



PLANNING COMMISSION

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

DATE: April 2, 2008

TO: Planning Commission

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

SUBJECT: Neighborhood Preservation Zone Overlay Land Use Code Text
Amendment – Public Hearing

Issue – On October 23, 2007, the Mayor and Council directed staff to revise the Neighborhood Preservation Zone overlay in the following ways:

- To focus on neighborhoods that include National Register historic districts or those eligible for National Register historic district designation;
- To require initiation of an eligible neighborhood by the Mayor and Council only;
- To allow the creation of neighborhood specific design manuals through a City staff facilitated workshop process; and,
- To create a process that requires the review of applicable new construction for compliance with the neighborhood design manual.

Again, at the direction of the Mayor and Council, staff prepared a list of priority neighborhoods to be the first to develop neighborhood design manuals. The Mayor and Council selected the Feldman's and Jefferson Park neighborhoods to be the first neighborhoods to develop neighborhood design manuals.

Recommendation – Staff recommends that the Planning Commission approve this item and forward it to the Mayor and Council for their consideration.

Background – In the time since the Planning Commission made a recommendation on the original draft in February 2007, the direction of the NPZ has changed as the result of further consideration by the Mayor and Council. The current and original drafts differ in that the original draft allowed initiation by 25% of property owners, focused on broad neighborhood character analysis that may or may not include historic preservation, allowed for City-wide application, and allowed more prescriptive development requirements.

The Mayor and Council changed the direction of the effort to focus on neighborhoods within the environs of the University of Arizona. The Mayor and Council asked staff to elicit comments from stakeholders. A committee of stakeholders was formed including representatives from University neighborhoods, infill developers, professional organizations and University of Arizona neighborhood liaison staff. Over six (6) meetings, the committee explored neighborhood preservation, mixed use development, and U of A student population growth impacts.

The commentary from the committee was forwarded to the Mayor and Council. Generally, the committee tended to agree on problem areas, but could not find consensus on a particular strategy for the NPZ draft ordinance. The range of positions varied from slanting a proposed NPZ District toward having mandatory regulations to a NPZ District having an advisory design manual with incentives to comply.

On October 23, 2007, the Mayor and Council directed staff to revise the draft NPZ ordinance as described in the “Issue” section above. The Mayor and Council felt there was a trend toward housing types that were not compatible with the historic ambience of these neighborhoods. They felt that these neighborhoods could lose their historic certification resulting in losing special historic property tax status.

On January 17, 2008, staff met with the NPZ Committee to discuss the draft overlay coming out of the October 23rd direction. Issues raised by the committee members include:

- Difficulty in objectively determining architectural compatibility and the uncertainty this creates for a property owner preparing her plans;
- How property owners and design professionals will be notified of this overlay;
- Added review time and expense this ordinance potentially creates; and,
- Need for neighborhood review of proposed projects.

See Attachment B for a more detailed accounting of the stakeholders’ issues and staff’s response.

On February 6, 2008, several Planning Commissioners discussed the current NPZ revision effort. They mentioned the following issues:

- The design manual cannot include development regulations more restrictive than the underlying zone (Note: the revised draft allows dimensional standards more restrictive than the underlying zone if adopted by the Mayor and Council);
- The design manual does not address density and incompatible development; and,
- The current draft NPZ ordinance will apply only to neighborhoods with National Register historic districts certification.

Staff explained that the Commission’s concerns will be forwarded to the Mayor and Council through the transmittal that accompanies their recommendation.

Amendment Summary – The draft NPZ ordinance has three basic components:

1. Revision of the NPZ Overlay

The Mayor and Council must initiate a neighborhood for the NPZ overlay.

To be eligible the neighborhood should be either a National Register historic district or is eligible for the historic district and has completed a nomination or assessment application.

The NPZ requires a design manual that supplements but does not replace the development regulations of the underlying zoning. [As noted above, the Mayor and Council may adopt more restrictive regulations.]

2. Creating Neighborhood Design Manuals

Once the NPZ rezoning process is initiated by the Mayor and Council for a neighborhood, staff and a City-appointed architect will work with the neighborhood on developing a neighborhood design manual. [Note: The rezoning process is not just the public hearings. It is the design manual preparation work too.]

In addition to a map describing the boundaries of the NPZ district, the Neighborhood Design Manuals shall, at a minimum, contain the following:

1. *NPZ District Defining Characteristics* – the design manual shall identify the defining characteristics of the contributing properties to the National Register district and will be derived from the National Register application prepared for that particular neighborhood.
2. *NPZ District Map* – the design manual shall include a map of the district's boundaries, the National Register district or area eligible for a National Register district boundaries, and the location of the contributing properties.
3. *Examples of Compatibility Review Criteria* – the design manual shall include examples of scale and proportion, architectural style and detail, spatial relationships, site utilization, and landscaping characteristic of the contributing properties within in the National Register historic district.
4. *Privacy Mitigation Standards* – New multi-story construction that locates adjacent to existing single story residences must provide privacy mitigation. The design manual must include privacy mitigation measures that are acceptable to the neighborhood. Examples of privacy mitigation measures include the use of clerestory windows and placing balconies so that they do not overlook an adjacent residence.
5. *Mandatory Dimensional, Spatial, and Access Standards* – Standards that differ from the underlying zone must be included in the design manual if approved by the Mayor and Council as mandatory requirements.

6. *Design Guidelines As Needed* – The neighborhood design manual *may* also contain dimensional guidelines that differ from the development regulations in the Land Use Code. The dimensional guidelines are advisory unless otherwise adopted by the Mayor and Council as mandatory requirements.

3. Implementation and review procedures

The Director of Urban Planning and Design (UPD) must approve the draft neighborhood design manual prior to scheduling the proposed NPZ district for a public hearing before the Zoning Examiner. Afterwards, the Mayor and Council may adopt or reject the proposed district and design manual at a public hearing.

The NPZ overlay applies to properties zoned RX-1, RX-2, R-1, R-2, or R-3. Any new construction that requires a building permit within these zones and is significantly visible from the street is subject to the neighborhood design manual. The City's design professional will work with the applicant's architect in determining from which residences the applicant's project will have to be compatible with and what compatibility criteria are applicable. The City design professional will prepare a report and recommendation for the director of UPD. The director may approve the application for compliance with the design manual or reject it and request revisions and resubmittal.

Attachments:

Attachment A: Proposed text amendment (includes amendments to the LUC and Chapter 23A)

Attachment B: Staff response to stakeholder issues

Attachment C: Minutes from the January 17, 2008 NPZ Committee Meeting

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