



# Zoning Examiner

## REPORT TO MAYOR AND COUNCIL

August 3, 2023

**SUBJECT: TP-ENT-0223-00012– Broadway/Rosemont Apartments –  
Broadway Blvd. R-1 and C-1 to OCR-1 (Ward 6)**

**Public Hearing: July 20, 2023**

### **BACKGROUND**

This is a request by Thomas Warne from TWW Investments, LLC, on behalf of the property owner, Broadway-Rosemont LLC, to rezone 6.02 acres of a 7-acre parcel from R-1 Residential and C-1 Commercial to OCR-1 Office/Commercial/Residential, for the construction of a multi-family development with 222 market-rate apartments. The proposal includes six 40-foot-high buildings, with 43 to 45-foot-high “pop-outs” in some areas, four 26-foot-high buildings, and a two-story-high clubhouse, 29 to 31 feet in height.

The subject site is at the southwest corner of Broadway Blvd. and Rosemont Blvd. (see Case Location Map). Because the current R-1 zoning on the property allows a maximum of two residences per lot, and because the current C-1 zoning on the property allows for a maximum residential height of 25 feet, the request to rezone to OCR-1 would allow the proposed density of 36 residences per acre at a maximum height of 40 to 43 or 45 feet. (The current C-1 zoning allows a maximum height of 30 feet for non-residential buildings and permits a 4-foot-high parapet.)

### **PUBLIC HEARING SUMMARY**

**July 20, 2023, Zoning Examiner Hearing**

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The Zoning Examiner public hearing was originally scheduled for June 29, 2023. However, a question was raised about the mailed notice for that public hearing. To make certain that all parties who should receive notice of the hearing, in fact receive such notice, the Zoning

Examiner canceled the public hearing without taking any action. New notice was given, and the Zoning Examiner public hearing was rescheduled to July 20, 2023.

The Applicant's representatives spoke in support of the requested rezoning at the July 20, 2023, Zoning Examiner hearing. The principal owner of the Williams Center development also spoke in support of the rezoning.

Eleven residents of the adjacent existing residential neighborhoods spoke in opposition to the rezoning, including representatives of the Rosemont West Neighborhood Association. In addition, two hundred fifty-six (256) protests were submitted opposing the rezoning.

The concerns raised by the speakers and in the written protests included: 1) the proposed density of the proposed development, which is 10 times the density of the existing residential neighborhood; 2) the height and massing of the buildings in the proposed development, which will not only block all mountain views from the neighboring homes, but will create visual blight - the proposed 45 foot buildings are three and one half times the height of the adjacent single story residences; 3) privacy concerns for homeowners whose properties are adjacent to the proposed development, given that the Applicant proposes to build 40 to 45 foot, three story apartment buildings next to the existing single story, single family homes; 5) concerns that the requested reduction of the UDC required number of parking spaces will result in overflow parking being pushed into the adjacent neighborhood; 6) the lack of any description of the exteriors of the proposed apartment buildings, such that there is no assurance that the visual impact of the proposed development will be mitigated in any way; 7) given that the substantial majority of vehicles entering and exiting the proposed development are expected to use the Rosemont Blvd. entrance, there were concerns about the traffic impacts on Rosemont Blvd. and the adjacent residential neighborhoods; and 8) the proposed development is not compatible with the existing residential neighborhood.

As of the date of the Zoning Examiner hearing, there were nine (9) written approvals and two hundred fifty-six (256) written protests.

## **FINDINGS OF FACT**

### **Background Information**

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Existing Land Use: Vacant

Zoning Descriptions:

Existing: Urban Residential Zone (R-1) – This zone provides for urban, low density, single-family, residential development, together with schools, parks, and other public services.

Proposed: Office/Commercial/Residential (OCR-1) – This zone provides for high-rise development that serves the community and region and is located in major activity centers or at transit centers. A mix of development types is encouraged, including office, commercial and high-density residential uses.

Adjacent Zones and Land Uses:

North: Zoned C-1 and O-3; office use, across from Broadway Blvd.

South: Zoned R-1; single-family residential

West: Zoned O-3 and R-1; multi-family residential

East: Zoned PAD-1 Williams Addition Planned Area Development; mixed uses

**Project Background** – Broadway-Rosemont LLC is seeking to develop the vacant site with multifamily. The project is designed as a gated apartment community with studio, one and two-bedroom apartments, community room, pool, outdoor garden area, solar-ready covered parking spaces, and electric vehicle charging stations.

**Planning Considerations** – Land use policy direction for this area is provided by *Plan Tucson* and the *Broadway-Craycroft Area Plan*.

*Plan Tucson* - The site lies within a Mixed-Use Corridor in the Future Growth Scenario Map in *Plan Tucson*. Mixed-use corridors provide a higher intensity mix of jobs, services, and housing along major streets. The businesses and residences within these corridors will be served by a mix of high-frequency transit options, as well as pedestrian and bicycle facilities. *Plan Tucson's* provides direction through the following policies:

LT1: Integrate land use, transportation, and urban design to achieve an urban form that supports more effective use of resources, mobility options, more aesthetically pleasing and active public spaces, and sensitivity to historic and natural resources and neighborhood character.

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LT3: Support development opportunities where:

- a. residential, commercial, employment, and recreational uses are located or could be located and integrated
- b. there is close proximity to transit
- c. multi-modal transportation choices exist or can be accommodated
- d. there is potential to develop moderate to higher density development
- e. existing or upgraded public facilities and infrastructure provide required levels of service
- f. parking management and pricing can encourage the use of transit, bicycling, and walking

LT4: Ensure urban design that:

- a. is sensitive to the surrounding scale and intensities of existing development
- b. integrates alternative transportation choices, creates safe gathering places, and fosters social interaction
- c. provides multi-modal connections between and within building blocks
- d. includes ample, usable public space and green infrastructure
- e. takes into account prominent viewsheds

LT9: Locate housing, employment, retail, and services in proximity to each other to allow easy access between uses and reduce dependence on the car.

LT28.6.2 High-density (greater than 14 units per acre) residential development is generally appropriate where primary vehicular access is provided to an arterial street and is directed away from the interior of low-density residential areas.

LT28.6.11 Support environmentally sensitive 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.

LT28.6.13 Protect established residential neighborhoods by supporting compatible development, which may include other residential, mixed-use infill, and appropriate nonresidential uses.

LT28.6.14 Consider residential development with densities that complement the size and intensity of the center or node, while providing transitions to lower density residential uses. For example, high- and medium-density development can support and reinvigorate regional activity centers, while appropriate medium- and low-density infill can complement the scale and character of neighborhood activity nodes.



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Additionally, *Plan Tucson's* policies H2 and H11 encourage residential development, including both market rate and affordable housing projects in Tucson.

*Broadway-Craycroft Area Plan* –The *Broadway- Craycroft Area Plan* identifies the project site in its Non-Residential Map as residential, office, or commercial land use. Additionally, the *Broadway- Craycroft Area Plan* provides the following residential policy direction for this site:

Residential Subgoal: Encourage new residential development that preserves and enhances the existing residential character of the area.

Policy 1: Promote appropriate residential infill in existing neighborhoods.

- D. Locate new medium and high-density residential development along arterial streets, except where existing low density residential parcels side on a major street, are buffered by an existing frontage road.

Policy 2: Preserve and enhance the integrity of existing neighborhoods.

- A. Direct through traffic and traffic generated by more intense uses onto major streets.
- B. Require appropriate design elements and buffering techniques during the rezoning and related development review processes to ensure sensitive design of new development in established neighborhoods.
- C. Require an internal pedestrian circulation system within new development that connects to the public sidewalk system.
- D. Encourage the orientation of new residential uses to take advantage of solar energy and to integrate solar technology into the design.

Policy 3: Require that new development comply with plan administration policies.

Transportation Subgoal: Incorporate transportation and traffic considerations in the review of new development and redevelopment in the Broadway-Craycroft area.

Policy 1: Provide safe and efficient vehicular access throughout the Broadway-Craycroft area.

- C. Encourage cooperation between neighborhood residents and the City Transportation Department in investigating techniques to discourage non-local traffic in interior neighborhoods. Specific locations that require consideration include (see Transportation Map on page 25).
- 2. Rosemont Boulevard, south of Broadway Boulevard. Traffic control devices should be considered to discourage eastbound Broadway traffic from using Rosemont Boulevard and 16th Street as an alternate route to Craycroft Road and

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22nd Street. The present configuration of Rosemont, which does not extend directly south to 22nd Street, should be retained.

The *Broadway-Craycroft Area Plan* also includes General Design and Buffering policies intended to help ensure that new development is designed in a manner that enhances the visual appearance of the Broadway-Craycroft area and that such development is sensitive to existing area land uses.

## **Design Considerations**

Land Use Compatibility – The site is surrounded by a variety of land uses, which include office complexes, financial services, and retail to the north and west, the Williams Centre mixed-use development to the east, offices zoned OCR-2 to the northeast, and single-family residences to the south and west.

Design Compatibility – The Design Compatibility Report and the proposed preliminary development plan include a 6-foot-high masonry wall along the perimeter of the site, and a proposed 10-foot-wide landscape border along the south and west property lines. Additionally, the proposed new apartment buildings will be setback 75 feet from the south property line, and 50 feet from the west side. The maintenance building and two carriage units over garages are setback 49'9" from the west property line. The project is also incorporating a 16'6" wide landscaping area along Broadway Blvd., and a 19'0" landscape area along Rosemont Blvd. A trash compactor and recycling bins are provided on the northeast side of the project, where adjacent to C-1 zoning.

Road Improvements/Vehicular Access/Transit –Broadway Blvd. is a designated gateway arterial by the Major Streets and Routes (MS&R) Plan. Rosemont Blvd. is a local roadway south of Broadway Blvd., but is designated by the MS&R Plan as a collector street north of Broadway Blvd.

The project proposes two access points on Broadway Blvd. and Rosemont Blvd, for vehicular and pedestrian circulation. The traffic study provided by the Applicant assumes that both access points will operate with stop control on the project driveways, and it indicates that a median opening with a westbound exclusive left turn lane is expected to be constructed on Broadway Blvd. which will allow vehicles to turn into the project at the west driveway. The traffic study states there will not be any left turns out from the west driveway, but the south driveway would allow all movement at Rosemont Boulevard. To minimize traffic impact onto the neighborhood, the Department of Transportation and Mobility has recommended the installation of a sign at the ingress/egress point on Rosemont Blvd. that states "no right turn" for vehicles exiting the site.

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In addition, the applicant has agreed to construct traffic diversion curbing to guide vehicles to a left turn on Rosemont Blvd. when exiting the site.

The Applicant's traffic study indicates that 1,675 average daily trips would be generated from the proposed development, 97 during the AM peak hour and 144 during the PM peak hour. The study also indicates that the intersection of Broadway Blvd. and Rosemont Blvd. and the two access points proposed for the development are expected to operate with acceptable delays in the opening year of the project. All queues are expected to be contained within the turn lane storage lengths under existing and future conditions with and without the project. However, the queues for the westbound and eastbound through movements at the intersection of Broadway Blvd and Rosemont Blvd are longer than the turn lane storage lengths under existing conditions and likely block the entrance to turn lanes. This is also true for future conditions with and without the project. The traffic study anticipates that approximately 70% of traffic would enter the site via the west driveway and 30% via the south driveway. Approximately 25% and 75% of traffic would exit the site via the west driveway and the south driveway, respectively.

In the Design Compatibility Report, the Applicant is proposing the addition of a left turn signal traveling south on Rosemont Blvd. turning left on Broadway Blvd. However, the traffic study does not indicate the proposed left turn signal would aid in better traffic flow, and DTM review concurs not pursuing changes in signal phasing at the Broadway/Rosemont intersection as an installation of left turn signal at Rosemont could actually have a negative impact for this intersection and the overall flow of traffic along Broadway.

Required parking for the project is 351 spaces, and 339 spaces are proposed. The Applicant's representative testified that the development would not be financially feasible without the parking reduction, and submitted a study of two other apartment complexes to support the position that the required parking should be reduced.

## **Conclusion**

Both *Plan Tucson* and the *Broadway-Craycroft Area Plan* seek to protect the character and integrity of existing neighborhoods. Where an infill development is proposed, *Plan Tucson* and the *Broadway-Craycroft Area Plan* require that such development be sensitive to existing area land uses and existing neighborhoods and preserve and enhance the integrity of the existing neighborhoods. The proposed development in this rezoning case neither preserves nor enhances the Rosemont West neighborhood. In fact, the opposite is true. Both the density of the proposed development – 37 residences per acre – and the scale of the proposed apartment buildings – 40 to 45 feet in height, located immediately adjacent to an existing neighborhood of single-story, single-family homes – render the proposed development incompatible with the existing neighborhood.

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The requested rezoning should be denied because it is inconsistent with *Plan Tucson* and the *Broadway-Craycroft Area Plan*.

## **RECOMMENDATION**

The Zoning Examiner recommends that the requested rezoning to OCR not be approved.

Sincerely,

John Iurino

Zoning Examiner

## **ATTACHMENTS:**

Case Location Map

Rezoning Case Map

Public Hearing Minutes

Cc: Mayor and Council

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# TP-ENT-0223-00012 - Broadway Rosemont



Area of Rezoning (R-1 & C-1 to OCR-1)

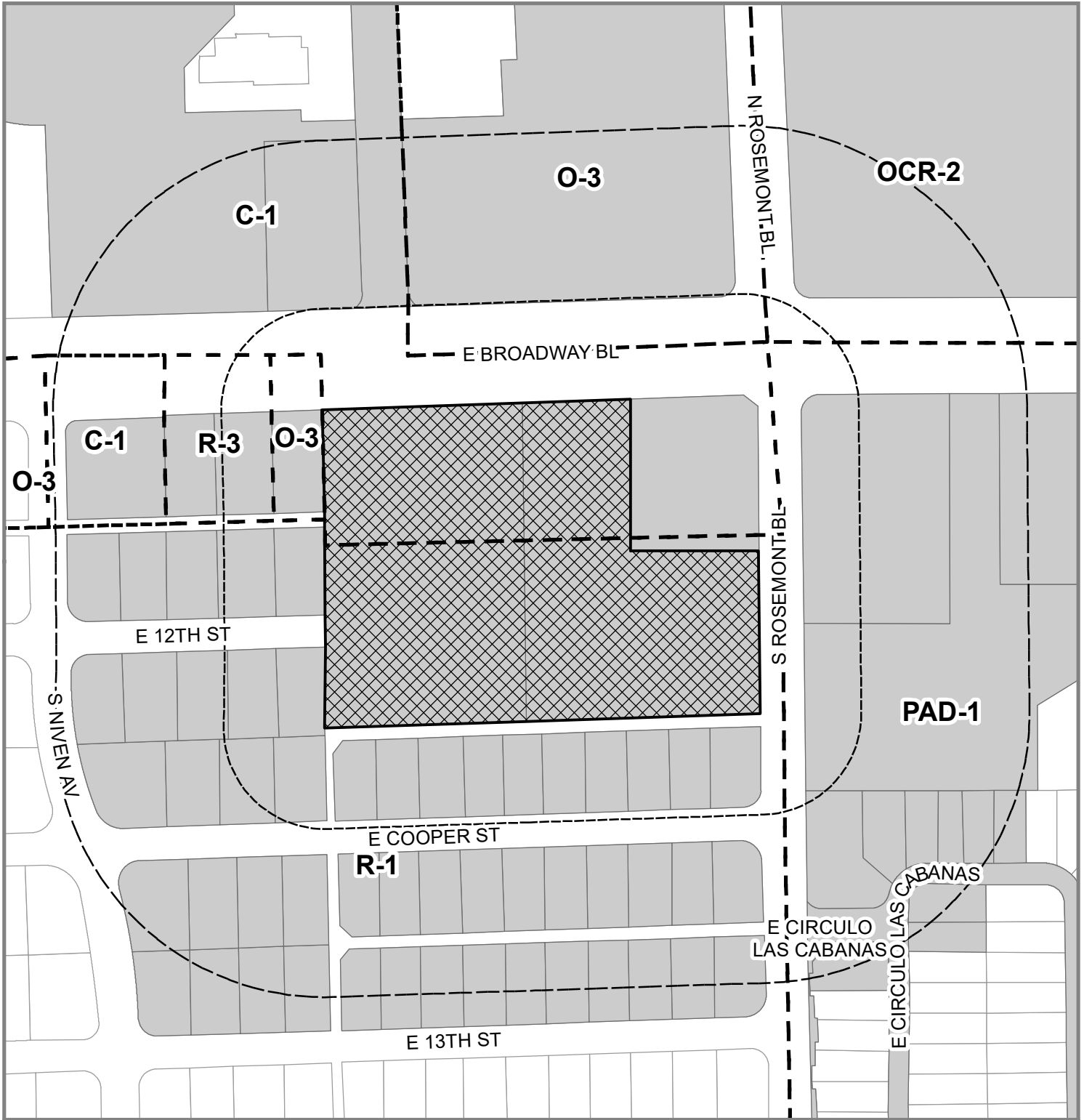
Address: 5056 E Broadway Bl  
Base Maps: Twp. 14S R. 14E Sec. 14  
Ward: 6




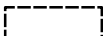
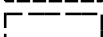


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1 inch = 138.456117 feet

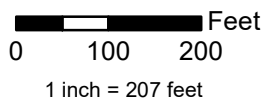


**TP-ENT-0223-00012 - Broadway Rosemont  
Rezoning Request: From R-1 & C-1 to OCR-1**



Address: 5056 E Broadway Bl  
 Base Maps: Twp. 14S R. 14E Sec. 14  
 Ward: 6

-  Area of Rezoning (R-1 & C-1 to OCR-1)
-  Protest Area (150 ft. Radius)
-  Notification Area (400 ft. Radius)
-  Zone Boundaries
-  Properties Notified



**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

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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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