



# PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

**DATE:** July 21, 2010

**TO:** Planning Commission

**FROM:** Ernie Duarte  
Executive Secretary

A handwritten signature in black ink, appearing to read 'Ernie Duarte', written over the printed name and title.

**SUBJECT:** Downtown Area Infill Incentive District (IID) Text Amendment Creating a Downtown Core Subdistrict District – Study Session

## Issue

This item is scheduled for a study session.

The Downtown Area Infill Incentive District (IID) is an overlay allowing a modification of certain development regulations, including, but not limited to, building height, perimeter yard setbacks, and minimum required number of parking spaces.

On April 27, 2010, Mayor and Council directed staff to prepare a Downtown Core Subdistrict (DCS) of the IID. The proposed DCS allows modifications greater than those permitted in the remainder of the IID. Regardless of subdistrict, modifications are conditioned upon compliance with pedestrian and transit-oriented design criteria and appropriate transitioning to adjacent residences.

**Recommendation** – Staff recommends setting this text amendment for public hearing for August 18, 2010.

## Background

June 2, 2010 – The Planning Commission discussed the proposed amendment during a Study Session. See Attachment C (Summary of Revisions to the March 24, 2010 Draft Downtown Area Infill Incentive District) for staff's response to the Planning Commission's comments and recommended revisions to the draft amendment.

April 27, 2010 – The Mayor and Council directed staff to:

1. Prepare an applicable draft overlay text amendment for the Downtown Core using the Downtown Area Infill Incentive District as a guideline. Review other applicable supplemental development review items which can be accomplished within an expedited time frame.

2. Work with a subcommittee of the LUC Committee to be selected by the City Manager, the Planning Commission, and other downtown stakeholders to create appropriate Downtown Core boundaries, flexible design and development standards, and expedited review process features for the proposed overlay. The subcommittee selected should be of a manageable size to assure this project will move forward expeditiously.
3. Consider necessary or advisable expansion and/or review to current fee incentive districts within any proposed overlay zone.
4. Include the area west of I-10 when developing the Downtown Core District.

March 9, 2010 – The Mayor and Council directed staff to analyze the concept of a Downtown Core District as outlined in the Beeker/Campbell March 3, 2010 letter to the Mayor and Council and return to them in 45 days with a recommendation.

March 3, 2010 – Ruth Beeker (neighborhood representative) and Jim Campbell (downtown developer) in collaboration with other members of the Land Use Code (LUC) Committee submitted a letter to the Mayor and Council proposing a multi-phased strategy to facilitate appropriately-located urban infill development. The proposed first phase is the creation of a Downtown Core District, which waives most development regulations, except for the underlying zoning's permitted uses and maximum building height, in exchange for compliance with pedestrian and transit-oriented design criteria. See Attachment A for more details.

September 9, 2009 – The Mayor and Council adopted the IID to facilitate infill development by allowing a modification of certain development regulations (MDR). The IID is part of an overall strategy to balance urban infill needs with neighborhood preservation in an area that encompasses the regional employment centers of the Downtown and the University.

### **Description and Analysis of the Proposed Text Amendment**

The current IID and the proposed amendments facilitate the adaptive reuse of older buildings and remove barriers to infill development by allowing a modification of certain development regulations. Projects using the IID modification allowances are required to provide pedestrian and transit-oriented streetscape design improvements and appropriate transitional design when next to existing residential areas.

The provisions in the draft text amendment are based on the policy direction as directed by the Mayor and Council on April 27, 2010 and include the following. See Attachment B for a comparison of the two subdistricts and Attachment D for the complete draft text amendment.

Creation of Subdistricts – Currently, one set of provisions apply to the entire IID. The proposal amends the IID to create two subdistricts: the Greater Infill Incentive Subdistrict (GIIS) and the Downtown Core Subdistrict (DCS). See Attachment E for subdistrict boundaries.

Each subdistrict would have its own regulatory relief provisions. Regardless of subdistrict, use of the IID modification provisions is conditioned upon compliance with pedestrian and transit-oriented design criteria and, where applicable, development transition when adjacent to affected residential property.

#### DCS Provisions

*Exceptions to the LUC.* Projects within the DCS are exempted from the development requirements of the LUC with the exception of the following:

- Permitted uses and maximum building height of the underlying zoning;
- Demolition and façade alteration requirements of the Rio Nuevo and Downtown Zone;
- When provided, landscaping shall be in accordance with the City's drought-tolerant plant list; and,
- Bicycle parking is required when motor vehicle parking is provided.

*Expedited Review.* An expedited review and consideration for approval within 30 days for projects within the DCS is proposed.

*Design Criteria.* This section is discussed below.

#### GIIS Provisions

The current MDR provisions with revisions to certain standards as described below apply to IID applications for projects within the GIIS.

*Parking.* The extent to which parking may be modified in the IID is currently determined by the Parking Reduction ordinance. However, in some instances, the Parking Reduction ordinance may not reduce parking sufficiently enough to accommodate projects on spatially-constrained sites or changes of use on non-conforming sites. Staff recommends amending the allowable MDR for parking from the current Parking Reduction ordinance to allow a twenty-five percent (25%) reduction in number of required parking spaces or in excess of twenty-five percent (25%) if an Individual Parking Plan shows the proposed parking is adequate. The proposed amendment also allows additional parking options to include off-site with one-quarter of a mile, on-street, and/or an in-lieu fee.

*Landscaping.* A twenty-five percent (25%) reduction in the landscaping requirements, especially as it pertains to the streetscape landscape buffer requirement, is not sufficient for

infill development. Staff recommends allowing an exception to the landscape requirements in exchange for directing landscaping to where it will provide shade for pedestrians and customers, such as along sidewalks and outdoor seating areas.

*Floor Area Ratio (FAR).* FAR requirements are made redundant by other code requirements, such as perimeter yard setbacks, building height, and minimum parking requirements. For this reason, staff recommends allowing an exemption from this requirement.

*Pedestrian Access.* The City's Development Standard 2-08 requires a continuous pedestrian circulation path connecting all public access areas of the development and sidewalks located in any adjacent streets. Complying with this standard, even with a 25% modification, is unfeasible for certain types of infill projects, particularly changes of use to nonconforming sites. Staff recommends allowing an exemption to this standard except where required by the Americans with Disabilities Act.

Design Criteria – Regardless of subdistrict, IID projects will have to comply with streetscape design criteria and appropriate transitional design criteria when locating adjacent to affected residential properties. Compliance with the design criteria can be achieved either by using the prescribed criteria provided in Section 2.8.12.6 or following urban design best practices pertaining to pedestrian-oriented streetscape design and residential adjacency.

*Streetscape Design Criteria.* The objective of the streetscape design criteria is to create a pedestrian-oriented streetscape. Staff is recommending a reorganization of the criteria and several revisions to the criteria to incorporate design criteria from the Rio Nuevo and Downtown (RND) Zone and input obtained through the stakeholder process.

*Development Transition Criteria.* The current IID requires projects adjacent to affected residential properties to mitigate excessive visual and noise intrusion. Staff recommends amending the Development Transition section to include mitigation criteria for proposed service areas (e.g. loading zones and solid waste collection facilities) and parking areas or areas with noise and outdoor lighting features. This section has been revised in response to stakeholders' issues raised at recent Downtown Core Subcommittee (DCS) and LUC Committee meetings.

### **Non-Zoning Related Issues**

Several issues have been raised by stakeholders that cannot be addressed through the IID amendment process and include the following. Planning and Development Services Department staff will work with the appropriate departments to resolve these issues, where possible, separate from the processing of the proposed IID amendments.

*Detention/retention basin and floodplain requirements* – Developers have commented that detention/retention basins and floodplains are rarely issues with downtown development; yet, the City requires studies and/or documentation to be prepared which add time and expense to a project. Developers have requested waiving these requirements or creating a simpler, cost-effective process to address this issue.

*Temporary Revocable Easements (TRE)*. A TRE and annual rental fee are required of business owners when proposing to locate improvements in the City's right-of-way (e.g. awnings or signs). Stakeholders commented that obtaining a TRE is onerous and expensive. They recommend creating a simpler and less expensive TRE process.

*Solid Waste Collection Standards* – The City's Environmental Services Department requires solid waste collection facilities to be designed to accommodate a standard City solid waste collection vehicle. Stakeholders have commented that the City requires compliance with these standards regardless of a developer's intent to hire a private collection service, which uses smaller vehicles than those used by the City. Stakeholders have requested that the Environmental Services Department allow greater flexibility in their standards to accommodate other collection options.

*Downtown Core Financial Incentive District* – The district was adopted in October 2002, re-adopted in December 2005, and is scheduled to expire in June 2013 unless extended by the Mayor and Council. The district provides a \$10,000 permit fee waiver and a 2% construction sales tax credit per project to the contractor for improvements in the right-of-way. The boundaries of the district only include a portion of the proposed DCS. Stakeholders have requested expanding the boundaries of the district to include the entire DCS.

### **Stakeholder Comments**

Per the direction of the Mayor and Council, a subcommittee was formed to assist staff with developing draft amendments to the IID. The nine-person Downtown Core Subdistrict Subcommittee ('Subcommittee') is comprised of downtown developers, architects, a consultant, an attorney, a Downtown Partnership representative, and a neighborhood representative. To date, the Subcommittee has met two times (May 6<sup>th</sup> and 13<sup>th</sup>). The Subcommittee's comments have been incorporated into the attached draft.

Staff also met with the Land Use Code Committee on May 20<sup>th</sup> and July 8<sup>th</sup> to discuss the proposed amendments. The committee primarily discussed the Development Transition criteria.

Planning Commission Memorandum  
Text Amendment to the Downtown Area Infill Incentive District  
Study Session  
July 21, 2010

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**Attachments**

Attachment A – Beeker/Campbell March 3, 2010 letter  
Attachment B – GIIS/DCS Comparison Chart  
Attachment C – Summary of Revisions to the March 24, 2010 Draft Downtown Area Infill  
Incentive District  
Attachment D – Draft Downtown Area Infill Incentive District Amendment  
Attachment E – Downtown Area Infill Incentive District Map

## ATTACHMENT A

# Land Use Code Committee

Mayor and Council  
255 West Alameda Street  
Tucson, Arizona 85701

March 3, 2010

Re: LUC Committee Proposed Path Forward

Honorable Mayor and Members of Council,

As members of the Land Use Code Committee we wanted to share with you our mutual excitement about a proposed path forward to define areas where development is actually desired. One of us is a developer/builder who could be stereotyped as a member of the "growth lobby". The other is a vocal neighborhood activist who could be stereotyped as anti-development. Today we talk to you as one and represent the members of the LUC Committee.

Tucson's Land Use Code (LUC) is widely considered anti-business and anti-smart growth by the building community. It is considered, with its content and its strict interpretation of development standards, an impediment to any type of development. Many neighborhood leaders consider the LUC as one of the primary protections they have to guard against inappropriate development which would negatively impact their quality of life. During our committee discussions we have found agreement that the current LUC is appropriate where we want to preserve neighborhood cores, historical zones and natural features such as significant riparian areas and hillsides. However when we want to focus development in appropriate locations, aspects of the code present a serious deterrent.

The committee's primary conclusion was that we have not directed development to where we want it to happen. Developers cannot justify the risk of time, money and resources to rebuild our dying arterials, develop and activate our downtown core or upgrade blighted areas. We found agreement that an Urban Overlay Zone is needed to provide property owners with a development option which does not require meeting all the restrictions of the current LUC.

To this end please find attached a draft of our proposal to define growth areas. We are asking that you direct the LUC Committee and city staff to work together to fine-tune our proposal in order for it to be presented to the Planning Commission on April 7<sup>th</sup> and their recommendation be forwarded to Mayor and Council on April 13<sup>th</sup>.

In conclusion we have appreciated working with staff to define the quick fixes that are being presented to Mayor and Council. Our meetings were attended by many members of Planning and Development Services which provided us with frank and open discussions. As for the participating members of the LUC Committee, during the last few months we have found that our developers are truly neighborhood activists and our neighborhood activists are actually closet developers. We indeed have a common vision for a better Tucson.

*Jim Campbell*

Developer/Builder

*Ruth Beeker*

Neighborhood Activist



## Urban Overlay: The Mechanics

The Urban Overlay for the Core Downtown District would be an optional set of development standards specific to downtown in which a property owner could develop their property. Specifically we would embrace the current zoning with regards to specific standards while removing other development restrictions. Any rezoning in the district would be allowed to use the respective Urban Overlay development standards rather than the cumbersome current LUC standards.

**The following proposed retained and eliminated development standards are a “work in progress”. Staff and the LUC Committee need to collaborate on this list in order to finalize.**

For a specific zoning we propose to retain the following codes and standards:

- Height and Use Restrictions would both be retained.
- Architecture guidelines such as the following:
  - new construction shall have architectural elements/details at the first 2 floors levels
  - commercial buildings shall provide windows, window displays, or visible activity on ground floor for at least 50% of frontage
  - a single plane of façade shall be no longer than 50 feet without architectural detail
  - a building façade shall be pedestrian scaled
  - front doors shall be visible from the street and visually highlighted by graphics/lighting/etc.
  - façade changes shall complement the historic context of Downtown and respect integrity
  - adequate shade shall be provided for sidewalks/pedestrians using shade structures or vegetation
- Solid Waste Strategy
- Sign Code
- Buffering from Residential
  - Setback
  - Landscaping
- Green Standards (Energy Star, low flow water)
- Fire Review
- Minimal Impact Fees

Some of the standards that we would eliminate are as follows:

- Density/Lot Coverage
- Floor/area ratio
- Front and side setbacks (not against residential)
- Parking and bike standards
- Landscaping
- Pedestrian Circulation onsite
- All overlays except UO-Downtown District.
- Detention/retention
- Bollards
- Grey Water
- MS&R standards
- Floodplain, wash, ERZ (easy for downtown)
- Everything else not on the retained list above.

## Urban Overlay: Other

- All Development Plan submittals under the Urban Overlay should be approved within thirty calendar days.
- The Certificate of Occupancy process needs to align with these goals as well.
- A 207 waiver would be included in the Development Process.

**ATTACHMENT B: GIIS/DCS Comparison Chart**

	<b>GIIS</b>	<b>Proposed DCS</b>
<b>Applicability</b>	Development, redevelopment, change of use, and expansions of an existing use	Same
<b>Permitted Uses</b>	Uses compatible with pedestrian and transit-oriented development, such as retail, office, and restaurant. Auto-oriented uses prohibited from using MDR.	Uses permitted by the underlying zoning.
<b>Modifiable Development Regulations</b>	Development regulations may be modified up to 25%, except as follows	Development regulations are waived, except as provided herein
<i>Building Height</i>	Up to 60 feet unless underlying zoning allows a greater height or where Development Transition requires less	Same
<i>Floor Area Ratio</i>	Waived	Waived
<i>Landscaping and Screening</i>	Complete or partial exception	Waived
<i>Loading</i>	Conditionally waived	Waived
<i>Parking</i>	Reduced up to 25% and allows additional parking options	Waived, except bicycle parking required when motor vehicle parking is provided.
<i>Pedestrian Access</i>	Waived, except where required by ADA	Same
<i>Solid Waste Collection</i>	Modifiable in consultation with Environmental Services	Same
<i>Street Perimeter Yard</i>	Conditionally waived	Waived
<b>Design Criteria</b>	Required: Pedestrian-oriented design, shade along sidewalks and pedestrian access paths	Same
<b>Development Transition</b>	When a developing site abuts affected residential properties must mitigate for privacy, noise, and light intrusion.	Same. Applies only projects abuts affected residential properties outside the DCS boundaries.
<b>Review &amp; Approval Procedure</b>	PDSD Full Notice Procedure (23A-50 & 51) – Neighborhood meeting, staff review and approval, notice sent to surrounding property owners & neighborhood association re: decision.	Administrative review and approval (23A-34 – Development Plan). IID Plans shall be reviewed and considered for approval within 30 days.



## Attachment C: Summary of Revisions to the March 24, 2010 Draft Downtown Area Infill Incentive District (IID)

The following is a summary of revisions to the March 24, 2010 draft IID based on comments from the Planning Commission and the Land Use Code Committee.

Section	Comment	Staff Response
Pedestrian Access (2.8.12.4.C.8)	What is the process for determining whether a waiver or partial waiver will be permitted?	Exceptions to the Pedestrian Access standards will be considered to the extent that accessibility and a pedestrian connection from the right-of-way to the public entrance(s) to the building are not compromised.
Downtown Core Subdistrict – Exemptions (2.8.12.5.B.11)	Require the Native Plant Preservation (NPP) ordinance in the Downtown Core Subdistrict (DCS).	This issue was discussed at the July 8 <sup>th</sup> LUC Committee meeting. The draft has been revised to strongly encourage compliance with the Native Plant Preservation ordinance and to stipulate that the MDR cannot be used to modify the NPP within the Greater Infill Incentive Subdistrict (Sec. 2.8.12.4.B). Note: due to the lack of native plants on private property within the DCS, the committee did not foresee many, if any, projects in the DCS triggering compliance with the NPP anyway.
Streetscape Design Criteria (2.8.12.6.A.1)	<p><u>Sections a &amp; c:</u> Clarify what is meant by “architectural elements/details”. (Thomas Sayler-Brown)</p> <p><u>Section d:</u> The criterion as written doesn’t accommodate courtyard layouts.</p> <p><u>Section e:</u> The provision doesn’t take residential development into consideration where parking is typically in front.</p>	<p>The draft has been revised to indicate that the intent of the architectural elements/details is to break up the horizontal pattern of the building to avoid a monotonous appearance.</p> <p>Courtyard layouts are permitted as long as the location of the front doors is identifiable from the street.</p> <p>Residential development with parking in the front is not the type encouraged by IID, and therefore, will not be considered</p>

	<p>for an MDR. The purpose of the IID is to encourage transit-oriented development. One feature of transit-oriented design is to make the building accessible to pedestrians by locating the building as close as possible to sidewalks within the rights-of-way. The type of residential development with parking in the front may be built using the underlying zoning.</p> <p><u>Section f</u>: Add landscaping to the list of acceptable screening techniques.</p> <p><u>Section g</u>: The criterion is too restrictive. Reword to allow for creative design.</p>	<p>The draft has been revised as recommended.</p> <p>The draft has been revised to allow a compliance with best practices option.</p>
Development Transition Design Criteria (2.8.12.6.B)	<p><u>General</u>: Allow option to comply with best practices.</p> <p><u>Section 1.a (Applicability)</u>: Why is compliance with the Development Transition not triggered when the front of a developing site abuts an affected residential property?</p> <p><u>Section 2.d (Mitigation of Taller Structures)</u>: Delete ‘when practicable.’</p> <p><u>Section 3 (Mitigation of Service Areas)</u>: Include provisions regarding odor and vibration. Use the language from the Renewable Energy Generation text amendment.</p> <p><u>Section 4 (Mitigation of Parking Facilities and other Areas)</u>: Do not allow a vegetative screen because the vegetation can die due to lack of care.</p>	<p>The draft has been revised to allow an option to comply with best practices.</p> <p>The draft has been revised to require compliance with the Development Transition criteria when the front of a building abuts an affected residential property.</p> <p>The draft has been revised as recommended.</p> <p>The draft has been revised as recommended.</p> <p>Staff recommends against removing vegetative screens as an option. Vegetative screening is a viable option that can add to the aesthetic of a developing site and is environmentally-friendly.</p>
Utilities	How is availability of utilities	Applicants will have to provide

(2.8.12.6.D)	demonstrated?	documentation from utility service providers indicating whether sufficient capacity is available. If sufficient capacity is not available, then the documentation should indicate what improvements are required to provide service to the proposed project. Typically, developers will be required to pay a pro-rata share to increase the capacity to accommodate his or her's proposed project.
<b>Additional Comments Received from LUC Committee Members</b>		
2.8.12.5.B.11 (Native Plant Preservation Exemption)	Remove Native Plant Preservation from the list of exempted requirements within the Downtown Core Subdistrict. (Karolyn Kendrick)	Removing Native Plant Preservation from the list of exemptions will be discussed at the 7/8 LUC Ciommittee meeting.



**ATTACHMENT D: DRAFT DOWNTOWN AREA INFILL INCENTIVE DISTRICT AMENDMENT**

ADOPTED BY THE  
MAYOR AND COUNCIL ON

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ORDINANCE NO. \_\_\_\_\_

RELATING TO PLANNING AND ZONING; AMENDING CERTAIN PORTIONS OF THE LAND USE CODE, CHAPTER 23, ARTICLE II, ZONES, DIVISION 8, OVERLAY ZONES, SECTION 2.8.12, DOWNTOWN AREA INFILL INCENTIVE DISTRICT ZONE (IID); AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA AS FOLLOWS:

SECTION 1. The Tucson Code, Chapter 23, Land Use Code, Article II, Division 8, Section 2.8.12 is hereby amended to read as follows:

2.8.12 DOWNTOWN AREA INFILL INCENTIVE DISTRICT ZONE (IID)

2.8.12.1 Purpose. The primary purpose of the Downtown Area Infill Incentive District (IID) is to encourage redevelopment in the following ways:

- A. Encourage sustainable infill development that supports the creation of urban neighborhoods that are pedestrian and transit-oriented and benefits the IID, the major activity centers in the area, and the City as a whole; and,
- B. Address barriers to infill development in the Downtown Area Infill Incentive District such as incompatible development standards, and associated development ~~barrier~~-issues; and,
- C. Implement the IID purposes by offering development incentives permitting a modification of development regulations (MDR) as provided herein.

2.8.12.2 Establishment.

- A. The Downtown Infill Incentive District (IID) is an optional overlay zone. Individuals may choose the pre-existing underlying zone or the development options of the IID. Plans submitted pursuant to the IID shall comply with the regulations herein, as defined in Sec. 6.2.4.
- B. The IID is comprised of two (2) subdistricts: the Greater Infill Incentive Subdistrict (GIIS) and the Downtown Core Subdistrict (DCS). The boundaries of the IID and subdistricts are described in Sec. 2.8.12.10 (See Illustrative Map 2.8.12.10-I). The exact boundaries of the IID overlay and subdistricts are identified on the official zoning map kept on file at the Planning and Development Services Department (PDSD) and the City Clerk.
- C. Regulations specific to the GIIS and DCS are provided in Sections 2.8.12.4 (GIIS – Modification of Development Regulations) and 2.8.12.5 (DCS), respectively. Regardless of subdistrict, individuals choosing the IID options must comply with Sections 2.8.12.6 (Design Criteria), 2.8.12.7 (IID Plan Requirement), and 2.8.12.8 (Review and Approval Procedures) and submit an IID Plan.
- D. An IID Plan cannot be used in conjunction with other waiver or modification provisions provided by the Land Use Code. Where the IID and Rio Nuevo and Downtown (RND) overlay zones overlap, applicants may select either the provisions of the IID or the RND Modification of Development Regulations, but not both. The provisions of the IID zone apply to properties within its boundaries.
- E. Where the regulations of this section conflict with other sections of the Land Use Code, the regulations of this section shall control.

~~2.8.12.3 Boundaries and Map Established. The boundaries of the IID are described in Sec. 2.8.12.9 (See Illustrative Map 2.8.12.9-I). The exact boundaries of the IID overlay are identified on the official zoning maps kept on file in the offices of the Planning and Development Services Department and the City Clerks.~~

2.8.12.34 MDR Applicability. The regulations of this ordinance apply to the following development types located on property, including public or private rights-of-way, any portion of which is located within the IID: a change of use; expansion of an existing use or existing structure; or new development or a redevelopment project.

2.8.12.4 Greater Infill Incentive Subdistrict – Modification of Development Regulations (MDR)

A. Development regulations may be modified within the GISD subdistrict zone.—This process shall be known as the Modification of Development Regulations (MDR).

B. Except as provided herein, the regulations in the following sections of Article III (Development Regulations) of the Land Use Code may be modified up to twenty-five percent (25%) of the dimension or amount permitted by the underlying zoning: Division 1, General Provisions; Division 2, Development Criteria; Division 3, Motor Vehicle & Bicycle Parking Requirements; Division 4, Off-Street Loading; and, Division 7, Landscaping and Screening Regulations. The MDR process shall not be used to modify Division 8, Native Plant Preservation.

~~An MDR may not be used in conjunction with waiver or modification provisions provided by other sections in the Land Use Code. Where the IID and RND overlap, applicants may select either the IID MDR or the RND MDR, but not both.~~

~~The MDR process applies to the following Land Use Code regulations, development types, land uses, and specific development criteria:~~

~~A.—The MDR process applies to the following sections of Article III of the Land Use Code: Division 1, General Provisions; Division 2, Development Criteria; Division 3, Motor Vehicle & Bicycle Parking Requirements; Division 4, Off-Street Loading; and, Division 7, Landscaping and Screening Regulations.~~

~~B.—An MDR may apply to the following development categories located on property, including public or private rights-of-way, any portion of which is located within the IID zone: a change of use; expansion of an existing use or existing structure; or new development or a redevelopment project.~~

~~C.—MDR Land Uses.~~

~~1.—A MDR application is limited to proposals with one or more of the following uses: Administrative and Professional Office; Alcoholic Beverage Service; Civic Assembly; Craftwork; Cultural; Educational Use: Instructional School; Educational Use: Postsecondary Institution; Entertainment; Attached Residential; Multifamily Residential; Food and Beverage Sales; Food Service; General Merchandise Sales; Mixed Use (a combination of the uses listed in this section and residential); Personal Service; and Travelers' Accommodation, Lodging.~~

- ~~2. A use not listed above may be allowed if the Planning and Development Services Department Director deems the use to be in accordance with the purposes of the IID described in Sec. 2.8.12.1.~~
- ~~3. If drive-through service is provided, it may not interfere with pedestrian access to the site from the roadway.~~

~~D. *MDR Development Criteria.* The regulations listed in Section 2.8.12.4.A may be modified up to twenty-five percent (25%) of the dimension or amount permitted by the underlying zoning with the following exceptions where modifications may exceed this amount:~~

C. *Exceptions.* The following criteria may be modified in excess of twenty-five percent (25%) to the extent specified herein.

1. *Building height.* Building height may be increased up to sixty (60) feet unless the current zoning allows a greater height or where the ~~IIDMDR Conceptual~~ Plan's Development Transition Element requires less.
2. *Street perimeter yard.* Street perimeter yard requirements may be reduced or waived when ~~the Planning and Development Services Department~~PDS determines that ~~the request is consistent with the Major Streets and Route Plan, unless modified by the Director, and~~ there is adequate sight visibility, no traffic safety issue created, and no privacy intrusion into ~~affected existing~~-residential property is created ~~as provided~~ in accordance with the ~~MDR Conceptual Plan's~~Sec. 2.8.12.6.B (Development Transition) Element described in Sec 2.8.12.5.C.
3. *Parking.*
  - a.a. Parking may be ~~reduced up to twenty-five (25) percent as required by Sec. 3.3.4 or modified per an agreement with the City's Parking Division. An applicant using the Individual Parking Plan per Sec. 3.3.8.7 may decrease parking more than 25% if the analysis and finding can show the proposed parking is adequate.~~modified per an agreement with the City's Parking Division, or as follows:
    - ~~i. Sec. 3.3.3.11 (New Uses Replacing Existing Uses);~~
    - ~~ii. Sec. 3.3.8.6 (Existing Development Sites);~~
    - ~~iii. Sec. 3.3.8.7 (Individual Parking Plan);~~
    - ~~iv. Sec. 3.3.6 (Parking Exceptions in the Downtown Redevelopment District) for those portions of the IID within the Downtown Redevelopment District; or,~~

~~v. Exception to Secs. 2.8.12.4.D.3.a.i—iii. Restaurants and bars (Food Service or Alcoholic Beverage Service Uses) locating within existing structures may request a parking modification.~~

b. *Accessible Parking and Bicycle Facilities.* The number of accessible parking spaces required by the Americans with Disabilities Act and bicycle facilities shall not be reduced or eliminated and shall be based on the number of motor vehicle parking spaces required prior to any modification.

c. Parking may be provided either solely by one of the following options or a combination of the following options:

i. On-site;

ii. Off-site within one-quarter (1/4) of a mile of the project site through a shared parking agreement with the City;

iii. On-street on the same side of the street as the proposed use up to five (5) spaces on a collector or arterial street per approval by the City's Transportation Department; and/or

iv. An in-lieu fee per an agreement with the City's Parking Division.

4. *Loading.* Off-street loading zone requirements may be reduced or waived if ~~the Planning and Development Services Department~~ PDS determines that no traffic safety issue is created.

5. *Solid Waste Collection.* On-site refuse collection container requirements governing access, type, and location may be modified if the Department of Environmental Services determines that no public health or traffic safety issue is created.

6. Landscaping and Screening.

a. A complete or partial exception to the Landscaping and Screening Requirements (Sec. 3.7) may be granted when shade is provided for pedestrians and customers, such as along sidewalks, pedestrian circulation paths, and outdoor patios, consistent with Development Standard 9-10.4.3.B.1 (Pedestrian Pathways in the RND).

b. The following types of landscaping and improvements may be used to comply with Sec. 2.8.12.4.C.6.a (Landscaping and Screening):

- i. Existing landscaping;
  - ii. Shade trees in the right-of-way;
  - iii. Green walls or green roofs; and/or
  - iv. Shade structures, such as awnings.
- c. Where adjacent to single-family dwelling, detached, buffers and/or screening is required per Sec. 2.8.12.6.B (Development Transition).

7. Floor Area Ratio (FAR). A complete exception to FAR requirements may be granted.

8. Pedestrian Access. Pedestrian access requirements may be waived, except where required by the Americans with Disabilities Act.

D. *GIS Land Uses.*

- 1. A proposed use must be permitted by the underlying zone and is limited to proposals with one or more of the following uses: Administrative and Professional Office; Alcoholic Beverage Service; Civic Assembly; Craftwork; Cultural; Educational Use: Instructional School; Educational Use: Postsecondary Institution; Entertainment; Attached Residential; Multifamily Residential; Food and Beverage Sales; Food Service; General Merchandise Sales; Mixed Use (a combination of the uses listed in this section and residential); Personal Service; and Travelers' Accommodation, Lodging.
- 2. An IID proposal with a use not listed above may be allowed if the proposed use is permitted by the underlying zone and if the PDSD Director (Director) deems the proposed use to be in accordance with Sec. 2.8.12.1 (Purpose).

2.8.12.5 Downtown Core Subdistrict (DCS).

A. *Requirements.* Development within the DCS shall comply with the following:

- 1. Permitted uses of the underlying zoning; and
- 2. Maximum building height may be increased up to sixty (60) feet unless the current zoning allows a greater height or where the IID Plan's Development Transition Element requires less.

3. Demolition and façade alteration requirements of the Rio Nuevo and Downtown Zone (Sec. 2.8.10); and,
  4. When provided, landscaping shall be in accordance with the City's drought-tolerant plant list.
  5. Bicycle parking shall be provided when motor vehicle parking is provided.
  6. Where applicable, applicants are strongly encouraged to comply with Sec. 3.8 (Native Plant Preservation).
- B. Exemptions. Development within the DCS is exempted from the following requirements unless the Director makes a finding that public safety, health, or welfare will be jeopardized.
1. Sec. 2.8.3 (Major Streets and Routes Setback Zone)
  2. Sec. 2.8.10 (Rio Nuevo and Downtown Zone), except as provided in Sec. 2.8.12.5 (DCS Requirements)
  3. Sec. 3.2.6 (Perimeter Yards), except when the development is adjacent to single family residential
  4. Sec. 3.2.9 (Lot Coverage)
  5. Sec. 3.2.10 (Residential Density Calculations)
  6. Sec. 3.2.11 (Floor Area Ratio Calculation)
  7. Sec. 3.2.14 (Lots)
  8. Sec. 3.3 (Motor Vehicle and Bicycle Parking Requirements), except as provided in Sec. 2.8.12.5.A.5
  9. Sec. 3.4 (Off-Street Loading)
  10. Sec. 3.7 (Landscaping and Screening Regulations), except as required by Sec. 2.8.12.6.B (Development Transition Element)
  11. Sec. 3.8 (Native Plant Preservation)
  12. Pedestrian Access. On-site pedestrian access is waived, except where required by the Americans with Disabilities Act.

13. Solid Waste Collection. On-site refuse collection container requirements governing access, type, and location may be modified if the Department of Environmental Services determines that no public health or traffic safety issue is created.

2.8.12.6 Design Criteria. An IID Plan, regardless of subdistrict, must demonstrate compliance with the following:

A. Streetscape Design

1. Pedestrian-orientation. Projects shall be pedestrian-oriented and comply with all of the following criteria:
  - a. New construction shall have architectural elements/details at the first two (2) floor levels; and,
  - b. Buildings shall provide windows, window displays, or visible activity on the ground floor for at least fifty (50) percent of frontage; and,
  - c. A single plane of façade shall be no longer than fifty feet without architectural detail with ; and
  - d. Front doors shall be visible or identifiable from the street and visually highlighted by graphics, lighting, or similar features; and,
  - e. Parking areas for comprehensive development or redevelopment of a site shall be located at the rear or side of the building. Changes of use and expansion of existing structures may use the site's current parking configuration; and,
  - f. Parking structures shall be designed so that parked vehicles are screened from view at street level, through incorporation of design elements including, but not limited to, landscaping, pedestrian arcades, occupied space, or display space; and,
  - g. Existing sidewalk widths shall be maintained so as to provide effective, accessible, connectivity to adjoining properties. Sidewalks may be widened to accommodate a project's design characteristics. Where no sidewalks exist, sidewalks shall be provided; and,

h. To the extent practicable, bus pull-outs shall be provided where bus stops are currently located; and,

i. If drive-through service is proposed, it may not interfere with pedestrian access to the site from the roadway.

2. Shade. Except as provided herein, shade shall be provided for at least fifty (50%) percent of all sidewalks and pedestrian access paths as measured at 2:00 p.m. on June 21 when the sun is eighty-two degrees (82°) above the horizon. Shade may be provided by trees, arcades, canopies, or shade structures. The use of plantings and shade structures in the City right-of-way is permitted to meet this standard. The shade provided by a building may serve to meet this guideline.

Exception. The Director may approve an IID Plan providing less than fifty (50) percent shade where compliance is not feasible due to a project site's location and/or building orientation and the applicant has made a reasonable attempt to comply with this criterion.

3. Modifications to historic buildings shall complement the overall context of the historically designated buildings in the project's Development Zone and respect the architectural integrity of the historic façade. Historic replication is discouraged in favor of design inspired by traditional precedents such as scale, materials, and exterior openings;

~~2.8.12.5 MDR Conceptual Plan Requirement. An MDR application must include an MDR Conceptual Plan that contains a Streetscape Element and a Development Transition Element (if adjacent to existing residential uses).~~

~~A. Streetscape Element. The MDR Conceptual Plan shall include the following streetscape elements as provided below:~~

~~1. Required Streetscape Elements. The MDR Conceptual Plan shall contain the following:~~

~~a. A pedestrian-oriented streetscape using documented best urban design addressing:~~

~~i. Pedestrian proximity to buildings — locating buildings adjacent or near to sidewalks;~~

~~ii. Pedestrian amenities — using such techniques as public seating and display areas;~~

- ~~iii. Appropriate sidewalk width—using appropriate width for the property that creates effective connectivity to adjoining properties' pedestrian ways;~~
- ~~iv. Shade for pedestrians—using landscaping, colonnaded building, or other shading devices.~~
- ~~b. Parking areas shall be located at the rear or the side of the building.~~
- ~~c. Buildings shall provide ground floor display windows along street frontages and pedestrian entrances from the street.~~
- ~~d. The project should facilitate a cohesive urban context when historically designated buildings are within its Development Zone.~~
- ~~e. To the extent practicable, bus pull-outs shall be provided where bus stops are currently located.~~

~~2. Additional Streetscape Elements Requirement. The MDR Conceptual Plan shall contain at least one of the following features:~~

- ~~a. Pedestrian lighting along the sidewalk facing an arterial or collector street. City endorsed streetscape plans, such as those depicted in the Downtown Urban Design Reference Manual, or a nationally recognized best practices book or manual shall be used as a guideline.~~
- ~~b. Green wall or green roof design are integrated into the building construction to reduce heat generation from building surfaces that otherwise would raise urban atmospheric temperature due to potential building's solar heat absorption as approved by the Planning and Development Services Department Director. Green wall and green roof design refers to a wall or roof that is partially or completely covered with vegetation and, in some cases, soil or inorganic growing medium.~~
- ~~c. Other design features that are documented in writing as a best practice of transit/pedestrian oriented development.~~

~~B. Development Transition Element. The purpose of the Development Transition criteria is to mitigate excessive visual, noise, odor, and vibration intrusion and other similar public health and safety concerns that may be created by the proposed project.~~

~~1. Applicability.~~

- ~~a. Compliance with the requirements of this section is required where a developing site abuts an affected residential property.~~

An affected residential property is an existing residential site that is of a lesser intensity than an adjoining developing site. Examples of transitional areas are a nonresidential developing site adjoining a low or medium density residential site or a high density residential developing site adjoining a low or medium density residential site. For purposes of the IID, a low density residential site refers to single family detached dwellings and medium density residential site refers to attached single or two-story residential dwellings within subdivisions.When the p

- b. For projects within the DCS, the Development Transition criteria apply only to those projects abutting affected residential properties outside the DCS boundaries.

~~project is adjacent to existing residential development, a Development Transition Element is required as part of the MDR Conceptual Plan.~~

- 2. Mitigation of Taller Structures. Compliance with the following criteria are required where the developing site has taller buildings than abutting affected residential properties: ~~Portions of the project building closest to existing residential development shall be sensitive to the scale and height of the residential development~~

- a. The maximum building height is twenty-five (25) feet within thirty (30) feet of the property line abutting an affected residential property. Proposed buildings may develop to the maximum height permitted by the underlying zone or by the IID, whichever is applicable, when the building is thirty (30) feet or more from the property line abutting an affected residential property; and,

~~shall maximize natural light access, privacy considerations and noise abatement as required.~~

- ~~b2.~~ Windows at or above the second or higher storyies of a structure shall be located or treated to reduce views into the buildings of adjacent affected residential property's buildingsproperty and yard areas. This feature may be waived where the angle of view from the project's building into the adjacent residential building is obstructed by screening or the slope of the angle.; and,

- ~~c3.~~ Balconies shall be oriented away from affected residential property or use a screening device to reduce views onto the

~~rear or side yards of affected residential property or positioned so that screening or the slope of the angle obstructs the view angle into the adjacent residential building-; and,~~

- ~~d4. The developing site's buildings should be oriented so as to reduce views onto an affected residential property.~~
- ~~e5. Buffers and/or screening consistent with the purpose of this section shall be provided used between a developing site and affected residential properties any new development and existing residential and shall include features such as, but not limited to, landscaping, walls, and architecturally decorative features.~~

~~3. *Mitigation of Service Areas.* Potentially nuisance or noisy areas shall be oriented away from affected residential property such as placing service areas for loading and garbage disposal between the developing site's buildings or behind opaque barriers; or use a similar design technique using a combination of architectural or landscaping treatments that can be shown to reduce nuisance impacts from service areas. The service area must be mitigated to reduce the noise and view of the service features, reduce the emission of odors so as not to be offensive to owners or occupants of adjacent properties or in such a manner as to create a nuisance or hazard beyond the property lines of the project site, and prevent vibrations that are discernible beyond the property lines of the project site.~~

~~4. *Mitigation of Parking Facilities and other Areas.* Where the site has a parking areas or an area with noise and outdoor lighting features, the areas shall be screened from affected residential property by a combination of a wall or opaque non-chain link fence with a vegetative hedge or a row of trees that will be dense enough to screen views on to the developing site. An alternative treatment may be used such as using a combination of architectural or landscaping treatments that can be shown to reduce nuisance impacts from service areas. Where there is a finding that the vegetative screen will be opaque a masonry wall may not be required.~~

C. *Alternative Compliance.*

- 1. The Director may approve an urban design best practice option for compliance with Sec. 2.8.12.6.A (Streetscape Design) and Sec. 2.8.12.6.B (Development Transition).

2. For purposes of this section, urban design best practices include urban design studies approved for the City of Tucson, prize-winning urban design standards or studies, adopted urban design standards for a downtown area in an Arizona city of comparable size or a city in the Southwest of comparable size, books written by urban design experts or endorsed by a professional organization, such as the American Institute of Architects, addressing downtown development, or any comparable report, study or standards recommended by the City's Design Professional and approved by the PDSB Director.

D. Utilities. An MDR Conceptual Plan shall include information on the layout and demonstrate availability of utilities such as water, wastewater, natural gas, electric and telecommunication utilities.

~~D. Alternative. A City approved urban design plan, such as the Downtown Links Plan, within the IID may substitute for an MDR conceptual plan. The Planning and Development Services Department Director may request additional information from the applicant where details may be lacking to adequately review the conceptual plan for compliance with Sections 2.8.12.5.A, B, and C.~~

#### 2.8.12.76 IIDMDR Conceptual Plan Requirement Content.

A. Requirements. Use of the regulations of the IID, as opposed to pre-existing zoning, requires plan approval by PDSB regardless of IID subdistrict.

1. Applicants must submit an IID Plan in compliance with applicable IID and subdistrict regulations.

2. Except as provided herein, Aa MDR Conceptual Plan must be prepared in compliance with Development Standard 2-021.02.0 (Development Package). Additionally, applicants are required to provide elevations demonstrating compliance with Secs. 2.8.12.65.A and B.

B. Revisions. An applicant may request to omit or modify ~~sy to an MDR Conceptual Plan submittal requirements, or that the Plan requirement be waived,~~ subject to the following:

1a. The applicant must specifically identify which the submittal requirement(s) for which is requested for omission or a modification or waiver is requested and provide a rationale for the request change.

~~2b. The Planning and Development Services Department~~The Director shall determine whether to ~~grant~~accept the request. In making ~~this~~a decision, the director shall consider: the purpose statements of the Downtown Area Infill Incentive District Plan, ~~and~~and applicable General Plan, ~~and area plan~~and area plan policies. ~~The Director's A~~pproval of ~~the~~a request ~~hereunder is not, nor shall it be construed as the, does not represent the~~hereunder is not, nor shall it be construed as the, does not represent the department's endorsement or approval of ~~any~~any rezoning request or the project design.

~~C. Exception. A City-approved urban design plan, such as the Downtown Links Plan, may substitute for an IID Plan for development within the IID. The Director may request additional information from an applicant where a conceptual plan is lacking sufficient detail to provide for adequate review, in compliance with Sections 2.8.12.6.A, B, and C.~~

2.8.12.~~87~~87 ~~Review and Approval Procedures. The Planning and Development Services Department~~Review and Approval Procedures. The Planning and Development Services Department PDSD shall administer ~~the IID Plan~~the IID Plan review procedures ~~of the MDR conceptual plan process.~~

A. *Procedure.*

~~1. For development within the GIIS, R~~1. For development within the GIIS, R requests for MDRs shall be processed according to the Development Compliance Code, Sections 23A-50 and 23A-51.

~~2. For development within the DCS, IID Plans shall be processed according to the Development Compliance Code, Sec. 23A-34 (Development Plan Review), with the exception that a pre-application conference is required. IID Plans within the DCS shall be reviewed and considered for approval within thirty (30) working days of PDSD accepting the application or approval of demolition and/or façade alteration plans when required of projects within the Rio Nuevo and Downtown Zone, whichever is applicable.~~

~~A. Findings. The Planning and Development Services Department Director may only grant an MDR if he/she finds:~~

~~1. The MDR Conceptual Plan and requested modifications meet the purpose statements described in Sec. 2.8.12; and~~

~~2. The project benefits adjacent property and the surrounding area by the redevelopment of the existing site and surrounding area in a way consistent with the goals of the Downtown Infill Incentive District Plan; and~~

- ~~3. The MDR Conceptual Plan does not create significant adverse effects on adjacent residential property including excessive noise, glare, odors, vibrations, fumes, traffic hazards directly impacting adjacent property, and other similar public health and safety concerns; and~~
- ~~4. The project building does not significantly impede solar energy options to adjacent properties; and~~
- ~~5. —~~
- ~~6. The MDR Conceptual Plan supports a safe streetscape coordinated with adjoining properties; and~~
- ~~7. Considering the scale of the property, the proposal reflects an effective implementation of documented streetscape design best practices; and~~
- ~~8. —~~
- ~~9. The MDR Conceptual Plan is reflective of City objectives concerning the use of drought tolerant and native landscaping; and~~
- ~~10. The development is in a form and scale consistent with urban surroundings; and~~
- ~~9. For an MDR Conceptual Plan that involves a parking reduction, the project will not cause excessive drive through traffic or habitual parking within an adjacent residential neighborhood.~~

~~G.B. — An amendment or revision to an approved IIDMDR Conceptual Plan shall be subject to the same procedure as the initial approval.~~

~~D.C. — The City may accept a concurrent submittal of the IIDMDR Conceptual Plan and corresponding development plan or subdivision plat.~~

2.8.12.89 IID District Termination. The provisions of LUC 2.8.12 Downtown Area Infill Incentive District shall end on January 31, 2014, unless Mayor and Council extend the date by separate ordinance.

2.8.12.109 Illustrative Map.

## RESERVED

SECTION 2. The map of the Downtown Area Infill Incentive District Zone (IID) overlay boundaries, attached as Exhibit A to this ordinance, is hereby adopted.

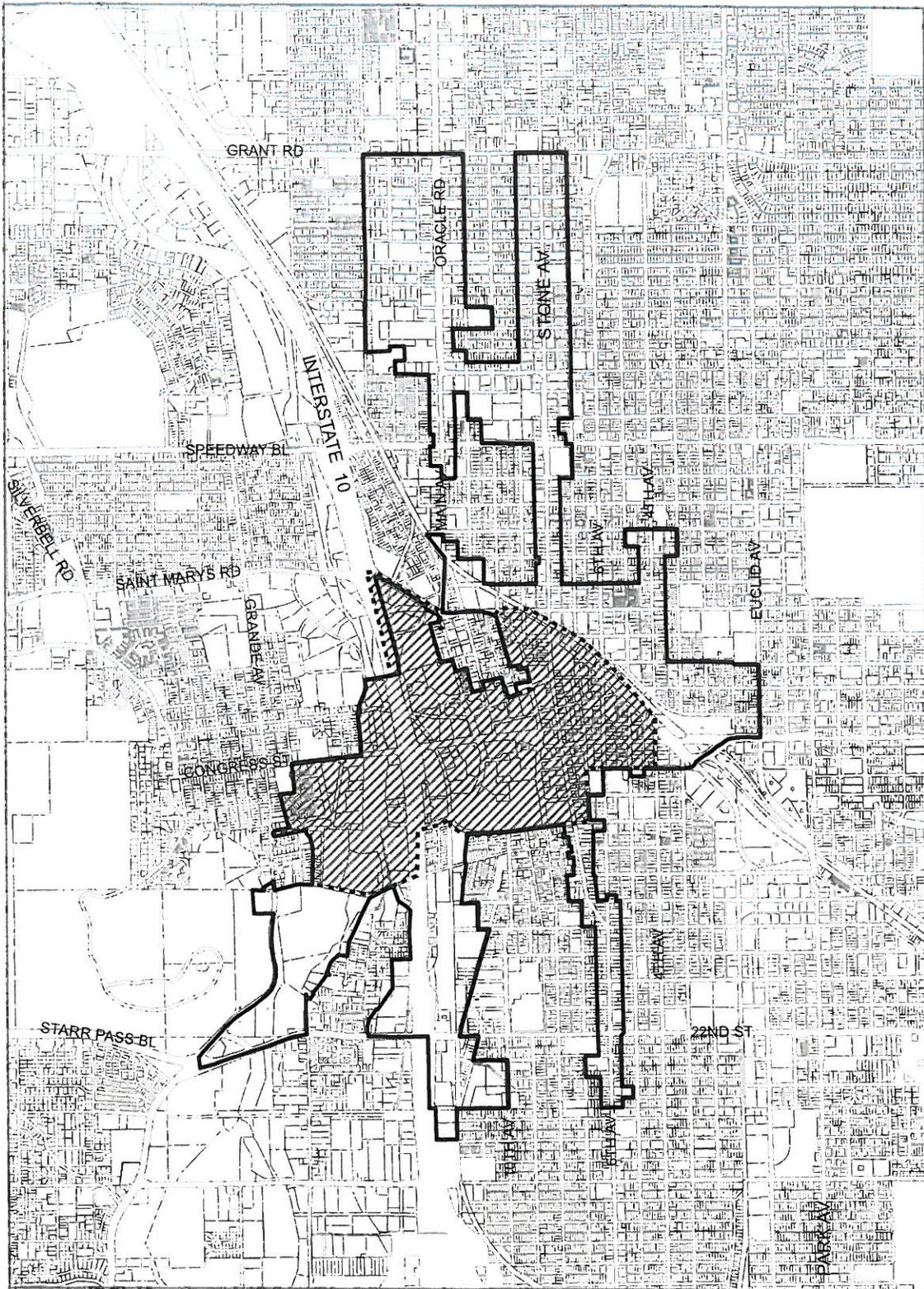
SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

**July 9, 2010 DRAFT**

SECTION 4. WHEREAS, it is necessary for the preservation of the peace, health, and safety of the City of Tucson that this ordinance become immediately effective, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, \_\_\_\_\_.

# ATTACHMENT E



-  Downtown Core Subdistrict
-  Greater Infill Incentive Subdistrict



