



Zoning Examiner

REPORT TO MAYOR AND COUNCIL

August 3, 2023

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

BACKGROUND

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.

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PUBLIC HEARING SUMMARY

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 (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.

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.



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FINDINGS OF FACT

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.

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.

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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

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.

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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). 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



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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). 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



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Section C Maximum Building Height 50-feet

Section D Parking Structure 28-feet

- 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. 0.7 space and maximum of 1 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.



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- 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.
- 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:
 3. 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.
 4. The amenity faces north.
 5. The amenity must be designed to prevent objects falling onto the pedestrian areas below.
 6. No rooftop amenities on any level of Section D.
 7. Rooftop amenities may include pools and terrace areas.
 8. Balconies or amenity terraces shall not be permitted on the south, east or west facade of any proposed development within the PAD.

Design (PAD Part III.J and K):



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- Design Review Committee (DRC) shall consist of (1) Applicant; (1) Representative of Sam Hughes Neighborhood Association; (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.
- 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 façade 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.



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Discussion – The Sixth at Campbell PAD is located adjacent to the University of Arizona a regional activity center. It also is 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. 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.

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.

RECOMMENDATION

The Zoning Examiner recommends approval of the Sixth at Campbell PAD.

Sincerely,

John Iurino

Zoning Examiner

ATTACHMENTS:

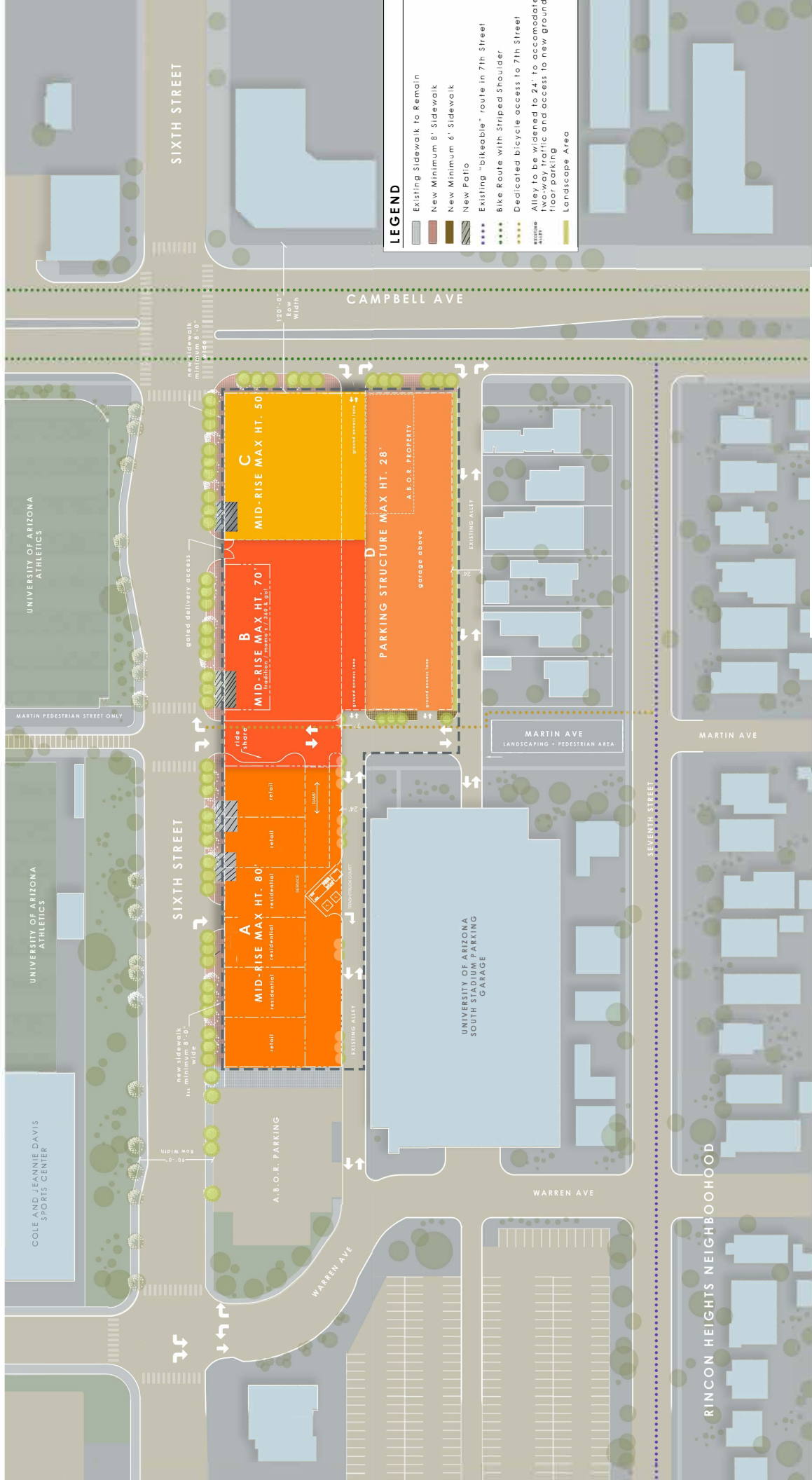
Case Location Map

Rezoning Case Map

Public Hearing Minutes

Cc: Mayor and Council

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



PAD Concept & Circulation Plan

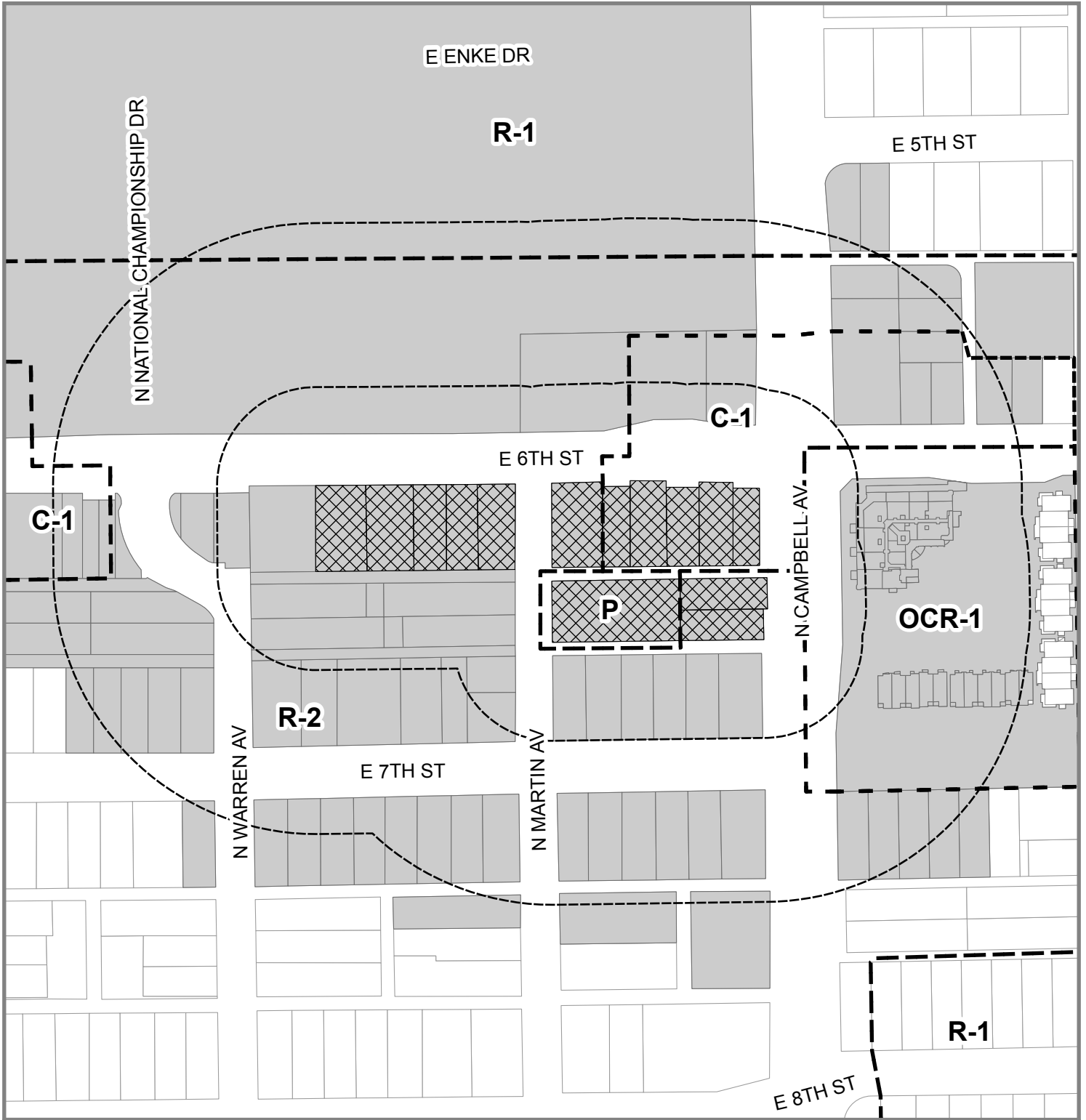
FORSarchitecture+interiors




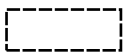

REZONING

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

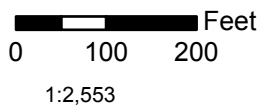
SJ Cummings Properties

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

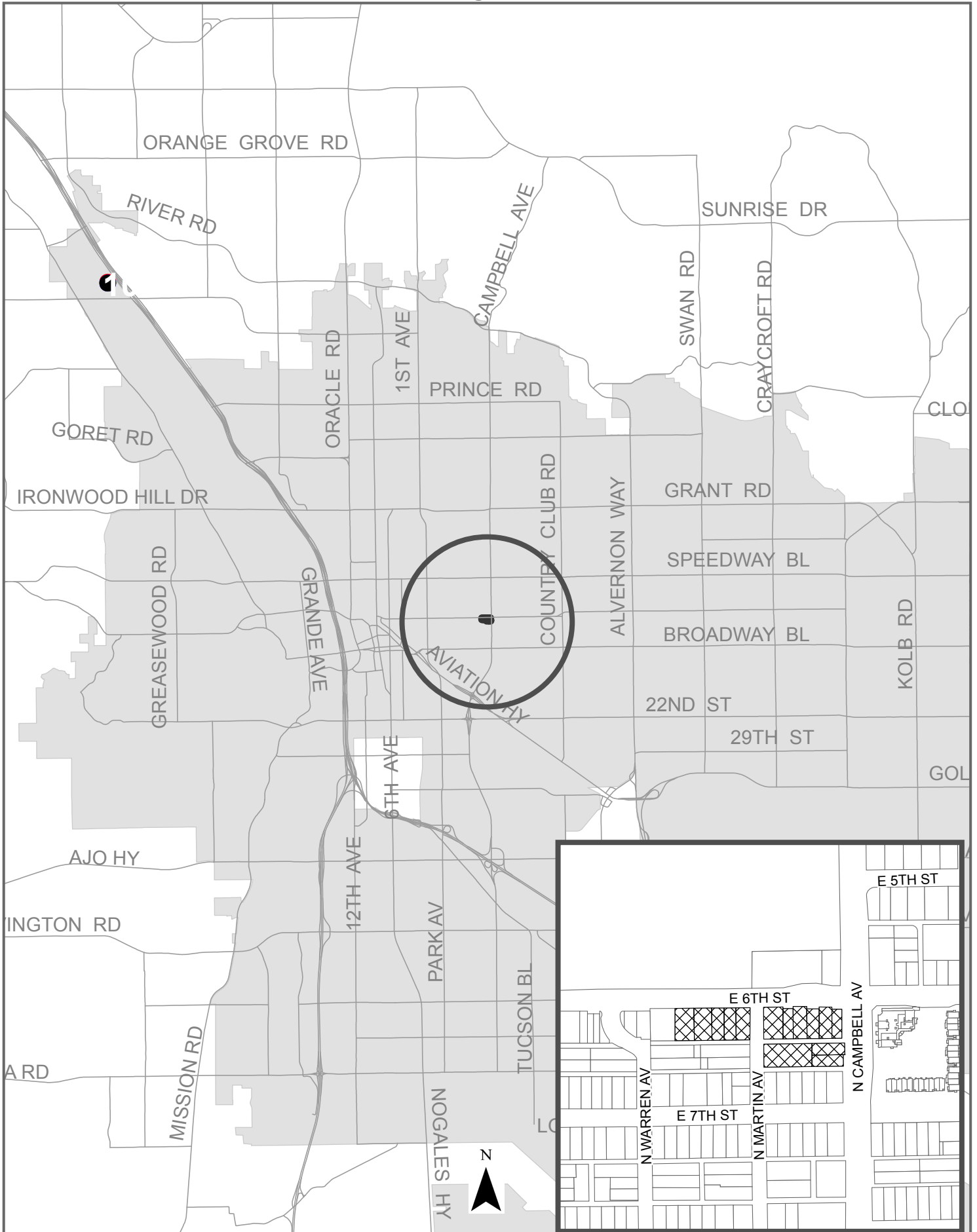


-  Area of Rezoning
-  Zone Boundaries
-  Properties Notified
-  400' Notification Area
-  Protest Area (150 ft. Radius)

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



CITY OF TUCSON
ZONING EXAMINER PUBLIC HEARING
JULY 20, 2023

ZONING EXAMINER:

- John Iurino

STAFF PRESENT:

- John Beall
Principal Planner, City of Tucson
Planning and Development Services Department
- Maria Gayosso, Lead Planner
City of Tucson
Planning and Development Services Department

APPLICANTS/AGENTS PRESENT:

- Rory Juneman
Lazarus & Silvyn, P.C.
5983 East Grant Road, Suite 290
Tucson, Arizona 85712
- Timothy Kinney, Esq.
Timothy Kinney, PLLC
1 South Church Avenue, Suite 1000
Tucson, Arizona 85701
- Brian Underwood
The Planning Center
2 East Congress, Suite 600
Tucson, Arizona 85701
- Thomas Warne
JL Investments
70 West Cushing Street
Tucson, Arizona 85701

1 ZONING EXAMINER: Good evening. It's 6:00 o'clock
2 so we'll get started. Good evening. My name is John Iurino.
3 I'm the Zoning Examiner for the City of Tucson.

1 We have three cases on the agenda for this evening's
2 hearing. First is Case TP-ENT-1122-0003, Sixth at Campbell PAD.
3 Mr. Juneman?

4 MR. JUNEMAN: Good evening, Mr. Iurino.

5 ZONING EXAMINER: Thank -- thank you for joining
6 us. I've reviewed the additional materials you sent in, as well
7 as a draft of the Community Benefit Agreement that I -- I just
8 saw about an hour ago, although that's not directly at issue
9 here. Do you have anything you want to add to your paper, sir?

10 MR. JUNEMAN: No, just I -- I -- the only thing
11 I'd like to add is that I think we're -- you know, we're at a
12 point where we've made quite a few changes to the PAD based on
13 that agreement. We've -- I think we've reached the agreement --
14 reached terms on the agreement and you've seen the -- the final
15 draft. You got a few little things to add to it, but nothing
16 that's substantive. And I just want to thank the Rincon Heights
17 Neighborhood Association for all their work at the end here to
18 kind of get this over the finish line and we're excited to move
19 on to the next stage.

20 ZONING EXAMINER: Great. Thank you. Mr. Kinney,
21 are you present and would you like to speak?

22 MR. KINNEY: Yes. Thank you, Mr. Iurino. Good
23 evening. I -- I agree with Mr. Juneman. We have made a lot of
24 progress in the last few weeks. Since the hearing last week, the
25 Applicant has submitted a revised PAD that includes all of the

1 items that we have agreed to that are appropriate for a PAD; and
2 so the neighborhood is definitely in support of those changes.

3 We also, as you know, have a nearly final draft of the
4 Community Benefits Agreement that includes additional
5 restrictions that we've agreed to and that, of course, we would
6 like. It'll still be another week or two before we probably have
7 the signed agreement, but I'm confident that we'll get there.
8 There's really nothing that I can think of that would stop that.
9 So, at the time, you know, I think the neighborhood does not
10 oppose the application in its current state. And, if you decide
11 that it is the correct thing to recommend approval of the PAD, we
12 would ask that you condition its approval on these changes being
13 included in the PAD; and to the extent you feel you have the
14 ability to do so, that it's conditioned on that agreement being
15 signed. But, again, I'm pretty confident that we'll do that.

16 ZONING EXAMINER: Thank you, Mr. Kinney.

17 I -- we had a speaker request from Stacy Plasman (ph.).
18 Ms. Plasman, are you present?

19 MS. PLASMAN: I am, but I -- I would just be
20 dittoing what Tim Kinney said.

21 ZONING EXAMINER: Okay. Well, thank you for your
22 participation in any event.

23 And would anyone else in the audience like to be heard
24 on this case? Hearing no one, I'm closing the hearing on the
25 Sixth at Campbell PAD case. And I'll be issuing my preliminary

1 report within five business days. Thanks to all of you for
2 participating and for your hard work in getting this matter
3 concluded.

4 The next case is Case TP-ENT-0223-00013, First &
5 Foothills PAD. Mr. Underwood, are you present?

6 MR. UNDERWOOD: Hi, good evening, Mr. Iurino.
7 Yes, I am.

8 ZONING EXAMINER: I think we'll dispense with the
9 Staff Report since we heard that the last time. But I would
10 like, Mr. Underwood, if you would -- I've reviewed everything
11 that's been submitted, but if you would catch us up a little bit
12 from the -- for the -- on two issues really: Any changes that
13 have been made to the PAD; and then as well -- for the benefit of
14 those in the audience who may be interested in this case, if you
15 could give a brief report on the traffic study your client
16 commissioned and the results of that, sir. I've reviewed it, but
17 I think it might be helpful for others in the audience.

18 MR. UNDERWOOD: Absolutely. Thank you, Mr.
19 Iurino. Again, my name is Brian Underwood with The Planning
20 Center. I'm also joined this evening by Garrett Aldrete. And I
21 also have on the call, not here in our office with us, our
22 traffic engineer and our civil engineer from Kimley-Horn, so Mr.
23 Dan Iwicki (ph.), and also Aaron Harris, our civil engineers.

24 So just wanted to -- to start by saying thank you for
25 -- for hanging in there with us for -- for this project,

1 everybody who's on the call and you, Mr. Iurino. We had our
2 initial hearing back in April, so it's been -- it's been three
3 months now since -- since that initial look at this, so -- so we
4 appreciate your -- your consideration here this evening.

5 So I'll keep my -- my presentation pretty brief. I'm
6 glad that you asked about the traffic study, because that's
7 pretty much the bulk of -- of what I have to -- to talk about
8 here this evening. I -- I have to give most of the credit to
9 Kimley-Horn because they've been the ones that have been busy
10 preparing that traffic study and, also, a preliminary look at the
11 grading design that we would have. And then we've met with City
12 of Tucson to -- to make sure all of that is -- is meeting the --
13 meeting requirements and also will work out.

14 So I'll start by -- by discussing the -- the site
15 visibility analysis that was included as part of the traffic
16 study, because there was a concern there -- and -- and a lot of
17 the elements of this traffic study relate to the concern for, you
18 know, having another driveway there on Foothills Drive and -- and
19 ensuring that that's -- that's a safe driveway there. And so the
20 first part of -- of ensuring that what we're proposing here is --
21 is safe and will work is to look at the site visibility in terms
22 of what is, you know, that line of sight on either side of this
23 driveway looking east or west.

24 And so what the -- what the images up here in the upper
25 left show is the view -- the first image on the left side is the

1 view looking back to the west towards -- towards First Avenue;
2 and the view on the -- or the image on the right is the view
3 looking east up Foothills Drive toward -- up the -- up the hill
4 there. And, as you can see, there's a clear line of sight, but
5 we would expect that some minor removal and trimming of
6 vegetation would be needed, and that's where you can kind of see
7 that down here in the -- the image on the lower right-hand side
8 of the screen. There's -- there's a triangle here where you can
9 see this tree that just barely encroaches into that triangle,
10 that's this tree up here in the left image. And so a little bit
11 of trimming may be necessary on -- on the edge of that tree
12 there, the northern edge of that tree, to ensure that -- that we
13 have adequate sight visibility and that that's a completely clear
14 triangle; but, otherwise, it's -- it's an area that -- that we
15 still would be able to -- to see cars turning for anybody who's
16 -- who's pulling out of here.

17 If you look there to the east, same kind of thing,
18 although it's a little bit -- more vegetation there that may need
19 to be trimmed along the -- the guardrail, basically what's --
20 what's hanging over the guardrail there may need to be trimmed back,
21 and possibly some removal of -- of the vegetation that's closest
22 to the driveway.

23 So the other items that were -- were looked at as part
24 of the traffic study was, you know, an overall look at traffic
25 operations and the level of service of -- of the intersection

1 there of Foothills Drive and -- and First Avenue. And so the
2 good news is that the traffic operations are -- are anticipated
3 to act similarly to the existing and projected traffic
4 situations. So, if you look at what the traffic is today, what
5 it is projected to be in 2024, so next year, and then projected
6 with this project, it -- it all pretty much operates the same.
7 It's a -- it's a negligible increase from -- from the self-
8 storage because it is such a low-traffic-generating use.

9 However, I will point out that one of the things that
10 the traffic -- the traffic study underlined for us was that we
11 have adequate level of service for most of the turning movements
12 at -- at that intersection of First and Foothills; however, the
13 westbound approach operates at a poor level of service, at level
14 of service (unintelligible); and that's in the existing
15 condition, that's in -- that's -- that's in 2024, so next year,
16 and that's with our -- with our project. And, luckily, as I
17 mentioned, our -- our -- the traffic from our project wouldn't
18 make a noticeable impact on -- on that existing condition;
19 however, that is something that exists. And, perhaps, it is
20 something that could be looked at through, you know, adjustments
21 down south at the -- the traffic signal at First and River;
22 however, one single approach, turn movement location, operating
23 at a poor level of service is something that is still allowed by
24 the City of Tucson standards. It's only until that intersection
25 falls -- every turn movement falls into a poor level of service

1 that then something has to happen for -- for that.

2 So the other part of what was looked at with this
3 traffic study are two other -- two other items. The right-turn
4 lane warrant analysis basically looked at -- well, to start, it
5 was a traffic count of -- of the existing volumes there on -- on
6 Foothills Drive. And so the folks from Kimley-Horn went and --
7 and collected traffic data on a, you know, nice cool day back in
8 May, I think it was May 11th, and what that revealed was that --
9 I believe it was 700 and -- 700 and -- and so -- 700 or so cars
10 that were traveling via Foothills Drive on that day. Twenty of
11 them in the A.M. peak hour were traveling -- so the A.M. peak
12 hour being 7:45 a.m. to 8:45 a.m. -- were traveling eastbound;
13 and 25 of them in the P.M. peak hour, or 4:45 to 5:45, were
14 traveling eastbound as well. So that traffic was then combined
15 with what we would expect to go into the -- the self-storage
16 facility itself, and those trips were far under what would be
17 required for a -- for a right-turn lane to be warranted for this
18 project.

19 And then, lastly, the queuing analysis that was done
20 was basically to look at how cars would -- would stack up at that
21 intersection of First Avenue, particularly since we know that,
22 you know, it operates at a poor level of service when you're
23 approaching First Avenue going westbound. I -- I believe there
24 was some concern there, particularly from some folks in the
25 neighborhood, about the potential for cars backing up there and

1 then conflicts with this driveway, right? And so -- that are
2 backing up so far that they're blocking people from being able to
3 pull out and -- and avoid someone that's also turning off of
4 First Avenue, so to be able to clear that lane and get to where
5 they need to go.

6 So what the queuing analysis revealed was that we would
7 expect no more than two vehicles to back up at that westbound
8 approach in the mornings, and no more than four in the -- in the
9 P.M. peak hour. And so, you know, it's -- there's a poor level
10 of service, there's some wait times that are associated with
11 turning out at -- at -- at Foothills and First Avenue, but given
12 the volumes that are on the road, it's not expected that you
13 would have a long train of cars backed up there and blocking the
14 ability of vehicles to turn out of this facility.

15 So the other thing that -- that Kimley-Horn helped us
16 out with is a look at the preliminary grading of the site,
17 because I know that, you know, another one of the topics that we
18 discussed at the last hearing was the -- the grade differential
19 between Foothills Drive and the site, and ensuring that we could
20 have -- or that we can create a driveway that meets the City
21 standards and also is -- is a safe and navigable driveway, right?

22 And so what we have here is a grading exhibit. It's a
23 little hard to -- to see the numbers on there, they're a little
24 small, so I apologize for that. But what it shows is that we've
25 -- well, Kimley-Horn has figured out a way to -- to create a

1 gentle transition from Foothills Drive down into the site. I
2 believe at its steepest, it's about six-percent there near the --
3 the northeast corner of the building; it's about four-and-a-half-
4 percent as you come off of Foothills Drive; down on the southern
5 half of the parking lot it tapers down to about a three-and- --
6 three-point-seven-percent grade; and then, obviously, at the
7 building we're there at -- at one-and -- one-percent or less
8 because we're flattening that out.

9 I want to point out on this exhibit also sort of what
10 we discussed with a building official at the City of Tucson
11 regarding a construction plan for -- for the project; because, as
12 you can see, we are proposing to preserve quite a bit of the
13 site, the -- the entire southern portion and then this eastern
14 portion where the wash is. And so there will be a retaining wall
15 that we will come in -- that will be a first phase of -- of the
16 design of this project -- a retaining wall will be installed and
17 this portion right here, where you see the parking lot, will be
18 leveled out so that that can be used for staging for the
19 construction of the building itself here. So those elements will
20 be noted in the development package that's submitted should this
21 project move forward through -- through the PAD rezoning. And
22 then the development package will include an exhibit and some
23 notes speaking to the construction phasing and the plan to put
24 that retaining wall in, to do some of the site work to level out
25 that eastern portion of the site for staging.

1 And -- and I should also mention that we discussed with
2 -- with the building official, you know, an alternative plan for
3 parking from construction workers, and potentially staging of
4 some of the materials, and that that could happen -- since the
5 property owner of this property owns the self-storage facility to
6 the south -- that some of that could occur on the neighboring
7 self-storage facility site, granted they will still need to
8 ensure that they -- they are meeting all of their parking
9 requirements. But we would allow for some temporary staging over
10 there and then a shuttling of some material and -- and workers
11 over to, you know, the site to -- to actually construct the
12 project.

13 So, beyond that, we've also shared this traffic study
14 with both City of Tucson Department of Transportation and -- and
15 Pima County Department of Transportation as well; and -- and
16 we've heard back from both. The City of Tucson has approved the
17 traffic study, and the -- Pima County has asked that we provide a
18 little bit more information on the guardrail adjustments that
19 will occur.

20 And, with that, I don't have any -- anything else to --
21 to present, but I'd be happy to answer any questions.

22 ZONING EXAMINER: Thank you, Mr. Underwood. I
23 don't have any right now.

24 We had a request to speak by Darsha Doran (ph.). Ms.
25 Doran, are you present? You're muted.

1 MR. BEALL: Yeah, I think you should be able to
2 hear her now.

3 MS. DORAN: Can you hear me now?

4 MR. BEALL: Okay.

5 ZONING EXAMINER: Yes, I can. Please start with
6 your name and address for the record.

7 MS. DORAN: My name is Darsha Doran. I live at
8 5077 North Campana Drive. I will be looking to an extent down on
9 this -- this project, but this is what I would like to read
10 because I do get nervous.

11 A number of Northridge Villa residents oppose the
12 rezoning of R-3 -- rezoning R-3 to PAD for several reasons:
13 noise, dirt, traffic congestion on Foothills Drive during the
14 construction, removal of a green area that supports wildlife,
15 including saguaros, which Mr. Underwood neglected to mention, and
16 an area that supports wildlife, and ingress and egress on a
17 narrow hilly road. During Monday's severe monsoonal rain storm,
18 water rushed down both sides of Foothills Drive and drained
19 directly along the site of the planned storage unit. Future
20 design must take this issue into consideration.

21 Regardless of the traffic study's result, such surveys
22 -- surveys produce models of historical expected traffic flow,
23 but seldom address -- address actual conditions. There will be
24 an increase in traffic congestion on both First Avenue and
25 Foothills Drive, making it as accident prone as the River and

1 First Avenue intersection is. Currently, it is very difficult to
2 make a left-hand turn from Foothills Drive onto First Avenue,
3 because drivers must cross a divided highway to proceed in a
4 southerly direction. Drivers have a choice with -- wait an
5 extended period of time or venture into the median and wait until
6 the southerly flow of traffic allows them to proceed. I am aware
7 of at least two accidents at this spot within the last few
8 months. Recently, one of the median reflector poles was knocked
9 down by a vehicle. It has yet to be replaced. So people, when
10 they're making that turn, are -- you know, often hit the curb
11 apparently. Sorry.

12 Most drivers traveling north on First Avenue exceed the
13 speed limit as soon as they cross River Road. They also change
14 lanes to pass what they consider slow-moving vehicles. Turning
15 in either direction from Foothills Drive and First Avenue will be
16 much more difficult and dangerous. There are times when
17 northbound cars attempt to make a U-turn when another car is
18 already in the median, blocking the flow of traffic in outer --
19 in the outer lane. All of these variables present the potential
20 for serious auto accidents. And, as I said, we have had two auto
21 accident there recently, and one woman was in the hospital for an
22 extended period of time after she got hit. All of these
23 variables, as I said, present the potential for serious auto
24 accidents.

25 If this project goes through, we would like to see a

1 stop sign or, preferably, traffic lights at the intersection of
2 First Avenue and Foothills Drive for both north- and southbound
3 traffic. And I have spoken to a number of residents here at
4 Northridge Villas and they will all agree with this project if
5 there is a traffic light or a stop sign, preferably the traffic
6 light, because people go through stop signs all of the time.
7 Thank you.

8 ZONING EXAMINER: Thank you very much.

9 Would anyone else in the audience like to be heard on
10 this case? Hearing no one, Mr. Underwood, do you have anything
11 further you want to say?

12 MR. UNDERWOOD: Thank you, Mr. Iurino. And thank
13 you, Ms. Doran, for -- for your -- for your comments. I did want
14 to just address that briefly, some of the -- the things that were
15 mentioned. We will be doing a full native plant inventory on the
16 site, so any saguaros that are -- are within an area that we
17 would be disturbing, there would be a salvage plan that gets put
18 in place and new saguaros would -- would be put back onsite if --
19 if they can't be transplanted from -- from where they are.

20 And we would meet all drainage requirements. I
21 understand we -- we just had our first big -- big monsoon storm
22 there, and so that is something that we're looking closely at and
23 we wouldn't be looking to -- to increase the flooding upstream or
24 downstream of this property. We would certainly comply with --
25 with all City requirements there.

1 MR. DORAN: The pictures miss -- miss the erosion.
2 I -- I was going to try to submit a picture of the erosion which
3 is right where you're going to be -- your driveway is going to
4 be.

5 MR. UNDERWOOD: And -- and thank you for bringing
6 that up as well, the -- the erosion aspect of it. That is
7 something that we're -- we're also looking at as well, ensuring
8 that however we -- we cut that driveway in there and -- and place
9 the building onsite, that we're minimizing that erosion; that
10 we're trying as best as we can to minimize the amount of
11 structured retaining -- trying to use the -- the building walls
12 wherever we can to not create additional retaining walls, but --
13 but we will be looking at the erosion as well.

14 We understand that -- that, you know, right now it's --
15 it's tough to make that turn there, that left-hand turn at -- at
16 First Avenue, you know. That is something that we'll continue to
17 -- to explore and discuss with -- with the Department of
18 Transportation as we move forward.

19 And, in terms of a traffic light, I'm not sure if
20 that's something that would be possible, given the -- the
21 proximity to -- to River Road there, but certainly, you know,
22 another item that we would discuss with -- with the Department of
23 Transportation and Mobility.

24 MS. DORAN: The elderly people in this area have
25 been asking for either a stop sign or traffic light there for

1 some time for that very reason. Thank you.

2 ZONING EXAMINER: Thank you. And thank you, Mr.
3 Underwood.

4 I'm going to close the Public Hearing on the First and
5 Foothills PAD matter. And I'll be issuing my preliminary report
6 within five business days.

7 Our last case this evening is Case TP-ENT-0223-00012,
8 Broadway-Rosemont Apartments. Ms. Gayosso, are you presenting
9 the Staff Report?

10 MS. GAYOSSO: Yes, I am, Mr. Iurino.

11 ZONING EXAMINER: Thank you. Please go ahead when
12 you're ready.

13 MS. GAYOSSO: Mr. Iurino, this is a request to
14 rezone about six acres of a piece of property near the southwest
15 corner of Broadway and Rosemont. The request is to rezone from
16 R-1 and C-1 to OCR-1, for the construction of a multifamily
17 development with over 200 market-grade apartments. The proposal,
18 as presented by the Applicant in his application, includes six
19 45-foot-high buildings, two 26-foot-high buildings and a two-
20 story-high clubhouse.

21 So the zoning to OCR-1 would allow the proposed density
22 of 37 residences per acre at a maximum height of 45 feet, which
23 is under the maximum density of 87 units per acre, and the
24 maximum height of 140 feet that the OCR-1 zone allows. You have
25 our Staff Report and proposed preliminary conditions. The PDSD

1 Department is recommending approval of the OCR-1 zoning.

2 Something to mention is that there's been a previous
3 case on the property back in 2015. The Mayor and Council
4 authorized a rezoning of the site -- instead of to OCR-1, it was
5 to C- -- C-1 for a neighborhood shopping center. The Applicant
6 came later with a change of conditions, a change of the
7 Preliminary Development Plan in 2018 to change the proposal from
8 a neighborhood shopping center to a micro hospital and commercial
9 and restaurant/food service uses. And I think I mentioned that
10 was in 2018.

11 The Design Compatibility Report and the Preliminary
12 Development Plan include a six-foot-high masonry wall along the
13 entire perimeter of the site, and a ten-foot-wide landscape
14 border on the south and west property lines. Also, there's the
15 setbacks being proposed of 75 feet from the south property line,
16 and 50 feet from the west property line; which, you know, we saw
17 they were similar to the setbacks originally proposed in the
18 previous rezoning cases. And, also, the maintenance building and
19 the two carriage units over parking garages are set back almost
20 50 feet from the west property line. The project is also
21 proposing a 16.5-wide landscape area along Broadway Boulevard,
22 and a 19-foot landscaped area along Rosemont. The trash
23 compactor and recycling bins are provided by the northeast side
24 of the project where -- adjacent to the C-1 zone.

25 In terms of traffic impact onto the neighborhood, the

1 Department of Transportation and Mobility recommended the
2 installation of a sign at -- at the ingress/egress point on
3 Rosemont that states no right turn for vehicles exiting the site.
4 In the application, the -- the proposal was to add a left-turn
5 signal traveling south on Rosemont, turning left on Broadway, but
6 the traffic study provided by the Applicant and the -- indicated
7 that the proposed left-turn signal would really not aid in better
8 traffic flow. We consulted with the Department of Transportation
9 and Mobility and they concur that -- not pursuing changes on the
10 signal facing at the Broadway/Rosemont intersection could
11 actually have a negative impact at this intersection and the
12 overall flow of traffic.

13 One more thing, the Applicant is proposing a reduction
14 of parking spaces from what's required by the Unified Development
15 Code from 351 to 342, which is about a six-percent reduction from
16 what is required by the UDC. We're not anticipating any street
17 improvements as a result of this proposal.

18 And that's all I have, Mr. Iurino. I know the
19 Applicant is present here to help answer questions and make a
20 presentation about the project.

21 ZONING EXAMINER: Thank you, Ms. Gayosso.

22 MS. GAYOSSO: Thank you.

23 ZONING EXAMINER: Mr. Warne, would you like to be
24 heard? (No response.) Would the Applicant like to be heard?

25 MS. CHITSAZ: This is Sarah Chitsaz with Waypoint

1 Residential. I am the developer for the -- for the project and
2 have been working with Tom. I have a feeling he is having
3 complications getting off mute right now.

4 ZONING EXAMINER: Okay. We can wait for him or --

5 MR. WARNE: No, I'm --

6 ZONING EXAMINER: -- if you wanted to speak --

7 MR. WARNE: -- I'm here --

8 ZONING EXAMINER: -- go ahead.

9 MR. WARNE: -- Sarah.

10 MS. CHITSAZ: There you are. Okay.

11 MR. WARNE: I was --

12 MS. CHITSAZ: Great.

13 MR. WARNE: Yeah. No, I was going to introduce
14 you to begin with and have you introduce --

15 MS. CHITSAZ: Oh.

16 MR. WARNE: -- your team and so on. Thank you.

17 MS. CHITSAZ: I'm happy to do that. I apologize
18 for being in my home office where the lighting's not great. So,
19 hi, my name is Sarah Chitsaz. I'm with Waypoint Residential. We
20 are a development company that is headquartered out of the
21 southeast, and I have been hired to help build a presence here
22 out west; and one of our first places will be -- for our
23 development footprint out west will be in Tucson, assuming that
24 we are able to move forward with this deal.

25 We've been -- the company has been around since about

1 2011, and we've got approximately \$6.2 billion dollars in total
2 market capitalization to date. Some of those things have been in
3 terms of acquiring assets, some of that is built on developing
4 ground-up assets, and some have traded over that, what, 12-year
5 period at this point. But we're really excited to have the
6 opportunity to potentially develop here in Tucson. And right now
7 we believe that this project represents roughly a \$51 -- \$51
8 million dollar market capitalization.

9 On the team you've got Tom Warne who's been helping us
10 through this land use process in Tucson. I've got Darlene
11 Yellowhair who is also on -- representing our traffic engineer,
12 Psomas. And then we also have our architect, Kastis (ph.) -- and
13 I have a hard time saying his last name correctly, so I will let
14 him introduce himself -- but he's with DesignCell that's out of
15 Nevada, and they also have an office in the Phoenix area doing --
16 performing the design for this project.

17 ZONING EXAMINER: Thank you. Mr. Warne?

18 MR. WARNE: Mr. Iurino, thank you. Tom Warne,
19 6701 North St. Andrews Drive, Tucson, Arizona. And I'm the
20 Applicant and agent and I'd like, if I may, have the opportunity
21 to explain the project, the actual location of the property, how
22 it relates to the surrounding area, and also what the -- what the
23 -- the site plan entails, and also some of the communication we
24 had with the Rose- -- West Rosemont Neighborhood on various
25 things through our process.

1 ZONING EXAMINER: Go right ahead.

2 MR. WARNE: Thank you. The location is the
3 southwest corner of Broadway and Rosemont, second -- seven acres
4 of vacant land. The north -- north of the site is C-1 -- (people
5 speaking) --

6 ZONING EXAMINER: If others in the audience could
7 mute their devices, it helps with that -- with keeping down the
8 interference. Go ahead, Mr. Warne.

9 MR. WARNE: Thank you.

10 ZONING EXAMINER: And just for -- for your
11 information, I know the property. I was out there today taking a
12 look. But don't -- I'm not suggesting you curtail your remarks
13 in any way, just want you to know that.

14 MR. WARNE: Okay. Thank you. Sure, now I can
15 make it brief. North -- north of the property there's -- there's
16 C-1, O-3, OCR-2 zoning; and south is R-1, single-family homes;
17 east is retail, medical, and so on; and west is bank, residential
18 uses. The site is included in the Broadway-Craycroft Area Plan
19 that was approved by Mayor and Council September 26th, 1988.
20 Actually, I was at that meeting; it shows my age. The property
21 is also -- which I think is equally or more important, it's also
22 within Plan Tucson. It is proper -- the property is located in a
23 mixed-use corridor per the plan and Tucson's future growth
24 scenario adopted by Mayor and Council.

25 And I'll just go briefly over certain points that the

1 property complies with, with the Plan -- Plan Tucson. The Plan
2 Tucson supports development opportunities where residential,
3 commercial, employment and recreational uses are located, or
4 could be located and integrated, can be accommodated, whereas,
5 potential development moderate to higher-density development
6 (sic) -- existing or upgraded public facilities and
7 infrastructure provide required levels of service, and can
8 encourage the use of transit, bicycling, and walking. This
9 property does comply or provides all of that.

10 Locate housing, employment, retail and services in
11 proximity to each other to allow access between uses and reduce
12 dependence on the car. High density greater than 14 units,
13 residential units, are encouraged where primarily vehicle access
14 is provided to an arterial street and is directed away from the
15 interior of low-density residential. Supports strategically
16 located mixed-use activity centers and activity nodes in order to
17 increase transit, reduce air pollution -- pollution, improve
18 delivery of public and private services, and create inviting
19 places to live, work, and play. Those are the main -- main
20 criteria for certain corridors in Tucson. And, as we all say,
21 infill development, that's encouraged.

22 The property is seven acres, 6.1 acres will be
23 developed for 222 units. The corner, which will be just a drop
24 less than one acre, will be retail -- but that's not what we're
25 here tonight as far as rezoning -- is zoned. The development is

1 222 units and it -- it is within walking distance -- and I think
2 this goes back to Plan Tucson, which I just read some of the
3 criteria -- to the east of 1,500,000, and north 1,500,000 square
4 feet of office space, and approximately 340,000 square feet of
5 retail. The 222 units will definitely help with the housing
6 shortage in Tucson, although it's 200 -- we're much shorter than
7 222 units (sic), but it will help and it will also help the
8 surrounding commercial area as far as the employment base, where
9 people could walk, ride their bicycle, or whatever. And it's
10 basically eight minutes from Tucson Medical Center and about 11
11 minutes from St. Joseph's Hospital.

12 If you'd like, I think I can -- I would like to go
13 through the site plan, show the site plan, and then also discuss
14 some of the neighborhood concerns and how we've addressed those.

15 ZONING EXAMINER: Please go ahead.

16 MR. WARNE: Okay. Kastis, could you put up the
17 site plan, please?

18 ZONING EXAMINER: While we're waiting for that.
19 What -- what's going to happen with the grade on the property? I
20 noticed quite a difference in elevation as you move from east to
21 west, especially on the back piece of the property.

22 MR. WARNE: Yes, the development -- well, the
23 grade will be brought down and the development will be -- be --
24 as you just said, you know, one side -- it's higher than the
25 other, obviously, even along the alley -- and overall, it'll be

1 three to six feet lower than it is now in -- in that portion --

2 ZONING EXAMINER: And just --

3 MR. WARNE: -- except for when we -- or at
4 Broadway, it will not be three to six feet lower. I didn't want
5 to exaggerate.

6 ZONING EXAMINER: Right. So, just for -- for
7 perspective, the development across Broadway from this property,
8 the New World -- you're familiar with that New World Plaza
9 development?

10 MR. WARNE: Right.

11 ZONING EXAMINER: How -- how tall are those
12 buildings, more or less?

13 MR. WARNE: Those buildings I think are
14 approximately 28 to 35 feet.

15 ZONING EXAMINER: Thank you. Are we waiting on
16 your graphic?

17 MR. WARNE: Yeah, sorry.

18 MS. CHITSAZ: Tom, I'm -- I'm trying to, but it's
19 telling me that the hostess disabled screen sharing.

20 ZONING EXAMINER: I'm not the hostess --

21 MR. BEALL: We --

22 ZONING EXAMINER: -- well, I can't help you with
23 that, but --

24 MR. BEALL: That's --

25 ZONING EXAMINER: -- Mr. Beall, are you --

1 MR. BEALL: Mr. Iurino, we just --

2 ZONING EXAMINER: -- helping with that?

3 MR. BEALL: Yes, we just -- I just made her the
4 co-host. I was trying to figure out which person was going to --
5 to do that and I guessed wrong, so --

6 MS. CHITSAZ: Fair enough. That is totally fine
7 with me. Let me -- can you see my screen at this point?

8 ZONING EXAMINER: I can. Thank you.

9 MS. CHITSAZ: Thank you. I'll try to make it a
10 little bit larger for those on the phone. But, Tom, let me know
11 if you need me to zoom in anywhere specific.

12 MR. WARNE: Okay. No, this is fine. It shows the
13 ingress and egress off of Broadway on the northwest portion of
14 the property, and then ingress and egress off of Rosemont on the
15 southeast portion. Rosemont is designated as a collector street
16 in the Broadway-Craycroft Area Plan that Mayor and Council
17 adopted a long time ago.

18 There are six buildings that are approximately 26 feet
19 in height, and there are six buildings that are 40 feet in
20 height, the top with parapet. And each building, each of those
21 six, has two pop-outs I call them, with loft units, which are
22 approximately 43 to 45. On the south building, those pop-out
23 units are located away from the neighborhood to the south. There
24 are 222 units --

25 ZONING EXAMINER: I'm sorry. You mean because

1 they're on the front of the building; is that what you're saying?

2 MR. WARNE: Yes, right. And each -- there's only
3 two per building. But, yes, and they're on the south -- the
4 south building, they're located on the north side of that.

5 ZONING EXAMINER: So those are the 45 feet?

6 MR. WARNE: Yes, 43 to 45 feet.

7 ZONING EXAMINER: And so what is the -- what -- so
8 take Building 4, for example, and 5, and 6 for that matter, how
9 tall are they without the pop-outs?

10 MR. WARNE: Forty feet. And that's what's --
11 that's what was also designated in both -- Craycroft Area Plan
12 actually allowed for 75 feet along Broadway -- but that's what's
13 designated or suggested in Plan Tucson and, also, in the Broadway
14 Area Plan.

15 There's 329 parking places for the 222 feet (sic), and
16 that comes out to 1.4 per bedroom. I think that's very
17 important. It's not 1.4 per unit, but 1.4 per bedroom. And code
18 in this situation is 1.5. So I want to make that very clear,
19 it's one-tenth less. So, basically, a two-bedroom apartment
20 would have 2.8 parking spots.

21 ZONING EXAMINER: So I realize we're talking about
22 six-percent or a ten-percent difference, but why not just meet
23 the parking requirement?

24 MR. WARNE: Well, based --

25 ZONING EXAMINER: What would be the impact on the

1 -- on the proposed development from meeting the parking
2 requirement?

3 MR. WARNE: It would not be as economic. To be
4 honest, it'd be -- the economics would not work --

5 ZONING EXAMINER: Well --

6 MR. WARNE: -- and also --

7 ZONING EXAMINER: -- so what are you losing --
8 what do you lose in terms of footprint? Obviously, you'd lose
9 that number of spaces times whatever the area is. But, I mean,
10 what is -- can you give me a -- you know, a practical estimate or
11 just, you know -- just give me some --

12 MR. WARNE: Sure.

13 ZONING EXAMINER: Right.

14 MR. WARNE: Okay. When they -- what they would --
15 what they would lose was something like 18 units in the overall
16 plan --

17 ZONING EXAMINER: Okay. Go ahead. Sorry.

18 MR. WARNE: -- 18 to 20 -- 18 to 22 units. Also,
19 they would have -- they were going to be over-parked as it is and
20 it would just have, you know, more blacktop as far as the
21 environment is concerned.

22 ZONING EXAMINER: Well, it's all hardscape, right?
23 I mean --

24 MR. WARNE: Well --

25 ZONING EXAMINER: We're talking basically -- I

1 mean, I -- I see the landscaping and appreciate that. I'm just
2 saying if you're -- you're replacing building with blacktop as a
3 practical matter, right? You're not replacing landscaping?

4 MR. WARNE: No, definitely replacing building.

5 ZONING EXAMINER: Yeah.

6 MR. WARNE: But I'm not sure about the heat -- the
7 heat effects of a -- of a building versus just a blacktop surface
8 on land, that's --

9 ZONING EXAMINER: I don't know either.

10 MR. WARNE: Yeah. Okay. That's -- you know, I've
11 been told, but I'm -- I'm not going to attest to that fact, you
12 know.

13 ZONING EXAMINER: Sure.

14 MR. WARNE: Now, in the process, we've had three
15 formal neighborhood meetings. And, as you know, one is required,
16 but we had three, all noticed. And also we noticed the parking
17 and IPP in each of those. And we just had a Development
18 Committee meeting yesterday.

19 The traf- -- there was concern about traffic, how much
20 traffic is created or will the -- increase in traffic will be
21 created and where that traffic will go. Both the City
22 Department of Transportation and Psomas Engineering, who did a
23 traffic study, have agreed that the level of service, which is B
24 in the area, will stay B. And, also, the egress on this project,
25 75-percent of the egress will come out on Rosemont, and they both

1 have stated that it will be going north. We've agreed with the
2 neighborhood to put a traffic diverter on the property, not on
3 Rosemont, so that it will divert traffic and make it difficult to
4 turn right to go south on Rosemont.

5 ZONING EXAMINER: Curbed -- curbing design, is
6 that the idea?

7 MR. WARNE: Yes, right.

8 ZONING EXAMINER: So is that in the PAD as it's
9 proposed now or is that a new development from the time the PAD
10 was -- PAD document was logged.

11 MR. WARNE: That -- yes, Mr. Iurino, that was a
12 development as of yesterday.

13 ZONING EXAMINER: Got it. Thank you.

14 MR. WARNE: You bet.

15 ZONING EXAMINER: What did you call that --

16 MR. WARNE: Also --

17 ZONING EXAMINER: -- again? What did you call
18 that again?

19 MR. WARNE: I called it -- the slang term is
20 "porkchop."

21 ZONING EXAMINER: Oh, I know what a porkchop is.

22 MR. WARNE: A traffic diverter.

23 ZONING EXAMINER: Got it.

24 MR. WARNE: Okay. The -- also, the developer has
25 agreed to pay for a left-turn signal going on Broadway traveling

1 north -- north on Rosemont. So, if you're traveling north on
2 Rosemont, and you do not want to turn right or you don't want to
3 go straight, and you do want to go to the west, a left-turn
4 signal could be installed; of course, that will be -- approval of
5 the City, but the cost of that is committed by the developer.

6 Another major concern with the neighbors and the -- and
7 the Rosemont neighborhood is parking and we just touched on that.
8 The parking considerations, the 329 parking spots, is higher --
9 much higher than the county actually wants and as far as the --
10 it requires, excuse me. And, as far as the parking study that
11 was done by Psomas, it is 65 more than their most conservative
12 estimate. And they reviewed like projects in the area.

13 They also noted that bus service on Broadway at this
14 location is every 15 minutes for most the waking hours; and then
15 every 30 minutes up to midnight. There's also an express stop in
16 the area you can walk to that can go far east or all the way
17 downtown, too. So it's -- that's another criteria that's in the
18 Plan Tucson as far as mass transit, bicycle, walking.

19 And the -- another concern was the height of the
20 buildings. They do meet the criteria definitely, both for Plan
21 Tucson and in the Broadway-Craycroft Area Plan. And the
22 setbacks, as noted in the diagram in the Craycroft Plan --
23 Broadway-Craycroft, is one and a half times the height (sic) --
24 so, in this case, would be 60 feet -- and they have that --
25 that's actually shown in -- in -- in the Broadway-Craycroft Area

1 Plan. The setbacks here where the -- where it's -- the view is
2 most concerned, or just even buildings being close, are 75 feet
3 and 79 feet as far as on Building 4.

4 ZONING EXAMINER: So, Mr. Warne, I saw a concern
5 in some of the protests and comments in opposition -- just about
6 the massing -- that the massing of the development, if you will,
7 is on the south piece of the property, not flipped around so that
8 it's on the Broadway side. So what I saw were two concerns: One
9 was a concern about a lack of variation for the viewer to the
10 south looking north, just big block buildings, right? And the
11 other concern was that couldn't it be more intense building-wise
12 up closer to Broadway and away from the neighborhood? I'm not
13 stating it as well as perhaps the comments did, but could you
14 address those issues?

15 MR. WARNE: Yes, and maybe Kastis could also, if
16 he's on, the architect from Cell (sic) Architecture. We did look
17 -- and one of the neighbors suggested taking the carriage units
18 and so on and then moving those to the back. And they would be
19 right -- and I don't believe the City will allow that, but it
20 would be right on the City property line where the alley is.
21 There would be no setback whatsoever. And those -- about 25 or
22 26 feet and they'd only be 16 feet from the property.

23 And then trying to push the other buildings that you
24 mentioned here forward, two things happened. The main thing that
25 happened was the PALS for police -- excuse me, for fire emergency

1 vehicles, basically fire, really were very difficult to come to
2 code, so that -- that is definitely a problem.

3 ZONING EXAMINER: Well --

4 MR. WARNE: There is --

5 ZONING EXAMINER: -- I'm -- I'm -- I may not --
6 you know, I'm not -- I'm not an architect, obviously, but I -- I
7 thought the idea that was being expressed was you've got your
8 taller buildings in back. Why not put your shorter buildings in
9 back? I don't think that would affect the PALS, just swap out
10 the height.

11 MR. WARNE: Well, it -- it did to a point. We'd
12 have to put -- to make it work, the buildings, let's say -- that
13 are between Building 3 and Building 1 and 2, taking those
14 buildings, which are 20 -- roughly 26 -- 25 feet tall, and moving
15 them -- the only way it would work is to move them right against
16 the alley right next to the prop- -- City property line --

17 ZONING EXAMINER: Well -- so what -- I'm -- I'm
18 not --

19 MR. WARNE: -- to make the geometry work.

20 ZONING EXAMINER: Yeah, I get it. I'm not -- I
21 guess how tall is Building 1 and 2?

22 MR. WARNE: One and 2 are 40 feet with the pop-
23 outs again at 43 to 45.

24 ZONING EXAMINER: Okay. Go ahead. Then just --
25 you've answered my question and I appreciate it. So just go --

1 MR. WARNE: Sure.

2 ZONING EXAMINER: -- right ahead.

3 MR. WARNE: Yeah. No, thank you. So that
4 basically -- so I mentioned the setbacks are 75 feet and 79 and
5 not -- not 60 feet as was designated in the plan -- in the area
6 plan.

7 Do you have any other questions? Or, Kastis, do you
8 want to talk about the architecture or the quality of the
9 project?

10 I failed to mention that the -- that the project is
11 gated, and I think that's very important, because we are in a
12 very, you know, very intense area, if you will, a built-up area
13 with the Williams Center and so on, and all the commercial, so
14 the project is gated. And fobs -- the neighbors asked about fobs
15 or cards and not a keypad so that, you know, somebody couldn't
16 give me the keypad combination and I could just come in. And the
17 developers definitely agreed to that. Kastis?

18 KASTIS: Yeah, I could speak a little bit to --
19 towards massing, that this is -- you know, we did run as -- you
20 know, I think massing is actually shifted to the north. For
21 example, the buildings are set back from the neighboring property
22 lines -- from -- from the neighbors as -- as Tom just mentioned,
23 and that's why it's not against the property; that's why it's
24 further away from the -- from the south and west property lines.
25 Also, we made sure that as much as possible, those -- those

1 buildings are not oriented towards neighbors -- with, you know,
2 one exception of Building 4. But, again, this is being set back
3 through the alley and -- and all the parking lots are over -- you
4 know, 75 feet from the property line, plus an alley, so it's
5 really far away from the property. So we did those various
6 studies to -- to come up with this plan to -- to really be
7 sensitive to the neighborhood, and -- and those buildings on the
8 -- on the -- Broadway Boulevard are the same height as the
9 buildings over there. So I'm kind of -- probably not sure how --
10 why would that -- you know, what would that mean about the
11 massing.

12 Also, the carriage units, there -- there is a smaller
13 -- two buildings in between that, the parking area. Those are
14 just -- just a very few of them, just -- just four smaller
15 buildings, that is -- that is not really the main focus of that
16 development. This is -- this is mostly to provide an option for
17 the -- for the -- for the residents to have some private garages,
18 an option to have, you know -- and to -- to have the vehicles in
19 a private garage; that is kind of primary -- primary use of them.
20 There is only a few units of that -- of that sort.

21 ZONING EXAMINER: Thank you.

22 MR. WARNE: Do you want to talk about the design,
23 Kastis --

24 KASTIS: Sure.

25 MR. WARNE: -- as far as like ceiling heights,

1 things like that so --

2 KASTIS: Okay. Okay. So --

3 MR. WARNE: -- we like to have -- you know, sense
4 of quality, if you will.

5 KASTIS: I will. So we haven't started yet on the
6 design of actual buildings. We have some preliminary views,
7 preliminary ideas that we have shared with the owner and the
8 owner has requested us to -- to really -- we're looking at a
9 quality development here at the mid-to-higher-end apartment
10 complex with -- so, yes, the ceiling heights will be about, you
11 know, nine feet.

12 The -- so it's -- so it's taller -- taller, you know,
13 taller ceilings to provide comfortable, you know, modern living.
14 The -- then the ceiling materials will primarily be either
15 (unintelligible) and stucco with -- with certain accent -- accent
16 materials, like -- like stone or -- or fiber cement, again
17 maintaining -- maintaining a modern look of flat roof lines and
18 so that's -- don't, you know, go extra height with that.

19 It's a gated community, as mentioned, so it's going to
20 be, you know, feeling a little bit more -- not exclusive, but,
21 you know, but -- but -- but a little more high -- higher end.

22 What else? Well, there will be quite a few community
23 amenities in the clubhouse. We'll have a -- a fitness room for
24 -- for the residents. There will be work stations for -- for co-
25 working, spaces they can -- they either -- you know, they can

1 double up as -- as a second office and -- and so forth. There's
2 a game room, for example, for -- for some entertainment of -- of
3 the residents and so forth. As we mentioned already, private
4 garages that will be an additional amenity, things like that.

5 MS. CHITSAZ: Trying to create a community living
6 environment. So there will be a pool area for residents to
7 gather. There's guest parking for guests that's mainly outside
8 of the gated area, because the gated areas will be for residents
9 only.

10 As Kastis mentioned, we have not fully designed the
11 buildings at this point in time. I would envision them having a
12 minimum ceiling height of eight feet --

13 MR. WARNE: No, nine --

14 MS. CHITSAZ: -- (unintelligible; voices overlap)

15 --

16 MR. WARNE: -- nine feet.

17 MS. CHITSAZ: As long as we stay within our height
18 requirements, I'd love to --

19 MR. WARNE: Right.

20 MS. CHITSAZ: -- see nine or ten, but until all
21 the mechanical's worked out, I'm not promising anything. And
22 then LVP flooring with, you know, stone countertops. What we
23 would -- what I would hope anyone would expect for a new build in
24 the area, to feel luxurious, maybe not your Four Seasons
25 luxurious, but a very great standard of living.

1 ZONING EXAMINER: Thank you. Mr. Warne, anything
2 else from your team?

3 MR. WARNE: No. No, I just thank you for the
4 time. And we did pay attention to Plan Tucson and what the
5 criteria were -- or are -- excuse me -- and tried to meet those
6 criteria.

7 ZONING EXAMINER: Just a detail question. I saw
8 in some of the materials a concern about windows looking out to
9 the south --

10 MS. CHITSAZ: Correct.

11 ZONING EXAMINER: -- (unintelligible; voices
12 overlap) and --

13 MS. CHITSAZ: That is a design element we have
14 discussed with the neighbors. Again, the detailed architecture
15 plans have not been drafted at this point in time, but one of the
16 items that we offered to compromise into our design is for those
17 -- so these are three-story buildings, so there'll be resident
18 units on levels one, two, and three. And for that third story,
19 especially on Building 4 and Building 5, we'll make sure that
20 there are windows -- there's smaller windows that might be higher
21 up on the wall so they'd provide natural light, but they're not
22 necessarily at a height where a resident would -- could go and
23 just peer into someone's yard; because I know that there's an
24 expectation of privacy there. So we're willing to design that
25 south-facing third story in a manner to where it's not available

1 to a resident living in those units to look --

2 MR. WARNE: We'll do transom --

3 MS. CHITSAZ: -- out --

4 MR. WARNE: -- transom windows.

5 ZONING EXAMINER: Sure. I know --

6 MR. WARNE: Correct.

7 ZONING EXAMINER: -- I'm -- I'm familiar with
8 them. So why not second and third on that?

9 MS. CHITSAZ: Second and third, to -- to our
10 knowledge, we've done a site section, and you can't see into
11 their yards from -- from those levels. You're going to have a
12 wall -- there's a wall with the alley and then there's trees, so
13 there shouldn't be -- and there's going to be -- what do we call
14 these? -- carports that are also lining this entire south
15 property edge, so you shouldn't have line of sight into the
16 neighbors' yards from those windows.

17 ZONING EXAMINER: Okay. You're the design person,
18 I'm not. Okay. Mr. Warne, anything else from your team?

19 MR. WARNE: No, thank you very much for the time.

20 ZONING EXAMINER: Well, thank you for
21 participating.

22 So we had some -- my practice is to invite folks who
23 have emailed in first, just because I have a list, but that --
24 then I will turn and open it up to anybody else who walks to talk
25 who did not email in, because there's no requirement that people

1 email in.

2 I have a request to speak from Mr. Douglas, Scott
3 Douglas. Are you present, sir?

4 MR. DOUGLAS: Yes, I'm present.

5 ZONING EXAMINER: Okay. Please just start with
6 your name and address and then tell me what you'd like me to
7 know.

8 MR. DOUGLAS: My -- my nighttime address is 7518
9 North Secret Canyon, Tucson. My daytime address is 5210 West
10 Broadway, the nine-story building two buildings over.

11 ZONING EXAMINER: Sure.

12 MR. DOUGLAS: So I've been investing in Tucson for
13 20-plus years. Went to high school and college there. We
14 currently are the largest owner, myself and my company, of Class
15 A office space in Tucson. So, notably, in the Williams Center,
16 we own five buildings next door there. We have an enormous
17 financial commitment. And, in the last three or four years, we
18 probably invested \$20 million dollars -- or it will be \$20
19 million dollars in the next three or four months in those
20 buildings upgrading them.

21 It's very important to us that the neighborhood stays
22 the same quality that we're building to. So -- and we feel it's
23 a very important element for the City of Tucson to build high-
24 quality infill housing like this that's suggested. So, my
25 review, and our review, as a company of both the site plan, the

1 number of units, and the rendering that we've been -- we've seen,
2 we think is a pleasant addition for the City of Tucson and
3 necessary. Our -- the way the city's growing right now in the
4 northwest and the southeast, the only places where they're -- on
5 the fringes where they're putting multifamily isn't helping our
6 traffic situation at all, and certainly our employers in town
7 with attracting talent to -- to our buildings.

8 So if we can get assurances from both the developer and
9 the City that they're going to build what's show in that site
10 plan, and -- and also what's -- the layout and -- and what's in
11 the rendering, we'd be in favor of -- of this kind of
12 development. So we feel very strongly that this is a positive.

13 And relative to all the cities that we've developed in,
14 traffic is not going to be an issue for this use relative to
15 virtually anything else you could put on that site. So retail,
16 entertainment, medical, supermarkets, anything else you put on
17 that site is going to be a dramatically heavier impact on -- on
18 traffic, so I don't think that's a valid concern.

19 So, anyway, we're very much in favor of it. And, if we
20 can get assurances from both the developer and the City that
21 they're going to build what they say they're going to build --
22 and we'd love to hear more about the interiors, that they -- they
23 will, in fact, get nine-foot ceilings, they will in fact get all
24 the units that they're after -- because we -- we start to carve
25 back their development, it's going to decrease the quality. And,

1 frankly, over the long term, I think we're all going to want to
2 see something that stands the test of time. So, anyway, that's
3 about all I had to say. I wish you well.

4 ZONING EXAMINER: Thank you, Mr. Douglas.
5 Appreciate your participation in this matter.

6 The next person is Laura Bailey. Ms. Bailey? (No
7 response.) Ms. Bailey, are you present? (No response.) Well,
8 we'll come back later.

9 Stephanie Fink. Ms. Fink?

10 MS. FINK: Good evening. I'm Stephanie Fink. I
11 live at 4889 East Scarlett Street. I am a member of the Rosemont
12 West Development Committee. I have been doing a lot of research
13 on this project, and I would like to speak to both -- some of
14 what I see as the positives and some of the issues that may not
15 have already been addressed.

16 I posted for everyone to look at in the chat a .pdf
17 file which is -- was made from a PowerPoint that provides for you
18 a visual rendering from a human scale, produced by one of our
19 neighbors who is quite talented in this regard. So if you all
20 would like to take a look at that while I'm speaking, you can
21 look at that document and that will give you a sense of the feel
22 of the development from the perspective of neighbors and
23 passersby, from people whose night address is in Rosemont West
24 and not elsewhere.

25 The pros that I'd like to bring up are that, obviously,

1 this property does need to be developed and everyone is on board
2 with a strategic development of this lot. Obviously, the City
3 will benefit from having increased revenues from taxation by
4 developing this lot. Having it just be sort of a big piece of
5 dust is not really serving anyone in the community. It will
6 provide profits for an out-of-town developer. It will provide
7 benefits to local development partners. And it will align, in
8 theory, with the need for infill projects that reduce urban
9 sprawl.

10 I'd also like to mention some things that I have picked
11 up on here while -- the thing being presented is that -- the need
12 for quality. I think we all would love to see a quality project.
13 This is not a quality project, however, that contributes to our
14 neighborhood. You've heard that it's being -- going to be a
15 gated community. That means it will be cut off from a highly-
16 integrated neighborhood with a strong sense of community
17 building; therefore, it does nothing to promote the kind of
18 community building that you see proposed by Plan Tucson.

19 The other thing that's very interesting here is that
20 they seem to be very pricey units; that would be beautiful if
21 they were filled. But it's quite possible that many of these
22 units will go unrented. One merely need look at the vacancy
23 rates of -- of apartment buildings in 85711. You can also look
24 at the high rates of vacancies in The Benedictine which -- I
25 don't mean to insult the plans of the developer here -- The

1 Benedictine is stunning and it has lots of amenities and it has a
2 lot of vacancies, and we're talking about a very similar price
3 point. The Benedictine also has the benefit of being closer to
4 the University and closer to other truly walkable places.

5 In terms of walkability scores, the developer is
6 suggesting that many people residing at this place will be using
7 public transportation. While that may be true, I recommend to
8 anyone to walk to go get their groceries or take a bus to go get
9 their groceries who live in this neighborhood. I don't think
10 that anyone who is not forced to do so, would do so willingly,
11 when it's -- well, it's only 106 now and the sun's going down,
12 maybe they'll go out now. So, walkability is maybe a pipe dream
13 at this point based on our transportation systems.

14 The other thing that's been touted to us is that this
15 will make walking easier to Williams Center because there's so
16 many buildings in there. And Mr. Douglas did reference the fact
17 that they -- they're -- they own many properties there and
18 Williams Center property owners want this to be high end. And we
19 understand that. But Williams Center currently includes multiple
20 -- multiple completely vacant office buildings: 5210 is empty;
21 5255 to 5258 is empty; 5431 is empty; and 5151 across the street
22 -- as we know, when you go by there all the time, there's isn't a
23 lot of in-house people working in 5151. It's often used for an
24 offsite office address. So you can look at an office vacancy
25 rate for 2023, and projected future in a report issued by PICOR

1 in April, 2023, that will give you some idea of the extent of
2 vacant office space in this zone. So, to suggest that this
3 project will provide housing for people who work in Williams
4 Center is a bit misleading in that there aren't really many
5 places to work in Williams Center, with the exception of the
6 Texas Instruments building and the -- the ADT building.

7 So the question is that -- why would anyone pay so much
8 rent to live here when there are much better options at the same
9 price point that have high vacancy rates? I would propose that
10 they would not. Rental vacancy rate in 85711 is 8.7-percent over
11 19,414 units; homeowner vacancy rate is 1.2-percent; average
12 rental vacancy rates in Tucson are 6.5-percent; therefore, rental
13 vacancy rates in our zip code are already over the rate for the
14 entire city. That would suggest that, perhaps, 85711 is already
15 saturated.

16 The other thing that I think that -- really what I'd
17 like to hit home here is that this project represents a stunning
18 opportunity for the City of Tucson, not just this neighborhood.
19 We are smack dab in the middle of a corridor that holds a lot of
20 potential. We are in the middle of all the development you see
21 closer to Wilmot and then the Sunshine Mile. We're near Reid
22 Park. People travel this section of Broadway a lot. It could be
23 a showcase.

24 There's nothing forward-looking in this design. I've
25 heard no speak to solar. We have all of these building tops

1 covered with nothing right now. Why would we do that? I don't
2 see any speaking of all of these parking spaces covered in a
3 green substance that is permeable. There's no innovative
4 material use here. There is no innovative design use here.
5 Okay. High end, stone countertops. But where is something that
6 is going to be a centerpiece for this city? Where is the vision
7 of our ward? We have a ward that has a plastics recycling
8 program being turned into building materials. Are any of those
9 materials being incorporated in this project? No. Does this
10 developer understand our market? I'm not sure about that.

11 So, as much as I see that there's a lot of benefit in
12 having a high-end project at this location, and I fully support
13 it, there is no retail being added, aside from the corner that's
14 -- we don't know what's going to go there. The OCR-1 zoning
15 doesn't seem necessary. We can have commercial. We can have
16 mixed use already on the lot. It's already zoned commercial all
17 along Broadway. Why don't we keep that instead of building a
18 bunch of apartment units that may or may not get rented out at a
19 very high price point that do not solve the housing problem in
20 our community? Why don't we have affordable, closely- --
21 closely-built townhouses? Something like they have at The
22 Presidio or other mixed-use places in town where you have owner-
23 occupied housing, yet can contribute to an actual sense of
24 community. Rather than have that sort of a development that
25 benefits all people, we are having development that benefits few

1 people.

2 So, in my mind, the current proposition is a no-case,
3 when, quite frankly, it could be a showcase. Thank you for your
4 time.

5 ZONING EXAMINER: Thank you for your time, Ms.
6 Fink. We appreciate your participation.

7 We've had a request to speak by Jim Marks (ph.). Mr.
8 Marks, are you present?

9 MR. MARKS: Yes. Yes, I am. Thank you. So I --
10 I have some things that I would repeat that Stephanie said, so
11 I'm going to try to refrain myself and limit my comments to what
12 I'm going to call the character of the neighborhood. The
13 Rosemont West Neighborhood Association is -- is and has been
14 unique. And, by the way, I live at 4902 East Twelfth Street.
15 I'm within 400 feet of this proposed project. And we've been
16 here since 2007, and so we have seen a lot of -- a lot of changes
17 over the -- over that time span.

18 I'm going to be referring to Plan Tucson and the
19 Broadway-Craycroft Area Plan. And it's in your memorandum of
20 July 3rd -- it's actually on Pages 2 and 3 and 4 I think -- and
21 it's under the planning consideration, and it's there that I
22 noted on a number of -- about three or four of the sentences in
23 the paragraphs that there was quite a reference to what was
24 called neighborhood character. And -- yeah, for instance, you
25 know, things like protecting the integrity of existing

1 neighborhoods was important in the Tucson -- Plan Tucson;
2 complementing the scale and character of neighborhood activity
3 nodes; encouraging new residential development that preserves and
4 enhances the existing residential character of the area; preserve
5 and enhance the integrity of existing neighborhoods. So, you
6 know, that's -- admittedly, that's a fairly broad term.

7 But I got to thinking about what makes this
8 neighborhood unique and what -- what its character is. And so
9 these are just really specific things that have been important --
10 and Stephanie did refer to this as community building -- and I
11 would say that that's a great catchall phrase for what RWNA has
12 been trying to do for years.

13 But very specifically, when I first got involved here
14 many years ago, we had a graffiti problem, and RWNA took that on,
15 where as soon as graffiti went up, we had volunteers who went
16 around and took it down. And we discovered over time that less
17 and less of that happened. Today, there's almost none of it.

18 We've got a volunteer in the neighborhood who has a
19 tractor and he uses the scoop to -- to, you know, clean out the
20 low spots when the monsoon rains come along, or he mows the
21 alleys. We had a real alley problem at one time, that is, lots
22 of things got dumped in the alley. And another volunteer came up
23 with the idea of getting roll-offs from the City four times a
24 year; and that's been a very successful program. Volunteers went
25 out and trimmed branches along roadways.

1 Hoffman Park, as you know, is just a jewel in our
2 neighborhood. Many dog owners, walkers. We've great horned owls
3 living up in the trees. Many, many people around Tucson use the
4 ramada there for parties and for all kinds of events. We hold a
5 spring picnic in the park. We have almost 100 people in this
6 event this year, and it's all about community building. We're
7 doing a pre-Thanksgiving turkey potluck in the park this
8 November. Then we have a holiday event where we have hot
9 chocolate and donations for nonprofit causes in the park.

10 We just did an extreme weather challenge workshop just
11 a week ago, actually -- a week and a half ago, attracted almost
12 30 people to that workshop, and the whole essence of that was
13 really about neighbors looking out for neighbors. In fact,
14 there's all kinds of statistics that show that less people die in
15 these extreme weather events when there is connections with
16 neighbors, people who know each other. There's a networking in
17 our community here to look out for the vulnerable population,
18 people who are, you know, under four years of age, people who are
19 older than 80, medical -- medically-compromised people.

20 And -- and so what I'm hinting at here is that this --
21 this community has a really unique character. And, again, in
22 Plan Tucson and in the area -- Broadway-Craycroft Area Plan,
23 there's a lot of reference to -- to, you know, respecting that
24 character of -- of existing neighborhoods.

25 Now, Stephanie kind of alluded to it, and I'll say it

1 again, but this project -- this project, which is going to be
2 gated, which is going to be walled, is a project that just
3 doesn't fit into this neighborhood. In our neighborhood, we have
4 what we call affordable housing. We have discretionary housing.
5 And affordable housing is a big issue and this project does not
6 address that in any way. In my experience with gated
7 communities, they are islands. They become fortresses. They
8 become -- you got to -- you know, you got to put your card in or
9 key in -- or a key in to get into the place. They become
10 exclusive.

11 That's what -- that is not what RWNA has been about.
12 There are 725 homes, single-story homes. We are a multicultural,
13 multi-age, multi-everything community. And we invite and we
14 promote neighbors to get to know each other, care about each
15 other, look out for each other, you know. That's ideal,
16 admittedly, but it identifies the character of our community.
17 And my concern, and our concern, is that this project, this
18 proposal, while on the surface it looks, you know, like a pretty
19 nice arrangement, in fact, it just simply does -- it's the wrong
20 place. It does not fit into this community of Rosemont West
21 Neighborhood Association.

22 And, like Stephanie, I -- I am not opposed to housing
23 going into this plot of ground, it just seems to me that
24 something better could be envisioned following the Plan Tucson
25 and following the Broadway-Craycroft Area Plan. But it's

1 especially the sensitivity to the character of this -- of this
2 neighborhood that I'm addressing. So thank -- thank you very
3 much for listening to me.

4 ZONING EXAMINER: Thank you, Mr. Marks, for your
5 participation.

6 Theresa Riel, R-i-e-l?

7 MS. RIEL: Thank you very much. Yeah, my name is
8 Theresa Riel. I live at 4926 East Cooper Street. I have lived
9 in the neighborhood since 1996. I'm a member of the neighborhood
10 association, the current President. I am not on the committee of
11 the people who are working on the development -- because they
12 have put dozens and dozens and dozens of hours that I actually
13 currently don't have.

14 But I am a former math teacher. I always check the
15 math and stuff. And so I just do have a quick question for Tom.
16 I was driving when you were speaking. I apologize for not being
17 at my computer. But I heard 329 parking spaces; is -- did I hear
18 that correct?

19 MR. WARNE: Yes, Theresa, correct.

20 MS. RIEL: Okay. So I was just doing a little
21 quick math, 222 units, I'm assuming each one of them will have at
22 least one bedroom, so that's 222 bedrooms; and then there are 36
23 two-bedroom units. So I'm going to add the 222 bedrooms, one for
24 every unit, and then the 36 extra. And if you multiply that,
25 it's 250 -- excuse me, 258 bedrooms is what I counted -- if you

1 multiply by 1.4 -- and maybe my math's wrong, but I got something
2 around 361 parking spaces and --

3 MR. WARNE: Three-fif- --

4 MS. RIEL: -- I don't --

5 MR. WARNE: -- 351 is what's required.

6 MS. RIEL: But I thought -- I thought you were
7 doing fewer than that at a 1.4 ratio.

8 MR. WARNE: Yeah, we're doing 1- -- one-tenth, not
9 ten-percent -- well, you know what I mean, one-tenth --

10 MS. RIEL: Yeah, so --

11 MR. WARNE: -- so 1.4 -- so like a two-bedroom
12 that required parking spots for the two -- for the one bedrooms,
13 excuse me, 72 of those require one -- 108. And we're -- we're --
14 we're doing 1.4 instead of 1.5 for each -- you know, each
15 category, if you will, Theresa.

16 MS. RIEL: So what I -- I just did -- really
17 simple so I didn't have to do each section -- I did 222 units,
18 plus 36 extra bedrooms for the two-bedroom places, so that means
19 that there are going to be 258 bedrooms in the -- in the
20 development, I multiplied by your 1.4, and I come out with 361.2
21 parking spaces. This one I actually -- I did the one where I got
22 361 on my paper and pencil, but I used my calculator this time.

23 So I'm just concerned about the mathematical accuracy
24 of that whole 1.5 parking spaces. It seems as if, if my math is
25 right, 222 units, plus the extra second bedroom in the 36 two-

1 bedroom apartments, 258 units at 1.5 -- sorry, 1.4 parking space
2 -- that would be 361.2 parking spaces. And I'm hearing that
3 we're even doing less than the 351 that was on the original site
4 plan. So I -- 329 isn't anywhere near 1.5 -- or 1.4 parking
5 spaces. Anyway, just math. We can figure that out at some
6 point.

7 MR. WARNE: Yeah --

8 MS. RIEL: So for that --

9 MR. WARNE: -- but the -- but the tables on -- the
10 actual table that was developed is on the site plan --

11 MS. RIEL: Yeah, that was --

12 MR. WARNE: -- and it's -- it's not like 36 extra
13 -- let's see, it's -- there's -- when you get to the two-bedroom
14 -- so if you count the way you did as far as, you know, one
15 bedroom for each category, correct, there's 18 extra because of
16 the two-bedroom, not 36, so maybe that's the difference in the
17 math.

18 MS. RIEL: Well, then, I'm just -- I'm just saying
19 the words I heard you say -- that there were 329 parking spaces,
20 which is 1.4 spaces per bedroom, that -- those words don't go
21 with the math on the chart. I'm looking at the same chart, too.
22 That's where I got those numbers from. So, anyway, that was just
23 my first thing -- I'd like, you know, some attention --

24 MR. WARNE: Sure.

25 MS. RIEL: -- paid to that.

1 The second thing is there was a very -- in my opinion,
2 a very inadequate traffic study done by maybe the City or the
3 County, I'm not sure who did it, that said that this -- this new
4 development would not impact transportation at all. And I just
5 think that that is -- Tom Warren, Steve Kozachik, myself, and
6 about six other neighborhood members, with somebody from Tucson
7 Transportation -- we stood out there for about an hour and half
8 one -- one day, and we saw all sorts of problems; and that is
9 without, you know, 222 cars leaving, you know, once or twice a
10 day.

11 So I would -- I would like to ask the Zoning
12 Commissioner if you could make sure that the -- the
13 transportation study that is done, that it's maybe a little more
14 effective and accurate. I've lived here, like I'm saying, since
15 '96. During the Christmas rush, me and my children, we would
16 walk to Park Mall instead of driving, because it would take us
17 less time to walk there than to drive; and that is without the
18 extra number of vehicles trying to turn into the -- into this new
19 development.

20 I just -- you know, the -- I think that OCR-1 -- I'm
21 not sure, I haven't heard anybody talk too much about that -- but
22 OCR-1 can go to, you know, 140 feet or something insane like
23 that. I think that rezoning to OCR-1 is excessive, unless we
24 could get assurances (ph.) (sic) -- and when I say that, I
25 realize that there already are assurances in the Rosemont-

1 Broadway -- or, no, Craycroft-Broadway Area Plan and, you know,
2 they say that they're going to preserve our mountain views, et
3 cetera. Well, when you put these homes -- by the way, I live 150
4 feet away from the development -- and so when you put those
5 apartments, I will not be able to see the -- the Catalinas from
6 where I'm living. So, when -- when we are told, well, we'll have
7 assurances that it'll never be built higher than the 43 to 45
8 feet, you know, I don't -- I don't have a lot of -- that doesn't
9 make me feel safe and secure; because in so many of those plans
10 that are already formulated, they say things about, you know,
11 keeping the density, you know, equal to what is the surrounding
12 community.

13 So, anyway, I would just really encourage for
14 everybody, the Mayor and Council, and for the zoning folks, if
15 you'll pay attention to specifically the math. I think we have
16 3.3, 3.4, something like that, houses per acre in our
17 neighborhood; and it's going to be ten times that number of units
18 in this apartment.

19 I have been on our neighborhood association board for
20 many, many years. I've actually walked and talked almost to all
21 of the 700-some-odd neighbors and houses we have on numerous
22 occasions, especially during the last election cycle and, you
23 know, I just think that it would be a shame to put a community
24 north of us that could not be part of our neighborhood
25 association, could not be part of our community, because of the

1 fact that they're locked in and that they don't have the ability
2 to, you know, form these neighborly connections.

3 So, anyway, thank you so much. And I just want to
4 mention one more thing that Stephanie had talked about. If you
5 look at that visual rendering of the -- the development on the
6 lot from -- on my side of Cooper, which is 150 feet away, you can
7 see that those three-story apartment buildings are going to loom
8 greatly over the homes just right across the street from me. So
9 thank you all for your time.

10 ZONING EXAMINER: Thank you, Ms. Riel.

11 MS. RIEL: Thank you.

12 ZONING EXAMINER: The next person is Barbara
13 Stoddard. Ms. Stoddard?

14 MS. STODDARD: I am here. I'm Barbara Stoddard.
15 I live at 5003 East Cooper. I'm an adjacent property owner on
16 the south side of the proposed development.

17 I object to the rezoning proposal. Rezoning from R-1
18 to OCR-1 is too great a jump in both density and building height;
19 neither is compatible with the current neighborhood which
20 encompasses two sides of the development. The southern portion
21 of the vacant lot is zoned R-1 for single-family homes, with a
22 maximum building height of 25 feet matching the vast majority of
23 the 725 homes in the neighborhood.

24 RWNA currently has a density of approximately 3.5
25 residential units per acre in the noncommercial areas. The

1 proposed zoning would allow a density of 37 units per acre, which
2 is a ten-fold increase. Plan Tucson, in Section LT-4, ensures
3 urban design that is sensitive to the surrounding scale and
4 intensities of the existing development. A ten-fold increase in
5 density is not compatible. There are no other three-and-a-half-
6 story apartment buildings in sight.

7 Plan Tucson Section LT-28.611 supports design that
8 protects the integrity of the existing neighborhood and enhances
9 the visual quality of the adjacent properties. A 45-foot-high,
10 high-density development does not do that. Section LT-28.614 of
11 Plan Tucson ensures urban design that protects established
12 neighborhoods by supporting compatible neighborhood -- three and
13 a half times the height, ten times the density, not compatible.
14 Cray- -- Broadway-Craycroft Area Plan, in the residential sub-
15 goal, encourages new residential development that preserves and
16 enhances the existing residential character of the area. Yes,
17 this development is residential, but it in no way enhances the
18 current neighborhood character.

19 Under design considerations of the Broadway area --
20 Broadway-Craycroft Area Plan, under land use compatibility, high-
21 -- high-density residential, which they consider greater than 14
22 units per acre, development is compatible with the surrounding
23 scale, density, and character if it's supported -- if it is
24 supported along arterial streets. This is not compatible in
25 scale or density or character. OCR-1, and this development, is

1 totally inappropriate for that corner.

2 There are no objections to the northern parts of the
3 current vacant parcel on Broadway being developed as C-1, which
4 it is currently zoned as, allowing a maximum building height of
5 30 feet. Mixed-use and/or lower-density development would be
6 welcomed in the entire lot.

7 I agree there are a lot of presentations to come, and
8 some have already been done. I agree with every other presented
9 objection, either written or presented here tonight, to this
10 development for loss of mountain views, increased traffic and
11 noise, lack of sustainable options, heat island effect, loss of
12 privacy to nearby residents, insufficient parking, wasteful use
13 of water by a swimming pool, lack of afford- -- affordable
14 housing, lack of accountability with no 24-hour onsite
15 management, no stepped building heights, which were proposed in
16 previous rezonings, but are considered too expensive by this one,
17 and the presentation of a gated community as becoming, quote,
18 unquote, "part of our neighborhood."

19 Should the City decide to approve this way-out-of-
20 proportion rezoning, we need zoning conditions. They are a must.
21 This is especially important and relevant with Waypoint's build-
22 and-sell policy per their real estate investment website. I
23 would ask that a height restriction be imposed on the property,
24 holding heights of any future buildings to 45 feet or less. I
25 would also ask that the Zoning Examiner issue a continuance so

1 that there is more time to negotiate with the developer to
2 mitigate the effects of such a high-density development on the
3 neighborhood. Thank you.

4 ZONING EXAMINER: Thank you, Ms. Stoddard.

5 The next person is Sarah Vasquez. Ms. Vasquez?

6 MS. VASQUEZ: Yes, I'm here. I just wanted to
7 turn on my camera really quick.

8 ZONING EXAMINER: Sure. Take your time.

9 MS. VASQUEZ: I'm Sarah Vasquez. I live at 40- --
10 my daytime and nighttime address is 4933 East Cooper, directly on
11 the southwest corner of the proposed megalith.

12 I wanted to talk a little bit more in detail about some
13 of the other ways in which this proposed corporate project is not
14 in compliance with Plan Tucson or with the Broadway-Craycroft
15 Area Plan. I feel like there's been a little bit of razzle-
16 dazzle and, for lack of a better term, cherry-picking specific
17 phrases that might justify creation of such a huge project. But,
18 you know, I'm not -- I'm in the healthcare field, I'm not a
19 developer, I'm not an architect, I'm not a City planner, but I --
20 I did read through it quite in detail and I feel like it doesn't
21 comply. And so, you know, you -- you can read it, Mr. Iurino. I
22 think I've sent you a lot of my main points in writing, but I
23 just wanted to walk through a few of them here and hear some
24 feedback, perhaps, about them.

25 Before I talk about the specific points in the plans, I

1 just wanted to take a minute to talk about who wrote those plans,
2 because there's been allusions in past conversations about how
3 the plan is kind of like antiquated and it was written like a
4 million years ago when dinosaurs roamed the Earth, you know. And
5 the fact of the matter is, it was like 30-something years ago,
6 when I was already a fully-formed adult. Everybody I see on this
7 call -- except maybe Jennifer, you look really young, and maybe
8 Stephanie, too -- but pretty much everybody else on this call,
9 when this plan was passed by -- by the Mayor and Council, we were
10 all fully-functioning adults capable of looking into the future,
11 capable of coming up with a vision of what we wanted our city and
12 our community to look like. And so this wasn't some random, you
13 know, mimbies (ph.) (sic) or random, you know, scared people who
14 just never wanted their neighborhoods to change, these were
15 people who were committed to living, growing old -- living and
16 growing old and raising their families in Tucson, so I just
17 wanted to throw that out there.

18 And I will name some names on the Citizen Planning
19 Advisory Committee of the Broadway-Craycroft Area Plan -- there
20 was Larry Lucero, who is a member of Chicanos Por La Causa; Sonia
21 Trejo was a teacher at TUSD; Gene Barry who was from the Black
22 Chamber of Commerce and also worked with Vantage West; also
23 developers, David Dybvig -- I can't say his last name -- who's a
24 commercial property developer and owner. So it was a really
25 mixed, you know, group of Tucsonans who were involved in putting

1 together and planning the Broadway-Craycroft Area Plan. The
2 Steering Committee also included members of the faith community.
3 There was apparently a pastor, a father, and a sister. And I
4 tried, you know, Googling them, but I couldn't find anything.

5 So -- and then when it comes to the Plan Tucson, the
6 entire city -- this was only passed ten years ago, so, again,
7 it's not ancient history, you know, this is -- I've been living
8 here since then. I think I went to maybe one public meeting, so
9 I didn't do my part. But the entire city was involved in
10 developing Plan Tucson. There were 64 public meetings over a
11 span of two years. There was -- this was a voter-ratified plan,
12 so literally the entire City of Tucson approved the Plan Tucson.
13 And the Mayor and Council did, they voted on a resolution to
14 adopt the plan, but it was the voters of Tucson who adopted this
15 plan.

16 So I'm bringing this up because, you know, there's kind
17 of been this allusion not just, you know, trying to pitch this
18 project, but, also, you know, there's a lot of political pressure
19 right now to go against plans and to go against, you know,
20 community visions because there's a sense of urgency to build.
21 And I totally understand that. There's definitely an affordable
22 housing crisis in Tucson. And, as my neighbors have said, this
23 is not the answer to the affordable housing crisis.

24 And the last thing I'll say about, you know, the
25 housing shortage is I've been living here since 2007. That lot

1 has been owned by the same family and passed down through
2 generations, from, you know, parent to child, longer than that.
3 And they've had an opportunity to put housing on it for as long
4 as they've owned it, as least in the time that I've been here.
5 And this six-billion-dollar corporation has been building, to
6 their credit, but they haven't been building here. And there's
7 plenty of other empty lots up and down Broadway and on, you know,
8 22nd and, you know, empty lots all over the city that landholders
9 and corporations are -- have intentionally not built upon. And I
10 don't think that neighbors like our -- like us, who have worked
11 together to put down our roots, form relationships, and do all
12 the things that Jim talked about should be on the hook for -- you
13 know, for other people's failure to act -- and we shouldn't go
14 against, you know, the voice of the people, so to speak. I'm
15 kind of losing my train of thought. Having said all that, I --
16 you know, I did send you a lot of my points. I'm not going to go
17 through every single one again, but I -- I did want to just touch
18 on a few things.

19 Plan Tucson, we've all talked about Plan Tucson. One
20 main thing that Theresa also mentioned is that stable
21 neighborhoods strengthen the city by maintaining property values
22 and creating sense of community. On Page 176 of the current Plan
23 Tucson, Rosemont West is defined as an existing neighborhood and
24 says the goal for areas like existing neighborhoods is to
25 maintain the character of the neighborhood, while accommodating

1 some new service, development, and amenities that further
2 contribute to neighborhood stability.

3 This -- as Jim and others have said, this corporate
4 housing project does the opposite. It walls us off from the
5 people behind there. It walls them off from us. It keeps us
6 apart from over 220 people who are living within our
7 neighborhood, while it's increasing noise, heat, traffic. It's
8 working in opposition to the goals stated in Plan Tucson.
9 Plan Tucson also says that the built environment should use
10 designs that match the scale and intensity, as Barbara mentioned
11 already. I'm going to go ahead -- Plan Tucson designates the
12 north edge of the lot specifically as a business use or mixed-
13 used corridor, and specific criteria are built into the
14 definition of what the development should look like on that
15 strip.

16 I don't know if -- if the developers -- if the
17 corporation's agent in Tucson used the correct guideline for
18 justifying the -- this development adheres to the plan, because
19 the one that I found says that medium-density units, which is
20 between six and 14 units per -- medium-density development
21 between six and 14 units per acre is permitted when -- when prim-
22 -- primary vehicular access is provided to an arterial or
23 collector street. Okay? The other -- there's a guideline that
24 comes right after that, that defines higher density if primary
25 vehicular access is to an arterial street only. It's two

1 separate points.

2 So we were told just yesterday -- you know, we
3 requested another meeting at the zero hour with the developer's
4 agent and we were -- I asked again, and I was told that 75-
5 percent of the vehicles exiting that project are going to be
6 exiting onto a collector street, which is -- which is Rosemont.
7 And so, if that's the case, then the guideline LT-28.6.1 applies
8 and -- and limits residential development along that mixed-used
9 corridor street, Broadway, to six to 14 units per acre. So I
10 just wanted to underline that.

11 Plan Tucson does allow residential scale, commercial,
12 or office use along collector streets if no significant traffic
13 will be violated. The -- this corporate developer is talking
14 about putting 45-foot buildings, densely-packed buildings, facing
15 this collector street -- which, you know, it doesn't mention --
16 the guideline doesn't mention residential. We've all said we
17 want residential. I want residential. That's one of the reasons
18 I bought here is because that lot was zoned residential. And I'm
19 from a really big city. In fact, this is the first house I've
20 ever lived in. I've always lived in duplexes and triplexes and
21 fourplexes. And I really wanted -- I was feeling nervous not
22 having enough people around me. But not that many people, I'm
23 kind of used to it now. And I want to be able to knock on
24 people's doors and see their faces. Anyway, I digress. So the
25 guideline LT-28.6.5 tells us that the guideline supports

1 residentially-scaled neighborhood, commercial, and office unit --
2 uses along collector streets if the building is residentially
3 scaled. So this is just -- you know, we're talking about using
4 Plan Tucson to justify big developments and I don't think that's
5 what Plan Tucson says.

6 I wanted to talk about whether this lot is on a very --
7 this entire lot is on a very busy street or not, because that is
8 mentioned in Plan Tucson, as well as the Broadway-Craycroft Area
9 Plan, which I'll come -- I'll come to shortly -- and I'll try to
10 keep it short, I'm a talker. But I -- I don't know how to do
11 screen share, but if you were to -- you probably have looked at
12 this plan. You were out there today, Mr. Iurino, and so you know
13 that the southern end and the western side of the lot go right
14 into the residential neighborhood. This isn't a big dense --
15 it's not a big dense street. Twelfth Street is basically a cul-
16 de-sac with homes on both sides. My house is at the -- at the --
17 kitty-corner, it's right there, you know. It's inside the
18 neighborhood. And so this -- you know, you could put
19 transitional housing there, but to put a big, you know, dense 37-
20 unit-per-acre building is not consistent with what the plan calls
21 for. Residential development has to have densities that
22 complement the size and intensity, while providing transitions to
23 lower-density residential units. For example, medium- and low-
24 density infill can complement the scale and character of the
25 neighborhood; and that's guideline LT-28.2.15.

1 I was a little surprised that the Planning and
2 Development Department found this compatible, because the more I
3 read -- I wanted to get it right, you know? I don't want to be
4 coming across like an anti-housing person, so I wanted to get it
5 right. I wanted to understand what I was saying and what I was
6 supporting and not supporting. And so I -- I think it's pretty
7 clear that this size development is not supported by the plan,
8 that pretty much everybody in Tucson agreed was -- you know, was
9 the right thing to do. So Plan Tucson -- I'm going to leave it
10 now -- there's more, but it defers to the Broadway-Craycroft Area
11 Plan for specifics.

12 I wanted to just give some definitions directly from
13 the Broadway-Craycroft Area Plan, because there's been a razzle-
14 dazzle about height of buildings versus density of buildings, and
15 they're two separate things. And I understand, we all understand
16 what that is, but I just wanted to say that the rise of a
17 building talks about how tall it is, and the density of a
18 building talks about how many people per acre can live there.
19 And I just wanted to -- you know, we all know that and we can all
20 read that. I just wanted to point that out because sometimes,
21 you know, answers to questions about density will start talking
22 about height and that's two different things and they're both
23 very relevant.

24 So the Broadway-Craycroft Area Plan -- I'm going to
25 call it BCAP, 'cause my mouth is getting really dry -- it says

1 only low- and medium-density residential use is permitted along
2 the west side of Rosemont between Speedway and Broadway. So the
3 -- this mega corporation's local agent is saying that since the
4 lot is south of Broadway, that that doesn't apply. But Rosemont
5 is a collector street and the whole entire lot -- you know, it
6 can't have it both ways, it's either on Broadway or it's not on
7 Broadway. So it's either on a high-density street or it's not on
8 a high-density street. I don't know. So I -- I think it is on
9 Broadway and so -- but the further point is that Rosemont is
10 still defined as a collector street and it's surrounded by low-
11 density residential. So the low -- to me, the low- and medium-
12 density residential use would be much more appropriate than a
13 high-density parcel.

14 I'm going to speed through -- BCAP allows medium- and
15 high-density along arteries -- again, I'm contending that the
16 south and southwest portions of the parcel are within the
17 interior of the neighborhood. And, you know, we've talked a
18 little bit about how to mitigate, you know, privacy concerns, et
19 cetera, et cetera. I -- I think that would unnecessary if we
20 would just tone it down.

21 And just to digress for a second. I find it hard to
22 believe that -- I don't remember what the exact term was -- that
23 it wasn't -- it wasn't affordable or that they would be losing
24 money, it wasn't financially feasible if it were smaller or if,
25 you know, they didn't have 12 fancy lofts on top, or whatever. I

1 find it hard to believe a six-billion-dollar corporation can't,
2 you know, stand to lose 12 -- you know, 12 rental units.

3 Anyway -- yeah, I think, just in the interests of the
4 time, I'm going to mention one more thing and then I'm going to
5 shut up. But BCAP does have general design and buffering
6 policies that, even as it's written, don't adhere to the -- don't
7 adhere. For example, the plan specifically calls for preserving
8 Catalina views. That is in a section talking about general
9 design and buffering, it's Policy No. 3, it describes specific
10 design and architectural elements. It's supposed to preserve an
11 airiness and -- you know, open air. It's supposed to shield and
12 direct outdoor lighting away from residential areas. You know,
13 with only a six-foot wall and all those parking spaces, you know,
14 that's not going to shield us in any way, shape, or form.

15 There's also a transportation sub-goal. Again, others
16 are probably going to speak to this more, but we don't feel that
17 the -- and Barb did mention, or maybe it was Theresa -- we don't
18 feel that the traffic study addressed the true impact of traffic
19 of this. It doesn't -- the traffic study only looks at number of
20 cars going through the Broadway/Rosemont intersection.

21 Now, we're very concerned because there's three schools
22 in our neighborhood. There's Rincon University High School, and
23 many of our neighbors walk that way a couple times a day. And
24 they walk through the corner of (unintelligible) and Broadway,
25 which is going to heavily impact- -- heavily impacted. One of my

1 other neighbors is going to talk about more specifics of the
2 traffic. And it doesn't talk about the people who attend the
3 clinic in the New World Center across the street. That's a
4 clinic that specializes in mental healthcare, and many people get
5 off the bus and have to cross that intersection. People get off
6 -- people go to the senior citizen clinic -- I forget what it's
7 called -- whatever it's called, there's a new senior citizen
8 clinic on the opposite -- kitty- -- kitty-corner from that. So
9 there -- my point is there is a lot of foot traffic of people who
10 might not be, you know, spry or fast or attentive for whatever
11 reason. And so we don't feel that the traffic has been
12 adequately studied; and, yet, that is also called for in BCAP.
13 All right.

14 So, yeah, that concludes my -- concludes my comments.
15 If I didn't already say it, and if it's not evident by now, I am
16 opposed to this kind of rezoning. I'm not opposed to any
17 rezoning. I'm not opposed to residential. I just feel like this
18 is really overkill and it's also not compliant with the plan.
19 And I will be quiet. Thank you so much.

20 ZONING EXAMINER: Thank you for your
21 participation. So that takes care of everyone who emailed in.

22 Would anyone else in the audience like to be heard on
23 this case?

24 MR. BUCKLEY: Yeah, I would if it's possible.

25 ZONING EXAMINER: Of course it is. Please start

1 with your name and address.

2 MR. BUCKLEY: Stephen Buckley. I live at 5035
3 East Cooper. I'm one of the people that our property backs right
4 up against yours on the south end. I was wondering if I could
5 share a screen. Would that be possible?

6 ZONING EXAMINER: So, Mr. Beall, or Ms. Gayosso,
7 can you assist with empowering screen sharing for Mr. Buckley?

8 MR. BEALL: I'll try.

9 ZONING EXAMINER: Thank you.

10 UNIDENTIFIED FEMALE: Looks like it's working.

11 MR. BUCKLEY: Well, that's me but -- I mean, I
12 have a photo that I'd like to share with the group.

13 ZONING EXAMINER: I see Nikon Webcam Utility.

14 MR. BUCKLEY: Okay. Host disabled participant's
15 screen sharing is what I get when I try and --

16 MR. BEALL: Right. It should --

17 MR. BUCKLEY: -- screen share.

18 MR. BEALL: -- are you calling in on a certain
19 number or --

20 MR. BUCKLEY: No, I'm on the website.

21 MR. BEALL: Well, you should be on here. Buckley.
22 Oh, there are you. Okay. Try now.

23 MR. BUCKLEY: It says host disabled participant's
24 screen share.

25 ZONING EXAMINER: Try again. I think you're

1 empowered now.

2 MR. BUCKLEY: All right. Okay. Let's see.

3 (Pause.) One moment. (Pause.) No, it's not letting me.

4 UNIDENTIFIED FEMALE: Can you possibly share a
5 file in the chat space? You can post a file into the chat and we
6 can open it up for ourselves. Is that something that might --

7 MR. BUCKLEY: Okay.

8 MS. CHITSAZ: -- you might try it.

9 MR. BUCKLEY: Let me try that. (Pause.) Sorry,
10 it's not letting me.

11 ZONING EXAMINER: So, you know, a picture's worth
12 a thousand words, but why don't you describe to me, Mr. Buckley,
13 what you wanted to share?

14 MR. BUCKLEY; Well, what I've taken is a picture,
15 from over on Craycroft and 16th Street, of the Williams Center
16 apartments that are over there that are three stories. I walked
17 up to their fence off 16th Street, there's a buffer from the
18 street to their fence, and they have just a metal fence and it is
19 six-feet tall. There is some shrubbery that's there and then
20 they have a parking garage, a parking -- covered parking space,
21 and then there is a driveway and another set of parking in front
22 of their three-story apartments. And from the fence to the
23 building is 75 feet. And if you stand at that fence, the only
24 visible thing that you see is stucco. You see a little bit of
25 sky above it, but you don't see anything of Tucson whatsoever

1 other than stucco. And that would be my view. The only
2 difference would be -- the added space between your fence and my
3 fence would be the alleyway that's there, so another ten- or 12-
4 feet easement, and that is not going to improve anything. The
5 picture clearly shows that if you stand at that fence and look at
6 79 feet away, all that you see is three stories of building, and
7 the second story does appear over the parking structure. So the
8 parking structure is probably nine feet tall, and windows from
9 the apartments are clearly visible above that. And so,
10 therefore, second- and third-story apartments from Building 4
11 would be able to look right into my house and my backyard. So
12 that -- needless to say, with high density and 44-feet tall, I've
13 got to oppose this in --

14 ZONING EXAMINER: Thank you, Mr. Buckley.

15 MR. BUCKLEY: -- just any way that I could do it.

16 ZONING EXAMINER: Thank you.

17 MR. BUCKLEY: Uh-huh.

18 ZONING EXAMINER: Would anyone else in the
19 audience like to be heard?

20 MS. CALTOV: Yes, Mr. --

21 MR. MELENDEZ: Yes, my name is Andrew Melendez.
22 Can you hear me?

23 ZONING EXAMINER: So I saw Kathy's name first.
24 Kathy, I didn't catch your last name. Would you go -- like to go
25 ahead and then we'll take the next person after you.

1 MS. CALTOV: Sure. My name is Kathy Caltov (ph.).
2 I live at 4933 East 12th Street. My property is adjacent to the
3 west of this development. (Voice in the background.)

4 And I just want to tag --

5 ZONING EXAMINER: Please excuse me. Sir? Sir?
6 Ms. Caltov is talking now. We'll get to you right after she's
7 done.

8 Continue, Ms. Caltov.

9 MS. CALTOV: Okay. I just want to add my two
10 cents in. I'm opposed to this development. And, whereas, my
11 neighbors on Cooper have a little bit of a buffer because of the
12 easement, I will not have that buffer. And when I purchased this
13 home 27 years ago at a much younger age, I did my due diligence
14 and I saw the vacant lot. I did my research and I said, oh,
15 okay, it's zoned residential. And I purchased it with, you know,
16 the forethought and assumption that it would or should be
17 developed residentially.

18 I agree with Theresa, Sarah, Jim Marks, and all my
19 neighbors that putting a high-density apartment complex will
20 change the fundamental demographics of the neighborhood; plus I
21 will lose -- with the two buildings that they're planning off
22 Broadway, et cetera, I'll basically lose any kind of privacy in
23 my backyard, the same way the people on Cooper will be. So
24 that's all I've got, but thank you for your time. I appreciate

25 --

1 ZONING EXAMINER: Thank you for your
2 participation. Appreciate it very much.

3 We have a hand raised with a phone number ending in
4 762. Would you like to go next? Just start with your name and
5 address, please.

6 MR. MELENDEZ: Hello, this is Andrew Melendez.

7 ZONING EXAMINER: Okay.

8 MR. MELENDEZ: Hello?

9 ZONING EXAMINER: Go ahead, sir.

10 MR. MELENDEZ: Yes, I live at 5067 East Cooper
11 Street, the second house from the end of Rosemont there. My
12 property will abut right against the new development.

13 I don't really have much to add because so many people
14 spoke so eloquently about the issues. But my house will sit
15 looking at a four-story apartment building. I -- I hear the
16 architector (ph.) (sic) say, well, we haven't designed the
17 windows yet, so we're not quite sure. Well, I guarantee you,
18 once the approval for the zoning happens, what they do with those
19 windows and who looks in our backyards won't matter at that
20 point.

21 I bought that house in 1990 -- in the '90s with my
22 first partner who passed away of leukemia, and that house -- the
23 -- the alley was designated -- or that property behind there was
24 residential. I -- I've been there since they tried to put
25 Safeway twice in there, a Walmart, the shopping strip.

1 All I can say is -- I heard the word "profit" often.
2 If we reduce the parking, we won't make profit. If we move the
3 larger portions, the taller portions up front by Broadway, and
4 the smaller ones out back, then it creates a smaller platform. I
5 hate to say this, but the bottom line is the family bought that
6 property knowing what it was zoned at. We, in the neighborhood,
7 knew what that was zoned at. So why should we in the
8 neighborhood have to suffer because a family wants to make money?

9 I don't want to reiterate everything that's already
10 been said, but I bought that house when it was a repo, half the
11 tile was gone, the toilets were gone, and I have built that house
12 up. I've had to move out to take care of my parents the last ten
13 years, but I had resi- -- I had renters who have taken care of
14 it, who were involved with the neighborhood, always informed me
15 what was going on. I plan to move back in there. That's where I
16 want to retire. But I ask you, as the people who are the city
17 development, if you owned a house along Cooper street, abutted to
18 the north side of that development, and all of a sudden you had a
19 four-story building in front of you, how would you feel?

20 I went to a ribbon cutting -- I've been in the mili- --
21 in the media for 37 years. I went to a ribbon cutting by the
22 Mayor and one of the City Council members on Broadway, and they
23 were talking about, oh, they wanted four lanes on this --
24 Broadway, but we kept it down to three because Tucson is this
25 certain kind of environment. We want to control growth. We want

1 to control expansion beyond what it should be. Well, I'm sorry
2 again that this family wants to make money, but why should we in
3 the neighborhood have to pay that price for that family to make
4 money? You can look in the -- the statistics lately, apartments
5 are now becoming partially vacant. There's more apartments being
6 built than the occupants to fill them.

7 And all I want to say is in all the years when the
8 Safeway wanted to go in, the Walmart wanted to go in, the strip
9 mall, I allowed the neighborhood to have my backing, whatever it
10 wants. This is the first time I've every called in to anything,
11 and I'm 61 years ago. I beg you not to allow this development to
12 go in as it is. The family bought that lot knowing what it was
13 zoned for; allow it to be built to that zone. Thank you very
14 much for your time.

15 ZONING EXAMINER: Thank you for participating.

16 Would anyone else like to be heard?

17 MS. WESLEY: Hello?

18 ZONING EXAMINER: Please go ahead.

19 MS. WESLEY: Which one of us were --

20 ZONING EXAMINER: Well, I -- I can see you. I
21 don't know who else wants to speak, but I'll take --

22 MS. WESLEY: I thought I heard another voice. I'm
23 sorry.

24 ZONING EXAMINER: -- Jennifer first. Jennifer,
25 would you go first? Start with your name and address please.

1 MS. WESLEY: Yes. Jennifer Wesley (ph.), 4850
2 East 13th Street.

3 ZONING EXAMINER: Okay. Go ahead.

4 MS. WESLEY: I have -- I'm not an expert in all
5 the matters that everyone else is discussing. Very, very
6 appreciative for all the research that's been done by the members
7 of our neighborhood who spoke during this hearing. It was just
8 amazing and I really appreciate that so much. I'm not well-
9 versed in -- in those technical details at all, but I'm speaking
10 more on a personal level.

11 I understand the need for -- for housing in Tucson, for
12 affordable housing particularly. I have worked with children and
13 families in social services for 30 years. I definitely
14 understand the importance of that and I value that. However, as
15 many have discussed, this -- this is luxury housing. This is a
16 totally different situation; very high rents, et cetera, high
17 density. It goes against the -- the Broadway-Craycroft edition
18 that was written in -- I believe they said 1988. It goes against
19 a lot of the plan for Tucson to have more housing.

20 In addition, like others have said as well, those of us
21 who purchased homes in this neighborhood did it with the
22 assumption that that was zoned the way it was to protect the
23 integrity of our neighborhood, the safety, the character of the
24 community, et cetera, not with tall building in the way of views,
25 not damaging our property values, not putting our children at

1 risk trying to walk to school. I have my daughter who graduated
2 from University High last school. My son goes to Rincon. He
3 walks to and from school every day right there by the area that
4 would be affected the most by the additional traffic of -- I
5 think they said 300-some-odd additional parking spaces. That's
6 quite a lot and very few areas for those cars to get out quickly
7 and travel quickly during high- -- high-volume times, like
8 mornings and afternoons.

9 And, you know, my concern -- one of my concerns is that
10 people will be speeding through our neighborhoods, et cetera.
11 That there will be parking overflow onto our neighborhoods as
12 well due to some of the math issues that came up where there not
13 -- there may not actually be enough parking units inside the
14 gated area.

15 And, also, just in general, speaking in terms of
16 property values, we have -- this is not a high-end neighborhood.
17 It's a -- it's sort of mixed and -- and -- but, generally, you
18 know, a lot of families, that sort of thing, you know. I am a
19 single-income household, as are several of my friends in the
20 neighborhood who also have children. I can't speak for them, but
21 I can say for myself, this is all I have. I don't make much
22 money in the field I work in, but it's a passion of mine to -- to
23 help vulnerable individuals in Tucson and always has been, so I
24 make that sacrifice. But as such, you know, I'm not -- I'm not
25 -- my income is probably not even tenths of a percent of the

1 income of the developers that are going to be further enriched by
2 this if the zoning is approved and if their development takes
3 place. And some of them, those individuals -- you know, some of
4 the money isn't coming back into our community because some of
5 them are out of state, et cetera. And then there's also concern
6 that they might resell, like they said, and do a different
7 project than what we're being told at this time. \

8 But even what we're being told now would damage our
9 property values significantly, put our children at risk walking
10 in the neighborhood, that sort of thing, and I -- I just don't
11 think it's right, particularly for the people who live very close
12 to that development -- proposed development. And I -- I can't
13 imagine, I mean, if -- to have, you know, the one thing you have
14 -- your one investment or your one financial security be greatly
15 diminished by something like that when you have no control over
16 it, when there were already steps taken in advance to prevent
17 something like that, such as what was created in 1988 by the
18 Broadway-Craycroft edition and -- and some of the other things
19 that they discussed. It just isn't fair, like, just from a basic
20 perspective. I feel it's very unfair. And I don't feel it
21 benefits hardworking families and hardworking people in Tucson
22 who are just trying to make it with the -- with the situation,
23 the way it is financially for so many of us; and that is one of
24 my main concerns, as well as safety. So I'm definitely opposed
25 to rezoning that lot.

1 I also feel that the way it's zoned could -- you know,
2 if it's -- if it was followed the way it's zoned, that would --
3 that would be perfectly fine. There's plenty -- we were -- our
4 neighborhood was in favor even of rezoning a few -- several years
5 ago when they were going to put a grocery store there and that
6 sort of thing. So we don't fight every development or anything
7 like that, not at all. We just want developments that won't be
8 harmful to our neighborhood and to our community here, you know.
9 These are our homes, our investments, our children, everything
10 that's extremely important.

11 ZONING EXAMINER: Thank you, Ms. Wesley.

12 Mr. Warne, I'll give you an opportunity at the end. I
13 want to make sure everyone else has had a chance to -- who wants
14 to speaks can get a chance to do so.

15 MR. WARNE: Okay.

16 MS. BAILEY: Hello?

17 ZONING EXAMINER: Yes, Ms. Stoddard?

18 MS. BAILEY: So this is Laura Bailey. I had a
19 little --

20 ZONING EXAMINER: Okay.

21 MS. BAILEY: -- problem so I had to go to a
22 neighbor's house. I live at 5027 East Cooper Street. I've been
23 on the board of Rosemont West Neighborhood Association since
24 2014. And I've lived on -- I've lived in my house -- I bought in
25 1978.

1 One of the very first -- and I'm going to -- I have the
2 zoning conditions, so if -- I don't know if we want to go over
3 them one by one or just in general, but I do want to make one or
4 two little points. The setback, when he has, you know,
5 repeatedly talked about 75-foot setback for Buildings 3 and 4 --
6 but Building 6 is a 63-foot-and-11-inch setback according to the
7 site plan. That building, Building 6, the people that live on
8 the end of the street, that corner house, not only are they going
9 to have this huge building looming 63 feet from their backyard,
10 but they also are going to have the gate right behind their yard.
11 And the gate -- you know, the gate slam, it's a lot of noise and
12 I think that -- I feel bad for that house. I don't feel that
13 house is being protected or in any way dealt with. I think
14 they're kind of getting the raw end of the deal.

15 A couple things that I want to talk about with the
16 parking issue. When they talk about, you know, spaces for
17 bedroom -- and if it's going to be 1.4, 1.5, or whatever like
18 that, I feel like they're not really thinking about guest
19 parking. I don't think they're taking into consideration
20 spouses, significant others, partners, boyfriends, girlfriends,
21 the kind of people that would very regularly be there, maybe not
22 every night, spouses would be there every night, but -- so one
23 bedroom, you know, could easily have two cars. And so I think
24 that's very significant and it adds to -- I feel like these are
25 the people that are going to end up using the guest parking

1 spaces. And so what happens when there's game night, you know,
2 when there's football night, or whatever, and, you know, the
3 people have guests over? So I don't really feel like there's
4 enough guest parking. And so, you know, what's going to happen
5 is -- I mean, there's going to be some signage to keep it off
6 Rosemont or whatever, and maybe the signage will work and maybe
7 it won't, but I do feel like Cooper becomes particularly
8 vulnerable.

9 Another couple of points I want to make about the
10 parking study that Psomas did for them. They used two supposedly
11 comparable apartments in the area. One of them, their slogan,
12 it's on their sign, it's on their website, it says, "Affordable
13 to any budget," and their studios are \$680 versus \$1,400 for
14 Waypoint. And this would be irrelevant, except for the fact that
15 I think that (unintelligible) very possibly has a low rate of car
16 ownership, so to choose that complex as a comparable to show, you
17 know, how many parking spaces they had empty, or whatever.

18 And they did their study on a Sunday night between
19 10:00 and 11:00 p.m., which we don't really think that's
20 relevant, because our issue, the overflow parking that we are
21 worried about is more going to be the guest parking, the party
22 night. With 258 bedrooms, there's going to be -- I don't know
23 how -- you know, I don't know what the mathematical formula is to
24 figure out how many boyfriends and girlfriends and whatnot, but
25 these people are going to need -- they're -- I really feel like

1 we need all spaces.

2 Another thing is that the comparable apartments were
3 not located near neighborhoods, so there was no way to find out
4 if there was overflow parking into the neighborhood. And I feel
5 that it would be very relevant to literally talk to neighbors,
6 you know. If there was an apartment complex and it was similar
7 to Waypoint and it was in -- it was butted up to a neighborhood,
8 if you could go to that first fence (unintelligible) street and
9 knock on doors and say have you guys had problems? I mean, I
10 think that would be -- that would be very -- I think that would
11 be relevant and a good fact to have and that's not been done
12 here.

13 We did ask him to make some kind of parking arrangement
14 with Barnes & Noble; and we didn't hear back. We didn't get an
15 answer from him. But there's another option for a parking lot
16 arrangement, and that would be with that -- what I'm going to
17 call Tom's corner, but it's that -- the -- the C-1 section, the
18 corner, that northeast corner that's going to remain that -- I
19 guess Tom's going to maybe put restaurants or something, but
20 that's C-1. There's going to be a parking lot there. And it
21 would seem that, A, he could -- they -- there could be an
22 arrangement made; and, B, if there's not really going to be any
23 overflow parking -- is -- they assure us that there won't be --
24 well, if that's the case, then why wouldn't he agree to some kind
25 of a parking lot arrangement. So we want to be able to pursue

1 that.

2 And, you know -- you know, there's some other --
3 there's some other points that I want to make. One of them -- I
4 want to describe on Rosemont -- their gated entrance/exit on
5 Rosemont. The gate is 26 -- according to the site plan, the gate
6 is 26 feet in from -- it's hard to tell if that's the sidewalk or
7 the property line, but it's 26 feet in from something right
8 around there. So, my car, I measured it, and it's 15 feet long.
9 So, if I want to pull into there, I'm going to probably stop
10 three feet or something in front of the gate, so there's 18 feet.
11 And whatever car -- somebody's coming in, you know, it's 5:00
12 o'clock or 5:30 and it's -- you know, people are coming home from
13 work, so there's a car behind me. So, you know, they've got to
14 be at least three feet in between -- you know, between them and
15 me. And so now you're up to 21 feet and now -- and they're on
16 the sidewalk, they're blocking the sidewalk, or maybe they're
17 right out practically into Rosemont. And if there's a third car,
18 they are in Rosemont blocking the traffic. Well, the southbound
19 -- Rosemont goes south, it's a single lane, so if there is any
20 cars sticking out, then they're holding cars up behind them. And
21 we feel that that's -- that's -- that's going to be an issue and
22 it's not really being taken into consideration.

23 There's, you know, this business of the 75-percent of
24 their residents using Rosemont, collector street. And, you know,
25 Sarah's already gone through some of the BCAP stuff and pointed

1 out what some of these issues are, so I don't really need to go
2 through all that. What's that? Oh, yeah. Yeah.

3 So, yeah, one other little point on the parking is that
4 Waypoint is going to be charging their residents \$250 for a
5 parking fee. And I feel that that is -- you know, it's a great
6 money maker for them, but -- for Waypoint, but I also feel that
7 that's an incentive or it's -- it's a disincentive for, say, the
8 spouses and some of these other people that are maybe not even on
9 the lease. If they have to pay \$250, they're going to look for
10 other parking. So -- so I -- I -- I also feel like that's an
11 issue.

12 Separately from all of that -- and then so we have the
13 zoning conditions, and one thing that we're going to really need
14 to discuss is the wall height. And we need -- you know, Tom came
15 back with six foot. Well, first of all, in the previous plans,
16 it was more open. It was going to be -- we talked about eight
17 foot or something like that and never got -- the plans never went
18 far enough for the wall to actually get built. But I'm just
19 saying that, in the past, it was -- there seemed to be an
20 openness to something taller. Six feet isn't even remotely going
21 to block noise and that's our issue. That's what we're really
22 worried about. Parking right behind our homes. Apartment
23 parking lots are notoriously -- you know, they -- even when
24 there's -- there's always going to be car doors slamming. There
25 is possibly also going to be talking and arguing and, you know,

1 all the things that go on in a parking lot; because people aren't
2 using their indoor voice, they're using their outdoor voice.
3 They have no awareness that -- you know, so close to somebody's
4 bedroom window.

5 You know, when you talk about 75-foot setback, all of
6 our homes are 62 feet wide, our -- not our homes, our properties
7 are 62 feet wide. I think that's fairly average for in town.
8 So, when you're -- you know, you're talking about this -- the
9 sixth -- Building -- Building 6 that's 63 feet -- I mean, that --
10 that's like them standing on one side of their yard right inside
11 the -- their neighbor's property, this looming -- this, you know,
12 45-foot building, and in between that is a couple rows of cars
13 parking, so -- all right.

14 So back to the wall. We -- we really feel that we need
15 taller than six feet. We really need to have -- I mean, I -- if
16 it was up to me, I -- which, of course, I wouldn't get it -- but
17 I'd ask for a double-insulated ten-foot wall. I mean, I don't
18 even think a ten-foot wall is really going to block all the sound
19 for us, but I -- I -- certainly, we can't go higher than that.
20 But we need an opportunity then to work -- work with Tom and try
21 and come up with something with the wall.

22 So we are -- we are asking for a continuance, at least
23 to be able to work through a couple of these issues. And there's
24 maybe a couple others that are going to come up that are on the
25 zoning conditions list, which I don't -- I don't really know, do

1 we have time -- do we just go through -- I mean, you have -- you
2 have all -- all of this. It's all been sent in to you. So I
3 don't know if you want us to go through these items one-by-one or
4 -- or, you know, how -- how -- how we would do it, so I'll let
5 you answer that.

6 ZONING EXAMINER: If you're asking me if I want
7 you to tell me more about the zoning conditions that you have
8 concerns about, please do.

9 MS. BAILEY: Okay. Okay. Well, going through
10 them -- and, number one, you know, the parking spaces which we
11 really have talked about that quite a bit, I guess, between all
12 of us, so we don't need to talk about that anymore.

13 We remain vulnerable to cut-through traffic. You know,
14 the thing -- and this isn't in the zoning condition, I'm just
15 talking -- the thing with high density -- and this has been
16 mentioned by other people -- but when you -- you -- I feel like
17 you can't just go from high density to low density. I feel like
18 there needs to be some kind of transition. And I think that, you
19 know, if you let nature take its course, there's going to be a
20 transition; and, unfortunately, in this case, it's going to be
21 Cooper Street.

22 There will be people there in that complex where they
23 don't want to wait for these left turns and the clogged -- you
24 know, all these people with cars stacked and, you know, they're
25 in a hurry, they want to get going. So you got these convoluted

1 ways in and out of -- out of it. If you want to -- if you want
2 to go west, you have to make a crazy -- you have to cut all the
3 way across Broadway into the left lane. You don't have very much
4 time. You got to get to that left-turn lane at the intersection.
5 It's somewhat dangerous to do that. If you -- if you can't do
6 that, well, you can choose to use the Rosemont exit, but that
7 also can get clogged. And so what's the easiest -- you know, the
8 path of least resistance is just turn right and shoot down
9 Cooper, because once you -- you take Cooper to Swan, and then
10 once you're at Swan you can go in practically any direction.
11 It's just -- I -- I feel that that is what's going to happen. I
12 -- it just seems that logic would -- would dictate that that's
13 the kind of thing that's going to happen.

14 Cooper is going to be a transition street, period. We
15 are going to be the -- the buffer between the rest of the
16 neighborhood and this apartment complex. We are going to have
17 this parking lot business going on, whatever the sounds, you
18 know. Maybe we get lucky and there's not a lot of arguing or
19 yelling, but there's going to be car doors slamming, you know.
20 We've got the looming buildings over us. This is all what's
21 going on behind us.

22 And then in the front, you know, we've got possible
23 overflow parking. No, it's not going to be every day, but it's
24 going to -- I -- I would highly suspect overflow parking on any
25 kind of game night, party night, you know, the social nights.

1 And -- and then we're also going to have cut-through traf- --
2 cut-through neighborhood traffic of people just looking for the
3 path of least resistance or the easiest way out of there. People
4 don't want to set and wait. They just would -- they'd rather be
5 driving through a neighborhood street, even if, in the end, they
6 didn't get where they were going quicker, at least they had a
7 better time doing it. So, you know, we really -- this is what
8 all is going on.

9 So back to the zoning conditions. We need -- we feel
10 like we need a lot more really as far as on Rosemont keeping
11 traffic from just turning right. And we are very grateful that
12 yesterday in the meeting Tom did, you know, agree to put some
13 kind of a curved curbing or something there on -- on Waypoint's
14 lot that would -- you know, none of that's going to prevent a
15 right turn, but at least it does discourage it. And if they also
16 put signage there that says no right turn, that could be helpful.
17 So we do -- we would want to get that in writing. We need to
18 have a chance to kind of work out those details.

19 And there's a couple other things in the zoning
20 conditions that are BCAP stuff that we really wish that he would
21 address. And we did email him a letter Monday we -- and we've
22 got nothing in writing. A couple of the items were gone over in
23 the meeting that we had, but there really wasn't enough time. So
24 we just kind of need to -- you know, we just need a little bit
25 more time to kind of deal with this stuff.

1 We want to also have some input and find out from him a
2 little bit more -- things like roof lines and materials. We, you
3 know -- and I was listening to earlier comments where people were
4 -- was it Sarah? I've forgotten her name, I'm so sorry. But the
5 woman from Waypoint where she's talked about the interiors. We
6 don't have a clue about the exterior and -- and the roof lines,
7 the materials, things like that are -- are important to us. We'd
8 like to know more about that. And then, you know, we get into --
9 there's just typical stuff in here that -- signage and
10 nonreflective materials and -- and -- and lighting and things
11 like that.

12 We really would like to see 24-hour onsite management.
13 The problem with, you know, 9:00-to-5:00 management is they just
14 don't really know what goes on. And I think that 24-hour
15 management -- you know, if this apartment complex was situated
16 somewhere in a better location, or what we think would be a
17 better location, maybe you wouldn't need all these safety
18 precautions, but it's not in a really ideal location because it
19 is abutting a neighborhood actually on two sides. So there just
20 -- there just has to be a greater level of -- they have to --
21 they -- I feel that they need to meet a greater level of -- of --
22 of behavior in what they're willing to do.

23 So, I don't know, is there -- this wall business, it
24 comes back a lot to the wall. We really need to talk more about
25 it. The neighbors have a lot invested in their homes, we all do,

1 and -- and we kind of need things to not really -- we need our
2 life to not completely fall apart when this building gets built.
3 So if -- if it's going to be approved -- and I personally am
4 against the rezoning. I am not against -- you know, we've been
5 for -- we have supported Fry's or Kroger's, somebody -- I mean,
6 there's some different -- you know, it was going to be a 24-hour
7 emergency care -- there's been different options that we would be
8 -- we have been in support of. But I think what we would really
9 like to see is, as others have said, mixed use.

10 Home ownership, even if it's entry level, you know,
11 something like -- you know, like the Sam Hughes place did on
12 Sixth -- Sixth and Campbell, where they've got condos on top of
13 retail -- and the parking thing works out really well because of
14 shared parking and -- yeah, something like that and it's actual
15 home ownership, because we feel like ownership, it's more
16 stabilizing to the neighborhood. It's -- it's more -- it
17 certainly blends more in with the neighborhood and that's kind of
18 what we're hoping for.

19 If this rezoning does go through, then we just feel
20 like we need a little bit more protections than what have been
21 offered so far. And we just kind of need a chance to try to iron
22 that out and, you know, just trying to get the best deal we can
23 get I guess. So that's it.

24 ZONING EXAMINER: Thank you, Ms. Bailey.

25 Would anyone else in the audience like to be heard?

1 Mr. Warne?

2 MR. WARNE: Yes, I'd like to address some of the
3 points that were brought up if I may --

4 ZONING EXAMINER: Of course.

5 MR. WARNE: -- to be factual. First of all, how
6 the site is designated -- in reading the Broadway-Craycroft Area
7 Plan, you can pick different things out of different portions of
8 it and -- you know, and say this is applied, you can't have this
9 height or whatever; and the same with the Plan Tucson. On Page 9
10 in the Broadway-Craycroft Area Plan, it talks about high density
11 on a site like this, and then it says see Page 11. And Page 11
12 clearly marks this site as residential, office, or commercial.
13 And then it also discusses -- not Page 11, at another page --
14 about this site along Broadway going up to 95 feet. So I just
15 want to say that, you know, it was -- it's designated, it's
16 separate, and it's marked on -- on the plan, you know, that was
17 approved in 1986. Also, this type of site is very clearly within
18 Plan Tucson and it talks about this type of density; and I think
19 that could be verified by Planning and Development Services. So
20 I just want to put out those two points.

21 As far as the parking count, there are 240 bedrooms.
22 There's 222, and then there's 36 two-bedrooms, but it comes to
23 240 bedrooms, times 1.4 is 336 parking spots, and we're
24 suggesting 339.

25 It's been discussed that the buildings are three and a

1 half stories or four stories. The buildings are three stories,
2 and they are -- you know, we're identifying 40 feet. The actual
3 plan is 38 to 40, but we're identifying 40 feet. And it's like
4 Sarah said, you know, we're trying to come up with nine-foot --
5 they -- they are trying to come up -- I'm not part of the
6 development -- but they are trying to come up with nine-foot
7 ceilings to have a quality space. And there are two 43-to-45
8 pop-outs, two pop-outs on each building, so they're not 45-foot
9 buildings.

10 The previous -- one of the previous -- that the
11 neighbors have spoken about, and we all work together, was a
12 shopping center of 80,000 square feet and it -- the buildings
13 were C-1. They were 30 feet plus a four-foot parapet, and also
14 units on top of the roofs, so it was very different.

15 And, also, that relates to what Laura just spoke about
16 as far as the height of the wall. You had stores, you know, like
17 up to -- open to midnight, things like that. And so we were
18 talking about a higher wall because of all the activity, the
19 light, and also safety. But in -- in the Broadway Area Plan, it
20 specifies six feet. It's actually stated. So I just wanted to
21 make sure that's, you know -- so it's all accurate.

22 There are very few seven-acre properties in these major
23 corridors, vacant properties, especially near -- near something
24 like the Williams Center or, you know, the million-and-a-half
25 square feet. And I'd like to bring everyone up to date on that.

1 In the last 18 months -- so, you know, we have all the facts that
2 are out -- accurate -- the Williams Center has leased 90,000
3 square feet. They are in negotiations right now of another
4 30,000 feet. And the Old Texas Instruments building, which is
5 vacant, is being sold to a user; that's another 125,000 square
6 feet. These are facts, they're not suppositions, and I just want
7 to make that very clear and have it in the record.

8 The alley is 16 feet. So the actual clearance from
9 property lines where it's 75-foot setbacks is 91. And, on the
10 building to the east, from the property line is 79 feet -- 63
11 plus 16. But the alley is 16 feet.

12 Transom windows, I think on the third story, you know,
13 that's fine. I think that -- that are back against the
14 neighborhood on the south, I think definitely -- you know, I
15 think we agreed that that's -- should be a zoning condition.

16 And a matter of interest, Mr. Iurino, when you asked at
17 the beginning, the site will be approximately three to six feet
18 below what it is today, going from east to west, but that --
19 obviously I want to qualify that statement -- that the northern
20 portion of the site won't be three to six feet below, you know.

21 ZONING EXAMINER: But the -- but the back -- the
22 grade will be the same as the neighborhood to the south, right?
23 Because that's just -- there's like a lump there. When you drive
24 out there, it just looks like somebody had some excess dirt and
25 put it there.

1 MR. WARNE: Yeah, in 1945.

2 ZONING EXAMINER: Maybe.

3 MR. WARNE: I know.

4 ZONING EXAMINER: Maybe, you know. I've only been

5 --

6 MR. WARNE: Yeah.

7 ZONING EXAMINER: -- here since 1980, so I don't
8 know.

9 MR. WARNE: Yeah, I know. But, no, the site will
10 be on that -- the southern portion of the site is going to be
11 three to six feet below what it is. So point -- at one point
12 it'll be six feet, at another point it'll only be three feet and
13 then --

14 ZONING EXAMINER: Sure.

15 MR. WARNE: -- it grades all the way down to
16 Broadway and it won't change --

17 ZONING EXAMINER: Right.

18 MR. WARNE: -- will not change.

19 ZONING EXAMINER: Okay.

20 MR. WARNE: Okay? So, let's see, zone -- the --
21 the actual plan, as I reiterated earlier, which specified the
22 site being available for apartments or zone -- or retail, office,
23 and heights were -- you know, were decided in 1986. It was not a
24 last-minute thing. And that's it.

25 And, also, I agree with Theresa and others about the

1 left-turn signal and the traffic. And, you know, I told them I'd
2 campaign side-by-side with the City that we want to do it. And
3 the developer doesn't object to it. We can't -- you know,
4 control the City, but we -- I would do that and I agree with
5 them. And, also, as Laura mentioned, totally agree with curbing
6 the -- directing the traffic even with a left-turn signal. I
7 don't think anyone wants to cut through the neighborhood to begin
8 with, but definitely want to detour any traffic going through the
9 neighborhood that's, you know -- definitely.

10 So I'm happy to answer any questions you might have.

11 ZONING EXAMINER: The only -- no, I don't have any
12 questions, substantive questions. The only question I have is a
13 couple of the speakers expressed the view that more time for
14 dialogue would be useful they believed. And let me just tell you
15 my view on that is if people want to talk, that's fine by me, but
16 that's -- you know, that's sort of separate from the hearing
17 process. So I put it to you, Mr. Warne, do you want me to close
18 the hearing and make my recommendation or do you want to continue
19 it for a period of time for more dialogue? Totally up to you.

20 MR. WARNE: I recommend that we close the hearing.
21 We started this back in January. We've had three meetings
22 instead of one, and a lot of dialogue. This last letter that
23 came, came obviously later than -- than the meeting that we had
24 to cancel because of procedural problems. But I think that, you
25 know, we've had a lot of dialogue and we've talked it all through

1 and we're abiding by both the Craycroft -- Broadway-Craycroft
2 Plan and also by Plan Tucson, and we're doing what the site was
3 designated to do I think in a responsible way.

4 And I'm happy to see -- I know there were some comments
5 about the costs of the apartments, but these folks that -- leases
6 that are going in, some of these folks, you know, have fairly
7 good incomes and will be able to afford it. And I firmly
8 believe, with the quality project that'll be developed, it's also
9 going to improve the value of the neighborhood homes.

10 So I just don't -- you know, I think we've gone over
11 and over these points again. And I don't think that -- we're
12 asking for zoning and I'm not sure it's -- I'm -- I'm on a design
13 review board at the University and -- but this is a different
14 situation, it's not a -- you know, historic situation, it doesn't
15 have all that type of criteria, and I think we're abiding by all
16 -- all the codes and policies.

17 ZONING EXAMINER: Okay. Thank you. I want to
18 thank everyone for their participation. It's an important part
19 of the process to hold a Public Hearing on rezonings. And, Mr.
20 Warne, I want to thank you and your team for your presentation.
21 And I want to thank the folks in the neighborhood and in the area
22 around for the time that they put in to doing, you know, the
23 level of research and analysis. It's all very helpful and
24 informative to me. So I want to wish everyone a safe and happy
25 evening. And I'll close the Public Hearing.

1 My preliminary report will be issued in five business
2 days, so next Thursday. And then following that, I issue a final
3 report five business days thereafter, the following Thursday.
4 And as -- maybe I didn't say this at the beginning, I think Mr.
5 Warne understands, but just to make it clear, this is -- I -- I
6 hold Public Hearings on behalf of the Mayor and Council. I make
7 recommendations to the Mayor and Council when the matter comes
8 for -- before the Mayor and Council. If it does on the rezoning,
9 that's obviously their decision, not mine. But I give it my best
10 shot in any event.

11 So I hope everyone has a great evening and take care.
12 Good night.

13 MR. WARNE: Thank you for your time.

14 ZONING EXAMINER: Of course. Thank you.

15 (Conclusion of the hearing.)

16 * * * * *

CERTIFICATE

I hereby certify that, to the best of my ability, the foregoing is a true and accurate transcription of the digitally-recorded City of Tucson Zoning Examiner Public Hearing held via video on July 20, 2023.

Transcription completed: July 27, 2023.

/S/ Danielle L. Krassow
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