

Grant Road Overlay – Draft

Comments

February 15, 2018

Page 3, Section B-1.e and f: References to “her” should be changed to either his/her or their.

Page 3, Section B-1.j: Does this provision allow an existing use to obtain the benefits of the overlay by simply requesting a certificate of occupancy? How does that achieve a planned vision?

Page 4, Section B-2.a.2: Where are the justifications for granting a waiver of these requirements? If we are going to give a property owner a pass, there need to be some guidelines spelled out. Otherwise, it could become a case of “anything goes.”

Page 4, Section B-2.b.2.a.1: Does this height of 49 feet include a parapet or any ornamental element?

Page 4, Section B-2.b.2.c, Notices: If you are going to write an overlay which is already a giveaway to developers, it shouldn't include exceptions.

Page 4, Section B-2.b.2.d.3: The Design Review Board is a problem. With only one neighborhood representative and the remainder coming from professions that are reliant on development for their livelihood, neighborhoods will never be equitably represented. Furthermore, the UDC quorum requirements for the DRB are a sham. Out of 7 members, 2 only act as alternates, 5 constitute the DRB, and a quorum is 3, meaning that just 2 individuals can make a decision about design decisions. At least the UDC requires 3 out of 5 votes when the NPZ is involved.

Page 5, Section B-2.b.3.c.1, Notices: Does the 50-foot notice requirement include the width of streets, alleys and right-of-ways?

Page 6, Section B-2.b.5.4(c)(1), Exceptions: So if this same overlay criteria is applied to the other sections of Grant, does that mean that a new development at the corner of Campbell/Grant would be exempt from the compatibility requirements for historic structures because of the vacant lot?

Page 7, Section B-2.b.12.c.1, Vehicle Reduction Plan: Does this take into account the parking needs of visitors or are we simply relying on neighborhood streets to accommodate the parking?

Page 8, Section B-2.b.12.2, Noise Mitigation: Define “substantially.” The criteria listed as measures to ensure that group housing does not become a problem would seem to indicate that it is a given that group housing is a nuisance. Why are we even placing this in the relatively small areas that make up the overlay zone? It will be impossible to

buffer the surrounding residences from the impact. The overlay should limit “nuisance” uses such as group housing and alcoholic beverage service to the larger parcels and require those uses to maintain a larger distance from adjoining residences.

Page 8, Section B-3, Best Practices: This term is too fuzzy, particularly since the city insists on using design standards for a downtown area. Grant Road is NOT a downtown area. We need realistic, better-defined standards here.

Page 9, Definitions, Story: While this definition reflects the Commercial Building Code, it does not address whether a loft is considered a second story. Student housing can be a loft and bring all the problems that come with students and multiple floors. It also may lead to under-calculating the parking needs for the structure. Fry’s is putting a mezzanine in their new store with offices planned for that area. That brings in people, who have an impact on the surrounding environment and who need to be accounted for. This needs better clarification.

Page 10, Section C-2.A.1.f, Outdoor seating: While a pedestrian may be able to negotiate around chairs and tables on a sidewalk, what assurance are there that someone using a wheelchair can get by? This should have an ADA requirement.

Page 10, Section C-2.A.2.b, Exception: I am troubled by the number of times I see the word “exception” used in this code. Either we write a code or we don’t. Why bother with a code if we keep inserting loopholes in it?

Page 10, Section C-2.B.1, Applicability: Does this 100 feet include alleys, streets and right-of-ways? Is the measurement to the property line or to the actual structure?

Page 11, Section C-2.B.a: This language needs greater clarity. If the underlying zoning permits a building height of 75 feet, does this section mean that this height is acceptable, so long as only 30 feet separates it from the property line of an adjoining home? If so, what just happened to that homeowner’s privacy? This is not an acceptable transition. If the intention is to limit it to 25 feet in height, that needs to be clearly stated. Eg “... to the maximum height permitted by the underlying zone... but not to exceed 25 feet in height.”

Page 11, Section C-2.B.d, Balconies: If balconies are permitted, they should be restricted on the sides of the building that face adjoining properties. They should be limited to a courtyard area where the impact is confined to that property. This is not just a problem of privacy, as we know from the experience of the Mosque. You might want to consider additional requirements that balconies have metal mesh screening to prevent objects from being thrown. This is a safety consideration for the residents as well as any law enforcement officer who must respond to a call.

Page 11, Section C-2.B.3, Mitigation: Mitigating the garbage area is fine. What are we doing to mitigate the potential for the roof of the building to be turned into party central? That has created an enormous problem for the neighborhoods around the University.

Page 11, Section C-2.C, Alternative Compliance: Once again, this zone references design standards for a downtown area. A strip of land along Grant Road is NOT the same as a downtown. If you don't want a hodgepodge affect, pick a set of criteria and be consistent in utilizing them. Otherwise, we are left to the vagaries of whomever the PDSD Director happens to be at the time.

Page 12, Section C-2.D, Utilities: Sewer capacity is a critical item that is not on this list. If the UMC Diamond Center barely met the sewer capacity requirements, and plans are in the works for multiple multi-story buildings in that vicinity, the citizens need an honest assessment of what all this new development is going to cost them to expand the existing sewer system to accommodate this density.

Page 12, Section C-2.E.4.a, Parking Exception: This section permits the original parking plan to be utilized even if the use changes or expands. We have always recognized that restaurant and bar usage generates a different parking pattern. Patrons stay longer, so there is less turnover in parking spaces. If this is not factored into this overlay, it has the potential to create huge problems for the surrounding neighborhoods.

Pages 12 – 14: These sections are particularly troubling. The overlay permits a 25% modification of building height, setbacks, lot coverage, parking, loading, landscaping, etc. It requires parking to be at the rear of a building, where it would most impact an adjoining residence. It allows Alcoholic Beverage Service, but still permits a reduction in parking requirements. It provides a specific land use table but then permits the PDSD director to allow any use that the underlying zoning might allow, which defeats the purpose of the land use table. It allows trees to be placed in the right-of-way, which seems to indicate that a property owner can meet their landscaping requirements by utilizing the public's property. So who pays to maintain those trees? The taxpayers? It "encourages" storm water detention but does not require it. So where does all the water from the hardscape go? It allows passive water harvesting in the right-of-way. Again – who is responsible for maintaining this area?

The bottom line is that the overlay allows a developer to maximize their built area, minimize the buffering, and externalize their diseconomies, such as parking, by building in a manner that pushes it into the surrounding neighborhoods. Those residents, in turn, must come up with the money to mitigate the problems this creates.

What this does is transfer wealth from the majority of the residents to an exclusive group of developers. Those things that have always been a shared responsibility, like following codes, are placed disproportionately on the residents, while the developer, who often does not even live in the community, is held to a lower standard, allowing him/her to keep more money in their pockets to the detriment of the broader community.

Page 14, Section C-2.N, Modifications...: This refers to a subsection P below, but I could not find a Section P.

Page 15, Section C-2.O.2.a, Parking Modifications: In a previous section on page 14, reference was made to an allowable 25% modification to parking. Does this Section mean we

are permitting a second 25% modification? Ironically, we allow for a reduction in parking spaces, but we require the bicycle parking to remain constant.

Page 16, Section C-2.O.5.b, Landscaping: This section permits a complete waiver of shade tree requirements if shade has been provided through the use of structures. However, if you are trying to achieve a walkable environment, especially with climate change, utilizing trees to offset the heat generated by man-made structures would create a more cooling environment.

The bottom line on this overlay comes down to this. What is the purpose of creating this zone? Since it is voluntary, it cannot be to create a "...comprehensively planned, better designed pedestrian, transit-oriented, mixed-use and urban infill areas..." That will not be achieved in a piecemeal fashion.

Furthermore, since the PAD has become a free-for-all, why would anyone elect to use the overlay? If you want this overlay to even be considered, the first thing you will need to do is prohibit the use of PAD's in the overlay zone.

Transit oriented development generally refers to areas that are densely developed and near a streetcar line. Since Tucson's streetcar is hemorrhaging money, it is highly unlikely that we will ever be able to extend it. Furthermore, unless the city has long-term plans to bulldoze our neighborhoods so developers can build vast areas of multi-story buildings, the overlay areas lack sufficient size to do anything meaningful in the way of achieving transit-oriented development.

Overlays, PAD's and other special zoning categories are only applied to commercial areas. No homeowner will be allowed to use these zones to make up their own rules. That places the majority of your population at the mercy of an exclusive club. If those club members do not wish to be bothered with providing sufficient parking, for example, they are permitted to push it into the surrounding neighborhoods. The residents of that neighborhood must then come up with the money to address the problem. Hence – the transfer of wealth.

I realize that, as staff, you are at the mercy of the political system and are simply doing your job. It is unfortunate that your skills and talents are being utilized to systematically rob our residents of their wealth.