

**A M E N D E D**

**WORK SESSION AGENDA**

**CITY COUNCIL WORK SESSION  
TUESDAY  
OCTOBER 27, 2015**

**COUNCIL CHAMBERS  
211 WEST ASPEN AVENUE  
6:00 P.M.**

**1. Call to Order**

**2. Pledge of Allegiance**

**3. Roll Call**

*NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.*

MAYOR NABOURS  
VICE MAYOR BAROTZ  
COUNCILMEMBER BREWSTER  
COUNCILMEMBER EVANS

COUNCILMEMBER ORAVITS  
COUNCILMEMBER OVERTON  
COUNCILMEMBER PUTZOVA

**4. Preliminary Review of Draft Agenda for the November 3, 2015, City Council Meeting. \***

*\* Public comment on draft agenda items may be taken under "Review of Draft Agenda Items" later in the meeting, at the discretion of the Mayor. Citizens wishing to speak on agenda items not specifically called out by the City Council for discussion under the second Review section may submit a speaker card for their items of interest to the recording clerk.*

**5. Public Participation**

*Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone to have an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.*

**6. The Northern Arizona Center for Entrepreneurship and Technology (NACET) and the Economic Collaborative of Northern Arizona (ECoNA) Annual Updates.**

**7. Report out on the work, observations and recommendations from the Working Groups listed in the Council-adopted Student Housing Work Plan (SHAP) and the status (i.e., Completed, In Motion and/or Moving Towards Implementation) of the Eight Elements in the Plan. **Council to provide direction on student housing issues.****

**8. City of Flagstaff - Navajo Nation Human Rights Commission MOU: Report**

**9. Review of Draft Agenda Items for the November 3, 2015, City Council Meeting.\***

*\* Public comment on draft agenda items will be taken at this time, at the discretion of the Mayor.*

**10. Public Participation**

**11. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests.**

**12. Adjournment**

**CERTIFICATE OF POSTING OF NOTICE**

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Elizabeth A. Burke, MMC, City Clerk

# Memorandum

6.

## CITY OF FLAGSTAFF

**To:** The Honorable Mayor and Council  
**From:** David McIntire, Asst to CM for RE/Acting Com. Inv. Mgr.  
**Date:** 10/15/2015  
**Meeting Date:** 10/27/2015



---

### TITLE:

**The Northern Arizona Center for Entrepreneurship and Technology (NACET) and the Economic Collaborative of Northern Arizona (ECoNA) Annual Updates.**

### DESIRED OUTCOME:

NACET and ECoNA are organizations that use City resources as a part of their mission to assist in the economic vitality of Flagstaff and the region at large. The desired outcome of the presentation will be to inform City Council about their current efforts and successes they are involved in and have accomplished.

### EXECUTIVE SUMMARY:

NACET - The City's relationship with NACET is governed by three agreements. The Service Agreement provides NACET with the responsibility and resources to attract and retain start-ups, Tier 2 companies and entrepreneurs; and to provide them with business coaching and mentoring on a variety of important areas. The other two agreements are Master Leases to the two buildings at Innovation Mesa built as the Business Incubator and the Business Accelerator. The Incubator provides space to the businesses receiving services to assist them in building their ideas into realities and acquiring additional skills and capacity necessary to fully succeed in the competitive marketplace. The Accelerator provides an area, to be leased by users, where businesses continue to receive services as they scale up and prepare to fully integrate into the marketplace. Both facilities are a part of the concept of economic gardening which is based on the idea that small, locally based businesses are often the driver of successful economies and are key to the unique nature of Flagstaff.

ECoNA - The City is a member of ECoNA which is a regional organization working to develop the economic capacity of northern Arizona. ECoNA brings together many different entities from diverse sectors of society and multiple communities to assist in the building of regional prosperity. The economic health of the region has a powerful impact on the vitality of the Flagstaff economy as we often share workforce and residents travel and shop in their neighbor communities.

### INFORMATION:

#### **COUNCIL GOALS:**

- 9) Foster relationships and maintain economic development commitment to partners
- 10) Decrease the number of working poor

#### **REGIONAL PLAN:**

Goal ED 3 - Regional economic development partners support the start-up, retention, and expansion of existing business enterprises.

---

**Attachments:**



# Memorandum

7.

## CITY OF FLAGSTAFF



**To:** The Honorable Mayor and Council  
**From:** Jerene Watson, Deputy City Manager  
**Date:** 10/19/2015  
**Meeting Date:** 10/27/2015

### TITLE:

**Report out on the work, observations and recommendations from the Working Groups listed in the Council-adopted Student Housing Work Plan (SHAP) and the status (i.e., Completed, In Motion and/or Moving Towards Implementation) of the Eight Elements in the Plan. Council to provide direction on student housing issues.**

### DESIRED OUTCOME:

The goal for this evening has three components:

1. Recognize the work of the External Working Group and thank the citizen volunteers who worked for five months to come up with their recommendations as well as thank and recognize the staff who convened as the Internal City/NAU/NAIPTA working group;
2. Accept the PowerPoint report which will be presented tonight and includes recommendations from the External Working Group (**Attachment #1**); and,
3. Council to indicate the procedure for next steps it wants to pursue which are:
  - Accept the report without additional comment;
  - Accept and provide direction to staff on high-level next steps; or,
  - Accept and convene a future meeting to discuss recommendations for potential action. This option would be useful if Council wishes for additional citizen voice and involvement on future amendments to the Regional Plan specific to student housing since the charge from the Council and work of the External Working Group is concluded with this report.

### Members of the External Working Group:

Jesse Dominquez Moran Henn David McCain  Jeff Knorr Tyler Mark	La Plaza Vieja Neighborhood Friends of Flagstaff's Future Followed Moran representing Friends of Flagstaff's Future JKC-Inc. Construction Westpac Construction followed Jeff	Stuart McDaniel Vance Peterson Charlie Silver Amy Smith Charlotte Welch	Flagstaff Chamber of Commerce ReGroup Performance Contracting Townsite Neighborhood BellainVGroup, Property Management North End Neighborhood
---	--	---	--

### Members of the Internal Working Group:

Dr. Rick Brandel  Sarah Darr Michelle D'Andrea Sara Dechter Roger Eastman Karl Eberhard Dan Folke Heidi Hansen Erika Mazza	NAU Special Advisor for Student & Community Issues City Deputy Housing Director City Attorney City Comp. Planning Manager City Zoning Administrator City Comm. Devel. & Redesign City Planning Director City Economic Vitality Director NAIPTA, Development Director	Joanne Keene  David McIntire Reid Miller Walt Miller Stephanie Sarty Kevin Treadway Dave Wessel  Jerene Watson	NAU VP and Chief of Staff to President (followed Dr. Sarah Bickel, VP & COS) Real Estate Mgr./Comm. Invest. Dir. City Comm. Devel. Proj. Mgr.(Eng) City Deputy Police Chief City Comm. Devel (Engineering) City Police Chief City (FMPO) Metropolitan Plan. Org. Manager Deputy City Manager
---	---	---	--

## EXECUTIVE SUMMARY:

The Council adopted a Student Housing Work Plan (SHAP) through Resolution 2015-01 on January 6, 2015, found in **Attachment #2**. This was the result of a community conversation that began in 2013 and continued into the spring and summer of 2014 when a couple of student housing developments were brought to the City Council. Members of the impacted neighborhoods and residents across the city used this opportunity to request more involvement before similar high-density projects moved forward. The result of the public interest was a broader community dialog. In October 2014, a Student Housing Symposium was hosted by Northern Arizona University (NAU), Coconino County, the City of Flagstaff, and representatives of several neighborhoods. Two other university communities were invited to participate in this forum to share their experiences and solutions in finding a balance to accommodate the needs for student housing and interests of neighborhoods. Approximately 75 individuals attended.

With the adoption of the Plan, work was set in motion according to the eight elements within the Plan:

1. Designate internal and external City-NAU work groups for the purpose of trying to accomplish tasks set forth:
  - NAU Code of Conduct application to off campus behavior
  - Staff work and support associated with the SHAP
  - Review Regional Plan for possible amendment (**see Attachments #3 & #4**)
  - Incorporate a neighborhood component in freshman orientation or sophomore move-out
  - Develop an off-campus housing guide with input from the private sector and neighborhoods
  - Develop outreach to property owners in single-family, detached housing neighborhoods who rent to students to help spread the word on codes of conduct relating to trash, parking, noise, etc. and enlist HOA's to sign up for orientation and communicate that to its members
2. City/NAU Police departments, City CD & Legal staff work on designated tasks:
  - Review Nuisance Party Ordinance and revise to hold landlords and hosts more accountable
  - Develop a security ordinance or component focused on crime-free multi-housing
  - Determine standard security conditions for development agreements and zoning ordinances (**see Attachment #5**)
  - Add NAU PD into the City's Inter-Divisional (development-related) staff meetings involving high-occupancy residential units
  - Establish post-construction consequences for non-compliance
3. Look at establishing a Neighborhood/University Liaison position
4. Review the City of Flagstaff Zoning Code for improvement on neighbor notification of student housing developments in comparison to other cities (i.e., who conducts the meetings, what is standard content, role of staff, etc.-- **see Attachment #6**)
5. Re-examine a Parking Permit System (in Southside but was expanded to the City)
6. Review definition of "Family" in City Zoning Code (**Cf. Opinion from City Attorney sent on this Plan element**)
7. Explore public participation options on student housing proposals on land with appropriate entitlements (Use-by-Right developments) and understand what is informative v. discretionary and what is to be done when people don't like it but there is no discretion (**Cf. Opinion from City Attorney sent on this Plan element**)
8. Flagstaff Metropolitan Planning Organization (FMPO) to develop Traffic Impact Analysis through trip generation models, updating mobility and land use components of a Milton Avenue Corridor Plan (a Plan

does not currently exist) and develop a tool for multi-modal traffic impact analysis (see Attachment #7)

The presentation this evening will be the culmination of many months of diligence and hard work done on this Plan by the members of working groups.

#### **INFORMATION:**

**COUNCIL GOALS directly or indirectly accomplished due to the charge from City Council and the work of the SHAP groups:**

4) EXPLORE AND ADOPT POLICIES TO LOWER THE COSTS ASSOCIATED WITH HOUSING TO THE END USER

(relating to SHAP this could include those seeking housing in high-density, lower cost development, particularly students)

5) DEVELOP AND IMPLEMENT GUIDING PRINCIPLES THAT ADDRESS PUBLIC SAFETY SERVICE LEVELS

(Enforcement of the Party Nuisance ordinance adoption)

6) RELIEVE TRAFFIC CONGESTION THROUGHOUT FLAGSTAFF

(FMPO working on corridor, land use components along Milton and data analysis on traffic patterns)

7) ADDRESS KEY ISSUES AND PROCESSES RELATED TO THE IMPLEMENTATION OF THE REGIONAL PLAN

(Recommendations provided from the External Working Group as part of the attachments to this report - see notes in Regional Plan below)

8) IMPROVE EFFECTIVENESS OF NOTIFICATION, COMMUNICATION AND ENGAGEMENT WITH RESIDENTS, NEIGHBORHOODS AND BUSINESSES ABOUT CITY SERVICES, PROGRAMS, POLICIES, PROJECTS AND DEVELOPMENTS

(the participants of the External Working Group included representatives from three neighborhood associations, business representatives from construction, property management and the chamber of commerce, and an environmentally focused community group who looked at areas of the Regional Plan for possible amendment. Additionally, Council's review of the City's Zoning Code sections 10-20.30.060, Neighborhood Meeting, 10-20-.30.080, Notice of Public Hearings, and 10-50.80.040A, Number of Parking Spaces Required, are the regulations that would address what the community has requested - see ATTACHMENT 6 )

9) Foster relationships and maintain economic development commitment to partners

(the participants of the External Working Group included community business partners from the construction industry as well as a company who has a large portfolio of multi-family properties they manage)

#### **REGIONAL PLAN:**

The information on the Sections reviewed within the Regional Plan are detailed in **Attachment #3** and include Building Design, Social Impacts, Transportation, Natural Resources, Public Engagement/Transparency/Accountability or contradictory language relating to those Sections as well as Proportion of on-campus housing, Education for off-campus students, Long-term parking for students, Park and Ride facilities for students and campus employees, and Buffers between residential and student housing. Recommendations from the External Working Group are found in **Attachment #3**.

---

**Attachments:**     ATT. #1  
                             ATT. #2  
                             ATT. #3  
                             ATT. #4

ATT. #5

ATT. #6

ATT. #7



# 2015 STUDENT HOUSING WORK PLAN

REPORT OUT BY  
COMMUNITY & STAFF  
WORKING GROUPS

# STUDENT HOUSING WORK PLAN - SHAP

## Beginning of the Community Conversation:

- 2013 & 2014 – Proposed Student Housing Developments before City Council
- October 2014 – Student Housing Symposium  
(NAU, City, County, & Neighborhood Leaders)
- January 2015 – Council adoption of SHAP  
(Student Housing Action Plan – Resolution 2015-01)



# 8 ELEMENTS OF STUDENT HOUSING ACTION PLAN

## 1. Est. Internal/External Working Groups - Assign :

Regional Plan Review  
Off Campus Guide  
Outreach to Landlords

## 2. City Code Changes – Public Safety

## 3. Implement NAU- Neighborhood Liaison, Education & Outreach Actions

## 4. City Development/Zoning Neighborhood Outreach

## 5. Parking System Development

## 6. Review Definition of “Family”- Cf. memo from City Attorney

## 7. Land Use (Use-By-Right) - Cf. memo from City Attorney

## 8. Traffic Impacts & Analysis

# STUDENT HOUSING WORK PLAN - SHAP

- **Tonight Report Out to include:**
  - Elements completed
  - Elements in process towards implementation
  - Recommendations for Council consideration
- **Work of External Working Group – presented by Charlie Silver, Townsite Neighborhood**
- **Work of Internal Working Group – presented by staff from NAU, Rick Brandel, and City of Flagstaff (Karl Eberhard, Dan Folke, Roger Eastman, Walt Miller, Dave Wessel)**
- **Accept the Report – receive Council direction**



## **ELEMENT 1(B): ESTABLISH COMMUNITY/EXTERNAL WORKING GROUPS TO REVIEW REGIONAL PLAN**

### **SHAP – 8 EWG Meetings:**

**April 7, May 6, June 3, June 18, June 30,  
July 16, Aug 6, Aug 23**

- **Context-sensitivity and compatibility**
  - Adjustments to Regional Plan policies recommended
- **Focus on WHAT you want not WHO you want**
  - Change from Student housing to High Occupancy Housing (HOH)
  - Determined that a specific plan is recommended

## **ELEMENT 1(B): STUDENT HOUSING GROUP PROCESS**

**Brainstormed characteristics of a good student housing— high occupancy project**

**Narrowed to things that related to the Regional Plan and City Policies, ordinances, etc.**

**Combined issues into recommendations**

## ELEMENT 1(B): REGIONAL PLAN REVIEW OUTSIDE A PROPERTY OWNER/DEVELOPER'S CONTROL

	Comments
Proportion of on-campus housing	<ul style="list-style-type: none"><li>• There was an idea at the last meeting of having a Town-Gown Housing policy that NAU and the City sign off on.</li><li>• However, given this list of issues perhaps it is a land use housing and transportation document that is needed.</li></ul>
Education for off-campus students	
Long term parking for students	
Park and Ride facilities for campus employees and students	
Create buffers between residential and student housing	

## ELEMENT 1(B): REGIONAL PLAN REVIEW - OTHER

Topic	Comments
Public engagement, Transparency and accountability	<ul style="list-style-type: none"><li>• Partially address by proposed Zoning Code updates</li><li>• Accountability thoughts</li><li>• Other ideas discussed for this topic: Demonstrated effort to incorporate comments for project, significantly address neighborhood concerns, community support for projects</li></ul>

# ELEMENT 1(B): REGIONAL PLAN REVIEW :

## STUDENT HOUSING CHARACTERISTICS

Topic	Characteristic	Disposition
Building design	compatible scale, form, intensity and density with surrounding properties	
Building design	Protects the character of historic neighborhoods and districts	
Building design	Appropriate intensity and location of activities such as parties, pools, etc.	
Building design	Security and environmental design portion of Crime-Free Multi-Family Housing program	Folded into Quality of Management
Building design	Stepped back upper floors (“wedding cake” design)	Fold into compatible scale, form

## **ELEMENT 1(B): REGIONAL PLAN REVIEW : STUDENT HOUSING CHARACTERISTICS**

Topic	Characteristic	Disposition
Natural resources	Considers impacts to dark skies	Not carried forward for further discussion - addressed elsewhere

## REGIONAL PLAN: STUDENT HOUSING CHARACTERISTICS

Topic	Characteristic	Disposition
Social impacts	Quality of management	
Social impacts	Protect iconic view sheds	
Social impacts	Relocation of existing residents	Not carried forward for further discussion - addressed elsewhere

# ELEMENT 1(B): REGIONAL PLAN REVIEW

## STUDENT HOUSING CHARACTERISTICS

Topic	Characteristic	Disposition
Transportation	Adequate off-street parking – ties to occupancy and not bedrooms	Addressed proposed by Zoning Code updates
Transportation	Proximity to other forms of transportation (FUTS, bus, etc.)	
Transportation	Off-site barriers to walkability between site and campus	
Transportation	Proximity to transit	
Transportation	Avoids locations where traffic impacts are hard to mitigate (i.e. Hwy 180)	Not carried forward for further discussion – addressed elsewhere



## ELEMENT 1(B): REGIONAL PLAN AMENDMENTS RECOMMENDATIONS

**CC (Community Character) 2.7** – add neighborhoods in addition to districts

**LU (Land Use) 18.6** – add a condition about balancing this with protection of the character of historic neighborhoods and districts.

**NH (Neighborhood Housing) 1.4** – change “increased densities” to “context – sensitive increases in density”

**Rationale:** This is a policy for neighborhoods and not activity centers. Density in neighborhoods can be increased on a small scale through accessory structures and missing middle housing types, when done in the appropriate context.

## ELEMENT 1(B): REGIONAL PLAN RECOMMENDATIONS

### SITING

- Types of HOH (High Occupancy Housing) projects to date seem more appropriate on campus or in certain areas of town (e.g. Woodlands Village)
- Not in or adjacent to historic districts / neighborhoods
  - E.g., CC.2.7 Protect existing historic districts [neighborhoods] from encroachment by land uses that compromise the historic characteristics of the district [neighborhood].
  - Any neighborhood when applying context-sensitivity, i.e. does it fit; does it logically flow?
- Campus proximity not so much of an issue if there is transportation and access/proximity to that transportation
- Important to remove barriers to walking, biking, and transit

## ELEMENT 1(B): REGIONAL PLAN RECOMMENDATIONS ON SPECIFIC PLAN / CITY POLICY

Develop a specific plan for high occupancy housing that implements...

- Goal CC.3. Preserve, restore, enhance, and reflect the design traditions of Flagstaff in all public and private development efforts.
- Policy NH.1.7. Develop appropriate programs and tools to ensure the appropriate placement, design, and operation of new ~~student~~ high occupancy housing developments consistent with neighborhood character and scale.
- Policy NH.6.1. Promote quality redevelopment and infill projects that are contextual with surrounding neighborhoods. When planning for redevelopment, the needs of existing residents should be addressed as early as possible in the development process.

## **ELEMENT 1(B): RECOMMENDATIONS ON WHAT THE REGIONAL PLAN SHOULD INCLUDE, *INTER ALIA*:**

- Definition of high occupancy housing (HOH)
- Appropriate locations based on levels of compatibility
- Protections for unique character of historic neighborhoods/districts
- Clarify how LU.5. should be applied in different neighborhoods
- Clarify Regional Plan & City policies re: reinvestment/redevelopment
- Best practices for design and development of HOH
- Relationship of neighborhood plans
- Safe connectivity to transit

## **ELEMENT 1(B):**

### **OTHER ISSUES AND RECOMMENDATIONS**

- Changes to residential on-site parking requirements in the Zoning Code, changes recommended by the Planning and Zoning Commission.
- Continue to engage NAIPTA as a direct participant/team member in the application process for multi-family housing projects and particularly high occupancy housing projects.
- NAU exploring entry for students into NAIPTA system from edges of campus or long distances getting access to transportation on and off campus.
- Continue formal coordination between NAU, ADOT and City.

## ELEMENT 2: PUBLIC SAFETY CONDITIONS AND COMPLIANCE

### Nuisance Party – Amendments to FCC-6-08-001-0005

#### *Time Line*

- March 10, 2015 the first revised ordinance was presented to Council.
- May 5, 2015 revisions were made. Council heard 1<sup>st</sup> read of the revised ordinance.
- May 19, 2015 Council heard 2<sup>nd</sup> read and adopted the revisions.
- June 18, 2015 Nuisance Ordinance 6-08-001-0005 became effective

## ELEMENT 2: PUBLIC SAFETY CONDITIONS AND COMPLIANCE CONDITIONS AND COMPLIANCE

### Nuisance Party Ordinance (cont.)

#### Major Changes and Procedures

- A violation of the ordinance is civil and not criminal
- Officers may cite anyone on a first offense under this ordinance
- Prohibits parties at the same address for a 120 day period – (modified from 90 period)
- Ordinance can hold property owners responsible if “Nuisance Parties” continue to occur (after proper notice has been given)

## ELEMENT 2: PUBLIC SAFETY CONDITIONS AND COMPLIANCE CONDITIONS AND COMPLIANCE

### Nuisance Party Ordinance (cont.)

#### Civil Penalties:

- First offense is \$250
- Second offense within 120 days of the first is \$500
- Third or subsequent offense within 120 days of the second is \$1000
- \*Property owners can be held responsible for the same civil penalties after proper notice has been given and received and the nuisance issues continue to occur



## ELEMENT 2: PUBLIC SAFETY CONDITIONS AND COMPLIANCE

### Nuisance Party Ordinance (cont.)

#### *Training and Public Outreach*

- All officers trained on the ordinance; City Attorney Marianne Sullivan has trained the City Magistrates and City Court staff
- An information sheet developed which serves as a quick summary guide to the new ordinance.
- The information sheet sent to several property management companies as well as some Neighborhood and Homeowners associations.
- Information sheet provided to NAU and distributed via their electronic guide book.

## ELEMENT 2: PUBLIC SAFETY CONDITIONS AND COMPLIANCE

### Nuisance Party Ordinance (cont.)

- **Numbers to date** as of October 23, 2015
  - Calls for service
    - Year to date
    - 2014 calendar year
  - Nuisance Party response notices issued
  - Nuisance Party citations issued
  - Court hearings
  - Responsible pleas

## **ELEMENT 4: ZONING CODE AMENDMENTS**

### **Public and Neighborhood Notification:**

- 1. Neighborhood Meeting – Applicant**
- 2. Public hearing legal notifications - City staff**

## ELEMENT 4: ZONING CODE AMENDMENTS

### Public and Neighborhood Notification:

#### 1. Neighborhood Meeting – Applicant

- Process – min. 2 neighborhood meetings
- Director may expand notification area
- Include residents/tenants on property
- Written summary by applicant – track issues

#### 2. Public hearing legal notifications - City staff

- Director may expand notification area
- Include residents/tenants on property

# ELEMENT 4: ZONING CODE AMENDMENTS

## Amendments to Zoning Code – Parking Standards.:

### 1. Table 10-50.80.040.A

- Affordable housing – no changes
- Single-family dwelling 2.0 (no change)
- Multi-family\*

Studio	1.25 (no change)
1 bedroom	1.5 (no change)
2-3 bedrooms	2.0 (change)
4 bedrooms	<u>2.5</u> (change)
5+ bedrooms	<u>2.5 for 1<sup>st</sup> four + 0.5</u> <u>per bedroom</u>
Guest spaces	.025 for each 2+ bed

\* Includes all multi-family, triplex and duplex

## ELEMENT 4: ZONING CODE AMENDMENTS

### Amendments to Zoning Code – Parking Standards:

#### 1. Table 10-50.80.040.A

~~Rooming & Boarding Facilities~~ Dormitories, SROs, Fraternities & Sororities

Private Rooms 1 per bedroom or sleeping room plus 1  
for owner or manager

~~No Pvt. Rooms 1 per 100 gsf plus 1 for owner or  
manager~~

## **ELEMENT 4: CONDITIONS AND COMPLIANCE**

### **Ensuring Compliance with Zoning Approvals**

- 1. Conditions of Approval – Adopted by Ordinance to Amend Zoning Map**
  - a. Further purposes of the Regional Plan**
  - b. Reduce impacts**
  - c. Ensure compatibility**
  - d. Protect neighborhood character**
  - e. Protect health, safety and welfare of the public**
- 2. Non-compliance: violation of the zoning code**
  - a. Civil Citation – Flagstaff Municipal Court**

## **ELEMENT 4: CONDITIONS AND COMPLIANCE**

### **Ensuring Compliance with Zoning Approvals**

#### **1. Conditional Use Permit – Planning & Zoning (P&Z) Commission Conditions of Approval**

- a. Ensure purposes of the Zoning Code**
- b. Compatibility**
- c. Provision of off-site improvements**

#### **2. Enforcement**

- a. Planning Director reports non-compliance to P&Z**
- b. P&Z may schedule a hearing to consider revocation of the CUP**



## ELEMENT 4: CONDITIONS AND COMPLIANCE

### Ensuring Compliance with Zoning Approvals

#### 1. Development Agreement (DA) – Two party contract approved by City

##### Council

- a. Tailor the DA to specific project
- b. Appropriate topics:
  - i. Off-site improvements: traffic, sewer, water & stormwater
  - ii. Provision of alternative transportation modes (transit, bicycle & pedestrian facilities)
  - iii. On- site property management & security
  - iv. Participation in the crime free multi-family program
  - v. Lighting standards
  - vi. Occupancy limits

#### 2. Enforcement – Breach of contract: time to cure, mediation, penalty or damages

## **ELEMENT #2 : CONDITIONS AND COMPLIANCE**

**Incorporate Crime-free, Multi-Family Housing in the City's Site Plan Review Process**

- **Police Department : review for security design and educate on Crime Free Multi-family program**

## ELEMENT 1: NAU LIAISON , OFF-CAMPUS HOUSING GUIDE & OUTREACH

- JULY, 2015 Off-Campus Housing Guide Document reviewed & Edited
- SEPT & OCT, 2015 Off-Campus Housing Guide E-mailed to Flagstaff students residing off-campus
- FALL, 2015 & SPRING, 2016  
Visit on-site mgmt. staff to review NAU resources and seek their assistance
- JAN, 2016 Plan & timeline finalized for educating students considering off-campus housing in AY 2016-17

# ELEMENT 1 & 3: NAU LIAISON , OFF-CAMPUS HOUSING GUIDE , OUTREACH & NAU LIAISON

- FEB THRU MAY, 2016 **Implement Education plan for returning students**

## ADDITIONAL ELEMENTS:

- Work with City staff and Neighborhood Associations to identify and contact property owners for outreach to single family homes
- Update electronic mailing list for owners, landlords, on-site property managers and mgmt. organizations in Flagstaff which rent to students
- University commitment to use NAU staff as Liaison to the community on housing issues

## **ELEMENT 5: REEXAMINE PARKING PERMIT SYSTEM**

**Parking System concepts update: Where we are today**

**City Council Direction (July 14, 2015):**

- **Per stakeholders, develop more comprehensive strategy**
- **More stakeholder consensus**
- **Plan for no-cost residential permits**
- **Provide a history of parking meters in Flagstaff**
- **Provide strategies other than parking**
- **Some thoughts on plan details**
- **Return quickly**

## ELEMENT 5: REEXAMINE PARKING PERMIT SYSTEM

Parking System concepts update: Where we are today

Activities Since:

- Legal review of stakeholder suggestion - Reserved Spaces
- Per stakeholders, “comprehensive” = meters now
- Core Group Meetings: Vision, Problem, Core Tenants, and Solutions
- Seeking history of parking meters in Flagstaff
- RFP for Parking Meters
- Adaptation of Residential Parking Permit concept
- Community Outreach

## **ELEMENT 5: REEXAMINE PARKING PERMIT SYSTEM**

**Parking System concepts update: Glimpse Ahead**

### **Activities Planned:**

- **Finalize / Publish / Receive / Evaluate RFP**
- **Community Outreach – Re-acquire consensus**
- **Continue development of plan details**
- **Adapt plan accordingly**
- **Early December City Council consideration**

# ELEMENT 8: TRAFFIC IMPACT ANALYSIS

## Trip Generation by Student Housing Complexes

- Purpose: To determine the influence of variables such as proximity to NAU, to transit, to walking and biking on vehicular trip rates and parking needs. Insights to the effectiveness of multimodal and land use solutions may also be gained.
- Work to Date: Traffic counts at six locations and data collection on primary variables has been completed
- Work Remaining: Parking utilization study at original six locations and addition of several more sites to improve the confidence of the results



# ELEMENT 8: TRAFFIC IMPACT ANALYSIS

## Transportation Impact Analysis Procedures

- Purpose: To expand analysis procedures to fully address all modes and more predictably address proportional share requirements of development.
- On September 14-15, 2015, FMPO hosted a successful peer review of its travel modeling efforts in support of the TIA process. Modeling experts from around the country and TIA experts from across the state participated.
- Recommendations in a full report are expected in 2-4 weeks.

# STUDENT HOUSING WORK PLAN - SHAP

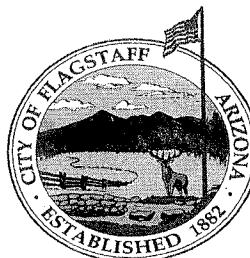
The charge from the Council and work of the External Working Group is concluded with this report.

## **QUESTIONS - NEXT STEPS**

Pleasure of the Council?

- Accept the report without additional comment at this time?
- Accept and provide direction to staff on high-level next steps?
- Accept and convene a future meeting to discuss recommendations for potential action?

15. C.

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT****To:** The Honorable Mayor and Council**From:****Date:** 12/23/2014**Meeting Date:** 01/06/2015**TITLE:**

**Consideration and Adoption of Resolution No. 2015-01:** A Resolution of the Council of the City of Flagstaff, Arizona, adopting the *2015 Student Housing Work Plan* for the City of Flagstaff.

**RECOMMENDED ACTION:**

- 1) Read Resolution No. 2015-01 by title only
- 2) City Clerk reads Resolution No. 2015-01 by title only (if approved above)
- 3) Adopt Resolution No. 2015-01

**Policy Decision or Reason for Action:**

On October 27, 2014, the City of Flagstaff participated in a Student Housing Symposium co-sponsored by the City, NAU, Coconino County, Friends of Flagstaff's Future and the Greater Flagstaff Chamber of Commerce. The 1-day symposium featured speakers from the City and University as well as area neighborhoods and representatives from Davis, California and Ft. Collins, Colorado. Many good ideas were generated.

Staff compiled a list of possible work plan items. These have been circulated among the Alliance PARTners ( City, County, NAU, FUSD, and CCC) and shared with NAU's Office of the President. The President agreed that this is a workable list and something that could be supported moving forward.

On December 16, 2014, City Council reviewed the list and made some edits and then directed staff to bring this back in the form of a resolution. The purpose of the resolution is to articulate a policy statement to the public about the City's intentions. There is no specific time table associated with the implementation of this work plan, but it is expected to be initiated immediately and take several years to complete.

**Subsidiary Decisions Points:**

Three points have been altered based upon the December 16 meeting and additional feedback from staff.

- 1.(b.)(iii)(3.) was added to address student housing in predominantly single family detached

neighborhoods.

4. Was reworded to specify the Zoning Code as the location where neighborhood meetings are required and adding language about how neighborhood meetings are conducted.

8.(b) was reworded to provide greater clarity of what would be re-examined in the Milton Road Corridor study.

**Financial Impact:**

None of this work is currently planned. Financial impacts could be wide and varied in size. The principle financial impacts will be staff time. Additional costs include facilitators, new positions (e.g. liaisons), traffic consultants, outreach costs and possibly a parking permit system. All costs will need to be further defined as the Work Plan item is initiated.

**Connection to Council Goal and/or Regional Plan:****COUNCIL GOALS:****6. Relieve traffic congestion throughout Flagstaff**

- Identify more information on the scope of problem and solutions that address both supply and demand, including measurement to quantify congestion.
- Work with partners to achieve goal (regional, county, Flagstaff Metropolitan Planning Organization, State, NAIPTA, railroad, NAU)

**7. Address key issues and processes related to the implementation of the Regional Plan**

- Conduct annual review of implementation of Regional Plan
- Review and possibly amend Regional Plan goals and policies with regard to location of urban activity centers, preservation of dark skies and student housing and other high density developments. (Review how we implement the RP in the Zoning Code)
- Explore neighborhood parking districts

**8. Improve effectiveness of notification, communication, and engagement with residents, neighborhoods and businesses and about City services, programs, policies, projects and developments**

- Review what, when and how Council and public are notified about development projects

**REGIONAL PLAN:**

**Policy LU12.8 Provide strong connections from Flagstaff Medical Campus to the Northern Arizona University campus via pedestrian paths, bicycle connections, streets and transit service.**

**Goal LU.13.: Increase the variety of housing options and expand opportunities for employment and neighborhood shopping within all suburban neighborhoods.**

**Goal NH.3: Make available a variety of housing types at different price points, to provide housing opportunities for all economic sectors.**

**Goal ED.2: Support and encourage an excellent education system that promotes**

**critical thinking and job training programs at all levels.**

**Has There Been Previous Council Decision on This:**

December 8 & 9 City Council Retreat

December 16, 2014 Regular Council meeting

**Options and Alternatives:**

1. Amend, remove, or add work plan items to the attachment.
2. Do not develop and adopt a Student Housing Work Plan.
3. Create a stakeholders group and have them develop a working plan.
4. Adopt the Plan as presented.

**Community Involvement:**

***Parts of each of these were involved in the creation of the work plan and will be involved in the implementation of the work plan.***

Inform

Consult

Involve

Collaborate

---

**Attachments:**    Work Plan  
                          Resolution

**RESOLUTION NO. 2015-01**

**RESOLUTION OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA,  
ADOPTING THE *2015 STUDENT HOUSING WORK PLAN* FOR THE CITY OF  
FLAGSTAFF**

**RECITALS:**

WHEREAS, On October 27, 2014, the City of Flagstaff participated in a Student Housing Symposium initiated by County Supervisor Liz Archuleta and co-sponsored by the City, Northern Arizona University, Friends of Flagstaff's Future and the Greater Flagstaff Chamber of Commerce; and

WHEREAS, the one-day symposium featured speakers from the City and University as well as area neighborhoods and representatives from Davis, California and Ft. Collins, Colorado; and

WHEREAS, a list of possible action items has been prepared and parties have agreed that it is a workable list and could be supported moving forward.

**ENACTMENTS:**

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA AS FOLLOWS:**

**THAT the *2015 Student Housing Work Plan*** (Exhibit A attached hereto and made a part hereof) is hereby adopted as a Work Plan to address the issue of student housing in the City of Flagstaff.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 6th day of January, 2015.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

EXHIBIT 'A'



**2015 Student Housing Work Plan**

January 2015

1. Designate internal and external City –NAU work groups to possibly accomplish the following.
  - a. Internal NAU-City Work Group (WG)
    - i. City to Include: Police Department, Community Development (Planning, Engineering, Code Enforcement), Flagstaff Metropolitan Planning Office, and the City Manager's Office; NAIPTA
    - ii. NAU to Include: Student Life, Student Transportation, President's Office, NAU PD.
    - iii. Possible Work Items in addition to those below
      1. Applying NAU Code of Conduct to off campus behavior
      2. Staff work associated with a Student Housing Action Plan (SHAP)
  - b. External NAU-City and Stakeholders Group
    - i. Possibly Use the Good Neighbor Coalition
    - ii. Possibly use Town-Gown Steering Committee (open to anyone)
    - iii. Possible Work Items in addition to those below
      1. SHAP
        - a. Review Regional Plan for Possible Amendments
      2. Neighborhood component for freshman orientation or sophomore move-out.
        - a. Work with private sector on an off-campus housing guide
      3. Outreach to property owners in single family detached neighborhoods who are renting to students about parking, trash, noise, etc. Get HOA's to sign up for orientation and communicate to members.
2. City/NAU Police Department
  - a. Review Party Ordinance with an eye on holding landlords & hosts more accountable, extending warning period from 90 to 180 days, initiating a police response fee upon first offense, Security Plans
  - b. Develop a Security Ordinance focused upon Crime Free Multi-Housing
  - c. Determine Standard Security Conditions for Development Agreements (D.A.) and Zoning Ordinances
  - d. Invite City/NAU PD to Community Development's (CD's) Inter-Divisional Staff meeting for developments involving more than some specified number of residential units.
  - e. Work with CD & Legal to determine Post Construction Consequences for non-compliance.

3. Look at a Neighborhood/University Liaison position in FY16 Budget Cycle. (Internal WG)
  - a. Get job descriptions from Ft. Collins for their 2 positions.
  - b. Understand budget to include outreach dollars.
  - c. Determine if outreach dollars go to Southside officers in meantime
  - d. Develop a work plan for position
4. Review the Flagstaff Zoning Code to understand when and how neighbors are informed of student housing developments. Compare this to the City of Fort Collins process. Further review how the neighborhood meeting is conducted in terms of who conducts, what is the required content, what is the role of staff, etc. (City CD).
5. Re-examine a Parking Permit System in the Southside. Determine who should pay for the system. (External WG)
6. Review definition of "Family" in City Zoning code with the City Attorney's Office to explore the legal risk, if any, and the practical concerns, with reducing the number of unrelated people living in a single dwelling unit. (City CD/Attorney's Office)
7. Student Housing Proposals on Land with appropriate entitlements (a.k.a. Use-by-Right) (City CD)
  - a. Explore requiring a public meeting for Use-by-Right developments over Certain Units.
  - b. Understand what is informative vs. Discretionary.
  - c. Discuss what you do when people don't like it, but there is no discretion.
8. Traffic Impact Analysis (Internal WG)
  - a. City/FMPO consider funding a consultant to develop trip generation models for the Student Housing Category.
  - b. Update (using grant funds) the mobility and land use components of the adopted Milton Avenue Corridor Plan in order to address traffic impacts of mixed use and multi-family developments including student housing.
    - i. Use Internal City-NAU Work Group plus ADOT and FMPO to continue to explore the Lone Tree alternative to Milton.
    - ii. Re-examine Pedestrian access corridors across Milton with an eye towards combining improvement
  - c. Multi-Modal Traffic Impact Analysis – develop a tool to measure bike, ped, and bus transportation impacts of a development. (FMPO)

# SHAP Recommendations concerning Regional Plan Amendments

August 6, 2015 Version

## Regional Plan amendment recommendations

CC.2.7 – add neighborhoods in addition to districts.

LU.18.6 – add a condition about balancing this with protection of the character of historic neighborhoods and districts.

NH.1.4 – change “increased densities” to “context – sensitive increases in density”

Rationale: This is a policy for neighborhoods and not activity centers. Density in neighborhoods can be increased on a small scale through accessory structures and missing middle housing types, when done in the appropriate context.

## Specific Plan/City Policy recommendations

Develop a specific plan for high occupancy housing that implements “Policy NH.1.7. Develop appropriate programs and tools to ensure the appropriate placement, design, and operation of new student housing developments consistent with neighborhood character and scale.” The plan should include:

- Definition of high occupancy housing TBD
- Appropriate locations for high occupancy housing based on various levels of compatibility
- Protections for the unique character of historic neighborhoods and districts by providing area-specific recommendations, including:
  - Exterior finish, materials, and architecture of buildings
  - Relative height compared to surrounding buildings
- Clarify how LU..5 should be applied in different neighborhoods considering existing development patterns and lifestyle of existing residents.
- Clarify how Regional Plan and City policies about reinvestment and redevelopment relate to high occupancy housing, especially LU6.1, LU.1 and LU.5
- Best practices for operation/management of high occupancy housing , such as:
  - Flexible interior design appropriate
  - Intensity and location of open and activity spaces
- Reference neighborhood plans and describe the relationship between these documents
- Safe connectivity (not just proximity) for bicycle, pedestrian and transit modes in relation to high occupancy housing developments. For instance:
  - Consider in development review the quality of bicycle and pedestrian access between the development and the nearest transit stops.
  - Developers of student housing accommodate direct routes to campus for bicycle and pedestrians through off-site improvements.
  - Study feasibility of building more bike, pedestrian and transit connections across Milton Road.

- Identify appropriate methods and modes for transporting high volumes of residents with reduced parking and traffic impacts (including NAIPTA bus service, paratransit, car shares and private shuttle services).
- Traffic calming that supports walkability and safe bicycle routes and connections.

#### Other issues and recommendations

- The group supports the changes to on-site parking requirements in the Zoning Code changes recommended by the Planning and Zoning Commission.
- Add NAIPTA as a direct participant/team member in the application process for multifamily housing projects and particularly high occupancy housing projects.
- NAU should consider if they can support NAIPTA's services with their shuttle service on and off campus.
- Identify processes and contact points for formal coordination between NAU, ADOT and the City.

## Characteristics of a Student Housing Development –Regional Plan Review

Below is the list of characteristics of a “good” student housing development that was brainstormed at the June 3<sup>rd</sup> meeting of the SHAP-External Working Group.

Topic	Characteristic	Action/ Priority	How well is it addressed in FRP30?	Contradictory policies	Comments
Building Design	Building has compatible scale, form, intensity and density with surrounding properties	Highest priority	CC.1.2, CC.2.3, CC.3.1, Policy CC.3.2 LU.1.2 (key is neighborhood input) LU.1.11 LU.2.1, LU.4.1 LU.10.3, LU.10.4 Policy LU.18.9. Plan activity centers and corridors appropriate to their respective regional or neighborhood scale. NH.1.1- NH.1.3, NH.1.5, NH.1.7, NH.1.8. NH.6.1	Urban policies - Policy LU.10.5., Policy LU.10.6. Activity centers - Policy LU.18.6. Support increased densities within activity centers and corridors. – may be too broad or need a condition about neighborhood preservation. Policy LU.6.1. Consider a variety of housing types and employment options when planning new development and redevelopment projects. The concept and use of the term reinvestment in the policies related in LU.1 and LU.5 could be problematic because the term is broad and not all reinvestment is appropriate in neighborhoods.	NH.1.7 is KEY and needs to be further defined Gateways demand particular attention FRP30 does not address the relative height or elevations of new development compared to surrounding buildings, neighborhoods and districts.  18.6 needs to be fixed in the Regional Plan to include a condition about neighborhood preservation.

Topic	Characteristic	Action/ Priority	How well is it addressed in FRP30?	Contradictory policies	Comments
Building Design	Protects the character of historic neighborhoods and districts	Highest priority	Goal CC.2. Preserve, restore, and rehabilitate heritage resources to better appreciate our culture. CC.2.4, CC.2.7 CC.3.1, LU.1.11 LU.2.1 LU.4.1, LU.10.3, LU.10.4 NH.1.1- NH.1.3 NH.1.5. NH.1.7 NH.1.8. NH.6.1 Policy ED.4.7.	Policy NH.1.4. Foster points of activities, services, increased densities, and transit connections in urban and suburban neighborhoods. Policy LU..5. Encourage the distribution of density within neighborhoods in relationship to associated activity centers and corridors, infrastructure, transportation, and natural constraints such as slopes and drainages.	NH.1.7 and CC.2.7 are KEY and needs to be further defined  CC.2.7 needs to be changed to add neighborhoods.  NH.1.4 needs to be changed to remove the broad statement about "increased densities"
Building Design	Appropriate intensity and location of activities such as parties, pools, etc.	High Priority	Not addressed specifically but could be indirectly addressed by Policy LU.1.11		Include topic in high occupancy housing specific plan under operations.
Building Design	Interior design is flexible to allow for families, students, etc. to live there	Medium Priority	LU.2.1, LU.11.4, LU.11.6 LU.18.4 LU.18.8 NH.2.3 NH.4.7		Include topic in high occupancy housing specific plan under operations.

Topic	Characteristic	Action/ Priority	How well is it addressed in FRP30?	Contradictory policies	Comments
Social impacts	Quality of Management, including training for managers on community issues and Crime Free Multi-Family Housing Program	High Priority	None		Include topic in high occupancy housing specific plan under operations.
Social Impacts	Protect iconic viewsheds		Covered under Community Character and Natural Resources chapters	Compact development principles and current commercial building height allowances.	Research into how this is regulated in other jurisdictions showed that viewshed regulation was primarily for nationally significant historic sites (the Alamo, statehouses, Monticello) and only regulated from public places. May also be legally infeasible in Arizona. This is a topic best left to specific plans for neighborhoods and districts.
Transportation	Proximity to campus	Medium	Policy LU.12.8. Provide for strong connections from the Flagstaff Medical Campus to the Northern Arizona University campus via pedestrian paths, bicycle connections, streets, and transit service.		At a previous meeting, the group discussed the benefits of concentrating versus distributing the availability of student/high occupancy housing throughout the City. Strong transit was considered essential for the latter.

Topic	Characteristic	Action/ Priority	How well is it addressed in FRP30?	Contradictory policies	Comments
Transportation	Off-site barriers to walkability between site and campus	Medium	LU.10.3, LU.11.2, LU.12.7, LU.12.8, LU.12.9, LU.13.1-13.2, LU.13.9, LU.15.4, LU.18.5, LU.18.15, LU.18.16, LU.19, T.5.1.-T.5.4, T.6.1, T.6.2, T.8.3, T.9.4		Off-site barriers to walkability were recognized as an issue that influences the decision of student to drive or walk to campus.
Transportation	Adequate off-street parking – ties to occupancy and not bedrooms	Highest	In urban areas, the Regional Plan generally supports parking on-street, shared lots and in garages and a residential parking program. In suburban areas, the Plan supports, screening and pedestrian friendly design of parking lots.(CC.4.4, LU.10.2 LU.12.3 LU.12.11)	The Plan does not address how much parking should be provided by a new development and whether that parking should be on or off-street.	The Zoning Code does address parking requirements for different uses related to how many spaces, whether on or off-street can count towards the parking requirement, landscaping, etc. <b><i>See briefing paper for details</i></b>
Transportation	Proximity of other forms of transportation (FUTS, bus, etc.)	Highest	LU.7.1 LU.19. T.1.6. – T.1.8, T.3.2, T.3.8. T.6.1, T.6.2, T.6.5. T.7 NH.4.6		Use of vehicles by residents at a few multifamily housing properties was significantly reduced when Route 10 was initiated by NAIPTA. Cars stay on property much more than they used to, indicating students are not driving them to campus, even in winter weather. Traffic dept. is going to do a parking and transportation study on this after the Fall semester starts.



Transportation	Avoids locations where traffic impacts are hard to mitigate (i.e. Hwy 180)	Not carried forward for further discussion	LU.19. T.1.6. – T.1.8		There are legal standards, City Codes, policies, and Regional Plan policies that are used to address this on a case by case basis. It is a fairly well covered area of law and policy.
Building Design	Stepped back upper floors (“wedding cake” design)	Fold into compatible scale, form			This could be a good solution in some contexts but not others. For instance, if the concern is noise nuisance a wedding cake may not allow you to build an interior courtyard,
Natural Resources	Considers impacts to dark skies	Not carried forward for further discussion	E&C.5	All night lighting is a consideration for employment uses and not for multifamily housing in lighting zone 1.	Being addressed by a committee outside of the City process and will wait on their findings and recommendations.
Social impacts	Relocation of existing residents	Not carried forward for further discussion	Policy LU.1.12. Seek fair and proper relocation of existing residents and businesses in areas affected by redevelopment and reinvestment, where necessary. NH.3.3 NH.3.5. NH.4.1		The council took this up in January but did not act on it. Could be brought up at a later time as a separate policy form the Regional Plan and Zoning Code. Zoning Code update requires tenant notification
Building Design	Security and Environmental Design portion of Crime-Free Multi-Family Housing program	Folded into Quality of Management			The design issues are usually not a significant impediment to joining the program, when management and property owners want to join.

**Topics that are outside of a property owner or developer's control**

Topic	Action/ Priority	How well is it addressed in FRP30?	Any contradictory policies?	Comments
Public engagement, Transparency and Accountability		Policy LU.1.1.1. Ensure that there is collaboration between a developer, residents, and property owners in existing neighborhoods where redevelopment and reinvestment is proposed so that they are included, engaged, and informed.		<p>New zoning code has requirement for additional meeting with neighborhood before the public hearing and for the notes from the meetings to be sent to attendees for accountability. Current zoning code requires that the report from the developer to P&amp;Z and Council include an explanation of how they addressed public comments.</p> <p>Other ideas discussed for this topic: Demonstrated effort to incorporate comments for project, significantly address neighborhood concerns, community support for projects</p>
Proportion of on-campus housing		<p>Policy CC.5.2. Coordinate educational master plans (Northern Arizona University, Coconino Community College, Flagstaff Unified School District, and charter schools) with regional planning efforts.</p> <p>CC.4.4, LU.10.2 LU.12.3 LU.12.11 T.11.3</p>		<p>There was an idea at the last meeting of having a Town-Gown Housing policy that NAU and the City sign off on but given this list of issues perhaps it is a land use housing and transportation document that is needed.</p>
Education for off-campus students				
Long term parking for students				
Park and Ride facilities for campus employees and students				
Create buffers between residential and student housing				

## MEMORANDUM

DATE: September 25, 2015

TO: Jerene Watson, Deputy City Manager

FROM: Dan Folke, Planning Director

CC: Mark Landsiedel, Michelle D'Andrea

SUBJECT: Student Housing Zoning Compliance

### Imposition of Conditions on a Development Project and Post Construction Compliance

The Flagstaff City Council may impose zoning conditions on projects to mitigate potential or identified impacts of any development project. When approving a request to rezone property City Council may impose conditions which further purposes of the Regional Plan, reduce impacts on the surrounding community, ensure compatibility, protect neighborhood character and protect the health, safety and welfare of the public. A violation of an adopted condition is considered a violation of the zoning regulations. The Zoning Code Administrator may commence an enforcement action by issuing a citation for civil sanctions in the Flagstaff Municipal Court. Other enforcement provisions may be placed in the condition itself. Zoning conditions can be included in the ordinance adopting the zoning map amendment.

Similarly, the Planning & Zoning Commission may place conditions on the approval of a conditional -use permit in order to ensure compliance with the purposes of the Zoning Code, compatibility with the surrounding community, and the provision of off-site improvements. The Planning Director has the authority to report non-compliance to the Planning & Zoning Commission, who may then contact the permit holder and schedule a public hearing to consider revocation of the conditional-use permit.

Conditions may also be placed on a project through a development agreement. A development agreement is a two-party contract between the city and property owner which identifies obligations of both parties. Terms identify the potential vesting of the development rights granted in a rezoning as well as the off-site public improvements required to serve the proposed project. The DA can be an effective tool to list specific requirements to mitigate impacts of a proposed land use. However rather than adopt standard conditions, staff believes it is most effective to consider each case individually and tailor each as needed. Issues that can be effectively addressed include:

- Off-site improvements required to address impacts such as traffic, utilities and storm water
- On-site improvements such as parking, bike racks, and other amenities
- On-site property management
- Participation in the crime free multi-family program

- On-site security
- Lighting standards
- Occupancy limits
- Provision of alternative transportation (transit, bicycle, pedestrian...)

Development agreements are contracts that often include a process for remedying breaches outside of bringing a lawsuit. The agreement may include a time period for curing the breach, escalate to mediation and may include a specific penalty or liquidated damages. If a lawsuit is required for enforcement, and the city is successful, a judge may order the opposing party to pay our attorneys' fees.

## SHAP ELEMENT 4: ZONING CODE

August 31, 2015

Since the adoption of the City of Flagstaff Zoning Code in November 2011, staff has been keeping track of needed amendments to the Code. Earlier this year, staff began the process of finalizing these amendments, engaging with Flagstaff residents, and working with the Planning and Zoning Commission in a series of public work sessions to fine tune the amendments. The Commission recommended that the City Council adopt the amendments with some minor revisions at their public meeting of June 24, 2015. The Council has started their work sessions on these amendments with a special focus on the substantive amendments that may have policy implications and that, therefore, warrant further discussion by the Council. Within the scope of all the proposed amendments to the Zoning Code two specific areas of interest are germane to the Student Housing Working Group, namely public participation (specifically Sections 10-20.30.060 (Neighborhood Meeting) and 10-20.30.080 (Notice of Public Hearings) and off-street parking (Table 10-50.80.040.A (Number of Parking Spaces Required)).

### **Section 10-20.30.060 Neighborhood Meeting**

Within this Section the following amendments are proposed to increase opportunities for meaningful participation by the public in a development project.

1. The current code requires an applicant to hold a public meeting in advance of the project being formally submitted to the City for review. The Planning Director may require an additional meeting if substantial changes are proposed after the first meeting was held. An amendment to this Section adds an additional level for citizen engagement and public outreach by requiring applicants for the processes listed (includes conditional use permits, zone changes, and Regional Plan amendments) to hold at least two neighborhood meetings. The requirement for the second neighborhood meeting may only be waived if there were no substantive issues raised by the meeting participants or there was minimal public participation in the initial meeting.
2. An amendment also codifies staff's commonly applied practice that allows the Director to expand the notification area beyond 300 feet based on the context of the subject property to ensure that as many nearby property owners as possible are informed of the proposed development. This is, for example, important in areas of the City where parcels are large.
3. The current code only requires notice of the neighborhood meeting to be sent by the applicant to property owners within 300 feet of the subject property. An amendment, therefore, will ensure that any person living on the subject property as a tenant is also informed of the neighborhood meeting and any development plans that may affect them.
4. Finally, an amendment requires the applicant to create a written summary of the topics discussed and issued raised at the neighborhood meeting and for a copy of the written

summary to be sent to all meeting attendees who signed-in so that they can be informed of how the applicant recorded their comments and concerns.

#### **10-20.30.080 Notice of Public Hearings**

Within this Section the following amendments are proposed to broaden the distribution of the notice of a public hearing.

1. An amendment codifies staff's commonly applied practice that allows the Director to expand the notification area beyond 300 feet based on the context of the subject property to ensure that as many nearby property owners as possible are informed of the proposed development. This is, for example, important in areas of the City where parcels are large.
2. The current code only requires notice of the neighborhood meeting to be sent by the applicant to property owners within 300 feet of the subject property. An amendment, therefore, will ensure that any person living on the subject property as a tenant is also informed of the neighborhood meeting and any development plans that may affect them.

#### **10-50.80.040 Number of Motor Vehicle Parking Spaces Required**

Table 10-50.80.040.A within this Section is proposed to be amended to provide additional requirements for on-site parking for duplexes, triplexes, and multi-family residential developments. A summary of the proposed amendments is included below; the actual amendments are included in Attachment X with all new text shown in underline and all text proposed to be deleted shown in ~~strikeout~~.

##### **Table 10-50.80.040.A**

▪ Affordable housing – no changes	
▪ Single-family dwelling	2.0 (no change)
▪ Multi-family (Includes all multi-family, triplex and duplex)	
Studio	1.25 (no change)
1 bedroom	1.5 (no change)
2-3 bedrooms	2.0 (change)
4 bedrooms	<u>2.5</u> (change)
5+ bedrooms	<u>2.5 for 1<sup>st</sup> four + 0.5 per bedroom</u>
Guest spaces	.025 for each 2+ bed

The amendments in Table A are proposed to address the significant parking issues encountered in both existing and new developments where 3-, 4- and 5-bedroom dwelling units are occupied by an adult in each bedroom, each of whom have their own vehicles. This has created an on-site parking deficiency and problems throughout many neighborhoods where there is insufficient space to park vehicles, especially in the winter months when the winter parking ordinance is in effect. The amendments establish separate parking standards for single-family dwellings as compared to multi-family dwellings, duplexes and triplexes. The standards in these

amendments were based on those originally included in the 1991 LDC as staff has realized that the reduced parking standards adopted in March 2007 have created problems with a lack of parking relative to the number of bedrooms and residents occupying a residence. The most significant changes occur with new developments with 4 or more bedrooms.

A further amendment in Table A is based on a recommended amendment in Chapter 10-40 (Specific to Zones) regarding "Rooming and Boarding Facilities". The current code includes within the term "Rooming and Boarding Facilities" such uses as dormitories, single room occupancies (SROs) and fraternities and sororities. The term "Rooming and Boarding Facilities" is proposed to be deleted and each of these uses will be listed separately in the land use tables of Chapter 10-40 and within Table A in Division 10-50.80 (Parking Standards). The reason for this change is that each of these uses are fundamentally different and each have their own unique characteristics; including them under "Rooming and Boarding Facilities" has caused confusion in the past.

## CITY COUNCIL REPORT

Public

DATE: February 17, 2015

TO: Mayor and Councilmembers

FROM: Community Development Director, Mark Landsiedel; and  
FMPO Manager, David Wessel

CC: Josh Copley, Jerene Watson, Leadership Team

SUBJECT: Milton Road Studies related to Student Housing

As part of the Student Housing Work Plan effort the Council requested an update on past studies and efforts to improve mobility and traffic congestion on Milton Road. Several such studies exist or are on-going.

### **Ongoing Studies**

#### Milton Road Alternatives Operations Analysis

*Scope:* To develop and evaluate a series of corridor improvements for Milton Road from I-17 into the Downtown that incorporate access management, intersection, bicycle, pedestrian and transit improvements. A working assumption is that given the expense of improvements in the Lone Tree Corridor a series of short, mid-term and phased, long-term improvements to Milton will be necessary.

**Note:** This study will not identify a preferred alternative.

*Project Management and time-frame:* FMPO is managing this study. It will be placed on hold for up to 6 months for the transit spine route study to produce ridership projections and transit solutions that can be placed into the microsimulation.

*Mobility and Milton Road Congestion relationship:* The alternatives are not being subjected to preferred land uses at this time. Their effects are being compared to current and future (20% increase in traffic) conditions. The intent is to allow future studies to select the best multimodal ideas that best support land use and transportation policies for incorporation into a final corridor plan.

*Student Housing Relationships:* Some of the 20% growth in traffic will be comprised of trips generated by student housing. The various crossing and transit treatments tested can then be matched against more specific student housing assumptions.



### Regional Transportation Plan Update

*Scope:* To produce the mandated update to the Flagstaff MPO regional transportation plan coordinating multimodal and intermodal transportation plans with regional land use, economic and environmental expectations in a fiscally-constrained manner.

*Project Management and time-frame:* This project is managed by the FMPO in two phases. Kimley Horn & Associates is updating tools and data for the final plan including the regional transportation model, cost model, fiscal model and performance measures. A second phase with significant public involvement and collaboration building will take place starting this summer. Completion of the RTP update is expected by December 2015.

*Mobility and Milton Road Congestion relationship:* This study will forward recommendations for mobility across modes and assist with the understanding of interrelationships between projects – such as the influence of the Lone Tree Corridor on Milton Road congestion.

*Student Housing Relationships:* A broad relationship to the *Future Growth Illustration* in the Flagstaff Regional Plan 2030 will incorporate assumptions about student housing

### **Forthcoming Studies**

#### Transit Spine Route Study

*Scope:* To develop, evaluate and select a preferred alternative for high capacity transit services from the Flagstaff Pulliam Airport to the Flagstaff Mall via Milton Road.

*Project Management and time-frame:* NAIPTA will manage this project. City Council will make the award to Nelson-Nygaard on February 17, 2015. The project will last approximately 12 months.

*Mobility and Milton Road Congestion relationship:* Transit is a key part of regional mobility, particularly for the transit dependent including young, elderly, disabled and low-income. As the region grows, new highway capacity may be financially or politically infeasible. High capacity transit with bus-rapid transit features may prove to a long-term solution.

*Student Housing relationship:* NAU and high school students continue to be a large part of the transit market. Their present demand is focused largely on access to and from school. High frequency services like this one being studied can offer them improved access to jobs and other services.

#### Milton Road Corridor Study

*Scope:* To work with the public and corridor residents, property owners and businesses to produce a specific plan for the corridor that coordinates land use, transportation and other policies.

*Project Management and time-frame:* The City of Flagstaff Comprehensive Planning Manager will manage this study. An ADOT Planning Assistance for Rural Areas (PARA) grant application is due in April.

*Mobility and Milton Road Congestion relationship:* The Flagstaff Regional Plan 2030 identifies preferred, but general, land use area types for the corridor. A

specific plan will assist in refining those so that transportation solutions can be tailored to their needs.

*Student Housing relationship:* The study can identify potential areas for new student housing and be sure that multimodal transportation solutions for new and existing housing will be in place.

## **Former Studies**

### Flagstaff Urban Mobility Study

*Scope:* To identify issues and present solutions for mobility and congestion in the Milton Road corridor.

*Project Management and time-frame:* ADOT managed this project. It was completed in 2004. Many of the transit solutions and some of the off-corridor pedestrian and bicycle solutions have been implemented. More specific solutions related to access management and new intersection geometries were not implemented for several reasons. **Funding:** shortly after completion of the study the recession hit affecting statewide priorities. **Costs and regional**

**priorities:** At the time the Lone Tree Traffic Interchange seemed of reasonable cost (\$30,000,000 +/-) and was a priority for the region. Only later when the I-40 Design Concept Report changed the design and the cost increased to \$80,000,000 +/- did the focus change back to Milton Road. **Land Use**

**Uncertainty:** At one time the FMPO had \$2,000,000 programmed for design on Milton Road. An urban versus suburban land use quandary prevented clear access management design and a pending forthcoming federal policy requiring certainty of construction funding before design lead to a decision to cancel the design effort. Finally, this study was never adopted as city policy.

# Memorandum

8.

## CITY OF FLAGSTAFF

**To:** The Honorable Mayor and Council  
**From:** Stephanie Smith, Assistant to City Manager  
**Date:** 10/19/2015  
**Meeting Date:** 10/27/2015



---

### TITLE:

**City of Flagstaff - Navajo Nation Human Rights Commission MOU: Report**

### DESIRED OUTCOME:

Informational and Discussion

### EXECUTIVE SUMMARY:

In March 2012, the City of Flagstaff and Navajo Nation Human Rights Commission (NNHRC) entered into a Memorandum of Understanding (MOU) for purposes of strengthening communication and coordinating services to promote a healthy and positive community relations recognizing cultural diversity, fairness, integrity and respect among all people visiting, residing or doing business in and around the city of Flagstaff. The MOU is intended to encourage and promote mutual self-respect between all people through a variety of coordinated activities that support the mission of both entities. The MOU provides guidance as the City of Flagstaff and Navajo Nation Human Rights Commission collectively address race relations.

NNHRC Commissioner Frank Bradley III, Sergeant (Ret.) will provide an update to Mayor and Council on the MOU. The update will include an overview of accomplishments to date, which are tied directly to the general provisions of the MOU, including joint training activities. The update will conclude with an assessment of areas of the MOU that are in need of attention.

Commissioner Frank Bradley III, Sergeant (Ret.) is originally from Fort Defiance, Arizona and is born to Bitterwater clan for Tallhouse clan. Commissioner Bradley is an appointed member of the Navajo Nation Human Rights Commission for 2012-2016 representing Law Enforcement. He is a retired police officer of 24 years and is a specialty instructor with the Arizona Peace Officer Standards and Training with specialties in High Risk, High Force training and training new officers just out of Police Academy.

### INFORMATION:

#### **COUNCIL GOALS:**

- 1) Invest in our employees and implement retention and attraction strategies
- 3) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
- 5) Develop and implement guiding principles that address public safety service levels through appropriate staffing levels
- 7) Address key issues and processes related to the implementation of the Regional Plan
- 8) Improve effectiveness of notification, communication, and engagement with residents, neighborhoods and businesses and about City services, programs, policies, projects and developments
- 9) Foster relationships and maintain economic development commitment to partners

***REGIONAL PLAN:***

Goal PF.2.5: Pursue cooperative and coordinated planning between government jurisdictions, agencies, educational institutions, non-profits, and private service providers.

---

**Attachments:**     MOU

**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE NAVAJO NATION ON BEHALF OF  
THE NAVAJO NATION HUMAN RIGHTS COMMISSION  
AND THE CITY OF FLAGSTAFF, ARIZONA**

**SECTION I. PREAMBLE**

This Memorandum of Understanding ("**UNDERSTANDING**") is by and between the Navajo Nation ("**NATION**"), acting through the Navajo Nation Human Rights Commission ("**COMMISSION**"), pursuant to 2 N.N.C. § 922 and the City of Flagstaff ("**CITY**"), a municipal body in the State of Arizona, located in Flagstaff, Arizona, pursuant to Article 1, Section 3 of its Charter authorized to enter into contracts. This **UNDERSTANDING** will serve as a foundation to achieve better race relations between the citizens of the **CITY** and **NATION**.

The **CITY** and **COMMISSION** understand that in order to achieve better race relations, both parties recognize that racism and discrimination occur by Navajos and non-Navajos, and is a sensitive matter. The civil, political, cultural and economic history between the United States of America and Navajos is significant and complex. We must never forget the tragedies inflicted on Navajos and ensure the Navajo people's stories are acknowledged and told in their individual and collective words. Navajo history includes the implementation of the Termination Era of indigenous peoples from the mid-1940s through the mid-1960s through United States House Concurrent Resolution 108 of 1953 and Public Law 83-280 of 1953; the Dawes General Allotment Act of 1887 and the Navajo-Hopi Land Settlement Act of 1974; and the Long Walk to Bosque Redondo in 1864 which was the forced removal and relocation of Navajos.

In addition, the Navajo people experienced acts of discrimination that require a community response and discussion of those tragedies inflicted on Navajos. The **CITY** and **COMMISSION** agree this **UNDERSTANDING** does not place blame concerning this racism and discrimination. However, the **CITY** realizes history intrudes on the present relationship between Navajos and non-Navajos.

The **CITY** seeks to be a sustainable, safe and vibrant community that retains the character, high quality of life and charm of a small town. The **CITY** promotes economic opportunities, educational choices, attainable housing, cultural awareness and career options to a diverse population. The **CITY** is rich with beauty and history, and the **CITY**'s Council is devoted to enhancing the quality of life for all who live, conduct business, shop and visit Flagstaff, Arizona regardless of race. The **CITY** celebrates its Native American ethnic and cultural diversity through its Commission on Diversity Awareness, the adoption of Resolution 2008-68 "Golden Rule City" and the National League of Cities' Inclusive Communities Resolution.

The 2010 census identifies 11.7 % of the citizens in the **CITY** are members of Native Americans representing the twenty-two Indigenous Nations in Arizona, with the largest population from the **NATION**. In addition, Northern Arizona University has one of the highest Native American student enrollments and awards the highest number of degrees for Native American students. Native Americans maintain an integral role in creating and shaping the **CITY**, which in turn encourages community awareness about the history, heritage and contributions of the Native

AR 2012-0327.1

Americans. Therefore, the **CITY** celebrates the rich cultural traditions and proud ancestry of Native Americans, and recognizes the vital contributions Native Americans have made to strengthen and diversify the **CITY**.

Together the **COMMISSION** and the **CITY** intend to move forward acknowledging and respecting our mutual histories, and in order to build upon the past and improve the future; this **UNDERSTANDING** is entered into with a spirit of Hózhóogo.

## **SECTION II. INTENT**

The **CITY** and **COMMISSION** enter into this **UNDERSTANDING** voluntarily for purposes of strengthening communication and coordinating services to promote a healthy and positive community relations recognizing cultural diversity, fairness, integrity and respect among all people visiting, residing or doing business in and around the **CITY**. The **CITY** and **COMMISSION** will encourage and promote mutual self-respect between all people through a variety of coordinated activities that support the mission of both entities. Therefore, this **UNDERSTANDING** will provide guidance as the **CITY** and **COMMISSION** collectively address race relations.

## **SECTION III. GENERAL PROVISIONS**

1. It is in the best interests of the **CITY** and **NATION** to authorize the **CITY** and **COMMISSION** to proceed in a cooperative effort with the planning and development of joint strategies and activities that address race relations; and
2. The **COMMISSION** is a governmental entity that serves as a liaison for the **NATION**. The duties and responsibilities of each party pursuant to this **UNDERSTANDING** shall be consistent with federal, state, **CITY** and the **NATION**'s laws; and
3. It is understood that the **CITY** and **COMMISSION** may decide to refrain from addressing issues that are outside the scope of this **UNDERSTANDING**. The **COMMISSION** is established to address not only race relations, but other human rights issues, *inter alia*, the right to practice cultural beliefs; and
4. The **CITY** and **COMMISSION** are committed to working together harmoniously in the best interests of the **CITY** and **NATION** to resolve issues affecting the implementation of this **UNDERSTANDING**; and
5. The **CITY** and **COMMISSION** are committed to providing joint-training sessions to interested citizens and organizations in both communities that will cultivate a mutual understanding and respect for all people, regardless of race, gender orientation, or religious beliefs; and
6. The **CITY** and **COMMISSION** will establish joint procedures for developing and providing public/media educational activities, including providing bi-lingual support when appropriate; and

7. The **CITY** and **COMMISSION** are committed to work together to resolve complaints that impact the **CITY** and **NATION**, recognizing that there may be circumstances in which there are restrictions on the release of information by either party or legal limitations associated with compliance with existing laws and policies; and
8. The **CITY** and **COMMISSION** shall attempt to resolve all disputes and disagreements regarding this **UNDERSTANDING** administratively pursuant to the terms of this **UNDERSTANDING**; and
9. This **UNDERSTANDING** does not create any substantive or procedural right or benefit, civil or criminal, in favor of any person or entity not a party hereto, nor does it create a duty to respond not otherwise imposed by law.

#### **SECTION IV. EFFECTIVE DATE**

The effective date of this **UNDERSTANDING** shall be the date of the last signature below and shall remain in effect until otherwise terminated in accordance with the terms of this **UNDERSTANDING**.

#### **SECTION V. DURATION OF UNDERSTANDING**

This **UNDERSTANDING** shall remain in full force and effect until and unless terminated by either the **CITY** or **COMMISSION** as provided in this **UNDERSTANDING**.

#### **SECTION VI. AMENDMENTS**

This **UNDERSTANDING** shall not be amended except by an instrument executed in writing by the signatories below and attached to this **UNDERSTANDING**.

#### **SECTION VII. NOTICE**

Any notice required under this **UNDERSTANDING** shall be deemed sufficient if given in writing and sent by registered or certified mail.

In the case of the **COMMISSION**, notices shall be sent to:

Leonard Gorman, *Executive Director*  
Navajo Nation Human Rights Commission  
Post Office Box 1689  
Window Rock, Arizona 86515

In the case of the **CITY**, notices shall be sent to:

Kevin Burke, *City Manager*  
City of Flagstaff  
211 West Aspen  
Flagstaff, Arizona 86001

#### **SECTION VIII. REVOCATION OF UNDERSTANDING**

The **CITY** or **COMMISSION** may terminate this **UNDERSTANDING** at any time and without cause by providing ninety (90) calendar days' written notice by registered or certified mail return receipt requested. The termination of this **UNDERSTANDING** shall be effective ninety (90) calendar days after notice is officially received.

#### **SECTION IX. PAYMENT**

There are no payments to be made or cost under this **UNDERSTANDING**. The **CITY** and **COMMISSION** shall be solely responsible for their own costs unless for purposes of promoting and conducting activities and events in accordance with this **UNDERSTANDING** and agreed to by the **CITY** and **COMMISSION** at a duly called joint meeting.

#### **SECTION X. INDEMNIFICATION**

1. To the extent permitted by law, the **CITY** shall indemnify and hold the members of the **COMMISSION**, jointly and severally, harmless for the effects and consequences of the acts, omissions, and conduct of the **CITY**'s officials, employees or agents, provided that such acts, omissions or conduct arise in their official capacity and in the scope of the enumerated authority. Effects and consequences resulting from their own willful misconduct, breach of good faith, or gross negligence in the performance of their duties shall not be indemnified. The foregoing right or indemnification shall not be exclusive of other rights to which each such member may be entitled as a matter of law or waive any immunities conferred by applicable law; and
2. The **COMMISSION** shall indemnify and hold the **CITY** harmless for the effects and consequences of the acts, omissions, and conduct of the members of the **COMMISSION**, jointly and severally, provided that such acts, omissions or conduct arise in a **COMMISSION** member's official capacity and in the scope of the enumerated authority. Effects and consequences resulting from their own willful misconduct, breach of good faith, or gross negligence in the performance of their duties shall not be indemnified. The foregoing right or indemnification shall not be exclusive of other rights to which each such member may be entitled as a matter of law or waive any immunities conferred by applicable law.

#### **SECTION XI. ANNUAL MEETINGS**

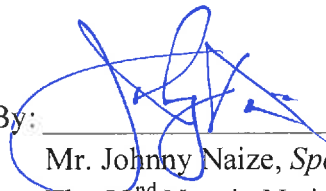
The **CITY** or **COMMISSION** shall meet regularly once a year to review joint initiatives and activities of the parties to ensure the intent of this **UNDERSTANDING** is fully implemented and to ensure the goals of this **AGREEMENT** are achieved.

#### **SECTION XII. SOVEREIGN OR GOVERNMENTAL IMMUNITY**

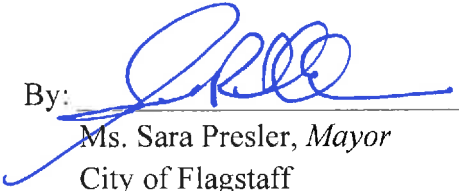
Nothing contained in this **UNDERSTANDING**, either expressed or implied, waives the governmental immunity of the **CITY** or sovereign immunity of the **NATION**.




IN WITNESS WHEREOF, the CITY and COMMISSION have duly executed this UNDERSTANDING pursuant to the lawful authority of the CITY and NATION.

By:   
Mr. Johnny Naize, *Speaker*  
The 22<sup>nd</sup> Navajo Nation Council

Date: Mar 27 '12

By:   
Ms. Sara Presler, *Mayor*  
City of Flagstaff

Date: 3.27.2012

By:   
Mr. Duane H. Yazzie, *Chairperson*  
Navajo Nation Human Rights Commission

Date: 27 MAR 2012

Attest:

  
City of Flagstaff Clerk

Approved as to form:

  
City of Flagstaff Attorney