



Zoning Examiner

PRELIMINARY REPORT

October 19, 2023

Noel Griemsmann

Snell & Wilmer

1 East Washington Street, Suite 2700

Phoenix, AZ 85004

SUBJECT: TP-MOD-0723-000021– Capstone Speedway/Euclid Mixed-Use

(Ward 6)

Public Hearing: October 12, 2023

Dear Mr. Griemsmann:

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-MOD-0723-000021-Capstone Speedway/Euclid (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.

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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.

BACKGROUND

This is a request by Noel J. Griemsmann, Senior Urban Planner for The Law Offices of Snell & Wilmer, on behalf of the property owners LMLN Properties LLC, LFBR LLC, SARR Investments LLC, Ro Bro LLC, 1030 N Euclid Avenue LLC, and Bingham Restoration Tucson LLC, to amend the Main Gate District Urban Overlay District (MGD). Currently, the MGD permits a range of heights to 40 and 56 feet along Speedway Boulevard, and 40 feet along Euclid Avenue. The proposed amendment to the MGD would allow a mixed-use development, which includes student housing, workforce housing, and may include some retail uses, with a range of heights from 24 feet along Euclid Avenue., stepping up to the east to 48 and 74 feet. The project is an assembly of eight parcels at the southeast corner of Speedway Boulevard and Euclid Avenue, comprising a total of 1.45 acres (see Case Location Map).

SUMMARY OF FINDINGS

Background Information

Existing Land Use: Single-family residential

Existing Zoning Descriptions:

Historic Urban Residential Zone (HR-1) – This zone provides for urban, low density, single-family, residential development, together with schools, parks, and other public services. These properties need to comply with the requirements specified in the Historic Preservation Zone (HPZ).

Historic Urban Residential Zone (HR-2) – Provides for urban, medium density, single-family and multifamily, residential development, together with schools, parks, and other public services. These properties need to comply with the requirements specified in the Historic Preservation Zone (HPZ).

Historic Urban Residential Zone (HR-3) – Provides for urban, high density, residential development and other uses compatible with adjoining residential uses. These properties need to comply with the requirements specified in the Historic Preservation Zone (HPZ).

Adjacent Zones and Land Uses:

North: Zoned O-3; financial services use, across from Speedway Boulevard.



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South: Zoned HR-3 and HO-3; duplex and educational use

West: Zoned HR-1; religious use and single-family residences

East: Zoned UC-1; group dwellings

Previous Cases on the Property:

On August 9, 2016, Mayor and Council authorized the amendment of the MGD (C9-12-01) to restrict the construction of balconies on group dwellings within the MGD.

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

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 Transition Area to support and guide transit-oriented development.

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).

Related Cases:

To accommodate the proposed mixed-use development, the Applicant is requesting, under the Activity numbers below, the relocation and rehabilitation of five (5) single-family residences, the rehabilitation of two (2) other single-family residences to remain on site to become workforce housing units, and the demolition of one adobe single-family residence. These structures

are contributors to the West University National Register Historic District and will need the authorization by the Mayor and Council, pending this request for amendment to the MGD.

Historic structures proposed to be relocated:

T21BU00511 (HPZ 22-053), 812 E Speedway Bl
T21BU00512 (HPZ 22-054), 814 E Speedway Bl
T21BU00513 (HPZ 22-055), 818 E Speedway Bl
T21BU00509 (HPZ 22-057), 1040-1050 N Euclid Av
T21BU00508 (HPZ 22-058), 1036 N Euclid Av

Relocation sites:

SD-0723-00074, 548 E 1st St

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SD-0723-00075, 926 N 2nd Av

SD-0723-00076, 930 N 2nd Av

Historic structure proposed to be demolished:

T21BU00510 (HPZ 22-056), 1052 N Euclid Av

Historic structures proposed to remain on site:

1024 N Euclid Av

1030 N Euclid Av

Project Background – The Applicant is seeking to develop the site with 114 new housing units for students, 30 workforce housing apartments, and 3,000 square feet of community focused retail space. Proposed heights will range from 24 feet along Euclid Avenue, stepping up to the east to 48 and 74 feet in total. The Applicant is also proposing the relocation/rehabilitation of 5 existing contributors away from the project’s site, the rehabilitation of two contributors that are to remain on the southwest corner of the site, and the demolition of one adobe structure due to its poor structural condition. The Applicant has corresponded with the Arizona State Historic Preservation Office (SHPO) and the relocated structures will maintain their contributing status at the new location.

Planning Considerations – The *Unified Development Code (UDC)* requires all Urban Overlay District (UOD) zones, which include the Main Gate District Urban Overlay (MGD), to conform to *Plan Tucson*, the *University Area Plan (UAP)* and the *West University Neighborhood Plan (WUNP)*.

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 further to neighborhood stability. *Plan Tucson* policies (*LT3 and LT13*) support development opportunities where residential, commercial, and employment are closely located, including close proximity to transit. Development should offer multi-modal transportation choices, potential to develop moderate to higher density residential, and allow for parking management and reduction that can encourage the use of transit, bicycles, and walking as a regular choice. *Plan Tucson* policy LT16 encourages the reduction of required motor vehicle parking areas with an increase of bicycle facilities for both residential and commercial projects. *Plan Tucson* policy LT4 calls for development projects to take into account view sheds and sensitivity to surrounding areas. *Plan Tucson* policy LT28.2.3 acknowledges that high density residential development is generally appropriate where primary vehicular access is provided to an arterial and is directed away from the interior of low-density residential areas, along arterials.



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The *UAP* places the project site within the “West University Transition Area”, while its Land Use map places the site within the Moderate/High Density Residential land use category. *UAP* goals support pedestrian-oriented areas and new residential development around the University of

Arizona, including the Main Gate area and University Bl., and encourage uses that continue the vitality of the area. The *UAP* supports mix use development that carefully integrates residential and nonresidential development in areas which are predominantly high density residential or nonresidential, under the guidance of the General Design Guidelines included in the *UAP* (policy 3.D). Also, the *UAP* encourages the retention of contributing historic buildings and viable residential structures by including them as integral components of new development and supports new development on the perimeter of residential areas which serves to protect and enhance the quality of life for neighborhood residents (policies 2.3, 3A.2, 3.A.3).

The *WUNP* promotes transit-oriented infill development in the “Transition Area”, in which the project site is located, specifically in Area 1, Subarea A (policy 2.A). Building height is allowed as shown on Maps 4A and 4B of the *WUNP*, which range from 4 and 6 stories (policy 2.B.1). Transit-oriented Design Guidelines are included for the Transition Area, focused on creating an urban neighborhood with residential and non-residential uses, and a multi-modal emphasis that is comfortable for pedestrians. The *WUNP* also indicates that demolition of a contributing structure must undergo Historic Preservation Zone (HPZ) demolition process prior to using the MGD zoning option (policy 2.C.1).

The *Main Gate Urban Overlay District* (MGD) 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. The MGD design requirements are modeled on the *WUNP* Transition Area design guidelines. The MGD document provides incentives for restoration and adaptive re-use of historic structures. The MGD Design Review Committee is established to review various historic and design issues.

The MGD identifies the project site within “Area 1”, Speedway Subarea (parcels of project site facing Speedway Bl.), and Euclid Subarea (parcels of project site facing Euclid Av.). For the parcels in the Speedway Subarea, the MGD limits heights to 3 stories and 40 feet for the most western parcel, and 4 stories and 56 feet for the other 2 parcels fronting Speedway Bl. (MGD Section D-2.d). For the project site’s parcels facing Euclid Av., the MGD restricts building heights to a maximum of 40 feet, if the building, in the evaluation of the City of Tucson Historic Preservation Officer (HPO), meets the Secretary of Interior’s Standards for Treatment of Historic Buildings and the project does not cause an existing building or structure to be de-listed from the National Register of Historic Places (MGD section D-3.b).

Design Considerations

Land Use Compatibility – The site is surrounded by a variety of land uses, which include financial services, religious services, student housing, single-family residences and educational.



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The proposed mixed-use development includes student housing, workforce housing, and retail spaces on the ground floor along Speedway Boulevard. As proposed by the Applicant, the project provides a transition between the existing student housing high rises to the east and the historic neighborhood to the west of the site, demonstrating conformance with policy direction established by *Plan Tucson*, the *University Area Plan (UAP)*, and the *West University Neighborhood Plan (WUAP)*, which support new higher density residential development along arterial streets on the perimeter of residential areas that is compatible with the surrounding scale, density and character. The project with the proposed density and heights could not be accommodated in the underlying HR-1, HR-2 and HR-3 zoning, but the *Main Gate Urban Overlay District (MGD)* is a zoning tool for redevelopment that would allow the proposed development as long as its design meets the design criteria established by the MGD. However, the MGD limits heights along Speedway Boulevard in the project site to 40 and 56 feet, and along Euclid Avenue to 40 feet (MGD Sections D-2.d, D-3.b, and Figure 8).

Design Compatibility – The Design Compatibility Report and the proposed preliminary development plan include compliance with MGD’s height transitions and vertical setbacks of stair-stepping building heights back from the street, breaking up the mass of the building with a tiered 2/4/6 story approach, a defined gathering space at the corner of Speedway Boulevard and Euclid Avenue, a storefront design along Speedway Boulevard and the corner of Speedway Boulevard. and Euclid Avenue, main lobby entrance and retail access along Speedway Boulevard wrapping the corner on Euclid Avenue, transitioning into a “townhouse” style frontage along Euclid Avenue, all complementing the pedestrian experience at the street level.

Both vertical setbacks and building massing meet the requirements of the MGD, helping establish a transition between the existing student housing high rises to the east and the historic neighborhood to the west of the project site. The inclusion and the rehabilitation of the two existing contributors at the southwest corner of the site help maintain the scale and historic context.

Parking will be provided in an 83-space parking structure located behind the proposed buildings, with all vehicular access off the alleyway to the east. The fitness center is located in the mezzanine, in the interior to the building, and the pool and other amenities will be located on the second floor, wrapped with residential units, on the top of the parking garage and mezzanine. There are no rooftop amenities and no resident access to the roof. The preliminary landscape plan includes canopy trees and other vegetation around the buildings. If the requested amendment to the MGD is approved, a Design Package will need to be submitted as part of the MGD design review process.

Road Improvements/Vehicular Access/Transit – Speedway Boulevard and Euclid Avenue are designated arterials by the *Major Streets and Routes (MS&R) Plan*. The project proposes all vehicular access and a pick-up/drop-off zone along the alleyway to the east, which is proposed to be widened from 16 to 20 feet. There are a number of fixed bus routes on Speedway Boulevard and Euclid Avenue, a sheltered bus stop immediately east of the site, and the streetcar and UA campus are within a short walking distance.



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In the Design Compatibility Report, the Applicant is proposing a dedication of required right-of-way to widen Euclid Avenue to add a longer right-turn lane to add capacity to the Speedway/Euclid intersection, as well as improve safety by removing a short and sharp turn movement as exists today. Also, a new curb, gutter and sidewalks with wider widths are proposed. In the Spring of 2023, Capstone and the West University Neighborhood Association formed an agreement where Capstone committed to funding up to 2,245 linear feet of new sidewalk and 17 ADA ramps in the neighborhood. The Department of Transportation and Mobility will be reviewing the proposed locations of these infrastructure improvements.

Historic Preservation - The MGD discourages demolition of contributors to the West University National Register Historic District. The Applicant is proposing to rehabilitate two contributors that are to remain on the southwest corner of the site for workforce housing, the relocation/rehabilitation of five (5) existing contributors away from the project's site but within West University neighborhood, and the demolition of one (1) adobe structure due to poor structural conditions. The MGD requires these relocations and demolition to be reviewed by the West University Historic Advisory Board (WUHAB) and the Tucson-Pima County Historical Commission's Plans Review Subcommittee (PRS) prior to approval by the Mayor and Council (MGD Sections C-18.a.2, C-18.e, D-2c, D-3b). The WUZAB reviewed the proposed relocations/demolition on 8/16/2022 and 9/20/2022, and recommended denial to the Mayor and Council. On 10/27/2022 the PRS recommended approval. The relocation sites still need to be reviewed by WUZAB and PRS. The Mayor and Council is scheduled to review the proposed relocations/demolition at the same time it considers this proposed MGD amendment. The site and building plans or the relocated structures will also need to go through a review process by WUHAB and PRS.

October 12, 2023, Zoning Examiner Hearing

The Applicant spoke in support of the requested rezoning at the October 12, 2023, Zoning Examiner hearing. The Applicant agreed to the following conditions, in addition to the preliminary conditions proposed by PDSD:

- i. Dedicate sufficient right-of-way for extending the right turn lane on northbound Euclid Avenue, as approved by the City of Tucson Transportation & Mobility Department.
- ii. Evaluate the pedestrian crossing at 1st Street and Euclid in the final Traffic Impact Study and install appropriate crossing markings, signs or other enhancements, as approved by the City of Tucson Department of Transportation & Mobility.
- iii. Ensure final stormwater retention design is sufficient to accommodate all on-site stormwater and all of the abutting alleyway runoff to the extent practical, as approved by the City of Tucson Planning & Development Services Department.

Fifteen other people spoke in support of the proposed amendment, including a representative of the West University Neighborhood Association. Several of the speakers expressed appreciation



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for the Applicant's willingness to listen to neighborhood concerns and propose ways to address those concerns. One person spoke in opposition.

As of the date of the Zoning Examiner Hearing, there were nineteen (19) written approvals and three (3) written protests.

Conclusion –The proposed amendment to the MGD provides a transition between the existing student housing high rises to the east and the historic neighborhood to the west of the project site, is compatible with existing surrounding land uses, and it is in compliance with *Plan Tucson*, the *University Area Plan* and the *West University Neighborhood Plan*. The proposed relocation/rehabilitation of historic structures to other locations within the West University Neighborhood will be considered by the Mayor and Council. Subject to compliance with the preliminary conditions proposed by PDSD, and the additional conditions listed above, approval of the requested amendment is recommended.

Sincerely,

John Iurino

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ATTACHMENTS:


Case Location Map

Rezoning Case Map

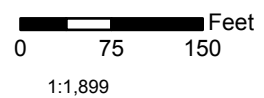
Cc: Mayor and Council

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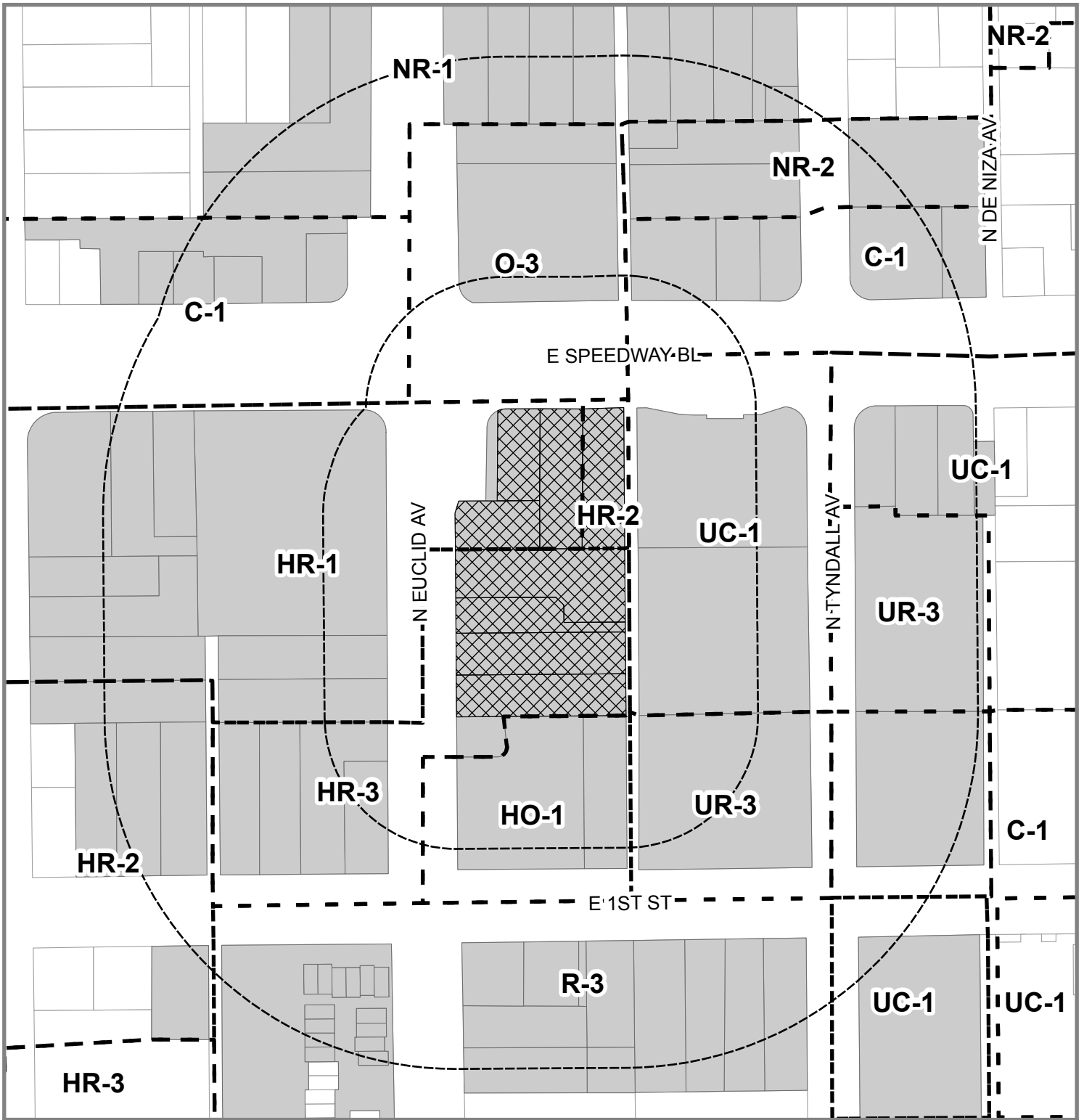


 Area of Rezoning

Address: 1024 N EUCLID AV
Base Maps: Twp. 1403 Range 1402 Sec. 07
Ward(s): 6



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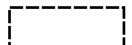
Area of Rezoning



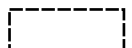
Zone Boundaries



Properties Notified

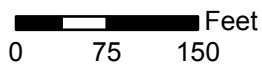


400' Notification Area



Protest Area (150 ft. Radius)

Address: 1024 N EUCLID AV
 Base Maps: Twp. 1403 Range 1402 Sec. 07
 Ward(s): 6



1:1,899

