

The following comments and questions were received from the public in response to the January 25, 2018, draft of the Grant Road Urban Overlay District (UOD) Document. A copy of the original comments as submitted can be obtained at the following website (<https://www.tucsonaz.gov/pdsd/grant-road-land-use-planning>), or from the City of Tucson Planning and Development Services Department (PDS), 201 N. Stone Avenue. The comments and responses are listed by the date received. The responses were prepared by PDS staff.

Submitted Comments from Dennis Caldwell dated 1/26/18

Comment: Section C-2.A.2.a – Can't we push this for more than 50%

Response: *This is a delicate balance between what can reasonably be requested without disincentivizing the use of the Grant Road UOD. Ultimately, we have decided to follow a similar standard to that used in the Infill Incentive District (IID). This does not mean the threshold number may not be changed or discussed further.*

Comment: Section C-2.B.2.d – Balconies should not be permitted as they can significantly increase noise into neighborhoods. This has been observed with the roof top patio on Congress at the Playground and with mini dorms throughout Northwest Neighborhood.

Response: *This is a recognized concern and has been presented and discussed with the Grant Road Corridor Planning Task Force. Ultimate direction was to restrict balconies on all group dwellings, and on other multi-family dwellings facing single-family residences. This is believed to properly address the impact of noise on nearby neighborhoods.*

Comment: Section C-2.J.9 – This is not functional if applied to stormwater retention basins in planted areas. For safety reasons, the pooling stormwater should be less than 3 feet deep. The more capacity these areas have for capturing water will help mitigate flooding. If this "6 inches" is meant to refer to public right of way areas like walkways or parking lots, that should be defined.

Response: *After consultation with our engineering staff, it has been determined this regulation is not necessary because it is addressed adequately through the current code during the review of development packages for proposed projects.*

Comment: Section C-2.M.6 – Isn't this already required under "I. Landscaping #2"? Rather than compliance with the ADWR Drought Tolerant/Low Water Use Plant List, Why not promote certain species that will help add continuity to the project landscaping or unique to Tucson like the saguaro cactus or palo verde trees. i.e. 8 saguaro cacti per acre, 100% shade tree requirements palo verde or whatever the landscape architects on the project want to promote.

Response: *As stated earlier, the requirements are a delicate balance between what can reasonably be requested without disincentivizing the use of the Grant Road UOD. Being too restrictive in allowances for plants can lead to a project no longer being financially feasible. It is entirely possible through the design review process and the best practice option for an applicant to propose a landscape plan with plant species that will help add continuity to the project landscaping or are unique to Tucson.*

Submitted Comments from Colette Altaffer dated 2/15/18

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

Response: *Staff is in agreement with this and will change these to “their.”*

Comment: 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?

Response: *This does not allow an existing use to obtain the benefits of the overlay by simply requesting a certificate of occupancy. Were an existing property owner to utilize the overlay, they would be required to submit a UOD package for review and approval, which would be subject to all requirements of the Grant Road UOD Document.*

Comment: 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.”

Response: *A goal of the UOD is to provide necessary flexibility to allow for the redevelopment of dimensionally challenged remnant parcels. Our current zoning code is generally geared toward greenfield development in suburban settings and does not lend itself to more urban areas, oddly shaped lots, and infill development. The justification for granting a waiver, is to provide flexibility for unforeseen issues. In exchange for this flexibility, the project must adhere to certain design criteria and go through design review focused on helping to ensure that the project provides a greater community benefit.*

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

Response: *The 49 feet listed in Section B-2.b.2.a.1 is as defined by Section 6.4.4 of the Unified Development Code and does not include a parapet or any ornamental element.*

Comment: 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.

Response: *Ultimately, this is a balancing act between a diversity of committee members and the ability to properly achieve a quorum and not hold projects up. As is, achieving a quorum is many times difficult for the Design Review Board and we want to be careful not make an unreasonable situation for applicants.*

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

Response: *No, this does not include the width of streets, alleys, and right-of-ways.*

Comment: 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?

Response: *Please note, consistent with the Grant Road Community Character & Vitality Corridor Vision: Oracle Road to Swan Road, page 41, 4th bullet, there are no plans to develop an overlay for the central segments between Park Ave and Tucson Blvd. Per the question, should this criteria be applied to the corner of Campbell and Grant (assuming this is referencing the southeast corner), the compatibility requirements for historic structures may not be waived by the PDSO Director given the contributing structures adjacent along Norris Ave., and/or Edison St.*

Comment: 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?

Response: *A Vehicle Reduction Plan shall incorporate all trips generated by a proposed development. As an example, for a multi-family residential project, this would include visitor parking.*

Comment: 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.

Response: *Both group housing and alcoholic beverage service uses are already allowed by the underlying zoning on a majority of the parcels within the proposed overlay, and will not be allowed in places they aren't currently allowed. Additionally, the requirement for noise mitigation, and other required mitigation measures included in the overlay are above and beyond what is listed in the Unified Development Code. The result is a development standard that should protect the surrounding properties better than what is currently in place.*

Comment: 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.

Response: *This section is included to reference example documents that may be used as a guide for the design of development with the Grant Road UOD. To utilize these best practices as a guide, an applicant must first prove why those practices are applicable to the site in order to be approved by the PDS Director. The goal of this section is to allow for innovative ideas that may be applicable, but have not been put forth previously by City staff or the development community in Tucson.*

Comment: Section C-1 – 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.

Response: *Ultimately this is only included to provide clarification for Section B-2.b.2.a, which references a standard to trigger a Major Review. This trigger is dependent on going over a threshold of 49 feet or four stories. If there were offices in a mezzanine, it would still count toward total floor area and be included in the parking calculations.*

Comment: 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.

Response: *All development must adhere to the requirements of the American with Disabilities Act (ADA).*

Comment: 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?

Response: *This is a common way to write code and to provide for enough flexibility for the regulations to properly apply to a wide variety of proposals PDS reviews. These are not intended to be loopholes, but standards that are meant to address specific situations and site conditions.*

Comment: 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?

Response: *This measurement is from property line of the development site to the dwelling unit and does include alleys, streets, and right-of-ways.*

Comment: 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.”

Response: *This section states that a development is required to stepback the building height when adjacent to an affected residential property. This means, it may only develop to a building height of 25 feet within 30 linear feet of the property line of an adjacent residential property. Once outside of that 30 foot buffer from the property line, the height of the adjacent building may be the greater of the extent of either what is allowed by the overlay or what is allowed by the underlying zoning.*

Comment: 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.

Response: *Balconies are currently required to be orientated away from affected residential property or to use a screening device to reduce views and direct noise into the rear or side yards of the affected residential properties. Additionally, we have restricted balconies on Group Dwellings, similar to restrictions in the Main Gate District Urban Overlay. This has been presented to the Grant Road Corridor Planning Task Force and reflects their feedback.*

Comment: 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.

Response: *Those are issues that appear to be related to Group Dwellings. In this draft it requires all developments proposing Group Dwellings to go through the Mayor and Council Special Exception procedure. Conditions may be added to mitigate those effects through the Special Exception process or through the UOD review.*

Comment: 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 PDSO Director happens to be at the time.

Response: *The idea of alternative compliance has been used successfully in both the Infill Incentive District and the Main Gate District UOD. This section is included to reference example documents guidance may be used as for the design of development with the Grant Road UOD. For a proposed best practice(s) to be approved by the PDSO Director, an applicant must first prove why the proposed practice(s) is applicable to the site. The goal of this section is to allow for innovative ideas that may be applicable, but have not been put forth previously by City staff or the development community in Tucson. Developments must still adhere to certain urban design practice, such as allowing buildings near the street that de-emphasize parking lots, activating streetscapes so there is a comfortable pedestrian environment with shade and nearby entrances versus long stretches of blank walls that will help to organize the types of development and minimize the "hodgepodge affect" referenced above.*

Comment: 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.

Response: *This proposal and subsequently any development package utilizing the UOD will be reviewed by the necessary utilities, such as Pima County Wastewater.*

Comment: 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.

Response: *Staff is reviewing ways to mitigate negative impacts on surrounding neighborhoods. The goal is to strike a balance between allowing for reductions in parking when appropriate without creating an undue burden on the surrounding property owners. In the most recent draft we have removed the automatic 25% reduction in parking for Alcohol Beverage Service and Food Service uses. If those uses were to need relief from parking, it would need to be justified through an Individual Parking Plan.*

Comment: 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 PDSO 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.

Response: *Staff is reviewing several of these issues to ensure an undue "transfer of wealth from the majority of residents to an exclusive group of developers" is not the result of the proposed Grant Road UOD.*

Regarding parking, staff is reviewing ways to mitigate negative impacts on surrounding neighborhoods. The goal is to strike a balance between allowing for reductions in parking when appropriate without creating an undue burden on the surrounding property owners. In the most recent draft we have removed the automatic 25% reduction in parking for Alcohol Beverage Service and Food Service uses. If those uses were to need relief from parking, it would need to be justified through an Individual Parking Plan.

Regarding the utilization of the public right-of-way, in many cases this is beneficial to both the developer and the public. For instance, a site's landscaping that provides shade of the sidewalks and/or transit stops benefits the public. Additionally, City policy in recent years is to encourage

more passive measures for water management. This allows the water to use plants to help filter the pollutants in the run-off to percolate water back into the water table, and to reduce the heat island effect. These are benefits that would not be realized if the development were to utilize the traditional detention method. If the development chooses to utilize the right-of-way for storm water harvesting, an agreement between The Department of Transportation and the developer is required that makes clear who is responsible for maintenance of the facilities.

While a potential developer may be better able to utilize their site under the UOD, it comes with trade-offs. The trade-off is that they will undertake a design that contributes “to improving the visual character and quality of Grant Road and the land uses along it, and it will define Grant Road as a unique and vital place,” as stated in the Grant Road Community and Character Vision document. Additionally, mitigation of those potential negative effects created by a more intense development is required.

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

Response: *Thank you for catching this, it was a typo and should have referenced subsection O. This change will be made on future drafts.*

Comment: 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.

Response: *The code only allows for one 25% reduction in parking, not two. Additionally, staff is reviewing ways to mitigate negative impacts on surrounding neighborhoods. The goal is to strike a balance between allowing for reductions in parking when appropriate without creating an undue burden on the surrounding property owners. In the most recent draft we have removed the automatic 25% reduction in parking for Alcohol Beverage Service and Food Service uses. If those uses were to need relief from parking, it would need to be justified through an Individual Parking Plan.*

The reason bicycle parking remains constant is to encourage alternative modes of transportation that lead to the reduction in overall use of automobiles. The City has supported policies and encouraged the development of bicycle infrastructure that allows for this to occur. This is entirely consistent with the goals and objectives of Plan Tucson, the City of Tucson General and Sustainability Plan to reduce automobile dependency and to promote more sustainable and equitable modes of transportation.

Comment: 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.

***Response:** This waiver has been included at the suggestion of Grant Road Corridor Planning Task Force members and staff due to the realities of maintenance. Ideally, utilizing trees for shade to achieve a walkable environment would likely be preferable, but if trees are not properly maintained, that benefit substantially decreases. Alternatively, while a shade structure may not achieve the level of cooling created by shade trees (once they are mature of course), they generally require less maintenance and may cost less in the long run to property owners. There is a delicate balance on how an UOD is created, so as to promote design elements that benefit the community and the overall environment, but not increase overall costs of the project to the point that the redevelopment is not feasible.*

PDSB would like to thank everybody who reviewed the draft document and provided comments.