



# ZONING EXAMINER

## REPORT TO MAYOR AND COUNCIL

December 29, 2016

### C9-16-12 West University HPZ Boundary Amendment – University Boulevard HC-3/HR-3 to C-3/ R-3 Zoning

#### **BACKGROUND**

This is a request by Randi Dorman, R + R Develop, on behalf of the property owner, Trinity Presbyterian Church, to remove the Trinity Church properties from the West University Historic Preservation Zone (HPZ) and rezone the parcels from HC-3 and HR-3 to C-3 and R-3 zoning.

The rezoning site is located at the southeast corner of University Boulevard and 4<sup>th</sup> Avenue within the West University National Register Historic District and the West University Historic Preservation Zone. The modern streetcar route runs along both University Boulevard and 4<sup>th</sup> Avenue with a stop located east of the site along University Boulevard, and another to the south along 4<sup>th</sup> Avenue.

This rezoning is a companion application to the case *C9-16-13 Trinity Presbyterian Church PAD – University Boulevard and 4<sup>th</sup> Avenue*, which is a proposed mixed use and adaptive use project of the Trinity Presbyterian Church site.

The preliminary development plan proposes a mixed use comprised of commercial/retail, office, and residential. It includes two new buildings viz., Building 1 - four stories/61,847 SF and Building 2 - three stories/20,924 SF. The proposal is to integrate the two new buildings into the existing historic Trinity Presbyterian Church complex that would constitute new construction and adaptive reuse features.

Land use policy direction for this area is provided by *Plan Tucson, University Area Plan*, and the *West University Neighborhood Plan*.

#### **PUBLIC HEARING SUMMARY (Minutes Attached)**

##### ***December 1, 2016 Zoning Examiner Hearing -***

At the December 1, 2016 Zoning Examiner hearing, it was reported that there were 16 approval letters and 12 protest letters. The west quadrant had 21% of property owners protesting and the east quadrant 22.6% protesting thus at this hearing if forwarded directly to Mayor and Council would have required a supermajority vote for approval.

Note that this rezoning and the case *C9-16-13, PAD(H)* rezoning, involve the same property and the same future proposed land use thus some information below is the same for both cases.

**C9-16-12 West University HPZ Boundary Amendment – University Boulevard  
Rezoning: HC-3/HR-3 to C-3/R-3 Zoning**

It was made clear during the hearing that both the 61.6-foot church bell tower and 51.6-foot Donald Hitch Memorial structure were legal nonconforming structures.

The speakers who spoke in support praised the project as thoughtful design, and providing a safer cleaner improved development to the area, and further being a model of good sustainable development. There were comments that the architect, Rob Paulus is an excellent designer who can be relied on to do high quality work.

Speakers in opposition expressed concern about the increase in height from the historically conforming 36 feet to about 50 feet. There was concern about noise and further ‘entertainment district’ development encroaching into the nearby residential area. Additionally, concern was raised about traffic and about reduction of the historic district’s boundary that may set a disturbing precedent.

The applicant made a presentation that explained the value of the project and its overall sensitive treatment of the church building as a valued historic landmark. Further, she explained how the mix of uses being considered will be compatible with both the surrounding residential uses and the modern streetcar. This proposal, she said, was a model of good transit-oriented development.

Staff provided additional information about the proposal’s relation to the Infill Incentive District (IID) by noting that this proposal does not qualify for using the IID because HPZ standards take precedent over IID flexible standards.

The Zoning Examiner continued this case and the PAD(H) case and requested the applicant meet with both Planning and Development Services staff and representatives of the West University Neighborhood Association (WUNA).

It was requested that both sides review the special conditions submitted by WUNA for any consensus points and further that staff review them for their enforceability.

The Zoning Examiner asked the applicant to review the viability of the proposed group dwelling use on the site, and review the design review concept that is most applicable in that the development is entirely within the Infill Incentive District, a special infill design area of the City.

More information on streetscape design was requested, since it may influence Fourth Avenue streetscape design in the future.

Finally, the Zoning Examiner asked staff to review how the historic landmark process in the PAD(H) document would work.

*December 15, 2016 Zoning Examiner Hearing –*

**C9-16-12 West University HPZ Boundary Amendment – University Boulevard  
Rezoning: HC-3/HR-3 to C-3/R-3 Zoning**

It was reported that there were 17 approval letters and 12 protest letters. The west quadrant had 21% of property owners, and the east quadrant 22.6% protesting thus if this number remains the Mayor and Council will require a supermajority vote for approval.

As requested by the Zoning Examiner at the December 1, 2016 hearing, the staff and the applicant gave a briefing on the points of agreement and non-agreement.

There was agreement on various communication improvements and non-zoning issues between developer and neighbors during future construction activity and conduct of future uses. Further, there were issues reported as already covered by the PAD(H) document or existing City ordinances. There was also information provided about the status of group dwellings, parking structures, traffic, design review, building volume, and streetscape. These issues are discussed in more detail in the *C9-16-13 PAD(H)* rezoning report.

For this rezoning, a more relevant issue discussed was building height. It was reported that there was no consensus reached on using the rezoning process to reduce the HPZ boundary to make a height adjustment. There was some agreement that a future ‘variance’ procedure for such height adjustments in the HPZs development zones would be preferable but on a very limited basis.

Further, on the topic of the optional City historic landmark designation process, staff reported that they consulted with the City Attorney’s office and the staff recommendation is the HL designation process within the PAD(H) document is an acceptable alternative to an HL rezoning.

Supporters and opponents expressed similar positions of support and opposition as those expressed at the December 1, 2016 public hearing. Supporters spoke about the quality of design and the need of the church to find a suitable development to ensure its survival. The opponents spoke about the concern about precedent of changing the historic boundary, potential noise, parking, traffic, and general disruption of the residential area. Speakers taking a neutral position noted the need to consider a process less drastic than a boundary amendment to consider minor building height adjustments in the future.

**FINDINGS OF FACT**

***Surrounding Land Uses -***

The proposed rezoning site is a church complex that includes sanctuary, offices, meeting hall, surface parking lots, and two historic residences. The property is within the West University Historic Preservation Zone. It is generally surrounded by various commercial and residential development on all sides. The zoning profile includes to the north HC-3 and HR-3 zones, to the south HC-3 and HR-2 zones, to the east HC-1, HR-3 and HR-2 zones and to the west HC-3, HO-3, HR-3 and HR-2 zones.

***Pre-Rezoning Public Meetings –***

On May 17, 2016 the West University Historic Zone Advisory Board (WUHZAB) voted 3-1 (with two abstentions) to forward a favorable recommendation to the Mayor and

**C9-16-12 West University HPZ Boundary Amendment – University Boulevard  
Rezoning: HC-3/HR-3 to C-3/R-3 Zoning**

Council to initiate the rezoning process to replace the HPZ Overlay Zone for the Trinity Church site with a PAD(H) Zone that includes all of the HPZ Standards from the Unified Development Code, including the requirement for design reviews of alterations and new construction and that a WUHZAB representative work with City staff and the applicant during the boundary amendment/PAD(H) rezoning process.

On May 26, 2016 the Tucson-Pima County Historic Commission's Plans Review Subcommittee (PRS) voted 6-0 to forward a favorable recommendation to the Mayor and Council, to initiate the Historic Preservation Zone boundary amendment.

The approval was subject to the following conditions: 1) draft PAD(H) proposal to be reviewed by PRS prior to any approval; 2) any future amendments (minor or major) to the PAD(H) to be reviewed by PRS; 3) agreement with an owner in the West University National Register District for a relocation of contributing duplex that does not affect eligibility of the duplex; 4) PAD(H) proposal to include application of all current Unified Development Code 5.8 HPZ zoning requirements to all contributing historic buildings onsite; 5) proposed new construction to be reviewed for compatibility by PRS using West University Historic Design Guidelines and Unified Development Code, in consultation with SHPO when necessary; recognizing that the proposal will be looking for exceptions based on height and setbacks, and possibly other exceptions to the design guidelines; and 6) WUHZAB representative be involved in the boundary amendment and PAD(H) creation processes.

On June 21, 2016, Mayor and Council voted 7-0 to begin the rezoning process for the *C9-16-12 West University HPZ Boundary Amendment – Trinity Presbyterian Church*, recognizing that the specific set of facts in this case are such that the PAD(H) will eventually include the historic preservation of the church and the movement of the historic bungalow.

The Mayor and Council clarified that this rezoning is not intended to set a precedent for future decreases of the HPZ boundaries going forward.

***Historic Preservation Issues –***

The objective of this rezoning is to amend the boundary of the West University Historic Preservation Zone that requires that building heights for new construction shall be no higher than the tallest contributing property located within its development zone and shall generally conform to the typical height within the development zone which in this case is the original Trinity Church sanctuary height of 36-feet.

The current proposal is for 48-50 foot building height. The height of the on-site, non-historic structures is 61.6 feet for the church bell tower and 51.6 feet for the Donald Hitch Memorial structure.

The State Historic Preservation Office (SHPO) reviewed the proposal and has stated that the 1924 Spanish Colonial Revival building is listed as a contributor to the National Register West University Historic District. Further, it stated that none of the modern additions

**C9-16-12 West University HPZ Boundary Amendment – University Boulevard  
Rezoning: HC-3/HR-3 to C-3/R-3 Zoning**

including the two noted above of 1937, 1948, 1955, and 1959 are within the period of significance; and do not contribute to the characteristic features that qualify the church for listing as a contributing property.

As for the onsite historic duplex on the north side of Fourth Street, the applicant proposes to re-locate it to an off-site West University location. The proposal is to both re-locate it and do it in a manner to maintain its contributing status as part of the historic district.

The HPZ does not allow for height variances. Additionally, the Infill Incentive District is not an option because it requires compliance with the HPZ including height restrictions. The only option available to the applicant in order to build to 48-50 feet is to amend the West University HPZ boundary and remove the Trinity site from the HPZ, and then rezone the property to PAD (H).

***Land Use Plans -***

Land use policy direction for this area is provided by *Plan Tucson*, the *University Area Plan* and the *West University Neighborhood Plan*.

*Plan Tucson* – *Plan Tucson* identifies the rezoning site as being in an “Existing Neighborhoods” Building Block. This category is for land that is primarily developed, and land in largely built-out residential neighborhoods and commercial districts. Some new development and redevelopment is expected in the next decade.

The goal is to maintain the character of these neighborhoods, while accommodating some new development and redevelopment and encourage reinvestment and new services and amenities that contribute further to neighborhood stability.

*Plan Tucson* supports historic preservation/adaptation, economic development, infill development, new housing options, and the modern street car. It encourages special zoning districts, such as Planned Area Developments (PAD) and overlay districts, as ways to promote the reuse of historic structures, mixed-use areas, and multi-modal development.

*University Area Plan (UAP)* - The *UAP* promotes cooperation between neighborhoods, private developers, and the City of Tucson to ensure new development is sensitive to local neighborhood concerns while being supportive of adopted city-wide policies.

*UAP* supports the preservation and enhancement of historic districts and HPZ areas. It also supports pedestrian and shopping districts such as 4<sup>th</sup> Avenue with a well-defined public sidewalk system. Projects should be consolidated for better multi-modal integration of circulation and access by reducing curb cuts along streets and directing traffic away from residential neighborhoods.

New development should demonstrate sensitivity to surrounding uses and be compatible in massing/scale of projects by using building materials, architectural style, ornamentation, setbacks, step backs, and variation in building height or mass to complement the scale and

**C9-16-12 West University HPZ Boundary Amendment – University Boulevard  
Rezoning: HC-3/HR-3 to C-3/R-3 Zoning**

character of surrounding development and reduce the appearance of excessive height and bulk.

*West University Neighborhood Plan (WUNP)* - The *WUNP* recognizes the potential for land use changes associated with the modern street car along with the *WUNP* goal to preserve the historic, residential character of the established neighborhoods west of Euclid Avenue.

The Conceptual Land Use Map identifies the proposed site as “Maintain Existing Public and Semi-Public” and refers to Commercial and Office Development, Policy D for adaptive reuse policies. This land use designation has been used in the *WUNP* for adaptive reuses in the past.

Similar to the *UA*, the plan policies allow for adaptive reuse. In *WUNP* adaptive reuse case, the existing principal structure on the parcel will be retained. In this proposal the site’s principal use, the church, is being retained. The proposed uses should not adversely impact surrounding land uses especially residential neighborhoods. Parking and circulation is proposed to be designed to prevent negative impacts such as spill-over parking into neighborhoods and pass through traffic within the residential streets.

The *WUNP* policy direction limits building heights west of Euclid to that allowed by zoning on August 1, 1988; and limits residential densities to no more than 40 units per acre. *WUNP* also encourages new residential developments to incorporate landscape areas as part of the overall development. Note the bell tower and Donald Hitch tower built circa 1950 are legal non-conforming structures with existing height pre-dating the plan policy’s 1988 time frame.

The public review for this case involves two separate rezonings, this one and *C9-16-13 Trinity Presbyterian Church – University Boulevard and 4<sup>th</sup> Avenue Area Development (PAD)*. Thus, there has been ample discussion of the historic preservation as well as the infill issues.

Ultimately, this rezoning is required to address a building height issue whose principal rationale is that the two existing structures with height compatible to the proposal’s height have historic credibility but are not technically historic structures of the HPZ.

*Major Streets and Routes Plan*

University Boulevard is identified as a collector road and 4<sup>th</sup> Avenue is identified as a local street on the City’s Major Streets and Routes Map. The Pima Association of Governments - Transportation Planning Division (PAG-TPD) estimates that the proposed development will generate 12,231 vehicle trips per day.

**CONCLUSION**

This rezoning is a companion application to the case *C9-16-13 Trinity Presbyterian Church PAD – University Boulevard and 4<sup>th</sup> Avenue Area Development (PAD)*, which is a proposed adaptive and mixed use project of the Trinity Presbyterian Church site.

**C9-16-12 West University HPZ Boundary Amendment – University Boulevard  
Rezoning: HC-3/HR-3 to C-3/R-3 Zoning**

The rezoning's intent is to amend the boundary of the West University Historic Preservation Zone that requires that building heights for new construction to be no higher than the tallest Contributing Property which in this case is the original Trinity Church sanctuary height of 36 feet.

There are two on-site historic structures with height similar to the applicant's proposal but are not considered contributing within the HPZ. In that the HPZ does not allow for height variances and the IID height flexibility is not allowed in an HPZ, the only option available to the applicant in order to build to 48-50 feet is to amend the West University HPZ boundary, removing the Trinity site from the HPZ, and then rezoning the property to PAD (H).

The various review bodies WUHZAB, Historic Commission Plan's Review Subcommittee have supported the initiation of the project and the Mayor and Council initiated the proposal. The Mayor and Council clarified that this rezoning is not intended to set a precedent for future reduction of the HPZ boundaries going forward.

A fuller discussion of the preliminary development plan for a mixed use comprised of commercial/retail, office, and residential is covered in *C9-16-13* report. It includes two new buildings to be integrated with the existing, historic Trinity Presbyterian Church complex.

In reviewing the land use plans' policy guides for this proposal, there is substantial support. The existing height in the Trinity complex is supportive of the proposed height.

The key consideration of this rezoning, involves the building height proposal on the subject property.

HPZ Amendment – While the WUNA representatives stated that they cannot support the amendment of the HPZ boundary, however, some less drastic review process for minor height adjustments, they said, may be worth exploring. The Zoning Examiner suggests the City consider the creation of a zoning text amendment for height in an HPZ in the form of a variance or a special exception that has conditions for minor and limited height adjustments in an HPZ development zone. If this process is considered, staff should review the *West University Neighborhood Plan* to assure any change complies with the plan

The Trinity PAD/Boundary Amendment is a case where two non-qualifying but historic structures could have set the height for the new construction but because of a technical issue of not qualifying as being in the HPZ's "period of significance" forced an awkward rezoning of the HPZ boundary. While the proposed PAD would formerly be outside the HPZ boundary, the PAD(H) document does an acceptable job of creating historic preservation standards similar to those applied within an HPZ district.

**C9-16-12 West University HPZ Boundary Amendment – University Boulevard  
Rezoning: HC-3/HR-3 to C-3/R-3 Zoning**

**RECOMMENDATION**

The Zoning Examiner recommends approval of the rezoning resulting in an Historic Preservation Zone boundary amendment subject to historic preservation standards listed in the proposed PAD(H) document.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jim Mazzocco". The signature is fluid and cursive, with a large initial "J" and "M".

Jim Mazzocco, AICP  
Zoning Examiner

**ATTACHMENTS:**

Public Hearing Minutes

ZONING MEMBERS PRESENT

Jim Mazzocco, Zoning Examiner

John Beall, Planning & Development Services

Rick Guerra, City Recording Clerk

=====

1           ZONING EXAMINER: Moving to our next case, these are  
2 continued cases. The first case is C9-16-12 West University HPZ  
3 Boundary Amendment. Mr. Beall, report?

4           MR. BEALL: Mr. Mazzocco, since the two cases were  
5 continued, there were some instructions that you had at the close of  
6 the last public hearing for both C9-16-12 and C9-16-13. And one was  
7 to, you asked that the West University Neighborhood's representatives  
8 and the Applicant meet to discuss, WUNA, the proposed general  
9 provisions, a letter they sent in to the PAD to see if there was any  
10 consensus on any of those proposed provisions.

11           I want to report back that the Applicant and some WUNA  
12 representatives, the, the participants in this meeting from WUNA were  
13 Chris Gans, Richard Mayers, Susan Schaffer, and from the Applicant was  
14 Rob Paulus, Randi Dorman, and Doug Hawkins. And from Planning &  
15 Development Services was John Beall and Rebecca Rupe (ph.), who  
16 assisted with the facilitation. And this meeting happened on December  
17 7<sup>th</sup>, 2016. And then you have a report - copy of the meeting summary  
18 that we have attached to the file.

19           Also, the other question you asked was the possibility the  
20 group dwelling could be an excluded land use. The Applicant has since  
21 revised the PAD document to reflect that the group dwelling is now an  
22 excluded use. You also have a copy of those revisions.

1           The - you also asked the Applicant to explore in more  
2 detail design review process in the PAD, something to go beyond the,  
3 the HPZ review process that was written into the PAD. The Applicant  
4 has since revised the PAD to include a design review process using the  
5 IID Design Review Committee.

6           The PAD will also include design guidelines to be reviewed  
7 and approved by the IID, DRC, and that's also again part of the  
8 revision packet that was sent to you.

9           You also asked that the PAD include more emphasis on  
10 streetscape design. And again, the Applicant has reviewed the PAD to  
11 reflect that concern and, again, those are in those revised pages in  
12 the - of the PAD.

13           You also asked the Staff to confirm about the HL process as  
14 outlined in the PAD. Staff consulted with the City Attorney and  
15 clarified they are two different rezoning processes for the HL, so the  
16 HL process has been revised in the PAD to only reflect sort of an HL  
17 district within the PAD, and some standards that will go with that.

18           As of to date, for both, for Case: C9-16-12, there are 17  
19 approvals, 12 protests - 17 protests, 17 approvals by owner, and 12  
20 protests by owner. Protests within the area of 150 feet are six. And  
21 protest percentage to the north is zero percent; to the south is  
22 12.3%; to the east is 22.6%, and to the west is 21%. And those are  
23 important for any of those four quadrants. If there's more than 20%,  
24 then it would require a super majority vote by Mayor and Council.

1           ZONING EXAMINER: Okay. Thank you very much. Okay. Do we  
2 have the Applicant?

3           MS. DORMAN: Hi. Randi Dorman, 1001 East 17<sup>th</sup> Street, No.  
4 125, Tucson, AZ, 85719.

5           ZONING EXAMINER: Ms. Dorman, can we just, because we have  
6 these two cases, and we're trying to make two records, we, we -  
7 probably be good to make your longer statement now. And then in the  
8 second case, more of an outline, and then refer to the longer  
9 statement, or however you want to do it. But I'm just trying to  
10 figure that out.

11          MS. DORMAN: That was, that was actually to be my first  
12 question -

13          ZONING EXAMINER: Uh-huh.

14          MS. DORMAN: - because I really just want to update from -

15          ZONING EXAMINER: Uh-huh.

16          MS. DORMAN: - last time. Should I do that now or during  
17 the HPZ part?

18          ZONING EXAMINER: I'm going to suggest that you do it now,  
19 because -

20          MS. DORMAN: Okay.

21          ZONING EXAMINER: - the folks here, you know, it just makes  
22 more common sense that you make it now. And then your second  
23 statement when we open up the second case, you can just give an  
24 outline of what you are about to say, and, and, for the record, and

1 then refer that you have more, a longer statement in the previous  
2 case, and that can be referred to.

3 MS. DORMAN: Excellent. Thank you.

4 ZONING EXAMINER: Okay.

5 MS. DORMAN: Mr. Beall actually summarized most of what I  
6 was planning on saying. We presented for over three hours last time,  
7 and put forth important points about why we feel this rezoning should  
8 take place, as it will result in a far better project for the  
9 neighborhood than without the rezoning. I think we made our case  
10 clearly last time.

11 ZONING EXAMINER: Okay.

12 MS. DORMAN: Just to give a little more, some more details,  
13 we did - you had asked us to meet with the West University  
14 Neighborhood Association. We were happy to do so. The letter that  
15 they had submitted the day before the last hearing had 23 points, and  
16 23 requests. And then an additional one was added during the last  
17 hearing.

18 Of the 24 total requests, in the analysis that was done by  
19 the Planning & Development Services Department, as well as our meeting  
20 with them, three were already in the PAD, four were covered in City  
21 Code, five were not enforceable through the PAD. Seven we agreed to  
22 address in the PAD through policy statements that we added.

23 One we asked WUNA to provide some suggestions to us to  
24 consider. Two were added as requested, and two we did not reach  
25 consensus on, one of which was the request that we remain at 36 feet.

1 And as we all know, the whole point of the rezoning is to go beyond  
2 the 36 feet.

3 So, the highlights are really adding the group dwelling to  
4 excluded uses, which we did. We revised the reduction in building  
5 volume from - we doubled it from 10% to 20%. We put in extensive  
6 design review standards, including streetscape standards, as Mr. Beall  
7 mentioned.

8 And the concerns regarding traffic, communication, noise,  
9 property, and parking management issues have all been addressed by  
10 policy in the PAD. And I think you have a copy of all of that.

11 In addition, we did revise the historic landmark status  
12 section to reflect the recommendations from the City Attorney. And we  
13 also, in every design - in every presentation that we've done, we've  
14 always said that the designs were conceptual because until the PAD is  
15 finalized, we really can't finalize the design. So, we just added  
16 that language into the PAD-H document as well.

17 ZONING EXAMINER: Okay. Okay. I have no questions, and I  
18 thank you and WUNA for meeting and resolving a lot of these issues  
19 together.

20 MS. DORMAN: It was our pleasure.

21 ZONING EXAMINER: I'm hoping that both sides see it as a  
22 improved document.

23 MS. DORMAN: We do, too.

24 ZONING EXAMINER: Yeah.

25 MS. DORMAN: Thank you.

1           ZONING EXAMINER: Okay. Thank you. So, first, I'm going  
2 to ask those who are in favor to speak first. Could people raise  
3 their hand who want to speak in favor? Okay. Those who want to speak  
4 in protest against? What? You want to speak in favor? Okay. Were  
5 you sworn in, sir?

6           MR. MILLER: Yes, sir.

7           ZONING EXAMINER: Okay. And did you sign in?

8           MR. MILLER: I did.

9           ZONING EXAMINER: Okay. Come forward, then. So, just  
10 state your name and address for the record into the microphone, and go  
11 ahead.

12           MR. MILLER: I'm Robert Miller. I live at 421 South Essex  
13 Lane, 85711.

14           ZONING EXAMINER: Okay.

15           MR. MILLER: I'm sorry for my hesitancy. I thought my  
16 comments were more related to the second part of this case. I'm -

17           ZONING EXAMINER: And you can speak then, too, if you wish.

18           MR. MILLER: So, what I have to say pertains to both.

19           ZONING EXAMINER: Okay.

20           MR. MILLER: So, I'm the Director of the School of  
21 Architecture at the University of Arizona. I'm the past President of  
22 Southern Arizona American Institute of Architects. I'm the President-  
23 Elect of the State Chapter of the AIA. I've taught architecture and  
24 urban design for over 30 years, and have lived in some of the great

1 cities in the world, including Rome, Italy; Genoa, Italy; Charleston,  
2 South Carolina.

3 Cities around the globe are struggling with making changes  
4 to a post-carbon world. And they're struggling with the kinds of  
5 issues that this case represents, which is how to increase the density  
6 of our cities to make them more livable, but also make them more  
7 pleasurable and more enjoyable.

8 If the Applicants had, had simply followed the, the rule of  
9 law as it's currently zoned, of course, they could have filled the  
10 whole site up to two levels, and would have resulted in a much less  
11 pleasing design (inaudible) for the people that will live in the  
12 proposed development, as well as for the neighborhood, as well as for  
13 the City.

14 I think the project should really be welcomed and applauded  
15 for going the extra distance, going to the extra expense, and going to  
16 the extra trouble of giving gardens and a sculpted interior space, and  
17 views, both into and out of the site that will make a real  
18 contribution to the City. It's a really good project, and I urge you  
19 to support it.

20 ZONING EXAMINER: Thank you very much. Anybody else want  
21 to speak in favor? Anybody want to speak in opposition? Okay. Why  
22 don't we take the row in front there.

23 MR. LANGONE: (Inaudible)

24 ZONING EXAMINER: Okay. That's -

1 MR. LANGONE: How are you? My name is Kenny Langone. I  
2 own two properties with my wife in the West University Neighborhood.  
3 It's 722 and 730 North 3<sup>rd</sup> Avenue directly to the east of the church  
4 parking lot on 3<sup>rd</sup> Avenue there.

5 I also own a historic home built in 1908 at 5<sup>th</sup> Avenue and  
6 1<sup>st</sup> Street, which was my former residence. Now it's a home office and  
7 music studio, and I have a friend of mine living there as well. So, I  
8 own three historic homes I've restored, all of which are historically  
9 registered.

10 The reason I was asking Chris to speak first is so I, I'm  
11 not redundant with things in terms of procedural and plan and PAD  
12 stuff, but I'm not that much of an authority on it, so, I'll speak  
13 mostly emotionally and Tommy Brown who will speak also is my neighbor,  
14 and whose father I brought the two properties on 3<sup>rd</sup> Avenue from.

15 Also, Mr. Damon Turner and his wife. Damon's out of town,  
16 and asked, had said that I could speak, as I've gone over the material  
17 with them on their behalf. So, it is an emotional response to  
18 obviously what I think will happen with our neighborhood and also  
19 things that I feel that have never been addressed.

20 We think it is audacious and disrespectful that the  
21 developers and their supporters talk about this project with  
22 enthusiasm and whimsy, completely ignoring the reality for those of us  
23 neighborhood residents, especially as long-term residents who have  
24 restored historic houses that are our homes. We actually live in the  
25 neighborhood.

1           How will our lives be enhanced? What will we celebrate?  
2 There has been no empathy or reality expressed for the trauma of  
3 demolition, construction, traffic, noise and possible precedent as Mr.  
4 Oxman's letter, who owns the property across 4<sup>th</sup> Avenue at 721 North 4<sup>th</sup>  
5 Avenue, and a few parcels on the alley behind that, which is where  
6 Damon and, and Leonora Turner's property would be bordered on all  
7 sides by that. So, clearly, there's looking to be precedent.

8           His letter is enclosed here. What I have done is I've  
9 enclosed the approval letters, and I have highlighted things that are  
10 either matters of opinion, unprovable. There's been no studies done.  
11 The status of whether they're neighbors, and also to put a dollar sign  
12 on top for the people, the approval letters that will be able to make  
13 money on this project.

14           Only one approval letter, to my knowledge, is not a  
15 architect who seems to - they all approve each other's projects. If  
16 it can be proven otherwise, I accept that. Only one neighbor has  
17 given approval, and that's because what was said about - that the  
18 manager spoke before me, he said that taking up the whole site would  
19 be the alternative, and that - he said that's how it's zoned.

20           It may be zoned that way, but based on many conversations  
21 I've had, including a couple with Mr. Beall, the fact is that there  
22 would need to be considerations and review and planning taken into  
23 account, and any commercial structure near residential homes would be  
24 limited to engineering constraints, obviously other constraints. So,

1 it may be zoned in a way that they tell us they can occupy every inch  
2 of that property. But the reality is that's not how it would go down.

3 We're also in one of the most significant historic  
4 neighborhoods, not just in Tucson, but in the U.S. as well. This is  
5 acknowledged in the City of Tucson's plaque at our streetcar stop at  
6 Time Market. The, the word- -- exact wording of that plaque talking  
7 about our residential neighborhood, the renowned architects, including  
8 Henry Jostadt, who built our home on 3<sup>rd</sup> Avenue, 722 North 3<sup>rd</sup> Avenue,  
9 in 1910. He actually - that was his family's home. So, he's  
10 celebrated in this. It refers to it as residential.

11 Many of the letters actually refer to our neighborhood as  
12 urban. So, that's a distinction I think that might be where they're  
13 hoping to progress. But as it is now, the City recognizes us as a  
14 residential neighborhood.

15 We're not some underutilized, rundown neighborhood in need  
16 or urban renewal, as the church, the developers and other moneyed  
17 interest imply in their letters and presentations. We don't need  
18 enhancement, or any commercial celebrations.

19 There is no evidence, to my knowledge, that the streetcar  
20 was premised on this type of urban development, or what level of usage  
21 their studies, none of which we have seen, would show it to be  
22 optimal. Could it get too crowded for us neighbors to rely on for  
23 commutes, appointments, etc.?

24 Their projections don't seem to be evidence-based and seem  
25 to be (inaudible) in a manner of social engineering, referring again

1 to the enhancement and density, things that to my knowledge are just  
2 about how I feel everything will be.

3           People have also said that there is only these two options,  
4 including the Councilman Steve Kozachik. He said, "What would you  
5 rather have? This four-story one, or the one that takes up the entire  
6 lot?" Why other considerations aren't being given to a Main Gate  
7 Village type complex, which is again right across the street on  
8 University Boulevard, tastefully done up against 4<sup>th</sup> Avenue with a, a  
9 setback to a decent degree, as well as having over- -- overage on  
10 parking to the point where the parking to the east of the structure is  
11 always vacant so those residents actually get the benefit of that  
12 being a buffer.

13           Also, Bungalow Village. I mean the sign on the streetcar  
14 refers to how many of the bungalows in our neighborhood were done from  
15 plan books, so it's never been presented that this could be a  
16 continuation of owner-occupied residences, or even owner-occupied  
17 townhomes, a good example of which is at the northeast corner of 2<sup>nd</sup>  
18 Avenue and University Boulevard, which was also a former church.

19           Retail spaces. What does our neighborhood need? We'll  
20 these stores be destination shopping that bring people from other  
21 parts of the city to our residential neighborhood? Will they be chain  
22 and franchise establishments, Dominos, Subway, Starbucks, Office Depot  
23 that would challenge the best businesses in the neighborhood that we  
24 have now? Time Market, Caruso's, the Food Co-op, Antigone's Books,  
25 Café Passe.

1           The streetcar, which gets used repeatedly in all the  
2 letters that I've included in this packet here with highlights and,  
3 and comments, where is it written or codified in the City's approval  
4 and planning of the streetcar that it was predicated on increasing  
5 population density in the West University Neighborhood?

6           Many letter writers refer to increased streetcar usage as a  
7 justification for the Trinity Church project. I'm obviously very  
8 emotional about this. I've committed my life to being here. My wife,  
9 our two-year-old daughter - the two houses, as I said that we got from  
10 Mr. Brown's dad. He wasn't really interested in selling them except  
11 that he knew that we were going to restore them and, and live in them.  
12 So, it was not a need base sale.

13           I've also included an article here from September of 2016,  
14 talking about the number of vacancies on 4<sup>th</sup> Avenue, as written in the  
15 Tucson Weekly. So, the projections that they have of who will live  
16 there, how successful things will be and what type of businesses, I  
17 think there needs to be more evidence-based studies than just pure  
18 conjecture based on the most rosy scenario.

19           Obviously, the population, the traffic, the noise and those  
20 of you who were at 4<sup>th</sup> Avenue Street Fair this weekend, how on earth  
21 you could possibly explain that there would be any access, let along  
22 emergency vehicles getting to this project is stunning.

23           One final thing is that the Main Gate Village had an  
24 entrance-exit that led, led onto 2<sup>nd</sup> Street. It was formerly Hoff  
25 Avenue. At some point, I talked to the managers of the Main Gate

1 Village. At some point, the City called them, and said they had to  
2 secure that, secure that exit.

3 So, the fire department came to do it within a fire code  
4 restriction. They put what's known as a Knox lock on it, which the  
5 fire department has the matching key to. They have a chain with PVC  
6 and, and reflective tape.

7 The church has been asked repeatedly to secure their  
8 parking lot which is notified in the one approval letter from the  
9 neighbor, Peter and Annie Wyman, of having become a crime scene. And  
10 we've tried to deal with the church on that. I have a copy of a  
11 letter from a lawyer in here trying to address that.

12 So, when Ms. Dorman talked about how good the church has  
13 been as neighbors, I think it's overstepping her purview, as she's not  
14 their neighbor. And we've had to address things that I do feel have  
15 been part of this intimidation.

16 We also had to have code enforcement, have them remove  
17 lighting, high-powered LED lighting they aimed at our house after the  
18 second meeting we attended, obviously knowing we opposed this. And  
19 code enforcement came out and told cast your vote, to approach both of  
20 us very aggressively, telling us he was going to take us to court. It  
21 got resolved with them obeying the code enforcement laws.

22 I appreciate your time. Anything Tommy Brown says, I  
23 would, I would second. He has lived in the neighborhood 57 years.  
24 I've lived here 33 years. Thank you very much for this time and  
25 opportunity.

1 ZONING EXAMINER: Okay. Thank you.

2 MR. LANGONE: Oh, this is for John Beall. He said I could  
3 (inaudible)

4 ZONING EXAMINER: Okay. Next speaker. Who else wants to  
5 speak in opposition? Okay. Mr. Burr?

6 MR. BURR: John Burr, South 4<sup>th</sup> Avenue and Armory Park, and  
7 President of Armory Park Neighborhood Association. I spoke a couple  
8 weeks ago basically on my own behalf because we'd not had a formal  
9 vote. I wanted to make a point of clarification.

10 This past Tuesday on the 13<sup>th</sup> of December, this matter  
11 including both cases were discussed by the Board, and we want it to go  
12 on record that Armory Park Neighborhood Association opposes any  
13 amendments to HPZ zones. As a matter of principal, it's part of our  
14 mission statement to preserve our areas as they exist. And we want to  
15 remind you all that even though there are 30-some historic districts  
16 in the Tucson area, there are only five HPZ's, and they comprise a  
17 terribly small part of the actual developable area.

18 And we understand that HPZ isn't perfect, but no new ones  
19 can be created because of Prop. 207. It's very difficult to change  
20 them without letting the barn door swing behind the horse after it's  
21 gone out. And so we prefer that HPZ standards are kept intact on this  
22 property. And we formally don't support or endorse the Boundary  
23 Amendment. I'll speak about our other conditions at the next  
24 (inaudible)

1           ZONING EXAMINER: Okay. Thank you very much. Anybody  
2 else? Okay. Okay.

3           MR. BROWN: My name is Tom Brown. I live at 520 and 501  
4 East 4<sup>th</sup> Street, which is about a block east of the development. I've  
5 lived there for a long time. My brother and I went to kindergarten at  
6 Trinity Church. My mom and dad were members of the Trinity Church.  
7 My mom's funeral was at Trinity Church.

8           I have no problem with the church developing its property.  
9 The problem I have is them taking it out of the HPZ. I think that  
10 should stand to preserve our neighborhood. This will create a  
11 precedence for the rest of the development down 4<sup>th</sup> Avenue and 3<sup>rd</sup>  
12 Avenue, or I'm sorry, University.

13           Traffic right now is - it's bad. There's a lot of traffic  
14 in our neighborhood. The developer said approximately 300 people  
15 would be living in this half-block area. That's huge compared to us  
16 living in our neighborhood, which is five to seven people in a half-  
17 block area.

18           Parking. With that same 300 people, they say they have 160  
19 parking places. I don't know where the 140 are gonna go. Probably in  
20 the neighborhood. I hope not, because it's jam packed now. I hope  
21 you take my comments, think about them, and thank you for the time.

22           ZONING EXAMINER: Okay. Thank you very much. Next?

23           MR. GANS: Good evening, Mr. Mazzocco. I'm Chris Gans at  
24 130 East University Boulevard, and member of the West University  
25 Neighborhood Association.

1 I was gonna give a brief history about how we got to our  
2 opposition to Boundary Amendment. In 1982, well, actually about in  
3 1980, West University neighbors got together to work on a historic  
4 preservation plan because of the existing University Area Plan which  
5 was looking at moving west to Stone Avenue through the neighborhood.

6 So, in 1982, our National Historic District was established  
7 in 1984, our HPZ. The established historic guideless have helped  
8 preserve the unique character and architecture in West University for  
9 34 years. In that, in the West University Plan, it included  
10 acknowledgement that U of A would eventually extend to Euclid Avenue  
11 but not beyond, which it has.

12 The West University Historic District and HPZ have  
13 responsibilities that reach beyond insuring that properties stay  
14 historic or use appropriate guidelines. The main responsibility is to  
15 make sure our HPZ, historic district, stays intact and does not weaken  
16 by having properties removed.

17 We understand the need for Trinity Church to, to survive  
18 and thrive in our neighborhood. We know that Rob Paulus is a good  
19 designer, and wants to create a good project. The Boundary Amendment  
20 process creates conflict between the need for good infill development  
21 and the responsibility for West University to preserve historic  
22 preservation zones.

23 We've documented approximately 14 to 15 properties in West  
24 University that are HR-3 zoning that have single and two-story

1 apartment complexes on them that could use this pro- -- this process  
2 to remove those from the HPZ.

3 That's the reason for - this is the reason for our  
4 opposition to Boundary Amendment process and why West - WUNA wants to  
5 insert a preamble into the PAD in the next portion of the process.  
6 Thank you.

7 ZONING EXAMINER: Okay. Thank you very much. Anybody else  
8 in opposition? Anybody want to make a neutral statement? Okay.

9 MR. MAYERS: Richard Mayers, 624 North 3<sup>rd</sup> Avenue, Tucson,  
10 AZ, 85705. So, are we in the Boundary Amendment portion of the  
11 hearing?

12 ZONING EXAMINER: Yes.

13 MR. MAYERS: Okay. I'm confused. The non-historic portion  
14 of the, of the remaining church buildings, they're the buildings the  
15 church is gonna keep for now. I'm kind of concerned about the Arthur  
16 Brown, not the education building, but the, the other building.

17 And I think that there needs to be a policy statement in  
18 the other - in the actual P-A-D. But I'm talking about it 'cause this  
19 is about the Boundary Amendment. That, that states that, that we  
20 favor adaptive reuse, and we encourage it. And I think if there was a  
21 way to actually write that into the P-A-D would be nice.

22 Modify H standards should not apply to the buildings that  
23 Trinity Presbyterian Church is keeping. And what I worry is that when  
24 they're - if Arthur Brown, which is demolishable because it is not  
25 historic is taken down, that the new construction standards will apply

1 to that building, and I'm not well-versed in reading the PAD. I don't  
2 read the PAD well enough understand whether that's true or not. And  
3 it should not be true because if it is, it's an inducement to demolish  
4 that building in the future. That's all I have on this topic. Thank  
5 you.

6 ZONING EXAMINER: Okay. Thank you. Anybody else want to  
7 speak? Okay. Ms. Dorman?

8 MS. DORMAN: Thank you. There was quite a bit of  
9 misinformation in the previous comments, and I'm sure you're aware of  
10 a lot of it. But, I do want to point out that we have never said that  
11 we were gonna do - that 300 people were gonna be living on this  
12 property. The most that we've ever presented were 70 units. And we  
13 actually have been modifying the design, and we're down to 56 units  
14 which are one bedroom and two bedrooms. So, nowhere close to 300.

15 I think you know that we have been meeting with West  
16 University Neighborhood Association for five years. This year alone  
17 we met with WUNA leadership 11 times. We submitted our first draft to  
18 the PAD in July, and we've met five times with them since then. So,  
19 we've worked really hard to listen to the neighborhood, address their  
20 concerns, and we've done that from the very beginning.

21 I have a presentation with me that we did in February of  
22 2012, and we, from the very beginning, we said that we wanted this to  
23 be a project that would enhance the neighborhood, that people viewed  
24 it as collectively enhancing.

1           We spent a lot of time listening and presenting, changing  
2 our plans, as I mentioned last time, based on the comments that we've  
3 gotten over the years. So, I do have to just strongly disagree with  
4 some of the, the statements that were made prior.

5           I'd also like to just comment that we were not given the  
6 opportunity to speak with Armory Park. We would have been happy to.  
7 We are happy to speak with anyone about this project. So, I would  
8 like that noted.

9           And regarding the Boundary Amendment, as I said last time,  
10 this process is allowable by code. There's no deviation from the code  
11 to do this process. We haven't been given any sort of special  
12 treatment. We think that this sets a positive precedent for  
13 thoughtful new construction in historic neighborhoods.

14           This has been an incredibly lengthy and costly process.  
15 Very few other developers would be willing to do this. We could have  
16 developed, with the current zoning, a sub-par project for this  
17 neighborhood, and we would not have had to go through this whole  
18 process.

19           We took this on because we felt that the neighborhood  
20 deserved better, and we think that this is a precedent for positive  
21 development and thoughtful development in historic neighborhoods. Do  
22 you have any questions for me?

23           ZONING EXAMINER: There's a concern about traffic and  
24 noise. How have you addressed that to the degree that you can?

1 MS. DORMAN: So, we have in the PAD a policy statement that  
2 we'll continue to work with the neighborhood, and T-DOT regarding  
3 traffic. We had an initial traffic study done, and we, on the, in the  
4 design with the two sites, we were trying to think of ways to mitigate  
5 excessive traffic into the neighborhood.

6 So, we created a barrier between the two sites so that  
7 there would not be cross-traffic flowing through. And at times where  
8 the streetcar (sic) - where the Street Fair is not going on, all  
9 traffic out of the residential site will be directed towards 4<sup>th</sup> Avenue  
10 and out of the neighborhood.

11 On the site that's on the, the north of the block, there  
12 are currently two ingress and egress points, and those will remain the  
13 same. And with the current zoning, we could have many more people in  
14 and out of the site. I mean part of the point of doing this is that  
15 we reduce everything from what we could do. And so, it will be fewer  
16 than it could be if we stuck with the current zoning.

17 ZONING EXAMINER: Okay. I'd like to ask Mr. Mayberry a  
18 question. Mr. Mayberry, there's - several people have spoken about  
19 this potentially being a precedent-setting deterioration of the  
20 boundary of the HPZ.

21 When I looked at the record, my understanding was that when  
22 the Mayor and Council initiated this, they actually, as part of their  
23 motion, said that this was not meant to be precedent-setting. Is that  
24 your memory, too, or -

1 MR. MAYBERRY: That's my recoll- -- my recollection. So, I  
2 mean, rezonings are considered on a case-by-case basis, so, -

3 ZONING EXAMINER: Of course, you know, there's never 100%  
4 guarantee on anything in this world. But they seem to have made a  
5 statement that they saw this, something unique about this in doing it  
6 this one time. That's how I - what I gathered from their motion. I  
7 wasn't there for the study session. Were you there for that, or do  
8 you remember anything about that?

9 MR. MAYBERRY: Yeah, I was there. I, I don't remember in  
10 detail their motion, but I do remember that they made some statement  
11 about they did not see this as setting a precedent.

12 ZONING EXAMINER: Now I don't know if this is a fair  
13 question for you, but there's also the concern that there are other  
14 properties out there that have similar circumstances to this that  
15 could potentially be erosions in the boundary. Are you aware of  
16 anything like that?

17 MR. MAYBERRY: Well, the time and expense to go through  
18 this process means that it would be out of reach for, I think, most  
19 property owners. That - I mean with the HR-3 zoning Mr. Gans  
20 mentioned.

21 But one type of precedent that this case would set is the  
22 Historic Preservation Zone regulations are put back into the PAD. So,  
23 that could be a positive type of precedent for any future rezonings  
24 like this.

1           ZONING EXAMINER: Okay. So, the historicity of the site  
2 is, is, at least as far as the standards, are still being adhered to  
3 in some fashion on this site?

4           MR. MAYBERRY: Yes. The way the draft of the PAD document  
5 is written, it is - it, it puts - it literally copied and pasted the  
6 Historic Preservation Zone standards into the PAD document with the  
7 exception of height and setbacks and materials, I believe.

8           ZONING EXAMINER: Does this case kind of suggest that we  
9 may have something in our HPZ that, that needs to be more flexible, or  
10 that our HPZ is correct, and you should go through this rather  
11 complicated process to get here? Was there any discussion about that,  
12 that you're aware of? Do, do you follow what I'm trying to say?

13          MR. MAYBERRY: Well, one option that is starting to be  
14 discussed is for future, is the possibility of variances within HPZ's  
15 on things like height. If there was a variance process for height  
16 within HPZ's, in our Unified Development Code, that might have been a  
17 sufficient path to enable this project without having to go through  
18 the PAD rezoning.

19          ZONING EXAMINER: Okay.

20          MR. MAYBERRY: But I've discussed this with a couple of  
21 people, and we all agree that that option would need careful  
22 consideration of all the implications.

23          ZONING EXAMINER: Okay. So, what you're talking about is  
24 you don't fool with the boundaries, but you allow some variation,

1 potentially allow some variation in the development zone in adjusting  
2 new construction height in the development zone, is that correct?

3 MR. MAYBERRY: Currently, variances for things like height,  
4 are not available within Historic Preservation Zones. So we're - I'm  
5 just talking about that concept, exploring that concept.

6 ZONING EXAMINER: Okay. And in this case, the, the - this  
7 has special circumstances in that we have two structures on the site  
8 that don't qualify to be counted, but are somewhat historical. I mean  
9 they, they are at least old structures for, you know, in these modern  
10 times.

11 MR. MAYBERRY: Yeah. The, the question that the State  
12 Historic Preservation Office made a determination about was what  
13 portions, what, what structures, and portions of structures on this  
14 site are contributing to the West University National Register  
15 Historic District? And the way it works is if they're contributing to  
16 the National Register District, then they're contributing to the  
17 Historic Preservation Zone.

18 And Shippo answered that question in writing that the 1924  
19 church and the bungalow are the only structures that are contributing  
20 to the National Register District. That does not mean that there's  
21 other, that there's not other older building structures on the site  
22 that may have some historical value, but the National Register status  
23 has to be evaluated within the framework of the district in this case.

24 ZONING EXAMINER: The two structures there, they're from  
25 the 1940's, is that correct?

1 MR. MAYBERRY: Off the top of my head, I don't know. I  
2 think -

3 MS. DORMAN: So, the, the new -

4 ZONING EXAMINER: The bell tower and the Donald Hitch?

5 MS. DORMAN: The new chapel was built in 1948. The Donald  
6 Hitch Memorial structure, 1952. The - where the church offices are  
7 right now was 1955. And the church annex, the education building  
8 that's south of the church was built in 1959.

9 ZONING EXAMINER: Okay. Mr. Mayberry, is there any  
10 historic structures in the city that date from 1948 or 1952?

11 MR. MAYBERRY: Oh, yes. As somebody, one of the speakers  
12 mentioned, there are more than 30 National Register Historic Districts  
13 in the city. Some of them date entirely after World War II, so, yes,  
14 there's quite a few National Register listed buildings in the City of  
15 Tucson dating to the 1940's and '50's.

16 ZONING EXAMINER: So, if they were in another part of town,  
17 they would - they could very well be historic structures. But in this  
18 particular context, they're not counted?

19 MR. MAYBERRY: Correct, because the eligibility is  
20 evaluated within the framework of this district.

21 ZONING EXAMINER: Okay.

22 MS. DORMAN: And this district's from 1890 to 1930.

23 ZONING EXAMINER: Okay. Okay. Do you have anything else  
24 you want to put on the record, Ms. Dorman?

1 MS. DORMAN: Just a couple of quick things. We would  
2 certainly advocate for a variance process in the HPZ, certainly a  
3 stringent one. But, you know, we understand that it is unsettling to  
4 change a boundary. We've done everything to put all the protections  
5 back in, but I mean, we get it. But this is allowable by code. It's  
6 the process that we were given. We'd be happy to serve on any group  
7 that is trying to figure out a better way to do this. We'd be happy  
8 to do that.

9 I also just want to add that through this process, though,  
10 there's been a lot of review that wouldn't happen otherwise. We met  
11 with the Tucson-Pima County Historic Commission Plans Review  
12 Subcommittee three times. They approved us both times unanimously,  
13 and commented that they appreciated the opportunity to check in  
14 through this process, and have the chance to approve or disapprove.

15 We met with WUSAB twice, and actually had a WUSAB  
16 representative as part of the PAD review process. So, there are a  
17 lot of entities that were integrated into this process that would not  
18 have been otherwise. And so, I just wanted that noted.

19 ZONING EXAMINER: Okay. Thank you.

20 MS. DORMAN: Thank you.

21 ZONING EXAMINER: So, at this point, taking the  
22 documentation and the testimony provided up to this point from the  
23 last hearing and this hearing, this hearing is now closed. And  
24 there'll be a preliminary report issued within five days.

25 (C9-16-12 was closed.)

I hereby certify that, to the best of my ability the foregoing is a true and accurate transcription of the original tape recorded conversation in the case reference on page 1 above.

Transcription Completed: 12/28/16

/s/ Kathleen R. Krassow

KATHLEEN R. KRASSOW - Owner

M&M Typing Service