



Zoning Examiner

Preliminary Report

July 27, 2023

Rory Juneman

Lazarus & Silvyn, PC

5983 E. Grant Road, Suite 290

Tucson, AZ 85712

SUBJECT: TP-ENT-1122-00003 Sixth at Campbell PAD, C-1, R-2, and P to Planned Area Development (PAD) (Ward 6)

Public Hearings: June 29, 2023

July 13, 2023

July 20, 2023

Dear Mr. Juneman:

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-1122-00003 Sixth at Campbell PAD, C-1, R-2, and P to Planned Area Development (PAD) (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.

TP-ENT-1122-00003 Sixth at Campbell PAD, C-1, R-2, and P to Planned Area Development (PAD)



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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.

SUMMARY OF FINDINGS

This is a request by Rory Juneman, Lazarus & Silvyn, P.C., on behalf of the property owner, Scott Cummings, S. J. Cummings Properties, to rezone approximately 2.36 acres from C-1, R-2, and P (Parking) to PAD zoning. The rezoning site is located on the southwest corner of Sixth Street and Campbell Avenue, immediately adjacent to the University Arizona campus, which is located to the north across Sixth Street (see Case Location Maps). The preliminary development plan proposes the development of a mixed-use, multi-story development comprised of storefront retail, commercial and restaurant uses, with multi-family dwelling units and/or offices above. The potential land uses permitted within the PAD could also include a hotel. The project building heights range from 28 and 50 feet along Campbell Avenue to 70 and 80 feet moving west on the Sixth Street frontage.

The PAD is comprised of 14 parcels, 12 of which are owned by S. J. Cummings Properties. Two parcels are not owned by the Applicant; one is owned by a private entity and the other is owned by the Arizona Board of Regents (ABOR). These two property owners provided letters of support and requested to be included in the rezoning application (see Sixth at Campbell PAD, Appendix A and B). The parcels are currently developed with surface parking and one story commercial and residential uses.

2021 PAD Submittal – The Applicant's prior PAD rezoning request was denied by Mayor and Council on November 9, 2021. Per the Unified Development Code (Section 3.5.4.F.1-1), a new request for rezoning on property previously denied for rezoning by the Mayor and Council may not be accepted for a period of one year from the date of denial. The Applicant's current request meets this UDC requirement.

Public Outreach – The Applicant held an in-person neighborhood meeting on March 30, 2023, at the Ward 6 Council Office, with approximately 40 attendees. Issues and topics raised included parking, height, construction timing, rooftop amenities, number of residential units, questions about how the revised PAD differs from the previously denied PAD, and concerns about a Class 6 liquor license.



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Background Information

PAD Document Review: The PAD document went through an iterative review process with numerous City departments and outside agencies until there was consensus that the final document was ready for the required neighborhood meeting and Zoning Examiner public hearing.

Existing Land Use: Commercial, Parking, and Residential (rental) uses.

Zoning Descriptions:

Residential Zone (R-2): This zone provides for medium density, single-family, and multi-family, residential development, together with schools, parks, and other public services necessary for an urban residential environment. Select other uses, such as day care, urban agriculture, are permitted that provide reasonable compatibility and adjoining residential uses.

Commercial Zone (C-1): This zone provides for low-intensity, commercial and other uses that are compatible with adjacent residential uses. Residential and select other agriculture, civic, recreational, and utility uses may also be permitted that provide reasonable compatibility with adjoining residential uses.

Parking Zone (P): This zone provides for off-street motor vehicle parking within residential areas to serve land uses in another zone. Select other uses, such as renewable energy generation and urban agriculture, may also be permitted that provide reasonable compatibility with adjoining residential uses.

Planned Area Development (PAD): enables and encourages comprehensively planned development in accordance with adopted plans and policies. The PAD is a zoning classification which provides for the establishment of zoning districts with distinct standards. A PAD may have land use regulations different from the zoning regulations in the UDC, any other PAD District, or other zoning districts. When a provision in a PAD varies from the UDC, the provisions in the PAD shall govern.

Surrounding Zones and Land Uses:

North: Zoned R-2; University of Arizona Campus, Arizona Stadium and UArizona Indoor Practice Facility



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Northeast: Zoned C-1 and R-2; Fraternity

South: Zoned R-2; UA South Stadium Parking Garage; Single-Family Residential East: Zoned OCR-1; Sam Hughes Place (mixed-use)

West: Zoned C-1, and R-3; UArizona Surface Parking

Status of Historic Structures:

There are two buildings within the proposed PAD area that are considered by the City of Tucson Historic Preservation Office staff to be eligible for historic designation:

- 1718 East 6th Street (124-03-1860)
- 1722 East 6th Street (124-03-1870)

Planning Considerations – Land use policy direction for this area is provided by *Plan Tucson (PT)* and the *University Area Plan (UAP)*. Additionally, while not a City policy, the rezoning area is located within the University of Arizona Campus Planning Area, which is referenced by the *University Area Plan* and contemplates future development on this site.

Plan Tucson - The Plan Tucson Future Growth Scenario Map identifies the PAD location as within the Campus Areas Building Block. Campus areas include and surround large master- planned educational, medical, or business facilities. A fully realized campus 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 a spin-off of economic development opportunities generated by the primary employers. Existing examples of Campus Areas include the University of Arizona and Banner University Medical Center.

Plan Tucson calls to integrate land use, transportation, and urban design to achieve an urban form that supports more efficient use of resources, mobility options, more aesthetically pleasing and active public spaces, and sensitivity to historic and natural resources and neighborhood character (PT, LT1). It provides policy direction to evaluate the benefits of new development relative to historic properties in land use decisions (PT, HP7).



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It supports opportunities where residential, commercial, employment and recreational uses are located, ensuring urban design that is sensitive to the surrounding scale and intensities of existing development (PT, LT3 and LT4). *Plan Tucson* calls for considering special zoning districts, such as Planned Area Development (PAD), as a way to foster mixed-use activity nodes in areas suitable for redevelopment or enhancement (PT, LT28.1.10). *Plan Tucson* calls to consider redevelopment, including the demolition of substandard structures, which encourages the assemblage of large parcels for activity center or node development (LT28.5.2). It supports residential development with densities that complement the size and intensity of the center or node, while providing transitions to lower density residential uses (PT, LT28.5.5). Policy direction supports design that protects the integrity of existing neighborhoods, complements adjacent land uses, and enhances the overall function and visual quality of the street, adjacent properties, and the community.

University Area Plan (UAP) - The *University Area Plan* has been established for an area surrounding but not including the main campus of the University of Arizona. The UAP recognizes the importance of the University's Comprehensive Campus Plan and seeks to enhance coordination between policies of the two plans in the best interests of University Area neighborhoods and the community of Tucson. The *University Area Plan* recognizes the nature and potential of the University and its immediate surroundings as a relatively compact, pedestrian-oriented regional activity center, and works to strengthen the identity and quality of this area with city-wide and neighborhood goals. It promotes the cooperation between neighborhoods, private developers, the City of Tucson, and the UA to ensure that new development is sensitive to local neighborhood concerns and supportive of adopted city-wide policies.

The *UAP* calls to preserve and enhance the historic character of the University area neighborhoods through protecting designated and potentially eligible properties from demolition or neglect (UAP, Section 2 4.2). It supports carefully located and designed mixed use development as a viable means to integrate housing, employment, shopping, and related activities in a relatively compact pedestrian-oriented area, consistent with regional activity center policy in *Plan Tucson* (UAP, Section 3D). It supports projects where commercial activity is located at the street level and is connected to the public sidewalk; the tenant mix offers goods and services oriented to local residents and compatible with the neighborhood and area; and development that includes a well-defined pedestrian system linked to public sidewalk system, convenient access to transit facilities, and secure bicycle parking areas (UAP, Section 3.D). The UAP calls for design that complements surrounding development, utilizes compatible building materials, architectural style and ornamentation, setbacks, step backs, and variations in building height or mass to complement the scale and character of surrounding development and reduce the appearance of excessive height and bulk (UAP, Section 8.1).



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New development should carefully reflect and enhance neighborhood identity, streetscape continuity, historic development patterns, neighborhood landmarks, predominant architectural and landscaping themes, and scenic or historic views (UAP, Section 8.2). It calls for orientation of buildings, views, and balconies so as to protect the privacy of adjacent residents. It encourages the consolidation of adjacent parcels wherever possible in order to provide integrated circulation and access, reduce the number of curb cuts along the street, and enhance screening and buffering between adjacent, noncompatible uses (UAP, Section 8.11).

PAD Document Overview – The Sixth at Campbell PAD proposes a PAD zoning district based on modified provisions to the OCR-1 zone in the Unified Development Code. The PAD is considered a single parcel for purposes of setbacks, building placement, permitted land uses, and other development standards. The PAD district is further divided into four sections (A, B, C, and D) with each section having its own specific development standards.

Land Uses (PAD, Part III, B.1,2, and 3):

- Permitted uses for the PAD include office, hotel, restaurant, retail, and multi-family dwelling.
- Excluded uses including manufacturing, automotive, animal service, restricted adult activities, all residential care services, and group dwelling.

Development Standards (PAD, Part III, C.2):

- Building Height Standards:
 - Section A Maximum Building Height 80-feet
 - Section B Maximum Building Height 70-feet
 - Section C Maximum Building Height 50-feet
 - Section D Parking Structure 28-feet



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- The PAD document calls out programming by floor for each section with commercial / retail and parking uses on the lower floors, and residential, office, parking (visibility screened), hotel on the upper floors. Hotel is excluded from Sections B and C.

- Parking: The Sixth at Campbell PAD is considered by the Traffic Impact Analysis as a Transit-Oriented Development with goals of discouraging motor vehicle use with associated with parking and encouraging bicycle, public and university transit which are reflected in the parking requirements.

Entire PAD Vehicle Parking: Off-street Residential = min. 0.9 space per dwelling unit; Off-street Hotel = min. 0.62 space per room; All Other Uses = 1 per 400-feet. Parking which is not allocated to residents or guests in the residential portion of the project may be made available as public parking.

Parking requirement reductions may be requested through the City's Individual Parking Plan process (UDC 7.4.5.A). Employee parking may be provided at locations within 1/4 mile of site.

Electric Vehicle Charging Stations will comply with adopted City requirements.

- Parking Screening: All new parking shall be designed so that vehicles are not visible from the adjoining street level, through incorporation of parking structure walls, occupied space, display space, pedestrian arcades, substantial landscape elements or combination thereof.

- Bicycle parking: may not be reduced or eliminated and must be based on the number of motor vehicle parking spaces required as per UDC Section 7.4.8 for the proposed uses. The PAD will include bike share station.

Pedestrian Circulation: Sidewalks along Campbell and Sixth will be a minimum of 8-feet wide.

- Martin Avenue: The Applicant will work with the City, UArizona, Rincon Heights NA and other affected neighbors on the potential to close Martin Avenue and convert it to a landscaped area with bicycle and pedestrian path. If acquired, the Applicant will be responsible for landscape upkeep and other maintenance of the amenity.



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- Vehicle Access (PAD, Exhibit 7): The Concept and Circulation Plan shows three ingress/egress points along Sixth Street with one ingress/egress point from Campbell Avenue and at the alley which is to be widened to a 24-foot. Access to the South Stadium Parking Garage while still from Martin Avenue will only be from Sixth or Campbell. The circulation created by the PAD will eliminate southbound traffic through Rincon Heights Neighborhood that is now occurring on UArizona football game days.

- Site Amenity Restrictions:

1. No rooftop amenities are allowed on top level of Sections A, B or C.
2. Rooftop amenities are allowed below highest level of Sections A, B, or C with the following requirements:

- Rooftop amenities may be allowed on the top level of any floor below the top floor, such that the top floor or other screens create a solid noise screen to the adjacent neighborhoods to the south, east, and west.

- The amenity faces north.

- The amenity must be designed to prevent objects falling onto the pedestrian areas below.

- No rooftop amenities on any level of Section D.

- Rooftop amenities may include pools and terrace areas.

- Balconies or amenity terraces shall not be permitted on the south facade of any proposed development within the PAD.

Design (PAD Part III.J and K):

- Design Review Committee (DRC) shall consist of (1) Applicant; (1) City of Tucson Design Professional; (1) Registered Architect; (1) Design Professional from the UArizona Planning Design and Construction Department; (1) Representative from the Rincon Heights Neighborhood Association; (1) Registered Landscape Architect; (1) Real estate developer or person affiliated with the development industry; (1) General Contractor licensed in the State of Arizona.



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- DRC will review and approve all plans and materials for future development for conformance with PAD, Part III Section 10 Design Standards.
- Provide a letter of recommendation to City of Tucson at time of any development package submittal.
- Design standards to provide a common theme and include building articulation with details at the first floor to provide interest and variety at pedestrian / street level; a single plane of facade shall be no longer than 50-feet without architectural detail; provide arcades, canopies, or awnings for shade, with storefronts integrated with the sidewalk design and treatment. Design materials to include texture, colors, metals glass, tile, and selected with the idea of localizing the architectural effect and ambiance of surrounding area.
- Shade shall be provided for at least 50 percent of all sidewalks and pedestrian access paths as measured at 2:00 p.m. on June 21 when the sun is 82 degrees above the horizon. Shade can be provided by a building orientation, trees, arcades, canopies, or shade structures.

Approach to Potentially Historic Structures (PAD Part III. H.1 and 2):

- The PAD recognizes two buildings to be considered eligible for historic status – 1718 East 6th Street; and 1722 East 6th Street.
- The developer will provide a historic assessment for each of the two buildings and include an evaluation of the possibility of relocation. Results to be presented to the Tucson Historic Preservation Office with one of two recommendations 1) relocation of building to a property within Rincon Heights Neighborhood; or 2) demolition of the structure per City of Tucson requirements.
- Design constraints to mitigate PAD impact on adjacent historic neighborhoods.

Discussion – The Sixth at Campbell PAD is located adjacent to the University of Arizona, a regional activity center. It is also situated within the University’s Comprehensive Campus Plan boundary (Precinct 4) which proposes potential mixed-use development with storefront retail, housing, and offices. This type of development is also consistent with the policy direction found in both *Plan Tucson* and *University Area Plan*. The PAD is well-positioned to support and enhance the UArizona regional activity center with employee housing and off-campus businesses.



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It is adjacent to a variety of multi-modal opportunities, campus, and public transit options. The potential abandonment of Martin Avenue can direct traffic away from the interior of the neighborhood and provide an amenity to the neighborhood with the proposed pocket park.

The PAD proposal has been revised since it last went to Mayor and Council in 2021. The Applicant has worked with Rincon Heights Neighborhood Association and the community, with the latest PAD version addressing concerns and issues raised in both previous and current public processes.

June 29, 2023 Zoning Examiner Hearing

The Applicant's representative and the Applicant spoke in support of the requested rezoning at the June 29, 2023, Zoning Examiner hearing. The Applicant's representative reported that significant progress had been made in discussions with the Rincon Heights Neighborhood Association (RHNA) concerning a number of issues, but that there were a few issues that remained outstanding.

The RHNA representative confirmed that progress had been made in the discussions with the Applicant, but agreed that there were still some open issues, including some of the terms of an agreement with the Applicant on issues related to the development, but not directly implicated by the PAD document.

Ten other persons spoke, raising concerns about the need for the Applicant to reach agreement with the RHNA on the remaining open issues, including the Class 6 liquor license and the closing times for restaurants in the proposed development, among other issues.

As of the date of the Zoning Examiner hearing, there were twenty-five (25) written approvals and twenty-three (23) written protests.

The Zoning Examiner continued the public hearing to give the parties additional time to discuss the outstanding issues.

July 13, 2023, Zoning Examiner Hearing

The Applicant's representative and the RHNA representative confirmed that an agreement had been reached on all outstanding issues, including the restaurant closing times and the terms of the ancillary agreement between RHNA and the Applicant. Given the fact that the parties had reached their agreement immediately before the public hearing, and as a result all interested parties had not yet been notified of that fact, the Zoning Examiner continued the public hearing so that the terms of the final agreement could be shared with all interested parties.



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July 20, 2023, Zoning Examiner Hearing

A final public hearing on the PAD was held on July 20, 2023. The Applicant's representative and the RHNA representative confirmed that the parties had reached final agreement on all terms, and that on the condition that the agreement was executed, RHNA would support the rezoning.

Conclusion – The request to rezone the site to a PAD to facilitate a new activity center with a mix of residential and commercial uses is consistent with *Plan Tucson* and the *University Area Plan*. Approval of the requested PAD zoning is appropriate.

Sincerely,

John Iurino

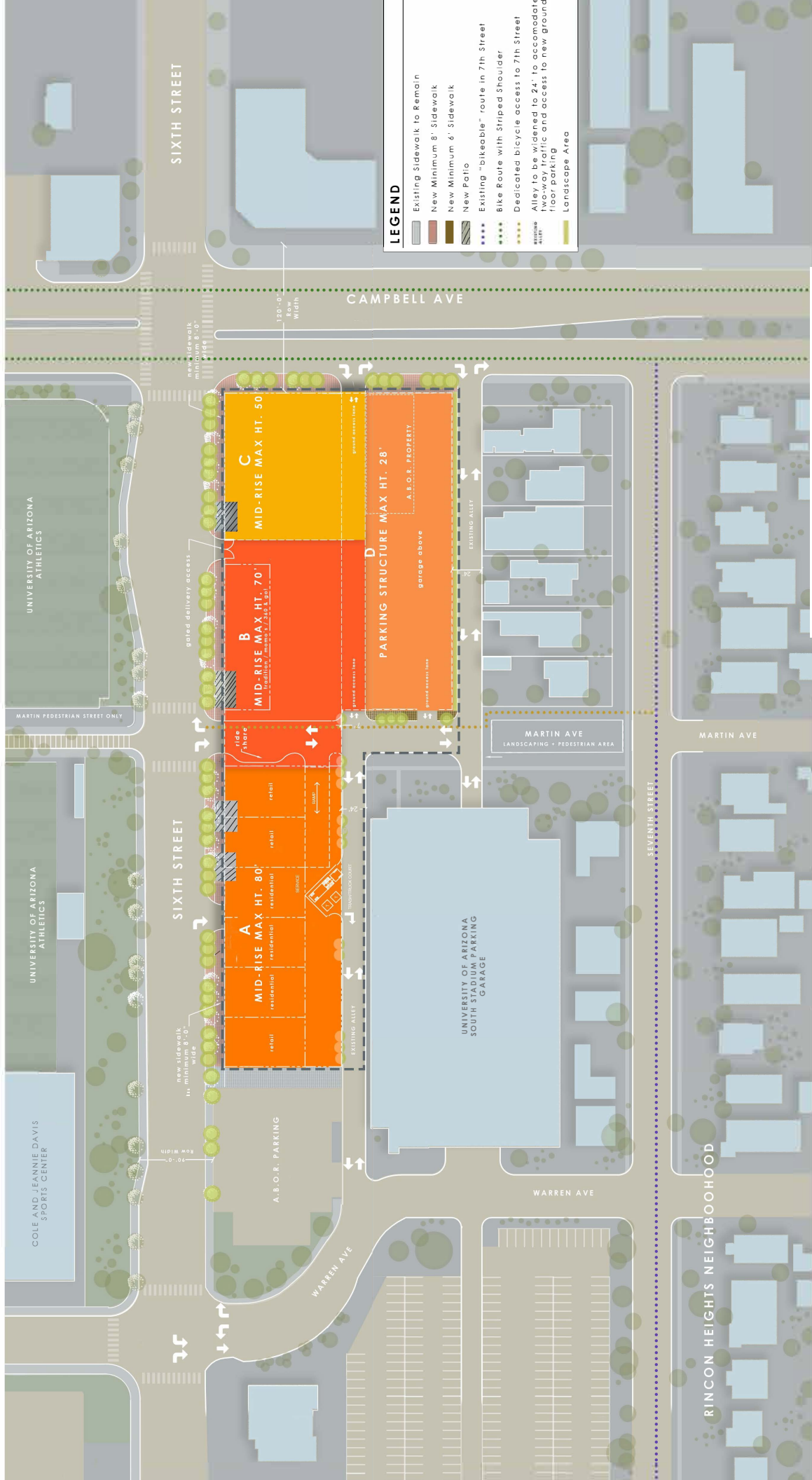
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ATTACHMENTS:

Case Location Map

Rezoning Case Map

Cc: Mayor and Council



PAD Concept & Circulation Plan

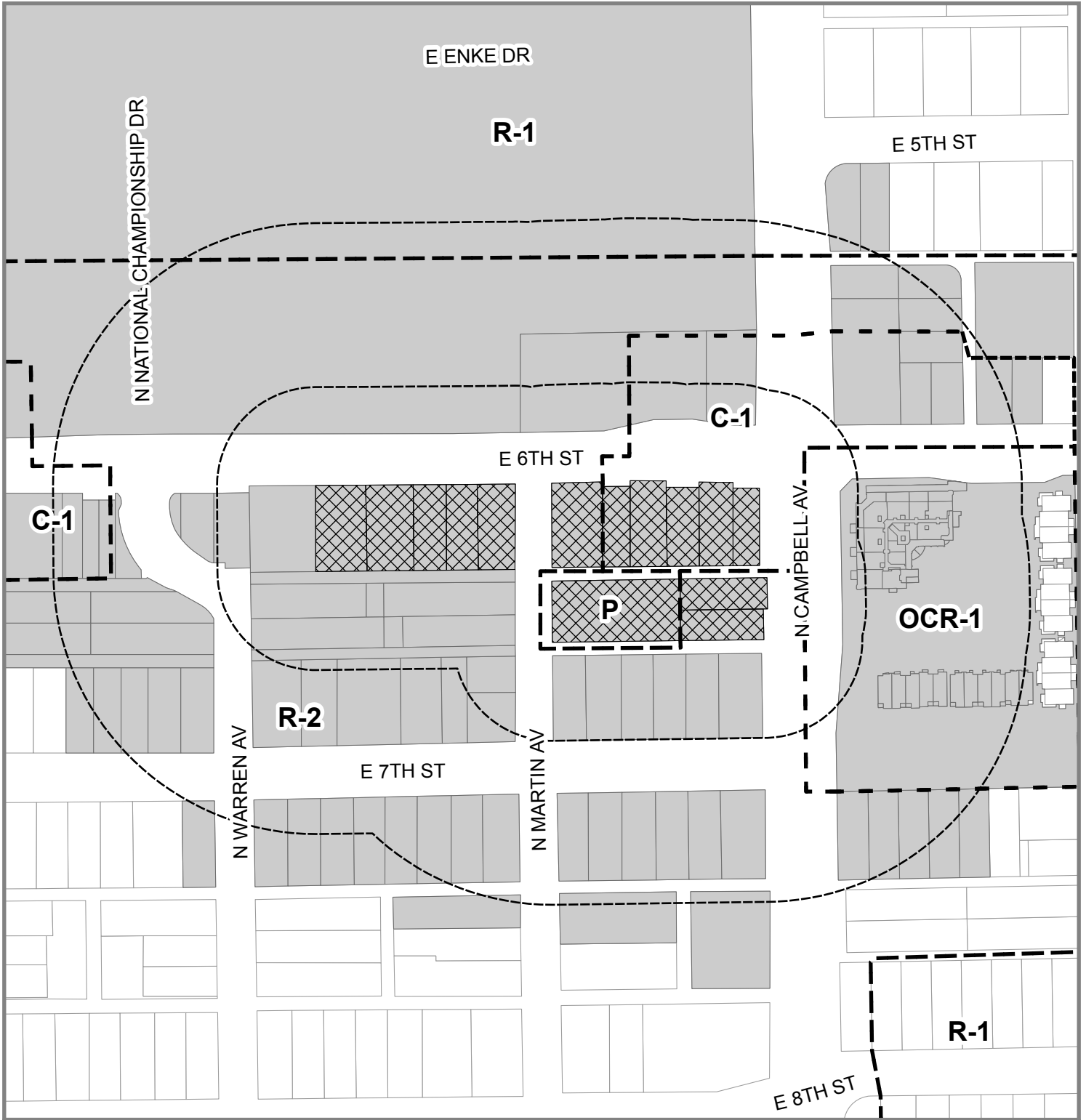
FORSarchitecture+interiors




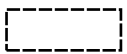

REZONING

Preliminary Development Plan
 TP-ENT-1122-00003 Date April 6, 2023
 Planning & Development Services

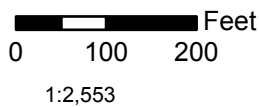
SJ Cummings Properties

Sixth at Campbell Rezoning from C-1, R-2 and P to PAD

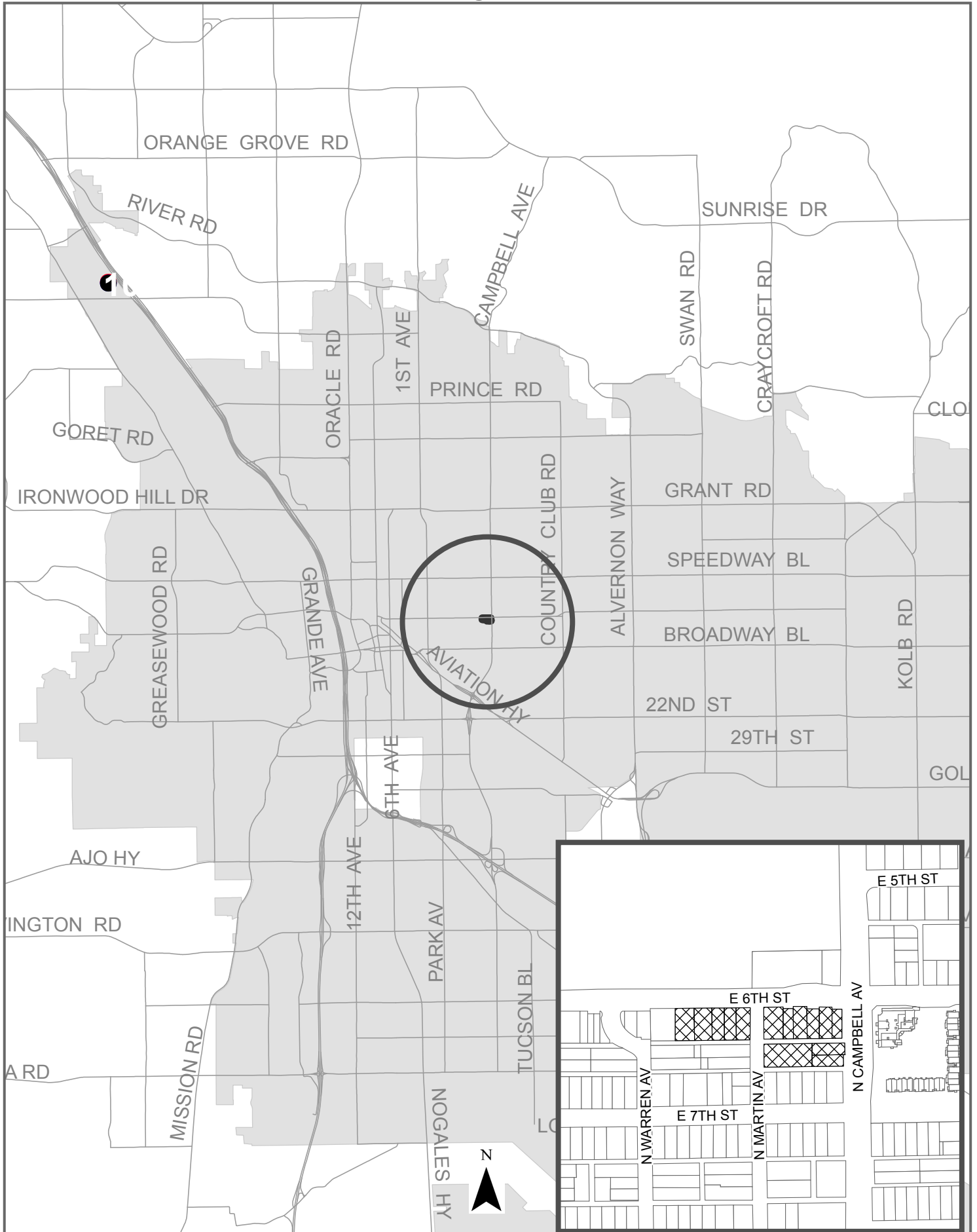


-  Area of Rezoning
-  Zone Boundaries
-  Properties Notified
-  400' Notification Area
-  Protest Area (150 ft. Radius)

Address: 1742 E 6TH ST
 Base Maps: Twp. 1403 Range 1402 Sec. 07
 Ward(s): 6




Sixth at Campbell Rezoning from C-1, R-2 and P to PAD



Sixth at Campbell Rezoning from C-1, R-2 and P to PAD



 Area of Rezoning

Address: 1742 E 6TH ST
Base Maps: Twp. 1403 Range 1402 Sec. 07
Ward(s): 6

0 100 200 Feet
1:2,553

