

ZONING MEMBERS PRESENT

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

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1 ZONING EXAMINER: Okay. So, now we're gonna get into the,
2 the next two cases, which I'm sure all of you've come for. This
3 proposal is at the Trinity Church, and it's one property but two
4 separate rezoning cases.

5 Well, I prefer to be efficient. Public hearing process
6 requires that I hear the cases separately to assure due process and to
7 preserve a separate record for each case in the case of any future
8 appeals.

9 So, the first case is C9-16-12, which I'll refer to as the
10 Boundary case. And the second case in C9-16-13, which I'll refer to
11 as the PAD case. So, I will hear first the Boundary case. And if you
12 wish to speak on that, you can come forward and direct your comments
13 toward that case.

14 If you want to talk about the PAD case, then I'm afraid
15 you're gonna have to come up again, and speak to that case again. And
16 unfortunately, I'm gonna ask the Applicant to make a presentation on
17 the Boundary case, and then make presentation on the PAD case.

18 I know this is awkward - I prefer not to do that, but for
19 the public record, I have to do that. So, with that understanding, I
20 will first turn it over to John to give a presentation on the Boundary
21 case, and then we'll move forward from there.

1 MR. BEALL: This is a request by R&R Development on behalf
2 of the property owner, Trinity Presbyterian Church, to remove the
3 Trinity Church properties from the West University Historic
4 Preservation Zone, HPZ, and rezone the parcels from HC-3 and HR-3 to
5 C-3 and R-3 zoning.

6 The rezoning site is located at the southeast corner of
7 University Boulevard and 4th Avenue. The Applicant is proposing a
8 mixed use project that is an adaptory use of the Trinity site in which
9 the project proposes building heights between 48 to 50 feet in order
10 to reduce the overall massing footprint through a building height that
11 is under the height of the existing on-site structures which top out
12 at 61.6 feet for the church bell tower and 51.6 feet for the Donald
13 Hitch Memorial structure.

14 This is a companion case to C9-16-13 The Trinity
15 Presbyterian Church PAD-H with the PAD-H document including all the
16 HPZ standards from the Unified Development Code, Section 5.8, with
17 only those exceptions for height, setbacks and other development
18 standards that are needed for the proposed project design.

19 The Historic Preservation Zone, HPZ, requires that building
20 heights for new construction shall be no higher than the tallest
21 contributing property located within this development zone, and shall
22 generally conform to the typical height within the development zone
23 which in this case is the original Trinity Church sanctuary height of
24 36 feet. The HPZ does not allow for height variances. The only
25 (inaudible)

1 And then on May 17th, 2016, the West University Historic
2 Advisory Board voted three-one with two abstentions to forward a
3 favorable recommendation to Mayor and Council to initiate the rezoning
4 process to replace HPZ Overlay Zone for the Trinity church site with a
5 PAD-H zone that includes all the HPZ standards for Unified Development
6 Code.

7 On May 26th, 2016, the Tucson-Pima County Historical
8 Commission Plans Review Subcommittee voted five-zero to forward a
9 favorable recommendation to Mayor and Council to initiate the Historic
10 Preservation Zone boundary amendment subject to the following
11 conditions with - the main condition was that the PAD-H proposal would
12 be - come back to the Plan Review Subcommittee for approval and
13 review.

14 On June 22st, 2016, Mayor and Council voted seven-zero to
15 begin the rezoning process for the West University HPZ boundary
16 amendment including the PAD-H rezoning. The Applicant's project is
17 proposing a taller building that is not allowed under the HPZ
18 regulations, but with a much smaller footprint and volume in order to
19 achieve a more desirable medium density project that provides open
20 space and permeability to the neighborhood and 4th Avenue business
21 district.

22 HPZ does not allow for height variances. The option that
23 the Applicant had was to amend the West University HPZ boundary,
24 removing the Trinity site from the HPZ and then following up with a
25 companion rezoning for PAD-H.

1 The proposed amendment to the West University HPZ to remove
2 the Trinity parcels from the HPZ overlay will not affect the West
3 University National Register Historic District, or the National
4 Register designations of the historic buildings on the Trinity site or
5 the National Register statuses of surrounding properties.

6 This is because the contributing statuses of the historic
7 buildings will not change if the historic duplex is relocated in a way
8 that maintains its contributing status and because the proposed
9 language in the PAD-H includes requirements for design review of any
10 new building according to the West University HPZ design standards and
11 guidelines, and the national standards for compatibility of new
12 construction in relation to historic building, Secretary of Interior's
13 standards for either location.

14 The boundary amendment itself will not affect the historic
15 character of the neighborhood. The proposed amendments require- --
16 proposed requirements in the PAD-H for design review of new building
17 according to West University HPZ design standards and guidelines, as
18 well as the Secretary of Interior's standards will insure that a new
19 building will not adversely affect the integrity of the National
20 Register Historic District.

21 The proposed HPZ boundary amendment meets the (Inaudible)
22 Plan policy direction as long as C9-16-12 is tied to the approval of
23 C9-16-13 Trinity Presbyterian PAD-H.

24 ZONING EXMINER: What is the - okay. I'm sorry. Go ahead.

1 MR. BEALL: As of 12/01/16, there have been 16 approvals,
2 12 protests. Protests within the 150-foot boundary have been six.
3 Protests by percentage, to the north is zero percent, to the south is
4 12.3%, to the east is 22.6%, and to the west is 21%.

5 And then the, the implication of the percentages is if that
6 there is any in any one of the four quadrants there is a percentage of
7 20% or greater, that would require a super majority for the Mayor and
8 Council voting.

9 ZONING EXAMINER: So, at this point, we have met that in
10 the west quadrant?

11 MR. BEALL: Correct.

12 ZONING EXAMINER: It's 21%.

13 MR. BEALL: Yes.

14 ZONING EXAMINER: Okay. Anything else, John? You're done.
15 Okay. Great. Okay. So, can I have the Applicant come forward?

16 MS. DORMAN: Do you care which one I stand at?

17 ZONING EXAMINER: It's fine.

18 MS. DORMAN: Okay. First, hello. And we'd like to thank
19 the Planning & Development Services Department for -

20 ZONING EXAMINER: Could you, just for the record, could you
21 put your name and address?

22 MS. DORMAN: Yes. I'm sorry. I forgot that.

23 ZONING EXAMINER: It's okay.

24 MS. DORMAN: Randi Dorman. I reside at 1001 East 17th
25 Street, Apartment 125, Tucson, 85719.

1 ZONING EXAMINER: Okay. Thank you.

2 MS. DORMAN: And I represent R+R Develop, and with Bourne
3 Partners. We're the developers for the Trinity site. And I would
4 like to thank the Planning & Development Services Department for so
5 professionally guiding us through this very complex process.

6 And although I know we're only speaking about the boundary
7 amendment, the boundary amendment does not exist on its own, it only
8 exists with the PAD-H replacing it. So, the presentation is going to
9 speak to both, and I'd be happy to review any part of the presentation
10 during the PAD-H part of the meeting as well.

11 But I think very much like if you were doing a transplant,
12 you would not just look at how well you took an organ out, you'd
13 evaluate how it was at the end once something was replaced. They're
14 really inextricably linked, even though they're two separate
15 processes.

16 So, I think it's important to have a little bit of
17 background. The, the Trinity Presbyterian Church has been at the
18 heart of the West University Neighborhood since 1924. They've had a
19 shrinking congregation. And with the advent of the streetcar, they
20 recognize an opportunity to develop the underutilized land that they
21 have in the form of parking lots and unused buildings. And use that
22 to stabilize their financial base.

23 They've been approached by student housing developers, and
24 low income housing developers, but they wanted something better for
25 the neighborhood. So, in 2011, they initiated an RFP and we submitted

1 a proposal and were awarded the project. We've been working with WUNA
2 since 2011. We've presented all the plans that we've had in the past,
3 and the current plan we presented starting in February.

4 We've adjusted our plans all along the way based on
5 changing market conditions, based on feedback that we've gotten from
6 WUNA. And we've listened carefully and we've been responsive. But
7 we've had this five-year partnership with both the church and the goal
8 was always to develop a project that was gonna provide stability for
9 the church, restore and celebrate the historically significant 1924
10 church building, which is the - I mean it's really something.

11 We - our goal had always been to integrate into the West
12 University Neighborhood, and enhance the neighborhood through
13 compatible design. We've always planned on incorporating sustainable
14 features.

15 And the reason that this became something the church wanted
16 to do is because their site is surrounded by the streetcar on two
17 sides. So, the advent of the streetcar really prompted them to aim
18 for transit-oriented development.

19 And just some background, because I know the neighborhood
20 has had a lot of problems with out-of-town developers building things.
21 They did not care about the neighborhoods. We are local. We have a
22 history in this community of creating high-quality, neighborhood-
23 enhancing and environmentally responsible projects.

24 We've done, as developers, the Icehouse Lofts, Barrio
25 Metallica, Indigo Modern, 99 Offices. Rob Paulus, my husband, has

1 designed Mr. Carwash, 20 East Congress, 1 North 5th, 118 East Congress,
2 Hermanos - a, a list of high-quality, neighborhood-enhancing projects.
3 We have been dedicated to the revitalization of downtown since before
4 it was fashionable.

5 And we commit ourselves to this community every single day.
6 We care about our legacy. We have a 12-year-old daughter. So, no
7 way, shape or form do we intend on building anything except an
8 exceptional project here.

9 So, just the site overview - let me see if I can - okay.
10 So, the site's 2.79 acres. This red one right there, that's the 1924
11 church. There were additions done in 1938, 194- -- 1937, 1948, 1955,
12 and 1959.

13 This is a duplex built in 1928. The duplex and the 1924
14 church are the only two historic buildings on the site. The rest are
15 outside the period of significance for the West University
16 Neighborhood which is 1890 to 1930.

17 It's important to understand the underlying zoning. All of
18 this is HC-3, which would enable robust commercial development. All
19 of this is HR-3, which would enable high-density residential
20 development. It's surrounded - Time Market is here, HR-2 is here and
21 here. There are homes here, but they're in an HC-3 zoning.

22 This is the original façade of the building, and with the
23 1959 addition, you can see on the right, it was completely covered by
24 an awning, and obstructed by the awning and parts of a building. We'd
25 like to bring back that facade.

1 This is an important slide because it's really the crux of
2 the argument. This is 36.1 feet, and this is the original church
3 sanctuary from 1924. All the rest are additions. But you can see
4 that the new sanctuary's at 38.7 feet. This is the Donald Hitch
5 Memorial. I mean it's a significant structure in the building on the
6 site. It's 51.6 feet, and then the bell tower is 61.6 feet. So, -

7 ZONING EXAMINER: Ms. Dorman, can I ask you question?

8 MS. DORMAN: Absolutely.

9 ZONING EXAMINER: On the Donald Hitch and the bell tower,
10 when were they built?

11 MS. DORMAN: The Donald Hitch Memorial tower was built as
12 part of the new, the new church sanctuary, which was built in 1948.
13 And I'm assuming that the bell tower was built as part of it, they're
14 connected.

15 (Inaudible statement.)

16 MS. DORMAN: A little later? Is that the 1952? 1952,
17 excuse me.

18 ZONING EXAMINER: So, bell tower is 1952?

19 MS. DORMAN: Yes.

20 ZONING EXAMINER: Donald Hitch is 1948?

21 MS. DORMAN: No. So, the sanctuary was - the new sanctuary
22 here was built in 1948.

23 ZONING EXAMINER: Okay.

1 MS. DORMAN: And then when - after that was completed, they
2 built the bell tower in 1952. The Donald Hitch Memorial, and the bell
3 tower in 1952. Thank you.

4 ZONING EXAMINER: Mr. Mayberry, you agree? Is that, is
5 that what you understand, too.

6 MR. MAYBERRY: (Inaudible)

7 ZONING EXAMINER: Okay. I just want to get that clear.

8 MS. DORMAN: Yes. We actually have a great little book
9 with the history of the Trinity Presbyterian Church, and they have
10 (inaudible)

11 ZONING EXAMINER: And I assume you're going - this is gonna
12 be part of the documentation. You're gonna present us a paper copy of
13 this?

14 MS. DORMAN: I would be happy to.

15 ZONING EXAMINER: Okay.

16 MS. DORMAN: So, why are we doing a boundary amendment and
17 a PAD-H rezoning in the first place? So, we spent four years
18 presenting to WUNA, working with the 51.6 feet of the Donald Hitch
19 Memorial structure as our guiding height because we had promised the
20 neighborhood we're not gonna be taller than the tallest structure at
21 the church.

22 We're gonna make sure that we're below that, and at the
23 time, we thought that that was a historic structure, and that we'd be
24 able to build up to that point. So, for four years we presented plans

1 to the neighborhood that we're all about 48-50 feet high. We were
2 very consistent with that.

3 Shippo (ph.) declared, when we asked for a clarification on
4 some of the other buildings, Shippo declared that it was not, in fact,
5 a historic structure because it fell outside of the period of
6 significance, and that we would then have to use the 36 feet of the
7 original 1924 church building as our allowable guiding height.

8 ZONING EXAMINER: So, you're saying the 51-foot and the 61-
9 foot fell outside the period of significance (inaudible)

10 MS. DORMAN: Yes. The period of significance goes from
11 1890 to 1930.

12 ZONING EXAMINER: Okay.

13 MS. DORMAN: So, the, the church fell just inside it, and
14 the rest of the buildings on the site, not including the, the duplex,
15 fall outside the period of significance and are not considered
16 contributing historic structures, correct? Yeah.

17 ZONING EXAMINER: Could I just have you say that into the
18 live mike there, John? Is the mike on? You have to turn it on.

19 MR. BEALL: It's actually the determination of what were
20 the - what are the historic contributing structures on the site was
21 determined by the State Historic Preservation Office in a letter.

22 ZONING EXAMINER: Okay. So, we're, we're all clear on that, that
23 the 51-foot, plus whatever, and 61-foot structures are not officially
24 considered historical structures as far as, what, the National
25 Register or -

1 MR. BEALL: And for the purposes of the Historic
2 Preservation Zone.

3 ZONING EXAMINER: For the purpose of Historic Preservation
4 Zone.

5 MS. DORMAN: Right.

6 ZONING EXAMINER: Which therefore makes the 36-foot
7 structure the tallest historic building of that complex.

8 MS. DORMAN: It makes the 36-foot structure the tallest
9 historic structure of that complex, which means that we, by current
10 code, we're not allowed to build above 36 feet on the site, okay?

11 When we examined a project at 36 feet, you're, by current
12 code, allowed tremendous lot coverage. And to get the density, you
13 could do three stories maximum lot coverage in density.

14 To achieve the density that we would need to make a project
15 work on that site, we would have to basically build a concrete deck
16 over most of the site so that you could park under it. And then build
17 two stories above it.

18 And we could do that. That would have been easy, but we
19 don't feel that you could build - we don't feel that you could build a
20 project that would be well-designed or desirable. And the additional
21 cost of that concrete lid would mean that you'd have to get either
22 extraordinarily high rents like they do in student housing complexes,
23 or you'd have to get some kind of subsidy like they do with Litech
24 (ph.) and low in- -- some of the low-income housing.

1 And the church was approached to do that years ago. They
2 wanted something better, and we wanted something better. So, at 50
3 feet, we can do an appropriately massed, better designed, more
4 desirable market-rate housing and office project.

5 And as you know, HPZ's cannot be amended. We had been
6 hoping they could, but our only option was to do this HPZ boundary
7 amendment, paired with a PAD-H rezoning - one does not happen without
8 the other. And it's important to note that in the rezoning, all of
9 the historic protections remain on the two historic structures.

10 But the rezoning enables a consolidation of the HR-3 and
11 the HC-3 zoning. We'd like to do residential where the C is now, and
12 more commercial where the R is now. It gives us the height relief,
13 some setback relief, and definition of appropriate and sustainable
14 materials for new construction.

15 So, we're essentially asking for one more story of height
16 in exchange for reduced volume and footprint, which we have in by
17 code, to create a better design project. Any questions? I have a lot
18 of explanation, though.

19 ZONING EXAMINER: Okay. The C-3 zoning, do we know if that
20 - I assume that the 61-foot and 51-foot heights of those structures
21 were permitted at some point in time under C-3 zoning. Do you know
22 that, John?

23 MR. BEALL: The C-3 zoning allows 75 feet. And actually at
24 the time of those buildings when they were built, the zoning was 2-VH,

1 which allowed residential heights of 250 feet, and commercial heights
2 of 75 feet.

3 ZONING EXAMINER: Okay. So, when they were built, they
4 were - they're not illegal? They're, they're, they were built under
5 whatever the zoning was at that time. The height restriction came
6 into effect at what time?

7 MR. BEALL: The 1984 was the HPZ ordinance, and when it was
8 adopted.

9 ZONING EXAMINER: Okay. So, in 1984, it became - you had -
10 whatever was the tallest historic building set the height profile for
11 that area, basically. Does that sound right?

12 MR. BEALL: That's right.

13 ZONING EXAMINER: Okay. So, in effect, if I'm reading this
14 correctly, the 61-foot and the 51-foot structures are non-conforming
15 heights that are currently in the HPZ, is that correct?

16 MR. BEALL: The term would be, what, legally non-
17 conforming? Legally non-conforming would be (inaudible)

18 ZONING EXAMINER: Legally non-conforming heights. In other
19 words, we're not telling them to take those down because the HPZ was
20 passed in 1984.

21 MR. BEALL: They're grandfathered in.

22 ZONING EXAMINER: They're grandfathered in as those
23 heights.

24 MR. BEALL: Yes.

1 ZONING EXAMINER: Okay. Okay. Okay, what else do you have
2 for us, Ms., Ms. Dorman?

3 MS. DORMAN: I have a bunch more. So, our plan is to
4 create two complementary buildings on the site. We have a mixed-use
5 residential building along 4th Avenue with ground-floor retail, about
6 60 market-rate residential units on-site paid parking for residents
7 with some extra for retail patrons.

8 Between Time Market and the church along University, we
9 have a three-story office building planned with ground-floor retail
10 and surface parking for both the church, office and retail users. One
11 of the -

12 ZONING EXAMINER: So, if I could under- -- if I just
13 interrupt you a moment.

14 MS. DORMAN: Yeah.

15 ZONING EXAMINER: So, these land uses that you're talking
16 about here are - is your argument that if you have a, a more flexible
17 building height than the HPZ allows, you can accommodate these land
18 uses that are traditionally considered transit-oriented development,
19 is that what you're saying?

20 MS. DORMAN: Yes, absolutely.

21 ZONING EXAMINER: Because I don't want to - I don't want
22 you to do too much of your presentation for the PAD here unless it's,
23 it's specifically related to the height issue. And I know I'm being,
24 I'm cutting (inaudible)

25 MS. DORMAN: I'm happy to do whatever you would like.

1 ZONING EXAMINER: Yeah.

2 MS. DORMAN: We really did feel that the - they're, they're
3 both so linked.

4 ZONING EXAMINER: Uh-huh.

5 MS. DORMAN: So, there's some information that you will
6 need for both.

7 ZONING EXAMINER: Uh-huh.

8 MS. DORMAN: There's some information in the presentation
9 specific to the PAD-H, and I can go through that quickly now and go
10 into more detail in the next part of the hearing.

11 ZONING EXAMINER: Well, all I need is enough, -

12 MS. DORMAN: You can let me know.

13 ZONING EXAMINER: - enough information that is connected to
14 why you need this boundary amendment which appears to be because of
15 the height restriction of the HPZ.

16 MS. DORMAN: Right. Okay. So, the site currently is non-
17 permeable along 4th Avenue. It's devoid of windows and urban life.
18 It's basically a big blockade along 4th Avenue.

19 By removing the canopies and the adjacent building along 4th
20 Avenue and the bungalow, which we'll relocate, the historic 1924
21 Trinity Presbyterian Church is given new life and presence with room
22 to rebuild an urban edge.

23 We're going to create access through the site, a permeable,
24 walkable site created with multiple ways to transverse the block, like
25 much of West University right now. And the access is restored,

1 walkable access is restored around, between and under buildings, and
2 we can show more of that later.

3 And what we're really excited about is urban activation.
4 The neighborhood and the blocks activated with retail use at street
5 level, and pocket parks at open areas on the site. Where there's the
6 blue, those are shaded areas where retail is. The green is areas
7 where there's opportunities for pocket parks.

8 And the way that we were able to make this plan work is
9 that it's entirely on-grade parking. Surface parking for office use
10 during the day leaves parking for retail use during evening hours, and
11 church use on the weekend.

12 So, one of the key pieces of the puzzle of this project was
13 that although the church wanted to develop their underutilized land,
14 they still need parking on Sundays, on Wednesday nights. And so, we
15 could not do only residential on the site without doing a lot of
16 parking. So, the office use is complementary to church use.

17 We plan a lush landscape. Lush, desert landscape is
18 brought back to the site, at grade level parking areas, at
19 streetscape, at edges, and at pocket parks. And this is the site plan
20 view from above, and so you can see how that all lays out. So, it's
21 important to understand what we could do without the rezoning.

22 The choice here is not between no development and our plan
23 development with the rezoning. The church is allowed to develop on
24 their property, and they will. They need to. And without going
25 through this process, we could build a three-story development with a

1 larger footprint. To - and as I explained before, to achieve the
2 necessary density, a costly deck would have to be built on much of the
3 site to park under it. Would likely have to student housing or
4 Litech-funded housing, since those kinds of rents or subsidies would
5 be necessary to make the project economically feasible.

6 And we've gone through this lengthy and expensive process
7 because the church and our development group would prefer to do a
8 high-quality, market-rate, multi-generational project that will
9 benefit the neighborhood. Any questions?

10 ZONING EXAMINER: I think I'm fine with what - where you're
11 at.

12 MS. DORMAN: Okay. So, just to, to show, this is what we
13 could do with existing zoning. So, this is the PAD area. And we -
14 these are the, the, the sites. We - this could be our footprint per
15 code right now. This could be our footprint. We could build all the
16 way towards the HR-2. We could really cover that site.

17 And instead, our proposed zoning, this is the allowable,
18 buildable area. It moves completely away from the HR-2 area and moves
19 towards the commercial, or towards the high-density residential. It's
20 important to understand that.

21 Here's some other ways of looking at it. This is 4th Avenue
22 and 4th Street. And this is what a three-story building massing-wise
23 could look like under current code. You know, this is not design
24 design, this is -

25 ZONING EXAMINER: Uh-huh.

1 MS. DORMAN: - just massing. And then what we're proposing
2 - so, it's one more story stepped back along 4th Street and 4th Avenue.
3 But you can see so much more open space, views maintained, light
4 maintained.

5 This is another view on 4th Street and 3rd Avenue. And you
6 can see how dense this could be. What we are allowed to build between
7 the church and Time Market with current - with the current zoning.

8 And this is what we're proposing. So, the views are
9 maintained, more open space. We just think this is so much more
10 appropriate for the neighborhood. Another view - how this building
11 and this building really could take up so much of the site, and what
12 we're proposing instead.

13 So, four stories versus three stories. You have maximum
14 porosity and access points creates flow throughout the site. It's
15 much better site utilization. It's closer to what's historically in
16 the neighborhood in terms of the larger - the reduced footprint.
17 There's no need for structured parking. There's minimal structure
18 over-parking. So, we just have some areas where you might park under
19 part of the building.

20 There's more on-site area for pocket parks, for landscape,
21 for open space. It maintains the view sheds to the historic
22 resources. And it enables us to do high-quality, market-rate, multi-
23 generational housing in a way that we would not be able to do
24 otherwise.

1 So, all I'm gonna say in this part of the boundary
2 amendment presentation on the PAD-H's, there is no boundary amendment
3 without the corresponding PAD-H. And it's important to remember that
4 one does not happen without the other. The idea of some big, gaping
5 hole being left in the neighborhood is not correct. So, they are
6 simultaneous.

7 In the next part of the presentation, Mr. Mazzocco, I'll go
8 through the specific modifications of the - that we've made in the
9 PAD. I have all of these. There are not that many and we have a
10 couple of other PAD highlights that we've added, and I'll review those
11 in the next part of the presentation, unless you'd like to hear them
12 now.

13 ZONING EXAMINER: I think, as I said at the beginning,
14 while, you know, I'd like to do this very efficiently, I have to abide
15 by that these are two separate public hearings, and they have their
16 own set of records. So, I'm trying to make that very clear.

17 MS. DORMAN: Absolutely.

18 ZONING EXAMINER: So, so, that's, that's the reason I'm
19 saying let's hold off that -

20 MS. DORMAN: Sure.

21 ZONING EXAMINER: - until we've heard from the public on
22 just the boundary amendment.

23 MS. DORMAN: Sure. And so, I'll go through these later.
24 But we've talked, you know, the neighborhood is aware of most of them.
25 I, I would like to just point out that the church, when we started

1 this project, asked us - they gave us a list, a long list of excluded
2 uses, including tattoo parlors, bars, marijuana dispensary. So, all
3 of those are included, per code.

4 In addition, we added a special exception status group
5 dwelling and structured parking. And I think there's perhaps a
6 misunderstanding that special exception is the equivalent of an
7 excluded use. It goes through Mayor and Council, public process, very
8 rigorous process. We were told it was more transparent and which is
9 why we put it as special exception status. I just want that to be
10 noted.

11 We've been meeting with WUNA for five years. We've worked
12 very hard to be collaborative and transparent. Since February alone,
13 we've done five formal presentations to WUNA. Six other
14 presentations, or meetings with WUNA leadership. We've done three
15 presentations to WUSAB, two presentations to the Tucson-Pima Council
16 Historic Commission, and we started meeting with WUNA, as I said, in
17 2011.

18 So, we have gotten feedback throughout the years, and in
19 the last year about our plans and process, and the process. So, they
20 had a big interest in increased permeability of the site, which we
21 responded to by reducing the density versus the allowable density.
22 And we have that written into the PAD as a condition of rezoning.

23 We have a highly porous and walkable site. They were
24 interested in a walkable and bikeable community. We have planned bike
25 amenities on-site, and it's a transit-oriented development. They

1 wanted more and better options for restaurants and retail. Our robust
2 list of excluded uses in the PAD-H will attract better retail options.

3 We have our ground-floor inset along 4th Avenue to create
4 more shade and a better pedestrian experience. They asked us to be
5 sensitive to height. So, we, in our plans, have stepped back the
6 fourth floor along 4th Street and 4th Avenue. It minimizes the impact
7 of the fourth floor from the street. So, the difference between a
8 three-story building and a four-story building from the street level
9 is greatly minimized.

10 And we did that despite further reducing our square
11 footage. They asked us to avoid structured parking. So, we have
12 entirely surface parking and structured parking is written into the
13 code as a special exception.

14 They asked us to be sensitive to additional cars in the
15 neighborhood. So, the two parking areas are no longer connected.
16 Right now you can drive right through them, and access the inside of
17 the neighborhood through either parking lot. They are separated.

18 Residential parking can only turn right to exit towards 4th
19 Avenue, not into the neighborhood. And we have fewer residents in our
20 plan versus what we could have by current code. We've been asked to
21 do something about the unwanted activity in the parking lots that's
22 happening now. And a high-quality development will reduce the
23 unwanted activity that's currently occurring in the vacant parking
24 lots.

1 They asked us to create a sustainable, multi-generational
2 project and did not want student housing. Group dwelling which is
3 permitted under the current code, is written into our rezoning as a
4 special exception. And they were interested in well-crafted building
5 - a well-crafted building with durable materials.

6 We literally have built into the code modified surface
7 texture to allow for more durable and desert-appropriate materials.
8 And they asked us to consider making the church a historic landmark.
9 But we only heard about that late, and the church takes to go through
10 their approval process, it's not just the church. They have to go
11 through the whole presbytery.

12 So, we wrote into the code that making the 1924 church
13 building a historic landmark would be a non-substantial change. We
14 wrote that into the PAD-H so that it would be simple and fast as
15 possible. There are a lot of misconceptions that we'd like the
16 opportunity to correct. The biggest one is -

17 ZONING EXAMINER: Could I stop you there for a second -

18 MS. DORMAN: Yes.

19 ZONING EXAMINER: - on the historic landmark? Could I also
20 turn to Staff? What the Applicant has placed in their PAD document,
21 is there any precedent for treating a historic landmark like that in
22 the past?

23 MR. BEALL: Yes. It actually - this is, as the PAD
24 document, it is a rezoning. So, it is going through a rezoning
25 process of amending the - of making some different changes to the UDC

1 code. But there is a precedent in the Broadway Village P-A-D that has
2 a - the Josler (ph.) building as historic landmark that went through
3 as a minor amendment due to a plan amendment for adjacent property.

4 ZONING EXAMINER: Okay. So we, we've done this in the past
5 and our attorneys are okay with this process the way it's written in
6 the current draft if, if this gets approved?

7 MR. BEALL: Correct. And the PAD is going through as a
8 rezoning.

9 ZONING EXAMINER: Okay.

10 MS. DORMAN: Okay.

11 ZONING EXAMINER: Okay. You, you may want to start
12 wrapping up.

13 MS. DORMAN: This is the, pretty much the last section.
14 Okay. Misconception that we're carving a hole in the HPZ. No. The
15 boundary amendment only exists with a simultaneous adoption of the
16 PAD. One doesn't exist without the other. Nothing changes relative
17 to the two historic buildings on the site. I'll go into that in
18 greater detail in the next part of the presentation.

19 But all of the historic protections have been written
20 verbatim, like verbatim into the PAD, and, you know, the document's
21 been available for everyone to review.

22 We've heard this project's gonna put the neighborhood
23 standing as a historic district at risk. No. We've confirmed locally
24 and with Shippo the proposed PAD-H has no effect on the National
25 Register Historic District.

1 We've heard we're not gonna be beholden to the area's
2 design standards. We still have to go through all of the design
3 review requirement, working with WUSAB, Pima Historic Commission, and
4 Planning & Development Services Department. And, in fact, we included
5 that Shippo has final determination of compatibility if necessary.

6 We've heard the height is too high. And I just have to
7 say, again, we are not out-of-town, student housing developers
8 proposing 12 stories. We are asking for one more story of height in
9 exchange for a smaller building footprint and volume, which is
10 codified.

11 We're asking for the same height that the neighbors seemed
12 fine with five years ago when we started presenting. We're asking for
13 a height that already exists and is exceeded both in the neighborhood
14 and on the site.

15 We've reduced volume in footprint. We've reduced our
16 fourth floor square footage, and we've shown the neighbors repeatedly
17 in model and drawing that the impact of one more story from the street
18 is really minimal.

19 We've heard there's gonna be too much traffic, but our
20 planned residential retail and office use will have fewer people in
21 cars than if we did student housing at three stories. This is
22 transit-oriented development, and the appeal is its proximity to
23 transit and less need for a car.

24 We've heard we don't have enough parking. We've done a
25 parking analysis. There's more than enough off-street parking on our

1 plan. We've heard if we don't get the rezoning approved, the church
2 will leave their land as is, or maybe or they could build single-
3 family homes.

4 That's just not so. The church has been an exceptional
5 neighbor to this, in this neighborhood. They're allowed to develop
6 their land, and they're gonna develop regardless. But the neighbors
7 have had a lot of say in this process to date.

8 We're - we've heard that we're threatening the neighborhood
9 with student housing if our rezoning isn't approved. We are not.
10 We're simply stating factually that if we had to do a project at 36
11 feet, we'd be forced to do student housing or low income housing since
12 that is what is currently economically feasible at that height.

13 We've heard we're planning on doing student housing. I
14 think I've said that enough. We are not - we've included group
15 dwelling as a special exception. We've heard a special exception is a
16 simple administrative process and not as stringent as excluded use.

17 No. PAD-H special exception is like an excluded use, and
18 it goes through all of those steps, including a Zoning Examiner public
19 hearing and Mayor and Council approval.

20 We've heard repeated criticism, especially about the
21 boundary amendment, that this process sets a bad precedent, and we
22 strongly disagree. The process is allowable by code. There's been no
23 deviation from allowable process.

24 You have to understand that for us, this process is
25 lengthy, it's added over a year to our development process. It is

1 costly. We have spent several hundred thousands of dollars making
2 this happen over the past year. And we are really only doing this
3 because the church cares about what they build in the neighborhood,
4 and we care about design. And if this was about making the most
5 profit, we would have done three-story student housing years ago.
6 That would have been easy.

7 One of the only reasons that we could actually take the
8 time to go through an expense to go through this process is that as
9 developers, we have an agreement with the church to purchase the land.
10 We haven't spent the money on it yet. So, we haven't laid out all of
11 the money with interest and loan payments ticking away for a year.

12 The reason I say that is that is that in order for this to
13 be a precedent, pretty much all of those conditions would have to be
14 met for another developer and another site, which I think is highly
15 unlikely. But regardless, we think that this sets a positive
16 precedent because it's thoughtful, new construction in a historic
17 neighborhood.

18 In addition, WUNA, WUSAB and the Tucson-Pima County
19 Historic Commission have all had active seats at the table from the
20 very beginning. And they would not have had as active a say in this
21 process without it. I'll go through that next time.

22 I think you've already covered all the steps, but the last
23 step was that the Tucson-Pima County Historic Commission unanimously
24 approved the PAD-H rezoning and boundary amendment as presented a

1 couple of weeks ago. There are a gazillion benefits to the community.
2 I won't go through all of them.

3 But I would like to say this process exists within the
4 current code. It was what we were told to do, it was not modified for
5 us. The height, we won't even be the tallest building on the block,
6 let alone the neighborhood. The height exists and is consistent with
7 the neighborhood.

8 And the choice is not between what's being proposed in the
9 rezoning and the property remaining as is. The church is gonna
10 develop the land. And so the church - the choice is between what
11 could be designed with the current code, and what we are requesting.
12 And we feel that the rezoning allows for a superior project.

13 So, we thank you for your consideration and we thank the
14 Planning & Development Services Department for all the work they've
15 put in.

16 ZONING EXAMINER: Okay. Thank you very much. So, this
17 opens up the public hearing part of the - of this particular case.
18 So, how we handle this is first we hear those who are in favor, and
19 then we hear those who are against, and then those who are neutral.

20 So, can I get a general idea how many people want to speak
21 at this particular case, 'cause we're gonna have the next case, and
22 there'll be an opportunity to speak at that one, too. So, I'm seeing
23 - okay, about five or six people.

24 So, first, we'll start with those who want to speak in
25 favor of, of the case. Could those in favor raise their hand? Okay.

1 Why don't we start in the back and then we'll work our way over here.

2 And can I ask you, were you sworn in?

3 MR. LIPMAN: No.

4 ZONING EXAMINER: Okay. When you get up here, I'll swear
5 you in. And, and - no, no, no. (Inaudible) Right there, right in
6 front of the mike. (Inaudible) Okay. So, first, could you just give
7 your name and address for the record?

8 MR. LIPMAN: It's Phil Lipman, 4721 North Camino Corto,
9 Tucson, 85718.

10 ZONING EXAMINER: Okay. So, do you - could you raise your
11 right hand? Do you swear or affirm to tell the whole truth and
12 nothing but the truth?

13 MR. LIPMAN: Yes, I do.

14 ZONING EXAMINER: Okay. So, let's do it one more time.
15 Say for the record your name and address, and then your presentation.

16 MR. LIPMAN: Okay. It's Phil Lipman, 4721 North Camino
17 Corto, Tucson, 85718.

18 ZONING EXAMINER: Okay.

19 MR. LIPMAN: I haven't spoken very much because I've had
20 bronchitis for three days, and I came down here because I'd heard this
21 was becoming a challenging situation, and I wanted to just speak out
22 in favor of it briefly.

23 I've known these developers for a long time. We were
24 involved with the Icehouse Lofts together in the early 2000's, which
25 was a very risky and difficult project, and a lot more controversial

1 than this. And it was a lot more uphill battle financial and in every
2 other way, and we got it to work mainly because of the superior design
3 by Rob, and the thoughtfulness of the whole enterprise.

4 And I guess what I want to say is that I own property very
5 close by. I have no incentive whatsoever financially in this project.
6 In fact, it's the opposite because I have housing that's some of it is
7 student housing that's closer to the University, but a lot of it is
8 for older people and more professionals and this would be direct
9 competition. And yet, I am still a hundred percent in favor of this,
10 and I think it would be an awful, awful move to, to not approve this.

11 This is, I would say, one of the first good developments
12 that's been proposed in a long time in this area. And the one that I
13 remember that was another decent development - this is a lot better
14 than the last one, I think, but there was one in the spot where the
15 District now is that was proposed that was a market-rate housing condo
16 project. That was the predecessor to the District, which I saw
17 basically be torpedoed by WUNA.

18 And what ended up being the case is the District. And the
19 District is a lousy development. It's just a generic student housing
20 blob right on the street. And I just hope that since then, people
21 have learned a little bit about design how it's important to the
22 neighborhood and give thoughtfulness a bit of a chance, and let
23 something good happen.

24 This would be a professional, gorgeous development that
25 would improve the neighborhood. And that lot is not going to be an

1 empty lot forever, and it could be replaced with something like the
2 District. And I think it is absolutely criminal that that happened.
3 That's my statement. Thank you.

4 ZONING EXAMINER: Okay. Thank you. Other people wanted to
5 speak in favor? Okay, ma'am?

6 MS. BOELTS: Hi. I'm Alison Boelts. I live at 345 East
7 University Boulevard. My, my home is catty-corner to the Trinity
8 Presbyterian Church. We've lived there, my husband and I downsized
9 from Oro Valley and moved downtown. We've owned the property for over
10 20 years, and I'm here to speak in favor of the project for several
11 reasons.

12 First of all, Randi's already articulated everything
13 practical about the quality of the project. The, the practicality of
14 a building of this nature leaving the area much more open and
15 permeable.

16 But from my point of view, my additional comments include
17 the fact that the neighborhood is slowly improving, and it's slowly
18 becoming more and more beautified. I have several neighbors who spend
19 a lot of time making their front yards beautiful.

20 We have still got some neighbors that need to do a little
21 bit more work on their front yards, but I see it slowly getting better
22 and better. And as that happens, the neighborhood becomes more
23 welcoming, safer, cleaner. There are fewer incidents of, of people,
24 you know, throwing their trash on the ground. And I think that it's
25 a, it's a process that I would like to see continue and improve.

1 We live right across the street from the Epic Café, and
2 right next to there is a vape shop and a tattoo parlor. And while I
3 don't have anything against people who vape or get tattoos, I would
4 like to see some improved and more upscale neighbors in our, our area
5 just because, again, when, when folks are walking down the street or
6 when, when we invite friends to come over and see us, we want them to
7 feel safe.

8 We want them to feel that they're coming to a neighborhood
9 that is well cared for and where people care about their neighbors,
10 and care about their surroundings. So, I just see it as, as slowly
11 improving.

12 The gas station across the street from us, they're working
13 very hard on making that building beautiful. They're upgrading it
14 from the ground up, and I'm really enjoying the, the growth. And this
15 project is a fantastic opportunity for that to continue and I, I'm
16 here to support it. I hope that you will take under consideration all
17 of the wonderful benefits for, for us going into the future.

18 ZONING EXAMINER: Okay. Thank you.

19 MS. BOELTS: Thank you.

20 ZONING EXAMINER: Okay. In favor? Okay, sir. Okay, first
21 - yeah, you. And then the next person.

22 MR. OXMAN: Hello. Excuse me. My name is Eric Oxman.
23 Excuse me. I live at 329 East University. So, I, I own about a
24 little over 20,000 square feet of property immediately, I'd say, we'll
25 say within a half a block of this property, including the property to

1 the west of this property to the north of this, and my primary
2 residence. So, I'm invested heavily, and invested personally living
3 right there.

4 And the, the way I see it, I can, I can, we can all talk
5 and talk and talk, and - but to me a picture is worth a thousand
6 words, and, and to, to see the - to oppose this in, in, in my eyes is
7 the same thing as supporting a student housing project.

8 I, I hear people saying it's going back and forth, oh, it's
9 threatening - they're threatening student housing. And they're saying
10 they're not, and I agree with that because they're nice people.

11 But the truth is, it's absolutely a threat of student -
12 there is the threat of student housing. It is going to happen,
13 something like that is going to happen if something like this
14 beautiful development does not happen.

15 And so call it threat, don't call it a threat. I
16 absolutely see it as a threat, and I live there with my four-year-old
17 and seven-year-old, and my wife. We live right there. We walk up and
18 down the streets and we see the same - the, the tattoo parlor, we see
19 the vaping, we - shops. And, and we do want to see something more.
20 And I think this development is fantastic.

21 I thank the, I thank the church, for caring enough about
22 the land to put something beautiful there, and I am wholeheartedly in
23 favor of the project.

24 ZONING EXAMINER: Okay. Thank you. Okay. There was one
25 more positive. Okay. Come on up. Could I just ask, everybody who

1 spoke so far, did you sign in up here? You didn't? Okay. Well,
2 after this gentleman is done, maybe we can clear that up. Okay.
3 Sorry. Go ahead, sir.

4 MR. MEDLIN: My name is Larry Medlin. I live at 833 North
5 4th Avenue. I've lived there since 1978. It's a home that was built
6 in 1903 by John Henry Campbell. These two people are my neighbors.
7 I'm the third house down on 4th Avenue.

8 I believe this is an outstanding project for many reasons.
9 I think as a transit-oriented development, it really espouses the
10 goals and objectives of the light rail system as creating an
11 intelligent, logically transit-oriented development project in this
12 area.

13 As you've just heard, I think it's an extraordinarily
14 appropriate neighbor of how it responds to the office buildings that
15 this gentleman just improved by having its storefronts related to that
16 along the University front. It has a very logical relationship to the
17 restaurant that is now being built there in the old gas station by
18 responding to that with its uses.

19 And I think as a project itself, it stands as a historic
20 example of a church built in 1924, I believe is what was said tonight.
21 And Arthur Brown, an outstanding architect came along and added to
22 that in such a meaningful way, in what has become a landmark. There
23 are three of those kinds of projects in, in this area.

24 One of them on University Boulevard further down was
25 destroyed when housing was put in. Flat, what is maximum zoning fit

1 on that land. That's the contrast that you saw explained by Randi
2 tonight. You could either build the whole site full of flat splat, or
3 you can take a project that (inaudible) created, zoned in proportion,
4 and responds with so many levels to the what's the mass of the
5 building and the context, the neighborhood context.

6 It also is developed in outstanding details. It enhances
7 the church. It features the church as a icon on the corner enhanced
8 by a landscaped pedestrian pathway that gives it a, a framework that
9 goes beyond the parking lot that's there now in a very meaningful way.

10 It also, what was not discussed in detail was the
11 principals of how this project is designed and planned really espouse
12 principals of sustainability. Intelligent use of land, water, energy
13 and air quality and all resources like that. This is a project by
14 doing this. It's lightyears superior to that flat splat project.

15 And I, also, I would like to point out the fact, in Tucson,
16 we are a very fortunate community. We have four or five world-class
17 architects that live and practice here. Rob Paulus is one of those,
18 and I think it behooves us as a community to recognize the expertise,
19 the intelligent design and planning, and the opportunity that this
20 means not just something that, you know, that was limited by laws set
21 in 1930, or in 1924, but going forward into our future and our needs
22 to conserve water, use land intelligently and, and use resources in a
23 much more significant and meaningful way. And I believe this is an
24 opportunity for a prototype project that moves in that direction.

1 ZONING EXAMINER: Okay. Thank you. Okay. Is there
2 anybody else who wants to speak in favor? Okay.

3 MR. LOVEJOY: Thank you. My name is Walter Lovejoy, and I
4 am the Chairman of the Long Range Development Team at Trinity
5 Presbyterian Church. My address is 6120 East 5th Street, Unit-A107,
6 85711.

7 I just want to let you know that the church, before we even
8 put out an RFP back in 2011, spent over two years searching for the
9 answer that we needed in order to sustain our presence where we
10 currently are.

11 After we released the RFP, we interviewed three or four
12 different developers, one of which was the developer that ended up
13 doing the District. We told him "no" because we did not want student
14 housing at that time.

15 We thought that we could have a very good project using Rob
16 and Randi and Don Bourne. We are very happy with the plans that they
17 have presented to us. We think it is a very viable project, and I can
18 tell you that the congregation is a hundred percent behind this plan,
19 and that we are looking forward to long-time relationships with WUNA
20 and the neighborhood with this plan. Thank you.

21 ZONING EXAMINING: Okay. Anybody else in favor? In favor.
22 Okay.

23 MS. DORMAN: Monica Dorman, 5082 North Via Jalsameno (ph.),
24 85719.

1 ZONING EXAMINER: Did I swear you in, ma'am? Did I swear
2 you in?

3 MS. DORMAN: No, you didn't.

4 ZONING EXAMINER: Okay. Well, that's why I was wondering
5 why you had your hand up.

6 MS. DORMAN: That's the reason why I have my hand up.

7 ZONING EXAMINER: Okay. Do you swear or affirm to tell the
8 whole truth and nothing but the truth?

9 MS. DORMAN: I will.

10 ZONING EXAMINER: Okay. Thank you. So, you've already
11 introduced yourself, so you can proceed.

12 MS. DORMAN: Okay. I just wanted to say that I think the
13 neighborhood is going to be more than happy whatever Rob Paulus
14 designs and executes. It's of such quality and thoughtfulness, and he
15 wins many national awards for whatever he is doing, no matter how big
16 the project is. They are always - they come out splendidly, I would
17 say.

18 So, I think we're having here an architect who's
19 extraordinary and who will do the most wonderful job for this
20 neighborhood. I think they're very blessed.

21 ZONING EXAMINER: Okay. Thank you. Anybody else in favor?
22 Okay. Is there anybody who wants to speak in opposition? Can they
23 raise their hand? So, I'm counting about - hold on, hold on, hold on.
24 I, I call you. You don't just -

25 MR. BROWN: Okay.

1 ZONING EXAMINER: - come up. How many are there now?
2 Could you just raise your hand again? Okay. Okay, now you can come
3 up. Okay.

4 MR. BROWN: Name is Tom Brown. I've lived in the
5 neighborhood for 57 years. I own one house one block east of the
6 development. And then I own another house half a block away from
7 that.

8 My first complaint is the height. It does not match
9 anything on 4th Avenue or the neighborhood. It's gonna pack a lot of
10 people in a very small area, and there's gonna be traffic issues. All
11 the traffic issues that go into the neighborhood are very bad now.
12 They're gonna get worse. And that's about all I got to say. Thank
13 you for your time.

14 ZONING EXAMINER: Thank you. Okay. Raise your hands
15 again, those - okay. You, sir. And I assume all of you have signed
16 in at this point and you've all been sworn in. Let me know if that
17 doesn't - if it's not true.

18 MALE SPEAKER: (Inaudible)

19 ZONING EXAMINER: Okay. Well, when you get up here, we'll
20 take care of that. Okay. Go ahead.

21 MR. HENDERSON: Okay. Thank you. So, I'm Scott Henderson.

22 ZONING EXAMINER: Okay.

23 MR. HENDERSON: And my wife and I reside that 529 East 4th
24 Street. And we just moved here in March actually, so, we're the new
25 kids on the block. We came here from Tempe, near ASU, and we're kind

1 of attracted to college town areas and, and also historic areas which
2 at that time, the northwest neighborhood was working on getting
3 historic zoning, and they didn't accomplish that.

4 My wife and I lived there for 12 years in Tempe before
5 engaging on a, a lengthy search for a better place because we saw
6 development there was not done correctly there. And that's one of my
7 concerns here.

8 We've attended meetings that were similar to this and seen
9 similar conversations take place in which various exceptions and
10 changes to the ways that the neighborhood had developed originally
11 and, and things which gave it character and so forth. And so that's
12 gonna be my concern here is that we don't see a repeat of that.

13 If anybody's been to Tempe, you've seen, you know, the very
14 big high rises around Tempe Town Lake. They're, they're very tall,
15 glass, steel, sleek, modern-looking. And the little historic
16 neighborhoods that, that attracted people there are kind of getting
17 run over by that, and a lot of charm is being lost.

18 So, my concern here is that we're facing a kind of a false
19 dichotomy or false choice because we, we seem to either have a choice
20 to develop as it is proposed here, or we have to go with this mass
21 ugly housing that in order to, to economically pull this project off.

22 So, it's really good design or really bad design. And I
23 don't - that's not a ch- -- it's - that's not a fair choice because I
24 love 90% of what this project is doing. I love the permeability. I

1 love the reduced footprint. I, I like the way that they're addressing
2 a lot of issues.

3 And I've told them this myself, that I support 90% of
4 what's, what's happening here, but I think it's possible to accomplish
5 these goals without going to the exact 100% that they are choosing.

6 Just a couple of things that I think I would like to see
7 different. I think that we can develop this beautiful plan without
8 the fourth story. Just as beautiful and just as it is without the
9 fourth story addition, taking care of the objections of, you know,
10 most, most of the neighborhood. That seems to be the biggest thing,
11 and it would be mine, too.

12 Setting it back is not quite enough to handle the mass that
13 is created by such a, a big building. It's one thing to have a spire
14 sticking up a certain height. It's another thing to have, you know, a
15 very large residential building over quite a distance at that height.
16 And also by removing that fourth story, you would remove the number of
17 people that would be occupying it, which would reduce the impact on
18 the neighborhood as well.

19 I think additionally that we could accomplish this
20 development and, and much of what's being talked about here, and still
21 stick with historic construction and materials, like all of us have to
22 do in the neighborhood. If I can put in wood windows, which I just
23 got done putting in four of them, there's no reason that that can't be
24 done, and it can't be feasible to do. Yes, it's more costly, and

1 there's more upkeep, but I have not seen any evidence that this is not
2 possible to do for this development.

3 And the, and the final thing, then, for, for me is Time
4 Market. We haven't discussed this very much, but I think it's a very
5 important consideration. Time Market is a big attraction to the area.
6 It's, it's a wonderful charming little space, and it brings
7 neighborhood people in there.

8 It doesn't bring very many college students in there so
9 much. It's neighborhood people, it's a social gathering spot, and
10 it's a market as well as a restaurant. It's not - it's something
11 different than just a restaurant there.

12 And they're gonna be facing a pretty good squeeze with the
13 plan as it is. It's, it's a block wall that's gonna be moved right up
14 next to them. And right now, they have a little patio seating area
15 there with some trees that looks like that would be lost. And so they
16 would just have just kind of a block wall there.

17 And they would lose parking because they've lost parking
18 already. They've lost - when the streetcar went in, they lost four
19 parking spots right in front, which was very important for them, you
20 know, somebody coming in to get a loaf of bread, that kind of thing.
21 They can come in there, stop, run in the store. Go back out and on
22 their way. That's gone.

23 So, those customers are starting to, you know, fall away.
24 And this project would take away those spaces just to the side of them
25 there. That, you know, has recently been changed to paid parking.

1 So, by pushing up against them like that, we're starting to take away
2 the - we're starting to hurt the viability of keeping a market in that
3 spot. And you can't replace that kind of a market. It's been there
4 since the '20's. It's a wonderful little place.

5 So, I think we need to, you know, at the very least, figure
6 out a way to modify to provide them with sufficient, free, easy access
7 parking that they can use to their customers to really keep that place
8 going. That would just be a real shame to lose. Now, we have not
9 seen any evidence -

10 ZONING EXAMINER: Do you have any more points?

11 MR. HENDERSON: This is the last point.

12 ZONING EXAMINER: Okay. Great.

13 MR. HENDERSON: Yeah. And to tie it together. Basically,
14 what I'm saying is we haven't seen evidence that it's not possible to
15 do what I'm suggesting here. What we hear is, that's not economically
16 feasible. But I can say that according to who I have spoken with, it
17 is economically feasible to put this project up without that fourth
18 story.

19 You wouldn't make quite as much on the pro- -- but it is
20 economically feasible absolutely to do it without this change, without
21 this overlay without the, the boundary change and so forth. It is
22 possible to do that. It, I mean physically.

23 Obviously, we all can agree it's possible to do this, to
24 build it that way. Whether it's economically feasible, we have no
25 evidence. We just have, "Well, you can't, you can't do that." And

1 that's - I can't in good faith support this. Otherwise I would if I
2 had to. But I can't in good faith support this if I can't - if I
3 don't have evidence for that.

4 ZONING EXAMINER: Okay.

5 MR. HENDERSON: Okay?

6 ZONING EXAMINER: Okay. Thank you very much.

7 MR. HENDERSON: Thank you.

8 ZONING EXAMINER: And he spoke the longest. Everybody's
9 been keeping under five minutes. So, I'm looking at around five, six
10 minutes is probably as much as I can tolerate. Who - and next person?
11 You, sir?

12 MR. LANGONE: Give me a minute. (Inaudible)

13 ZONING EXAMINER: You, you -

14 MR. LANGONE: - when I'm down to a minute.

15 ZONING EXAMINER: Oh, you can, you can, you can go.

16 MR. LANGONE: Okay.

17 ZONING EXAMINER: And you're sworn in and everything like
18 that, right?

19 MR. LANGONE: Yes.

20 ZONING EXAMINER: Okay.

21 MR. LANGONE: My name is Kenny Langone. I've lived in the
22 West University - oh, excuse me. My home address is 722 North 3rd
23 Avenue right across the street from one of the entrances to the
24 Trinity Church parking lot, about 50 feet away from our front door.

1 I've lived in the West University Neighborhood for 33
2 years. I've owned a home in the neighborhood for 29 years. I still
3 own that home at 5th Avenue and 1st Street. And I've watched the
4 neighborhood evolve, good and bad, as time has gone by.

5 I only became aware of this in August, the letter from the
6 developer, and I was shocked to think that something like this could
7 occur in our residential neighborhood. I mean the charm, the
8 character, to me, it's the most significant historic neighborhood
9 bridging both the University and downtown.

10 We struggle with the progression of the entertainment
11 district as far north now as 5th Street and 4th Avenue. And I have to
12 say that my concerns are so numerous, both in terms of what life would
13 be like. I haven't heard any of that being addressed for those of us
14 that live right there in terms of what life would become should this
15 get approved.

16 So, I did write a typed letter, too. I gave it to John
17 Beall. And the urban density, traffic and noise and other
18 sociological aspects will devastate our community. We also feel that
19 the Trinity, this is me in speaking for several neighbors and Tommy
20 Brown and Patty Brown here who's the two houses on 3rd Avenue. My
21 family and I live at 722 and 730. We're in alignment, I can safely
22 say, that the people at the Trinity Church and the developers, that
23 many of these meetings have used untruths, misinformation and
24 intimidation to gain our approval.

1 We have been told this project will enhance our
2 neighborhood, that it is inevitable. That they could have built low
3 income housing, but did not do so out of concern for us. That we
4 should get with the program, and that this is going to happen.

5 So, I understand how it's zoned now is 36 feet. But even
6 that being said and having spoken to John Beall about this, they would
7 still need to go through a process. There are still limitations. So,
8 there's a vague threat that if this doesn't get done, that everything
9 will be worse. I don't buy into that at this point.

10 I know there'll be tons more traffic. Their own traffic
11 study which was only done by Mateo Engineering on September 20th of
12 2016. So, when they claim they've been at this for five years, I ask
13 myself, why was I becoming aware of this in year five as someone who's
14 been a stalwart of this neighborhood, loves this neighborhood, who set
15 down roots here, could move to other places?

16 So, here's our traffic study. It says 479 trips, means
17 entrance, from my understanding, vehicles going in and/or out per day.
18 That's onto our - we have a residential street, 3rd Avenue is
19 residential, historic homes. 4th Street, same thing.

20 So, if they get the thing for the office complex, their
21 total adjusted trips would be 945 into our neighborhood already
22 challenged greatly with traffic. No accommodation for how this would
23 work during the street fair, which I can tell you already is, is
24 incredibly dangerous, incredibly chaotic, and none of this seems to
25 register.

1 I'll just list the major points and the details are in my
2 letter. Traffic, demolition. Haven't heard anything about what this
3 would entail. Toxic materials, length of time. We apparently hear
4 that this is just gonna happen as though there's not gonna be chaos of
5 demolition, construction, heavy machinery. Quite obviously noise,
6 dust, debris at all hours of the day, including the summer starting
7 work at 6:00 in the morning.

8 Construction, same issues. Security. I've asked them
9 repeatedly how we will be able to access activity in the building,
10 whether there's noisy, disruptive tenants, people who have their car
11 stereos cranking. We haven't heard anything about commitment to
12 security.

13 Occupancy. We have no clue at this point in terms of how
14 many people would be living there. Those have all been very vague.
15 Ownership. Is this ownership gonna be limited to the original
16 financial group, or could this be sold to somebody who might then
17 change this from what we're being told and promised is going to
18 Valhalla.

19 Management, same thing. How do we know that if it gets put
20 to a new management company, we'll have any of the kinds of things
21 that are being presented to us?

22 Landscaping. All this beautiful landscaping comes with a
23 big footprint in terms of care and, and stuff like that. So, I
24 (inaudible) are they committed to this landscaping? The economic
25 contingencies. What if the financial people were people involved in

1 the project hit like a 2008 type financial brick wall where this could
2 be stopped midstream?

3 Site access. They talk about having this flow of people
4 through there. If you know this neighborhood, we have a significant
5 challenge with, how do you put it? Non-residential people living on
6 the street taking their poor dogs around. And the pocket parks to me
7 sound like an inevitability in terms of being campsites.

8 The historic duplex on 4th Avenue, they, they keep telling
9 us they're going to move it and they haven't found a site. Why is -
10 why are we at this stage if they haven't been able to answer those
11 kinds of questions?

12 And Phase II which is apparently this vague notion now
13 which would include the office complex and stuff like that. I guess
14 I'd like to know the number of people that will now be living in
15 neighborhood, driving in and out of the neighborhood, how those of us
16 that live here, who've restored - I've restored three historic homes.

17 I can tell you the process is so arduous and detailed as
18 one of the presenters said about having to put wood windows in, that
19 it's shocking that apparently this doesn't apply to a huge parcel
20 right in our neighborhood which is a residential historic
21 neighborhood.

22 There's also been some misinformation in official City
23 business. Here's a Mayor-Council memorandum from June 21st, 2016. I
24 wasn't even aware of the project, my attorney got this for me. Here
25 it talks about in background, and it says, "The proposed height of the

1 new building will not exceed the height of the adjacent historic
2 church building."

3 We know that could be 36 feet. This is in an official
4 document. I think at the very least, we need to get more facts
5 established in terms of how this will impact the neighborhood and what
6 are truly facts versus vague promises.

7 I love this neighborhood. My family and I will be
8 devastated to think that in our front yard, this will now become, as
9 our other neighbor said, what Tempe has become. Thank you for your
10 time, and I can only say I'm emotionally shell-shocked.

11 ZONING EXAMINER: Okay. Thank you, Mr. Langone. And who
12 else is speaking in opposition? Okay. Mr. Gans.

13 MR. GANS: Chris Gans, 130 East University. I am a member
14 of the West University Neighborhood Association. And before I start,
15 I like to (inaudible) a couple of comments made that for the
16 (Inaudible) 5th Avenue, that was not the neighborhood association that
17 put a stop to that. It was actually (inaudible) The neighborhood
18 association didn't take a position on that.

19 And we've also been meeting with Rob Moranes (ph.) since
20 the fall of last year on this particular project, not since 2011. We
21 have been talking with him about other projects then.

22 And we have our statement on file, so, I'm not gonna read
23 the whole thing, but this is about the statement that the Board of
24 Directors came up.

1 "The West University Neighborhood Association, WUNA,
2 opposes the boundary amendment process to remove the Trinity Church
3 site from the Historic Preservation Zone and rezoning request to
4 change the allowable height from 36 to 50 feet."

5 "We're aware of the consensus in the larger community that
6 denser core neighborhood such as West University - denser development
7 is desirable on a number of properties located in Tucson's core
8 neighborhoods, such as West University."

9 "WUNA is part of that consensus and supports increased
10 residential capacity and mixed use development. We want to be part of
11 the process that leads to more people to be able to access a wide
12 variety of services and employment within walking, biking distance of
13 where they live. We want more Tucsonans to be able live in transit-
14 accessible areas."

15 Personally, my issue is not with design on this project
16 'cause I think Rob is a good designer, and this is a thoughtful
17 design. It is how they get to the height that may impact the
18 neighborhood in the future time.

19 Thirty-six years ago, neighbors responded to a threat by
20 University of Arizona to move west to Stone, basically taking the
21 neighborhood out. So, they got together, worked on inventory, got
22 historic status, historic district status, put guidelines in place and
23 eventually became a Historic Preservation Zone in 1984.

24 To date, to my knowledge, there's not been a, an either a
25 boundary amendment process, or a PAD process within the boundaries,

1 the main boundaries of our neighborhood between Euclid and Stone,
2 Speedway and 6th Street. There have been three planned amendment
3 rezonings in the transition area west - east of Euclid.

4 The concern is that it may not be such an issue of if
5 Trinity was the only property in our neighborhood that is big enough
6 to use this process, but what happens if one of the other 12 or so
7 properties in this neighborhood which are large enough to be able to
8 use this, some which are not even historically contributing, decide to
9 opt into it? How does that impact the HPZ? And how does that impact
10 the overall neighborhood for the long term?

11 And I don't really know what the answer is to that. But I
12 think it concerns me given our experience with some City-generated
13 development plans that created the District and the Main Gate and
14 those - the impacts of those are still happening in the neighborhood.
15 They still impact and will continue to do so for the life of, of those
16 projects.

17 And so, I don't know what the answer is, but I, I think our
18 charge is for - to insure historic preservation that we make sure our
19 historic district remains intact, our HPZ remains intact. And I think
20 that that's a lot of answers that need to be - a lot of questions need
21 to be answered.

22 I don't know that this does. I think that either the
23 process, the (inaudible) process has never been really publicly vetted
24 to be used. To my knowledge, it's never been used in a HPZ. And so,

1 and it's not anything on Staff because they're instructed to do this
2 and work out this as they move through it. And I understand that.

3 And so, I, I would hope that in the future, whatever
4 happens with this, that these processes are looked at, and to look at
5 the long-term impact on the sensitive historic neighborhood. We've
6 been battered by a number of things. Not only the developments on the
7 edges, but some of the U of A actions, and I think that, yes, we're
8 coming back some. And, and it's (inaudible) more stable. But I think
9 that if we get more and more properties taken out of HPZ using a
10 similar process, that may have adverse long-term impact on us.

11 Thank you.

12 ZONING EXAMINER: Okay. Thank you. Chris, could I ask you
13 a question? Your - the West University Neighborhood Association, they
14 submitted a letter with a series of, of items that if this moves
15 forward, these things need to be looked at.

16 MR. GANS: Yes.

17 ZONING EXAMINER: Now, I received a memo from Planning &
18 Development Services dated today. Have you seen that letter?

19 MR. GANS: I have not. And -

20 ZONING EXAMINER: Okay.

21 MR. GANS: - I'm not even gonna talk about those until we
22 get into the actual PAD.

23 ZONING EXAMINER: Okay. That's fine, that's fine. So, so,
24 we'll, we'll, we'll talk about that later.

25 MR. GANS: Okay.

1 ZONING EXAMINER: Okay. Thank you.

2 MR. GANS: Thank you.

3 ZONING EXAMINER: Anybody else - okay. John? So, I have
4 to swear you in first, right?

5 MR. BURR: Yeah, you do.

6 ZONING EXAMINER: Okay. Do you swear/affirm to tell the
7 truth, the whole truth, and nothing but the truth?

8 MR. BURR: I do.

9 ZONING EXAMINER: Okay. Name and address for the record.

10 MR. BURR: My name is John Burr. I live 424 South 5th
11 Avenue in Armory Park. I'm a fellow neighborhood leader of an HPZ
12 historic downtown neighborhood.

13 I just got WUNA's letter this morning, so, we didn't take a
14 formal Board vote, even though I'm President of the Armory Park
15 Neighborhood Association about formally being in protest of, or in
16 favor of this particular project, although we've been kind of watching
17 this case for reasons because there's parallel activity in our own HPZ
18 zone.

19 I want to give a little background that I think people are
20 forgetting about the HPZ's. There are actually only four of them in
21 the downtown area, and they comprise less than six percent of the
22 buildable lots in the greater downtown area.

23 And as you know, Jim, we worked together over a couple of
24 years to fix the I-I-D to make sure, and I also went to Mayor and

1 Council, and I got this provision, that HPZ trumps everything. And
2 that's why we allowed some of the areas to be in the I-I-D.

3 And everyone said, "Oh, it will never happen in an HPZ,
4 they're secure." Okay. Now, we found this legal loophole. HPZ's are
5 challenged. Conceptually, they were created with buffer zones, core
6 areas, and they had to be intact areas that were representative of a
7 national level, just like National Register districts, of a community
8 as a whole. It's not individual structures. It's the way people live
9 in a historic community, and the way it interacts and the heights that
10 are there, and all the rest of it.

11 And now we're saying, "Oh, but if we chop a hole in it, we
12 can go up a little bit." People are trying to nibble at our edges. I
13 will say consistently the Armory Park Board has voted not to let any
14 of our HPZ area go because it will, fundamentally, change the
15 character of the area over time.

16 One problem I see with all these proposals, instead of -
17 look, the HPZ zoning is not perfect. It often leads to ugly
18 buildings, bad infill, but it has good intentions. You can't get them
19 anymore. With Prop. 207, the four we have are the four we have. And
20 most of us who have lived there or invested over the past 40 years in
21 these things never expected to have a four-story building go up in our
22 back yard.

23 What rights do we have to existing land use and what our
24 expectations were for building and investing in these areas. And now
25 developers are saying, "Okay. Got enough money, we can change this."

1 And so on a fundamental level, I oppose changing any HPZ zoning. If
2 it does go through, I have problems with the PAD. That's the next
3 thing.

4 But the thing about HPZ zoning, it talks about development
5 zones. You have to build within the character of each development
6 zone. And the conversation in this process has gone to, "Well, there
7 are other tall buildings in the area. They're over here, they're over
8 here."

9 It's not looking at the zoning on the ground, it's changing
10 the conversation to, "We want to do it here." It doesn't exist here,
11 but it's somewhere else in the area, but not our development zone.
12 And this is a fundamental question. What do HPZ's mean to Tucson, and
13 should we start taking the (inaudible) I don't think so. Thank you.

14 ZONING EXAMINER: Okay. Thank you. Is anybody else
15 speaking in opposition? Okay. Anybody speaking undecided or neutral?
16 Okay.

17 MR. SENSIBAR: Noah Sensibar, 624 North 7th Avenue. I also
18 own 402 East 4th Street, which is the corner of 4th Avenue and 4th
19 Street, directly facing this proposed project.

20 Why I think I have to come up in neutral is that I actually
21 like the concept of the project. I think it does a lot for the
22 neighborhood and I think it would be a good project. But the idea of
23 cutting out a section of our HPZ I think is horrid. As Randi said,
24 Trinity is the heart of West University. And by cutting out the heart
25 of the HPZ, you start to kill the HPZ.

1 There are a lot of other properties of this size. Phil
2 actually owns one where you could do a PAD amendment and chop out his
3 property and put up substantially taller properties. The property
4 directly across the street from this on 4th Avenue is another property
5 that could have a PAD amendment.

6 So, once you open this flood gate to cutting out parts of
7 the HPZ, the opportunities for this are almost limitless. Right
8 across the street at the corner of 4th Avenue and University, another
9 perfect opportunity to take advantage of doing a PAD.

10 So, the H protection, the HPZ that everyone in our
11 neighborhood enjoys needs to remain intact and chopping out parts of
12 it will forever and irreparably damage the neighborhood. And I think
13 that gets to Prop. 207, which is by cutting out these parts of the
14 neighborhood, you're gonna cause damage to neighboring property owners
15 in violation of Prop. 207. So, good project, bad way to get there.
16 Thank you.

17 ZONING EXAMINER: Okay. Thank you. Anybody else? Okay.
18 So, Ms. Dorman, do you think you could make your summary in around ten
19 minutes?

20 MS. DORMAN: Sure. I actually would just like to address -

21 ZONING EXAMINER: Okay.

22 MS. DORMAN: - many of the comments.

23 ZONING EXAMINER: Okay.

24 MS. DORMAN: I'd like to reiterate that the property is not
25 being chopped out of the HPZ. The boundary amendment does not exist

1 without the corresponding PAD-H. So, to talk about one without the
2 other is incorrect, and in the next section of this meeting, we'll
3 discuss in-depth the PAD-H and how other historic protections are
4 brought back onto the site.

5 So, I just would like to be very clear. Boundary amendment
6 does not exist without the corresponding PAD-H. There is no hole in
7 the neighborhood. It gets replaced immediately.

8 I don't quite know how to respond when someone doesn't
9 believe that, that we can't just chop the third floor off of our
10 current project and still have it work. I'm a developer. I know how
11 much we have to pay for the land. I know what banks require. I know
12 what investors require. I know what construction costs are. And I
13 know how all of that works together.

14 So, I don't come to any meeting lightly saying that we
15 can't do the desired footprint with four stories and three stories. I
16 come, I come to those meetings knowing that we've done the proformas.
17 We've talked to bankers. We have actual knowledge about what is
18 required to develop successfully on this site. To say otherwise is
19 just not true.

20 If we could have done this in three stories, we would have
21 done this years ago. I mean why would we have spent all this time and
22 effort if we could have done this? I mean it's just - it's absolutely
23 illogical.

24 I also would like to point out several people have
25 mentioned that they have to go through things when they're renovating

1 their buildings. Well, when you're renovating a historic structure,
2 there's certain requirements that you have to go through.

3 We're talking about new construction. New construction is
4 allowed in HPZ's. It's absolutely allowed in HPZ's and it is very
5 different than renovating a historic structure.

6 Regarding Time Market. We've met with Peter. We met with
7 Peter in the last few days, and if Peter had an issue with this
8 project, he would be here tonight, and he would say something. So,
9 some -

10 ZONING EXAMINER: Peter being the owner, I assume.

11 MS. DORMAN: Sorry. Peter Wilke being the owner. I, I
12 would just like to say on record that I don't think it's appropriate
13 for somebody to speak in Peter's place, Peter Wilke's place without
14 him here.

15 Traffic. Yes, we understand. We are gonna be working to
16 mitigate the traffic. But the church is allowed to build on their
17 land, and there would be traffic regardless. The traffic has nothing
18 to do with the boundary amendment or the HPZ. Whatever gets developed
19 on the site certainly will have a traffic impact. I mean that's what
20 happens with development. But we have, we have already made changes
21 to our design based on input from the neighborhood regarding traffic.

22 We're, we're also not all the way through our design
23 development which we've been crystal clear about that we can't fully
24 finalize our design until we have the PAD-H approved because that will

1 set the stage for what can or cannot be built. And so we can further
2 dive into those issues then.

3 We have never intimidated or spoken untruths. We, we just
4 have not. We have come to this neighborhood, and I'd like to correct.
5 We have been coming to this neighborhood since 2011. I have the
6 presentations to prove it. Every time we had a new plan, I was clear
7 that the current plan we came to the neighborhood with in February.

8 In this process, we have one vehicle for speaking with the
9 neighborhood, and that is the neighborhood association. We use that
10 vehicle. I don't know why some people were not aware of the project
11 because it was advertised through the neighborhood association every
12 time we had a meeting with them over the years. We were diligent. We
13 were very diligent. I think it would be hard to meet with a
14 neighborhood more often than we met with this one.

15 You know, the - conceptually, I understand that people
16 don't like this process. I don't like this process. I, I would have
17 much pre- -- much - let me tell you. Much preferred that we could
18 have done a variance, the first thing we wanted. "Can't you do a
19 variance?" No, you can't do a variance.

20 So, yeah, we don't like this process either, but it is
21 allowable by code. It was the process we were given, and we have gone
22 step-by-step carefully and faithfully through this process.

23 Regarding the height. I'll just say again. I mean I
24 understand that the neighborhood has been burned by developers who've
25 done ugly buildings, 12-story buildings.

1 That is not us. We're asking for one more story, and by
2 code, like we're putting in the PAD. That in order to grant us that,
3 we will, by code, do a small footprint. We're not just saying we're
4 kind of promising. We are codifying it. So, I, I don't know how -
5 what else we could do.

6 We have made a huge model. We've shown the neighborhood in
7 diagram and model with a stepped-back fourth floor that the height
8 impact is just not that great. It is four stories. It is not 12
9 stories, it's four stories. That is what I have for you. Do you have
10 any questions for me?

11 ZONING EXAMINER: I, I don't think so right at this time.
12 But if you're finished, what I'd like to do is I'm not going to close
13 this at this point because we still have this other case that's
14 related. So, I'm gonna kind of table it, and we'll go to the next
15 case.

16 But before we go to the next case, why don't we take like a
17 five-to-seven-minute little break so everybody can stretch their legs
18 a little bit, use the restrooms, whatnot. Okay?

19 MS. DORMAN: Thank you.

20 (A break was taken at this time.)

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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