ZONING MEMBERS PRESENT
Jim Mazzocco, Zoning Examiner
John Beall, Planning & Development Services
Rick Guerra, City Recording Clerk

1 ZONING EXAMINER: Okay. We’re all set. We’re all ready to go here. Everybody sit down. Let’s keep quiet. Finish your conversation. You’re not listening to me. Okay. Okay. We’re ready.
2 Okay. Staff, we’re going on to the next case.
4 Enough, okay? We’re done. John, speak. So, moving on.
5 MR. BEALL: This is a request by R+R Development (sic) on behalf of the property owner, Trinity Presbyterian Church to rezone approximately 2.79 acres from C-3 and R-3 to Planned Area Development Historic, PAD-H zoning.
6 The rezoning site is located at southeast corner of University Boulevard and 4th Avenue within the West University National Register Historic District in the West University Historic Preservation Zone.
7 This is a companion case to C9-16-12 West University HPZ Boundary Amendment which proposes to remove the Trinity property from the West University HPZ from HC-3 and HR-3 to C-3, R-3 and then replace it with the rezoning to PAD-H zone.
8 The Planned Area Development overview, the PAD zoning standards consist of a single zoning district based on a modified C-3 zone. The land uses listed are those permitted within the C-3 zone
with the following exceptions not permitted - restricted adult activities, medical marijuana uses, gun shop, pawn shop, liquor store, bar, automotive service and repair, check cashing, tattoo parlor, correction use facility.

The PAD will require that group dwelling use and structured parking only be allowed as a special exception land use permitted through the Unified Development Code, Mayor and Council special exception procedure, Section 3.4.4.

The PAD limits the maximum number of dwelling units to 111, which is 40 dwelling units per acre, and a maximum building height of 50 feet. The Trinity PAD does not allow for - or does allow for reduction in parking from UDC requirements, given this proximity to the modern streetcar, and as a mixed use project having four separate uses, residential, office, retail and religious, the PAD takes an approach to parking for these land uses that have overlapping the parking demand times, depending on work week hours versus weekend and daytime work hours versus, again, evening hours.

The PAD is gonna provide 160 off-street parking spaces for the development. The PAD also includes historic preservation standards. The PAD includes the HPZ zone standards based on the UDC Section 5.8, Historic Preservation Zone with only those modifications to allow for the proposed project which includes increased height, allows zero setback on 4th Street, modified surface texture standard to allow materials appropriate to the desert climate, and modified detail standards to omit requirements for specific historic details for new
construction. Modify HPZ sign standard to allow a larger signage, maximum area sign of 20 square feet matching the size allowed in the adjacent 4th Avenue standards.

The PAD document will allow through a minor amendment process that any future historic landmark designation of the 1924 church sanctuary structure is to be considered a non-substantial change to the PAD-H and subject to the historic preservation standards as outlined in the PAD-H document subject to review and recommendation by the City of Tucson, Historic Preservation Officer, and the Tucson-Pima County Historic Commission, Plans Review Subcommittee to formally consider the church nomination for eligibility.

The request to rezone the PAD site is consistent with Plan Tucson, and University Area Plan, and West University Area Plan, and for adaptive reuse of the Trinity Church site. Approval of the requested Trinity Church PAD-H is appropriate only if C9-16-12 West University HPZ Boundary Amendment is approved by Mayor and Council.

As of to date, 12/01/16, there have been 16 approvals, 11 protests. Seven are within the 150-foot protest area boundary. Protest percentage to the north is zero percent. To the south is 12.3%. To the east is 26.6%, and to the west is 21%. And that’s important because if any percentage is greater than 20%, it requires a super majority vote by Mayor and Council.

ZONING EXAMINER: Okay. Thank you, John. So, if I understand correctly, the protest and approval is the – exactly the same as the other case, or slightly different?
MR. BEALL: Just slightly different.

ZONING EXAMINER: Okay.

MR. BEALL: There was—how that worked for (inaudible)

ZONING EXAMINER: But we still come out with a super majority in both cases?

MR. BEALL: That’s correct, -

ZONING EXAMINER: Okay.

MR. BEALL: -’cause we, we sent out to separate mail-outs for the cases.

ZONING EXAMINER: And, and there are, within the PAD document, sets of historic preservation standards, is that correct?

MR. BEALL: That’s correct.

ZONING EXAMINER: And any, any development coming forward from this PAD document, if I understand correctly, the process would be able to go to the West University Historic Advisory Board, and then to the Plans Review Subcommittee of the Historic Commission, then on to Planning & Development Services Staff.

MR. BEALL: That is correct.

ZONING EXAMINER: Okay. John, the street, or the sidewalks that adjoin this property, do they have any type of historic designation?

MR. BEALL: No.

ZONING EXAMINATION: No. Okay. So, they’re just generic sidewalks at this point?
MR. BEALL: Yeah. They’re, they’re not regulated by the
 hpz overlay.

ZONING EXAMINER: Okay.

MR. BEALL: And they also are – do not have historic
designation as part of the West University National Register Historic
district.

ZONING EXAMINER: Okay. The special exception, John,
that’s talked about in here with regard to group dwelling, is that a
Mayor and Council special exception? Is that clarified?

MR. BEALL: Yes, it is. That’s correct. It’s Mayor and
council special exception.

ZONING EXAMINER: Okay. So, turn to the Applicant again,
Ms. Dorman. The microphone is yours and present as you think is
appropriate for this, understanding we’ve heard a lot of what you
said, but however you want to present is up to you.

MS. DORMAN: I will try not to present too much déjà vu.
Do I need to state my name and address again?

ZONING EXAMINER: Yes.

MS. DORMAN: Randi Dorman. I reside at 1001 East 17th
Street, Apartment 125, Tucson, 85719. Okay. So, I think we’re all
clear on background, and even more background.

ZONING EXAMINER: So, what you’re doing, because they can’t
see this on the transcript, is you have a slide show. You’ve covered
several of these items in the previous case.

MS. DORMAN: Yes.
Case: C9-16-13 Trinity Presbyterian Church PAD-
University Boulevard and 4th Avenue (Ward 6)
City of Tucson Zoning Examiner Public Hearing 12/01/16

1 ZONING EXAMINER: And you’re just saying these still apply
2 in, -
3 MS. DORMAN: These still apply.
4 ZONING EXAMINER: - in this case. And you’re going to give
5 us a document of this power point, and we’ll put that in the packet?
6 MS. DORMAN: Absolutely.
7 ZONING EXAMINER: Okay.
8 MS. DORMAN: I will refer to this slide one more time, -
9 ZONING EXAMINER: Okay.
10 MS. DORMAN: - which is the project site, 2.79 acres. The
11 two historic structures on the site are the 1924 church right there,
13 and 1959 are all outside the period of significance for the West
14 University Neighborhood.
15 And just again to review, current zoning is HC-3 on half of
16 the site, and HR-3 on the other half of the site which would allow for
17 high density residential. That’s a picture of the original church
18 building which we will be bringing back. Do you need me to review
19 this again the heights, the -
20 ZONING EXAMINER: Mention - again, there’s gonna be a
21 transcript, so you could just quickly explain what you’re showing.
22 MS. DORMAN: The original church sanctuary is 36 feet tall.
23 ZONING EXAMINER: Uh-huh.
24 MS. DORMAN: Prior - the plans that we had been presenting
25 over the past few years, we had used the 51.6-foot height of the
Donald Hitch Memorial structure as a height that we promised the
neighborhood we would not exceed.

At the time, we thought this was the allowable height.

Late last year or early this year, we were notified by Shippo that the
Donald Hitch Memorial structure at 51.6 feet was, in fact, not a
contributing historic structure. And that the only — the tallest
contributing historic structure on the site was the original church
sanctuary at 36 feet, which then became our allowable building height.

Again, I’ll summarize why we’re doing the boundary
amendment and PAD rezoning. Once we discovered that that was the
greatest height, we could not do a well-designed viable project at
that height.

And so, we requested — and we could not do a variance in an
HPZ. We designed a beautiful project at under 50 feet that would be
appropriate for the neighborhood and would allow market-rate housing
and an office project.

HPZ’s cannot be amended, so our only option was to do the
HPZ boundary amendment paired with a PAD-H rezoning. In the rezoning,
all of the historic protections remain on the two historic structures,
but the rezoning enables consolidation of the HR-3 and HC-3 zoning,
height relief, some setback relief, definition of appropriate and
sustainable materials for new construction.

So, we’re essentially asking for one more story of height
in exchange for reduced volume in footprint of building to create a
better design project.
The plan is to create two complementary buildings along 4th Avenue, a mixed use residential building with ground floor retail, about 60 market-rate residential units on site, paid parking for residents, and along between Time Market and the church. A three-story office building with ground floor retail and two floors of office with surface parking for church, office, and retail users.

I’m clicking through the diagrams that show what is existing and transitioning to what we are planning, but I won’t go into detail, and then the site plan, and what we could build without the rezoning. Again, this is the footprint that is allowable in the existing zoning.

Mass – it’s broad coverage of the site. And our proposed footprint that is in the PAD in the rezoning is a much reduced building area. This is the allowable building area, but we’re gonna be building much less than that here, and the allowable building next to Time – building area next to Time Market.

And again, in model form, this is what is allowed by code, the view from 4th Avenue and 4th Street versus what we’re proposing with four stories and a stepped-back fourth floor. Much improved porosity view sheds, much better site utilization. Again, on 4th Street and 3rd Avenue what’s allowed by code if we build three stories, and what we’re proposing. Much more open space, views pushed away from the residential part of the neighborhood. We could build onto this driveway. That’s allowed. But within our PAD-H we are pushing back
to her. We could build part of the build- -- we could build driving
underneath it and build a building here.

   Again, what’s allowable by code, and three stories and then
what we are proposing at four stories. And, I mean, just look at the
difference in how the church gets surrounded or not. I think I
reviewed sufficiently the advantages of four stories versus three
stories, so I’ll start here.

   There is no boundary amendment without the corresponding
PAD-H. We have met with WUNA and its leadership 11 times since
February, and we’ve incorporated solutions to many of the issues that
they’ve raised into the PAD-H.

   I want to make sure that everyone understands that a WUSAB
representative was on the PAD Review Committee. We work closely with
him to insure that WUSAB concerns were addressed. We made revisions
based on his recommendations. That was part of the PAD review
process.

   We submitted our first draft to the PAD in July and now
we’re in December. We made many changes based on feedback. And HPZ
design standards were written into the PAD-H verbatim. And any
variations are called out in red.

   I mean you have the documents that you can see. We call it
out in red so that it is clearly marked where there is any deviation
from the verbatim HPZ standards.

   So, I’d like to review the standards that we have – the
changes to the standards that we have requested. So, obviously, we
requested an increased building height from 36 feet to 50 feet. I think I’ve spoken at length about why.

We’ve asked for zero setback, setbacks on 4th Street in lieu of matching existing prevailing setbacks. This allows us to step back on the fourth floor, and inset on the ground floor. On 4th Avenue as well, if we inset on the bottom, then we can create shaded areas for the retail. So, we’ve stepped in the ground floor and the fourth floor.

I would like to say that on 4th Avenue across the street there’s zero setbacks. On 4th Avenue, at the church, there are zero setbacks. The current structure that juts off of the awning is at a zero setback.

We’ve asked to modify surface texture standard to allow materials appropriate to the desert climate for new construction. So, we feel that in new construction, we should be trying to design durable and sustainable buildings. I think we have enough stick and stucco, low quality buildings in this town. And so we wanted to use durable and desert-appropriate materials and not wood windows which would be not sustainable.

We’ve asked to modify the detail standard to admit requirements for specific historic details for new construction. We have said from our very first meeting with WUNA, our very first meeting. We said we do not do fake historic. We think that fake historic does not honor historic properties. We’ve been clear about
that from day one. And so we like to do what is historically compatible, but not fake historic.

We’ve asked to modify the HPZ sign standard to allow for larger signage matching the size allowed in the adjacent 4th Avenue standard, 20 square feet. And the reason we asked for this is we’d like to call the residential building “The Trinity”. And it’s ten letters. You can’t fit that in eight square feet. And the WUSAB representative was absolutely fine with that.

Any future historic landmark designation of the 1924 church sanctuary structure will be considered a non-substantial change to the PAD and subject to the Trinity Presbyterian Church PAD Part 3 Historic Preservations Zone standards.

In addition, the applicable Historic Preservation Zone technical standards and design guidelines compatibility for new construction will be reviewed based on the Secretary of the Interior’s historic standards for rehabilitation.

The Arizona State Historic Preservation Office will be consulted to make a final determination about compatibility if necessary. And this came up in our discussions with WUSAB about what determines new construction that was gonna be compatible with historic construction.

And our solution was to go through the current process, but then Shippo, if there is a discrepancy, Shippo will be consulted to make a final determination on compatibility, which we think is highly reasonable. I mean we’re not trying to not be compatible. We’re just
trying to make sure that it’s not a moving target and that there is an end determination.

Other PAD highlights that are not specifically in the HPZ design standards, as I’ve mentioned many times tonight, we have reduced building volume in exchange for height, improving view sheds to historic buildings, creating porosity and walkability in the site.

We’ve allowed for porous pavers and stabilized DG because I mean I think we all see when it rains, and the streets, there’s no place for the water to go, but we can put water back in the aquifer if we’re using porous pavers and stabilized EG in lieu of asphalt everywhere.

We have extensive excluded uses. Mr. Beall recited them in his opening summary, but including excluded bars, tattoo parlors and marijuana dispensaries, and also as discussed thoroughly, we have special exception status for both group dwelling and structured parking.

I reviewed this before. We have been meeting with WUNA for five years. I have the presentations, not on this plan. As I said earlier, this plan we came to at the end of last year and presented this plan starting in February. We did five formal presentations to WUNA. We attended a meeting to answer questions. We met six other – I mean it’s just – it’s a lot of meetings. I think you can see a lot of meetings.

And so, how we’ve responded to WUNA feedback. I went through this in the last part of the hearing, but I’m going to review
it quickly. We’ve responded to the desire for permeability,
walkability, bikeability, better options for restaurants and retail.
We’ve responded to those things in the design, but also specifically
in the PAD we have put many of their concerns right into the code.

Sensitive to height, I’ve talked extensively about stepping
back the ground floor and stepping back the fourth floor along 4th
Street and 4th Avenue. This was based on casual conversation. I mean
we’ve had meeting after meeting, meeting after meeting.

I have notes from meeting after meeting. We’ve asked for
official feedback from the West University Neighborhood Association.
We’ve asked several times, and the first time that we got official
feedback from WUNA as a group was yesterday.

So, everything that we’ve done to respond we’ve done based
on trying to listen really hard, and trying to be responsive, and
trying to be collaborative, quite frankly. Being collaborative was
very important to us in this process.

We’ve talked about being sensitive to additional cars in
the neighborhood. You know, there will additional cars. Regardless
of what’s developed there, there will be additional cars. But we’ve
taken steps to try to mitigate the impact, and by doing a good
project, certainly the unwanted activity in the vacant parking lots
will be minimized.

We talked about no student housing, that we put into the
code no group dwelling. The durable materials making the church a
landmark. I’ve reviewed these misconceptions. We’re not carving a
hole in the HPZ. The proposed PAD-H has no effect on the National
Register Historic District. We still have to go through very
stringent design review and design standards. And we even have Shippo
as a final determination on compatibility.

The height, we’re asking for one more floor not ten. I
think we’ve talked about the church is not gonna leave their land as
is. The church is allowed to develop on their land. They’ve been
good neighbors, and they’re allowed to create some financial stability
for themselves. I – we have not been threatening. We’ve been stating
factually.

I do not consider myself to be intimidating at all, and I
don’t really know what to even say about that. But we have just been
stating what we could develop by current code which would have been so
much easier for us to do several years ago, if not a year ago.

There’s a reason that we’re here. We could have done those
things already. We want to do something better. We’re not doing
student housing. Special exception is a onerous process. We do not
consider this to be a bad precedent, especially with all of the
layers.

And we really set out for this to be a positive precedent
for thoughtful new construction in a historic neighborhood. New
construction is allowed to happen in historic neighborhoods. And in
addition, we have informed people and worked with all the necessary
groups. I was gonna say ad nauseum, I’ll just say a lot.
So, we submitted. We, we have – we did have our first meeting with WUNA in 2011. We were clear about our objectives. We expressed how much we wanted this to be a collaborative process. We said, “We do not do fake historic.” We were clear from the beginning. But we really wanted this to be a project that everyone would be proud of together.

We submitted our first draft of the PAD in July. We’ve had the following meetings with WUNA since July. August 18th, we met with WUNA leadership. August 20th, we presented to WUNA. September 15th, we met with WUNA. And October 10th, we had our official neighborhood meeting with WUNA.

We’ve given every opportunity for feedback. They have my e-mail, they have my phone number. We’ve revised our PAD and our design based on unofficial feedback to date, and despite asking, we didn’t get official feedback from WUNA until yesterday.

We – one request was sent to Mr. Beall a few weeks ago stating that the development group would like structured parking as a excluded use. And so we included the equivalent of that. But there was no other official request to us until yesterday.

These are all the, the steps. We already talked about tremendous benefits to the community. I mean the reactivation of an underutilized property. Have you walked by there? Have you walked by the building that completely blocks any access to the site from 4th Avenue. At night, it’s scary. I mean there’s no windows, there’s no openings.
The parking lots are completely underutilized. The church is trying to make some money off of their parking, and they’re mostly unused. We’re trying to reactivate this site that is seriously underutilized right now. By doing that, the Trinity Church is gonna be a partner with us, and that will help them stabilize financially.

We’ve had maximum porosity for pedestrian access through this site. The reactivated streetscape, high-quality market-rate, multi-generational housing, creative office space with new retail offering. Not student housing.

The historic church being brought - façade being brought back to life to the historic standard. All historic preservation protections remain intact on historic buildings. We’d like to become the greenest block in Tucson. That’s a goal of ours. We’re definitely going to incorporate sustainable practices.

People want an opportunity for a live-work lifestyle. We are an all-local design development construction and ownership team. And all of this started because the church wanted to leverage and embrace the City’s investment in the modern streetcar.

So, again, in conclusion, this process exists within the current code, wasn’t modified for us in any way. We will not be the tallest building on the block, let alone the neighborhood. The height exists in and is consistent with the neighborhood. And the choice is not between what’s being proposed in the rezoning and the property remaining as is.
The church will develop the land, so the choice is between what could be designed within the current code and what we are requesting. And we feel that this rezoning will allow for a far superior project. We appreciate your time and your consideration.

ZONING EXAMINER: Okay. Thank you very much. I’d like to ask Staff a few questions. And these are directed at Carolyn. This property, it’s within the Infill Incentive District boundaries, is that correct?

CAROLYN: Yes, Mr. Mazzocco, that’s correct.

ZONING EXAMINER: And is – there’s a subarea from the Infill Incentive District that this particular proposal is within?

CAROLYN: Yes. The, the Infill Incentive District has a series of subareas, and the greatest of those is the downtown links. Within the downtown links subarea, there is the 4th Avenue area. And within that area that calls out the historic piece and the commercial retail piece (inaudible) of the street.

ZONING EXAMINER: So, so in that it’s in the Infill Incentive District, and the Infill Incentive District has a lot of flexibility, why can’t this proposal use the Infill Incentive District provisions?

CAROLYN: Well, there are two pieces to it. On this site is located within the 4th Avenue historic area which allows for some modifications, some use of prevailing setbacks, parking relief. But it also requires that they stay within the height restrictions of the HPZ boundary.
ZONING EXAMINER: Okay. So, that disqualified them from using the Infill Incentive District provisions.

CAROLYN: That piece and the, the buildings themselves which will be demolished, there’s, there’s language –

ZONING EXAMINER: Okay.

CAROLYN: - that protects.

ZONING EXAMINER: So, when you’re in the Infill Incentive District, it is kind of what you might call a special design area. How does the design review process work in the Infill Incentive District?

CAROLYN: Well, there are two different design review categories. The first is a major review, which requires review by PDSD’s Staff, a design professional which we have four of them that we work with. And the Design Review Committee which is made up of five members within the community.

They include an architect, a landscape architect, a local developer, and a neighborhood representative for the entire 1200, or 1200 acres of Infill Incentive District. And then in this case, there’s also an additional member which is the head of the 4th Avenue commercial zone.

ZONING EXAMINER: Okay.

CAROLYN: So, that would be a major review.

ZONING EXAMINER: Uh-huh.

CAROLYN: A minor review would be a design professional review, along with the PDSD review.
ZONING EXAMINER: Okay.

CAROLYN: There’s also a notice (inaudible) difference between the two.

ZONING EXAMINER: What normally is looked at in a design review in the Infill Incentive District?

CAROLYN: There are things such as lighting, materials, facades, windows, the type of glazing that’s used, landscape, pedestrian circulation, environmental services concerns, traffic and neighborhood issues that could come up.

ZONING EXAMINER: So, so, this case, when I asked John earlier what design review it’s going through, he mentioned that it was the West University Advisory Board, then Historic Plans Review Subcommittee, and then it goes directly to Staff. Is that particular review, in your professional opinion, covering the exact same things as the Infill Incentive District review?

CAROLYN: No, it is not.

ZONING EXAMINER: Okay. Okay. Well, okay. I just wanted to compare what, what were the differences in that review versus if it were a project that complied with the Infill Incentive District and went through it.

One other question. They, they have a PAD document that has a lot of information in it, and obviously goes into great detail on historic preservation standards. Would you consider that the design information in the PAD document is at the same level as an
application that would go to the Design Review Committee for the
Infill Incentive District?

CAROLYN: I would say not at this time.

ZONING EXAMINER: Okay. So, that—it’s not—it’s setting
it up, but it’s not quite where you would be if you were going through
the Infill Incentive District?

CAROLYN: That’s correct.

ZONING EXAMINER: Okay. Okay. So, now I’m going to go
back to our public hearing process here. And I’m going to ask those
who are in favor of the case to speak first, and then those who are
opposed, and then those who are neutral.

So, first I’ll call up those who are in favor. Could they
show their hands who want to speak in favor? Okay. I’ll start with
the gentleman in the back, and then I’ll go over on this side.

MR. HERMAN (ph.): My name is Mark Herman. Reside at 2648
East Drachman Street, Tucson, 85716. I’m the owner of Hermano’s
Craft, Beer & Wine Bar on 4th Avenue, and I’m also the President of the
Board of the 4th Avenue Merchants Association.

FAMA, 4th Avenue Merchants Association, I’ll abbreviate as
FAMA—FAMA’s Governing Board voted unanimously to issue a letter of
support for this project, which I can briefly read it for the record,
if that’s all right.

ZONING EXAMINER: Sure.

MR. HERMAN: “It is a pleasure—Dear Mayor and Council and
Zoning Examiner: It is a pleasure to express our enthusiastic support
for the proposed PAD rezoning of the Trinity Presbyterian Church at 400 East University Boulevard.”

“As representatives of over a hundred merchants along a century-old historic business district, we look forward to this development, and believe that it will enhance the area through creative and forward-thinking activation of an underutilized area of our downtown community.”

“The design is thoughtful, appropriate, and higher quality than what currently exists. We certainly understand the importance of maintaining the character of historic neighborhoods, well-thought-out development which reflects our values will clearly benefit the neighborhood.”

“Both buildings will embrace sustainable building techniques, both active and passive, employ smart growth and transit-oriented design principals. In addition, a lush desert landscape plan will transform barren parking lots into verdant landscape that the neighborhood can access and enjoy.”

“As a stewardship organization, we value sustainable smart growth development, promoting environmental responsible urban living and working. We encourage sensitive, high-quality design, contemporary, compatible architecture which enhances historic design.”

“Regarding the height request, the difference between 36 and 50 feet as one experiences it from the street is minimal. It is the street level that is most important, and street level building and
landscape plans enhances our community. Regards, Fred Ronstadt,” our Executive Director.

And additionally, speaking as a business owner, and I’ll preface that these remarks are my own and not, have not been endorsed by the Board. But the merchants on the avenue are doing what they do because they’re passionate about their craft. You know, we’re passionate about serving the community. For example, many of the businesses hold community meet-ups for non-profits and social groups and many others.

However, business as it spreads thinner throughout the greater downtown area, this live-workplace synergy can start to break down when rents and business costs just creep up, as it normally does, and the population, immediate population stays stagnant, which has, which has been the case on the avenue.

And while we’re passionate and, and we serve a community. You know, we’re not just here for convenience. This is our life and our livelihoods. So, I understand the neighborhood and the sentiments that they would like more, more shopping, better shopping, better restaurants. But the vitality of any so-called better options is dubious.

No one in their right mind is gonna want to spend hundreds of thousands of dollars or more on a tasteful tenant improvement project without the future growth potential and economy activity to support it. So, I would kindly ask that the voice of the merchants be
afforded an appropriate weight in your decision-making. Thank you very much.

ZONING EXAMINER: Thank you very much. Okay. There were others in favor? Sir? Yeah, go ahead.

MR. LOVEJOY: Thank you. My name is Walter Lovejoy. I live at sixty two oh - 6201 East 5th Street, get my numbers backwards. Unit A-107, Tucson, 85711. I’m the Chairman of long-range development team at Trinity Presbyterian Church.

As I said earlier, the church is very excited about this project. We feel that this is gonna be a project that the church, the neighborhood, and the City can be very proud of. It’s gonna be a place where people can live and can work. And the most important part about this project is it’s gonna be feasible, economically feasible for both the developer and the church.

The church is in this for the economic benefit in order to sustain itself so that we can continue to stay where we are at the corner of University and 4th Avenue and bring all of the services that we bring to the City of Tucson. Without the sustainability, who knows what’s gonna happen with the church?

Our congregation was 3500 in the mid-'50's, one of the largest Presbyterian congregations in the country. Today, we’re right at 200. But we still offer many, many services to the City. And in order to do that, to the people of the City. And in order to do that, we need to be financially stable. And this is one way that we can do that. Thank you very much.
ZONING EXAMINER: Okay. Ma’am?

MS. BOELTS: Again, Alison Boelts, 345 East University, 85705. Again, to reiterate my comments from before, I’m a third generation native, and I’ve seen Tucson grow tremendously since I was born and raised here.

And I understand the desire to preserve our historic heritage, but I also believe strongly that as a society of people that we need to understand the needs of, of human beings and that the preservation of specific architectural structures is, is very important, but must incorporate growth and change into our thinking about our, our community and the people that live here.

And I, I have no desire whatsoever to harm anything that makes us realize where our roots are from and where, where we started. But, at the same time, we need to go into the future and come together as a community by creating places where we can eat and walk and live and go outside and, and see each other.

And so, being right there in that neighborhood, it would mean a lot to me and to my neighbors to have this wonderful project where we can all remember our past, but come together and go forward in the future. Thank you.

ZONING EXAMINER: Okay. Thank you. See someone else in favor? Okay. Those in opposition? Sir?

MR. LANGONE: Sorry about that. My name is Kenny Langone. As I reiterated before, lived in the neighborhood 33 years, owned a home for 29 years. To me the simple math is I’ve slept in the
neighborhood within two blocks of this project for about 10,000 nights or more.

Tommy Brown, my friend, his wife Patty. Tommy has slept in the neighborhood 20,000 nights or more. So, when we talk about enhancement, I do feel it’s been overlooked, those of us who reside here. My wife, my two-year-old daughter. As I say, we have two homes on 3rd Avenue right across the street, 722, 730 North 3rd Avenue.

Since we’re talking historic, this home at 722 was built by Mr. Henry Jostadt (ph.) in 1910, renowned architect that is featured in one of the shuttle, excuse me, streetcar stops about the number of structures he’s built, including hotels, businesses, as well as many historical residences in the neighborhood.

His house, quite obviously, when it was built in 1910 was able to see the Tucson Mountains. So, when these various amendments or additions to the church went up in ’48, ’59, all the things we’ve heard, quite obviously, the City wasn’t sensitive to things like that, that a renowned person from Norway would go out of his way to build a home – I have pictures of showing like it was built on the moon. But quite obviously, he wasn’t alive to see that kind of desecration.

As far as correcting the record about things, we’ve heard how the church is good neighbors, that was said by a person who’s not neighbors of the church. We have heard they’ve been at it for five years as though it’s been some kind of burden when, in fact, the questions I have listed, when you read them, you tell me if any of
them have been addressed as though you were a person sleeping within
the neighborhood.

No student aspect of it. We made clear in the meeting
where that was brought up. And, in fact, though they can’t limit
students from being there, they said that they would price students
out of the range. And I made the point at that meeting, “Do you see
who’s driving these $50,000 cars?” So, economics would not limit
students from living there.

As far as the layout of the floor plan, they refer to these
group dwellings. I think that means a common room, as they used to be
called. We haven’t seen floor plans, so I don’t know about that. I
can tell you with the population density pushing the bow of the ship
of the entertainment district into the epicenter of West University,
which is 4th Avenue and University Boulevard, this will be the death
knell of our neighborhood.

Just like Penn Station being torn down in New York, Grand
Central being desecrated, that this neighborhood is too good, too
valuable to let this happen to. On a personal level, I can’t
understand why anyone would question why I would absolutely opposed to
this. Thank you so much for your time, and I would, I would say as a
final thing.

Please look at the approvals and see how many of them stand
to make money off this. How many of them actually live in the
neighborhood commenting on our neighborhood? And then when you look
at the disapprovals, see how many of them don’t stand to make money,
and sleep here and vote here and live here and raise children here.

Thank you very much.


MR. GANS: This straddles the line between neutral and opposed. So, I don’t – you said there were some (inaudible) and feedback of PDSD today on some of the conditions. Shall I read them out what we are presented?

ZONING EXAMINER: I think if you state the date of your letter and how many items, and if you want to just summarize a few of them, ’cause it is in the documentation that I have.

MR. GANS: Okay. Before I do that, what I would like –

ZONING EXAMINER: Could you say your name and everything for the record.

MR. GANS: Oh, yes. Chris Gans.

ZONING EXAMINER: Okay.


And just to address something Randi said. Our feedback – our neighborhood is kind of like molasses on a cold night. Everything moves slow and it gets kind of sticky. So, we, we actually got our final document done Tuesday night, sent in to Mr. Beall early Wednesday morning. So, that’s the process (inaudible)

The other part I just wanted to say because there seems to be some confusion amongst some people is that while this process
removes, does remove the property from the HPZ, it does permanently.

It does put some (inaudible) some of the conditions of Historic
Preservation Zone back into the PAD-H, but is not an HPZ any longer at
that point.

So, I just – that’s – some people hear that, and hear an
interpretation, or hear their own interpretation, so it does remove
that. And maybe at some point in the future we need to explore a
different process for amending or the variance or whatever, HPZ’s that
don’t remove properties from historic – from HPZ.

It does create holes, and it does create an issue at some
point where it may be just a patchwork of holes in a neighborhood.

This was submitted early morning, November 30th, I believe, to Mr.
Beall, is that correct?

ZONING EXAMINER: Correct.

MR. GANS: And there are a couple of things I’d like to add
to that, that are not in that. One would be number 24, the final
total cubic yards of volume shall not exceed 53,000 cubic yards of
volume as stated by the developers.

And there should be additional design review. Maybe the
IID design review process which tends to be a little more rigorous
than the historic review process (inaudible) if it gets to that point.
And I realize they’re tied together, so one follows the other, and so
whatever happens on that.

ZONING EXAMINER: Okay.
MR. GANS: Oh. One last thing. I noticed in the traffic study under expended trips. I don’t know if it’s a typo or what. But on the first paragraph on page four, it said the first building, building one will be located on 4th Avenue where the current education annex building is located, and will be a mixed use residential and retail building.

There’ll be 9100 square feet of special retail use, which includes approximately 1946 square feet of outdoor space on the ground level. Above retail and dining space will be two stories of apartments. And I thought it was actually three. What this, what this states as two stories it should be corrected.

ZONING EXAMINER: Okay.

MR. GANS: Okay.

ZONING EXAMINER: Anybody else? Okay.

MR. BURR: John Burr, 424 South 4th – 5th Avenue, 85701. I was looking over the, the WUNA comments, and I’ve kind of followed along this process. And I’m glad you brought up the IID standards a little better because that got my mind thinking.

I don’t think this PAD as presented is yet finalized. I see a lot of little like problems. I’ve seen actual development plans that have been floated to the neighborhood. They’re not a part of the PAD. You only get the floor plan. They talk about this giant mass reduction, and no structured parking, no student housing. And yet, the PAD asks for structured parking, student housing and only
guarantees a minimum footprint reduction of 10%. Not — it opens the

door.

I also don’t think what’s — if you’re going to remove the

Trinity property and only protect the historic church by WUNA

standards, but you take it away from the WUSAB area, then why wouldn’t

you mandate that it become a landmark and preserve the Arthur Brown

pieces intact as well? It will have new standards and keep Trinity

intact.

The problem with this whole thing, by putting this PAD in

and doing the rezoning, it changes what goes — the zoning rules that

go with this lot imperpetuity (sic). If a different designer is

proposed after the PAD is approved, if Trinity decides to sell the

church and go, move down the street to a little building because

their, you know, their membership has shrunk, there’s still all these

things. And there, and there aren’t enough design standards.

So, I hope that you would continue this until a better PAD

is developed that would provide more standards of what really happens

to the actual Trinity church site that’s carved out, not the 1936 —

24, 36-foot high building, but the Arthur Brown buildings which could

be arguably of local significance. Almost all of the Arthur Brown’s

buildings have been torn down in Tucson.

I don’t think also this PAD sets out things. I understand

and respect the current developers’ position that they don’t want to

do Disney-like detailings and fake historic. But they’re not saying
what they will do. And that does beg the question, what are the
actual design standards?

We’ve already moved some of the things that are HP- -- or
WUNA HPZ standards, or West University standards. But we haven’t
defined the good design that is part of this PAD that goes back in.
And so, I would like you to see - to add in as a condition that it
goes through a modified design review process similar to what goes on
in the IID for this particular area to insure a better design, no
matter who builds this project, no matter who owns it once you change
the zoning on the ground permanently. Thank you.

ZONING EXAMINER: Okay. Thank you. Anybody else? Anybody
want to say anything on a neutral level? Okay. First Richard then -

MR. MAYERS (ph.): Richard Mayers. I live at 624 North 3rd
Avenue. I’m in sight of this (inaudible) from my porch. I think I’ll
be able to see it quite well.

So, the height is, is, is frightening me ‘cause it’s
something that isn’t there now. And I think there’s just a lot of
fear that comes from, from the neighborhood. And it’s exasperating
for the developer. I understand Randi’s exasperated. I can hear it
in her voice. Sometimes we just have to flip out a little bit.

What can I say? I’ll say some things that I like about the
development. First of all, I think I’m the person who introduced the
concept of an open site plan and permeability. That’s what I asked
for in that first meeting that we met with them. And I appreciate the
developers listened to me and honored my request.
I’m also the person who really pushed the no structured parking. And again, the developers listened to me and honored my request and I appreciate that. I also don’t have any problems with the exception process for adding the two precluded uses of group dwellings and structured parking because I understand from conversation, from conversations with John Beall that there’s absolutely no difference between doing it that way and doing it the other way where you’d do a major amendment to the PAD.

Both, both times you end up in front of the Zoning Examiners with a vote up or down by Mayor and Council. So, however you want to do it is fine. I appreciate that those uses are not readily available for someone who’s developing the property.

The process thing with neighborhoods is fraught. The, the whole thing that, that you have to - that the minimum unit that the City of Tucson recognizes is a neighborhood association makes all the stuff around development and, and neighbors really, really difficult ‘cause people invariably are gonna come out of the woodwork because a neighborhood association is not a neighbor. They’re not the residents. They’re, they’re - it’s just this thing that the City recognizes, and that’s why we have them. And, and participation wanes and waxes, and you’re never gonna reach anybody.

It’s frustrating for me. I mean I went door-to-door to get someone – and posting notices that get people to show up at a meeting that Randi and her team graciously attended, you know, just start get the word to people that were not hearing this.
But personally, I don’t, I don’t – I do really neither support nor, nor oppose this development. It’s, it’s, it’s – I just don’t know. And as the Vice-President of WUNA, I don’t want to play God, so I’m out of it. Anyway, thank you for your time.

ZONING EXAMINER: Okay. Thank you. And this gentleman here.

MR. HENDERSON: Thank you. Scott Henderson, 529 East 4th Street. And I chose neutral because I really want to emphasize that this is, as Richard said, a very difficult thing. I’m, I’m somewhat on the line on it except with respect to a couple of points.

I listened carefully to those who spoke in favor of it. And I agreed with almost every single word they said. I really did. But what I’m not convinced of is that this project can’t go forward without doing this rezoning, that a successful project couldn’t be pulled off very similar without doing this process. And this is a, this is a hell of a process to really set up and go through. We better make sure that we know that we’re doing it.

I had a conversation with our, with our two R’s, Randi – and I’m sorry. Rob. I’m sorry, Rob. And, and I said, “Couldn’t we get some third parties or some objective people that wouldn’t reveal financial numbers, but could, could support this claim that you have to do it this way? And that would put everybody at ease, and kind of set this – the big, one of the biggest sticking points to rest.

And I don’t know why we couldn’t have something like that. But what was thrown back to me was, “Well, why don’t you get a
developer to come, you know, talk about this and evaluate this?” And I have, and that developer did not agree that this four-story was necessary to, to develop a profitable – that this process was not necessary to develop this and pull this off in a beautiful and profitable way.

So, perhaps if there would be some way that we might have a little bit more discussion around this. I think a lot of members of the neighborhood really did kind of come on late. People haven’t been able to understand and think about this.

I don’t want to delay this, nobody does, but if there were a way to have more productive conversations about it, it might be the greater consensus could be reached which would be good for everyone.

So, I just leave as a, as a suggestion to – with that, I would be able to perhaps be convinced that we would need to go this way or we could find another path. At this point, it’s very hard for me to know. So, I have – that’s why I’ve, you know, stated my case against the rezoning. Thank you.

ZONING EXAMINER: Okay. Thank you. Ms. Dorman, I take it nobody has – wants to say anything, that that was the person I saw. Okay. Let’s you and I talk a little bit here.

You know, my role in this is to look at documentation, take testimony, and eventually make a recommendation to the Mayor and Council. You know, I’ve heard a lot now and I, and I have a letter here that, that you referred to, that you only had a day to kind of look at it. And even Staff had a day to look at it. And they did
their best for me to try to say, “I don’t think that’s enforceable. That seems okay,” you know, etc., etc.

I, I also took note of a statement that you said. Is that, you know, you’ve been trying to work in a collaborative way with West University. And I’ve worked with West University, and I find them to be tough, but I also find them to be fair. And –

MS. DORMAN: We, we don’t mind the tough part.

ZONING EXAMINER: Yeah. So, what I’d like to do is I want to ask if we can continue this to December 15th, that’s two weeks from now, not a long time. And if we can have a meeting with you, and your team, and I would like Chris, if he would agree, to put together, not, not ten or fifteen, but, you know, a couple of people, to represent West University and, and discuss this letter.

And I’d like Staff to be involved with this, too, because I think Staff is saying, “Some of this we can’t enforce.” And it can’t, you know, it can be a gentleman’s agreement or however you want to do it, but it can’t be enforced through Staff. I think there may be still some points of consensus that you can reach, and I think there’s other points you’re not gonna agree on. And I’m okay with that.

MS. DORMAN: May I say something –

ZONING EXAMINER: Sure.

MS. DORMAN: - for the record?

ZONING EXAMINER: Sure.

MS. DORMAN: So, in addition to meeting with WUNA and their representatives 11 times in the last nine months, -
ZONING EXAMINER: Uh-huh.

MS. DORMAN: - on September 15th, WUNA initiated a neighborhood meeting where they had a note-taker, -

ZONING EXAMINER: Uh-huh.

MS. DORMAN: - and we were happy to attend and participate in that meeting. And I have the notes right here. They were not part of the PAD 'cause they were really for reference. And then, of course, we have our official neighborhood meeting. That was well attended and well recorded.

And since our official neighborhood meeting, the neighborhood has had meetings where we specifically were not allowed to attend, even to correct - not to present, but to correct misinformation to help prevent things from spinning out of control, to keep things focused, and also to hear more feedback, because we’ve, we’ve – I mean, Mr. Beall knows we’ve taken every opportunity to revise this document.

It struck me as highly curious that in the letter that we rece- -- that Mr. Beall received, we didn’t even receive it, yesterday, of the 23 items - maybe six or seven were mentioned in any of these meetings that we attended. It’s – we’ve worked really hard and we want this to be a great process and a great project.

I appreciated Richard’s comments. I don’t mind being exasperated when I’m playing against - when I’m playing on a level playing field. So, when I’m not, then it’s challenging. It’s bad business.
I think that we have operated in a very honorable way with
this neighborhood, and I’m happy to discuss more. But I would like to
emphasize to you and to the Planning & Development Services
Department, I would like you to recognize the changes that we have
already made in this PAD.

I do not want the document that was received yesterday to
be a starting point. We started, we started a long time ago in
earnest. And so, I just don’t want us to start with this as some kind
of compromise. We started compromising a long time ago, and we were
not met, not even close to halfway. And I’d like to be on the record.

ZONING EXAMINER: Okay. And it’s on the record. So, let
me continue my comments.

MS. DORMAN: Okay.

ZONING EXAMINER: And, and my directions because now you’re
in front of me.

MS. DORMAN: Yes.

ZONING EXAMINER: And I’m not them.

MS. DORMAN: Yes.

ZONING EXAMINER: Okay. So, what I’m asking is you go
through this letter again and, and see if there are any consensus
points. I’d like to know that, and I don’t know that. And there are
probably things that Staff’s gonna tell you that they’re - they can’t
enforce that. So, I’d like that to go through.

The only thing I’d like to go, you to go through, and I’m
just throwing this out there, and I’m asking what you’re going to come
back with, is the current design review process is pretty good for
historic review, considering it’s in the Infill Incentive District.
I’d like that to be explored if that is something that could be added
to this process. I’m not - just asking a question.

And this is in no way intended to disparage Rob Paulus
because I think he’s a great architect. It’s just, it’s a, it’s a
process that’s - this is happening in a special design area. This is
setting a precedent in that area. And I think I’d like to set a
precedent that we always go for the best in design. And I think Rob
reflects that as a person and a, and an architect.

MS. DOEMAN: Thank you.

ZONING EXAMINER: The group dwelling thing, I’d like you to
tell me what you think about that, and just a reflection on that.
Right now, it’s set up to go through Mayor and Council special
exception.

I, I would just say to you, do you really want to go
through that brain damage? Is it worth having that in the document?
And if your answer is “yes”, then so be it. But, I, I think that’s
something that you should - I, I just want to - I’m asking a question.
You don’t have to answer it. I’m just saying -

MS. DORMAN: Actually, can I ask you for clarification?

I’m confused.

ZONING EXAMINER: What I’m saying is right now you’re
recommending in your document that group dwellings be a special
exception, and go through Mayor and Council process.
MS. DORMAN: Right. We’re trying to make it difficult to
do group dwelling at the request of the neighborhood.

ZONING EXAMINER: Right. Right. And I’m wondering why not
just take it out? And, and I’m just saying, I’m posing that as a
question. And if you come back and say, “We thought about it. Thank
you for your input. We’d prefer to have it in.” I’m just asking
that, okay?

I’d like Staff to just confirm to me that the HL process
that you have here is, is again, the appropriate process. That’s a
small point. But, and the other thing I’d like to look at a little
bit more deeply, and if the design review process takes this into
consideration, and it’s not a historic issue, is the streetscape.

While I would expect that to be well done by you, the thing
that, I don’t want to say it concerns me, but it’s – well, I guess it
does concern me – is that whatever you do is setting the precedent for
the rest of 4th Avenue.

And I would like people to go into this with their eyes
open, that what you’re doing is you’re kind of telling the rest of 4th
Avenue, and other developments what a best practice streetscape should
be. So, I would like more emphasis on that as to kind of –

MS. DORMAN: Okay.

ZONING EXAMINER: - either more detail or it has a process
where there’s a broader input into it. And those are my points, and I
hope it’s clear enough for you, and I hope it’s clear enough for
Staff, and I hope it’s clear enough for you. And when you come back
on December 15th, we can have that discussion. I’m keeping both items open.

I’ll, I’ll limit the amount of time that we’ll discuss them, but I’m hoping that that’s all we do. And we’re, we’re moving on from there.

MS. DORMAN: Can I please ask a clarification?

ZONING EXAMINER: Uh-huh.

MS. DORMAN: Who initiates the meeting that happens between now and December 15th with WUNA?

ZONING EXAMINER: I would ask you to work with John because I’m asking Staff to kind of help with that letter that they participated in. And hopefully we have a room, or Planning & Development Services has a room they could use in the interim between now and then to accommodate everyone. Okay?

MS. DORMAN: Yeah.

ZONING EXAMINER: And with that, the two items are continued, but tonight’s hearing is closed for now. So, thank you all for coming.

MS. DORMAN: Thank you.

(The hearing was closed and two items continued to December 15, 2016.)
I hereby certify that, to the best of my ability the
foregoing is a true and accurate transcription of the original tape
recorded conversation in the case reference on page 1 above.

Transcription Completed: 12/14/16

/s/ Kathleen R. Krassow
KATHLEEN R. KRASSOW - Owner
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