



PLANNING COMMISSION

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

DATE: November 20, 2013

TO: Planning Commission

FROM: Ernie Duarte
Executive Secretary 

SUBJECT: Downtown Area Infill Incentive District Revision – Information and Action if Needed

Issue

The purpose of this item is to:

1. Update the Planning Commission on the revisions to the Downtown Area Infill Incentive District (IID); and,
2. Seek the Planning Commission's endorsement to address the multiple directions from Mayor and Council on the IID in the most efficient manner possible so as to reduce confusion among stakeholders and increase efficiency and a comprehensive approach affecting the potential IID sub-districts. It is important that where issues such as design and historic preservation overlap that there is a clear and consistent district-wide approach. This approach can still be reviewed by the IID Subcommittee and Task Force. Staff will work with the Task Force to develop revisions for review by the IID Subcommittee. The draft revisions will go to the Planning Commission for review.

Proposed Consolidated Approach

The IID, Downtown Links, and the Streetcar Land Use Plan (SLUP) share much of same geographical area. However, these projects are currently being processed separately from one another by staff and consultants. Further, each is in a different stage of development. Staff proposes integrating these projects, and working with stakeholders to create the most efficient set of standards that are both comprehensive district-wide and special to a sub-district when appropriate.

A consolidated approach will:

1. Address the issues identified by the Mayor and Council on March 19, 2013 (see the timeline section below for details);
2. Consolidate the existing Rio Nuevo District (RND) standards into the IID and remove the RND from the Unified Development Code (UDC);

3. Make the Downtown Links area the third sub-district of the IID. This action removes the need for a separate rezoning to an urban overlay district, which has been the direction up to now. A consolidation approach allows the Subcommittee and Task Force to see how the Downtown Links fits into the whole IID and where it can share procedures and standards and where it will have its own specific standards;
4. Incorporate the Streetcar Land Use Plan recommendations into the IID revision effort. The consolidation of the Rio Nuevo District and the Downtown Core is being worked on by the SLUP consultant team. Their work will be consolidated with the rest of the IID revisions in illustrating where shared and special procedures affecting that sub-districts are needed;
5. Develop historic preservation standards that apply consistently across all three sub-districts. Such standards may include exempting properties in the Historic Preservation Zone and Neighborhood Preservation Zone from using the IID's Modification of Development Requirements (MDR) process and prohibiting MDRs that would result in the de-listing of contributing properties and properties eligible for listing from established National Register Historic Districts;
6. Create a minor and major review procedure to accommodate projects of different scales and intensity.

Recommendation – Staff recommends that the Planning Commission endorse the consolidated approach for the following reasons:

- Complies with one of the Mayor and Councils six key directions given on March 19, 2013, i.e, coordinate efforts to “*Remove redundancy as practical with other overlays such as the proposed Downtown Links overlay and IID;*”
- Uses the existing IID Subcommittee and Task Force and does not require the formation of separate groups to assist with each planning project;
- Consolidates three projects into one, i.e, IID Revisions, Downtown Links Urban Overlay District rezoning, and consolidating the Rio Nuevo District with the Downtown Core Sub-district per the Streetcar Land Use Plan;
- Reduces the number of times the IID has to be amended [i.e. the time and expense of notifying affected property owners (3,000+ in the IID) and processing the amendments which takes 4-6 months];
- Allows stakeholders volunteering their time to participate in one process rather than three;
- Removes the need for a separate rezoning of the Downtown Links;
- Results in comprehensive and special development, historic, and design standards as required in the IID sub-districts;

- Includes a PDSO administrative policy to require a current IID application to be reviewed by the City's Design Professional and courtesy Design Review Board, or Historic Commission reviews as needed.

Background

IID Subcommittee Activity

- March 19, 2013 – The Mayor and Council initiated amendments to Downtown Area Infill Incentive District to address the following issues:
 1. Give more prominence to neighborhood protection
 2. Clarify the role of formal commitments that run with the land
 3. Provide for an improved design review element
 4. Ensure the IID stays an incentive
 5. Look to not create redundancy with other overlays such as the proposed Downtown Links overlay and IID as is practical
 6. Work with the Streetcar Land Use Plan consultant team to ensure consistency with streetcar corridor planning

The Mayor and Council directed that a subcommittee of the Planning Commission develop the proposed revisions.

- May 28, June 17, July 1 and 22, 2013 – The Infill Incentive District (IID) Subcommittee (a subcommittee of the Planning Commission) met four times between May and July to discuss the Infill Incentive District.
- August 21, 2013 – The Planning Commission recommended that: 1) the IID Subcommittee conduct two open forums to gather feedback from the public on the six issues identified by the Mayor and Council; 2) the Planning and Development Services Department form a citizens' task force to assist staff in the development of the proposed revisions to the IID following the conclusion of the open forums; and 3) the IID Subcommittee review the task force's draft revisions and make a recommendation to the full Planning Commission.
- September 9 and 23, 2013 – The IID Subcommittee conducts two public forums to gather feedback from the public on the six issues identified by the Mayor and Council. The IID Subcommittee directs staff to return to them in early November with draft revisions.

IID Task Force Activity

- October 16, 2013 – The IID Task Force met for the first time to review a preliminary draft prepared by staff. See below for a summary of the preliminary draft and the attached minutes for more details.

- Today – In response to the comments made at the October 16th IID Task Force meeting, staff went back and looked at the timing of the three projects (i.e. revisions to the IID, Downtown Links, and the Streetcar Land Use Plan). It became clear that to proceed effectively and efficiently the three projects needed to be integrated; otherwise, the IID will have to be amended multiple times to the adopted standards from the Downtown Links and Streetcar Land Use Plan.

Downtown Links and Modern Streetcar

- January 14 – 19, 2013 – The City of Tucson and its consultants conducted a design charrette with property owners, residents, business owners, neighborhood representatives, advocacy groups, business groups, developers, investors, the University of Arizona, and other stakeholders with an interest in the Quarter Mile Focus Area of the Tucson Modern Streetcar Line.
- August 5, 12, 19, and 26, 2013 – The City of Tucson and its consultants conducted a series of meetings with stakeholders to provide information regarding proposed strategies the consultant team is developing to help the community achieve the vision developed during the Charrette process.
- September 10, 2013 – The Mayor and Council expands the boundaries of the Downtown Links planning area to include both sides of Fourth Avenue between Sixth Street and University Boulevard and both sides Stone Avenue between Sixth Street and Speedway Boulevard.

Key Issues in the Preliminary IID Draft

Staff prepared preliminary draft amendments to the IID based on input received at the IID Subcommittee meetings and open forums (see Attachment C). The following is a summary of the preliminary draft amendments organized by key issues being addressed:

Historic Preservation. In response to requests to bolster the historic preservation standards, the preliminary draft proposes the following:

1. Prohibits applicants proposing projects on properties in the Historic Preservation Zone and Neighborhood Preservation Zone from using the IID's Modification of Development Requirements (MDR); and,
2. Prohibits use of the MDR for any project that would de-list a contributing property to or property eligible for listing on a National Register Historic District.

Design Review. In response to requests for greater design oversight, the preliminary draft proposes the following:

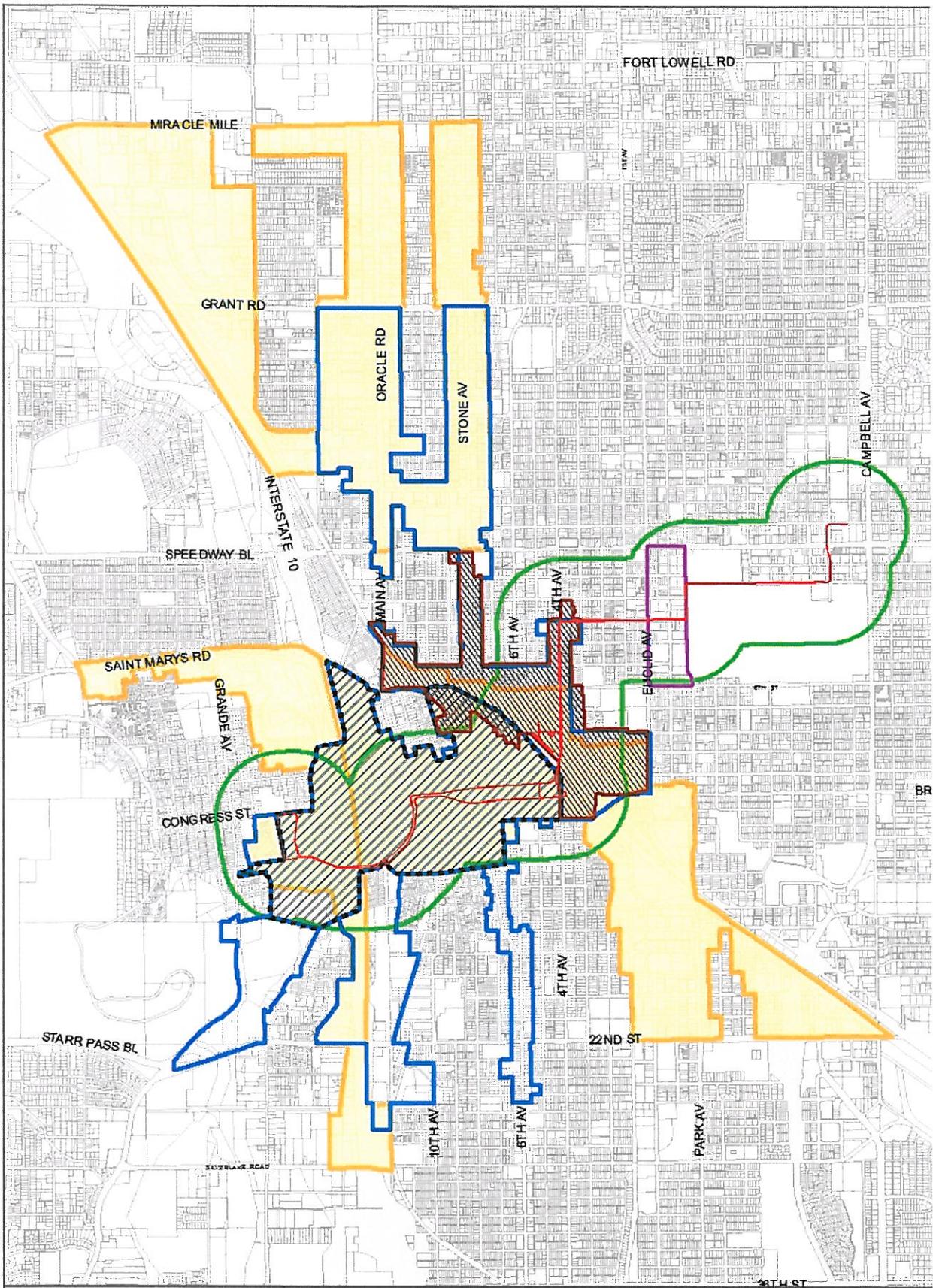
1. Involve the City’s Design Professional in the review of every project; and,
2. Require projects in the Downtown Links and Greater Infill Incentive Subdistricts to be reviewed by the Design Review Board. The Design Review Board’s membership would be increased to include one representative from the neighborhood association, Fourth Avenue Merchants Association when the project is along Fourth Avenue, or the applicable historic zone advisory board when the proposed project is adjacent to a Historic Preservation Zone.
3. Continue to review design strategies based on input from both the Task Force and SLUP consultant and come forward with enhance design recommendations for the IID.

Downtown Links Integration. In response to requests for better integration and removal of redundancy with other overlays, the preliminary draft proposes to establish the Downtown Links planning area as the third subdistrict of the IID. The current draft refers applicants requesting an MDR in the Downtown Links Subdistrict to the Downtown Links Urban Overlay District’s document for all applicable standards. At present, staff recommends the Downtown Links standards be directly integrated into the IID section of the Unified Development Code.

Development Transition. In response to requests for projects to more compatibility with the scale of the surrounding neighborhoods, the preliminary draft proposes to expand the definition of “adjacent” and “abut” to include properties across the street when applying the development transition standards.

Attachment

- A Downtown Area Infill Incentive District Map
- B Minutes from the October 16, 2013 IID Task Force Meeting
- C Preliminary Draft IID Revisions (October 11, 2013)



- Streetcar Route
- Streetcar Land Use Study Area
- Greater Infill Incentive Subdistrict
- Downtown Core Subdistrict
- Downtown Links Overlay
- Downtown Gateway Redevelopment District
- Main Gate District

ATTACHMENT A



Infill Incentive District Task Force

Minutes

October 16, 2013

6:00 PM

Ward 6 Office

3202 E. 1st Ave.

1. Welcome and Introductions

Attendees:

City Staff: Adam Smith (PDSO), Katharina Richter (consultant)

Task Force Members: John Burr, Jim Campbell, Jan Cervelli, Demion Clinco, Bill Ford, Miguel Fuentevilla, Chris Gans, Diana Lett, Richard Mayers, Keri Silvyn, Allyson Solomon, Richard Fe Tom, Tom Warne, Jason Wong

Audience: Les Pierce, Matt Stuart, Hillary Turby

2. Purpose of the Task Force

Staff explained that the purpose of the task force is to assist in revising the Infill Incentive District ordinance to address the issues provided in the March 19th direction to staff from the Mayor and Council.

3. Overview of the draft revisions to the Infill Incentive District

Staff prepared draft revisions to the IID to address comments and to incorporate suggested revisions expressed at the IID Subcommittee meetings (i.e. a subcommittee of the Planning Commission).

4. Discussion of and addressing of issues with the Infill Incentive District (IID)

Shortly after discussion began, several task force members said that they could not make informed decisions or discuss the draft revisions productively without seeing the proposal's effect on which properties can use the IID's Modification of Development Requirements without restrictions (such as the proposed exclusion of properties in the HPZ or NPZ) or are affected by other overlays. The other task force members were in general agreement with this. The map should "block out" the properties that are exempt from using the IID. Creating such a map will provide greater certainty for developers and neighborhoods by clearly identifying which properties are eligible to use the IID. There was general agreement among the other task force members Staff will prepare the requested map and distribute it to the task force before the next meeting.

For the purposes of discussion with the task force, the draft revisions were presented in the context of the six issues provided by the March 19, 2013 direction from the Mayor and Council (see the following):

1. Give more prominence to neighborhood protection

A. Purpose statement

Draft Proposal: The draft proposes adding the following purpose statement regarding neighborhood protection: “*Ensure historic and existing, non-historic neighborhoods are protected from potential negative impacts of new development*” (Sec. 5.12.1.D, p. 5-97)

Task Force Comments:

- What is the definition of “negative impacts”? One could argue that any new development can negatively affect nearby areas. The term is too subjective and open to differing interpretations.
- Use “mitigate” instead of “protect.”
- Divide the purpose statement into historic preservation and design compatibility statements.
- Open the Design Review Board meetings for the public to express what “negative impact” means on a case-by-case basis.

Staff Response: Staff will revise the purpose statement in response to the comments.

B. Compatibility, i.e. Development Transition

Draft Proposal: The draft expands the definition of “adjacent” and “abut” to include properties immediately across the street. (Sec. 5.12.4, p. 5-98)

Task Force Comments:

- *Task Force Member:* What type of streets does this expanded definition apply to?

Staff Response: Arterial, collector, and local streets.

Task Force Member: This definition is too expansive and works against the purpose of the IID to incentivize and facilitate infill development. At a minimum, the definition should not apply to arterials or collectors.

- Rather than expanding the definition of adjacent, require that projects be designed to be compatibility with its context. Staff responded that the closest approximation to this currently in the zoning code is the Development Zone, which is used by the HPZ and NPZ to identify

which surrounding properties must be evaluated for design compatibility.

Staff Response: Staff will prepare a list of possible options that can be done for review by the task force.

C. Historic Preservation

Task Force Comments:

- Consider giving properties in the NPZ and HPZs special consideration rather than excluding them from using the IID.
- Use the Pasadena design guidelines as a model. They provide clear direction and examples.
- Involving the Historic Preservation Officer (HPO) into the review process adds too much ambiguity to the process.
- The IID lacks any regulations that would prevent the use of the IID when “anticipatory demolition” has taken place. Look to the Main Gate District for guidance on this.
- The definition of contributing properties in the Unified Development Code applies to the HPZs and NPZs only. The definition would have to be revised to include the IID.

Staff Response: Staff will prepare draft revisions for review by the task force. The issue of creating Pasadena-like design guidelines for the IID is under advisement. To some extent, this may be addressed through the Downtown Links and Streetcar Land Use Planning that are under development.

Timing and Processing

Task Force Comment: How are the processing of the Downtown Links and the amendments to the IID are going to occur since the two are interrelated, i.e. the Downtown Links will become a third subdistrict in the IID.

Staff Response: Under consideration. Staff will need to evaluate the expected timeline of the Downtown Links and Modern Streetcar planning projects before answering.

Other

- Provide the latest copy of the Downtown Links to the task force.
- Where is the Downtown Links in the process?

5. Call to the Audience

There were no speakers at the call to the audience.

6. Next Steps

The meeting concluded at 7:30.

The next task force meeting is Wednesday, October 30th at 10:30 am at the Ward 6 Office (3202 E. 1st Ave.).

5.12 DOWNTOWN AREA INFILL INCENTIVE DISTRICT (IID)

5.12.1. 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.
- 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 requirements (MDR) as provided hereinbelow.
- D. Ensure historic and existing, non-historic neighborhoods are protected from potential negative impacts of new development.

5.12.2. ESTABLISHMENT AND ADMINISTRATION OF ZONING OPTION

- A. The IID is an optional overlay zone. Individuals may choose the pre-existing underlying zone or the development options of the IID overlay zone. Plans submitted in accordance with the IID shall comply with the applicable standards of this Section, unless otherwise specified herein.
- B. The IID is comprised of ~~two~~three subdistricts: The Greater Infill Incentive Subdistrict (GIIS) and the Downtown Core Subdistrict (DCS) and the Downtown Links Subdistrict (DLS), which is further subdivided into five "Areas". The DLS was procedurally adopted pursuant to the Urban Overlay District Ordinance, U.D.C. Sec. 5.13 et seq., and incorporated into the boundaries as a subdistrict of the IID by this reference. The boundaries of the IID and its subdistricts are described in Section 5.12.120 (See Figure 5.12-A). The exact boundaries of the IID overlay and its subdistricts are identified on the official zoning map kept on file at the Planning and Development Services Department (PDSD) and the City Clerk's Office.
- C. Standards specific to the GIIS and DCS are provided in Sections 5.12.104, Greater Infill Incentive Subdistrict, and 5.12.115, Downtown Core Subdistrict, respectively. Uses, requirements and procedures for the DLS are separately provided for in the Downtown Links Subdistrict Overlay development document, Ord. xxx, unless otherwise specified in this herein. ~~Regardless of subdistrict, individuals choosing~~
 1. Property Owners who choose to use the IID overlay options for the GIIS or the DCS must~~shall~~ comply with Sections 5.12.1 through with Sections 5.12.116, Design Standards, 5.12.7, IID Plan Requirements, and 5.12.8, Review and Approval Procedures, and submit an IID Plan.
 2. Property owners who wish to use the IID overlay option for the DLS must comply with the general IID standards in Sections 5.12.1 through

Comment [AU1]: The draft revisions shown herein attempt to address the issues and comments expressed at the IID Subcommittee meetings. Specific changes expressed by stakeholders at the subcommittee meetings have been incorporated, such as with excluding properties in the HPZ and NPZ, historic preservation review process, the expanding definition of adjacent and abut for compatibility reasons, and the design review process.

This draft will serve as a starting point for the upcoming IID Task Force meetings. Further revisions are fully expected as the proposal is vetted more fully.

Comments have been added throughout the document to provide some background and explanation for the proposed revisions.

The strikethroughs and underlines indicate where significant changes to the standards or language of the currently adopted ordinance are being proposed. For readability reasons, the reorganization of several sections have not been "redlined."

Comment [AU2]: The draft has been revised to add the Downtown Links area as a third subdistrict. There are several instances in the ordinance where the regulations in the DLS differ from the other subdistricts.

5.12.7 and Section 5.12.9, and the requirements and standards contained in the DLS document. Development in the DLS is not required to comply with general the IID Design Standards in Section 5.12.8.

- D. An IID Plan cannot be used in conjunction with other waiver or modification provisions provided by the Unified Development Code (UDC). Where the IID and Rio Nuevo ~~and Downtown~~District (RND) overlay zones overlap, applicants may select either the provisions of the IID or the RND provisions. Modification of Development Requirements, UDC Section 5.11.9, but not both.
- E. Whenever a conflict exists between the provisions of UDC and the IID or any of its subdistricts, the IID and its applicable subdistrict regulations control. If an issue, definition, condition or situation arises that is not addressed within the IID or its Subdistrict Standards and Regulations, the UDC, Administrative and Technical Standards Manuals, or other applicable City regulations control. Where the standards of this section conflict with other sections of the UDC, the standards of this section shall control.
- F. Amendments to or dissolution of the IID or any of its subdistricts are processed in accordance with the Section 3.7, UDC Text Amendment Procedure.

5.12.3. APPLICABILITY

The standards of this section 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. A change of use;
- B. An expansion of an existing use or existing structure; or
- C. New development or a redevelopment project.
- D. The IID zoning option may not be used for properties within a Historic Preservation Zone (HPZ) or properties within a Neighborhood Preservation Zone.

5.12.4. DEFINITIONS

For purposes of the Infill Incentive District, the terms "adjacent" and "abut" include the properties that are immediately across a street or an alley.

5.12.5-8. PLAN ADMINISTRATION REVIEW AND APPROVAL PROCEDURES

PDSD Director administers the IID Plan review procedure.

A. Procedure

- 1. **Development in IID GIS and DLS**
For development within the GIS and the DLS, requests for MDRs are processed in accordance with Section 3.3.5, 300' Notice Procedure.
- 2. **Development in DCS**

Comment [AU3]: The purpose of this proposed revision is to provide greater protection to historic properties and neighborhoods by ensuring that the IID cannot be used to supersede the more restrictive design requirements of the HPZ and NPZ.

Comment [AU4]: Added to ensure the proposed projects are more compatible with the surrounding area.

For development within the DCS, IID Plans are processed in accordance with Section 3.3.3, [Planning and Development Services \(PDS\)](#) Director Approval Procedure, with the exception that a pre-application conference is required. IID Plans within the DCS shall be reviewed and considered for approval **within 30 working days** of PDS accepting the application or approval of demolition and/or façade alteration plans when required of projects within the Rio Nuevo District, whichever is applicable.

B. Amendments

An amendment or revision to an approved IID Plan is subject to the same procedure as the initial approval.

C. Concurrent Review

The City may accept a concurrent submittal of the IID Plan and corresponding site plan or subdivision plat.

D. Interpretations

[Plan interpretations are rendered by the Zoning Administrator as provided for in UDC Section 1.5.1.](#)

E. Appeals

[Appeals of any decisions by the PDS Director may be made to the Mayor and Council in accordance with UDC Section 3.9.2.](#)

F. Group Dwellings

[In the GIS and DLS only, Group Dwellings, as defined in the IID require approval pursuant to Section 3.4.4, Mayor and Council Special Exception Procedure.](#)

Comment [AU5]: Group Dwellings have been the source of many of the issues with the IID. The proposed revision would require proposed Group Dwellings to go through a more rigorous approval procedure.

5.12.67. IID PLAN REQUIREMENTS

A. Meeting with Staff

1. [Each Applicant must meet with PDS staff in a pre-application conference to verify the requirements for development in the IID generally, and in the applicable Subdistrict. The conference is intended to be an informal opportunity for the applicant and staff to discuss the proposed project and review the proposals for important project features such as building location, site access, trash/recycling collection, on-site retention, and the existence and proposed treatment of any Contributing Properties.](#)

B. Plan Requirements

Use of the standards of the IID, as opposed to existing zoning, shall require plan approval by PDS regardless of IID subdistrict.

1. Applicants shall submit an IID Plan in compliance with applicable IID and [applicable subdistrict standards and requirements. The Plan must state the applicant's intention to use the IID zoning option in lieu of the existing zoning.](#)
2. Except as provided in this section, a Plan shall be prepared in compliance with the Development Package requirements in Section 2-06.0.0 of the Administrative Manual. Additionally, applicants

are also required to provide elevations demonstrating compliance with Sections 5.12.6.A, B, and C the IID and applicable subdistrict design requirements.

3. Applicants seeking a reduction in the number of motor vehicle parking requirements must provide a parking statement explaining the justification for the reduction and may be required by the Director to provide a Parking Impact Analysis prepared by a qualified, third party consulting traffic engineer.
4. The applicant must, at the time the IID zoning is initiated, execute a waiver of potential claims pursuant to UDC 5.13.10 and A.R.S. Sec. 12-1134(I) in the form approved by the City Attorney and titled "Agreement to Waive Any Claims Against the City for Zoning Amendment".

Comment [AU6]: This analysis will better ensure the surrounding residences and businesses are not adversely affected by the proposed development.

Comment [AU7]: Added a result of Proposition 207.

CB. Revisions

An applicant may request modification to or waiver from the plan submittal requirements, subject to the following:

1. The applicant shall specifically identify the submittal requirement(s) for which a modification or waiver is requested and provide a rationale for the request; and,
2. The PDSO Director shall determine whether to grant the request. In making this decision, the PDSO Director shall consider the purpose statements of the IID, and the applicable General Plan and Area Plan policies. The PDSO Director's approval of a request under this subsection is not, nor shall it be construed as, an endorsement of a project by PDSO.

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 PDSO Director may request additional information from an applicant where a conceptual plan lacks sufficient detail to provide for adequate review, in compliance with Sections 5.12.6.A, B and C.~~

5.12.7 HISTORIC PRESERVATION REVIEW

1. Use of the IID zoning option must be compatible with historic preservation requirements and considerations.
2. Any modification to a building, structure site of property listed or eligible for listing on the National Register of Historic Places that precedes, follows, or is part of a development (including alterations, additions, and full or partial demolitions) that, in the evaluation of the City of Tucson Historic Preservation Officer (HPO), does not meet the Secretary of Interior's Standards for the Treatment of Historic Properties or would cause the historic property to be de-listed from the National Register of Historic Places, or cause it to become ineligible for future listing in the National Register, disqualifies the use of the IID zoning option for the entire site.

Comment [AU8]: The intent of this section is to bolster the IID's historic preservation standard and complements the proposed exclusion of properties in HPZs and NPZs from using the IID detailed earlier in the draft. Source: Proposed Downtown Links Overlay District – as recommended by stakeholders at the IID Subcommittee meetings. The language has been modified to fit the context of the IID.

3. A development proposal that is adjacent to an existing Historic Preservation Zone or a building listed on the National Register of Historic Places (National Register), or a Contributing property eligible for listing in the National Register must be reviewed for its scale and compatibility with the historic dimensions of its surrounding properties.
4. Any development proposal to use the IID zoning option requires a written concurrence from the HPO that properties involved will not be de-listed or made ineligible for listing.
5. Development proposals to use the IID option affecting a Historic Landmark properties must also comply with the City of Tucson historic review process, which includes review by the Tucson-Pima County Historical Commission.

5.12.8 DESIGN STANDARDS

- A. A Plan for development in the GIS and the DCS subdistricts must demonstrate compliance with the design standards set forth in this section, regardless of subdistrict, shall demonstrate compliance with the following:
- B. A Plan for development in the DLS subdistrict is not subject to the requirements and standards of this section 5.12.8, and must comply with the requirements and design standards of the DLS.

CA. **Streetscape Design**

1. Pedestrian-orientation

Projects shall be pedestrian-oriented and comply with all of the following standards:

- a. New construction shall have architectural elements/details at the first two floor levels;
- b. Buildings shall provide windows, window displays, or visible activity on the ground floor for at least 50 percent of frontage;
- c. A single plane of façade shall be no longer than fifty feet without architectural detail;
- d. Front doors shall be visible or identifiable from the street and visually highlighted by graphics, lighting, or similar features;
- 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;

- 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;
- 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. Outdoor seating and dining areas and landscaping may be located in the sidewalk area where safe and effective sidewalk width around the design feature can be provided;
- 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 shall not interfere with pedestrian access to the site from the right-of-way.

2. Shade

- a. Except as provided below, shade shall be provided for at least 50 percent of all sidewalks and pedestrian access paths as measured at 2:00 p.m. on June 21 when the sun is 82 degrees 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 standard.

b. Exception

The PDSD Director may approve an IID Plan providing less than 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 standard.

3. Modifications to Historic Buildings

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.

DB. Development Transition Standards

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

1.Applicability

Developing sites that abut an affected residential property shall comply with this section. For purposes of the IID, the following terms and examples describe elements of applicable transitional areas:

- a. "Affected residential property" refers to an existing residential site that is of a lesser intensity than an abutting developing site;
- b. "High density residential" refers to residential development that is neither existing single family detached nor attached dwellings within a subdivision;
- c. Examples of applicable transitional areas include a nonresidential developing site abutting existing single family detached or attached dwellings within a subdivision, or a developing high density residential site abutting existing single family detached or attached dwellings within a subdivision.
- d. For projects within the DCS, the Development Transition Standards apply only to those projects abutting affected residential properties outside the DCS boundaries.

2. Mitigation of Taller Structures

Compliance with the following standards is required where the developing site has taller buildings than abutting affected residential properties:

- a. The maximum building height is 25 feet within 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 30 feet or more from the property line abutting an affected residential property;
- b. To accomplish mitigation,
 - i. at least 25% of the length of the street-fronting façade above two stories or 26' (whichever is lower) shall be set back at least 12' from the building façade at finished grade; and
 - ii. in the case of a building façade that faces a property line adjacent to an affected residential property, the Director may require a greater amount of bulk reduction elements based on a finding of a greater need for mitigation by the Design Review Board as noted in Section 5.12.8.D.2
- c. Windows at or above the second story of a structure shall be located or treated to reduce views into adjacent affected residential property's buildings and yard areas;

Comment [AU9]: The proposed revision provides more specific bulk reduction requirements with the intention of improving the project's compatibility with nearby residential areas. Source: Main Gate Overlay District.

- d. Balconies shall be oriented away from affected residential property or use a screening device to reduce views in to the rear or side yards of the affected residential property;
- e. The developing site's buildings shall be oriented so as to reduce views onto an affected residential property; and
- f. Buffers and/or screening consistent with the purpose of this section shall be provided between a developing site and affected residential properties and shall include features such as, but not limited to, landscaping, walls, and architecturally decorative features.

3. Mitigation of Service Areas

Potential nuisance or noisy areas shall be oriented away from affected residential property, such as by placing service areas for loading and garbage disposal between the developing site's buildings, behind opaque barriers, or by using architectural or landscaping treatments that effectively reduce nuisance impacts from service areas. The service area shall be mitigated to reduce the noise and view of the service features, reduce the emission of offensive odors to owners or occupants of adjacent properties or 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 shall be dense enough to screen views onto the developing site. An alternative treatment may be used, such as using architectural or landscaping treatments that effectively reduce nuisance impacts from parking facilities and other areas. Where there is a finding that the vegetative screen will be opaque a masonry wall may not be required.

EC. Alternative Compliance

- 1. The PDS Director may approve an urban design best practice option for compliance with Section 5.12.8.C6.A, Streetscape Design, and Section 5.12.8.D6.B, Development Transition Standards.
- 2. For purposes of this section, urban design best practices may include urban design studies approved for the City of Tucson, 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 PDSO Director.

FD. Utilities

Plans shall include information on the layout and demonstrate availability of utilities such as water, wastewater, natural gas, electric, and telecommunication utilities.

5.12.9 REVIEW OF DESIGN STANDARDS

A. Review by the Design Professional

1. All projects using the IID zoning option must be reviewed by the City's Design Professional, who makes recommendations to the PDSO Director.
2. Projects that are greater than two stories or higher than 25 feet in building height must be reviewed by the Design Review Board (DRB), which makes a recommendation to the PDSO Director. Applications are scheduled with the DRB at the first available meeting.

B. Review by the Design Review Board

The five members of the City of Tucson's Design Review Board (DRB) are appointed by the City Council.

1. **Ad-Hoc Member**
In addition to the five DRB members appointed by the Tucson City Council, for all projects in the GIS and the DLS, the DRB shall include an ad-hoc member who is appointed for each specific project as follows:
 - a. By the neighborhood association for the area within which the proposed project is located; or
 - b. If the area does not have a neighborhood association, an association within 300 feet of the project and from the applicable Subdistrict.
 - c. For DLS Fourth Avenue Area, the ad-hoc member shall be a member of the Fourth Avenue Merchants Association appointed by the Merchants Association.
 - d. For development review adjacent to a Historic Preservation Zone (HPZ) the ad-hoc member must be a member of the applicable historic zone advisory board.

2. Voting

- a. The ad-hoc member is a voting member of the DRB.

Comment [AU10]: Source: Proposed Downtown Links Overlay District – per the recommendation of neighborhood representatives at the IID Subcommittee meetings. The intent of the proposal is to provide greater oversight and neighborhood involvement in the design review process.

- b. Four favorable votes of the DRB are required to adopt a motion for a recommendation to approve or deny the proposed project plan. If a motion fails to receive the required four votes, the project proposal shall be sent to the PDSO Director for a decision, with no recommendation from the DRB.

C. DRB Meeting

1. The DRB shall review applicable projects for compliance with the IID design requirements and forward a recommendation to the PDSO Director. The DRB may also comment on other aspects of the projects.
2. Prior to the DRB meeting, applicants shall meet with the Design Professional to discuss the project and its compliance with the IID District and applicable Subdistrict design standards and requirements as required by the Design Professional.
3. The DRB's recommendation shall be provided in writing to the applicant and the Director and shall include:
 - a. any issues of concern identified by the DRB,
 - b. whether the proposal complies with the applicable design standards,
 - c. recommendations on any modifications to the project needed to bring it into compliance with the design standards, and, (in the Design Professional's discretion)
 - d. comments on other aspects of the project.
4. The applicant must include the DRB and Design Professional's communication in the IID Plan.

D. PDSD Director Decision

1. The DRB's and Design Professional's recommendations shall be advisory to the PDSD Director, and the Director shall make the final decision on a project's compliance with IID and applicable Subdistrict design requirements.
2. The PDSD Director may add special conditions to an approval to assure compliance with the intent of the IID and applicable Subdistrict and to address safety issues.
3. Special conditions may include mitigation standards or plans based on the scale, setting and intensity of the development. Examples of such plans may include, but are not limited to:
 - a. a vehicular reduction plan to ensure residences are most effectively using alternate modes of transportation;
 - b. a vehicular reduction plan to ensure residences are most effectively using alternate modes of transportation;
 - c. a noise mitigation plan to ensure the design of the proposal does not substantially increase noise above current ambient noise levels;
 - d. a traffic impact analysis that may include a mitigation plan with traffic calming elements and safety improvements; or
 - e. a behavioral management plan and, security plan that includes self-policing and techniques to reduce the impacts of noise, odors unruly behavior on adjacent residential properties.
4. Appeals of the PDSD Director's decision must be in accordance with the Board of Adjustment appeals process in UDC Section 3.10.2.

5.12.10-4. GREATER INFILL INCENTIVE SUBDISTRICT

A. Modification of Development Requirements (MDR)

Development requirements may be modified within the GIIS subdistrict. This process shall be known as the Modification of Development Requirements (MDR).

B. General

Except as provided in this subsection, the requirements in the following sections of the UDC may be modified up to 25 percent of the dimension amount permitted by the underlying zoning: Art. 6: Dimensional Standards and Measurements; Section 7.4, Motor Vehicle & Bicycle Parking; Section 7.5, Off-Street Loading; and Section 7.6, Landscaping and Screening. The MDR process shall not be used to modify Section 7.7, Native Plant Preservation.

C. Exceptions

The following requirements may be modified in excess of 25 percent to the extent specified below:

1. Building Height

Building height may be increased up to 60 feet unless the current zoning allows a greater height or where the IID Plan's Development Transition Standards as provided in Section 5.12.6.B require less.

2. Street Yard

Street yard requirements may be reduced or waived when the PDSD determines that the request is consistent with the Major Streets and Route Plan, unless modified by the Tucson Department of Transportation Director, and there is adequate sight visibility, no traffic safety issue is created, and complies with the standards of Section 5.12.6.B, Development Transition Standards, when applicable.

3. Parking

a. Parking as required by Section 7.4, Motor Vehicle and Bicycle Parking, may be reduced up to 25 percent. Parking may be decreased by more than 25 percent per an agreement with the City's Parking Authority or in accordance with Section 7.4.5.A, Individual Parking Plan, if the analysis and findings show the proposed parking is adequate.

b. Accessible Parking and Bicycle Facilities. The number of accessible parking spaces required by the City of Tucson's adopted Building Code 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 by any one of the following options or by a combination of the following options:

- (1) On-site;
- (2) Off-site within 1/4 of a mile of the project site through a shared parking agreement with the City;
- (3) On-street on the same side of the street as the proposed use up to five spaces on a collector or arterial street per approval by the City's Transportation Department; or
- (4) An in-lieu fee per an agreement with the City's Parking Authority.

4. Loading

Off-street loading zone standards may be reduced or waived if PDSD determines that no traffic safety issue is created.

5. Solid Waste Collection

On-site refuse collection container standards 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. Except as required by Section 5.12.6.B, Development Transition, a complete or partial exception to Section 7.6, Landscaping and Screening Standards, may be granted when shade is provided for pedestrians and customers, such as along sidewalks, pedestrian circulation paths, and outdoor patios, in accordance with Section 5.12.6.A.2.
- b. The following types of landscaping and improvements may be used to comply with this section:
 - (1) Existing landscaping;
 - (2) Shade trees in the right-of-way;
 - (3) Green walls or green roofs; and/or
 - (4) Shade structures, such as awnings.

7. Pedestrian Access

Alternative pedestrian access that creates connectivity between public entrances to the project and abutting sidewalks may be allowed as long as no safety hazard is created. All pedestrian access shall conform to the accessibility standards of the City of Tucson's adopted Building Code.

D. GIIS Land Uses

- 1. A proposed use shall be permitted by the underlying zone and shall be 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 residential and other uses listed in this section); Personal Service; and Travelers' Accommodation, Lodging.
- 2. An IID proposal for a use not listed above may be allowed if the proposed use is permitted by the underlying zone and if the PDSD Director deems the proposed use to be in accordance with Section 5.12.1, Purpose.

5.12.115. DOWNTOWN CORE SUBDISTRICT (DCS)

A. Standards

Development within the DCS shall comply with all of the following:

1. Permitted uses of the underlying zoning;
2. Maximum building height may be increased up to 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 standards and review requirements of Sections 5.11.7 and 5.11.8 of the Rio Nuevo District;
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. The required number of bicycle parking spaces may be reduced when bicycle parking is required per this section; and,
6. Where applicable, applicants are strongly encouraged to comply with Section 7.7, Native Plant Preservation.

B. Exemptions

Except as provided in this section, development within the DCS is exempt from the following standards unless the PDSD Director makes a finding that public safety and health would be jeopardized:

1. Section 5.4, Major Streets and Routes Setback Zone;
2. Section 5.11, Rio Nuevo District, except as provided in Section 5.12.5, DCS Standards;
3. Minimum perimeter yard standard as provided in Section 6.3, except when required by Section 5.12.6.B, Development Transition;
4. Maximum lot coverage standard as provided in Section 6.3;
5. Minimum lot size standard as provided in Section 6.3,
6. Section 7.4, Motor Vehicle and Bicycle Parking, except as provided in Section 5.12.5.A.5;
7. Section 7.5, Off-Street Loading;
8. Section 7.6, Landscaping and Screening Standards, except as required by Section 5.12.6.B, Development Transition Standards; and,
9. Section 7.7, Native Plant Preservation, except when the property includes a drainage corridor where native plants are present or

when the property is adjacent to a drainage corridor and remnant native plants are present on the project site.

C. Other Permitted Modifications

1. Pedestrian Access

Alternative pedestrian access that creates connectivity between public entrances to the project and abutting sidewalks may be allowed as long as no safety hazard is created. All pedestrian access shall conform to the City of Tucson's adopted Building Code.

2. Solid Waste Collection

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

IID DISTRICT TERMINATION

The provisions of Section 5.12, Downtown Area Infill Incentive District, shall end on January 31, 2015, unless Mayor and Council extend the date by separate ordinance.

5.12.120. ILLUSTRATIVE MAP