



PLANNING COMMISSION
INFILL INCENTIVE DISTRICT (IID) SUBCOMMITTEE MEETING
Monday September 23, 2013, 6:00 P.M.
201 N. Stone Ave.
Basement Conference Room C
Tucson, Arizona 85701

****DRAFT** Legal Action Report and Summary Minutes**

1. Roll Call - Meeting was called to order at 6:05 p.m.

Present:

Kim Patten	PC, Ward 1
Thomas Sayler-Brown	PC, Mayor's Office
Ruth Beeker	PC, Ward 6

Staff Members Present:

Jim Mazzocco, PDSD, Planning Administrator
Adam Smith, PDSD, Principal Planner
Joanne Hershenhorn, PDSD, Lead Planner
Belinda Flores-McCleese, PDSD, Administrative Assistant
Kristina Medina, PDSD, Administrative Assistant

2. Selection of New Chair

It was moved by Commissioner Beeker, duly seconded, and carried by a voice vote of 3-0 to appoint Thomas Sayler-Brown as Chair.

3. Approval of Summary Meeting Minutes, September 9, 2013

It was moved by Commissioner Beeker, duly seconded, and carried by a voice vote of 3-0 to postpone approval of the September 9, 2013 summary minutes until the next Subcommittee meeting. Ms. Hershenhorn noted a typo on page 4, last sentence of last bullet under agenda item 6: the word after the phrase "expand Downtown Links" should be area, not are.

4. Field Trip Summary, by Commissioners

Commissioner Beeker said it's unfortunate the most populous areas in the IID are where people want to build (i.e., Armory Park and West University residential neighborhoods). There are good infill opportunities in the GIIS outlying areas (i.e., the "legs"), but no one is interested in building there. Underutilized properties in the outlying areas might be a good place to build student housing. Commissioner Patten said there are many infill opportunities in the IID, but development needs to be sensitive to the historic context and the general surroundings. She believes the community should be more welcoming to student housing projects, as students are the next generation of Tucson residents. Commissioner Sayler-Brown said there are industrial uses in the southern and north-western parts of the GIIS, and, in some cases, these may no longer be the

highest and best uses for these properties. He noted industrially-zoned land can't take advantage of the IID incentives (i.e., the UDC allows only very limited residential uses on industrially-zoned property). He drove by The District (student housing project on 5th Avenue at 6th St.) a few times, and didn't observe any problems. There may be infill opportunities on 6th Avenue, which is an historic area, but stronger IID restrictions are needed to protect the area's historic character.

Commissioner Rex looked at the transition areas between the IID and surrounding neighborhoods. There is a good transition in Dunbar-Springs, behind (west of) the Sahara Apartments: a large wall with a mural. It serves as an edge between the apartment complex and the neighborhood, but also gives something to the neighborhood. While driving through the (Pasqua) Yaqui Village west of Oracle and south of Grant Road, she noticed the carports serve as front porches, which activates and makes for an inviting streetscape. She also likes the mixed zoning at Stone Avenue and Grant Road (industrial, commercial, residential): it works. She noted that there are coffee shops and other commercial uses on the ground floor of the Sahara Apartments and the Standard Apartments (largely student housing) that are having economic problems. Just bringing in residents doesn't always guarantee success. An improved design review element would help ensure the IID remains an incentive.

Commissioner Saylor-Brown said he likes the mix of uses, too. He reiterated that there should be opportunities to redevelop uses that are no longer working well.

No action was taken.

5. Planning Commission Direction, IID Revisions

Mr. Mazzocco summarized recent direction provided by the Planning Commission, as follows. They directed

- the Subcommittee to hold two open forums to obtain input from stakeholders and interest groups on proposed revisions to the IID/GIIS (which will ultimately take the form of a text amendment to the Unified Development Code; 8/21/2013);
- the PDSD Director to form a Citizen's Task Force to provide input on draft IID revisions (8/21/2013); and
- staff to draft the proposed IID revisions, for review by the Task Force and Subcommittee (9/18/2013).

Mr. Mazzocco anticipates there will be two task force meetings in October and two in November. Staff hopes to have a draft of the proposed revisions for the Task Force to review in December. Staff will return to the Subcommittee in the beginning of November and the beginning of December with updates.

6. Open Forum Discussion, Six Key Points of Mayor and Council Direction regarding Revising the IID

This was a continuation of the Open Forum discussion at the 9/9/2013 IID Subcommittee meeting. Participants included the Commissioners, staff, and interested parties, including John Burr (Armory Park Neighborhood Association or APNA); Chris Gans and Richard Mayers (West University Neighborhood Association or WUNA); Diana Lett (Feldman's Neighborhood Association); Keri Silvyn (Lazarus, Silvyn and Bangs), Jim Campbell (Oasis Tucson), and Allyson Solomon (Metropolitan Pima Alliance). Discussion notes are summarized below.

Three letters regarding IID revisions were submitted to staff for the Subcommittee's consideration at the 9/23/13 meeting: from Core-BaNC (CORE Barrios and Neighborhoods Coalition, dated September 4, 2013), Feldman's Neighborhood Association (dated 9/16/2013), and WUNA (dated September 5, 2013). All three were included in the packets provided to the Subcommittee.

Give more prominence to Neighborhood Protection

- Can HPZ and NPZ properties be removed from the IID without jeopardizing its viability? (acknowledged need for contiguous area)
 - Language can be crafted that excludes HPZ and NPZ properties from using MDR incentives. Would this be acceptable? Yes, acceptable to APNA and WUNA
 - WUNA is also concerned about properties next to/near HPZ, as development near HPZ can affect quality of life in HPZ
 - All contributing historic properties should be protected (not just HPZ, but also National Register and pending National Register Districts)
 - A problem is that the IID is silent on the use of the MDR when demolishing historic structures (i.e., the Junction at Iron Horse)
 - There are historic structures/resources in the GIIS that have no special designation, i.e., they're not in an HPZ or NPZ, and are not contributing, but are worthy of special consideration. How can this be addressed? Mindful of Proposition 207 issues
 - APNA and others are concerned about protecting residential structure and uses in commercial zones – currently, these are treated differently from residential structures/uses in residential zones
 - APNA would like the IID to specifically identify which properties are allowed to use the IID, and which specific uses are allowed on those properties. For example, there could be defined areas, comprising groups of properties, where the IID may be used, and only specific uses allowed.
 - One way to do this is to specify which properties are excluded from using IID incentives, based on parcel (tax code) identification number, which could be listed in the UDC IID overlay zone text
 - The development community wouldn't view that favorably, as is would shift the tone to "what do we want to protect from development" rather than "where do we want to encourage development". The purpose of the IID is to incentivize development in certain places.
 - A neighborhood perspective is that the IID is optional. Developers have the right to develop under the current zoning. Should be able to restrict where incentives may be used because it's an optional overlay.

- APNA wants public notice and meaningful input on IID proposals for all historic properties (including National Register and pending National Register Districts) with the APNA boundaries (i.e., the pending Downtown National Historic District between Broadway and 12th Street is within the bounds of APNA but is not in an HPZ. Therefore, APNA doesn't get notified and has no input on proposals for historic properties in that area)
- Don't exclude HPZ and NPZ areas from IID: incorporate language clarifying that HPZ and NPZ designations supersede IID designation
- There should be consistent policies and processes for historic preservation and design review throughout the IID, and they should all be listed in one place

Clarify role of formal commitments that run with the land

- What does "formal commitments" mean? Different things to different people.
- A development community representative said it generally refers to commitments that run with the land but which are not zoning requirements – they are discretionary
 - Separate contractual agreements, on a case-by-case basis
 - Not enforced by the City
 - Some have implications on future sale of the subject land

Ensure IID remains incentive

- Development community needs predictable timeframes

Provide design review element

- GIS should include design review process and design guidelines similar to RND and Main Gate District (MGD) Area 1 processes
 - Public needs to be part of review process
 - There should be informal, conceptual design review by neighborhoods prior to any formal design review (they don't want to see something where the design has already been completed and the developers are reluctant to make changes)
 - There should be consistent policies and processes for historic preservation and design review throughout the IID, and they should all be listed in one place
- Wants mandatory design review for national register historic district areas outside of the HPZ. These national register district "buffer" areas were intended to and should be treated as transitional areas. Need to protect the historic integrity of contributing properties.
- Adjacency issue needs to be addressed (this is related to where the IID Development Transition Standards apply). Adjacency is also a Unified Development Code (UCD) issue:
 - The UDC defines "adjacent" as two or more parcels or lots sharing a common boundary or separated by an alley or other right-of-way 20 feet or less in width. Parcels or lots having only a common corner are considered adjacent.
 - Adjacency should be contextual
 - Development community wants clarification on what contextual adjacency means
- Should explore extending Downtown Links processes along the "legs" of the IID, because DT Links includes a public design review process

- Need to be careful not to disincentivize use of IID along “legs”
- The Core Campus project (i.e., The Hub student housing, northwest corner Tyndall/1st Street, 12 & 13 stories, under construction) included several informal meetings with stakeholders prior to finalizing the design, and it worked – likes that process (developer’s perspective)
 - A key reason why it worked is that it’s in the Main Gate Urban Overlay District (UOD), which includes design guidelines and a design review process that need to be followed
 - Design guidelines and a design review process go hand-in-hand
 - The design review process took about 3 months, which is reasonable
 - It resulted in binding agreements
 - It’s a collaborative process
 - the Design Review Committee collaboratively makes the final decision
- Another view of the MDG Area 1 design review process (for The Level student housing project at 1020 N. Tyndall, between Speedway Blvd. and 1st Street, the first project it was used on) is that it was awful, because the project was fully developed and the design review committee didn’t have much say over the outcome
- Need to remember the IID process is also for the “little guys”, not just for major projects
 - The MGD Area 1 design review process isn’t realistic for small projects, as hiring consultants is costly. Need different processes/guidelines for major and minor projects.
- A goal is to create a consistent design review process that applies throughout the entire IID – the specifics will vary between major and minor projects

Not create redundancy between proposed DT Links Expanded and IID and Consistency with Streetcar Land Use Plan – these items weren’t discussed.

No action was taken.

7. General Discussion

There was no additional discussion and no action was taken.

8. Future Agenda Items and Meeting Dates

It is anticipated the next IID Subcommittee meeting will be in early November, after the Task Force has met a couple of times.

No action was taken.

9. Call to the Audience

Richard Mayers, Core-BaNC Vice President and WUNA, provided a 2-page handout at the meeting.

10. Adjournment - Meeting adjourned at 8:00 PM.

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