



Zoning Examiner

Preliminary Report

March 21, 2024

Maria Gayosso
City of Tucson
Planning and Development Services Department
201 N. Stone Avenue
Tucson, AZ 85701

SUBJECT: TP-ENT-0124-00004-Rincon Heights/Pie Allen Neighborhood Preservation Zone Overlay (Ward 6)

Public Hearing: March 14, 2024

Dear Ms. Gayosso:

Pursuant to the City of Tucson Unified Development Code and the Zoning Examiner's Rules and Procedures (Resolution No. 9428), this letter constitutes written notification of the Zoning Examiner's summary of findings for rezoning case TP-ENT-0124-00004 – Rincon Heights/Pie Allen Neighborhood Preservation Zone Overlay (NPZ) (Ward 6).

At the expiration of 14 days of the conclusion of the public hearing, the Zoning Examiner's Report to the Mayor and Council (including background information, public hearing summary, findings of fact, conclusion, recommendation, and public hearing minutes) shall be filed with the City Manager. A copy of that report can be obtained from the Planning and Development Services Department (791-5550) or the City Clerk.

If you or any party believes that the Zoning Examiner's recommendation is based on errors of procedure or fact, a written request to the Zoning Examiner for review and reconsideration may be made within 14 days of the conclusion of the public hearing.

The public hearing held by the Zoning Examiner shall constitute the public hearing by the Mayor and Council. However, any person may request a new public hearing before the Mayor and Council. A request for a new public hearing must be filed in writing with the City Clerk within 14 days of the close of the Zoning Examiner's public hearing.

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BACKGROUND

This is a request by the City of Tucson Planning and Development Services Department, on behalf of the Rincon Heights and Pie Allen Neighborhood Associations, to rezone the residentially-zoned properties within the Rincon Heights and Pie Allen neighborhoods from R-2 and R-3 to NR-2 and NR-3 and adopting the Rincon Heights/Pie Allen Design Manual as a condition of the Neighborhood Preservation Zone (NPZ) overlay. The NPZ enabling legislation ordinance is limited to residential zones only.

The Design Manual includes dimensional and spatial standards for residential projects that are visible from the right-of-way and require a building permit. These standards, permitted by the NPZ enabling ordinance, are more restrictive than those permitted in the underlying zones, are detailed in Chapters 2 and 3 of the proposed Design Manual, and are summarized below.

The rezoning area is bounded by Euclid Avenue on the west, sections of 6th Street, 7th Street and 8th Street on the north, Campbell Avenue on the east, and sections of 10th Street and Hughes Street on the south (see Case Location Map).

SUMMARY OF FINDINGS

Background Information

On June 10, 2008, the Mayor and Council adopted NPZ enabling Ordinance No. 10548 in response to an increasing number of historically incompatible structures being constructed in National Register historic districts near the University of Arizona. To be eligible for the NPZ, neighborhoods must be: 1) listed on the National Register of Historic Districts or be eligible for the National Register of Historic Places and have completed a nomination or eligibility assessment application; and, 2) initiated by the Mayor and Council.

The NPZ enabling ordinance allows the creation of overlay districts designed to preserve, protect, and enhance the unique character and historical resources of established city neighborhoods. The NPZ is implemented on a neighborhood-by-neighborhood basis and requires the development of a neighborhood-specific design manual and a rezoning of the neighborhood to include the NPZ overlay.



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The purposes of the NPZs are “to preserve, protect, and enhance the unique character and historical resources of established City neighborhoods” and “to provide for the creation and establishment of neighborhood-specific design manuals”. The NPZ is an overlay zone superimposed over the

development regulations of the underlying zoning. The land uses permitted within the NPZ district are those permitted by the underlying zoning. New development of buildings and additions/modifications to existing buildings within the NPZ are subject to the Design Manual and must be historically compatible with nearby contributing properties to the National Register Historic District.

On April 20, 2021, the Mayor and Council initiated the Rincon Heights/Pie Allen neighborhoods for the Neighborhood Preservation Zone (NPZ) rezoning process, which includes a neighborhood-specific design manual.

Existing Land Use: The Rincon Heights and Pie Allen neighborhoods are predominantly developed residential lots.

Existing Zoning Descriptions:

Urban Residential Zone (R-2) – Provides for urban, medium density, single-family and multifamily, residential development, together with schools, parks, and other public services.

Urban Residential Zone (R-3) – Provides for urban, high density, residential development and other uses compatible with adjoining residential uses.

Surrounding Zones and Land Uses:

North: Zoned HR-2, R-2, R-3; University of Arizona and Retail/Commercial

South: R-3, O-3, C-1, C-2; Residential, Retail/Commercial, and TUSD Facilities

East: Zoned R-2, OCR-1; Residential and Tucson High School

West: Zoned R-2, R-3, C-3; Residential, Retail/Commercial and Water Resources Research Center

Public Outreach – The Rincon Heights and Pie Allen Neighborhood Associations held a public meeting on September 12, 2019, three webinars on March 4-6, 2021, a Block Party on April 10, 2022, and a

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formal neighborhood meeting on October 28, 2023. Documentation and details are included in the Neighborhood Letter and Outreach Timeline, dated January 23, 2024. Examples of items raised by attendees include: a) Additional costs for property owners; 2) NPZ applicability to University of Arizona development; 3) Balconies overlooking adjacent properties; 3) NPZ applicability to Accessory Dwelling Units.

Applicant's Request – Establish the Rincon Heights/Pie Allen NPZ through the rezoning of residentially-zoned properties in the Rincon Heights and Pie Allen neighborhoods from R-2 and R-3 to NR-2 and NR-3 and adopting of the Rincon Heights/Pie Allen Design Manual as a condition of the NPZ.

Planning Considerations – Land use policy for this area is provided by *Plan Tucson* and the *University Area Plan (UAP)*.

Plan Tucson designates the project site as part of the Existing Neighborhoods building block. Existing Neighborhoods are primarily developed and largely built-out residential neighborhoods and commercial districts in which minimal new development and redevelopment is expected in the next several decades. The goal is to maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encouraging reinvestment and new services and amenities that contribute to neighborhood stability. *Plan Tucson* policies (H3, H4) call for the improvement of housing conditions in aging and historic neighborhoods. *Plan Tucson* policy HP6 and HP7 call for the mitigation of impacts on historic resources caused by construction, and the evaluation of the benefits of new development relative to historic preservation in land use decisions. *Plan Tucson* policy LT4 calls to ensure urban design that is sensitive to the surrounding scale and intensities of existing development.

The *University Area Plan* overall goal is to recognize distinct neighborhoods in the University Area, and support those changes that protect and enhance the character, identity, and residential quality of life in these neighborhoods. The Neighborhood Conservation/Historic Preservation goal is to preserve and enhance the historic character and residential quality of life in University Area neighborhoods. General Policy 4 requires demonstrating sensitivity to surrounding uses in the design, location, orientation, landscaping, screening, and transportation planning of new development.

Planning, Design and Historic Preservation Considerations – Both Rincon Heights and Pie Allen neighborhoods are part of the National Register of Historic Places. The National Register is the official list of the nation's historic places worthy of preservation. This designation has the effect of allowing certain property owners a tax credit but has no zoning impact. The proposed Rincon Heights/Pie Allen Design Manual defines parameters for new development and redevelopment, such as the construction of



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new buildings, significant additions to existing buildings, and new walls and fences, to be architecturally compatible with the defining characteristics of nearby historic structures that are contributing to the

Rincon Heights and Pie Allen National Register Historic Districts. The Design Manual is organized to assist an applicant to design a residential project in compliance with NPZ requirements and describes the review and approval procedures.

The proposed Rincon Heights/Pie Allen Design Manual is comprised of two key components:

1. Regulatory Component – The Design Manual requires projects to comply with applicable Design Review Criteria and Privacy Mitigation standards.
 - a. Design Review Criteria. The NPZ enabling ordinance establishes the elements that are to be used when determining a project’s compatibility. The Design Review Criteria are the key features of the streetscape in the Rincon Heights and Pie Allen neighborhoods, and include:
 - i. Front yard
 - ii. Scale, massing and articulation
 - iii. Rhythm
 - iv. Architectural style
 - v. Exterior walls
 - vi. Vehicular use areas
 - vii. Landscaping
 - viii. Pedestrian ways
 - ix. Porches
 - x. Roofs
 - xi. Windows

The Design Manual includes dimensional standards that are more restrictive than those of the underlying zone as follows:



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Standard	Proposed Requirement	R-2	R-3
Building Height	New construction should maintain the human scale of the streetscape when visible from the street. Articulation techniques should be used to help breakup building mass.	25'	40'
Setback	Front setback is uniform with neighborhood. Side yards are similar in width. Second-story additions to existing historic properties are setback.	6' or $\frac{2}{3}$ the height of the proposed structure, whichever is greater.	10' or $\frac{3}{4}(H)$ the height of the proposed structure, whichever is greater.

2. Incentives Component – The Design Manual includes Incentives that would be conditionally permitted for certain dimensional, spatial and access standards currently applicable in the underlying zones. Examples of Incentives are:

- a. Alleys may be used for access and maneuvering, with the condition that surfacing may be required;
- b. Lot coverage increase up to ten percent (10%) permitted by the underlying zoning, with the condition of retention of the contributing status of a building whenever practicable.



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Review for Regulatory Compliance – The Design Professional will review applications for compliance with the regulatory aspects of the Design Manual and forward a written recommendation with findings to the Planning and Development Services Department Director for consideration. The Director will render a decision whether the application is in compliance or non-compliance with the design manual. If a project is found to be noncompliant, the applicant may redesign and resubmit the project for review or appeal the Director’s decision to the City’s Design Review Board.

March 14, 2024 Zoning Examiner Hearing

The Applicant spoke in support of the requested rezoning at the March 14, 2024, Zoning Examiner hearing. Ten other persons spoke; all spoke in favor of the requested rezoning. The speakers addressed a variety of factors that supported the adoption of the NPZ, including the protection and preservation of the historic Rincon Heights and Pie Allen neighborhoods; the need to guide development and redevelopment within these neighborhoods to preserve and protect the quality of life within the neighborhoods; the need to address impacts on the neighborhood from the destabilizing effect of absentee landlords; and a desire to protect the community created by neighborhood residents.

No one spoke in opposition to the requested rezoning.

As of the date of the Zoning Examiner hearing, there were forty-seven (47) written approvals and sixteen (16) written protests. Fourteen of the written protests were from three property owners who own multiple rental properties in the area.

Conclusion – The NPZ enabling ordinance allows the creation of overlay districts designed to preserve, protect, and enhance the unique character and historical resources of established city neighborhoods. The NPZ is implemented on a neighborhood-by-neighborhood basis and requires the development of a neighborhood-specific design manual and a rezoning of the neighborhood to include the NPZ overlay.

In response to an increasing number of non-historically compatible structures in historic districts near the University of Arizona, the Mayor and Council adopted the Neighborhood Preservation Zone (NPZ) enabling ordinance. The NPZ process includes the development of a neighborhood-specific design manual and rezoning to establish the NPZ overlay. The Mayor and Council initiated the Rincon Heights/Pie Allen Design Manual. The draft Design Manual has been prepared and the rezoning process has been initiated. Upon establishment of a NPZ overlay zone, new structures,

and additions/modifications to existing structures visible from the right-of-way that require a building permit must be historically compatible with the surrounding area and must comply with the applicable

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design manual. The proposed Rincon Heights/Pie Allen Design Manual provides parameters that meet the purpose of the NPZ enabling ordinance, and it is in compliance with *Plan Tucson* and the *University Area Plan*. The proposed rezoning and Design Manual will be considered by the Mayor and Council.

The Zoning Examiner recommends approval of the rezoning of the Rincon Heights/Pie Allen neighborhoods to include the Neighborhood Preservation Zone as an overlay zone, and furthermore, that applicable property be subject to the Rincon Heights/Pie Allen Design Manual as a condition of this rezoning.

Sincerely,

John Iurino

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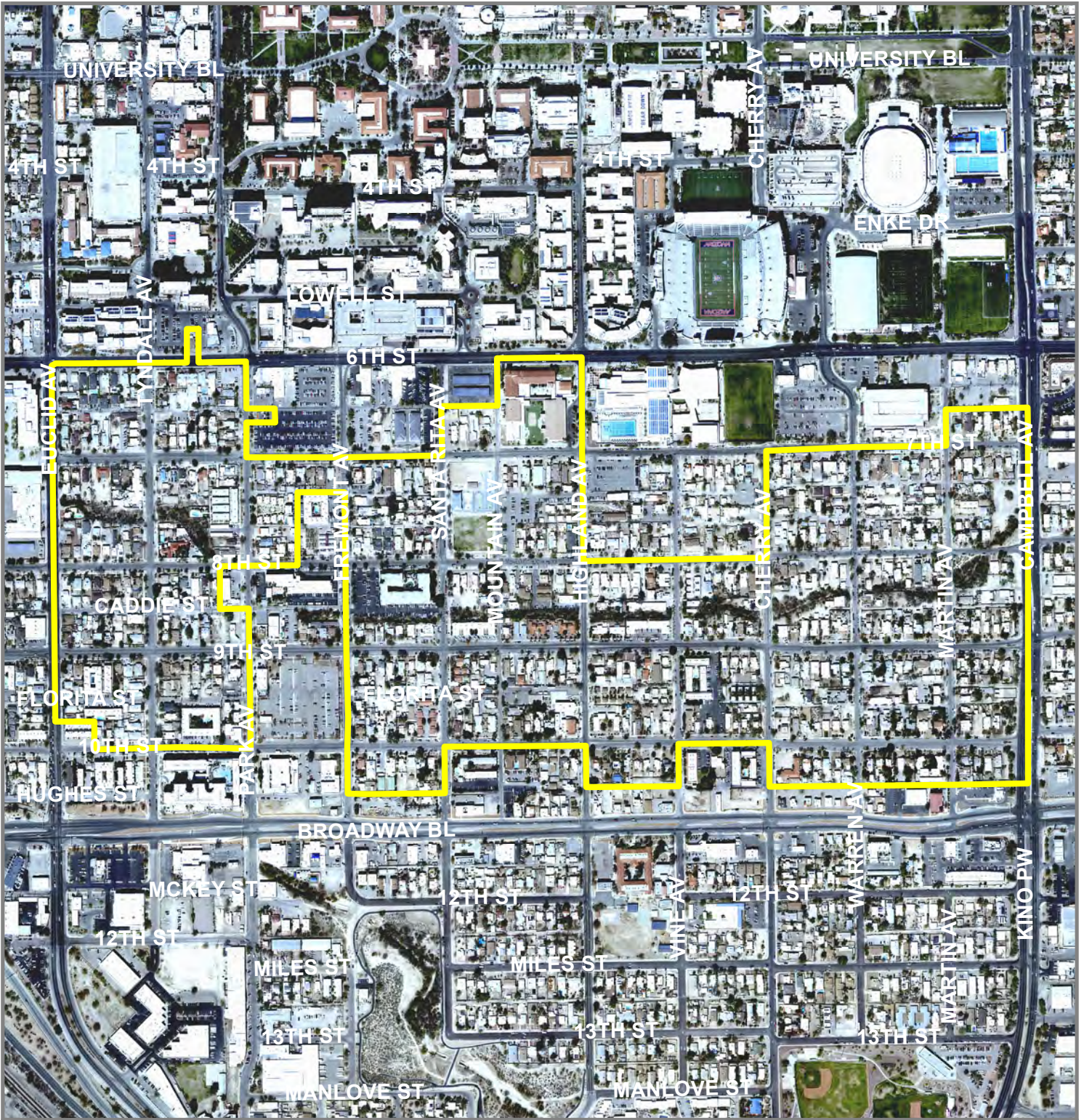
ATTACHMENTS:


Case Location Map

Rezoning Case Map

Cc: Mayor and Council

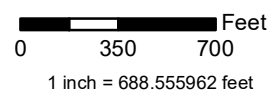
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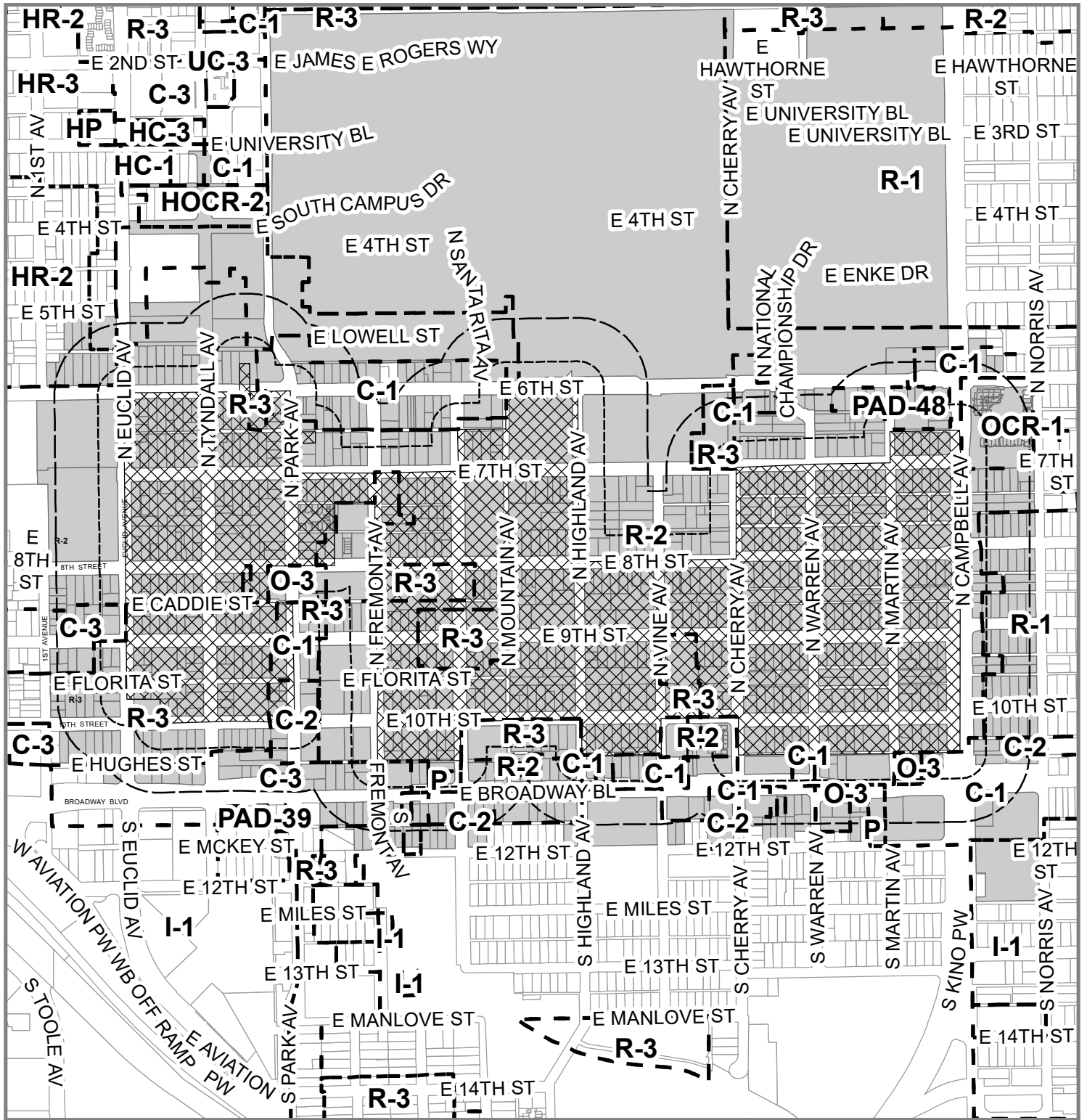
 Proposed Rincon Heights/Pie Allen Neighborhood Preservation Zone (NPZ)

Base Maps: Twp. 14S R. 14E Sec. 07

Ward: 6








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Base Maps: Twp. 14S R. 14E Sec. 07

Ward: 6

-  Proposed Rincon Heights/Pie Allen Neighborhood Preservation Zone (NPZ)
 -  Protest Area (150 ft. Radius)
 -  Notification Area (400 ft. Radius)
 -  Zone Boundaries
 -  Properties Notified
- Created by: MB, 02/06/2024

