



MEMORANDUM

DATE: June 1, 2016
For June 16, 2016 Hearing

FROM: 
Nicole Ewing Gavin
Planning & Development Services
Director

TO: Jim Mazzocco
Zoning Examiner

SUBJECT: REZONING: PLANNING & DEVELOPMENT SERVICES REPORT
C9-12-01, Main Gate District (MGD), Optional Urban Overlay District (Ward 6)

Issue – This is a request by the City of Tucson to amend the Main Gate District Urban Overlay District (UOD) to address behavioral issues related to group dwellings. The Main Gate District UOD is bounded by Speedway Boulevard on the north, Park Avenue on the east, Sixth Street on the south, and Euclid Avenue on the west, covering an area of approximately 54 acres (see Case Location Map). The amendment to the UOD (see Appendix A for proposed text amendment) proposes to restrict balconies on group dwellings within the Main Gate District UOD.

Planning & Development Services Recommendation – The Planning & Development Services Department recommends approval of the amendment to the Main Gate District UOD.

Background and Mayor and Council Previous Action – On June 28, 2011, the Mayor and Council initiated amendments to the *West University Neighborhood Plan (WUNP)* to facilitate transit-oriented development in the Transition Area (a sub area of the WUNP). The WUNP Transition Area allows for residential, commercial and office uses. The area has portions covered by two historic designations: The West University National Register Historic District and the West University local Historic Preservation Overlay Zone (HPZ). The University of Arizona Campus is located immediately to the east of the WUNP Transition Area, with the Historic West University Neighborhood located immediately to the west. The amendments involved associated changes to the *University Area Plan (UAP)*, such as removing the access requirement to a major street for residential development with density greater than 7 units per acre expanding the location for new residential development with a density of 15 units or more per acre, and removing the 40-foot building height limit.

On December 5, 2011, the Mayor and Council initiated a rezoning of properties within the Transition Area to support and guide transit-oriented development.

On December 13, 2011, the Mayor and Council adopted Resolution No. 21835 and 21836 which amended the UAP and the WUNP.

February 28, 2012, Mayor and Council held a public hearing on the Main Gate District UOD rezoning. Public hearing was closed and Ordinance 10968 creating the Main Gate District UOD was adopted by a vote of 6-1 (Vice-Mayor Uhlich dissenting).

March 22, 2016, Mayor and Council directed staff to explore options for amending the Main Gate District UOD to mitigate general safety issues related to balconies on group dwellings.

Applicant’s Request – This amendment to the UOD zone has been initiated by the Mayor and Council to address safety issues by restricting construction of balconies on group dwellings within the Main Gate District UOD.

Planning Considerations – The *Unified Development Code (UDC)* requires all UOD zones to conform to *Plan Tucson* and applicable land use plans.

Land Use Plan Compliance – This UOD amendment proposal conforms to *Plan Tucson*, the *University Area Plan (UAP)*, and the *West University Neighborhood Plan (WUNP)*, which provide policy direction for the area. *Plan Tucson* designates the University of Arizona as “Campus Area” on its Future Grown Scenario Map. Campus Areas include and surround large master-planned educational, medical, or business facilities. A fully-realized Campus Area serves the local workforce and student population and includes a range of housing, a variety of retail opportunities, and convenient transit options. Campus Areas often accommodate businesses that are the spin-off of economic development opportunities generated by the primary employers. The *Plan Tucson* Public Safety Policy PS3 supports taking preventative measures to reduce potential harm to life and property from hazards resulting from human activities and development.

The *UAP* supports pedestrian-oriented areas around the University of Arizona, including the Main Gate area and University Boulevard, and encourages uses that continue the vitality of the area. The *WUNP* recognizes the potential for land use changes associated with the planned implementation of the modern streetcar; and promotes transit-oriented infill development in the Transition Area. The *UAP* Policy 9.9 related to defensible space guidelines supports coordination between development and the Tucson Police Department through the review of development proposals for compliance with Crime Prevention Through Environmental Design (CPTED) principles.

The Main Gate District (MGD) Development Document implements the *WUNP* Transition Area policies, yet allows flexibility to accommodate creative solutions to design and development issues. The MGD has similarities to a Planned Area Development (PAD) document and allows land uses that are tailored for transit-oriented development, with the ability to exclude those uses not appropriate for this district. Building heights can be varied in specific locations. Permitted land uses and maximum building heights within the MGD are consistent with the *WUNP*. The MGD design requirements are modeled on the *WUNP* Transition Area design guidelines. The MGD Development Document provides incentives for restoration and adaptive re-use of historic structures. A design review committee is established to review for various historic and design issues.

Design Considerations

Main Gate District Overview - The MGD purpose statement says the following:

- Create an urban neighborhood with multi-modal options;
- Design by using best practices and for pedestrian comfort;
- Encourage a mix of uses;
- Encourage preservation and restoration of historic buildings whenever possible;
- Create a streamlined development review process for transit-oriented development.

Balconies and Behavioral Issues with Group Dwellings – Since the Main Gate District UOD was authorized and effectuated in 2012, four student housing projects (group dwellings) have been built utilizing the MGD Urban Overlay District. Since late 2014 there have been a series of incidents involving students throwing objects from upper floor balconies to the ground below. Property managers have addressed this by evicting students involved and installing video cameras. However in some cases it has been difficult to identify the perpetrators. Council Member Kozachik has requested that the Main Gate District UOD document be amended to prevent future developments from having similar issues associated with balconies. The proposed amendment would disallow balconies for group dwellings within the MGD-UOD (Attachment A).

Planning Commission Informational Session – On April 6, 2016, at the request of Mayor and Council, staff presented the issues regarding student behavior and the group dwelling balconies within the Main Gate District UOD at the Planning Commission meeting. At that meeting, the discussion included (see Appendix B for summary of Planning Commission discussion): the extent to which balconies may be banned, possible use of screening elements to mitigate behavior on balconies and rooftops, and ways to better police the group dwellings.

Public Meeting - On May 25, 2016, staff and Ward 6 held a public meeting to discuss behavioral issues related to balconies on group dwellings and to present the proposed amendment to the Main Gate District UOD. At the meeting staff discussed available options to the community to mitigate future occurrences, and documented comments from the attendees (see Appendix C for transcription of notes from the Public Meeting). Approximately 17 people were in attendance, with representation from the Islamic Center of Tucson, West University Neighborhood Association, Feldman’s Neighborhood Association, Samos Neighborhood Association, Blenman Elm Neighborhood Association, Tucson Residents for Responsive Government, and property owners from the general area. Key issues discussed included the following: removal of all balconies on group dwellings; potential expansion of a balcony ban for group dwellings to other neighborhoods or entire city; concern about meeting fire and safety codes, the need to better enforce and control criminal behavior, and legal responsibility for incidents.

Conclusion – The proposed amendment to the Main Gate District UOD is consistent with *Plan Tucson* Policies. The amendment to the Main Gate District provides a solution that addresses the concern of balcony use for group dwellings that was discussed in the Mayor and Council

Communication dated February 10, 2016, while not impacting the ability for future development to meet the goals intended for the Main Gate District UOD. Approval of the requested amended Main Gate District UOD zone is appropriate.

s:/rezoning/2012/C9-12-01 sr.doc

C-19. Design Standards

Compliance with the design standards contained in this Section C-19 shall be determined under the procedure described in Section B-2.d.

Lighting

C-19.a. Lighting strategies shall minimize glare and light trespass, conserve energy, and promote safety and security.

C-19.b. All area lights, including streetlights and parking area lights shall be full cut-off fixtures.

C-19.c. Sources of lighting shall be recessed and shielded so that the bulb itself is concealed from public right-of-way view.

Building Materials and Colors

C-19.d. Building materials should be chosen for their tactile effects and used in a contrasting manner: e.g., rough surfaces against smooth, vertical patterns against horizontal, etc.

C-19.e. Building materials should be chosen for integral colors and their visual and physical permanence in the Sonoran Desert.

C-19.f. Building materials should be selected with the idea of localizing the architectural effect and ambiance in a method coherent with the neighborhood.

C-19.g. Facades facing public streets or open spaces shall be constructed of high quality materials including the following:

- Masonry, such as brick, stone, architectural pre-cast concrete, cast stone, prefabricated brick panels, and concrete masonry units.
- Architectural metals, such as metal panel systems, metal sheets with expressed seams, metal-framing systems, or cut, stamped or cast, ornamental metal panels.
- Glass and/or glass block.
- Modular panels, such as cement board systems, EIFS, and stucco, provided that EIFS and stucco shall be limited to less than 25% of the total building façade at the base of the buildings facing public streets.

C-19.h. Building materials used at the lower floors adjacent to the street frontage should respond to the character of the pedestrian environment through such qualities as scale, texture, color and detail.

C-19.i. Combinations of materials should reinforce architectural scaling requirements.

C-19.j. The use of color should be compatible with the historic traditions of the University of Arizona, City of Tucson, and adjacent historic neighborhoods. Accent colors should be used consistently throughout the building: in signage, architectural features, lighting, window frames, doors and accent walls.

C-19.k. Colors and materials that reflect glare should not be used in large quantities.

Architectural Elements and Features

C-19.l. Architectural elements such as balconies, outdoor stairs, ornaments and surface details, such as screening, cladding and other types of fenestration, shall be used to enhance the architectural style of the building. For group dwellings, balconies shall not be allowed.

C-19.m. Architectural elements should take into consideration appropriateness of use, scale, proportion, color and texture.

C-19.n. Architectural details shall be carefully integrated in the concept design of the building.

C-19.o. There shall be a clear visual distinction between the ground floor and upper floors.

C-19.p. Arcades, when used, shall be placed predominantly along southern and western facing facades, unless incorporated into buildings along Park Avenue. Arcades may be made from wood, brick, canvas, metal, stone or concrete.

C-19.q. A single plane of street-facing facade may not exceed 20 feet without architectural detail.

C-19.r. Areas for outdoor vending and small group gathering are encouraged. The areas should be delineated with hardscape materials, grade change or vegetation.

Building Articulation

C-19.s. No more than three consecutive street-facing facade areas should use the same color paint or method of articulation.

C-19.t. Articulate building facades at entrances and between retail spaces to create areas of exterior patio and engagement.

C-19.u. Any building over 85' long must be articulated in order to appear as a series of buildings no longer than 85' each along the front property line.

C-19.v. At building corners, additional building articulation should be used to emphasize the corner and promote pedestrian gathering (e.g., roof or facade structure that is higher at the corner).

C-19.w. At least one corner along the street frontage shall incorporate a plaza and/or open space for pedestrian activity, including (but not limited to) the corner of Speedway Boulevard and Euclid Avenue

C-19.x. Public art located at the corner is encouraged. Art must be designed and manufactured locally (e.g. sculpture art).

Doors

C-19.y. Doors at primary pedestrian entrances must be shaded or protected from the weather.

C-19.z. Doors must be clearly identifiable.

C-19.aa. Doors must be safe, secure, and universally accessible.

C-19.ab. Storefronts shall provide canopies or awnings for shade and color and material variation. Canopies may be used as a design element and may incorporate signage.

C-19.ac. Storefronts shall be integrated with the sidewalk design and treatment.

C-19.ad. Each building shall have a clearly identifiable "front door" area facing each major street fronting the facade.

C-19.ae. Residential Units that have individual access from the street level shall have a residentially-scaled, street-oriented entry for each unit. The entry shall be demarcated by an awning, stoop, or recess.

Windows and Glazing

C-19.af. Glazing shall be low-e and shall allow a visual connection through either side of the window.

C-19.ag. Window size, proportion and pattern should relate to unit types and room layouts, and should be used to reinforce organized patterns of scale and variety within the building facade.

C-19.ah. Mixed-use developments shall utilize a variety of ratios of clear to opaque surfaces (i.e., glass to wall) to reflect the different uses within the building. In general, residential uses should have less glass-to-wall and commercial uses greater glass-to-wall.

Building Facades

C-19.ai. The street-facing building facade at the base shall include at least two of the following elements:

1. Trellis or vertical garden element with minimum 50% live vegetation cover.
2. Artwork (e.g. public mural, or custom-designed panel) by a local, Pima County artist.
3. Small retail space (minimum 50 square foot GFA newspaper stand, coffee cart, kiosk, etc.; not vending machines or outdoor merchandise display).
4. Outdoor dining or gathering patio, delineated by a low wall, low fence, planters, slight change in elevation, or other buffer devices.
5. Distinctive architectural lighting element.
6. Shade structure.
7. Changes to building plane such as indentations, textures, or accent materials.

8. Windows that provide a minimum of 75% of visible light to be visible on each side of the window.

9. Window displays or visible activity on the ground floor.

Streetscape

C-19.aj. The streetscape along Speedway Boulevard and Euclid Avenue shall be designed to promote continuity of streetscape design along each of those streets.

* * *

Notes from Planning Commission meeting on Main Gate District – April 6, 2016

Presentation by Nicole Ewing Gavin and Dan Bursuck regarding the proposed changes to the MGD document

- Text amendment to Section C-19.L relating to balconies: “Architectural elements such as balconies, outdoor stairs, ornaments and surface detail shall be used to enhance the architectural style of the building.” **For group dwellings, balconies shall not be allowed above the third story unless oriented toward an interior courtyard.**
- Next step is to meet with the stakeholders: West University Neighborhood Association, Design Review Board

The Commission recognized Council Member Steve Kozachik inviting him to comment on the item.

Comments on Main Gate District:

Commissioner Keith

- How would this impact existing and future projects? This would impact future higher density student housing.
- Would this relate to windows as well as balconies? Balconies would likely have the largest impact. Maybe look into rooftop balcony or windows that do not open all the way.

Commissioner Podolsky

- More of a behavioral issues and not one to be regulated by architecture.
- Balconies toward the courtyard and rooftop are also an issue.
- City should implement more legal action against the owner.
- By leaving existing balconies in place, it is an issue with ownership.

Commissioner Ench

- Are we looking at an ordinance reinforcing the criminal issues with this?
- There is also a difference between incidents related to the mosque (hate speech issues) and those not.
- Would be in favor of the design regulations to help mitigate, but needs to have some sort of criminal action as well.
- Two issues, general public safety and one of free speech.

Commissioner Fink

- Glad the City is pursuing legal action.
- Look into making the owner of the building liable for these incidents.
- Rooftops could be the biggest problem.
- Just because it is an interior courtyard, doesn't mean it is safe. Eliminate balconies altogether not just above the third floor and facing outward.

Commissioner Yee

- With the amount of turnover, it is important to program and educate as to good citizenship repeatedly and annually. Ownership needs to work closely with TPD and the University.
- Coordinated effort of all the owners of these properties.
- We need to help protect the mosque as they are emblematic of the diverse Tucson community.

Chair Bryson

- Are there other ways to mitigate people from throwing things?
- Not sure there is a difference between 2nd floor and 3rd floor. We should just get rid of all balconies. They are all a problem.

Commissioner Harwell

- Resolving behavioral issues through code is a problem.
- The value of outdoor space is still there. Look towards screening and ways to mitigate these issues.

Commissioner McBride - Olson

- A building that limits the type of outdoor elements that encourage or allow this type of behavior can still be a good place to live and be architecturally pleasing.

Council Member Kozachik

- Multiple incidents regarding behavior of students, not just directed at the Mosque.
- Bad design regarding balconies; they promote this type of bad behavior, while windows do not. Outdoor drinking, parties, etc.
- Have had many conversations with ownership, but have not been able to reach an agreement regarding mitigation of the issues, closing of balconies, barriers, etc.
- There has been legal action, and this is a serious issue. For projects going forward, we need to address this to make sure incidents do not happen in the future.
- Interior courtyards would be open for regulation / mitigation as well.
- Tucson Police Department , University Police Department, ownership of the towers, university dean of students, council office, university community relations, City Manager, members from the Mosque have all met in the past.
- Try to put into place a governance system like in the university dorms, i.e. floor monitor, RA, etc. In house system of structure.
- I would be open to closing of all balconies.
- We have had conversations regarding netting, screens and other ways to mitigate throwing objects. These have all been rejected by current ownership of the buildings.
- Currently industry is moving away from this type of development and including balconies.

Overview of comments by topic:

Interior courtyards – if we are regulating balconies on the exterior of buildings, as a general safety issue, we should also regulate balconies facing interior courtyards.

Windows – We may want to look at ways to make it difficult to throw items out of windows.

Screening elements – certain elements could be incorporated into the design of future buildings to allow for balconies or open windows, but would restrict the ability for future incidents to occur.

Rooftop open space – These spaces should be regulated as well, considering they are prone to the same incidents as the balconies, perhaps worse considering the size of potential gatherings.

Parties / large gatherings – some sort of regulation of these parties / large gatherings needs to happen.

Ownership / University / City accountability – the lack of accountability of the ownership and residents is very difficult. Some sort of educational program to deal with the large amount of turnover could be helpful.

Hate speech issue vs. general safety – needs to be a clarification between these two groups. While both serious, the one of hate speech is much more so.



MEMORANDUM

DATE: May 27, 2016

TO: File

FROM: Rezoning Section

SUBJECT: Certification of Mail Out of Zoning Examiner Public Hearing Notice on Rezoning Site

REZONING CASE NAME: Subject: C9-12-01 Main Gate District (MGD) Rezoning
Amendment to the MGD Overlay, (Ward 6)

This serves to place on record the fact that on May 27, 2016, Daniel Bursuck, mailed notice of the Zoning Examiner's June 16, 2016, public hearing for rezoning case C9-12-01 a minimum of fifteen (15) days prior to the public hearing.

Signature: 

Date: May 27, 2016

Attachment: copy of mailing list

cc: Jim Mazzocco, Zoning Examiner

CITY OF TUCSON PUBLIC HEARING NOTICE

County Assessor records indicate that you are an owner of property located within 300 feet of a parcel(s) that is being considered for a Rezoning.

The Zoning Examiner, on behalf of the Mayor and Council, conducts a public hearing and considers testimony for each Rezoning in the City of Tucson. Persons attending the hearing are to observe rules of propriety, decorum, and good conduct and are to refrain from rude or slanderous remarks. The Zoning Examiner may impose reasonable limitations on the number of speakers and the length of the testimony.

After the Public Hearing, the Zoning Examiner issues written reports with findings of fact and a recommendation. A preliminary report is issued five working days after the close of the public hearing. A final report is issued 14 days after the close of the public hearing and transmitted to the Mayor and Council. Any person may request a public hearing before Mayor and Council provided the written appeal is filed with the City Clerk within 14 days after the close of the Zoning Examiner's public hearing. The Mayor and Council make the final decision on all Rezoning requests.

You may speak in favor or in opposition to the Rezoning request during the public hearing. You may also submit a written approval or protest. A form is attached for your convenience.

PUBLIC HEARING INFORMATION

Date: **June 16, 2016**

Time: **6:00 P.M.**

Location: Mayor and Council Chambers* First Floor, City Hall, 255 West Alameda, Tucson, Arizona

The Council Chambers is wheelchair accessible. A request for reasonable accommodation for persons with disabilities must be made to the City Clerk's Office by parties at least five working days in advance of the scheduled meeting and can be made by calling (520) 791-4213 or (520) 791-2639 (TDD).

APPLICANT

City of Tucson, Attn: Dan Bursuck
Planning & Development Services Department
201 N. Stone Avenue, 3rd Floor
Tucson, AZ 85701

REZONING REQUEST

Case: C9-12-01 Main Gate District (MGD) Rezoning Amendment to the MGD Overlay (Ward 6)

Requested Zoning Change: The City of Tucson's Mayor and Council initiated a rezoning amendment for the Main Gate District, an urban overlay district.

Location: The Main Gate District bounded by Speedway Boulevard on north, Park Avenue on east, Sixth Street on south and Euclid Avenue on west.

Proposed Development: This is a request by the City of Tucson to amend the Main Gate District Urban Overlay District (MGD-UOD) to address behavioral issued related to group housing. The MGD-UOD is covers an area of approximately 54 acres. The amendment to the UOD proposes to restrict balconies on group housing within the MGD-UOD.

Notificación de Audiencia Pública del Examinador de Zonificación

Para oír y tomar en consideración el siguiente caso C9-12-01 Main Gate Distrito (MGD) rezonificación enmienda a la superposición de MGD (Ward 6)

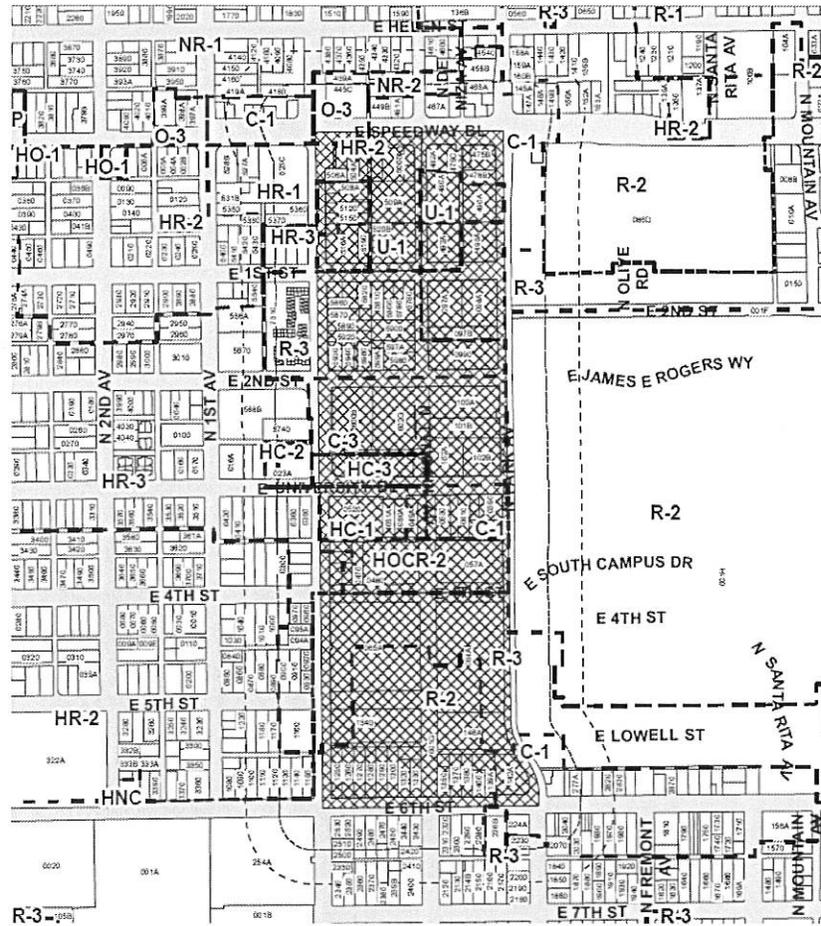
Cambio de Zonificación Solicitada: La Ciudad de Tucson alcalde y el Consejo inició una modificación de rezonificación de la Main Gate Distrito, un distrito urbano de superposición.

Ubicación: MGD está limitada por Speedway Boulevard en el norte, Avenida Park en el este, Calle 1 en el sur, y Avenida Euclid en el oeste.

Desarrollo Propuesto: This is a request by the City of Tucson to amend the Main Gate District Urban Overlay District (MGD-UOD) to address behavioral issued related to group housing. The MGD-UOD is covers an area of approximately 54 acres. The amendment to the UOD proposes to restrict balconies on group housing within the MGD-UOD.

Si usted desea este documento escrito en Español, por favor llame al número de teléfono: 791-5550

For further information, please call Dan Bursuck at 791-5550 or write to Planning & Development Services Department – Rezoning Section, P.O. Box 27210, Tucson, AZ 85726



C9-12-01

Additional information about this project, including the staff report to the Zoning Examiner and the Preliminary Development Plan, will be posted on the web by 5:00 PM, June 1, 2016 at

http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html



Approval – Protest Form

If you wish to submit a written protest or approval, this form is provided for your convenience. Please print your comments below, sign your name, and mail to the Rezoning Section of the Planning and Development Services Department at the address on the reverse side (you will need to attach postage). The number of approvals and protests along with protest calculations will be reported at the Zoning Examiner’s public hearing.

Approvals and protests must have an owner’s signature to be recorded.

If protests are filed from property owners representing 20% or more by area in any quadrant of the area located within a 150 foot radius of the parcel(s) on which the rezoning is proposed, an affirmative vote of ¾ of the Mayor and Council will be required to approve the rezoning ordinance.

Case: C9-12-01 Main Gate District (MGD) Rezoning Amendment to the MGD Overlay, Ward 6

I/We the undersigned property owners, wish to APPROVE the proposed rezoning.
 PROTEST the proposed rezoning.

Reason:

PLEASE PRINT YOUR NAME	PLEASE PRINT MAILING ADDRESS	PLEASE PRINT LEGAL PROPERTY DESCRIPTION		
		Subdivision	Block	Lot

Owner’s Signature: _____ Date _____

Place
Stamp
Here

City of Tucson
Planning and Development Services Department
Rezoning Section
201 N. Stone
P.O. Box 27210
Tucson, Arizona 85726-7210

C9-12-01

Expose this flap - Affix stamp and return



City of Tucson DB
Planning and Development Services
Department -Rezoning Section
201 N. Stone Avenue
P.O. BOX 27210
Tucson, Arizona 85726-7210

C9-12-01
IMPORTANT REZONING NOTICE ENCLOSED

Proposed language changes in red

C-19. Design Standards

Compliance with the design standards contained in this Section C-19 shall be determined under the procedure described in Section B-2.d.

Lighting

C-19.a. Lighting strategies shall minimize glare and light trespass, conserve energy, and promote safety and security.

C-19.b. All area lights, including streetlights and parking area lights shall be full cut-off fixtures.

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Building Materials and Colors

C-19.d. Building materials should be chosen for their tactile effects and used in a contrasting manner: e.g., rough surfaces against smooth, vertical patterns against horizontal, etc.

C-19.e. Building materials should be chosen for integral colors and their visual and physical permanence in the Sonoran Desert.

C-19.f. Building materials should be selected with the idea of localizing the architectural effect and ambiance in a method coherent with the neighborhood.

C-19.g. Facades facing public streets or open spaces shall be constructed of high quality materials including the following:

- Masonry, such as brick, stone, architectural pre-cast concrete, cast stone, prefabricated brick panels, and concrete masonry units.
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CITY OF
TUCSON
PLANNING &
DEVELOPMENT
SERVICES
DEPARTMENT

May 26, 2016

Subject: C9-12-01 Main Gate District (MGD) Rezoning Amendment to the MGD
Overlay, (Ward 6)

Dear Neighborhood Association Representative:

A Zoning Examiner's public hearing has been scheduled for The Main Gate District, which is bounded by Speedway Boulevard on north, Park Avenue on east, Sixth Street on south and Euclid Avenue on west. This is a request by the City of Tucson to amend the Main Gate District Urban Overlay District (MGD-UOD) to address behavioral issued related to group housing. The MGD-UOD is covers an area of approximately 54 acres. The amendment to the UOD proposes to restrict balconies on group housing within the MGD-UOD.

The Zoning Examiner's public hearing is scheduled for June 16, 2016, at 6:00 P.M. in the Mayor and Council Chambers, 255 West Alameda. The file is available for review during regular business hours at the Planning and Development Services Department, 201 North Stone Avenue, 3rd Floor, or on the internet at:

http://cms3.tucsonaz.gov/planning/prog_proj/projects/rezoning/index.html

If you need additional information, please call me at 791-5550.

Sincerely,

Dan Bursuck

Attachment: Draft Amendment Language

201 N. STONE AVENUE
P.O. BOX 27210 • TUCSON, AZ 85726-7210
(520) 791-5550 • FAX (520) 791-4340
E-Mail: Daniel.Bursuck@tucsonaz.gov

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C-19.h. Building materials used at the lower floors adjacent to the street frontage should respond to the character of the pedestrian environment through such qualities as scale, texture, color and detail.

C-19.i. Combinations of materials should reinforce architectural scaling requirements.

C-19.j. The use of color should be compatible with the historic traditions of the University of Arizona, City of Tucson, and adjacent historic neighborhoods. Accent colors should be used consistently throughout the building: in signage, architectural features, lighting, window frames, doors and accent walls.

C-19.k. Colors and materials that reflect glare should not be used in large quantities.

Architectural Elements and Features

C-19.l. Architectural elements such as balconies, outdoor stairs, ornaments and surface details, such as screening, cladding and other types of fenestration, shall be used to enhance the architectural style of the building. For group dwellings, balconies shall not be allowed.

C-19.m. Architectural elements should take into consideration appropriateness of use, scale, proportion, color and texture.

C-19.n. Architectural details shall be carefully integrated in the concept design of the building.

C-19.o. There shall be a clear visual distinction between the ground floor and upper floors.

C-19.p. Arcades, when used, shall be placed predominantly along southern and western facing facades, unless incorporated into buildings along Park Avenue. Arcades may be made from wood, brick, canvas, metal, stone or concrete.

Main Gate District Overlay

(Rezoning Case C9-12-01)

Welcome to the public meeting on revisions to the Main Gate Urban Overlay District to address recent problems caused by balconies in student housing

Wednesday, May 25, 2016

5:30 p.m.

Ward 6 Office

3202 E. First Street

05/25/2016

1



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Background

- **February 28, 2012** – Mayor and Council authorized rezoning for the Main Gate District Urban Overlay which allowed group dwellings with balconies.
- Since late 2014 there have been a series of incidents involving students throwing objects from upper floor balconies to the ground below, including toward the Mosque next door.
- Local concerned groups and property owners have held several meetings to determine an appropriate response, **January 27, 2016** being the most recent.

05/25/2016

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Background (continued)

- Despite these discussions, incidents persist in part due to ownership turnover and new annual student population.
- **March 22, 2016** – Mayor and Council directed staff to initiate public process for revisions to Main Gate District Overlay Document to address balcony issue.
- **April 6, 2016** – Staff began public process with an informational session to Planning Commission for discussion.

Planning Commission Discussion

Some highlights included:

- Interior Courtyards
- Windows
- Screening Elements
- Rooftop Open Space
- Some vs. No Balconies
- Parties / Large Gatherings
- Ownership / University / City Accountability
- Hate Speech Issue vs. General Safety

Staff Suggested Options for Consideration

Balconies allowed
in internal
courtyards and 3rd
floor and below

Balconies allowed
in internal
courtyards only

No balconies
allowed in group
dwellings

Next Steps

Based on Planning Commission discussion and public meeting feedback, staff will propose amendment to **Section C-19.L** relating to balconies within the Main Gate District (MGD).

Next Steps

Staff to Revise
Amendments to MGD
Based on feedback from
Planning Commission and
Public Meeting



Zoning Examiner
Public Hearing &
Recommendation
(Estimated June)



Mayor and Council
Public Hearing &
Decision
(Estimated August)



PLANNING COMMISSION

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

Date: April 6, 2016

Page 1 of 2

To: Planning Commission

From: Nicole Ewing Gavin
Director, Planning and Development Services

Subject: Amendment to Main Gate District Overlay – Courtesy Review

Issue – This is a courtesy informational item to allow the Planning Commission to review and comment on a proposed amendment to the Main Gate District Optional Urban Overlay District (MGD-UOD), as requested by Council Member Kozachik and initiated by Mayor and Council on March 22, 2016. This UOD amendment would disallow balconies for group dwellings within the MGD-UOD above the third story unless oriented toward an inner courtyard. This amendment is in response to concerns surrounding behavioral issues associated with large student housing towers.

Recommendation – Comments from the Planning Commission will be included in the staff report to the Zoning Examiner who will make a recommendation to the Mayor and Council on this amendment.

Background – On June 28, 2011, the Mayor and Council initiated amendments to the *West University Neighborhood Plan (WUNP)* to facilitate transit-oriented development in the Transition Area (the University of Arizona Main Gate district) including, but not limited to, removing the 40-foot building height limit. The amendments involved associated changes to the *University Area Plan (UAP)*, removing the access requirement to a major street for residential development with density greater than 7 units per acre; and expanding the location for new residential development with a density of 15 units or more per acre. On December 13, 2011, the Mayor and Council adopted Resolution No. 21835 and 21836 which amended the *UAP* and the *WUNP*.

On December 5, 2011, the Mayor and Council initiated a rezoning of properties within the West University Neighborhood Plan's Transition Area to an Urban Overlay District (UOD), to support and guide transit-oriented development. On February 28, 2012, the Mayor and Council adopted Ordinance No. 10968, authorizing the rezoning for the MGD-UOD. The affected properties in the MGD-UOD are bounded by Speedway Boulevard on the north, Park Avenue on the east, Sixth Street on the south, and Euclid Avenue on the west, covering an area of approximately 54 acres (Attachment B).

Present Considerations – Four student housing projects (group dwellings) have been built utilizing the MGD-UOD. Since late 2014 there have been a series of incidents involving students throwing objects from upper floor balconies to the ground below. Property managers have addressed this by evicting students involved and installing video cameras. However in

some cases it has been difficult to identify the perpetrators. Council Member Kozachik has request that the MGD-UOD document be amended to prevent future developments from having similar issues associated with balconies. The proposed amendment would disallow balconies for group dwellings within the MGD-UOD above the third story unless oriented toward an inner courtyard (Attachment A).

Process - Section 5.13.9 of the Unified Development Code (UDC) states that the Mayor and Council may initiate an amendment to a UOD. The Planning and Development Services Department has determined that this amendment is a substantial change, which would require a full notice procedure and a Zoning Examiner Hearing. The Zoning Examiner will make a recommendation to the Mayor and Council who will render a decision on the proposed amendment. Prior to the Zoning Examiner process, staff will reach out to the Main Gate Design Review Committee and other stakeholders for comment. The Planning Commission was one of the stakeholders identified by the Mayor and Council, and Commissioner comments will be included in the process.

Attachments:

- A – MGD amendment
- B – Main Gate District UOD

Item #5 Main Gate District Overlay

Planning Commission

Informational Item

April 6, 2016



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Main Gate District Overlay

Goal: Address problems caused by balconies in student housing



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Main Gate Urban Overlay Amendment

- Main Gate District (MGD) amendment to Section C-19.L relating to balconies
- *Architectural elements such as balconies, outdoor stairs, ornaments and surface detail shall be used to enhance the architectural style of the building. For group dwellings, balconies shall not be allowed above the third story unless oriented toward an interior courtyard.*



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Recommendation

- Comments from the Planning Commission will be included in the staff report to the Zoning Examiner who will make a recommendation to the Mayor and Council on this amendment.

Next Steps

Courtesy
Planning
Commission
Review (Today)



Meeting with
stakeholder
groups (WUNA,
MGD DRC,
design
professionals)



Zoning Examiner
Public Hearing &
Recommendation
(Estimated June)



Mayor and
Council Public
Hearing &
Decision
(Estimated
August)





MEMORANDUM

DATE: February 10, 2016

TO: Mr. Roger Randolph

FROM: Council Member Kozachik

SUBJECT: Amendment of the Main Gate District Overlay

For the March 22nd study session, please set aside 20 minutes for consideration of amending the Main Gate District Overlay.

In December, 2011, Mayor and Council adopted the Main Gate Overlay. It's a set of zoning options intended to promote transit oriented development along the streetcar line. It has largely accomplished that goal.

One portion of the Overlay relates to balconies as "architectural elements." The language of the Overlay says this: "Architectural elements such as balconies, outdoor stairs, ornaments and surface detail shall be used to enhance the architectural style of the building." Balconies have in fact been integrated into building design on several of the large student housing towers.

In late 2014, and again in late 2015, there were incidents involving students throwing objects off from upper floor balconies, nearly missing people on the ground below. Property ownership evicted students involved in 2014, but despite the installation of video cameras they have been unable to identify all of those involved in the most recent set of events. It is only a matter of time before somebody is seriously injured or killed if struck by an object thrown from the balconies.

I am requesting a study session agenda for the purpose of discussing remedies available to the City in the hopes of eliminating the danger to the general public. Specifically, I will be asking to explore sending to the Planning Commission a request that they study and report back to Mayor and Council on amending the MGO as follows:

For any construction in the Main Gate Overlay District going forward, balconies facing the exterior of the building above the 3rd floor shall be prohibited.

###

CC: Mayor Jonathan Rothschild
City Attorney Mike Rankin
City Manager Michael Ortega

Allowable Height Map



Figure 3 - Allowable Height Map