# PLANNING COMMISSION

Department of Urban Planning & Design • P.O. Box 27210 • Tucson, AZ 85726-7210

**DATE:** **January 7, 2009**

**TO:** **Planning Commission**

**FROM:** **Albert Elias, AICP**
**Executive Secretary**

**SUBJECT:** **Land Use Code Amendment – Parking Reduction Amendments (Nonconforming Parking, Existing Development Parking Reductions, Individual Parking Plans)**

**Issue:** This item is scheduled for discussion by the Planning Commission in a study session for January 7, 2009. On July 8, 2008, The Mayor and Council directed staff to look at ways to remove obsolete zoning barriers in the *Land Use Code (LUC)* to better facilitate the use of older buildings. The key issue that emerged was a need for considering parking reduction amendments.

**Recommendation:** Staff recommends that the Planning Commission set this item for public hearing on February 4, 2009.

**Background:** The issues surrounding existing buildings and development regulations arose from a discussion about the certificate of occupancy (C of O) process. The Development Services Department (DSD) issues a C of O to a property owner trying to open a business. This process is part of the building code regulations. Once a C of O is issued, the property owner can have utilities turned on in the building and begin using the building for the use allowed in that zoning district.

Ward 6 began to facilitate discussions regarding a series of problems identified by business owners regarding difficulty in obtaining a C of O for changes of use in existing buildings. The Metropolitan Pima Alliance, an organization focused on local growth and development issues, chaired an ad hoc committee of property managers, development consultants, real estate interests, and other interested business groups along with DSD and Planning staff to discuss the problems and consider solutions to regulatory barriers to the reuse of existing buildings.

It became apparent that the parking calculations in the *LUC* is the key zoning issue and a significant barrier to the use of existing buildings built in the 1990's and prior to that time. There was some discussion about how the current rules encourage the demolition or abandonment of existing buildings to meet parking requirements for any business use. In today's view of sustainable development, the reuse of an existing building will use fewer resources and less energy than the amount needed demolish and reconstruct a replacement

It is possible that the busiest days during the Christmas holiday shopping season may require some drivers to wait to find a parking space. An applicant intending to use one of these formulas must show that the use is a near transit line, does not create a parking nuisance for existing nearby residential development, and if applicable, can accommodate shared parking with adjacent uses with alternate peak-hours of operation. Further, a use adjacent to existing residential development must provide a parking mitigation plan and meet with the adjoining neighborhood.

The neighborhood meeting process is modeled on the process adopted by the Mayor and Council in early 2008 developed for restaurants located in the C-1 zone with a liquor license and located adjacent to residential neighborhoods. The process requires a pre-application meeting with neighbors, notices of the application submittal and the staff decision. It also allows for an appeal of the staff decision to Mayor and Council.

*Sec.3.3.8.7 Individual Parking Plan* – This is a new section would allow a property owner to create a specific parking formula for a new or existing development. The large retail establishment ordinance allows this type of parking plan and is considered a smart growth technique for case-by-case evaluation of sites that may not be able to meet the requirements in generic parking formulas. This proposal allows for creating an individual formula devised around a specific set of circumstances and uses without creating a parking nuisance in the immediate area. A traffic engineer or a similar consultant familiar with transportation and parking issues must prepare the individual plan. Further, the formula considers anticipated uses, hours of operation, shared parking arrangements, traffic circulation, availability of alternative modes of transportation and other information the DSD director deems appropriate for that site.

**Conclusion:** The three parking reduction amendments 1) accommodation of nonconforming uses; 2) parking reductions for existing development; and 3) individual parking plans are intended to address the issue of providing owners of abandoned or underused buildings with an alternative to tearing down buildings and building a new building. This strategy is meant to focus on sustainable policies that will remove regulatory obstacles for owners of existing buildings and to allow the use and reuse of these structures. The Mayor and Council requested that this amendment return to them in April 2009.

AE:JM\Code Revision\ PCParking Reductions 010709

Attachments: Draft text amendment
E-mail from Daryl Burton dated November 11, 2008

**DRAFT** DECEMBER 29, 2008

# DRAFT TEXT AMENDMENT AMENDING MOTOR VEHICLE AND BICYCLE PARKING REQUIREMENTS SECTION 3.3.3.11 – NEW USES REPLACING EXISTING USES

**SECTION 1.** The Tucson Code, Chapter 23, Land Use Code, Article III, Division 3. Motor Vehicle and Bicycle Parking Requirements Section 3.3.3.11 is hereby amended to read as follows:

New Uses Replacing Existing Uses – Whenever the use of an existing development is replaced by a new and ~~changed to a~~ different use, parking requirements for the proposed use may be calculated based on a ~~which requires more parking spaces under this Division than were required for the~~ prior use of the same or lesser parking intensity when the property owner provides documentation as required by the Zoning Administrator. Parking, landscaping and screening requirements for the applicable prior use apply if the proposed use does not meet more current requirements. The proposed use must comply with current paving and striping requirements and the Americans with Disabilities Act. ~~, additional parking spaces shall be provided for the new use as follows:~~

~~A.The number of additional parking spaces require is determined by subtracting the number of spaces required for the prior approved use from the number of spaces required for the new use.~~

~~If parking for the new use can be accommodated within the vehicular use area approved for the prior use, parking for the new use shall comply with the regulations in effect at the time of approval of the most recent parking plan for the prior use.~~

~~However, if the prior use was approved before April 1, 1969, and there is no approved parking plan for the use on file with the city, parking for the new use shall comply with:~~

~~1.The parking, screening and landscaping requirements in effect at the time the development permit for the prior use was approved; and~~

~~The paving and striping requirements of this Division.~~

~~C. If parking for the new use cannot be accommodated within the existing vehicular use area approved for the prior use, parking must be provided in accordance with the requirements in Section 3.3.3.12.~~

**Application Submittal Policy Related to Sec. 3.3.3.11**

**Re:** Land Use Code – Motor Vehicle and Bicycle Parking Requirements (Section 3.3.3.11) – New Uses Replacing Existing Uses

**Applicability.**

A. This policy applies to property with buildings that were in existence prior to July 1, 1995 and subject to the regulations in the *Tucson Zoning Code.*

**Zoning Criteria.**

A. The proposed use(s) must be similar in intensity or less intense than any previously approved use(s) that complied with requirements in the *Tucson Zoning Code*;

B. This provision does not apply to existing building or site layouts where an expansion occurred after the establishment of the originally approved use(s) that complied with the *Tucson Zoning Code*. Expansions made to meet the requirements of the Americans with Disabilities Act are exempt.

**Documentation Criteria.**

A. The Zoning Administrator may require additional information to assure the veracity of the use or site criteria documentation using one of the following criteria:

1. A Certificate of Occupancy for a previously approved use on the site in the current zone;

2. An approved business license for a previously approved use on the site permitted in the current zone;

3. Another item of evidence that establishes the existence of an approved use on the site in the current zone that is found acceptable by the Zoning Administrator; and

4. One of the following site criteria:
   An approved site plan in compliance with the requirements in the *Tucson Zoning Code* for the originally approved use(s); or
   An aerial photograph that documents the original building configuration on the approved site plan.

5. Proof of the square footage of all buildings on the site as approved for the prior use.

11/26/08

**DRAFT** DECEMBER 29, 2008

# DRAFT TEXT AMENDMENT
# MOTOR VEHICLE AND BICYCLE PARKING REQUIREMENTS
# ADDING SECTIONS 3.3.8.6 AND 3.3.8.7

**SECTION 1.** The Tucson Code, Chapter 23, Land Use Code, Article III, Division 3. Motor Vehicle and Bicycle Parking Requirements is hereby amended by adding Section 3.3.8.6 Existing Development Sites – Parking Reduction, and Section 3.3.8.7 Individual Parking Reduction reading as follows:

## Section 3.3.8.6. Existing Development Sites – Parking Reduction

This section applies to existing development in existence prior to December 29, 2008. A parking reduction may be approved by the Development Services Department Director (the Director.)

A. **Parking Reduction** Existing development that meets the following criteria may request a parking reduction with an alternate parking calculation of three (3) spaces for each 1,000 square feet of GFA. Industrial uses that meet the following criteria may request a parking reduction with an alternate parking calculation of one 1) space for each 2,000 square feet of GFA. The criteria are:

1. The site can accommodate shared parking arrangements for uses with alternate hours of operation;
2. The use will not cause a substantial increase in noise or glare from the site;
3. The use will not cause excessive drive-through traffic or habitual parking within the adjacent residential neighborhood; and
4. Existing development except industrial uses is required to be located within 1,320 feet (1/4 mile) of an existing transit stop or public parking facility.

B. **Development Adjacent to Residential Uses** Development located within 300 feet of R-3 or more restrictive zoning requesting a parking reduction may be approved with a parking mitigation plan. A parking mitigation plan must be submitted to the Director and shall be reviewed in accordance with Sec. 23A-50 and 23A-51 of the Tucson Code.

1. The mitigation plan shall address the following:
   a. Potential increases in noise and glare from the site;
   b. Methods to deter access into adjacent residential neighborhoods using signage or other means; and
   c. Preventing excessive drive-through traffic into adjacent residential neighborhoods.

2. The parking mitigation plan should include the following information:
   a. A site plan indicating existing site conditions;

b. Hours of operation;
c. Any existing shared parking agreements;
d. Proximity of the site to existing residential neighborhoods;
e. Neighborhoods adjacent to the site using a Residential Parking Permit program;
f. Existing site access and traffic circulation; and
g. Any other information deemed appropriate by the Director.

C. **Violation of the Mitigation Plan** If a development is operated in a manner that violates its mitigation plan or conditions for permitting the use or causes adverse land use impacts, the use may be suspended or terminated by the Director.

D. **Exceptions** All land uses required to use a parking calculation of one (1) space for each 100 square feet of GFA as currently stipulated in the Land Use Code are not eligible to implement a parking reduction request and use an alternate parking calculation. These uses must calculate the number of required parking spaces for each use separately from other qualifying uses.

**Section 3.3.8.7. Individual Parking Reduction**

A. The Director may approve an individual parking reduction request for the following uses:

1. Combined residential and non-residential development in a single structure or unified development;
2. New construction or changes of use in existing buildings within 1,320 feet (1/4 mile) of a transit stop or public parking facility;
3. Expansions of religious uses that can verify weekend and evening use only;
4. Assisted living facilities or housing developments for the elderly or physically disabled;
5. Sites that can accommodate shared parking arrangements for uses with alternate hours of operation and peak-use times.

B. The following criteria must be addressed and/or information provided prior to approval of an individual parking request:

1. A site plan indicating existing site conditions;
2. All anticipated uses of the site;
3. Hours of operation;
4. Any existing shared parking agreements;
5. Proximity of the site to existing residential neighborhoods;
6. Availability and identification of alternate modes of transportation;
7. Site access and traffic circulation;
8. Any other information deemed appropriate by the Director.

C. The parking reduction request must be prepared by a Traffic Engineer or similarly qualified transportation consultant and approved by the Director. A formal

agreement must be prepared by the property owner agreeing to the range of uses allowed on the site. Any revisions to the allowed uses will require approval of a revised parking reduction request.

December 29, 2008/AT

**From:** "Daryl Burton" <dburton@reliancemgmt.com>
**To:** "Jim Mazzocco" <Jim.Mazzocco@tucsonaz.gov>
**CC:** "Blake Dawson" <bdawson@reliancemgmt.com>, "Cathy Rex" <CrexArchitect@ao...
**Date:** 11/11/2008 1:53 PM
**Subject:** PARKING FOR INDUSTRIAL BUILDINGS IN THE CITY OF TUCSON

HI JIM

SORRY FOR THE DELAY IN GETTING THIS LETTER TO YOU.

WE BELIEVE THAT THE CONCEPT OF ONE PARKING SPACE PER TWO THOUSAND FEET OF INDUSTRIAL IS SENSIBLE AND SHOULD WORK WELL. HOWEVER THE IDEA OF THERE BEING A MINIMUM OF THREE SPACES PER UNIT (BAY OR SUITE) DOES NOT MAKE SENSE FOR SMALL BUSINESS TENANTS AND THE INDUSTRIAL PARKS THEY OPERATE FROM. LET ME GIVE YOU A COUPLE OF EXAMPLES FROM DIFFERENT BUSINESS PARKS WITHIN THE CITY OF TUCSON.

1. EXCHANGE PLACE 1870 W. PRINCE ROAD 97,202 SF

EXCHANGE PLACE HAS 71 TENANT SPACES RANGING IN SIZE FROM 920 SF TO 1440 SF. IF THERE WAS A MINIMUM OF THREE SPACES PER UNIT IMPOSED, A 920 SF SPACE WOULD THEORETICALLY HAVE TO HAVE AS MUCH PARKING AS A 6,000 SF UNIT. BEING THAT MOST OF THESE SPACES ARE OCCUPIED BY SOLE PROPRIETORS OR SOMEONE WITH A SERVICE TRUCK BEING OUT IN THE FIELD ALL DAY, THE MINIMUM OF THREE SPACES WOULD BE PUNITIVE AND CREATE A LOT MORE BLACKTOP ETC. ETC., THAN WOULD EVER BE NECESSARY OR USEFUL.

2. MIDWAY BUSINESS PARK 4500 E. SPEEDWAY 141,254 SF

MIDWAY HAS 110 TENANT SPACES RANGING IN SIZE FROM 800 SF TO 1525 SF. THE VAST MAJORITY OF THE SPACES ARE LESS THAN 1200 SF.

3. MIDPOINT BUSINESS PARK 1801-1875 S. ALVERNON & 3921-3949 E. 29TH ST 73,898 SF

MIDPOINT HAS 71 TENANT SPACES RANGING IN SIZE FROM 750 SF TO 1200 SF. ALL OF THE INDUSTRIAL SPACES IN THIS PARK ARE 750 SF TO 900 SF. AGAIN WE HAVE THE SAME PROBLEM, IN THAT A 750 SF TENANT WOULD NEED 3 PARKING SPACES EVEN THOUGH HE LOADS UP HIS TRUCK AND IS GONE ALL DAY, WHEREAS A 6,000 SF UNIT WHICH WOULD BE ASSESSED ON A ONE SPACE PER 2,000 SF IN ANOTHER PARK WOULD BE PARKED THE SAME, AT THREE SPACES.

WE CAN GET MORE EXAMPLES IF YOU WOULD LIKE. A CHANGE FOR INDUSTRIAL PARKING TO ONE PER 2,000 SF MAKES SENSE. PLEASE DON'T MAKE THE MISTAKE OF CREATING A MINIMUM OF THREE SPACES PER UNIT. IT IS A TRULY BAD IDEA.