



# MEMORANDUM

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**DATE:** February 10, 2016

**TO:** Mr. Roger Randolph

**FROM:** Council Member Kozachik

**SUBJECT:** Amendment of the Main Gate District Overlay

For the March 22<sup>nd</sup> study session, please set aside 20 minutes for consideration of amending the Main Gate District Overlay.

In December, 2011, Mayor and Council adopted the Main Gate Overlay. It's a set of zoning options intended to promote transit oriented development along the streetcar line. It has largely accomplished that goal.

One portion of the Overlay relates to balconies as "architectural elements." The language of the Overlay says this: "Architectural elements such as balconies, outdoor stairs, ornaments and surface detail shall be used to enhance the architectural style of the building." Balconies have in fact been integrated into building design on several of the large student housing towers.

In late 2014, and again in late 2015, there were incidents involving students throwing objects off from upper floor balconies, nearly missing people on the ground below. Property ownership evicted students involved in 2014, but despite the installation of video cameras they have been unable to identify all of those involved in the most recent set of events. It is only a matter of time before somebody is seriously injured or killed if struck by an object thrown from the balconies.

I am requesting a study session agenda for the purpose of discussing remedies available to the City in the hopes of eliminating the danger to the general public. Specifically, I will be asking to explore sending to the Planning Commission a request that they study and report back to Mayor and Council on amending the MGO as follows:

For any construction in the Main Gate Overlay District going forward, balconies facing the exterior of the building above the 3rd floor shall be prohibited.

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CC: Mayor Jonathan Rothschild  
City Attorney Mike Rankin  
City Manager Michael Ortega