



# ZONING EXAMINER

## REPORT TO MAYOR AND COUNCIL

March 22, 2018

**C9-18-01 Partners on Fourth PAD – 4<sup>th</sup> Avenue and 8<sup>th</sup> Street  
I-1 and C-3 to PAD zone**

### **BACKGROUND**

This is a request by Thomas W. Warne, on behalf of the property owner, Partners on Fourth Investments, LLC, to rezone approximately 1.68 acres from I-1 and C-3 to Planned Area Development (PAD) zoning.

The rezoning site is located in proximity to the southwest corner of 4th Avenue and 8th Street within the National Register Warehouse Historic District and the Infill Incentive District, Downtown Links Sub-district; Warehouse Triangle Area and 4th Avenue Sub-Area (see Case Location Map). The proposed use includes market rate multi-story housing as well as commercial uses. The PAD concept plan proposes a development with building heights ranging from 30 feet adjacent to the 4th Avenue street frontage to 160 feet on the west half of the PAD.

The request to rezone to PAD, in lieu of utilizing the Infill Incentive District (IID) zoning option, is because:

- The IID zoning option specifically prohibits the demolition of contributing structures. The project includes the demolition of a substandard, contributing structure to the Warehouse Historic District.
- The maximum height allowed in the IID Fourth Avenue Sub-Area is 60 feet. The east half of the PAD located in the IID Fourth Avenue Sub-Area proposes maximum building heights of 30, 50 and 110 feet, to provide a consistent pedestrian environment along 4<sup>th</sup> Avenue and step back to greater heights away from the road frontage.

The PAD is a combination of four parcels including a vacated portion of Herbert Avenue (in progress) totaling approximately 1.68 acres. The site consists of a former warehouse constructed in 1917, which is a contributing building in the National Register District: Warehouse Historic District, with an adjacent non-contributing accessory structure and a surface parking lot. Both 4<sup>th</sup> Avenue and 8<sup>th</sup> Street are identified as local streets on the *Major Streets & Routes Plan*. The rezoning site has approximately 165 feet of frontage on 4<sup>th</sup> Avenue and approximately 190 feet of frontage along 8<sup>th</sup> Street. The Modern Street Car (MSC) route runs along 4<sup>th</sup> Avenue with a stop located just to the east of the site on 4<sup>th</sup> Avenue.

**C9-18-01 Partners on Fourth PAD – 4<sup>th</sup> Avenue and 8<sup>th</sup> Street  
I-1 and C-3 to PAD zone**

**PUBLIC HEARING SUMMARY (Minutes Attached)**

At the March 1, 2018 public hearing, Planning and Development Services staff reported that there were three (3) written approvals, one (1) neighborhood approval letter and four (4) written protests.

Before the applicant made a presentation, I asked several City representatives and the traffic engineering consultant to make brief presentations so that we all could hear information which impacts this property and rezoning request.

The following City employees and consultants spoke:

Allison Diehl, with PDS, spoke about the historic aspects of the site, buildings and project.

Zelin Canchola, with TDOT, spoke about traffic in the area in general.

Blake Richards, also with TDOT, spoke about the Downtown Links project and discussed the various ways that project impacts this area.

Donovan Durband, with Park Tucson, spoke about the overall parking issues within and surrounding the Fourth Avenue and Downtown areas. He also spoke on the status of their efforts and stated that they will be ready to meet with the Mayor and the Council in about a month to begin conversations about what to possibly do.

Alejandro Angel, P.E., with Psomas who is the applicant's Traffic Engineer, made a brief presentation explaining how the *Traffic Impact Analysis* was prepared as well as describing how the proposed PAD may provide a slight improvement to the traffic situation in the Fourth Avenue area since the PAD removes a Bar/Nightclub which generated a lot of traffic.

I then asked the applicant or the applicant's representative to make his or her presentation.

Tom Warne, the applicant's representative, spoke in support of the PAD and gave a brief history of the project as well as discussing how the PAD addresses and responds to the concerns of the neighborhood. He also stated that the *Traffic Impact Analysis* was not required by the City; however, the owners felt that it was necessary. Furthermore, in addition to preparing a traffic study, the owners will also provide a follow up traffic study after the first project is completed on the site in order to determine if any remediation work is required in the area. (They have agreed to pay for such work per the PAD document). The applicant also talked about why they included the various proposed individual minimum building heights in the PAD. He said that this was a result from the meetings with the neighbors. Both the owners and the neighbors want to maintain a certain "minimum level of quality" which they believe will result from requiring multi-story construction vs simple 2 story construction.

**C9-18-01 Partners on Fourth PAD – 4<sup>th</sup> Avenue and 8<sup>th</sup> Street  
I-1 and C-3 to PAD zone**

Frank Mascia, the applicant's Architect who wrote the PAD, made a brief presentation and stating that he had never seen a "minimum" building height written into a PAD. He thought that it was a good idea to include this into the PAD.

No other people spoke in favor of the request.

There were 14 neighborhood area residents and business owners who spoke in opposition of the request (3 of these witnesses spoke as "project neutral").

Below is a list of concerns which most of these people talked about:

- Why do the applicants feel that there is a 'need' for a new large scale development?
- They do not wish to lose or change the character of the Fourth Avenue area by any new "corporate" chain business. They want to see locally owned businesses in the new project.
- Every individual who spoke in opposition stated that the lack of parking in the Fourth Avenue area is the number one issue and concern regarding any new development.
- Many people talked about the overall traffic congestion which currently is a problem in the Fourth Avenue area and they were concerned that this development would severely add to the problem.

Some of the people who talked about the traffic issues specifically wanted to know how much traffic would be increased on 6<sup>th</sup> Avenue since they felt that 6<sup>th</sup> Avenue would probably be the main street that people will use when leaving the area from this new development.

- Some of the people had concerns that this would increase rent costs in the area since the applicant stated that the owners of the development wanted to provide higher quality construction to attract young professionals and older "empty nesters" from the foothills who want to downsize now.
- Certain ideas were shared at the meeting which included:
  - Is there adequate infrastructure to support such a development? Most of this area is very old and most business owners and residents have experienced problems with sewer lines, electrical services and water service pipes.
  - Will there be continued Herbert Avenue access to support the current businesses on the development block? (Garbage, Fire and Deliveries etc.)
  - Could the proposed development benefit from, or encourage the use of Zipcar or other alternative transportation?
  - Who would manage the residential uses to protect the neighbors from excessive noise and such from the balconies and roofs?
  - Access should be provided onto Aviation Parkway (Downtown Links Project).
  - There should be pedestrian access provided from Stevens Avenue

**C9-18-01 Partners on Fourth PAD – 4<sup>th</sup> Avenue and 8<sup>th</sup> Street  
I-1 and C-3 to PAD zone**

- Even though these people spoke in opposition to this request, there were some favorable comments made including:
  - Some overall support for the new development
  - Some were glad to see that the owners would respect and maintain the historic ‘character’ of the existing building’s façade facing Stevens Avenue.
  - Some were glad to find out that the PAD excludes certain uses (specifically Group Dwelling).
  - The minimum building heights required by the PAD were viewed as being a good requirement.
  - Some commented on the applicant’s willingness to meet with the neighbors and address specific concerns.
  
- Many of the people who spoke mentioned that this hearing coincided with Fourth Avenue Street fair and that there were many business owners who could not attend this hearing because they were setting up for the street fair which was going to start the following day.

After everybody in the audience spoke, I asked the applicant and his Traffic Engineering Consultant to respond to some the concerns which were brought up by the group.

- He acknowledged that there is a lot of ‘illegal’ parking on the property that will need to be monitored and enforced when this project is built.
- Additional potential traffic on 6<sup>th</sup> Avenue was addressed by the Traffic Engineer from Psomas. He felt that most of the new traffic leaving the project would head north on Stone Avenue rather than 6<sup>th</sup> Avenue. In addition, he restated the overall traffic would probably be reduced a little due to the removal of the current bar & nightclub.
- He agreed that the use of Zipcar or other similar type of alternative transportation option was a good idea and that they would consider adding to the PAD document.
- He agreed and stated that the owners will encourage local or regionally owned businesses to move into the development.
- He agreed that no drive-through uses should be allowed in the development.
- He stated that the PAD document provides for the relocation and re-use of the historic street lights; however, the money provided for this will be spent on other “historic type of expenses” in the event that the lights cannot be reused.
- The proposed project is appropriate for this specific area in that:
  - It was one of the reasons why the streetcar was approved. Furthermore, the streetcar provides for such increased density.
- He agreed that Herbert Avenue needs to:
  - Be safe
  - There should be a pedestrian and bike path connecting the project to Stevens Avenue.

**C9-18-01 Partners on Fourth PAD – 4<sup>th</sup> Avenue and 8<sup>th</sup> Street  
I-1 and C-3 to PAD zone**

- Existing garbage and delivery services will be continued and maintained for the existing businesses nearby; however, they may be redesigned to accommodate the new project due to partially abandoning Herbert Avenue.

At the conclusion of the applicant's responses to the audience's concerns, I asked him if he was willing to continue this case until the next scheduled Zoning Examiner's Hearing which is scheduled for March 8, 2018 since many Fourth Avenue merchants could not attend tonight's hearing.

He replied that he would be happy to continue the case.

I concluded the Public Hearing by continuing this matter to March 8<sup>th</sup>.

***Continued Public Hearing on March 8, 2018***

Prior to the meeting, staff had received 2 additional written protests and a new revised letter from the Iron Horse Neighborhood Association requesting that additional on-site parking be provided and that the \$25,000.00 Dollars referenced in the PAD be a "minimum amount" and that the actual amount shall be negotiated when the updated traffic study is completed per the PAD document.

In addition, Staff received a written response to my suggested revisions to the PAD based on the first public hearing.

At the public hearing, we received an additional written protest.

At the March 8, 2018 continued public hearing, the applicant, Mr. Tom Warne, addressed the proposed revisions to the PAD which I had provided staff based on the first public hearing. He also discussed two (2) additional changes to the PAD:

1. The owners want to allow flexibility in the "minimum building heights" referenced in the PAD so that the buildings could be designed with stepped set-back features and other variations in building heights to allow for more creativity and sensitivity to the neighborhood.
2. Property Management would enforce that noise would be enforced after 10 P.M. (Refer attached responses).

Mr. Warne then stated that he had attended a meeting with the Iron Horse Neighborhood Association and that the owners agreed to the neighbor's request that the \$25,000.00 be a "minimum amount" for traffic mitigation work in the neighborhood and that the actual amount would be negotiated after the updated traffic study is completed.

He also said that the owners were willing to provide an additional ten (10) on-site parking spaces for the retail uses which would provide a total of 35 spaces for the approximate 10,000 SF of proposed retail and commercial uses. He also clarified that the 35 parking spaces exceed the City's parking requirements per the Unified Development Code (UDC).

**C9-18-01 Partners on Fourth PAD – 4<sup>th</sup> Avenue and 8<sup>th</sup> Street  
I-1 and C-3 to PAD zone**

I confirmed this statement by stating that 10,000 SF of retail and commercial use requires 33 parking spaces per the code's minimum parking ratio of 1 space per 300 GFA.

One (1) person spoke in favor of this request:

Jennie Mullins, the acting Indian Hills Neighborhood Association Chairperson, spoke in support of the proposed PAD based on the following issues:

1. This was the "lesser of the evils"
2. Restricted uses
3. Did not feel that this would increase traffic through the neighborhood
4. The owners added parking
5. Noise would be managed
6. Historic preservation
7. Quality of construction by placing minimum building heights
8. Neighborhood meetings included Armory Park, West University Neighborhood Association (WUNA) and Pie Allen

Ms. Mullins then discussed the updated letter she wrote on March 7, 2018.

There were twenty five (25) people who spoke in opposition to this request.

Below is a list of concerns which most of these people talked about:

- Most everybody feel that a new large scale development tall building is inappropriate for the area and recommended moving it 2 blocks away.
- They do not want to lose or change the character of the Fourth Avenue.
- No big national corporate chain stores. They want to only see locally "Ma & Pa" owned businesses in the new project.
- Everybody who spoke stated that the parking issue in the Fourth Avenue area is the number one issue and concern regarding any new development.
- Most spoke about the traffic problems currently existing in the Fourth Avenue area. How could 350 new units not add to the problem?
- Some of the people had concerns that this would increase rent costs in the area. One individual talked about rent costs and subsidies in Tempe (Mill Avenue).
- Individual comments and ideas were shared at the meeting which included:
  - Why not wait until the City of Tucson and Park Tucson agree on a parking garage solution for the area?
  - Traffic will not be reduced in the area by closing the bar/nightclub as mentioned by the applicant and his traffic consultant. Patrons will just relocate to other bars and clubs in the immediate area.
  - How will the 4<sup>th</sup> Avenue Street Fair impact the residents?
  - The Fourth Avenue area is now a Historic District.
  - More parking was lost by the new streetcar and not replaced.
  - Encourage more outdoor public use (ie: drinking fountains, live performance area and shaded meeting and gathering places).
  - People in the area should "want" this, not "hate" this development.
  - Only allow it if the building heights were reduced to 2/4/6 stories.
  - The project should support all human rights, including LBGT

**C9-18-01 Partners on Fourth PAD – 4<sup>th</sup> Avenue and 8<sup>th</sup> Street  
I-1 and C-3 to PAD zone**

- People will not move into this project. (Gave an example in Phoenix for a development which is vacant, developed by the same people who did “The District” and a new proposed project which would be constructed where the Fly Catcher bar is located).
- A representative from “Local First” spoke and said:
  - There may be a legal issue by promoting local businesses only.
  - Wait until the traffic and parking study is presented to the Mayor and Council.
  - Social issues need to be included into the code.
  - Add public drinking fountains.
- Even though these people spoke in opposition to this request, there were some favorable comments made including:
  - More parking in the area is not the solution. More parking just creates more traffic congestion and discourages alternative transportation.
  - The historic character of the existing building’s façade facing Stevens Avenue would be respected.
  - Some were happy that the PAD excludes certain uses.
  - Heavy traffic in the area is good and means that people are coming down to the area.
  - Perhaps there should be fewer restrictions to allow for more creativity. In addition, allow an increase in retail and commercial areas. Possibly revise the PAD to recommend that the 10,000 SF of retail and commercial areas shown could be a “minimum amount” and encourage more.

After everybody in the audience spoke, I asked Mr. Warne and his Traffic Engineering Consultant to respond to the concerns which were brought up by the group.

- In response to the building being too tall, Mr. Warne stated that the tallest building portion on the west side of Herbert Avenue (Section A) is located within the IID/Downtown Links Warehouse Triangle Area Overlay (WTA) which is currently zoned and allowed to be 160’ tall.
- All human rights will be supported, including LBGT.
- Agreed that the retail and commercial uses could be increased from the suggested 10,000 SF minimum, by an additional 10,000 SF.
- Introduced Alejandro Angel, P.E., the Traffic Engineering Consultant who stated in response to the comments made:
  - There would not be a significant increase of traffic on 4<sup>th</sup> Avenue since the development’s primary entrance was on 8<sup>th</sup> Street.
  - He stated that there would be direct access to and from the new Downtown Links project.
  - The current highest traffic congestion is at night and during the weekends. The new housing development’s highest traffic would be weekday mornings and late afternoon/early evenings. This is why he

**C9-18-01 Partners on Fourth PAD – 4<sup>th</sup> Avenue and 8<sup>th</sup> Street  
I-1 and C-3 to PAD zone**

felt that the 350 unit development would not significantly increase local area traffic.

- He said that the new residents will shop and go to bars and clubs in the area without adding to the current parking problem in the area.
  - The will be removing 46 parking spaces.
  - The project will benefit from alternative transportation options which are in the immediate area.
  - Any residents in the new development which are renting will not receive free parking. (Only owner occupied units will be provided with free parking.) This will discourage renters to not own a car.
  - Current parking studies show that existing residential uses provide between 0.34 to 0.56 parking spaces per unit and they are providing 1 space per unit which he considers “over parked”. The additional excess parking will be able to handle the visitor and guest parking which was brought up by several people during the hearing.
  - This proposed development is within a short walking distance from the existing El Centro public parking garage.
- Mr. Warne then concluded his presentation by clarifying the proposed building’s story heights which is based on floor to ceiling heights for this type of housing and retail.
    - Section D: Single Story
    - Section C: 3 Stories
    - Section B: 7 Stories
    - Section A: 11 Stories

I then asked Don Durband a few questions regarding his report to the Mayor and Council.

- I asked him when he thought that the report was going to be presented. He responded by telling me that he thought it would be in late April or early May.
- I asked what the report was going to recommend. He said that it addresses various parking needs in Tucson and recommends possible locations for new parking structures.
- I asked him about how the report was prepared. He responded by telling me about all of the various models which were used based on a variety of information including current and anticipated occupancies, leases and tenant uses, existing and future parking demands as well as other information.

Frank Mascia, the applicant’s Architect who prepared the PAD, then spoke. He reminded the audience that the PAD was not a building or a project design. He stated that the PAD is a zoning use and a code which will be used by the City and future Architects when the buildings are designed and reviewed.

He also reminded the audience that every site plan, building, and/or buildings, will be reviewed by several design and historic review committees when a developer proposes a project or projects for this site.

**C9-18-01 Partners on Fourth PAD – 4<sup>th</sup> Avenue and 8<sup>th</sup> Street  
I-1 and C-3 to PAD zone**

He then told the audience that felt slightly insulted by the overall sentiment which was expressed by many of the people who spoke at these hearings. He felt that the area's residents and merchants believe that Fourth Avenue belongs to them. He reminded the group that the Fourth Avenue area belongs to everybody in Tucson and to every person who enjoys visiting and experiencing this very unique and treasured piece of Tucson as well as anybody who may want to live in this area.

I closed the public hearing and said that I would have my Preliminary Report prepared by March 15, 2018.

**FINDINGS OF FACT**

***Existing and Surrounding Land Uses***

**Existing Land Use:**

Zoned I-1 and C-3; Bar and restaurant with parking

***Surrounding Land Uses***

North: Zoned I-1 and C-3: Commercial  
South: Zoned I-1 and C-3: Commercial  
East: Zoned I-1 and C-3: Commercial and Residential  
West: Zoned I-1: Commercial

Developed areas adjacent to the Partners on Fourth PAD site are as follows:

Directly to the north of the PAD there is a vacant parcel currently being used as a parking area for O'Malley's bar/restaurant as well as providing access to Herbert Avenue.

To the west of O'Malley's is an equipment yard owned by the Old Pueblo Trolley, Inc. North of the existing warehouse, across Eighth Street, is an automotive repair business. To the west and across Stevens Avenue is the new Sun Links Operations and Maintenance Facility and the accompanying access tracks.

To the south are two single story brick buildings which are currently unoccupied. To the east, across Fourth Avenue, are a variety of single story commercial buildings which are part of the Fourth Avenue Merchants Association.

***Land Use Plans***

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

*Plan Tucson* - The proposed rezoning site is identified in *Plan Tucson (PT)* as being within the "Downtown" category, which is a vital pedestrian-oriented urban area that provides higher-density housing, retail, art and culture, and entertainment for its residents and those of greater Tucson. The goal is to develop a node that will contribute to downtown as a regional employment and administrative center. *PT* supports redevelopment downtown, including the demolition of substandard structures, which allows for the assemblage of

## **C9-18-01 Partners on Fourth PAD – 4<sup>th</sup> Avenue and 8<sup>th</sup> Street I-1 and C-3 to PAD zone**

parcels for activity center or node development. It encourages special zoning districts, such as Planned Area Developments (PAD) or overlay districts, as a way to foster mixed-use activity nodes, pedestrian and multi-modal oriented development areas, and pedestrian-oriented districts in areas suitable for redevelopment or enhancement.

University Area Plan - The *University Area Plan (UAP)* recognizes the nature and potential of the University and its immediate surroundings as a relatively compact, pedestrian-oriented, regional activity center, and works to strengthen the identity and quality of this area consistent with city-wide and neighborhood goals. *UAP* supports carefully designed and located mixed use developments as a viable means to integrate housing, employment, shopping, and related activities in a relatively compact pedestrian-oriented area, consistent with regional activity center policy.

The *UAP* policy supports projects that design and locate public and private parking facilities so as to mitigate traffic and visual impacts; and encourages the continued development of the Modern Street Car (MSC) connections between activity centers.

*UAP* mixed use development policies support development in relatively compact pedestrian-oriented areas, adjacent to regional activity centers such as Downtown. Traffic should be directed away from interior of residential neighborhoods. New development should demonstrate sensitivity to surrounding uses and compatible in massing / scale of projects utilizing building materials, architectural style and ornamentation, setbacks, step-backs, and variation in building height or mass to complement the scale and character of surrounding development and reduce the appearance of excessive height and bulk.

### **DESIGN CONSIDERATIONS**

#### ***Project Description:***

This is a redevelopment of a site consisting of a former warehouse constructed in 1917, which is a contributing building in the National Register District: Warehouse Historic District, with an adjacent non-contributing accessory structure and a surface parking lot. The proposed project includes the demolition of contributing and non-contributing structures, the vacation of a portion of Herbert Avenue and the consolidation of four parcels (including the vacated portion of Herbert Avenue) to create a single parcel that will incentivize mixed-use development. The contributing structure, the warehouse, is dilapidated, largely unsafe and vastly underutilized. It is not listed on National or Arizona Register of Historic places, nor is it designated as a City Historic Landmark. The City of Tucson Historic Preservation Office has granted permission to demolish the structures, pending full, photographic documentation of the contributing warehouse. The documentation shall be reviewed and approved by the Historic Preservation Office prior to demolition.

The proposed buildings range in height from a maximum of 30 feet along the 4<sup>th</sup> Avenue street frontage, to 160 feet west of the Herbert Avenue alignment, on the west half of the PAD district. The PAD district is divided into four sections; A, B, C, and D. Each section provides development standards for heights, setbacks and uses for ground and upper floors

## **C9-18-01 Partners on Fourth PAD – 4<sup>th</sup> Avenue and 8<sup>th</sup> Street I-1 and C-3 to PAD zone**

of the buildings. The floor uses for buildings in Section A (west half of the PAD) will support commercial, retail and parking on the ground floor, while the upper floors will allow for residential or commercial uses. Section A allows for balconies above the fourth floor on the east facade of the building only. Sections B and C (center of the PAD) have maximum building heights of 110 feet and 50 feet respectively, and similarly allow for commercial, retail and parking on the ground floor with residential or commercial on the upper floors. Section D (4<sup>th</sup> Avenue street frontage) allows a maximum building height of 30 feet and supports commercial and retail services on the ground floor that encourage street level activity, with upper floors allowing for residential or commercial uses.

Parking will be single or multi-story level depending on geometry of the parking. Access is provided from Stevens Avenue which is a right-in, right-out only given it is a one-way (northbound) street. Full access is provided north of the site along 8<sup>th</sup> Street and to the east along 4<sup>th</sup> Avenue. A drop-off/pick-up area is also provided at the north portion of Section A to help encourage residents and visitors to utilize ride-share services.

### ***Drainage & Grading***

#### **Existing Hydrology**

Portions of the far north of the PAD site are impacted by FEMA AE, X zones.

The site currently drains in a sheet flow fashion in a southeast to northwest direction onto Eighth Street, toward what was historically the Arroyo Chico wash.

There are no existing detention or retention facilities on the site.

The Downtown Links project has proposed construction of a new box culvert at the north side of this lot to improve drainage in the area. A construction date has not been established, however the development of this PAD will not impact that project.

#### **Post-Development Hydrology**

A Drainage Report to address onsite and offsite drainage and its impacts on proposed improvements may be required prior to site development. The report will detail provisions required for storm water retention and detention in accordance with the City of Tucson Storm water Retention/Detention Manual. A minimum of 5,000 cu. ft. of storm water retention/detention/water harvesting will be required for this site. Based on current FEMA maps for this site, new building finished floor elevations will be required to sit 1'-0" above the site water surface elevation on the site.

Any drainage or grading issues will be identified and resolved with the submittal of the Development Package, prior to City approval and construction.

### ***Landscaping & Screening***

#### **Landscape Standards**

All new landscaping for this PAD shall comply with the Unified Development Code (UDC), Section 7.6 with the following special condition:

There shall be no landscaping along the west façade of Section A, at the west side of Stevens Avenue. There have not historically been trees or landscaping of any kind in this location. This will preserve the “working warehouse” appearance at this west façade as it

**C9-18-01 Partners on Fourth PAD – 4<sup>th</sup> Avenue and 8<sup>th</sup> Street  
I-1 and C-3 to PAD zone**

has appeared since the 1940's and reflect the historic character of the Warehouse Triangle Area.

Screening Standards

The only screening standard to be applied within this PAD is as follows:

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

***Road Improvements, Vehicular Access and Circulation***

The site is located within the boundary of a Pima Association of Governments (PAG) downtown study which found that upon completion of the Downtown Links project it would not be necessary, nor feasible to increase road capacity (widen roads or intersections) in the downtown area because of impacts to existing property/land uses and the unreasonable costs involved. As a result, the LOS (Level of Service) analysis along with a formal Traffic Impact Analysis (TIA) is not required. However, the TIA provided includes important data that focuses on access, modes of transportation and neighborhood circulation. It also includes the combined trip generations not only from this project, but a similar project planned in the area as well (see attached Traffic Impact Analysis).

The study provides a comparison between existing and proposed uses. It is estimated that the proposed uses of the site are more likely to generate fewer trips than the existing bar uses. The project is expected to generate between 83 and 118 new weekday AM peak hour trips, between 2 and 62 new weekday PM peak hour trips, and between 105 and 171 Saturday peak hour trips. The majority of the traffic is expected to travel north, either along 6<sup>th</sup> Street or along the new Downtown Links corridor which is expected to be completed before this project is developed. However, some may travel south to the downtown area or to 9<sup>th</sup> Street to connect to Euclid Avenue. Based on the trip distribution in the study, this could result in 9 new weekday peak hour trips and up to 8 Saturday peak hour trips along 9<sup>th</sup> Street in the Iron Horse neighborhood. As a result of the potential increase in traffic through the neighborhood from the PAD district, the owner/developer agree to provide a study of the neighborhood by conducting counts at the same locations upon completion of the project. Due to the PAG study findings, the study will not include LOS evaluations, however, owner/developer has committed to providing \$25,000 to the Ironhorse Neighborhood and/or the City of Tucson to use at their discretion to invest in addressing any neighborhood traffic issues.

The PAD district is located in both a pedestrian and transit oriented area. Access to the streetcar and Tugo bicycles (City of Tucson Bike Share Program) adjacent to the site will minimize the use of single-occupant vehicle trips. The study also recommends the PAD district provide pick-up/drop-off areas to encourage the use of ride-share programs as well.

**C9-18-01 Partners on Fourth PAD – 4<sup>th</sup> Avenue and 8<sup>th</sup> Street  
I-1 and C-3 to PAD zone**

**CONCLUSION**

The Zoning Examiner has reviewed the evidence provided by the Applicant and Staff as well as the testimony presented at the public hearing and finds the following:

The request to rezone the site to a PAD zoning is consistent with *Plan Tucson* and *University Area Plan* which recognize this site as appropriate for a mixed-use project consisting of residential and commercial/retail uses. A plan amendment is not required. No additional conditions are recommended for the Partners on Fourth PAD. Approval of the requested Partners on Fourth PAD is appropriate.

**RECOMMENDATION**

The Zoning Examiner recommends **approval** of this PAD rezoning.

Respectfully Submitted,



Steven C. Shell  
Zoning Examiner

**ATTACHMENTS:**

Aerial Photo & Location Map  
Zoning Examiner Conditions  
Public Hearing Minutes

C9-18-01  
Partners on Fourth - PAD-33



 Area of Rezoning Request



Address: 213-215 N. 4th Ave.  
Base Maps: Twp.14S Range13E Sec. 12  
Ward: 6

 Feet  
0 100 200

1 inch = 200 feet





The following revisions shall be included in the PAD document, listed in the appropriate section:

1. Feasibility of an access way for pedestrians and bicycles from Stevens Avenue through the building masses to Herbert Avenue, shall be explored to create through-circulation to the center of the PAD. This access way shall provide safe pedestrian and bicycle access connecting to the 15' minimum wide sidewalk shown on the PAD Concept Plan. The design process shall determine whether or not security and life safety issues can be adequately addressed for such an access way.
2. No Drive-Thru Service(s) shall be allowed.
3. A vehicle-sharing program (or other transportation efficiency innovation) will be instituted as part of the residential development on site. A minimum number of vehicles to be maintained on site for shared use will be determined during the IID DRC review process, subject to the usage anticipated by the number of residences to be developed on site.
4. Fourth Avenue is noted for and appreciated as a collection of unique local and regional businesses. Locally and regionally owned businesses shall be strongly encouraged to become part of this development.
5. New development on the PAD site shall provide for the safe and continued use and operation of the existing businesses and parking on this block. This shall include adequate public and employee access, all service deliveries and garbage pickup services currently being used by the existing businesses on this block.
6. Required on-site parking for all Non-residential uses shall be 35 spaces.
7. Increase of traffic mitigation funding:  
Providing a minimum of \$25,000 and maximum of \$35,000 to the Ironhorse Neighborhood Association (IHNA) to invest in addressing neighborhood traffic issues resulting directly from this project, if required, after the traffic counts are conducted one year after the first Certificate of Occupancy on the site is issued by the City of Tucson.
8. Exceptions to the minimum building height requirements may be allowed where architectural design is approved by the IID DRC for architectural relief / articulation such as open space, step backs, awnings and the like.
9. If outdoor rooftop areas and balconies are developed as open space for the residential project(s), the managers of the property shall enforce the requirement that loud and excessive noise shall not be allowed past 10:00 P.M.

10. Revisions to Ground Floor Uses at Sections B, C and D

Section B

**Ground Floor**

Commercial Services, Retail Trade Uses that encourage street level activity, as well as Parking Uses.

Section C

**Ground Floor**

Commercial Services, Retail Trade Uses that encourage street level activity, as well as Parking Uses.

Section D

**Ground Floor**

Commercial Services, Office and Retail Trade Uses that encourage street level activity.

ZONING MEMBERS PRESENT

Steven Shell, Zoning Examiner

Peter McLaughlin, Planning & Development Services

David McGovern, City Recording Clerk

=====

1           ZONING EXAMINER: About ready to get started? Hello? If  
2 you would, go ahead and take your seats. We're good to go. Good  
3 evening, and welcome to tonight's public hearing. I see some familiar  
4 faces already.

5           My name is Steven Shell, and I'm one of the Zoning  
6 Examiners for the City of Tucson. I conduct rezoning hearings, and  
7 special exception hearings on behalf of the Mayor and Council, and  
8 make findings of fact which I then put into a report, along with my  
9 recommendation, which I then send to Mayor and Council for their  
10 consideration and final decision.

11           My report will be based on the information submitted to me  
12 which is included in the rezoning application, Staff's report, all  
13 written approvals and protests, all correspondence, and all of the  
14 testimony given tonight, and given at the last hearing on March 1<sup>st</sup>.  
15 I will also include in the record all documents which are submitted to  
16 me up to the close tonight's hearing.

17           A record of tonight's testimony is being made by the City  
18 Clerk, so, if requested, a transcript will be prepared and you can  
19 fill out one of those colored cards or one of the small white ones up  
20 there if you just want to get a copy of tonight's proceedings.  
21 Otherwise, there's a clipboard up there which I'll tell you about.

1           With that in mind, I'm gonna ask you if you are gonna speak  
2 tonight to please be very clear and succinct and speak directly into  
3 one of those two microphones.

4           I'll complete my preliminary report within five days of the  
5 close of the public hearing, five working days of close of the public  
6 hearing, which I will then prepare my final report which will be  
7 issued two weeks after the close of tonight's public hearing.

8           For those of you who wish to receive a copy of my  
9 preliminary report, and you are not already a principal party listed  
10 on the case, please fill out one of those small little index colored  
11 cards on the podium.

12           A copy of the final report will be available from the  
13 Planning & Development Services Department. I will send my final  
14 report to Mayor and Council. At the scheduled public hearing for this  
15 case, the Mayor and Council will then vote on this matter based on my  
16 recommendation, along with other factors.

17           Tonight's public hearing will proceed in the following  
18 manner. I'll first open the public hearing and ask my assistant up  
19 here, Mr. McLaughlin, from the Planning & Development Services  
20 Department to give a brief presentation on the case.

21           After its presentation, I will then ask the Applicant, or  
22 the Applicant's representative to come forward and make his or her  
23 presentation. I'll then ask to hear from anyone in the audience who  
24 wishes to speak tonight on this matter. Since I cannot have any

1 correspondence or communication with anybody involved in the case, I  
2 would invite you to speak at this time.

3 I will also ask to hear from anybody who wishes to speak in  
4 favor of this case, as well as anybody who wishes to speak in  
5 opposition to this case, or those willing to speak in what I refer to  
6 as Project Neutral, but you still want to share your opinions.

7 After everybody from the audience has had a chance to  
8 speak, I will then offer the Applicant, or the Applicant's  
9 representative a chance to respond to any of the concerns or issues  
10 which were brought up by either myself or the audience.

11 If you wish to speak tonight, please wait for me to call  
12 you up to the podium by raising your hand. While at the podium,  
13 please print your name and address in that clipboard sign-in sheet.  
14 I'll then ask you to state your name and address for the record.

15 When speaking tonight, please be brief and to the point.  
16 Only speak on matters which are relevant to the case. Do not repeat  
17 any testimony which has been given. I'll then ask to direct all  
18 testimony solely to myself. Do not address any members of Staff, and  
19 please do not address any other members in the audience.

20 At this time, I would like to swear in those who are  
21 wishing to speak tonight. So, if you think you're gonna speak, I'm  
22 gonna ask you to go ahead and stand up at this time, and raise your  
23 right hand. Do you swear or affirm to tell the truth, the whole truth  
24 and nothing but the truth?

25 (Affirmative.)

1           ZONING EXAMINER: Wonderful. I'm gonna go ahead and open  
2 up the public hearing. And before I get started, I'm gonna lay down  
3 just a few little rules here, not like I really listen to rules, but  
4 I'm gonna make a few tonight, 'cause this is a continuation of a  
5 hearing.

6           Our first case tonight is scheduled to be C9-18-01, which  
7 is the Partners on 4<sup>th</sup> Avenue. How many people were at that meeting  
8 last week? Show of hands. Okay. Out of those people, how many  
9 people are planning on speaking tonight?

10           Please be aware, since this is a continuation of a hearing,  
11 I don't allow people to come back up to a mike twice. So, unless  
12 you're gonna say something I haven't heard, I'm gonna try and  
13 discourage you from coming up if you spoke at the last hearing.

14           How many here were not at last week's hearing, and are  
15 planning to speak? Okay. So, this was actually a good idea then.  
16 I'm assuming that a lot of these people were setting up for the Street  
17 Fair and had things to do at the time.

18           So, those are the people I'd rather hear from tonight, as  
19 well as the Applicant, 'cause this applies also to the Applicant. I'm  
20 not gonna ask him to make a brand-new presentation for the benefit of  
21 those that weren't here. Unfortunately, I'll allow, you know, him to  
22 come up and, and say some things that I know are relevant to the case  
23 that I want to hear because of some revisions that were made. But at  
24 this time, I want to really avoid just repetition of what was at the  
25 last hearing, because this is still actually that last hearing.

1           So, that's the way we just gotta keep it in our mind. So,  
2 I'm gonna go ahead and open it up now at this time. I don't think  
3 Staff has anything to add, but I'm gonna go ahead and ask him anyway,  
4 'cause I know he did receive some additional protests and some other  
5 information. So, Mr. McLaughlin, do you care to make a presentation?

6           MR. McLAUGHLIN: That's correct. Nothing to add to the  
7 record other than we've received, this morning we received one  
8 approval, and at the very end of the day after the calculations had  
9 been made by the RGIS person, we received two protests, which are in  
10 the record now.

11           So, the totals went from three approvals and five protests  
12 - last week's hearing, to four approvals and seven protests at this  
13 week's continuance. That's all I have.

14           ZONING EXAMINER: Thank you very much. Is the Applicant  
15 here? Come on down. I'm assuming you signed in on the clipboard?

16           MR. WARNE: Yes, I did.

17           ZONING EXAMINER: Wonderful. Would you state your name and  
18 address for the record, please?

19           MR. WARNE: Sure. Tom Warne, 70 West Cushing Street,  
20 85701.

21           ZONING EXAMINER: Thank you very much. I'm sure you heard  
22 my little introduction. I know you don't want to go through the whole  
23 thing again.

24           MR. WARNE: Right.

1           ZONING EXAMINER: But for those of you in the audience, I'm  
2 sure you are aware that you all said a lot of things. And I was  
3 actually listening and taking very copious notes, even though I really  
4 couldn't read them. I, I can decipher them close enough.

5           And I went ahead and issued what would be the equivalent to  
6 a revision to the PAD of certain items that you all brought up and  
7 certain issues that I might have had. And I went ahead and I e-mailed  
8 those to the City Clerk's Office, and to the City Manager's Office,  
9 and then they forward those off to the Applicant.

10           And I just received them. Unfortunately, I didn't get a  
11 chance to even look at them in advance. So, I'm actually reading them  
12 up here. So, what I'd like the Applicant to do, though, is to address  
13 specifically what my comment was, and then how you addressed it -

14           MR. WARNE: Yes.

15           ZONING EXAMINER: - if you would.

16           MR. WARNE: Mr. Examiner, without stating every word, -

17           ZONING EXAMINER: Oh, yeah, you can do - you can -

18           MR. WARNE: Paraphrase?

19           ZONING EXAMINER: Yeah, you can paraphrase, sure.

20           MR. WARNE: I mean (inaudible) there. I just -

21           ZONING EXAMINER: Yeah.

22           MR. WARNE: - in the essence of time. The first one was  
23 the possibility of a pedestrian walkway where the southern end of  
24 Herbert is today that'll be abandoned. So, one could basically cut

1 through the building and go to Stevens, either on a bicycle or by  
2 foot.

3 So, we addressed it by saying an accessway for pedestrians  
4 and bicycles from Stevens through the building masses to Herbert  
5 Avenue, a feasibility shall be explored to create the circulation to  
6 the center.

7 And basically, in any event, and without all the wording, a  
8 design will be done, and life-safety issues will be very important.  
9 It'll be paramount because obviously that, that ground floor is gonna  
10 be parking to, to a large extent. Parking will go to the retail in  
11 front, and parking for the housing.

12 The second one was no drive-through services shall be  
13 allowed. I brought that up at the last hearing. And so we just  
14 stated it that - and we added it and included it on the excluded uses.  
15 So, that is omitted.

16 The next one was that developers and owners shall establish  
17 a Homeowners Association, and then we addressed the management later  
18 on. We're not, we're - and we're not against that or having a  
19 property management situation for the rental units where they're not  
20 owned, but we're not sure that that actually can be enforced and put  
21 in a zoning situation.

22 ZONING EXAMINER: Okay.

23 MR. WARNE: Okay? But we - I'll address property  
24 management later on with noise and so on.

1 Encourage the use of zip cars, or similar programs. We  
2 definitely are for that. That should have been in the original PAD,  
3 the P-A-D. And we are definitely committed to that. And there'll be  
4 a minimum numbers that'll be maintained.

5 And as usage, hopefully, really increases, the cars will -  
6 or the vehicles, whatever they are, they might be zip cars today.  
7 They might be AI cars tomorrow. We don't know. So, we're definitely  
8 committed to it, and that definitely will be in the PAD.

9 ZONING EXAMINER: Okay.

10 MR. WARNE: The next one is encourage locally or  
11 regionally-owned businesses. I did reach out and I'll probably - I'll  
12 say this wrong, but there's an organization about Arizona First, or  
13 purchasing things from local or regional businesses. Could be  
14 businesses in Phoenix, but then comes here, so it's not just Tucson.

15 And I did reach out to that person. They haven't gotten  
16 back to me. So, we are definitely going to put in that we obviously  
17 appreciate that in other areas that have developed near the downtown.  
18 We've done a lot of local businesses. And that they will be strongly  
19 encouraged.

20 And I understand that 4<sup>th</sup> Avenue merchants are also reaching  
21 out to this organization, will work closely with them. But the  
22 language that we put in here will be in the PAD, so, it's identified  
23 and it'll be encouraged to go forward.

24 ZONING EXAMINER: Wonderful.

1 MR. WARNE: And we're not talking about a lot of square  
2 feet. So, that's -

3 ZONING EXAMINER: Uh-huh.

4 MR. WARNE: - also good, 10,000 feet. Number six was  
5 provide a safe and continued use of operation of the existing  
6 businesses and parking on the block. And, and as far as maintaining,  
7 you know, employee access, service and so on, and we definitely would  
8 do that anyhow. And I don't think we would ever get a development  
9 plan approved that didn't have that. But we stated it very clearly,  
10 and stated the uses and so on. And that will be spelled out in the  
11 PAD.

12 Then we brought up a couple - the architect, Frank Mascia  
13 woke up in the middle of the night, and he said, "Well, we have this  
14 minimum height that we worked out with folks in Iron Horse, and  
15 representatives from WUNA and, and also Armory Park which were for,"  
16 and we stated our reasons last time.

17 So, but how about if we do relief in the building? And so,  
18 we go 40 feet up, and then we go in 12 feet? And then we go up  
19 another 10 or 12 feet, and have relief. Or we have open space, you  
20 know, which you all want and will be designed in the building.

21 So, we addressed it that, you know, that those design and  
22 articulations will be addressed. We could have awnings on the  
23 building, which would only be 18 feet high, or 16 feet high.

24 ZONING EXAMINER: Uh-huh.

1 MR. WARNE: So, we wanted to make sure that, you know,  
2 someone couldn't come in and say, "Wait a minute, you know, you went  
3 up, you only went up 40 feet here, and then you're going this way."  
4 So, -

5 ZONING EXAMINER: Yeah. So, it gives you relief from your  
6 own minimum.

7 MR. WARNE: Yeah. Exactly.

8 ZONING EXAMINER: (Inaudible)

9 MR. WARNE: In a sense -

10 ZONING EXAMINER: - and historic (inaudible)

11 MR. WARNE: But the overall minimum is still consistent -

12 ZONING EXAMINER: No. It's good thinking.

13 MR. WARNE: - in height. So, that -

14 ZONING EXAMINER: Frank thought of that one, huh?

15 MR. WARNE: Yes. He was nervous. And then we have one  
16 more that we'd like to add. And that, that was involved, and just  
17 make it clear that whatever the property - this is back to the  
18 property management. That the pro- -- property management will  
19 strictly enforce any loud and excessive noise and nothing, no noise  
20 like that shall be allowed after 10:00 P.M. in case on the rooftop  
21 there's somebody has a, -

22 ZONING EXAMINER: Uh-huh.

23 MR. WARNE: - an affair, or a party or whatever. And we're  
24 putting that very clearly in the P-A-D. So, happy to submit this if  
25 it's needed.

1 ZONING EXAMINER: Yeah. Actually, I would like that.

2 MR. WARNE: Any further questions?

3 ZONING EXAMINER: I'm thinking -

4 MR. WARNE: Oh, excuse me.

5 ZONING EXAMINER: - as I'm finalizing my notes.

6 MR. WARNE: Right.

7 ZONING EXAMINER: It's a slow process.

8 MR. WARNE: Take your time. Right. No problem.

9 ZONING EXAMINER: No, I don't think I have anything for you  
10 right now. So, I'd like to go ahead, and just appreciate and thank  
11 you for addressing all these issues.

12 MR. WARNE: All right.

13 ZONING EXAMINER: And I'm sure we'll probably have some  
14 questions for you afterwards.

15 MR. WARNE: Okay. And so you know, I think the Acting  
16 President of Iron Horse Neighborhood will be making some statements of  
17 which we agreed to, and I'll, at the end, I can reconfirm my  
18 agreement.

19 ZONING EXAMINER: Okay. (Inaudible)

20 MR. WARNE: Our, our agreement.

21 ZONING EXAMINER: Perfect.

22 MR. WARNE: Okay. Thank you.

23 ZONING EXAMINER: Thank you very much Mr. Warne.

24 MR. WARNE: You bet.

1           ZONING EXAMINER: Anybody else here wishing to speak in  
2 favor of this rezoning request? Seeing and hearing none, is there  
3 anybody here wishing to speak in protest? A few hands. So, what I'd  
4 like to do is - it worked last time. I think I'd like to start with -  
5 are you here to speak in favor? Come on down. Could you state your  
6 name and address for the record?

7           MS. MULLINS: Yeah. Good evening. Jennie Mullins, the -

8           ZONING EXAMINER: Jane?

9           MS. MULLINS: Jennie Mullins.

10          ZONING EXAMINER: Oh. Jennie.

11          MS. MULLINS: The Acting Chairperson of the Iron Horse  
12 Neigh- -- Historic Neighborhood Association.

13          ZONING EXAMINER: And could you state your address, please?

14          MS. MULLINS: 522 East 8<sup>th</sup> Street.

15          ZONING EXAMINER: Did you author the letter that I have in  
16 my file?

17          MS. MULLINS: I authored the original letter, and we  
18 submitted an addendum that was authored by another Council Member -

19          ZONING EXAMINER: Okay.

20          MS. MULLINS: - that you received. But I'm here to address  
21 both letters.

22          ZONING EXAMINER: But you - so, you'll talk about both  
23 letters even though you didn't author the second letter? Perfect.

24          MS. MULLINS: So, I thank you, Examiner Shell. I've been a  
25 resident of the Iron Horse Neighborhood for 21 years, and probably on

1 the - involved in the Council for maybe 20 or more years for Iron  
2 Horse.

3 We have, as a Council, been actively involved in the  
4 discussions and design of this P-A-D ever since we were first alerted  
5 right around Christmas. We jumped on it, and we met initially, with  
6 the help of Steve Kozachik's Ward 6, all of the Historic Neighborhood  
7 Association person- -- Council Members were invited to come and have a  
8 preliminary hearing about the P-A-D.

9 We had many, many concerns about this development, and we  
10 still do. But we have actually, through the process of having, I  
11 think, three, three public meetings, and at least two Council meetings  
12 discussing what we want to see in the P-A-D, and whether we would  
13 support or oppose it.

14 So, based on all of the discussions and the, the  
15 negotiations amongst the neighborhoods, we were able to come to a, a  
16 position where we felt that this was probably gonna be a lesser of two  
17 evils in the development of 4<sup>th</sup> Avenue, that it is multi-family  
18 housing. That it is - also has commercial and retail opportunities  
19 that are limited and restricted in terms of their use.

20 And in the first letter that we submitted, and that was  
21 unanimously supported by our Neighborhood Council, we primarily  
22 outlined our key concerns which were traffic, traffic through the Iron  
23 Horse Neighborhood as a result of the parking and the businesses and  
24 the residents there at the P-A-D site.

1           So, traffic was our major priority, and parking, both -  
2 more so parking impacting the neighborhood. But we were also in  
3 support of the 4<sup>th</sup> Avenue merchants and needing to make sure that  
4 there's adequate parking for their businesses as well.

5           Noise was another major factor for our neighborhood, and we  
6 wanted to really limit what kind of noise was coming off that  
7 building, and the height of that building. We were also really  
8 wanting to ensure that their historic preservation considerations,  
9 like that the, the actual design and the businesses and the façade of  
10 the current warehouse were preserved, and at least in keeping with the  
11 Avenue, and the, and the neighborhood.

12           And the quality of construction really concerned us since  
13 we were looking to support something that was not gonna look like a  
14 flycatcher development or student housing, or another district, or -  
15 and so, in really looking at all of the various options, we felt like  
16 this was an opportunity to really have some genuine and, and restric-  
17 -- put restrictions on what's possible. And hopefully - and we were  
18 able to work with the representatives of the owners to accommodate a  
19 lot of those.

20           And it wasn't just Iron Horse that did this. It was, it  
21 was also Armory Park and WUNA and, again, Pie Allen was represented as  
22 well. So, since the last hearing last week, many of us weren't able  
23 to be here for various reasons, but we did actually hear the concerns  
24 coming from 4<sup>th</sup> Avenue and FAMA about the lack of public parking.

1           And that also really concerns us because without an  
2 adequate parking garage on the Avenue, it's gonna impact all the  
3 neighborhoods even more. And we want to keep parking out of our  
4 neighborhoods. So, we wrote an addendum to the original letter, and  
5 you have that with you.

6           And the addendum actually really just focuses on two main  
7 issues. Number one, is that we felt that this inadequate parking, it  
8 was inadequate parking in the retail and commercial. There's only -  
9 were only 25 spaces that were allocated for retail and commercial  
10 parking to the businesses.

11           And we were also really concerned about people coming to  
12 visit the residences, at the residents living there. Where are they  
13 gonna park? 'Cause currently, there's very limited space. So, as a  
14 Council, we really support that there needs to be a collaborative  
15 effort on behalf of the neighborhoods, the City and FAMA and private  
16 interests to make sure that this issue is addressed.

17           We also were disappointed with the amount of traffic that  
18 was offered to Iron Horse, even though a traffic study was done as a  
19 part of this project to specifically look at what is this project  
20 gonna do to Iron Horse in terms of people coming and going, and  
21 cutting through the neighborhood.

22           We thought that the traffic study more or less  
23 underestimated the impact, and it is impossible to really predict.  
24 But reason tells you with 350 more houses or, you know, apartments  
25 there, that you can be sure that there's gonna be more than ten cars

1 cutting through the neighborhood each hour, in peak hour. So, it just  
2 doesn't stand to reason.

3 So, we actually wanted to increase the amount. We were  
4 offered 25,000 to the neighborhood to look at traffic mitigation. And  
5 the representatives of the owners also agreed to a followup traffic  
6 study once the building is occupied.

7 And based on the two concerns that we brought up with the  
8 representative we met this morning, a number of Council Members, and  
9 we came to an agreement that they would increase the number of  
10 commercial retail parking spaces by ten. So, from 25 to 35.

11 They also agreed that they would increase the, the maximum  
12 amount of mitigation that would be available to Iron Horse up to  
13 35,000, with the minimum being the 25,000.

14 So, based on that and the ongoing, we feel there has been a  
15 lot of accommodations offered to the neighborhood. We are not  
16 opposing this P-A-D, and we feel that it is an opportunity to have  
17 some quality development on the Avenue, and we've reduced our, our -  
18 the detriment to the neighborhood as much as we can foresee.

19 But we will be involved actively with whoever purchases  
20 this site and the developers going forward and we will make sure that  
21 everything in the P-A-D is in compliance, and more. So, thank you.  
22 And just to -

23 ZONING EXAMINER: No. Thank you.

24 MS. MULLINS: Just so you're aware, there are still people  
25 in our neighborhood that do have significant concerns about the lack

1 of public parking and what that's gonna do at that site, and what it's  
2 gonna do. And hopefully you'll hear from them, too. But this is the  
3 official stance from the Iron Horse Neighborhood Association.

4 ZONING EXAMINER: Wonderful. I appreciate all that, and I  
5 appreciate you working with the owners and developers. Before I ask,  
6 I'm just gonna make a couple more notes here.

7 So, just for the benefit of everybody in the crowd, it  
8 sounds like the letter agreement that was originally authored for the  
9 Iron Horse Neighborhood that basically stated support for this went  
10 ahead and negotiated again. And then she can correct me if I'm wrong,  
11 'cause I'll see her head say "no".

12 They've increased the amount of money that the owners are  
13 willing to offer the neighborhood if there's any traffic mitigation  
14 that needs to be done after the project is occupied. They increased  
15 it by another \$10,000. So, now there's a maximum amount of \$35,000,  
16 and there's still a minimum amount of 25,000.

17 And then they've also agreed, the letter stipulated that  
18 they didn't feel that the ten parking spaces were adequate to take  
19 care of the commercial uses. So, they went ahead and increased that  
20 by another ten. So, now there's rather than 25 spaces dedicated to  
21 commercial, there's 35 dedicated to commercial.

22 So, now there's gonna be parking required, one parking  
23 space for every unit, and an additional 35 spaces for the businesses,  
24 which based on 10,000 square feet, if anyone's got a calculator, they  
25 can figure out what that ratio is, unless Tom Warne just happens to

1 know it right off the top of his head. Can you come to the  
2 microphone, just tell me what the ratio works out to?

3 MR. WARNE: We, we did it this morning when we met  
4 (inaudible)

5 ZONING EXAMINER: I, I knew you would.

6 MR. WARNE: And all of us together, myself and six  
7 representatives of the neighborhood. It's about 280 feet, one space  
8 per 280 feet.

9 ZONING EXAMINER: Wow.

10 MR. WARNE: So, -

11 ZONING EXAMINER: Okay. And just so everybody in the room  
12 realizes, that is actually more parking than is required by the City  
13 Code. The City Code requires one parking space for every 300 square  
14 feet -

15 MR. WARNE: Right.

16 ZONING EXAMINER: - of retail and office. And that allows  
17 for restaurants, as long as they don't provide more than 50% of the  
18 square footage, 'cause it's a mixed-use development. So, at this  
19 point, from a parking standpoint, they are now exceeding the code.

20 So, if anybody's here to start talking about parking, I  
21 might start cutting people off because this is now in excess of what  
22 the City Code requires. Just keep that in the back of your mind in  
23 the interest of time tonight.

24 MR. WARNE: Just so you know -

1           ZONING EXAMINER: But I'm still willing to hear about other  
2 issues. Yes?

3           MR. WARNE: Examiner, may I - we spoke about that this  
4 morning that - and I said it's more than the City Code if you're way  
5 out east, and you have a shopping center that's not, you know, going  
6 up and you don't have any urban development, and no mass transit to  
7 speak of. And that's, that's the code of (inaudible)

8           ZONING EXAMINER: Well, there's obviously, and I'm not  
9 gonna debate that, 'cause that you've already made a wonderful  
10 presentation last week.

11          MR. WARNE: Yeah, thank you.

12          ZONING EXAMINER: Thank you. Okay. So, the parking  
13 ratio's actually exceeding the City of Tucson's Code for retail. Who  
14 else here is willing to speak in favor? Hearing none, I'd like to ask  
15 then, who here is in opposition?

16          And what I'm gonna do is I'm gonna start with the front of  
17 the room, and work my way backwards. So, those of you who are right  
18 in front, raise your hand so I can see it clear as a bell. Sure, sir.  
19 I broke my own rule. Ladies first. That's all right.

20          Oh. And I'm also supposed to make an announcement. I  
21 announced at the last meeting a little late, and I gather four of you  
22 had vehicles locked up in the garage. They actually lock up the  
23 garage at 8 o'clock.

1           So, if you have your car parked in there, and you're  
2 getting close to 8 o'clock, you might want to get it out of there.

3 Okay. Care to state your name and address for the record?

4           MR. ROSEN: My name is Al Rosen.

5           ZONING EXAMINER: Can you speak into the mike?

6           MR. ROSEN: My name is Al Rosen. I'm a resident of Iron  
7 Horse, 135 North 3<sup>rd</sup> Avenue.

8           ZONING EXAMINER: Thank you.

9           MR. ROSEN: And I don't know whether to take credit or  
10 dishonor for the letter, but I think that the parking issue was an  
11 omission that should have been, you know, addressed more seriously  
12 than it has been.

13           And I realize I'm offending your request not to issue a -  
14 not to talk about the parking issue. But I believe that based on my  
15 experience, living in the neighborhood, and 3<sup>rd</sup> Avenue is the next  
16 street over from 4<sup>th</sup> Avenue, that the idea that 350 units of new  
17 residences, 'cause that's, in effect, what they will be, with one  
18 parking space dedicated to each of those units is sufficient to take  
19 care of all of the traffic that will be attempting to access those 350  
20 units, be they visitors, be they plumbers, be they interior  
21 decorators, be they're professionals of various types.

22           And I'm assuming - I really don't buy into the great  
23 optimism about we're, we're not gonna be owning cars in the, in the  
24 near future, or close to near future. I, I applaud the City for the  
25 streetcar, but the people that will be buying into these units, and I

1 suspect they will probably be in the range of three to four hundred  
2 thousand, are not gonna be coming without a car.

3 So, the 350 units are already spoken for. I just want to  
4 know where visitors are gonna park and sundry other people. Where are  
5 the 81 spaces that are currently available for multi-use, that'll be  
6 gone, that sit in front of Maloney's.

7 ZONING EXAMINER: When, when you say that, I'm, I'm always  
8 curious when I hear this, 'cause I also chair the Board of Adjustment,  
9 and we grant variances. That parking that's in front of those two  
10 bars is required parking for the bars.

11 MR. ROSEN: It's not -

12 ZONING EXAMINER: Other people are not supposed to be  
13 parking on there.

14 MR. ROSEN: It's not -

15 ZONING EXAMINER: It's actually illegal.

16 MR. ROSEN: It's not enforced. Anybody that -

17 ZONING EXAMINER: Oh, I know.

18 MR. ROSEN: Anybody that walks by that any day knows that  
19 that parking lot is, for the most part, full. And I -

20 ZONING EXAMINER: Yeah.

21 MR. ROSEN: - have yet to see a tow truck.

22 ZONING EXAMINER: Okay.

23 MR. ROSEN: I, I, I, I dare say they probably are concerned  
24 in the evening when their customers arrive.

25 ZONING EXAMINER: Right.

1 MR. ROSEN: But there's no way that that is being enforced.

2 ZONING EXAMINER: You haven't seen a problem there during  
3 the day of other people and - okay.

4 MR. ROSEN: No. I'm just saying, formal or informal, it's  
5 a parking lot that currently exists in the 4<sup>th</sup> Avenue-Iron Horse region  
6 that is currently being used by people accessing the retail  
7 businesses, as well as visitors to various other residences and so on  
8 in, in our area.

9 So, I just have, you know, I understand. I - my profession  
10 was not in the civil engineering field, or the legal field, and I  
11 understand we have ordinances. But pardon me, but I just might, you  
12 know, I've lived my life for 78 years with my, going to movies and  
13 with my eyes open. And there is just no way that anyone is gonna  
14 convince me that the amount of parking that has been allotted to this  
15 project is sufficient.

16 ZONING EXAMINER: Okay. Well, thank you very much. Who  
17 here in front wants to speak? Yes, ma'am. Did you sign the  
18 clipboard?

19 MS. CIRILLO: I did not. I can do that right now.

20 ZONING EXAMINER: That'd be great. And did you swear in?

21 MS. CIRILLO: I'll be happy to do so.

22 ZONING EXAMINER: Do you swear or affirm to tell the truth,  
23 the whole truth, and nothing but the truth?

24 MS. CIRILLO: Of course.

25 ZONING EXAMINER: Go ahead and sign in if you would.

1 MS. CIRILLO: And I will keep this very brief. I live in  
2 Dunbar Spring -

3 ZONING EXAMINER: What's your and address?

4 MS. CIRILLO: It's Liz, Elizabeth Cirillo, C-I-R-I-L-L-O,  
5 147 West 4<sup>th</sup> Street, 85705. I live just north of downtown.

6 ZONING EXAMINER: Okay.

7 MS. CIRILLO: I live, I work, I shop, I drink and I eat in  
8 the downtown area. I own a car, but I'm in it maybe once a month  
9 because I don't have the need to be in a vehicle because I live and  
10 work and do all those other things in the downtown neighborhood.

11 I grew up in Tempe, Arizona, still my hometown. I'm sorry  
12 to all of you U of A people, I'm still an ASU fan. Did my  
13 undergraduate there, as well as my first year of law school, but I did  
14 graduate from law school down here. So, I do represent the Wildcats  
15 as well.

16 I am deeply invested in this, in this area, in the downtown  
17 area. I'm deeply invested in 4<sup>th</sup> Avenue. I'm deeply invested in  
18 University -

19 ZONING EXAMINER: You gotta address me.

20 MS. CIRILLO: I'm sorry.

21 ZONING EXAMINER: That's all right.

22 MS. CIRILLO: I'm used to addressing a jury, I guess.

23 ZONING EXAMINER: I know. I'll break you of that habit  
24 tonight.

25 MS. CIRILLO: Yes. (Inaudible)

1 ZONING EXAMINER: I'm the only one you talk to.

2 MS. CIRILLO: Okay. So, I just want everybody here to know  
3 that we need to really fight hard for our neighborhood, whatever  
4 neighborhood you're in, whether you're in Armory, Armory Park, whether  
5 you're in Dunbar, whether you're in Ironwood (sic), whether you're in  
6 West University.

7 ZONING EXAMINER: I'm up here.

8 MS. CIRILLO: Whoever you are - I know, sir. I know. But  
9 you don't seem to have a whole lot of control over this. These people  
10 have control over this. These, these -

11 ZONING EXAMINER: Actually, I do have control over this.

12 MS. CIRILLO: - are the people that have control over this.  
13 These are the people here who are speaking out to come here and say,  
14 "We have a voice in this neighborhood."

15 ZONING EXAMINER: Yes, you do.

16 MS. CIRILLO: They have a voice in this neighborhood, and I  
17 just want you to listen to them.

18 ZONING EXAMINER: I've been listening.

19 MS. CIRILLO: I know. But we also have these voices from  
20 these corporate people who are coming in here. And I feel like, you  
21 know, the only reason I even knew about today's hearing was because  
22 there was a flyer in a shop, at a 4<sup>th</sup> Avenue shop that I happened to go  
23 into to buy a gift for my niece. That's the only reason I even knew  
24 this existed. Why aren't we giving more notice about these meetings  
25 that affect us?

1 ZONING EXAMINER: There was actually legal notification  
2 that they mailed out to everybody.

3 MS. CIRILLO: I'm sure it was in the paper. I'm sure a  
4 little printout -

5 ZONING EXAMINER: No, no, no. Everybody within the  
6 notification actually got written letters delivered to their homes.

7 MS. CIRILLO: What I'm saying is that there needs, and I'm  
8 getting a lot of shaking heads. I'm getting a lot of shaking heads.  
9 The first time I knew of this hearing was because, again, I picked up  
10 a flyer in a local shop that I habituate (sic).

11 And I just want - I, I don't really have anything, quite  
12 frankly, specific to say other than I want 4<sup>th</sup> Avenue to remain 4<sup>th</sup>  
13 Avenue. I don't want seven stories there. I don't want corporate  
14 builders there. And I think that the majority of the people here are  
15 on that side, and that's really all I have to say.

16 ZONING EXAMINER: Well, thank you very much. So, going  
17 down, who's close - yes, sir.

18 MR. KOENEN: My name is Levi Koenen. I'm associated with  
19 422 North 4<sup>th</sup> Avenue through 426 North 4<sup>th</sup> Avenue.

20 I'm 44 years old and my parents bought the building in  
21 1972. I was born in '73. My whole life has been spent on the Avenue.  
22 Some of the key things that are gonna happen with this project is the  
23 increase in traffic going up and down 4<sup>th</sup> Avenue, which we already have  
24 the streetcar, which is going up and down the Avenue which has taken  
25 away from the ability for people to drive in that area.

1           It is also - the roads cannot be widened there anymore  
2 because of the storefronts and with the, the center aisles for the,  
3 for the streetcar. So, it's not gonna be able to handle that influx  
4 of traffic.

5           If, if you go down there around 5:00 P.M., or 4:00 to 6:00  
6 P.M., and you watch the traffic going up and down 4<sup>th</sup> Avenue, it's  
7 appalling. Okay, and now if you want to add 350 units there, and some  
8 of the other projects that are projected for the area, it's gonna be  
9 quite detrimental.

10           The other part about it is the market rate for the square  
11 footage on 4<sup>th</sup> Avenue. What we pay, or what we rent our spaces for is  
12 about a dollar a square foot up to \$12 a square foot, depending on  
13 the, the prime location. The market rate for the studios, or the  
14 properties on Mill Avenue in Tempe are going at \$25 a square foot.

15           As a local merchant and somebody that is invested in that  
16 area, that will not be able to be paid for by a local artist or a  
17 local store, or somebody that works their butt off every day.

18           The things, the things that can afford that are Starbucks  
19 and CVS and things along those lines that are corporate America that  
20 is not the cultural feel of 4<sup>th</sup> Avenue. The cultural feel of 4<sup>th</sup> Avenue  
21 is Mom and Pop, hardworking every day Tucsonans that have lived here  
22 most of their lives.

23           If you walk up and down 4<sup>th</sup> Avenue, and you go to any one of  
24 the shops on 4<sup>th</sup> Avenue, and you ask a shop owner how they feel about  
25 these projects, I guarantee you, 98% of them are opposed. There are

1 couple of people that are okay with it. That's because they're  
2 getting a big, fat paycheck from it.

3 The rest of us that care about it and have lived down there  
4 our whole lives, we don't want it. It's not good for the area. It'll  
5 change the diversity of what we do. The, the cultural avenue is a  
6 heart of Tucson. People come to Tucson to go to 4<sup>th</sup> Avenue.

7 They come down to be a part of our cultural area that we  
8 have built, and built very well over the last 40 years. And if you  
9 look up at Mill Avenue, Mill Avenue used to be just like 4<sup>th</sup> Avenue.  
10 If you look at it now, it is absolutely corporate from one end to the  
11 other.

12 So, the City of Tempe is actually paying rent for people  
13 because they screwed up so much. An artist who's looking to open a  
14 space on Mill Avenue, his, his rent is gonna be paid for a year by the  
15 City because they didn't take into consideration that Mom and Pops  
16 can't do that.

17 I know the parking situation. The, the City of Tucson has  
18 promised 4<sup>th</sup> Avenue a parking garage, a 600-space parking garage for  
19 the last 30 years. They put in parking meters on 4<sup>th</sup> Avenue that were  
20 supposed to pay for this. Has anything been said about it? Not once.  
21 Not once for the 600-spaces that have been promised to the people, to  
22 us that have been down there our whole lives.

23 And we all find it appalling that, that the City is not  
24 owning up to what they're supposed to do, but they're letting other  
25 people come in with parking variances that are off the charts.

1           When we opened our bar on 4<sup>th</sup> Avenue, the 4<sup>th</sup> Avenue Social  
2 Club in 1993, we had to buy spaces, or we had to rent spaces from the  
3 old Pack Bell (sic) building on Hoff Avenue. We had to rent ten  
4 spaces out of their parking lot so we had enough to, to cover our bar.

5           ZONING EXAMINER: Uh-huh.

6           MR. KOENEN: But now these other projects are able to come  
7 in and, and wipe out spaces, and be one-for-one even, and on other  
8 ones, it's not even that. And it's still a problem. It's still a  
9 problem with traffic on 4<sup>th</sup> Avenue.

10          ZONING EXAMINER: Okay.

11          MR. KOENEN: So, we need to address that issue. And we -  
12 and I will tell you adamantly that the people on 4<sup>th</sup> Avenue do not want  
13 these things - this is not the area for high-rise apartments. There  
14 are plenty of other places in town.

15                If, if you move three blocks west to the big empty dirt  
16 lots that are right next to the tall buildings that are already there,  
17 we have no problem with it. We will support it. We will let them  
18 build whatever they want to build there, but they're not welcome on  
19 the Avenue. And that's where I finish.

20          ZONING EXAMINER: And what business do you own?

21          MR. KOENEN: My sister owns Pop Cycle, but we, -

22          ZONING EXAMINER: Uh-huh.

23          MR. KOENEN: - my family has owned the bar, which is the  
24 Surly Wench and Pop Cycle, 422, 424, and 426 North 4<sup>th</sup> Avenue, -

25          ZONING EXAMINER: Wonderful.

1 MR. KOENEN: - since 1972.

2 ZONING EXAMINER: Appreciate you taking the time. Who's  
3 next? In the black. You spoke at the last meeting.

4 MS. PIERCE: I did.

5 ZONING EXAMINER: So, you're gonna talk about brand new  
6 things, right?

7 MS. PIERCE: Absolutely.

8 ZONING EXAMINER: Perfect. State your name and address.

9 MS. PIERCE: (Inaudible) and brand new. But I will -

10 ZONING EXAMINER: But you still gotta state your name and  
11 address.

12 MS. PIERCE: Jasmine Pierce, 424 North 4<sup>th</sup> Avenue.

13 ZONING EXAMINER: Hang on a second, Jasmine. Okay. Talk  
14 to me.

15 MS. PIERCE: So, you were, you were very kind in answering  
16 a lot of my questions last week. I appreciate that. I really  
17 appreciate you doing the continuance for this so a lot of the  
18 merchants could be here -

19 ZONING EXAMINER: Right.

20 MS. PIERCE: - that couldn't last week. My biggest problem  
21 is that I am having - it's impossible for me to objectively weigh the  
22 pros and cons of this development, or any development on 4<sup>th</sup> Avenue  
23 because for years, like it was just stated, we've been promised -  
24 we've been promised parking. We've been promised alleviations to all

1 of these issues that have been ongoing for years. And there have been  
2 broken promises.

3 ZONING EXAMINER: Uh-huh.

4 MS. PIERCE: Everything, everything was supposed to happen,  
5 and nothing has. And what I'm here to ask is that the City of Tucson  
6 put a pause on all of these developments. I'm not asking you, I'm not  
7 asking the City of Tucson to completely vacate any of these  
8 developments, but put a pause on all of them until the, the promises  
9 that have been made to us are fulfilled. Until there's plans for  
10 that.

11 Park Tucson said at the last meeting that they have a  
12 report coming within the month. Put a pause on all of these  
13 developments. Let's see what they have to say. Let's see if they're  
14 actually offer us any, any sort of solutions to the problems that are  
15 very real for us, that have been very real for us for years.

16 All of these developments are only going to exacerbate all  
17 of these problems. That's - there's no question. There's absolutely  
18 no doubt and no question about that. So, we need, we need to actually  
19 focus on the problem at hand which - sorry. I know this is gonna  
20 upset you, but it's the parking. It's the parking.

21 ZONING EXAMINER: I didn't know that.

22 MS. PIERCE: I know. I wanted to (inaudible)

23 ZONING EXAMIER: Don't sugar coat it for me. I can take  
24 it. Okay.

1 MS. PIERCE: So, that's it. I just ask that the City of  
2 Tucson do the responsible thing, and actually pay attention, and  
3 listen to us and our needs and desires and what we've been promised  
4 for years. Put a hold on all of these developments.

5 Don't move, move forward with any rezoning. Don't move  
6 forward with any of the developments. Actually, look at the  
7 legitimate issues at hand that have been legitimate issues for years  
8 and years.

9 ZONING EXAMINER: Okay. Thank you very much.

10 MS. PIERCE: Thank you.

11 ZONING EXAMINER: Don't sit down. You don't have to sit  
12 down. I was gonna save you the trouble. And I need you to state your  
13 name for the record, and your address.

14 MR. AUDINO: Joe Audino, 2714 East Winchester Vista.

15 ZONING EXAMINER: Was it Joe or Joel.

16 MR. AUDINO: Joe.

17 ZONING EXAMINER: Joe.

18 MR. AUDINO: Thank you for having me back this week. And I  
19 want to, you know, I would echo the (inaudible) of Levi's and  
20 Jasmine's and Al's concerns about parking as well. And I'm not gonna  
21 go into it at length, but we've talked about the number of spaces in  
22 front of Maloney's and O'Malley's. By my count, it's about 115, 120.  
23 Getting rid of those and putting in 35, even though you're getting rid  
24 of a bar, -

1           ZONING EXAMINER: Well, they're not getting rid of all  
2 those spaces.

3           MR. AUDINO: Right. We're not getting rid of all of them.

4           ZONING EXAMINER: Yeah. They're getting rid of about half.

5           MR. AUDINO: Yeah.

6           ZONING EXAMINER: Right.

7           MR. AUDINO: But they're not - we're not replacing those.  
8 And at the end of the last meeting, what I wanted to touch on was that  
9 it seemed like we're saying, you know, "We're getting rid of a bar,  
10 so, having fewer parking spaces is gonna be okay." And I think that  
11 flies in the face - that's, that's a big, red flag for me 'cause  
12 that's not how the 4<sup>th</sup> Avenue ecosystem operates.

13           If you get rid of Maloney's, even if you put nothing else  
14 there, you're going to push those patrons into different places, but  
15 it's gonna be maybe 20% of them going south of the, the underpass to  
16 the Congress area.

17           And the rest of them are gonna be pushed to going to  
18 O'Malley, The Hut, The Shanty. They're all still gonna be in that  
19 area. So, getting rid of that bar doesn't ameliorate the parking  
20 crunch in, in any fashion.

21           I'm on the same page. I'd like to see a moratorium on new  
22 development, zoning changes, anything like that until the, the parking  
23 report that Mr. Durbin talked about comes through and just halt that  
24 for now.

1           When the parking, when the parking report comes in, let's  
2 collaborate with the merchants and the, and the residents of the area,  
3 listen to their concerns. And then, once we've got a plan for how  
4 we're gonna proceed with, you know, ameliorating the parking crunch  
5 for 4<sup>th</sup> Avenue, then let's look at the developments and see if they  
6 make sense for this community and for the City of Tucson at that  
7 point.

8           ZONING EXAMINER: Okay. Thank you.

9           MR. AUDINO: Thank you. Do you want me signed in since I  
10 talked at the last meeting, or are we still good?

11           ZONING EXAMINER: Oh, no. You still gotta sign in again,  
12 yeah. Who's next? Yes. Yes, with the cool hair. It even looked  
13 good on camera. I saw that on TV the next morning. State your name  
14 and address for the record.

15           MS. MEAD: My name is Elizabeth Mead. My business is  
16 located at 330 North 4<sup>th</sup> Avenue. Clearly, I'm an artist.

17           ZONING EXAMINER: And, and you, you did speak at the last  
18 one, so, I'm assuming you have stuff that you want to talk about that  
19 you didn't talk about at the last meeting.

20           MS. MEAD: I was at the, the City Council meeting, but not  
21 the last meeting -

22           ZONING EXAMINER: Oh, that's right.

23           MS. MEAD: - because -

24           ZONING EXAMINER: That's why you look familiar.

25           MS. MEAD: Yeah, because we were preparing for -

1 ZONING EXAMINER: I was at both of those.

2 MS. MEAD: - the Street Fair. Street Fair's super  
3 important, -

4 ZONING EXAMINER: Got it.

5 MS. MEAD: - which makes me wonder how all the residents,  
6 these new residents to the area would react to Street Fair, which is  
7 critically important to us as merchants.

8 ZONING EXAMINER: Uh-huh.

9 MS. MEAD: Eek! I mean they're gonna be blocked off,  
10 blocked in. How are they gonna get to their place? But I'm here from  
11 a - since the parking has been thoroughly addressed and I feel the  
12 same way, the infrastructure isn't in place for this.

13 But I'm gonna go from - I'm, I'm gonna let you know my  
14 touchy, feeling angle here. I am passionate about 4<sup>th</sup> Avenue. And I  
15 know we all are, because of the hard work that we've put into it. I  
16 am not currently on the Board of Directors for Merchants Association,  
17 but I have been for five years prior.

18 ZONING EXAMINER: Uh-huh.

19 MS. MEAD: I'm taking a little break. But the level of  
20 dedication, work, time, effort that's gone into the, into the Avenue  
21 establishing it as this unique and cultural place that people want to  
22 come visit and be a part of, it's immeasurable in hours.

23 But, it's not immeasurable in money, because the Merchants  
24 Association, it's all lined up what its cost. We have rebranded as  
25 Historic 4<sup>th</sup> Avenue, done a, a federal historic shopping district.

1 And I, I just don't feel that these high-rise, these high-rises that  
2 don't flow with the area, how can we call ourselves Historic 4<sup>th</sup> Avenue  
3 anymore if we're tearing it down? And that the financial investment  
4 into 4<sup>th</sup> Avenue is absolutely measurable because the Merchants  
5 Association has paid for it.

6 ZONING EXAMINER: Uh-huh.

7 MS. MEAD: Branding package multiple thousands of dollars.  
8 The new logo, Historic 4<sup>th</sup> Avenue, the historic designation paperwork,  
9 the trash cans, the banners, the social media campaign which I shudder  
10 to tell you how much that cost. It's more than I would have spent,  
11 but you know, it's effective.

12 But all of this is a lot of money. And the money's  
13 measurable, but the heart and soul behind it is really hard to  
14 quantify. I know that I personally, I dedicate probably 250 hours a  
15 year to events, volunteering in the neighborhood.

16 And these structures, I feel that on the back-end, it's not  
17 gonna be good for anybody because you're, you're taking something that  
18 is just being - it's just at that bridge of success where we are being  
19 successful. We're, we're enjoying the fruits of labors, and now  
20 outside investors see an opportunity.

21 I was on Congress before I was on 4<sup>th</sup> Avenue, and I saw the  
22 writing on the wall. And I came to 4<sup>th</sup> Avenue to hopefully make my  
23 home and be there forever, -

24 ZONING EXAMINER: Uh-huh.

1 MS. MEAD: - because it wasn't the same as downtown. It  
2 wasn't going to go the way of corporations. And it was going to, you  
3 know, this was, this was where I wanted to go forever. Once I was  
4 there, I don't know why I ever went anywhere else.

5 We have something beautiful, and I think that there's a way  
6 to grow. There's a way to see economic success. There's a way to  
7 experience growth and density without destroying the fabric of the  
8 community that it's in. And I think that the cost, the cost of doing  
9 it wrong will wreck years and years of hard work that was already  
10 starting before I even got there.

11 ZONING EXAMINER: Uh-huh.

12 MS. MEAD: And I just want to be there forever. It's a  
13 beautiful, beautiful place. And thank you so much.

14 ZONING EXAMINER: Well, I don't want you to walk off.

15 MS. MEAD: Okay.

16 ZONING EXAMINER: I'm gonna use you as my guinea pig here  
17 because -

18 MS. MEAD: Oh, boy.

19 ZONING EXAMINER: Yeah, I know. Well, you're, you're very  
20 eloquent and you speak well, and you, -

21 MS. MEAD: I've already (inaudible) like I've already had  
22 (inaudible)

23 ZONING EXAMINER: - and you, and you glow. Come on.

24 MS. MEAD: Yeah.

1           ZONING EXAMINER: I, I, I'll be honest with you. I mean  
2 I'm a product of 4<sup>th</sup> Avenue myself, if you can't tell by my look.  
3 Hello! I mean we're all not that blond, only me, and I'm up here with  
4 a mike. So, that's dangerous.

5           I mean you all talk about 4<sup>th</sup> Avenue as if a lot of us don't  
6 get it. And believe it or not, there's more of us out there that grew  
7 up on the Avenue. A lot of times, you know, before you were all here.  
8 I, I did like hearing from the owner of the Surly Wench that's owned  
9 it since the '70's, 'cause I was playing there in the '70's. Yeah.  
10 Doc and Shag.

11           That's why I (inaudible) said to the owner. I mean I've  
12 woken up in that basement. I mean I'm, I'm literally a product of 4<sup>th</sup>  
13 Avenue. My best friend lived across the street in the apartments that  
14 are upstairs directly across the street from that. I can't tell you  
15 how many times I waddled across the street to sleep there 'cause I  
16 couldn't get home.

17           My best friend lived behind Choo Choo's in those little  
18 houses that were on 3<sup>rd</sup> Avenue before they built the football field.  
19 So, I'm a product of exactly what you're talking about. I still love  
20 4<sup>th</sup> Avenue. I, I, I'm still down there a lot.

21           But yet, I look at this - I'm also an architect, okay? So,  
22 I do have this other lifestyle here, and I'm also the Zoning Examiner  
23 for the City. I'm the Chairman of the Board of Adjustment. So, 4<sup>th</sup>  
24 Avenue products can grow up to still become part of the system, we  
25 just put our own spin on it. I like to think I bring a little bit of

1 the sensibility that I grew up with. You, you, you put it into very  
2 good words.

3 So, I'm curious. I look at this project the same way you  
4 do. I'm, I'm on the outside getting familiar with it as they  
5 presented it to me. And what I'm seeing is what appears to be a very  
6 sensitive, and a very controlled way of growing, because I'm still in  
7 favor of growth. I, I don't believe anything should be stagnant.

8 I look at that old warehouse building. I've been involved,  
9 I've been inside that building more times than I'll admit, just  
10 looking at it from feasibility studies of what can be done with it.  
11 Some fire issues that have happened. It's not a great building as far  
12 as the condition of it, the warehouse that's coming down.

13 And I look at the parking issue, and obviously, 4<sup>th</sup> Avenue  
14 has an issue. We, we all agree to that. And it's a pain in the you  
15 know what, and I don't drive down there, I ride my bike. I take a  
16 Harley, and I can park anywhere I want that way. I get around the  
17 parking issue.

18 But what I'm curious of, I don't know if you're aware of  
19 this, but what the devel- -- and I won't even call them the developers  
20 because they didn't design a building yet. This is, they've written a  
21 code to provide for whatever future buildings are coming. And I'm  
22 curious what their timeline is, 'cause I haven't even asked them how  
23 far away they anticipate buildings actually coming.

24 But one of the things that I look at is if you allowed  
25 people to do whatever the code allows now legally, without any

1 rezoning effort, they can put uses in there that I would consider  
2 extremely detrimental to the area, because that's what the code  
3 allows. Nobody can prohibit it. It doesn't need special hearings.  
4 It doesn't need anything. They can just go pull a permit and do it.  
5 If the money's there, the developers will do it.

6 And yet, what we're doing tonight is we're looking at  
7 rewriting a code specifically for this one little block that restricts  
8 a ton of uses that normally would be allowed here. And at the same  
9 time, you're getting design requirements placed on architects and  
10 engineers that would normally never get placed on them because they're  
11 actually requiring the buildings to step back.

12 They're requiring the façade on Stevens to kind of match  
13 the warehouse. They're requiring that the façade on 4<sup>th</sup> Avenue remain  
14 two-story and, and be in keeping with the 4<sup>th</sup> Avenue experience.

15 So, I'm kind of looking at it as going, I'm not hearing a  
16 ton of bad here other than obviously parking and traffic, 'cause  
17 that's an issue that we all deal with. Why are you so object- -- why  
18 do you object to this so strongly?

19 MS. MEAD: We have federal designation for -

20 ZONING EXAMINER: Pardon?

21 MS. MEAD: We have federal designation for historic 4<sup>th</sup>  
22 Avenue. We can't get local historic designation that would provide  
23 the protections to not let this happen at all, because the door's been  
24 shut on it. So, at least that (inaudible)

25 ZONING EXAMINER: But this project didn't affect that.

1 MS. MEAD: That - the door was shut on it for everyone.

2 ZONING EXAMINER: Yeah, I was gonna say. So, I mean that,  
3 but that doesn't have a bearing on why you have a problem with this  
4 project. I could understand the one that you were at the Mayor and  
5 Council hearing on, on - directly on the corner. That's kind of a -

6 MS. MEAD: I'm against that, too.

7 ZONING EXAMINER: - tough subject.

8 MS. MEAD: Yeah.

9 ZONING EXAMINER: This is up against downtown. So, I'm  
10 just kind of curious what about this project bothers you so much?

11 MS. MEAD: Well, parking.

12 ZONING EXAMINER: Right. Well, (inaudible)

13 MS. MEAD: That's the first thing. I didn't want to beat  
14 the parking horse here. But I think a lot of the development and  
15 growth that we could expect to happen, it's, it's horse before the  
16 cart, because the infrastructure of that parking garage isn't there to  
17 allow the growth and development to happen. Downtown has parking  
18 garages, University has parking garages, 4<sup>th</sup> Avenue has no parking  
19 garages.

20 ZONING EXAMINER: What about the argument - and I, I  
21 personally am not a huge advocate of parking garages 'cause I just  
22 think they're kind of ugly. But if you put the cart before the horse,  
23 as you say, what about putting the horse in front of the cart in the  
24 fact that if you build housing, and you put the demand there, the  
25 parking will follow.

1 MS. MEAD: The demand has been there for, holy cow, I can't  
2 even tell you how many, how many meetings I've been to about -

3 ZONING EXAMINER: Uh-huh.

4 MS. MEAD: - parking. I mean -

5 ZONING EXAMINER: Well, I just heard from Park Tucson last  
6 week for the very first time. And I didn't realize that they hadn't  
7 even been before Mayor and Council yet.

8 MS. MEAD: No.

9 ZONING EXAMINER: That's coming next month.

10 MS. MEAD: Yes.

11 ZONING EXAMINER: So, hopefully the dialogues start.

12 MS. MEAD: Our last parking study was done right after the  
13 streetcar construction where all of our customers had made new friends  
14 and vacated.

15 ZONING EXAMINER: Uh-huh.

16 MS. MEAD: So, the, the old parking study, I think that was  
17 - that, that's, that's not gonna help us. The, the, a new parking  
18 study will.

19 ZONING EXAMINER: Okay. I was just curious.

20 MS. MEAD: Yeah.

21 ZONING EXAMINER: Well, thank you for your time. I  
22 appreciate you coming down to speak, so - I already picked the lady  
23 right there. I'm subtle.

1 MS. RADLER: I'm Jennifer Radler. I own Pop Cycle with my  
2 sisters on 422 North 4<sup>th</sup> Avenue. I'm gonna put that in this - do I  
3 need to put my home address?

4 ZONING EXAMINER: It's your home address, please.

5 MS. RADLER: Okay. So, you mentioned that you grew up on  
6 the Avenue.

7 ZONING EXAMINER: Didn't grow up. I came here in '76, so,  
8 to go to college.

9 MS. RADLER: Okay. So, you know, you've, you've been  
10 around the Avenue for a long time. I did catch that you ride your  
11 motorcycle to get around the parking issue. So, you're aware there is  
12 a very, -

13 ZONING EXAMINER: Oh, of course.

14 MS. RADLER: - a significant parking issue. And when we  
15 lost - when we got the streetcar, we lost a lot of - a lot more -  
16 there's been a lot of parking variance requirements from any merchant  
17 who wanted to be on 4<sup>th</sup> Avenue, which now they, they - we've lost so  
18 many spaces that employees of the shops on 4<sup>th</sup> Avenue were constantly  
19 getting tickets, ticketed \$200 tickets, parking tickets because they  
20 can't leave to go feed the meter every two hours. I mean it's pretty  
21 ridiculous, honestly.

22 But I - so, I have very huge concerns about parking.  
23 People do not come downtown, down to 4<sup>th</sup> Avenue to shop because they  
24 say they can't find parking. I hear it time and time again.

25 ZONING EXAMINER: Uh-huh.

1 MS. RADLER: But parking aside, my children hang out on 4<sup>th</sup>  
2 Avenue. One goes to school on University and 4<sup>th</sup>, and the other one  
3 goes to school downtown, not to mention Tucson High is right behind  
4 us, and the middle school over here. There are a lot of kids in that  
5 area, and a lot of kids that skateboard and hang out on 4<sup>th</sup> Avenue. I  
6 am very deeply concerned about the traffic issues.

7 ZONING EXAMINER: Okay.

8 MS. RADLER: They're - when you're adding - first of all,  
9 it's dangerous already because people are trying to get around that  
10 streetcar because they're, you know, people are in a hurry. They're  
11 not paying attention. They don't stop for the crosswalks - the  
12 crosswalkers.

13 When Tucson High lets out at 3 o'clock, it is absolutely  
14 impossible to go down 4<sup>th</sup> Avenue. It's backed up to 9<sup>th</sup> Street almost,  
15 every day, every school day. There's just no way to put that many  
16 more vehicles on 4<sup>th</sup> Avenue. You just can't do it without tearing down  
17 buildings which, you know, it's just not gonna happen.

18 So, I want to know - how? How? How is that gonna happen  
19 if you have 350 units on this end, and 350 units on this end, and  
20 three blocks in the middle that have a streetcar, and children  
21 everywhere. Kids, pedestrians everywhere. These people do walk.  
22 Once they park, they walk the Avenue. They walk back and forth.  
23 They cross the streets. How is that safe?

1 I really want to know because my kids are down there. And  
2 it affects me very personally, not to mention my business. Not to  
3 mention my, my people's businesses. These are my people.

4 ZONING EXAMINER: I hear you.

5 MS. RADLER: And I - it's going to affect them. It's going  
6 to affect the pedestrians and our customers and, and potentially our  
7 children. I want to know. I want to know what's gonna happen. How's  
8 that gonna happen? It's not feasible.

9 ZONING EXAMINER: Okay. Thank you. So, let's, let's talk  
10 - you there.

11 MR. WHITE: Thank you. My name is Michael White, 630 North  
12 4<sup>th</sup> Avenue, Tucson. You know, we recently remodeled that building and  
13 did an extensive remodel. We had to follow a lot of rules.

14 ZONING EXAMINER: Which building are you?

15 MR. WHITE: 630 North 4<sup>th</sup> Avenue. 630 North 4<sup>th</sup> Avenue where  
16 Coyote, (Inaudible) used to be.

17 ZONING EXAMINER: Uh-huh.

18 MR. WHITE: I'm sure you remember them, that building.

19 ZONING EXAMINER: Of course.

20 MR. WHITE: Doesn't look anything like that anymore. Looks  
21 a lot nicer. We had to follow a lot of rules to the enth (sic)  
22 degree. Drove our construction crew crazy, but we did it. Because  
23 why?

24 Because we honor the idea of having, being in a historic  
25 district, and we thought that was important. And the people that made

1 the rules, we thought they had a valid point. And the thing that  
2 really irks me is we had to follow those rules to a great degree.

3 You're making it so easy to change the rules. It's like  
4 you've got this other project that you're kind of in love with.  
5 Forgive me for saying this, but I read through the commentary on line.  
6 It's like, "Oh, yeah. We're in favor of this project." It seems like  
7 you're a little too easily in favor of this project.

8 ZONING EXAMINER: Are you saying I am?

9 MR. WHITE: Well, whoever -

10 ZONING EXAMINER: 'Cause you haven't written any - I  
11 haven't written anything.

12 MR. WHITE: Well, whoever wrote, whoever wrote the, whoever  
13 wrote the report that I read on line -

14 ZONING EXAMINER: Uh-huh.

15 MR. WHITE: - said that the Planning & Zoning Commission  
16 was in favor of this project.

17 ZONING EXAMINER: That's the Staff report, prepared by  
18 Staff, yeah.

19 MR. WHITE: Okay, the Staff report. The Staff report is in  
20 favor -

21 ZONING EXAMINER: Right.

22 MR. WHITE: - of approving this report (sic). Of, of  
23 approving this variance. Well, my, my, my question's this. I think,  
24 I think you can do better. I think you can be a little bit more  
25 demanding. I'm not saying this developer has ill intentions, or that

1 he's a bad person. Seems like a, a reasonably honorable man. I'm not  
2 saying that at all.

3 But there's a lot more at stake here. We shouldn't give  
4 away the store quite so easily, you know? And I listen to these  
5 people that have poured their heart and souls in their businesses over  
6 many decades. There's a lot more at stake here than just the zoning  
7 change.

8 There's a heart, there's a community. There's a family, an  
9 extended family here. And before you go in there and so casually, if  
10 you'll forgive me, disrupt all that, think a little bit that, you  
11 know, I think we can do better.

12 Now that old warehouse isn't serving anybody really. I  
13 think we could certainly make an argument that it could be replaced  
14 with something that would serve the public good. I don't think  
15 anybody is that attached to that particular building.

16 ZONING EXAMINER: Uh-huh.

17 MR. WHITE: But for heaven's sake, you can do better than  
18 this project, so much better. Something that's going to add to the  
19 character of the neighborhood, not take away. Granted, that building  
20 isn't adding a whole lot, so, sure let's go ahead and replace it with  
21 something. I think that's fine.

22 And make money, too. That's okay. We're not saying a  
23 developer can't go in there and make a little money. He should for  
24 his effort. But for God's sake, replace with something that's gonna -

1 here's the thing. Here's, here's what you're missing. And I just  
2 have to tell you this.

3 When you have all these people pissed off, that ought to  
4 give you a pause. Something isn't working here. And you can analyze  
5 it from the left brain all you want to, and say, "Okay. Well, we got  
6 all these things taken care of, and they're exceeding the parking  
7 requirements that the City has," and on, and on, and on, and on.

8 And read it by the book, and say, "Man, this project has my  
9 approval." And then you ignore the bigger picture, you ignore the  
10 elephant in the room.

11 ZONING EXAMINER: Uh-huh.

12 MR. WHITE: Come on, man. Plug in a little bit. You're  
13 supposed to be here serving the public. So, I would humbly like to  
14 request, sir, that you basically go back to square one. Go back to  
15 this gentleman here who, again, I think he's, he's an honorable man.  
16 I don't think he has ill intentions. But he can do so much better.

17 You know what's missing here? The big "I" word. What is  
18 "I"? Imagination. There's hell, there's hell of a little of  
19 imagination in this thing. There's no imagination in this thing.  
20 There's no imagination to match the imagination that's on 4<sup>th</sup> Avenue.

21 Now that's not in the code that the building has to match  
22 the imagination of what's there. But it's kind of written in there,  
23 you know, the spirit of the law versus the letter of the law.

24 There's a whole lot of imagination on 4<sup>th</sup> Avenue. There's  
25 not a whole heck of a lot of imagination in this P-A-D, I can tell you

1 that. Why don't you go back and see if you can come up with something  
2 better that's not gonna piss off a whole room full of people that come  
3 here twice. And you can do better. You can do better. Thank you.

4 ZONING EXAMINER: Don't walk off. Whenever I got a live  
5 one, I don't like to let them go.

6 MR. WHITE: Go for it.

7 ZONING EXAMINER: What would you consider if, if - let's  
8 just say in a perfect world, I could literally sit here and horse  
9 trade with you directly. What would, what - understanding, of course,  
10 you're not gonna replace that old warehouse with a single-story,  
11 little funky warehouse building, 'cause that doesn't generate any  
12 money.

13 So, let's just be realistic here. Obviously, we're gonna  
14 be talking housing of some sort. We're gonna be talking mixed use.  
15 What would you consider an acceptable, creative idea that is totally  
16 different than what's being proposed?

17 MR. WHITE: Well, I'd start with the character of the  
18 neighborhood that exists already. Take a walk down 4<sup>th</sup> Avenue. I  
19 know, I know you're familiar with it. Look around. Look around and  
20 see what's already there. You've got single, small business  
21 interests. Now, of course, you've got restaurants, small businesses,  
22 art stores.

23 You've got a place that has a - is, is pedestrian friendly.  
24 You've got, you've got a character there. You've got a scale, a human  
25 scale. A human scale is not consistent with a 14-story building in my

1 view. I think one of the reasons why there is a height restriction in  
2 the historic area is, is to create a human scale.

3 You know, this is a historic district back in the days when  
4 they didn't have skyscrapers. That, that makes it feel a little bit  
5 less intimidating for a pedestrian. It also lets the sunshine in a  
6 little bit more.

7 You walk downtown. There's not a lot of sunshine because  
8 the tall buildings block out the, you know, create the shade. And  
9 that might not seem like much, but it's part of what creates the  
10 ambiance in the neighborhood.

11 Pedestrian friendly. Having some open spaces. Having some  
12 park areas that people can sit and stroll, and having a place where  
13 maybe some music could be performed. Have a stage, have a park, have  
14 a place where people can maybe eat outdoors a little bit.

15 Something that has a human scale. Something that adds to  
16 the ambiance, a sense of community. When you have a lot of  
17 concentrated density and you have tall buildings, and there's, there's  
18 sort of a hardness to it. And that's the way of American cities  
19 across the United States pretty much.

20 And these little districts here, these little pockets of  
21 sanity which used to be what America was in the majority, now it's  
22 just these little, little threads, these little fragments. You know,  
23 those need to be cherished a little more. They need to be valued a  
24 little bit more. (Inaudible)

1           ZONING EXAMINER: I appreciate, I appreciate you, I  
2 appreciate you answering my question.

3           MR. WHITE: The thing, the thing again, and I don't - I  
4 want to try to express this in a courteous way. But I have to tell  
5 you, sir, you're missing the bigger picture. You're missing the  
6 bigger picture. You're stuck down in the minutia of the code.

7           And you made a comment about ten minutes ago, something  
8 that really, I just couldn't believe you said it. That - well, you  
9 know, the current code allows things that could be much worse, as if  
10 you're justifying this project.

11           And, and here's what you're missing. Don't think about it  
12 as, oh, this is so great because it could be so much worse. That's  
13 not the way to think about things.

14           ZONING EXAMINER: No, I agree with you. And unfortunately,  
15 I am a little bit pessimistic in some areas because although I cherish  
16 outdoor arenas, and, you know, places to sit and have picnics, I also  
17 know this isn't your land.

18           MR. WHITE: No, it's -

19           ZONING EXAMINER: And you can't impose someone to just do  
20 something on their property that wouldn't generate any money at all.

21           MR. WHITE: Well, that is true to a degree. That is true  
22 in the strictest sense of the word. I do not own this land. But this  
23 zoning code I own in a sense. We all own this zoning code, -

24           ZONING EXAMINER: Yeah, 'cause it's in the neighborhood.

1 MR. WHITE: - because we are, we are citi- -- I'm sorry.  
2 Can I please finish? We own this code because this is our agreement,  
3 collectively, as citizens of this area, and business owners. This  
4 code is an agreement that we all came together and, and personally  
5 (inaudible) that's why I started out this presentation by saying, we  
6 had to jump through a hell of a lot of hoops when we remodeled The  
7 Coyote (inaudible) to the degree that we were a little bit irritated.

8 But, you know, we thought, you know on balance, we'll make  
9 a personal sacrifice, even though it's more money, it's more time,  
10 it's gonna delay things. It's a pain in the you know where. But you  
11 know what, if it's gonna serve the greater good of, of maintaining a  
12 ambiance that everybody else believes is important, we'll do it.  
13 We'll do it, even though -

14 ZONING EXAMINER: Okay.

15 MR. WHITE: - it was at a personal cost to ourselves in all  
16 these areas. Now, somebody else comes along, and you say, well, gosh,  
17 you know, old warehouse is falling down, and it could be so much worse  
18 if we did the things that the code allows, and seems like a nice guy  
19 that's doing this, and what the heck, you know? Yeah, we're in favor  
20 of it. You're too easy. You're too easy. Don't give, don't give  
21 away this thing that it's not really yours to give away. That's the  
22 thing that also sort of bothers me a little bit.

23 It's like you've taken on a little bit more authority than,  
24 than you really deserve. I mean you may have it, you may have it in  
25 the sense that you have the position, and that there are the codes and

1 you're familiar with them. But there's something missing in, in, in  
2 this equation.

3 And I, and this woman who spoke so eloquently earlier, she  
4 says, well, she kind of was speaking from the heart. And what is it  
5 that gets you up every morning? It's the heart, you know? And this  
6 neighborhood, this neighborhood is driven by the heart. And if you  
7 want to go, go to downtown Phoenix, or some suburbs in wherever, where  
8 people basically just don't care, you see the results of where it  
9 goes.

10 ZONING EXAMINER: Okay. I'm gonna have to move it along,  
11 but thank you. I do appreciate you coming down. And, and we do hear  
12 what you're saying. (Inaudible) closest to me. The gentleman in the  
13 hat.

14 MR. POWERS: Hi, there. So, my name's Frank Powers. I  
15 used to live on 4<sup>th</sup> Avenue, but now I live at 1523 East Waverly Street,  
16 so just close by. So, I want to piggyback on some of the thoughts  
17 that were going on.

18 But first, let me butter your bread a little bit. This is  
19 not the sort of guy to attack. Obviously, everything you said, we  
20 could tell you're in a band. I could tell you're a 4<sup>th</sup> Avenue guy.  
21 It's the truth.

22 This is not a kill the messenger situation, okay? This is  
23 a guy that I feel might be a little more on our side than his  
24 professionalism has to make him behave. So, let's not attack the guy

1 up there who might be the one guy to talk to that wants to help,  
2 because I believe he does.

3 So, I lived on 4<sup>th</sup> Avenue. I moved here from Long Island,  
4 New York. If there's one thing about Long Island, it is the most - if  
5 it was its own state, it's the most populous state. It would be 5,200  
6 people per square mile. Very, very compact.

7 They knock down a house, they build a cul-de-sac. There's  
8 no sense of community. There's nowhere to go. And that place has  
9 these things called borders of the ocean. So, it really just  
10 (inaudible) you know, do that.

11 So, that - I'm not gonna bring up much about parking, but  
12 I'll bring up the traffic, because the traffic is very important. As  
13 a guy that lived on 4<sup>th</sup> Avenue, and I worked at Grill, so, I got some  
14 of that Tucson (inaudible), all right?

15 So, I used to walk down 4<sup>th</sup> Avenue. You can see the  
16 difference in how much - it's a bit more dangerous for sure, you know?  
17 There's a lot more going on, that streetcar does slow some things  
18 down. And then you walk down there.

19 But the other thing about me that's been really cool is  
20 that I owned a business. I owned a business over on 6<sup>th</sup> that was  
21 downtown. So, on the other side of the tunnel, I did own a business.  
22 So, now I will say this to some people about parking. Let me tell you  
23 something. A lot of people tell you, "Well, I don't go to your thing  
24 'cause of the parking."

1           They are lying. They don't go because they are  
2 unmotivated. Lots of people do have a problem with parking. My store  
3 was located right across from that Pennington Street garage. The  
4 parking's free for an hour, and every single time, that's what I got  
5 told on why people did not visit my store.

6           Unfortunately, I went out of business. But I always felt  
7 and feel that I would have done a lot better on 4<sup>th</sup>. It does have that  
8 foot traffic that a local business needs. Location, location,  
9 location. Very important.

10           So, one of the best things about it is when I moved here, I  
11 moved right to 4<sup>th</sup> Avenue. That's where I lived. Sight unseen, but I  
12 knew that's where I wanted to be. I wanted to live in the city part.  
13 I wanted to live downtown-ish. I wanted to live where the people are.

14           And I get to wake up every single day and walk downtown,  
15 walk down 4<sup>th</sup> and really make my way. And it was so defining for who I  
16 am as a guy, right? And Tucson, as a city, wants to grow, all right?  
17 Putting in that student housing doesn't really grow it, or putting in  
18 any type of housing where it's about the livability. Again, build  
19 livability block and a half away maybe. That's it.

20           When you visit places that, like Tucson, where - think  
21 about it - like 4<sup>th</sup>. Whether it's a boardwalk or something like that,  
22 they don't put housing or these big obelisks of nonsense on the  
23 boardwalk. That's there for the tourists. That's there for the  
24 attraction.

1           And that's maybe a little bit of what I want to talk about.  
2 I might be the guy that might be able to answer your question from  
3 before a little bit. What would one build? What would one put there?  
4 I think that that is some of the problem. It's not - I think people  
5 here feel like they weren't spoken to, if you can tell by some of the  
6 tempers that flare.

7           And the, the words are out there. I got the message about  
8 this on Facebook to come. You know, there are, there are things  
9 happening. You do pay attention. We live in a world where our  
10 attention spans are very, very divided, and it's very difficult.

11           So, there are Facebook organizations for this whole thing.  
12 But you have to make it a hobby to be involved in like the (inaudible)  
13 of what's going on. You know, you gotta make it, you know, that's why  
14 - let's become familiar faces. Let's actually see each other and hang  
15 out in this forum, and then have a cool after-party at one of the  
16 local bars.

17           So, one of the things about it is that when I owned that  
18 business, okay, I was out there sweeping my porch just like a Mom and  
19 Pop shop, as Danny Martin rides by on his bike, Romo (inaudible) goes  
20 driving by the other direction, and Andrew Brown from PBS and the, the  
21 media, he comes by, sees my outfit, takes a picture of me. I wind up  
22 in Zokolo (sic). That is what Tucson is.

23           ZONING EXAMINER: Uh-huh.

24           MR. POWERS: It's this type of creative people all around  
25 you, okay? And that's why I'm wearing my Sesame Street hat, because

1 this place, you know, it makes you feel like Mr. Hooper, God rest his  
2 soul. All right? And that's the thing. As I'm trying to kind of  
3 become the new Mr. Rogers of this whole area with a lot of the stuff  
4 that I do. I'm the Prince of Promotion, the King of Commotion, the  
5 Ambassador of Entertainment around here. I'm glad to meet you, all  
6 right?

7 But that's what I'm trying to do. And it would be  
8 something that, again, if you think about the land, people are anti  
9 that sort of housing. They're anti something brown and boring and  
10 beige being built.

11 But I'll bet if it (inaudible) and if they got a little  
12 more ahead of the game and we could figure out how to get more  
13 involved maybe, or have some sort of ambassador to keep us up-to-date  
14 on this sort of stuff about what could be built?

15 What if people were like, hey, we're zoning (inaudible)  
16 whatever. Yeah, there's an aquarium going in. Do you think people  
17 would be as upset? It depends on how tall it is probably. What if  
18 there was parking on top of that aquarium? So, that's the thing about  
19 it is that if we think about what this place is, really, and what it  
20 wants to be, it's an attraction.

21 This 4<sup>th</sup> Avenue is an attraction. Whether it's the Return  
22 of the Mermaids, or the Street Fair, all the things that can happen,  
23 the Day of Dead, the biggest celebration, we've got all the lines, the  
24 23 miles of Mexican food, all this stuff. We still feel like this  
25 kind of little bit.

1           You can feel that we're about to burst. I feel like the  
2 spotlight is about to shine onto Tucson a bit. We've all felt that  
3 way for a while, which is why right now, everyone's kind of coming in.  
4 But if we can control it a little bit, I think that we can think of  
5 something that people want. People want it, and it won't be a  
6 problem. People will champion it because sometimes stuff sneaks in  
7 that is - again, everyone always brings up Starbucks, and McDonald's.

8           You know what I hate? Super Cuts. Super Cuts moved in  
9 downtown, right? No one's gonna protest a Super Cuts. But there's  
10 three barber shops right around town. The Swag Parlor, and all that  
11 cool stuff that exists that real people build. And you get to know  
12 them.

13           You're not gonna really get to know the person at Super  
14 Cuts. I'm sorry. It's just not. The UPS store exists. That's  
15 great, but that is franchised by a local guy, and that's why he put  
16 that right in his window, 'cause otherwise, these people won't support  
17 it. That is some of the truth of it. It's, it's important to be part  
18 of the neighborhood, part of the street. That's why U.S. Fry's is  
19 gone, 'cause that friendly fella is gone, right?

20           So, I'm just about the idea of things growing, things  
21 focusing on attraction. Trying to get people between their ride from  
22 Texas boring town all the way to California. Hey, here's a place to  
23 stop. It's here. The drive through Texas, it takes a long time.  
24 It's very boring, okay?

1           But when you get here off I-10 and you come up to Tucson,  
2 let's give them a reason to exit, and stop by, park for a little bit  
3 and then get out of town and leave all their money right behind.  
4 That's what we want. We need more visitors.

5           And when it comes to this stuff again, I think a lot of  
6 people take it personal because it does sound like there's one guy,  
7 and another guy in a suit, and they've agreed on stuff, you know.  
8 Maybe the Iron Horse is out of the barn here, I don't know.

9           But we will see how it goes because it shouldn't be up to  
10 one guy or two, or his conglomerate realty, real estate company or the  
11 land he owns to define a skyline for us all. And that's how I feel  
12 about some of this stuff. Thank you very much.

13           ZONING EXAMINER: Who wants to, who wants to follow that?  
14 Did you sign in?

15           MS. STRATFORD: I haven't, and I also haven't sworn in  
16 'cause I didn't think I was gonna have a question, but I do.

17           ZONING EXAMINER: Well, then, we can do both. I have the  
18 ability.

19           MS. STRATFORD: Cool. One second. Okay. So, - oh, yeah.

20           ZONING EXAMINER: Do you swear to tell the truth, the whole  
21 truth, and nothing but the truth?

22           MS. STRATFORD: I do.

23           ZONING EXAMINER: And what's, what's your name and address  
24 for the record?

1 MS. STRATFORD: Cat Stratford. I live at 745 East 6<sup>th</sup>  
2 Street. It's right up the street. It's the house that says Happiness  
3 is Submission to God.

4 ZONING EXAMINER: Did you, did you - you spoke at the last  
5 hearing, right?

6 MS. STRATFORD: Yeah.

7 ZONING EXAMINER: You're the waitress?

8 MS. STRATFORD: Yeah.

9 ZONING EXAMINER: See. I remember.

10 MS. STRATFORD: Young urban professional waitress.

11 ZONING EXAMINER: I was listening.

12 MS. STRATFORD: Awesome.

13 ZONING EXAMINER: (Inaudible)

14 MS. STRATFORD: So, one of the reasons that I moved to the  
15 quirky house on the corner is because I wanted to be able to treat my  
16 kids to the unique festival culture on 4<sup>th</sup> Avenue. We have Return of  
17 the Mermaids. We have the Street Fair, all that jazz, the procession.  
18 I'm piggybacking off of those guys.

19 How will this development like be able to preserve that  
20 festival culture so that we can still close off an entire street?

21 ZONING EXAMINER: That's a good question for the Applicant.

22 MS. STRATFORD: Cool. Do I sit back down? Will he answer?

23 ZONING EXAMINER: You got a little asterisk by your name.

24 MS. STRATFORD: Awesome. Thank you.

1 ZONING EXAMINER: I appreciate it. The patient lady back  
2 there in pink.

3 MS. GABRIEL: I haven't signed in yet or sworn in, so -

4 ZONING EXAMINER: Well, we'll do both again. It's almost  
5 7:30. If anybody needs to go move their car, this might be a good  
6 opportunity. I feel like I'm at the Chicago Bar telling people,  
7 "Don't park across the street and Lotus Garden. You'll get towed  
8 away. Or at Berky's. Don't park in the shopping center next door.  
9 You'll get towed away."

10 Public service announcements, we used to refer to those  
11 (inaudible) Yes. Raise your right hand, please. Do you swear or  
12 affirm to tell the truth, the whole truth, and nothing but the truth?

13 MS. GABRIEL: I do.

14 ZONING EXAMINER: Thank you. Would you state your name and  
15 address for the record?

16 MS. GABRIEL: Yes. My name is Lily Gabriel. I used to be  
17 a resident of the Avenue at 317 North 3<sup>rd</sup> Avenue, and at 422 East 5<sup>th</sup>  
18 Street. But now I am up on River at 2550 East River.

19 ZONING EXAMINER: That's a little different.

20 MS. GABRIEL: Yeah. Unfortunately, it became necessary.  
21 And so I can offer a few unique perspectives. One is someone who has  
22 lived on the Avenue fairly recently.

23 ZONING EXAMINER: Uh-huh.

24 MS. GABRIEL: And also, someone who has renovated not one,  
25 but two locations on 4<sup>th</sup> Avenue area. So, first, I, I just want to say

1 I know that we all are in big support of the amazing history that  
2 Tucson has. And the amazing art history that we have on 4<sup>th</sup> Avenue.

3 4<sup>th</sup> Avenue has been incorporated into so many books, pieces  
4 of media, things that stand timeless with Tucson. And so, I can see  
5 why tensions are a bit high with it. It's important to us.

6 I renovated a location of 4800 square feet at 526 North 4<sup>th</sup>  
7 Avenue. I took a location that did not have its own electrical  
8 service, that did not have its own plumbing service, and that was  
9 fairly run down. And I had put in air conditioning that wasn't there  
10 before. And I put in interior walls, slabs, and most importantly,  
11 brought the building up to ADA compliance.

12 So, I have a unique perspective of what it takes to keep a  
13 historical aspect of a building, and yet still bring it into modern  
14 day where we can make money, because at the end of the day, no one  
15 wants the new developers to not make money.

16 We think that it's possible to do so in a way that's still  
17 compliant with the historic aspect of the Avenue. And that's why  
18 we're looking for some more restrictions.

19 A lot of the restrictions that were put through were -  
20 focuses on keeping the, keeping the existing structure when I went  
21 through Planning & Development back years ago. It was, how are we  
22 gonna keep that beautiful adobe wall, and leave that existing? How  
23 are we going to keep the store front without ripping things out and  
24 pulling the building down on top of it? And there's still ways to do

1 that. And I think that we put so much effort into that because it's  
2 worth fighting for, frankly.

3 I do just briefly want to touch on the parking just because  
4 I also have the perspective of having a business there that did have  
5 attached parking. So, that location is right next door to Creative  
6 Ventures, and we did have, I believe it was about 50-car parking lot.  
7 I can say we had huge issues in maintaining parking for our customers  
8 with that lot.

9 Even though we already had the lot attached, we still had  
10 problems. And I probably faced problems at least a couple times a  
11 week. So, it may be sufficient for Tucson Code, but that doesn't mean  
12 that it's sufficient for the needs of the area. And that's something  
13 to keep in mind.

14 I think that there's a way to bring a historic presence to  
15 the Avenue without having a multi-story monstrosity. And looking at  
16 14 stories is quite a bit different than looking at maybe three or  
17 four stories. Something that complements what's nearby rather than  
18 towers over it.

19 I think there's ways, you talked about how could we  
20 uniquely, if we had (inaudible), how could we make it look? And I  
21 don't think that it's, I don't think that it's impossible that they'll  
22 be able to have a smaller building that can't have a lot of those  
23 unique charms with rooftop gardens, or with a community center -  
24 community garden center there. There's, there's plenty of

1 opportunities, just at a smaller scale, a more reasonable - and as  
2 someone said earlier, a more human scale.

3 I think that as far as the parking issues, the City has  
4 been aware of these problems in the past as it's made promises which  
5 we've heard today. That it's made multiple promises over the years.  
6 It knows that there's an issue, and yet, as we stand here today, it  
7 seems like the City wants to ignore these issues in this case because  
8 it's easier to gloss over them than it is to look at them. If we know  
9 there's an issue, then we should be focused on that in a much larger  
10 way than we currently are.

11 I, I do appreciate the love you have of 4<sup>th</sup> Avenue. My  
12 question is, will this Council grow the Avenue in the way that the  
13 City wants? Or is it gonna grow it the way that the citizens want?  
14 You know, I'm here for democracy. We asking a lot of restriction, as  
15 you said, we're asking for a lot of requirements. And we're asking  
16 for a lot of consideration because we feel 4<sup>th</sup> Avenue is worth that  
17 much.

18 And really, the only way to protect historic 4<sup>th</sup> Avenue is  
19 just the City fights for it as much we will, not fight for it just at  
20 the level of it's better than it could be. We're asking you to fight  
21 the same fight that we want. I mean we're showing up and saying that  
22 this is not what we want. This is too much. Scale it back more,  
23 enforce more.

24 And I think that you're taking something not just from the  
25 developers, you're taking it from the City of Tucson. You're taking

1 it from the citizens of Tucson. You're taking our attraction, our  
2 historic district, and it is historic, and it should be treated as  
3 such. It's possible to have a business and still be historic.

4 ZONING EXAMINER: Uh-huh.

5 MS. GABRIEL: It's possible to do that construction, I've  
6 done it myself. And the costs were reasonable. It's, it's entirely  
7 possible to be updated with something and still be 4<sup>th</sup> Avenue. I don't  
8 think anyone in this room would argue that the building, when I was  
9 done with it, didn't feel like 4<sup>th</sup> Avenue anymore.

10 And that's all I ask is that we get more restrictions,  
11 better outline of what the community wants, not what a developer  
12 wants. And they are a developer. We can call them (inaudible) but  
13 it's what they're doing. They're developing it. And they're  
14 developing it in a direction that we don't want.

15 ZONING EXAMINER: Okay. Thank you. Right in the middle.  
16 Oh. That's okay. I was actually pointing at the lady behind you, but  
17 that's all right. I didn't even see your hand up.

18 MR. GLAAB: I believe I did not swear, so, I'll -

19 ZONING EXAMINER: Did you sign in either?

20 MR. GLAAB: Oh. I, I gotta do that, too.

21 ZONING EXAMINER: Yeah. You gotta do both.

22 MR. GLAAB: All right.

23 ZONING EXAMINER: Do you swear to tell the whole truth, and  
24 nothing but the truth?

25 MR. GLAAB: I do.

1           ZONING EXAMINER: Wonderful. State your name and address  
2 for the record.

3           MR. GLAAB: All right. My name is William Aaronson Glaab.  
4 And I -

5           ZONING EXAMINER: William?

6           MR. GLAAB: Yeah. William. And I live at 3502 East Gerald  
7 Street, which is fairly far from 4<sup>th</sup> Avenue, but that's not the point  
8 here.

9           My mom owned a small business on 4<sup>th</sup> Avenue right between 7<sup>th</sup>  
10 Street and 4<sup>th</sup> Avenue where, I don't know, it was called Gypsy's Hair  
11 Salon. And so, I grew up there. Like I remember going to the hair  
12 salon, and then my mom saying, "Okay. Here's a couple dollars. Go  
13 out and buy something at the co-op."

14           So, I'd like go to the co-op. And like I would look around  
15 and there's culture on 4<sup>th</sup> Avenue. Like pure culture. And like  
16 everybody's saying, like 4<sup>th</sup> Avenue is the heart of Tucson. But you  
17 know what? The blood, the blood is the people. Everybody's  
18 contributing to like make it a pleasant space by incorporating like  
19 businesses that are family-owned.

20           Like, like Chocolate Iguana, like Pop Cycle, like all, all  
21 those places. And bringing in these big corporations, like student  
22 housing and stuff, it's like it's causing a blood clot, in my opinion,  
23 you know? 'Cause like nobody wants to go on 4<sup>th</sup> Avenue and see like a  
24 seven-story apartment complex for student housing when we already have  
25 like four buildings on the U of A campus for student housing. And it

1 just doesn't make sense to like put one square in the middle on 4<sup>th</sup>  
2 Avenue.

3 And another thing that hurts is that we're getting rid of  
4 Chocolate Iguana, which has been there for almost 30 years. And we're  
5 replacing it with another corporate building. And that is also  
6 killing the culture. So, I'm gonna make this brief. I'm gonna say  
7 that I do not support the, the making of this huge building. So, I'm  
8 gonna go sit down now.

9 ZONING EXAMINER: Thank you. Now with the glasses. And I  
10 know you swore in.

11 MS. IRWIN: I swore in, but I -

12 ZONING EXAMINER: (Inaudible)

13 MS. IRWIN: - didn't sign it.

14 ZONING EXAMINER: Uh-huh.

15 MS. IRWIN: My name is Laurel Irwin. So, I did not come  
16 here necessarily to speak. I came to be a body in the room to show  
17 support for the people who are speaking against this project.

18 But I, I want to speak not as a business owner, but as a  
19 resident. I have you all beat. I've lived in the neighborhood since  
20 1966, okay? So, born and raised in, in the neighborhood. I live in,  
21 in WUNA, 728 North 1<sup>st</sup> Avenue. And I have, in the last ten years,  
22 purchased a house in the Iron Horse Neighborhood with my niece who  
23 lives there, who's here tonight.

24 4<sup>th</sup> Avenue is unique. It is what everybody has been saying.  
25 Tucson has always been a big small town. That's the feel that Tucson

1 has always had. Born and raised Tucsonan. It's always been that way  
2 when it was a small small town. And it's become a bigger small town.

3 And, and 4<sup>th</sup> Avenue is the epitome of that. It, it, it's  
4 small town Tucson. It's what Tucson has been for the last 50 years,  
5 and more because my parents lived in that neighborhood before I was  
6 born. So, we actually have a 60 or 70-year history in the  
7 neighborhood.

8 The main, couple main concerns. As people have said, it's  
9 not - nothing against development. People need to earn a living. I'm  
10 not even against big corporations, per se. What I am against is the  
11 location of where this is and the size of it, as people have said.

12 There are empty lots between 4<sup>th</sup> Avenue and Stone. Build a  
13 14-story, seven-story building there. 4<sup>th</sup> Avenue is not a place for  
14 that size of a building. Three, four stories maximum. I've watched  
15 The Hub go up. I've watched The District go up. I've watched things  
16 being torn down all along University Boulevard. There used to be  
17 homes there. I, I, I've seen all the changes. Lived here 50 years.  
18 We need to, as people have said, slow down. Slow down.

19 Another concern I have as a resident of the neighborhood  
20 and as a homeowner with my niece in that neighborhood is the traffic.  
21 Parking, yes. That, that is a big concern, and what people have said  
22 about that parking garage that's been promised for years and years and  
23 years. It was talked about before the streetcar came in. It's been  
24 talked about very little since the streetcar has come in, but it's  
25 still necessary.

1 But traffic. In my neighborhood and in her neighborhood,  
2 the other property owned is at 130 North 2<sup>nd</sup> Avenue, and it's right off  
3 of 9<sup>th</sup>, between 9<sup>th</sup> and 10<sup>th</sup>. Beyond 10<sup>th</sup> is the railroad track, and  
4 Broadway. It butts up against the 4<sup>th</sup> Avenue underpass.

5 To the north, it is hemmed in by Tucson High, and the only  
6 way easily, ha ha, I use the term loosely, to get into or out of the  
7 neighborhood is by Euclid going east.

8 I'm listening at the very beginning, the lady from the Iron  
9 Horse Neighborhood, talking about mitigation, traffic mitigation. And  
10 I'm thinking in my mind, "Okay. What does that mean?" Does that mean  
11 no longer can you turn off of 4<sup>th</sup> Avenue onto 9<sup>th</sup> heading east? Is it  
12 gonna block another access point to the neighborhood?

13 And I know a bunch of people are talking about, you know,  
14 less use of cars and more walking. And that's all great and  
15 wonderful, and I support that, and I do walk the neighborhood.

16 But for example, I - my mother lived with me until she  
17 passed away last year. She had major health concerns. She couldn't  
18 walk everywhere. I wanted to take her to Caruso's. I never got to go  
19 to Caruso's because there's absolutely -

20 ZONING EXAMINER: (Inaudible)

21 MS. IRWIN: Sorry. There's absolutely no place to park -

22 ZONING EXAMINER: Okay.

23 MS. IRWIN: - especially for handicapped people.

24 ZONING EXAMINER: No, I, I, I appreciate and I'm hearing  
25 you.

1 MS. IRWIN: So, so, the, the issue is with the traffic and,  
2 and that many people in that small of a space, it just - I just don't  
3 see how it could work.

4 ZONING EXAMINER: Okay.

5 MS. IRWIN: You're gonna, you're gonna restrict the  
6 neighbors who are already living there, and who have lived there.  
7 You're gonna restrict the businesses with that, with that many people  
8 coming in. I'm glad to hear that it's not just student housing. I'm  
9 glad to hear that it's mixed use. But still, that's 350 units is  
10 huge.

11 ZONING EXAMINER: Okay. Thank you very much. I appreciate  
12 you coming down. Yes, with the curly hair. And at this point, I'm  
13 gonna start to ask that we not repeat everything that was said by the  
14 person in front of you, 'cause it's already getting on to be almost 8  
15 o'clock. And I still have another large case after this.

16 So, in the interest of time, I allowed it to be continued.  
17 But I also ask you to be a little bit polite to some of the other  
18 people that still have to be here 'til 10 o'clock or midnight. Yes.

19 MS. CARRILLO: Okay. Hi.

20 ZONING EXAMINER: Did you, did you swear in and all that?

21 MS. CARRILLO: I did.

22 ZONING EXAMINER: Okay. Then whichever mike you like.

23 MS. CARRILLO: All right. I'll have this one.

24 ZONING EXAMINER: State your name and address for the  
25 record.

1 MS. CARRILLO: My name is Nicole Carrillo, and my address  
2 is 419 North 4<sup>th</sup> Avenue, -

3 ZONING EXAMINER: Uh-huh.

4 MS. CARRILLO: - and I own Mabel's on 4<sup>th</sup>. It's a kitchen  
5 boutique.

6 ZONING EXAMINER: Yeah.

7 MS. CARRILLO: And Rosey's. And as if that's not enough, I  
8 own Rosey's Barkette (ph.), which is a dog store right down around the  
9 corner on 7<sup>th</sup> Street.

10 Twenty months ago, my husband, I finally got him to come  
11 out here, and I had been visiting Tucson, and he finally fell in love,  
12 and 16 months ago, we moved our store from Savannah, Georgia all the  
13 way to 4<sup>th</sup> Avenue because - well, TBH, the space was available. That  
14 was a, that was a big one.

15 But we fell in love with Tucson and with the spirit and the  
16 community of 4<sup>th</sup> Avenue so much, like I just felt compelled to tell you  
17 that. That I loved 4<sup>th</sup> Avenue so much that I put all the contents of  
18 my gigantic kitchen store into two trailers, had it driven all  
19 across the country, and then unpacked it all, and then have since  
20 opened another store.

21 ZONING EXAMINER: That's a lot of love.

22 MS. CARRILLO: It is a lot of love.

23 ZONING EXAMINER: Uh-huh.

24 MS. CARRILLO: And as all my friends that are small  
25 business owners in this room, whether they're restaurants, retail

1 locations, it is so hard right now. It is so hard because as  
2 everybody knows, you can get everything you need delivered to your  
3 door, you know, whatever you could possibly need. But you cannot get  
4 experience.

5           You cannot get experience delivered to your door. We're  
6 still gonna all want to do that. We'll buy everything on Amazon, all  
7 the boring stuff, you know, electronics, like dog food. Bah! But,  
8 but you can't get rid of an experience. And Tucson, the City of  
9 Tucson would be - I feel very short-sighted in doing anything that  
10 detracts from the spirit of community and local and just quirky and  
11 just the wonderful spirit of 4<sup>th</sup> Avenue.

12           ZONING EXAMINER: I agree with you.

13           MS. CARRILLO: Thanks.

14           ZONING EXAMINER: Yeah. No, I love quirky.

15           MS. CARRILLO: So, so, - okay, yeah. And then I'm gonna  
16 go. But listen, like those, a couple other people have said now.  
17 What about something that's more fitting and more human? I loved what  
18 that guy said because you don't want to come - trust me. Like I would  
19 - the whole reason I found my space is because I was not gonna get off  
20 at the stop down by 9<sup>th</sup> Street because it was so hot, you know, when I  
21 was here visiting.

22           And I hopped off and I saw that the door was still kind of  
23 open in my space. And it was just fate that I got here. But like it  
24 - Tucson in the summer and in the warm months, it's challenging  
25 enough. You want to keep this as pedestrian friendly as possible, and

1 not have, you know, 700 more residents on one little three-block  
2 stretch. And with all the traffic issues and everything like that, so  
3 that's all.

4 ZONING EXAMINER: Well, you said your case very well. Let  
5 me ask you a question.

6 MS. CARRILLO: Yes.

7 ZONING EXAMINER: I keep hearing the one side of the  
8 argument. I'm just gonna throw this out because there's a lot of  
9 people like myself -

10 MS. CARRILLO: Uh-huh.

11 ZONING EXAMINER: - that are in Tucson that, that really do  
12 like the street. And, and we're, we're - as I said, we're a product  
13 of it. And in life, you know, you obviously move away from it, and  
14 you go on and do other things. Are you aware that there might be  
15 other people out there that live here that actually want to come back  
16 and live on the Avenue? And there is no place for me to live. This  
17 affords people like myself -

18 MS. CARRILLO: Uh-huh.

19 ZONING EXAMINER: - a possibility that might not have  
20 existed. And a lot of the times, I mean I'm hearing that this is a  
21 negative thing, and a negative thing. And I'm over here going, I  
22 actually would kind of like to maybe live here. I mean I, I could see  
23 myself very easily downsizing once I don't need a big house. And the  
24 idea of living on the Avenue would actually be kind of cool.

1 MS. CARRILLO: Sure. And I can totally appreciate that.  
2 And I can see that. But I guess I think what freaks us all out, or at  
3 least what freaks this two-time small business owner out, and what I  
4 know from my own experience is that when my customer cannot find a  
5 parking space, they're not buying stuff from me. And I'm not making  
6 money.

7 So, I think before we bring in a proposed, or whatever it  
8 is, 350 at this one, and however many at the other one, that like  
9 countless other people before me have said, and you didn't want to  
10 hear, but I think you have to hear it. Sometimes we don't like to do  
11 the stuff, but we have to, because the parking is a serious thing.

12 It is - I mean if people can't park, they're not gonna come  
13 shop, or they're not gonna come eat, or they're not gonna, you know,  
14 do all the other things on 4<sup>th</sup> Avenue. So, to bring in that many more  
15 future residents without addressing the parking issue -

16 ZONING EXAMINER: Okay.

17 MS. CARRILLO: - I think -

18 ZONING EXAMINER: Well, you answered my question.

19 Thank you.

20 MS. CARRILLO: Okay. Thank you.

21 ZONING EXAMINER: Yes, with the glasses.

22 MS. RIGGS: My name is Shannon Riggs. I'm one of the co-  
23 owners of Pop Cycle, 422 North 4<sup>th</sup> Avenue, but I live at 4114 East  
24 Kings Road.

25 ZONING EXAMINER: Uh-huh. And your name was Shannon?

1 MS. RIGGS: Yes.

2 ZONING EXAMINER: Thank you.

3 MS. RIGGS: Sure. Okay. So, I can't talk and write at  
4 same time. I'm sorry.

5 ZONING EXAMINER: That's okay. I can't either, but I'm,  
6 I'm learning.

7 MS. RIGGS: I think just to - I wasn't gonna speak 'cause I  
8 kind of feel like most people have covered what I was gonna say. But  
9 I - to address what you said about, "Well, what if I want to live on  
10 4<sup>th</sup> Avenue?"

11 Well, when you were talking about your friend lived on 4<sup>th</sup>  
12 Avenue in the '70's, he was in an apartment above a store front,  
13 right?

14 ZONING EXAMINER: Uh-huh.

15 MS. RIGGS: How many apartments were above that?

16 ZONING EXAMINER: There were four.

17 MS. RIGGS: Four. Exactly. Were there 350?

18 ZONING EXAMINER: No.

19 MS. RIGGS: What do you think 4<sup>th</sup> Avenue would have been  
20 like in 1973 if there had been 350 apartments?

21 ZONING EXAMINER: I would have probably lived there instead  
22 of Kaibab Huachuca.

23 MS. RIGGS: Oh, yeah. Yeah. Because you could have  
24 probably afforded that, right? Do you think the employees can -

1 ZONING EXAMINER: Trust me. If I could have walked home  
2 from Choo Choo's, -

3 MS. RIGGS: Well, I don't think -

4 ZONING EXAMINER: - sign me up.

5 MS. RIGGS: That's great. But I don't think the kids that  
6 live in Kaibab Huachuca are gonna be able to afford these apartments.

7 ZONING EXAMINER: These are student - this isn't student  
8 housing.

9 MS. RIGGS: Exactly. They weren't. (Inaudible)

10 ZONING EXAMINER: Yeah, this is definitely, this is  
11 definitely made for people that are downsizing and later in their  
12 life, or they're up and coming professionals. This is not a student  
13 housing project.

14 MS. RIGGS: I know (inaudible)

15 ZONING EXAMINER: Granted, there are rich students.

16 MS. RIGGS: (Inaudible) was irrelevant. And do you really  
17 think that 4<sup>th</sup> Avenue would have had the experience that you had in  
18 1973 if there was 350 people living on that -

19 ZONING EXAMINER: Absolutely.

20 MS. RIGGS: Oh, okay.

21 ZONING EXAMINER: As long as those businesses were there,  
22 we would have been there.

23 MS. RIGGS: Those businesses won't be there.

1 ZONING EXAMINER: See, that's where I guess I'm still  
2 having a hard time understanding how all of this is gonna undo 40  
3 years of culture.

4 MS. RIGGS: It's called rent. Obviously, have you looked  
5 at Mill Avenue? They would rather have empty store fronts on Mill  
6 Avenue than -

7 ZONING EXAMINER: Uh-huh.

8 MS. RIGGS: - lower the rent.

9 ZONING EXAMINER: No. I realize Mill Avenue blew it.

10 MS. RIGGS: Have you looked at the shopping - little  
11 shopping center that they built on the corner of 5<sup>th</sup> and Campbell  
12 that's completely empty? It's right on - it's -

13 ZONING EXAMINER: Oh, yeah, yeah, yeah.

14 MS. RIGGS: Yeah, yeah, yeah.

15 ZONING EXAMINER: Where the pizza place is.

16 MS. RIGGS: Yeah. They don't care. They don't care. They  
17 would rather have -

18 ZONING EXAMINER: Was.

19 MS. RIGGS: - empty spaces -

20 ZONING EXAMINER: Right.

21 MS. RIGGS: - than have it be affordable. So, this is what  
22 will happen.

23 ZONING EXAMINER: Okay.

24 MS. RIGGS: Okay?

1           ZONING EXAMINER: I appreciate that. Thank you. And  
2 don't, don't be misled. I'm still just like you. I'm not a realtor,  
3 I'm not a developer. I'm still naïve when it comes to this. I have  
4 to deal with them as clients. I'm just a dumb architect.

5           They don't want to pay for what I design half the time  
6 'cause they said it cost too much. So, I'm, I'm still coming to terms  
7 with all this just like you are. Yes, with the wonderful hair, or  
8 lack thereof. I mean it's half full or half empty thing.

9           MR. IDEUS: I have to sign and swear in?

10          ZONING EXAMINER: Yes, you do.

11          MR. IDEUS: Okay. Let's do it.

12          ZONING EXAMINER: Absolutely. Are you ready? Do you swear  
13 to tell the truth, the whole truth, and nothing but the truth?

14          MR. IDEUS: I do.

15          ZONING EXAMINER: Thank you. State your name and address  
16 for the record.

17          MR. IDEUS: My name is Andres Ideus, and my address is 1325  
18 East 13<sup>th</sup> Street.

19          ZONING EXAMINER: Okay.

20          MR. IDEUS: All right. So, I'm just some guy, and I, I  
21 lived in Tucson for probably about nine years of my life. I went to  
22 high school here, spent lots of time in 4<sup>th</sup> Avenue.

23          And then I went off and, and did my life, kind of like what  
24 you were talking about earlier. And I lived out in London, and I got

1 to see a lot of the world in my life. And I've gotten to see  
2 globalization happen firsthand across the world.

3 And something I noticed is that Tucson is a lot rarer than  
4 it actually looks from the inside. There's a lot of places in the  
5 world that are not unique. And Tucson, Tucson's one of the good ones.  
6 It's a rare orchid.

7 And something else, something else that a lot of people  
8 have argued, I'm not gonna reargue about 4<sup>th</sup> Ave. is that there's a  
9 culture there. And I think that culture should be seen as a commons  
10 that is susceptible to tragedy. And, you know, once, once somebody  
11 takes a bite out of that culture, it's, it's gone. And that can  
12 happen, that can happen very slowly.

13 And so maybe, maybe not this week. Maybe not next week.  
14 Maybe not ten years from now. But, but the culture that's developed  
15 there is - it really is a unique thing. And a large, like a large  
16 apartment complex is, is not unique. It's not, it's not 4<sup>th</sup> Ave. You  
17 know, everybody's made those arguments.

18 But, you know, and if it was a smaller, if it was a smaller  
19 development then we could just change it. But a large, large  
20 development like that is - that's a lot of inertia, and that makes  
21 that bite out of that commons, you know, more permanent, I think,  
22 than, you know any one local business in Tucson could ever really  
23 undo, you know.

24 So, a lot, a lot of places like that, you know, it's just  
25 one building here, one building there, one building there. And then

1 suddenly it's just, it's, it's gone. And I think, I think that's a  
2 commons that's worth, that's worth protecting in a way that's larger  
3 than any one person's ability to just buy and replace a building. And  
4 that's, that's all I wanted to say.

5 ZONING EXAMINER: Very well put. I gotta keep going back  
6 in the room. I'll come back. Yes, sir, in the tie dye. And I know  
7 you swore in, and I know you signed in.

8 MR. SCURRY: I did.

9 ZONING EXAMINER: What's your name?

10 MR. SCURRY: Urban, as in city.

11 ZONING EXAMINER: How do you spell that?

12 MR. SCURRY: With a U-R- and a B, and an A and an N. Last  
13 name Scurry, S-C-U- --

14 ZONING EXAMINER: I'm first names here.

15 MR. SCURRY: Okay.

16 ZONING EXAMINER: I'm good.

17 MR. SCURRY: I'm here to ask that for every parking space  
18 that is taken away on 4<sup>th</sup> Avenue, that there be a requirement that they  
19 replace two parking spaces within, say, a quarter of a mile. I have  
20 some problems with my feet. I often go down to 4<sup>th</sup> Avenue. I lived  
21 there. I came here in '76 much like yourself. I did the Choo Choo's  
22 thing and the whole nine yards.

23 It's part of who I am. I either pass through, or I'm there  
24 several times a week. And it just strikes me as really odd that we  
25 have a historic district, and we want to plop in a 14-story mixed-use

1 condo project. That just - I can't wrap my head around that, and how  
2 it will eventually alter 4<sup>th</sup> Avenue.

3 Now I'd ask you also to consider the traffic is closed on  
4 weekends, 4<sup>th</sup> Avenue going south. And right where that traffic is the  
5 thickest and they have to block it off, we want to put in 14-story  
6 mixed-use condo project. That just doesn't make sense to me.

7 I live, eat, and breathe 4<sup>th</sup> Avenue like yourself and just  
8 about everyone here, except for the developers. Now I'm not afraid of  
9 development, but why do we call it a historic district if we're going  
10 to put housing there?

11 There's plenty of land in adjacent properties where they  
12 could build off. And if they are going to build, and if this project  
13 is deemed to go forward, I would like to see it two, four, six and not  
14 14. I thank you very much for your time and your patience.

15 ZONING EXAMINER: Appreciate it. Thank you.

16 MR. SCURRY: Oh, and I was speaking for the hippies.

17 ZONING EXAMINER: We still have them.

18 MR. SCURRY: We do.

19 ZONING EXAMINER: Sir, at the end. Did you sign in?

20 MR. STEPHENSON: I did. Ryan Stephenson.

21 ZONING EXAMINER: Did you swear in?

22 MR. STEPHENSON: I swore in.

23 ZONING EXAMINER: Wonderful.

24 MR. STEPHENSON: Both of those. I haven't spoken at any of  
25 these meetings.

1 ZONING EXAMINER: That's okay. And your name's Brian?

2 MR. STEPHENSON: Ryan, with an R.

3 ZONING EXAMINER: Oh. Ryan.

4 MR. STEPHENSON: Yeah. At 1134 East 10<sup>th</sup> Street.

5 ZONING EXAMINER: Okay.

6 MR. STEPHENSON: I was born here in Tucson. I've lived in  
7 Phoenix for the last 22 years. I lived downtown for 12. EDR, who's  
8 the purchaser of the Flycatcher on 4<sup>th</sup> Avenue, they built Roosevelt  
9 Point at 3<sup>rd</sup> Street and Roosevelt in downtown Phoenix.

10 It was a big vacant lot. It was great that they developed  
11 it, but they didn't - they were asking for rents that were - that  
12 couldn't be supported basically. They - when they built out the  
13 bottom floor, it, it was actually not built. It was, it was, it was  
14 dirt. It was literally dirt on the inside of those glass windows and  
15 doors for over an entire year. So, they couldn't find someone to pay  
16 the rents that they were asking for.

17 But, anyway, this traffic stuff. This is, this is  
18 regarding the P-A-D, or this is regarding Flycatcher?

19 ZONING EXAMINER: No. This is a P-A-D at the south end of  
20 4<sup>th</sup> Avenue.

21 MR. STEPHENSON: South end.

22 ZONING EXAMINER: Has nothing to do with Flycatcher.

23 MR. STEPHENSON: Right. So, the proposed thing is for the  
24 mixed-use projects for a mix between 30 and 160 feet of building  
25 height, correct?

1 ZONING EXAMINER: Yeah. Down on the south end.

2 MR. STEPHENSON: Okay. Yeah. That's basically what I'm  
3 here to speak against. 4<sup>th</sup> Avenue would be, would still be the same  
4 thing as it is today if you were to add up the four-story building  
5 heights along the whole way. It would be at the same scale, and I  
6 just want to register my voice that I think 160 is, is just way too  
7 high for the area.

8 ZONING EXAMINER: Uh-huh.

9 MR. STEPHENSON: It's not necessary for any part of Tucson  
10 to be that tall, and certainly not along 4<sup>th</sup> Avenue. I might have been  
11 living under a rock, but is it not your same understanding that  
12 everybody here is asking for more parking to be provided?

13 ZONING EXAMINER: Correct. I'm starting, I'm starting to  
14 get the impression.

15 MR. STEPHENSON: Yeah, yeah. Okay. All right. Well, I've  
16 gotten the same thing, and I think it's extremely absurd that people  
17 are asking for more parking. I don't know where that parking would go  
18 in the Tucson, or downtown Tucson area.

19 Like you're gonna start destroying, or tearing down  
20 buildings everywhere just to add more parking spaces. I think that  
21 that is a, a very negligent and irresponsible approach to a take is  
22 adding more parking. There doesn't need to be any more parking.

23 People, I, I think fail to understand the cost of parking  
24 and free parking that is off-street parking. Do you know that - I

1 assume you know the average cost of a single parking space off-street.

2 It's about \$15,000 for a single parking space.

3 ZONING EXAMINER: Off-street parking.

4 MR. STEPHENSON: Off-street parking, correct. So, to build

5 a parking garage, if we're talking, you know, median, whatever, it,

6 it's millions of dollars just to build that. And who pays for that?

7 The motorists don't pay for that, but everybody else pays for that.

8 It goes into the cost of your groceries. It goes into the

9 cost of your rent. Those costs are offset, and so, you know, Tucson

10 is really awesome and really slow. But I lived in Phoenix for five

11 without a car until just recently when I moved down to Tucson. That's

12 when I got my car back.

13 Before that, I was living off Central Avenue in the

14 downtown corridor of Phoenix. I got around by light rail to my work

15 and my house. Everything was less than a mile and a half away. I

16 didn't have a car. I didn't need a car. So, to ask for more parking

17 is, is really just heinous.

18 If everybody can imagine, if they can close their eyes and

19 imagine what high traffic and low to no parking is, I think that you

20 would imagine 4<sup>th</sup> Ave. as it is today. We're demonizing traffic right

21 now, but if you don't have traffic, then that means that you don't

22 have people coming to your stores and supporting you. So, it's

23 important to have traffic around your areas.

24 If, on the other hand, we're looking for low traffic and

25 lots of parking, well, then that isn't 4<sup>th</sup> Avenue. Like some other

1 people said, that's, that's a suburb, that's a strip mall like those  
2 places are of little to no value to people. Or to, to the locals.  
3 So, I just want to say that don't add, don't increase parking at all.  
4 Restrict it if you can.

5 Drivers' licenses. The, the statistics for people getting  
6 registered drivers' licenses is decreasing. It's because less and  
7 less young people are getting drivers' licenses. They value driving  
8 less. We're installing more transit-oriented development across our  
9 entire nation, and especially in the downtowns. And more people want  
10 to get by by walking and bicycling.

11 So, I think that's the way that we're trending right now.  
12 And to, to require more and more parking, it makes homes less  
13 affordable. You know, if, if parking is required for your house, then  
14 that's, you know, like I said earlier, for a developer, that's gonna  
15 add thousands of dollars to the cost of a house. Well, if I want to  
16 buy a home, and I don't own a car, well, I still have to pay for the  
17 cost of that parking space.

18 ZONING EXAMINER: Uh-huh.

19 MR. STEPHENSON: So, no more parking. If anything, less  
20 parking. More traffic, but the one thing I do want to agree with,  
21 with people here is that the, the height of the building really needs  
22 to be restricted. And we need to adopt architectural standards,  
23 including the frontages.

24 I think a lot of people speaking here tonight are NIMBY's.  
25 And for those that don't know, that's someone's not in my back yard.

1 They create a lot of political opposition to growth. There's lots of  
2 other acronyms. One is a NOOFY, not on our front yard. And those  
3 people are more supportive of projects so long as they support the  
4 frontages, the public and private frontage.

5 I think we should be regulating what the private frontages  
6 are allowed to be so that they are consistent with what exists on 4<sup>th</sup>  
7 Avenue. And then we need to restrict like the building heights. So,  
8 two, three stories, you know, keep the frontage in common character  
9 with what is existing.

10 ZONING EXAMINER: And actually, to address that one issue,  
11 that was went (sic) over a lot in the first meeting that you didn't  
12 hear I don't think.

13 MR. STEPHENSON: Right.

14 ZONING EXAMINER: They actually have a, a ton of  
15 requirements and design requirements and historical requirements for  
16 both the 4<sup>th</sup> Avenue street frontage, and well as the Stevens -

17 MR. STEPHENSON: Uh-huh.

18 ZONING EXAMINER: - Street frontage. So, they, they will  
19 have to go through an intense review process and they have to meet,  
20 you know, obviously, certain guidelines to be in keeping with the  
21 neighborhood.

22 MR. STEPHENSON: Okay.

23 ZONING EXAMINER: So, that has been addressed in the PAD.

24 MR. STEPHENSON: Okay. Cool. I would just - yeah,  
25 reinforce the, the, the building heights.

1 ZONING EXAMINER: Okay.

2 MR. STEPHENSON: That should not go, what is it? Five  
3 stories or 60 feet is what I would suggest.

4 ZONING EXAMINER: Well, thank you.

5 MR. STEPHENSON: Thank you.

6 ZONING EXAMINER: Yes.

7 MS. WONG: (Inaudible)

8 ZONING EXAMINER: I know you did. You were actually one of  
9 the first people here.

10 MS. WONG: And I signed in first.

11 ZONING EXAMINER: I know. I saw you up there. State your  
12 name for the record.

13 MS. WONG: Thank you. My name is Liane Wong, and my office  
14 is at 532 North 4<sup>th</sup> Avenue, Central Realty. And we've been at that  
15 location for over 23 years. We absolutely love the Avenue. We love  
16 our business being there. Our clients love being there.

17 We get clients from all over the world and across this  
18 nation who come specifically to Tucson because of the 4<sup>th</sup> Avenue, and  
19 the historicalness of it. It reminds them when they were growing up  
20 in some small town somewhere else that is no long existing.

21 So, having what we have here in 4<sup>th</sup> Avenue, and the  
22 cohesiveness of the neighborhood and the, the Merchants Association,  
23 all of that is really important to our clients. And the other hat  
24 that I wear is I'm President of the Tucson GOBT Chamber of Commerce.

1           We get inquiries, again, across the world and other states  
2 wanting to move to Tucson, seeing 4<sup>th</sup> Avenue as a place where they want  
3 to either relocate for work or to retire here, or just want to move  
4 because they're tired of living in the snow.

5           And so, you know, the 4<sup>th</sup> Avenue is what's drawing them.  
6 Downtown is drawing them, the streetcar's drawing them, and, you know,  
7 we were all survivors of the streetcar construction. So, and we - and  
8 some of us survived and some of us didn't.

9           But the important thing, I guess, that I want to leave is  
10 that it's, it's what brings people here, our clients come here. And  
11 when we - our porch has all our listings in the window. And when  
12 people from - they're coming because it's a historic district. It's  
13 advertised that way.

14           They walk it, they come up, they check the prices in our  
15 window of listings compared to where they live, whether it's Canada or  
16 wherever, they, they think, wow, you know, your prices are, are what  
17 we expect of Tucson. And they're reasonable. And you have 4<sup>th</sup> Avenue,  
18 and you have downtown. And they want to move here because of that.

19           And so by, you know, if we can keep it as historic and as  
20 manageable, and as, as humanly-structured as possible, I think that  
21 would be a benefit to those people who are looking at Tucson. We get  
22 calls all the time about wanting to move to Tucson.

23           And saying, "Hey, I saw this about - on some TV show  
24 somewhere while I'm stuck in snow. I'd like to come and visit you.

1 I'd like to possibly be a snowbird. I'd like to maybe move there."

2 So, that's the point I have to say.

3 ZONING EXAMINER: Thank you very much. And it's a good  
4 point.

5 MS. CORCORAN: I swore in, but I didn't sign.

6 ZONING EXAMINER: Well, go ahead and sign in. We'll wait.

7 MS. CORCORAN: My name's Claire Corcoran. I live at 130  
8 North -

9 ZONING EXAMINER: I'm sorry. What was your name again?

10 MS. CORCORAN: Claire Corcoran, C-O-R-C-O-R-A-N. I live at  
11 130 North 2<sup>nd</sup> Avenue, just south of 9<sup>th</sup> Street. And I wasn't  
12 necessarily planning on speaking, but I thought of a couple of points.

13 I very much sympathize with the idea of people want to come  
14 and move to 4<sup>th</sup> Avenue, like you were saying, because that's what I  
15 did. I moved into that house on 2<sup>nd</sup> Avenue, I think eight years ago.  
16 And it just happened to be there, happened to be a price I could  
17 afford, and I've always loved this area.

18 Growing - I'm from Flagstaff, but my mother's from here.  
19 My grandma was from here. And whenever I would come down and visit  
20 her, 4<sup>th</sup> Avenue was like the number one thing we always did. I went to  
21 U of A, and I lived on 4<sup>th</sup> Avenue. So, I jumped at the chance to move  
22 into the area.

23 So, when you say, you know, what about people who want to  
24 move and live on the Avenue? Absolutely. But I don't live on the  
25 Avenue, I live three blocks away. So, those buildings, you know, you

1 want to put 350 units three blocks away, I don't think anybody has a  
2 problem with that. And that's still walking distance.

3 The other thing that I think you kind of expressed some  
4 skepticism on was people's concern that it will change the Avenue.  
5 And I know people have brought up Mill Avenue, and what a fiasco that  
6 is.

7 Even if it's not that scale of mismanagement, rents are  
8 still gonna go up. And the margin of a small business is so small,  
9 that it will change the Avenue. And what will come in are chain  
10 stores who have more money to throw at the rent than the local  
11 businesses who have been here for decades can do.

12 So, so, you know, - and another concern was the - like the  
13 idea of high traffic being good. High traffic is fantastic if that  
14 traffic is coming and spending money, which people who would live in  
15 this, in this tower would, would most likely do. Absolutely.

16 But when they're coming home from their daily grind and  
17 they're trying to come into their house and park and drop off their  
18 bags at the end of the day, you know, unfortunately, I can't work on  
19 the Avenue or downtown. I work at Pistor Middle School. When I come  
20 home from teaching, I, I have to drive into the area and park.

21 Most people do not live within walking distance or biking  
22 distance of their place of work. That's just a fact of life in a  
23 Western American city that was built around the automobile.

1           So, that traffic, that really residential traffic, it's  
2 squeezed in between 4<sup>th</sup> and that Street that's right behind the trolley  
3 station, -

4           ZONING EXAMINER: Uh-huh.

5           MS. COCORAN: - and then those side streets, that's the bad  
6 kind of traffic. The good kind of traffic is the traffic that's  
7 trying to come in, park for an hour or two, shop and leave.

8           If that residential traffic, that highly-concentrated  
9 traffic was moved over a few blocks, then that traffic that wants to  
10 get in and spend money on 4<sup>th</sup> could still get in. So, I think there's  
11 traffic and - there's good traffic and bad traffic.

12           There's living on the Avenue and then there's living just  
13 off the Avenue. I think that that corridor, the Avenue itself, really  
14 needs to be - there needs to be a step back, a buffer zone from the  
15 Avenue.

16           ZONING EXAMINER: Okay.

17           MS. CORCORAN: Yeah. Thank you.

18           ZONING EXAMINER: Thank you very much. In the burgundy.

19           MS. NEGLEY: I did sign in.

20           ZONING EXAMINER: Oh, good.

21           MS. NEGLEY: I'm Constance Negley.

22           ZONING EXAMINER: What was your first name?

23           MS. NEGLEY: Constance.

24           ZONING EXAMINER: Constance?

1 MS. NEGLEY: C-O-N-S-T-A-N-C-E. And I'm a shop owner on 7<sup>th</sup>  
2 Street. I own D&D Pinball. I'm a recent, I guess, member of FAMA, of  
3 the, of the Board. I just got appointed when Craig left. But I'm not  
4 speaking as a Board Member. I'm just speaking as a person who's  
5 there.

6 I, I rent an apartment down there. I have a house out by  
7 Desert Museum I'm getting ready to sell to move down closer to the  
8 Avenue. But I rent on Herbert where the other development's going in.

9 So, I see this 24/7. I really live, work and play on 4<sup>th</sup>  
10 Avenue. I pretty much walk everywhere. I'm also a realtor with  
11 Tierra Antigua downtown. So, I, I can, I can walk a lot of places.  
12 But not always because I have clients that come in that I may have to  
13 take out to show properties all over Tucson.

14 But also, I guess, I, I mean I have the same concerns about  
15 our people, our clients that are coming in, our visitors to 4<sup>th</sup> Avenue,  
16 having them have a really great experience, and have a place to park  
17 to come to our businesses is really critical. And it gets difficult  
18 for people at times.

19 I talk to probably a thousand people a week at my shop from  
20 all over the country, all over the world, from Tucson. We have a lot  
21 of families that come in. I mean I have toddlers to 90-year-olds that  
22 come into D&D Pinball to play pinball and just have a good time.

23 And they'll go to, you know, Caruso's to eat. And so they,  
24 they kind of make a day of it. And a lot of the people that come in  
25 from out of town are telling me - I mean they're from Portland and

1 Seattle and, you know, Texas, and New York, and they come to 4<sup>th</sup> Avenue  
2 because of our culture and our shops.

3 You know, they're not going to the malls. They're coming  
4 to 4<sup>th</sup> Avenue because we're there. And I love 4<sup>th</sup> Avenue because it's  
5 such an amazing community, I, you know, a lot of the bedroom  
6 communities, you don't know your neighbors.

7 I can't walk down the street without, you know, having  
8 another half an hour to talk to people because I know everybody. I  
9 know the artists, I know the shop owners. And it's, it's such a  
10 different kind of neighborhood that you just don't get anymore. And  
11 I, I just so value that.

12 And I, I think that the 14 stories is really tall. I think  
13 there is a need for housing in, in our area. Right on 4<sup>th</sup> is not  
14 probably the best area, like right on the Avenue. But maybe a couple  
15 blocks over, there are a lot of empty lots around.

16 And I, I hope that they would be good customers for our  
17 businesses. But, but I think we have all those people that come in  
18 from all over Tucson, and all over the world that we also, -

19 ZONING EXAMINER: Okay.

20 MS. NEGLEY: - you know, Gem & Mineral Show. People come  
21 in and, you know, they want to be at our businesses. And they want to  
22 interact with us.

23 ZONING EXAMINER: No, I'm, I'm hearing that, yeah.

24 MS. NEGLEY: Yeah. And we need a place for them to be able  
25 to get to and to park to get there. So, I, I do think, you know,

1 there is some - I think there are some options for parking, or parking  
2 possibilities around our area -

3 ZONING EXAMINER: Okay.

4 MS. NEGLEY: - that we could look at.

5 ZONING EXAMINER: Well, thank you.

6 MS. NEGLEY: Uh-huh.

7 ZONING EXAMINER: Appreciate it. Anybody else? Yes, in  
8 the red shirt - blouse. And then I got one more person in the back,  
9 and then I'm gonna close that part of this and move on a little bit,  
10 'cause I haven't heard that many new ideas yet. I'm still hearing  
11 kind of the same thing over and over again. And I need to be in the  
12 interest of time. Yes.

13 MS. LEAF: Good. Maybe I'll have a new idea.

14 ZONING EXAMINER: Can you speak up so I can hear you,  
15 though?

16 MS. LEAF: My name is Arlene Leaf.

17 ZONING EXAMINER: Thank you.

18 MS. LEAF: And I spoke last time. And I did the parking, I  
19 did the big building and all that. This has been a very interesting  
20 week where we've talked among us more - the merchants. We've talked  
21 among ourselves about the dilemma of the - of what's going on.

22 Totally appreciate what you are doing, that you are making  
23 it open to have our input. It is, it is enormous -

24 ZONING EXAMINER: Thank you.

1 MS. LEAF: - to know that it's not fixed. That there's  
2 room for our ideas, and different ideas.

3 ZONING EXAMINER: Uh-huh.

4 MS. LEAF: And during the week, we met people from Local  
5 First. They talked with us. They have experience in the same type of  
6 dilemmas that we're dealing with right now that have hit other  
7 communities, like Pasadena. I think they were talking about Portland.  
8 I don't even know all of them.

9 We're just like at the beginning of this learning curve of  
10 how you deal with a situation where gentrification wants to come in.  
11 How do you make it so it works for everybody? So, that's what I ask  
12 is that we do have time to, to explore all of that deeper to come up  
13 with some ideas that may be helpful.

14 You know, I know this gentleman, he's got a project. It's  
15 14 stories. There's a dream there. I'm not clear if he's gonna do  
16 the project or if he just wants to get the zoning in place on the  
17 land, and then sell the project, sell the land and the possibility to  
18 somebody else. I'm not clear on that one. I, I don't know if I need  
19 to know. But I think that we have to really look at it because it's  
20 critical for the community as we've all heard. So, that's what I ask.

21 ZONING EXAMINER: Thank you. That was wonderfully put. I  
22 - before you walk off - hello. When I get a live one, I like to get  
23 questions answered. You said you met with Local First.

24 MS. LEAF: Yes.

1           ZONING EXAMINER: Did they have any suggestions for things  
2 that have happened in other communities that work?

3           MS. LEAF: What, what - we are just at the beginning.  
4 That's what I said. But they have studies. They said there's about  
5 12 studies that we can look at that, that they were working with  
6 Kimber (ph.) out of Phoenix where she has done a complete study of  
7 what had happened to Mill Avenue.

8           And is now working with the City where they're trying to  
9 get Mill Avenue back into the human level, you know, with, with the,  
10 with the interaction neighborhood. So, I, I could put her in touch  
11 with you, but I'd like us all to be working on it.

12           ZONING EXAMINER: No. It just sounds like it's a necessary  
13 process to go through.

14           MS. LEAF: Yeah.

15           ZONING EXAMINER: It's just I hadn't heard yet of anybody  
16 actually meeting with them. So, -

17           MS. LEAF: Yeah, we did.

18           ZONING EXAMINER: - it's good to see the results.

19           MS. LEAF: We met with -

20           ZONING EXAMINER: That's wonderful.

21           MS. LEAF: Many of us met with - last night.

22           ZONING EXAMINER: Wonderful. And I think the lady that's  
23 waiting to talk is gonna add more detail to this.

24           MS. LEAF: Okay.

1 ZONING EXAMINER: So, thank you very much. Appreciate you  
2 coming down, Arlene. Did you swear in?

3 MS. DeMARS: No, I didn't. I'll do it now.

4 ZONING EXAMINER: Okay. Do you swear or affirm to tell the  
5 truth, the whole truth and nothing but the truth?

6 MS. DeMARS: I do.

7 ZONING EXAMINER: Wonderful. State your name and address  
8 for the record.

9 MS. DeMARS: My name is Lisette DeMars.

10 ZONING EXAMINER: Lisette?

11 MS. DeMARS: Yes. My address is 102 East University  
12 Boulevard. So, thank you again. I know that this is a complex  
13 process and a very emotional one for many of us, and it's really about  
14 getting the first one of these developments that's happening in this  
15 area right, because it will set the tone for what happens next.

16 So, I deeply appreciate everyone here taking the time and  
17 the effort to come and make themselves heard. And I thank the  
18 proposer of this, this plan for their time and their consideration for  
19 taking our concerns very seriously.

20 Yes, many of the things the people have said - and, and I  
21 want to say I, I volunteer with Local First Arizona. I was the first  
22 employee down here in Tucson back in 2006, and I still sit on their,  
23 their Tucson Steering Committee.

24 And the Local First Arizona non-profit organization has run  
25 multiple economic studies at the state level to help our elected

1 officials and our government officials understand the benefits of  
2 local businesses, and where it is legal to make preferential local,  
3 local treatment, or local choices in terms of local procurement, or  
4 what can be done in terms of simple things, like putting local art in  
5 the lobbies of these new developments, makes a big difference.

6 So, Kimber Laning (ph.) is planning on coming down to  
7 Tucson. There's a meeting - we're working with many of the merchants  
8 to put together at the end of the month. FAMA will be there. Steve  
9 Kozachik will be there. So, will Corky Poster (ph.), who I know  
10 worked on the IID. I'm sure that Tom will be invited - with the goal  
11 of trying to help get this first one right.

12 ZONING EXAMINER: Uh-huh.

13 MS. DeMARS: And give some advice about lessons learned in  
14 different parts of our state, and in other states. So, all that said,  
15 I think one of the asks that came up earlier about, it was tied into  
16 the parking garage, but it really had to do with holding off on some  
17 of these developments until our community can get a little bit  
18 organized around making the right kinds of asks. We're all learning  
19 and building the airplane as we fly.

20 And so it's comforting to know that there's a traffic study  
21 coming from Donovan Durbin's office this month. It would be even more  
22 comforting to those of us involved to know that we could delay this  
23 process at least a month until we know what that traffic study says  
24 and so that we can get organized with some comprehensive asks for you  
25 folks in terms of local preference or what, what, what makes sense.

1 So, that's one, one point I wanted to make.

2 I also wanted to share. There's some other - I had the  
3 benefit of going last 'cause I was sitting in the back. But some of  
4 the other creative ideas that other communities have used and they may  
5 be written in this PAD, but have to do with green-scaping, making sure  
6 that local artists are a part of any lobbies or apartments that are  
7 built.

8 Something that the Junction did that I haven't heard about  
9 this development doing yet, but I'd be really excited to hear, would  
10 be they wrote into the, into the codes, the codes of conduct for their  
11 - those who rented from them, their owners, that there would be no  
12 LGBTQ discrimination tolerated. And I think that would be amazing to  
13 put into this code. Thank you.

14 In fact, I'd love to see it extended a little further. I  
15 live in West University, and I am part of the neighborhood board  
16 there, and we've had a lot of trouble with the Hub, and some acts of  
17 violence against the mosque right there in the Muslim community. So,  
18 maybe even extending outside of the LGBTQ (inaudible) community to  
19 incorporate other, other concerns that have come up in the past.

20 And then my last would be, I would love to see drinking  
21 fountains in this space. When we talk about the walkability of that  
22 neighborhood in that area, I have dogs. It would be great to have a  
23 drinking fountain that's public again on 4<sup>th</sup> Avenue.

24 And I, and I echo everyone else's concerns, but I'll keep  
25 this brief. So, thank you so much.

1           ZONING EXAMINER: Thank you very much. Anybody else?  
2   Seeing none, I would like to ask if there's anybody here wishing to  
3   speak project neutral? Yes, come on down. That was actually such a  
4   segue for the last presentation. "We're not this, we're not that,  
5   we're project neutral."

6           MS. PIERCE: Good evening.

7           ZONING EXAMINER: Did you swear in?

8           MS. PIERCE: Yes, I did.

9           ZONING EXAMINER: Wonderful. Thank you. And your name and  
10   address?

11          MS. PIERCE: My name is Les Pierce. I don't believe I'm  
12   related to Jasmine, but it's possible. And I live at 2727 East  
13   Beverly Drive. And before I took the long hike to the suburbs, I  
14   lived on 6<sup>th</sup> Avenue, and I also lived in Armory Park.

15          So, I have had 4<sup>th</sup> Avenue and downtown be my living room  
16   with Grill and other places being my favorite sofa, so to speak. With  
17   that, I have a letter that I believe was submitted, and I have hard  
18   copy, but let me read it into the record.

19          "Comments for the Zoning Examiner on the Partners on 4<sup>th</sup>  
20   P-A-D, 8<sup>th</sup> of March, 2018. We are residents and property owners mostly  
21   in the 4<sup>th</sup> Avenue area, paren, (West University Neighborhood), end  
22   paren, but also in several other core Tucson neighborhoods."

23          "We object to the inclusion of parking space requirements  
24   on the Partners on 4<sup>th</sup> P-A-D and to parking minimums in general for  
25   multi-family housing so close to downtown."

1            "We recognize that the P-A-D allows for some adjustments to  
2 the parking requirements, but we think it should be up to the  
3 developer to decide on the appropriate mix of parking and other  
4 transportation incentives."

5            "We share the concerns expressed by others about the  
6 viability of the 4<sup>th</sup> Avenue Business District and its local character  
7 and variety in the face of current changes in property values and  
8 development pressure. But we don't think that devoting more precious  
9 space to cars is the way to preserve livability and strengthen the  
10 economy of the area."

11           "Living in close, close proximity to downtown and the  
12 University, we value the ability to take care of most of our needs on  
13 foot or bike and by transit. We shop here, we walk and bike here.  
14 Many of us work nearby or take transit to work."

15           "This is one of the few places in Tucson where it is truly  
16 possible to live a car-free lifestyle, and we think City policy should  
17 support that choice. We hope that one advantage of increased  
18 residential density will be added impetus to improve our transit  
19 system, especially its frequency and hours of service."

20           "We want to see local businesses thrive and we want a wide  
21 variety of goods and services to be available in this area. We can  
22 see that making room for cars makes it harder to make room for  
23 people."

24           "We believe the most sustainable neighborhoods are the one  
25 where people can live, work and meet most needs close by, and that the

1 healthiest business community will be one that serves the surrounding  
2 residential areas while also being a pleasant, friendly and walkable  
3 destination that's accessible to the wider community by transit and,  
4 yes, also by car."

5 "But if driving, especially for short trips, is less  
6 necessary and less cheap and convenient for those with other options,  
7 it will be far easier to manage the space, and the parking that's  
8 needed for cars."

9 "In terms of development, we value sustainability and  
10 equity. Transportation is now responsible for the largest share of  
11 carbon emissions in Arizona. It's possible to build more affordable  
12 housing and better-quality housing if parking facilities don't have to  
13 be built for residents who may not need or want them."

14 "We have submitted supporting information about the effects  
15 of parking requirements on the cost of housing, and about usage rates  
16 for apartment parking spaces. Since the inception of the modern  
17 streetcar, we have been looking for to the realization of the promise  
18 of a more bike, pedestrian and transit-focused environment where  
19 people have less need to bring their cars through and into our  
20 neighborhoods to enjoy the business districts along the streetcar  
21 route."

22 "Building parking into housing developments undermines that  
23 goal by incentivizing car owners to live there. We would rather see  
24 developers provide ample bicycle parking and transit passes to all  
25 their residents."

1           “The IID was created specifically to encourage transit-  
2 oriented development and any P-A-Ds created within the IID areas  
3 should support that as well.” Thank you.

4           ZONING EXAMINER: Thank you. Thank you very much. And we  
5 have a copy of that letter?

6           (Inaudible discussion.)

7           ZONING EXAMINER: Anybody else here wishing to speak in  
8 project neutral? Yes, come on down.

9           MR. BURR: (Inaudible)

10          ZONING EXAMINER: Oh, absolutely. And you need to swear in  
11 again.

12          MR. BURR: No, I did that.

13          ZONING EXAMINER: Oh, okay.

14          MR. BURR: I got here in time.

15          ZONING EXAMINER: And you’re gonna add testimony completely  
16 new, right?

17          MR. BURR: Related, yeah.

18          ZONING EXAMINER: Good.

19          MR. BURR: No, I’ll be brief. John Burr, 400 block South -

20          ZONING EXAMINER: John?

21          MR. BURR: John Burr.

22          ZONING EXAMINER: Okay.

23          MR. BURR: I guess a couple questions of process. I was  
24 searching around looking for the revisions to PAD, and I’m really glad

1 that I came tonight so I could hear what Tom had presented with the  
2 updates on pedestrian crossings, and a few other things.

3 I think it would be helpful here for all of us to kind of  
4 know how this process works, and I think I understand it, but in my  
5 understanding, if you signed a little red card, you'll get a notice of  
6 your finding in a week.

7 And then it will go to Mayor and Council, there'll be  
8 another public hearing. And the revised PAD at that point will be  
9 available for the public to review so that they comment at that time,  
10 is that correct?

11 ZONING EXAMINER: That's correct. That's correct.

12 MR. BURR: I don't think anybody else in the room may know  
13 that. So, I wanted that part of the public record.

14 The other thing is I want to make sure when the final  
15 revisions are done, that it isn't too restrictive. In a second  
16 reading, I noticed it says 10,000 square feet of retail. If the  
17 building isn't built for four years, and it's determined that 35,000  
18 square feet of retail is more appropriate and more cost effective for  
19 the developer, I don't want them limited to the 10,000 square foot in  
20 the PAD without having to make a minor revision to the PAD where it  
21 would come back.

22 I also don't think the encouragement - I understand the  
23 streetscape on 4<sup>th</sup> Avenue and 8<sup>th</sup> Street suggests that in the current  
24 land use suggests that it would be ideal if it's retail. The language  
25 that comes from the IID where it says it's preferred but it isn't

1 necessary, I think the 4<sup>th</sup> Avenue streetscape, since it is so small in  
2 this project needs to be retail mandatory. And it can be changed  
3 because we're writing a new zoning code.

4           And I think it needs to be at least street activated  
5 activity on the 8<sup>th</sup> Street frontage because if all the other buildings  
6 coming in in future IID redevelopment, 8<sup>th</sup> and farther east in this  
7 Golden Triangle area are done, I'm hoping that this building will be  
8 compatible and set the standard for other development in the area and  
9 not have a blank face. So, I just want to add that in as thoughts  
10 while you're considering it. Thank you.

11           ZONING EXAMINER: No, no. Don't walk off. I just want to  
12 make sure I got it right. So, I, I don't quite understand what you  
13 were saying about not making it so restrictive, because right now if  
14 they do a major change, they would be required, like changing the  
15 square footage to 35,000 versus ten. That would be considered a major  
16 change, and they'd have to go through the whole process.

17           MR. BURR: I think most the people here who are speaking  
18 would actually like to see more retail. And if there's available  
19 parking or there are streetcar and transit-oriented prospects for this  
20 property, they'd probably rather see it fit in more with the character  
21 of 4<sup>th</sup> Avenue which is largely retail and commercial-oriented.

22           ZONING EXAMINER: Oh.

23           MR. BURR: And so if it is limited, I, I, I would like to  
24 see the, the minimum, or the 10,000 square feet changed to minimum so

1 that it could go up if it is appropriate in the development atmosphere  
2 in the future.

3 I'm hoping that we've - as several people have said tonight  
4 in questions, but was more expressed last week, this is a PAD which is  
5 a zoning. It's not a building. The designers aren't here. There are  
6 five partners, to my understanding, that own it who are going to be  
7 selling it to a future developer.

8 And having had reviewed now 15 projects under the IID, I've  
9 found that the more leeway developers have, the better solutions that  
10 they are able to come up with to create creative public-oriented  
11 redevelopment on these sites. And so I'm just hoping that we haven't  
12 caught something, or not caught something here going forward.

13 ZONING EXAMINER: You realize how unique that way of  
14 thinking is.

15 MR. BURR: I reviewed this stuff, but I -

16 ZONING EXAMINER: I thought, "That was weird."

17 MR. BURR: There's actually a couple good developers that  
18 have appeared in the room tonight who have done that sort of thing.  
19 And I know that Tucson has them. And I have a funny feeling that this  
20 might be a Tucson developer. So, -

21 ZONING EXAMINER: It's just nice to hear somebody promote  
22 quirkiness and flexibility.

23 MR. BURR: That's what I think are very strange zoning  
24 codes, because this one has several different options and now this is

1 a third - have attested to despite their horribleness underlying it  
2 and all of our collective inability to actually change the code now.

3 ZONING EXAMINER: Uh-huh.

4 MR. BURR: And why we go for zoning overlays.

5 ZONING EXAMINER: Wonderful. Thank you very much.

6 MR. BURR: Thanks.

7 ZONING EXAMINER: Appreciate your time. And on that note,  
8 that's a wonderful way to end on the - this part of the hearing. I'd  
9 like to ask the Applicant to come forward. And I know that there's  
10 some other experts here from the City, and from the Traffic Engineer  
11 to address some of these issues.

12 So, Mr. Warne, if you would, I'm just gonna let you take  
13 charge of coming up to the microphone. Reintroduce yourself, and then  
14 introduce your experts just in how you want them to address some of  
15 these concerns. And then I just have some specific questions for you  
16 afterwards.

17 MR. WARNE: Sure. Tom Warne, 70 West Cushing Street.

18 I just want to put on the record that I suggested, and so did Fred  
19 Ronstadt to me privately before the last meeting that we continue this  
20 so that the dialogue could be here.

21 I came here when I was 16. I worked in the downtown  
22 Steinfeld's at the Steinfeld warehouse taking inventory the end of  
23 July with two doors open, and a water basin. I'm very local. I was  
24 on the labor gang at the copper mines. And so I'm very local, and I  
25 know the area extremely well.

1 I want to point out two things. First of all, the back  
2 portion that's well over 200 feet back from 4<sup>th</sup>, it is now, it's in the  
3 IID in the Warehouse District. And it's zoned for 160 feet. The  
4 reason it's part of the PAD is one building is coming down. The  
5 condemned building, somebody could build 160 feet today, to make it go  
6 across and make it work, that's why it's in the P-A-D for zoning, but  
7 it's in the Warehouse District which is already zoned 160 feet.

8 If - the stories will be, and it's a misnomer, and I just  
9 want to correct it. In reality, as floor-to-ceiling heights today,  
10 and I was in a coffee shop this morning at 8 o'clock on 4<sup>th</sup> Avenue, the  
11 floor-to-ceiling height was almost 30 feet, or 25 feet.

12 The floor-to-ceiling heights are very high for housing, for  
13 market rate type housing, higher than student housing for sure, or  
14 hotels. And they're basically, with the (inaudible) and everything,  
15 they're roughly around 14 and a half feet you figure per story.

16 In this development, the bottom story floor-to-ceiling has  
17 to be 15 feet just to start, even though a parking garage is usually  
18 about nine and a half or ten.

19 So, right on 4<sup>th</sup> is one-story like all of 4<sup>th</sup>, and it will -  
20 and it is under historic guidelines, and it will look historic and be  
21 in its right articulation and vocabulary.

22 The next building that goes back is three stories. The  
23 next building that goes back is seven. And the next story under  
24 practicality is 11. That was put on there to be conservative and show  
25 the maximum somebody could build if they were building a lot lesser

1 floor-to-ceiling height than, than what the market really requires.

2 So, there wasn't any deception.

3 The LBG thing, thing, I'm absolutely 1,000% for it. I just  
4 chaired an organization that formed a really strong section of its  
5 organization for that, and funded it. So, there's no problem  
6 whatsoever with something like that.

7 I think the retail, which I appreciate John Burr saying,  
8 it's suggested at 10,000 and, and also, I believe that the P-A-D,  
9 besides suggesting that, does allow activity, or activating eight,  
10 which personally, I think is a great idea. So, that, you know, maybe  
11 - we've talked about like putting in where you have - you build it so  
12 you could activate it maybe when a person develops it, it's not  
13 activated day one, but it's there, and as soon as the demand's there,  
14 it can be activate it.

15 ZONING EXAMINER: To increase it to what?

16 MR. WARNE: As far as how many square feet?

17 ZONING EXAMINER: Yeah.

18 MR. WARNE: Pro- -- probably like another 10,000 is all one  
19 could really do there properly. But that, to get back to that, that's  
20 activating space.

21 And I'd also like to mention, besides the depth of where  
22 you get to the taller building, and you're shielding it with stair-  
23 stepping it up with lower buildings, that really - that address is  
24 basically right on Stevens and 8<sup>th</sup>, you know, and that's where that is.

1 So, I don't want to be redundant from last time, or redundant on, you  
2 know, -

3 ZONING EXAMINER: I appreciate that.

4 MR. WARNE: - on certain things, and -

5 ZONING EXAMINER: Who else would you like to bring up?

6 MR. WARNE: I would like to bring up Alejandro Angel from  
7 Somas Engineering. He did an exhaustive study and he won't go over  
8 the facts of last time that he spoke about. But he did an exhaustive  
9 study relative to parking and that effect of what we're doing. So, -

10 ZONING EXAMINER: Okay.

11 MR. WARNE: - just to put it in the record.

12 ZONING EXAMINER: Wonderful. Alejandro, did you sign in?

13 I mean did you swear in?

14 MR. ANGEL: (Inaudible) I have not been sworn in.

15 ZONING EXAMINER: Do you swear or affirm to tell the truth,  
16 the whole truth, and nothing but the truth?

17 MR. ANGEL: I do.

18 ZONING EXAMINER: Wonderful.

19 MR. ANGEL: So, I'm, I'm gonna try to provide my  
20 perspective on it, and you know, I'm not as local. I've only been  
21 here 20 years, but you know, I, I'm not a corporate guy either. I  
22 mean my kids are here, everything I have is here. I volunteer with  
23 Pro Neighbors and a lot of other organizations - (Inaudible) Streets,  
24 so, I mean I definitely have the best interest in mind.

1 I - my perspective might be different from others, and I, I  
2 know I can't be as eloquent as they have been, but I guess I will say  
3 I, I work with a lot of neighbors. And the one thing I pride is in  
4 not, you know, BS'ing anybody, so - but this is what I believe.

5 So, there's been a lot of questions - well, first the easy  
6 one. Somebody asked how the 4<sup>th</sup> Avenue Street Fair and other events  
7 could happen with this project. I think the way to do that is the,  
8 the access to this building is on 8<sup>th</sup> and Stevens. So, it does not  
9 depend on 4<sup>th</sup> Avenue to get in. It's specifically been desi- -- been  
10 designed so that the primary access is not on 4<sup>th</sup> Avenue.

11 This building also, speaking of timelines, will come in  
12 after Downtown Links is complete. So, that provides another way to  
13 get in and out. That's, you know, it's got a direct access to 5<sup>th</sup> and  
14 Stevens from Downtown Links. So, I think that, that's the easier  
15 question.

16 There's been a lot of talk about the increase in traffic  
17 that's gonna come from this development. Again, Downtown Links will  
18 be a reliever to the area. That will not solve every problem, but it  
19 will be a reliever.

20 The second issue, it's actually more subtle, which is the  
21 fact, and I mentioned this last week. A bar of the size of this bar  
22 generates about 420 trips during the late night, when also traffic  
23 happens to be heaviest on 4<sup>th</sup> Avenue.

24 We did counts on 9<sup>th</sup> Street for Iron Horse, and the volumes  
25 on 9<sup>th</sup> Street are 50% higher on Saturdays than during the week. So, I

1 mean the worst traffic period here is, you know, the evenings and the  
2 weekends. And that's when this bar is generating the most traffic.

3 Residential buildings generate traffic as well, but they  
4 don't generate them during those same times. So, Saturday traffic  
5 actually go down despite the fact that there's more people in the  
6 building. Morning traffic will go up, but that's when there's less  
7 traffic in the rest of 4<sup>th</sup> Avenue.

8 So, that, that basically goes to the whole principal of  
9 mixed use which is to maximize, you know, your viability. You want to  
10 put things that complement each other. Residential complements retail  
11 and those type of establishments.

12 Similar thing happens with parking, actually. So, there  
13 was the issue that Maloney's has 81 parking spaces. And, by the way,  
14 the O'Malley's ones are not going anywhere. That's a completely  
15 separate property, and those will stay. So, from the Maloney's 81, 35  
16 will remain. So basically, 46 spaces are being lost in that sense.

17 But, again, and I'm, I'm - this is from the City Code, a  
18 bar needs one parking space for every 50 square feet. What that means  
19 is that Maloney's, if it was to provide full parking, would need 500  
20 and some spaces. It was 540 spaces.

21 What that means is that the people going to Maloney's are  
22 not just parking in those 81 spaces, they're parking everywhere  
23 through 4<sup>th</sup> Avenue. So, there will be a decrease in the parking demand  
24 in other areas of 4<sup>th</sup> Avenue because that bar is gone.

1           Now some people, and I think somebody said earlier, well,  
2 we're still gonna have the same number of people going to the bars -

3           ZONING EXAMINER: Uh-huh.

4           MR. ANGEL: - and that may be true. But then, again, think  
5 that you're gonna have 350 apartments, you're gonna have 700 new  
6 people that could attend those bars, and keep the number the same that  
7 will not need to drive to those bars, or park on the street to go to  
8 those bars. So, that's one important point.

9           Parking is very delicate. And I can see both sides. You  
10 don't want too much, you don't want too little. The reports say, and  
11 this is from the Transportation Research Board, recently completed a  
12 study on transit-oriented development.

13           It says, "Vehicle trip generation rates tend to be higher  
14 for transit-oriented projects with more parking." So, the more  
15 parking you provide, the more indu- -- the more you induce vehicle  
16 travel. You make it too easy. And I think that's actually what  
17 everybody's been saying here tonight.

18           4<sup>th</sup> Avenue is unique. And it's unique because people can  
19 walk everywhere. They can have kids playing on the street. There's  
20 transit, there's biking, there's everything else. The more convenient  
21 you make driving, at a certain point, you're, you're making it too  
22 shiny and more suburban and more blah. So, -

23           The project has made as many accommodations as possible to  
24 encourage the use of non-vehicle ownership. There's, I think, Tom  
25 committed last week to providing car sharing, some sort of a zip car.

1 There's To Go there. There's the streetcar. There is a dedicated  
2 pick-up and drop-off on 8<sup>th</sup> Street as well. So, if anybody needs to go  
3 somewhere, they can get an Uber or a Lyft instead of having to have a  
4 car in the garage.

5 Let's see. The - and by the way, another thing I suggested  
6 to Tom is that the parking be unbundled from the rent for the units  
7 that are rental so that people pay the true cost of parking if they  
8 want to have a car, as opposed to be included in the rent, 'cause that  
9 makes it too convenient. And I think you were okay with that, Tom?

10 MR. WARNE: Yes.

11 MR. ANGEL: We haven't talked about it. The, the other -

12 ZONING EXAMINER: Let me interrupt you just one second  
13 right there -

14 MR. ANGEL: Yes, sir.

15 ZONING EXAMINER: - on that so I can make my note correct.  
16 So, you're saying that owner-occupants would get their free parking  
17 space as part of their purchase agreement. But if you were renting  
18 your unit, the person would have to now pay to be able to park, which  
19 in essence, discourages renters from having a car and using it in that  
20 garage?

21 MR. ANGEL: Yes. Yes, sir.

22 ZONING EXAMINER: So, would that off- -- would that  
23 overload then the off-street parking - on-street parking, rather if  
24 they don't want to pay to go into the parking garage?

1 MR. ANGEL: But then there would be a space open in the  
2 garage that, you know, could be used some other way.

3 ZONING EXAMINER: For visitors and things like that. Okay.

4 MR. ANGEL: For visitors, or for businesses (inaudible)

5 ZONING EXAMINER: Okay.

6 MR. ANGEL: The, the other item that's come up is the issue  
7 of gentrification and affordability. And I mean, I'm not under any  
8 illusions that this will be cheap apartments, but somebody brought it  
9 up, and speaking to Park Tucson and to the U of A, a garage space  
10 costs somewhere between \$20 and \$30,000 to build.

11 And that's not including the cost of the land. That's not  
12 including the cost of, you know, if you have 160 feet, and you take  
13 another floor with parking, that's less units you build. So, it's,  
14 it's expensive and that breaks down to, you know, about \$10,000 per  
15 apartment to build those - well, if we built an extra hundred spaces  
16 which was brought up a few days ago.

17 And lastly and, and again, I don't think I'll convince  
18 people that, you know, think I have an ulterior motive. But there  
19 are, in those same transit-oriented development studies, and on the  
20 parking generation manual, the case studies show that for transit-  
21 oriented, the parking need is somewhere between .35 and .6 parking  
22 spaces per unit. And this project is proving one space per unit  
23 already, plus the retail ones.

24 ZONING EXAMINER: Could you repeat those numbers again?

1 MR. ANGEL: Yeah. And this is from the IT parking manual.  
2 It says, "Parking demands for projects in central business districts  
3 ranges from 0.34 to 0.56 per unit." And my very last quick point,  
4 'cause I think I've taken enough time -

5 ZONING EXAMINER: Uh-huh.

6 MR. ANGEL: - is the fact that, you know, even if a parking  
7 garage is built on 4<sup>th</sup> Avenue, whether it's good or not, this is not an  
8 ideal place 'cause it's at the end of 4<sup>th</sup> Avenue. And it's actually  
9 within a thousand feet of the Plaza Central garage that already  
10 exists. So, that's a five-minute walk. So, there'd be better places  
11 for a large garage. That's all I have.

12 ZONING EXAMINER: What was the name of the garage you  
13 cited?

14 MR. ANGEL: Plaza Central. That's the one that you go  
15 under the underpass. Yeah, at the corner of Congress and Toole.

16 ZONING EXAMINER: Yeah. We granted a sign variance for  
17 that one, I remember.

18 MR. ANGEL: That one.

19 ZONING EXAMINER: Uh-huh. (Inaudible) has a variance  
20 attached to it.

21 MR. ANGEL: I know.

22 ZONING EXAMINER: Why should I remember that? Thank you  
23 very much. I appreciate you coming down again and spending time  
24 listening.

25 MR. ANGEL: Thank you.

1 ZONING EXAMINER: Mr. Warne, the stage is yours again.

2 MR. WARNE: Mr. Examiner, do you have any questions for  
3 Park Tucson, Donovan Durbin, if -

4 ZONING EXAMINER: You know, I actually do.

5 MR. WARNE: Oh, okay.

6 ZONING EXAMINER: 'Cause I'm gonna ask him to be brief.  
7 But I am gonna ask a question of him.

8 MR. WARNE: Sure.

9 ZONING EXAMINER: You've ob- --

10 MR. DURBIN: Good evening. How can I help?

11 ZONING EXAMINER: You've obviously heard all this, and you  
12 heard it -

13 MR. DURBIN: I have.

14 ZONING EXAMINER: - last, -

15 MR. DURBIN: Taken notes.

16 ZONING EXAMINER: - last - well, we'll see. I know that  
17 you mentioned that within about a month's time, you're gonna make a  
18 presentation to Mayor and Council. And that's merely just to present  
19 your studies and some of your initial findings and things like that.

20 What do you think would come out - is gonna come out of  
21 that meeting before I go on to the next question?

22 MR. DURBIN: Well, -

23 ZONING EXAMINER: What's your hope that will come out of  
24 that meeting?

1 MR. DURBIN: My hope is that it'll initiate a process of  
2 determining how and when and where we're gonna build future garages in  
3 the downtown, 4<sup>th</sup> Avenue area that are gonna support, you know, current  
4 needs and future development.

5 ZONING EXAMINER: So, it's your hope that you're actually  
6 gonna be able to present enough evidence to them to show the possible  
7 locations that you're kind of targeting of where you think they should  
8 be building these garages?

9 MR. DURBIN: Right. We're working with a consultant who's  
10 got a proprietary software model, I believe.

11 ZONING EXAMINER: Uh-huh.

12 MR. DURBIN: We've loaded in all the current land use data  
13 down to the very granular level as far as every square foot of retail,  
14 restaurant or bar, or office residential, entertainment, what have you  
15 in the 4<sup>th</sup> Avenue area, downtown. And we're also looking at the west  
16 side.

17 And, and we've done some very comprehensive occupancy  
18 studies of both on-street and off-street. So, counting cars in our  
19 own garages and lots. Counting cars in our - in County garages and  
20 lots, and other people's garages and lots, and on-street different  
21 times of the day, different days of the week, during special events,  
22 during not special events, all those kind of things. So, -

23 ZONING EXAMINER: Uh-huh.

24 MR. DURBIN: And then the model kind of takes all that, and  
25 it sort of interprets, based on the current mix of uses that are, that

1 are present. What, what's the actual - Alejandro mentioned, you know,  
2 studies that have looked at usage rates in terms of transit-oriented  
3 development with, you know, how many, how many vehicles you have per  
4 unit.

5 Well, we're, we're trying to do that as a, as a snapshot of  
6 where Tucson in the downtown, 4<sup>th</sup> Avenue area actually is in terms of  
7 the existing office space, the existing retail space. And then  
8 modeling all that with the existing occ- -- occupancy for parking.

9 So, we're gonna be able to come up with basically our own  
10 ratios of how many, how many, how many cars people are, are parking,  
11 you know, to, to, to meet the needs of the existing mix of businesses.

12 ZONING EXAMINER: Uh-huh. Oh, I get it.

13 MR. DURBIN: So, -

14 ZONING EXAMINER: And then how long do you think from the  
15 time you present before Mayor and Council would be able to come back  
16 to you with their obvious needs and questions that they're gonna have?

17 MR. DURBIN: Well, first of all, we don't have a date yet  
18 for the Council meeting because we don't, we don't have the study  
19 completed. And I don't want to create a -

20 ZONING EXAMINER: What's your best guess?

21 MR. DURBIN: You know how that goes.

22 ZONING EXAMINER: Oh, not at all.

23 MR. DURBIN: (Inaudible) within several weeks in advance.

24 ZONING EXAMINER: Never missed a deadline in my life.

25 MR. DURBIN: So, -

1 ZONING EXAMINER: What's, what's your guesstimate,  
2 realistically?

3 MR. DURBIN: Realistically, I would say - it's what? March  
4 8<sup>th</sup> today, so, we'd like to get to Council April, early May. Start  
5 talking about, "Okay, here, here are the results. Here, here are all  
6 these developments that we all know are coming. A lot of them are  
7 taking parking away." And, you know, it's not just, you know, 4<sup>th</sup>  
8 Avenue.

9 ZONING EXAMINER: No, no, no. I know. It's a lot of -

10 MR. DURBIN: Yeah. There's a 20-story building on Broadway  
11 and 6<sup>th</sup> that, -

12 ZONING EXAMINER: We won't even talk about those tonight.

13 MR. DURBIN: - that, that I'm having to look at, you know.

14 ZONING EXAMINER: La, la, la, la.

15 MR. DURBIN: How big of a garage would we need to build,  
16 and all those kind of things.

17 ZONING EXAMINER: We don't even want to hear about it.

18 MR. DURBIN: Yeah.

19 ZONING EXAMINER: You give me a headache.

20 MR. DURBIN: So, we're, we're actually - we're, we're,  
21 we're gonna be modeling this project.

22 ZONING EXAMINER: Okay.

23 MR. DURBIN: But we're, we're kind at the point where  
24 we're, we're, we're trying to finalize all the data and make sure we  
25 haven't -

1 ZONING EXAMINER: Right.

2 MR. DURBIN: - missed anything.

3 ZONING EXAMINER: And, and actually, then, the good news -

4 MR. DURBIN: And then at the same time, go into like  
5 modeling (inaudible)

6 ZONING EXAMINER: No, no, no. I understand. And then the  
7 good news of that is once it's in the purview of Mayor and Council,  
8 and they have some information as an ammunition, then it makes more  
9 sense for people to then start talking to your Council Members and  
10 your Mayor and everybody because you know that's the way to get things  
11 changed here. So, but that's actually kind of good news on that  
12 level. So, I'm kind of encouraged, so -

13 MR. DURBIN: Yeah. I mentioned last week, too, we'd, we'd  
14 like to kind of maybe set some boundaries of a, of an area where we'd  
15 like to, you know, look at soliciting interest for partners for  
16 parking within -

17 ZONING EXAMINER: Right.

18 MR. DURBIN: - the 4<sup>th</sup> Avenue area, just, just west of 4<sup>th</sup>  
19 Avenue.

20 ZONING EXAMINER: Okay.

21 MR. DURBIN: North of the tracks (inaudible)

22 ZONING EXAMINER: No, no, no. I, I - and I want to return  
23 to last week's hearing.

24 MR. DURBIN: Yeah.

1           ZONING EXAMINER: But thank you. I appreciate you sitting  
2 here all this time and waiting to speak. So, I appreciate that.

3           MR. DURBIN: No problem.

4           ZONING EXAMINER: So, thank you very much, Don. Tom? I'm  
5 sorry. Mr. Warne?

6           MR. WARNE: Tom Warne, 70 West Cushing Street. Mr. Mascia,  
7 CDQ Architects, just has a few comments, very few.

8           ZONING EXAMINER: Oh, I guess. Out of respect for the guy.

9           MR. MASCIA: I've signed and sworn.

10          ZONING EXAMINER: Oh, thank you.

11          MR. MASCIA: Just to keep it short, I want to make clear  
12 that the plan that has been circulated as the rezoning plan is just  
13 that. There's no - that does not suffer any malice of design intent  
14 as a building. It is not a building.

15                 What we've, we've talked about here is limits zoning,  
16 basically a zoning law that we're putting forth for this particular  
17 PAD. So, any drawing that we have, it does not reflect any  
18 construction that will happen.

19                 There will be a Design Review Committee set up for this  
20 particular parcel. And I would hope that the neighbors, as passionate  
21 as they are about their neighborhood, become involved in that process  
22 when this actually goes from the rezoning issue to an actual real  
23 building. There's a little confusion, I know, in everyone's mind as  
24 to what we're doing here. We don't have a building. So, it doesn't

1 make any sense to say it's not human yet because there's not a  
2 building, not that I'm gonna do that building. I just say that.

3 And I'll just close with the fact that, sat here for three  
4 hours, and I heard a lot of stuff. And I just want to say as somebody  
5 who's been here since, even before you, Mr. Shell.

6 ZONING EXAMINER: Oh, I know. I've heard the stories of  
7 The Buffet.

8 MR. MASCIA: I arrived here before - my first meal in  
9 Tucson was at the Grant and Stone Cafeteria. My first illegal beer in  
10 Tucson was at Ray & Red's Poor Man's Club. I've spent a lot of time  
11 on 4<sup>th</sup> Avenue. I remember when it was the only place on 4<sup>th</sup> Avenue was  
12 even open after about 4:00 in the afternoon was Caruso's.

13 I've watched it change. I've watched it grow. And I have  
14 watched it change continuously. So, I'm little - I think taking  
15 possession of it 'cause you happen to own a business or live there is  
16 one thing, but it's an asset for the entire city of Tucson.

17 And I think it's my asset. I have a history down there  
18 just like you do, and almost everybody in this room. So, I'm a little  
19 - I take it just a little umbrage of the fact there's this possession  
20 of it, and to the exclusion of everybody else as a citizen of Tucson.

21 ZONING EXAMINER: And before you walk off, and I appreciate  
22 your comment. Could you describe for everybody here the process of  
23 how the neighborhood would be notified when that Design Committee,  
24 let's say a developer does come in and starts to propose some sort of  
25 building on this?

1 MR. MASCIA: Well, there'll -

2 ZONING EXAMINER: How does that happen?

3 MR. MASCIA: There'll be the - there's a - with any Design  
4 Review Committee, there's the plans are usually generated, early plans  
5 are generated, they're submitted to the designer people. Before the  
6 expense of finishing the plans, there's still opportunity to mold and  
7 change those plans.

8 And it's basically open. It's a public hearing much like  
9 this. It's open to the public, and they're notified the same way like  
10 they are for all City projects. And it may be, I'm not sure of the  
11 limits of notification, but I'm sure it's as widespread as this  
12 hearing, and maybe more so.

13 ZONING EXAMINER: Okay.

14 MR. MASCIA: But basically, it's an interchange with the  
15 design professionals, and the community members supporting (inaudible)  
16 appointed this Design Committee, and the neighbors, and the real  
17 architects and developers for the project.

18 ZONING EXAMINER: Wonderful. Thank you very much, Mr.  
19 Mascia. I appreciate that. And just so that the neighbors, to  
20 clarify this. Although each and every one of you may not live within  
21 the, quote, unquote, "notification area", I know that you guys and  
22 gals, you got a great community, on-line presence, shop presence.

23 The word just needs to get out when the time comes, should,  
24 you know, this get approved - and bear in mind, I'm just a cog in

1 this. I'm just making a recommendation to Mayor and Council. Mayor  
2 and Council's who's gonna decide this, not me.

3 But it's important for you to exercise your rights of  
4 (inaudible) talking to your Mayor and Council. At the same time, when  
5 it does come time to be designed, that's the time that you actually  
6 start to be able to become actively involved in what this thing starts  
7 to shape up like.

8 And whether or not this gets approved in its form that  
9 they're requesting, I, I'm not sure yet. I have no idea. I mean this  
10 is still early on even in my process. So, but I do want to thank  
11 everybody for coming out.

12 If there's nobody else here wishing to speak in this, I'm  
13 gonna go ahead and close the public hearing. And I will get my  
14 preliminary report in the allotted time. And I thank you all for your  
15 patience, and you are all a very polite group. So, I appreciate that.

16 And if it's okay with our next case, I'd like to take a  
17 five-minute break. Are you good with that?

18 (Affirmative.)

19 ZONING EXAMINER: Thank you.

20 (Case: C9-18-01 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: 03/21/18

/s/ Kathleen R. Krassow  
KATHLEEN R. KRASSOW - Owner  
M&M Typing Service