affected area to view the potential problems we have identified. We anticipate further refinements to the maps that include specific problem areas and individual properties at risk at a later date.

Please note as you review these documents that many HPZ, NPZ, and HRD could be impacted and potentially lose their listed status if full redevelopment of all the areas now within this zoning overlay are not addressed through changes to the enabling legislation itself.

We hope this letter and appendices help inform you of resident/stakeholder concerns in making your continuing recommendations for changes to the IID/GIID.

Thank you in advance for your consideration.

Sincerely,

Members of the CORE-BaNC Land Use Committee

enclosure: CD of pdf documents (maps)

cc: CORE-BaNC