



# PLANNING COMMISSION

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

**DATE:** January 15, 2014

**TO:** Planning Commission

**FROM:** Ernie Duarte  
Executive Secretary

**SUBJECT:** Infill Incentive District (IID) Revision Project – December 2013  
Discussions with Stakeholders

**Issue:**

Staff facilitated a series of stakeholder discussions in six two-hour meetings. Members of the PDSO Director's Task Force and infill developer stakeholders met and discussed timing issues and a set of issues affecting the next draft. The consultant from the Streetcar Land Use Plan and the Downtown Links Overlay Project attended all the meetings.

Six Stakeholder Meetings included the following attendants:

- 12-11-13 First Meeting – Marilyn Sullivan, Jerry Dixon, Bill Carroll, Allyson Solomon, Corky Poster;
- 12-11-13 Second Meeting - John Burr, Richard Fe Tom, Jason Wong, Allyson Solomon, Corky Poster;
- 12-17-13 First Meeting - Richard Studwell, Tom Warne, Allyson Solomon, John Lee, Don Bourne, Molly Thrasher Ward 6 aide, Corky Poster;
- 12-17-13 Second Meeting - Diana Lett, Chris Gans, Jim Campbell, Allyson Solomon, Tom Warne, Corky Poster;
- 12-18-13 First Meeting - Jane McCollum, Corky Poster;
- 12-18-13 Second Meeting - Demion Clinco, Jan Cervelli, Shawn Cote, Richard Mayers, Keri Silvyn, Corky Poster.

**RECOMMENDATION:** Staff will continue to refine the Infill Incentive District draft text amendment. We will work with the Planning and Development Services (PDSO) Director's Task Force and the Commission's IID Revision Subcommittee in updating the current draft. Our goal is to review the key points made in the December discussions as well as issues raised during the Subcommittee meetings. We intend to prepare the next draft and show, as is reasonably possible, a balanced approach that aims for two objectives, namely to increase neighborhood protection and keep the IID an incentive for quality infill.

**BACKGROUND:**

Below is a summary of discussion issues affecting the IID Revision Project.

**Timing Issues**

Some basic issues that require time to review and develop include the following:

Time is needed to sort out issues raised during the December meetings and incorporate them where practical into a new IID draft.

The Downtown Links Overlay is becoming a sub-district of the IID so it needs to be consolidated with the IID provisions.

The consultant needs time to analyze and prepare a new Downtown Links, Subarea 5 as well as address expansion areas. Mayor and Council gave direction to prepare this new design area during an update on the Streetcar Land Use Plan.

Time will be needed to work out the consolidation of the Rio Nuevo District into the IID's Downtown Core Sub-district and assure that mandatory historical preservation review remains intact.

At some point, we may need to decide whether to bring forth early incomplete versions of the IID draft if we cannot assemble all of the key components within the next month.

**Development and Design Issues**

Some basic issues the attendants focused on -

Adjacency – Adjacency in the Unified Development Code refers to across a property line or alley. In the IID we will need to look at it more broadly. It now involves impacts on existing single family residences, corner lots, local streets, arterials in the Downtown Links and the Greater Sub-districts. The degree to which a compatible local context can be achieved through design standards needs to be further developed. It was agreed that the Downtown Core Sub-district has different issues related to adjacency especially on arterials and has to be handled separately.

Multiple Zoned Lots – In the discussion analyzing the development known as The District, one feature of the site that affected its architecture and massing was the need of the developer to place all of his density in the strip of C-3 zone along Sixth Street. In the discussions, the attendants seemed open to a type of zoning flexibility allowing a developer to re-distribute massing on his property as long as it met adjacency design criteria and was in context with its surroundings. A successful adjacency transition seemed more important than a strict compliance with underlying zoning restrictions. Thus, in concept taller heights may be allowed in more restrictive zones to compensate for some more restrictive height in a lesser restrictive zone that has an adjacency issue.

Design Authority - The stakeholders discussed what type of design authority group should handle major design review cases. There were two types of boards discussed:

- 1) Expand the current Design Review Board with one or more neighborhood representatives and possibly having a developer representative.
- 2) Create a specific IID Design Review Board (DRB) made up of the City's Design Professional, two current DRB members that are architects, two affected neighborhood association representatives, and possibly two members from the Downtown Partnership.

There were also two types of decision making concepts discussed:

- 1) Have the DRB make the decision then allowing that decision to be appealed to Mayor and Council.
- 2) Follow the current process in which the DRB is advisory and makes a recommendation to the PDS Director. That decision can also be appealed to Mayor and Council.

In the discussions, some supported an advisory DRB while others wanted a decision making DRB that could then be appealed to the M/C. The main issue supporting the advisory role is that it makes the case for keeping the IID an incentive for development whereby the 'DRB decision' version, at least, would be interpreted by the development community as adding more uncertainty into the process.

There was also discussion of having the Tucson Pima County Historical Commission's Plans Review Subcommittee continue to make advisory recommendations on incentives involving contributing properties throughout the IID's three sub-districts. Currently, this process applies to contributing structures located in the Rio Nuevo District (RND) that mainly overlaps the Downtown Core Sub-district.

Historic Preservation - There was a lot of discussion about historic preservation. Some involved HPZ and NPZ overlap with the IID. Another issue was the current versions of the RND, the IID and the Downtown Links overlay create three different historic review processes. During the Subcommittee meetings there was a strong feeling that if there was IID/HPZ overlap the incentives should not be triggered at all. During the December discussions, this position appeared to become more refined. Further, the Trinity Church was raised as an overlap site that had complicated issues that seemed beyond the scope of an IID revision. Another issue was raised regarding the Warehouse National Register District. There was some speculation that if the area became a popular infill site with tall buildings the mixture of modern tall buildings may have the impact of de-listing the entire district. Some solutions that were discussed were

- 1) Consolidate all historic review in the IID and use the RND as the main model and apply it throughout the IID as is practical;
- 2) On sites where contributing structures are demolished, the applicant cannot use the IID flexible development standards (Note a side issue was that this standard should at a minimum have some type of appeal similar to the HPZ demolition appeal to Mayor and Council);
- 3) In overlap situations, IID flexibility may be used if the project promotes re-use or redevelopment of a contributing structure without causing a de-listing;
- 4) Some sites like the Trinity Church should consider pursuing individual solutions such

as combining HPZ provisions with a rezoning to Planned Area Development (PAD). This idea was referred to as an H-PAD.

*Design Standards and Design Guidelines* – There are currently standards in the IID and the Rio Nuevo District (RND). The City has some design advice from several documents other than the IID and RND. They include a Clarion Associates study on mixed use design guidelines, the Downtown Urban Design Reference Manual, and the design standards from the Main Gate District development document. Further, the Streetcar Land Use Plan project will recommend certain design standards or guidelines affecting IID development proposals. One view of the task is to refine what is available as noted above and develop a set of mandatory standards and advisory guidelines. Some specific standards applicable in one sub-district should be expected. The current IID standards were mainly modeled on RND design standards. However, not all the standards were used because some standards were appropriate in the Downtown Core but inappropriate for the Greater or even the Downtown Links. An example is the RND standards that state ‘twenty-four hour street level activity is encouraged..’ or ‘New buildings shall use materials, patterns and elements that relate to the traditional context of the Downtown area...’

*Minor and Major Design Review* - The stakeholders were generally supportive of a minor review process modeled somewhat on the current IID review process. It is essentially a neighborhood meeting, review by the Design Professional, and an approval by the PDSO Director. Recommendations from the Design Professional are not currently required in the IID nor is a historic review if that was relevant. Minor reviews are appealable to the Mayor and Council.

Major reviews were discussed and involved a design review group. Whether the group’s decision was binding or advisory was not a consensus issue. The process could involve a neighborhood meeting, review by the Design Professional, review by the design review group, and either a design review group decision or a recommendation by the design review group followed by a decision by the PDSO Director.

The stakeholders also discussed what type of development would trigger a major review. Staff proposed applications for development of two stories or greater. Some felt it should be expanded to possibly be properties at intersections, proposals across from residential properties, or any contributing structure. Other trigger situations could be added after further discussion such as uses considered especially problematic. One issue that could arise is the question ‘at what point is everything a major review thus reducing the incentive for quicker review times?’

*Placing Mandatory Rio Nuevo District (RND) Provisions into the Optional IID* - There are boundary issues affecting the Rio Nuevo District and the Downtown Core and Downtown Links Sub-districts. We think these should be resolved in favor of the IID sub-district boundaries. We should not be overly concerned about fragments possibly being covered or not covered by the RND at this point. The standardizing of historic as well as design review across the IID addresses most issues. If there are challenges, they

can be handled separately. Our goal is to align the Downtown Core with the bulk of the RND as best we can. The main thing we want to protect and continue to make mandatory is the historic preservation portion of the RND review. Basically, the Historic Commission's Plans Review Subcommittee may review in an IID proposal involving a contributing structure. As mentioned we support using the template of the RND historic review for historic properties throughout the IID.

*Neighborhood Involvement* - The current draft recommends for both major and minor reviews to involve a neighborhood meeting. It is currently common for a report on the neighborhood meeting to be part of an application package. There were suggestions to have a recording done of the neighborhood meeting and require it be submitted with a written summary.

There was some general agreement on having some neighborhood representation on the current DRB or on a special IID DRB. There was some discussion of requiring the applicant to more formally work in collaboration with the neighborhood through a process involving small meetings and notification of the project's status. Staff suggested that perhaps the president and vice president of the neighborhood association could be kept informed by the applicant of the status of the project. Whether such a collaborative step should be in a policy administered by PDSO as applicable or as a formal regulation required of the applicant in defined circumstances was not discussed.

*Mitigation Plans and Commitments* - The current draft has a series of commitments that can be requested at the time of application by PDSO. They include issues raised as problematic in real cases such as acoustical mitigation, parking plans, traffic impact analysis, resident behavior programs, transition design standards, and vehicular reduction programs. There was general support for reasonable accommodations that reduce the potential nuisances that can occur as a result of a new development.

*Group Dwellings* – There is some concern by staff that this issue resurrects the controversy regarding mini-dorms and the zoning term, group dwellings. The most common view of attendants was some control over this land use made some sense in the IID. A minority view was to leave it alone and let the market control where group dwellings occur in the IID. It was mentioned that the student population could be decreasing in the near future. One outcome is to clarify that the term in the IID is only relevant when a substantial multi-story building is involved and it is triggering the IID review process. Where the proposed group dwelling complies with the underlying zoning district's regulations such cases will not be affected by the IID draft text amendment.

*Trinity Church - and Warehouse District* - These were specific areas we talked about as having conflicting redevelopment potential and historical constraints.

*The Trinity Church.* There have been discussions between the Church's consultant and neighborhood and separately with staff. There may be a developable project in some proposal but it is unclear if both the developer and the neighborhood can accept

something together. It may be too complicated a case to be handled by the IID Revision Project. It may require possibly a development policy arising from the expanded Downtown Links analysis being done by Poster, Frost, Mirto and require its own separate rezoning. Some stakeholders wondered if the developer should just start it now rather than wait for the IID Revision process to end.

*The Warehouse District.* It is a National Register District and the current language in the Downtown Links draft is very restrictive on the contributing structures being de-listed. In essence, you cannot use the IID provisions if the end result de-lists a contributing structure. The area is also one of the best opportunity areas for infill that supports the streetcar route. The current proposal would allow up to ten stories yet all the developers attending the December meetings agreed the market supports either six story building or twelve or taller buildings. The reason is the difference in economics of building with wood and iron beams. If taller buildings are allowed on the lots without contributing structures, the City's consultant wondered whether the juxtaposition of tall buildings would cause the entire district to be de-listed at some future time.

While the Historic Preservation Zone has a process whereby a property owner can appeal to Mayor and Council to demolish a contributing structure, the current draft gives no similar appeal process in the IID.

*Lessons Learned from The District* - Staff has listed below some of the lessons learned that came out of the stakeholder discussions and earlier Commission Subcommittee meetings that related directly to the student housing complex known as The District located northwesterly of the 6<sup>th</sup> Street and 4<sup>th</sup> Avenue intersection.

Key Lessons:

- The Mayor and Council's evaluation of The District is they wanted the future focus of the IID revision project to be on improving neighborhood preservation and still keeping the IID an infill incentive tool.
- The lack of formal commitments on mitigation features was recognized by Mayor and Council and many stakeholders as a weakness of the current IID. The Mayor and Council want this issue to be resolved in the revision.
- While The District had access to certain flexible development standards, the restrictions of the shape of the zoning districts on the property guided its massing, height choices, and streetscape choices especially on 6<sup>th</sup> Street.
- Certain developable areas within the current IID's boundaries, especially IID properties bordering non-IID properties like The District, would face adjacency context issues. Further, the IID did not have a specific set of context design standards to address all possible transitional problem areas.
- The actual IID standards and process as applied to The District case seemed to have come up short on satisfying context of the project that was adjacent to residential development in an HPZ. At the same time, however, the Junction at

Iron Horse using the same IID standards and processes came forward as a much more in context and a more successfully designed project.

- Having a City Design Professional provide a professional design assessment of infill projects should always be part of any future City design review process for an infill project.
- Shallow lots in infill areas can cause problems with dimensional standards such as height, bulk and setback in such a manner that compliance with overly strict standards would not work out financially for a developer.
- The neighborhood coordination on The District was not effective and became confrontational. At the same time, neighborhood coordination with the Cadence and Iron Horse Junction projects using similar IID standards in the Downtown Core and Greater Sub-districts were praised by neighbors.

## **Stakeholder Meeting Notes** **(Dec. 11,17, and 18)**

### **12-11-13 Meetings**

Staff took the following notes at the December stakeholder meetings related to the Infill Incentive District (IID) Revision project. Sometimes, staff could cite a speaker's name at other times we just mention the points being made. These notes were not intended to be formal minutes but were looked at as information that would be useful in developing a new IID regulation draft document.

#### **➤ First Meeting – 12/11/13**

Attendants: Marilyn Sullivan, Jerry Dixon, Bill Carroll, Allyson Solomon, Corky Poster

Mr. Dixon wanted to know why the Planned Area Development near the east terminus of the streetcar route was left out of the Downtown Core Sub-district. Staff mentioned it could be placed in the document but it may have been taken out in earlier versions because they understood it was governed a development agreement that already guided the property's development.

There was some discussion about the Industrial Development Authority of the City of Tucson's property in the Downtown Core that were made part of an expanded Downtown Links Sub-district. These parcels have building height and mixed zoning on the lots and adjacency to Historic Preservation Zone (HPZ) areas. It was acknowledged that greater design and special flexibility is needed on them.

Other issues discussed included: Downtown housing needs to be practical to the real estate market; there should be mixed income programs; and the City needs to look at parking fees.

Mr. Dixon suggested the City should consider programming its own properties around the Tucson Convention Center to get things going in the Downtown. It is the low hanging fruit.

Mr. Carroll mentioned that parking is dependent on timing. In ten years less parking may be required in the Downtown. The group agreed that parking needs more analysis including parking in the Downtown Links Sub-district.

There was some agreement that design is a key element and having a Design Professional is good feature of the review.

There was some discussion about building height and the rationale for building height. Mr. Dixon said he understood that the difference between wood multi-story being a maximum of six stories and that iron beam construction is likely to have financing issues tied to the need to be a minimum of twelve stories. The group agreed that along the streetcar route there is a lack of mid-rise housing units. Mr. Dixon said that the streetcar will be successful if there are residents living along the route.

Mr. Poster mentioned that in designing building height for 4<sup>th</sup> Avenue in the Downtown Links Overlay draft document that there was a 50-foot setback from the street frontage but after that taller heights were acceptable.

Mr. Dixon mentioned the design guidelines used in Pasadena, CA as a good example for the IID. The group talked about the difference between design guidelines and design standards. There was some discomfort with regulations versus guidelines. There was also some discussion about how to step back height from a local street to achieve better transition between the new building and existing residences.

### ➤ **Second Meeting – 12/11/13**

Attendants: John Burr, Richard Fe Tom, Jason Wong, Allyson Solomon, Corky Poster

Mr. Wong commented on a phrase in the IID draft that referred to potential negative impacts. He said it is a vague standard that could arbitrarily trigger more restrictive standards. Staff said it would look into improving the language to make it more specific.

There was some discussion of the term, adjacency. One of the goals of the project is to establish more effective transition standards for development next to existing residential and other sensitive infill areas.

Mr. Poster wondered if in the case of the Warehouse District that if vacant parcels developed high-rise multi-story buildings and there were many of them would their juxtaposition to historic warehouse property cause the warehouses to lose their contributing status and perhaps eventually cause the entire national register district to be de-listed.

Mr. Wong said if one develops in the IID it should not be considered a negative impact. He asked if there was a comprehensive map of all the developable parcels in the IID. Mr. Fe Tom said that any master planning of property needs to have a vision of what the goal is. Staff said that up to now the IID has offered quid pro quo incentives that basically allowed zoning flexibility to a development to meet basic best practices of urban design.

There was a discussion of historic zone development flexibility.

Mr. Burr said he did not object to appropriate redevelopment where it is feasible and encouraging re-adaptive uses where feasible.

Mr. Poster said that the Trinity Church is developing a plan for adaptive re-use but earlier versions require a mid-20<sup>th</sup> century addition done by the 20<sup>th</sup> century architect Arthur

Brown to be removed. He remarked that the addition may still be viable and may be supported as a recent portion of the building's overall historic context. The group discussed whether the Trinity Church may have too many issues to be resolved by the IID text amendment and may need to pursue its own rezoning.

Mr. Burr said that local streets with some type of multi-story building could be okay based on how well the design is for its transitions to existing development.

There was some discussion about how neighborhoods can become aware of projects and keep track of projects. Staff mentioned that some type of policy that involved the neighborhood association and the developer whereby both would keep in touch about the details of the project should be considered.

There was also some discussion about the Design Review Board (DRB) taking a more prominent role in the IID projects.

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## 12-17-13 Meetings

### ➤ **First Meeting – 12/17/13**

Attendants: Richard Studwell, Tom Warne, Allyson Solomon, John Lee, Don Bourne and Molly Thrasher, Ward 6 aide, Corky Poster

The discussion included what is the best way to balance neighborhood protection and keeping the IID as an incentive. Staff mentioned that the IID Revisions is going about to consolidate several parts, namely, the Downtown Core/Rio Nuevo merger, incorporating and expanding Downtown Links as a third sub-district, and consolidating procedures and improving neighborhood protection throughout the IID and especially in the Greater IID Sub-district.

Mr. Poster noted that the creation of a fifth subarea of Downtown Links created the advantage to correct a lot of inappropriate infill zoning into developable areas accommodating infill supportive of the streetcar. He mentioned using a form-based code approach.

Mr. Studwell said he was concerned about the tenor of the public discussion on transitions and the outcome of more restrictive regulations that discourage infill development.

Mr. Warne said the Main Gate District had a lot of good ideas on design and process that could be used in the IID Revisions. He mentioned the treatment of sidewalk widths in comparison to the sidewalks that resulted from the well-known, problematic IID development, The District.

Mr. Poster mentioned that properties like The District with two zones create architectural and development constraints that need to be fixed in any IID Revision.

Mr. Bourne mentioned that using bulk reduction standard in the Downtown Core will be a problem especially if the bulk reduction can be increased by the Design Review Board. Many Downtown lots are already shallow and bulk reduction could hurt the feasibility of developing a project at all.

Mr. Studwell said the bulk reduction standard seemed too arbitrary and could undermine an otherwise creative design. He felt we need to set a high bar that we are trying to achieve.

Mr. Lee said that developers need to know what the rules are versus having to rely on vague statements.

Mr. Studwell felt The District project was hampered by having a relative shallow piece of property further hampered by two zones within it. He asked in this case where can the developer place the transition? He gave an example of New York City's St. Patrick Cathedral of a smaller building surrounded by taller buildings yet fitting into its context.

Mr. Warne wondered how much density does the City need to make the streetcar work. The group mentioned 40 residents per acre as well as 18 residents per acre have been used in various studies.

Someone in the group asked what is the definition of a successful streetcar line? The group discussed how it could be a combination of factors including increased sales tax, and a livable urban environment

Mr. Bourne said we need to compliment the streetcar and figure out a way to respect neighborhoods so that we are not always engaged in battles over infill development.

Mr. Poster said there is probably no great resistance to areas having a great deal of density but there would be if the greater density is allowed everywhere along the streetcar route.

Mr. Studwell mentioned that underdeveloped industrial area near the streetcar route is a prime area for redevelopment mainly because there are no neighborhoods nearby.

Ms Thrasher said some projects come with large parking garages. She believed that some neighbors want less cars but not necessarily less people.

Ms. Solomon said that there should be incentives for residents to not have a car.

Mr. Lee felt that people will make their own choices. He further said he understood that there should be incentives for historic preservation in neighborhoods.

There was some discussion about the Trinity Church and the annex located south and east of the older church buildings. It was confirmed that the annex is mid-20<sup>th</sup> century historic structure that became historic after the original church buildings were designated as contributing structures.

Mr. Poster mentioned that many of the buildings with contributing structure status in the Warehouse District National Register District belong to property owners that are unaware that their building is a contributing structure. If these property owners will be surprised and possibly upset that they use the IID flexibility if it involves a de-listing.

Mr. Bourne wondered if the Trinity Church annex is a recent addition as a contributing structure. He asked if there is any flexibility in adjusting that designation.

There was some discussion on how property is determined to be historic. It was stated that there are professional consultants that evaluate the historic features of a potential district and their findings are reviewed and either accepted or rejected ultimately by the State's historic preservation office.

Mr. Studwell stated with regard to the annex there should be an overriding factor as to why the annex should be preserved. There may be a greater good that is supportive of the type of development that makes the streetcar line more successful. Instead, we are making it too difficult to accomplish that goal.

Mr. Poster mentioned that an early idea that was considered was having properties with more complicated issues like the Trinity Church be candidates for rezoning to Planned Area Development (PAD) rezoning within the HPZ. It was referred to as an H-PAD. In an individual rezoning, the particulars can be worked out more effectively. The IID regulations are too broad to handle this type of case.

Mr. Warne said that 4<sup>th</sup> Avenue will have other problems that may need more specific solutions similar to the Trinity Church case.

Mr. Poster noted that he spoke to the West University neighbors about non-historic property in the HPZ and asked if they could support rezoning of such property if it adhered to strong design criteria. He said the neighbors at the meeting were split on whether they would consider such a proposal about 50 to 50.

Mr. Warne felt that an H-PAD had a lot of potential to create more collaboration with the neighbors and create more certainty for all parties.

Mr. Studwell said there is a lot of bad development because the rules make it too hard to do good things.

The group had a broad discussion about design review and the concepts of minor and major review procedures. The idea of using the Design Review Board to review certain projects along with the City's Design Professional was generally supported.

Mr. Warne felt the DRB in its current configuration was not balanced enough. He preferred a version of the DRB for IID projects that had something like two architects, two neighborhood representatives and perhaps two members of the Downtown Partnership. He used the make-up of the Main Gate District's Design Review Committee (DRC) as a good example of a workable group. He said the neighbors could rotate based on the location of the project.

Mr. Studwell felt allowing two votes on a committee of six to the neighborhoods could be a problem.

Mr. Warne said the way the Main Gate DRC worked the committee could not deny a request but could strongly influence the final project design in a constructive manner.

### ➤ **Second Meeting – 12/17/13**

Attendants: Diana Lett, Chris Gans, Jim Campbell, Allyson Solomon, Tom Warne, Corky Poster

Mr. Poster and staff explained that an analysis and recommendation is being worked on for a new fifth subarea of the Downtown Links Overlay. The purpose is to do more specific design work in these areas. Subarea five takes in northern portions of 4<sup>th</sup> Avenue and Stone Avenue. There were also some expansions south of the railroad tracks that encompassed lots currently in the Downtown Core Sub-district. Furthermore, the Downtown Links overlay is being consolidated with the IID to become its third sub-district. The Planning Commission endorsed this approach in November 2013.

Mr. Poster emphasized that the study area touches HPZ areas only in the area of the intersection of 4<sup>th</sup> Avenue and University Boulevard. He noted the HPZ properties may require some solutions that are approached separately.

There was some discussion of transition areas in the IID especially next to a residential property and across a local street.

Ms. Lett said it makes a difference how wide a street is in how transition occurs. Some neighborhood streets are wide but need special attention.

Ms. Solomon said it depends on what is the use on the opposite side of the street from a new IID development.

There was some discussion of The District project on how it had residential property across from the north, east and west but not on the south. There was some further discussion on whether there should have been more emphasis on obtaining a design solution.

Mr. Gans stated that the aim should be to come up with a creative design solution that reduces impacts and concerns on sensitive uses. He further noted that zero lot lines are not common in residential neighborhoods.

Staff mentioned that landscaping can be worked into a development by placing landscaping in recessions of the building as part of the streetscape. It may be an idea that can help the streetscape to soften the transition to an adjacent residential neighborhood.

Mr. Poster on the topic of building heights said that setting back the building height from the street can also help in residential adjacency issues. He noted that had The District had a lower height along 5<sup>th</sup> Street it could have fit better into the streetscape transition.

Ms. Lett expressed some hesitance on form-based solution because she felt neighborhoods can be shown one proposed elevation and then another gets built.

Mr. Warne said the design criteria should be set up so there are no surprises. If the design criteria are in writing, the developer can follow the rules as written. A Design Review Board can also call them out and make sure they are used correctly.

Ms. Solomon stated that the development community wants predictability. However, there also needs to be flexibility and design guidelines as a practical starting point.

Mr. Gans said that in the West University neighborhood the H- zoning designation has to have meaning. Regarding the Trinity Church property, the H- should remain and from there find a creative design solution on heights, setbacks and assurances of certainty for the neighborhood. The H-zoning should remain as a contract between the developer and the neighborhood.

Mr. Poster said that he expected to hear more controversy regarding National Register Districts that are in the IID once property owners begin to understand that a proposed demolition for, say, a contributing structure warehouse will remove the IID flexible standards. The current draft Downtown Links document says any activity that causes a de-listing from the National Register cannot use the flexible infill incentives. Mr. Poster noted that property owners may not have been noticed that their properties were being designated by contributing structures. Note that the National Register District designation is normally not a zoning issue that affects a future permit, but the IID creates an infill incentive that may not be available, at least, as stated in the current draft.

Mr. Gans agreed that property owners may not be aware of the designation in some instances.

Ms. Lett asked if there is a mechanism to remove a property's designation in a National Register.

A group discussion followed on how a historic property should be able to obtain flexibility on re-use. There was concern that some development like The District can have impacts away from the properties adjacent to it. Further, the type of development allowed such as a re-development of the Trinity Church should be designed and developed so as not to have a harmful impact on the neighborhood. Such standards such as uses, parking, loading, height, and setbacks can be reviewed.

Mr. Campbell noted that allowing flexible parking in HPZ or NPZ development seems reasonable. He said we should be more flexible in incentivizing infill development in industrial zones near the streetcar route. The industrial zones are usually separated from existing residential areas. He said the City needs to decide where it wants infill developers to occur. He expressed concerns that otherwise we would be allowing areas to become further distressed with aging structures versus new infill areas supporting the streetcar route.

Mr. Gans wondered how the warehouses in the Warehouse National Register District contribute. Mr. Poster said it may be that the City needs to re-visit its policies on the Warehouse District in light of the streetcar route's need for complimentary infill development.

Mr. Gans told the group that during the early analysis of the West University's HPZ designation the Trinity Church's mid-20<sup>th</sup> century annex built by Arthur Brown did not qualify for being listed as a contributing structure. He noted that it is solidly built but in his opinion the neighborhood has not strong attachment to the annex. Further, he said he did not expect the West University neighborhood to oppose the removal and re-location of the duplexes south of the Church on 4<sup>th</sup> Street. He stated that a rezoning to H-PAD may be appropriate and that the neighborhood wanted to see successful projects in that area. He said that if the Arthur Brown annex is now a contributing structure that has occurred since the HPZ analysis the neighborhood would not support its demolition but may not appeal it if it occurs. Further, he said his neighborhood has had some conversations with the Church consultants working on re-developing the Trinity Church. They are not automatically opposed to a rezoning but want to know more details before they comment any further on the proposal.

Mr. Poster said that Nicole Ewing Gavin from the Office of Integrated Planning talked about the possibility of doing a design charrette on a couple of sites at the 4<sup>th</sup> Avenue and University Boulevard intersection as well as other problematic sites. Perhaps sites like Trinity, the Main Gate apartments, the Rabinowitz building and Block 175 across from El Charro Restaurant should be considered for more in depth analysis. One of the objectives, he said, is to satisfy the need to prove there are good solutions that everyone can accept.

There was a group discussion on Group Dwellings. Group dwellings in the context of the IID is a multi-story rental housing that rents by the bedroom. The normal customers are university students. Ms. Lett mentioned that there is a new trend to develop group dwellings on commercially zoned properties in the Feldmans Neighborhood. Note in these cases the underlying commercial zoning permits this use.

Mr. Campbell said he is okay if the IID draft requires a public hearing for a Group Dwelling proposal to use the IID flexible options. He said the Downtown is becoming an extension of the University and new multi-story Group Dwellings for students makes sense. He suggested that La Placita could be re-developed in this manner. Ms. Solomon said the aim should be to take them out of neighborhoods.

Mr. Poster said that if the City densifies along the streetcar line the Group Dwellings use is the most likely use that will not bring cars. The renters are more likely to use Zip car rentals and bicycles for transportation.

Mr. Gans said that Group Dwellings are not good neighbors and that they are not easily transferable to market rate apartment housing. He felt residential housing should be more of a mix than being built just for students.

Mr. Campbell said that the current market is not attractive for more student housing. He added that the City's Downtown is very small and there needs to be more opportunity areas for market rate housing to take hold.

There was a group discussion on design review. Mr. Gans said in a review involving historic properties the Historic review boards should review the property.

There was some discussion about the make up of the design review group. The current Design Review Board was mentioned and that a person representing the affected neighborhood should be represented. There was also discussion about having a Fourth Avenue Merchants' Association involved when 4<sup>th</sup> Avenue property was being reviewed. There was no clear commitment as to whether having the PDSD director make the decision was a consensus item.

The group discussed how minutes should be taken at a required neighborhood meeting. One option considered was making a recording and forwarding the recording to PDSD as part of the application package. Also mentioned was asking the Ward office to provide someone to take written minutes and providing them to PDSD.

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## 12-18-13 Meetings

### ➤ **First Meeting – 12/18/13**

Attendant: Jane McCollum

The staff explained the consolidated approach for the IID Revision project.

Ms McCollum asked if impact fees could be used to support historic preservation. Staff mentioned that the City is preparing revisions to its impact fee ordinance per a recent mandate from the State. It was staff's understanding that there would be more restriction on what could be collected and impact fees were going to be more difficult to collect in the future.

There was some discussion on the impact of assessment districts. Staff said any fee coming out of the IID would be balanced against any fee already being assessed for the same thing. Note this is not expected to be an issue in the IID.

Ms McCollum felt that the person getting the flexibility and benefit from the IID should be responsible for creating a walkable accessible environment. Any fees related to the streetscape should be either paid in full or as some type of in lieu of fee.

Ms. McCollum mentioned that she did not like how The District project develop a narrow streetscape on 6<sup>th</sup> Street with trees in an useable location for shade.

There was some discussion about impact fees versus rezoning exactions from overlays. There needed to be more discussion on possible ways to get fees for parking and streetscapes.

Ms. McCollum agreed that transitions standards for nearby residential property need to be improved. There was some discussion about what size street triggers more rigorous transition standards. There are various approaches but the Downtown should have different criteria than parts of the Greater Sub-district. Mr. Poster noted that The District would have been more successful if the building height adjacent to 5<sup>th</sup> Street had been lowered.

There was some discussion about bulk reduction. It was felt that in the Downtown Core the strategy should be more focused on pedestrian comfort versus mandatory bulk reduction. Note many of the Downtown lots are shallow and bulk reduction could cancel out an otherwise acceptable project.

It was agreed more discussion is needed on which standards should apply to a given proposal. Parking and loading seemed to be accepted but setbacks, uses and height could be more problematic in given situations. It was noted that stakeholders representing neighborhoods at first wanted all properties designated as HPZ or NPZ to be prohibited from using the IID flexible options. Also it may be acceptable to allow infill uses, especially in the Downtown Links areas where currently the underlying zoning is industrial.

Mr. Poster remarked that in the Downtown Links area where the Warehouse National Register District is if the City allowed twelve or more story buildings it could have the effect of causing the district to be de-listed.

Ms McCollum commented on the Group Dwellings issue related to multi-story student housing projects. She suggested looking at how Evanston, Illinois has handled integrating high and low rise development.

### ➤ **Second Meeting – 12/18/13**

Attendants: Demion Clinco, Jan Cervelli, Shawn Cote, Richard Mayers. Keri Silvyn, Corky Poster

There was a discussion about adjacency standards for development proposal that was across a street from existing development. Dean Cervelli said street speed could be a

criterion. Also mentioned was street width. Also mentioned were streets bordering residential on one side. They are especially sensitive to infill development.

Mr. Clinco said the proposed development should be guided by the context of buildings around them. The key to successful design he said is how a building fits into its surroundings.

Dean Cervelli said it is hard to codify the context goal. However, a design review committee can bring forth the particulars and can help set the parameters with the developer. She said in the Main Gate District the DRC was able to address the unique context issues of a case more specifically than the code language.

Someone asked Ms. Silvyn to comment on her experience working with code language and the Design Review Committee.

Ms. Silvyn said the effectiveness of a committee resolving an issue is related to who is on the committee. In her experience developers are looking for and want clarity. As long as the DRC understands the criteria, the process can work well.

The group further discussed the need to develop effective across-the-street transition standards especially for residential adjacency. This review would include some type of contextual evaluation. It would also have to consider the unintentional design limitations and unintended consequences that underlying multiple zones can cause. There seemed to be some agreement that these issues could be solved in the IID draft standards.

There was also some talk about the differences among the IID sub-districts. The Downtown presented less transitional issues and instead should focus more on pedestrian comfort. Whereas in the Greater Sub-district or the Downtown Links, there may arise local streets with residential on one side.

Some other specific issues came up regarding whether the DRC could increase bulk reduction beyond what is required in the draft IID design standard.

Mr. Mayers expressed concern about having multi-story buildings at zero setback. Dean Cervelli said that reduced setbacks should remain an infill incentive option. Mr. Mayers said in that case it should be part of addressing being in context with the surroundings.

There was some discussion about how formal commitments can create mitigation plans to address various nuisance related issues. However, some neighborhood specific commitments that do not have a greater public application cannot be added as part of the IID standards.

There was some discussion on whether there was room for flexibility for property designated as HPZ and NPZ. As far as re-use there is some possibility of flexibility on use and parking and loading standards. Whether there is room for flexibility on an HPZ proposal for height and setbacks was not resolved.

The group discussed the Trinity Church and its potential re-development.

Mr. Clinco said it should go through a rezoning to Planned Area Development that remains part of the HPZ and get the neighborhood on board. It has too many unique issues to be part of the IID Revision project.

Mr. Mayers said the Arthur Brown annex was not a contributing structure when the HPZ for West University was adopted. He was not clear on how younger buildings age into a district.

Mr. Poster talked about the Warehouse National Register District. He said a lot of the property owners are unaware that their properties are listed as contributing structures. He asked the question - if all the warehouse buildings are preserved but a fourteen story building is placed on a nearby vacant lot would that type of development cause the entire district to be de-listed? He said even if we save the buildings this area is prime for infill because of its nearness to Downtown and the streetcar route.

Ms. Silvyn said that using design criteria gives the opportunity to look at allowing existing properties and new multi-story buildings to redevelop while attempting to keep a familiar context.

The group talked about the need for clear instructions to allow the buildings to remain yet densify the area at the same time. Dean Cervelli said that if the de-listing rule is too restrictive it will remove the incentive to develop in the area.

Mr. Clinco said it is not a good idea to incentivize the demolition of contributing structures. He said some properties are harder to develop and not suitable to certain types of development.

Mr. Clinco said the Urban Land Institute did a study of redevelopment in a Los Angeles warehouse district while using the existing warehouse structures. He suggested the City may want to look at that model.

There was some discussion about Group Dwellings.

Dean Cervelli felt that property values will increase in the Downtown Core and affordability will decrease. She also felt that there may be coming a reduced demand for this housing because student population may be decreasing in the next five years.

There was some discussion of a minor and major design review process. The minor review would be similar to the current process but also include a review and recommendation by the Design Professional.

In the early draft, staff had modeled a major review after the Main Gate District that uses increased height as the trigger for a major review.

Dean Cervelli said that there should be more triggers for a major review than height. Other triggers could be historic building re-use, or proposals at street intersections.

Mr. Clinco said that if a contributing structure is involved it should also include a historic design review by the subcommittee of the Historical Commission. It was noted that the RND has a historic review that could be the model for the entire IID.

There was some discussion of a minor review process. Dean Cervelli said it should involve the Design Professional at an early stage.

Staff mentioned that after having a formal neighborhood meeting there should be some type of collaboration policy requiring the developer to continue working with neighborhood representatives with occasional updates provided to staff.