

Comments Received

Enclosed are written comments regarding the proposed Feldman's Neighborhood Preservation Zone received by staff in response to or following notice of the May 12th Feldman's Neighborhood Preservation Zone neighborhood meeting.

Kathleen G. Williamson, J.D., LL.M., Ph.D.
334 East Lee Street
Tucson, Arizona 85705
April 25, 2009

Honorable Tucson Mayor and Council,

I have just read most of and skimmed the rest of the proposed Feldman's NPZ Design Manual Draft. I regret that I will not be able to attend the May 12 meeting.

I applaud your efforts to try to preserve the character of Feldman's Historic Neighborhood. The effort, however, falls far short and gives too much in tax breaks incentives for too little effort on the part of urban density developers.

Historically, Feldman's is not a two- or more- storied neighborhood. While you have allowed, however, for two-story or higher architecture in your Design Manual (which includes extensive details and suggestions about privacy and setbacks), I am shocked to discover that there is *not one word* about VISTA PROTECTION in the one hundred plus pages. Most of the properties and strolls around this area provide great vistas of the Rincons, Tucson Mountains and, especially, the Catalinas.

Probably the most important characteristic of these old residential neighborhoods in Tucson is the mountain vistas. If you've been around these parts over the last few years, however, you'd see view after view being occluded by two story monstrosities that were built by developer Michael Goodman (who, ironically, is a non-resident panelist on the NPZ Feldman's Design Committee).

My views, which were part of the value of my property as well as a big contribution to my quality of life, are being ripped off more and more with each passing day. It's become an aggravating and heartbreaking sight to behold from my house, which I have owned and lived in since 1991. My front porch used to be a pleasurable summer place to sit and watch the monsoon storms come in over the Catalinas. Those experiences have been taken away. Now there are two two-story buildings where Pusch Ridge used to be, and 2 more will be built very soon obstructing the rest of the Catalina range.

My dear friend and neighbor across the street, Mrs. Canara Price, is almost 96 years old and has lived in her house since the early sixties. Her adobe house is over a hundred years old. Right now, Michael Goodman is building four of his two story monstrosities at the edge of her backyard to the north and more two-story structures on the north side of the 300 Elm Street block. Mrs. Price has lost her privacy, quietude and mountain views without a request, apology, or compensation. She technically doesn't live in Feldman's but right across the street, on the north side of Lee.

Come on, Tucson. We can do better than this for the people who live here.

There needs to be view protection for the overall area, if not more of Tucson proper. The neighborhood just north of Feldman's is falling prey to Michael Goodman and other developers. Much of Elm Street (one block north of Feldman's) has been purchased by M. Goodman, and the properties near the Goodman lots suffer to the degree that they sell or will eventually have to sell (for cheap.. to guess who!). Those strips of land are just north of Feldman's, close enough that two-story and higher structures will permanently change the character of Feldman's. What is Feldman's, or Tucson, without views of the mountains?

Architecture does not thrive in a vacuum; it thrives in a visual context. PLEASE make changes to the Design Manual to create incentives for vista preservation and vista corridors.

More importantly, the vista corridors and wide open views also provide a free flow of breezes and air. Feldman's is in a low lying area of this valley and is surrounded by 4 major arterial motorways (especially with the upcoming "improvements" and broadening of Grant Road). If more and more rows of two-story buildings in Feldman and its contiguous neighborhoods are permitted, we will be increasingly trapped in a bowl of stagnant toxic air. In the summer, add "hot" to the list of adjectives. Please give more thought to all of this.

I'd like to add that the design manual also falls short concerning healthy vegetation. The new developments have obliterated the natural desert plants and left absolutely nothing for birds, bees, and other critters (critical to the survival of all species, including ours) to thrive on. The Home Depot mono-palm trees that dominate these new Goodman type developments do not provide the necessary air cleaning and oxygen producing environment we need to be healthy. <http://www.ext.vt.edu/departments/envirohort/articles/misc/plntclar.html>. The City Council exists first and foremost to protect the health, welfare, and safety of the citizens; not to be a supporter of environmentally destructive developments. As Ed Abbey so eloquently wrote, sometimes development is like a cancer cell, "growth for growth's sake."

Regardless, if Feldman's is destined for change and density because of the expansion of the university population or to reduce urban sprawl, let's be wise about it. If we aren't going to be thorough and sincere about quality of life, what's the use of "planning?" Please take your heads out of the abstract and put your eyes and feet on the ground where we live.

I'd like to add a revealing anecdote to this letter. One of your own urban planners used to live on the south side of the 300 block of Elm Street, just north of Ms. Price, separated only by the alley. I met your planner on the street one day and asked what she thought of the Goodman developments around these parts. She quite firmly insisted that it's "great" and that we need "to have more urban infill" development here. But the minute Michael Goodman bought the 1/2 acre church lot next to her house on Elm, she moved away.

Do unto others as you would have them do unto you. She left her dear neighbor and the rest of us holding her urban planning bag. What she created wasn't a place where *she* wanted to live.

I wish you the best of all resources and integrity in your endeavors.

Sincerely yours,

Kathleen G. Williamson

From: Jim Mazzocco
To: katwillie@gmail.com
CC: Elias, Albert; UPD1
Date: 05/08/2009 3:17 PM
Subject: Response regarding Feldman's Neighborhood Design Manual
Attachments: letter to M&C feldmans npz.pdf

Dear Ms. Williamson,

I have been asked to respond to your attached letter regarding the draft Feldman's Design Manual.

The Feldman's Neighborhood is the first neighborhood initiated by Mayor and Council for a rezoning to the Neighborhood Preservation Zone (NPZ). As part of that process, a design manual must be created and approved.

The early attempts in 2005 and 2006 at creating a neighborhood preservation overlay included ideas like including prohibitions on any further multi-story development in older neighborhoods. However, in November of 2006 Proposition 207 was adopted by Arizona voters. This new law made the development of neighborhood conservation and historic preservation policies more complicated. There are still many neighborhood advocates who believe a prohibition on multi-story development should be enacted.

The NPZ enabling ordinance that was adopted in June 2008 did not contain a provision for viewshed analysis. Its main emphasis was on historical compatibility review spelling out specific criteria and on privacy mitigation. Since Feldman is listed as a National Register Historic District, staff used the National Register's focus on a historically compatible streetscape as a focus of the design manual.

The enabling ordinance allows the Mayor and Council to make rules on a specific NPZ overlay more or less restrictive than the zoning rules in the underlying zone. Of course, we assume they would make their decision after consulting the City attorney's office for legal advice.

Staff prepared the current draft design manual after reviewing the criteria listed in the NPZ enabling ordinance and working with an architecture consultant with historic preservation background and a design manual committee made up of various property owners including both full-time residents and off-site landlords.

Staff knows that there are property owners that feel the current design manual is not adequate and a more restrictive approach especially as it relates to multi-story development is needed. At the same time, other property owners who are mainly investors in the neighborhood feel the current draft is too restrictive. They believe the design manual should only be an advisory document with some incentives to encourage historic compatibility.

We believe the current draft requires a compliance review for all applicable properties. How a proposal complies with the historic setting and privacy mitigation will be evaluated. There are incentives for lessening some zoning restrictions where historical compatibility is being achieved but not at the expense of privacy intrusion. However, a ban on multi-story development that would presumably assure vista protection is not currently part of the process.

Regarding landscaping we have noted that drought resistant vegetation is part of the historical make up of the Feldman's neighborhood. Depending on the scale of a development proposal in Feldman, a review of landscaping will part of the compatibility review.

I hope this helps in explaining some of the choices that were made. Obviously, the Mayor and Council make the final decision on the content of the design manual.

From: Jim Mazzocco
To: katwillie@gmail.com
CC: Elias, Albert; UPD1
Date: 05/08/2009 5:45 PM
Subject: Re: Response regarding Feldman's Neighborhood Design Manual

Dear Ms Williamson,

I apologize for not identifying myself. I work for the Department of Urban Planning and Design on Land Use Code revisions. My title is planning administrator in charge of the Current Planning Division. My staff and I worked on the enabling ordinance and putting together the Feldman's Design Manual

As far as why did I respond, I believe when inquiries or comments are sent to an email in-box of the Mayor and Council that are technical in nature, staff that is working on the project is requested to respond. I received your email and I attempted to do my best to respond.

As this item proceeds through the rezoning process, there will be opportunities for you to speak at public hearings, send your comments, or do both.

I will make sure that your original letter, my response, and this email are made part of the public record so the Zoning Examiner and Mayor and Council can review them.

Jim Mazzocco
Planning Administrator
Department of Urban Planning and Design.

>>> <katwillie@gmail.com> 05/08/2009 5:17 PM >>>

Dear Mr. Mazzocco,

1. Thank you for your long and tedious letter, which basically restates, reframes and attempts to politically normalize the problems about which I wrote to City Council. Your letter also fails to address the details experienced here on the ground now and in the future. I appreciate the effort and time you took. As a taxpayer, however, I'm sorry that you took the time at my expense. Who asked you to write this letter to me on their behalf? Its interesting that you don't identify your position with the City.

2. Regarding Prop 207, it only restricts the current owners. You can enact restrictions and impose them against future owners if the City wants to do something right.

3. Regarding the vistas, I do hope you will take my words as insightful, informative, and perhaps concerning things that were given inadequate attention.

It is clear from your writing as well as mine, that the tasteless developers have made a winning compromise for themselves and and increased tax base for the profit center called City of Tucson.

4. Among the many things I addressed, nothing is mentioned about the concerns for what is happening on Elm and that neighborhood, with its impacts on that neighborhood as well as Feldman's.

5. The importance of the story I included about the City Planner creating this neighborhood and then moving away from her own creation seems to have been lost on you. That is a shame.

Not being sarcastic, just being as honest, respectful and concerned for the greater good as I possibly can.

Kindly,
Kathleen Williamson
Citizen of Ward Three
bcc: all of the cc: names of the original letter

On May 8, 2009 3:16pm, Jim Mazzocco <Jim.Mazzocco@tucsonaz.gov> wrote:
> Dear Ms. Williamson,

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Kindly,
Kathleen Williamson
Citizen of Ward Three
bcc: all of the cc: names of the original letter

ARMANDO VARGAS y M. (jr.)
604 East Elm Street
Tucson, AZ 85705-6718

"averigüelo Vargas"

12 May 2009

Adam Smith
City of Tucson, Urban Planning & Design
PO Box 27210
Tucson AZ 85726-7210

RE: Feldman's Neighborhood Preservation Zone Overlay Rezoning

Dear Mr. Smith:

I was unable to attend the 12 May 2009 neighborhood meeting because of a prior commitment on the UA campus the same evening and times.

The NPZ Overlay Rezoning in itself is a good concept for the pilot neighborhood associations. However, nearby neighborhood associations such as Northwest Neighborhood Association (NWNNA) and others, will become an easy "standing target" for mini-dorm developers and operators because such developers will shift to less restrictive neighborhoods to construct more mini-dorms. Several mini-dorms already exist in NWNNA and more are planned. Many of these existing mini-dorms are owned and, or, operated by Michael A Goodman or M.A.G. Trust, Casa Bonita or QuatroVest. Only one mini-dorm developer, QuatroVest, has been interested in working with neighborhood associations to resolve common problems, i.e., crime, drug sales, graffiti, excessive noise and trash, and other concerns. Casa Bonita was one of the contributors to the recent UA Mortar Board Clean Up Crew event in six neighborhoods including NWNNA, El Cortez NA, Feldman's NA and three other NA's.

Goodman razed almost two years ago several older homes on Lee Street between 2nd and 4th Avenues. (Lee Street, between 1st and 6th Avenues, is the common boundary between Feldman's NA and NWNNA.) Recently, Goodman razed several other older homes and a former church in the 300 block of E Elm Street soon after the judge ruled against the City that the review for structures older than 45-years cannot be done administratively through the demolition permit process rather it must be done through a Land Use Code amendment.

The NWNNA and other similarly situated neighborhoods need some sort of protection to safeguard our vested interest, our homes, by slowing down further mini-dorm development be it one parcel, adjacent parcels or several discontinuous parcels because of heightened concerns for increased parking and traffic, increased infrastructure demands, increased noise levels and unacceptable behavior by the mini-dorm occupants. The Land Use Code Amendment proposal, review for 45-year or older structures, must be accelerated and adopted concurrently as the NPZ Overlay Rezoning. If qualified, application for historical status for NA's must be accelerated too. One can hope also, that in the future, the NPZ Overlay Rezoning can be extended to other NA's.

Sincerely,



ARMANDO VARGAS
President, NWNNA
628-9913
avargas@u.arizona.edu

cc: Karin Uhlich, Ward III Council Member

Adam,

I thought it might be important to have a letter from someone who feels strongly about the Feldmans Design Manual, who was not an owner/occupant or part of the neighborhood association. I have several concerns about the manual, and the implications it may carry forward.

Are we willing to give up the right to build a balcony to insure that our neighbors do not build one either? Are we willing to restrict our neighbors' options in landscaping, and allow them to return the gesture? To what extent do we let others make our decisions for us, and what does this cost? I believe that, unfortunately, the cost borne by the Feldmans neighborhood will outweigh the benefit that this manual would provide.

We need to see a proportionality between incentives and restrictions. If it is too expensive to provide incentives, then we should revise the restrictions accordingly. I do not believe a 4ft allowance in setbacks, and alley access, compensate me appropriately for the loss of the ability to build a project on my property, that within the current codes, provides for the highest use. Until we see a true balance between sticks and carrots, I can not support the implementation of this manual.

The subtle but pervasive reality is that the more decisions about our private property we let be determined by the public, the more drab and monotone our street scape will become. Feldmans is not, and has never been, a master planned community. I made the purchase of my house in Feldmans with careful consideration of the building allowances granted to me by law. This NPZ is discouraging because, however diligent our committee could be, it is ill equipped to replace all of the private consideration that went into the purchases of all the individual properties that make up our neighborhood. I believe it is important that our building codes are sweeping and strict, also that they are difficult to change. The NPZ alters the potential for all of our properties, for better or worse. The NPZ was not in the discussion at our dining room table when my wife and I made our examination of our property and decided to purchase our house. Default should be inaction, cause no harm.

In your consideration of this manual, please be respectful of us who would like our property rights to remain the same, and who are not willing to exchange them for the promise of conformity.

Yours,


1409 N 1st Ave
85719