



CITY OF
TUCSON

Planning Development Services Department (PDSB)
LUC Administration Division
201 North Stone Avenue, Tucson, Arizona 85701

*** REVISED NOTICE OF DIRECTOR'S DECISION ***
EFFECTIVE DATE: March 8, 2011

Attachment 2 -
Director's final
decision -
mailed to the
public

<u>CASE NO.</u>	<u>THE APPLICANT</u>	<u>THE PROJECT</u>
MDR-10-03	Residential Housing Development, LLC	The District At UA Student Housing 550 E. 5 th Street, R-3/C-3

The Project

The applicant's project is "The District at UA" student housing development located on a 2.98 acre site located within the Downtown Area Infill Incentive District (IID), Greater Infill Incentive Subdistrict (GIS), and is zoned C-3 and R-3. The proposed development is bounded by 5th Street on the north, Herbert Avenue on the east, 6th Street on the south, and Arizona and 5th Avenues on the west. The primary development is comprised of five-story and four-story residential structures and a six (6) level up, one (1) level down parking structure. The proposed development requires compliance with all *Land Use Code (LUC)* criteria applicable to new construction. The applicant is requesting the following modifications of development regulations (MDR): 1) Reduce the building setbacks along all named street edges, including 6th Street, Fifth Street, 5th Avenue, Arizona Avenue, and Herbert Avenue to a minimum of zero (0') feet, as shown on the submitted plans; 2) Increase the maximum allowable building height for the development to sixty (60') feet (or five-stories); 3) Waive the floor area ratio (FAR) requirement; 4) Eliminate landscape borders onsite and provide landscaping in the right-of-way, as approved by Tucson Department of Transportation (TDOT); and 5) Waive onsite loading requirements.

The applicant's Downtown Area Infill Incentive District (IID) Plan has been reviewed for compliance with applicable IID regulations and found to be a sustainable infill development that is pedestrian and transit-oriented; and, as proposed, demonstrates compliance with Land Use Code (LUC) Section 2.8.12. Finding that the proposed Plan meets the intent and purpose of the IID, and applicable General and Area Plan policies, the PDSB director considered the applicant's requests for modification of development regulations (MDR) and renders the following decision.

PDSB DIRECTOR'S DECISION: MODIFICATIONS 1, 2, 3, 4 and 5 ARE GRANTED SUBJECT TO THE FOLLOWING CONDITION:

- A) **Submit an acoustical study of the proposed mitigation with the building plans and employ sound buffering techniques to reduce potential noise impacts from the outside recreation area to adjacent properties to the north.**

Ernie Duarte, Director
Planning & Development Services Department

DECISION NOTES:

The applicant also requested that it be allowed to install solar panels to extend above the building height. The applicant may install solar energy equipment, provided that such elements do not exceed the allowable height limits granted herein by more than ten (10) feet, pursuant to City of Tucson Land Use Code Section 3.2.7.3.D. This does not require a modification of development regulations nor constitute a waiver or exception to applicable regulations.

The applicant further requested permission to exceed allowable height limits by installing parapets. Parapet walls and safety railings, may be installed provided they do not exceed the allowable height provided herein by more than four (4) feet, pursuant to City of Tucson Land Use Code Section 3.2.7.3.E. This does not require a modification of development regulations nor constitute a waiver or exception to applicable regulations.

The decision rendered by the Planning and Development Services Director may be appealed to the Mayor and Council as follows: 1) File an intent to appeal with the city clerk no later than fourteen (14) days after the date of the PDSD director's decision, and 2) Complete appeal materials must be filed (with the city clerk) within thirty (30) days of the decision. A copy of the appeal shall be provided to the PDSD director at the time it is filed.

For further information, please call LUC Administration staff Russlyn Wells at 837-4948 or City Clerk staff at 791-4213.

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