

Agenda

RHNA special meeting of voting members

Monday Oct. 24, 6:00 p.m. via Zoom

Item: RHNA comment on zoning request re: 150 N. Highland

- comment is due by 5:00 p.m., November 2, 2022.

- THE DESIGN DEVELOPMENT OPTION (DDO) REQUEST: The applicant constructed a two-story addition to the residence without prior approval. The applicant is seeking zoning approval necessary to allow the construction to remain with a reduced **side street** perimeter yard setback to remain. If the DDO is approved, the **side street** perimeter yard setback would be reduced from **(10'-0")** to **(9'-0")**, measured to the **north** lot line, all as shown on the submitted plans.

- "If you do have comments, concerns, or objections regarding this DDO request, and would like them to be considered before a decision is made on the request, please e-mail them to: DSD_Zoning_Administration@tucsonaz.gov ". Reference DDO-22-77 Titan Home Design LLC Two-Story Addition, 150 N. Highland Ave., R02, Activity number: T22SA00442

- comment is due by 5:00 p.m., November 2, 2022.

- "If you have any questions concerning this DDO request, please email Georgia Pennington at Georgia.Pennington@tucsonaz.gov "

- Titan Home Designs L.L.C. is an Arizona Domestic LLC filed On June 4, 2020. The company's filing status is listed as Active and its File Number is 23092962. The Registered Agent on file for this company is Ethan Steele P.C. and is located at 1661 N Swan Rd. #224, Tucson, AZ 85712.

- <https://www.bizapedia.com/az/titan-home-designs-llc.html>

Item: Development of the SW corner of 6th St. / Campbell by Scott Cummings

• When and how do we connect with Sam Hughes folks to keep them engaged? Bill Craig and Molly McKasson have been particularly helpful. Sam Hughes gave us \$2500 for attorney's fees.

• When and how do we alert the other neighborhoods, whose vocal support was critical to our success?

• When should we meet with Cummings to have the conversation about establishing a process for negotiation, including the development of an agreement on matters that fall outside the Zoning Examiner's purview?

• When and how should we involve Kozachik?

• When and how should we contact neighbors living in the affected area?

- ZE's final report:

<https://drive.google.com/file/d/177Lx5-j8UGaqL5YpqOQJbPbj9QwnLm0H/view?usp=sharing>

It's a huge document, everything important is on page 16.

Item: Attorney for RHNA

- Confirm whether the neighborhood wishes to use Tim Kinney's services moving forward. Note: a new engagement letter would be needed.
- Fee to be \$200/hr (note: reduced rate fee was \$250/hr in 2020, and \$150/hr in 2021)

Addendums:

12/08/20 letter from RHNA about 6th at Campbell PAD

December 8, 2020

Scott Cummings
SJ Cummings Properties 305 N. Herbert Ave Tucson, AZ 85705

Mr. Cummings,

We appreciate the opportunity to respond to your proposed Sixth at Campbell Planned Area Development (PAD). These comments are in response to the Pre-PAD Proposal version 4, dated September 28, 2020, and the presentation from the Neighborhood Meeting on October 28, 2020. The comments below represent joint input from both the Rincon Heights and Sam Hughes Neighborhood Associations (RHNA/SHNA).

RHNA/SHNA agree that the southwest corner of 6th Street and Campbell is an appropriate location for a quality, mixed-use infill project and we generally agree with the PAD's vision for a mixture of housing, offices, and ground floor retail. However, the rezoning process requires community and neighborhood input if success is to be achieved, and therefore there is no guarantee the property can be developed beyond what its existing zoning allows. Therefore, the focus of RHNA/SHNA throughout this process will be to ensure than any proposed development is one that brings services and adds value to the surrounding neighborhoods, in addition to any profit for the developer.

In a spirit of cooperation, we look forward to working with you to achieve our common goals. We offer the following suggested modifications to your proposed PAD in order to gain RHNA/SHNA support for the PAD rezoning. Please note these suggestions are based on the current PAD proposal, and we therefore reserve our right to make additional suggestions to subsequent drafts of the PAD in the future. The following list is also not intended as an offer that, if agreed to, will bind either RHNA or SHNA to supporting the

PAD.

Permitted/Excluded Uses

- Dedicate 10% of dwelling units as affordable for households earning 80% of the area median income (AMI) or less. The terms of affordability, verification and reporting requirements, and other compliance measures shall be jointly developed with RHNA/SHNA and in consultation the City of Tucson Department of Housing and Community Development.
- Remove Hotel as an allowed use on Parcels B & C; remains an allowed use on Parcel A north of garage.
- Exclude Group Dwelling as an allowed use on any parcel.
- Exclude dry cleaners under Personal Services on any parcel.
- Limit allowable liquor licenses to Class 3, 7, 11, 12 and 15.
- Configure the size of ground level retail spaces to encourage occupancy by local businesses, as negotiated by the developer and RHNA/SHNA.
- Ensure the management of ground-level retail by a local commercial real estate broker familiar with the central Tucson and University of Arizona area.

Building Heights

- Parcel A – maximum height of 65 ft (matches parking garage deck)
- Parcel B – maximum height of 55 ft
- Parcel C – maximum height of 40 ft
- Parcel D – maximum height of 25 ft

Transit-Oriented Development Incentives

- De-couple fees for parking spaces from residential unit leases or sales.
- Upon development of any residential units on the property, provide a subsidized bundle of multi-modal travel benefits/incentives to tenants including public transit, bike

share and scooter share. Cost savings from reduced parking requirements (as recommended in the section below) would make it feasible to reinvest in a transportation demand management (TDM) strategy of this nature.

- Provide space and funding for installation of 1 bike share station within the development.

Parking, Circulation, and Access

- To improve safety within the pedestrian-oriented development, no vehicle driveways shall be installed on 6th Street between Martin Ave and Campbell Ave.
 - The sidewalk along 6th Street shall be a minimum of 12 feet wide.
 - Parking garage ingress and egress from Campbell Ave shall be directly into the garage structure and not down the alley; alley shall be reserved for pedestrian, bicycle, and emergency vehicle access only.
 - Agreement to closure of Martin Ave is conditional upon (1) pedestrian and bicycle access through the closed portion of Martin Ave being permanently dedicated and clearly marked, and (2) a pedestrian crossing refuge island and other safety features as approved by Tucson Department of Transportation and Mobility (DTM) being installed on 6th Street at the Martin Ave crossing.
 - The “Shared Circulation Space” shall be configured and designed in collaboration with RHNA/SHNA and DTM.
 - Once the allowable land uses are finalized, revise the Traffic Impact Analysis in collaboration with RHNA/SHNA and their recommended issue experts, to incorporate multimodal/urban trip generation methods in a way to reduce the current parking requirements. Based on affordable housing and TOD items above, parking space requirements shall be reduced to no more than 0.7 per market rate residential dwelling unit, 0.6 per affordable housing dwelling unit, and 1 per 500 sq ft of space for all other uses.
- Considering the pedestrian-heavy character of campus-adjacent developments, negotiate with DTM the elimination of any right-turn deceleration lanes or lane extension.

Miscellaneous

- A minimum of 90% of the top deck of the parking garage (Parcel D) shall be covered with solar panels. These panels will not be considered for purposes of building height limitations.
- The design of the Martin Ave Pocket Park shall be done in collaboration with RHNA/SHNA and the UA Drachman Design Institute to integrate with South Stadium Rowhouses, with desired elements to include shade trees, seating, a ramada/gazebo, and a public art element. The developer of the PAD shall be responsible for landscape upkeep and other maintenance of the pocket park.
- The developer shall work together with RHNA and the University of Arizona to remove the parcels within the PAD boundary from the UA Area Plan and reincorporate it within the RHNA boundary.
- The developer shall include a corner monument at Sixth and Campbell signifying Rincon Heights Neighborhood, similar to the UA corner monument on the NW corner of the 6th St & Campbell intersection.

Community Commitments

- The developer shall enter into a Community Benefits Agreement with RHNA/SHNA in order to detail all negotiated agreements and obligations not appropriate for the PAD document in a manner that is enforceable in perpetuity and will run with the land.
- Upon receiving any Certificate of Occupancy for the project, developer shall pay to RHNA and SHNA \$50,000 each to be used for traffic mitigation, neighborhood stabilization efforts, or other improvements at the sole discretion of RHNA and SHNA.

We believe the above suggested changes to the proposed PAD would result in a project that will set a new standard for high quality, equitable, transit-oriented development in Tucson. We are available to meet and discuss in further detail any of the above modifications.

Regards,

Colby Henley

President

Rincon Heights Neighborhood Association

Page 16 of Zoning Examiner REPORT TO MAYOR AND COUNCIL, July 1, 2021

C9-20-12 Sixth at Campbell Planned Area Development C-1, R-2, and P to Planned Area Development (PAD) (Ward 6)

Recommendation

The Zoning Examiner recommends approval of the revised PAD document, subject to the following additional changes:

- 1) the maximum height for Parcel A shall be 75 ft.;
- 2) uses requiring a Class 6 liquor license shall not be permitted;
- 3) balconies shall not be permitted on the south side of the proposed development;
- 4) no rooftop amenities shall be permitted which would project sound into the adjoining neighborhoods; and
- 5) an updated traffic study must be completed prior to any Mayor and Council meeting considering the proposed PAD and it must include an analysis of pedestrian and bicycle safety, in addition to vehicular traffic issues.

In addition, the PAD document should be revised to clarify the following points:

- Residential units will be limited to 3 bedrooms or less;
- The developer will pay for the proposed bike station;
- There shall be no rooftop pools;
- Hotel use will be limited solely to Parcel A;
- The draft PAD document shall also be revised: 1) to describe in the text of the document the new Appendices D and E (showing the proposed land uses in each of the buildings); 2) to correct the lettering of the Appendices; and 3) to confirm in the text that there will be only one access point between Campbell Avenue and Martin Avenue.

excerpt from RHNA meeting, Sept. 12, 2022

transcribed by Stacey Plassmann

Scott Cummings: I appreciate you taking the time to put me on the agenda. It was October 28th, of 2020, which is almost 2 years from when this whole process started, when we did a virtual meeting, I think there was 14 people that attended the meeting. The discussion began at that point about the PAD at 6th and Campbell. Obviously there's been a lot of things discussed over the last two years. I'm very excited that I am

getting closer to signing an anchor tenant, or a prospective anchor tenant should the PAD go forward. I cannot submit after the PAD was denied last November. It has to be one calendar year before a package or application can be submitted back to the city, but I am allowed to start the neighborhood meetings. Thus, that's why I asked for, asked to be able to be in this attendance. Unfortunately I wish it was face-to-face, but it is what it is. I'm also meeting with Sam Hughes neighborhood next week at their neighborhood meeting. So I think, as I said earlier, there's been a lot of concessions going back and forth. I don't have the last site plan, the last PAD that was submitted to the city, but it would basically be the framework moving forward. I think we know it pretty well. We had a major miscommunication or misunderstanding about what exactly needed to be done in the way of a community benefits agreement when it came down to the final vote. I will be working with a law firm that will go ahead and submit the proper paperwork so that not only the neighborhoods or myself can be protected from what we will agree to moving forward. You know, we didn't agree on everything, but I think both sides gave a lot of concessions. I'm hoping that we can build from where we're at the last time when the PAD was submitted. You will be getting more documentation. This is really just to give you an update of where I'm at with the process, and whether I was going to move forward. I still believe that of all the options for that property, I think that the option of the PAD is the best for not only the neighborhoods, but also for the property itself. I don't want that corner to look like the corner of Campbell and Speedway. I think that the neighborhood deserves some tenants that will be of benefit to the neighborhood, that will be an attribute, and I think that with the market that I'm working with on the corner, I think that's a huge plus. And then also to have some restaurants and other services. And it will be a multi-use project with commercial and market-rate apartments above. So once again, I keep saying, working within the framework, I think that we were pretty close on the last go-around. There will be some things that will be changed when we do submit, but I will have something in the way of an updated site plan, which won't have any major changes. I'll be able to submit that to you, probably within the next 30 days. We're hoping to have a meeting - I was afraid that I was going to lose the prospective tenant in the last, when the last PAD was denied, but I think they see the benefit of that corner, the neighborhoods that surround it, and the potential for a long-term relationship to reside. I'm not trying to be coy, I didn't really want to make a lot of it the last time because I didn't have anything signed, but I've been negotiating with Trader Joe's for the corner. Their footprint is a nice, there a nice-sized tenant for an anchor on that corner. Right now, we're still working on parking issues - not issues, but things that they want assurances that they're going to have enough parking. And they value the neighborhoods. They want to be part of the neighborhood, and they want to be a good tenant, or prospective tenant. So that's the most exciting thing I have on the project. I will be working with FORS architecture again moving forward. CDG, the firm that started the process back in 2020 is no longer. Frank has retired, and Cindy, the lady that worked with me has moved on to a different industry, a different career path. So moving forward, we're looking at market-rate apartments, not group dwelling, and there'll be much more assurances, written assurances, in the PAD that will be negotiated between ... The law firm is Lazarus & Silvyn who I've been talking to - I haven't received an engagement letter, but they will be the ones negotiating any of the specifics on the land use restrictions. If you have specific questions, I don't have a site plan to submit to you, but it will be within the realm

of what the zoning examiner had approved.

Colby Henley: I'm reacting to what you brought to the table. I'm not sure I was prepared to start from where we ended, I was prepared to start over. I'd be curious to see if you'd had any conversations or thoughts about adding affordable housing. I know that was one of our sticking points, and never made any progress on that, and think the conversation across the city has become even more of an urgent issue. I'm curious if you have any new thoughts on affordable housing.

Scott Cummings: I have approached that issue with numerous lenders and people that do conventional local financing. Affordable housing is not an appropriate use for this particular project. I think that the recent additions to the affordable housing components on the Broadway Corridor, I think they're great, obviously there's a need. This isn't a project, once again, that I'm looking, or trying .. there no government subsidies or government handouts for this, it's a market-grade apartment project. One thing that does happen when you have a project such as this, whether it be directly or indirectly, you're gonna have more product out on the market which could eventually bring prices down on existing... I researched it with my lenders, and at this point, there will be no affordable housing component.

Evren Sonmez: To follow up on that, Scott, I hear what you're saying. There's different financing mechanisms that seem to work well with affordable housing, like the low-income housing tax credit program, but I think one thing that we didn't get to explore last time or talk through these in any kind of serious way, but one thing that we mentioned was, okay, it may be tricky to include affordable housing in this development, but we would love to, as an idea, to explore ways for you, as part of the community benefits agreement, to provide some support for affordable housing off-site elsewhere, either in the neighborhood or by contributing to a land trust or some other mechanism, so that in a way, even though it's difficult to include that in the development itself, but we had mentioned a UA-owned parcels with plans that the Drachman Institute had worked on to provide owner-occupied affordable housing on those parcels, so I suspect they would be interested in bringing that back as a serious conversation, a serious path to explore. Last time we touched on this a few times, but didn't really get to talk through it much.

Scott Cummings: When the subject was brought up before, I don't have any control over what the UA wants to do with their property. My understanding is that they're not interested in selling any of their properties. I don't know what their long-term goal is, if they're going to go beyond the old boundaries of the MOU. that's really something that the University has control of, and I don't.

Lee Marsh: So an in-lieu contribution to a land trust or something like that, is that something you'd be interested in?

Scott Cummings: Possibly. I'd want to explore it more. At this point, I wouldn't commit to it, no.

Lee Marsh: Out of the last round of this, there were a number of issues on which there

was a lot of contention: the height, the liquor license, some design components related to group dwelling -type stuff, and some of those things at the time, like the balconies, size of the bedrooms, that sort of thing, I think was accommodated in the PAD, but those outstanding things that were still contentious, like the alcohol use and the height, where's that at? How are you thinking about that at this point?

Scott Cummings: Well, I think, that the alcohol, it's hard to convey, and, when you mention contentions, I've been a neighbor, I've lived in the midtown area for almost 40 years, I've been a tenant in the Sam Hughes neighborhood for 38 years. I am not interested in building a large college bar, it never has been. I think there's a lot of misunderstanding, and I think one of the things that is paramount, as I brought up earlier, is that I think with the proper documentation, whether it be through a community benefits agreement or side agreements, and those are things that the reason that I'm hiring a law firm, to give you, the neighborhoods, a sense of protection that you're not gonna get a bad tenant in your neighborhood or something that's going to be a detriment. I want to be a good... I plan on occupying, as a tenant, or not as a tenant, but as an owner-occupant, and also be in the development team. I haven't been at the corner of 6th and Tucson Blvd. for 38 years by being a bad neighbor and my intentions... and one of the things that has made my operation there so successful was that I believe we integrated into the neighborhood and that we fulfilled a need. I think that in some of our discussions, that's been talked about. I mean, I understand. If I were living in the neighborhood, I would have apprehensions, some concerns about some type of use that's going to be a detriment to my quality of life. Those things are going to have to be ironed out and documented so that you have a comfort level. I was a little naive going the first time, and I'll admit that. I didn't understand the processes well. I think that the trust issues can be overcome, I think that, once again, with proper documentation and getting experts involved, I think you'll have a better feel for that, a better comfort level.

Colby Henley: I'll just say, Scott, that it sounds like a lot of words just to say, "No, I haven't changed that." So last November, you were denied the PAD, so that's the City Council saying that they didn't feel that what you put forward was appropriate. I'm curious, can you list off a couple things that you've changed? I mean, I don't think just waiting a year and coming back with the same PAD is what the City Council had in mind, so I'm curious about what you've changed.

Scott Cummings: I've had .. there's been a lot of reach-out from immediate neighbors in the Sam Hughes area, and I've had some meetings with people that reside close to the project. I think the biggest thing, if you recall, when it came down to the City Council, I think that a big part of their denial was predicated on the fact that, as Steve Kozachik said, there wasn't a community benefits agreement. So whatever documentation, whatever needs to be done that can give the neighborhoods, the City Council, and all parties involved a comfort level that what's going to be built there will have documents that will have some teeth that will be enforceable. I think that was the biggest thing. I think years of negotiating back and forth, I think that at the end, I think what the zoning examiner had approved wasn't far off from what everyone had in mind from the very beginning. I didn't get everything I wanted, you guys didn't get everything

you wanted, but I do think that it was a reasonable document that he put out. I think his decision letter hit on all the points, and I'm comfortable with that.

Evren Sonmez: Just some quick thoughts on, Scott, what you shared about the bar and the liquor license and the kind of business that you're envisioning for this location based on your history in the neighborhood and Bob Dobbs and all that. I get it - I believe you, I don't question your intentions, it's just that I guess the tricky part is that you may not be interested in putting that kind of a business that people think is disruptive for the neighborhood, but these things go beyond property owners, right, like you may sell, or your finances may be in a place you decide to sell, or you know, we're not going to live forever. At some point, there will be a change of ownership, I guess it's reasonable to say that. That's why, for us, for certain things to be codified and running with the land and being attached to a business like — things may start off with one intention but then with change of ownership and time may evolve into something else, and I think that's the desire to codify it now, so that we have some guarantees in place that a business that you don't plan on having now wouldn't end there five years from now either. Does that make sense?

Scott Cummings: It makes absolute sense, and I don't disagree with you on that. That's why I truly believe that with the proper people involved, those things can be documented, and that runs with the land, I believe. It's not something that the community benefits agreement or side agreements... you know, that's why I would rely on professionals to do all that documentation.

Evren Sonmez: So it sounds like we're on the path to ... whatever we can ... and this is something we were advocating for at the time, things that we can't resolve with the PAD or that don't belong in the realm of the PAD, there's a desire to address those things in the community benefits agreement.

Scott Cummings: Yes.

Lee Marsh: So I think it's important to note that we're going to continue to be working with Tim Kinney, who I'm sure you remember from last time. He wasn't able to make the meeting this evening, he had some obligations outside of town. I'm curious to how you imagine this process going forward in terms of hammering out the details to the community benefits agreement or whatever documents that would codify some of these things that, like Evren says, are not really appropriate for a zoning document.

Scott Cummings: The next steps are going to be ... once again, I can't put a package together for submittal until November, but, as I said earlier, I would start getting site plans, I'll have meetings with Lazarus & Silvyn, and they can work directly with Mr. ... is it Kinney or McKinney? I don't remember. I mean, that is in their ballpark, whatever needs to be done. We still have to go through ... even though we've spent two years going over many points, it's still .. there're still public hearings, the process is no different than the last one. Hopefully they can be streamlined a little bit so that they won't take quite as long. Any other questions?

Lee Marsh: Just curious ... the height. What are you thinking in terms of the height? I think the zoning examiner recommended 75' and I think you were still talking about 90' at some point.

Scott Cummings: i will come off of 90', but once again, y'know, I want to be realistic, and I want to be,... yeah, I want to show that I'm negotiable, but I do think that it will close to what he approved is where I would want to be, so wouldn't say it's going to be drastically anything higher or drastically anything lower.

Mark Homan: I know we will have time in the future for substantive conversations about height, bars, other kinds of matters that we had made clear before. I'm sure we still feel those things to be important and expect that those will be addressed. So we'll get into those conversations later. It seems to me that it would helpful for us to have a get-together with you, Scott, and Councilmember Kozachik, and Tim, and your representatives, Scott, for us to say 'well, what are our expectations', and let's figure out what our shared expectations are, and then we would produce a process for us to work out to get those met so that this is something that we could support if it meets the things that are important to us, rather than oppose, because as you know, Rincon Heights wants good development there. We just don't development that'd be harmful or not beneficial to us, to the surrounding area. So we would like to have a good development here, and we'll work with you for that. We're very clear as to what some of the things, the elements of that would be. so our next meeting, I think, would be ... let's be clear about what our expectations are, be very open about that, and then set a process for us to begin to work out the details that would lead to an agreement.

Scott Cummings: I concur. I think that's a good plan.

Ryland Plassmann: I have a question: Will there be electric vehicle charging provided?

Scott Cummings: I think it would be short-sighted not to include that.

Ryland Plassmann: I'm also wondering if there could be good bicycle parking.

Scott Cummings: Yes, that would be included.

Lee Marsh: Something else I would like to add, Scott - I think the prospect of a Trader Joe's is something that would be welcome in the neighborhood, so anything that you can bring to these meetings that would help provide confidence that we can see a Trader Joe's at the development would really help people ..

Scott Cummings: .. I've been working with their broker out of Phoenix, and just so there's some transparency, they had been looking at two other sites, and I don't know where the sites specifically are, but what I have been told is that the other two sites, I think they probably were on Broadway, but I don't know that. they want to be in this mid-town area. One of the first times I ever had a conversation with them was probably about 3 years ago, and at that point I wasn't nearly as far along, I hadn't started the

PAD process, and quite honestly, after the denial last November, I really thought that they would probably move on and go somewhere else. But it seems, and once again, I can't ... I don't want to be accused of saying, 'Well, you promised a Trader Joe's', but I can tell you this: we are submitting another site plan sometime in the next week or two. One of their concerns is that they really, they want to be assured that there's going to be enough parking for them. With a multi-use project, that can be a little tricky in the sense .. y'know, how do you separate your residential components from your commercial. And so those are the kind of things we're working with right now, and those are the things that I'll share with you as soon as we finish this next site plan, which I'm hoping will be in a week or two. I'll immediately send it off to you.

Lee Marsh: Great. Thank you.

Scott Cummings: Let me say one other thing. They've gotten to the point where I had only been dealing with a third party being their broker, but what they have asked is for a meeting of all the parties, being myself, the broker, and Trader Joe's. So I think we're pretty far along in the sense of getting close to a written commitment from them. Yeah, I'm hoping. I mean this whole-heartedly, as someone who lives in the midtown area, I think they're a great tenant that's a great fit for most people. I think they're affordable, they have a lot of social issues that they get involved in. Again, the footprint, they're typically 12,500' which lends itself well to that parcel that's up on the corner.

Lee Marsh: Great. Well, that puts us at 'time'. Scott, we look forward to seeing the site plan in the the next couple weeks. We took forward to seeing what other documentation you'll present about some of these assurances, and we look forward to the continued conversation and process in figuring some agreement that everybody can be happy with.

Scott Cummings: Great. Once again, i appreciate you finding time for putting me on the agenda on short notice.

Lee Marsh: Sure, absolutely. Appreciate you starting this process early.

excerpt from SHNA meeting Oct. 18, 2022

attended by Stacey Plassmann (president RHNA) at the invitation Bill Craig, SHNA neighbor.

transcribed by Stacey Plassmann

Jayne Homan (president SHNA): Scott, the floor is yours.

Scott Cummings: Thank you. Once again, thank you all for allowing me to come back after last month. As we discussed, I said that I'd come back with an edited or a site plan that we'd made some changes to, but more importantly, to introduce the team that will

be working on the PAD process. Miguel from FORS, who also lives in Sam Hughes off of 4th and Country Club, and Roy Juneman from Lazarus & Silvyn and who also lives in the midtown area. So you have a local group. Myself, I've lived right here on Third St. at 3302.

This meeting is really about... after I just go over the general site plan, talk about uses. There's nothing... we're submitting, hopefully within the next month we can get it done, the actual package back into the city. It'll be a year since the last, from the Mayor and City Council meeting, actually November 9th is when it can be resubmitted. And so at this point, we're going out and I really want to hear if there ARE any concerns or issues once we go through the site plan. For example, last week, John Blackwell asked about parking, and I explained how, for me, it was paramount that we have adequate parking and that we don't reduce it so greatly that we create a problem before we even start. So those are the kind of issues, that if you're worried about heights or noise, or...

The property, is approximately 2.5 acres. It comprises 12 parcels, which I own 10 of them, the University owns 1, and then the Batford family. And so the 3 parties have all agreed to go ahead with the PAD process. I met with the University last week, they have a new person in charge of the planning, Ryan Goodell from Washington State who just moved down here. so we talked about all the general lay of the land and the issues, and the type of uses. As in the last submittal, basically there's , to give you a point of focus, there's Sam Hughes Place which is at 50', approximately. On the corner, we're going along with the same 50' in order to match the same type of existing height, and then as you head to the west, it increases to 70' and then to 85', which is 40% less than the submittal from 2 years ago. So, it's dramatically different. And we feel that the heights are compatible with the other uses that are going around it in the immediate area. You have the parking garage which we have all of our high density in front of the parking garage because the parking garage itself goes anywhere from 65' to 85' and we will not exceed, we're aiming at 85' to match and not exceed the parking garage. And then as you head south on the site we have a parking structure that would be basically a ground floor of parking and then with ramping up to two more decks. Originally we had 25', we don't think we'll exceed 25', but we may have to make some adjustments because the way that this site, it's not that large of a site when you get right down to it, and in order to accommodate a prospective tenant on the corner, in order to get deliveries, we may, the way that the site is designed, we have to actually go through the parking structure which is kind of unique to a lot of other developments where you have ingress and egress from other parts of the development. The heights and the densities are pretty straightforward, not dramatically different than the last proposal, except for on parcel A. The uses are the same, a mixed-use project with a resident component, retail component and then also the parking component which is just... we're not allowed...at one point it was ... people had asked, 'why are you building a parking structure when there's this parking garage?' Just so people who aren't familiar with the previous process, the UA does not want to allow any of their parking to be allocated, this is solely for their own current and future uses. So really we need to be a self-contained project. I don't know how much more detail, I really want to hear concerns, or any type of questions.

SH neighbor: Tell us about stories - how many stories is 85'?

Scott Cummings: to give you an example, on the ground floor, which both A, B, and C would have a commercial component, we figure, Miguel's the architect, but figure roughly 20'

SH neighbor: 20 stories.

Scott Cummings: No, no, 20',
Miguel: the first floor would be 20' high

Scott Cummings: to give you an example, there's another site plan that you have, it shows that the retail component with 3 stories above the potential market, and then when you get to parcel B, it would go up to 5 stories. Typically you figure a storey is 10',

SH neighbor: 10 to 12 is what I've heard.

Scott Cummings: Right. and then with the ground floor being a little higher with retail.

SH neighbor: So when you have Trader Joe's or whatever, you have 3 stories ABOVE, so that's 4 stories total.

Scott Cummings: Well, it'd be 4 stories, yeah.

SH neighbor (Jayne): It'd be closer to 5, what you're thinking of, because the commercial is 20'.

Scott Cummings: Just for clarity, I just want to make sure that Trader Joe's is open-ended. I've been negotiation for 3 years, I don't have anything signed, but this is the site plan that we just submitted to them, I think it was two weeks ago, three weeks ago, right after our last meeting, and so we're hoping to get the letter of intent, but once again, I don't want people to come back and sip me in the face saying, well you promised...

neighbors: murmured discussion

Scott Cummings: Momo's wold be moving. The whole site gets demolished.

Scott Cummings pointing to stuff on a slide: ... On this one it's showing 90', but we'd actually be 85', and if you look at the elevator shaft on the west side of the parking garage, that's up at 85', just over 85', and then in comparison, if you look to the north, the practice football field is just over 65', and as you continue, the UA stadium goes well over, with the scoreboard, goes almost 200'.

John: Heading west on 6th St., and making a left-hand turn in there, is that going to pose a problem?

Scott Cummings: You mean off of 6th Street into the project?

John: yes.

Scott Cummings: When we met with TDOT, there would not be, because that right now, that lane, people are heading to the east on 6th get in that left turning lane, so it would be prohibited to turn in. So in order to get ingress and egress to the property, you would either come down to the next stop light, which is on Championship Way and you can come down where it says ABOR alley, we're going to widen that alley from the existing 20' to 24' to accommodate 2-way traffic. These are things that were imperative to get the UA's permission. They were able to buy the alleys from the city about 2-3 years ago, it's probably longer ago now, when they did the parking garage, but giving me easement into perpetuity for getting into my properties.

Nancy: It says 113 surface parking spaces. There's nothing above the ones that you show surface, or is there?

Scott Cummings: Yeah, there is. There's two more decks.

Nancy: So how many does it accommodate altogether?

Scott Cummings: Roughly just over 300, figure about 100 a floor.

Nancy: you've got mixed-use going on, so you're going to have some rental units. Which areas, and how many floors, how many units?

Scott Cummings: Everything above the ground floor retail is residential.

Nancy: How many parking space are you allowing for that?

Scott Cummings: We are at 0.9 per unit

Nancy: So not even 1 car per unit.

Scott Cummings: and 1 per 400 for retail. So we're at 383 spaces, and now we would be including 2 floors of parking in parcel A, roughly 150 to 200 spaces.

Nancy: So is the ground floor of that parking structure restricted for commercial?

Scott Cummings: When we submitted the new plan to Trader Joe's, we minimized the depth of the bays of the retail that would be contiguous to it, to the west, so that we could create more parking close to the building, which was not in the original site plan. We're trying to create as much dedicated parking to retail because that is something that Trader Joe's is adamant about. The parking structure is going to have access right off of Campbell which is critical to get that turnover for the potential Trade Joe's or other market that we get in there.

Bill: two issues with this: last year when we were playing this game out, we seemed to have a problem with the idea that 6th St. was going to turn into 6th Street Valley, because an 85' and 70' building directly across from the HUGE play center for the UA turns that whole street into a valley there, literally shaded constantly, it's just so frustrating, and I know that many people that have been dealing with this don't appreciate that HUGE building stuck right on 6th St. Additionally, I'm looking at ingress and egress, and you're doing great if you're going east and you're doing wonderfully if you're going south, but if you're going any other direction you gotta do u-turns everywhere to get back to this place, and if you're getting out, you're getting out going east, you're getting out going south. With that said, are we going to have additional problems with people getting to, going south, doing a u-turn somewhere to head back north again. And the same thing going east to go west.

Scott Cummings: That is something that major intersections, even when you look at Campbell and Speedway, you have to either go past the property to come back. You have median strips completely down east and west from Campbell down Speedway...

neighbor: I don't know how you'd make a U-turn, going down to Championship Drive and turning left.

Scott Cummings: Right. You'd come in through the back alley. And it's a signalized intersection. And then the idea of the valley, across the street right now, you got the practice football field which is an open field, and from what I understand, I don't think any future development on the UA side to the north, would be of any significant height. I don't think we're going to have the valley effect as much as you may think at this point.

Bill: We thought that originally, before they put in that massive building for practice. And that really is across from your 85' building.

Roy: Actually, Bill, the overlap of those two buildings is at the very edge of the property that Scott's talking about. It's not very much at all. It's mostly open space. There's the two outdoor football fields that are there, comprising 90-95% of that length of 6th St. I had the same thought in my head that the practice field is closer to 6th, and across from where Scott's talking, and that the stadium of course is here as well, and then drove down and checked it out not that long ago, and saw that it's not that way at all. It looks like the very western edge of the taller building would overlap straight across from that practice center, but it would only be like a third of the way to that practice center. so I don't see the valley effect really at all, from what I'm seeing on the map right now.

neighbor: I have a similar concern. The height of these building - A lot of us in the neighborhood, when we look towards the sunset, we see A-Mtn, and Tucson Mountains. This is going to put tall buildings into our sunset view. Other than the commercial opportunity for getting a Trader Joe's in there, what need is this satisfying for the community?

Scott Cummings: For the neighborhoods, you're getting services. Whether it be a

Trader Joe's or not, whether it be some other type of retail market, restaurants, general services, and housing. I'm 64 years old, and there are a lot of friends of mine that are empty nesters that are now looking to move from the foothills, selling their houses and don't necessarily want to buy another house, but want to be next to some place like the University that's an event center. The idea that the sunsets, you have an 85' building right now that is primarily where the densities are going. I don't see that as a major concern.

John: Several comments. first of all, Tucson is used to u-turns, that's all there is to it. We don't like it so much, but u-turns happen in Tucson. The football scoreboard is at least a quarter mile farther down 6th St., and I'd like to know how many rental units you're thinking of putting in.

Scott Cummings: Parcel A is approximately about 120, I believe. Potential for 120. A lot of it depends on the size of the units. We had to agree before not to exceed 3 bedrooms, and it will probably be smaller units, probably more 1 bedroom, some studios, and then approximately about a hundred over C and B. But, once again, these are rough numbers. We're still dealing with working with issues like TEP in order to move the electrical poles which is a big deal. If we can't get those moved, then we have to reconsider some of the units, and how that affects it. These site plans give you a good idea of the framework for what we're aiming toward.

Miguel the architect: It's the footprint. the density hasn't been established yet.

neighbor Scott: I think, looking at this, I like this plan a lot. It's a corner that needs attention. I think there's a practical and a visual benefit to Sam Hughes and Rincon Heights to having it redone, and also I'll say that we're living in a city with a severe housing shortage and getting market-rate housing, more of it, is a huge piece of lowering costs, because it's becoming a city that's very expensive to live in for a lot of people, and adding more units I think is a really good thing, to allow people to live here.

Bill: Liquor licenses: what are we looking at here?

Scott Cummings: I would want to be consistent, just like I have done at Bob Dobbs, I'd want a #6 license, I'm not trying to build a big college bar, which was a lot of the issues last time and a lot of misinformation. I'm glad you brought that up, Bill, because that's really why, one of the big reasons why Rory is involved. Because I was very naive when it came to PAD document itself, and there's a lot of things that he, from a technical standpoint, will give assurances to the neighborhood and to the property owner, which is myself, and that's why Rory's involved. Those are things that we will continue as this process goes down, to give comfort levels to all the stakeholders.

Bill: A year ago, a Class 6 liquor license was untenable. Class 12, yes, Class 6, no.

Rory the lawyer: Let me answer the question. First of all, the city does not have any authority [laughing] over the liquor licenses. They are part of the process when they're granted. That is run by the state. So, really, when we're talking about liquor licenses out

of context, it's not applicable, but what is applicable is the regulation of the type of uses. So what Scott is saying is, he's never had an intention to have a large college bar there. He wants a restaurant like Bob Dobbs that serves hard liquor and beer and wine and the liquor license that would go with that, he would have to get that for that use, but under the zoning context we can write in that it's not going to be a bar, it's going to be a restaurant with alcohol service, and that gives the neighborhood the protection.

Jayne: Some of us don't understand what the 6 and the 12 is.

Scott Cummings: Let me give you an example. I've been on the corner of Tucson Blvd and 6th St. for 38 years, and I've had a 12 license up until a year ago. A 12 license is a restaurant that can have a bar in it, but at the bar, you have to serve food, and 40% of your gross revenue has to be derived from food sales. For 36 years, you get audited, now they do it almost every year, before, over the 38 years, it may be every year, it may be every two years. About a year and a half ago, we had an audit, we were, I believe 2% off, and we weren't given a year; we were told in six months, you need to replace it with a #6 license, which we did. We're still serving food, we don't operate as a bar, so to speak. The same concept would be down on this site, is that we would not run as a bar, meaning that we don't have any food service.

neighbor: Where in this would this food/restaurant/bar be? A, B, or C?

Scott Cummings: In B. For instance, there may be another restaurant, be a higher-end restaurant, I don't know, could be something in A that would want a liquor license. I'm not trying to pass it off to Rory, but that's why a law firm is involved. You could have a liquor license at any of the sites.

Rory the lawyer: A 6 would allow you - we would still run as a restaurant, but not have to worry about the 40%, meaning that if I was at 38%, I'm not liable to be closed down.

neighbor: You can sell less food with a 6 than you can with a 12.

Scott Cummings: You don't have to meet the 40%. But the intent would be to have food, to operate as a restaurant.

Bill: This is where we have a problem. The fact is that you need a 12 if you want a restaurant. If you want a 6, that means you're going to be operating a bar. The fact that a 12,000 square foot bar in our neighborhood is absolutely untenable. Nobody wants it, we don't need that here. It's bigger than your bar on 4th Avenue, and that's a big bar. So there's no way that this is going to fly.

Rory the lawyer: We can write in to the PAD the size limit, that it's a food service with accessory alcohol service. Just two things to address that concern: Scott has no intention [laughing] of doing a 12,000 square foot bar in this area. Frankly, it doesn't mix with residential on top, to have a big bar, it doesn't mix with the neighborhood. What really are appropriate uses here are restaurant uses that serve alcohol. Scott wants a 6 license so he doesn't have to be... it takes away an administrative burden

with tracking the alcohol. And and and and Bill's right, if we didn't write this into the zoning code, that could be a possibility. We can address that in the PAD to take care of that.

Gail: Are you expecting it to be student housing?

Miguel the architect: It's market-rate. We made it very clear with councilman Kozachik's direction, that it would not be group dwelling, It's not geared toward student housing. The mere fact that it's located across from a major university, we're open for a mix. You're going to have students. I know that there have been some problems on Park Ave., but this is not geared towards a student population.

Gail: My second question has to do with sewage. there is some concern about the sewage system already being somewhat overloaded.

Miguel the architect, maybe: When we filed last time with the PAD, we had a lot of departments we had to go through, and that never came up as an issue from the city, and I'm sure, or that would be from the county, but those are things, .. I believe the sewer capacity on Campbell Avenue is probably pretty large. We didn't get anything back from any of the... they send them out to all the departments.

Scott Cummings: Yeah, you have to apply for a sewer capacity letter way before, and a project like this does involve private manholes to get into the main 6th Ave. and Campbell. but that is a process that you have to go through ahead of time before you can guarantee anything.

Rory the lawyer: The fact is, if there's not capacity, the development will have to pay to upsize that line. Can I just make one comment on your student housing question, is that okay? So just to sort of provide a comparison, the developments that are on the west side of the Main Gate, the student housing, Those are under, Scott mentioned it, what's called a group dwelling zoning, which allows you to rent by the bed, it allows you to have 5-6 bedrooms to a unit. When Scott says multi-family, that's not group dwelling. It's an apartment, it's rented by the unit, he's limiting it to 3 bedrooms max, but it will probably be more ones and twos. You sort of see that in the market where true apartments are mostly ones and twos, a few threes.

Jim: Question about the setback. Setback requirements for these skyscrapers, you're going to have an 80'-tall building looming right over the sidewalk, or is there some sort of setback so you have a pleasant space when you're walking on the sidewalk?

Miguel the architect: Well, they will have setbacks built into the facade, specifically the 85' one, we have a step-back effect at the property line, so at the facade line.

Rory the lawyer: The buildings will be built up to the property line, but underneath the building there's a set-back where the sidewalk is, and creating shade,

Miguel the architect: What Jim is asking is, with the facade be straight vertical, or will

there be some stepping back, and there will be stepping back on the facade.

neighbor: On all three of them?

Miguel the architect: specifically, we haven't written that in, but it's something we can write in. And I think for sure on the 85' one, we would just have to look at it on the shorter one. Because they are pretty narrow. The two on the corner,

Rory the lawyer: There basically just a double-loaded corridor. There's not a lot of mass to them.

John: Scott, if you don't get Trader Joe's, is it guaranteed that it will still be a grocery store?

Scott Cummings: Well, I would like a market. I've been contacted by another grocer, but I don't think it's appropriate, because the footprint a little bit too big for this site. You could possibly put it on there, but right now a Trader Joe's at 12,500' is a nice fit, and I'm hoping that ... when I talked to their broker last week, that we will have some ... one of the concerns is that this process ... I have to give them a delivery date and as this keeps moving slowly down, it becomes less viable for them. So I'm hoping that we can get the process streamlined somewhat and that they will move ahead with it. They're very excited about the site, they've been looking at it for a long time. From what I've been told, they're represented by a broker out of Phoenix, that they've looked at a couple of other sites on Broadway that were ground-up sites, they weren't existing, but they prefer to be at this site.

Bill: What percentage of these are going to be considered 'affordable housing'?

Scott Cummings: This site, we're not doing affordable housing, it's all market-rate.

Rory the lawyer: Through the formal rezoning process, we'll have a neighborhood meeting, that's probably going to be, I'd say in a month or so. We'll notice, by mail, all the property owners with 400' of the site, and then it will go to all the neighborhood associations within a mile. so Sam Hughes Neighborhood Association will get a notice.

Jayne: So Scott, the documents that you shared tonight, can we share those on the website and through the newsletter or not?

Rory the lawyer: You may not do this one, just because of the 'Trader Joe's', but I think the site plan you can.

Scott Cummings: We're excited to get this thing moving forward and have your input.

Penny: Some of the big problems with the commercial student housing west of the University have been the patios on the roof with large speakers and creating a lot of noise. Are you going to have patios on the roof of these buildings? A big pool up there?

Scott Cummings: No pool on the rooftop.

Miguel the architect: No pool on the rooftop of the 85' one. If they did a pool, it would be much lower, and north-facing only. It would be like a raised courtyard, but it would be north-facing only, not south-facing. It would have a building to the south of it. So if they had a pool, it would only be at the mid-level height, not on the roof, and facing to the north. Only.

Penny: I appreciate you thinking about how to block noise from the neighborhood to the south and also the neighborhoods to the east and north.

neighbor: Are these all balconied ?

Scott Cummings: During this process, we will definitely address that.

neighbor: I know that the property values to the north of the commercial student housing have really fallen because of the noise created by the loud partying.

Scott Cummings: that will be addressed, it will not be tolerated.

neighbor: that's on management

Scott Cummings; But even through design, prior.
