
The following comments and questions were received from participants at the November 13, 2014 Neighborhood Meeting and letters from stakeholders on the proposed Infill Incentive District revisions. The comments and responses are listed by the date received.

Meeting Comments

- **Discussion from Neighborhood Meeting on November 13, 2014.**

Comment: Why is the height limit so high around the El Presidio neighborhood? Explain the 120 foot height in the 175 lot.

Response: *The underlying zoning height is O-3 zone at 40 feet and C-3 zone at 75 feet. If the height was limited to the underlying zoning, it would not incentivize the development community to develop the site utilizing the IID, which provides for additional sensitivity to neighborhood protection. The proposed IID requires a height transition and massing transfer towards the city core, away from the historic properties. The IID proposal goes further to locate building heights adjacent to historic structures at a lower height while allowing greater building height in the southeast portion of the site to reflect the multi-story nature of the central part of the Downtown. The building height of the C-3 zoning could place 75-foot structures too near historic structures.*

Comment: The 120 foot height is unacceptable. The IID is not taking adjacency and historic context into account.

Response: *Please see above response. It is a balance between property rights and good urban design.*

Comment: What is the incentive to the El Presidio neighborhood?

Response: *The extension of the Downtown Links Sub-district which is the most sensitively designed portion of the Infill Incentive District was extended to this area including Block 175 to assure that any development adjacent to historic structures would be sensitive to the historic setting. At the same time, the property has existing C-3 zoning dating from the 1950's which allows for uses and building heights that can be insensitive to the neighborhood. The IID attempts to encourage development that acknowledges the intensity of the existing zoning and creates incentives to transition height and massing away from the historic district, and reduce the worst scenarios of the existing zoning while instead encouraging good urban design.*

Comment: How to develop to maintain character of area? What do you foresee happening? The streets are really congested in the West University and the lights, sidewalks, and streets are not what they used to be.

Response: *The Downtown Links Sub-district of the IID was extended north of Sixth Street to make sure that any new development was developed with the historic land uses and building*

heights as key components guiding design. In 2006, the Regional Transportation Authority (RTA) was approved by the voters and the streetcar became one of the RTA's projects. When the streetcar project was activated by the 2009 federal stimulus it was an important step in focusing development attention in the area surrounding the 3.9 mile corridor that included the Fourth Avenue neighborhoods. This project included coordination between the RTA, multiple City Departments, and consulting teams. The IID requires new development to do a traffic impact analysis and build sensitively when adjacent to historic areas.

Comment: Will it be required for developers to provide amenities?

Response: *The IID is worded to require a developer to prepare certain mitigation plans that reduce the development's impact on its surroundings. Under the recently adopted impact fee ordinance, the applicant may be required to pay development impact fees. However, they are not required to improve another person's property or put in improvements unrelated to their specific development's impact.*

Comment: Preserving context of buildings is important. The District, an approved development of the current IID, and its massing does not fit the neighborhood. The proposed 90 feet on 6th Street and Stone Avenue is out of context with the neighborhood and the adjacent residential use.

Response: *The underlying zoning permits a height of 75 feet for the C-3 zone. The underlying zoning does not prescribe where to locate the height across a parcel. The proposed 90 feet height is a trade-off to encourage development in less sensitive areas while more restrictive heights then are applied to areas where the underlying zoning is greater and less sensitive to the adjacent existing development.*

Comment: Is there an urban open space contribution by the developers to offset the proposed density?

Response: *Both the Downtown Links and Downtown Core have open space requirements.*

Comment: How does the IID address for the developer not to take the whole block?

Response: *The IID does not limit the amount of land an applicant can propose for developing. Every development has design and, if applicable, historic preservation standards that guide the development towards the best practices of urban design.*

Comment: How is the traffic volumes addressed?

Response: *The IID revisions are a zoning exercise which will still have to be approved for modifications and then through the Development Plan Package process, which includes review for traffic volumes and circulation studies, under the direction of the Department of Transportation. Depending on circumstances, the PDSD Director can require a traffic impact analysis that will discuss the best ways to reduce traffic from being distributed into residential*

areas. The IID can further call for vehicular reduction programs that encourage new residents to use public transportation and reduce car storage in the Downtown area.

Comment: Who is the “we” in discussing the revisions proposed?

Response: *The “We” that has been engaged in the IID Revisions project includes the staff at Planning and Development Services, consultants working on the Downtown Links portion of the IID draft, the Planning Commission Subcommittee and a Citizen’s Task Force. At the request of the Planning Commission staff has been the main editor of the document. There have been numerous meetings and discussions and many revisions were made because of the input received. The Planning Commission Subcommittee was requested to be formed by Mayor and Council.*

Comment: What is the removal procedure of the Design Review Committee if the members become unruly or absent?

Response: *There is a provision in the draft for removal of members if they are not participating. The Design Review Committee is appointed by the City Manager’s Office.*

Comment: My property is just outside of the IID boundary, west of the Freeway; can I use the IID to redevelop it?

Response: *Considering that the property is outside of the boundary, the IID zoning option is not available unless the boundary was changed. Changing a boundary requires Mayor and Council initiation and studies required by State Statutes Your property is outside of the IID but within 300-foot public notice boundary. You have the opportunity to comment on this action or any future IID application that is within the public notice area. Thank you for your question.*

Comment: What are the Design Review Committee meeting times and dates?

Response: *Considering that within the five years that the IID has been around there have been about 10 to 15 cases. That is an average of approximately three to five cases a year. For this level of activity, PDSO first receives a meeting date(s) request from the applicant then staff will poll members of the Design Review Committee as to when they can meet.*

One day out of the month would be an optional strategy if the caseload increases over time. PDSO believes the most efficient way to set up meetings is to adjust the case load as needed. To set up a monthly meeting when the caseload is intermittent and occasional is impractical and requires the Committee volunteers to set aside dates and times that will be normally cancelled.

Comment: Does the developers have responsibilities to fix roads and areas construction work may have damaged?

Response: *Damage to City roads done during construction can be reported to the Department of Transportation and they can take whatever legal action that is available. The developer must also pay impact fees based on the City's formula for road construction.*

Comment: How would you like the building area to look?

Response: *The IID is set up to allow buildings near the street that de-emphasize parking lots. The streetscapes can be activated and the building designed so there is a comfortable pedestrian environment with shade and nearby entrances versus long stretches of blank walls. It is the intent of the IID that the design of buildings will be guided by urban design best practices and making a comfortable pedestrian environment.*

Comment: What is required of first floor development?

Response: *The first floor of a multi-story building is encouraged to have retail and commercial uses, but if there is no market for retail then it should be allowed to have residential use on the ground floor. The key is it should be a use that encourages street activity.*

Comment: The downtown area incentives do not reflect sensitively to the neighborhoods.

Response: *Staff respectfully disagrees. There is neighborhood notification of new development, as well as a required neighborhood liaison communication with the neighborhood association on any new development. There can be up to two neighborhood representatives on the Design Review Committee. The Downtown Links was created to specifically analyze how best to locate infill development adjacent to sensitive historic neighborhood and has massing and design standards to address transition between existing neighborhoods and the city core. There are adjacency and transition standards when next to neighborhoods. Group dwellings, which can be student housing projects that are within 300 feet of a residential area, must go the Mayor and Council at a public hearing for approval.*

Comment: *Mrs. Henrietta Barassi, "How do I get a copy of the IID to review?"*

Response: *Staff will provide you with a copy. Thank you for your interest.*

Comment: *Ms. Molly Moore, "Do I live within the IID?"*

Response: *Your property is outside of the IID but within 300-foot public notice area. You have the opportunity to comment on this action or any future IID application that is within the public notice area. Thank you for your comment.*

Written Comments

- **Participants' comment cards from Neighborhood Meeting on November 13, 2014.**

Comment: Thank you so much for all of your work to preserve our city's historic treasures in the face of development. My priority concern has been ensuring quality development with historic and neighborhood sensitivity and review. I can see those concerns addressed in the IID and I'm very, very grateful.

Response: *Thank you for your comment.*

Comment: Very informative – Nov. 13 meeting. Kind of wish there was a plan that would allow city/neighborhoods to approve plan and then developer would have to fulfill the wants/needs of community.

Response: *Thank you for your comment.*

Comment: Development costs should include street repair, if neighborhood streets (curbs, road bed) are damaged – which they inevitably are, it seems, by large construction projects. Perhaps much of the damage would be prevented if developers knew they would be responsible. This is not an anti-big-building point of view. Just want to limit city subsidy.

Response: *All development is subject to City development impact fees. Infill Incentive District projects are normally required to pay impact fees also.*

Comment: Vehicle reduction requirements should not place transit passes/subsidies on an equal footing with car rental, since only the former supports the city's infrastructure (i.e. our transit system) whereas rental cars are private industry that, like other vehicle use, end up taxing our infrastructure (i.e. roads and downtown space). At least, could mitigate that with rental car tax, if only it could be dedicated to transit. But better to promote use of transit rather than driving where possible.

Response: *Vehicular reduction plans are intended to decrease car storage in the IID. It also has the impact of encouraging transit and less car use. Nevertheless some car use should be expected.*

Comment: Design and height of current student housing is totally inappropriate for residential areas – (street use, sewer and water use in areas circa 1900-1920 existing water/sewer. Did really not know the complexity of it all – thank you.

Response: *Thank you for your comment.*

Comment: 1. No apartments; 2. No business that handles chemicals or toxics; 3. Flood control is a must; 4. What type of development is being considered?; 5. Who is the developer?; 6. Repair of roads; 7. Will our taxes or utilities cost more?; 8. Will the two zones be 50-50?

Response: *The IID allows uses that can fit into an urban area and are convenient to use from public transit, walking and bicycling and to a lesser degree from cars. Automotive uses such as repair shops, service stations and uses with drive-throughs are discouraged.*

Comment: El Presidio sub-area, Toole Ave Area – Commenting on the lack of consideration for the El Presidio Historic District and adjacent historic structures (relevant pages 52-56 of the IID, 5.12 Downtown Area). This proposed revision does not protect the neighborhood nor the historic district which was part of the Mayor and Council charge to the commission/subcommittee. *See Remarks by Robert Freitas.

Response: *Staff respectfully disagrees. The existing building height of the underlying C-3 zone 75 feet and the O-3 zone - 40 feet has been analyzed by the Downtown Links consultants and staff. Using setback and height restrictions standards in other parts of the Downtown Links when next to historic structures, the consultant addressed the features and existing setting in creating a transition strategy.*

The consultant used the same analysis of the existing setting in coming up with the strategy used in the El Presidion Sub-area. The height of the property is re-distributed so that the lower heights are adjacent to the historic structures and the taller heights transition toward the southeast of the property where the multi-story buildings of the central Downtown are located.

Comment: El Presidio residents want: Aesthetically enjoyable elements, historic acknowledgement, gradual transition to multi-story and avoid 75' elevation. Increase owner-occupancy. Be direct (re: parking constraints).

Response: *Thank you for your comment.*

Comment: Please retain and strengthen protections for historic properties and areas.

Response: *Thank you for your comment.*

Comment: May I view the maps? What does the optional IID zoning mean for my property at Stone and 4th St, in the Stone Sub-area? The underlying zoning is C-3?

Response: *Yes.*

Phone Calls

- *Call from Mrs. Fern Espino*

Comment: How will the IID affect my property on South 9th Avenue?

Response: *Your property is outside of the IID overlay, but within 300-foot public notice area. You have the opportunity to comment on this action or any future IID application that is within the Public Notice Area. Thank you for your comment.*

- **Call from Mr. Mike Holkwater**

Comment: How will the IID affect my property? Can I have a food truck round up?

Response: *First, we would need to do more research in defining what a ‘food truck round up’ is in relation to the IID’s permitted uses.. As a property owner you have the option of redeveloping your site now and in the future by utilizing the IID zoning option. Your site is historic and you should consider researching the building before proceeding with any plans. Your property could benefit from lesser parking standards, landscape buffer-yard reduction, possibly access points and other incentives depending on the extent of redevelopment. Each parcel has its own unique opportunities for redevelopment. Working with TDOT is very important for your parcel.*

That would require permitting and planning, should you wish to proceed we can assist you in setting up meetings and coordinating with the other City departments to discuss the possibilities.

- **Call from Mr. Tom Lansa**

Comment: How will the IID affect my Blue Agave apartment complex on North 7th Avenue? I recently updated the building and grounds; will the IID help the properties around the apartments be updated? What about the vacant properties near my complex?

Response: *Your property is within the IID’s Greater Infill Incentive Sub-district. As a property owner you have the option of redeveloping your site in the future by utilizing the IID. . . The IID provides flexible development standards that allow a property owner to redevelop their property with an infill use. In exchange for the flexibility there are certain design standards required that encourage urban uses that may take advantage of public transportation. . Thank you for your comment.*

- **Call from Mrs. Kathrine Apario**

Comment: How will the IID affect my property on North 13th Avenue?

Response: *Your property is within the Greater Infill Incentive Boundary of the IID overlay. As a property owner you have the option of redeveloping your site in the future by utilizing the IID. As your property is currently a home, in commercial zoning, you have the opportunity change the use of your property to small office or commercial without triggering major update of your buffer yards, parking areas, and landscaping. The intent of the IID is to incentives redevelopment within the overlay zone by promoting reinvestment on existing properties, and*

attract new development into areas that have been economically depressed for one reason or another. You have the opportunity to use the optional overlay or not, depending on what best suites the needs of your parcel. Should the parcels around you be redeveloped, as a property owner, you have the opportunity to comment on this action or any future IID development that is within the Public Notice Area, depending on the projects distance from your parcel. Thank you for your comment.

- **Call from Mr. Todd Sadow (?)**

Comment: *How will the IID affect my property on 6th and Stone Avenue? Can I use the IID to redevelop my building into office and residential? I have spoken with TDOT concerning the Downtown-links project.*

Response: *Your property is within the Downtown Links Boundary of the IID overlay. As a property owner you have the option of redeveloping your site in the now and in the future by utilizing the optional IID overlay. Your site maybe historic and you should consider researching the building before proceeding with any plans. The intent of the overlay is to promote reinvestment on existing properties, such as yours, and attract new development into areas that have been economically depressed for one reason or another. Your property could benefit from lesser parking standards, landscape buffer-yard reduction, possibly access points and other incentives depending on the extent of redevelopment. Each parcel has its own unique opportunities for redevelopment. Working with TDOT is very important for your parcel.*

Stakeholder Comments

- **Letter from Chuck Martin dated November 17, 2014.**

Comment: Section 5.12...6.B Major Design Review. I thought that the criterion for a Major Design Review was too restrictive, because any project over 2-stories or 25' required a major design review. I pointed out that there are many locations in the IID that should not have to go through a major review process because of height only. I suggested that height requirement be removed, because the remaining five location criteria would apply and cover all of the problem cases. I still feel that would be the best solution. Instead, two new height criteria were added to the text in the November 5th draft. I believe that the new criteria of four stories or 49', is still a disincentive in a large part of the GIIS.

Response: *Mr. Martin does not agree with the height criteria for a Major Design Review. Height criteria were adjusted to 49' or four stories and two stories or 25' when adjacent to a single family dwelling or duplex during the Subcommittee/Task Force meetings. Using height as a trigger for major design review has a precedent in the Main Gate District and it was kept in the IID. The section was changed recently so that a second criteria must be triggered above and beyond a single height criterion. Also since Mr. Martin wrote his comment PDSD staff has prepared a minor development exception from the Major Design Review. Staff recommends the Planning Commission keep the current language and consider the minor development exception.*

Comment: Section 5.12.2.6.G and H - The section on the DRC had no rules, regulations, meeting time frames, etc. that would not allow the reader to determine how the process would work. Additional information has been added over the last drafts, but as of the neighborhood meeting on November 13th, the schedule for meetings was unknown. I understand will be added to the next draft. I also believe the neighbors asked about how to address a conflict of interest at the joint meeting.

Response: *Staff looked at other citizen committees in the UDC and it is only common for the Planning Commission and the Board of Adjustment to have regular meetings stated in the UDC. Considering the small number of cases in the current IID, it is not appropriate to set distinct times unless the workload called for it. At the November 13 neighborhood meeting staff told Mr. Martin that staff would either set monthly dates once the ordinance was adopted or poll the members based on the case load that was occurring. Setting up meetings based on caseload is currently how the Main Gate Design Review Committee sets its meeting. Staff does not recommend added or changed language.*

Comment: Figure 5.12-DLS-B – The visual standards for the DLS are more restrictive than the rest of the City. This exhibit was finally removed in the November 5 draft.

Response: *Staff agrees with Mr. Martin's comment.*

Comment: DLS Building Placement Standards. The figures and text refer to a “build to line”. This criterion very was confusing with no definition or discussion of how to use the “build to line”. There is now an explanation of the build to line in most sub-sections of the DLS, but not all. I believe that it would be helpful to state in the text and figures that the property line and build to line are coincident sub-sections where setbacks are 0”.

Response: *Staff believes the explanation of the build to line that was made are already acceptable and no further change is needed. The Commission may want to ask our consultant from Poster Frost Mirto for more information at the meeting.*

Comment: Section 5.12.2.B.1 - I think it should clarify that property within the boundaries of the Rio Nuevo Area (RNA) property cannot be developed using only the underlying zoning standards. It can be developed with the underlying zoning and the additional RNA standards or alternately by using IID standards.

Response: *5.12.2 (Establishment) is the Establishment section of the draft. It is meant to set up the three sub-districts and call out the Rio Nuevo Area as a remaining mandatory overlay that has been moved into the IID for consolidation purposes and to reduce redundancy where it may occur. This section is not meant to call out how property is developed in much detail other than basically noting general statements as to noting that one can develop with underlying zoning and develop with the IID's optional zoning. The more detailed version of this basic information is called out in Section 5.12.5 (Submittal Requirements). Staff believes Sec. 5.12.2.B does an adequate job of responding to Mr. Martin's concern. Staff does not recommend a change.*

Comment: Section 5.12.2.C.1.b. (2) – This section seems to conflict with Section 5.12.7.F – RNA Review

Response: Section 5.12.2.C.1.b(2) refers to compliance with Section 5.12.7 standards. Sec.5.12.7.F is the RNA Review Section. This section is almost exactly the same as the current UDC Rio Nuevo District’s version. It calls out review when the applicant is not triggering the IID’s optional zoning requirements and is only developing under the RNA standards with underlying zoning. Staff does not recommend a change.

Comment: 2. Section 5.12.6.B.1.b (1) – It is unclear if this applies to project sites on arterials when they aren’t at intersection?

Response: The section Mr. Martin says is unclear states, “The development proposal is at any one or more of the following locations...At an intersection of one or more arterials.” Staff understands this section to mean that the application property in some way touches the intersection. In most four corner intersections this issue is very clear. At the intersection of Fourth Avenue, Congress Street, Toole Avenue, and a named alley Herbert Avenue near the Fourth Avenue underpass the intersection is more spread out. It would be our interpretation that the Cadence, student housing development, is ‘at an intersection.’ Further, staff believes if you face an arterial or face a non-arterial but are at an intersection with an arterial then you would be ‘at an intersection’ and would meet the criterion noted in Section 5.12.6.B.1.b (1) above Staff does not recommend a change.

Comment: 3. Section 5.12.6.B.3.a and C.3.2.a – Add text to clarify that the neighborhood meeting is a pre-application meeting.

Response: In Sec 5.12.6.B.3.a, ‘neighborhood meeting’ is listed as part of the review and approval procedures. In Sec. 5.12.6.B.2. Staff believes after the phrase ‘ a neighborhood meeting...’ staff can add the phrase ‘in accordance with Section 3.2.2’ which is the neighborhood meeting standards of the UDC. Staff recommends added clarifying phrase.

Comment: Section 5.12.6.H.3 – This section is a disincentive. Not having a quorum for two consecutive meetings could add months to a timeline.

Response: Section 5.12.6.H.3 states, “Notwithstanding Subsection 2 (which describes a quorum as the Design Professional and two members) above if or any reason the City Manager has not appointed the members of the DRC or a quorum is not obtained for a particular application, the Design Professional shall make a recommendation directly to the PDS Director.” Under the current wording using our other citizen committees that meet monthly as a guide, if a quorum cannot be obtained within a month, staff believes the Design Professional can do a review of the case alone. Staff does not recommend a change.

Comment: Section 5.12.6.L – There is no Notice of Decision Section that states how long the director has to make a decision after he gets the recommendations. A Notice of Decision Section can be found in RNA Review Section 5.12.7.F.4.

Response: 5.12.6.M states the Director has ten days to make a final decision that will be sent to the applicant. Staff does not recommend a change.

Comment: Section 5.12.6.L.1.e – What are the standards for the shade study? Is the shade study per Section 7.3.2 of the UDC?

Response: Section 5.12.6.B.3. was added to a list of special studies and requirements the PDSD director can add to an application at the request of neighborhood representatives on the Citizens' Task Force. Mr. Martin is correct that Section 7.3.2 of the UDC is titled 'Shadows from Multistory Structures.' Staff believes any shadow study would comply with this section.

Comment: Section 5.12.7.F.2 – Is the RNA review process per 5.12.5?

Response: Section 5.12.7.F.2 explains how an RNA review that does not trigger the IID optional zoning proceeds. 5.12.5 is submittal requirements for an IID optional zoning application and 5.12.6. is the optional zoning review process. Staff recommends no change.

Comment: Section 5.12.7.F.3 – Add a note to point people to PDSD for DRB schedules. Section 5.12.7.F.4 – Add a note to point people to PDSD for TPCHC schedules.

Response: Regarding 9 and 10, staff believes the references to both of these advisory groups in the zoning provision is adequate for wording in a zoning regulation. Information as to their schedules can be found on-line or through regular inquiries with the Department. Staff recommends no change.

Comment: Section 5.12.9.C.1.a. – The building height in the IID is limited to 60-feet in the GIIS. In many cases this is lower than what is allowed in the underlying zone. This is a change from the current IID.

Response: Staff agrees that the phrase that was struck out of Sec. 5.12.9.C.1.a should be added back into the GIIS. Staff believes that was a longstanding oversight. Staff recommends the phrase allowing underlying zoning heights above 60 feet to be re-inserted into the GIIS.

Comment: Table 5.12-WTA-2. The ground floor is only allowed commercial or retail uses. There is no minimum area allowed. There is the potential that a mixed use project may not be able to support an entire floor of commercial or retail uses. Other subsections where Floor Uses are called out commercial or retail uses as preferred uses, "but office and residential may be used if the uses meet the street activity goals". I think it will be hard for a lot projects to meet the definition of the "street level activity goal" in the DLS because of the required mix of uses.

Response: The discussion among the Subcommittee and Task Force was to realize that ground floors of multi-story buildings are preferable to be developed as commercial. It was also recognized that all ground floors would not be suitable for commercial for various marketing reasons. The revision to make ground floors preferred for commercial but encouraging street activity needs to be made. Staff will discuss with the consultant how to come up with appropriate wording prior to December 3. Staff recommends a change to make ground floors preferred for commercial but not mandatory.

Comment: Is the intent was to replace all references to “abuts” with “adjacent” when associated with developing property?

Response: *The term ‘adjacent’ was the preferred term in the IID revisions and was used in a special way that only applied to the IID. Staff will do a word search to make sure that any use of ‘abut’ either means something different than the IID definition of ‘adjacent’ or if it has the same special meaning then it will be changed to ‘adjacent’. Staff recommends changes be made to assure the meaning of ‘adjacent’ and ‘abut’ are being used in the appropriate context in the IID.*

Comment: Is the intent to have a different definition for lot coverage in the DLS? The description of Lot Coverage in the DLS is different than the definition in the UDC.

Response: *Staff refers this question to the consultants who worked on the DLS portion of the IID. Staff believes it was their intent that lot coverage have a special meaning separate from the rest of the UDC. This point seems to be clear in that they define lot coverage differently in the DLS. Staff recommends no change.*

Comment: Is the intent to use “development zones” in the RNA? The rest of the IID refers to the “adjacent” definition.

Response: *The term ‘development zone’ is used in the RNA in Sec. 5.12.7.C.2. In that the RNA review involves underlying zoning and does not trigger the optional IID zoning the term ‘development zone’ as it applies to both the Historic Preservation Zone and the RNA still applies. The term ‘adjacent’ as it applies to the IID mainly focuses on historic compatibility within the context of the IID development and design standards. They are two different standards. Staff recommends no change.*

Comment: I believe the sub-committee agreed that all references to “historic”, when associated with setbacks, should be replaced with “prevailing”.

Response: *Staff will do a document search and make the change as appropriate. Staff recommends using the term ‘prevailing’ for historic setbacks.*

Comment: What if a project only needs a single modification and fits the criteria for a major review?

Response: *There is no additional criteria that makes a difference from an application requiring one modification from several. If the circumstances require a major design review then the case must go through that process. Staff recommends no change.*

- **Letter from Connie McMahon, Government Relations Director of Metropolitan Pima Alliance (MPA), dated November 19, 2014.**

Comment: The Neighborhood Meeting process is too extensive. There are significant concerns that are proposed process changes will take too long and therefore, be too costly to use the IID.

Response: *Staff respectfully disagree with this statement. The neighborhood meeting for a major design review is the same as the current IID. The minor design review only requires a 50-foot notification less than the notice area of the current IID. Staff recommends a neighborhood liaison process that requires the applicant to give monthly updates to the neighborhood affected. The Committee process allows neighbors and other professionals to weigh in on a development that has a design and use impact. Staff believes responsible local developers already communicate with neighbors and PDSD modeled the neighborhood liaison step observing the best practices of neighborhood interaction by the local development community.*

Comment: The shade requirement is subjective and should be a recommendation, not a requirement.

Response: *The shadow or solar exposure requirement is modeled on Section 7.3.2 of the UDC titled 'Shadows from Multistory Structures.' It requires the applicant to first look at its impact on reducing solar exposure on adjacent residential uses and to reduce the impact as is practical. It does not mandate compliance but request an analysis to see if something can be done as to be a compatible new development.*

Comment: Minor IID application should be processed by staff and nor require a public meeting process.

Response: *In the PDSD staff report for December 3, 2014, staff recommends a minor development exception if a project is minor and yet triggers a major design review. This could be done by setting a minimum size of the project and/or that the project is not visible from the street. Staff believes any application that triggers a historical preservation issue should be reviewed by the Historic Commission under any circumstances.*

Comment: Special Conditions should not identify suggestive mitigation/analysis plans but should instead be evaluated on a case by case basis.

Response: *Staff believes the current wording gives the PDSD Director latitude in requiring certain mitigation plans. This authority is meant to correct a weakness of the current IID which does not specifically call out special conditions. Mayor and Council was aware of the District case of commitments made verbally but not in writing when the property changed ownership by the third time.*

Comment: The language relating to the Design Review Committee is too ambiguous. The process is unclear and it is difficult to anticipate the length of time for the process and the associated costs of potential project.

Response: *Staff respectively disagrees. The MPA should point out what is ambiguous. Staff believes the establishment criteria is clear and the time frame and continuances is clear.*

Of course, who is on the committee and when the meetings will be scheduled will be established once the committee is formed and the timing of meetings will be subject to workload. In the case of the Design Review Board there is a monthly scheduled time.

At the same time, the Main Gate District Design Review Committee is scheduled through polling the members as cases come in. There have been only 10 to 15 IID cases in five years. Staff believes this type of case load can be addressed like the Main Gate DRC. Further, if a quorum cannot be found, the case is forwarded directly to the Design Professional. The IID DRC can only continue the case one time. This system staff believes is clear and predictable.

Comment: The height limitations are too restrictive. You cannot have an incentive zone that is more restrictive for economic development than the underlying zoning code.

Response: *In the Greater Sub-district the height is up to 60 feet or the height of the underlying zoning. This height standard is the same as the current IID. In the Downtown Core it is the same but in addition industrial zones may have infill uses and a height of 75 feet, the current allowed height in industrial zones.*

In the Downtown Links there are heights of 125 feet and 160 feet in the Warehouse Triangle Area. The MPA is correct in areas such as Fourth Avenue there is an attempt to transition from historic heights from the street. There is a 30 height at the street then a 50-foot setback and 60 foot height limits. However, these limits on height are accompanied by drastic reductions in parking, loading, landscaping, and allowing uses otherwise requiring multiple Board of Adjustment variances.

The Downtown Links areas are especially sensitive because of historic buildings and surrounding historic neighborhoods. The heights in the Downtown Links were established during several years of stakeholder input. For some trade off in height a great deal of development standard flexibility is gained. Also none of these properties is developable under the current zoning of mainly C-3 without a large number of variances from the Board of Adjustment. All the properties still have this option available to them.

- **Letter from Jim Campbell dated November 21, 2014.**

Comment: Limit Major Reviews to Problem Projects – We agreed the District was the cause of this IID review. We agreed that being across the street from residential was an issue and we even rolled over on across an arterial from residential. But in the current document this slippery slope has become a situation where EVERY project in the Greater IID will hit height limits, arterials, residential within 300', HPZ, NPZ or Contributing Structures. I believe the current draft creates a clear disincentive to development within the IID. I am not saying development will come to a complete stop but it will cause delays, trepidation and some projects will not happen because of these changes. If this is the goal of the community that is fine but we should be clear on the impact of these changes. As we have repeatedly discussed developers and investors need clarity on what they can do where, how long it will take and how much. I believe we have muddied the waters in this regard.

Response: Thank you for your comments. You stated the following: “ But in the current document this slippery slope has become a situation where EVERY project in the Greater IID will hit height limits, arterials, residential within 300’, HPZ, NPZ or Contributing Structures.” First, on height limits they have either stayed the same or gone up in most cases. There are bulk reduction standards along streets and sensitive uses. Regarding ‘within 300 feet’, a group dwelling within 300 feet must go to the Mayor and Council for a special exception hearing. It’s an issue where there will be debate and it is one reaction to concerns about student housing being introduced into a residential area like the District was.

Regarding the Greater Sub-district since the original adoption the IID without sub-districts then the creation of the Downtown Core/Greater Sub-districts in 2010, the Greater has always been the most restrictive part of the IID. Mainly because it is more of a blend of urban and suburban arterial areas. The Greater’s parking standards still allow 25% reduction but also allow individual parking plans for all IID uses including restaurants. Thus it has more restrictive standards since it is still largely car-oriented.

The proposed design review process is modeled on what the City does today. Today, Downtown Core/Rio Nuevo projects all go to the Design Review Board. In the proposed process they go to the IID Design Review Committee if they have two impact criteria triggered. Also the most recent IID draft proposes a minor development exception if one triggers the major review but it entails only a small project. In addition, large areas of industrial land in both the Downtown Core and Downtown Links are available for infill uses with heights from 75 feet to 160 feet. Historic preservation and the number of contributing properties within especially the Downtown Links and Downtown Core will reduce those sites to redevelopment without de-listing. For these properties, a Planned Area Development rezoning may be the way to resolve economic development and historic preservation comparisons.

Comment: The NPZ/HPZ Trade – The developers agreed in essence to eliminate the IID in the NPZ and HPZ areas. I see that has come to fruition in the draft. But the other half of that friendly trade was to create an area which would have incentives for investment and growth. Specifically the warehouse area north of the RR was discussed. I don’t see any area where we are creating more incentives for development anywhere and in general the document is consistently going away from the old IID. So is there an area that the City would desire us to invest and grow? As is it doesn’t feel like it.

Response: If the IID revisions are adopted about a 147 acres of current industrial zoned land will become available infill uses. The Warehouse Triangle Area of the Downtown Links allows heights up to 160 feet. El Presidio Sub-area platform site may be 160 feet as well as the parking lot north of the Development Services Center. In the Downtown Core, all industrial land may now be developed with infill uses at a height of 75 feet.

Comment: Keep the Downtown Core – The goal was not to hurt something that was working. The IID created the first two ground up projects (Cadence & One East Broadway) in 30 plus

years in downtown. It was my understanding that we were not going to harm the momentum created and were focused on student housing in neighborhoods. But with arterials in downtown (Congress/Broadway/6th Ave/4th Ave/Church/Stone), 300' residential limits and the trigger of "Contributing Structures" my fear is we have just made every project in downtown a Major Review...which was never the goal or purpose. The Cadence would have hit every one of these triggers even though it is firmly in the downtown core. This was contrary to our initial goals. Going forward if you are developing in downtown it may be best to use the underlying zoning and ask for the development standard modifications or variances needed. That was not the goal when we started.

Response: *Currently, Downtown Core projects today must follow the IID without any design authority located in the current IID ordinance. However, since all these projects are in the Rio Nuevo District they must go the Design Review Board to be evaluated against the RND's design standards.*

The proposed IID, if an applicant uses the IID zoning option, must first be considered a major or minor design review process. One criterion was reduced on height stating even if the development is 49 feet or greater but more than 300 feet from a residential use the building height criterion is not triggered. Staff believes many but not all Downtown development will trigger two criteria and require a Design Review Committee review that will be similar to the review by the current Design Review Board. Staff has made sure that the key RND Downtown criteria are also required in the Downtown Core. This is a near one to one trade off. If anything, there is now the possibility that a Downtown Core application will only go through a minor review which is less than today's IID application which requires a DRB review.

Comment: My understanding is that the IID is on a fast track to completion. It surely is not what I, or the other developers/investors would have hoped for. In a perfect world the sunset clause would be extended for six months and maybe using the agreed upon three principles we could tweak all the hard work you and Jim have put into this and retain the incentive in the IID.

Response: *Thank you for your comment.*

- **Letter from Mike and Kathryn Rebro dated November 25, 2014.**

Comment: My wife and I have read the IID documents in detail. I have attended many of the meetings. We realize that the IID will advance the city and stimulate downtown development. We encourage this develop.

Living in the El Presidio neighborhood, we are very concerned with the very high height allowances in the sub-area labeled "El Presidio". A tall building on the platform site (Northwest corner of Stone/Franklin) is understandable, but 14 stories would tower over all other buildings in the area. (and we know at one time there was a 220 ft height) This is the highest building in the entire IID. Why??? Please consider scaling it back a few stories. Also the ten story buildings

allowable at the Southeast corner of Franklin and Church is excessive and is out of character with existing structures. Please limit the height. The ten story structures just North of the YMCA seem a few stories too high. The proposed zoning in the El Charro is designed correctly, but once again the entire height is out of proportion to the neighborhood. A top height of five stories seems reasonable. Some of the assumptions regarding parking seem to be unrealistic. The neighborhood runs on autos. It appears that the zoning assumes that too many people will forgo cars. Please consider the reality of this when there are no grocery stores etc. are within walking distance.

Franklin and traffic in general is changing in the El Presidio area. No consideration has been given to traffic. You are adding lots of people, but no consideration has been given to the roadways. This is unrealistic. The Links highway goes past the El Presidio neighborhood, it does not aid traffic in the neighborhood.

We live along 6th street in housing built by the city ten years ago. During the Links construction, construction was so disruptive that several times our house shook like a bowl of Jello. I am very concerned with how construction of new buildings will impact houses made of adobe. Even construction that was at a distance from our house would at times cause our windows to rattle. Pile driving for large buildings is likely to cause seen and unseen damage to historic buildings. While not a zoning problem, smaller building would be less disruptive.

Response: *First, Thank you for your comments. You stated the following, “14 stories would tower over all other buildings in the area. (and we know at one time there was a 220 ft height) This is the highest building in the entire IID. Why???* Please consider scaling it back a few stories. Also the ten story buildings allowable at the Southeast corner of Franklin and Church is excessive and is out of character with existing structures. Please limit the height.”

There is always a balancing of the property owner’s right to use his current zoning and encouraging sensitive infill in the Downtown Core that is compatible with existing historic structures. Our consultant who is well-versed in historic preservation issues has recommended a building height profile that tries to make reasonable property right trade-offs allowed by existing zoning and a transition plan that redistributes the height allowed on the site to the benefit of being sensitive to the neighborhood. If the plan has no appeal when placed next to current zoning then the property could be developed in a less sensitive way and meet the City’s zoning standards.

Regarding the ‘platform site’ the recommendation is reasonable considering that the earlier rezoning was nearly 65 feet taller and allowed the developer to demolish the historic structures. The current proposal acknowledges a tall building was approved for this site but now there are provisions to protect the historic platforms or require the property owner to rezone.

Staff understands the height transition plans are not acceptable to many residents. The residents can make their concerns known to the Planning Commission on December 3, 2014 and ultimately to the Mayor and Council.

- ***Call from Jim Dillar.***

Comment: I was looking at the pdf (see attachment) for the Downtown Infill District 11-14-2014. It appears that our lots (parcel IDs 124-07-1630, 124-07-1640, and 124-07-1650) are still part of the Armory Park Low Density Residential Infill per the map on page 68. Can you change our lots to be part of the Armory Park and Iron Horse MIXED USE sub-area. We want our lots to be part of IHA-MS area. Was this just an oversight or is there a new map?

Response: *Thank you for your interest and comment. . We will respond further in the near future on how you might approach requesting a change during the public hearing process. .*

- **Emails and phone messages from Mr. and Mrs. Dillar dated, November 26, 2014.**

Comment:

Dear Ms. Laurie,

I was looking at the pdf (see attachment) for the Downtown Infill District 11-14-2014. It appears that our lots (parcel IDs 124-07-1630, 124-07-1640, and 124-07-1650) are still part of the Armory Park Low Density Residential Infill per the map on page 68. I thought you were going to make our lots part of the Armory Park and Iron Horse MIXED USE sub-area. We want our lots to be part of IHA-MS area.

Was this just an oversight or is there a new map?

Sincerely,

Jim Diller
Snakebridge LLC.

Response:

Mr. and Mrs. Dillar,

We have reviewed your request regarding parcel IDs 124-07-1630, 124-07-1640, and 124-07-1650.

These parcels are in the Armory Park-Iron Horse Residential Sub-area of the Downtown Links Sub-district. The parcels are two vacant lots zoned R-3. In table 5.12 DLS -1 Permitted Uses these parcels only allow residential uses.

You wanted to be able to place commercial uses in any new building built on this property.

If you want to make that request to the Planning Commission on December 3, 2014, you may want to consider asking for the following:

Amend Table 5.12 DLS -1 Permitted Uses in the column titled AIH-RS - Place a P(30) next to Administrative and Professional Offices, General Merchandise Sales, and Food and Beverage Sales.

Then in 5.11.D Use Specific Standards for Table 5.12-DLS -1, add a new 30 which states, 'For property with the tax parcel numbers of 124-07-1630, 124-07-1640, and 124-07-1650, offices, general merchandise and food and beverage sales may be allowed as part of mixed residential/non-residential project.'

We will include this email in background materials for the Planning Commission, however, it is up to you or your representative to request this change from the Planning Commission to make it part of their recommendation to the Mayor and Council.

Sincerely,

Carolyn Laurie
Code Administration
Planning and Development Services

NOTE: Please review the map below for further consideration.

Site location: Shown in yellow

